UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS
FIRST SESSION

VOLUME 143—PART 7

MAY 21, 1997 TO JUNE 9, 1997
(PAGES 9045 TO 10395)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1997

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HOUSE OF REPRESENTATIVES—*Wednesday, May 21, 1997*

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We know, O gracious God, that You have called all people to do the works of justice in our communities, our Nation, and in our World. On this day, we are especially aware of the contributions of those who have served in Government and have used their abilities and gifts in ways that have strengthened the common good, enhanced the security of every person, and have shown compassion for the neediest among us.

We acknowledge the high honor that the citizens of this Nation have given them, and we pray that Your blessing will be with them now and in all the years to come. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. COBLE] come forward and lead the House in the Pledge of Allegiance.

Mr. COBLE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER. Pursuant to the order of the House of Friday, May 16, 1997, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. On behalf of this Chair and this Chamber, it is a high honor and distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for this occasion. We all welcome you.

The Chair at this time would recognize the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], who may well be on the way. We were in session until 4 this morning. Many of you remember with fondness those particular events.

Let the Chair proceed out of order, if he might. Since the distinguished gentleman from Maryland [Mr. HOYER], the Democratic nominee, is here, the Chair will recognize him prior to the gentleman from Texas [Mr. ARMEY].

The Chair would say after a 4 o'clock session, Mr. HOYER does deserve a small round of applause for being here on time.

Mr. HOYER. I know that all of you lamented the fact that you were not Members of the Congress of the United States last night, and you remember fondly those 3 o'clock in the morning sessions that we had, and you thought to yourself, what a great institution this is.

I want to say that I am pleased to be here. Mr. Speaker, I am certainly pleased to be here with you. Last night was reminiscent of the first 100 days of the Contract With America, where it seemed to me we never stopped meeting.

Mr. Speaker?

He is not listening. That is typical of what we Democrats, the kind of respect we get around this House nowadays.

I was pressed into service by a power even greater than the Speaker's. Charlie Johnson, our Parliamentarian, asked me to be here this morning, and he asked me at 3 o'clock in the morning, a particularly unfriendly request, I thought.

But all of us spend a lot of money not to join your ranks. Senator Beall and my predecessor, Carlton Sickles, who held this seat, and I am so glad to welcome back my good friend and colleague, Bev Byron from Maryland. We have a number of Marylanders. Too many of them are former Members. I am not going to mention all of your names. But Lindy Boggs, I think probably only Bev Byron and Lindy Boggs have known me since long before I went to law school even.

I am pleased to be here with you and welcome all of you back. It must be a great experience to come back and be with your colleagues. This is an incredibly wonderful institution. We kid about it. Obviously, there are tough times. You saw last night, I think, a demonstration of that.

Mr. Speaker, I want to congratulate you on your remarks last night, which I thought were very appropriate. The President, the Speaker, the Democrats, and the Republicans in the House, coming together to try to pass a budget that nobody really thought was the budget they would have selected, clearly, but it was a budget that obviously a very large number of folks, indeed, I think only 99 voted against it, felt was in the best interests of our country.

I see Larry Hogan, another one of my predecessors. Unlike Glenn, he is still constrained to sit on that side of the aisle. Old habits die hard, right, Larry?

As a matter of fact, Larry's son ran against me just a few years ago, now that I think of it.

This institution, of course, generates, I think, incredibly strong friendships among us on either side of the aisle, and although there is a great deal of partisanship that has been reflected over the last few years, more than when I first came, which I think is lamentable personally, nevertheless, I think that as the newer Members get here, the longer they are here, the less partisan they become; not necessarily, as all of you have experienced, less convicted of the principles with which they came, but less convinced that the folks who do not agree with them are not good Americans as well.

I think those of you who are former Members are not Republican former

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Members or Democratic former Members, but former Members who contributed greatly to your country, to your districts certainly, and your States, but to this institution as well. On behalf of DICK GEPHARDT and DAVID BONIOR and VIC FAZIO and the rest of the leadership, I am very, very pleased to welcome you back and to thank you for the shoulders on which we try to serve as well as you did.

Thank you very much.

The SPEAKER. I want to note for the distinguished gentleman from Maryland that the Parliamentarian arrived during his talk, but shortly after his notice of the IOU that the Parliamentarian owes him, so the Parliamentarian should at some point be reminded of this institutional obligation.

Let the Chair, on behalf of the majority, just say several things. First of all, the point that Mr. HOYER made about all of us in a very real sense standing on your shoulders is literally true, partly because you trained us.

I think back to working with Mrs. Boggs on the restoring of the House project. I think about times I worked with Chairman Tom Bevill as he put together the various water projects that we worked on together. I think of how much I learned from my very first leader, John Rhodes, and how much more I learned from Bob Michel.

I can tell Bob in particular that there were several times yesterday when we were in the middle of an exciting vote, in an effort that ran from about 2 o'clock yesterday afternoon until 3 o'clock this morning, that I thought of the number of times that you had made a decision and decided to live it out, and you did not really know for sure whether you would win or lose, but you knew it was better to go ahead and stick to it once you had done it than it was to spend a whole lot of energy worrying about it. We worried a tad during the evening, but we ended up winning 216 to 214 in a magnificent show of bipartisanship.

Mr. HOYER. Mr. Speaker, excuse me for interfering. I did not know he was here, but in 1962 there was a House Member, and his office was next to Otis Pike's, and there was this young kid at the University of Maryland that wanted to get into politics. So he came to his office and he volunteered, and he ran a robo machine and then did that doggone machine that you did the newsletters on, that you got so dirty that you would never get the ink off, I thought. And that fellow is here. I worked for him for the last year I was at the University of Maryland and for 3 years at Georgetown Law School. He was responsible, very frankly, not only for my being able to go to law school but for the fact, I think, that I am here. Dan Brewster, former U.S. Senator from our State.

The SPEAKER. I appreciate the gentleman's intervention. I would say I can hardly give you a better example of the point you were making and I am trying to reinforce. Literally, there is an organic chain of being that goes back to the very founding of this Congress, and in that sense we owe all of you a debt for having helped create the institution.

The other thing I would say to you: We need your help. This institution, like virtually every institution in America, is changing. Many of you were here before C–SPAN. At least a few of you were here before we went to electronic recording of votes, and you know the institution was different when you had to stay on the floor long enough to get through the rollcall. You know that the whole social interaction was different.

We are changing in many ways. I arrived at the very beginning of the C–SPAN era. Beginning in January 1995, we began to move toward putting the Congress on line. You can now access it through the Thomas System as well as a variety of other systems.

When I announced in a 1-minute last Friday that the budget agreement would be available on the Internet literally before GPO could print it, in the first hour after my 1-minute speech there were 10,000 connections with the site that had the budget agreement. People all over the country were getting it for free. They did not have to have a lobbyist; they did not have to have a subscription to a fancy service.

However, the core of the institution, I think, has probably not changed since the Continental Congress or since the various assemblies of the colonies. Human beings have to come together from different places, each empowered by their citizens, each bringing their hopes, their dreams, their personalities, their idiosyncracies. They have to gradually find a way to work together, because if you can't, you can't get 218 votes and you can't get anything done. It is as frustrating, confusing, and human as it was in the very beginning.

I think all of you can continue to serve your country and help all of us to the degree you can find the time, whether in a classroom or a civic club or in the news media, to explain and educate about this complex, frustrating, and difficult process.

We have to get the country to understand that at the heart of the process of freedom is not the Presidential press conference, it is the legislative process; it is the give and take of independently elected, free people coming together to try to create a better product by the friction of their passions and by the friction of their ideas.

Each of you, having lived it, having been there, having been here at 4 o'clock in the morning, having been in the conference committees, having been in the subcommittees, having been in the hearings, each of you can do an immense amount to help younger Americans learn that this is the inevitable process by which freedom survives and renews itself.

In that sense, I think that this 27th annual meeting of the U.S. Association of Former Members of Congress is a patriotic meeting and that you serve a patriotic service.

Last year, I was very proud when you honored my leader, Bob Michel, with your Distinguished Service Award. This year, you are going to recognize a gentleman who has gone on to serve his country in new and even more famous ways, although I doubt if he will travel much more as the U.N. Ambassador than he did as a Member of Congress, because he set the alltime record for one-man delegations to weird and obscure places. But Bill Richardson certainly has earned the Distinguished Service Award by the act of distinguished service, and I am glad you are doing that.

Now it is my great honor to request the past president of the Association to take this chair, the gentlewoman from Louisiana, Lindy Boggs.

Mrs. BOGGS (presiding). Thank you, Mr. Speaker. It is an honor, of course, to be here to preside over this historic meeting. I am very, very pleased to be here.

The Clerk will now call the roll of former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 27TH ANNUAL SPRING MEETING, MAY 21, 1997

William V. (Bill) Alexander of Arkansas;
Chester G. Atkins of Massachusetts;
J. Glenn Beall, Jr., of Maryland;
Tom Bevill of Alabama;
James H. Bilbray of Nevada;
Lindy Boggs of Louisiana;
Daniel B. Brewster of Maryland;
William Broomfield of Michigan;
Donald G. Brotzman of Colorado;
Glenn Browder of Alabama;
Clarence J. Brown of Ohio;
James T. Broyhill of North Carolina;
Jack Buechner of Missouri;
Clair W. Burgener of California;
Beverly B. Byron of Maryland;
Elford A. Cederberg of Michigan;
Charles E. Chamberlain of Michigan;
Barbara Rose Collins of Michigan;
William C. Cramer of Florida;
Robert W. Daniel, Jr., of Virginia;
E (Kika) de la Garza of Texas;
Ron de Lugo of Virgin Islands;
Joseph J. Dioguardi of New York;
John N. Erlenborn of Illinois;
Marvin L. Esch of Michigan;
Louis Fry, Jr., of Florida;
Robert Garcia of New York;
Robert N. Giaimo of Connecticut;
Robert A. Grant of Indiana;
Gilbert Gude of Maryland;
Robert P. Hanrahan of Illinois;

Dennis M. Hertel of Michigan;
Lawrence J. Hogan of Maryland;
Margorie Holt of Maryland;
Elizabeth Holtzman of New York;
John W. Jenrette, Jr., of South Carolina;
Don Johnson of Georgia;
Hastings Keith of Massachusetts;
David S. King of Utah;
Herb Klein of New Jersey;
Dan H. Kuykendall of Tennessee;
Peter N. Kyros of Maine;
Lawrence P. "Larry" La Rocco of Idaho;
Norman F. Lent of New York;
Jim Lloyd of California;
Cathy Long of Louisiana;
Romano L. Mazzoli of Kentucky;
James A. McClure of Idaho;
Lloyd Meeds of Washington;
Robert H. Michel of Illinois;
Clarence E. Miller of Ohio;
John S. Monagan of Connecticut;
G.V. "Sonny" Montgomery of Mississippi;
Frank E. Moss of Utah;
James L. Nelligan of Pennsylvania;
Stanford E. Parris of Virginia;
Claiborne Pell of Rhode Island;
Shirley N. Pettis of California;
J.J. Pickle of Texas;
Otis G. Pike of New York;
Richardson Preyer of North Carolina;
Joel Pritchard of Washington;
Bill Richardson of New Mexico;
John J. Rhodes of Arizona;
John J. Rhodes III, of Arizona;
Matthew J. Rinaldo of New Jersey;
Paul G. Rogers of Florida;
Toby Roth of Wisconsin;
Philip E. Ruppe of Michigan;
Marty Russo of Illinois;
George E. Sangmeister of Illinois;
Harold S. Sawyer of Michigan;
James H. Scheuer of New York;
Richard T. Schulze of Pennsylvania;
Phil Sharp of Indiana;
Carlton R. Sickles of Maryland;
Jim Slattery of Kansas;
Neal E. Smith of Iowa;
Al Swift of Washington;
James W. Symington of Missouri;
Charles W. Whalen, Jr., of Ohio;
George C. Wortley of New York;
Beryl Anthony of Arkansas;
Richard Chrysler of Michigan;
Ronald Coleman of Texas;
Lane Evans of Illinois;
Harry Haskell of Delaware;
William Hathaway of Maine;
Bill Lowery of California;
Paul McCloskey of California;
Howard Pollick of Alaska.

Mrs. BOGGS. The Clerk has reported that 80 Members are present, so we will call this session together.

It is now my tremendous pleasure to present the innovative, highly successful, intelligent, hard working president of the Former Members of Congress Association, the gentleman from Florida, Mr. Frey.

Mr. FREY. Madam Speaker, where were you when I was running for Governor?

Mrs. BOGGS. Mr. Frey is recognized to give a report on his presidency and the work of the association in the past year.

Mr. FREY. Madam Speaker, thank you for those kind introductory remarks. They are obviously deeply appreciated.

All of us are pleased and honored to have this opportunity once again to be on the House floor to present the 27th annual report to the Congress. I want to thank the Speaker, NEWT GINGRICH, the minority leader, all Members of the Congress, and the gentleman from Maryland. Thank goodness there were not any more people from Maryland here; we would not have gotten to the meeting, I do not think.

Madam Speaker, this association is in its 27th year since its inception, has over 600 members and an annual budget in excess of $700,000, which is going to reach this year probably close to $1 million. We are a bipartisan, or probably more correctly a nonpartisan, organization, united by the knowledge it was a unique privilege to serve in the Congress and also with the understanding that we have an obligation to continue to give back to this country which has done so much for each and every one of us.

Certainly it is an interesting time to serve in the Congress but is also an interesting time to be involved with the Association of Former Members, which has really changed significantly over the last number of years. What started out as basically an alumni association has changed into an organization that has taken on more and more government-related tasks and has developed, in accordance with its charter, a number of programs, both domestic and international, to promote the improved understanding of Congress as an institution and representative democracy as a system of government.

There are probably several reasons for the dynamic change. The first is that fewer and fewer people are serving longer and longer in Congress, some by chance and some by choice. So people are leaving Congress. Some go on and serve in key positions, such as, obviously, the Vice President, or Tim Wirth. Many of our former Members have served in key positions, but many are still looking for something to do, something to do in the public service area, and this organization gives them that chance.

Also, and the Speaker mentioned it, our institutions are under attack. Just this week there was a new book that trashed the Congress and said everybody who served here was basically either a sexist or stupid or both, I am not sure in what order, and it is obviously by people who have never been in combat as such, always the guy on the side lines. But it is the thing to do. It is really easy to do.

As we travel around, I think we find that those of us who have nothing to gain or are not running for political office, who really love this place, in some ways have a certain degree of credibility for those of us in politics that maybe does not exist anyplace else, and I think it is important that we do get out to the colleges and campuses, as we have done.

It is a difficult time to serve in public office, but this institution and what we have been given here is absolutely fundamental to the freedom that this country has. We haven't been free all that long. We are the longest lasting democracy, but it hasn't been all that long, and it isn't because we have been lucky, it is because people have worked at it, people of both parties who sincerely care about this country.

One other reason this organization is becoming more and more needed is the demand for time. Late sessions obviously, but a Congressperson has so much to do, and there is so much media, so much need to educate. We are always on call. Sitting out here is more knowledge probably than in any place in this country, people who know more about issues and worked on them than anyplace else. It is an incredible asset for this Nation that we have and all of us have.

I think, lastly, more than anything else, we are all united by a true love of this institution. I think the word "privilege" to me is the word that describes how I feel about this, and I know how each and every one of you feel about it.

In a minute I am going to yield to various Members who have done and been involved in certain areas to let them tell you a little bit about what it is and let the people out there listening understand more about us, but because of a scheduling problem in terms of the need to get to a couple meetings and probably rescue some hostages, we are going to move out of order a little bit and give our distinguished service award. We do that each year to someone in the country who we think just epitomizes what is best about the Congress and being a public servant. Last year, of course, that was our former minority leader, Bob Michel. It was wonderful again to see Bob here.

We rotate it from the Republicans to the Democrats.

This year is a Democrat recipient, and of course it is the U.S. Ambassador to the United Nations, the Honorable Bill Richardson. Bill was elected seven times from his district, I guess served seven full terms before the President appointed him on December 13, 1996. As Ambassador, he is a member of the President's Cabinet, a member of the National Security Council, and, of course, as a Member of the U.S. Congress, he held one of the highest ranking positions in the House Democratic leadership.

I think we also know that even though he was not the U.S. Ambassador to the United Nations, he was somebody who probably was doing the job before he got it. He was all over the world, rescuing hostages, helping, really serving as just a tremendous part of U.S. foreign policy.

In 1996, he held a historic meeting with Cuba's Fidel Castro, during which he successfully negotiated the release of three political prisoners and got visas for their families.

I think all of us who know Bill and who served with him and know him knows he has tremendous energy, he is highly intelligent, he is uncompromisingly honest and he truly represents what is best in a public servant. I know all of you share my feelings of respect and admiration for Ambassador Richardson. I would appreciate it if he would come forward now to receive the award.

Time out for glasses. It reads, I think, "Presented to the Honorable Bill Richardson for exemplary service to the Nation, including seven terms as U.S. Representative for the Third District of New Mexico, numerous humanitarian and diplomatic special assignments, and his current service as U.S. Ambassador to the United Nations. Washington, DC, May 21, 1997."

Bill, there is also a scrapbook of letters from your friends, which there is a lot more we have got to add to it, but you are obviously respected and loved, and we are just so proud to be able to give you this award.

Mr. RICHARDSON. Marty Russo said he would start chiding me if I went over 2 minutes.

Thank you very much. This is a great honor for me, especially when I see so many friends. I served 14 years in the House, and I think I have served with about 70 percent of you, and the Speaker made a little joke about congressional travel. But really, in my 14 years, I felt that through this travel is where you get to know people from both sides of the aisle, where true bipartisanship, and they had this Hershey conference on civility. As I recall, whenever we bonded together on some of these trips, and I see Clinger back there and my wife saying to me that she found Democratic and Republican wives people that she could relate to, and she could not understand why there were such differences between the two parties, when as Americans we were very much together.

Let me just say that at the United Nations, it is a challenge. But if I brought some skills to the United Nations, they were skills that I learned right here as a Member of the House, skills of negotiating, of relating to each other, of doing the thousands of town meetings that many of us have done. This is where you learn to negotiate and deal with people and cut deals and relate and extricate things from somebody else. At the same time, the camaraderie, the collegiality we had as Members, is something that I know we will never forget.

So I am very humbled in getting this award. I want you to know that public housing is existing well at the Waldorf Towers in New York. You are all most welcome to come. We have a lot of bedrooms. As former Members of Congress, I can assure you, you will be treated just as well as any member of the President's Cabinet.

So in accepting this award, let me say that it is most gracious of you to give it to me. Regrettably, I have to go back to New York for a Security Council meeting which will deal with sanctions on Libya. It is a skill, as I said, in terms of my committee assignments, the work that we did together, that I have learned with you.

So I look forward to being active in this organization. I noticed early on my name was not called, so that means I probably have to pay some dues. But to all of you, if I do not get a chance to see and hug each one of you, and I know because of the schedule we will not be able to, I want you to know that I remember one incident about each and every one of you that is lodged in my being and my heart, that is a good one. And whether I made funny noises at you or whether we had a chance to do something together, that is something that I will always cherish.

To Lou Frey, thanks for that very nice introduction. To all of you, I mean it, New York, the Waldorf, the U.N., I hope we get a chance to visit again.

Thank you so much.

Mr. FREY. Thank you, Mr. Ambassador, for those kind remarks, and good luck at the Security Council.

As I indicated before, a number of Members have been involved in various activities, and what I would like to do is yield to some of the Members to briefly describe what they have done and what they have taken part in.

As I indicated, the association has provided opportunities for the Members to share their congressional experiences overseas. In the past we have had 16 study groups that have been carried out through the country and throughout the world. I would like to yield, if he is here, to the gentleman from Missouri, Jack Buechner, who will talk about a trip he and Congressman Hertel took to Africa in October of 1966. Is he here? Two demerits. His dues get doubled.

Here he is. I just was warming up. It is all yours.

Mrs. BOGGS. The gentleman from Missouri, Mr. Buechner, is recognized.

Mr. BUECHNER. Thank you for yielding, Mr. President, and fellow former Members. It is good to be here back in the well. It has been a long time. Let me take this off, because it is bad for the camera, if you remember that.

I am trying to make this brief, but I have to tell you, taking a trip with Dennis Hertel and encapsulating it in a few minutes is a pretty tough task, because Dennis loves to talk to people. We went to Zimbabwe. The U.S. Information Agency sent us there ostensibly to talk about the Presidential elections in United States.

But once we got there, they said you know, this is a one-party state, and they always say that the U.S. political system is the same, because there is not a nickel's worth of difference between the Republicans and the Democrats. We probably disagree about that, but our goal was to sharply define the differences between the two parties.

So in the political game, we always try to talk about our colleagues and that we agree on this and disagree on that and agree to disagree. But Dennis and I went at it hammer and tongs, including the national broadcast that we had. We had their top anchorman interview us, or moderate the debate at the U.S. Information Agency's offices, went throughout the country, and Dennis and I tried to as sharply define the differences between the two political Presidential campaigns and the candidates as possible. We really had a great time, probably maybe leaning to the extremes on issues to define the differences.

The most interesting thing was that wherever we went, and we had probably five different occasions with legislators, parliamentarians, with Cabinet officials, with university professors and students, we went and met with them, I just want to close because I know the time is limited, that we had a great time, we pointed out that there was a difference between the parties and between the candidates, and that in the United States there was an opportunity for this difference to be shown to the American public, and that was very good for us and it was good for those people in Zimbabwe that were trying to promote a pluralistic society.

But one of the things that always came up was, people were asking us why we were picking as a country on poor old Fidel Castro. And at one of these occasions, all of a sudden Dennis remarked about what a thug that Castro was, and that there were no multiparties and freedom of political participation in Cuba, and he went on saying that if Castro was such a great guy, how come he did not do this and did not allow travel, and he went through these things.

Afterwards, I said, "You know, Dennis, I did not know you were that really philosophically opposed to Fidel Castro." He said, "I do not give a damn about Fidel Castro, but I am getting tired of being picked on."

So we expressed our individualism and our political partisanship. We had a wonderful time, and I think the U.S. Information Agency said the former Members of Congress did as good a job of letting people in a part of the world that is very interested in the transition to democracy, especially following upon South Africa and building upon that, and this is something I would encourage you to do.

I want to remind you, we flew coach. It is a 25-hour portal-to-portal trip. It is not for the faint of heart. But I have to tell you, Dennis Hertel managed to speak to everybody that he met for long periods of time, and he spent more time being a former Member of Congress than I did. I slept and read a lot.

Thank you very much. I yield back.

Mr. FREY. I would now like to yield to the gentlewoman from Maryland, Beverly Byron, to talk about the trip to China in September 1996 and the result of the trip. The former Members paid their own international travel costs, and the costs in China were paid by the Foreign Affairs Committee of the National People's Congress.

Mrs. BOGGS. The gentlewoman from Maryland, Mrs. Byron, is recognized.

Mrs. BYRON. Let me say that, Lou, I have to have this side of the aisle, I am sorry. I cannot speak from the other side. It just does not work. It is like church and the movies; you know which side you are comfortable on.

Let me say that we were able to pull together a delegation of 10 former Members, of 4 spouses, 2 daughters, no animals, to meet in Beijing in September of last year, and we began a 10-day study tour of China at the invitation of their Foreign Affairs Committee.

This group of former Members, many of whom had been in China before, were able to gain a great deal of comparison with the previous visits. Prior to the trip, we held briefings with the State Department, the Foreign Affairs Committee staff of the House, and received many, many pages of background material.

While we were in Beijing, we held meetings with the chairman of the Foreign Affairs Committee, our host, Zhu Liang, and since he stated that since launching a reform campaign, economic development is China's first priority. The United States position is still one China. That was discussed on numerous occasions. That has not changed.

We will see the magical date of July 1, 1997, approaching, and the world will be looking at the transfer of Hong Kong and how China handles the current vibrant, economically stable city that is presently there.

A second meeting was held with the chairman of the standing committee, and that was a discussion on the public influence in the United States of the press, and it is important to have a continuing dialog. It was discussed that an exchange program should begin between our two countries.

The Vice Premier, Minister of Foreign Affairs Qian Qichen, stated, and this is rather interesting, that China must be economically stable to have a peaceful world. As this body begins its discussion in the next few weeks on most-favored-nation status for China and the vote is taken next month, I quote the Vice Premier. Human rights have improved greatly since 1940.

That is 56 years.

He also stated, but China's leaders are working on correcting a number of areas.

It will be interesting to see what areas.

Ambassador Sasser and his DCM were extremely helpful with us, and we had in-depth briefings with his country team.

The remainder of the trip was outside Beijing. We went to Xian, where the Provisional People's Congress were our host. They talked about trade and education. There are 47 universities and 10 military academies in Xian alone. Shanghai, which was a municipality, was our host.

Much of the discussion was on foreign trade, with $48 million spent last year, $8 million with the United States, and last September there were 15,000 joint ventures, of which 1,700 were with U.S. companies.

We were able to export a little bit of the U.S. culture when Carlton Sickles gave us a rendition on his miniature harmonica and Nancy Schulze and Judy Brewster belted forth with "Edelweis." I am not sure how the German exchange program song sheet got with us, but it did.

We moved on to Quilin, and there we were able to see the sister city of Orlando, FL, even to the fireworks that they held as we were on board a riverboat. This city is visited by 8 million Chinese visitors a year and a half a million from overseas. Much of the discussions were on environmental, water, electric issues, and they were very pleased to talk about their new airport that was to open in the next week which will give 10 times the capacity of the current airport.

Several members of our delegation did some in-depth research on medical issues and, at every point and turn in the visit, tried acupuncture. I will let them report that on their own.

As a result of our trip, I think it is the intent of this organization, the former Members, to create and encourage sponsorship of an exchange program of the U.S. Congress and the Nation's People's Congress. The board of directors has approved this, and we are going to be looking to fund that.

We have a delegation report that has been filed with various Members of the House and the State Department. Were it not for Lou Frey and Linda Reed, this trip would not have been possible, and I want to thank them and look forward to many more of this group that is before us today taking part in such an exchange.

Thank you.

Mr. FREY. I thank the gentlewoman. She is chairman of the committee to work on this with a number of the people who went on the trip, so we certainly appreciate that.

I would next like to yield to the former president of the association, who really put together a trip through the Ford Foundation to Cuba. One of the things I think we found is that there are times that we, as former Members, can do things relatively unofficially that it is difficult for sitting Members to do, and maybe this Cuban trip was one of them.

So the gentleman from Missouri, Mr. Symington.

Mrs. BOGGS. The gentleman from Missouri, Mr. Symington, is recognized for his remarks.

Mr. SYMINGTON. Madam Speaker, Mr. FMC President Frey, thank you.

The week of December 9 to 15, 1996, I was privileged to join three other former Members and two then sitting Members of Congress on a bipartisan fact-finding trip to Cuba.

The delegation of three Democrats and three Republicans consisted of our association president, Lou Frey of Florida, as its chairman, myself as cochairman, Mike Barnes of Maryland, Dennis DeConcini of Arizona, Toby Roth of Wisconsin, and JON CHRISTENSEN OF NEBRASKA.

Our very full schedule of visits and appointments, arranged in part privately and in part via the Cuban Government, brought us together with ordinary people, students, academicians, church leaders, political dissidents, industrialists, Government officials, members of the diplomatic corps, and the U.S. intercession. For these contacts and opportunities, we were indebted to our very able association consultant, Walter Raymond, and to the good offices of a former Cuban hand, retired Ambassador Timothy Towell, who advanced and accompanied us on this trip.

We were well briefed prior to the visit by the State Department and National Security Council; Mr. Eizenstat, the President's Special Envoy on Cuban Affairs; leaders of the Cuban-American communities; and Members of Congress and key legislative aides. Upon return, we were debriefed by these same individuals and offices and particularly the chairman of the House foreign affairs committee, international affairs committee, BEN GILMAN, and the ranking member, LEE HAMILTON, and their staffs. Our recommendations were placed in the RECORD by Mr. HAMILTON.

Briefly, they reflected the consensus of this group that, first, the lives and prospects of the Cuban people are still, as my fellow Missourian, Mr. Buechner, intimated, under rigid government control; and, second, that a policy of selective engagement would prove more effective in diminishing those rigidities than one of unremitting isolation and sanctions.

We specifically recommended the permitting of food and other humanitarian assistance, properly handled, without the present obstacles to travel and shipment. The Cuban people themselves, including those in endangered opposition, when given the opportunity, expressed the hope that Americans would soon return in great numbers on business or vacation or both. The larger questions thus raised remain before our Government and Congress for review and consideration.

Thank you very much.

Mr. FREY. Thank you, Mr. Symington.

C–SPAN was nice enough to cover it. We had a press conference. We came back and were surprised. We thought four or five people would show up. We had about 70. National press was there. There is obvious continued press interest in this, which shows you how effective we can be.

Next I would like to yield to the gentleman from Wisconsin, Toby Roth, who will talk about our Congressional Study Group on Germany which is funded primarily by the German Marshall Fund, and the Congressional Study Group in Japan funded by the Japanese-United States Friendship Commission.

Mrs. BOGGS. The gentleman from Wisconsin is recognized.

Mr. ROTH. Thank you, Madam Speaker and Mr. President. It is great to be here this morning with you.

You and I share a distinguished place in American history in that we were fortunate, all of us, to serve in the U.S. Congress. And I think I know everyone in the room here this morning. I want to say it has been a real honor to serve with you, and I think of you often.

Madam Speaker and Mr. President, I am delighted to thank you, the former Members of Congress, for the possibility of the two superbly managed study groups we have, one in Germany and one in Japan. I have had firsthand knowledge on the value of the Congressional Study Group on Germany. Last year I was with our congressional delegation when we visited Bonn. We met with Members of the Bundestag, the people in the Government, Foreign Minister Klaus Kinkel, statesmen like Graf Otto von Lambsdorff, and many other prominent Germans in the Government. I do not have to tell you, the former Members of Congress, how valuable these exchanges are.

This year we had another delegation visit to Germany, and, of course, we look forward to working with the German delegations when they visit us here in the United States.

The study group has sponsored 14 annual seminars and other meetings and has involved more than 100 congressional participants with our counterparts in the German Bundestag in various discussions. Ongoing activities with the study group include, for example, the one on Germany is sponsoring annual seminars involving Members of the U.S. Congress and their counterparts in the German Bundestag, conducting a hospitality program at the U.S. Capitol right here for distinguished guests from Germany, arranging for members of the Bundestag to visit congressional delegates' districts with the Members of Congress.

I do not have to reiterate to you again how vital and important these activities are for the parliamentarians of both countries.

The study group on Japan has some 70 Members of the Congress. The objectives of the study group are to develop a congressional forum for the sustained analysis of policy options on major issues in United States.-Japan relations and to increase opportunities for Members of Congress to meet with their counterparts in the Japanese Diet for frank discussions of those key issues.

The end of the cold war has profoundly changed the way governments have been reacting and making decisions and reacting to events, but you, the former Members of Congress, know better than anyone else that no report, no Internet, no briefing can substitute for face-to-face meetings.

I thank you, the former Members of Congress, for your commitment and dedication to these two outstanding programs.

Mr. FREY. Thank you.

I think it is important to note that under the rules of financing and many of the rules of the House, the former Members fill a vacuum for a service that cannot be done in the House. So we really are instrumental to keep these programs alive, and we are looking at other programs with other countries to do this.

Now I would like to yield to the gentleman from Michigan, I do not know if it is the better or worse half of that dynamic duo, Dennis Hertel, to talk about our program in the Ukraine.

Mrs. BOGGS. The gentleman from Michigan, Mr. Hertel, is recognized.

Mr. HERTEL. Thank you, Madam Chairperson.

First I would like to offer my congratulations to our chairperson as the Ambassador to the Vatican and the first woman from the United States to be appointed to that post to represent our Nation.

Mr. FREY. You stole my closing line, but that is all right.

Mr. HERTEL. I really do want to thank the staff of this association for all they have done. Linda REED has done yeoman's work. There are so many things they can accomplish with so very few people and limited dollars. And Walt Raymond, who, as staff always do, has assisted me in preparing this report on our Ukrainian program. It is our broadest program.

The association has been supporting a parliamentary democracy program for the past 3 years in the Ukraine. The Ukraine was selected for its vital importance to the region. A free and independent Ukraine favorably changes the political situation in the region and enhances European security.

Our program of support of the Ukrainian Parliament was initiated in March 1994. Cliff Downen, a former senior staffer, has been our field representative. In his first year, he focused primarily as an adviser on basic parliamentary practices, including rules of procedure, committee processes, how to draft a bill, transparency, and related subjects.

Several former Members and Bill Brown, our former Parliamentarian, also visited Kiev to help the Ukrainians in the first phase. Now we have moved on to provide key staff to their parliament and key research papers to their various committees, including the chairmen that are working on reforms there.

These activities were the heart of our program in the second year. We brought in 35 Ukrainian interns who were competitively selected to represent a broad geographic cross-section of the country. Finally, now in the last year, we are supporting 45 young Ukrainians in the Parliament, over half of which are women.

We have established with the leadership a better working relationship so that now, for 1997–98, we can increase the number of interns to establish a provincial program in at least three of their state governments in the Ukraine to expand significantly on support for research and analysis, and the latter is designed to follow up after the end of the congressional research program in the Ukraine, which has provided computers and related equipment and established the basis for a reference service.

When we see the controversy and the great issues and problems facing the Ukraine and all the Soviet Union, former Soviet Union, we see how important this program has been and how well it has been supported by the members of the association.

Thank you, Mr. Chairman.

Mr. FREY. Thank you for that report.

We have done this in some of the other former Iron Curtain countries, Slovakia, some of the others. We sent people over there to work with their parliaments on it. I have been to Slovakia three times, twice in the winter. It is not something you would volunteer for. They are starting at ground zero. It is really interesting. There is no institutional history whatsoever.

Now I would like to yield to the gentleman from Kentucky, Mr. Mazzoli, who will talk about a trip that he and our former Member and Secretary of the Interior, Manuel Lujan, took to Mexico, to help us maybe set up an exchange program there.

Mrs. BOGGS. The gentleman is recognized.

Mr. MAZZOLI. Madam Speaker, Mr. President, ladies and gentlemen, my former colleagues, how great it is to see everyone and be with you today.

The association serves many purposes, and under the excellent leadership of Lou Frey, our friend from Orlando, and the able staff work of Linda Reed, Walt Raymond, and the group, we really maximize the bounce for the buck.

As a result of the work that has been done, the association affords us, as former Members, a chance to come together in this beautiful Chamber, which holds so many memories for all of us, as the scenes of our legislative efforts for our hometowns and States.

It also affords us an opportunity, through the Campus Visit Program, to visit campuses around the country. It was my pleasure to visit the alma mater of Dick Lugar, our colleague from across the Capitol, Denison University in Granville, OH, last springtime. It was a wonderful visit. I spent time with the students and the faculty.

Our association also offers opportunities to travel abroad. As our President said, Congressman Lujan and I did travel to Mexico. We spent a week there in June of last year between Mexico City and Guadalajara. There are many memories. We had meetings, as all of us have, with parliamentarians, with the academic community, with the business community, the government leaders, our counterparts in the assembly. We came away with many feelings. We filed that, Mr. President, in a full report which you have, I think, received permission to file in the RECORD.

But essentially, we found the attitude much improved, and I think that serves to underscore the outstanding work that our colleague, Jim Jones, has done in Mexico as Ambassador. His counterpart in this country, Jesus Silva Herzog, we will hear from at lunch today, the Ambassador from Mexico, who has visited with us both here on the Hill and in the Embassy to talk about ways that these visits can be institutionalized, because, Mr. President, as you have said many times, former Members have opportunities to speak to issues and to address concerns that we cannot, as sitting Members, do.

So I think we offer not only this repository of information and knowledge and experience and, we hope, some wisdom, but also the opportunity to speak without the necessary problems of constituency concerns and speak to issues that really advance the understanding between nations.

So even as we, I think, have, by reason of President Clinton and President Zedillo Ponce de Leon's relationship, advanced the Nation's agenda, then I think we, as former Members, can do the same thing.

Mr. President, the only thing I would say is, I hope there is some mechanism we can use to institutionalize these trips. Only because of your fertile imagination and your inventive accounting have these trips been made possible. So there has to be some method to institutionalize them. I hope we can. I think they are very valuable, and I am honored to have played a part in this.

My first trip to Mexico was in 1981. My next and only other visit was last June. In the intervening 15 years, Mexico's political, social, economical, and educational climate has changed profoundly. And, in no way is this change more dramatic than in the way Mexico views the migration of its people.

In Mexico 1981, Mexican officials rejected the premise that Mexico and the United States had a mutual interest in controlling illegal entry of Mexican nationals into the United States. These officials declared that Mexican citizens had the right and the authority under Mexican law to leave the Nation without control or question and without exit documents.

Fifteen years later I found a starkly different attitude exhibited by the Mexican academics, Government leaders, and business leaders with whom I spoke during my week in Mexico with former Congressman and former Secretary of the Interior, Manuel Lujan, of New Mexico. Our trip, jointly sponsored by the U.S. Department of State, and the Association of Former Members of Congress, included nearly 4 days in Mexico City and a day and a half in Guadalajara.

This time around, Mexican officials, to a person, agreed that the United States has sovereignty over its border and has the right as well as the responsibility to institute programs to control the border between the United States and Mexico. The 1981 references to the right of Mexicans to travel freely were absent. Instead, we heard frequent and favorable references to the importance of continued contacts between the two nations.

This is not to say that Mexicans were silent on the topic of immigration or muted in their criticism of the way their Mexican brothers and sisters are sometimes treated by United States immigration authorities. But, in sharp contrast to 1981 when the polemics and broadsides flew freely, on this visit our Mexican hosts and hostesses—I found many more women now than in 1981 in positions of influence—endorsed collaborative United States-Mexican initiatives on immigration and drug intervention.

One jarring note to Secretary Lujan and me was the belief held by many Mexicans, even some who have spent time in the United States, that there exists in the United States a selective dislike and antipathy toward Mexican people. Several made the point that the two immigration bills then pending before the 104th Congress singled out Mexican nationals for the brunt of the enforcement and control effort.

Secretary Lujan, himself of Hispanic descent, and I did our best to assure everyone that Americans bore no ill nor animus toward Mexicans in a generic or a class sense. I did, however, point out that the frustration of the American people grows because of increased violence at the border committed by aliens seeking to enter the United States illegally and by organized Mexican drug smugglers. Frustrations are also fanned by stories in the media detailing the abuse of America's welfare and health care systems by undocumented Mexican aliens.

To be fair, it must here be noted that not everyone who enters at the southern border is from Mexico—many of them are from elsewhere in the Americas and the world—and not everyone who is in America illegally has crossed the border to get here—many have overstayed their visas.

In our discussions in Mexico, I resorted to a familiar and, I feel, powerful argument: Mexicans in positions of influence over their nations' public policy should support United States efforts to control illegal immigration from Mexico in order to preserve legal immigration programs—which benefit Mexico more than any other nation in the hemisphere—which are not being challenged on Capitol Hill in response to the citizen frustrations I have referred to earlier.

Furthermore, the growing export and import trade between United States and Mexico—under NAFTA—and the expanded financial relationships between the nations—illustrated by the recent support program for the peso engineered by the United States Treasury Department—suggest that Mexico gains much by supporting United States sovereignty over its international borders.

All in all, I came away from this recent trip to Mexico both heartened and disappointed.

I am disappointed that many deeply rooted and highly emotional issues between our nations remain which make it difficult for Mexico and the United States to come together in common cause. thankfully, the efforts of President Bill Clinton and President Ernesto Zedillo Ponce de Leon—who have developed a cordial and effective working relationship—and members of both nations' Cabinets working through organizations such as the United States-Mexico bi-National Commission, the Summit of the Americas, the organization of American States, and the Border Governors group have led to binational and multinational institutional frameworks for the development of solutions to mutual problems.

On the positive side of the ledger, Secretary Lunjan and I also found an extraordinary interest in what Mexicans team "federalism": How governmental systems optimally should function. Mexico has long had an extremely strong executive branch of Government under which the Presidents are guaranteed not only personal wealth when their terms end but a virtual hegemony over the entire nation during their term of office. In that setting, the legislative branch of government in Mexico has been impotent and passive. today members of the Mexican Senate and the House of Delegates are devoted to gaining a rightful role as a coequal branch of government. For us in the United States, this is plain vanilla federalism. In Mexico, it is revolutionary.

Sitting Members of Congress, as well as former Members such as Secretary Lujan and I, along with constitutional experts and political scientists have an unprecedented opportunity to assist our counterparts in Mexico in fashioning a new government for the next century.

It is a matchless opportunity to do something good as well as do something smart.

On another subject, Secretary Lujan and I were never far from complaints about the so-called Helms-Burton Act which penalizes domestic and foreign companies which do business in Cuba involving property confiscated from United States firms or citizens at the time of Castro's takeover. Because of the extraterritoriality of Helms-Burton and because of its retroactivity feature, it has excited great opposition as well as calls for retaliation from Canada and Mexico and from nations of the European Union and of the Organization of American States. As we now know, but did not last June, President Clinton has somewhat quieted the issue by exercising the various options, waivers, and discretionary authorities which he is accorded under the law.

Soon after my return from Mexico, I traveled to El Paso, TX, to take part in a naturalization ceremony at which 4,078 persons from 53 nations became United States citizens on the campus of the University of Texas at El Paso. Taking part in this ceremony was particularly impressive for me both personally—my own father was an immigrant from Italy—and professionally—while in Congress, I was the co-author of the Simpson-Mazzoli bill, the Immigration Reform and Control Act of 1986, under whose provisions many in that audience in El Paso were being naturalized.

It is in these naturalization ceremonies that all the separate threads of the immigration story are woven into a complete garment. Naturalization programs give us a better purchase on the complex and complicated thing called immigration and they demonstrate that while every nation in history has had problems with migration and immigration—the United States is no exception to this historical verity—our Nation has an opportunity and a solemn responsibility to address this vexing and challenging subject with balance, sensitivity, forbearance and charity.

Where do we start?

By continuing to work with Mexico to control illegal immigration. In 1981, Father Theodore M. Hesburgh, former president of the University of Notre Dame, and chair of President Carter's Immigration Reform Commission said: "If we don't close the back door—control illegal entry into the United States—we won't be able to keep open the front door." through which people enter the United States legally. The only way to avoid this undesirable result is to heed Father Ted's prescient advice.

By urging our legislators and the President to adopt a broad perspective on immigration and to oppose nativist, racist or mean-spirited proposals despite their political and popular allure.

By attending a naturalization ceremony. Normal ceremonies at the Federal courthouses may not be as large as the one in El Paso, but they are no less impressive.

By attending a religious liturgy celebrating immigration such as those sponsored annually by the U.S. Catholic Conference during National Migration Week.

By attending ethnic festivals in which the food and customs and heritage and music of immigrant people are showcased and good times are had by all.

By attending programs such as those sponsored by churches and temples and mosques where newcomers are welcomed, counseled, and given help with language training, job and craft skills, and acculturation.

By attending graduation programs at local high schools, colleges and universities, and noting the ethnic diversity of the academically distinguished graduates. Many of them are immigrants or the sons and daughters of recent immigrants.

Immigration is fascinating and frustrating precisely because it is the story of the sweep of human history. It is the story of the nobility and of the fallibility of humankind. Rarely has a people had a greater opportunity to impress its hallmark on history and humankind than we in the United States possess here and now. By welcoming the strangers in our midst, we will enrich and revitalize our Nation and the world in the process.

Mr. FREY. Thank you, I think.

The crown jewel of what we do really is working with young people. I think that probably gives each of us the most satisfaction of anything we do, the chance to go to college communities to talk with young people, to spend 2, 2½ days with it. We have started now a Congressional Campus Fellowship Program. It actually began in 1976 and sort of teetered along for a while. We went to a number of places. But we have really institutionalized it.

Part of the reason is, we have been able to work with the Stennis Center for Public Service in Mississippi State University. They have acted as secretariat of it for us and sent groups out. This year I think we went to 10 schools, and our goal next year is 20 or 25 schools around the country.

I would like to yield to the gentleman from New York, who went on one of those trips and was highly successful, to tell us a little bit about his time on campus. Mr. Wortley.

Mrs. BOGGS. The gentleman from New York, Mr. Wortley, is recognized.

Mr. WORTLEY. Madam Speaker, Mr. President, I do feel more comfortable at this lectern than perhaps the other one.

Mr. FREY. I am a little nervous over here.

Mr. WORTLEY. I might digress for a moment to say that the United States representation at the Holy See will never have been in better hands than with the Ambassador-elect.

I am pleased to report this morning that the United States Association of Former Members of Congress Campus Fellowship Program is active, healthy, and delivering a bipartisan message to the campuses of America's universities. During this past academic year, the association cosponsored the program with the Stennis Center for Public Service in Mississippi. Bipartisan teams of former Members of Congress, one Democrat, one Republican, have made 2- to 3-day visits to nine university communities from California to Florida, Georgia, Mississippi, Ohio, Oklahoma, and New Mexico.

The former Members donated their time. The Stennis Center paid the transportation expenses, and the hosting institutions provided our room and board.

I was joined at Cameron University in Lawton, OK, by Dennis Hertel, who seems to be the most popular man on the floor this morning, Dennis. You are all over the world. We lectured six, political science classes, participated in one 30-minute television panel, gave a ¼ hour newspaper interview over lunch, as well as a second luncheon where the U.S.-U.N. relationship was the topic of discussion. We were also the subject of a couple minutes of TV coverage on local news shows and were guests at a department reception.

In our off hours, we enjoyed a dinner hosted by the college president and another at the home of our host.

Dennis and I found an interesting blend of students that included several retired and retiring military personnel from nearby Fort Sill, as well as the usual undergraduate age group. The students were alert, inquisitive, and kept both even Dennis and I on our toes at all times.

Did we make a difference? Yes, we did make a difference. I believe we gave the students new insight into the process and hopefully dispelled some of the misconceptions that exist today about this great institution. We were living examples that reasonable men can disagree but never need to be disagreeable.

I would note that at Cameron University we were the guests of the Department of Political Science and Criminal Justice. I am not sure if there was any significance in the pairings of those two subjects.

Oh, yes, we did come away with at least two students who expressed interest in running for Congress, one of whom had lost a recent race for the mayor of Lawton, OK. Perhaps if Dennis and I had gotten there a little earlier, we might have made a bigger difference.

But I am hopeful that our campus fellowship presentations have made a difference and the day will come, Madam Speaker, when you will see the results of our efforts in this Chamber.

Thank you.

Mr. FREY. I might add as the result of this and going to the campuses, we have been asked to write a book about the Congress from a personal standpoint, and I sent out a message, some of you have sent it in. Some, like the gentleman from California, Pete McCloskey and Larry Coughlin and a few others who I have not named, haven't gotten their chapters in, so this is a gentle reminder for it.

But we are working with the head of the Political Science Department at Colgate University to publish the book, and we think it will be unique. There have been books on Congress, but there has never been a book on various aspects of Congress written by the people who really were here and lived it. So if everybody gets their chapter in, we may have that done by the first part of the year.

Just very quickly, getting to the end of this, as you can see, we are really doing a lot. We are really out there, involved in different things. There are opportunities, hopefully, for you and for some who are not here to get involved. There are also opportunities for corporations and foundations who are listening, who want to help the kids in this country, to contribute and work with us to do this. It would be great if we could get the 50 universities. It would be wonderful. We have had 106 Members volunteer and probably another 30 just over this time. So we have the people. It is just the funding mechanism to do it. So anybody listening, if you are interested, you know where to get us. We should have a 1–800 number up there. It is a worthwhile thing to do.

We maintain close relations with the associations of former Members of Parliament around the world, and in that I would like to recognize one of our guests who has been with us before. Barry Turner, president of the Canadian Association of Former Parliamentarians, is with us today.

Barry, would you please stand up and be recognized.

Barry has written a chapter for the book on comparing our system with the Canadian system.

We really appreciate your help on that.

Obviously, the officers of the association, Matt McHugh, John Erlenborn, John Lancaster, the board of directors, really have done an incredible job. This is a working group, not people who have let their names be used on the organization. We have an auxiliary headed by Annie Rhodes, who has run the Life After Congress seminar, which is a wonderful thing. This is the second time we have done it for people who are retiring. It sort of walks them through what they have and the problems and, frankly, discusses what they are facing when you get out, going from where everybody listens to you and calls to when all of a sudden the phone stops ringing and how do you handle that. The auxiliary is to be really congratulated.

Linda Reed, our executive director, wears many, many hats and does an incredible job. We are lucky to have her and really just so proud of the job you do, Linda.

Walt Raymond, who came on board with us to work part time and now works full time back there and who is really responsible for the tremendous growth of our overseas programs.

Now it is my sad duty to inform the House of those persons who served in the Congress who have passed away since our report last year. The deceased Members of Congress are as follows:

James F. Battin (Montana); Ray Blanton (Tennessee); Paul W. Cronin (Massachusetts); Hamilton Fish (New York); Edward J. Gurney (Florida); Seymour Halpern (New York); Oren Harris (Arkansas); Charles Hayes (Illinois); Chet E. Holifield (California); Harold E. Hughes (Iowa); Leo Isacson (New York); Harry Jeffrey (Ohio); Edward H. Jenison (Illinois); Coya Knutson (Minnesota); Paul J. Krebs (New Jersey); Robert M. Love (Ohio); Hugh Buenton Mitchell (Washington); William L. Scott (Virginia); Jessie Sumner (Illinois); and Paul Tsongas (Massachusetts).

Madam Speaker, I respectfully ask all of you to rise for a moment of silence in their memory. May they rest in peace. Amen.

Mrs. BOGGS. It is so ordered.

Mr. FREY. May they rest in peace. Amen.

Thank you.

Madam Speaker, I would like obviously to offer on behalf of myself and everybody here, our congratulations. They just don't do it better, and we are obviously not only proud of the job you have done in Congress but for us, and now a new responsibility, and we are really lucky.

Mrs. BOGGS. I thank the gentleman.

Mr. FREY. Madam Speaker, this concludes our 27th annual report to the Congress by the United States Association of Former Members of Congress.

I think I said earlier, and I truly believe it, that being a Member of this body was a privilege. It was the best thing that ever happened to me. There were times that I would look out the window and say, you know, am I really here? I never lost awe of this institution. I never lost feeling that being here was just an incredible opportunity and a privilege, and think to the same extent I feel that being a former Member is also a privilege, because we have got a chance to help the people in this country understand what we have been given, the incredible job that the people who wrote this Constitution did. A little over 7,000 words, and it still works somehow today.

It is so easy to kick things around and be cynical; it is so easy to knock; but this body is what keeps it together. This is the keel on the sailboat that keeps us from tilting too far to the right or too far to the left, and we usually float back and forth through the center. There really is no other group in this country that has the ability to speak, that has the credibility to speak, and that are united, not with a "D" or "R" after our names or whatever, that is really insignificant, but are united for our love for this institution. We are part of and have been part of the greatest legislative body in the history of the world. I say that without any false sense of pride, but I say it because I think this institution has earned the respect of those people in this country and those people around the world, and it is going to keep the respect. I look forward to working with each and every one of you for those things that we believe in.

Thank you so much, Madam Speaker.

Mrs. BOGGS. The Chair again wishes to thank the following Members of Congress for your presence here today and to announce that those of you who may have come in after the roll was called, that you may come and make your presence known to the Clerk here at the Speaker's desk.

I would be very happy to have all of you registered and to thank all of you for your participation, not only in this session, but for your participation day after day, year after year, in carrying forward, as our President has just said, this great and wonderful Government under the enduring Constitution of the United States.

I wish to thank all of you for coming, and I now declare that the session is over and that the House will reconvene at 10:30 this morning.

Accordingly (at 10 o'clock and 15 minutes p.m.), the House continued in recess.

□ 1032

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COBLE] at 10 o'clock and 32 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate had passed a bill and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

S. Con. Res. 6. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

S. Con. Res. 21. Concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all

Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 1-minutes on each side.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, it is a privilege to rise today. We had a reception this morning for the National Center for Missing and Exploited Children, where we honored many of the police heroes that have helped bring back home some of our children that have been lost throughout our Nation.

It is sad enough to read the headlines. There was the slaying of Michelle Montoya, 18, a popular Rio Linda High School student whose body was found in the school wood shop on Friday, and a high school janitor accused in the death of the student had a history of violence, but school officials waited until after he was on the job before seeking background information from the State.

A child's life has been lost because we failed to do our job, and we find out had they done it properly, that this person who was accused of the crime had a violent past, had been in jail for 12 years for manslaughter. How many more children have to die before we do what is appropriate in protecting our defenseless children?

I want to commend the National Center for Missing and Exploited Children for all they have done to help reunite children with their families. But we have to do more. Our most precious resource in this country is our children. They are vulnerable, they need our assistance, they need the help of Government.

ACTION NEEDED ON PENSION PROTECTION

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, soon we will be taking up H.R. 1377, the Savings are Vital to Everyone's Retirement Act of 1997, the Savers Act. It is very nice. It says the President should have a study. But we know what we need to do on retirement protection. There is legislation that I have authored, and others.

Fifty-one million Americans do not have pensions today. Women, one-third of them are covered by pensions at age 55, and that is wrong. Women retirees are in systems that provide lower benefits. Women are less than half as likely as men to work in jobs that are covered by pensions. Twelve million women work for small firms who simply do not have pensions at all.

Mr. Speaker, the Republicans when they were in the minority used to attack us for having studies. That is what they have turned out to do now. We are going to study pensions, when we know what we need to do. We need to make sure that unscrupulous companies do not rip off people's pensions, so people can invest in a modern society where they move from job to job, that they can keep those benefits, that it is easier for private companies to set up pensions, and that women are treated equally to men. Studies are fine. Let us get some action on the floor.

COMMENDING THE BALANCED BUDGET AGREEMENT

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, here in America we are taxed on the very first cup of coffee we drink in the morning. We are taxed on every gallon of fuel we expend just to get to work. We are taxed when we make a phone call. We are taxed when we buy something on the way home. When we get to our home, we pay property taxes on the house we live in. Then, God forbid, if we should die, we are paying taxes once again. We pay in life and we pay in death.

Early this morning we did something about that by passing the balanced budget agreement. For the first time in 16 years we have hope of a little Federal tax relief for families that work. For the first time in nearly 30 years we will get to a balanced budget by the year 2000. Sweet dreams, America. Hope is alive.

STOP PLAYING POLITICS WITH DISASTER RELIEF AND WIC FUNDS

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, it has now been 60 days since the President sent disaster relief legislation to the Congress. My colleagues on the other side of the aisle would rather play politics with the bill than move to provide needed relief for flood victims. Republicans have added a poison pill to the legislation, which in fact would ultimately reduce the levels of funding for education, for the women, infants, and children program, and for other programs that directly benefit working middle class families today. This could undermine the entire bipartisan budget agreement that we did work into the wee hours of the morning to pass.

Meanwhile, the flood victims continue to wait for their disaster relief money. In addition, 360,000 women, infants, and children who receive nutrition assistance from the WIC program are at risk for losing milk, formula, and cereal. I urge my Republican colleagues, stop playing politics with the bill. Let us pass the legislation. Let the President sign it, and move quickly to get these funds to the folks who so desperately need them.

WITH A WINNING BALANCED BUDGET AGREEMENT, THE ONLY LOSERS ARE BIG GOVERNMENT AND THE STATUS QUO

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, America awoke this morning to the first balanced budget agreement in nearly two generations. Today I rise to commend my colleagues on both sides of the aisle, both Democrats and Republicans, for the passage of the balanced budget agreement.

This budget truly is good news for the American people. This bipartisan approach demonstrates to the American people that we in Congress are willing to put aside petty partisan politics to pass this historic balanced budget.

Although this agreement may not be perfect, passage of this budget will mean smaller government, lower spending, lower taxes, a solvent Medicare system, and a balanced budget, all in one plan. The people in my district in Nevada will be able to keep more of their hard-earned money to save, invest, and send their kids to college, or spend any way they see fit. Seniors, families, and future generations will all benefit from this budget agreement. The only loser is big Government and the status quo.

COURT MARTIAL FOR LT. KELLY FLYNN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Pentagon said Lt. Kelly Flynn, the first woman to fly a B-52, committed adultery and lied. Lt. Kelly Flynn admits she made a mistake. For this, the Pentagon has chosen to court-martial Lieutenant Flynn.

What a country, Congress. Jimmy Swigert can return to prime time, but Kelly Flynn gets hard time. Unbelievable. For years G.I. Joe was given a condom and a slap on the wrist, but now G.I. Jane gets a court-martial, a slap in the face, and to boot, labeled as Jezebel for life. I ask, if this was Lt. Erol Flynn instead of Lt. Kelly Flynn, would there be a court-martial, Congress? Beam me up.

The truth is these Pentagon fat cats have been sitting on their bureaucratic self-righteous brasses far too long. What is next, gentlemen? Chastity belts? I yield back the balance of all this adultery and crime.

IN HONOR OF THE RESIDENTS OF FARIBAULT, MN

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, next week we celebrate Memorial Day. I rise to commend the residents of Faribault, MN, for their traditional observance of this most sacred holiday.

The first observance of Memorial Day by the residents of Faribault, MN, was on May 30, 1869. Under the leadership of the local Grand Army of the Republic post, Capt. J.C. Turner, the post commander, took command and led the soldiers and citizens of Faribault, MN, on the first Memorial Day march. With colors and banners unfurled they marched to three local cemeteries where flags and flowers were placed on the graves of fallen comrades. A ceremony was held with a scripture reading and prayer led by Reverend Dubois.

This year the citizens of Faribault and the Rice County Veterans Association will once again participate in community activities, and proudly display the stars and stripes in honor of Faribault's fallen heroes and departed loved ones.

The people of Faribault serve as shining examples for their longstanding patriotism and commitment to civic duty.

LET US MOVE AMERICA TOWARD A BALANCED BUDGET IN A FAIR WAY

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, the good news is that Congress has made real progress in reducing the deficit in the last 4 years from $290 billion down to $65 billion. That is good. The bad news is that the budget agreement voted upon last night gives huge tax breaks to the wealthiest people in this country, the people who do not need it, and at the same time lowers the quality of health care for our senior citizens by cutting Medicare over a 5-year period by $115 billion. That is wrong.

Mr. Speaker, we must move this country toward a balanced budget, but in a way which is fair, in a way which helps the middle class and the working families of this country, and not just the wealthy.

While targeted tax breaks for the middle class are appropriate, it makes no sense that over half of the proposed tax cuts go to the highest earning 5 percent. Not only is that wrong, but it is bad economics. With huge tax breaks for people who do not need them, we run the danger of going through the 1980's all over again and seeing the deficit explode.

Let us move this country toward a balanced budget, but let us do it in a way that is fair.

PASS THE BALANCED BUDGET AGREEMENT BEFORE THE PATIENCE OF THE AMERICAN PEOPLE IS MAXED OUT

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is interesting to hear the liberals on the other side talk about how disappointed they are that we are not spending more money. At last tally the national debt stood at $5.1 trillion. The national credit card is hereby declared maxed out.

The politicians in Washington have been going crazy with the national credit card for too long. Although we might think that running up the national credit card is clearly a case of insufficient adult supervision, think again. No, the $5 trillion debt on the national credit card is a result of 40 years of expanding big government. It is a result of special interests taking over the budget at the expense of the middle class taxpayers. It is a result of an entitlement mentality that requires government to live beyond its means.

Mr. Speaker, there has been a change in the management in Washington. The change in adult supervision means the national credit card is about to see a declining balance for the first time since 1969. Deficit spending has gone on long enough. So I urge my colleagues to be persistent in moving forward on the balanced budget agreement before the patience of the American people is maxed out, too.

□ 1045

CUBAN INDEPENDENCE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, 95 years ago yesterday, May 20, the island of Cuba gained its independence after a long fought struggle against the Spanish crown.

Sadly, while millions of free Cubans outside the island celebrated this proud day, for the 11 million Cubans still living under the brutal totalitarian dictatorship of the Castro regime, it was just another day in the persistent struggle to reclaim the freedoms gained after independence from Spain but lost with the rise of Fidel Castro to power.

Yet Cuba's new freedom fighters face similar repressive measures as those who led the struggle for Cuban independence in the 1800's.

As the Interamerican Human Rights Commission recently reported, in today's Cuba the harassment, accusations, adoption of disciplinary measures, and prison sentences for persons who peacefully display their disagreement with the political regime in place have persisted.

The report adds that those who work against the regime are accused of enemy propaganda, contempt, and rebellion. It is for them that Cuba's independence leader, Jose Marti, wrote, "The sufferings endured for the sake of winning freedom make us love it the more."

PASSAGE OF BALANCED BUDGET RESOLUTION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, with the passage of the balanced budget agreement last night, many people have asked, is it consistent to cut taxes and try to reduce the deficit? To this I say yes. Here is why.

For every dollar we send to Washington as taxpayers, Washington spends over a $1.50. You can spend your money a lot more efficiently than my friends in Congress. I can spend your money.

If you have more money in your pocketbook, you are going to buy more records, more clothes, more socks, more shoes, more whatever. When you do that, small businesses expands. And when they expand, they create more jobs. When more jobs are available, more people go to work. When more people go to work, less are on public assistance and more pay in taxes. Revenues actually increase. This was proven both by President Reagan and President Kennedy.

The other side to that, though, is as these revenues increase because of a tax cut, we have to hold the line on spending. Last night's budget agreement gives us the opportunity to both reduce taxes, let people spend their own money and hold the line on spending here in Washington.

WHALE WATCHING INDUSTRY IN JEOPARDY

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, a multimillion dollar industry is in Washington State, California, Oregon, and British Columbia. It is the whale watching industry.

Whales are used to boats out there and they do not mind getting close to the boats. In fact, sometimes they will even rub against the boat. This industry is about to be put in jeopardy. The International Whaling Commission meets this year, within the next month or so, and they are prepared to authorize one tribe in Washington and several in Canada to renew commercial whaling.

When they start that, these are very intelligent animals. As soon as we begin killing whales, the blood in the water, those animals will become very skittish. We will not get a boat within a mile of them. This multimillion dollar industry is about to be put in jeopardy for no good reason in the world.

Once we allow the tribes to do it, then the Norwegians and Japanese, who also have a historic record of capturing whales, will be able to do whaling nationwide. But I am concerned about the whale watching industry in Washington State and the Pacific coast.

CAPITAL GAINS TAX CUTS

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I have heard the other side characterize capital gains tax cuts so many times as tax cuts for the wealthy that I am truly baffled. I am baffled because I do not know if the other side persists in saying this because they simply do not know what they are talking about or because they know that bashing the rich is good politics.

So, Mr. Speaker, I have a few questions for the other side. Does the other side believe that the role of capital in our economic system is unimportant? Put another way, can the other side conceive of a single thing, anything at all, that is more important to our economic growth than savings and investment? Do the Democrats believe that taxing savings and investment less will result in more of it?

Does more savings and investment help create jobs or prevent them from being created? Does the other side pretend to believe that the poor will prosper if fewer jobs are created?

Of course not. The other side is so obsessed, Mr. Speaker, with the possibility that rich people like Bill Gates and Tiger Woods might get richer that they would deny the poor an economy that produces more jobs for everyone. No wonder the voters are cynical.

BALANCED BUDGET AGREEMENT VICTORY FOR AMERICA

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, why do I consider this balanced budget agreement to be a major victory for America? Because it balances the Federal budget by the year 2002, because the Federal budget deficit will decline each year beginning in 1998, because it saves Medicare from bankruptcy until the year 2007, because it allows families to keep more of their own money, because it contains permanent tax relief for American families, and because it sets a new standard in Washington: Deficit spending is no longer acceptable.

This bipartisan balanced budget agreement is a first step toward fiscal sanity in this town. It is a first step toward smaller government, lower taxes and greater accountability in Washington.

Balancing the budget will mean that many more American families will prosper and more young Americans can realize their dreams of getting ahead and building for a better future. That is a victory no matter how we score it.

AUTHORIZING SPEAKER TO ENTERTAIN MOTION TO SUSPEND RULES ON THURSDAY, MAY 22, 1997

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that on Thursday, May 22, 1997, the Speaker be authorized to entertain a motion to suspend the rules and pass H.R. 956, the Drug-Free Community Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later in the day.

SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings, as amended.

The Clerk read as follows:

H.R. 1377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings Are Vital to Everyone's Retirement Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The impending retirement of the baby boom generation will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings.

(2) Studies have found that less than a third of Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident they will have enough money to live comfortably throughout their retirement.

(3) A leading obstacle to expanding retirement savings is the simple fact that far too many Americans—particularly the young—are either unaware of, or without the knowledge and resources necessary to take advantage of, the extensive benefits offered by our retirement savings system.

(b) PURPOSE.—It is the purpose of this Act—

(1) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

(2) to provide for a periodic, bipartisan national retirement savings summit in conjunction with the White House to elevate the issue of savings to national prominence; and

(3) to initiate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy.

SEC. 3. OUTREACH BY THE DEPARTMENT OF LABOR.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

"OUTREACH TO PROMOTE RETIREMENT INCOME SAVINGS

"SEC. 516. (a) IN GENERAL.—The Secretary shall maintain an ongoing program of outreach to the public designed to effectively promote retirement income savings by the public.

"(b) METHODS.—The Secretary shall carry out the requirements of subsection (a) by means which shall ensure effective communication to the public, including publication of public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

"(c) INFORMATION TO BE DISSEMINATED.—The information to be disseminated by the Secretary as part of the program of outreach required under subsection (a) shall include the following:

"(1) a description of the vehicles currently available to individuals and employers for creating and maintaining retirement income savings, specifically including information explaining to employers, in simple terms, how to establish each of the different retirement savings vehicles for their workers, and

"(2) information regarding matters relevant to establishing retirement income savings, such as—

“(A) the forms of retirement income savings,

“(B) the concept of compound interest,

“(C) the importance of commencing savings early in life,

“(D) savings principles,

“(E) the importance of prudence and diversification in investing,

“(F) the importance of the timing of investments, and

“(G) the impact on retirement savings of life's uncertainties, such as living beyond one's life expectancy.

“(d) ESTABLISHMENT OF SITE ON THE INTERNET.—The Secretary shall establish a permanent site on the Internet concerning retirement income savings. The site shall contain at least the following information:

“(1) a means for individuals to calculate their estimated retirement savings needs, based on their retirement income goal as a percentage of their preretirement income;

“(2) a description in simple terms of the common types of retirement income savings arrangements available to both individuals and employers (specifically including small employers), including information on the amount of money that can be placed into a given vehicle, the tax treatment of the money, the amount of accumulation possible through different typical investment options and interest rate projections, and a directory of resources of more descriptive information;

“(3) materials explaining to employers in simple terms how to establish and maintain different retirement savings arrangements for their workers and what the basic legal requirements are under this Act and the Internal Revenue Code of 1986;

“(4) copies of all educational materials developed by the Department of Labor, and by other Federal agencies in consultation with such Department, to promote retirement income savings by workers and employers; and

“(5) links to other sites maintained on the Internet by governmental agencies and nonprofit organizations that provide additional detail on retirement income savings arrangements and related topics on savings or investing.

“(e) COORDINATION.—The Secretary shall coordinate the outreach program under this section with similar efforts undertaken by other public and private entities.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

“Sec. 515. Delinquent contributions.
“Sec. 516. Outreach to promote retirement income savings.”.

SEC. 4. NATIONAL SUMMIT ON RETIREMENT SAVINGS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 3 of this Act) is amended further by adding at the end the following new section:

“NATIONAL SUMMIT ON RETIREMENT SAVINGS

“SEC. 517. (a) AUTHORITY TO CALL SUMMIT.—Not later than June 1, 1998, the President shall convene a National Summit on Retirement Income Savings at the White House, to be co-hosted by the President and the Speaker and the Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. Such a National Summit shall be convened thereafter in 2001 and 2005 on or after September 1 of each year involved. Such a National Summit shall—

“(1) advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

“(2) facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

“(3) develop recommendations for additional research, reforms in public policy, and actions in the field of retirement income savings; and

“(4) disseminate the report of, and information obtained by, the National Summit and exhibit materials and works of the National Summit.

“(b) PLANNING AND DIRECTION.—The National Summit shall be planned and conducted under the direction of the Secretary, in consultation with, and with the assistance of, the heads of such other Federal departments and agencies as the President may designate. Such assistance may include the assignment of personnel. The Secretary shall, in planning and conducting the National Summit, consult with the congressional leaders specified in subsection (e)(2). The Secretary shall also, in carrying out the Secretary's duties under this subsection, consult and coordinate with at least one organization made up of private sector businesses and associations partnered with Government entities to promote long-term financial security in retirement through savings (including for 1998, and thereafter as the Secretary may deem appropriate, the American Savings Education Council).

“(c) PURPOSE OF NATIONAL SUMMIT.—The purpose of the National Summit shall be—

“(1) to increase the public awareness of the value of personal savings for retirement;

“(2) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

“(3) to facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

“(4) to identify the problems which hinder workers from setting aside adequate savings for retirement;

“(5) to identify the barriers which impede employers, especially small employers, from assisting workers in accumulating retirement savings;

“(6) to examine the impact and effectiveness of individual employers to promote personal savings for retirement among their workers and to promote participation in company savings options;

“(7) to examine the impact and effectiveness of government programs at the Federal, State, and local levels to promote retirement income savings;

“(8) to develop such specific and comprehensive recommendations for the legislative and executive branches of the Government and for private sector action as may be appropriate for promoting retirement income savings among American workers; and

“(9) to develop recommendations for the coordination of Federal, State, and local policies among the Federal, State, and local levels of government and for the coordination of such policies (including any solutions for Federal, State, and local needs devised at the Federal, State, and local levels) with the efforts of the private sector to meet such needs, and to identify the appropriate authority and entities to implement such recommendations.

“(d) SCOPE OF NATIONAL SUMMIT.—The scope of the National Summit shall consist of issues relating to individual and employer-based retirement savings and shall not include issues relating to the old-age, survivors, and disability insurance program under title II of the Social Security Act.

“(e) NATIONAL SUMMIT PARTICIPANTS.—

“(1) IN GENERAL.—To carry out the purposes of the National Summit, the National Summit shall bring together—

“(A) professionals and other individuals working in the fields of employee benefits and retirement savings;

“(B) Members of Congress and officials in the executive branch;

“(C) representatives of State and local governments;

“(D) representatives of private sector institutions, including individual employers, concerned about promoting the issue of retirement savings and facilitating savings among American workers; and

“(E) representatives of the general public.

“(2) STATUTORILY REQUIRED PARTICIPATION.—The participants in the National Summit shall include the following individuals or their designees:

“(A) the Speaker and the Minority Leader of the House of Representatives;

“(B) the Majority Leader and the Minority Leader of the Senate;

“(C) the Chairman and ranking Member of the Committee on Education and the Workforce of the House of Representatives;

“(D) the Chairman and ranking Member of the Committee on Labor and Human Resources of the Senate;

“(E) the Chairman and ranking Member of the Special Committee on Aging of the Senate; and

“(F) the parties referred to in subsection (b).

“(3) ADDITIONAL PARTICIPANTS.—There shall be not more than 400 additional participants. Of such additional participants—

“(A) one-fourth shall be appointed by the Speaker of the House of Representatives;

“(B) one-fourth shall be appointed by the Minority Leader of the House of Representatives;

“(C) one-fourth shall be appointed by the Majority Leader of the Senate; and

“(D) one-fourth shall be appointed by the Minority Leader of the Senate.

Such remaining participants shall be selected without regard to political affiliation or past partisan activity and shall be representative of the diversity of thought in the fields of employee benefits and retirement income savings.

“(4) PRESIDING OFFICERS.—The National Summit shall be presided over equally by representatives of the executive and legislative branches.

“(f) NATIONAL SUMMIT ADMINISTRATION.—

“(1) ADMINISTRATION.—In administering this section, the Secretary shall—

“(A) request the cooperation and assistance of such other Federal departments and agencies and other parties referred to in subsection (b) as may be appropriate in the carrying out of this section;

“(B) furnish all reasonable assistance, including financial assistance, to State agencies, area agencies, and other appropriate organizations to enable them to organize and conduct conferences in conjunction with the National Summit;

“(C) make available for public comment a proposed agenda for the National Summit that reflects to the greatest extent possible the purposes for the National Summit set out in this section;

“(D) prepare and make available background materials for the use of participants in the National Summit that the Secretary considers necessary; and

“(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) DUTIES.—The Secretary shall, in carrying out the responsibilities and functions of the Secretary under this section, and as part of the National Summit, ensure that—

"(A) the National Summit shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in retirement income savings and provides a strong basis for assistance to be provided under paragraph (1)(B);

"(B) the agenda prepared under paragraph (1)(C) for the National Summit is published in the Federal Register; and

"(C) the personnel appointed under paragraph (1)(E) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities.

"(g) REPORT.—The Secretary shall prepare a report describing the activities of the National Summit and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than 90 days after the date on which the National Summit is adjourned.

"(h) DEFINITION.—For purposes of this section, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated for fiscal years beginning on or after October 1, 1997, such sums as are necessary to carry out this section.

"(2) RELIANCE ON PRIVATE CONTRIBUTIONS.—The Secretary may accept private contributions, in the form of money, supplies, or services, to defray the costs of the National Summit. The Secretary shall ensure, to the extent practicable, that at least one-half of the funds available to the Secretary for each fiscal year to carry out the provisions of this section consist of such private contributions.

"(j) CONTRACTS.—The Secretary may enter into contracts to carry out the Secretary's responsibilities under this section, but only to the extent, or in such amounts, as are provided in advance in appropriations Acts.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (as amended by section 3 of this Act) is amended further by inserting after the item relating to section 516 the following new item:

"Sec. 517. National Summit on Retirement Savings.".

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.—Notwithstanding subsection (i) of section 517 of the Employee Retirement Income Security Act of 1974 (added by this section), the amount authorized to be appropriated for fiscal year 1998 to carry out such section is an amount equal to $1,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am very pleased to join with my colleague, the gentleman from New Jersey [Mr. PAYNE], the ranking Democrat on the Subcommittee on Employer-Employee Relations, as well as many other Democrats and Republicans from across the political spectrum in sponsoring the SAVER Act.

H.R. 1377 represents bipartisan legislation addressing a critical national problem, the lack of individual retirement savings. I am also pleased to say the SAVER Act has been introduced on the other side of the Hill by Senators CHARLES GRASSLEY and JOHN BREAUX, the chairman and ranking member of the Special Committee on Aging.

In addition, the SAVER Act is endorsed by a diverse group of organizations including the U.S. Chamber of Commerce, the Association of Private Pension and Welfare Plans, the Financial Executives Institute, the National Association of Manufacturers, the American Association of Retired Persons, the American Council of Life Insurance, the Profit Sharing 401(k) Council of America, the Investment Company Institute, and the Society for Human Resources Management.

America faces a ticking demographic time bomb that requires increased retirement savings. The Savings Are Vital to Everyone's Retirement Act, or the SAVER Act, as we refer to it, is a first step in defusing that retirement time bomb. The SAVER Act initiates a broad-based educational program to educate America's employers, workers, and the public in general about retirement savings and convenes a national summit on retirement savings.

Through this bill, we facilitate a broad-based public-private partnership to educate the public on the serious and underreported national problem. Workers need to know the importance of saving for the future and of saving as early in life as possible.

As a survey released this year by the Employee Benefit Research Institute reveals, there is much work to do. Less than a third of Americans have even tried to calculate how much they need to have saved by retirement. Furthermore, less than 20 percent are very confident that they will have enough money to live comfortably through their retirement. The lack of adequate retirement savings will only become a more pressing problem as the baby boomers begin to retire in about a decade. Far too few Americans, particularly the young, have either the knowledge or the resources necessary to take advantage of the extensive benefits offered by our retirement savings system. The virtue of saving appears to have escaped most Americans while the "just charge it" mentality is thriving, according to the research group, Public Action.

The same EBRI study, that is the Employee Benefit Research Institute, found that, while only a quarter of workers expressed confidence in their ability to map out a retirement savings strategy, an encouraging 50 percent said that they would stick to a plan if they had one. We have to find ways to get the information and skills out to workers to harness this latent energy.

The SAVER Act directs the Department of Labor to maintain an ongoing program of education and outreach to the public through, first, public service announcements, second, public meetings, third, creation of educational materials, and, fourth, establishment of a site on the Internet. The information will include a means for individuals to calculate their estimated retirement savings needs, a plain English description of the common types of retirement savings arrangements currently available to both individuals and employers, and an explanation for employers in simple terms of how to establish different retirement savings arrangements for their workers.

The SAVER Act also convenes a national summit on retirement savings at the White House, cohosted by the executive and the legislative branches to be held by June 1, 1998, and then again in the years 2001 and 2005. The national summit would advance the public's knowledge and understanding of retirement savings and facilitate the development of a broad-based public education program. It would develop specific recommendations for legislative and executive and private sector actions to promote retirement savings among American workers.

The national summit would bring together experts in the fields of employee benefits and retirement savings. Key leaders of Government and interested parties from the private sector and general public; the delegates would be selected equally by the majority and minority leaders of the two Houses of Congress and would represent the diversity of thought in the field without regard to any political affiliation. The national summit would receive substantial funding from private sector contributions.

I hope, therefore, that the SAVER Act can be a very important first step in a truly bipartisan effort to reverse the long course of neglect on this vital issue and help American workers better prepare for a comfortable and secure retirement. I urge my colleagues to vote for passage of the SAVER Act and to vote to help to refuse the retirement time bomb to which I made reference.

Again, I thank the gentleman from New Jersey [Mr. PAYNE] for his leadership and his patient guidance of this legislation because without him, we would not be here today.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the SAVER Act will provide a big first step toward greater awareness about retirement security for all Americans. I want to commend the gentleman from Illinois [Mr. FAWELL] for his efforts to bring attention to this very important issue that affects millions of Americans. The retirement clock is running out for millions of Americans and their families. After a lifetime of hard work and contributing to and building our society, millions of older Americans have retired and are not prepared for it.

□ 1100

They cannot afford to pay their bills.

While we have worked closely with the administration to make gains in strengthening protection for plan participants in the last 4 years, we still have miles to go in assuring retirement security for the American worker. Half of all older Americans have incomes of less than $11,300. This is because their incomes are drawn primarily from Social Security, which, on an average, pays $8,460 to retired workers. That is less than today's minimum wage. Very little of their income comes from individual savings.

A very alarming picture painted by statistics is that many of the people we need to reach out for are women and minorities. As my colleagues know, there is a direct correlation between pension adequacy and the wages that workers receive. This is because many employers base their pension benefits on workers' wages. This is true with respect to the defined contributions and defined benefit plans, including 401(k) plans.

A very disturbing image forms when we begin to think about the retirement security of low-wage workers, particularly women and minorities. Many of these workers will never receive a pension. We know that less than half of all working women are covered by a pension. Those who are fortunate enough to be covered by a plan can expect to receive lower benefits in retirement because their wages were lower while they were working.

A recent study noted an alarming trend in private pension coverage among African-Americans and Latino-Americans. This study suggests that many minority workers will become strictly dependent on Social Security and have a shrinking chance to enjoy a financially comfortable retirement.

Moreover, the report shows that the percentage of blacks covered by private pensions of all types plummeted from 45.1 percent in 1979 to 33.8 percent in 1993, while coverage of Latinos fell from 37.7 to 24.6 percent during the same period.

I am hopeful that the SAVER Act will be successful in reaching these workers. Many of them live in my district, but they just do not live in my district, they live in all our hometowns. They may be our friends or members of our families. Millions of people will not have any significant retirement income beyond Social Security, which makes the Federal program even more critical, especially at a time when its fiscal future is under tremendous scrutiny.

With the baby boom generation on the eve of retirement, this statistical snapshot of the next generation of retirees is fueling the current debate about Social Security. I believe the provisions in the SAVER Act will provide more opportunities to better educate and prepare Americans in their retirement. Today, Mr. Speaker, I hope that this is the beginning of developing real solutions that affect real people.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time and I want to congratulate the gentleman from Illinois [Mr. FAWELL], and the gentleman from New Jersey [Mr. PAYNE], for bringing this legislation before us today.

We are here to address in a bipartisan fashion the real demographic time bomb that faces the American work force. Workers are not saving adequately for their retirement, and this problem will only become more profound as the baby boom generation continues to age.

It does not take a mathematician to recognize that in the future retiring Americans will have to rely less on Social Security and more on pensions and other personal saving. Diffusing the retirement time bomb requires immediate action. Educating American workers in this is the critical first step.

The Savings Are Vital to Everyone's Retirement Act of 1997, the SAVER Act, is that first step. The SAVER Act initiates projects to educate American workers about retirement savings and convenes a national summit on retirement savings.

I am pleased to join with my colleagues from across the aisle, both in this body and in the Senate, to support this important initiative. Far too few workers, especially the young, understand the importance of saving for retirement.

And others of us understand how confusing it can be to end at 3 a.m. and begin immediately thereafter.

Many small businesses are confused as to how to set up some of the new retirement saving vehicles created by Congress or do they know how to go about encouraging their workers to take advantage of them.

The SAVER Act creates a statutory mandate for the Department of Labor to help inform American workers about retirement savings to give them the tools they need to take advantage of the many existing benefits of our retirement system.

The SAVER Act also hopes to focus greater public awareness on the lack of retirement savings by convening a national summit at the White House. The summit would be a bipartisan undertaking of both the executive and legislative branches, bringing together employee benefit experts throughout the country.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I want to commend the sponsors of the bill. It is an important step, but we could do a lot more.

There are a number of pieces of legislation that are in the hopper at the moment that could take action to deal with people's situations in dealing with pensions. H.R. 1130, the Retirement Security Act, already has 108 sponsors.

We know what the problems are in pensions. Women particularly, because they leave for childbearing reasons and others, often sever their work in a way that precludes them from getting a pension.

We need to make vesting take less time. We have to figure out and put forth proposals that will get the majority of this Congress, because we know how to do it, we just need to find a majority. The majority in this Congress are Republicans, and we need them to step forward to help us with legislation that will guarantee that women will have an equal shot at pensions, and poor working people as well will have an equal shot at pensions; that corporations cannot raid the funds and leave the pensions underfunded in the final days of people's lives.

When we have the wealthiest country in the world, with 51 million people without pensions, it is clear we are not doing enough. Now, we have done some things through the years. We have prevented some movement of assets. We have done some other things. But there is a lot more to do here.

Women in particular are disadvantaged by this present system. In the next generation it will work less well than our generation. Our parents held one job in a lifetime; most of us will have three or four; the next generation could have as many as eight. It will be impossible for people to vest in pension systems.

This Congress needs to do more than just get information out; it needs to change the laws to make it easier for corporations to set up 401(k)'s and other kinds of retirement benefits. It needs to move forward to change the vesting period so that people, particularly women, can vest in their pensions. We have to move forward and make sure that people can keep their pensions even if they work only several years at a job.

Those are the things we ought to be doing and can do if we get some support from the Republican side of the aisle.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona, [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of H.R. 1377, the Savings Are Vital to Everyone's Retirement, known as the SAVER Act.

I applaud the work of my colleagues of the Subcommittee on Employer-Employee Relations, the gentleman from Illinois, Chairman FAWELL, and the gentleman from New Jersey, Mr. PAYNE, the ranking member.

With this critical piece of legislation we have taken the first step in providing the American people with the information they need to have to prepare for their retirement years. There is a critical need to look at the low level of retirement savings in the United States today. The story is dramatic.

Between 1951 and 1980, the United States' national savings rates was fairly stable, ranging from 7 to 10 percent. However, since the 1980's, the rate of savings in the United States has dropped to a low of 3 percent. This number reflects the decline in personal family savings, which includes pension accumulations, business savings, and also in the level of savings of the Federal Government. The simple truth is, as Americans, we are just not saving enough for our retirement.

Based on the current economic and demographic trends facing Social Security, it is unlikely that that program can be sustained in its present form without modifying either the benefits or the contributions. Growth in the elderly population in the United States, already very rapid because of increasing life expectancy and declining fertility rates, will accelerate when the baby boom generation reaches retirement age in 2010.

Social Security has been a very successful program over the years, but it provides few Americans with adequate retirement income, and it is likely to play an even more limited role in the retirement picture in the future.

According to the Department of Labor, the average worker will need about 70 percent of his preretirement income to maintain his standard of living after retirement, but Social Security will not provide that level of retirement income. Social Security pays the average worker only about 40 percent of preretirement income and only about 27 percent for workers that earn over $60,000 or more.

Over 2 years ago I became concerned about this and I became involved, in an effort to address the long-term viability of the Social Security program, by forming the house public pension reform caucus. The caucus has begun to explore reform options to address the many economic and demographic problems of the Social Security Program. It is the goal of the caucus to ensure that future generations, including those of our children and grandchildren, are not strapped with a bankrupt system prior to their retirement.

We must encourage Americans to supplement their Social Security income with pension plans and personal savings. These investments will help individuals plan for a more comfortable retirement. In order to encourage individuals to increase their savings and take greater responsibility for their futures, workers must be educated about the various retirement savings choices and investment strategies regarding their retirement future, and that is why I stand here in support of H.R. 1377, the SAVER Act.

This legislation initiates a number of projects to help educate American workers about retirement savings options. It creates a national summit on retirement savings in conjunction with the White House and the private sector. The summit will convene on three occasions, in 1998, 2001, and 2005.

The SAVER Act also directs the Department of Labor to maintain an ongoing program of education and outreach to help workers understand these options and prepare wisely for their retirement.

Mr. Speaker, I urge my colleagues to support this valuable education effort and vote "yes" for H.R. 1377.

Mr. FAWELL. Mr. Speaker, may I inquire as to how much time remains on this side?

The SPEAKER pro tempore (Mr. COBLE). The gentleman from Illinois [Mr. FAWELL] has 10 minutes remaining and the gentleman from New Jersey [Mr. PAYNE] has 14 minutes remaining.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time. I rise today in strong support of H.R. 1377, the Savings Are Vital to Everyone's Retirement Act.

I also want to thank the gentleman from Illinois, [Mr. FAWELL], and the gentleman from New Jersey, [Mr. PAYNE], for providing leadership on such an important issue for the House to consider and for forwarding this timely piece of bipartisan legislation that I am pleased to be an original cosponsor of.

Unfortunately, too many retired Americans today have misjudged their retirement savings needs and today's youth are following in their footsteps as well. These problems pose a significant risk to the future well-being of millions of soon to be retirees as well as the countless baby boomers who will retire after the turn of the century.

Just as the long-term solvency of Social Security remains a vitally important issue that must be addressed by Congress very soon, so too must we also address the looming crisis in private retirement savings by reaching out to all Americans and informing them of this enormous problem. If we fail to do so, the impending retirement of the baby boomers will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings. The SAVER Act would do just that.

Studies have shown that less than a third of all Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident that they will have enough money to live comfortably throughout their retirement. By passing this legislation, we can help advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers, and provide for a periodic bipartisan national retirement savings summit, in conjunction with the White House, to elevate the issue of savings to national prominence, and initiate the development of a broad-based public education program to encourage and enhance individual commitment to a personal retirement savings strategy.

□ 1115

Highlighting this national problem is one of the best things this Congress can do. Enact the SAVER Act now. The retirement time bomb is ticking.

Mr. PAYNE. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PAYNE] for yielding.

Mr. Speaker, I am very proud to rise as an original cosponsor of H.R. 1377, the SAVER Act, and to join with my colleagues from both sides of the aisle in urging the House to pass this important legislation.

I want to commend specifically the gentleman from Illinois, Chairman FAWELL, and the gentleman from New Jersey, ranking member PAYNE, for their attention to the critical issue of retirement security and for their dedication to crafting bipartisan solutions that will advance the goal of economic security in retirement for all Americans.

Mr. Speaker, statistics demonstrate that our Nation faces an impending crisis when it comes to retirement savings. From World War II until 1980, personal savings rates as a percent of disposable income in this country averaged nearly 8 percent. Yet, in recent years, personal savings rates have fallen dramatically, now averaging barely 4 percent, half of what it was earlier.

People are simply not saving what they will need to have a financially secure retirement.

Indeed, one-third of those close to retirement age have savings of less than $10,000. One in six new Social Security recipients has no retirement savings whatsoever. The problem is particularly acute for modest-income workers. Among the millions in this country with incomes of less than $25,000 a year, fully 42 percent report no retirement savings. And in the baby-boom generation which is rapidly approaching the retirement period, only one in three baby-boomers is on track in their savings for a financially secure retirement.

Mr. Speaker, by focusing on education, the SAVER Act takes an important step in turning this retirement crisis around. A key ingredient in achieving a secure retirement is knowledge, knowing what savings opportunities are out there, knowing how compound interest can work for you, knowing how to plan for retirement throughout one's career, and knowing some basic investment strategies.

Too many people simply lack this information, and we must step up the education efforts so that all Americans will have the tools to plan and save for their own retirement. Retirement education efforts in the workplace have proven enormously effective in getting employees to participate in their 401(k) and pension plans and in providing them with basic information about retirement savings. Yet, more than half of all private sector workers do not have access to a retirement plan at work, and so they miss out on these educational efforts.

The SAVER Act addresses this need by involving the Government in a broad public-private partnership to educate American workers about retirement savings. Specifically, the act directs the Department of Labor to maintain an ongoing program of outreach and education about retirement planning. It convenes a series of national summits on retirement savings at the White House over the next decade. These focused and high-profile efforts will help get the message about the importance of savings to every American so that retirement information no longer depends on the good fortune of having a pension plan at work.

Today, with our retirement system undergoing profound change, education is more important than ever before. For the first time, many Americans are now relying on defined-contribution plans such as 401(k)'s rather than the traditional defined-benefit pension plans for their retirement security.

While 401(k)'s are quite popular with employers and employees alike and offer some undeniable advantages, they also involve a substantial shift of retirement risk from the employer to the worker. Employees must decide what portion of their income to contribute, how to invest their contributions, whether to take loans or withdrawals from their accounts, and how to use their 401(k) savings wisely over the course of their retirement. All this adds up to more risk on the shoulders of individual workers, who may or may not be ready to accept this additional risk.

And the risk for those without retirement plans at the workplace, who must save for retirement all on their own, are even greater. The education about retirement planning and savings authorized by the SAVER Act will help individuals manage their new-found retirement responsibility.

Mr. Speaker, it is my hope that the SAVER Act represents a first step in what will be an ongoing series of bipartisan efforts to enhance retirement secured by expanding pension coverage, increasing pension participation, and boosting permanent savings rates.

While education is critical, it is not the where-all and end-all at getting at this problem; it must be paired with efforts to get more workers covered by retirement plans and the development of a comprehensive national strategy for achieving retirement security.

Along these lines, I am pleased to have joined with my good friends, the gentleman from Illinois, Chairman FAWELL, and the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, in introducing legislation that spurs pension coverage of small business employees and cuts pension redtape for small business.

Just this past Friday, we introduced H.R. 1656, the Secure Assets for Employees Plan Act of 1997, also known as SAFE Act. This will allow small businesses to offer simplified defined-benefit pension plans. SAFE plans will provide all small business employees with a secure, fully portable retirement benefit without choking small business with complex rules and regulations they simply cannot afford.

Unfortunately, only 24 percent of small business employees today have access to a retirement plan at work. We have got to do better than that. I look forward to working with Chairman FAWELLto advance the SAFE Act so that more small businesses can offer pension benefits to their workers.

Mr. Speaker, today I am introducing another piece of legislation which I believe will help advance our Nation's retirement policy. This bill, the Retirement Savings Commission Act of 1997, will create a specific national commission to examine the scope of the retirement savings crisis and recommended policies to help improve the economic security of retirement workers. The Retirement Savings Commission will be the only Federal panel solely charged with exploring pension and savings issues that will help us develop the comprehensive national strategy on retirement savings that we have so sorely lacked in the past.

We have had Social Security commissions, we have had Medicare commissions, but we never looked in a dedicated way at the variety of private savings opportunities and assessed whether or not we have a coherent national strategy for private retirement savings.

In conclusion, Mr. Speaker, let me again congratulate the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] for their leadership on this issue and for the excellent bill they have crafted in the SAVER Act. I urge all my House colleagues to advance the cause of retirement education and support this bill, and I look forward to working in the weeks ahead to see that this measure is quickly passed by the Senate and signed by the President.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey, the ranking member, [Mr. PAYNE], for their leadership in recognizing the importance of preparing for retirement. It is not too often that we see such bipartisanship on legislation passed out of the Committee on Education and the Workforce. This was one of those examples. But it is not a partisan issue, it affects everyone, whether you are a Democrat, a Republican, an Independent.

There is a common problem that we have: All of us either live too long or we die too soon. And speaking about the former, investing for retirement is not easy. It takes discipline; it takes foresight. Too often we put off until tomorrow what we should do today. I believe Congress has an opportunity to play a major role in educating the public about retirement preparation, and that is why I am in strong support of the SAVER Act, the so-called Savings Are Vital to Everyone's Retirement Act.

Mr. Speaker, there are several things we know about the current status in America. We know that the average retiree can no longer rely upon Social Security benefits as their sole means of retirement income. We also know workers are not taking advantage of savings opportunities available through 401(k) plans, IRA's, and the rest.

Again, education and outreach are both vital. The SAVER Act begins the process that will highlight on a national level the importance of educating individuals about retirement savings. First, as has been pointed out by the chairman and others, it directs the Department of Labor to maintain an ongoing program of education and outreach. Second, the SAVER Act convenes a national summit on retirement savings.

Mr. Speaker, I believe it is time that we begin to recognize that there are Federal barriers to retirement. Call them disincentives if you will. But investing is complex enough without adding the many Federal barriers. By identifying those barriers, we in Congress can begin to develop a system that is investor friendly and not investor prohibitive, and Congress must be aware of these so that we can move those disincentives out of the way.

Last, I am glad to see that Congress is taking a proactive role in educating the public about the benefits of retirement planning. The fact is, and I believe this has already been pointed out, the more a person understands about the benefits of retirement planning, the more likely that person will plan for retirement. And the sooner we begin to educate, the sooner we can defuse this retirement time bomb.

I again thank the gentleman from Illinois, [Mr. FAWELL], and the gentleman from New Jersey, ranking member PAYNE, for their work.

Mr. FAWELL. Mr. Speaker, I have no further colleagues here ready to speak at this time. I yield myself such time as I may consume for just a couple of short points.

I think the gentleman from Connecticut mentioned a salient point in regard to substantive legislation which is pending before the Congress, substantive issues. I think it is important to stress that what we have in this legislation certainly is basically a broad-based education for the country in general so that workers and employers and the public in general can better comprehend what the challenges are before us as we look to those golden years ahead of us. But also, it brings together in a very bipartisan fashion people from both sides of the aisle and brings also the private sector into being here.

For instance, it would bring into action the American Savings Education Council, which is a partnership of over 200 private and public sector institutions, including organizations like IBM, American Express, the Employee Benefit Research Institute, many, many entities, and all in a nonpartisan atmosphere. So that I think, especially in a White House summit, that would be part and parcel of this legislation. We would be able to address ourselves perhaps more objectively and more dispassionately to some of the substantive issues which are before us here in Congress which would perhaps otherwise we may not be able to do.

I would be the first to admit that there are important substantive issues. And I so very much appreciate my colleague from New Jersey [Mr. PAYNE] and the tremendous help that he has extended to me in regard to this area of deep interest.

Mr. Speaker, that is all that I do have to say. I am not sure if my colleague on the other side of the aisle, [Mr. PAYNE] has any further comments to make.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to conclude by once again thanking the gentleman from Illinois [Mr. FAWELL] for the cooperative spirit that we have on this very important bill. It seems like the theme is bipartisanship, and it shows that progress is being made. Some of us never felt that that would be a word uttered by us, but we see that we are moving in a new direction. I hope it is the right direction. But certainly, we look forward to this legislation moving forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to speak in support of H.R. 1377 to encourage greater investment savings to strengthen the retirement security of our Nation's working men and women.

There are over 51 million Americans who do not have retirement savings. The range of savings for our citizens in the 1980's was 7 to 10 percent. Today the savings rate on average is a little over 4 percent.

Social Security with each passing decade is becoming more and more a supplement to retirement and not just a sole means of income for retirement for those who have sufficient incomes to allow for savings.

In 1980, the Employment Retirement Income Security Act allowed 57.9 million people to participate in private pension programs sponsored by employers and employees, and by 1992 the number had grown to 81.9 million participants.

The total amount of contributions into private pension programs has grown from $66.2 billion in 1980 to $128.8 billion in 1992.

Although these numbers are encouraging they are still far from what they should be with a total national work force of 124 million according to the Statistical Abstract of the United States. The reality for most working Americans is closer to little or no savings. For most, retirement income does not enter into their minds until the time just before retirement. This is far too late to make needed plans to enhance retirement income and further secure their financial security.

I am a strong advocate of any change in our Nation's savings habits which would further strengthen the retirements of women and minorities. These two groups are disproportionately affected by low savings rates because of a much lower earnings rate on average than white males.

If we are to overcome the disparities in the retirement habits of our Nation, we must deal with income levels and the cost of living in different regions around the Nation.

The average annual pay in the city of Houston in 1994 was $30,000. A $30,000 a year income in Houston for a family of four would allow for little savings. Cost of living from region to region or even within States are not equal and this should be taken into account as we work to encourage greater savings and retirement planning.

I ask my colleagues to support this effort to encourage greater savings among our Nation's workers. I would also ask that as other opportunities arise for use to raise the earnings potential or savings rates of minorities that we act.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 1377, the Savings are Vital to Everyone's Retirement Act [SAVER]. Although I applaud the good intentions of the sponsors of this bill, I must oppose H.R. 1377 for two reasons.

First, the proper level of savings should be determined by the free choices of individuals acting in the market. Saving should be a voluntary decision, undertaken because individuals value the greater future rate of return from saving over the value of present consumption not because the Government instructed them that they needed to save. We in Washington cannot judge what the correct level of savings is for any individual much less the entire country. I ask my colleagues, if this program increases the rate of savings beyond the level Congress considers necessary, will we then enact a "Spending is Vital" bill to encourage greater consumption?

Second, and perhaps more importantly, H.R. 1377 ignores the primary reason Americans forgo savings: Government policies that discourage the American people from saving. Even creating a Department of Labor-run education program and spending a million dollars on a series of White House conferences will further reduce the rate of savings as payment for these new initiatives will come either from taxes paid directly by the American people or from inflating the currency to monetize the national debt, thus eroding American's purchasing power. Either way, working Americans will be left with less funds available for saving.

I respectfully suggest that it is not the people who need a savings education. They especially do not need it from a government which, the recent claims of the leadership and the administration notwithstanding, cannot balance its own books. Rather, Congress needs to be educated on how the interventionist policies of this Government are eroding the people's standard of living and making it nearly impossible for many Americans to save an adequate amount for their retirement, or any other vital needs, such as their children's education.

Today, the average American pays more than 40 percent of this income in Federal, State, and local taxes. Thus, before the average American even has a chance to consider saving, a substantial portion of his paycheck is stripped from him in order to fund the welfare-warfare state. Federal tax policy further discourages savings through the exorbitant Federal taxes on capital gains, estates taxes, and the double taxation on corporate dividends.

Government policy further reduces incentives Americans have available for savings through the inflationary policies of the Federal Reserve, which erode the average consumer's purchasing power. The average consumer must spend an ever-increasing share of his or her income purchasing necessities, meaning they have less income available to devote to savings. Today, prices are more than 15 times higher, in normal terms, than when the Federal Reserve was established.

This diminishing purchasing power also creates a disincentive to save. When one's earnings will purchase more today than they will in the future, the rational action may very well be to spend the funds in the present. After all, who would trade a dollar's worth of goods today for 50 cents worth of goods in 20 years?

Clearly, a major reason why the United States has a low rate of saving is the crushing tax burden imposed on the American people by the Government and the erosion of their purchasing power. Yet, rather than address how Government policy is destroying American's ability to save, Congress is planning to spend more taxpayer money to educate the American people on the importance of saving.

Mr. Speaker, the American people neither need nor want Congress to spend another penny of their hard-earned tax dollars on educating them on the importance of savings, and they certainly do not need the Federal Government to spend a million dollars to create a conference on savings. Rather, Congress must cease all unconstitutional spending, cut taxes, and prohibit the Federal Reserve from debasing the currency.

Therefore, I urge my colleagues to vote against H.R. 1377, and instead join me in working to eliminate the true obstacle to savings: the unconstitutional leviathan state that is jeopardizing the economic future of America and destroying the American people's incentive to save.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

☐ 1130

The SPEAKER pro tempore [Mr. COBLE]. The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and pass the bill, H.R. 1377, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1377.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RIEGLE-NEAL CLARIFICATION ACT OF 1997

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, as amended.

The Clerk read as follows:

H.R. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may cited as the "Riegle-Neal Clarification Act of 1997".

SEC. 2. INTERSTATE BRANCHING.

Subsection 24(j) of the Federal Deposit Insurance Act (12 U.S.C. 1831a(j)) is amended to read as follows:

"(j) ACTIVITIES OF BRANCHES OF OUT-OF-STATE BANKS.—

"(1) APPLICATION OF HOST STATE LAW.—The laws of a host state, including laws regarding community reinvestment, consumer protection, fair lending, and establishment of intrastate branches, shall apply to any branch in the host State of an out-of-State State bank to the same extent as such State laws apply to a branch in the host State of an out-of-State national bank. To the extent host State law is inapplicable to a branch of an out-of-State State bank in such host State pursuant to the preceding sentence, home State law shall apply to such branch.

"(2) ACTIVITIES OF BRANCHES.—An insured State bank that establishes a branch in a host State may conduct any activity at such branch that is permissible under the laws of the home State of such bank, to the extent such activity is permissible either for a bank chartered by the Host State (subject to the restrictions in this section) or for a branch in the host State of an out-of-State national bank.

"(3) COORDINATION WITH SECTION 44.—No provision of this subsection shall be construed as affecting the applicability of any State law of any home State under subsection (b), (c), or (d) of section 44.

"(4) DEFINITIONS.—The terms 'host State', 'home State', and 'out-of-State bank' have the same meanings as in section 44(f).".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentleman from Minnesota [Mr. VENTO] each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider very important legislation to clarify the Riegle-Neal Interstate Banking Branching Efficiency Act of 1994. H.R. 1306 will help to protect the dual banking system by preserving the State banking charter as a viable and effective option for State banks that wish to operate in an interstate environment.

It is essential, Mr. Speaker, I stress, to pass this legislation by June 1. On that date, interstate branching becomes effective in 48 out of the 50 States. In the interstate environment that will exist after that date, State banks will be at a distinct disadvantage to national banks if we fail to take this action today. Failure to remedy this disadvantage will certainly have a negative and counterproductive effect on our dual banking system.

The essence of this legislation is to provide parity between State-chartered banks and national banks. This bill does not authorize, and I stress this, does not authorize new powers for State banks. It preserves the right of a State to decide how banks that it charters and supervises are operated and what activities those banks can conduct. For example, a New Jersey bank branching into New York State will have to comply with New Jersey law concerning the composition of its board of directors. Another example is that if a New Jersey State-chartered bank branches into New York and is permitted to sell securities in New Jersey, it may do so in New York if New York State banks are permitted to do so or national banks in New York may do so.

This legislation is critical to the survival of the dual banking system. The dual banking system provides an important choice between the State or national bank charters and has served this country well for over 100 years. I believe it deserves to be reinforced.

In addition, a strong State banking system is necessary for the economic well-being of the individual States and for innovation in financial institutions. It is well known in financial circles how innovative and creative State-chartered banks have been, indeed, setting standards that have ultimately been established at the national level.

This legislation is also important for consumers, because if we do not enact this legislation, State banks will likely convert to a national charter. Certainly the incentive will be there. The end result could be that there will be no consumer protection at the State level. Those protections are sometimes stronger than the basic consumer protections of Federal law. In addition, it preserves the viability of the State charter option for banks that want to branch into other States.

Some at the State level claim that this legislation will harm States rights, but I must stress there should be no misunderstanding that this legislation will preserve that right and, more important, the ability of the States to charter banks and decide how those banks will operate and what activities they will conduct. It enhances that. Moreover, it recognizes the importance of host State laws by requiring all out-of-State banks to comply with host State laws in four key areas, community reinvestment, consumer protection, fair lending, and intrastate branching, unless the State law has been preempted by national banks. In that instance the law of the State which issued the charter will prevail.

In recognition of the importance of H.R. 1306 and preserving the State banking system and the fundamental rights of the States to charter banks, this legislation has broad and overwhelming support from many State representatives. I want to stress this. It is an indication of how it does protect the dual banking system. We have received the wholehearted endorsement of the National Governors Association, which represents the views of all the 50 State Governors, and, by the way, many of those State Governors, a minimum of 35, have individually endorsed this legislation. The Conference of State Bank Supervisors supports this legislation, and 35 State banking commissioners have made their voices heard with additional individual letters of support. The IBAA, the Independent Bankers, a number of State banking associations, and the Federal Reserve have all expressed support for this legislation. I would add that even the opposition, initial opposition, I stress initial opposition, from the State legislators is not complete. We have received many letters and testimony of support from individual State legislators.

The legislation today incorporates three changes to further clarify the original intent of Riegle-Neal.

First, the bill clarifies the home State law of a State bank must be followed in situations in which a specific host State does not apply to a national bank. For example, if a Minnesota State-chartered bank branches into Wisconsin, it will be required to follow the lending limits established by Minnesota, not Wisconsin.

The second point that I wish to clarify is that H.R. 1306 ensures that when a State bank conducts activities in a host State, it will meet the conditions applicable to the exercise of the activity by either the State banks or the national banks.

Finally, this legislation reiterates that certain provisions of Riegle-Neal relating to antitrust, State filing requirements, and taxation are not changed by this amendment.

I certainly want to thank the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services, certainly our colleagues on the other side, the gentleman from Minnesota [Mr. VENTO] and the gentleman from New York [Mr. LAFALCE] for their cooperation and continued willingness to work in a bipartisan manner to craft this bill. I believe that it is a good bill that will go a long way to preserving the integrity of the dual banking system in an interstate climate.

Mr. Speaker, I include for the RECORD the endorsements from the National Governors Association, the individual Governors' letters, the Conference of State Bank Supervisors, the Independent Bankers Association of America, and the Federal Reserve Board endorsements of this legislation, as follows:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Washington, DC, April 30, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, Committee on Banking and Financial Services, House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: You have requested the Board's views on the Riegle-Neal Clarification Act of 1997. In 1994, Congress enacted the Riegle-Neal Interstate Banking and Branching Act (Riegle-Neal Act) to establish a framework that would govern interstate branching. Beginning on June 1, 1997, the Riegle-Neal Act permits banks to establish branches on an interstate basis through mergers with other banks, unless a state has affirmatively chosen by that date not to permit interstate branching within that state. To date, 48 states will permit interstate branching by merger on June 1, 1997.

The Riegle-Neal Clarification Act of 1997 is an effort to create parity between national and state-chartered banks in operating out-of-state branches. The Riegle-Neal Act created an ambiguity for state-chartered banks with interstate branches that puts state banks at a disadvantage in operating interstate branches. The ambiguity involves the types of state laws that would apply to the operation and activities of interstate branches of that state bank. The Riegle-Neal Clarification Act of 1997 seeks to clarify this ambiguity by subjecting the interstate branches of state banks to the same laws of the host state that apply to interstate branches of national banks. Under the Riegle-Neal Clarification Act of 1997, state banks and national banks would equally be subject to the community reinvestment, consumer protection, fair lending, and intrastate branching laws of the state in which the branch operates.

The Board believes that this legislation is important in maintaining the health of the dual banking system. It removes an unnecessary obstacle to interstate branching by state banks while at the same time preserving the ability of states to establish uniform practices for all interstate branches in areas that are of particular concern to the states. Accordingly, the Board supports passage of the Riegle-Neal Clarification Act of 1997 and urges Congress to enact this legislation prior to the June 1, 1997, effective date of the Riegle-Neal Act.

Sincerely,

ALAN GREENSPAN,
Chairman.

INDEPENDENT BANKERS
ASSOCIATION OF AMERICA,
Washington, DC, May 15, 1997.

DEAR REPRESENTATIVE: On May 7, the Financial Institutions Subcommittee of the House Banking Committee unanimously voted out H.R. 1306, the Riegle-Neal Clarification Act of 1997. The bill is designed to correct an oversight in the Riegle-Neal Interstate Banking and Branching Act that harms the dual banking system by giving national banks a decided edge over state chartered banks that operate interstate. The Independent Bankers Association of America is the only national trade association that exclusively represents the interests of our nation's community banks.

Currently, national banks are subject to the same rules in every state in which they operate. State banks, in contrast, are subject to different operating rules in every state in which they have branches. Therefore, there is no consistency in the operations of an interstate bank with a state charter. This is an incentive to any bank that wishes to operate on an interstate basis to do so from a national charter.

The Riegle-Neal Clarification Act clarifies that generally, state chartered banks will operate under the laws of their chartering state wherever they do business, up to the powers of national banks. State chartered banks would remain subject to host state laws on intrastate branching, community reinvestment, consumer protection, and fair lending laws.

The dual banking system has helped to create the strongest, most efficient, and safest banking system in the world. As we enter the age of interstate branching, it is important that the impact of the states be felt, through state chartered banks, to insure that the positives of the dual banking system are felt in the interstate arena.

Therefore, the IBAA urges you to support H.R. 1306 when it comes up for a vote. Thank you.

Sincerely,

RONALD K. ENCE,
Director of Legislative Affairs.
PETER M. KRAVITZ,
Legislative Counsel.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, April 30, 1997.

Hon. MARGE ROUKEMA,
Chair, Financial Institutions and Consumer Credit Subcommittee, Committee on Banking and Financial Services, U.S. House of Representatives, Washington, DC.

Hon. BRUCE VENTO,
Ranking Member, Financial Institutions and Consumer Credit Subcommittee, Committee on Banking and Financial Services, U.S. House of Representatives, Washington, DC.

DEAR MADAM CHAIR AND REPRESENTATIVE VENTO: We are writing to express our support for the Riegle-Neal Clarification Act of 1997, which is designed to ensure that implementation of the Riegle Neal Interstate Banking Act does not unintentionally disadvantage state chartered banks.

During negotiations over the act, the Governors worked to ensure that states had ample time to develop state implementing legislation on an issue in which Congress had taken ten years to reach consensus. The three-year timeline for states was ambitious, but all states have now considered interstate banking and branching legislation. In addition, state banking commissioners, through the Conference of State Bank Supervisors, have developed regulatory agreements that permit state banks to use a one-stop approach for application, approval, and supervision when branching interstate. This ensures that states retain control over the conduct of state-chartered banking operations and that state banks remain competitive with the national bank system.

However, Governors believe legislation is needed to ensure that state-chartered banks that branch interstate can remain competitive with national bank branches. specifically, state-chartered banks need to be certain which host state laws they are subject to and which powers they may exercise consistently. National banks have certainty or consistency in both of these areas. Policy adopted by the National Governors' Association asserts that federal law must not disadvantage state-chartered banks.

The existence of a competitive state charter is the foundation of our dual banking system. The dual banking system has been the source for almost all the major innovations in our banking industry, from deposit insurance to branch banking to interstate branching. Weakening the state charter can only harm the dual banking system, harming both consumers and the industry. The proposed legislation will restore balance to our dual banking system by ensuring that a state charter provides the same certainty and consistency as its federal counterpart. Therefore, we urge Congress to adopt the Reigle-Neal Clarification Act as law before the nationwide trigger to interstate branching on June 1, 1997.

Please call on us if we can be of any further assistance in supporting this legislation. Thank you for your consideration in this matter.

Sincerely,

GOV. PAUL E. PATTON,
Chair, Committee on Economic Development and Commerce.
GOV. EDWARD T. SCHAFER,
Committee on Economic Development and Commerce.

STATE OF ARIZONA,
EXECUTIVE OFFICE,
Phoenix, AZ, April 3, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, House Banking Committee, Washington, DC.

DEAR CONGRESSWOMAN ROUKEMA: Thank you for scheduling your Subcommittee so that you may receive testimony on the legislative proposal which seeks clarification of the Riegle-Neal Interstate Banking and Branching bill. I want to be certain that our state chartered banks can remain competitive in our dual banking system.

Our Arizona State Banking Department is continuing to receive applications for new banks. If these amendments are not approved by Congress, it is quite possible that new applications would all be for a national charter.

It is my recommendation that you and your Committee respond positively to these amendments as proposed by the Conference of State Bank Supervisors.

Sincerely,

FIFE SYMINGTON,
Governor.

STATE OF MISSISSIPPI,
OFFICE OF THE GOVERNOR,
Jackson, MS, February 4, 1997.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: I am writing to ask for your support concerning the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. This Act will have a significant impact on the viability of State bank charters for financial institutions that wish to operate in more than one state.

The trigger date for nationwide interstate branching is June 1, 1997. Banks that operate in more than one state are deciding whether a National or State bank charter would better meet their needs in this new environment. To preserve the State charter as an attractive choice for all banking organizations, all 50 states, the FDIC, and the Federal Reserve have signed agreements to recognize a multi-state bank's home state as the primary authority for supervision and regulation.

Unfortunately, some believe that Riegle-Neal is ambiguous on the application of host state laws to the branches of out-of-state, State-chartered banks, leading to uncertainty on the part of many banks. Certainty about the legal requirements for host state branches is an important consideration in the choice of a National or State charter.

We are asking Congress to provide this certainty and to eliminate any ambiguity with an amendment clarifing that, in general, home state law applies to out-of-state branches of State-chartered banks and that host state law applies only to those branches to the same extent that it applies to out-of-state branches of National banks. In addition, host state branches should also be allowed to exercise powers granted by their home state, at least to the extent allowed for national banks operating in that state.

Resolving these perceived problems is critical to the survival of State-chartered interstate banks and ultimately to the well-being of the dual banking system. The banking industry currently perceives that Riegle-Neal gives an advantage to national banks in the interstate environment. Federal legislation to resolve this problem will restore the balance necessary to maintain our dual banking system, especially if enacted before the June 1st trigger date for nationwide interstate branching. In his letter to you, Acting Commissioner John S. Allision included background materials, talking points, the amendment, and the changes to current law. I encourage you to support this effort.

Sincerely,

KIRK FORDICE,
Governor.

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, NJ, March 31, 1997.

Hon. MARGE ROUKEMA,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: I understand that as chair of the House Banking and Financial Services Committee's Subcommittee on Financial Institutions and Consumer Credit, you will soon be introducing legislation to clarify a provision of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. Your legislation will preserve the viability of the state banking charter for those banks in our state that wish to operate in other states.

For decades, the nation's dual banking system has served consumers and businesses well. Many of the innovations we now take for granted—including checking accounts, ATMs, and adjustable rate mortgages—were all initiated by state banks. In addition, giving financial institutions the choice between seeking a state or a national charter has helped keep regulatory agencies efficient and regulatory costs lower.

Under the provisions of Riegle-Neal, state banking systems were given until this June to prepare for interstate banking. However, many state systems have been facing difficulties in meeting this deadline because Riegle-Neal is unclear regarding the issue of which state law applies to an interstate branch of a bank holding a state charter. To put it simply, it did not fully address whether, for example, the branch of a New Jersey state-chartered bank operating in New York would be governed by New Jersey state banking law or New York state banking law.

Your bill would clear up the ambiguity in Riegle-Neal by making it clear that, in general, the state in which a bank is chartered will govern the activities of all of that bank's branches, even those operating in other states. This provision would apply only to the extent that either a host state law allows or to the extent allowed for a national bank. Your legislation provides state chartered banks the certainty necessary to make the decision whether or not they want to branch out into another state.

As a Governor, I believe it is important that states retain the ability to decide what activities banks it charters and supervises can undertake. This legislation does not grant state banks any new powers, it simply retains authority that has long been theirs.

I am writing to the New Jersey delegation and your colleagues on the Banking and Financial Institutions Committee urging them to express their support for our dual banking system—and for the important role of the state banking system in our national economy—by cosponsoring your legislation.

Sincerely,

CHRISTINE TODD WHITMAN,
Governor.

GOVERNOR PETE WILSON,
STATE CAPITOL,
Sacramento, CA, May 9, 1997.

Hon. JIM LEACH,
House of Representatives,
Washington, DC.

DEAR JIM: I am writing to ask for your support on the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, which will have a significant impact on the viability of state bank charters for financial institutions wanting to operate in more than one state.

June 1st is the trigger date for nationwide interstate branching, and banks operating in more than one state are deciding whether a national or state bank charter would better meet their needs in this new environment. To preserve the state charter as a viable choice for all banking organizations, all 50 states, the Federal Deposit Insurance Corporation and the Federal Reserve have signed agreements to recognize a multi-state bank's home state as the primary authority for supervision and regulation.

Unfortunately, some believe that Riegle-Neal is ambiguous on the legal application of host state laws to the branches of out-of-state and state-chartered banks. This ambiguity is causing uncertainty on the part of some banks. Certainty about the legal requirements for host state branches is an important consideration in the choice of a national or state charter. As a result we are asking Congress to provide this certainty and eliminate the ambiguity with an amendment.

Fixing these perceived problems is critical to the survival of state-chartered interstate banks, and ultimately to the well-being of the dual banking system. The banking industry currently perceives that Riegle-Neal gives an advantage to national banks in the interstate environment. Federal legislation to resolve this problem will restore the balance necessary to maintain our dual banking system, especially if enacted before the June 1st trigger date. I urge you to support this legislation.

Sincerely,

PETE.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Des Moines, IA, April 23, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN ROUKEMA & MEMBERS OF THE SUBCOMMITTEE: I am writing to express my strong support for the swift passage of H.R. 1306, your legislation to clarify the Riegle-Neal Interstate Branching Efficiency Act.

My concern about the law as it currently stands is that Iowa state-chartered banks feel uncertain about which laws apply to them when they branch across state lines. National banks in Iowa feel no such uncertainty. Like all businesses, banks prefer to operate in an environment of certainty. If we cannot remedy this situation, state-chartered banks that want to operate across state lines will convert to national charters.

As a Governor, I am Iowa's top economic development officer. I am the individual ultimately responsible for ensuring and protecting the economic opportunity for all of Iowa's citizens and businesses. I believe that it is critical to the economic well being of my state to maintain a strong state banking system. In Iowa, there are 57 national banks and 408 state chartered banks. Your legislation is necessary to keep the state banking charter a viable option for state chartered institutions that wish to operate in an interstate environment.

Riegle-Neal clearly establishes that host state law applies to the branches of out of state banks in four key areas: intrastate branching, community reinvestment, consumer protection, and fair lending. This important provision ensures that our state can continue to protect our citizens through legislation that applies equally to all banks.

In other areas, it seems simplest to follow the "home state/host state" model created by Riegle-Neal. An Iowa state-chartered bank is an Iowa state-chartered bank no matter where it operates; therefore, it makes sense that it continue to operate under Iowa laws, except in those four areas carved out for both national and state-chartered banks.

The reason for our dual banking system is that both state and federal governments recognize banks as powerful tools of economic policy. If Iowa loses its ability to supervise and regulate banks—or even if Iowa is left with only the smallest banks to regulate—it also loses its ability to affect public policy and economic development through banking law and regulation.

The National Conference of State Legislatures has expressed concern about ceding some of the individual state legislature's authority over institutions chartered by other states. Without these amendments, however, I believe that the legislatures and the governor's offices around the country will lose even more of their authority over their own state chartered institutions, as these institutions opt for a federal charter.

Iowa has done an excellent job in crafting a state banking charter that meets the needs of our communities and contributes to the economic well being of the state. Unfortunately, without your legislation, this perceived advantage to having a national bank charter when a bank chooses to operate in more than one state will lead to these institutions opting for a national charter. Unintended policies that create artificial incentives to convert to a national charter are devastating to the dual banking system, and threaten state economic policy.

A meaningful choice between a state or a national banking charter is the essence of the dual banking system. The dual banking system has served this country well for over 100 years and has promoted an efficient, flexible and innovative delivery system for financial services around this country. Your legislation will restore balance to our dual banking system by ensuring that a state charter provides the same consistency and certainty as its federal counterpart. Therefore, I urge Congress to adopt your legislation as law before the nationwide trigger to interstate branching on June 1.

Sincerely,

TERRY E. BRANSTAD,
Governor of the State of Iowa.

STATE OF NEBRASKA,
Lincoln, NE, April 18, 1997.

Representative JACK LEACH,
Rayburn House Office Building, Washington, DC

DEAR REPRESENTATIVE LEACH: I am writing to share my thoughts and ask for your support on an important issue concerning the impact Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 will have on the continuing viability of the state bank charter for financial institutions that wish to operate in more than one state. I have always been a strong supporter of the dual banking system and feel it needs to be preserved.

As the law stands now, Riegle-Neal creates an unintended incentive for a state-chartered bank to switch to a national charter in order to enjoy the full benefits of interstate branching. Current law may disadvantage host state branches of state-chartered banks in the area of powers. Under current law, state-chartered banks whose home states authorize powers comparable or superior to those of national banks relinquish these powers when they branch into states where bank powers are more restrictive than those of national banks.

When confronted with these situations, it is not difficult to imagine a state-chartered bank in the home state switching to a national charter in order to facilitate their branching plans. A solution to this problem would be to allow a host state branch of a state-chartered bank to exercise home state powers to the same extent as a national bank or a bank chartered by the host state, whichever is greater. This would ensure that host state branches of state-chartered banks would not be at a competitive disadvantage to host state branches of a national bank.

Fixing this anticipated problem in Riegle-Neal before the June 1, 1997 trigger date for nationwide banking is important to the survival of state-chartered interstate banks. Fortunately, federal legislation to clarify this provision of Riegle-Neal has been introduced by Congresswoman Roukema in the House and Senator D'Amato in the Senate. In its simplest form, the issue boils down to parity for financial institutions operating in an interstate environment and, ultimately, the well being of the dual banking system.

Sincerely,

E. BENJAMIN NELSON,
Governor.

SOUTH DAKOTA DEPARTMENT OF
COMMERCE AND REGULATION,
March 19, 1997.

NEIL MILNER, CAE, CEO,
Pierre, SD, Conference of State Bank Supervisors, Washington, DC.

DEAR NEIL: I am sure you are aware the Governor is snowed under with legislation and other concerns, however, he did ask me to respond to your letter to him regarding the amendments proposed for Riegle-Neal, he supports CSBS's position, and he will be glad to help in any way he can. He had already directed me to contact each of congressional delegates and request their support which I have done. He also wanted me to thank you for your kind comments regarding his efforts and that he looks forward to seeing you and JC sometime soon.

The Governor also wanted me to specifically congratulate you on your new position and the work you are doing and that he looks forward to working with you in achieving the goals you have set for CSBS.

Very truly yours,

RICHARD A. DUNCAN,
Director of Banking.

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR
Olympia, WA, April 7, 1997.

Hon. MARGE ROUKEMA,
U.S. House of Representatives,

DEAR REPRESENTATIVE ROUKEMA: I am writing to ask for your support on an important issue concerning the impact the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 will have on the viability of the state bank charter for financial institutions that wish to operate in more than one state.

The trigger date for nationwide interstate branching is June 1 of this year. Banks that operate in more than one state are deciding whether a national or state bank charter would better meet their needs in this new environment. To preserve the state charter as an attractive choice for all banking organizations, all 50 states, the FDIC and the Federal Reserve have signed agreements to recognize a multi-state bank's home state as the primary authority for supervision and regulation.

Unfortunately, some believe that Riegle-Neal is ambiguous on the application of host state laws to the branches of out-of-state, state-chartered banks, leading to uncertainty on the part of many banks. Certainty about the legal requirements for host state branches is an important consideration in the choice of a national or state charter.

We are asking Congress to provide this certainty and eliminate any ambiguity with an amendment that clarifies that, in general, home state laws applies to out-of-state branches of state-chartered banks, and that host state law only applies to those branches to the same extent that it applies to out-of-state branches of national banks. In addition, host state branches should also be allowed to exercise powers granted by their home state, at least to the extent allowed for national banks operating in that state.

Fixing these perceived problems is critical to the survival of state-chartered interstate banks, and ultimately to the well-being of the dual banking system. The banking industry currently perceives that Riegle-Neal gives an advantage to national banks in the interstate environment. Federal legislation to resolve this problem will restore the balance necessary to maintain our dual banking system, especially if enacted before the June 1st trigger date for nationwide interstate branching. Enclosed are background materials, talking points, the amendment and the changes to current law. It is my understanding that Senator D'Amato is working on passing this important amendment. I urge you to support this effort.

Sincerely,

GARY LOCKE,
Governor.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, UT, April 22, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, House Banking Commission, Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: Thank you for sponsoring H.R. 1306, THE RIEGLE-NEAL CLARIFICATION ACT OF 1997, whose purpose is to preserve the viability of a state banking charter for those banks wanting to operate branches in other states. I understand the bill has twenty cosponsors, including Utah's representative, the Honorable Merrill Cook.

A strong state banking system is necessary to the economic well-being of my state. In particular, the state component of the dual-banking system has been valuable to the Utah economy. Utah has experienced a vibrant economy throughout the past decade. Both in response to and as a facilitator of the economy, the state has chartered five local commercial banks within the past five years. In contrast, in the last year alone, two large state-chartered banks operating in multiple states, including Utah, have converted to a national bank charter. My Commissioner of Financial Institutions, Edward Leary, informs me that the primary reason for the conversions was the uncertainty of law and powers facing state-chartered banks operating across state borders.

As a former businessman, I fully understand bankers' desire for certainty when operating in a multi-state environment. It seems to me that this bill ensures that states continue to have a strong voice in shaping both the current and future banking industry across this nation. It does so by restoring balance in the dual-banking system—something the Riegle-Neal Interstate Banking and Branching Act of 1994 expressly intended to maintain.

I respectfully urge you and your committee to respond positively to this bill as proposed by the Conference of State Bank Supervisors.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, NY, April 29, 1997.

Hon. JIM LEACH,
Chairman, House Banking and Financial Services Committee, Washington, DC.

DEAR CHAIRMAN LEACH: I urge you to support the passage of H.R. 1306, the Riegle-Neal Clarification Act of 1997. This bill would amend the Riegle-Neal Banking and Branching Efficiency Act of 1994 ("Riegle-Neal") to help maintain the viability and attractiveness of state banking charters as the era of nationwide interstate branching commences on June 1, 1997.

Riegle-Neal may be unclear as to whether consistent rules are used to determine what laws and powers apply to the out-of-state branches of state and federally-chartered banks. To the extent it remains uncertain that Riegle-Neal establishes rough parity between charters in this regard, some may conclude that the national bank charter is the preferable option.

H.R. 1306 would resolve any such ambiguity by making two important clarifications to Riegle-Neal. First, it would establish that a host state's law would apply to the out-of-state branches of a state-chartered bank only to the same extent that those laws apply to the branches of out-of-state national banks located in the host state. Second, it would make clear that host state branches would be allowed to exercise powers granted by their home state if such powers are permissible for either banks chartered by the host state or for national bank branches in that host state.

The recent decision by KeyCorp to consolidate its operations into one bank under a federal charter should serve as a wake up call to all of us who committed to the preservation of the dual banking system. I ask you to give H.R. 1306 your full support.

Very truly yours,

GEORGE E. PATAKI,
Governor.

STATE OF DELAWARE,
OFFICE OF THE GOVERNOR,
March 27, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, House Banking Committee, Washington, DC.

DEAR CONGRESSWOMAN ROUKEMA: I commend you on scheduling the subcommittee hearing to receive testimony on a legislative proposal which seeks clarification to the Riegle-Neal Interstate Banking and Branching bill. Under current law there is a strong incentive for state-chartered banks, with branches in other states, to convert to national banks. This perverse incentive was not contemplated by Congress when it passed Riegle-Neal in 1994 and should be clarified immediately.

The goal of the clarifying amendment is to keep the state banking charter a viable choice in an interstate environment, while keeping the state banking system flexible enough to remain laboratories for innovation in the financial services industry. The amendment is carefully crafted to allow a state-chartered bank to operate in a consistent manner across state lines, while not infringing on state sovereignty any more than is allowed by current law. Furthermore, the proposed amendment would clarify that certain compliance and consumer protection laws would continue to apply equally to national and state-chartered bank branches.

Without this amendment, a state bank that wants to conduct an activity that its home law allows, and which is also allowed for national banks, may switch to a national charter if it cannot conduct this activity as a state-chartered bank in a host state. This amendment only gives that bank the option of remaining a state chartered bank if it wishes to conduct the activities authorized by its own charter in all of the states in which it operates.

Thank you again for scheduling this important hearing. It is an important first step in Congress's attempt to clarify the intent of Riegle-Neal.

Sincerely,

THOMAS R. CARPER,
Governor.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, May 14, 1997.

Hon. BART STUPAK,
Washington, DC.

DEAR CONGRESSMAN STUPAK: I am writing to ask your support of the Riegle-Neal Clarification Act of 1997 (H.R. 1306), introduced by Representatives Roukema, Leach, and LaFalce. This important legislation concerns the impact the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 will have on the viability of the state bank charter for financial institutions that choose to operate in more than one state. This is an issue of significance to Michigan and Michigan state-chartered banks.

The trigger date for nationwide interstate branching is June 1 of this year. Banks that operate in more than one state are now deciding whether a national or state bank charter would better meet their needs in this new environment. To preserve the state charter as a viable choice for all banking organizations, all fifty states, the FDIC and the Federal Reserve have signed agreements to recognize a multi-state bank's home state as the primary regulator.

The problem addressed by the Clarification Act is ambiguity in Riegle-Neal on the application of host state laws to the branches of out-of-state, state-chartered banks, which has led to uncertainty on the part of many banks. Certainty about legal requirements for host state branches is a critical element in the choice of a national or state charter.

The proposed Clarification Act provides this certainty and eliminates any ambiguity. It clarifies, in general, that home state law applies to out of state branches of state-chartered banks, and that host state law only applies to those branches to the same extent that it applies to out of state branches of national banks. Additionally, host state branches would be allowed to exercise powers granted by their home state, at least to the extent allowed for national banks operating in that state.

Michigan Financial Institutions Bureau Commissioner Patrick McQueen and I support this legislation. We believe that the Clarification Act is critical to the survival of state-chartered interstate banks, and ultimately to the well-being of the dual banking system.

I urge you to support the Riegle-Neal Clarification Act of 1997 (H.R. 1306).

Sincerely,

JOHN ENGLER,
Governor.

COMMENTS OF SENATOR MARGARITA PRENTICE, WASHINGTON STATE SENATOR, 11TH DISTRICT—BEFORE THE U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT—APRIL 30, 1997

Good afternoon. I am Margarita Prentice, a state legislator from the state of Washington and the Ranking Minority member of our Senate Financial Institutions Committee. I very much appreciate the invitation to appear before this Committee and to have the opportunity to discuss banking policy in our state. I am here today to support H.R. 1306, the Riegle-Neal Clarification Act of 1997.

In 1996, I chaired the Committee that shepherded interstate branching legislation successfully through the state legislature. We enacted a bill to "opt in" early, and Washington state is now open to interstate branching.

I traveled 3,000 miles to be here today to support the efforts of the Washington Director of Financial Institutions, John Bley, and his colleagues from around the country in asking for your support for early passage of a clarifying amendment to Riegle-Neal.

Washington has always been a strong dual banking state. We currently have 21 national banks, 63 state-chartered banks, 15 state-chartered savings banks and seven federal savings and loans. We also have seven foreign banks offices, which have made a tremendous contribution to our development as a major trading center. The last three years, the state issued seven charters to new community banks seeking to serve our citizens.

The state charter has always been an important factor in Washington state's economic development policy. We have been able to provide credit to an expanding economy because we have an active banking sector. Economic development through credit availability was a priority of our former Governor, Mike Lowry, and continues to be a priority for Governor Gary Locke.

I applaud this Committee for the state options that you provided in Riegle-Neal. In fashioning Riegle-Neal in this manner, Congress ensured that each state could consider a wide range of policy choices, and then craft legislation that would meet the needs of each state. Giving the states this ability to carefully consider the issue and to make the policy decisions that were right for them helped the process and encouraged states to opt-in to nationwide branching.

We took the policy options you gave us and over a six month consensus building process worked out a bill for our state on a non-controversial, bipartisan basis with the support of all financial institutions, large and small.

We knew that the challenge to make the state chartered banking system viable in an interstate environment would be tremendous, not only to our state but to all states.

We were especially pleased that Director Bley was appointed to chair the Interstate Task Force set up through CSBS. For the past three years, this Task Force has worked to developed a system to make interstate branching work for state-chartered banks as well as national banks.

As you know, the nation's state bank supervisors have signed a historic cooperative agreement to make interstate branching work. Every state will be a home state and a host state. Unfortunately, if Congress does not pass H.R. 1306, this work may all have been for naught. Without a change in current law, banks may turn disproportionately to a national charter, making it difficult for local legislatures to set banking policy.

One of the most effective tools states have for economic development is their jurisdiction over state-chartered banks. If these institutions move toward a national charter, states will lose a great deal of their current ability to influence economic growth and productivity. Furthermore, the banking industry as a whole will lose the benefit of innovations that may begin at the state level and are later adopted on a national level.

When we considered how interstate branching was going to affect our citizens in the state of Washington, we understood the policy of "home state supervision" that you set forth in Riegle-Neal.

We understood that if a bank were headquartered in our state, our laws would apply to that institution wherever it chose to operate except in the areas of consumer protection, fair leading, community reinvestment and intrastate branching. We understood that host state law would apply to the same extent to both a national bank and an out-of-state, state-chartered bank. This means that banks chartered in Washington would have confidence in the laws applied to them when they branch out of state, and our consumers would have confidence in the laws that protect them when they use any bank, state or national, in our state.

We understood that the home state was the primary regulator, which was determined by where the charter was issued. Therefore, we believed that a bank chartered in Washington state, opening branches in California, would comply with the laws relating to the corporate governance of its Washington charter. California's laws in the area of consumer protection, community reinvestment, fair lending and intrastate branching would apply just like the system you have set up for national banks.

The dual banking system is important because it promoted efficiency, flexibility, innovations in our banking system industry. The states have been the testing ground for interest bearing checking accounts, adjustable rate mortgages and ATMs.

While the states have worked very hard to keep the state system competitive in our interstate environment, I'm here today to discuss with you the reality of what we are finding in Washington State. We opted in to interstate branching early, on June 6, 1996.

To date, only a very small number of banks have chosen to branch and keep a state charter. These are very small institutions that have crossed the border into Idaho.

However, we have also "lost" several large institutions who have chosen a national charter, and will be conducting a banking business in our state. These banks told us that the ambiguity in Riegle-Neal caused them to switch to a national charter because the national charter provides more certainty.

We do not believe this was your intention when the bill was passed.

Some have asserted that if you change Riegle-Neal now, the states that have already opted-in will have opted in under different rules. However, when we opted in, we believed that home states had the primacy over their institutions and therefore this amendment strengthens that view.

It has also been asserted that states could individually "fix" the problem that this amendment attempts to address. In Washington state, we have already authorized our banks to conduct, at any location, any activity that we have authorized.

Our problem is that time is running short. June 1, the nationwide trigger date, is upon us. It would be very difficult, if not impossible, for 50 state legislatures to enact this change. In our state, the legislature has already adjourned for this year. Even if 50 state legislatures were able to act, the federal law problem would still exist.

Our local communities and the state's role in public policy formation will suffer if Congress does not adopt these clarifying amendments to Riegle-Neal. It is true that traditionally, the states seek to defend their absolute authority over the financial institutions that operate within their borders. Some see these proposed amendments as a dangerous preemption of that authority. However, states will lose much more authority if they are no longer supervising state-chartered financial institutions, or are supervising only the smallest, community-based institutions. We must abandon our pursuit of the perfect to preserve the good; and our dual banking system has brought a great deal of good to our citizens, our businesses, and our banking industry.

The virtue of our dual banking system is that the states have the ability to affect economic development through policy decisions for our state-chartered banks. Clearly, if our largest, most influential banking institutions feel they must convert to national charters, this will seriously reduce our ability to affect our own economic destiny.

State-chartered institutions, and state regulation, are intimately connected to their local communities in a unique way. We want to make sure that all of Washington state's institutions have the opportunity to choose this connection. We want to make sure that federal law does not interfere with any bank's ability to choose freely between equally attractive state and federal charters.

I urge you to enact H.R. 1306 as quickly as possible to restore the necessary balance to the dual banking system and ensure that state charters remain a viable option for any financial institution that values its connection to its community.

Thank you for your attention. I would be pleased to answer any questions you may have.

Mrs. ROUKEMA. Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this measure. The legislation will maintain the dynamic balance between the chartering of national and State banks and banking systems. This is a necessary measure. It must be enacted to clarify and ensure the viability of America's dual banking system. This banking system has served our Nation well. The increased competition, intrinsic within the context of the dual banking system, has produced many new products for consumers, expanded credit opportunities for local communities and produced a vibrant American banking system.

However, with June 1 approaching, the implementation date for interstate branching, there is a concern that the law will lead to disparate treatment of national and out-of-State State chartered banks in a host State. Congress must act to address that possibility.

While I strongly support America's dual banking system, I do not believe that such a system should be maintained at any price. I recognized when we passed the law in 1994 that a consequence of the Riegle-Neal interstate banking and branching law which this legislation addresses could place State-chartered banks at a competitive disadvantage. However, if the cost of correcting this deficiency had been an overall sacrifice of consumer and community protection laws, overriding States rights or granting broad, new authority for banks, I would have objected to this measure.

This measure does not sacrifice consumer or States rights to maintain a viable dual banking system. Working with the gentlewoman from New Jersey [Mrs. ROUKEMA], subcommittee chairman, and the gentleman from Iowa [Mr. LEACH], the chairman, and others, the committee has been able to narrow and clarify the legislation. Instead of an overly broad approach, we have crafted a bill that will maintain a viable State banking system without unduly infringing on States rights and prerogatives.

Under this bipartisan legislation, State laws, particularly those affecting consumer protection, community reinvestment, fair lending, and intrastate branching will be preserved.

Only under the limited circumstances in which the Comptroller preempts host State laws for national banks will out-of-State State-chartered banks similarly be exempted from the laws of the host State. In those cases, the out-of-State bank will be required to follow its own home State laws as regards such activity.

Mr. Speaker, importantly we should keep in mind that in those instances, the home State law cannot be weaker than the Federal law. In fact, Federal law will be the floor and any home State law will be an additional protection for consumers within the host State.

Clearly, concerns still exist about the impact of the basic Riegle-Neal interstate law upon the State consumer protection, community reinvestment and fair lending laws. However, the basis of those concerns go to the original act, and the preemption authority of the Comptroller. This measure, H.R. 1306, the proposal we are considering, does not expand that authority. Rather, this measure harmonizes those actions to ensure that out-of-State State-chartered banks are treated the same as host State banks or national banks.

Mr. Speaker, when Congress did consider the original Riegle-Neal law, we did debate the national preemption authority. The House version of the interstate bill did eliminate the override authority. However, the House did not sustain that position in conference with the Senate.

I believe that both the gentleman from Iowa [Mr. LEACH], the chairman, and the gentlewoman from New Jersey [Mrs. ROUKEMA], subcommittee chairman, agree with me that the preemption authority of the Comptroller should not be liberally used. There must be a clear and overwhelming rationale for the exercise of such Comptroller power.

In the absence of this measure, however, most State banks with out-of-State bank branches will likely change to a national charter causing the atrophy of the dual banking State-national banking system. This measure clarifies the authority of State banks to engage in activities to the extent to which they can conduct any activity in a host State. This bill does not grant banks new powers. It respects home and host State regulatory authority with the appropriate Federal oversight to determine bank powers. The bill does provide a safeguard to limit the extent to which a bank may exercise its authority geographically and ensures a level playing field within a host State between banks.

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Mr. Speaker, the House Committee on Banking and Financial Services supports the bill banking system. This bipartisan bill is a needed step to ensure that our State banks remain a viable force in the marketplace, able to meet the needs of consumer and local communities.

I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, I rise today in support of this important legislation that preserves States' authority over a crucial area of their economic well-being while establishing greater competition in the banking industry.

As a member of the Committee on Banking and Financial Services in the House and in my previous experiences in the State senate, I have seen major changes in the financial and banking arena in the last few years. I have great concern about some changes because they allow large, out-of-State national banks to branch into almost any State. This may be good for the large, but many of us see it as a huge threat for many smaller State-chartered banks, the very same banks that make their livelihood in small towns making small loans to small businesses which, in my opinion, is the backbone of the Nation. The Riegle-Neal Clarification Act corrects this imbalance by preserving the State charter as a viable option for banks that seek to branch across State lines.

H.R. 1306 levels the playing field for small financial institutions and helps to maintain the dual banking system, which is an objective for many Members of this House. A vote for H.R. 1306 will be a vote for States rights, retaining State control over their economic direction. I urge my colleagues to vote for this important bill.

Mrs. ROUKEMA. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in support of H.R. 1306, and I urge its adoption.

Mr. Speaker, this Member rises in strong support of this important legislation which preserves the State bank charter as a viable, competitive alternative to the national bank charter. The dual banking system in the United States has been vital to the development of the world's strongest banking system. State-chartered banks are often the laboratory where new, innovative products are tested and perfected. Checking accounts, electronic funds transfers, and bank insurance sales were all introduced by State-chartered banks.

However, the dual banking system has come under assault recently. The Clinton administration has tried on no less than five occasions to impose Federal examination fees, or taxes, on State-chartered banks, only to have them rejected overwhelmingly by the House Banking Committee. Now, there is opposition to this legislation which was introduced to ensure that the Riegle-Neal Interstate Banking and Branching Efficiency Act will be implemented in a manner which meets its intended goal, which is to permit State-chartered banks to branch across State lines.

This Member was intimately involved in the original Riegle-Neal Act, and was concerned at that time that States' rights were protected. That's why this Member proposed and was joined by his distinguished colleague from Minnesota, Mr. VENTO, in offering the opt out provision which was eventually included in that act. However, this Member most certainly does not agree with the argument, being made by groups ranking from the Consumer Federation of America to Consumers Union and the National Conference of State Legislatures, that the bill is an assault on States' rights. This Member believes that this measure actually reinforces States' rights by maintaining the viability of the State charter by ensuring parity with the national bank charter.

Therefore, Mr. Speaker, this Member will vote in favor of this legislation and urges his colleagues to join him in approving this important protection of the dual banking system.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Minnesota for yielding this time to me.

Mr. Speaker, I would encourage all my colleagues to support this bill which I am very proud to have been an original cosponsor of and to support it because I do believe its passage is vital to maintain the dual banking system. It is the dual banking system that by giving banks a choice of Federal or State charters has helped to ensure that our U.S. banking industry has remained strong and competitive. By allowing this choice the dual banking system has created a healthy tension, indeed a competition, if my colleagues will, between the Federal bank charter and the State bank charter, and this has ensured that both Federal and State charters remain flexible, remain open to incorporating new market innovations. Indeed, many of the banking products which are commonplace today were first introduced under State charters and later incorporated into the Federal charter.

Now, when Congress passed the Interstate Banking and Branching bill of 1994, it did not, in my judgment, adequately anticipate the negative impact that it might have on State-chartered banks interested in branching outside their home States. However, in the 2½ years since that legislation passed it has become clear that State-chartered banks wanting to branch outside their home States are at a significant disadvantage relative to national banks branching outside their home State.

Why so? Well, it is due to the fact that the national bank regulator has the authority to permit national banks to conduct operations in all the States with some level of consistency. In contrast, under the existing interstate legislation State banks branching outside their home State must comply with a multitude of different State banking laws in each and every State in which they operate.

So the complications of complying with so many different State laws in order to branch interstate has led many State banks to conclude, and might lead even more to conclude, that it would be much easier to switch to a national Federal charter. It could get so bad that it could bring about the demise of the dual banking system. The legislation we are considering today attempts to prevent this from occurring.

Despite comprehensive agreements reached last year between all 50 State bank regulators, which attempted to equalize the situation between State and national banks, many State banks continue to find that there are simply too many legal complications and uncertainties to deal with in trying to determine applicable law.

The Interstate Clarification Act of 1997, today's bill, makes it clear that generally State-chartered banks branching outside their home State will operate under the laws of the host State except in narrow instances where host State law is inapplicable for the branches of an out-of-State national bank. Now this should contribute significantly to providing State banks with some degree of certainty and consistency as they conduct business in various States and should not artificially disadvantage either State or nationally chartered institutions.

It should be emphasized though that the new legislation does nothing to change the original law which requires both national banks and State banks to comply with the laws of the host State in four important areas of law, community reinvestment, consumer protection, fairer lending, and intrastate branching. Those host State laws must still apply.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE], a valuable member of the committee.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 1306, which will clarify the Riegle-Neal Interstate Banking Act to protect the viability of the State banking charter.

Our Nation has always had a dual banking system. A bank can choose a State charter or a national charter. As a former Governor, I can tell you how important maintaining a State charter is. An attractive State bank charter helps attract banking and business to a State. It helps produce jobs and revenue that help all citizens. This has been important to the success of Delaware and many other States.

As we enter the age of interstate banking and branching it is necessary to ensure that State banks can compete fairly with national banks as more banking is done between States and across the Nation. This legislation will ensure that there is a level playing field between State banks and national banks. At the same time, it will protect consumers and maintain all necessary safety and soundness standards for all banks.

This is an excellent bill that enjoys bipartisan support. I congratulate the gentlewoman from New Jersey [Mrs. ROUKEMA], the chairman, the gentleman from Minnesota [Mr. VENTO], ranking member, and the members of the committee and urge its passage.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the full Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and I will be very brief, and I just would like to thank her very much for her fine work in shepherding this bill through her subcommittee and would stress that, A, it has the strong support of the committee, it is procompetitive, it enhances competition between State and national banks and therefore is very proconsumer because it will give consumers more options and more places to do business. It makes prudential sense; it makes competitive sense. It is a modest bill, but nonetheless a significant bill, and because the timing in which certain other laws go into place, it is brought in a very timely basis to this floor, and I urge its adoption.

Mr. VENTO. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to conclude by again thanking my ranking member and all the members on the committee. We worked in a very positive bipartisan way to clarify any ambiguities that existed, we have refined those applications of the law with respect to consumers, and above all, we have, I think with this action, protected the dual banking system while at the same time gaining the advantages of interstate banking.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA} again for her work in terms of her managing this bill within the subcommittee, and the hearings that were requested, I think, were very helpful in terms of shaping and finally resolving some of the questions that I and other Members have and the leadership of our colleague from New York, one of the principle sponsors of this bill, a bill so important to his State he obviously gave great detail on that.

Mr. Speaker, again I would ask Members to support the bill.

Mr. BACHUS. Mr. Speaker. I rise today in support of H.R. 1306, the Riegle-Neal Clarification Act of 1997. I commend Chairwoman ROUKEMA for taking the lead on this issue and acting forcefully to make sure that interstate branching does not result in artificial impediments to the continued growth of State chartered banks. This bill will simply clarify the original intent of the Riegle-Neal Interstate Branching and Efficiency Act of 1994 which I cosponsored. This law, which goes into effect June 1, needs this clarification to fully address the issue of various State banking regulations and how this would affect a bank headquartered in one State operating a branch in another.

Mr. Speaker, we have heard almost unanimous testimony that the unfortunate and unintended consequences of our failure to make these clarifications will be the devaluation of State bank charters in favor of national charters and the gradual decline of the State banking system. I am a firm believer in the dual banking system of State and federally chartered institutions and I am certain that the innovation and tremendous strength enjoyed by the American financial marketplace is due in part to the dynamic created by these separate charters. It will be indeed unfortunate if a vibrant State bank is unwilling or unable to take advantage of interstate branching. Many State banks will simply not expand rather than compete with national banks in another State or convert to a national charter in order to grow. Therefore, Mr. Speaker, I urge my colleagues to vote for H.R. 1306.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. BARRETT of Nebraska]. All time has expired.

The question is on the motion offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] that the House suspend the rules and pass the bill, H.R. 1306, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1306, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

VOLUNTEER PROTECTION ACT OF 1997

Mr. INGLIS of South Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 911) to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities, as amended.

The Clerk read as follows:

H.R. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities,

including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) Purpose.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) Preemption.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) Election of State Regarding Nonapplicability.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) Liability Protection for Volunteers.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) Concerning Responsibility of Volunteers to Organizations and Entities.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) No Effect on Liability of Organization or Entity.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) Exceptions to Volunteer Liability Protection.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) Limitation on Punitive Damages Based on the Actions of Volunteers.—

(1) General rule.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) Construction.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) Exceptions to Limitations on Liability.—

(1) In general.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) Rule of construction.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) General Rule.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) Amount of Liability.—

(1) In general.—Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) Percentage of responsibility.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) Economic loss.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) Harm.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) Noneconomic losses.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note); or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act but only if the harm that is the subject of the claim or the conduct that caused such harm occurred after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. INGLIS] and the gentlewoman from Texas [Ms. JACKSON-LEE] each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. INGLIS].

GENERAL LEAVE

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we will consider the Volunteer Protection Act of 1997. My distinguished colleague from Illinois, Mr. PORTER, has worked on this bill for some time now, and I hope that we will fulfill his hard work today in this House.

Our Nation has an extensive tradition of volunteering. It is almost impossible to be an American and not have had contact with one of the hundreds of public service groups. The circumstances surrounding that volunteer work are as pleasant as a Girl Scout camping trip or as tragic added flood relief. Now our tradition is in danger like never before. One of the reasons is frivolous lawsuits.

Mr. Speaker, across the country the fear of getting sued keeps people from volunteering. In a recent Gallup survey one in six volunteers reported withholding their services for fear of being sued. About 1 in 10 nonprofit groups report the resignation of a volunteer over the threat of liability.

□ 1200

I have seen this problem firsthand. In my district, for example, a group called Christmas in April, associated with a national organization, rehabilitates houses, creating all kinds of possibilities for frivolous lawsuits. Fear of getting sued is omnipresent and getting worse all the time.

I can illustrate with an example. Assume a volunteer is working on one of those houses and his or her hammer head falls off and hits the homeowner's parked car. Should the homeowner be able to sue the volunteer? Reasonable people, I believe, would say no. The volunteer did not intend to hit the car and was not negligent in losing the hammer. If one is being a good Samaritan and there is an accident that is not one's fault, one should not get sued.

That is the commonsense intent of this bill and here is how it would protect volunteers. First, the bill provides that volunteers will not be liable for harm caused by their acts, as long as they are acting in good faith. To have this protection, the volunteers must act within the scope of their responsibilities in the organization and must not cause harm by willful or criminal misconduct, gross negligence, or reckless misconduct.

Second, the bill offers no protection for individuals who commit hate crimes, violent crimes, section crimes, or who violate the civil rights of others. The bill also does not apply when defendants were under the influence of drugs or alcohol.

Third, the bill allows States to opt out if they choose not to adhere to these standards. In sum, Mr. Speaker, this bill sets a very commonsense standard for protecting volunteers. It makes sense that volunteer groups should use their scarce resources to do their work of mercy rather than use them to defend against frivolous lawsuits.

By passing the Volunteer Protection Act, we will promote voluntarism by removing the risk of getting sued for acts of kindness.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER], who has done such fine work on this bill for a number of years and whose work we are now hopefully going to fulfill today.

Mr. PORTER. Mr. Speaker, I thank the gentleman from South Carolina for yielding, and for his great leadership on this issue.

Let me say that H.R. 911, Mr. Speaker, was originally introduced in 1986 in Congress and was introduced in every Congress since that time. It has repeatedly had over 200 Members as cosponsors and about 30 to 40 percent of those cosponsors were our colleagues from the other side of the aisle. It has had very, very strong bipartisan support. Nevertheless, until this Congress, the bill had never had a hearing and was strongly opposed by the American Trial Lawyers Association.

In 1993, even without a hearing, Mr. Speaker, it was offered by me as an amendment to the National Service Act, and was adopted on a voice vote, and then on a motion to instruct conferees to keep that amendment for volunteer protection in the act. The vote was 422 to nothing. Cynically, however, Mr. Speaker, it was stripped out immediately in conference and never adopted.

In 1997, this year, the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, granted hearings. Senators COVERDELL and MCCONNELL over on the Senate side provided leadership to bring the bill to the Senate floor where it passed 99 to 1. Over here on this side, my colleague, the gentleman from South Carolina [Mr. INGLIS] provided the leadership in the House to make a good bill even better.

The Inglis legislation, which was reported out by the Committee on the Judiciary, provides a uniform national standard for protecting volunteers, but allows States to opt out by an affirmative act if they do not wish to be covered. The original bill merely encouraged State action. H.R. 911 now provides a national standard for all volunteers.

The problem, Mr. Speaker, is not that volunteers are having to pay large judgments, that has not occurred in our legal system, but what has occurred is that volunteers have routinely been named as defendants in lawsuits and have had to hire an attorney, go to court, and attend to all the costs and time obligations that that involves.

Volunteers, Mr. Speaker, are central to our society. America could not operate without them. The fact that so many have been named as defendants has had a chilling effect, both on direct service volunteers and as those who would serve as members of boards of directors of charitable organizations.

That is why, Mr. Speaker, there are 124 separate charitable organizations that support this legislation very strongly. They range from the American Association of University Women to the American Heart Association, to the American Red Cross, to the American Symphony Orchestra League, to

B'nai Brith International, the Girl Scout Council USA, the National Association of Retired Federal Employees, the National Easter Seal Society, the Salvation Army, Save the Children, United Way, the YMCA. Any national organization that one can think of probably is a strong supporter of this legislation.

I commend the leadership of our Committee on the Judiciary, and the gentleman from South Carolina [Mr. INGLIS] in particular, for moving this legislation ahead so strongly. I commend it to the Members. I hope that the House will see fit to pass it with the same good margin as the Senate.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the concept of volunteer tort liability legislation. The purpose of this act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs and nonprofit organizations and government agencies that depend on volunteer contributions.

Let me first of all thank the leading proponent of this legislation. I think I was just with him in an appropriations meeting where he gave the history of his advocacy. Since 1986, I believe, the gentleman from Illinois [Mr. PORTER] has been on the side of encouraging a volunteer spirit that does not hamper or hinder the quality of the volunteer service, but protects the dedicated volunteer.

None of this suggests that we are interested in protecting section offenders, criminals, and others who may find their way into the warm and comfortable settings of Girl Scouts, Boy Scouts, other types of volunteer entities. We are suggesting that the bulk of America's volunteers are the average Mr. and Mrs. America in the urban and rural communities who every day rise up to support causes in our cities and in our counties and in our States.

As a result, H.R. 911 encourages the States to enact legislation to grant immunity from personal civil liability under certain circumstances to volunteers working on behalf of nonprofit organizations and government entities.

Let me as well acknowledge the gentleman from Illinois [Mr. HYDE] our chairman of the Committee on the Judiciary, and the gentleman from South Carolina [Mr. INGLIS] for their work in committee, and of course, although we had opportunities to disagree, I am gratified that there were many opportunities to agree, and I thank the gentleman for his work on this matter.

In 1996, the Nonprofit Risk Management Center and the American Bar Association published an analysis of State liability laws for charitable organizations and volunteers. Their findings revealed that prior to the last decade, the number of lawsuits filed against volunteers might have been counted on one hand, perhaps with fingers left over. Although the law permitted suits against volunteers, in practice no one sued them, and volunteers had little reason to worry about personal liability.

In the mid-1980's, that changed. More volunteers were sued and those suits attracted national media attention. Thus, many individuals were deterred from volunteering their services to nonprofit organizations. The nonprofit organizations that thrive on the services of volunteers have been hurt by the drastic reduction of volunteers who were scared away because of the rising threat of suits.

I raised issues in committee which I would like to comment on. This legislation in no way counters the rights of citizens to go in and address their grievances or to not seek remedy for being harmed. I think it is extremely important that we recognize the importance that where there is an extreme degree of culpability on the part of an entity that there should be relief on behalf of that individual. This is to give protection, if you will, to the thousands upon thousands upon thousands upon millions of volunteers who volunteer without danger to those they volunteer on behalf of.

Since 1986 at least 20 States have passed some form of volunteer immunity legislation. However, all of this legislation has given a false impression that volunteers nationwide are immune from lawsuits. To the contrary, many volunteers remain fully liable for any harm they cause and all volunteers remain liable for some actions. Furthermore, some State laws exclude gross negligence or some other category of error above negligence. A few laws even permit suits based on negligence, which nullifies the purpose for which they are offered.

Some of the State laws are confusingly worded, exceptionally complicated, designed for profit making when other problems arise.

Let me say a note if I might to the legal community. From my perspective, this is not a bashing the legal community legislation, and I would like to defend them. I have never seen a calling which has so many accusers, and I would venture to say that throughout this Nation there are a body of individuals, lawyers who practice before the bar, who raise up the highest standards of the legal profession.

I would hope that this discussion does not relegate itself to lawyer bashing, for every citizen deserves to be represented. This creates an even playing field for our volunteers, which we cherish. Just a few weeks ago, the President, Colin Powell, and others, raised up the call for voluntarism.

I hope as we speak today, more and more people are volunteering everywhere and throughout their community, not necessarily the large entities, but working in their neighborhood recreational centers, in their churches and parishes and synagogues, or maybe simply on their block.

A few laws even permit suits based on negligence, which, as I said, nullifies the purpose for which they are offered, and some States are having laws confusingly worded. Even the very best laws require a careful analysis to determine which volunteers they cover and what exceptions they contain. The goal of H.R. 911 is to establish volunteer protection laws that are not confusing and are easily applicable in a judicial proceeding. However, this bill also states that nothing in this act shall be construed to preempt the law governing tort liability actions.

Let me also note, and I appreciate and will engage the gentleman from South Carolina [Mr. INGLIS] in a colloquy later in the debate, but let me appreciate very much the support of the members of the Committee on the Judiciary for clarifying that this particular legislation does not promote hate groups and their activities.

Mr. Speaker, volunteers are essential to the everyday workings of nonprofit service organizations. In fact, we begin to teach our children voluntarism. With that in mind, I hope that this legislation will be seen for what it is, simply a good measure to both protect those who are volunteered upon as well as those who volunteer. It is important that we remember the good samaritans.

Mr. Speaker, I support the concept of volunteer tort liability legislation. The purpose of this act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs and nonprofit organizations and government agencies that depend on volunteer contributions. As a result, H.R. 911 encourages the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and government entities.

In 1996, the Nonprofit Risk Management Center and the American Bar Association published an analysis of State liability laws for charitable organizations and volunteers. There findings revealed that, prior to the last decade, the number of lawsuits filed against volunteers might have been counted on one hand, perhaps with fingers left over. Although the law permitted suits against volunteers, in practice no one sued them and volunteers had little reason to worry about personal liability. In the mid-1980's, that changed. More volunteers were sued and those suits attracted national media attention. Thus, many individuals were deterred from volunteering their services to nonprofit organizations. The nonprofit organizations that thrive on the services of volunteers have been hurt by the drastic reduction of volunteers who are scared away because of the rising threat of suits. Since 1986, at least 20 States have passed some form of volunteer-immunity legislation. However, all of this legislation has given a false impression that volunteers nationwide are immune from suit. To the contrary, many volunteers remain fully liable for any harm they cause and all volunteers remain liable for some actions. Furthermore, some State laws exclude gross negligence or some other category of error above negligence. A few laws even permit suits based on negligence, which nullifies the purpose for which they are offered. Some of the State laws are confusingly worded, exceptionally complicated, designed for profit-making corporations, or otherwise problematic. Even the very best laws require a careful analysis to determine which volunteers they cover and what exceptions they contain.

The goal of H.R. 911 is to establish volunteer protection laws that are not confusing and are easily applicable in a judicial proceeding. However, this bill also states that nothing in this act shall be construed to preempt the laws of any State governing tort liability actions. Mr. Chairman, volunteers are essential to the every day workings of nonprofit service organizations. It is important that we provide protection to these good samaritans.

Mr. Speaker, I reserve the balance of my time.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER], the distinguished chairman of the Republican Conference.

Mr. BOEHNER. Mr. Speaker, I want to congratulate the members of the Committee on the Judiciary for bringing this important piece of legislation to the floor today. I particularly want to give thanks to our colleague, the gentleman from Illinois [Mr. PORTER], for his hard work on this subject for many years.

Mr. Speaker, this is important legislation that is long overdue. It is important for our citizens who volunteer; it is important for those groups that do so much for our communities, and to those who need the services that volunteers provide.

As General Powell stated so compellingly in Philadelphia a few weeks ago, our volunteers share our Nation's most important asset: the guiding hands and caring hearts of the American people. Millions of people volunteer on a daily basis for one big reason: because they care. Their caring not only builds homes for Habitat for Humanity, not only helps children and adults reach the goal of literacy, not only does that caring result in coaches for Little League and scout leaders for Girl Scouts and Boy Scouts, this is the type of action that we want to promote on behalf of communities in America.

Government can provide some level of service, but if we are going to be successful in solving our Nation's problems, we need to reach out and we need to allow these organizations to do the best that they can do, and this bill will help that.

□ 1215

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, I rise procedurally in opposition to this bill, theoretically in favor of it. I will explain that during the course of my remarks.

Mr. Speaker, I rise today concerned and in opposition to this bill. This is very difficult, because the Volunteer Protection Act of 1997 is legislation that has the greatest of intentions. There is no question in my mind that the sponsor of it, my distinguished colleague, the gentleman from Illinois [Mr. PORTER], is sincerely concerned about the issue of volunteer liability.

However, the legislation presented before us today is vastly different than that of the original bill, which has over 150 cosponsors. I encourage those who cosponsored H.R. 911 as it was introduced originally to read carefully the amended version of the bill. Section 3 of the original bill stated that nothing in this act shall be construed to preempt the laws of any State governing tort liability actions.

The original bill stated that in cases where a State certifies that it has enacted this type of bill, then there would be an increase in the social services block grant program under title 20 of the Social Security Act. In other words, a State could opt into the Federal law, and if a State did nothing, State law nonetheless applied. This would keep the principles of federalism.

However, H.R. 911, as amended, is a major change from that standard. Section 3(a) of H.R. 911, as amended, states that the act preempts the laws of any State to the extent that such laws are inconsistent with this act, unless the State goes further in protecting volunteers.

Under the amended version, States must specifically choose under certain circumstances not to be covered under the proposed bill, and the State still cannot opt out entirely because it changes such important issues as whether or not the State has jurisdiction of the particular action.

We realize there are liability problems with the not-for-profits, but not every problem means that there is a Federal solution. The issue of volunteer liability has been addressed by many States because the States have exclusive authority over that, with the exception of very few areas. What we are considering here today is legislation that will federalize tort law for volunteers. I am unconvinced there is any blanket Federal jurisdiction with regard to volunteer protection.

States may vary in how they deal with the problems, but it is their prerogative to do so. It is not a Federal matter. There is no Federal law involved. There is absolutely no connection with interstate commerce. I personally like the bill, and if a member of the State legislature, would vote in favor of it.

Three years ago I voted against the current bill because it federalized the criminal code. One year ago I voted against the terrorism bill for the same reason. Today I will vote against this bill because I disagree with federalizing tort law for volunteers. It is different from issues of product liability, where in those cases I favor Federal legislation because there is interstate and worldwide commerce with regard to the production of a particular item.

H.R. 911 is entirely different. I recognize the increasing liability problems of a not-for-profit. My wife and I helped to start the crisis pregnancy centers in Rockford, IL. It is important, however, to allow States the rights and opportunities to resolve these issues, because that is what federalism is about, that it allows the States the options to come up and craft their own types of laws.

Now, let us take this bill and defeat it, and bring it back in the proper form. What I would suggest is this: I would suggest that Congress enact on the Federal level, if it so chooses, a special type of bill to protect volunteers, make it applicable in Federal courts or at the discretion in the State court, providing that there is a finding of interstate commerce. That would give a jurisdictional basis so that this Congress can constitutionally act within the parameters of what we are bound by. That is the Constitution.

Mr. Speaker, I rise today in favor of this type of legislation. But we have to protect the rights and allow the States to move in this area, unless there is jurisdiction.

The gentleman from South Carolina [Mr. INGLIS] said what happens in the case that a hammer drops on the hood of a car. There is absolutely no Federal connection. If we were to follow the language of the substitute bill, under this bill, if a hammer drops on a car there would be Federal jurisdiction. Under this bill, because insurance is purchased through interstate insurance markets, there would be Federal jurisdiction.

Mr. Speaker, that means that simply because somebody buys insurance, that means that the Federal Government will now take over the entire field of saying that this is interstate commerce, and therefore, we have jurisdiction.

This bill also says that where there are private entities that operate in interstate commerce, the law is very clear as set forth by the Lopez decision. Let us not federalize everything. This body yesterday just passed a bill to try to devolve power back to the States, away from the Federal Government. We should be doing that. We should be taking the original H.R. 911 of the gentleman from Illinois [Mr. PORTER], which encourages the States to pass this type of legislation and, as part of the encouragement, allows more Federal funds in certain types of programs. But the original H.R. 911 is so totally and dramatically different from this one that I cannot support it.

Mr. INGLIS of South Carolina. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Tennessee [Mr. BRYANT], a member of the committee.

Mr. BRYANT of Tennessee. Mr. Speaker, I thank the gentleman for yielding time to me. Also let me extend my congratulations and thanks to the members of the Committee on the Judiciary, our chairman, the gentleman from Illinois [Mr. HYDE], and also the chairman, the gentleman from Illinois [Mr. PORTER], for the work he has done in this area.

I do rise in support of H.R. 911. I believe this is a good bill. I think, No. 1, it is a timely bill. As has already been said today, given the renewed spirit of voluntarism advocated by our President and other distinguished leaders, private citizens ought to be encouraged to get involved without fear of an unjustified lawsuit. Unfortunately, in today's litigious society such concerns are very real, and have had a chilling effect on voluntarism.

No. 2, this bill is appropriate. I have a great deal of respect for my colleague, the gentleman from Illinois [Mr. MANZULLO], and he certainly makes a very good argument on this issue, but it is one with which I would disagree. I think with volunteers serving both from within and without their home State, a Federal, consistent law is certainly needed. If a State strongly disagrees with this, then that State, as he pointed out and as I would state today, has the option to opt out completely.

Finally, No. 3, this bill is reasonable. It protects a volunteer, not the organization but the volunteer herself, who is serving within the scope of her duties with the organization. It protects him or her from the day-to-day ordinary, simple negligence cases. It does not protect against willful negligence, willful conduct, gross negligence, a criminal act, drug use, alcohol, or in a situation where a vehicle is involved.

As such, I think it is overall a very good bill, one that we were proud to vote out from the Committee on the Judiciary, and one that I think does the right things at the right time. I would encourage my colleagues to join in support of this, and also, as part of this, to encourage additional voluntarism.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. WATT], a member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman from Texas for yielding time to me for the purposes of debate.

Mr. Speaker, let me say that this bill will be characterized as a vote on whether one supports voluntarism or not. I really do not think that this has to do with whether one supports voluntarism at all. I think we all support voluntarism. We all supported voluntarism last week or the week before last when the housing bill came to the floor and we got into a massive debate about whether the Federal Government ought to be requiring residents of public housing to volunteer.

It was not about whether we supported voluntarism or not. It was about the relationship that should exist between the Federal Government and the State government, and the gentleman from Illinois [Mr. MANZULLO] has hit the nail completely on the head on that issue.

It amazes me the extent to which we will go to make ourselves reelectable. We will disregard any kind of principles if it makes us look good, and we will get on a one-track mindset, and the one-track mindset for the last 2 or 3 weeks has been voluntarism, and let us do everything we can do to support voluntarism.

Mr. Speaker, there are some principles here that are more important than voluntarism. I thought that my Republican colleagues, of all people, supported those principles of believing in the rights of States to have certain territory within our Federalist system that they have jurisdiction over. This is one of those areas.

There is no reason that we ought to be federalizing the entire tort law of the Nation related to volunteers. We have no jurisdiction. It is unconstitutional, probably, for us to do that, to take an issue that has no connection with the Federal Government and turn it in such a way that we preempt all State law, and then say we are not overstepping our bounds; in fact, we believe in States' rights.

Mr. Speaker, my colleagues on the other side of the aisle keep telling me that they believe in States' rights, and I keep saying, "Well, when are you going to show it? When are you planning to stand up, and stand up for the rights of States in the Federalist system?"

They federalize juvenile justice, they tried to federalize tort law, they tried to federalize the criminal law. Now here we are, trying to federalize an obligation of the volunteer or the rules related to volunteering and liability when one does volunteer. These are matters of State law, and should be protected in our Federal system if we are going to protect the Federal system at all.

This whole notion that, well, a State can opt out if it wants to, what right do we have to make a State go back to its legislature and pass a law that opts itself out of a piece of Federal legislation? If that is not preemption of State law, we are requiring the States to do that, the Federal Constitution never gave us the right to do that. That is a violation of the whole concept of States' rights.

Mr. Speaker, I agree with the gentleman from Illinois [Mr. MANZULLO]. Were I a member of a State legislature, this is probably a very, very good bill. But that is not the issue here. They did not send us to Washington to pass legislation that State legislators ought to be dealing with. They sent us here to protect the rights of the States in our Federalist system.

I thought that is what my colleagues stood for on the Republican side, and I hope one day they will come back to that realization and start standing up for States' rights, which they give so much lip service to, rather than just doing what is convenient when it is politically popular to do so. This is a bad idea. We ought to defeat it, send it back, and let the State legislators do it.

Mr. INGLIS of South Carolina. Mr. Speaker, I am pleased to yield 2¼ minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

□ 1230

Mr. HYDE. Mr. Speaker, I thank the gentleman from South Carolina for yielding me the time.

If I may respond to the rather strident criticism of this bill by the gentleman from North Carolina [Mr. WATT], there is a practical reason why Federal preemption occurs here. Many of the disasters, such as the earthquakes in California, the forest fires, hurricanes in Florida attract volunteers from across State lines. The Red Cross, for example, would like to be able to train people to go in for disaster relief for people to train other volunteers, and it is important that they not have to concern themselves with a checkerboard of liability laws.

In addition, there is a very small insurance market to cover volunteers. The cost of that insurance becomes prohibitive if it has to be complicated by a plethora of liability standards from State to State.

So from a very practical point of view, and sometimes that is inconvenient, but from a very practical point of view, it is useful to have a Federal preemption in many cases so that volunteers who cross State lines to give and risk their lives many times are not troubled by having to comply with a checkerboard of laws and are able to get insurance from the organization that attracts them to protect them.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I would submit to the gentleman, Mr. Speaker, that nobody ever said that federalism was convenient. It is terribly inconvenient to operate in a federalist system.

But that is not a justification for the Federal Government taking over all the rights of the State.

Mr. HYDE. Mr. Speaker, what the gentleman says may well be true, but common sense also has a role to play in legislating.

Mr. Speaker, I am very pleased that today the House of Representatives is considering H.R. 911, the Volunteer Protection Act of 1997. While modest in scope, it will yield significant dividends to our communities by assuring charitably minded Americans that they can volunteer their time without the threat of suit over honest mistakes.

We as a society are caring and giving by nature. Clearly Americans have taken to heart the notion that we all bear some responsibility to help the less fortunate. We recognize that in order to enrich our society, we must foster the arts, religion, education, and other such worthy causes with our contributions. Charitable donations are one way in which we show our support for these causes, but an equally important asset that we contribute is our time. For many, the donation of cash is an economic impossibility. On the other hand, all of us have skills which are as essential to providing services to the community as the funding the nonprofits receive. In fact, giving of our time is really more important than giving money, because time cannot be replaced, and in that sense, it is more valuable.

Unfortunately, over the past two decades, our legal liability system has become more and more of a deterrent to people who would otherwise give of themselves. Most volunteers in most States are fully liable for any harm they cause as a volunteer, and only about half the States protect volunteers other than officers and directors of the nonprofit organization. This means that before deciding to volunteer, individuals have to consider whether they are willing to risk liability which could threaten the financial viability of their families. Not surprisingly, the tradeoffs involved in that calculation frequently discourage the volunteer. In fact, frightened by well-publicized cases where volunteers have been sued, one in seven nonprofit organizations whose officers were polled by the Gallup Organization reported that they had eliminated certain worthwhile programs simply because they could be breeding grounds for legal action.

The problem is not that volunteers have been sued successfully in large numbers, but that they are named in so many lawsuits. Ultimately, the volunteer defendants in most of these cases are found not liable, for good reason. However, the cost of legal defense can be staggering, and the mental anguish a volunteer suffers when sued for exorbitant amounts of damages cannot be measured.

In addition to inhibiting people from volunteering, fear of these high-stakes lawsuits arising from volunteer efforts has led to the scarcity and ballooning expense of insurance to protect against potential verdicts. Between 1984 and 1989, the cost of liability coverage for local Little League Baseball programs shot up from $75 to $795 a year. Nationally, the Little League's biggest cost is not bats and balls, but legal and insurance costs associated with liability. This means that organizations must spend more of their resources paying overhead and less in actually providing the services for which they are created. Or, put another way, in order to provide the same level of services, they must raise substantially more money.

The signal that all of this gives is that volunteerism does not pay. This is absolutely 180 degrees from the message we should be delivering. Volunteers provide services which fill large gaps in government programs for the truly needy—gaps which will no doubt increase over the next decade. As both Federal and State governments make fiscal responsibility and balanced budgets the cornerstone of public policy, nonprofit organizations and the volunteers they utilize will play an even larger role. Besides, it is to volunteers that we owe a great deal of gratitude for our social cohesion—our sense of community in America. Giving money to help the needy is certainly laudable, but it cannot replace the sense of personal connection that comes from being the person who ladles the soup at a food bank, or hugs and feeds the AIDS baby, or helps a recent immigrant obtain rights under our laws.

The time to enact protection for our volunteers has come, and I urge my colleagues to join in supporting H.R. 911.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume. I would like to engage in a colloquy with the distinguished gentleman from South Carolina.

I thank the gentleman for the management of this legislation, and I wanted to engage with the gentleman in a discussion on the issue of the hate crime provision that, as the gentleman well knows, I offered in committee, and I was gratified that we were able to work together along with members of the committee to clarify the position as it relates to this particular legislation.

My question refers to the bill's exclusion for groups which practice actions constituting hate crimes. When the committee report states that in order to fall within this exclusion, it would not be sufficient that the organization practice a conduct that forms a predicate of a crime referenced in that statute, that is, the organization's action must rise to the level of a crime, it is my understanding that this language was inserted merely to ensure that the conduct covered falls within subsection (b)(1) of the first section of the Hate Crime Statistics Act.

It is my further understanding neither the bill nor the report language in any way implies that such conduct must rise to the level of a conviction or that it could be established under the usual criminal standard, proof beyond a reasonable doubt.

Am I also correct in understanding that the bill is not intended to prevent exclusion of a group which practices hate crimes but avoid a conviction because of application of evidentiary rules unique to criminal proceedings, such as exclusionary rule.

Mr. INGLIS of South Carolina. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Speaker, the gentlewoman is correct. It is my understanding that any group which is responsible for conduct covered by subsection (b)(1) of the first section of the Hate Crimes Statistics Act would be excluded from the protection of the bill. The language was inserted to clarify that nonprofit groups responsible for civil violations, which did not constitute a hate crime, were not subject to exclusion from the bill's coverage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for engaging in this colloquy with me to clarify this issue.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired. The gentleman from South Carolina [Mr. INGLIS] has 6 minutes remaining.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 911. I commend the gentleman from Illinois [Mr. PORTER] for introducing this legislation. I have been a longtime supporter and cosponsor of such legislation. The fact is that in our increasingly litigious society, volunteers are being sued more often. Insurance premiums for charitable organizations are increasing at a dramatic rate. As a 1988 poll shows, 10 percent of all volunteers are rethinking their existing commitment to charitable work. Despite the concerns that were raised by the distinguished gentlemen from Illinois and North Carolina, this Member consciously supports what the gentleman from Illinois [Mr. MANZULLO] has termed the federalization of tort reform in this area because of the unreasonable opposition in this area of tort reform among some in the legal community in some States, because the distinguished gentleman from Tennessee [Mr. BRYANT] has pointed to the opt out, State opt out provisions and because of the arguments made by the distinguished gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

The measure could very well be entitled the Good Samaritan Act. As the New Testament parable makes clear, only a few people are willing to sacrifice their time and money to help others. That remains true today.

Mr. Speaker, those who are willing to help others should not be penalized by the threat of lawsuit if someone is inadvertently harmed during the course of a volunteer activity. In closing, I support this legislation and urge my colleagues to do so.

And, Mr. Speaker, I thank the gentleman from South Carolina for yielding me the time.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], who has done excellent work on this bill.

Mr. PORTER. Mr. Speaker, I want to say that I have the highest respect for those who would defend the Constitution as they see it. The gentleman from Illinois [Mr. MANZULLO] and the gentleman from North Carolina [Mr. WATT], I would say to both of the gentlemen that the Senate very, very carefully considered this question when they considered this bill before the House did. The Senate is, after all, the repository of States' rights under our Constitution. They added the provision for opting out for any State that wished to do so before passing the legislation almost unanimously. I would also say that many of the organizations that depend upon volunteers are national organizations who operate across State lines every day and across the entire country.

Finally, I would say that this matter undoubtedly could be considered by the courts in the course of a lawsuit. I think, rather, what is going to happen, though, Mr. Speaker, is that States, many of which have made progress in this area since this legislation was introduced, and I would like to think maybe were prodded into making some of that progress, will again come back and address this issue. Those who have not addressed it will come back and address it in their own way and, in the process, will adopt legislation that they think is appropriate and then perhaps opt under the clause in the legislation. That will get the job done as well.

The goal here is to protect volunteers, to prevent the chilling effect of possibly being dragged into court from preventing people from coming forward and offering their services that are so vital to our country. I believe this legislation addresses that issue head on and makes great progress. I think it is going to work out in all areas.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 15 seconds to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding me the time.

As a cosponsor of the Porter bill, I merely want to commend my good friend, the Republican cochairman of the Congressional Human Rights Caucus, for another act of legislative statesmanship. He is bringing great credit to this institution, and I want to congratulate the gentleman from Illinois [Mr. PORTER].

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE], with appreciation for her support of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to have been able to work with the gentleman from South Carolina [Mr. INGLIS] and to add my appreciation to the gentleman from Illinois [Mr. PORTER] for his guidance.

Let me emphasize to all who might hear, I encourage the support of this legislation and particularly explain to those who heard our colloquy, I am gratified that this legislation excludes those heinous promoting groups of hate and hate crime activities, such as the Ku Klux Klan and others who may engage in these very dastardly thought processes and acts that are not part of the American psychology.

Let me also say that we must think about who is impacted. Diverse groups from the likes of the American Diabetes Association, the American Heart Association, Salvation Army, Save the Children, NAACP and the National Urban League, all fall under the same category of voluntarism.

Might I say to my colleagues that I think this is a giant step not to bribe volunteers or pay off volunteers but it is a giant step to appreciate volunteers.

I thank the gentleman for yielding time to me.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

Mr. GEKAS. Mr. Speaker, on the same weekend that four Presidents met in Philadelphia to call the country to voluntarism, on that same weekend, I attended three, I think it was four Little League opening games for the season. During those proceedings, there were coaches, administrators, refreshment stand workers, other kinds of attendants at those functions that were in the true spirit of voluntarism.

I wish the four Presidents had come there to observe what voluntarism in action really was. The passage of this legislation here today will do more to add to the incentive that our neighbors and community workers have for helping out in Little League and 100 other kinds of activities than the meeting in Philadelphia, sorry to say.

It was wonderful to see the Presidents espouse voluntarism, but it is more important to give some kind of relief to give volunteers the sense of safety that they will have in proceeding to provide those services for the young people of our country.

Those who worry about whether or not our country is falling apart at the seams, all they have to do is go to Big Brothers, to Red Cross, to the charities, to the churches, to the Little League and back again to Philadelphia to see the Presidents call the people to action and voluntarism. What we do here today is more important.

Mr. Speaker, I rise to again express my support for H.R. 911, the Volunteer Protection Act, and to congratulate Mr. PORTER, the sponsor, for his efforts over these many years. My support for this measure goes back to its original introduction over 10 years ago. The bill, which reforms current civil statutes to protect individuals from being sued from harm incurred by another person in the course of volunteering for a charitable cause, arose out of many cases of wrongly-incurred legal liability which has threatened to destroy our system of community volunteerism. The examples abound, and I will not here restate them. But I will point to a particular sector of Americana that has been especially jeopardized by these suits and will find great relief in the passage of this measure: Sports volunteers.

Possibly no sector of our culture relies on volunteers more than sports, and especially youth sports. And over the last decade, volunteer participation in youth sport programs has decreased and become increasingly more difficult to fulfill, and the cost of protecting those volunteers who do risk the personal and financial anguish should a suit arise has grown. All due to the success of what many call completely frivolous law suits. A sad formula: Lawsuit success equals volunteerism decline. Throughout my entire political career, including when I was elected to the U.S. House of Representatives in 1982 until this moment, I have been closely involved with nonprofit sports groups and well aware of the growing lawsuit problem. In 1985, as the representative of the Pennsylvania congressional district which included Williamsport, the home of Little League Baseball, I introduced a measure in the 99th Congress, H.R. 3756, the Nonprofit Sports Liability Limitation Act, modeled after a recently passed State law, in an effort to remove the black cloud of frivolous lawsuits hanging over the nonprofit sports system by limiting the civil liability of managers, coaches, sponsors, and other volunteers who engage in youth sports programs throughout the country.

To no one's surprise, my measure, while lauded as being a "good idea," went nowhere in the Democratic Congress. So, the measure was reintroduced in the 100th Congress as H.R. 1993—with the gentleman from Illinois, Mr. PORTER, as an original cosponsor—and then in the following Congresses. While H.R. 911 speaks to a broad coverage, my measure was more targeted in the hope that its focus, nonprofit sports groups, would be less controversial. I do not feel that either measure was controversial at all, but the reigning party in Congress differed with my acumen. So success eluded both my and Mr. PORTER's measure until now. I am very happy that now, after over a decade of trying, the Congress is finally and definitively addressing the issue of volunteer jeopardy for which both Mr. PORTER and I have been fighting.

I wish to include in the RECORD a copy of an April 17, 1987, Harrisburg Patriot editorial, supporting my proposal, and by extension, H.R. 911. I congratulate Mr. PORTER for his determination and success.

[From the Harrisburg Patriot, Apr. 17, 1987]

LEGAL SHIELD FOR VOLUNTEERS

If this country's civil litigation arena often takes on the appearance of a shark tank at feeding time, it is altogether understandable that otherwise-generous people show some reluctance for getting involved in volunteer work that may involve the risk of legal liability.

Certainly, second thoughts have been generated among adult volunteers in charge of youth sports programs. A 1982 New Jersey case in which the coach of a kids' baseball team was sued after a team member suffered an injury in the outfield provides a chilling example. The case was settled for an undisclosed amount.

Is it right that volunteers and "good Samaritans" should have to bear the same liability as neglectful motorists or contractors paid for their services? U.S. Rep. George W. Gekas does not think so. With the backing of Little League Baseball, whose Williamsport headquarters is in his district, the Harrisburg Republican has reintroduced a bill restricting the legal liability of non-paid coaches and managers.

Gekas' bill is based on tried-and-true state law now in effect in Pennsylvania, Delaware and new Jersey. In fact, Pennsylvania's "Good Samaritan Act," intended to protect citizens who come to the rescue of others in distress, was a pioneer effort in this direction.

The Gekas bill provides an umbrella of protection for men and women of good will, enabling them to carry on their beneficent works without the fear of being sued or the expense of having to acquire high-priced liability insurance.

The volunteer spirit is an American institution that is threatened by an aberrant phenomenon. Any reasonable measure that strengthens and preserves this spirit deserves favorable consideration.

Mr. CONYERS. Mr. Speaker, I rise in opposition to this legislation. Although H.R. 911 is well intentioned, it will do nothing to encourage increased voluntarism, it will unnecesarily preempt traditional State law, discriminates against women and seniors, and it fails to adequately protect against abuse by hate groups. Simply put, I believe we can encourage voluntarism without encouraging negligence.

H.R. 911 WILL DO NOTHING TO INCREASE VOLUNTARISM

We all want to increase voluntarism in our communities, but this bill doesn't amount to a hill of beans in that respect. No witness has been able to identify a single case whose outcome would have been altered had H.R. 911 been law at the time of the case, and we've found no evidence of any case filed during the last 7 years whose outcome would have been altered by the legislation. There is absolutely no empirical evidence showing that this bill would do anything to increase voluntarism.

H.R. 911 UNNECESSARILY PREEMPTS STATE TORT LAW

To the extent there is any problem with volunteer liability, the States are fully capable of passing their own laws protecting volunteers from personal civil liability. As a matter of fact, every State in the union now has a law specifically limiting the legal liability of volunteers or nonprofit organizations.

Moreover, by mandating these provisions on the States, we invite legal challenges to congressional authority to legislate in this area, particularly under the Supreme Court's recent decision in United States versus Lopez. The Justice Department Office of Legal Counsel has similarly expressed concern that the bill would invite constitutional challenges because its coverage is not limited to volunteer organizations that engage in interstate commerce or liability that arises by reason of volunteer services affecting interstate commerce.

Arguments that the so called opt-out provision protects State prerogatives because it allows them to elect not to have the provisions apply miss the mark. Not only does this require affirmative action in the statehouse and senate as well as the Governor's signature, many States only meet on a biennial basis and couldn't even consider electing to opt-out for several years. In addition, the opt-out provision is unduly narrow in that it would only allow States to preserve their laws if all the parties are residents of the State. This is in direct contravention of traditional conflict of law principles, which typically apply a State's law to outsiders so long as the injury occurred within a State.

H.R. 911 FAILS TO PROTECT AGAINST ABUSE BY HATE GROUPS

While there is a limited provision relating to hate groups in the bill, this does nothing to insure that State law does not unnecessarily immunize such persons. For example, if a particular State provides across the board immunity to volunteers, H.R. 911 continues to allow a member of a militia or hate group who negligently entrusts a gun to a child—who in turn harms an innocent victim—to avoid responsibility for the negligent entrustment.

It is because of the bill's failure to provide full protection against harm perpetrated by hate group members that the Southern Poverty Law Center has chosen to oppose the legislation. Morris Dees, there chief trial counsel has written:

> Under this legislation . . . a state could maintain or reinstate protections for volunteers of white supremacists, neo-Nazi and violent militia groups—the types of organizations the Southern Poverty Law center has crippled over the past ten years through the use of both federal and state tort laws . . . Without two-way preemption, ensuring that volunteers connected with hate groups are never insulated from liability, we would oppose H.R. 911.

H.R. 911 DISCRIMINATES AGAINST WOMEN, CHILDREN, AND ELDERLY

Because H.R. 911 limits recovery for noneconomic damages—the loss of a limb, the loss of reproductive capacity and other pain and suffering—by saying that tortfeasors are not jointly and severely liable for such damages. Losses incurred by a wealthy CEO who is a victim of negligence are easily translated into economic losses which are not limited by this bill. By contrast, losses incurred by a women who loses her reproductive capacity, or a senior, or child who loses a limb, are more likely to be considered noneconomic damages which are limited by the bill.

CONCLUSION

Instead of enhancing volunteerism or helping our poor and underprivileged, H.R. 911 creates a complex and inconsistent new overlay of limitations, confusing a system of State tort law that has served this Nation well for more than 200 years. I urge a "no" vote on this legislation.

Mr. DOYLE. Mr. Speaker, as a cosponsor of the Volunteer Protection Act in both the 104th and 105th Congress, I am pleased that the House is considering this thoughtful approach to voluntarism, as it relates to the disincentive of potential litigation. This measure has significant bipartisan support and represents our commitment to encouraging individuals to contribute to the success of their communities by volunteering their valuable time.

In today's climate, schedules are busy and personal demands are great. As Members of Congress, we cannot directly remedy the day-to-day responsibilities of individuals which may pose as obstacles for volunteer service. We can however, remove obstacles for those individuals who have the time and interest in committing themselves to community service.

The Volunteer Protection Act provides protection from personal civil liability in reasonable circumstances to volunteers involved in the activities of groups such as nonprofits, community organizations, nursing homes, educational institutions, and local governments. If we are truly serious about encouraging voluntarism, support of H.R. 911 embodies a responsible, concrete first step. The consensus on the merits of this bill is evident by the wide range of philosophical views held by its 152 cosponsors.

The Volunteer Protection Act has met with success at every level. The Senate overwhelmingly approved this bill by a 99-to-1 vote. And the House Judiciary Committee reported this measure by a 20-to-7 vote. I am confident that the full House will act today in favor of this provolunteer legislation.

In the spirit of voluntarism, I urge my colleagues to join me in sending a message of assurance to those who selflessly provide uncompensated services to those in need by voting in favor of H.R. 911, the Volunteer Protection Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. INGLIS] that the House suspend the rules and pass the bill, H.R. 911, as amended.

The question was taken.

Mr. INGLIS of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF HOUSE REGARDING TERRORIST ATTACK IN CAMBODIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 121) expressing the sense of the House of Representatives regarding the March 30, 1997, terrorist grenade attack in Cambodia.

The Clerk read as follows:

H. RES. 121

Whereas Cambodia continues to recover from more than three decades of recent warfare, including the genocide committed by the Khmer Rouge from 1975 to 1979;

Whereas Cambodia was the beneficiary of a massive international effort to ensure peace, democracy, and prosperity after the October 1991 Paris Peace Agreements on Cambodia;

Whereas more than 93 percent of the Cambodians eligible to vote in the 1993 elections in Cambodia did so, thereby demonstrating the commitment of the Cambodian people to democracy;

Whereas since those elections, Cambodia has made significant economic progress which has contributed to economic stability in Cambodia;

Whereas since those elections, the Cambodia Armed Forces have significantly diminished the threat posed by the Khmer Rouge to safety and stability in Cambodia;

Whereas other circumstances in Cambodia, including the recent unsolved murders of journalists and political party activists, the recent unsolved attack of party officials of the Buddhist Liberal Democratic in 1995, and the quality of the judicial system—described in a 1996 United Nations report as "thoroughly corrupt"—raise international concern for the state of democracy in Cambodia;

Whereas Sam Rainsy, the leader of the Khmer Nation Party, was the target of a terrorist grenade attack on March 30, 1997, during a demonstration outside the Cambodia National Assembly;

Whereas the attack killed 19 Cambodians and wounded more than 100 men, women, and children; and

Whereas among those injured was Ron Abney, a United States citizen and employee of the International Republican Institute who was assisting in the advancement of democracy in Cambodia and observing the demonstration: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its sincerest sympathies to the families of the persons killed, and the persons wounded, in the March 30, 1997, terrorist grenade attack outside the Cambodia National Assembly;

(2) condemns the attack as an act of terrorism detrimental to peace and the development of democracy in Cambodia;

(3) calls upon the United States Government to offer to the Cambodia Government all appropriate assistance in identifying and prosecuting those responsible for the attack;

(4) calls upon the Cambodia Government to accept such assistance and to expeditiously identify and prosecute those responsible for the attack; and

(5) calls upon all Cambodian political parties to renounce and condemn all forms of political violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON], each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

☐ 1245

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Resolution 121. I want to thank the gentleman from California [Mr. HORN], for sponsoring this resolution. House Resolution 121 rightfully expresses the concern of this Chamber about the terrorist grenade attack against a peaceful political rally in Cambodia on March 30, 1997.

Cambodia emerged from a protracted civil war in 1991 and soon thereafter began the difficult process of bringing prosperity and democracy to its people. The Congress has stood by Cambodia, has been a consistent supporter of the efforts to build and advance democratic institutions and processes there.

I strongly believe that it is appropriate for the House to condemn this grenade attack, a bloody and cowardly challenge to freedom, and to call on all parties to end political violence in Cambodia. The Cambodian Government must ensure that those responsible for this act of terror are brought to justice. This resolution reaffirms our support of those Cambodians who are committed to democracy and to human rights.

Mr. Speaker, I conclude by expressing our condolences to families of those who were killed in the attack, and I wish a full and speedy recovery for those who were wounded.

Again I commend my colleague, the gentleman from California, for introducing this resolution, and I want to thank the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska [Mr. BEREUTER], for his leadership in bringing this measure before us today.

I fully support House Resolution 121 as a sign of our continuing support for democracy and for freedom in Cambodia, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the resolution.

Mr. Speaker, I certainly support this resolution. I urge my colleagues to vote for it. I want to express my appreciation to the chairman of the committee and the gentleman from Nebraska [Mr. BEREUTER], the two cosponsors, and of course the chief author of the resolution, the gentleman from California [Mr. HORN].

The resolution was adopted unanimously in committee. I do not know of any opposition to it. The administration supports the resolution. All of us agree, I think, that violence has no place in a democracy, and all those who believe in democracy have an obligation to speak out and to condemn such acts as this grenade attack in Cambodia a few weeks ago.

This resolution places the House of Representatives squarely on record in opposition to such wanton acts of violence, and I urge the adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HORN], the sponsor of this resolution.

Mr. HORN. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations, and the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, and the gentleman from Indiana [Mr. HAMILTON], the ranking Democrat on the committee, for their initiative in bringing House Resolution 121 before the House of Representatives.

Yesterday we considered a critical measure on balancing our budget. Many had varying concerns over the impact made by a balanced budget. We debate this vital legislation because we are fortunate to live in a nation that allows us to debate the future direction of our country in peace. The only bombs thrown in this Chamber are rhetorical.

House Resolution 121, however, addresses a very different problem. The democratic system established in Cambodia in 1993 has existed in a very fragile environment. The hopes the world shared for peace in Cambodia are being frustrated again as violence returns to daily life and the political process in Cambodia.

As outlined in this resolution, we can voice our outrage at the March 30 attempt by some to fatally wound democracy in Cambodia. In this attempt, 19 were killed and over 100 were injured in an attack outside the Cambodian National Assembly. Among the wounded was an American, Ron Abney. He was in Cambodia as a staff member for the International Republican Institute. He was helping Cambodians in building a stronger representative system.

I urge the support of this resolution. It recognizes the hope of Cambodians and all free people to secure democracy and fair representation in this too-long-troubled nation.

Mr. Speaker, I have the privilege of representing Long Beach, CA, which is proud to be the home of 50,000 Cambodians. They chose Long Beach because California State University at Long Beach has educated many of the leaders of Cambodia in the late 1960's. When many of these able students returned to their country in the early 1970's, they left their families in Long Beach.

During the tragic days of 1975, one Cambodian after another left their native country before Pol Pot and his murderers and butchers were able to massacre them as he did 1 million Cambodians. Many of them have never forgotten their homeland. Some of them have returned to their country and are part of the current government, which is seeking to bring peace, progress, prosperity, and freedom to that beautiful nation.

I have had many of their children in my classes at the university. They are intelligent, hard-working students. They and their families bring new energy to our country and the country of their ancestors.

Mr. Speaker, I urge the passage of House Resolution 121.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York, the chairman, for yielding me this time.

As an original cosponsor of this legislation, I, of course, rise in strong support of it. It condemns the tragic and unprovoked grenade attack that occurred on Easter Sunday morning at a political rally in Phnom Penh, Cambodia. The distinguished gentleman from California [Mr. HORN] is to be commended for his initiative in working with the Subcommittee on Asia and the Pacific and his earlier initiative in introducing this legislation.

Mr. Speaker, Cambodia has, of course, made tremendous strides toward democracy since the killing fields of Pol Pot and the Vietnamese occupation, but serious problems remain. There are real concerns about the deterioration of human rights problems in that country.

The most troubling in a string of recent violent incidents occurred on Easter morning, March 30, at a morning rally before the National Assembly building in Phnom Penh. Unknown assailants threw handgrenades into a peaceful rally being held by several opposition parties. Almost certainly the target of this highly coordinated attack was Sam Rainsy, the former finance minister and the leader of the opposition Khmer National Party. Mr. Rainsy escaped serious injury only because his bodyguard sacrificed his life when shielding him from the blast.

Although it is difficult to get a firm number, at least 16 individuals were killed and over 100 were wounded. One of those who was seriously wounded was Ron Abney, an employee of the National Endowment for Democracy's International Republican Institute. He was present at this rally in his capacity as an employee of the National Endowment for Democracy, and it almost certainly cost him his life. Almost. He was seriously injured.

The United States and the international community have an enormous amount invested in the peace process in Cambodia. Following the 1991 Paris Peace accord, international donors have plunged more than $1 billion into ensuring that peace and normality return to Cambodia.

House Resolution 121 sends the strong message that political violence should not be allowed to return to Cambodia. Assassinations, bombings, and grenade attacks are not acceptable forms of political expression. The political parties in Cambodia must be made to understand that they cannot go down the path of political violence. They must know that the international community will not tolerate or support parties that condone political intimidation or violence.

House Resolution 121 represents a balanced and constructive effort to advance democracy and human rights in Cambodia. I commend, as I said, the gentleman from California for introducing the legislation. He has a long and distinguished record as an advocate for basic political liberties. It is this Member's understanding that the gentleman from California will be working with the National Endowment for Democracy as an election observer in the upcoming election in Cambodia. While such activities can be arduous, it is nevertheless extremely important, particularly in a country such as Cambodia that has such a fragile democracy.

This Member also thanks the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for moving this initiative in such an expeditious manner. While the committee's schedule has been hectic, the gentleman from New York has been very gracious in addressing special concerns, such as the resolution before the body today.

I thank the distinguished ranking member of the committee, the gentleman from Indiana [Mr. HAMILTON], for his support, as well as my ranking member on the Subcommittee on Asia and the Pacific, the distinguished gentleman from California [Mr. BERMAN].

Again, Mr. Speaker, I commend the careful attention of the distinguished gentleman from California [Mr. HORN] on the events in Cambodia and his initiative in sponsoring this resolution. I urge support of House Resolution 121.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], one of our leading advocates of human rights and a cochairman of the Human Right Caucus in the Congress.

Mr. PORTER. Mr. Speaker, I thank my friend from New York for yielding me this time and for those kinds words.

Mr. Speaker, I rise today to commend my colleagues for their efforts to call attention to the deteriorating political situation in Cambodia. Democracy is new in Cambodia and it is extremely fragile. The political violence that has again flared up in recent months has shaken an already unstable situation in this long-suffering nation.

The people of Cambodia have endured the brutality of the Khmer Rouge and the neglect of the international community. Now they are struggling with perhaps their greatest challenge, the effort to bring lasting peace and democracy to their country.

The deadly Easter Sunday attack on Sam Rainsy and the Khmer National Party shattered a peaceful demonstration in front of the Cambodian National Assembly. The wounded and injured were described in detail by the gentleman from Nebraska [Mr. BEREUTER] in his remarks. I might say, however, that Mr. Rainsy is convinced that persons in the government, specifically Second Prime Minister Hun sen, colluded in the attack. I hope, Mr. Speaker, that he turns out to be wrong in that assessment.

This attack represents an affront to justice, peace, the rule of law, democracy, and the desires of the Cambodian people for these ideals to take root in their country. The KNP organized this rally to call attention to the need to strengthen the rule of law and reform the Cambodian judiciary. How ironic it would be if there were no justice for the victims.

Such actions of terror and cowardice threaten to undo a $2 billion United Nations-led national reconciliation effort sponsored primarily by the United States. The KNP is a leading pro-democracy party, and they are working with other like-minded political parties to ensure that the national elections this year secure the gains that this international involvement has brought.

If acts of political violence go unpunished, the enemies of peace and democratic transition will be rewarded. This cannot be allowed to happen. Cambodia cannot be allowed to sink back into the horrible lawlessness from which it recently emerged. I am, therefore, pleased to join my colleagues in calling on our Government to offer assistance in bringing the perpetrators of this heinous crime to justice and in urging the prime ministers of Cambodia to take advantage of U.S. technical expertise.

Our Federal law enforcement agencies have the know-how to conduct a comprehensive investigation. I hope that the Cambodian Government will accept our help. Such a move would send a clear signal that they are serious about stopping political violence.

In addition, the Congress should call on all parties to vigorously renounce political violence and reaffirm their commitment to free and fair elections.

I have recently been to Cambodia, Mr. Speaker, and I do not underestimate the many hurdles to democracy in that country.

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However, I have also seen the spirit of the Cambodian people and I know of their strong desire for a better future. I can assure the Congress that we have an extraordinary and energetic U.S. Ambassador, Kenneth Quinn, who is doing an outstanding job working with all parties in all segments of Cambodian society to build the institutions of democracy and the elements of civil society in this fragile country for which we have so much moral obligation.

We cannot tolerate political violence or intimidation. The people of Cambodia deserve the opportunity to choose their future without fear. I commend this resolution and the leadership of the gentleman from California and the chairman of the committee and ranking member to all the Members and urge their support for it.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I want to thank my friend, the gentleman from Indiana [Mr. HAMILTON], for yielding.

Mr. Speaker, I rise to commend the distinguished gentleman from California [Mr. HORN] for bringing this issue to our attention. I am fully in support of his efforts, and I want to identify myself entirely with the words of my distinguished Republican cochairman of the Congressional Human Rights Caucus, the gentleman from Illinois [Mr. PORTER].

It is absolutely critical that we prevent Cambodia from sliding back into violence, dictatorship, human rights violations, and terrorism; and every effort should be made, with the assistance of all of our appropriate agencies, to bring the perpetrators of this outrage to justice.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 121.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 121.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REAFFIRMING COMMITMENT OF UNITED STATES TO PRINCIPLES OF THE MARSHALL PLAN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 63) expressing the sense of the Congress regarding the 50th anniversary of the Marshall plan and reaffirming the commitment of the United States to the principles that led to the establishment of that program.

The Clerk read as follows:

H. CON. RES. 63

Whereas on June 5, 1947, in a speech at Harvard University, then-Secretary of State George C. Marshall proposed the establishment of a joint American-European program to provide assistance, "so far as it may be practical for us to do so," to assist the countries of Europe to recover from the devastation of World War II, and that program was subsequently called "The Marshall Plan" in recognition of the pivotal role of Secretary of State Marshall in its establishment;

Whereas then-President Harry S Truman had earlier enunciated the principle of assisting democratic countries which faced the threat of communist aggression and thus laid the foundation for the Marshall Plan with the "Truman Doctrine" which provided economic and military assistance to Greece and Turkey, and this farsighted policy represented a reversal of longstanding United States policy of avoiding peacetime involvement in foreign military and political affairs;

Whereas the Marshall Plan was developed, refined, and enacted with the broad bipartisan involvement of the Congress of the United States, including in particular the efforts of Senator Arthur H. Vandenberg of Michigan and Congressman Christian A. Herter of Massachusetts;

Whereas the Congress provided an estimated $13,300,000,000 to assist the sixteen European countries which participated in the Marshall Plan during the four-year period of its existence, and this material contribution represented a significant sacrifice by the American people;

Whereas the assistance provided under the Marshall Plan served to "prime the pump" to stimulate the economies of the participating European countries and resulted in an average growth of 41 percent in industrial production and an average growth of 33.5 percent in per capita gross national product during the four years of the program;

Whereas the spectacular economic revival of the countries of Western Europe would not have been possible without the creativity, technical skills, managerial competence, and hard work of the European peoples; nevertheless, the Marshall Plan was a vital element in assisting the European peoples in the postwar economic recovery;

Whereas the multinational economic cooperation required and encouraged by the Marshall Plan was a significant impetus in fostering transnational European economic cooperation and unity which ultimately helped to pave the way for the North Atlantic Treaty, in developing the multifaceted relationship between the United States and the countries of Europe, and in contributing to the establishment of the European Union; and

Whereas 1997 marks the 50th anniversary of the original speech by Secretary of State George C. Marshall calling for the establishment of the Marshall Plan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) urges all Americans on the 50th anniversary of the Marshall Plan to reflect upon the significance of this program as a concrete embodiment of the commitment of the United States to fostering peaceful relations with the economic prosperity of the countries of Europe;

(2) reaffirms the commitment that was expressed in the original Marshall Plan ("Economic Cooperation Act of 1948," sec. 102, Public Law 80-472) was enacted—namely, that "intimate economic and other relationships exist between the United States and the nations of Europe," that extensive and friendly relations with the nations of Europe and with the community of European nations is vital to the promotion of "the general welfare and national interest of the United States" and that the prosperity and security of Europe are essential to "the establishment of a lasting peace"; and

(3) acknowledges and commends the efforts of those countries which originally participated in the Marshall Plan to assist the countries of Central and Eastern Europe and the newly independent republics of the former Soviet Union in their efforts to develop market economies and democratic political systems as a reflection of the same generous spirit that motivated the people of the United States to help these Western European countries fifty years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this timely resolution draws our attention to the 50th anniversary of the Marshall plan which will be celebrated on June 5. It reminds us of the grand commitment made by Secretary of State George Marshall and President Harry Truman, supported by a farsighted bipartisan group of Congressmen and Senators. It was this commitment that made possible the economic prosperity which we have now come to take for granted in Western Europe and allowed democratic institutions to develop and thrive.

Most importantly, it allowed the peoples of Western Europe, who are now our closest allies, to emerge from the ashes of the Second World War and to rebuild their lives anew.

As we reflect back on those troubled and uncertain times that followed the end of World War II, we should renew the commitment to the principles that underlaid our actions at that time, and remember that there remain people in Central and Eastern Europe as well as the former Soviet Union who were prevented from benefiting from the Marshall plan, and who now look to us to do for them what was done for the Europeans some 50 years ago.

Fortunately, today it is not up to our Nation alone to perform that task, a task made even more daunting by the legacy of the Communist system that prevailed for all the years that Western Europe was developing and getting back on its feet. Today we can count on the support of those very same nations that benefited from the vision that gave birth to the Marshall plan to do for the New Independent States what was done for them half a century ago.

This resolution rightfully acknowledges and commends the efforts of our friends and allies to assist the newly independent nations of Central and Eastern Europe and of the former Soviet Union to develop free market economies and democratic political systems.

I want to commend the gentleman from California [Mr. LANTOS] for his good work in seeing to it that we accord this important anniversary its due recognition, and I am pleased to have been an original cosponsor of this resolution. I also commend our ranking minority member, the gentleman from Indiana [Mr. HAMILTON] in helping us bring this measure to the floor at this time. I ask the House to lend itself unanimous support to this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume and I rise in support of the resolution.

Mr. Speaker, I simply want to underline the importance of commemorating the 50th anniversary of the Marshall plan. The Marshall plan laid the groundwork for the strong and close postwar political, economic, and military relationship between the United States and Europe. And, of course, that relationship remains the cornerstone of our security policy today.

I think, without any question, the Marshall plan was one of the greatest events in American political history and American diplomatic history. I want especially to thank my friend and colleague from California, Mr. LANTOS, for his leadership and for his foresight in bringing this resolution before us. And of course, I am grateful to the gentleman from New York [Mr. GILMAN] and the other cosponsors of House Concurrent Resolution 63, but it is really the gentleman from California [Mr. LANTOS] who deserves the chief credit, I think, for bringing this resolution forward.

It is a very important resolution. It not only underscores the close transatlantic relationship that exists today, it comes at a time when many Europeans are anxious to underscore the importance of the transatlantic tie, at least as we talk about the enlargement of NATO and some of the concerns that our European friends have about the growing isolationist tendencies in this country and in the Congress.

It is also important, I think, that we express our support now for the aspect of the resolution calling for efforts by the European beneficiaries of the Marshall plan to turn now to help the emerging democracies in Central and Eastern Europe. This is an important resolution, and I urge its support.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I want to thank my friend from Indiana, Mr. HAMILTON, for yielding me the time, and I want to thank the distinguished gentleman from New York, Mr. GILMAN, and the distinguished Democratic ranking member, Mr. HAMILTON, for supporting my resolution.

Mr. Speaker, the end of the Second World War found Europe at a hinge of history. And had it not been for the Marshall plan and related events, the whole history of mankind during the last half century and beyond could have turned out in a totally different and in a totally ugly fashion.

The Soviet empire was ready to expand its control and influence beyond Eastern and Central Europe to Western Europe, and it was the incredible vision and courage and determination of U.S. bipartisan foreign policy leadership that stood in the way. It began with President Truman's enunciation of the Truman Doctrine, which provided economic and military assistance to Greece and Turkey at a most critical moment, followed by, 50 years ago this summer, the historic remarks of Secretary of State Marshall calling for the nations of Europe to come together, rebuild their devastated economies, and forge the framework for political democracy.

I was a young student in Budapest at that time, Mr. Speaker, and it was my privilege on Radio Budapest to call on the Government of Hungary to join the Marshall plan because the Marshall plan was open to the countries of Central and Eastern Europe. But of course, the Soviet Union vetoed any such attempt. And we have seen over the last half a century a differential development in Europe, spectacular economic growth in Western Europe, and devastation, destruction and backwardness in Central and Eastern Europe until the collapse of the wall in the last few years.

I think it is important to underscore, Mr. Speaker, that in today's dollars, the Marshall plan represented a commitment of some $135 billion by the United States to help the Nations of Western Europe to rebuild their economies. This was the largest philanthropic enterprise in the history of the world. We went in to do good, and we did well.

Europe's prosperity contributed enormously to our own prosperity. And Europe's ability to develop Democratic societies has enabled us first to prevent Soviet expansion and, with the creation of NATO, to see the disintegration of the Soviet empire.

We now are at phase 2. We are now asking the question, are we going to have anywhere near the comparable, vis-a-vis Central Europe, Eastern Europe and the former Soviet Union, to see to it that these countries and these peoples will also have the opportunity of developing viable economies and strong and Democratic societies.

This is the opportunity for our Western European friends to show a forward-looking outlook with respect to the European Union to open up the European Union to the countries of Central and Eastern Europe, just as we provided the Nations of Western Europe with the aid and assistance to rebuild their economies.

It is our joint opportunity, Mr. Speaker, to see to it that as the various countries of the region qualify for NATO, we in fact open the doors of NATO so we expand the arena of peace, stability, democracy, and respect for human rights throughout the European Continent.

Mr. Speaker, I think it is extremely important to underscore that while in 1947 we were a country enormously limited in resources, we had unlimited vision on the part of our political leadership, and what we have to hope for now is that our political leadership on a bipartisan basis recognizes the same opportunities with respect to Central and Eastern Europe and the former Soviet Union that the leadership 50 years ago recognized in the Marshall plan.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, I rise to make some comments about the Marshall plan because my interpretation is somewhat different than the conventional wisdom of the past 50 years.

I happen to believe the understanding of the Marshall plan is probably one of the most misunderstood economics events of the 20th century. The benefits are grossly overstated. The Marshall plan through these many years has been used as the moral justification for all additional foreign aid. And once I hear it, I assume we are on the verge of extending and expanding our foreign aid overseas.

When we look at the total amount of money that flowed into Europe following World War II, the amount that came from the American taxpayers was not large. The large amount came from corporations and investors who believed that Europe would be safe and secure, so the large number of dollars then flowed into Europe.

It was interesting that the conditions were improved in Europe not so much because of America but sometimes in spite of America, because many of our economists went to Europe at this time and advised them that the most important thing that they do, especially in Germany, was to maintain price controls. Here in this country we did not learn, and hopefully we have finally learned the lesson, but we had not learned until at least 1971 that wage and price controls were not a good idea.

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Yet Ludwig Erhard at that time defied the strong advice by the American advisers and took off wage and price controls, kept taxes low, kept regulations low, produced political conditions which were very conducive to investment, and this is what caused the real recovery in Europe.

Political assistance, funds flowing into a country through political maneuvers, are never superior to those funds that flow into a country for reasons of the political stability. Because Europe did invite capital, this was the real reason why Europe recovered.

Foreign aid is used frequently throughout the world to help people.

But if we look at Zaire and Rwanda and the many countries of the world, foreign aid has really been a gross failure. As a matter of fact, it does harm because it encourages the status quo. The market is much smarter than we as politicians, because if the market and the political conditions are not right, that country that wants capital must improve those conditions to invite the capital. A good example might be in Vietnam at the current time. They changed their conditions to invite capital. So there must be an incentive for those countries to change their condition.

Foreign aid very often and very accurately, I believe, is a condition of taking money from the poor people in a rich country and giving it to the rich people of a poor country. I think there is a lot of truth to that, because the burden of taxation and inflation and the many things that our average citizen and our middle-class citizen suffer comes from overexpenditures and good intentions whether they are here at home or overseas. We believed at that time, and strongly so, I guess, still, that the government's responsibility, whether it is through government expenditures or through the inflationary machinery of the Federal Reserve, that if we stimulate an economy, if we prime the pump, so to speak, that we can stimulate the economy. This was the argument after World War II, that we would prime the pump. That is not a free market notion, that is a Keynesian notion. There has been no proof that this is beneficial. Really what counts is a sound currency. Germany after World War II and even to this date is known to have a harder and sounder currency than any other currency in Europe. Political stability is what is necessary, not taking money from taxpayers of one country and shifting it to another one.

Foreign aid very often, not so much the foreign aid that went to Europe, and I would grant my colleagues, the other conditions compensated and did not allow the foreign aid to be damaging so much as the foreign aid, say, to a country like Rwanda. That was so destabilizing, because the politicians get hold of the money and they use it for political reasons. Money to help a country must go in because conditions are beneficial, that encourage investment, that encourage the market to work.

Mr. Speaker, I would argue that there is a different interpretation, but I know that the support for this measure is justified.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I cannot help but respond to my colleague's comments. While I think he is well-intentioned, there are some issues that I think have to be addressed.

The United States, at the end of World War II, spent $16 billion in 1950's dollars in western Europe because we understood that while the best avenue may be the private-sector initiatives and other issues at hand, the reality was that without that economic assistance, there was a danger that western Europe would destabilize and that much of it would be taken over by Soviet influence. We recognized that short-term expenditure was the right thing to do for human rights, for economic opportunity, for political rights. I think to say that that model only worked about one time in history frankly does not meet the historical test.

If we take a look at the countries that are our biggest purchasers of grain products today, they are many of the countries that started off under a PL–480 program. To argue that there are still some countries in the world that have not recovered is not, frankly, an astounding argument. When we look at any program, it works best on certain areas, and other areas are more difficult to get to. It does not mean that there is not a benefit to us in that area.

Let me finish with these two points, and I will yield to the gentleman from Texas.

That is, every place we have played a major role in establishing democratic governments, governments that respect human rights, not only have we done the right thing, we then turn out to have the best markets there; but it has taken a cooperation between government and the private sector, and we cannot do it without both.

I would say the same thing has happened in agricultural sales: that in the countries where we have provided the most generosity of the American people to providing assistance, those are the countries that have turned out to be the largest purchasers of American agricultural products, which helps our trade balance immensely.

Lastly, I would say that if the gentleman thinks the tax burden in this country is distributed badly, I agree with that. Let us vote for a progressive tax. There is a very easy solution to that.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, I would vote to change the taxes, but mainly to lower them for everybody. The point that I am trying to make is that the large amount of capital that helped Europe recover did not come from the taxpayers. That was a small amount. There were a lot of other investors that went into Europe. The key reason was the political stability and the good economic climate which Erhard helped to introduce. I think that is much important.

There is a difference between what happened in Europe versus the waste that we had in Rwanda. We did not do the people, the poor people of Rwanda, very many favors by sending money down there that became a political weapon to suppress the poor.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to respond to some of the observations the gentleman from Texas made.

I think the gentleman from Texas is correct in recognizing the importance of private investment flows to Europe. I think they played an absolutely critical role in European recovery. But I wonder whether he would not agree with me that without creating the framework of political stability, military security, the rebuilding of the infrastructure, the absolutely indispensable achievements of the Marshall plan, none of that capital would have flowed into Europe.

I was in Europe in 1945 and in 1946 and in 1947 and it was a continent of devastation, destruction, hopelessness and despair. No American company was interested in investing in a battlefield, which Europe was at the end of the Second World War. It was the creativity and the vision of American political leadership on a bipartisan basis that created the framework for all of the subsequent investments and trade which flowed after the basic preconditions were created by the Marshall plan.

My friend from Texas should rejoice with us that this was a shining moment of American history. It was one of the most beautiful moments of American history when we went in to do good and succeeded in doing well for us and for our European friends.

I do not see any point in diminishing this achievement of President Truman and Secretary of State Marshall and Senator Vandenberg and Congressman Christian Herter, who served in this body and who as a Republican did so much to support these measures. When the history of this century is written, there will be a shining moment of American bipartisan political leadership which is represented as we celebrate it with the Marshall plan.

What is called for now is a recognition that the Marshall plan, because of Soviet occupation of central and eastern Europe, could only do half the job. It could only do the job in western Europe. We along with our European friends now have an opportunity to complete the job.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Texas.

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I think that there could not be an argument made that every dollar that we sent to Europe did not have some beneficial effect. Quite possibly it did. But my point is that if that money from the taxpayer had not been sent, there is nothing that says it might not have been sent through the investors, but it depended on the political climate and what they did. I do not want to deemphasize that. That is the important reason why this foreign aid was not as harmful as it usually is, and it had some benefits, mainly because of the political climate.

Mr. LANTOS. If I may reclaim my time, not only was it not harmful, it was the inevitable precondition of development. The gentleman should be open-minded enough to admit that this was an enormously statesmanlike and incredibly successful measure, and I have difficulty visualizing the need 50 years later, looking at a success story, trying to denigrate it.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the distinguished gentleman from Texas for his important, constructive contributions to this debate. I would like to note to our colleagues, in our proposed Foreign Policy Reform Act, we are trying to move from government-to-government aid to aid that benefits the private and voluntary sectors. We are involved in trying to reform foreign aid and to encourage and stimulate private investment in the developing world.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 63.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 408, INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 153 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 153

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment shall be considered as read. Points of order against that amendment for failure to comply with clause 7 of rule XVI are waived. No amendment to that amendment shall be in order except the amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, which may be offered only by Representative Miller of California or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Mrs. SLAUGHTER], pending which I yield myself as much time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules granted an unusual request from the Committee on Resources. As my colleagues know, under the gentleman from Alaska [Mr. YOUNG], the Committee on Resources has typically brought its bills to the floor under open rules. However, in the case of H.R. 408, certain provisions of which also fall under the jurisdiction of the Committee on Ways and Means, special circumstances clearly warrant granting a modified closed rule.

H.R. 408, the International Dolphin Conservation Program Act, essentially codifies an international agreement between 12 nations known as the Declaration of Panama. Were the House to make any significant changes to H.R. 408, this historic agreement would be lost.

Mr. Speaker, it is worth noting that the negotiations that produced this agreement could serve as a model for environmental policymaking on many other issues because virtually every important viewpoint on the tuna-dolphin debate was represented at the table. These negotiations not only involve the governments of 12 nations, but also include key representatives from both the environmental community and the fishing community.

As a result, Mr. Speaker, it is an agreement that enjoys unusually broad support from Vice President AL GORE to the Committee on Resources chairman, the gentleman from Alaska [Mr. YOUNG], from Greenpeace to the American Sports Fishing Association, and from the Tuna Boat Owners Association to the labor unions whose members work on those boats. The broad support was most visibly demonstrated on July 31 of last year when the House passed an almost identical bill by an overwhelming bipartisan majority of 316 to 108. Clearly the time has come for the United States to ratify this important measure without further delay.

For that reason and in recognition of the delicate nature of this international agreement, the Committee on Rules has reported a modified closed rule that allows for an up or down vote on the bill.

The bill provides that in lieu of the Committee on Resources amendment, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 shall be considered as the original bill for the purposes of amendment, and said amendment shall be considered as read.

The rule further provides for the consideration of an amendment printed in the CONGRESSIONAL RECORD to be offered by the gentleman from California [Mr. MILLER]) or his designee. Finally, the rule, which was agreed to in committee by voice vote without dissent, also provides for one motion to recommit, with or without instructions.

Mr. Speaker, Members who are committed to protecting the dolphin populations in the eastern Pacific will agree that it is vital that we move forward with this legislation. During the coming debate, we will hear differing viewpoints on how this legislation may impact dolphins, but keep in mind that the Clinton administration's experts, our own Committee on Resources and a wide variety of environmental organizations all believe that this bill will save dolphins' lives and that it will also do so in a more effective way than current law will.

H.R. 408 backs up that claim by mandating that every tuna boat operating in the eastern Pacific carry an observer to certify that not a single dolphin was killed when the tuna nets were hauled up. Even one dolphin death would prevent the entire catch from being sold in the United States as dolphin safe. Under today's standards American consumers do not have this kind of guarantee.

However, this proposal is not just about saving dolphins; it is about preserving other endangered marine species, such as sea turtles as well as billfish and juvenile tuna. Those of us who support H.R. 408 are pleased that it will address the entire eastern Pacific ecosystem as a whole and not just one aspect of it.

Simply put, Mr. Speaker, Members desiring to protect dolphins, sea turtles and other important marine life should support this rule to pass the International Dolphin Conservation Program Act.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not oppose this rule, but I do have some reservations about the legislation that the rule would make in order.

The public outrage at the high level of dolphins slaughtered by tuna fishing fleets in the eastern Pacific was so strong that in 1990 the U.S. tuna canning industry announced a voluntary policy of refusing to purchase tuna caught by harming or killing dolphins. This voluntary policy led to the now well-known dolphin safe label found on cans of tuna that are sold in the United States. Under the current statutory definition of dolphin safe, which was supported by the Bush administration and virtually all environmental organizations when it was enacted in 1990. No tuna product can be labeled dolphin safe if caught by chasing, harassing or netting dolphins. But Mexico and other Latin American countries who are eager to gain access to our billion-dollar American tuna market have protested that the labeling practices constitute a trade barrier.

So to accommodate those nations H.R. 408 would change our definition of dolphin safe upon which American consumers have relied for years. Under the new definition included in this bill dolphins can be injured, chased, and netted without limit in the course of catching tuna which, will then be stamped deceptively with the dolphin safe label and sent straight to the American grocery store shelf. Essentially, the law would dupe American consumers into purchasing canned tuna stamped with the same dolphin safe label that they are accustomed to, but under a definition that is much weaker then the current one.

I remember the debate on GATT and NAFTA, and what is on the floor today is what we were promised would not happen. U.S. consumer and environmental laws are being bargained away to satisfy the demand of other nations for access to our markets. This legislation will overwhelmingly benefit Mexico and other foreign tuna fishermen who want to skirt the current requirements for selling their tuna illegally on our shelves, and it undercuts United States tuna fishing fleets who have been complying with the law.

At its heart this is not a dolphin conservation measure. We know it is not because it doubles the number of dolphins permitted to be killed. Even the National Marine Fisheries Service reports that the two dolphin stocks most frequently chased and netted during tuna fishing are at 20 percent or less of their original sizes, and neither of those dolphin stocks is increasing.

H.R. 408 is a convenient means of ending a trade dispute with Mexico and other Latin American countries at the expense of the American consumer and our environment. My real concern is the precedent the bill would set. Enacting it sends a message to any foreign trading partner that this Congress is willing to sacrifice U.S. consumer and environmental protection legislation in the name of multilateral trade agreements and that our domestic laws can simply be negotiated away.

Mr. Speaker, this is a wrong message. I am having a hard time swallowing the argument that this agreement is our only option to avoid a showdown between Latin America and the United States at the World Trade Organization. Congress is being told by the administration and Mexico to take it or leave it. Surely a compromise could have been reached that protected the integrity of the U.S. consumer and environmental laws by still allowing trade with their neighbors.

While I will not oppose the rule, I do urge my colleagues to oppose the underlying bill, H.R. 408, and in addition I urge my colleagues to defeat the previous question. If the previous question is defeated, I intend to offer an amendment that would require the House to consider campaign finance reform before Memorial Day, May 31, so that a final campaign finance reform bill can be sent to the President Clinton before July 4, and I would like to use this opportunity to again raise the issue of why the majority has yet still to hold any hearings or markups on campaign finance reform. Fifty-eight bills have been introduced in the House, 1 of which is my own, to provide free television time, and yet all 58 of these campaign finance bills languish in committee.

Mr. Speaker, there is simply no excuse for this Congress' continuing failure to take action on this issue. The leadership of this House owes it to the voters of the Nation to seize the opportunity before it and to enact responsible campaign reform, and I hope my colleagues will join me in opposing the previous question and opposing H.R. 408.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my friend the gentleman from Washington [Mr. HASTINGS] for yielding me this time, and I am pleased that the House is again turning its attention to the issue of dolphin safe tuna. That actually is the subject today, the question of dolphin safe tuna and better protection of dolphins. That is on the schedule, and that is what we are going to debate because the rules of the House say that when we are going to debate a subject, we are supposed to stick to that subject. So while there are many other subjects we could talk about today, this is the moment that we have set forth in the Committee on Rules, in I think, a very fair and appropriate rule, to talk about ways to improve protection for dolphins who are senselessly slaughtered as part of a fishing process that caused international outrage a few years ago.

This debate is a very important one for the environmental community and the business community and for me especially as a Representative from southwest Florida, which is a true paradise for people and for dolphins as well.

In 1992, I was a member of the Committee on Merchant Marine and Fisheries that we had in those days, and I helped push for the successful passage of the Dolphin Conservation Program Act. That was in response to the outrage of the senseless killing of dolphins as by-catch in the fishing process.

We came up with a good solution. Over the last 5 years we have made real progress in lowering dolphin mortality. Something like 25,000 we knew of were being killed a year. We are now down, I am told, to 5,000. That is still a high number, but it is a huge improvement. But there are still a few lingering problems with the current law that we passed, and the bill under consideration today provides the United States the opportunity to address some of those problems while implementing stronger protections for dolphins and other endangered species, and that is what we are doing here; we are making sure we are doing the right job in terms of protecting endangered species.

First let me commend the gentleman from Maryland [Mr. GILCHREST] and the others for their work on this bill. They have been out there doing the hard work while others have been doing the complaining and the talking to the press, and they have come up with a pretty good solution. We have got some environmental legislation here that is difficult to craft, but we have got a bill that is actually strongly supported both by environmental organizations and by business, in this case the tuna industry, and it is supported by the Vice President, Vice President GORE, and the gentleman from Alaska [Mr. YOUNG], and those represent fairly diverse views on how we deal with the environment.

Under current law to receive the dolphin safe stamp of approval requires only that the tuna was caught using fishing practices generally considered safe for dolphins. That does not mean they were safe; it is just that somebody got away with saying they were considered safe. We were measuring what we thought might be an expectation, and when we looked at the outcome, we decided we could do better, and hence this bill today. Whether the dolphins are actually killed during the catch is what matters, and we think we have a better way to stop that senseless death.

H.R. 408 tightens the dolphin safe definition to require that no dolphins are killed, a standard that will be enforced by having an observer on each fishing boat observing every catch, and if even one dolphin death happens in a catch, that would prevent the whole catch from being sold in the United States as dolphin safe. The United States is a very lucrative market, much sought after, so that is a very important consideration. Clearly it is also a more stringent standard and one we should all be able to agree on today.

Another issue of particular importance to me is by-catch. When sea turtles and other nontarget species are caught and die in fishing nets, it is called by-catch. We have made real progress towards reducing this wasteful practice in the Magnuson bill last year, and I am pleased H.R. 408 will help reduce what is a very real problem still of wasteful by-catch.

Some have expressed concern about this bill in relation to trade, to NAFTA or GATT. At the outset let me say that I too have some concerns about trade issues, particularly in Florida, about questions of enforcement in NAFTA. But I am convinced that this bill has little to do with the trade issue. If my colleagues will excuse the word, it is a red herring and does not impinge upon U.S. sovereignty.

H.R. 408 implements more stringent protections for dolphins and marine life in the eastern Pacific. If we want to protect dolphins, sea turtles, and other marine life, we should support this rule and vote for H.R. 408. I think it does the job very well, and that is the job we are here to do today.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR].

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Mr. BONIOR. Mr. Speaker, I thank my colleague from New York [Ms. SLAUGHTER] for yielding me this time.

Let me begin by saying that I am going to support the gentlewoman from New York in her efforts to get the previous question defeated so that we can offer an amendment so that we can get a debate on campaign finance reform in this Congress.

It will be the fifth time in this Congress Democrats are demanding that we vote on campaign finance reform, and we will try to defeat the previous question to get that done. We have had campaign finance reform votes on January 7, March 13, April 9, and April 16, and not one of my colleagues on the other side of the aisle has joined us in support of creating a day when we can have the debate on a very important issue that this country is yearning to hear about.

Our way of financing political campaigns in this country is broken. Everybody knows it. We all labor through an elaborate series of hurdles and meetings and fund raisers just to stay above water in order for us to compete politically, and it is eating up our time. It is eating up our resources. It is wasting the country's energies. It is creating a situation in which scandal after scandal on both sides of the aisle appear daily in our newspapers and on our radio and television sets.

I think the American people have had it. They want a full-blown debate on how best to fix this. Now, we know there are many parts. There is a constitutional part that is involved here, there is legislative, probably some regulatory things we can do, but we all ought to have it out. We ought not to hide behind a system that is not working. Some of our colleagues in this body have to raise as much as $10,000 a day in order for them to be viable politically. That is outrageous.

We have just seen or come through an election in Great Britain where very few dollars are required to run for political office. We are watching the Canadians now in their parliamentary elections right across from my district, the same situation. The Irish will have one soon. And yet here we are, spending upward of $1–$2 million per individual on congressional races. We need to change the system. And the other side needs to participate in that debate.

Although some have proposed spending even more on campaigns on this side of the aisle, the American people think just the opposite. Nine out of ten believe too much money is being spent on political campaigns today. So we need to fix the system, to get the money down, to set limits, to stop the negative advertising, and to get Americans voting again.

Somewhere along the line our Nation's political discussion got disconnected from the American people. They no longer see a link between their lives and politics, between their work and the economy, between their community and the challenges that we face as a country. We need to have a debate about the fundamental nature of politics in this country, and we should not be afraid to have it.

So I am calling on the leaders on the Republican side, the Speaker and the other leaders. Set a date. We have asked for May 31. That is obviously not going to happen. Now we want to have that debate to meet the President's expectations on the Fourth of July.

It is no secret why some on this side of the aisle do not want to have that debate. They have huge, wealthy donors that contribute enormous amounts of money, mostly from the business community. They outspent the labor community seven to one in this last election. The Washington Times, according to an article on April 9, said this: Those wealthy contributors have told the Republican leadership they can forget about more money for the Republican Party unless tax cuts are enacted.

Just last week, before thousands of wealthy contributors who gave as much as a quarter of a million dollars to attend a dinner, a leader of the Republican Party asked the assembled crowd to imagine Democrats in charge of Congress. And then he said, and I quote: Whatever you have donated, worked for or given to avoid that alternative is a token of what it has saved you. It is a token of what it has saved you.

Well, it does not take an Einstein to read between the lines there. Money is eating at the heart of the system. Vote "no," vote "no" on the previous question so we can get a debate on this floor on the alternative.

Mr. Speaker, I want to compliment the gentlewoman from New York. She has offered an alternative. She has an alternative that will open up our airwaves, the airwaves that we pay for so we can get on and we can campaign and we can get our messages out to the American people. It means taking on the broadcasters, but they are our airwaves. I want to compliment her for doing that.

I want to compliment the gentleman from California [Mr. FARR] for his bill. I want to compliment my Republican colleagues who have a disclosure bill. I do not agree with it, but they need to have that opportunity to have the debate on the disclosure bill. I want to compliment the gentleman from Massachusetts [Mr. MEEHAN]. He has a proposal which I agree with in many respects but have some disagreements with.

We ought to have it all out. We ought to have some debate. There are too many good ideas that are sitting, wasting away. The American people want this debate, our system demands it, we ought to clean up politics in this country and get on with campaign finance reform.

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank my friend from Washington for yielding me the time. I remind my colleagues we are debating a rule for the International Dolphin Conservation Program Act. This was a noncontroversial rule until my colleagues on the other side of the aisle decided to take this time to discuss unrelated issues. And certainly the speaker that just preceded me is a former member of the Committee on Rules, he is also one of the most intelligent Members of the Congress. He is in the Democrat leadership and he knows the rules of the House. The rules of the House prohibit the discussion of unrelated matters when discussing a rule.

However, since they have done that, Mr. Speaker, I guess I could have objected to it and made a point of order, but I think rather than do that, let me just participate in this nonrelated issue which we should not be discussing on the floor.

The previous speaker made some reference to contribution dollars coming from labor and contribution dollars coming from big business from the corporate sector. Well, let me just remind the gentleman that it is illegal to accept any kind of money from corporations or companies that are incorporated in this country. I do not think any of us do. And if any of us do that, we ought to be brought up on ethics charges and FEC violations by the FEC. The previous speaker who just spoke, and I happened to look at his financial filing the other day, and he receives money from labor, just like the gentleman from New York, [Mr. JERRY SOLOMON] does, this Member of Congress, and I am very proud that the workers at GE and the postal workers, the letter carriers who were just at my office a few minutes ago, make contributions into a political action committee to me to help me be reelected, and I really appreciate that.

I also have it from other employees at General Electric Co., for instance, who contribute to my campaign as well. Under the Constitution, that is absolutely legal, and the way that it should be.

The minority is attempting to defeat the previous question and offer the following so-called proposal. I think this is what it said the last time I looked at it: The House shall consider comprehensive campaign finance reform legislation under an open amendment process. And the gentlewoman from New York [Ms. SLAUGHTER], my good friend, mentioned something about before May 31, but then I hear the previous speaker, the minority whip, say something about July 1. I really think we ought to get our act together and decide which is which here.

But let me just say this, Mr. Speaker and my colleagues. There is no bill, no amendment, no text, no proposal, no idea even. This is just a lot of hot air meant to influence some people up in the press gallery or those that might be watching.

Now, having said that, I would ask my colleagues on the other side of the aisle, how would this alleged proposal address violations of existing law? Let me tell my colleagues something, that is what I am concerned about here. Does the Democratic bill that they are talking about relate at all to obstruction of justice by high-level Clinton administration officials as reported in the Washington Post? Where are these articles I just had here, and the New York Times a little while ago? Does the minority have any kind of plan that would address the daily revelations of national security breaches that threaten the security of the United States of America within the highest levels of the executive branch, according to these articles? These articles say Whitewater prosecutor finds obstruction of justice evidence. Whitewater counsel says he has evidence of obstructing justice. Whitewater grand jury term extended, cites possible obstructions of justice.

Let me tell my colleagues something, that is what the constituents I represented are interested in. They want to know where all of this money coming in from the Chinese Government into political pockets in this Congress, they want to know how that money got here and how that is illegal. Sure, if we want to get to the bottom of that, let us get it out here and let us debate it. I would challenge anyone and all of my colleagues on that side of the aisle, come on out here; we will do a special order and we will talk about it to the end.

Would the minority's proposed bill address the allegations of foreign corruptions of our national system which is being discussed across the country in the media? As I scan down the newspapers every single day, what I am confronted with, Mr. Speaker, is not a question of how the Nation should finance political campaigns but more a question of, is the White House adhering to the rule of law? That is the important thing.

The American people expect their public officials to abide by the law. Once this minimum threshold is met, then we can consider proposals to existing law.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from New York for yielding, because I too join him in this almost fetish about creating new laws, and yet, no interest at all in enforcing the current laws, which may or may not have been broken.

I add to the gentleman's list of questions; when the Democrats talk about campaign finance reform, do they want to find out about the international contributions that were apparently illegal made to the Democrat Party and the Clinton White House? Did they influence foreign policy? I would like to know from the Democrats whether the Democrat operative, John Huang, broke campaign finance laws by fundraising when he was on the Government payroll. I would like to find out whether John Huang broke the laws by coordinating donations from non-U.S. citizens who have ties with his former employer, and with no apparent reasons, what was the pattern that they were given to the Clinton folks and the Democrat National Party?

Did Mr. Huang compromise the U.S. national security by sharing secret Government information with his former employer overseas? This is a very relevant security question. Do the Democrats want to find out if White House officials, while on Government payroll, illegally raised funds for the Democrat Party? I would like to know about the computer database at the White House. Was it legitimate or was it just there to keep track of Democrat donors?

I would like to know whether the White House improperly used the FBI, the National Security Council, or the CIA to pursue fund raising.

I think all of this is very important. I would like to know how long was the President raising money in the Lincoln bedroom, and does the President plan to continue doing this? I would like to know, if the Democrat Party took all of this money so earnestly, why have they had to return so much of it?

I believe that we have a legitimate reason to be talking about campaign finance reform, but I also think a major part of it is to talk about implementing current law. Before we go on with new grandiose plans blaming it on the system, let us talk about the current ethics situation over at the White House.

I think that, if the Democrat Party insists on ignoring these very pertinent and relevant questions, which have far more to do with national security than they do with partisan differences, then I think they are doing the country a disservice. We in this Congress have a security obligation as well as a campaign finance reform obligation.

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Mr. SOLOMON. Reclaiming my time, Mr. Speaker, because we are running out of time, the gentleman mentioned a name, the name of John Huang. Yes, the gentleman is right, we ought to get to the bottom of this, because this is a man who was hired at the request of the President's wife, worked for the Commerce Department, and it had at first been revealed that he had 39 classified briefings, followed up by simultaneous phone calls to an international conglomerate called Lippo, who is undermining and competing with American business and industry and jobs in this country.

Then we found out from the Commerce Department that they had held back, that it was not just 39 meetings, it was 109, and some of those were held at the White House. We are still trying to find out with whom they were held and what was discussed, and what kind of economic espionage was leaked at that time. Then just yesterday or the day before I find out it was not 39, it was not 109, it was 149, by this same gentleman that is undermining American business and industry.

What we need on this floor, and the gentleman has my commitment to get on our bill, is full financial disclosure. I want to know where that money came from, who contributed it, and then let us get to the bottom and hold those people responsible.

I would say to the gentleman, I am going to have to yield back, but if the gentleman gets his own time I will stay on the floor and I will be glad to enter into a colloquy.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. McGOVERN].

Mr. McGOVERN. Mr. Speaker, I rise to ask my colleagues to vote "no" on the previous question. I ask my colleagues to defeat this motion so we may offer an amendment that will require the House of Representatives to debate real campaign finance reform before July 4, the deadline the President gave Congress in his State of the Union address 4 months ago.

The current campaign finance system is clearly broken, and it needs to be fixed in a comprehensive way, and it needs to be fixed today. The Founding Fathers intended the loudest voices in elections to be those of the American people, not wealthy, powerful special interests. When a candidate for elected office spends 90 percent of his or her time raising money, how can they effectively address their constituents' concerns?

Unfortunately, many of my colleagues on the other side of the aisle have resisted Democratic efforts to reduce the influence of money in politics. Speaker GINGRICH has said he would emphasize far more money in the political process. In my view, that is precisely the wrong direction for us to go. There are a number of very good, comprehensive campaign finance proposals out there. While we might not all agree on every detail, I think we deserve to have a date set for discussion to begin.

What we are asking Speaker GINGRICH to do, then, is to simply give us a date certain, give us a day when we can discuss campaign finance reform. Let advocates and opponents of various proposals offer their opinions and defend their positions on that day.

I and a number of my freshmen colleagues have been pressuring the Speaker and the Republican leadership to schedule a day of debate and a vote on real campaign finance reform before Memorial Day. Memorial Day is next Monday, and guess what, no date, and there is no indication that there will be a date.

My colleague, the distinguished chairman of the Committee on Rules, said he would be willing to engage us in a special order. We do not want a special order, we want a day where we can vote on campaign finance reform.

Mr. Speaker, let us move forward and pass real, comprehensive campaign finance reform. The fact is that in view of all the campaign finance scandals that have engulfed both parties, the fact that this House has failed to act is in my view a national scandal. Vote "no" on the previous question.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman for yielding time to me.

I rise on this rule on H.R. 408, the bill that deals with changing the law about truth in labeling. It essentially changes the law about how we label things in America. I rise to speak against the rule, because we are refusing to change the law that allows truth in America about how we run campaigns.

The honorable chairman of the Committee on Rules just said this is a lot of hot air. The heat is being turned on because the American public wants to have campaign finance reform. The worst abuse of power about it all is when they, because they are in power, if they have the power to bring issues to the floor for debate, that is what is missing. That is why we ought to be defeating this rule, and every rule until we get a bill here on the floor, get a moment here on the floor where we can vote on choices for campaign reform.

Look at this. We have had campaign reform voted on on this floor in the last four Congresses. Every one of those has taken up campaign reform. The President for the first time came right here in this room and asked us, by July 4, just a few months from now, to have that bill on his desk, and we have done absolutely nothing about it. That is the abuse of power. That is the abuse of power.

The Republican leadership is avoiding the issue. The American public wants us to debate it, wants us to vote it, and wants us to reform it. All we are here to talk about is how we are going to take away the law about tuna in a can, how we are going to change that law, how we are going to tell people, they will misperceive, and people are not going to know whether the tuna in that can was fished safely or not, and yet we will not debate about how we are going to get people elected to the U.S. Congress.

Congress needs to confront this issue. I urge my colleagues to vote "no" on the previous question, and to insist that we honor the people of this country, that we honor the President of the United States, that we honor our own process and our own power by bringing to the floor those bills that have been introduced, all of those bills that have been introduced on campaign reform, and have an honest debate and vote them up and down. That is what we ought to be doing. Defeat the previous question.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, my friends on the majority, the Republicans, are on the horns of a dilemma. They are trying to keep the focus on the Presidential campaign. They always forget Mr. Barbour, their chairman, who got a half a million dollars from a Chinese company. It seems clear by some of the articles that they targeted foreign money over at the RNC, they washed it through a nonprofit and sent it over to the RNC.

But we can all sit here and talk about the failures of the present system. The horns of the dilemma which they are on is while they can highlight the problem, the American people reject their solution.

The last time they brought a bill to the floor they wanted to increase the amount of money wealthy individuals could give. If Members think wealthy people do not have enough access to Government, maybe that is their solution. The American people do not believe that. They wanted to increase the amount of money you could give to parties in almost every other category. The American people do not believe that is the solution. So the reason they do not want to bring the bill to the floor is because if they bring it to the floor, the solution they present will be almost unanimously rejected by the American people.

The record here is clear. Under Democratic control this House passed campaign finance reform through the House and Senate. It was then vetoed by President Bush. With the election of President Clinton and his commitment to sign a campaign finance reform bill in the first 2 years, with a Democratic House we were able to pass the bill, only to find it to be filibustered by the Senator from Kentucky.

Now the filibusterers are apparently in this Chamber as well. The Committee on Rules, the leadership on the Republican side of the aisle, have refused to give the Members of Congress an opportunity to bring this legislation to the floor.

If the Members were firemen on that side of the room, they would be looking at a fire saying, my, it is terrible. It is burning. It ought not to be doing that. Why do you not turn a hose on? They say, "Oh, no, we are just here to critique the present system. God forbid we should come forward with a solution."

There are solutions on their side of the aisle. The gentleman from California [Mr. FARR] has one, I have one. There may be different ways to fight a fire, but not turning the hoses on is not one of them.

In this case, we have to shut the fire of money down. The average citizen does not feel he can have an impact on a political process when he hears about a half a million dollars to the RNC or a half a million dollars to the DNC. We ought to limit contributions to $100, make every American feel like they can be empowered. We have to have a system that encourages women and minorities to have the same opportunity to run as wealthy white males.

I have nothing against wealthy white males, but they should not be the only ones represented here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Mr. GUTKNECHT]. If the gentleman from Connecticut [Mr. GEJDENSON] will suspend, the Chair will take the prerogative of the Chair to remind all Members that under the rules and precedents of the House, it is not in order to cast reflections on the Senate or its Members, individually or collectively.

Finally, it is not in order to refer to the President in terms that are personal.

Mr. GEJDENSON. Mr. Speaker, I thank the Chair. I think those are good rules. We are all trying to live by them.

The question is, Are we going to respond to a system that is endangering the support of the American people? When they see a half a million dollars given to one campaign or another, they feel like their involvement volunteering in a campaign, or a small contribution that an average individual could give, are meaningless.

Let us come together on this and give the country back to the people, send them the message that their volunteering in campaigns for Republicans, Democrats, or Independents is vital to the political process. Let us tell them that we are not going to have the kind of monstrous-sized checks given to political parties and candidates that make the average citizen feel like they do not count.

Let us give America back to the people of this country, and let us rebuild the confidence, not just pointing fingers at each other, where each side may have erred, but how do we fix it. That is why we are sent here. We are not just observers in a war, we are here to fight for our constituents. I believe the majority is abdicating that responsibility on this crucial issue.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, we are talking about a rule here on a tuna-and-fish bill. Everyone knows there is something fishy and something wrong with campaign financing as we know it. I think this side wants to change it.

The problem is that the other side and the White House, even as we speak here today, have not done much to cooperate in the investigation to see what is wrong with current campaign financing. Even as I am here, documents are being delivered from the White House. Today we were about to question and hold in contempt the White House legal counsel because month after month they have refused to cooperate with us. They said they were going to give us documents and did not until that pressure was applied.

So we want campaign finance reform, we want to improve the system, we want to work with the other side, and we know we can and must do a better job. But we should at least have the cooperation that we have had to elicit out of the other side by force, unfortunately, today.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, the question that we have to ask ourselves is simply, when is enough enough? How much longer can we sit here as Members of the House of Representatives and pick up any morning paper in almost any city in the United States and read yet another story about some campaign committee, some officer of the Republican National Committee, the Democratic National Committee, the White House, the congressional campaign committees, engaging in activities either that are illegal, or have so distorted the system that those who write large checks, those who have access to money, get access to government that the ordinary citizen could never dream of.

This is supposedly the people's House. Yet we find that money, money is becoming the means of access, as opposed to your rights as a constituent to Members of Congress. Every day we see more and more decisions brought forth in the press that were distorted by money: decisions of regulatory agencies, decisions of committees, decisions of subcommittees, where money influenced the outcome of the deliberations.

The Republicans like to suggest that it is all just about illegal contributions. The tragedy at the end of all of these investigations will be that the vast amount of money that causes the distortions in the system in terms of representational government is legal. It is legal. It is legal to the extent that it is simply swamping the ability of local constituents to have a say in their election.

We need campaign finance reform. At the very beginning of this session, I and 100 of our colleagues, on a bipartisan basis, wrote to the Speaker and asked him to give us a date to bring it forth within the first 100 days of Congress. May 26 is the 100th day and he has not brought it forth. The President has asked to do it by July 4. There is no indication that will be done.

In 100 days we defeated Saddam Hussein in the Persian Gulf. In 100 days the Brits defeated the Argentinians in the Falklands. In 100 days Franklin Delano Roosevelt laid the groundwork for a New Deal.

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In 100 days, 2 years ago we passed most of the Contract With America. In 100 days one can do great things. This House, this Speaker has chosen to do nothing in this first 100 days with respect to a cancer on the political system of American government. We need that debate on this floor. We need a wide open debate.

Our beloved former Speaker, Tip O'Neill, when asked by people, what is the greatest power that the Speaker of the House of Representatives had, he said, the power of recognition, because the Speaker controlled the agenda. If the Speaker does not recognize you, you cannot come forth on the floor.

The Speaker of this House owes it to the House and to the American people to use his power to call forth the debate on campaign finance reform and let the chips fall where they may. The investigations will continue and, as the investigations like to point out, they are investigating matters that they believe are already illegal under the law.

That is not the problem in terms of representational government, and that is not the problem in terms of this institution. The problem is the volume of money that is now foreclosing the voices of millions of Americans who would like to weigh in in the decisions that we make in the people's House.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I will do something unique and speak about the issue at hand, the tuna dolphin bill, and stay away from what some of my colleagues want to get into, political maneuvering.

I stand before my colleagues as an original cosponsor of a bill that would save dolphins. When I was on the Merchant Marine and Fisheries Committee, we had a pretty monumental problem. All over the world, dolphin were being killed in thousands and thousands of numbers. Both the United States and other fishing environments and fishing fleets reacted and tried to devise methods that would actually save dolphin and allow us to fish and feed the populations of the world.

One of the things they did was to establish a system to where they could back down the net because, where you have tuna being caught, the dolphins swim above it. And the dolphin were being caught up in these nets. So the fishing fleets devised a system where you would actually back down the nets and, where the dolphin swim above, the tuna would swim out of the back side of the nets. We have had two fishermen from the United States killed by sharks actually trying to help the dolphin out of the nets.

Now, dolphin-safe means that there is no dolphin within that particular catch that was killed. And for some of my colleagues, that is not good enough. One of the problems is there are 11 other nations out there that fish tuna and catch dolphin. They do not adhere to our rules. So there are still dolphin being killed in many of these catches.

There was an agreement that was set forth, called the Panama agreement, to bring in these other nations to ask them to adhere to our requirements to not kill dolphin. And they did so under the dolphin-safe label and under the Panama agreement. Some of my colleagues will say the State Department was not involved. I have got letters from here, and I have got the actual Panama agreement itself signed by the State Department. It was negotiated with five environmental groups that support this legislation.

I have got a letter here from the President of the United States; I have one here from AL GORE. It says: The Vice President says the administration strongly supports this legislation, which is essential to the protection of dolphins and other marine life in the eastern tropical Pacific. Then the President, our shared goals are to further reduce, eliminate dolphin mortality, to minimize incidental catch for other species, and he strongly supports this legislation.

Greenpeace believes, and I quote: Greenpeace believes that the Greenpeace bill offers the best foundation for the United States and other nations to resolve the tuna-dolphin.

It goes on and on. Here is one from Barry McCaffrey. Some of my colleagues will claim that we are shipping drugs through fishing fleets. Give me a break. Most of the drugs come through cargo containers and across our borders. And, yes, there is a drug problem. The boat that they refer to is out of Ecuador, which is a dolphin-safe country already. And guess what, there was no fishing paraphernalia on the boat that was caught. It was one of their boats. It was not even fishing, and it had no observer.

Every single boat that goes out to fish will have an internationally trained observer to monitor, to make sure that there are no slip-ups. If there is a dolphin killed in that set, Mr. Speaker, that set cannot be used in dolphin-safe fishing.

But yet some of my colleagues will still fight it. The real answer, here it is right here, Earth Island makes millions of dollars managing the tuna-safe dolphin. Here is their fundraising list after they blast all the negatives. Here is the President, the Vice President, the White House, we had 316 votes last year on this. It went through two different full committees. The subcommittee, the committees with amendments and changes and all these changes went through in conjunction with the Panama agreement. And now they are supported by Republicans and Democrats, and this is going to pass overwhelmingly. That is why my colleagues across the aisle here want to use this as a political stymie in campaign finance reform. The issue before us is protecting dolphin.

I would say that there is another reason. There are actually, believe it or not, pro-reform people in the Mexican Government that are working with us.

I thank the gentleman for yielding me the time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, I rise to urge a no vote on the previous question because of my strong belief that it is time for this Congress to act and to act quickly on campaign finance reform.

Recently the New York Times quoted a woman by the name of Pam Elliott in Tennessee who said, "The special interest groups are spending millions to get their point across and people like me aren't heard at all. "Money talks," says Ms. Elliott.

Unfortunately, Ms. Elliott is right. Money does talk. In fact, it not only talks but it shouts. So loud that it is drowning out the voices of ordinary Americans who want to participate and be heard in the political process.

As the tide of special interest money has increased, voter turnout and confidence in Government has fallen to a dangerously low level. Voters have concluded that their votes mean far less than a wealthy contributor's dollars, and they believe that our Government is for sale to the highest bidder. Experienced lawmakers from this Chamber have left this House, because they are weary of spending their time panhandling for dollars. And qualified citizens have declined all across this country to run for office because they are unable and are unwilling to stoop to the level necessary to raise the millions of dollars needed to run for office today.

Less than half of the voters in this country even bother to participate in casting a vote for a candidate for President because they are turned off by the political process as we know it. What kind of company in this country today would pay for an advertising campaign that drove half the consumers to boycott the product? That is what we are doing with our current system of campaign finance.

A democracy cannot survive, much less succeed, with such a widespread loss of faith in the democratic process.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON], subcommittee chairman on this legislation.

Mr. SAXTON. Mr. Speaker, one would hardly know what this bill was about listening to the debate. This rule is about a bill which has been long in coming.

We have been working on this bill for 3 years, and it came as a result of a law actually that was passed in 1993, because in 1993, we recognized that we were killing too many dolphins in the eastern tropical Pacific by way of tuna fish fishermen.

What was happening back then, Mr. Speaker, is very simply that the way of catching tuna was to find a school of dolphin and recognizing that tuna fish school up under dolphin, we would surround, or the fishermen would surround the dolphin with large nets called purse seine nets and scoop up the tuna fish along with the dolphins. We found that we were killing something in excess of 100,000 dolphins a year. That is what this issue is about.

I find it regrettable that the other side has seen fit to take this time and steal it away from the environmental community who have been waiting for 3 years at least to discuss this issue today seriously and take the time and use it for something else.

But the bill that is coming today I think is a very important one and it really has taken a long time to get here. What we will do today is to turn back the bill that was passed in 1993, which did in effect make American fishermen stop fishing on dolphins, as the terminology goes, stop fishing on dolphins so that we would not kill 100,000. And we have reduced the kill of dolphins to a very, very low level.

Unfortunately, 12 other countries that fish in the same fishery chose not to abide by American law because they had other markets for the fish and they were off doing other things. So we set upon international negotiations through our State Department to bring an end to the international catch of dolphins.

As we have proceeded, this bill will be the final chapter, we hope, in bringing about a resolution to that problem. Not only will we have an international agreement that solves the dolphin problem, we will also have an international agreement that provides for a habitat management plan in effect which preserves the lives of sea turtles, billfish, sharks and young juvenile, some people call them baby tuna fish, all of which are victims of the present regime of activities that goes on in this fishery which is a very, very bad management plan.

So we have heard a lot of hyperbole today about what the other side would like us to hear about. It is no wonder, Mr. Speaker, it is no wonder the American people get confused. It is no wonder the American people get disgusted because we bring a rule to the floor that has to do with dolphins and tuna fish and sea turtles, and the other side sees fit to try to publicize and politicize the debate.

I think it is most unfortunate, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, we are going to have an opportunity to vote on the underlying bill, but I rise in support of a "no" vote on the previous question to require a vote on campaign finance reform by July 4. That is because the leadership of the Republican Party has refused to bring this issue up.

Let me also rise to highlight the Republican majority's abuse of the legislative process to block campaign finance reform.

Mr. Speaker, back in January, President Clinton challenged the Congress to enact bipartisan campaign finance reform by July 4. The following week the Republican leadership responded by not including campaign finance reform on its list of legislative priorities for the 105th Congress. Soon after the cosponsors of the bipartisan campaign finance reform act sent a letter to Speaker GINGRICH, asking him to work with us to set a schedule for House consideration of bipartisan campaign finance reform. We received no response.

In February, the Committee on the Judiciary held hearings on campaign finance reform and on the first amendment. The gentleman from Connecticut [Mr. SHAYS] and I asked for the chance to testify on the bipartisan campaign finance reform bill. We were denied that opportunity.

□ 1430

Mr. Speaker, over the last 4 months, the gentleman from California, Mr. GEORGE MILLER, has asked time and time again for a vote on campaign finance reform, for a vote to be scheduled. Time and time again his requests have fallen on deaf ears.

Mr. Speaker, we have focused long enough on the problems of our campaign finance system. The question the American people ask is when will we do something about it? Why is it when the President challenges Democrats and Republicans to come up with a bipartisan bill that we see day in and day out this legislative calendar with everything but campaign finance reform on the agenda?

We need to vote on campaign finance reform because this system is broken and needs to be fixed. And as long as the Republican leadership drags its feet, we will be on the floor of this House demanding a vote on this issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the underlying legislation that we are considering this afternoon is indeed very important. Anyone who has ever been at sea and seen a school of dolphin leap into the air knows that this mammal is something that is very precious, another gift of God to this world.

And as beautiful as that sight is, as seeing a dolphin leap through the air, what a contrast it is to see the ugly side of politics as candidates and elected officials leap through one hoop after another in the search for campaign dollars in a campaign system that each year requires hundreds of millions of dollars in order to have a chance to see how this Congress and how this democracy will run.

Unless we find a better way to deal with the netting of elected officials that is occurring from special interests across this country, then the fishy smell will pervade more than just this Chamber, it will pervade this country.

The American people know how critical it is to reform our campaign finance system. They have spoken out again and again expressing their concern not just about one party, but both, and the way our democracy is threatened by special interest money, and yet again and again we have come to this floor and asked to be heard on this issue. It is not a question of a lack of time or a lack of interest in this body; it is, rather, a lack of commitment on the part of the leadership to bring this issue to the floor.

And it is easy to understand why. Speaker GINGRICH has said again and again that he thinks there is not enough money in the political system. He wants even more money flowing into this system. And we heard him say only last week, at a gathering of contributors who gave as much as a quarter of a million dollars apiece to the Republican Party, that whatever they have donated, worked for, or given to avoid that alternative; that is, not having Republicans in power, is a tiny token of what it has saved them. It is this quid pro quo system that has to be changed.

We do not claim to have a monopoly on the solutions. The Blue Dogs have a solution. The gentleman from Massachusetts [Mr. MEEHAN] has come forward with a solution. There are many alternatives that can be considered. But why not allow the time on this floor for a full and open debate on the need to reform our campaign finance system?

What can be more fundamental than the way this democracy works, than the way our Members of Congress and all of our Federal officials are financed? This is vote No. 5 today for reform. Let us make it a positive vote.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I come from the 7th District of Georgia, and I do not think we have any dolphins there, but this is important legislation to many districts around the country that have problems with tuna fishing and dolphins.

We heard about, I do not know whether it was lords a leaping or dolphins leaping through the air in the sunset or something. And then we segued from that through a series of platitudes about let us let the chips fall where they may and money talks, all of which has nothing to do with either the issues of ethics in Government, honesty in Government, and selling our national security, nor does it have anything to do with the legislation at hand.

But let us pick up the gauntlet that has been thrown down today, Mr. Speaker, and let us reflect on a couple of things here that are factually and historically accurate and deserve to be considered as part of this so-called debate on the other side.

The campaign finance laws about which the other side is ranting and raving and railing today, Mr. Speaker, have been around actually for quite a while. As a matter of fact, they were enacted by Democrat Congresses. And as a matter of fact, Mr. Speaker, just two Congresses ago both Houses of the Congress; that is, the House and the Senate, were in the hands of the Democrat Party. And come to think of it, Mr. Speaker, so was the White House.

Now, they were not out here talking about lords a leaping and we need to let the chips fall where they may and money talks and we need to do something about it. No, all those folks were lining their pockets. They were going to the Huangs and the Lippo Group and the Buddhist temples and lining their pockets. And now, when their hand is caught in the cookie jar, oh, now they say, this is a bad system and it is awful what it has forced us to do and we must change this system. We must change this system. We have never had the chance before to change the system, but now we must change this system so that what it has forced us to do does not ever happen again.

This is bogus, Mr. Speaker. Let us get back to the issues and let us move on to the business of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

The debate we have had today, Mr. Speaker, is important to us, and I think it is important to the American people, but we do not have a lot of avenues to try to make our opinions known.

A couple of things have been said that I would really like to comment on. The first is that I share everybody's grief and concern when these laws have been broken. Nobody feels more badly about that than I, and I want to get to the bottom of it. But one of the ways we could have done better in trying to make sure that the laws we have on the books now are conformed with was the $1.7 million that was taken out of the supplemental last week to the FEC to help them to make sure that all laws are complied with, and I am sorry that that happened as well.

This vote today on whether to order the previous question is not merely a procedural vote. A vote against ordering the previous question today is a vote to allow this opposition, for at least a moment, to offer an alternative plan.

I want to make it clear to everyone that defeating the previous question will in no way affect the consideration of H.R. 408, which is important and which we will not in any way try to interfere with, but it is a vote about what the House should be debating.

Mr. Speaker, I ask unanimous consent to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

As this debate concludes, it seems as if there is a pattern being set here, at least by the other side, that when we are debating a rule we will go off on other issues. And I think that is regrettable because this issue is a very important issue. While the minority obviously has a right to offer dissenting views and other motions, I think we should put those in perspective.

So I will conclude my remarks, Mr. Speaker, by reminding my colleagues that defeating the previous question is an exercise in futility because in case the minority wants to offer an amendment, that will be ruled out of order as nongermane to this rule. So as a matter of fact, the vote will be without substance.

The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

Mr. Speaker, at this point I would provide for the RECORD an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that: There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

H. RES. 153—PREVIOUS QUESTION AMENDMENT TEXT

At the end of the resolution add the following new section:

"Section 2. No later than July 4, 1997, the House shall consider comprehensive campaign finance reform legislation under an open amendment process."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's "Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illionis) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership "Manual on the Legislative Process in the United States House of Representatives," (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's "Procedure in the U.S. House of Representatives," the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

"Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

With that, Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

Without objection, the postponed vote on the motion to suspend the rules will be a 5-minute vote immediately after the disposition of this rule.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT) [during the vote]. Members are advised that the voting machine is apparently not working and that voting will proceed with Members casting their votes in writing in the well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [during the vote]. The Chair announces that voting stations are now operative in the Chamber. Those Members who have not yet voted or would like to check whether or not their vote has been recorded should do so because the Chair is informed that they are now operating.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [during the vote]. The Chair apologizes for the necessary/delay in manually recording votes and encourages all Members to verify either on the computer terminals or on the board that they have in fact been recorded. The Chair expects to have the rest of the votes recorded within the next 2 or 3 minutes.

The vote was taken by electronic device, and there were—yeas 226, nays 203, not voting 5, as follows:

[Roll No. 149]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler.
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Andrews
Hunter
Lewis (GA)
Schiff
Snowbarger

□ 1517

Messrs. BOSWELL, RAHALL, and WISE changed their vote from "yea" to "nay."

Mr. SESSIONS changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 65

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Colorado [Mr. BOB SCHAFFER]) as a cosponsor of House Concurrent Resolution 65. The name of gentleman from Colorado was inadvertently added by my staff. The correct name should have been the gentleman from Colorado [Mr. DAN SCHAEFER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

VOLUNTEER PROTECTION ACT OF 1997

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the pending business is the question of suspending the rules and passing the bill, H.R. 911, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. INGLIS] that the House suspend the rules and pass the bill, H.R. 911, as amended, on which the yeas and nays are ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The recording machines are now working. Members will record their vote by electronic device.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 35, not voting 9, as follows:

[Roll No. 150]

YEAS—390

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks

Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly

Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett

Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Waxman

Weldon (FL)
Weller
Wexler
Weygand
White

Whitfield
Wicker
Wise
Wolf
Woolsey

Wynn
Yates
Young (AK)
Young (FL)

NAYS—35

Becerra
Berman
Brown (CA)
Clayton
Coble
Conyers
Davis (IL)
Delahunt
Deutsch
Doggett
Fattah
Filner

Hastings (FL)
Hilliard
Jackson (IL)
Jefferson
Kucinich
LaFalce
Lofgren
Manzullo
Markey
Meek
Mollohan
Nadler

Oberstar
Paul
Pombo
Rangel
Roybal-Allard
Sandlin
Scott
Tauscher
Tierney
Waters
Watt (NC)

NOT VOTING—9

Andrews
Greenwood
Hunter

Lewis (GA)
McIntyre
Schiff

Snowbarger
Watts (OK)
Weldon (PA)

□ 1526

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in

the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF VOLUNTEERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

MOTION OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. INGLIS of South Carolina moves to strike all after the enacting clause of the bill, S. 543, and insert in lieu thereof the text of the bill, H.R. 911, as passed by the House.

The motion was agreed to.

The Senate bill was ordered read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 911) was laid on the table.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 153 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 408.

☐ 1529

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

□ 1530

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. MILLER], each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 408, officially called the International Dolphin Conservation Program Act. This, Mr. Chairman, is essentially an ocean habitat management act to protect ocean species in the eastern tropical Pacific, including not just dolphins, but tuna fish as well, particularly juvenile tuna, sea turtles, bill fish, sharks and other species.

This bill has been worked on for the last 3 years by the gentleman from Alaska [Mr. YOUNG], our committee chairman, and by the gentleman from Maryland [Mr. GILCHREST], and by the gentleman from California [Mr. CUNNINGHAM], and by others on the committee.

This is an international declaration, the Declaration of Panama, a binding international agreement signed by 12 nations on October 4, 1995. The nations are Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, Vanuatu, Venezuela, and of course the United States. The United States was ably represented by our State Department, and these issues are, of course, of great importance to the American people as well as to the international community.

During the 104th Congress, a nearly identical measure was passed by the House overwhelmingly with a 316 to 108 vote. But the Senate had insignificant time to consider the measure before the sine die adjournment. This year's measure, H.R. 408, amends the Mammal Protection Act to encourage fishing methods which protect dolphins and the other important species of marine life which I mentioned.

The bipartisan bill has the support of the administration and various environmental groups, including Greenpeace, the World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense League.

Mr. Chairman, I would just like to say that the history of this bill is very, very important. In 1992, we passed a bill to protect dolphins in the eastern tropical Pacific. That bill worked with American fishermen. It worked because of the mechanism that was set up, but it did not work, Mr. Chairman, in the international community because an American law has little force and effect on foreign fishermen, particularly foreign fishermen that found other markets and continued to fish on dolphins or tuna fish and market them elsewhere.

So I congratulate the Committee on Resources for this bill. I hope that everyone will vote for it. It is good legislation and our distinguished colleague, its author, the gentleman from Maryland [Mr. GILCHREST] should be congratulated for his hard work, as well as the gentleman from California [Mr. CUNNINGHAM], for initially bringing this matter to our attention more than 3 years ago.

This is a true marine ecosystem protection bill and worthy of Members' support. I urge all Members to vote in favor.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, today I rise in strong opposition to H.R. 408, the International Dolphin Conservation Program Act, with all due respect to my good friend, the gentleman from Maryland [Mr. GILCREST] and the gentleman from New Jersey [Mr. SAXTON].

This bill is not about protecting dolphins; this bill is about the U.S. Department of State arbitrarily dictating changes in U.S. law without consulting Congress until after the deed is done.

I have further remarks, Mr. Chairman, that I will submit, but in the interest of time, I would just like to follow up on that remark.

During committee markup I offered an amendment on bycatch reduction. The issue of bycatch should be addressed in this fishery and every other fishery with a strong bycatch reduction requirement. The gentleman from Maryland [Mr. GILCREST], I am happy to say, was willing to accept the amendment. The gentleman from New Jersey [Mr. SAXTON] was willing to cooperate.

However, word came down to the committee that the State Department was firmly opposed to any changes in the legislation. The State Department does not want to accept the amendment, did not want to accept our amendment, because it would strengthen the commitment by including specific bycatch reduction.

Mr. Chairman, today I rise in strong opposition to H.R. 408, the International Dolphin Program Act. With all due respect to my good friends from Maryland, Mr. GILCHREST, and from New Jersey, Mr. SAXTON, this bill is not about protecting dolphins. This bill is about the U.S. Department of State arbitrarily dictating changes in U.S. law without consulting Congress until after the deed is done.

In 1990, Mexico and Venezuela filed a formal complaint with GATT after the Mexican tuna was embargoed for not achieving comparability with the United States tuna fleet. The GATT panel ruled that the United States had no right to use trade restrictions on a product based on the way the product was made or harvested. This finding has broad implications for a variety of U.S. consumer protection, health and safety, and environmental laws. However it is important to point out that the panel did not address the dolphin-safe label itself.

Since the ruling, Mexico has been pressuring the United States to change its dolphin protection law so that they can sell their tuna in the United States. No one knew until 1995 that the State Department and Mexico were negotiating a deal which is now known as the Panama Declaration. This agreement requires major changes to U.S. law. The State Department did not consult with Congress during the entire process, and now this agreement is being rammed through Congress.

By codifying the Panama Declaration, H.R. 408, eliminates the embargo provision in the Marine Mammal Protection Act, which is based on the rate of dolphin kill. The bill allows tuna caught by nations which are members of the Inter American Tropical Tuna Commission [IATTC] to enter the U.S. market if the total mortality for all nations remains below 5,000 annually and allow some tuna caught by the IATTC nations to be labeled "dolphin safe." This dolphin mortality level is double the amount of the 1996 dolphin mortality level for Mexico and other nations fishing in the eastern Pacific. There is no reason why the acceptable dolphin kill level should be set at 5,000, thus allowing IATTC nations a higher dolphin mortality for dolphin safe tuna sold in the United States.

The measure also narrows the definition of "dolphin safe" so that the only excludable tuna would be that which involved the killing of no dolphins during the fishing operation. It would, however, allow unlimited harassment of dolphins. Mexico and other nations want this provision so that their tuna will be bought by unsuspecting Americans who trust that the tuna was caught without harassing dolphins. Mexico and other nations know the American consumer will not tolerate the slaughter of dolphins. This is why the U.S. tuna canning industry adopted the dolphin-safe label in the first place. Without a dolphin-safe label on tuna, consumers will not buy it. We should not change the definition without scientific evidence.

Supporters of H.R. 408 claim that scientific information supports the legislation. This is not accurate. The National Marine Fisheries Service [NMFS] conducted a study of tuna bycatch in the Eastern Tropical Pacific Ocean from dolphin, schoolfish, and log sets from 1989 to 1992. A pattern emerged showing that by-catch was generally low or nonexistent in dolphin sets, low to moderate in school sets and high to very high in log sets. There is no doubt that a fishing method using the chase and netting of dolphins results in a lower by-catch of other species, such as sea turtles and sharks. While the by-catch issue has merit and deserves attention, the Panama Agreement does not resolve the problem. Other nondolphin methods of fishing for tuna are not being considered.

More importantly, scientists have no evidence that the impacts of high speed chase and netting are not harmful to dolphins or dolphin populations. Some dolphin populations are chased more than once a day, with more than 3 million animals chased every year. Information from the NMFS biologists studying these populations indicates that they are currently stable at about one-fifth of their original size. NMFS' own scientists and the IATTC have reported that these stocks show no signs of recovery. We have no idea if the dolphin-set method impacts the dolphin fecundity or mortality.

During committee markup I offered an amendment on bycatch reduction. The issue of bycatch should be addressed in this fishery and every other fishery with strong bycatch reduction requirements. Mr. GILCHREST was willing to accept the amendment. However, word came down to the committee that the State Department was firmly opposed to any changes in the legislation. The State Department didn't want to accept the amendment, because it would strengthen the commitment by including specific bycatch reduction program. What really troubles me is that the State Department did not base their position on the bycatch reduction program on science or the environment. Instead, the State Department's sole concern was political expediency.

The State Department told Congress that H.R. 408 is unamendable. They have rejected any attempts at compromise. Congress should not acquiesce to a precedent that lowers our environmental laws, consumer protection, and health and safety laws just because another nation desires to sell its products in America. If the goal of H.R. 408 is to increase trade and open our markets to Mexico, the State Department should come clean. They should not hide behind a veil of environmentalism.

Let's vote to protect dolphins and the environment, I strongly urge my colleagues to oppose H.R. 408.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], who I do not think believes that we are a rubber stamp for the State Department.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 408, and I want to thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from New Jersey [Mr. SAXTON] especially for working on this piece of legislation.

If we really, truly believe in conservation and believe in saving the dolphins, and I have probably been in this argument and the discussion longer than anybody on this floor, this is a piece of legislation that must pass. It is our belief, after studying the results of scientists and other people that contributed testimony to the committee, that it is not just the dolphins we are talking about in the sea, we are talking about other species now that will be caught if we do not sign this agreement with the other countries participating.

It is the right thing to do, because there are more than just dolphins there. Yes, they make movies about them; yes, they are pretty; and yes, they swim well; and yes, the seas are attractive because they are there, but the truth of the matter is there is a lot of other life there that must be protected and this is what we are trying to do with this legislation.

The State Department does support it, the administration does support it, which gave me great reservation when I found this out, but what we are trying to do with the help of the gentleman from Maryland [Mr. GILCHREST] is to try to protect the total mass in the sea to make sure that there are those species left that are still under jeopardy.

So I am voting "yes" on this legislation. I am going to suggest that if we want to save the dolphins we are talking about, if we want to lower the mortality rate, if we want to protect these other species, then we must vote "yes" on this legislation. This is good legislation and it is long overdue.

Mr. Chairman, I rise in strong support of H.R. 408, the International Dolphin Conservation Program Act, introduced by Congressman GILCHREST.

This legislation implements the Panama Declaration, an internationally negotiated agreement for the protection of dolphins and other marine species in the eastern tropical Pacific Ocean. This agreement, which was developed by 12 nations and several environmental organizations, will prove the framework for the lasting protection of all marine life affected by the yellowfin tuna fishery in the eastern tropical Pacific Ocean.

As strange as this may sound, this legislation, which I support, is also supported by the Clinton administration, Greenpeace, the National Wildlife Federation, World Wildlife Fund, Environmental Defense Fund, the Center for Marine Conservation, the American Tunaboat Owners Coalition, the Seafarers' International Union, the Sportfishing Association of California, and the National Fisheries Institute. That combination alone should make everyone here vote for the bill.

As most of you are aware, the protection of dolphin populations in this fishery has been a goal of the Marine Mammal Protection Act for over two decades. We heard from numerous witnesses during the hearings held during the last two Congresses that the unilateral embargo provisions and the dolphin-safe labeling requirements have not changed the nature of the fishery. In fact, the number of sets on dolphins has remained fairly stable for years.

The La Jolla program, on the other hand, has been very successful in promoting more efficient operations and a real reduction in dolphin mortality. However, this program is voluntary. Through the Panama Declaration and this legislation, we how have an opportunity to get real international cooperation in maintaining low dolphin mortality for the entire fishery.

Current law has encouraged the practices of fishing on logs or schools of tuna. Both of these fishing methods have created new problems by magnifying the bycatch of other marine species such as sea turtles, billfish, juvenile tunas, and sharks.

Obviously, we need to address the problem of dolphin mortality, but this should be accompanied by a realization that we also need to address other bycatch problems as well. The Gilchrest bill does just that. H.R. 408 will allow international cooperation, will provide international compliance and enforcement, will cap dolphin mortality, and will provide the mechanism for reducing other bycatch in the fishery.

We appear to have a rather big disagreement over the method of achieving these objectives. Both sides are attempting to protect dolphins. Unfortunately, we have not been able to reach an agreement which addresses some Members' concerns about the dolphin safe label and still allows us to move forward to implement the international agreement known as the Panama Declaration.

This disagreement is unfortunate. However, I believe that the international cooperation embodied in the Panama Declaration and the provisions to move fishermen away from destructive fishing practices in the Gilchrest bill are the right thing to do.

I urge all Members to support the Gilchrest bill and the international cooperation embodied in the Panama Declaration.

Mr. Chairman, since coming to Congress, I have been involved with the Marine Mammal Protection Act of 1972. Over the years, I have worked hard to improve the law and we were successful in enacting a number of positive changes in 1994. One of those provisions gave the Secretary of the Interior the authority to issue permits to Americans to import legally taken polar bear trophies from Canada, both before and after 1994.

Our intent in passing this provision was clear: we wanted to make it easier for hunters to import polar bear trophies into the United States as long as that activity did not adversely affect Canadian polar bear populations.

There are about 13,120 polar bears in the Northwest Territories of Canada. According to scientific experts, this population is growing by about 3 to 5 percent each year. Since the annual quota for sport hunting was 132 animals in 1996, this harvest rate is having little, if any, effect on any of Canada's polar bear populations. What this activity is doing, however, is providing thousands of dollars to Canada's Inuits allowing them to maintain their cultural heritage.

While some people may disagree with the interpretation which allows sport hunting to be included in subsistence quotas, at the same time I doubt any of these people have been up to the Northwest Territories. Sport hunters are taking the part of the animal which is useless to the Canadian Inuit. The gall bladder and any other organ which could be traded illegally is destroyed, but the meat, bones, and all that is valuable to the Inuit remains in the villages.

On July 17, 1995, 15 months after enactment of the 1994 amendments, the Department of the Interior issued a proposed rule allowing all pre-1994 polar bear trophies to enter the United States. This was the correct interpretation of the 1994 amendments.

On February 18, 1997, after years of delay, the Department of the Interior issued its final rule. The final rule removed the grandfather provision. While no rationale explanation was provided, it is clear that in a mad rush to avoid litigation, the Department has ignored both the scientific data and the congressional intent contained in the 1994 MMPA amendments. Since the regulations did not follow congressional intent, we are now forced to pass legislation requiring the Secretary to issue permits to allow the importation of polar bear trophies taken prior to the enactment of the 1994 amendments.

These trophies are dead and will not adversely affect Canadian polar bear populations. On the contrary, the importation of these trophies will help to conserve Russian and Alaskan polar bear populations. The Fish and Wildlife Service's importation fee, which is $1,000, is earmarked to go toward conservation and research of these polar bear populations.

We have to remember that these dead bears can no longer influence the stability of Canadian polar bear populations. These trophies have been sitting in warehouses for many years. The polar bear populations will benefit more if we allow the Secretary to issue an import permit and use the $1,000 fee for conservation and research.

The Fish and Wildlife Service has stated to my staff that a new rulemaking process, which is required under section 103 of the act, shall not be necessary to implement this language which authorizes the Secretary to issue import permits for pre-1994 trophies to applicants providing the appropriate documentation. The Service has indicated that a Federal Register notice will be published stating how this new language fits into the final rule published on February 18, 1997. The Service will have to update the final rule to include this new language, but this process will not delay the Secretary from issuing permits to applicants immediately after the 30 day public comment period has ended.

This amendment should not be controversial, since the U.S. Fish and Wildlife Service, the Marine Mammal Commission, and the ranking Democrat of the committee do not object this provision. I urge Members to support my efforts to correct the Fish and Wildlife Service's incorrect interpretation of the 1994 Marine Mammal Protection Act.

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, May 15, 1997.

Hon. DON YOUNG,
Chairman, House Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: During the hearing held last week on the Fish and Wildlife Service's final regulations on import of polar bear trophies from Canada, the Service and the Marine Mammal Commission testified about the reasons why the plain language of the Marine Mammal Protection Act Amendments of 1994 required the Service to apply all of the substantive criteria of Section 104(c)(5) to the import of all polar bear trophies, regardless of when they were taken. The testimony also described the scientific basis for our determinations that five of Canada's polar bear populations meet the criteria of the Act, as well as new efforts now underway to develop a further proposal that will include two more populations, based on new information received from Canada too late to be included in the first round of determinations. The Service concluded that, based on the current statutory language and available scientific data, it lacked the authority to allow the import of polar bear trophies taken on or before April 30, 1994, from the remaining populations until they meet all of the criteria of the Act.

During the hearing there also was discussion concerning the position of the Administration regarding potential new legislation which would explicitly exempt bears which are already dead and held in storage in Canada from the four criteria contained in Section 104(c)(5) of the Act. The purpose of this letter is to notify you that the Administration would have no objection to such legislation, provided it is limited to an exemption for polar bear trophies legally taken in Canada on or before April 30, 1994, and that no other exemptions from the provisions of the Act are added. Enclosed with this letter is recommended language, developed in consultation with the Marine Mammal Commission, that would include an explicit exemption from the requirements of Sections 101, 102, and 104(C)(5)(I) through (iv) of the Act for all trophies taken on or before April 30, 1994, provided the permit applicant can show evidence that the trophy was legally taken in Canada.

In implementing this exemption, the Service would require from applicants a valid Canadian CITES export permit for trophies taken after July 1, 1975 (the date CITES entered into force in Canada), because the issuance of such a permit by the Canadian CITES Management Authority automatically certifies that the specimen was legally acquired. For trophies taken prior to July 1975, in addition to the required CITES preconvention certificate, the Service would ask for a copy of a Canadian hunting license or other documentation to prove that the specimen was legally taken. With this documentation, there would be no adverse conservation consequences from allowing the import of polar bears taken on or before April 30, 1994, some of which have been in storage in Canada for more than twenty years.

This language would also not affect the authority of the Service to require that all polar bear trophies be imported through a designated port (unless prior arrangements are made for import of a full mount through a non-designated port) with sufficient prior notice so that Service personnel may be present to inspect the shipment and apply a tag to the trophy. This is important to ensure that there is no stimulation of illegal import or subsequent illegal trade within the United States in polar bear parts. This language would also retain the Service's authority to collect a $1,000 fee for each polar bear trophy to be imported. The additional fees generated from imports of trophies from areas not currently eligible for import under existing law and regulations would provide substantially increased benefits for polar bear conservation.

The Office of Management and Budget has advised that it has no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

——— ———,
Acting Director.

Enclosure.

PROPOSED LEGISLATION FOR IMPORT FOR POLAR BEAR TROPHIES:

An Act to direct the Secretary of the Interior to issue permits for the importation of polar bear trophies lawfully taken in Canada on or before April 30, 1994.

Notwithstanding the provisions of sections 101, 102, and 104©(5)(A) of the Marine Mammal Protection Act, the Secretary of the Interior shall issue a permit for the importation of polar bear parts (other than internal organs) taken in a sport hunt in Canada to an applicant that submits with a permit application proof that the polar bear was legally harvested in Canada by the applicant on or before April 30, 1994. All other provisions of section 104 of the Act, including the charging of an issuance fee, shall be applicable to such permits.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC., 20503 MAY 20, 1997 (HOUSE)

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 408—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT (GILCHREST (R) MARYLAND AND 29 COSPONSORS)

The Administration strongly supports House passage of H.R. 408, as reported by the House Resources and Ways and Means Committees. The bill would implement an international agreement to protect dolphins and the entire ecosystem of the eastern tropical Pacific Ocean.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, April 23, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On April 16, 1997, the Committee on Resources ordered reported H.R. 408, the "International Dolphin Conservation Program Act." This measure, just as H.R. 2823 from the 104th Congress, provides for the implementation of the Declaration of Panama signed in 1995 by the United States and 11 other nations.

H.R. 408 includes several provisions within the jurisdiction of the Committee on Commerce. In implementing the Declaration, the bill amends the "Dolphin Consumer Information Act of 1989," on which the Commerce Committee took action during the 101st Congress. The 1989 Act was incorporated into the reauthorization bill for the Magnuson Fishery Conservation and Management Act (Pub. L. 101–627). H.R. 408 provides for implementation of the Declaration in an effort to increase international participation in activities to reduce the number of dolphins and other marine mammals that die each year as a result of tuna fishing techniques. The Act would modify the definition of "dolphin safe" for the purpose of labeling tuna products sold in the United States, and alter current regulations on the importation of tuna products. Also, the bill would make misuse of the "dolphin safe" label an unfair and deceptive trade practice under Section 5 of the Federal Trade Commission Act.

Recognizing your Committee's desire to bring this legislation expeditiously before the House, I will not seek a sequential referral of the bill. However, by agreeing not to seek a sequential referral, this Committee does not waive its jurisdictional interest in any matter within its purview. I reserve the right to seek equal conferees on all provisions of the bill that are within my Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I want to thank you and your staff for your assistance in providing the Commerce Committee with an opportunity to review its jurisdictional interests in H.R. 408.

I would appreciate your including this letter as a part of the Resource Committee's report on H.R. 2823, and as part of the record during consideration of this bill by the House.

Sincerely,

THOMAS J. BLILEY JR.,
Chairman.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, in this debate there are going to be many strong arguments against this legislation. They point out, of course, my colleagues, that this antidolphin bill damages marine ecosystems, threatens American jobs and undermines consumer labeling policies. But there is one more reason to vote "no" on the international dolphin conservation program, because it is actually the international drug cartel promotion agent.

According to United States Government estimates, two-thirds of the cocaine entering Mexico comes through the eastern tropical Pacific, 275 tons a year, and most of those drugs end up in American neighborhoods and schools. A tuna fishing boat can crisscross the eastern Pacific over and over and no one could tell whether it was chasing dolphins or evading detection.

In one instance, the rusting hull of the *Don Celso* made it appear to be a normal fishing vessel until the U.S. Coast Guard stopped the boat and searched it and found 7 tons of cocaine concealed on board.

We know that these successful interceptions are only a fraction of the cocaine moving through the Pacific, and there is now substantial evidence, Mr. Chairman, that Colombian drug cartels and their Mexican allies have moved to gain control of many legitimate tuna fishing fleets to use them as front operations in their drug-smuggling activities.

This legislation would double the number of tuna boats in the eastern tropical Pacific. Law enforcement is frustrated now by the difficulty, but imagine finding those needles in an even bigger haystack.

Increasing the number of tuna boats will simply increase the ability of drug lords to use them for smuggling. This bill ignores that fact completely. Before we rush through legislation that will make law enforcement's difficult job even more challenging, we should consider the impact of our actions.

Not only does this bill threaten dolphin-safe tuna, it threatens drug-free communities and schools. For both of those good reasons, I urge my colleagues to oppose it.

Mr. Chairman, my colleagues in this debate make many strong arguments against this legislation.

They point out that this antidolphin bill damages marine ecosystems, threatens American jobs, and undermines consumer labeling policies.

But there is one more reason to vote no on the International Dolphin Conservation Program Act—because it is actually the International Drug Cartel Promotion Act.

I serve on the Crime Subcommittee, where we have worked for years to improve America's ability to stop illegal drugs at our borders. And we have seen the drug smugglers continually adjust to our efforts. When we improved interdiction on the land, they started using planes. When we began to aggressively intercept those flights, they moved from the skies to the seas.

So the war against drug smugglers has now moved to a new front. In this new naval battle, the eastern tropical Pacific is enemy-controlled territory. According to United States Government estimates, two-thirds of the cocaine entering Mexico comes through the eastern tropical Pacific—that's at least 275 tons of cocaine a year. And most of those drugs end up in American neighborhoods and schools.

The smugglers use tuna fishing boats to hide in this vast stretch of ocean, because the boats are fast, they are inconspicuous, and they have a good alibi for being there. A tuna fishing boat can criss-cross the eastern Pacific over and over, and no one could tell whether it was chasing dolphins—or evading detection.

In the last 2 years, authorities have managed to make four gigantic seizures of cocaine from tuna boats in the eastern Pacific. In one instance, the rusting hull of the *Don Celso* made it appear to be a normal fishing vessel—until the U.S. Coast Guard stopped the boat and searched it. After looking for 6 days, the Coast Guard finally found nearly 7 tons of cocaine concealed on board.

But we know that these successful interceptions are only a small fraction of the cocaine moving through the Pacific. Most of it gets through. And now, there is substantial evidence that the Colombian drug cartels and their Mexican allies have moved to gain control of many legitimate tuna fishing fleets, to use them as front operations for their smuggling in the Pacific.

Mr. Chairman, this legislation would double the number of tuna boats in the eastern tropical Pacific. Law enforcement is frustrated now by the difficulty of searching for smugglers, but imagine finding those needles in an even bigger haystack.

Increasing the number of tuna boats will simply increase the ability of drug lords to use them for smuggling, yet this bill ignores the threat completely. Before we rush through legislation that will make law enforcment's difficult job even more challenging, at least we should consider the impact of our actions.

Not only does this bill threaten dolphin-safe tuna, it threatens drug-free communities and schools. For both reasons, I urge my colleagues to oppose it.

Mr. SAXTON. Mr. Chairman, I yield myself 1 minute.

I would just like to quickly quote from a letter that I have from the Office of the National Drug Control Policy, Bill McCaffrey. He said, this legislation is likely to aid in the fight against drug smuggling by increasing the level of scrutiny over the activities of vessels involved in this fishery.

I also have a letter from Barbara Larkin of the United States State Department who says, the administration believes that the passage of this legislation would actually aid in the fight against drug smuggling by increasing the level of scrutiny over these vessels.

This administration believes that we are headed in the right direction on an issue that is obviously a red herring brought up by the opponents of the bill.

Mr. Chairman, I submit for the RECORD the material referred to.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 19, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives.

DEAR MR. CHAIRMAN: This letter is to respond to your committee's request for answers to questions concerning H.R. 408, specifically allegations that purse seine vessels engaged in tuna harvesting in the eastern tropical Pacific Ocean are involved in drug trafficking.

The Department of State has been working with the United States Coast Guard, the Office of Naval Intelligence, the Drug Enforcement Administration, and the Office of National Drug Control Policy to examine this question. Of the over one hundred fishing vessels participating in the International Dolphin Conservation Program (IDCP), only a few have in the past been linked to suspect activities or persons, and a recent review of available information elicited no hard evidence to confirm the allegation that vessels in the IDCP are involved in organized drug trafficking activities.

As a general matter, the Magnuson-Stevens Fishery Conservation and Management Act prohibits foreign-flag vessels from conducting fishing operations within the U.S. Exclusive Economic Zone ("EEZ") unless there is a governing international fisheries agreement ("GIFA") in force between the United States and the flag state of the vessel. No GIFAs are in force for any of the nations participating in the purse seine tuna fishery in the eastern tropical Pacific Ocean. Even if such GIFAs were in force, foreign fishing within the U.S. EEZ could occur only if a surplus of fish was determined to exist and if the Secretary of State allocated a portion of that surplus to vessels of the flag State. In fact, there has been no such surplus identified for several years. Nothing in H.R. 408 would alter that circumstance.

Transshipments involving foreign vessels in the EEZ are not allowed unless a GIFA is in force, or unless a permit is issued under section 204(d) of the Magnuson-Stevens Act (as amended by section 105(d) of the Sustainable Fisheries Act). No transshipment permits have been issued under section 204(d), nor have any applications been received from vessels in the IATTC La Jolla program. In order to issue a permit under section 204(d), the Secretary of Commerce must determine that the transportation of fish or fish products will be in the interest of the United States.

Similarly, the Nicholson Act generally prohibits foreign-flag vessels from landing fish in U.S. ports. While there are a small number of limited exceptions to this rule (e.g., for the U.S. Virgin Islands and American Samoa), none of those exceptions applies to the tuna fishery of the eastern tropical Pacific Ocean. Accordingly, the foreign-flag vessels that participate in that fishery cannot land their catch in U.S. ports. Nothing in H.R. 408 would alter that circumstance either.

Moreover, the Administration believes that the passage of this legislation would actually aid the fight against drug smuggling by increasing the level of scrutiny over the activities of vessels involved in the eastern tropical Pacific tuna fishery. There will be an observer on every vessel participating in the dolphin protection program, and the observer will be tracking the tuna from the net to the hold to the dock. This increase in oversight of vessels which could be used for smuggling will decrease the likelihood of their being used as part of the drug trade. The enactment of H.R. 408/S. 39, although obviously not designed as a counterdrug measure, will accomplish these things, and would also enhance the general level of cooperation among nations in the region, which could benefit the fight against drug smuggling.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

OFFICE OF THE VICE PRESIDENT,
Washington, DC, May 20, 1997.

Hon. WAYNE GILCHREST,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GILCHREST: I am writing to thank you for your support of H.R. 408, the "International Dolphin Conservation Program Act." As you know, the Administration strongly supports this legislation, which is essential to the protection of dolphins and other marine life in the Eastern Tropical Pacific.

In recent years, dolphin mortality in the Eastern Tropical Pacific tuna fishery has been reduced far below historic levels. The bill will codify an international agreement to lock these gains in place, further reduce dolphin mortality and protect other marine life in the region. This agreement was signed in 1995 by the United States and 11 other nations, but will not take effect unless the Congress acts on H.R. 408.

This legislation is supported by major environmental groups including Greenspace, the World Wildlife Fund, the National Wildlife Federation, the Center for Marine Conservation, and the Environmental Defense Fund. The legislation also is supported by the U.S. fishing industry.

I am hopeful that this important legislation will be passed by the full House when it comes to the floor this week. Again, thank you for your support of H.R. 408.

Sincerely,

AL GORE.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I am pleased to rise today in support of H.R. 408. This is a unique opportunity to approve legislation that would meet our environmental concerns over dolphin mortality, put us in compliance with our international obligations, and use multilateral standards for the imposition of sanctions, instead of unilateral standards that violate the WTO.

This bill was referred to the Committee on Ways and Means to address its trade aspects. We reported it out as approved by the Committee on Resources without further amendment and a strong bipartisan vote. I support the bill because it would replace the current use of U.S. unilateral standards as a trigger for an import ban of tuna caught with purse seine nets with multilateral standards agreed to as part of the Panama Declaration. If countries are in compliance with the multilateral standard for the fishing of yellowfin tuna, then the import ban would not apply.

Any use of unilateral standards for the imposition of sanctions is troubling. In fact, a GATT panel has found our current law to violate our international obligations. Instead, enforcement actions are most effective when they are based on international consensus, as this bill would establish. Such consensus is more constructive to effective management of the ETP tuna fishery by all countries concerned.

I believe that these standards will serve as a positive incentive to reduce dolphin mortality, while at the same time putting the United States in compliance with international agreements. Proof of the benefits of H.R. 408 is the fact that this legislation is supported by the administration and key environmental groups such as National Wildlife Federation, Center for Marine Conservation, Environmental Defense Fund, Greenpeace, and the World Wildlife Fund.

In addition, our tuna fishing industry supports the bill and our trading partners have indicated that they believe implementation of the bill would put us in compliance with our international obligations. With such a strong and diverse coalition behind this bill, we should strongly support it.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, let me respond, if I could, to the gentleman from New Jersey [Mr. SAXTON], my good friend. Unfortunately in this case, I need to make the point to him that during the last 18 months, four record-breaking seizures of cocaine on fishing vessels have been made by the United States and other authorities. I think in a year when this body was highly critical of Mexico's ability and willingness to cooperate with the crackdown on drugs, we should be extremely cautious about providing another opportunity to penetrate our borders and circumvent our loss.

On behalf of the Humane Society of the United States, I will include for the RECORD a document, I would like to introduce a document analyzing and documenting the relationship between the growing drug trade, Mexican tuna fishing and a history of United States seizures of foreign fishing vessels.

I continue to support measures to protect dolphin, but at the same time I am worried that passage of the International Dolphin Conservation Program Act may lead to a different and more serious problem. I want to save dolphins, but it seems to me that stopping drugs is critically important at the same time. So unfortunately, I have to oppose this measure. Mr. Chairman, I include for the RECORD the document to which I earlier referred.

LIFTING THE TUNA EMBARGO AND CHANGING THE DOLPHIN SAFE LABEL: THE PREDICTED IMPACT ON NARCOTICS TRAFFICKING

How are Drug Smuggling and our Tuna/dolphin Laws Related? Narcotics smuggling and dolphin-deadly tuna fishing by chasing and encircling dolphins with purse-seine nets take place in the eastern tropical Pacific Ocean (ETP). Mexico, which wants the U.S. to change its laws to re-open our market to tuna caught this way, is also a major narcotics trafficking country with smuggling operations in the ETP.

The Flow of Narcotics into the United States: According to the U.S. Drug Enforcement Administration (DEA), over 70% of all cocaine entering the U.S. comes through Mexico. At least two-thirds of the cocaine that enters Mexico is shipped in maritime vessels from other Latin American countries—at least 275 tons of cocaine transit the ETP every year. It is then smuggled into the U.S. over various land and water routes from Mexico into California, Arizona, and Texas.

Narcotics Travel via Eastern Tropical Pacific Ocean: Maritime vessels, such as fishing trawlers and cargo ships, are becoming more widely used by drug cartels to smuggle cocaine because the risk of capture is so low: The vastness of the ocean makes intercepting ships nearly impossible. In fact, U.S. law enforcement officials have stated that, without informants, drug shipments in maritime vessels are essentially impossible to detect. Drug interdiction in the eastern Pacific is made more difficult because the U.S. has few law enforcement cooperative agreements with Pacific nations. Even when ships are apprehended, actually finding the drugs is extremely difficult, because the illicit cargo is hidden in hard-to-find compartments. Moreover, many fishing vessels are equipped with radar and scanners that allow them to determine if they are being followed, giving them an edge over law enforcement officials.

Tuna-type Vessels are Well-suited for Narcotics Tafficking: A class 5 or 6 tuna vessel—the type used to set purse-seine nets on dolphins—is capable of concealing multi-ton shipments of cocaine with much less risk of discovery than other smuggling methods. Class 5 and 6 tuna vessels fish on the high seas for months at a time. Although they may embark for specific fishing areas, these areas cover hundreds of square miles. Furthermore, unlike a cargo vessel, which generally travels directly from point "A" to point "B," a fishing vessel may traverse an area many times—creating unique opportunities for transporting illegal goods.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding. I want people to take a look at what they are being asked to do. They are being asked to vote for a bill and the title of the bill is the International Dolphin Conservation Program Act.

Now, what it is all about is the strength of American markets. The reason we have practices that say we have to fish safe for dolphins is because of these cans that we sell in American grocery stores, and on them is a symbol that says, dolphin-safe. What we want to do by this law is to change that. We want to change truth in labeling.

□ 1545

This is all about labeling, Mr. Chairman. This is about the U.S. market, this is about the U.S. consumers, this is about us. What it is about is that this bill says because of a 1991 trade dispute, that we ought to let that dispute dictate how we sell products in American stores.

This is all wrong, because what this bill recognizes is that in the process of doing that we will double the number of dolphin that will be killed. This is about access to American markets. It is about corporations who are using the American markets to sell their product, the tuna that are caught in the oceans far off our coastline, but because the American public buys so much tuna, they know they can only sell it in this country if they do it the way the consumers want to do it.

Along comes a law and says, hey, let us change that. Let us change the labeling on the can, let us change the practices, so in fact we can go out and in the process we may kill more dolphins. That is not what the American public wants. The consumer does not want to be tricked, does not want to be cheated. Remember, the consumers are the ones that started this process. I urge a "no" vote on the bill.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE], who knows as well as I do that this legislation does not allow foreign fishermen to land in the United States, and therefore there is no increased possibility of drug traffic.

Mr. KOLBE. Mr. Chairman, I rise in strong support of H.R. 408, the International Dolphin Conservation Program Act. I think it is an exceptional bill. It provides an international solution to an international problem, the regulation of tuna fishing in the open seas. It is a good bill. It reflects a compromise among many competing interests.

In recent years tuna fishermen have developed new, innovative methods which enable them to capture tuna without ensnaring dolphins at the same time. In addition, tough new monitoring procedures have been instituted and international oversight responsibilities strengthened. Over time these procedures have been increasingly internationalized, most recently through permanent binding procedures set forth in the Declaration of Panama.

By implementing the Panama Declaration, H.R. 408 brings us along to the next step in this evolutionary process. It provides incentives needed for other nations to remain in compliance by providing those nations who abide by the agreement with access to an important export market. Make no mistake about it, these market incentives are absolutely critical to the continued success of the program.

Mr. Chairman, we do not have to endanger the future of our tuna stocks and needlessly put sea turtles and other species at risk, jeopardize the continued viability of a successful dolphin protection program, and renege on our international obligations to save an extremely small number of dolphins. That is absolutely senseless, especially when we have the technology to protect these species and protect dolphins. I urge Members' support of H.R. 408.

But first, I think we need to put a little historical perspective on this debate, Mr. Chairman.

In the mid-1970's dolphin mortality rates were clearly at unacceptable levels. Over 500,000 dolphins were killed each year in pursuit of tuna stocks. In response to this unacceptable loss of life, 5 years ago the United States placed an embargo on the importation of any tuna caught using primitive encirclement measures.

It locks in the reforms of the Panama Declaration, reiterates our support of the International Dolphin Conservation Program [IDCP], and strengthens compliance procedures.

The procedures required under the Panama Declaration are costly: on-board observers on all tuna boats, individual boat licensing, and use of nets and divers to ensure the safety of the dolphin population. Without the U.S. market as an incentive, these nations are bound to revert to destructive fishing practices of the past, and we'll end up with dolphin kill ratios as high as we had in the 1970's and 1980's. If we don't act today and enact this legislation, we will turn back on treaty obligations negotiated in good faith and discourage fishermen from other countries from using safer fishing methods.

But this bill does more than protect dolphins. It provides an effective method to conserve the total marine ecosystem in the eastern Pacific. The fishing practices encouraged by some groups would result in an unreasonably excessive by-catch of a number of different species, including endangered sea turtles, sharks, billfish, and large numbers of tuna and other fish species. In fact, the fishing procedures advocated by some opponents to this bill are likely to endanger the long-term health of tuna stocks themselves as these procedures tend to capture a large amount of immature tuna.

We can do both. And, this bill does both. We have the technology to preserve the marine ecosystem and protect the dolphin. Let's do it. Let's implement this bill. Let's keep the dolphin, and the marine ecosystem, safe. I urge support of H.R. 408.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am rising in opposition to H.R. 408. I think this is truly an issue of labeling. The American public demanded and came to accept the fact that tuna with the tuna safe label was tuna where dolphins were not harmed.

H.R. 408 does something that I think we should explain. What H.R. 408 does, it says that you can now harass dolphins, you can separate them from their calves. We do not know if that hurts them. You can move them when they are feeding. We do not know if that hurts them, but the American public thinks that that might be harmful. The American public has come to believe that when we say dolphin safe, we mean it. So this is a question of trust.

What H.R. 408 would do is if dolphin were caught in the net, if we went back to that kind of fishing and it was removed while still alive, it would not be counted as a dolphin killed. That is all that H.R. 408 says, is that the dolphin must not be dead. So then they throw this dolphin overboard. How long does it last? We do not know.

What I think we have to understand is that this is a situation of pressure. We have an enormous market, as has been pointed out, and foreign fisheries would like to be part of that market. But our American fisheries have lived by the rules of dolphin safe. Our American fisheries have said that they would abide by U.S. law.

Why are we opening up this great market to foreign fisheries that could allow dolphin to be actually killed, maybe not in sight, but killed, and still have that dolphin safe label?

Mr. Chairman, I think that foreign fisheries will continue to fish in the way they always have, but what we do not have to do is give them access to our markets. The consumers, little children in this country, fought for this label, this dolphin safe label. I think we should protect it and keep it for the American fishery.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we currently have a voluntary agreement which has resulted in a huge decrease in dolphin mortality associated with tuna fishing. This bill would change U.S. law so that that voluntary agreement can essentially be incorporated into a new binding international agreement and standard.

The issue of dolphin safe labeling is at the heart of this matter. I believe this bill would make that labeling truer; that is, more accurate, not less, and fewer dolphin kills, not more, and with no tuna being able to bear the dolphin safe label if impartial international observers determined there had been any dolphin kills.

Mr. Chairman, this bill locks in a change in fishing practices and standards with a demonstrated track record of reducing exactly the sort of thing that we want to eliminate, unnecessary mortality for dolphin associated with tuna fishing. I cannot understand why Greenpeace, any number of other reputable environmental organizations, would back this if they did not see that as the truth.

Mr. Chairman, I support this bill. I believe we need to pass it to continue to make progress in further reducing the dolphin mortality associated with fishing for tuna.

I think we all agree about that goal, the goal of saving dolphins. But clearly opinions are divided about the best way to reach it—and so there's a division of opinion about this bill, as there was about the similar bill that passed the House last year but died when the Senate failed to act.

We all remember horrifying images of dolphins dying in fishermen's nets. Those scenes rightly brought a public clamor for urgent action. And, since then we've made real progress. In fact, dolphin mortality in the eastern tropical Pacific has been cut by better than 90 percent.

Many people credit this improvement to the current law setting criteria for labeling tuna sold in the United States as dolphin safe—and there's no doubt that law has helped. But to an even greater extent the progress we've made in the result of an agreement among the nations whose boats fish in the eastern Pacific. And that's the problem, because that agreement is strictly voluntary. It's not binding.

In 1995, an important step was taken when a dozen tuna-catching nations—including the United States—met in Panama to develop a binding international agreement to replace the present, strictly voluntary agreement. The result of those talks was a new framework agreement, known as the Panama Declaration. The purpose of this bill is to implement that declaration, in order to strengthen international conservation programs and to set the stage for further reducing dolphin mortality.

As we consider this bill, we should keep in mind what the Panama Declaration provides, because it goes beyond previous agreements in several important ways.

Under the Panama Declaration, there would for the first time be a firm, binding international commitment to the goal of completely eliminating dolphin loss resulting from tuna fishing in the eastern Pacific Ocean. In addition, the declaration would provide new, effective protection for individual dolphin species—biologically based mortality caps that will provide important new safeguards for the most depleted dolphin populations. And the Panama declaration provides for the world's strongest dolphin monitoring program, with independent observers on every fishing boat.

Implementation of the Panama Declaration depends upon the changes in United States law that would be made by this bill. Among other things, these changes will lift restrictions on access to our markets for tuna caught in compliance with the new agreement, including revision of the criteria for labeling tuna as dolphin safe. That change is the most controversial part of the bill, but it is an essential part and should be approved.

Remember, right now, under current law that the dolphin safe label on a can of tuna doesn't necessarily mean that no dolphins died in connection with the catching of those fish. Instead, it just means that the fishermen did not use a school of dolphins as their guide for setting their nets. If that condition is met, the dolphin safe label can be applied even if in fact dolphin were killed.

In contrast, under the Panama Declaration—as implemented by H.R. 408—the term dolphin safe may not be used for any tuna caught in the eastern Pacific Ocean by a purse seine vessel in a set in which a dolphin mortality occurred—as documented by impartial, independent observers.

In other words, it's not true that this bill would destroy the meaning of the dolphin safe label—instead it would make its meaning more specific and more accurate, by imposing a nomortality standard, while providing for further study of the effects of dolphin-encirclement and a mechanism to again stop that fishing technique if it's determined to have an adverse impact on dolphins.

I think this is a desirable change in the law, one that should be made even if the current law was completely consistent with international trading rules—which it isn't.

And that isn't just my opinion, or the opinion of other supporters of NAFTA and the World Trade Organization. For example, Greenpeace strongly opposed NAFTA, but supports H.R. 408 because they recognize that the Panama Declaration is good conservation policy and this bill to implement that agreement is a good conservation measure—one with sanctions that would be effective because they are part of a binding international agreement, unlike the restrictions in our current dolphin safe law.

Furthermore, we need to recognize that fishing can't be truly dolphin safe unless it's safe for the ecosystem.

Because it focuses on fishing methods, not dolphin mortality, the current labeling law has had serious unintended consequences. Some of the dolphin safe methods tend to result in a catch of primarily juvenile tuna—harmful to the viability of the fishery—or result in numerous catches of other species such as endangered sea turtles or billfish.

In fact, it well may be better for the ocean ecosystem for tuna fishermen to set their nets on dolphins and then to release the dolphins safely when the tuna are harvested—something that is strongly discouraged by the current labeling standard.

So, Mr. Chairman, while I respect the views of its opponents, I think this is a good bill—good for dolphins, good for the ocean ecosystem, and good for our relations with other tuna-fishing countries. It's supported by the administration and the U.S. fishing industry as well as by a number of environmental and conservation groups, including the National Wildlife Federation, the World Wildlife Fund, the Environmental Defense Fund, the Center for Marine Conservation, and Greenpeace. It deserves the support of the House.

Mr. PALLONE. Mr. Chairman, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, today we will hear this bill is good for the environment, good for the dolphins, good for other species of fish, and good for the U.S. consumers. I respectfully disagree with such an assessment.

Mr. Chairman, when annual dolphin deaths were 100,000 per year, the U.S. consumers revolted and said they would not buy tuna caught while dolphins were being killed in record numbers, I remind my colleagues. Mr. Chairman, this came about not because of the politicians, not because of the environmentalists, not because of the scientists, but the American consumers. They were the ones that were up in arms.

The record numbers that I mentioned, 100,000 recorded dolphin deaths per year, an estimated 7 million dolphin deaths total, and dolphin stocks depleted to 25 percent of prior levels with no signs of increasing numbers, these numbers were and are staggering, Mr. Chairman.

As a result of the U.S. consumer boycott of canned tuna, the major tuna companies took the lead in changing the methods and locations in which tuna were caught. The result of these changes has been a significant reduction in the number of dolphin deaths from 100,000 per year to less than 2,500 this year. This has been accomplished under current law, and every indication is that the number of dolphin deaths will continue to decline under current law. With a record like that, Mr. Chairman, I find little reason to change the current law.

Mr. Chairman, the history of this legislation is clear. It resulted from negotiations between foreign governments in Central and South America and five environmental groups.

Why do these foreign governments support this legislation? Because they want the money that can be earned from selling their canned tuna in the United States. In fact, Mexico is so concerned about its perceived right to sell canned tuna in the United States that it is prepared to renew a trade action against the United States because our laws currently do not permit tuna caught by chasing and encircling dolphins to be sold here.

Mr. Chairman, from Mexico's perspective our effort to protect the lives of dolphins is an illegal trade barrier, and the Mexican Government has told the United States Government in no uncertain terms that if we do not change our laws, and I want to emphasize, if we do not change or amend our laws so more dolphins can be killed each year, Mexico will file an action against the United States with the World Trade Organization.

Mr. Chairman, I submit, Congress is presented with the agreement, and is told now, take it or leave it. I respectfully ask my colleagues, vote this legislation down.

Mr. Chairman, I rise today in strong opposition to H.R. 408, a bill which will legalize an increase in the number of dolphin deaths and deceive U.S. consumers who have learned to trust the dolphin safe label as a sign that dolphins were not harmed during the capture of tuna canned carrying that label. H.R. 408 nearly doubles the number of dolphins which can be killed, and lowers the standards behind the dolphin-safe label.

The supporters of this bill say we need this legislation to further reduce dolphin mortality in future years. If that is true, then I ask why does the legislation permit dolphin deaths to rise to 5,000 per year? This increase will not benefit the dolphins, so I ask you who will benefit from this provision?

I said earlier that one way the dolphin mortality was reduced significantly was that the U.S. tuna fleet changed its location. U.S. tuna boats stopped catching tuna in the eastern tropical Pacific, where the tuna swim under the dolphins, and moved to the western tropical Pacific, where the tuna do not swim under schools of dolphins.

The supporters of this legislation want you to believe that if their legislation is adopted, the fishing fleet will return to southern California, and that tuna canning plants will reopen in southern California. The truth is that cleaning and canning tuna is a labor-intensive industry, and those jobs are not going to go to southern California as long as NAFTA and GATT are in force. In fact, the U.S. tuna industry is one more example of well-paying jobs currently held on U.S. soil which are expected to move to foreign soil over the next few years.

If this legislation is enacted into law, the U.S. tuna fishing fleet will move to Mexico, new cleaning and canning plants will be constructed in Mexico, and then the canned tuna will be shipped into the United States duty-free under NAFTA. Now I ask you, who do you think will benefit from that development?

In an effort to ease tensions between Mexico and the United States, the administration is supporting this agreement, an agreement to which they weren't even a party.

Mr. Chairman, this legislation is about saving dolphins, this is trade legislation masquerading as environmental legislation. What makes the bill even worse is that from the U.S. perspective, this is bad trade legislation. Who benefits from this legislation? Not our constituents.

What the U.S. consumer gets is a watered down definition of the dolphin safe label. Keep in mind that the label does not change, only the meaning of the label. So the typical American consumer will be able to go to a grocery store and see a variety of canned tuna for sale. Some will have the current dolphin safe label and some will not. Unfortunately, because the dolphin safe label will not have changed, many consumers will be deceived into believing that the tuna was caught in a truly dolphin safe manner when in fact that is not the case.

So, I get back to my recurring question: Who benefits from this legislation? Well, the immediate beneficiary of this bill would be Mexico. The Mexican fishing industry gets access to the lucrative United States market for canned tuna. This means more jobs for Mexican fishermen, more jobs for Mexican fish cleaners, more jobs for Mexican truck drivers, more business for the Mexican ports which translates to increased fees paid to the Mexican state and federal governments.

It turns out a lot of people will benefit from this legislation. Unfortunately, none of them are our constituents. What do we get out of this legislation? We get fewer jobs and increased dolphin kills. Some call this win-win legislation.

Last year when we considered this legislation I spoke at length about Samoan culture and my personal experience with dolphins. I mentioned then that the dolphins were not able to speak for themselves, so I would try to look out for their safety. The dolphins still don't have a representative here in Congress. The dolphins didn't have a representative in Panama either when this agreement was negotiated. Maybe that's why some call this win-win legislation. The Mexican fishing industry wins. And I guess, since many of the modern Mexican fishing boats are owned by known drug traffickers, they win too.

So all along I've been asking who wins, when maybe the better question is who loses with this legislation? The U.S. worker loses, the U.S. consumer loses, and the U.S. cities where tuna is shipped from and landed lose, too. That sounds pretty one-sided to me.

Is this win-win legislation? I guess it depends on your perspective, doesn't it?

Mr. Chairman, I include for the RECORD a letter from Gwen Marshall.

The letter referred to is as follows:

In Re: H.R. 408 regarding the Dolphin Safe Tuna issue Scheduled for House Floor Vote, Thursday, May 22, 1997

Attn. those dealing with Environmental & Foreign Trade Issues

Congressional Quarterly has had two great articles on this issue recently, April 12th page 841–2 and April 19th page 908–9 that are required reading for anyone new to this issue. The main reason for this vote is to bring a popular U.S. environment law into compliance with GATT (General Agreement on Tariffs and Trade). Both articles were under the title of Environment so as one considered both an environmental and trade activist I'm hoping to help clarify the environmental position on this issue.

As you know, Greenpeace was one of the larger environmental groups opposed to NAFTA. I worked for them as a canvasser out of the Cincinnati office the summer of the NAFTA campaign. The word at that time was that Greenpeace was feeling financial pressure from the large grantors because of its stand against NAFTA. The environmental community was considered split during the NAFTA campaign but in general the local grassroots type groups were opposed to NAFTA and the larger grant funded groups were in support of NAFTA—the money trail was obvious. Greenpeace has closed its Cincinnati office and many other local offices so they are obviously hurting for money. As sad as it is, it came as no surprise that Greenpeace was willing to sell out their previous position against allowing foreign trade agreements to weaken U.S. environmental law by condoning the results of the 1995 Panama Agreement regarding the Dolphins. Environmental groups, like politicians, can be guilty of finding ways to justify a position for the right amount of money. I'm glad that I've been able to arrange my finances so that I'm not likely to get myself in that unfortunate position.

I know that supporters of H.R. 408 say it will be better for dolphins if the U.S. market is changed as it recommends but they don't account for the fact that the main reason the foreign countries support H.R. 408 is that it would increase their tuna exports to the U.S. market. Increased fishing for tuna in the tropical waters will increase the dolphin mortality over current numbers because more tuna will be caught to sell to the large U.S. market. As you know from the CQ articles, it is not likely that the observer system will actually work since one observer can't be everywhere he needs to be and for financial reasons could probably be paid to look the other way anyway. I apologize for my cynicism but I just can't condone the position that H.R. 408 is what is right for the dolphins. As a mammal, dolphins don't reproduce at the abundant rate that fish do and each dolphin mother has to spend time feeding and raising its young, as do all mammals, so dolphins do need to be protected from fishing techniques that basically mine the sea.

The real reason for H.R. 408 is to help the U.S. avoid embarrassing WTO (World Trade Organization) sanctions and/or fines. Those of us who opposed NAFTA and the creation of the WTO and expansion of GATT said that it would be no time at all before the U.S. started changing its laws to comply with lower international standards. During the debate over GATT expansion, one pro-GATT trade staffer assured me that she was sure the U.S. would pay the fine before they'd ever consider overturning the popular Dolphin Safe Tuna laws. It appears she was wrong. As you know the U.S. Clean Air Act lost in the recent WTO challenge regarding gasoline refined in foreign countries and the EU lost the U.S. challenge regarding their refusal of hormone laden beef. A vote for H.R. 408 is a vote for the U.S. Congress to give away their right to make laws that are popular with the U.S. public.

I understand that some people have adopted "free trade" as a religion just as I have adopted "the right to a healthy existence for all species" as my religion. Free trade agreements' ability to change popular national, regional, and local laws is the real reason for this vote. The complaint with the current Dolphin Law is not that it kills too many dolphins, but that it is in violation of GATT. There is no definite proof that a vote for H.R. 408 would be better for the dolphin as its proponents claim. As an environmentalist, I know we need to look for the truth behind the rhetoric and ask you to do the same and oppose H.R. 408. The religion of "free trade no matter what" does need to be challenged objectively. We can't afford to sacrifice our popular laws to the alter of free trade. Please vote against H.R. 408.

Please feel free to contact me if you want to discuss this further. Leave a message on my answer machine and I can return your call after 3:30 PM. Your support would be appreciated.

Sincerely,

GWEN MARSHALL.

Mr. SAXTON. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I ask the gentleman from American Samoa if he knows that Greenpeace, the World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense Fund all strongly support the bill.

Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, it never ceases to amaze me that some people on the other side of this issue state their opinions as fact. I would say they are factually challenged. That is refuted in every single document that we have. When we go into the full House I will submit for the RECORD documents from the Coast Guard, from the Office of Drug Policy, from the DEA, from General McCaffery, stating that their claims are false. Why would they do that?

Well, we have fund-raising letters here from some of their organizations that would like to put money into their campaigns, but there are some general people, I think, that are misinformed. First of all, I would like to say that dolphin-safe is not dolphin-safe under the current system. There is a certain amount and percentage that can actually go into that.

I would like to state to the Members and show them exactly in the rule, in this bill, it says and I quote, No tuna will be labeled dolphin-safe unless absolutely no dolphins were killed. This is verified by an on-board international IATTC observer. These observers are made up of 35 scientists. Some of those are like Scripps Oceanographic and the natural association. These are trained observers, trained, in every single boat.

When Members talk about drug boats, the one they talk about with the cocaine was from Ecuador. That was a dolphin-safe label. They did not even have observers on it. It did not even have fishing equipment on it. It was a drug boat. It had no observers.

When they pull up to a dock, under the current system, it is checked there. We have 100-percent trained observers on every single boat. If there is one dolphin killed in that, then it cannot be dolphin-safe.

Mr. Chairman, we have many officials in other countries that are pro-America, pro-reform. A classic example is Secretary Comacho in Mexico. He is trying to make some changes, to move toward the United States. Do we slap Mexico in the face for positive movements in that? I say no.

Many of our American consumers still mistakenly believe that the dolphin-safe policies protect the labels. It does not. Earth Island gets millions of dollars every year for managing it. That is what is at issue here. They forego that if these countries go in. This is a show-me-the-money debate, not for the debate, what they are talking about.

The groups who are opposed to the bill have conducted one of the most blatant misinformation campaigns I have ever seen. I think it is unfair to the American people. To do this, they would sacrifice the healthy conservation of the entire 8 million miles of the eastern tropical Pacific ecosystem.

Our bill has support by all the diverse groups. Vice President AL GORE, I have the letter here, says that this will strengthen and make safe dolphin mortality, as well as the President, the Secretary of State, and the rest of them.

Mr. SAXTON. Mr. Chairman, if the gentleman will yield to me, I want to emphasize the point the gentleman was making about dolphin-safe. People believe the label on the can actually means dolphin-safe. Is the gentleman aware that in 1993, 4,500 dolphins died as a result of the current practice in the eastern tropical Pacific, and between 9,000 and 13,000 dolphins died in the Sri Lanka fishery during the same year?

Mr. CUNNINGHAM. I am, and it was also put into the dolphin-safe labels.

Mr. SAXTON. Our new system has a target of zero dolphin deaths?

Mr. CUNNINGHAM. Zero.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I rise today in opposition to H.R. 408, a bill that many of my constituents have termed the Dolphin Death Act. Let me begin by saying that I do not impugn the intentions of the bill's sponsors. We all support the goals of a strong economy and the protection of animals.

Let us be clear about what this bill does. It changes the definition of dolphin-safe tuna. H.R. 408 changes the definition of dolphin-safe tuna to allow tuna to be sold under the dolphin-safe label even if dolphins were chased, harassed, or seriously injured by encirclement nets during the tuna catch.

Proponents argue that the bill maintains the validity of the dolphin-safe label because it requires vessel captains to certify that no dolphins were observed dead in the nets.

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Aside from the obvious imperfections in human judgments, dolphin-safe means more than just no dolphins died during the catch. There is a mounting body of scientific evidence that suggests that chasing and encircling dolphins with purse seine nets leads to delayed mortality and decreased reproductive potential. Both essentially weaken dolphin stocks; hardly, I suggest to my colleagues, dolphin-safe.

Several years ago Congress passed laws to embargo the import of tuna caught by setting nets on dolphins. We took this action because it was bad for dolphins then. Nothing has changed, chasing dolphins down with helicopters and speed boats and encircling them with nets is inhumane. It not only causes distress and physical injury, it can also lead to dead dolphins in the future, long after the traumatic chases have ended. Now we are being asked to change our laws because of pressure from other countries and then, to add insult to injury, compound the mistake by selling dolphin deadly tuna under the dolphin-safe label. This is simply wrong.

Mr. Chairman, when someone goes to the supermarket, picks up a can of tuna and sees the dolphin-safe label, he or she expects it to mean what it says. This bill removes, I think, that certainty. I urge my colleagues to oppose passage of this bill. It sets a dangerous precedent that we should soundly reject.

Mr. Chairman, I rise today in opposition to H.R. 408—a bill many of my constituents have termed "The Dolphin Death Act."

Let me begin by saying that I do not impugn the intentions of the bill's sponsors. We all support the goals of a strong economy and the protection of animals. Unfortunately, this bill falls short on the second count. In fact, not only does it fail to adequately protect dolphins, it will contribute to confusion and may mislead consumers about what "dolphin safe" tuna actually means.

Let us be clear about what this bill does: it changes the definition of dolphin safe tuna.

H.R. 408 changes the definition of dolphin safe tuna to allow tuna to be sold under the dolphin safe label even if dolphins were chased, harassed, or seriously injured by encirclement nets during the tuna catch.

Proponents of H.R. 408 argue that the bill maintains the validity of the dolphin safe label because it requires vessel captains to certify that no dolphins were "observed" dead in the nets. Aside from the obvious imperfections in human judgments, dolphin safe means more than just no dolphins died during the catch.

There is a mounting body of scientific evidence that suggests that chasing and encircling dolphins with purse seine nets leads to delayed mortality and decreased reproductive potential. Both essentially weaken dolphin stocks. Hardly dolphin safe.

Several years ago, Congress passed laws to embargo the import of tuna caught by setting nets on dolphins. We took this action because it was bad for dolphins then. Nothing has changed—chasing dolphins down with helicopters and speed boats and encircling them with nets is inhumane. It not only causes distress and physical injury—it can also lead to dead dolphins in the future, long after the traumatic chases have ended.

Now, we are being asked to change our laws because of pressure from other countries and then, to add insult to injury, compound the mistake by selling dolphin deadly tuna under the dolphin safe label. This is simply wrong.

Mr. Chairman, when someone goes to the supermarket, picks up a can of tuna and sees the dolphin safe label, he or she expects it to mean what it says. This bill removes that certainty.

I would urge my colleagues to oppose passage of this bill. It sets a dangerous precedent that we should soundly reject.

Mr. SAXTON. Mr. Chairman, I yield myself 30 seconds.

I would like to say to the gentleman from Florida that we were also concerned about this issue, and we found after months of study no evidence that there is any delayed mortality from animals encircled and harvested in nets. No evidence at all, none, zero, zilch, nada. And so in spite of that, we are authorizing $1 million to study this very issue because we remain concerned about it. But the fact is, there is no evidence.

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from San Diego, CA [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, this issue invokes a lot of emotion. We all feel very strongly about our bond with dolphins and porpoises. As somebody who spends a lot of time in the ocean, I, no less than anybody else, feel strongly about it.

But this issue really needs to be looked at in the strong light of science. Two major components that we have recognized in the last decade that we have to do if we are going to be responsible to the environment is first abandon the monospecies concept of species management and use multispecies management; look at the big picture from nature's point of view. The other issue is to go from the mononational to the international strategies when we are addressing environmental problems. H.R. 408 makes that transition from the old law that basically only looked at dolphins, only related to the impacts of the environment based on dolphins, but de facto, unintentionally encouraged and actually made basically the only economic opportunity a thing called log fishing, which as many scientists will document, has caused the deaths of endangered species and subspecies that were never meant to be hurt by the original law.

I do not think we should have to make a choice between Flipper over here and the Ninja Sea Turtles over there. I think everyone recognizes that we should look at the big picture from the species management point of view.

The second item is the global approach.

Mr. Chairman, we all remember the gross and graphic photos of dolphins being pulled up in nets and being dragged down. I would ask us all to remember, please remember, that graphic photo was not of an American tuna boat. It was of a foreign tuna boat. We can vote no on this proposal and act like we have washed our hands of the responsibility, but if we walk away from an international agreement to finally make the rest of the world responsible for addressing this problem with us, we will be walking away from an opportunity to save those dolphins for the future.

It is all fine to play Pontius Pilate and wash our hands and say we are so pure because we kept with the old law when we have walked way from this opportunity. I ask Members not to walk away from the opportunity of doing what is right for science, right for the dolphins, right for good environment.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise in opposition to H.R. 408.

Mr. Chairman, I believe this legislation allows for the altering of the dolphin-safe definition and permits fishermen to chase and net dolphins. Under H.R. 408, tuna would be labeled as dolphin-safe and permitted to enter the United States even if dolphins were chased, netted or harmed, seriously injured or even killed, as long as the dead dolphin was not observed. I think that was brought home by the gentlewoman from Oregon in what she said.

The current U.S. embargo on nondolphin-safe products has been effective in reducing the number of dolphin deaths. Last year there were only 2,374 dolphin deaths. Unfortunately, the enactment of H.R. 408 will allow for a doubling of last year's mortality rate to be at 5,000. If we look at this chart here, we can see basically the difference between the two piles of dolphins that were killed in 1996 as opposed to the numbers that would be authorized by H.R. 408. Obviously, it is a doubling, a significant difference.

Mr. Chairman, I think that it needs to be stressed that there are other options. The gentleman from California [Mr. MILLER] has introduced the Dolphin-safe Fishing Act, which I have cosponsored. The Miller bill would retain the current definition of dolphin-safe, ensuring that dolphin-safe cannot appear on cans of tuna in which the dolphins were chased, netted, killed, or seriously injured.

So we are not talking about something that is pie in the sky. There is an option. We do not need this bill. And I have to say that, as in the 104th Congress, I will not support a bill that does not include the dolphin-safe definition that I voted for under the Dolphin Protection Consumer Information Act. This is deception. People expect that, when they see the dolphin-safe label, that it means that dolphins are not being killed or seriously harmed or the other things that are going to be allowed under this bill.

I would urge Members of this House not to buckle to foreign demands and not to change our laws without the input from those who fought so hard to make sure the consumer safety standards and environmental concerns are enacted. I feel very strongly that what is going on here is a serious deception to the American public. When they take that can of tuna and it says dolphin-safe, it should mean that.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, CA [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, let me just say the 5,000 number is being bandied around as if whatever is on paper ends up being reality. The House of Representatives has to recognize it is a real world out there. The 5,000 number exists in the law today. The mortality rate is half of that. If the industries and the fishermen out there now are not killing at the rate of limit, how can we assume that somehow by keeping the same number it will double the kill? It is irrational. It is trying to play to emotions. Let us try to keep it to science.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, it is also true, is it not, that because of the observers on the boats that will be pursuant to the new law, that we have a realistic target of zero dolphins?

Mr. BILBRAY. That is the goal. Do not accept the old law that has basically caused things that we did not know, but take it one step further and go to zero. Zero option is the goal here. The fact is it is unfair for somebody to take a look at a number that exists today and then try to blame this legislation for possible killings that are not going on today.

Mr. MILLER of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the reason we are here is because we fully understand what is attempting to be done in this legislation; that is, to go from the current dolphin kill of 2,400 up to 5,000 with the intent of zero. I appreciate the intent to zero. The 5,000 is not in the law. That is an agreement. That is a voluntary agreement that we have.

The other thing that we know is not real about this is, again, there is an intent to reduce bycatch but there is no requirement that the bycatch be reduced. That is why over 80 organizations, labor organizations, organizations concerned about the humane treatment of animals, environmental organizations have all come out against this legislation.

I appreciate you have five environmental organizations. These are the same people that went out and negotiated along with this administration on NAFTA, told us this would never happen. And now as a result, we are back here because the Mexicans threaten either to kill more dolphins or to go the World Trade Organization and tell us to overturn American laws designed to protect consumers and to protect dolphins. That is why we are here today, because of the arrogance of these people in Mexico who have been fishing dolphins unsafe for the last 10 years.

Mr. SAXTON. Mr. Chairman, may I inquire of the Chair as to the time remaining on each side?

The CHAIRMAN. The gentleman from New Jersey [Mr. SAXTON] has 13½ minutes remaining, and the gentleman from California [Mr. MILLER] has 14½ minutes remaining.

Mr. SAXTON. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Maryland [Mr. GILCHREST], who worked so hard on this bill.

Mr. GILCHREST. Mr. Chairman, I will take a little more time later to explain all of the accusations by the other side of the aisle, but very quickly now, the reason there are fewer dolphin deaths in the eastern tropical Pacific is precisely because of this legislation. Twelve countries have agreed to use the regime, the structure to ensure that dolphins are not killed.

Prior to this legislation, prior to this agreement, if Members look at this photograph, this is the bycatch that we were living under before. This agreement, if we sign into it, eliminates the bycatch problems. We were up to this number of dolphin deaths.

If we look on the top of this graph, each of these dolphins represent 5,000 dolphins dead. The Panama agreement, as it is now working, reduces this number down to this number. Because of this agreement, a few years ago the maximum number of acceptable dolphin deaths by the Panama agreement was 9,000. There were about 2,500 killed. Who pushed it down to a 5,000 maximum level? The United States.

What is the biological accepted limit for the number of dolphin deaths in the eastern tropical Pacific without endangering the species? Sixty thousand. Not only have we reduced it from 100,000 to 60,000 to 9,000 to 5,000, this legislation and this international agreement is going to push it down to lower than that.

Mr. MILLER of California. Mr. Chairman, I yield myself 15 seconds, to say that the gentleman has the sequence mixed up. It is current law that is driving that down. If we pass this law, we can add a dolphin on the bottom of the chart for the 5,000.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [(Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. MILLER] for yielding me the time.

When consumers buy a can of tuna fish, American consumers, they buy this can labeled dolphin safe. That label means something to them. It means that they are not, through their purchase, killing dolphins. That is a guarantee that people care about, because after all it was the consumer, it was people who put pressure on the Congress to create the dolphin safe designation in 1990. The label has worked. As tuna fleets have catered to public demands for dolphin safe tuna, the number of dolphins killed each year has dropped from tens of thousands to just over 2,000.

But today we are being asked to pull a fast one on the American public. The bill under consideration would more than double the number of dolphin deaths but leave the dolphin safe label untouched. Consumers will not be told a thing about it. That is wrong.

It would also set a dangerous precedent in our relationships with our neighbor to the south, Mexico, and other trading partners who claim that America's high standards for environmental and consumer protection restrain trade.

At its core this bill is not designed to help the American tuna fleet, which is relatively small. It is designed to head off a contentious encounter with Mexico whose fishing fleet would rather not concern itself with dolphin safety when hauling in tuna. And as bad as this is for dolphins, it sets a precedent for Americans that is even worse.

If we let Mexico and other trading partners dictate our standards, we not only sacrifice our own sovereignty, we sacrifice our safety. We cannot afford to go backwards. We have come forward over the years. This takes us backwards.

America maintains high standards for a reason. Just 2 months ago, nearly 200 school children in my State of Michigan contracted hepatitis A virus from contaminated Mexican strawberries. These poison berries had been illegally slipped into our school lunch program. As a result, health officials had to give shots to more than 11,000 students in Michigan and California who might have been exposed to the virus.

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We need to tighten our safety standards, not weaken them.

During the NAFTA debate 4 years ago, treaty proponents promised that the agreement would not be used to weaken U.S. environmental protections. The gentleman from Pennsylvania, [Mr. MURTHA], who walks in front of me now, knows very well. He was there arguing with me on this very point. But today, under this agreement and under GATT, commonsense measures such as increasing inspection of imported food, requiring labels noting country of origin, and providing consumers with the other relevant information are considered tantamount to restricting trade.

So this is an issue we confront with dolphin-safe tuna labeling. Mexico first challenged our labeling law 6 years ago and is still demanding we lower our standards. This bill would do exactly that, and set a bad precedent in the process. It would send a signal to the world that America will weaken our consumer protection if we are challenged by a trading partner.

This is not a precedent we want nor is it one I will accept. America is the leader; we are not a follower. Our environmental and consumer standards are the highest in the world. Let us keep them that way, and I encourage others to meet them.

This bill asks us to condone the slaughtering of thousands of dolphins, then hide the truth from the American public. It will undermine our sovereignty, it will undermine our safety, it will perpetuate this crazy trade scheme we are now involved in around the world.

I urge my colleagues to vote "no" on this bill, and I commend my colleague from California for his leadership in opposition to it.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, the last speaker, and the gentleman managing the bill, this was so very important to them that under the rule, while they had another half-hour, they spent the whole time on another issue. So this must not be that important an issue for them to support, but it is to the American people.

Under the current system we can actually have a percentage of dolphin that go into a tuna safe label, and the American people are saying no, that is wrong. If we want to turn our heads to that, then we should go ahead and say we protect the old system. If we want to protect the old system that allows us to kill billfish and allows us to kill turtles, allows us to kill endangered species and bycatch, then we should go ahead and do not turn around because the current fishing methods they use damage those systems.

We are trying to improve it. Twelve other nations came together. That is pretty respectable. They are trying to make a change not just because of trade but because they are trying to protect the species for future generations. They understand this is how they make their livelihood and they want that to continue, not to end.

If we take a look at General McCaffrey and every organization, including the Vice President and the President of the United States, they say the gentlemen on the other side are wrong.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, we are here because of GATT and we need to acknowledge that. We are really here because of GATT telling the United States and telling this Congress and telling the American people that we have to follow a certain procedure in terms of dolphin safety.

I want to talk a little bit very quickly about specifics. This bill, if it passes, will allow a procedure in terms of catching tuna which uses dolphins, literally uses dolphins by helicopter sighting, and wraps around the necks of the dolphins, which openly is incredibly disturbing. The way the bill sets up the procedure to allow that fishing method to exist, with observers on tuna boats, is that if they do not kill a dolphin, then it can be labeled safe. And then the next catch, if they kill a dolphin, the next catch is not safe.

If we know the specifics of this legislation, it defies logic. It defies logic to think that it will work. It just cannot work. It is a bad deal for the American people, it is a bad deal for GATT, it is a bad deal for the dolphins. We can negotiate a better deal, and I urge its defeat.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from the State of Florida [Mr. DEUTSCH] and if he would yield to me for a question, I would ask him this.

We have a domestic law currently which regulates U.S. fishermen. There are 11 other countries in this fishery. What would the gentleman suggest that we do to domestic law to protect dolphins in the international fishery?

We have tried to put in place this international agreement. What would the gentleman suggest if he is opposed to our effort?

Mr. DEUTSCH. Mr. Chairman, I am really talking about the practical level. And hopefully my colleague and I, both of us are well-intentioned with our desires.

But I think on a practical level the Mexicans, and that is what we are really talking about, the Mexican fishermen who want to enter the United States market, which they have not been able to do because of the marketing aspect of dolphin safe tuna, this really changed it.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the gentleman makes an important point. The fact is that the availability is there, as we have suggested, to renegotiate this. Half of the Mexican fleet, in fact, fishes dolphin-safe. The other half has chosen not to do that. And what they would prefer, rather than fish dolphin-safe, is to drive down the laws of the United States.

Mr. SAXTON. Mr. Chairman, I yield myself 10 seconds to say that the gentleman from California just proved my point. He said that half of the international community is not complying. Those were his words. And this agreement brings them voluntarily into compliance.

Mr. MILLER of California. I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, why are we giving away our national sovereignty in the name of global trade?

H.R. 408 is a giveaway of our national right to self-determination. What it does is, it repeals the U.S. ban on tuna caught by methods that kill dolphins and depletes the meaning of the dolphin-safe label which American consumers want and count on.

The reason we are here today to consider repealing an important United States law, is because an international panel of trade bureaucrats determined, in a case brought against the United States by Mexican fishing and governmental interests, that the American dolphin-safe standard was a barrier to trade. Get that, a barrier to trade. And a barrier to America's high trade standards.

I believe that the American people do not want to erase significant achievements in consumer workplace and environmental protection. America's high standards should not be for sale nor should they be for trade.

Vote "no" on H.R. 408 and let us preserve our sovereignty. Protect our democratic institutions and carry out our constitutional duties to represent the wishes and the best interests of our constituents rather than international trade bureaucrats.

PARLIAMENTARY INQUIRY

Mr. SAXTON. Mr. Chairman, may I make a parliamentary inquiry at this point?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SAXTON. Mr. Chairman, is it not this Member's right to close the debate?

The CHAIRMAN. The gentleman is correct.

Mr. SAXTON. And may I ask for the time remaining on each side?

The CHAIRMAN. The gentleman from New Jersey [Mr. SAXTON] has 9¾ minutes remaining, and the gentleman from California [Mr. MILLER] has 8¾ minutes remaining.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Maryland, [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to respond to the gentleman from New Jersey about his statement where the United States is giving up its sovereignty.

A couple of quick points. When the gentleman from California [Mr. CUNNINGHAM] and myself began to work on this particular issue, to us, to the gentleman from California and myself, this had nothing to do with GATT, it had absolutely nothing to do with NAFTA, it had nothing to do with the World Trade Organization, it had nothing to do with sovereignty of anybody. We knew we were going to retain our sovereignty.

We came up with this regimen, with this idea, with this structure with many other groups, including our U.S. State Department and including Greenpeace, an environmental organization that opposes GATT.

This is not about GATT or NAFTA, this is about protecting dolphins in the eastern tropical Pacific Ocean. This is about protecting the marine ecosystem in the eastern tropical Pacific with an international agreement. This has nothing to do with the U.S. giving up our sovereignty. We, in fact, are imposing this structure on 11 other countries.

So this is about the United States retaining our sovereignty and entering into an international agreement to protect the marine ecosystem in the Pacific Ocean.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I differ with my colleagues on the other side. I think, in fact, we are here because of the international trade agreements. I believe we are here because there are those who insist that somehow that American environmental labor standards will be destroyed on the altar of what is called free trade.

This is a bad bill. It is bad environmental policy, it is bad trade policy, and it is bad foreign policy. It does precisely what we were told NAFTA and GATT would not do: It demands that U.S. sovereignty play second stage to the demands of our trading partners.

I appreciate why the gentleman is involved, and he is involved in good faith in this legislation, but we are here today because of those international agreements, because of those demands of our trading partners that somehow we change the label because they view this as a trade barrier to free trade. Rather than them change the manner in which they fish, rather than their engaging in fishing as our fleet does, as a good portion of the Mexican fleet does, they have chosen to go ahead and to decide to fish in a manner which is dolphin unsafe.

Less than a decade ago, millions of American consumers, led by the schoolchildren of this Nation, demanded the creation of the dolphin protection law because of the needless slaughter of hundreds of thousands of marine mammals by tuna fishermen. The U.S. tuna industry responded by announcing they would only sell dolphin-safe tuna.

The Congress, after lengthy deliberations that included all the stockholders, passed a law establishing dolphin-safe labeling standards. Those efforts have had a dramatic success. That is the current law. Dolphin deaths last year were less than 2,400 dolphins compared to more than 100,000 a few years ago.

The dolphin protection law has worked, but because the bill before us today would renounce the very program that has achieved the goals we sought when the dolphin protection law was enacted, I do not think we should go along with those calls for repeal.

Why on Earth would we so grievously weaken the very law that has worked so well? Not on behalf of American consumers, not on behalf of dolphin protection, no, it is on behalf of Mexico, Venezuela, Colombia, and other nations that are trying a little bit of environmental blackmail. They have said that if we do not weaken our laws, if we do not allow dolphin unsafe tuna into this country, they will go out and slaughter more dolphins.

That is the blackmail. If we do not change our laws that American consumers demand, they reserve the right to go out and fish in a manner that would cause the slaughter of thousands and thousands, tens of thousands of dolphins. What they will find out is that product is not welcome here and it is not welcome anywhere. We cannot become a party to that deception.

There are some very serious problems with this legislation, and the most important is that it would do exactly what the proponents of the trade agreements pledged it would not do, driving down these environmental standards through pressures from countries who do not want to meet those standards.

Let us be clear. The driving force is Mexico, that does not want to meet these standards for dolphin-safe labeling. The fact is that H.R. 408 allows the dolphin deaths to double. On its way to zero it insists it has to go to 5,000.

The fact is it is a little bit like the balanced budget amendment last night. On our way to a balanced budget in the year 2002, we have to increase the deficit in 1998 and 1999. I do not get it, the American people do not get it, but that is why 80 labor, environmental, animal rights organizations from all across the country and all across the world have joined to oppose this legislation, and we ought to stand with those individuals.

We understand that it is not just about dolphins being killed, it is about, as allowed under this legislation, the continued harassment, the encircling and the injuring of those dolphins. If they can kick a live dolphin overboard, if they can throw them out of the net, then somehow it is all dolphin-safe.

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Yet, we do not know that to be true. That is why they have a study. We would suggest maybe they would want to do the study and find out in fact whether it is true or not before they decide to change the label and allow people to fish in the dolphin unsafe fashion.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman from California [Mr. MILLER], who was on a pretty good roll. I think he was making some very good points, and I appreciate him taking the time to yield to me.

The bottom line for me, Mr. Chairman, is that the Americans, as the gentleman from California [Mr. MILLER] said, made a decision and, in fact, they said we are not going to buy tuna, we are going to boycott this product until we are sure that these dolphins are not being killed. At least it is held at a minimum. So the Americans decided and this Congress decided that we were going to enact a law. We took a course of action.

Mexico did not like that course of action. But you know what? They do not control the United States Congress in Mexico. We control the United States Congress. At least, I thought we did, until we finally came up with something that was passed back in 1994 by a lame-duck Congress called GATT. And this has really left us with the situation right now where, in order to try to comply with the terms of the new GATT, we have some people in this country, in Washington, DC, that are saying, let us lower our standards in regard to the safety of dolphins, let us not be as concerned as we are with the dolphins.

But at least two stocks of dolphins, the eastern spinner dolphin and the northern offshore spotted dolphin, now are less than 25 percent of their original populations. Although the supporters of H.R. 408 claim these stocks should be recovering and this legislation would allow them to recover, the reality is they are not recovering in spite of years of lowered mortality.

And we believe that the reason for this, the complete lack of recovery, is that the stocks are severely affected by constantly being chased and netted. I agree with the gentleman from California [Mr. MILLER] that there is a threat hanging over these dolphins. The threat is, if we do not pass H.R. 408, if we do not drop our standards for dolphins, that the Mexicans are going to go out, their fisherman are going to go out and even deplete more of the dolphin stock in the eastern Pacific. This is a shame, and we should not put up with it. We should vote against H.R. 408.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would urge my colleagues to vote against this legislation. I think this is a bad bill. It is bad for the environment. It is bad for the dolphins. It is bad for American trade policy. And I urge the House to vote "no".

Mr. Chairman, I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to comment on one statement that my friend, the gentleman from California [Mr. MILLER] just made. He said, I believe he used these exact words, this bill will drive down environmental standards.

Greenpeace does not think so. That is why they endorsed it. The World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense Fund do not think it will drive down environmental standards either. They think it will help to save endangered species like the sea turtle because of our change in fishing methods mandated under the new bill.

Mr. Chairman, I yield the remainder of our time to the gentleman from Maryland [Mr. GILCHREST].

The CHAIRMAN. The gentleman from Maryland [Mr. GILCHREST] is recognized for 7¾ minutes.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I also want to reemphasize the participation of the gentleman from California, DUKE CUNNINGHAM, in this legislation. His efforts started back in 1992.

It has been mentioned on the floor here a number of times that the United States only has a small fishing fleet related to tuna fish. The reason for that is that our fishing fleet virtually became extinct because of the embargo that we have placed on importing tuna using encirclement of dolphins.

Now while we want to protect the dolphins, and this legislation will in fact protect the dolphins, DUKE CUNNINGHAM and a number of other people along the southern coast of southern California also wanted to protect the livelihood of individuals that fished throughout the Pacific Ocean, especially the eastern tropical Pacific Ocean, to pay their mortgages and raise their children and have a quality of life and standard of living that all of us would want to achieve. And because of the mismanagement of the legislation and because of the lack of ability to come to an international agreement, most of those people lost their jobs.

So what happens? Do we ignore that? I think we, as human beings, are intelligent enough to do two things: Provide jobs for people that need to extract natural resources and, also, protect those natural resources. And that is exactly what this legislation does.

A number of people on the other side of the aisle mentioned numerous times that dolphin deaths have been reduced down to about 2,500. The reason for that is the agreement reached by these 12 countries, which the United States needs to now become a partnership with, these other 11 countries, countries like Belize, Columbia, Costa Rica, Equador, France, Honduras, Mexico, Panama, and Spain.

How do we treat these other countries in the international community? Do we insult them or do we treat them with dignity and respect? Can we solve all the world's environmental problems alone, just the United States, or do we need to have some sense of responsibility on this globe to have an agreement with our neighbors? We cannot solve the environmental problems for this world in the United States alone. We need international agreements.

This international agreement does the two things that we need to have done. It provides jobs for people. It raises their standard of living. And it also protects the environment. This protects the marine ecosystem by looking at it as a complete system.

Now, my colleagues have mentioned a number of times that the dolphin deaths have been reduced dramatically; and, yes, that is correct, because of the Panama agreement. This was under the Marine Mammal Protection Act when just the United States adhered to it.

If you look at the chart over here, each one of these dolphins represents 5,000 deaths. This is under our environmental regulations, the Marine Mammal Protection Act. But we could not do it alone. This is what it looks like now with this agreement, with 12 countries involved in understanding, yes, these 12 countries are going a long way into understanding the mechanics of natural processes. We have to do that.

The next frontier on this planet is not space. The next frontier is understanding how we live on this planet with a bulging population, we cannot do anything about that, with all our neighbors bulging even more than this country, trying to understand how we can fit in with the limited resources. With more people catching fewer fish, we need to produce more fish; and this is the agreement that will do that.

I would like to just go over some of the charges from the other side. Our State Department, our State Department, our U.S. State Department negotiated this deal, not some foreign country. Our State Department negotiated this deal with mutual respect for the countries involved.

The gentleman from Hawaii [Mr. ABERCROMBIE] said that we knuckled under to the State Department because we would not negotiate a change of words in the agreement. Well, the two words that Mr. ABERCROMBIA is talking about is "shall," and Mr. ABERCROMBIA wanted the word "shall"; the agreement says the word "should." We looked into that, and it is unconstitutional for the U.S. Constitution to tell the State Department "you shall do this." It is just a matter of semantics.

Now the label dispute. If you pick up a can of tuna fish, I do not happen to have one right here, but if you pick up a can of tuna fish, it has a little dolphin on it. That dolphin means that that can of tuna fish is dolphin safe. But, in all practicality, nobody in the eastern tropical Pacific, the western tropical Pacific, or anywhere in the Pacific Ocean knows whether or not any of those tuna fish were caught without killing dolphins. There are no observers. There are no observers anywhere. So we just simply do not know.

The present regime of dolphin safe is specific to a gear or a fishing technique. It has nothing to do with whether or not dolphins were killed. What we tried to do in our bill, or what we do in our bill, is to ensure that every single boat that sells tuna fish in the United States, whether they are from Panama, or France, or Belize, or Mexico, or anywhere, every single boat must have a licensed biological observer on board. And if he or she observes a dolphin being killed, they cannot label that dolphin safe.

The gentlewoman from Oregon [Ms. FURSE] talked about the stress of dolphins. I want to show my colleagues the stress of bycatch without this legislation. If you look, you will see sharks, you will see sea turtles, you will see juvenile tuna fish, you will see a whole range of marine mammals. This is not stress, this is death.

Now about the stress of dolphins being encircled. The National Science Foundation in 1992 found absolutely no evidence that dolphins were stressed when they were encircled and then pushed out of the back of the net. California at Berkeley biologists found no evidence of stress in the dolphins. And yet we have put into this bill $1 million to further study this issue. And if we find out that there is any stress at all, then we are going to change the regime.

The issue of sovereignty has come up a number of times. This is not about sovereignty. This is about the United States imposing this regime on 12 other countries. I encourage the House to vote for H.R. 408.

Ms. ESHOO. Mr. Chairman, I rise today in opposition to H.R. 408, the International Dolphin Conservation Program Act. This bill is flawed on several counts. I have two primary concerns. First, the bill doubles the amount of dolphins allowed to be killed every year. Second, it makes a mockery of the dolphin-safe label used on all tuna sold in the United States.

As a supporter of free trade, including NAFTA, I do not believe that trade should be a reason for the United States to change its definition of "dolphin-safe." We can address the specific trade concerns raised by Mexico and other countries which are subject to tuna embargo because of their fishing practices which result in the death of dolphins, without denying or lying to the American consumer.

If we pass H.R. 408, dolphin-safe will merely mean "no dolphin killed," even though dolphins can be chased, encircled, injured, pulled onto a boat and dumped back in the ocean under this bill. This would be considered safe, as long as the dolphin is not seen dying on the boat or in the net. Mother dolphins can be separated from their feeding young, chased dolphins can be exhausted and fatigued to the point of death by cruel practices, but it will be called dolphin-safe under this bill.

I urge my colleagues to reject this bill. Let's keep truth in labeling. Don't lie to the American consumer.

Ms. PELOSI. Mr. Chairman, I rise in opposition to this legislation. H.R. 408 is a deeply flawed bill that threatens marine mammal populations to the benefit of foreign trading partners. This bill is bad for trade, bad for the environment, and bad for consumers.

In 1990, environmental, animal and consumer activists won a victory with the advent of the dolphin-safe label for commercially sold tuna. From that time, no product could be labeled dolphin-safe if the tuna were caught by chasing, harassing, or netting dolphins. The dolphin-safe label has worked to preserve dolphin populations. After Congress adopted its ban of imported tuna caught using enclosure nets in 1992, the dolphin mortality rate dropped from 100,000 per year to 2,754 last year.

The bill before us would change the meaning of dolphin-safe to allow activities that would include highspeed chases with boats and helicopters, the separation of mothers from their calves, the withholding of food from trapped schools and the deliberate injury of dolphins to prevent the school from escape.

In fact, almost any fishing activity would be termed dolphin-safe provided that no dolphins were observed to die during the catch. Prior to the dolphin-safe label, dolphin populations had been depleted by as much as 80 percent. The dolphin-safe label stopped this trend and proved to be one of the most successful consumer initiatives in U.S. history. Americans care about what is left of our natural environment and the threatened creatures who inhabit it.

Dolphin-safe must mean that dolphins are safe and not unnecessarily injured or killed in the hunt for tuna. H.R. 408 allows an increase in dolphin deaths and unlimited injury and harassment of dolphins. That is by no means dolphin-safe.

Proponents of H.R. 408 would have foreign trading partners define our domestic markets without congressional oversight and without public scrutiny. H.R. 408 is designed to solve a trade problem defined by foreign fisheries—not an environmental problem defined by the American public. If enacted, this law would establish a precedent for other labeling laws designed to protect and inform American consumers.

Americans rely on labeling information. We cannot allow foreign interests to determine our domestic priorities and relax our higher environmental standards. If foreign corporations are successful in relaxing our labeling laws, American consumers will not have information about the safety or origin of the products they buy. The dolphin label works and consumers have overwhelmingly supported dolphin-safe tuna at the market. H.R. 408 is an attempt by foreign interests to compete unfairly with American higher standards.

Mr. Chairman, I urge our colleagues to vote against H.R. 408 which would enable us to keep the promise made to the American people. Trade agreements should not result in the weakening of U.S. environmental laws. I urge a "no" vote on the bill.

Mr. STARK. Mr. Chairman, when Congress considered NAFTA, members of this committee received the unqualified assurance form Ambassador Kantor that U.S. environmental laws and standards would not be lowered if Congress approved the agreement.

Well—here we are—about to do just that as we consider the Gilcrest bill and its changes to the dolphin-safe label.

A brief explanation of the fishing techniques of the Mexicans—our trading partner pushing for the change in law—might help the Members understand what is at stake here. Schools of large yellow fin tuna swim beneath schools of dolphins in the eastern tropical Pacific Ocean. The dolphin schools—often 400–500 animals—are chased at high speeds by helicopter and speed boats for periods of 30 minutes to several hours. When the dolphins become too exhausted to swim, encircling nets are dropped around the dolphins and the tuna.

Many dolphins become trapped in the nets and drown. Others die from injury of extreme exhaustion.

After an outcry from Americans, many of them school children, U.S. tuna companies announced in 1990 that they would not buy tuna caught while harming dolphins. The U.S. tuna fleets moved to the waters of the western Pacific nations where the tuna do not swim with the dolphins. The Dolphin Protection Consumer Information Act, 1990, codified that tuna harvested with large-scale nets is not dolphin-safe.

H.R. 408 lowers our labeling standards and misleads the American people. It would allow tuna to be labeled dolphin-safe even though it was caught with encirclement techniques that we know killed and injured hundreds of thousands of dolphins before environmental laws and industry practices changed fishing techniques.

H.R. 408 would allow tuna to be certified "dolphin-safe" merely if an observer didn't see any dolphins die. However, nothing in this bill would preclude severely injured dolphins to be dumped back into the sea to die.

H.R. 408 would condone 5,000 dolphins deaths in 1997 in exchange for a promise of reduced dolphin mortality in future years. If this bill were a serious attempt to reduce dolphin mortality in tuna fishing, it would have started with current mortality levels of 2,574 in 1996.

American consumers—American children—deserve a dolphin-safe label that they can take at face value—one that means what it says. We have a labeling system that consumers trust. Altering the meaning of the label is nothing short of consumer fraud.

Mr. Chairman, I strongly object to our environmental laws being dictated by the Mexican fishing industry and I rise in opposition to H.R. 408.

Mr. BILBRAY. Mr. Chairman, I rise in strong support of H.R. 408, which will lock in strong, enforceable international dolphin protection measures, and prevent the loss of other sensitive or endangered species to "bycatch", such as sharks, sea turtles, and juvenile tunas.

In doing this, I don't intend to talk about sinister foreign policy conspiracies, environmental sovereignty violations, black helicopters, and the like, but rather about marine species management. I strongly believe that the battle for sound species management is never over; it is not accurate or practical to say "well, we took care of that problem in the 1970's or the 1980's, so we don't need to revisit it to make sure it is working the way we intended it to."

We are trying to embrace the idea of moving beyond single-species management to multispecies management, and looking at the big picture, the interrelationship of all species among themselves and the environment. As part of this, we need to pursue expansion of our domestic species management strategies into an international approach; to take the good science that we try to apply to our national environmental plans and use it to address broader concerns.

Some today would prefer to believe that dolphins and only dolphins are the issue at hand. But we have to recognize that the time has come for more global, long-term policies to assure that we address the question of dolphin protection in the big picture.

I think that the Panama Declaration is one of those rare products which recognizes that to be effective, we have to look at the whole environment, and not simply have tunnel vision, or a "species of the month" mentality. We have to be able to expand our perspectives, and move to a broader, more inclusive management approach. This means going beyond simple defense of the status quo.

The status quo is not something that you or I want to carry into the next century, and say "this is the best America and the word could do for the ocean and all its wildlife." We have taken a world leadership role in environmental strategies up to this point. There are those who would say that isolationism, in either trade, or foreign policy, or even environmental issues is the way we should proceed.

I strongly disagree with this philosophy, and believe that we have to maintain our role as the world leader in establishing sound conservation strategies. This is essential if we are to avoid letting problems go unnoticed until they reach crisis proportions, such as a sea turtle population or fish species beginning to "crash" from the law of unintended consequences.

This issue of "bycatch" is one that has to be addressed, and will be addressed in the context of H.R. 408. I doubt that any of us mean to say "the only priority of this Congress is dolphins and only dolphins, and we don't want to be bothered with the accidental destruction of other species other than dolphins".

The agreement which is embodied in H.R. 408 locks in our existing successes in increased dolphin protection, and reduced mortality rates. More importantly, it expands the sophistication of our conservation strategy to take into account the impacts on endangered sea turtles, or billfish, and especially immature and nonmarketable young tuna. We shouldn't focus on one species only, at the expense of others, yet this is what is happening under existing fishing practices.

H.R. 408 does the right thing—it will continue our amazing record of success in balancing strong dolphin protection measures with progressive tuna fishing methods, and expand those protections to include other species which are now being negatively impacted by the old strategy. We need to be brave enough to take this step. We who claim to truly care about the environment have not only the right, but the responsibility, to do the right thing to improve and strengthen our environmental laws when science indicates there is a need to do so.

To my colleagues today, I say this—if we want to truly save dolphins for our children and theirs, and to take a comprehensive approach to protecting sensitive ocean species, then we need to move this bill forward. The President will sign it into law, and sound science and bipartisanship will have triumphed over emotion to do the right thing for our environment. Let's take this step to make that happen. Support H.R. 408.

[From the San Diego Union Tribune, June 7, 1996]

Scientist Hailed for Saving Dolphins

(By Steve La Rue)

Dolphin deaths in tuna fishing nets have declined by about 98 percent since 1986 in the Eastern Pacific Ocean, and a San Diego marine scientist will get a large share of the credit tonight when he receives San Diego Oceans Foundation's highest award.

The annual Roger Revelle Perpetual Award will be presented to James Joseph, director of the La Jolla-based Inter-American Tropical Tuna Commission since 1969.

With Joseph at the helm, the eight-nation commission has mounted a sustained effort to reduce drowning deaths of dolphins in tuna fishing nets. Its success could help unlock a decades-old environmental dispute and end a U.S. embargo on tuna caught by boats from Mexico and other countries that look for the popular fish under dolphin schools.

Large tuna often swim under schools of dolphin in the Eastern Pacific Ocean for reasons that are not entirely understood. Fishing boats historically have encircled these surface-swimming schools with their nets, cinched the nets shut at the bottom, then reeled in their catch.

Air-breathing dolphins drowned in vast numbers, because they were snared in the nets and dragged under water. As estimated 133,174 dolphins died this way in 1986, but the total fell to an estimated 3,274 last year, according to the commission.

The decline has come through a variety of measures, including placement of observers on every tuna boat in the Eastern Pacific, newer equipment for some boats, better training of tuna crews and captains, special attention to individual boats with high-dolphin kills and other measures.

Joseph said the dolphin mortality level is now so low that it cannot affect the survival of any of the dolphin species.

"The dolphins increase at a rate of from 2.5 to 3.5 percent per year. The mortality for every (dolphin) stock as a percentage of every stock is less than one-tenth of 1 percent." he said.

In other words, a great deal more young dolphins are born and survive each year than die in tuna nets. There are about 9.5 million dolphins in Eastern Pacific populations in all, and none of their several species—including common, spinner and spotted dolphins—is endangered.

"We continue to take the approach that we can bring it lower, and we continue to work in that direction. It is essential that we keep all of the countries involved in this fishery cooperating in our program," Joseph said.

Commission members include Costa Rica, France, Nicaragua, Panama, the United States, the Pacific island-nation of Vanuatu and Venezuela.

Frank Powell, executive director of Hubbs-Sea World Research Institute and last year's award winner, praised Joseph in a prepared statement as "A first-class biologist who has devoted his entire career to the ocean. He has been instrumental in reducing the number of dolphin fatalities related to tuna fishing."

The award—a wood sculpture of a garibaldi fish that remains in Scripps Bank's La Jolla office—will be presented tonight at the San Diego Oceans Foundation benefit dinner.

The foundation is a volunteer organization committed to preserving San Diego's bays and ocean waters. The Roger Revelle Perpetual Award is named for the late scientist who was a founder of UCSD and director of the Scripps Institution of Oceanography.

Lowering the dolphin kill also was a prelude to the introduction of proposed federal legislation to allow tuna caught by setting nets around dolphin schools to be sold in the United States as "dolphin-safe"—but only if the commission's onboard observers certify that no dolphins were killed.

Under current law, no tuna can be sold as "dolphin-safe" in this country if they are caught by setting nets around dolphin schools.

The issue also has split environmental groups. Greenpeace, the Center for Marine Conservation, the Environmental Defense Fund, and the National Wildlife Federation support the proposed law. The Earth Island Institute, the Sierra Club, the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals oppose it.

Because of the current law and other factors, the U.S. tuna fishing fleet, which once numbered 100 vessels and was prominent in San Diego, has shrunk to 40 vessels operating in the Western Pacific and 10 in the Eastern Pacific.

The Earth Island Institute said in a statement that the legislation would allow, "Foreign tuna attained by the blood of dolphins to be sold on U.S. supermarket shelves" and allow "chasing, harassing, injuring, and encircling dolphins as long as no dolphins were 'observed' to be killed outright."

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 408, a bill to amend the Marine Mammal Protection Act of 1972.

It is unfortunate that after over 20 years the progress made by the United States tuna industry regarding technology and methods of how to best harvest tuna with the goal of saving dolphins is at risk. It is in the nature of dolphins to swim along with schools of tuna and if the nets are not designed to prevent dolphin capture and subsequent drowning, then many more dolphins will die. The provisions of the Marine Mammal Protection Act of 1972 which protect these dolphins is now on the endangered legislation list by the consideration of H.R. 408.

I would like to remind my colleagues that it is not good public policy to go along to get along, especially in the form of this International Dolphin Conservation Program which would cost more than just the lives of thousands of dolphins. This legislation would renege on an agreement with the American tuna consumer by allowing the dolphin-safe label to be reduced to a ridiculous meaningless state.

Charlie Tuna's proud announcement that Starkist tuna would carry the safe-for-dolphins label heralded the end to consumer boycotts and protests regarding the plight of dolphins as a result of industrial tuna fishing.

Our children have grown up learning to love dolphins from the popular television shows and aquatic attractions around the Nation which feature dolphin exhibitions. Their outstanding abilities to learn and remember complicated tasks have been compared to human beings. The remarkable thing about dolphins is that they harbor no harm toward human beings and have been an aid to us as we attempt to better understand the oceans which comprise three-fifths of the Earth's surface.

Today, this Congress should not leave the dolphins' fate to the four winds. The American consumer demonstrated their commitment to the preservation of the dolphins during the 1970's with boycotts of tuna sales and public demonstrations indicating a willingness to pay more per can for tuna if that is what it would take to save them. The American consumer insisted on knowing which companies were and were not complying with better methods of harvesting tuna by the display of the tuna safe symbol.

I ask that my colleagues vote against this measure and work to move other countries to our environmental high ground.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 pursuant to clause 6 of rule XXIII is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "International Dolphin Conservation Program Act".

(b) REFERENCES TO MARINE MAMMAL PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) FINDINGS.—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortalities associated with the purse seine fishery from hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(28) The term 'International Dolphin Conservation Program' means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

"(A) that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with the commitment and objective to progressively reduce dolphin mortality to levels approaching zero through the setting of annual limits;

"(B) the establishment of a per-stock per-year mortality limit for dolphins, for each year through the year 2000, of between 0.2 percent and 0.1 percent of the minimum population estimate;

"(C) beginning with the year 2001, that the per-stock per-year mortality of dolphin not exceed 0.1 percent of the minimum population estimate;

"(D) that if the mortality limit set forth in subparagraph (A) is exceeded, all sets on dolphins shall cease for the fishing year concerned;

"(E) that if the mortality limit set forth in subparagraph (B) or (C) is exceeded sets on such stock and any mixed schools containing members of such stock shall cease for that fishing year;

"(F) in the case of subparagraph (B), to conduct a scientific review and assessment in 1998 of progress toward the year 2000 objective and consider recommendations as appropriate; and

"(G) in the case of subparagraph (C), to conduct a scientific review and assessment regarding that stock or those stocks and consider further recommendations;

"(H) the establishment of a per-vessel maximum annual dolphin mortality limit consistent with the established per-year mortality caps; and

"(I) the provision of a system of incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality.

"(29) The term 'Declaration of Panama' means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.".

SEC. 4. AMENDMENTS TO TITLE I.

(a) AUTHORIZATION FOR INCIDENTAL TAKING.—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended as follows:

(1) By inserting after the first sentence "Such authorizations may also be granted under title III with respect to the yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103.".

(2) By striking the semicolon in the second sentence and all that follows through "practicable".

(b) DOCUMENTARY EVIDENCE.—Section 101(a) (16 U.S.C. 1371(a)) is amended by striking so much of paragraph (2) as follows subparagraph (A) and as precedes subparagraph (C) and inserting:

"(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the tuna or products therefrom were not banned from importation under this paragraph before the effective date of the International Dolphin Conservation Program Act;

"(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, such harvesting nation is either a member of the Inter-American Tropical Tuna Commission or has initiated (and within 6 months thereafter completed) all steps (in accordance with article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission) necessary to become a member of that organization;

"(iii) such nation is meeting the obligations of the International Dolphin Conservation Program and the obligations of membership in the Inter-American Tropical Tuna Commission, including all financial obligations;

"(iv) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1997, or in any year thereafter, consistent with the commitment and objective of progressively reducing dolphin mortality to levels approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality; and

"(v) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and such harvesting nation has not vetoed the participation by any other nation in such Program.".

(c) Acceptance of Evidence Coverage.—Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsections:

"(d) Acceptance of Documentary Evidence.—The Secretary shall not accept documentary evidence referred to in section 101(a)(2)(B) as satisfactory proof for purposes of section 101(a)(2) if—

"(1) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program;

"(2) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary in a timely manner for the purposes of tracking and verifying compliance with the minimum requirements established by the Secretary in regulations promulgated under subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)); or

"(3) after taking into consideration this information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the International Dolphin Conservation Program, the Secretary, in consultation with the Secretary of State, finds that the harvesting nation is not in compliance with the International Dolphin Conservation Program.

"(e) Exemption.—The provisions of this Act shall not apply to a citizen of the United States who incidentally takes any marine mammal during fishing operations outside the United States exclusive economic zone (as defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(6))) when employed on a foreign fishing vessel of a harvesting nation which is in compliance with the International Dolphin Conservation Program.".

(d) Annual Permits.—Section 104(h) is amended to read as follows:

"(h) Annual Permits.—(1) Consistent with the regulations prescribed pursuant to section 103 and the requirements of section 101, the Secretary may issue an annual permit to a United States vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

"(2) Annual permits described in paragraph (1) for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 304, subject to the regulations issued pursuant to section 302.".

(e) Revisions and Funding Sources.—Section 108(a)(2) (16 U.S.C. 1378(a)(2)) is amended as follows:

(1) By striking "and" at the end of subparagraph (A).

(2) By adding at the end the following:

"(C) discussions to expeditiously negotiate revisions to the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 UST 230, TIAS 2044) which will incorporate conservation and management provisions agreed to by the nations which have signed the Declaration of Panama;

"(D) a revised schedule of annual contributions to the expenses of the Inter-American Tropical Tuna Commission that is equitable to participating nations; and

"(E) discussions with those countries participating or likely to participate in the International Dolphin Conservation Program, to identify alternative sources of funds to ensure that needed research and other measures benefiting effective protection of dolphins, other marine species, and the marine ecosystem;".

(f) Repeal of NAS Review.—Section 110 (16 U.S.C. 1380) is amended as follows:

(1) By redesignating subsection (a)(1) as subsection (a).

(2) By striking subsection (a)(2).

(g) Labeling of Tuna Products.—Paragraph (1) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(1)) is amended to read as follows:

"(1) It is a violation of section 5 of the Federal Trade Commission Act for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term 'Dolphin Safe' or any other term or symbol that falsely claims or suggests that the tuna contained in the product was harvested using a method of fishing that is not harmful to dolphins if the product contains any of the following:

"(A) Tuna harvested on the high seas by a vessel engaged in driftnet fishing.

"(B) Tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (2).

"(C) Tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (3).

"(D) Tuna harvested by a vessel engaged in any fishery identified by the Secretary pursuant to paragraph (4) as having a regular and significant incidental mortality of marine mammals.".

(h) Dolphin Safe Tuna.—(1) Paragraph (2) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(2)) is amended to read as follows:

"(2)(A) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the vessel is of a type and size that the Secretary has determined, consistent with the International Dolphin Conservation Program, is not capable of deploying its purse seine nets on or to encircle dolphins, or if the product meets the requirements of subparagraph (B).

"(B) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the product is accompanied by a written statement executed by the captain of the vessel which harvested the tuna certifying that no dolphins were killed during the sets in which the tuna were caught and the product is accompanied by a written statement executed by—

"(i) the Secretary or the Secretary's designee;

"(ii) a representative of the Inter-American Tropical Tuna Commission; or

"(iii) an authorized representative of a participating nation whose national program meets the requirements of the International Dolphin Conservation Program,

which states that there was an observer approved by the International Dolphin Conservation Program on board the vessel during the entire trip and documents that no dolphins were killed during the sets in which the tuna concerned were caught.

"(C) The statements referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be valid only if they are endorsed in writing by each exporter, importer, and processor of the product, and if such statements and endorsements comply with regulations promulgated by the Secretary which would provide for the verification of tuna products as dolphin safe.".

(2) Subsection (d) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended by adding the following new paragraphs at the end thereof:

"(3) For purposes of paragraph (1)(C), tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if—

"(A) it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; or

"(B) in any fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals and tuna, it is accompanied by a written statement executed by the captain of the vessel and an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.

"(4) For purposes of paragraph (1)(D), tuna or a tuna product that contains tuna harvested in a fishery identified by the Secretary as having a regular and significant incidental mortality or serious injury of marine mammals is dolphin safe if it is accompanied by a written statement executed by the captain of the vessel and, where determined to be practicable by the Secretary, an observer participating in a national or international program acceptable to the Secretary certifying that no marine mammals were killed in the course of the fishing operation or operations in which the tuna were caught.

"(5) No tuna product may be labeled with any reference to dolphins, porpoises, or marine mammals, unless such product is labeled as dolphin safe in accordance with this subsection.".

(1) TRACKING AND VERIFICATION.—Subsection (f) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

"(f) TRACKING AND VERIFICATION.—The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement subsection (d) not later than 3 months after the date of enactment of the International Dolphin Conservation Program Act. In the development of these regulations, the Secretary shall establish appropriate procedures for ensuring the confidentiality of proprietary information the submission of which is voluntary or mandatory. Such regulations shall, consistent with international efforts and in coordination with the Inter-American Tropical Tuna Commission, establish a domestic and international tracking and verification program that provides for the effective tracking of tuna labeled under subsection (d), including but not limited to each of the following:

"(1) Specific regulations and provisions addressing the use of weight calculation for purposes of tracking tuna caught, landed, processed, and exported.

"(2) Additional measures to enhance observer coverage if necessary.

"(3) Well location and procedures for monitoring, certifying, and sealing holds above and below deck or other equally effective methods of tracking and verifying tuna labeled under subsection (d).

"(4) Reporting receipt of and database storage of radio and facsimile transmittals from fishing vessels containing information related to the tracking and verification of tuna, and the definition of sets.

"(5) Shore-based verification and tracking throughout the transshipment and canning process by means of Inter-American Tropical Tuna Commission trip records or otherwise.

"(6) Provisions for annual audits and spot checks for caught, landed, and processed tuna products labeled in accordance with subsection (d).

"(7) The provision of timely access to data required under this subsection by the Secretary from harvesting nations to undertake the actions required in paragraph (6) of this subsection.".

SEC. 5. AMENDMENTS TO TITLE III.

(a) HEADING.—The heading of title III is amended to read as follows:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM".

(b) FINDINGS.—Section 301 (16 U.S.C. 1411) is amended as follows:

(1) In subsection (a), by amending paragraph (4) to read as follows:

"(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce, with the goal of eliminating, dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will assure that the existing trend of reduced dolphin mortality continues; that individual stocks of dolphins are adequately protected; and that the goal of eliminating all dolphin mortality continues to be a priority.".

(2) In subsection (b), by amending paragraphs (2) and (3) to read as follows:

"(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, with the goal of eliminating, the mortality referred to in paragraph (1);

"(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets or caught by purse seine vessels in the eastern tropical Pacific Ocean that are not operating in compliance with the International Dolphin Conservation Program;".

(c) INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.—Section 302 (16 U.S.C. 1412) is amended to read as follows:

"SEC. 302. AUTHORITY OF THE SECRETARY.

"(a) REGULATIONS TO IMPLEMENT PROGRAM REGULATIONS.—(1) The Secretary shall issue regulations to implement the International Dolphin Conservation Program.

"(2)(A) Not later than 3 months after the date of enactment of this section, the Secretary shall issue regulations to authorize and govern the incidental taking of marine mammals in the eastern tropical Pacific Ocean, including any species of marine mammal designated as depleted under this Act but not listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), by vessels of the United States participating in the International Dolphin Conservation Program.

"(B) Regulations issued under this section shall include provisions—

"(i) requiring observers on each vessel;

"(ii) requiring use of the backdown procedure or other procedures equally or more effective in avoiding mortality of marine mammals in fishing operations;

"(iii) prohibiting intentional deployment of nets on, or encirclement of, dolphins in violation of the International Dolphin Conservation Program;

"(iv) requiring the use of special equipment, including dolphin safety panels in nets, monitoring devices as identified by the International Dolphin Conservation Program, as practicable, to detect unsafe fishing conditions before nets are deployed by a tuna vessel, operable rafts, speedboats with towing bridles, floodlights in operable condition, and diving masks and snorkels;

"(v) ensuring that the backdown procedure during the deployment of nets on, or encirclement of, dolphins is completed and rolling of the net to sack up has begun no later than 30 minutes after sundown;

"(vi) banning the use of explosive devices in all purse seine operations;

"(vii) establishing per vessel maximum annual dolphin mortality limits, total dolphin mortality limits and per-stock per-year mortality limits, in accordance with the International Dolphin Conservation Program;

"(viii) preventing the intentional deployment of nets on, or encirclement of, dolphins after reaching either the vessel maximum annual dolphin mortality limits, total dolphin mortality limits, or per-stock per-year mortality limits;

"(ix) preventing the fishing on dolphins by a vessel without an assigned vessel dolphin mortality limit;

"(x) allowing for the authorization and conduct of experimental fishing operations, under such terms and conditions as the Secretary may prescribe, for the purpose of testing proposed improvements in fishing techniques and equipment (including new technology for detecting unsafe fishing conditions before nets are deployed by a tuna vessel) that may reduce or eliminate dolphin mortality or do not require the encirclement of dolphins in the course of commercial yellowfin tuna fishing;

"(xi) authorizing fishing within the area covered by the International Dolphin Conservation Program by vessels of the United States without the use of special equipment or nets if the vessel takes an observer and does not intentionally deploy nets on, or encircle, dolphins, under such terms and conditions as the Secretary may prescribe; and

"(xii) containing such other restrictions and requirements as the Secretary determines are necessary to implement the International Dolphin Conservation Program with respect to vessels of the United States.

"(C) The Secretary may make such adjustments as may be appropriate to the requirements of subparagraph (B) that pertain to fishing gear, vessel equipment, and fishing practices to the extent the adjustments are consistent with the International Dolphin Conservation Program.

"(b) CONSULTATION.—In developing regulations under this section, the Secretary shall consult with the Secretary of State, the Marine Mammal Commission and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

"(c) EMERGENCY REGULATIONS.—(1) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the International Dolphin Conservation Program) that the incidental mortality and serious injury of marine mammals authorized under this title is having, or is likely to have, a significant adverse effect on a marine mammal stock or species, the Secretary shall take actions as follows—

"(A) notify the Inter-American Tropical Tuna Commission of the Secretary's findings, along with recommendations to the Commission as to actions necessary to reduce incidental mortality and serious injury and mitigate such adverse impact; and

"(B) prescribe emergency regulations to reduce incidental mortality and serious injury and mitigate such adverse impact.

"(2) Prior to taking action under paragraph (1) (A) or (B), the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission.

"(3) Emergency regulations prescribed under this subsection—

"(A) shall be published in the Federal Register, together with an explanation thereof; and

"(B) shall remain in effect for the duration of the applicable fishing year; and

The Secretary may terminate such emergency regulations at a date earlier than that required by subparagraph (B) by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for the emergency action no longer exist.

"(4) If the Secretary finds that the incidental mortality and serious injury of marine mammals in the yellowfin tuna fishery in the eastern tropical Pacific Ocean is continuing to have a significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for such additional periods as may be necessary.

"(d) RESEARCH.—The Secretary shall, in cooperation with the nations participating in the International Dolphin Conservation Program and with the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program. Such research may include but shall not be limited to any of the following:

"(1) Devising cost-effective fishing methods and gear so as to reduce, with the goal of eliminating, the incidental mortality and serious injury of marine mammals in connection with commercial purse seine fishing in the eastern tropical Pacific Ocean.

"(2) Developing cost-effective methods of fishing for mature yellowfin tuna without deployment of nets on, or encirclement of, dolphins or other marine mammals.

"(3) Carrying out stock assessments for those marine mammal species and marine mammal stocks taken in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean, including species or stocks not within waters under the jurisdiction of the United States.

"(4) Studying the effects of chase and encirclement on the health and biology of dolphin and individual dolphin populations incidentally taken in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean. There are authorized to be appropriated to the Department of Commerce $1,000,000 to be used by the Secretary, acting through the National Marine Fisheries Service, to carry out this paragraph. Upon completion of the study, the Secretary shall submit a report containing the results of the study, together with recommendations, to the Congress and to the Inter-American Tropical Tuna Commission.

"(5) Determining the extent to which the incidental take of nontarget species, including juvenile tuna, occurs in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, the geographic location of the incidental take, and the impact of that incidental take on tuna stocks, and nontarget species.

The Secretary shall include a description of the annual results of research carried out under this subsection in the report required under section 303.".

(d) REPORTS.—Section 303 (16 U.S.C. 1414) is amended to read as follows:

"SEC. 303. REPORTS BY THE SECRETARY.

"Notwithstanding section 103(f), the Secretary shall submit an annual report to the Congress which includes each of the following:

"(1) The results of research conducted pursuant to section 302.

"(2) A description of the status and trends of stocks of tuna.

"(3) A description of the efforts to assess, avoid, reduce, and minimize the bycatch of juvenile yellowfin tuna and other nontarget species.

"(4) A description of the activities of the International Dolphin Conservation Program and of the efforts of the United States in support of the Program's goals and objectives, including the protection of dolphin populations in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program.

"(5) Actions taken by the Secretary under subsections (a)(2)(B) and (d) of section 101.

"(6) Copies of any relevant resolutions and decisions of the Inter-American Tropical Tuna Commission, and any regulations promulgated by the Secretary under this title.

"(7) Any other information deemed relevant by the Secretary.".

(e) PERMITS.—Section 304 (16 U.S.C. 1416) is amended to read as follows:

"SEC. 304. PERMITS.

"(a) IN GENERAL.—(1) Consistent with section 302, the Secretary is authorized to issue a permit to a vessel of the United States authorizing participation in the International Dolphin Conservation Program and may require a permit for the person actually in charge of and controlling the fishing operation of the vessel. The Secretary shall prescribe such procedures as are necessary to carry out this subsection, including, but not limited to, requiring the submission of—

"(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof; and

"(B) the tonnage, hold capacity, speed, processing equipment, and type and quantity of gear, including an inventory of special equipment required under section 302, with respect to each vessel.

"(2) The Secretary is authorized to charge a fee for issuing a permit under this section. The level of fees charged under this paragraph may not exceed the administrative cost incurred in granting an authorization and issuing a permit. Fees collected under this paragraph shall be available, subject to appropriations, to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in issuing permits under this section.

"(3) After the effective date of the International Dolphin Conservation Program Act, no vessel of the United States shall operate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean without a valid permit issued under this section.

"(b) PERMIT SANCTIONS.—(1) In any case in which—

"(A) a vessel for which a permit has been issued under this section has been used in the commission of an act prohibited under section 305;

"(B) the owner or operator of any such vessel or any other person who has applied for or been issued a permit under this section has acted in violation of section 305; or

"(C) any civil penalty or criminal fine imposed on a vessel, owner or operator of a vessel, or other person who has applied for or been issued a permit under this section has not been paid or is overdue, the Secretary may—

"(i) revoke any permit with respect to such vessel, with or without prejudice to the issuance of subsequent permits;

"(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(iii) deny such permit; or

"(iv) impose additional conditions or restrictions on any permit issued to, or applied for by, any such vessel or person under this section.

"(2) In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and other such matters as justice requires.

"(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of transfer.

"(4) In the case of any permit that is suspended for the failure to pay a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

"(5) No sanctions shall be imposed under this section unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this title or otherwise.".

(f) PROHIBITIONS.—Section 305 is repealed and section 307 (16 U.S.C. 1417) is redesignated as section 305, and amended as follows:

(1) In subsection (a):

(A) By amending paragraph (1) to read as follows:

"(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the tuna or tuna product is either dolphin safe or has been harvested in compliance with the International Dolphin Conservation Program by a country that is a member of the Inter-American Tropical Tuna Commission or has initiated steps, in accordance with Article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;".

(B) By amending paragraph (2) to read as follows:

"(2) except in accordance with this title and regulations issued pursuant to this title as provided for in subsection 101(e), for any person or vessel subject to the jurisdiction of the United States intentionally to set a purse seine net on or to encircle any marine mammal in the course of tuna fishing operations in the eastern tropical Pacific Ocean; or".

(C) By amending paragraph (3) to read as follows:

"(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 101(a)(2);".

(2) In subsection (b)(2), by inserting "(a)(5) and" before "(a)(6)".

(3) By striking subsection (d).

(g) REPEAL.—Section 306 is repealed and section 308 (16 U.S.C. 1418) is redesignated as section 306, and amended by striking "303" and inserting in lieu thereof "302(d)".

(h) CLERICAL AMENDMENTS.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 is amended by striking the items relating to title III and inserting in lieu thereof the following:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

"Sec. 301. Findings and policy.
"Sec. 302. Authority of the Secretary.
"Sec. 303. Reports by the Secretary.
"Sec. 304. Permits.
"Sec. 305. Prohibitions.
"Sec. 306. Authorization of appropriations.".

SEC. 6. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.

(a) MEMBERSHIP.—Section 3(c) of the Tuna Conventions Act of 1950 (16 U.S.C. 952(c)) is amended to read as follows:

"(c) at least one shall be either the Director, or an appropriate regional director, of the National Marine Fisheries Service; and".

(b) GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.—Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended to read as follows:

"SEC. 4. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

"The Secretary, in consultation with the United States Commissioners, shall:

"(1) Appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations. The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

"(2) Appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations. The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including the conservation of ecosystems; the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean. In addition, the Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include each of the following:

"(A) The review of data from the Program, including data received from the Inter-American Tropical Tuna Commission.

"(B) Recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research.

"(C) Recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments.

"(D) Consulting with other experts as needed.

"(E) Recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or equivalent).

"(3) Establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data. The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

"(4) Fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members.".

(c) BYCATCH REDUCTION.—The Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.) is amended by adding at the end the following new section:

"REDUCTION OF BYCATCH IN EASTERN TROPICAL PACIFIC OCEAN

"SEC. 15. The Secretary of State, acting through the United States Commissioners, should take the necessary steps to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The program shall include to the extent practicable—

"(1) that sea turtles and other threatened species and endangered species are released alive, to the maximum extent practicable;

"(2) measures to reduce, to the maximum extent practicable, the harvest of nontarget species;

"(3) measures to reduce, to the maximum extent practicable, the mortality of nontarget species; and

"(4) measures to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.".

SEC. 7. EQUITABLE FINANCIAL CONTRIBUTIONS.

It is the sense of the Congress that each nation participating in the International Dolphin Conservation Program should contribute an equitable amount to the expenses of the Inter-American Tropical Tuna Commission. Such contributions shall take into account the number of vessels from that nation fishing for tuna in the eastern tropical Pacific Ocean, the consumption of tuna and tuna products from the eastern tropical Pacific Ocean and other relevant factors as determined by the Secretary.

SEC. 8. POLAR BEAR PERMITS.

Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking ", including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,".

(2) By adding the following new subparagraph at the end thereof:

"(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph".

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon certification by the Secretary of State to the Congress that a binding resolution of the Inter-American Tropical Tuna Commission, or another legally binding instrument, establishing the International Dolphin Conservation Program has been adopted and is in effect.

(b) PROVISIONS EFFECTIVE UPON ENACTMENT.—Section 8 and this section shall take effect on the date of enactment of this Act.

The CHAIRMAN. No amendment is in order except the amendment printed in the CONGRESSIONAL RECORD pursuant to clause 6 of rule XXIII by the gentleman from California [Mr. MILLER] or his designee. The amendment shall be considered read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

Since there are no amendments, the question is on the amendment in the nature of a substitute made in order by the rule as an original bill.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. Gillmor] having assumed the Chair, Mr. GUTKNECHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill, (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes, pursuant to House Resolution 153, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 166, not voting 6, as follows:

[Roll No. 151]

YEAS—262

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chambliss
Chenoweth
Christensen

Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Flake
Foley
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shimkus
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)

NAYS—166

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Bilirakis
Bishop
Blagojevich
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Horn
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
Lampson
Lantos
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Poshard
Rahall
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Schumer
Scott
Serrano
Sessions
Shays
Sherman
Sisisky
Slaughter
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—6

Andrews
Hyde
Lewis (GA)
Radanovich
Schiff
Snowbarger

□ 1706

Messrs. HORN, MCHALE, BILIRAKIS, Ms. ROYBAL-ALLARD, Mr. BISHOP, and Mr. BENTSEN changed their vote from "yea" to "nay."

Messrs. SKEEN, KANJORSKI, and FROST changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of Georgia. Mr. Speaker, I was not present for the vote on H.R. 408, the International Dolphin Program Act. If I had been present I would have voted "no" on H.R. 408.

GENERAL LEAVE.

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–107) on the resolution (H. Res. 155) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the committee rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute speeches.

WITHDRAWAL OF SUPPORT FOR H.R. 956, DRUG FREE COMMUNITY ACT OF 1997

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, I was an original cosponsor of H.R. 956, Drug Free Community Act of 1997, and it has been reported out of committee, but after a further review I find that I can not support that legislation and simply note for the RECORD my opposition to the legislation.

BURMA'S ARMY KEEPS ITS GRIP

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, today if my colleagues were to go to visit Nobel prize winner Aung San Suu Kyi they would be blocked at the door of her house because the militarist government of Burma has said no foreigners may visit this great Nobel Peace Prize winner. I want to commend the Clinton administration for having decided to impose new sanctions on Burma because of the increasing repression of the people of Burma.

A recent article in the Washington Post points out that hundreds of university students have been jailed, the military has jailed as many as 300 members of the National League for Democracy, which is the party that Aung San Suu Kyi heads, and she herself has been blocked from making any public statements since November.

Mr. Speaker, it is time that the militarist government of Burma treat this great peace leader with respect and treat the people of Burma who have voted for democracy, treat them with the respect that they deserve. I hope that the Government of the United States will continue to impose sanctions on the Government of Burma, and I encourage Nobel Prize winner Aung San Suu Kyi to realize that there are friends here in the United States who support her.

REPORT OF THE CONFERENCE ON OCEANS AND SECURITY

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to acknowledge that we have just concluded one of, if not the largest ever, conferences on the oceans here in Washington. This conference involved 3 days of intensive dialogue between 200 delegates from over 30 nations including large ministerial delegations, 15 ministers as well as parliamentary leaders, large delegations from Russia and Norway, the European continent, Africa, the Americas, as well as other nations, and it was an extremely successful conference. We came under the auspices of the Advisory Committee on Protection of the Seas as well as GLOBE and the Council on Oceanographic Research and Education.

Vice President GORE spoke to our conference last evening in Statuary Hall. Yesterday at lunch the Speaker, the gentleman from Georgia [Mr. GINGRICH], gave the keynote speech. The Secretary of Defense, Secretary of Navy, senior leaders of the administration and a significant number of Members of Congress, including my good friend, the gentleman from California [Mr. FARR] who stayed for the entire conference, had the chance to interact and put together a new comprehensive strategy for the world on helping to cooperate in cleaning up our oceans and our seas.

Mr. Speaker, I include for the RECORD the proceedings and the final recommendations of this conference, and I thank those Members who participated, and I thank all of those who made this conference so successful.

ADVISORY COMMITTEE ON PROTECTION OF THE SEA, DRAFT REPORT OF THE CONFERENCE—OCEANS AND SECURITY, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC, 19–21 MAY 1997

BACKGROUND

1. The international community's efforts to regulate the world's oceans in order to protect and conserve their resources and habitats, and to safeguard their potential for economic development, spans several decades. However, it has only been in recent years that a growing awareness of the pervasiveness of environmental issues has found echo in all fields of human activity. In particular, the role of environmental problems as constitutive of security concerns, in conjunction with the end of the Cold War and the relentless processes of globalisation, has opened a broad horizon for policy definition at both national and multilateral levels that the international community has only just begun to explore.

2. The Conference on Oceans and Security was organised by the Advisory Committee on Protection of the Sea (ACOPS) and was undertaken with the assistance of the office of Congressman Curt Weldon, Chairman of the Research and Development Committee of the Security Committee of the Congress of the United States of America and ACOPS' Vice-President from the United States; Governments of the United States, Canada and Norway; Commission of the European Union; International Fund for Animal Welfare (IFAW); Preston Gates, Ellis & Rouvelas Meeds LLP; Consortium for Oceanographic Research and Education (CORE); and Global Legislators Organisation for a Balanced Environment (GLOBE). The meeting was held in the United States House of Representatives, Washington, D.C. from 19 to 21 May 1997.

PARTICIPANTS

3. The Conference was attended by: the Vice-President of the United States of America, Hon. Al Gore; Speaker of the House of Representatives, Newt Gingrich; Deputy Prime Minister and Minister of National Defense of Portugal, Senhor Antonio Vitorino; Executive Director of the United Nations Environment Programme (UNEP), Ms Elizabeth Dowdeswell; Assistant Secretary General of the United Nations, Dr. Nay Htun; 189 governmental and other participants from Australia, Belgium, Brazil, Cambodia, Canada, China, Colombia, Costa Rica, Croatia, Denmark, India, Japan, Korea, Mexico, Mozambique, Netherlands, New Zealand, Norway, Philippines, Portugal, Russian Federation, the Seychelles, South Africa, Sweden, Thailand, Ukraine, United Kingdom and the United States of America, including seven ministers; representatives of the following intergovernmental organisations: United Nations; UNEP; United Nations Development Programme (UNDP); the World Bank; the International Oceanographic Commission (IOC) of UNESCO; the Organisation of American States (OAS); and the Commission of the European Union; as well as members of the European Parliament and legislatures from Brazil, Philippines, and the United States; representatives of ACOPS and other non-governmental organisations (NGOs); and representatives of the scientific community and private sector. A list of participants appears in this report as Annex I.

MESSAGES

4. Messages in acknowledgement of the Conference's contributions were received from four Heads of States from the Americas, Africa, Asia and Europe, as well as from ACOPS' President, Lord Callaghan, and from ACOPS' Vice-President from the USA, Congressman Curt Weldon.

5. President Bill Clinton of the United States of America extended his best wishes for the success of the Conference and praised the participants in their efforts to promote the sustainable global development of marine resources whilst protecting the marine and coastal environments. He pointed out that this was important not only for our health and quality of life but also for promoting international peace and prosperity.

6. President Nelson Mandela of the Republic of South Africa stated that the marine environment formed a very important and integral part of our ecosystem, and that promotion of the international exchange of information was critical to the advancement of good environmental resource management. The President extended his warmest greetings to the participants and congratulated ACOPS on its initiative.

7. President Fidel Ramos of the Republic of the Philippines welcomed participants to the meeting and drew attention to the success of the ACOPS' Meeting of Environment Ministers of South-East Asia which was held in Manila in December 1996 under his patronage.

8. President Jorge Sampaio of the Republic of Portugal highlighted the contribution of oceans to the welfare and survival of the human race. He added that the Washington Conference and other global and regional programmes consolidated ACOPS' role as a leading international NGO in this field.

9. Lord Callaghan of Cardiff, ACOPS' President and a former Prime Minister of the United Kingdom, expressed his best wishes for this global programme. He emphasised that never before had such an illustrious group of top level policy makers met to discuss vital issues as appeared on the agenda of this Conference.

10. Congressman Curt Weldon of the United States, and ACOPS' US Vice-President, expressed his pleasure at being able to host the ACOPS' 1997 Global Conference on Oceans and Security. He added that the USA had renewed its interest in, and commitment to, the protection of the oceans, and that it was now time to reach the international community to further promote the importance of the world's oceans.

PROCEEDINGS OF THE CONFERENCE

A. Opening of the conference

11. At the opening ceremony, the participants heard the following statements (Annex II contains speeches and statements presented at the Conference):

12. Lord Clinton-Davis, outgoing Chairman of ACOPS, and recently appointed Minister of State for Transport, Department of Trade and Industry of the United Kingdom, emphasised the recognition of the contribution of ACOPS to global and regional ocean management issues at an international level, and stressed the need to integrate sustainability and environmental considerations into all policy making, noting that the management of oceans especially characterise the challenges posed by the goal of sustainability. With reference to the upcoming UNGASS, which should strengthen the oceans agenda, and to the 1998 Year of the Oceans, during which Expo '98 would be held, Lord Clinton-Davis underlined the timeliness of the Conference. He also stressed the new Labour Government's commitment to environmental and ocean issues, and said that as Minister for Trade, he would be particularly keen to develop links between trade and environmental issues which were intrinsically linked.

13. Congressman Curt Weldon expressed his recognition of the work undertaken by ACOPS and highlighted Lord Clinton-Davis' contributions as Chairman. He also noted that the Conference was sponsored by both ACOPS and GLOBE, organisations committed to the goal of sustainable development. Congressman Weldon added that the Republican majority in Congress had enabled him to participate more decisively in the definition of the agenda, which reflected an increasing commitment to environmental concerns, and in particular, to ocean issues. With reference to the need to channel more funds into ocean research, he noted that the recently adopted Oceans Partnership Act had established a framework for greater coordination between federal agencies with responsibilities in ocean research, and emphasised the need to progress more aggressively in strengthening ocean research, and to provide the scientific community with greater access to previously classified technology. Military and environmental concerns should be dovetailed and existing capabilities united to enhance the capability for effective ocean management. He urged participants to ensure that this approach was replicated in other countries and said that each participant should take back an agenda for working with national parliamentary and ministerial leaders. Congressman Weldon also said that it was crucial that this Conference should establish a strong framework for follow up and

implementation, and that he was prepared to ensure that the USA took a lead in advancing this initiative at a global level. He ended by saying that by the Year 2000, a new movement to protect oceans should be established, and in particular, environmental awareness and education should permeate every community, every activity and every country, in order to leave a solid legacy of a clean ocean and a stable global environment.

14. Ms. Elizabeth Dowdeswell registered her gratitude as Executive Director of UNEP for the very significant contributions of ACOPS to the development of UNEP's Ocean and Seas programmes. She said that the Conference should provide a new vision of the oceans that incorporated such elements as equitable participation and technological change.

15. Ms. Dowdeswell underscored her concerns. First, that the oceans could be considered as the last frontier in that there was much mankind still did not know. Secondly, she said that the oceans provided crucial concepts, such as keystone species, and fundamental contributions to the world environment, such as their role in climate change. However, the human race did not treat the oceans with due respect, and the utilisation of the world's oceans as waste receptacles constituted a biological timebomb, while declining fish catches demonstrated the perils of the excessive exploitation of resources. She added that in the latter case, it was developed, and not developing countries, that were largely responsible. Thirdly, Ms. Dowdeswell stressed the links between oceans and freshwater drainage basins, and the negative repercussions on marine ecosystems land activities. She emphasised that protection of marine ecosystems could not be sacrificed to development and economic imperatives, and therefore mankind faced an immense challenge to develop effective coordination mechanisms between ocean and freshwater management. In this context, she highlighted the importance of Integrated Coastal Zone Management (ICZM) as the means of incorporating diverse factors and needs, of achieving integrated policies that went beyond sectoral, fragmented approaches. She noted that UNEP had moved in this direction with its Integrated Water Management Programme, and through the Global Programme of Action, which recognised a link between oceans and chemical management, and which symbolised a clear commitment with the stated objectives.

16. Dr. Nay Htun, Assistant Secretary General of the United Nations and Assistant Administrator of UNDP, also noted the importance and potential of the Conference, and highlighted various considerations. He referred to the political, social and economic consequences of increasing demographic pressure on coastal areas and noted that according to the 1997 Human Development Report, poverty remained pervasive. He stressed that since the problem of poverty was central both to the sustainability of oceans and to security, it played a central part in countries' policies on oceans. However, with regard to the critical and strategic role of coastal zones, he said that there was a clear need to improve governments' responses to ensure the identification and implementation of effective, efficient and relevant measures. Mr. Htun pointed out that to improve the knowledge base and integrate it into economic and developmental policies interactions between land, oceans and atmosphere still required greater research, and made reference to UNDP's role in the promotion of sustainable and equitable development. Stressing once again the inseparable link of life, water, security, oceans, and *homo sapiens*, he expressed the hope that this timely and significant conference would send a strong political message of paramount importance regarding oceans and security.

17. Dr. Kantathi Suphamongkhon presented the speech of Her Royal Highness Princess Professor Dr. Chulabhorn Mahidol of Thailand, Vice-President of ACOPS, and conveyed her apologies for her absence due to official duties.

18. Dr. Suphamongkhon then proceeded to present the Princess' remarks on what she emphasized was a landmark conference since it addressed all sectors of society. She remarked that it was a notable achievement to have brought together policy makers with different ministerial portfolios from many countries and regions. Princess Chulabhorn also referred to objectives and programmes in Thailand, which centre on raising environmental awareness and information dissemination on environmental issues and concerns. She noted that presently Thailand was experiencing rapid economic and industrial growth, and there was a need to ensure that such progress was sustainable, and therefore the Conference should highlight the importance of united economic and environmental security concerns. She stated that remedial measures for environmental protection were more costly than preventive measures, which argued for a holistic approach to managing the planet. The wide range of interests represented in the Conference should enable it to chart new routes for ocean management.

B. Scope and objectives of the conference

19. The Conference was convened at the initiative of Congressman Curt Weldon, and Lord Clinton-Davis. The purpose of the conference was to discuss the issues of environmental, food, and economic security, and related research and defense issues using a multi-sectoral approach to identify problems and propose solutions. With a view towards fulfilling these goals, a broad spectrum of highest-ranking officials representing different government departments were invited to participate. It was hoped that the informal manner in which ACOPS' global and regional conferences traditionally unfold would enable participants to explore solutions to problems in a more comprehensive and independent manner than is customary for diplomatic conferences.

C. Introduction of the main themes of the conference

20. During the last part of the morning session, the four resource persons introduced the main themes of the Conference: economic security, environmental security, food security, and research and defence issues.

Economic security

21. Mr. Andrew Steer, Director of Environment, World Bank, stated in his paper that economic security and the environment were inextricably linked: poverty and market failures drove over-exploitation of natural resources, while rapid economic growth in the absence of sound economic policies and regulatory frameworks led to severe environmental degradation. Erosion of the natural resource base and its productive capacity resulted in economic loss, social conflict and growing political insecurity. Nowhere was this more apparent than in the coastal zone, where two thirds of the world population was concentrated.

22. Mr. Steer went on to say that global dependency on coastal and marine ecosystems for food and livelihoods, coupled with increasing vulnerability of human settlements and investments to human-induced shifts in ocean processes such as climate change and sea level rise, required that appropriate environmental management frameworks and economic policies be put in place to secure sustainable development of marine and coastal resources. Among the most important priorities for the international community to engage in were to: (1) invest in human knowledge; (2) reform economic policies that undermine sustainable use of marine resources; (3) invest directly in marine conservation; (4) ensure adequate funding (e.g. through the GEF, bilateral and multi-lateral programmes); and (5) coordinate efforts regionally. Mr. Steer ended by saying that the World Bank, in partnership with UNDP, UNEP and other international players, was committed to supporting these objectives.

Environmental security

23. The presentation of Dr. Laurence Mee, Coordinator of the GEF Programme for Environmental Management and Protection of the Black Sea and Chairman of ACOPS' Advisory Board on Oceans and Coastal Areas Management, examined the concept of environmental security with particular emphasis on the case of international waters. Feelings of insecurity were themselves driven by uncertainty and unempowerment (a perceived inability to improve the situation). It was suggested that understanding and addressing the root causes of environmental problems could improve individual and collective security. The causes were considered to be market failures, failures in information and understanding, and failures in governance. Dr. Mee said that if mankind was to avoid a serious deterioration in human security in the 21st century, a change in many aspects of lifestyle would be required in order to reduce waste, eliminate over-consumption and to improve the protection of natural habitats and landscapes. He added that in the aquatic environment, particularly urgent action was required to mitigate environmental security hot spots but that actions should not be limited to conflict resolution. An understanding of the root causes of environmental degradation, coupled with individual and collective commitment to take action to address them would inevitably lead to an improvement in long-term security. Work should begin immediately.

Food security

24. Dr. Scott Parsons, Assistant Deputy Minister, Science, Department of Fisheries and Oceans, Canada, stated that food security from world fisheries and aquaculture would depend on implementation of new integrated approaches to resource conservation and management. Production from world fisheries was leveling off after increasing by a factor of five over the past fifty years. Technological innovations and development of a world market in fish products had combined with activities unrelated to fishing to place unprecedented strains on world fish resources, including overfishing, habitat loss due to pollution and physical degradation, and changes in the marine climate. National and international jurisdictional arrangements favoured piecemeal approaches to ocean management. While the problems of world fisheries had become the stuff of headlines, innovative solutions to these were being developed and applied, many involving fundamental shifts in approach. Knowledge of how fish stocks function in an ecosystem context was increasing, thanks to advances in science. New marine management models such as integrated management of marine regions and increasing

use of protected areas were being developed. The widespread implementation of property rights in fisheries in the form of individual transferable quotas (ITQs) over the past ten years showed that movement from theoretical model to implementation of a fundamentally new approach could be rapid. New jurisdictional arrangements at national and international levels were coming into place, which would allow an integrated approach to ocean resource management. Perhaps the most promising recent development was widespread recognition of the need for a precautionary approach to conservation, under which conservation comes first and lack of certainty could not be taken as an excuse for inaction.

Research and defence

25. Admiral Paul Gaffney, Chief of Naval Research, Office of Naval Research, USA, stated that it was readily apparent that environmental issues were being considered more and more in the formulation of national foreign and defence policy. His presentation dealt with two important issues related to environmental security, defence concerns and military scientific efforts. A modern military must be concerned with environmental issues beyond its borders. Environmental degradation, scarcity, and related conditions such as increased population growth, urbanisation, migration, and the spread of infectious diseases had contributed to world instability and many times led to conflicts drawing neighbours and allies into regional turmoil. Modern military establishments were developing preventive defence, which required understanding what conditions had the potential of leading to instability and conflict in the future, and what was needed to address those conditions early enough to make a difference. In the framework of the US military scientific efforts, the US Navy had invested billions of dollars in research that responds to military requirements and needs. This research also served to address issues of great environmental concern. The US Military had a wealth of experience and expertise it could share with the militaries of other nations. US defence environmental programmes were becoming an important tool in which to engage the militaries of new democracies. All must understand such environmental conditions which may generate conflict, in order that conditions for peace may be developed in their place.

D. Panel on oceans and seas of the Americas

26. The co-moderators, Mr. James Baker, Administrator of the National Oceanographic Atmospheric Administration (NOAA), and Mr. Arsenio Rodriguez, Director of the Regional Office for Latin American and the Caribbean, UNEP, introduced the subject to be discussed in the Panel. Mr. Baker reminded participants that oceans played a key role in sustainable development, and that mankind was dependent on them for economic growth, food security, marine transport, tourism, and aquaculture, among others. He underlined that the Americas were endowed with unique and valuable marine resources. He then discussed important factors that were influenced by the oceans, such as climate variability, as exemplified by the El Niño phenomenon, which contributed to national security. As the world emerged from the Cold War, Mr. Baker said that there was a need to ensure civilian applications for military technology.

27. Mr. Rodriguez noted that during the last 20 years, great progress had been made in the identification and conceptualisation of the problems and issues relevant to environmental and ocean management. He also stated that the challenge facing the conference was to further integrated management responses based on international cooperation, given the inability of resolving all problems exclusively through national responses. However, he queried the effectiveness of existing international cooperation and management schemes, and said that the problem nowadays was implementation. Moreover, there was a need to ensure that other sectors of society participate, not just governments.

28. The panellists were: Dr. Otis Brown, MEDEA, Dean, Rosentiel School of Marine and Atmospheric Science, University of Miami; Dr. Gordon Eaton, Director, US Geological Survey; Congressman Sam Farr, House Agriculture Committee, California; Congressman Wayne Gilchrest, Resources Committee, Maryland; Hon Suwit Khunkitti, Minister for Justice, Thailand; Dr. David Lavigne, Executive Director, International Marine Mammal Association; Mr. Victor Lichtinger, Executive Director, Commission for Environmental Cooperation; Mr. José Vicente Mogollón, Former Minister of Environment, Colombia; Mr. Peter Mokaba, Deputy Minister of Environment and Tourism, South Africa; Congressman Frank Pallone, House Commerce and Resources Committee, New Jersey, USA; Senhor Carlos Pimenta, Memer of the European Parliament, President of GLOBE EU; Señor Manuel Rodriguez, Colombia, ACOPS' Vice President from the Wider Caribbean; Dr. Eduardo Verano De La Rosa, Minister of Environment, Colombia; Congresswoman Telma de Souza, Member of the Executive Committee of the Labour Party (PT), Former Mayor of Santos, Brazil; Mr. Ulf Svensson, Assistant Under-Secretary, Ministry of Agriculture and Fisheries, Sweden; Congressman Curt Weldon, Chairman, Sub-Committee of Research and Development of the Committee on National Security, House of Representative, Congress of the USA, and ACOPS' Vice-President from the USA.

29. Minister Khunkitti stressed the interrelation of marine resources and problems and informed participants that Thailand had established national structures to address these issues in the Thai seas.

30. Mr. Eaton spoke of work carried out by the U.S. Geological Survey and said that these activities were of great relevance for addressing diverse concerns related to ocean management.

31. Congressman Farr celebrated the presence of representatives from so many governments and sectors, although lamented the absence of press and media. He noted that this was indicative of the need to involve more people in environmental issues, as well as to bring politics to the local level. Moreover, given the present downsizing tendency and the increasing competition for scarce funds, it was necessary to define measurable goals.

32. Congressman Gilchrest highlighted the need to exchange information, and to ensure that it is disseminated to elected politicians and communities around the globe. He added that population growth was not matched by a parallel increase in natural resources.

33. Mr. Lavigne declared that a gulf existed in fisheries management between theory and practice. Management should take into account not only scientific considerations, but also public opinion, political realities, and cultural and economic considerations. Moreover, there was a need to give scientists greater independence so that their advice and work was not compromised by political decisions. He strongly urged the implementation of the precautionary approach and that priority was given to conservation goals.

34. Mr. Lichtinger stressed that the issues of freshwater and of shared water resources would be of the greatest importance in the next century. Mankind faced great problems of scarcity, yet no attempts had been made to deal with the issue. Water should be used in a more efficient and wise manner, and water consumption should therefore be measured. This objective also depended on active public participation.

35. Mr. Mogollón affirmed that sweeping generalisations could not be made in the environmental sphere, as illustrated by a successful programme adopted in Colombia which led to an increase in mangrove acreage. He went on to refer to the need for greater financing of environmental conservation schemes.

36. Mr. Mokaba began by stating that environmental management was about change, and added that attention should be paid to the linkage between land activities and oceans. He stated that it was important to generate a sense of ownership and participation in people in order to achieve good resource management. However, he reiterated that sustainable economic development depended on good environmental management. In the context of trade, he said that the third world finds itself excluded from trade arrangements and relegated to the periphery, and stated that an African renaissance depended on greater opportunities for commerce. Economic security would also be strengthened by developing interregional trade between Africa and South America. He called for ACOPS to convene a Conference on the problems faced by Africa.

37. Mr. Pimenta called on governments to agree to further emissions reductions within the framework of the Climate Change Convention given that the relationship between climate and oceans was crucial. He added that sources of pollution and sea degradation required permanent international action, and cited as an example tanker washing just beyond EEZ boundaries. Greater enforcement was generally needed.

38. Mr. Manuel Rodriguez considered that the major problem concerns implementation of existing instruments and declarations, and that the major obstacle is one of political will. Moreover there was a need to increase public awareness. He went on to speak about the conflicts of interest that existed between stakeholders and users of land and marine resources, which should be addressed. Resolution of such conflicts required consensus at the national level.

39. Mr. Verano affirmed that the lack of financial resources was not the only factor leading to a lack of progress and action, given the need for a clear definition of issues and for greater consensus building between scientists and politicians. He also addressed the need to internalise environmental externalities which affect marine and coastal resources. however, financial agreements between north and south were needed.

40. Congresswoman Telma de Souza presented a detailed description for the programme for beach recovery implemented in the city of Santos, which had received international recognition. As a concrete example what political will could achieve, she affirmed that such will should also be globalised.

41. Mr. Svensson manifested Europe's interest in the oceans of the Americas, and

noted that issues such as food security were affecting all regions alike, in many cases leading to open conflicts. He suggested that the year of the Ocean be one of full cooperation between regional fisheries organisations. He also addressed the issue of the lack of scientific data, which could limit the possibility of applying the precautionary approach to fisheries. He noted that the release of military data had doubled the amount of information available. He affirmed that there was a need to focus on the consequences of environmental degradation as well as on the links between fisheries and the marine environment, and concerns such as direct habitat destruction. He noted that mankind had before it a series of necessary institutional reforms.

42. Mr. Brown presented a description of the Medea Mission for releasing previously classified data. He noted that one of its objectives was to provide advice on use for data derived from natural security systems, in order to attain a greater understanding of the environment, and especially to oceanography.

43. At the conclusion of the Panel, Congressman Weldon noted with satisfaction that the Conference had begun very successfully, with the endorsement of four heads of state. He asserted that the suggestion of holding a combined ACOPS and GLOBE conference, with ministerial and parliamentary participation was excellent. Equally, a conference should be held, as suggested by Mr. Mokaba, to showcase environmental issues in Africa. He added that the bipartisan support evidenced for this conference showed there was a will for forging ahead on these issues, and that he was interested in proposing to NATO allies and other countries that their military data also be declassified and shared with the international community.

E. Panel on the Pacific Ocean

44. The co-moderators, Dr. Eduardo Verano de la Rosa, Minister of the Environment of Colombia and Mr. Geoffrey Holland, Chairman of OIC of UNESCO and Chairman of ACOPS' Advisory Board on Marine Natural Resources Management chaired this session of the Panel on the Pacific Ocean.

45. Dr. Verano described the varied nature of the geography of the Pacific Ocean, the richness of its resources, the diversity of its culture and the dynamism of its economies. Nearly 20 of the world's largest cities are located on the Pacific coasts which are threatened by population growth pollution, loss of valuable habitat and deterioration of the coastal environment. Mr. Holland recalled several of the points made in the previous day's discussions that would be important to pursue for the Pacific. In particular, the size of the Pacific emphasized the need for cooperation and resources for ocean observation, addressing poverty must be an essential part of environmental solutions, a precautionary approach must be adopted for fisheries and a preventative policy for industrial and agricultural policies.

46. The panelists were: Hon. Senator Heherson Alvarez. Phillippine Senate and ACOPS' Vice President from East Asia; Mr. Jong Hwa Choe, Counsellor, Embassy of Korea; Ambassador John Fraser, Environment Ambassador, Ministry of Foreign Affairs and International Trade, Canada and ACOPS' Vice President; Mr. Joemari D. Gerochi, Under-Secretary, Chief Executive and Legislative Liaison Officer, Department of Agriculture, Republic of the Philippines; Mr. Ian Kiernan, Chairman, Clean up the World and ACOPS' Vice-President from Australia; Dr. Mok Mareth, Minister of Environment, Kingdom of Cambodia; Mr. Tsuyoshi Maruyama, Director of Ocean and Earth Division at the Science and Technology Agency (STA), Japan; Congressman Dana Rohrabacher, House Science Committee, California, USA; and Mr. R. Tucker Scully, Director, Office of Ocean Affairs, US Department of State.

47. Congressman Rohrabacher highlighted the need to utilize military technology in the fight for the environment and quality of life. He saw an equally valuable opportunity in the application of space technology for the resolution of ocean problems. Senator Alvarez, commented that the security of a maritime nation such as the Philippines was dependent on the security of its adjacent oceans. Cooperation in the region is important and ACOPS had great value in promoting communications. An unfortunate situation existed in the South China Seas where disputes over the sovereignty of several small islands was leading to military interventions by the disputing parties, and was hampering joint efforts and actually harming the environment.

48. Ambassador Fraser reminded the meeting that although participation is such a high level gathering was a privilege it also carried a responsibility. Actions were required. The Ambassador challenged the concepts that job creation and environmental protection were alternative choices. On the contrary, in the long term, addressing environmental problems would conserve economies and prosperity.

49. Senator Gerochi reiterated the importance of the ocean to the Philippines, in particular to the fisheries. The Philippine Government had introduced legislation that had sustainable development as an operating principle. Many mechanisms for fisheries management were being adopted at all jurisdictions of government down to local level.

50. Mr. Kiernan brought the concept of people power to the debate. He explained that to bring the environment to the highest priority, one had a empower the public. His own initiative of "Clean up the World" had been taken in 110 countries and involved 40 million people.

51. Mr. Mareth spoke of the problems in Cambodia that his country was trying to address as quickly as possible. A strategy had been adopted to tackle coastal zone issues.

52. Mr. Maruyama brought the perspective of a developed country to the table. He spoke of the high priority Japan accords ocean research, technology and observations. Japan is also supporting the cooperation between the space-based and *in situ* ocean measurements.

53. Mr. Scully reminded the meeting of the intergovernmental agreements that had been motioned since the Rio Conference. In his opinion, the UN Convention on the Law of the Sea (UNCLOS), which came into force in 1994, formed the basis for subsequent agreements. In particular, the several fisheries agreements, signed and awaiting ratification, were a direct follow-up of the UNCLOS provisions. Regional agreements on fisheries and other environmental issues were an important adjunct to global conventions

54. Finally, Mr. Choe, described the situation in Korea, which had a huge 10% of its economy related to the marine environment. Environmental security was an obvious priority of his country.

55. In summing up, the moderators agreed on the following highlights from the discussion and recommended actions:

Disputes amongst countries are an obstacle to environmental cooperation and their resolution is therefore important to the resolution of regional environmental problems.

ACOPS was seen as a valuable mechanism to enhance cooperation and communication amongst nations. Both technology and research are required to address environmental problems so that knowledge and capability are used together.

Global fisheries agreements are now in place awaiting ratification, setting the agenda for future work. More needs to be done to protect pelagia and fish habitat.

Regional agreements are an effective way for nations to cooperate on environmental issues. Governments need to harmonise their policies to ensure the effective interaction of the respective agreements.

Governments need to act now and will need much public pressure to initiate appropriate actions.

F Panel on the Indian Ocean

56. Mr. Peter Mokaba, Deputy Minister of Environment and Tourism of South Africa and Mr. Terry Jones, Director of Multilateral Affairs of the Ministry of Foreign Affairs, Planning and Environment of Seychelles chaired this session of the Panel on the Indian Ocean.

57. The panellists were: Prof. Dr. Khosla Ashok, President, Development Alternatives, India; Mr. Joseph Belmont, Minister for Administration and Manpower, First Minister Designate, Seychelles; Dr. Robert Corell, Head of Geoscience Directorate, National Science Foundation, USA; Mr. Bernardo Ferraz, Minister for the Coordination of Environmental Affairs, Mozambique; Congressman Peter King, House Foreign Affairs Committee, New York, USA; Dr. Mok Mareth, Minister of Environment, Kingdom of Cambodia; Mr. Philip Reynolds, Manager, Strategic Initiative for Ocean & Coastal Management, UNDP; Congressman Chris Smith, House Foreign Affairs Committee, New Jersey, USA; and Dr. Plodprasop Suraswadi, Director General of the Fisheries Department, Ministry of Agriculture and Cooperatives, Thailand.

58. The panel discussed ———

G. Panel on oceans and the Russian Federation

Dr. Alexander Solovyanov, Deputy Chairman of the State Committee on the Protection of the Environment of the Russian Federation and Senior Policy Adviser to ACOPS, Prof. Vladimir Tetelmin, Deputy Chairman of the Committee on Ecology of the State Duma, Russian Federation, and Coordinator for ACOPS' Russian Programme, and Prof. Vitaly Lystsov, Chairman of ACOPS' Arctic Working Group chaired this session of the Panel on Oceans and the Russian Federation.

The panellists were: Dr. James Baker, Administrator, National Oceanographic and Atmospheric Administration (NOAA), USA; Mrs. Siri Bjerke, State Secretary of the Ministry of Foreign Affairs, Norway; Mr. Mikhail Faleev, Deputy Minister of the Russian Federation for Civil Defence, Emergencies and the Elimination of Consequences of Natural Disasters (EMERCOM); Ms. Sherri Goodman, Deputy Under Secretary of Defence (Environmental Security), USA; Dr. Ljubomir Jeftic, Chairman, ACOPS' Advisory Board on Pollution Control and Prevention; Prof. Dr. Willem J Kakebeeke, Assistant Director General for the Environment, Ministry of Housing, Physical Planning and Environment, The Netherlands; Admiral Igor Kasatonov, First Deputy Commander-in-Chief of the Russian Navy and Chairman of Section No. 2 on Sea and Ocean Studies in the Russian Federation Committee on Science and Technology; Dr. Laurence Mee, Coordinator, GEF Programme for Environmental Management and Protection of the Black Sea, and Chairman, ACOPS Advisory Board on Oceans and Coastal Areas Management and Policy; Mr. R. Tucker Scully, Director, Office of Ocean Affairs, Department of State, USA; Mr. Vitaly Sevastianov, Member of the State Duma, President of GLOBE, Russia; Colonel Viktor Sheremetyev, Ministry of Defence, Russian Federation; Senator Ted Stevens, Senate Appropriations Committee Chairman, Alaska, USA; Congressman Curt Weldon, Chairman, Sub-Committee of Research and Development of the Committee on National Security, House of Representatives, Congress of the USA, and ACOPS' Vice President from the USA; Dr. Leslie Whitby, Director of Environment and Renewable Resources in the Northern Affairs Programme, Canada; and Congressman Don Young, House Resources Chairman, Alaska, USA.

The panel discussed ———

H. Presentation of recommendations and the Potomac Declaration

Congressman Curt Weldon, Dr. Jeftic, Prof. Per Wramner, and Dr. Sebek chaired this session which was devoted to the presentation of the draft recommendations. The Recommendations are attached to this report as Annex II.

The draft of the Potomac Declaration was prepared on the basis of presentations and statements made during the meeting and on the basis of position papers distributed at the Conference and other relevant materials.

The draft of the Potomac Declaration was discussed in detail and numerous amendments were agreed upon. The Potomac Declaration is presented in Annex IV of this report.

H. Closing of the conference

The closing session, at which short statements were made by ———, was chaired by ———.

It was agreed that the Conference was a great success and that it was not important to implement the recommendations contained in the Potomac Declaration.

FURTHER REPORT ON CONFERENCE OF ADVISORY COMMITTEE ON PROTECTION OF THE SEA

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise to bring attention to the conference that my distinguished colleague, the gentleman from Pennsylvania [Mr. WELDON] just talked about. We are very blessed in this country to be surrounded by oceans and pay a lot of attention to it, but we really do not pay enough attention because the seas of the world are important to keep us alive. This is a water planet, we are, 78 percent of this globe is water and it is threatened.

□ 1715

One thing that we found out in this conference is that everybody in the world agrees with that and wants to do something about it. If we could just dedicate enough of our commitment to research and science using the military, using the scientific community, the academic community, using the commercial community, and unlock the information about the ocean, at the same time to gather a lot more. In fact, this country spends more on studying the seas of outer planets than we do in studying our own seas, and that is wrong.

The gentleman from Pennsylvania [Mr. WELDON] did an incredible job for this country by leading this conference in the last 3 days. And I just want to urge all of my colleagues, Republicans and Democrats alike, that this is not a partisan battle, this is a world struggle to try to keep our oceans clean, to try to keep our atmosphere from getting overheated so that the oceans will rise, we know those things are going to happen. We have to combat it. I thank the gentleman from Pennsylvania [Mr. WELDON] for his leadership and I look forward to working with my colleagues.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILLMOR). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A SPECIAL TRIBUTE TO THE LATE GOVERNOR PETER TALI COLEMAN OF AMERICA SAMOA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to honor the memory of a distinguished Pacific leader, the late Uifa'atali Peter Coleman, former Governor of American Samoa, who passed away last month after a long battle with cancer. A dedicated public servant with more than 50 years of public service, Governor Coleman was our first American Samoan statesman, a Pacific American with a truly regional vision. It is that vision for which he will always be remembered by our people.

He was someone important for whom I had tremendous respect. Governor Coleman was always cordial and courteous to me and always extended the hand of friendship. Although we disagreed on certain issues, we agreed on many others, and among them the importance of a strong American presence in the Pacific region.

I learned from him how to handle the stress of political life, how to take the storms in stride and never make a disagreement into a personal matter. He was the kind of individual of whom political opponents like former Governor A. P. Lutali could say, "Uifa'atali and I may have been adversaries in politics, but in life we were always friends."

Mr. Speaker, Governor Coleman exemplified all the traits of a true Samoan leader. He was a soldier and a warrior, a pioneer and a man of vision, a statesman and a man of wisdom. He possessed that quality which Samoans value most in our leaders, that of tofa mamao, which denotes a leader with a sense of vision or understanding and anticipating future events. Above all, Governor Coleman was a humble person who thought less of how he would be remembered in the future than of what he could accomplish today.

Uifaatali Peter Coleman was born on December 8, 1919, in Pago Pago, American Samoa. He received his elementary school education in Tutuila and graduated from St. Louis High School in Honolulu, where he joined the National Guard and enlisted in the U.S. Army at the beginning of World War II. Assigned to the Pacific theater, he was stationed in the Solomon Islands, Vanuatu and Hawaii. By the end of the war, he had risen to the rank of captain. In 1982, for his military service, he was inducted into the U.S. Army Officers' Candidate School Hall of Fame in Fort Benning, GA.

After the war, Governor Coleman enrolled in Georgetown University, and in 1949 he received a bachelor of science degree in economics from that institution. While in college he worked as a staff secretary to a Member of Congress, became a member of the U.S. Capitol Police Force and in what was then the Office of Territories at the U.S. Department of the Interior. He became the first Samoan to my knowledge to receive a law degree from a major U.S. university. After that, he returned to American Samoa, where he became the first Samoan to serve as public defender and later became attorney general.

In 1956, he was appointed Governor of American Samoa by President Eisenhower, one of the first Pacific Islanders to serve as governor in the Pacific. He held that position until 1961.

When American Samoa held its first gubernatorial election in 1977, he ran for office and became the first elected Governor, a position which he held three times. During his elected years in office, he continued to forge close ties between the territory government and Washington DC and with Federal and State agencies and institutions. He was responsible for American Samoa's membership in both the National Governors Association and the Regional Western Governors Association. In 1980 he became the first territorial Governor to serve as chairman of the Western Governors Conference. He was elected a member of the executive committee of the NGA in 1990.

As a regional leader, Mr. Speaker, Governor Coleman's record is equally distinguished. He co-founded the Pacific Basin Development Council in 1980 and was its first elected President in

1982. In 1982 he hosted and chaired the South Pacific Commission's annual conference in Pago Pago, American Samoa. At a special SPC meeting in 1983 and later in a conference in Saipan, he argued strenuously for equal membership in SPC for Pacific territories. This he ultimately was successful in obtaining for the territories.

He was two times a member of the standing committee of the Pacific Islands Conference of Leaders. He was on the founding board of the Pan-Pacific Alliance for Trade and Development and a founding member of the Offshore Governor's Forum.

His regional stature was widely acknowledged, Mr. Speaker. In 1970 he was granted an honorary degree by the University of Guam, who cited him as a "Man of the Pacific." In 1978, he received an honorary doctorate from Chaminade College in Hawaii. Pacific Magazine called him, "a man who is probably on a first name basis with everybody from the heart of the Pacific islands to their most distant corners."

Mr. Speaker, I recently attended the funeral services which were held for Governor Coleman in Hawaii. I am very glad to note that our Governor Tauese P. Sunia and his lovely wife Faga were in attendance at the services. Additionally, the President of the Senate, High Chief Lutu Tenari Fuimaono and his wife Sinira, the Speaker of the House, High Chief Mailo Sao Nua.

In closing, Mr. Speaker, I would like to offer my condolences to Governor Coleman's dear wife Nora and his children. I am sure that the proud legacy which he left them will live on in their hearts and in the hearts of all the peoples of the Pacific.

PROCLAMATION

Pursuant to the authority vested in the Governor of American Samoa, under the flag code prescribed by the Congress of the United States of America shall be flown at half staff as a mark of respect and a tribute to the memory of Uifa'atali Peter Coleman, former Governor of American Samoa, and one of the fathers of the government and the territory of American Samoa from April 28, 1997, until May 28, 1997.

Furthermore, by the authority vested in me by the constitution and laws of American Samoa as executive head of this territory, I hereby order the flag of American Samoa to be flown also at half staff. I would also like to ask all the departments, agencies, and offices of the American Samoa Government and the people of American Samoa to observe in the most appropriate manner and custom befitting the occasion of the passing of this great leader.

In witness whereof I set my hand and seal on the 28th day of April, 1997, at Utulei, American Samoa.

TAUESE P.F. SUNIA,
Governor of American Samoa.

[From the Hawaii Star-Bulletin, Apr. 29, 1997]

PETER COLEMAN, "MAN OF THE PACIFIC"

(By Mary Adamski)

HONOLULU.—Peter Tali Coleman was called "a man of the Pacific" in one of the many honorary degrees he was awarded, but that was not a fanciful title. It would serve as a summary of his life.

He was the first Samoan to be appointed governor of American Samoa, a US territory and later the first elected governor there.

His service as governor bridged five decades, first from the appointment in 1956–61, to three elected terms, the most recent ending in 1993.

He spent nearly 17 years as an American appointee in administrative roles in the former U.N. Trust Territories of Micronesia. Then he served as an advisor to the government and the emerging Western Pacific nations as they gained independence. He founded PTC Inc., a government relations firm specializing in Pacific island matters, was the Republican national committeeman from American Samoa, and an attorney.

Coleman, 77, died yesterday (Monday) at his Honolulu home after a two-year struggle with cancer.

"He was early recognized as a leader and will be remembered as one of the forerunners in the Pacific among native-born leaders who helped their nations chart their own destinies," said Hawaiian Governor Ben Cayetano.

"His contribution will be long and recalled with respect and affection."

Governor Tauese P.F. Sunia of American Samoa ordered the United States and American Samoa flags to be flown at half-staff for 30 days in Coleman's home islands. Sunia will attend services in Honolulu next week, according to his Chief of Staff.

"There is no question of Peter Coloman's place in history, not only in American Samoa, but throughout the Pacific," said Sunia in a message to the Coleman family. "I am proud to say I knew him, that I worked for and with him, and that I witnessed the progress and change he brought to American Samoa."

Kitty Simonds, Executive Director of the Western Pacific Regional Fisheries Management said: "He really knew the heart of the Pacific people." She recalled Coleman's effort to affirm native islanders' fishing rights, a move not popular with the American fishing industry or the tuna packing firms in Pago Pago.

City Councilman Mufi Hanneman said: "He was definitely a role model for many Samoans. Through his example, he embodied the best ideals and values of a public statesman."

D.E. "Rags" Scanlan, president of Royal Guard Security, said Coleman was "distinguished by his work for the betterment of all in the South Pacific." Scanlan whom Coleman tapped to coordinate relief efforts after a 1991 hurricane devastated Samoa, said the man was "very unpolitical. He was in politics but wasn't a politician, he worked behind the scenes."

J.E. Tihati Thompson of Tihati Productions said: "I will always respect him for the assistance he gave not only to the people of Samoa, but also to the Tokelau people of Swains Island Atoll while in office. He grew into a very gracious statesman who many would consult for political advice."

[From the Samoa News, May 15, 1997]

A EULOGY IN MEMORY OF PETER TALI COLEMAN

(The following eulogy was presented by William Patrick "Dyke" Coleman at the recent funeral of his father, former Governor Peter Tali Coleman. Dyke was Governor Coleman's chief of staff in his most recent administration (1989–1993).)

Dad introduced us to Samoa during the summer of 1952 when we first arrived in Pago Pago Harbor on board the Navy transport vessel the USS Jackson. We kids were just overwhelmed and excited by the beauty of the Harbor and the majesty of the surrounding mountains on that July morning.

Grandma Amata had accompanied us on the trip from Honolulu and Chief Tali, Aunty Mabel and Snookie and other family members were there to welcome us.

The living quarters we were assigned to was the old nurses' quarters at Malaloa. the house was spacious, wide open and structurally sound and we kids loved it. Mom and Dad learned later that these quarters had been condemned but that really never bothered us because we didn't know what that meant and didn't care anyway.

To Dad, as long as the family's safety and health were not being compromised, the label was of no consequence and the condemned house he viewed as a minor, temporary inconvenience that was not worth complaining about.

The house, for now, served our purposes. He adapted and taught us to do the same. Don't get hung up on the minor things. He never lost focus of his larger destiny.

Things that would bother many of us never seemed to bother him. He handled criticism the same way. Those who knew him well can attest to that. He reserved his energies for life's larger problems.

Only he knew that, very soon thereafter, he would occupy the best house on island, the governor's mansion. Occupying the governor's house itself was not the goal. He aspired to lead his people and never lost focus of that objective.

Dad practiced law during these early days and his clients would often instead of cash pay him with live chickens and pigs. The house was the perfect place in which to learn and develop responsibility to raise and care for them.

Of course some of these animals soon became pets. We had a pet pig named Porky that we let into the house all the time, and Grandma Amata would get angry and chase the pig out with a broom. On school days Porky would always greet us when we got home. One day Porky didn't meet us. We combed the entire area around the house and the mountainside. We couldn't find him.

Dad had now become Attorney General and we kids had become so upset and distraught that Dad called the police force to help look for our pig. We never found Porky. We knew he ended up in someone's umu. It took a long time for us to get over that loss.

Dad used to cut our hair, even after he became Governor. His haircuts made us very sad and we cried every time we had to get one. We wanted to look like Elvis but ended up looking like Fred Flintstone. The hairline was almost always uneven and so we would get teased and slapped in the head by the other kids.

One time my brother Milton ran away from home because he didn't want his hair cut. Anyway he finally returned home when he got too hungry. And of course the rest of us promptly reported him to Dad. Misery loves company. Milton got his spanking, which made us gleeful and after his haircut, lost his appetite.

As kids we didn't fully appreciate that those haircuts showed Dad to be a true visionary. Today these haircuts are considered fashionable and quite stylish with the younger crowd. Dad was ahead of his time.

Mom was always behind the scene, providing her strengths to support Dad and the family. For all this intelligence, strength of character and self-discipline, his sense of humor was how he kept life in perspective, everything in balance.

He used humor to fend off criticism, to laugh with others, to tolerate the inflated egos his line of work brought, and even to laugh at himself. His sense of humor was his way of remaining within himself.

One day when he was still at Queen's Hospital I went to visit with him. He had just awakened and I sat there making loose talk and joking with him. I told him casually that Amata had called earlier from Washington.

He asked what she had wanted. I told him she asked how he was doing and that he should start thinking about the governor's race for the year 2000. He laughed so hard he cried.

God bless you.

CUBA'S REPRESSIVE REGIME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this past week we were once again reminded of the lengths that the Cuban people will resort to to sink freedom from the repressive regime. Eleven Cuban refugees were rescued by the excellent men and women of our United States Coast Guard after being spotted by an aircraft of the humanitarian group, Brothers to the Rescue.

The refugees had spent 17 days in an isolated area of the Bahamas known as Dog Key. Dog Key, Mr. Speaker, is nothing but a rock, a big rock in the middle of the ocean.

For 2 weeks the refugees had little to drink or to eat. They ate snails and birds to survive in the middle of the ocean.

One of the refugees, Rolando Martinez Montoya, would break snail shells with his teeth so that his children who accompanied him on this horrible journey would be able to at least eat the inside of the snails.

Unfortunately, Mr. Martinez' daughter, Camilla Martinez, only 4 years old, and his step daughter, only 13 years old, died at Dog Key last week.

Twenty-six-year-old Leonin Ojeda Rivas also died after complaining of chest pains soon after trying to swim toward a passing ship in a desperate attempt to be rescued.

Mr. Speaker, the tragic search of these Cuban refugees for freedom portrays the picture of desperation that the Cuban people feel under the Castro dictatorship. Unfortunately, the American people never learned of this story in the so-called mainstream media. It was not in the major newspapers, nor in the television networks. Why? Because the press prefers to promote Castro's propaganda of Cuba as a tourist paradise rather than exert some effort in reporting the repression subjected on the people of the island every day.

Just this past Sunday, the Washington Post travel section had a lengthy piece on how to travel to Cuba. The story's author, Elinor Lander Horwitz, could barely control her excitement about being in the forbidden island as she walked past children engulfed in poverty, the deteriorated beauty of Havana, and the lack of the most basic needs such as soap that the Cuban people endure daily.

The author soothes her guilt of, as she calls it, of having a good time while being surrounded in this poverty by handing out two pesos to a poor Cuban child. Oh, wow. Now she can return once again to her paradise vacation.

Throughout the article, not one word, not one single word, is mentioned about the destruction caused on Cuba by the Castro tyranny and the misery that has resulted from it. However, she makes sure to provide tips on how to circumvent the United States embargo in order to travel to Cuba.

I wonder, Mr. Speaker, what led these refugees I have described earlier tonight to leave the paradise that this author so aptly describes? Is it the lack of human rights under Castro, the lack of civil rights under the last totalitarian dictatorship of the hemisphere? The complete mismanagement of the Cuban economy by the Communist elite, the complete control of the population by Castro's police state? I venture to say that it was a combination of all of these put together.

Cuba remains, whether the Washington Post or other publications admit it, a repressive totalitarian state. Just ask Ana Maria Agramonte, a prominent Cuban dissident who was recently sentenced to 18 months in prison for contempt against the regime. It is clear that the paradise as portrayed by the Washington Post must feel like hell for Ms. Agramonte and the rest of her compatriots who have to endure Castro's brutality.

Let us hope that the press will one day wake up to the horrors of the Castro's tyranny, to the repressive police state, to the complete lack of, and the violation of the most basic of civil rights.

Mr. Speaker, I insert for the RECORD the article from the Washington Post by Elinor Lander Horwitz which I earlier referred to.

[From the Washington Post, May 18, 1997]

RETURN TO A FORBIDDEN ISLAND

IN IMPOVERISHED CUBA, NOTHING—AND EVERYTHING—HAS CHANGED

(By Elinor Lander Horwitz)

Maritza smiles wistfully and passes her tongue slowly over her lips. "The '52s and '53s are best," she says. "Fifty-four was not so good a year, but '55—it was really excellent." She's not talking wine: She's talking Chevrolets.

Parked randomly along a street near the Plaza de Armas in Havana's old city, where she has taken me sightseeing, is a particularly dense grouping of 40- to 50-year-old American cars, predominantly Chevrolets plus one Dodge, an Oldsmobile, a Buick and a Plymouth. These are not rich people's collectibles. They are poor people's means of transportation. Maritza, a Cuban woman whom a friend had urged me to contact, casts a connoisseur's eye on a red-and-white, wide-finned 1953 relic parked next to her midget 1972 Polish-made Fiat. How in the world do the owners get replacement parts? She laughs at my simple-minded question. "We make them, we improvise," she says. "Cubans are very good mechanics."

I feel caught in a time warp. The decaying Chevys—the very ones I might have seen hot off the assembly line more than four decades ago—suddenly take on the status of metaphor for the once elegant, now deteriorating city. This is the second visit my husband, Norman, and I have made to Havana. The first, a few years before the 1959 revolution, was on our honeymoon. I was a college student-bride who longed to go abroad, and Havana was the only patch of abroad we could afford. And it was so easy to get there!

This time we arrived via three tedious flights: Washington to Miami, Miami to Nassau, and Nassau to Havana. With long waits in between. We carried impeccable visas and letters from the U.S. Treasury Department and our sponsoring organization verifying our permission to visit (there are severe restrictions for U.S. citizens trying to travel to Cuba). Norman, a neurosurgeon, was coming as a volunteer with an international relief agency in a program it runs jointly with the Cuban Ministry of Heath. He would spend a week conferring with colleagues, examining patients, teaching interns and residents, and presenting research material. I was licensed to tag along. Earlier participants in the program had given us the names of people they'd met here, which is how I came to know Maritza and a number of other engaging Habaneros.

We had always hoped to return to Havana and, according to the laminated Cubana Airlines boarding pass I handed over as I boarded the flimsy-looking old Russian plane in Nassau, the feeling was mutual. "Cuba te espera," it said in decorating script. "Cuba is waiting for you." The bright yellow card was decorated with three red hearts.

The 1950s Cuba, under the repressive rule of Fulgencio Batista, had plenty to offer American tourists. It was romantic, and it was glossy! Most people stayed in the pricey and glamorous Hotel Nacional, with its luxurious accommodations, highly regarded dining room and nightclub, and private talcum powder beach. We stayed at the Ambos Mundos on Obispo Street, in the heart of Old Havana.

Hemingway, still very much alive when we first visited the island, had lived in the Ambos Mundos while writing—depending on your informant—either "A Farewell to Arms" or "For Whom the Bell Tolls." We ogled the room he had occupied, dined at the rooftop restaurant where he had often dined, and drank daiquiris at the Floridita, which we were assured was his favorite bar. When we had dinner at a sidewalk cafe, ragged children came up to the table and begged for the bread on our table. We gave them that and pesos and smiles, and we told each other it was wrong to be having such a good time in a country where so many lived in unconscionable splendor while others didn't have enough to eat. And then a man with a guitar strolled over to our table and began to sing while we held hands across the table and blissfully dug into dinner.

Maritza is amused by my honeymoon tales. First stop on our 1996 tour is the Ambos Mundos. The hotel was closed for many years and has been in the process of renovation for many more. The place is entirely gutted and a man on the ground is sending a small bucket of plaster up to the fifth floor on a pulley-and-rope contraption. A pamphlet I've picked up says that you can learn about the life of Ernest Hemingway by staying there. "Ambos Mundos Hotel will open up in summer 1996 with 53 rooms of which 4 suites," it promises, but it is now fall, and it still looks like it's going to be a while.

Nearby, in the palace occupied by Batista way back then, is the Museo de la Revolucion. There are photographs of the rebels in the mountains, bloody shirts and pants, canteens, rifles, the engine of an American plane shot down over the Bay of Pigs, and other mementos of turbulent times. One display, titled in English "The Hall of Cretins," features huge, cartoonish figures of Batista in military garb, Ronald Reagan dressed as a cowboy and George Bush dressed as a Roman senator. Above the figure of Reagan, the caption says, "Thank you cretin for strengthening the Revolution." Bush's caption is, "Thank you cretin for consolidating the Revolution."

In the nearby Plaza de la Catedral, craftspeople hawk costume jewelry, maracas, woodcarvings and other knickknacks. Che Guevara's face appears on key rings, ashtrays and T-shirts.

Why doesn't Castro's face appear on T-shirts and key rings? I ask Maritza. "It wouldn't be respectful," she says, and it's impossible to determine whether her inflection is dead serious or mocking.

I am trying hard to recapture the city I remember. One afternoon Norman and I journey uptown to peek furtively into the splendidly tiled lobby of the Hotel Nacional, fearful of being accosted and asked whether we are paying guests. (Reopened and refurbished after years of being shut down, the hotel is as handsome and crowded as ever.) We gape at the splendid Spanish colonial mansions on the tree-lined avenues of the Vedado and Miramar districts. And then we retreat to the colorful narrow streets and shady squares of Old Havana, where we remember Cubans strolling, singing aloud. Our memories of this are so vivid, it must have been true, although there is no evidence of such today.

West of Old Havana is the Vedado neighborhood and our hotel, the Victoria, which is across the street from a row of picturesquely decaying Spanish colonial mansions, now occupied by many poor families. Up close, things aren't quite so picturesque. Laundry hangs from the windows, balusters are missing from the galleried rooftops, stairs are broken, garden statues are headless, yards are littered with trash. Nothing has been painted or repaired in decades. And venturing out at night onto the darkened, crumbling sidewalks and streets—where hordes of bikes without lights scoot by—is dangerous whether or not you encounter the street crime everyone warns about (we didn't).

Tourism has been revived in Havana, and crowds of Europeans, Asians, South Americans, Canadians and a much smaller number of Americans can be seen in the more celebrated restaurants. There is the luxurious new Melia Cohiba hotel, a joint venture between Cuba and Spain; much talk of further foreign investment in tourism; and work is going on around the clock on a new airport. Baseball games and performances by the excellent national ballet company provide stimulating entertainment, yet information about schedules is difficult to glean.

Restaurant food ranges from so-so to bad. The Cubans we invited to dine with us all chose paladares—the small, often-excellent restaurants families are now permitted to run in their own apartments. Families licensed to establish a paladar may set up no more than 12 chairs, arranged in whatever grouping of tables they prefer. Some paladares have signs, but most are known only through word of mouth. You ring a doorbell and enter a lobby, push the button for the proper floor and walk into someone's living room, where tables are prettily set and family members graciously rush to serve you.

At one paladar, we are seated on a breezy balcony, overlooking the water. At another, a particularly pleasant three-course dinner with assorted tasty appetizers set up on a small buffet table, a roast lamb entree and dessert of a rich fig pudding costs $12 a person, including beer and coffee.

These paladares, named for a family-run restaurant dubbed Paladar in a popular Brazilian TV sitcom, are one of the few forms of self-employment now permitted in Cuba. Since they accept payment only in U.S. dollars, paladar owners have the means to buy a wide range of foods at the hard-currency stores.

The Hemingway shtick is still going strong here. Several restaurants and bars in the old city claim to have been his favorite. One of these, the tiny crowded La Bodeguita del Medio, a block from the cathedral, still has ambiance aplenty. Since the 1920s, customers have carved their names on wood paneling, and there's no more space. Above the bar is a blow-up of a scrawled message by the great man himself. "The best mojitos are at the Bodeguita," it reads. "The best daiquiris at the Floridita. Ernest Hemingway."

Squeezed into a corner, in full view of this snippet of immortal prose, we order a mojito. It arrives in a tall glass, jammed with what appears to be seaweed but is, in fact, very soggy mint, and filled with a watery rum, lemon and sugar mixture. An undistinguished meal is tossed at us irritably. It is almost heartening to find that there still are tourist traps in Havana.

Just about everything is in short supply in this underdeveloped island country. Everyone is short of soap, and I lift a few tiny bars from the hotel maid's cart and pass them along to my new friends. All food is rationed. Staples—rice and beans—are cheap and abundant, although milk is available only for children under 7. At the Hotel Victoria, the milk is made from powder and manages to be foamy and lumpy at the same time. Meat, chicken and fish are not generally available, and at the time of our visit, the egg ration was seven a month. Each person is permitted one piece of bread a day.

Cubans call this a periodo especial, a special period that date from the dissolution of the Soviet Union in 1991 and the sudden cessation of what had been lavish subsidies. Gas, electricity, public transportation—all are in very short supply. When the periodic blackouts occur, not only the lights go out, but also the water, which is pumped by electricity.

The glittering and bustling tropical city I remember is a drab and quiet place today. For decades, there has been no money to maintain buildings and streets. Automotive traffic is light at all times. Gas, at $4 a gallon, is too expensive for most Cubans, who earn on average $12 to $15 a month.

I ask a highly placed government official what he hopes, expects, fears the future will bring if Castro, now a fit-looking 70-year-old, retires? He laughs at the notion of retirement. "When Fidel dies," he says, "people won't be ready for raw capitalism. That's certain. They think they want more free enterprise, but they are too accustomed to free education and health care to ever give that up. It will be some sort of socialism.

"Don't misunderstand," he adds, when I ask about the one piece of bread a day. "things here are difficult now, but there is absolutely no question that life under Batista was far worse for most Cubans. What you have to recognize is this: Cuba has always had one corrupt form of government or another."

While we are in Havana, everyone is talking about the International Trade Fair, an annual event that showcases products from countries worldwide (72 of them at this fair). Finally, I decide to go to the new exposition grounds outside the city with Roberto, a translator for the medical program that brought us to Cuba. The fair is jammed with people. Cuba is displaying pharmaceuticals, rum and cigars, and there are sparkling new cars from Japan and France, shoes from Italy, tablecloths from Mexico, furniture from Canada and children's clothing from Panama. As Roberto seats himself longingly behind the wheel of a shiny little yellow Fiat mounted on a revolving stand, my eye falls on an Argentinean food exporter's display of Oreo cookies, Ritz crackers, Libby's Vienna Sausages, Wrigley gum, M&M candies, Kellogg's Frosted Flakes and Froot Loops.

Will Cuban children get to eat Froot Loops despite the U.S. embargo? Roberto rolls his eyes, but declines further comment.

I buy lunch at a sunbaked outdoor cafe, and we dine greedily on a cholesterol nightmare of fried chicken, french fries, beer and ice cream. Four musicians—two guitar players, a man on a bongo drum and another on maracas—suddenly appear at my elbow, grinning with mock flirtatiousness and breaking into the songs their fathers sang to diners in the cafes of Obispo Street in the 1950s: "Besame Mucho" and "Perfidia." I am overcome with nostalgia and tip generously, and they repeat the two songs over and over. And then, with almost manic zest, they break into a long song about Che Guevara.

The next day, at the airport gate, waiting hours for our return flight, we Americans—doctors, missionaries, journalists—exchange stories about the charm of the people we've met and the hardships we've witnessed. No one has answers.

The airport's air conditioning has been turned off to save electricity. Everyone is hot and avid to leave. But everyone wants to return "someday."

"Bring soap," we remind each other. "Next time don't forget to bring everyone a few bars of soap."

WAYS & MEANS

Tourist travel to Cuba is severely restricted by the U.S. government. To travel to Cuba legally, Americans must have a passport and visa and obtain a license from the Treasury Department's Office of Foreign Assets Control (1500 Pennsylvania Ave., NW., Washington, D.C. 20020, 202-622-2480). OFAC has a fax-back system (202-622-0077) offering a dozen documents detailing the guidelines associated with travel to Cuba.

Those who may visit Cuba under an official Treasury Department license include: journalists who are regularly employed by a news organization; official government travelers; members of international organizations of which the United States is also a member, traveling on official business; persons making a once-a-year visit to relatives in Cuba in circumstances of extreme humanitarian need; and travelers who have received specific licenses from OFAC before they go. These legitimate travelers can bring home $100 worth of Cuban goods.

A number of air and travel providers are authorized by the Treasury Department to arrange trips to Cuba for qualified travelers. One of the best known, Marazul Tours (4100 Park Ave., Weekauken, N.J. 07087, 1-800-223-5334), will advise you about eligibility and the procedure for obtaining a Treasury license. Once you obtain the license, the agency will provide a visa, plane tickets and hotel reservations. For groups, it can set up a program in Cuba if needed.

Visa information also is available from the Cuban Interest Section, 2369 16th St. NW, Washington, D.C. 20009, 202-797-8518.

Despite the restrictions, there are indeed American tourists in Cuba. Plane tickets to Cuba and a visa—a separate tourist card—can be obtained in Canada, Mexico or the Bahamas. But beware. Attempts to catch U.S. tourists returning from Cuba have been stepped up, and U.S. Customs officials may now greet you in Nassau or Cancun as you step off your flight.

CHILDREN'S NATIONAL SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, tomorrow I am introducing a very important piece of legislation, and I am joined by 14 of my Democratic women colleagues. This legislation is called the Children's National Security Act, and I want to spend a few minutes this evening telling my colleagues about it.

I am sure we all remember the phrase, women and children first. Well, sometimes I think that we have forgotten that phrase and we think only of children last.

I just got a recent report of the state of America, and our priorities and children do not do very well in that. We are first in military technology, we are first in defense expenditures, but we were 18th in infant mortality, 17th in low birth weight rates, and we are very last in protecting our children against gun violence. In fact, of the 26 industrialized nations, the deaths of U.S. children account for three out of four from gun violence out of all 27 nations.

So my bill is a conglomeration of lots of very good pieces of legislation. It is about priorities and funding what is really important to our Nation's families.

President Clinton said in his State of the Union Address this year, education is a critical national security issue for our future. The problem is that his budget request called for $234 million more for the military than it does for education.

In the bipartisan budget agreement adopted by the House, over half of our discretionary spending for the next 5 years, in fact, 52 percent will go to the Pentagon. That means that everything else must be divided up of the 48 percent. Fifteen Democratic women Members have joined together and we have submitted 24 pieces of legislation in this omnibus bill. The Children's National Security Act is deficit-neutral, it is funded with savings from the Pentagon.

Among the initiatives included are health insurance for kids, health care research and education, assistance for caregivers, multi-generational foster care, firearm child safety lock requirements, school construction, and increasing economic security for families.

The gentlewoman from Oregon [Ms. HOOLEY] has contributed legislation to promote multi-generational foster care. That is building on something we do in Oregon very successfully. The gentlewoman from California [Ms. MILLENDER-MCDONALD] has included the Firearm Child Safety Lock Act. This is an act which says that the child safety lock must be placed on guns sold in America.

The gentlewoman from New York [Mrs. LOWEY] has included the partnership to rebuild America's schools. One time, Mr. Chairman, the schools of America were the pride of America, but they are crumbling today. The General Accounting Office has estimated we need $112 billion to repair them.

□ 1730

My contribution to the bill is a private insurance reform legislation called Kids Only. It will require that insurance companies provide an affordable policy to cover children from birth to age 16. These are available in Oregon, and they should be available across the Nation.

I believe it is time to change the focus of our priorities, to reflect that national security means providing children a quality education, access to health care, and a safe place to live and learn. We cannot continue to invest in outdated Cold War weapons systems while we neglect our children.

Our bill will improve the lives of America's children. It provides real national security by addressing our children's critical needs. There is wide agreement now that we must balance the Federal budget, but as we balance it, we must make tough fiscal choices. The National Children's Security Act is about priorities, funding what is truly important to our Nation's families.

As Congress makes those tough fiscal decisions necessary to balance the budget, we must consider our real national security, our children. The Democratic women in the House of Representatives have joined together to provide for children's access: Access to health care, a safe environment, a quality education. The Children's National Security Act puts our children first, and that, Mr. Speaker, is exactly where they belong.

IN MEMORY OF MARGARET LESHER-THORSTENSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. TAUSCHER] is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Speaker, the Tenth Congressional District of California was shocked and saddened last week by the untimely death of one of its true community leaders, Margaret Lesher-Thorstenson. Some might say a shining light was dimmed in Contra Costa County with the passing of Margaret Lesher. I say the light will continue to burn bright through her many gifts of generosity, kindness, and friendship.

As individuals and as a community, we are richer for having had Margaret Lesher in our lives. Mrs. Lesher was an extraordinary woman who had many facets to her life: A mother, wife, businesswoman, philanthropist, and friend. In each role she exemplified a spirit of voluntarism and generosity that all of us constantly strive to achieve. In every cause or endeavor upon which she embarked, she would give 110 percent of herself. Throughout all of her community service, Margaret Lesher realized that her family and friends were her foundation.

I had the occasion to meet Margaret Lesher through the Battered Women's Alternative of Contra Costa County, a Contra Costa organization dedicated to aiding and assisting women in need.

In 1990 she established the Margaret Lesher Transitional Housing and Employment Center. She not only gave financially to the program, but she also spent countless hours meeting and talking to the women who went through the center. Mrs. Lesher was always there to listen and support anyone who needed her help.

As first vice president for Lesher Communications, the newspaper chain founded by her late husband, Dean Lesher, she strove to make the papers an accurate reflection of the character and personality of Contra Costa County. Mrs. Lesher worked side by side with her husband to make the publication one of the most successful in California. Even after the newspapers had been sold, the current owners have carried on the exemplary quality established by Dean and Margaret Lesher.

Not many people knew that Margaret Lesher authored music and lyrics for 40 copyrighted songs and 14 poems. In 1982 she was honored with the Bronze Halo Award of Special Merit from the southern California Motion Picture Council for her contributions as a writer, songwriter, and vocalist. These talents inspired her to begin a wonderful collaboration with the arts and the community.

Through the Dean and Margaret Lesher Foundation, the magnificent building bearing the family name houses the California Symphony, the

Diablo Ballet, and other theatrical groups. The center, along with many other buildings, are symbols of Mrs. Lesher's tireless commitment to the betterment of the community.

Barry Jekoywski, the conductor of the California Symphony in Contra Costa County and associate conductor of the National Symphony here in Washington, captured the essence of Margaret Lesher's dedication to the arts when he said that she believed in the vision and importance of the arts in the community, especially for families and children.

Today her memorial service is taking place at the Dean Lesher Regional Center for the Arts, the very center that she was instrumental in establishing. Over 1,000 people are expected to attend today's service to pay tribute to the first lady of Contra Costa County.

It is difficult to explain to my colleagues what a special and unique person Margaret Lesher was. Many people's lives have been touched and blessed by her spirit, warmth, and kindness.

Here on the House floor, I would like to extend my deepest sympathy to Margaret's husband, Collin Thorstenson, and her daughters Tricia Ryan Simonds, Wendy Alvs, Roxanne Gibson and Jill Heidt. This is a very difficult time for her family and all of Contra Costa County, an area that considered itself part of Margaret Lesher's family.

With some poetic license, I will borrow the words of Robert Frost to capture the inspiration and dedication Margaret inspired within all of us:

Two roads diverged in a yellow wood,
And sorry I could not travel both and be one
traveler,
Long I stood and looked down one as far as
I could,
To where it bent in the undergrowth;
Then took the other, just as fair,
Two roads diverged in a wood, and I took the
one less traveled by,
And that has made all the difference.

At a time when it was not popular to support causes like battered women's alternatives, Margaret Lesher took a path that most would not have ventured down. She neither sought approbation nor applause. In fact, many of her wonderful deeds never received public attention. She simply wanted to make Contra Costa County a better place for all of its residents. In the end, the paths she chose were eventually the paths that all of us have followed.

The many wonderful contributions Mrs. Lesher gave to our community will continue to thrive and flourish through the foundation established in her and Dean's name. We will miss her warmth and presence within our community, yet the light of her spirit will live forever in all the good that she has done.

IN HONOR OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to pay tribute to notable accomplishments by Asian Pacific Americans as Asian Pacific American Heritage Month is commemorated here in the Nation's Capital and in other cities nationwide. The annual celebration of this month of meaningful observance stems back to 1978, and is now carried on under Public Law 102–450, which permanently designated the month of May upon finding that "Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, commerce, and education in the United States."

Comprising nearly 10 million, or 3.7 percent of the U.S. population, Asian Pacific Americans rank among the highest in our educational institutions, hold high political office and log advances in entrepreneurship. According to the U.S. Census Bureau, in 1994, nearly 90 percent of Asian Pacific Islander men and 80 percent of Asian pacific Islander women aged 25 years and older had at least a high school diploma. In addition, an estimated 46 percent of men and 37 percent of women had at least a bachelor's degree.

Median income of Asian and Pacific Islander households in 1995 was $40,614. Business ownership figures show that the number of businesses owned by Asian and Pacific Islanders increased 56 percent between 1987 and 1992, from 386,291 to 603,439.

Asian Pacific American visibility in government is also on the rise. My State of Hawaii boasts the first Filipino-American Governor, Benjamin Cayetano. Chinese-American Gary Locke succeeded in his bid for Governor of Washington State in last year's elections. In addition, there are 23 State Senators in Colorado, Hawaii and Oregon, and 40 State Representatives in Arizona, California, Hawaii, New Hampshire, New York, and Washington State. The membership of this body includes five Asian Pacific Americans, as well as two in the Senate, Senators Daniel Akaka and Daniel Inouye.

Of particular note are Asian Pacific Americans who, through singular dedication to the greatness of our Federal Government, have thrived and risen to positions of prominence in Federal departments and agencies. The following is a list of top-ranking Asian Pacific Americans in the 14 Federal Departments:

Agriculture: Lon Hatamiya, Administrator of Agricultural Marketing Service, and Jeremy Wu, Deputy Director, Office of Civil Rights, Departmental Administration.

Commerce: Hoyt Zia, Chief Counsel, Bureau of Export Administration.

Defense: Fred Pang, Asst Secretary of Defense for Force Management Policy.

Education: Terry Dozier, Special Advisor to the Secretary (on teacher issues).

Energy: Dr. Sun Chun, Special Assistant to Assistant Secretary for Fossil Energy, and Thomas T. Tamura, Principal Deputy Assistant Secretary of Human Resources.

Health & Human Services: Dennis Hayaski, Director, Office of Civil Rights.

Housing & Urban Development: Robert Santos, Secretary's Representative in Seattle.

Interior: Danny Aranza, Deputy Director, Office of Insular Affairs.

Justice: Michael Yamaguchi, U.S. Attorney, Northern California, and Rose Ochi, Director of Community Relations Service.

Labor: Donna Onodera, Regional Director, Workers' Compensation Division.

State: William H. Itoh, Ambassador to Thailand.

Transportation: Dharmendra K. Sharma (Mr.), Administrator, Research & Special Programs Administration.

Treasury: Valerie Lau, Inspector General.

Veterans' Affairs: H. David Burge, Jr., Director, National Ctr for Veterans Analysis and Statistics.

To acknowledge the achievements of Asian Pacific Americans in our Federal agencies, I requested a list of the 10 top-ranking Asian Pacific Americans in each agency, and these are the reported listings:

U.S. Department of Commerce: Betty L. Barker, Deputy Director, Bureau of Economic Analysis; Tong S. Chung, Director, Advocacy Center, International Trade Administration; Gurmukh S. Gill, Director, Office of Business and Industrial Analysis; George Mu, Commercial Officer, Career Minister, U.S. & Foreign Commercial Service; Jin F. Ng, Deputy Group Director, Patent and Trademark Office; Sumiye Okubo, Director, Office of International Macroeconomic Analysis; Nancy L. Patton, Deputy Assistant Secretary, Asia and the Pacific; Potarazu K. Rao, Senior Scientist for Environmental Satellite, Data, & Information Service; Usha S. Varanasi, Science and Research Director, Northwest Region; and Hoyt H. Zia (top ranking), Chief Counsel, Bureau of Export Administration.

U.S. DEPARTMENT OF DEFENSE

Office of the Secretary of Defense: Frederick F.Y. Pang (top ranking), Assistant Secretary of Defense for Force Management Policy; Belkis W. Leong-Hong, Deputy Assistant Secretary of Defense of Plans and Resources, Office of the Assistant Secretary of Defense of Command, Control, Communications & Intelligence; Austin K. Yamada, Director, Special Advisory Staff, Ofc of the Under Secretary of Defense for Policy, Office of the Deputy for Policy Support; and Julita Aviles, Associate Director for Policy Division, Office of the Under Secretary of Defense (Comptroller).

Defense Intelligence Agency: John K. Kiehm, Chief, Office of Logistics Services, Defense HUMINT Service DHM.

Defense Special Weapons Agency: Joan M. Pierre, Director for Electronics & Systems.

Department of Defense Education Activity: Vernon M. H. Chang, Associate Director for Management Services.

National Security Agency: Ronald D. Lee, General Counsel, National Security Agency.

Department of the Army: Lieutenant General Eric Ken Shinseki, Deputy Chief of Staff for Operations & Plans; Brigadier General Edward Soriano, Director, Office of Personnel Management, U.S. Total Army Personnel Command; Dr. Jagdish Chandra, Director, Mathematical & Computer Sciences Division, U.S. Army Research Office; Kisuk Cheung, Chief of Military Engineering, U.S. Army Corps of Engineers, Military Programs Directorate; Dr.

Bhupendra P. Doctor, Director, Division of Biochemistry; William K. Takakoshi, Special Assistant to the Under Secretary of the Army, Office of the Secretary of the Army; and Dr. Renu Virmani, Chairperson, Department of Cardiovascular Pathology, Armed Forces Institute of Pathology.

Department of the Navy: Dr. Kia Ling Ngai, Senior Theoretical Solid State Physicist, Naval Research Laboratory; and Dr. Bhakta B. Rath, Associate Director, Materials Science and Component Technology, Naval Research Laboratory.

Department of the Air Force: Dr. C. I. Chang, Director of Aerospace & Materials Sciences, Air Force Office of Scientific Research; and Allen M. Murashige, Chief Scientist, Directorate of Command and Control; and Dr. Joseph H. Shang, Senior Scientist.

US DEPARTMENT OF EDUCATION

Members of Education Department-related Commissions and Boards: Rajen Anand, National Committee on Foreign Medical Education & Accreditation; Paul Antony, National Committee on Foreign Medical Education & Accreditation; Jose Evangelista, National Committee on Foreign Medical Education & Accreditation; Kenji Hakuta, National Educational Research Policy & Priorities Board; Mitsugi Nakashima, National Assessment Governing Board; Lynne Waihee, National Institute for Literacy Advisory Board; and Grace Yuan, Civil Rights Reviewing Authority.

Department Staff/Personnel: Therese Knecht Dozier (top ranking), Special Advisor to the Secretary (on teaching); Natarajan K. Gounder, Senior Computer Specialist; Dr. Edward K. Fujimoto, Deputy Director of Communications, Office of Public Affairs; Jeanette Lim, Senior Executive Service; M. Theresa San Agustin, Research Associate, Office of Special Education and Rehabilitative Services; Ricky Takai, Senior Executive Service; Melvin DeGuzman, Computer Specialist, Office of the Chief Financial Officer; Thomas Hibino, Equal Opportunity Specialist—Supervisor; Samuel Peng, Statistician; and Sharif Shakrani, Statistician.

US DEPARTMENT OF HEALTH AND HUMAN SERVICES

Political Appointees: Dennis W. Hayashi (top ranking) Director, Office for Civil Rights; Irene Bueno, Deputy Assistant Secretary for Legislation (Congressional Liaison); Deborah Chang, Director of Legislation, Health Care Financing Administration; Regina Lee, Deputy Director, Office of Refugee Resettlement, Administration for Children and Families; and Jennifer Chang, Acting Director of Intergovernmental Affairs, Administration for Children and Families.

Career Senior Executive Service: Evelyn S. Ohki, Senior Advisor to the Deputy Assistant Secretary for Health, Disease Prevention and Health Promotion; Kathleen A. Buto, Associate Administrator for Policy, Health Care Financing Administration; Eva T. Jun, Director, Office of Computer and Communication Services, Bureau of Data Management and Strategy, Health Care Financing Administration; Lillian T. Yin, Director, Division of Reproductive, Abdominal, Ear, Nose and Throat and Radiological Devices, Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration; and Philip S. Chen, Jr., Associate Director for Intramural Affairs, National Institutes of Health.

US Department of Housing and Urban Development: Roberta Ando, Chief, Asset Management Branch; Thomas Azumbrado, Chief, Production Branch; John Chin, Supervisory Systems Accountant; Tzylai Chong, Special Project Officer; Min Li Chung, Systems Accountant; Virginia Der, Budget Analysis; Ronaldo Dizon, Supervisory Computer Specialist; Cornelio Galdones, Supervisory Computer Specialist; David Hashimoto, Supervisory Equal Opportunity Specialist; Carl Kao, Attorney Advisor General; Lily Lee, Housing Program Officer; Robert Leong, Attorney Advisor General; Patrick Liao, Director Single Family Division; Eliza Lo, Supervisory Contract Specialist; Lawrence Mcghee, Management Analysis; Satinder Munjal, General Engineer; Dung Nguyen, Executive Assistant; Nita Nigam, Budget Analysis; Jim Park, Executive Assistant; Sandra Pavolka, Supervisory Equal Opportunity Specialist; Alfredo Santos, Computer Specialist; Robert Santos (top ranking), Secretary's Representative in Seattle; Tsou Liang Tang, Structural Engineer; Bam Viloria, Supervisory Attorney Advisor General; and Pamela Walsh, Program Manager.

US Department of Treasury: Valerie J. Lau (top ranked), Inspector General; Jacqueline J. Wong, Senior Advisor to the Assistant Secretary (Tax Policy); Harry T. Manaka, National Director, Collection Field Operations, Internal Revenue Service; Deborah Melody Chew Nolan, Deputy Assistant Commissioner (International), Internal Revenue Service; Helen H. Bolton, Special Assistant to the Commissioner, Internal Revenue Service; Robert D. Ahnee, District Director, Northern California District, Internal Revenue Service; Delora Ng Jee, Deputy Comptroller for Large Case Supervision, Office of the Comptroller of the Currency; and James D. Kamihachi, Senior Deputy Comptroller, Economic and Policy Analysis, Office of the Comptroller of the Currency.

US Equal Employment Opportunity Commission: Paul M. Igasaki, Vice Chairman; Sallie T. Hsieh, Director of Information Resources Management; Raj K. Gupta, General Attorney (Civil Rights); Mark Wong, Policy Analyst; Kenneth W. Chu, Supervisory Attorney Examiner (Civil Rights); Daniel K. Chang, Computer Scientist; John C. Chang, Supervisory Computer Specialist; Indu Kundra, Program Analyst; and Wallace Lew, Attorney Advisor (Civil Rights).

US General Accounting Office: Judy A. England-Jospeh, Director of Housing and Community Development Issues; Thomas J. Schulz, San Francisco Regional Manager Designee; Kwai-Cheung Chan, Director of Special Studies and Evaluations; Allen Li, Associate Director of Defense Acquisition; and Helen H. Hsing, Director of Congressional Relations.

US Office of Personnel Management: Dory E. Zamani, Supervisory Financial Management Specialist; Wesley H. Shimamura, Supervisory Personnel Management Specialist; Deborah A. Kendall, Special Assistant, Congressional Relations; Linda M. Watson, Personnel Staff Specialist; James J. Tsugawa, Personnel Management Specialist; Lina A. Savkar, Employee Development Specialist; Phong V. Ngo, Program Analyst; Teresa Chi Chao Yang Huang, Computer Systems Analyst; James Hong, Supervisory Personnel Staffing Specialist; Jeri T. Hara, Personnel Management Specialist; Jaime P. Espiritu, Computer Systems Analyst; May S. Eng, Statistician, Survey; Esterlita De Leon Cueto, Systems Accountant; Sherman M. Chin, Personnel Management Specialist; and Susai Anthony, Computer Programmer Analyst.

Social Security Administration: Glennalee Donnelly, Senior Executive Service, Assistant Deputy Commissioner, Office of Programs and Policy; Tina Sung, Senior Executive Service, On Assignment to the National Performance Review; Leslie S. Chin, Division Director, Office of Systems; Dinesh Kumar, Executive Assistant to the Associate Commission for Telecommunications and Systems Operations; Yuan Jye Liu, Supervisory Computer Specialist, Office of Hearings an Appeals; Donna Y. Mukogawa, Assistant Regional Commissioner for Processing Center Operations, Chicago, Illinois; Chih Yuan D. Wang, Computer Specialist, Office of the Commissioner; Seung H. An Actuary, Office of the Actuary; Lyman Goon, General Attorney, Office of the General Counsel; Gordon C. Gonzalez, Field Office Manager, Pasadena, Texas; Alan W. Heim, Field Office Manager, Anchorage, Alaska; Li Ming Koo, Senior Computer Systems Specialist, Office of Hearings and Appeals; Kenneth M. Lew, Supervisory Criminal Investigator, Office of the Inspector General; Jane Y. Lim, Field Office Manager, Parsippany, New Jersey; Sze Jui Lui, Medical Officer, Office of Human Resources; Martin W. Long, General Attorney, Office of the Regional Chief Counsel, Dallas; Maynard K. Malabey, Supervisory Management Analyst, Office of Operations; Thomas J. McCullough, Field Office Manager, Sarasota, Florida; Gloria L. Tong, Program Analyst, Office of the Commissioner; Yen T. Tra, Senior Computer Systems Specialist, Office of Hearings and Appeals; Jack H. Trudel, Supervisory Auditor, Office of the Inspector General, Richmond, California; Wanda H. Waldman, Field Office Manager, Santa Ana, California; Mitchi A. Weger. Field Office Manager, San Antonio, Texas; and Mark E. Young, Field Office Manager, Bremerton, Washington.

US Agency for International Development: Kumar Krishna, Program Analyst; Carla Montemayor Royalty, Administrative Officer; Gloria Steele, Program Analyst Officer; Rodney S. Azama, International Trade Specialist; Paula Y. Bagasao, Senior Advisor; Dirk W. Dikjerman, Support Program Officer; and Kiertisak Toh, Foreign Affairs Officer.

My warmest congratulations to all of these individuals, and other Asian Pacific American Federal employees not listed, for their labor and accomplishments.

As Chair of the Congressional Asian Pacific Caucus, I am pleased to commend the Asian Pacific American community for all it has attained in the past year. We are a growing part of this diverse nation and will only continue to increase the number of successes we are able to celebrate. I would like to extend to all a happy Asian Pacific American Heritage Month.

COMMEMORATE ASIAN-PACIFIC HERITAGE MONTH BY HONORING THE FILIPINO WORLD WAR II VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to commemorate Asian-Pacific Heritage Month by speaking of a group of true heroes of World War II—the Filipino World War II veterans.

Upon arrival in Congress, I soon learned about the plight of the Filipino World War II veterans—many of whom have died and others who are now in the twilight of their years. I learned that these soldiers were drafted to serve in our Armed Forces by an executive order of President Roosevelt. I learned that they defended the American flag in the now-famous battles of Bataan and Corregidor. I learned that thousands of Filipino prisoners of war died during the Bataan death march and while imprisoned under inhuman conditions. I learned that their actions foiled plans for a quick takeover of the region and allowed the United States the time needed to prepare forces for victory in the Pacific.

Then I learned, unbelievably, that soon after the war was over, Congress voted to take away the benefits and recognition that these Filipino veterans were promised, in the Rescissions Act of 1946.

Filipino World War II veterans and their families have been waiting for over 50 years for the justice, recognition, and benefits that they so richly deserve. I am proud that the President and Congress took the first step last year to restore their dignity by resolving to recognize these brave veterans for their contributions to the successful outcome of the war.

Now it is time to complete the job. Last year, over 100 Members of this body signed on as cosponsors to the Filipino Veterans Equity Act. This year, I have joined with Congressman BEN GILMAN to reintroduce this legislation (H.R. 836)—and we believe it is time to hold hearings on the issue of equity for Filipino World War II veterans.

What better way to celebrate Asian-Pacific American Heritage Month than to take action on behalf of the Filipino World War II veterans, many of whom have become citizens of the United States.

What better way than to finally correct a monumental injustice and to restore the benefits promised to the Filipino World War II veterans for their defense of democratic ideals.

Words to commemorate Asian-Pacific American Heritage Month are fine, but action is better. Join with me in demanding justice and equity for Filipino World War II veterans.

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MATSUI] is recognized for 5 minutes.

Mr. MATSUI. Mr. Speaker, I am honored to join my colleagues in commemorating Asian-Pacific American Heritage Month and recognize the many achievements and contributions Asian-Pacific Americans have made to our country. I would also like to thank my colleague from Hawaii, Representative PATSY MINK, for arranging this special order.

The month of May was permanently designated Asian-Pacific American Heritage Month in 1992. Since then, it has become a wonderful opportunity to recognize the many ways in which Americans of Asian and Pacific Islander descent have enriched our Nation. I would like to take this moment to reflect on the diversity and richness that have so benefited our country.

Asian and Pacific Islanders have a rich history in America that spans over 150 years. As immigrants Asian and Pacific Islanders brought with them unique skills and abilities that enhanced the diversity and richness of our society. Asian-Pacific Americans added to the fabric of our culture through the sharing of values, customs, and perspectives. These same immigrants helped build our rapidly growing Nation during the turn of the century, expanding industries and cultivating farmland in the West.

Over the years, the American experience transformed Asian immigrants as they have in turn transformed America. We, as a nation of immigrants, have shared the same hopes and the same dreams. As a diverse people, Asian-Pacific Americans have enriched our national character. In every area of society, from the arts to business, people of Asian and Pacific Islander ancestry have excelled. In the process, Asian-Pacific Americans have become an integral part of our country's past, and of our country's future.

As one of the fastest growing groups in the Nation, recent Asian-Pacific American immigrants infuse a passionate sense of optimism in the American dream. America has benefited from their collective energy and vision. As these immigrants embrace the ideals and traditions of American life, we must also embrace them and the diversity and new ideas they bring with them. It is clearly in our national interest to extend to them the same opportunities and equalities that attracted all of our ancestors here.

Asian-Pacific American Heritage Month is a celebration of our heritage and our contributions, but it is also a time for reflection. Amid the accomplishments of the past we must also remember the struggles and discrimination that Asian-Pacific Americans had to overcome. We must use this opportunity to redouble our commitment to the goals that have been the cornerstone of our Nation's great history—to build a country of equal opportunity and where people of all nations would be accepted. Asian-Pacific Americans are said to embody the values of hard work, commitment to family, and pursuit of education. These are not exclusively Asian values, but values we all cherish. During this month of celebration we must strive to uphold these ideals, because the celebration of Asian-Pacific American Heritage Month is ultimately a celebration of America. Because more than anything else, we are all Americans.

WHALE-WATCHING INDUSTRY ON THE WEST COAST ENDANGERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, in the last few years a multi-million dollar tourist industry has been carefully built up in California, Oregon, Washington, and British Columbia. It is whale-watching. It has become a multimillion dollar industry in the last few years, and in fact, just to show Members how much, I stopped at a little hotel several miles from the water out in Washington State and walked over to their rack. I picked up all these brochures, and all of these are ones that deal with whale-watching, just to show the Members what an industry it is.

Mr. Speaker, it is a wonderful industry. Its numerous small entrepreneurs take individuals or groups out onto the Puget Sound or Straits of Juan de Fuca or the Georgia Straits, or actually outside into the Pacific Ocean at certain times.

There are only two species of whales that are targeted near the coast now, the gray whales and the orcas. Over the years, the last 3 or 4 or 5 years, they have become used to boats. It is easy to get close to them. They do not mind the boats there. They are not tame, but they are very tolerant. The people get a wonderful experience to go out and see these huge animals out there in their native state, and they are either moving or lolling, but it is a time that you can really feel close to something that has not been available to people in this way. Sometimes the animals will come up and even rub against the boats.

Mr. Speaker, this is about to change dramatically. This tourist industry is about to be put in jeopardy by the action of the U.S. Government in recommending to the International Whaling Commission. When they meet in the next few weeks, they will recommend that one tribe in Washington State and several tribes in British Columbia be allowed to kill a limited number of whales.

Mr. Speaker, we have to look at this the way it really is. These are very intelligent animals. They are very intelligent animals. They are tolerant today, but when any killing takes place and there is blood in the water and a whale thrashing around, let me tell the Members, those animals are gone. They will not let another boat near them. They will not let you come within a mile, as soon as that starts.

It is today an excellent tourist industry. It is nonpolluting, it is very positive, it is a great experience. People plan to now begin killing whales again, and they do not plan to eat these whales; this is not an historic use of the whales. It happens that gray whales are worth about $1 million each in Japan.

There is another problem. In addition to the possible devastation of an industry that employs a lot of people, and as

I say, it is a great industry, Japan and Norway have always wanted to harvest whales and have continued to do a certain amount of harvest. We have opposed that. We have said no, we really are not ready to go back to commercial whaling.

If we now start to allow some of our people to harvest whales, how then do we talk to the Japanese, to Japan and Norway, and say, well, it is okay for ours, but they will say, we have a historic right that goes back thousands and thousands of years.

This is something we must not allow to happen. I hope and I plan to work with some other Members to bring a measure before the House to take some action that can be effective in solving this problem before the International Whaling Commission meets.

HONORING THE LATE JAMES H. SHACKLETT, JR., AN OUTSTANDING AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise this evening to highlight to my colleagues the outstanding American who has been a great leader in our community in Pennsylvania, who died this week and leaves behind a great legacy of achievement both in the business community and the civic community of Montgomery County, PA. His name was James H. Shacklett, Jr., internationally known in the label business and a devoted supporter of the Shriners Hospital for Crippled Children. He died this week in his Lafayette Hill home after a long illness.

He was chairman of the National Label Co., a family-owned business where he previously served as president and chief executive officer. His labels that he designed were exclusive, and were for the pharmaceutical, cosmetic, and consumer electronics industry. He was the first American to serve as the director of FINAT, a worldwide printing and graphics arts association, and was director of the Tag and Label Manufacturers Institute of the United States.

He assumed the head of operations of his family-owned company at the age of 26, after the death of his father. An outstanding graduate of the William Penn Charter School and the Carnegie Mellon University of Pittsburgh, he was a 32d degree Mason who served as chairman of the board of directors of Shriners Hospital in Philadelphia for 35 years, and was a director of the Masonic Homes in Lafayette Hills, which was really his vision and his dream. In 1978 he served as Potentate of the LuLu Temple Shrine Club in Plymouth Meeting.

But above all, this was a compassionate man who cared deeply about his family, his community, his profession, and each individual he met and with whom he came in contact. He saw the good in everyone. He made sure that each individual reached their potential.

He was a great father, a wonderful husband, a great grandfather. His philanthropy was legendary, and his altruism for children, for seniors, and for all those with whom he came in contact made him a living legend, someone who was a great friend to all, and he will be surely missed.

But hopefully the memory of his outstanding service, his caring, his sincerity, and his business leadership principles will be followed for many years to come by those who read and hear about James Shacklett, Jr., a great American and someone who was a great friend to all.

TEENAGE PREGNANCY

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). Under a previous order of the House, the gentlewoman from Texas [Ms. GRANGER] is recognized for 5 minutes.

Ms. GRANGER. Mr. Speaker, it has been said that every journey, no matter how long or how short, begins with a single step. This week Congress chose to take a first step on the journey towards a future of reason and responsibility. Earlier this week, in a truly historic vote, Congress passed the first balanced budget in over 25 years. With this balanced budget Congress made a decision that will truly make a difference.

Balancing the budget is just the first step on a journey to the future. If we are to ensure that the American dream is a reality for all our people, we must do more than just reform government.

□ 1745

We must strengthen our families and heal our communities. We must acknowledge once again that we as a Nation can never move forward until we help those who have been left behind.

I would like to talk today about one of the most important issues that face our families and our communities, the problem of teenage out-of-wedlock births. Unless we address this problem America cannot move ahead, and I am asking this Congress to commit to addressing the problem of teenage out-of-wedlock pregnancies to strengthen our families and to save our daughters.

Teenage pregnancy is all of our problem. Teenage pregnancy is a family problem. Out-of-wedlock births represented 31 percent of all births in 1993 and, while there was some good news last year, the silver lining cannot hide the cloud of rising teenage pregnancy and those out-of-wedlock births.

Teenage pregnancy is also a health problem. America's high rate of out-of-wedlock births is the primary explanation of our low international standing on measures of infant mortality. It is also an economic problem. The average difference in annual salaries between adults in the early 1930's raising intact families and those raising broken families is $11,500 a year.

It is also a crime problem. More than 70 percent of all juveniles in State reform institutions were raised in fatherless homes. Babies having babies is an American problem. It affects our daughters and our sisters and our neighbors and our friends. It is a problem we will have to work together to solve.

Solving the problem of teenage pregnancy will require a lot more than Government programs or Washington spending. No, that is not the answer. Instead, it is going to require Americans to put their heads together and open our hearts and talk to girls and talk to young women.

I would like to take a moment to tell my colleagues about what does work in combating teen pregnancy. I would like to tell them about the AIM program in Ft. Worth, TX. AIM stands for ambition, ideals, motivation. It is a very successful pregnancy prevention program.

AIM has taken in almost 800 teenage girls, girls whose mothers were teenage mothers, girls whose families were on welfare, girls raised in public housing, girls who statistically would have a 70 percent chance of becoming teenage moms. But miraculously, only 2 of these almost 800 girls have become pregnant.

To help you understand the success of this program, I would like to tell you the story of Michelle. Michelle is a 21-year-old woman from Ft. Worth. Michelle's pregnancy-free adolescence is more than just a story of a woman who beat the odds. Michelle's story is a living legacy for all who care about America's daughters.

Michelle was raised in public housing. Her parents were the poorest of the poor, and no one in her family had ever graduated from high school. When Michelle was in the eighth grade she was invited to participate in AIM. AIM selected Michelle because she was deemed at risk for teenage pregnancy, one of those 70 percent probabilities.

While the odds were against Michelle, AIM is not intimidated by long odds. Michelle and all AIM participants are invited to weekly group meetings, field trips, camp outings. She found mentors who offered advice and also friendship.

Michelle was encouraged to remain abstinent during her teenage years. I am very proud to say that 4 years later not only is Michelle not pregnant, she is on her way to college. Michelle has earned a full scholarship to a small 4-year college in Texas. Michelle is now 21, a successful nurse's aid. She does not live in public housing. She does not take food stamps, and she is not pregnant.

Michelle is a success story, and she and AIM beat the odds. We need more success stories like Michelle. We can have more success stories through AIM.

Today I commend Michelle and I commend AIM, and I recommend it to all people all over America because theirs is a story of hope and inspiration and character and courage.

As we work over the coming months, all of us, to solve the problem of teen pregnancy, we will visit with more women like Michelle and more programs like AIM.

I commend our Speaker for recognizing the need to address the issue of teen out-of-wedlock births, and I look forward to helping us work to strengthen families and save our daughters.

HONORING ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, thank you for allowing me the time to speak. I would also like to thank my colleague, Representative PATSY MINK, for providing me with the opportunity to join her and others honoring Asian Pacific Americans in this country during the month of May. I join with my colleagues to celebrate this month and look forward to the day when we can have APA heritage month every day of the year.

I take great pride in honoring the memory and the courage of all those brave Asian Pacific immigrants residing in the Chicago metropolitan area as well around the country. I look forward to working with the generations that have followed. As a result of their countless sacrifices and dreams for a better life—for them and their children—I have the opportunity to celebrate the many achievements of Asian Pacific Americans in virtually every facet of life today.

I commend the Asian Pacific Americans in this country for their contributions to the arts, sciences, education, military, and government.

From the Chinese who first came here for the California gold rush and later played a critically important role in building the transcontinental railroad in the mid-1800's. To the all Japanese-American 100th Infantry Battalion and the 442nd Regiment Combat Team in World War II who became the most decorated unit in U.S. military history receiving over 18,000 individual decorations, including more than 9,000 Purple Hearts—in less than a year. They earned this honor despite being designated for internment in American concentration camps on the west coast during World War II. To the Asian-American war veterans who fought heroically for our Nation through many conflicts in the 20th century, including Filipinos, who, alongside soldiers from Maywood, IL, survived the Bataan Death March in the Philippines during World War II. To Hiram Fong, from Hawaii, who became the first Asian-American elected to the U.S. Senate in 1959. To Maya Lin, designer of the Vietnam and Martin Luther King, Jr. Memorials. To Dr. David Ho, an American of Chinese descent, who was recently named Time magazine's 1996 Man of the Year Award for his breakthrough research that led to the development of the most effective treatments now available for the HIV virus, and finally to Gov. Gary Locke, an American of Chinese descent who was recently elected Governor of the State of Washington, becoming the first Asian-American elected Governor in the continental United States.

Again, I salute the community and its many accomplishments. However, I also join with you in your struggles. I understand that the anti-immigrant debate has plagued the community; the effects of welfare reform are being experienced today by many of the elderly poor; anti-Asian violence is on the rise; the lack of good jobs has forced many Asian immigrant women into working in sweatshops; and the whole debate on campaign finance reform has targeted and portrayed the Asian Pacific American community in a very negative light—oftentimes questioning their loyalty to this country. I recognize that the attack on the immigrant community has come swiftly and severely in many forms, including providing an entree for the attack on much-needed affirmative action programs.

Today, the Asian Pacific American community forms a vibrant and diverse group growing faster than any other minority group in America. Many members are economically successful Americans and distinguished in their own areas and others are newer immigrants facing very different circumstances. This creates a new host of issues that need to be addressed.

Back home the State of Illinois ranks fifth in terms of States with the largest number of Asian Pacific Americans residing in that State. Cook County is home to the majority of these residents. Furthermore, the Seventh Congressional District is approximately 5 percent Asian Pacific American—largely consisting of those residents of the Chinatown area.

I am proud to represent this area and join with my colleagues in the Asian Pacific American caucus today in celebrating these fine Americans in the Seventh Congressional District and beyond.

A CALL FOR BACKGROUND CHECKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, let me commend the gentlewoman from Texas [Ms. GRANGER] for that very important presentation.

Let me also talk about a problem that occurs to our young people after they are born. A high school janitor accused in the death of a student had a history of violence, but school officials waited until after he was on the job before seeking background information from the State.

The slaying of Michelle Montoya, 18-year-old popular Rio Linda High School student whose body was found in the school wood shop Friday, has focused attention on the school district's hiring policies and the State's handling of fingerprint checks and requests for background information.

The janitor, 34-year-old Alex Del Thomas, has a four-page rap sheet that includes violent felonies. The Grant Joint Union High School District hired Thomas in April, but the district did not submit a request to the State justice department for information about Thomas's fingerprints and potential criminal history until weeks later.

Thomas, a parolee, served nearly 12 years in Folsom prison for voluntary manslaughter. He pleaded guilty to the charge which stemmed from a 1984 Los Angeles robbery. Sheriff's investigators described him as a former member of the 107th Street Hoover Crips, a Los Angeles street gang.

My colleagues, a child has died once again in our community because of a lack of checking the backgrounds of those that work around our children.

Last week in Saint Lucie County, FL, a 2-year-old baby boy was raped by a 49-year-old individual and the baby died from a heart attack. Day after day you wake up to the TV shows describing another violent crime against our children, a violent crime of abuse, sexual perpetration, denying them their youth. And they are dying on our streets, or they are being convinced, through the Internet, to leave home and run off with someone else or being subjected to pornography and violence every day of their lives.

In 1993, we passed the National Child Protection Act, amid lots of cheers and whistles. States may do background checks, if they choose, if they choose. In Florida, you need a background check and a fingerprint card to get a real estate license. In about 38 States you need background checks and fingerprints to cut hair, to be a cosmetologist.

But if you are entrusted with the care of our children, if you are working in a day care center or school system or taking them out on field trips, we do not need to check the backgrounds. We will just let them go off merrily on their way and hope and pray that the children come back alive.

The National Center for Missing and Exploited Children today celebrated several heroes in our Nation's capital from around the country who have helped recover our children alive and healthy and brought them back to their homes after they had been abducted. I commend their hard work in seeking to solve the problem of abuse in our society.

We will be formulating legislation and several of us will be back on the floor tomorrow talking about the missing and exploited children's programs that we are launching across the Nation. But it is really high time that we focus on how to protect our children.

When you read a story like this, you have to ask yourself, how does a school district find it more important to have clean windows and clean hallways than protecting the lives of our children. They found it inconvenient to do a background check on this individual who just served time in prison for a felony murder. Had to rush and hire him. She was left to die inside her school's wood shop last week after she was beaten and her throat slashed.

Michelle's parents do not get a second chance, but a small investment of tax dollars to make certain that that person was fit for the job could have been done and they could have held off hiring them and saved a life.

But let us not let legislation get in the way. Let us not let protection of our children stand in the way of getting our jobs done. Let us not worry about another Michelle Montoya, because we are all much too busy. We pass laws in this Chamber and then we go on our way and think what a great job we have done. Let us pat each other on the back.

And another child dies, and another child is molested, and two girls are stolen from their home, found in a canal, their naked and beaten bodies found in a canal.

There are sick people running around our communities. They need to be caught. They need to be apprehended. They need to be sentenced to the most severe penalty.

But what would be better is if we apply the laws now, protect the children first, and then not have to suffer the consequences. My heart goes out to the Montoya family and every other parent who has suffered the devastation of the loss of a child.

BUDGET AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

Mr. NEUMANN. Mr. Speaker, I rise this evening to address the House regarding the recently passed budget agreement. I would like to begin tonight by talking about what that agreement really means to the people in this great Nation we live in because it means an awful lot for virtually every generation of Americans in this country. Whether we look at our senior citizens by passing this balanced budget plan that contains a direction and a plan for paying off the Federal debt, when we pay off the Federal debt it really means that what we are going to do is put money back into the Social Security trust fund that has been taken out.

That is very good news for our senior citizens because that means Social Security is solvent for the foreseeable future. It also contains language that is going to allow us to take care of Medicare so that Medicare is once again solvent. For our working families, there are two real important things as we pay off the debt and restore the Social Security trust fund. It also means that we are in a position where we are not going to have to raise taxes on working families to make good on promises to seniors. But it also provides tax relief for the working families in America today through the $500 per child tax credit, a college tax tuition credit, capital gains tax reduction, and of course the death tax is being changed so we do not have to see the tax man on the same day that we pass away. I think it is a very important change in this great Nation of ours.

It seems ridiculous that we would find ourselves in that particular situation. For the younger generation it is great news because this budget contains a plan to literally pay off the Federal debt by the year 2023. And in paying off the Federal debt it means that we can pass this Nation on to our children debt-free. Instead of our children looking forward to having families that are required to pay $500 a month to Washington to do nothing but pay interest on the huge debt, instead of being in the situation we are in today, where we literally pay that $500 a month to do nothing but pay the interest on the Federal debt, this budget contains a plan to literally pay off the Federal debt so our Nation can inherit this country debt-free and keep that money in their own homes and in their own families.

To put it in perspective, just how far we have come with this budget, I think it is important we go back to something that many people in America remember hearing about; it is called the Gramm-Rudman-Hollings Act. It was first introduced in 1985. It laid out this blue line that we can see here as a plan for deficit reduction to get to a balanced budget. The red line shows what actually happened with deficits, and we will notice that we never actually got to the blue line. We never actually hit the targets for balancing the budget.

As a result of course the deficits exploded. In 1987, they realized that their 1985 plan was not working so they fixed it and they passed Gramm-Rudman-Hollings 2, and again the blue line shows the direction to get to a balanced budget. The red line again shows exactly what happened. And as we can see, they never hit their targets for a second time straight.

I would like us to contrast this picture, a plan that was laid out to balance the Federal budget where they never hit their targets, with the plan of 1997 and in particular what has happened from 1995 forward.

This chart, the red columns, show what we promised to the American people when we passed our plan to balance the budget in 1995. The red column shows what the deficits were projected to be. The blue column shows what they actually were. Notice the stark contrast between the Gramm-Rudman-Hollings, where they never hit their targets, and what has gone on out here today.

As a matter of fact, in fiscal year 1996, a year that is already completed, we not only hit our targets, but we were about $50 billion ahead in terms of deficit reduction. Right now today, 1997, we not only hit our target for 1997, but we are over $100 billion ahead of schedule. A lot of folks are asking how can that possibly happen. That happened because the economy performed better than anyone anticipated.

We had this working model back in 1995. It was a theory. The theory went like this: If Washington could control spending and therefore borrow less money, that money would stay available in the private sector. And when the money is available in the private sector, more money available, interest rates will stay down. When rates stay down, people can afford to buy houses and cars. And when people buy houses and cars, somebody else has to build the houses and cars. That is job opportunities. And when people fill those job opportunities, that means they are leaving the welfare rolls and going to work.

The idea here is that less government spending, more money is available in the private sector, lower interest rates, lower interest rates leading to more homes being purchased, people living the American dream. More cars being purchased, leading to more job opportunities. That was our theory.

The theory worked better than anyone could have possibly imagined. And that is why it is that we see this chart over here where we have not only met the expectation in our promises of 1995 but we have exceeded them.

□ 1800

How did this happen? How did we actually control spending?

Well, Mr. Speaker, I will wrap up this portion of it, and I will have an opportunity to work with the very prominent freshmen that have joined us this year in Congress to carry this plan forward, by saying that I think this is the best thing that could possibly happen for future generations of Americans.

BALANCED BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes as the designee of the majority leader.

Mr. HULSHOF. Mr. Speaker, the newly elected Republican Members of this body have faithfully and dutifully come to the floor each week to talk about positive solutions to some of the Nation's problems. We have done this since February and we have talked about ideas to renew American communities, ways to reignite the era of big citizenship, even as we dismantle the era of big government.

We have talked about ways that the Federal Government can be a partner rather than a parent. I think that the gentleman from Wisconsin, we would be happy to make him an honorary Member of the freshman class for this special order, but what we want to focus on is exactly what the gentleman from Wisconsin began with.

It is true, Mr. Speaker, that some of us here in this Chamber are a bit bleary eyed from a lengthy day, and I see staff rolling their eyes, I think they share in that feeling, but what I want to do is make an announcement. The American people, Mr. Speaker, have gotten their money's worth. They got their money's worth first of all yesterday, in that we focused as a body on I think the single most important issue facing this country.

We had a debate that began yesterday that went well past midnight. It was a debate that remained focused on the issues at hand. It was a professional debate, one that much civility surrounded that debate. We debated well into the early morning hours and for those individuals across the country, unfortunately, who will invariably find fault or choose to find fault with this institution, I think the American people got their money's worth yesterday and it was a testament to the positives of this great institution.

But far more important than that, Mr. Speaker, the American people got their money's worth in a substantive way. They got their money's worth in this bipartisan agreement in which 333 individual Members from across this great land resoundingly endorsed. This bipartisan agreement is going to help restore economic freedom and opportunities for all Americans. That is what we would like to focus on for the remainder of this special order.

I am joined by some of my colleagues, and I would be happy to yield to my friend from Kentucky, [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Speaker, I thank my fellow freshmen and those of us here that are here to talk about the budget. I appreciate having the opportunity to discuss this issue. It is one of the most important issues. It was discussed in my district at every public meeting and every discussion regarding the direction that the Federal Government is going.

In my remarks tonight I would like to focus on the bipartisanship, the fact that we understand how the American people feel; that they want us to recognize that good ideas come from both sides of the aisle and they come from both ends of Pennsylvania Avenue.

And so even though this budget agreement does not look like any one of us would have written had we had total control over it, we have had to learn the lessons that we have learned in every aspect of our lives and that is to listen, to build a consensus, to grow and to learn from others.

This has very much been a part of my life, Mr. Speaker. I have said a lot of times that I learned a lot of life's lessons growing up in a family of 11 kids. None of us got our way all the time. None of us got to watch the channel on television that we wanted. None of us got control of the family, but we learned to listen, we learned to understand the varied perspectives, we learned to deal with those ideas and we put them all together, and together we found a better way.

So many cynics are out there and they always feel that the glass is half empty, and I believe that we need to look at the glass half full; at what we gained. In my years of being in the Kentucky General Assembly it became so recognizable that it is so easy to oppose something that is big and complicated because there is always one thing one can be against. There are always a couple of things that one could find different, but if we are to make big progress we have to unite and do it together.

In closing, I wanted to say tonight that we talk about budgets, and they are inevitably about numbers, but in truth this is not a debate and it is not a discussion and it is not a consensus about numbers, it is about our children. It is about my six children, two who are joining the work force, two who are in the work force, and two who are about to complete school and join the work force, and it is about their opportunities, it is about their freedom from taxes, from the cost of paying for the debt that we have run up.

When I came to Congress I thought about my children, I thought about their generation, I thought about the opportunities I hoped that they will have. They are going to have to work hard. They will have to go to work every day and they will have to contribute to this country, because one thing that will not change is that they will be responsible for America tomorrow. But thank goodness we are giving them an America that will not be so burdened by debt.

It has been a wonderful last 24 hours. We have made such progress and I am proud to be here with the other Members of my class talking about what that accomplishment really means.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentlewoman's comments. We sometimes do fall into the trap of talking about numbers, and certainly in the Kentucky legislature probably rarely did the gentlewoman even use the term "billions of dollars" and yet we toss those terms around here in Washington without really recognizing just what is involved when we are talking about these numerical values.

I think the gentlewoman summed it up very well and put it in very human terms, especially having come from the strong family tradition that she has and we appreciate her work with this.

The gentlewoman mentioned, Mr. Speaker, this bipartisanship. I think it is interesting to note that yesterday the newly elected Members on both sides of the aisle, freshmen, Republicans and Democrat freshmen, actually came together and we had a press event to announce our support for what had been hammered out in these negotiations by the administration as well as congressional leaders.

Quite frankly, many of us, regardless of party, in the months leading up to November of 1996, we campaigned, Republicans and Democrats alike, campaigned on this single issue. In fact, I recall and I was reminded by my staff that shortly after the election as we were talking about what we were going to focus on in this Congress, this 105th Congress, I made the statement that if all we did in this Congress was to pass a plan that would balance the budget, that we could fold our tents and go home and we could declare this Congress a success.

We have begun that step in that direction, and yesterday I think the strong support by not only the freshmen Republican Members but freshmen Democratic Members who joined us, joined us in this debate and joined us in this vote and in this effort, even as some more prominent Members of this body were making front page headlines, I think there is a difference between looking to the next election and then looking toward the next generation, and I believe we have focused on the next generation.

I see my friend from Wisconsin, who actually was here a newly elected Member in the last Congress. I would yield to the gentleman. How is it that we have been able to move in the direction that we have from the last Congress, when we had the government shutting down, into a bipartisan plan that garnered 333 votes?

Mr. NEUMANN. Well, first, Mr. Speaker, I want to thank the gentleman very much for being here and for making me an honorary Member of the freshman class. I do consider that a great privilege and great honor. During our freshman class we only gave that to one person during the entire Congress and that was to the gentleman from Ohio, [Mr. KASICH], so I consider this a great privilege in joining my freshmen colleagues this evening.

What happened over the last couple of years is that government was growing at a very, very rapid rate, and I understand what the gentleman is saying about numbers, but it is also important, I think, that the American people at least put into perspective what is going on.

This red column shows how fast government was growing in the 7 years before we got here in 1995, and the blue column shows how fast it is growing now. Now, it is important in the blue column to realize that it is still going up. Government spending is still going up.

So when we talk about the truly needy people in this Nation, these programs are not being cut and annihilated and all those bad words that we heard in the last Congress. That is not what is going on. Government spending in fact is going up, and in a very organized and direct and caring manner.

Government is learning to control the rate of growth of spending. It is learning that instead of growing at 5½ percent it can only grow 3½ percent. And if it just controls the growth of spending, not radical cuts like we heard in the last 2 years, but just control the rate of growth of spending, that is what is going on here and that has led us to be on track and ahead of schedule as we look to balance our budget.

In the part of government that Washington controls the most, and there is a lot of parts to the budget, but the part that Washington controls the most is the part that probably many of our colleagues maybe even have never even heard of. It is called nondefense discretionary spending. That sounds like a complicated term. That is the part of government that includes everything except Medicare, Social Security. Those are called mandatory programs. Does not include interest. It includes that small part of government that we actually vote on year after year in the appropriations process.

In that area we can see in this chart, again the red column is how fast it was growing before we got here, and we can see how that growth has been slowed and actually in real dollars we can see what it was going up before in the red column and now it is actually shrinking. That is the part that is actually shrinking. When we ask how have we stayed on track and how are we able to do this harmoniously, we are now on this track and ahead of schedule and it puts us in a position where instead of demagoguing, one side to the other, and frankly both Republicans and Democrats have a tendency to do that to each other, but instead of doing that this year, we have stayed on track.

The track is laid in place and now we have to carry that through, and that is what the freshman class is such a very important part of.

I have one more chart that to me really says it all. It says hope for the future of this great Nation. It says our seniors can once again count on what they are expecting from government in Social Security and Medicare. It says our working families can expect to keep more of their own money instead of sending it to Washington. And it says our children can look forward to a bright future in this country.

This red line in this chart shows where the deficit was headed if there had been no laws changed in 1995. So if the 1995 laws were still on the book today, this red line shows us where the deficit was headed. In our first 12 months here they were very difficult. I compare them to a war. There were no bullets being fired, but it was just short of that, is what was going on.

In the first 12 months this red line got moved down to here. That is how much progress we made in terms of getting government spending under control. We also laid this plan into place to balance the budget. This green line shows our plan for deficit reduction, for getting to a balanced budget so that our children could once again have hope in the future of this great country we live in.

Remember the Gramm-Rudman-Hollings where we never hit the targets? This green line shows the targets that were laid into place in 1995. The blue line shows us what is actually happening. We are winning this battle that was started 2 years ago, and we are not only hitting the targets, we are exceeding our expectations in terms of reducing this deficit and to a balanced budget so that our seniors can again be confident that Medicare is there for them, that Social Security will be there for them, so that our working families can look forward to keeping more of their own money instead of sending it to Washington.

We are ahead of schedule so that our children in this great Nation we live in, and I have three of them, they are all teenagers, and I hope they are not too far away from starting their own families, but those children can now start thinking about the fact that this Nation is not going to destroy its economic future, but rather is going to get to a balanced budget, pay down the debt and now provide them with the opportunity to live the American dream.

It is not going to be given to them. It will have to be theirs through lots of hard work. They will have to get up in the morning, go to work every day, and work very, very hard, but they can look forward to a situation where instead of sending their paychecks to Washington, they get to keep them in their own homes and decide how they want to spend their own money.

□ 1815

That is what this chart is all about, and that is the track record that we are laying down for the American people.

Mr. HULSHOF. If the gentleman from Wisconsin [Mr. NEUMANN] would yield, before returning here to the Nation's Capital, as we had this debate yesterday, I had the privilege to stop by one of the schools in my district, Ashland School, and I spoke with a ninth grade class. It was their Government class. We were talking about issues, and I was really trying to put it in terms that they could understand.

They were asking what are we going to be addressing this week. I told them I thought it was going to be quite historic because I believe we were going to pass a budget resolution with a lot of support from the other side as well as from our side that would finally get us on the path that unfortunately we had gotten off of in the past couple of decades and trying to boil that down in terms that they could understand.

These were 14- and 15-year-olds and some 16-year-olds not yet old enough to vote but some of them starting to get their cars. So we started to put it in real terms. I mentioned to them that, if we took the Federal debt, this big number, and if we divided it up by every man, every woman, every child, every ninth-grader across this country, that each one would owe us or have to pay somewhere in the neighborhood of about $20,000. And suddenly their eyes popped wide open because we started talking about some of the things that they could actually purchase, or some of them that were beginning to work and trying to get some money to purchase a car that suddenly this was a very real figure to them.

So they wanted me to come here and say fix this problem. I think the gentleman from Wisconsin [Mr. NEUMANN] has talked about, I think, the plan to do that.

I see that my friend, the gentleman from Colorado [Mr. BOB SCHAFFER] is here, who also has been a tireless worker in this effort. I would be happy to yield to my colleague.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for yielding.

This theme that my colleague mentions of the incredible debt that every single American owes right now just to the principal on the debt is something that really gets one's attention when confronted with it. But it is not just that debt, that immediate $20,000 that we all owe today.

In fact, I have mentioned this before. My wife and I just had our fourth child a fewer months ago; and on the date of her birth, she owed $19,700 to the Federal debt. That was her obligation. And that is true of any child born today. But we cannot just stop at the debt. Again, that is just the principal.

Mr. Speaker, when we look at what that child is obligated to the pay over the course of his or her working life on the interest on that debt, it amounts to approximately over $200,000, again over the course of that child's working life. Now, that is assuming, as the gentleman from Wisconsin [Mr. NEUMANN] pointed out, the red line here.

That is if the Government continued to run on as it did until the Republicans showed up here that the interest on that debt would have continued to climb and continue to be an insurmountable burden for every single child in America. But that line is changing and that is really the positive and the optimistic portion that we need to focus on today.

We are really changing that number, that $200,000 obligation that we heard over and over and over again on the interest on the debt is contemplated in this budget agreement that we are moving through Congress right now. We are, in fact, lowering the burden and making it possible to pay that debt off sooner than any Congress prior to us had ever contemplated and ever envisioned. That is really what is exciting, what I hope people focus on and take into consideration as they decide where they may stand on this issue and watch it move through.

Mr. Speaker, I would like to point out a couple things. I prepared some notes ahead of time. For those of us who care about children or have children or are concerned about children in our districts and our neighbors' children and grandchildren, and so on, I hope we think about them at this particular point. That is the object of our attention when we are constructing this budget and moving it through this process.

President Hoover once sardonically observed, he said, "Blessed are the young, for they shall inherit the national debt." Now, Americans of my generation have frankly done somewhat of a disservice to those children, because frankly, up until just a few years ago, this Congress has not had the courage to pay for the things that we want right now. We figured that my daughters and our children and everybody else's children would not mind paying for the things we want right now, we would just pass the bill on to them.

We have not been paying our debt as we go, and we have been shrugging it off on our children. But we must begin to pay as we go before it is too late, before we have condemned our children to a lifetime of exorbitant tax rates and bankrupt entitlement programs. It is incumbent on all of us as we step up to the plate and take responsibility for our Nation's future. We have come a long way, but we still have a long way to go.

This balanced budget agreement between congressional Republicans and President Clinton is an important first step, but it is no more than a first step. If we are to ensure the long-term solvency of entitlement programs like Medicare and Social Security, if we are to ensure that not only that the budget stays balanced but that we begin to pay off that enormous national debt that I spoke of, then there is still much work ahead of us.

I would be kidding if I said that all or even most of our disagreements have been resolved. They have not been resolved. But slowly, steadily we are making progress. And faced with the prospect of government growing larger and larger each year, like a snowball rolling downhill, we have stood in its path, held up our arms, and demanded that it stopped. We have slowed the run-away growth of Medicare and Medicaid spending and returned more power to the States and to the local governments and to the American people.

Everyone knows that the bipartisan balanced budget agreement is not perfect. It does not provide working Americans with as much tax relief as I would have liked to have had. Government spending is not restrained as much as I think it ought to be. Washington, DC, still wields too much power and authority and influence over our lives, and the Federal Government is too large. There is still much work to be done. Returning power and authority back to the States and the communities and individuals themselves, we need to do all that.

We are nowhere near being finished. The agreement does represent a good start. It is the first real hope of getting our country out of the red ink and back into the path of fiscal sanity. The balanced budget agreement is not perfect, but we still must not allow the perfect to be the enemy of the good. Every American will feel the practical, real-world effects of a balanced Federal budget through lower interest rates, greater economic growth, and a higher standard of living. In terms of the money in our pockets at the end of the workday, a balanced budget is the greatest tax cut of all.

Mr. Speaker, the day we have sought for so long has finally arrived. Of course, there are those on both sides of the debate who are quite unhappy with the bipartisan budget compromise. Much grumbling has been heard from the peanut gallery. The cynics and the press have taken their shots at the agreement, as well. Fair enough, let them take exception. No one has ever claimed the balanced budget agreement is perfect. But balancing the budget is a goal. It is a goal that is too important to let it elude us once more just because the best agreement that we could reach with the President does not go far enough. It is a start.

Remember, it was 28 years, it has been 28 years since Richard Nixon first took office that we have been trying and failing to balance the Federal books. Enough is enough. We cannot permit the annual flood of red ink to capsize the ship of state. There will be another day to argue for the rest of the Republican agenda. But today, let us say there will be no more debt. The better part of valor is discretion. We must take other victories small and large as we find them. And this bipartisan agreement with President Clinton is a victory, not only for Republican ideals, but for the American people.

Mr. HULSHOF. If the gentleman would yield, I think the point is significant that 1969 was an amazing year. That was the year that the Mets won the series. It was the year that Neil Armstrong first walked on the surface of the Moon. And it was the last time that the Federal Government passed on to the American people a balanced budget.

Mr. NEUMANN. If the gentleman would yield, I had the wonderful privilege of having my wife here in Washington, which does not happen very often, and she is here tonight. In 1969 I was a sophomore in high school, as was she, and we were dating each other. And that is a while back at this point in time in my life. So I believe we started going steady in 1969, so it is a very memorable year.

Mr. HULSHOF. Well, just as Mr. Armstrong uttered those words that are etched in history, "one small step for man and one giant leap for mankind," I am hopeful that what we accomplished early this morning as far as this bipartisan agreement will be at least a step toward another historic milestone.

I would be happy to yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. I thank the gentleman from Missouri [Mr. HULSHOF] for yielding. It is interesting that we passed the balanced budget agreement today, because it seems like years ago when we were up 24 hours doing what we have been doing.

I wanted to speak specifically on the tax relief portion of it, because for too long Americans have sent far too much of their hard-earned dollars to Washington, DC. This bipartisan balanced budget agreement provides for the first time significant tax relief and serves as a first step toward reducing the outrageous tax burden on American middle-class families.

The agreement guarantees that American families will get a tax relief that they desperately need. It provides new tax credits for higher education and a reduction in the death tax, and it also gives capital gains tax relief that will end double taxation and spur an explosion of economic growth and bring new jobs and renewed prosperity to the working people all around America.

Perhaps the most important, however, is that the balanced budget agreement finally makes one of the key promises of the Contract With America a reality. At last, it gives a long overdue $500 per child tax credit to American working families.

So let me say to all the parents struggling to make ends meet, the parents who burn the candles at both ends in order to put food on the table, the parents who sacrifice their own needs and give everything that they have got to make sure their children have a bright opportunity, we have finally heard you and we have finally done something about it. We recognize that nothing we say or do in Congress is as important as the daily work you undertake, the work of raising the next generations of Americans. We have no more right to take such a large chunk out of your paycheck each month as we would to snatch the bread directly out of the mouths of your children.

Mr. Speaker, being a mom or dad is the most sacred obligation and the most awesome responsibility that anyone can possibly assume. Family is the backbone not only of this great Nation but of all civil society. It was Aristotle who observed that the state is made up of households. Without strong households, even a nation as mighty as the United States will surely crumble.

The Republicans' $500 per child tax credit will allow families to keep an extra $500 of their own money for each child. That is $500 that parents themselves will be spending on their children's welfare instead of giving it to Washington bureaucrats.

I do not doubt that almost every family in America will spend that $500 more wisely than we would in Washington. It is hard to raise a family these days. I know, I am a father of four children, and my wife and I work constantly trying to do the right things for our kids. It is very, very difficult. But the world is complicated, probably more complicated and more threatening than when I was being raised in the 1960's and the 1970's, and parents have to work harder.

It seems like everybody has two-income families. And sometimes parents, moms and dads, are just ships crossing in the night and they do not get to sit down at the family dinner table anymore and impart information from generation to generation. But it is very, very important that we do, that we spend time as the family unit together.

Family tax credit is Washington, not just returning money back to the family, not taking money from the family, but actually returning power and responsibility back to the moms and the dads and also saying, because we are going to be taking less from you, you will be able to spend a little bit more time with each other.

Mr. Speaker, let me yield back. I wanted to make a few other points, but I think it is just so important that we all recognize that part of it. And again, balancing the budget is not about numbers, it is about people.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman joining us on this day as we continue to wrap up and talk about what I think is probably going to be looked back upon as one of the most important positive steps that we have made, certainly in this Congress.

I think the gentleman from Georgia [Mr. KINGSTON] makes a good point. I am privileged to serve on the Committee on Ways and Means, which, among other areas of jurisdiction, tax relief is one of the things that we will be dealing with. And I was engaged in a dialog with a Member on the other side, another member of the Committee on Ways and Means, who was talking about how much that a certain item was going to cost Washington in revenue. And my response, perhaps because as a wide-eyed new Member, but my response was, well, Washington's loss is the American family's gain. I think that this plan does include much needed relief, as the gentleman has pointed out.

Mr. NEUMANN. Mr. Speaker, I will just point out one or two additions to this, and it certainly relates directly to the idea of people keeping more of their own money as opposed to sending it to Washington. Did my colleagues know today the Federal Government in Washington, DC is spending about $6,500 on behalf of every man, woman, and child in America?

So when we talk about these tax cuts or we talk about people keeping more of their own money, they are already sending $6,500 per person for every man, woman, and child in the United States of America. That is the equivalent of how much this Government spends today.

When we talk about tax cuts, the real question we should be asking ourselves is, do we think Washington could get by on, say, $6,000 for every man, woman, and child? It almost gets to be laughable when we talk about it, if it was not sad that we are taking that much money from our families, and if it was not for the burden that taking that money from our families places on us and the strains that those things place on our families.

□ 1830

I have just one more thing, and then a few notes here that I would like to go through. This past weekend I had an opportunity to talk to one of our family's friends from church. They have got three kids. We were talking about these tax cuts. The tax cuts to them are very, very real, the idea of the fact that they have two kids still living at home, that they would receive $500 per child. They are middle-income people. I do not know exactly their salary, but it is between probably $30,000 and $50,000 a year. The idea that they would get to keep $500 per child more of their own money in Wisconsin, in their home, in their family as opposed to sending it out to Washington, that is an important idea to them. They have one in college. Of course, the college tax credit would also be part of that.

I have a few notes that I just want to run through. This whole debate is really about less Government, not more. In the 1990's, America has engaged in a great national debate about the roles and the responsibilities of Government. Liberals and conservatives, Republicans and Democrats alike, we have argued and argued about the role and the scope of Government. The questions we have debated so furiously, sometimes bitterly, but always with conviction, is how to solve America's problems: By ceding more power and authority to Washington, DC, or by retaining it in the States and local communities, in the churches and in our families?

As Republicans, we have always argued for a less centralized bureaucratic control and more individual liberty. We believe that in the affairs of State, it is always preferable to err on the side of freedom. The bigger a nation's government, the more it taxes citizens, the less freedoms that society will enjoy. As Republicans, freedom has been our greatest cause and freedom cannot coexist with a bloated, wasteful, corrupt Washington that inserts its tentacles into every aspect of our lives.

It is wrong for the U.S. Government to spend more money each year than it takes in in taxes. It is wrong for politicians to load down our children and our grandchildren with a debt tomorrow so they can avoid making the hard choices today. It is wrong to continue blindly down the same perilous path that we have been on for almost 30 years.

In 1980, Ronald Reagan told us that Government was not the solution, Government was part of the problem. He pledged to get Government off the backs of the American people, to restore freedom, that alone could make the United States that shining city on the hill once again. He transformed not only the Republican Party but the entire national debate. The basic question that has dominated American politics since Ronald Reagan's election has finally been answered. America's problems can best be solved by less Government, not more.

We have won the battle of ideas. President Clinton himself has declared that the era of big Government is over. Political leaders on both sides of the aisle understand that while Government does do many good things, it cannot do everything. Even if Government could solve all of America's problems, and it cannot, even if Government did not threaten our individual freedoms, and it does, we can no longer afford it. I think that brings us back to what we were discussing before. When we start thinking about every man, woman, and child in America paying something like $6,500 a year just to pay their taxes to this Government, we begin to understand the impact of this over-Government-spending on our families in this great Nation. A lot of people do not even realize when they are all paying taxes, when you talk in the store and buy a loaf of bread, the storeowner makes a small profit on that money that you paid him or her for that loaf of bread. When they make that small profit, part of that profit comes to Washington in the form of taxes. When it is all over and done with, this Government is collecting an average of $6,500 for every man, woman, and child in America, every year, to fund the programs that it is currently running.

That is what we are talking about when we are talking about controlling the size and scope of this Government. We are talking about reeling in spending so that we do not have to continue collecting that much money from our families and placing that great a burden on our families today financially.

Mr. HULSHOF. Mr. Speaker, I think the gentleman makes an excellent point that oftentimes these taxes are in the form of fees that are actually hidden in some forms.

I had a radio townhall meeting that was focused on Tax Day. We were just talking about all different types of tax issues. A gentleman made a point, he said, I am puzzled because I hear you in Washington talking on the floor of the House and in other ways that we are paying more in taxes than we do for food, clothing, and shelter combined. He had just figured out his individual income tax form. He said, "I'm only paying 21 percent. I don't understand how it is that you can make this claim."

The point was as we tried to explain to him was that many of these taxes are actually hidden and we do not write out a check as we do to Uncle Sam on April 15. For instance, this morning many of us who grabbed our first cup of coffee, we paid a tax. When we drove to work this morning, we paid a gas tax. Of course, we pay income taxes on our salaries. For those of us fortunate enough to pursue the American dream and to be able to own a home, we are going to pay property tax, not to mention the payroll taxes and workers compensation taxes and fees and then, as the gentleman mentioned earlier, when we die, there is the Government with its hand out wanting a death tax. That is the large picture of all of these different fees and taxes that the Government has very cleverly put on us as a burden and how it is that we end up paying this burden that we are trying to provide relief for.

Mr. Speaker, I yield to the gentleman from South Dakota who was also debating very vigorously well into the morning.

Mr. THUNE. I want to thank my friend from Missouri, our very distinguished freshman class president, a member of the Committee on Ways and Means. It is a great privilege to be here this evening, a little earlier in the evening than we were last night, but again following up on some of the discussion that was held in talking about what is truly an historic occasion for this country and something that I think is this incredible accomplishment for the future of our kids and our grandkids.

The gentleman mentioned taxes. We are very tax-happy in this country. One of the things that occurs to me is I do believe that in many ways, taxes have a very subtle, insidious effect. In many ways we do not see the effect of the taxes when we pay them.

The gentleman alluded to some specific instances where we end up paying taxes and many times are not even aware that that is the case. It strikes me that there are some things in this particular proposal, the plan that we approved last night, which are just going to be tremendous benefits to people all over this country. I think of those in my own State. Of course, our State is primarily agriculture and small businesses. We have a lot of family farms, we have a lot of small businesses on the main streets of South Dakota, and things that are going to really benefit an area like that.

We talk a lot about preserving the culture of the family farm in America. One of the big deterrents to that is the fact that when someone dies, we have a death tax. It is very difficult to pass it on. In many cases, those properties have to be liquidated just to pay the Federal Government what is due in taxes. I think that bringing some relief in the area of death taxes is an incredibly important step in this process and it is something that certainly will benefit the farmers, the small businesspeople, the people who make their living off the land in my home State of South Dakota.

I would also say that the capital gains tax relief that is incorporated in this package is something, again, that is going to help those very same people. Those are the people who create the jobs, create the wealth, provide the opportunities and keep this country's economy moving forward. I believe, again, if we can somehow bring some tax relief, that will give them the opportunity to do what they do best, and that is to continue to promote and allow the entrepreneurial spirit in this country to thrive.

Just a couple of thoughts, if I might. I think that the beauty of this thing is that a Democrat President and a Republican Congress have finally agreed on a plan to balance the budget by 2002, erasing the annual deficits that darken our children's future like a black cloud. Most of us I think would say, "It's about time." At last the politicians have stopped fighting; if only for a moment, have actually started working together for a change, doing what needs to get done.

As I walked up and down the streets of my State in South Dakota, and I would suspect that it was the gentleman's experience as well, one of the things that we heard repeatedly is, "Can't you people in Washington work together in a cooperative bipartisan way to solve these problems?" I might say, too, as well, that for those of us who have been here a very short time, members of the freshman class, both political parties for 28 years, we have not been able to get to a balanced budget and we arrived on the scene. I think that speaks very well for the freshman class this year. I know there are a lot of people who have been a part of this process for a long time and who have been committed to it as well.

Most Americans, I believe, think we ought to put partisanship aside, roll up our sleeves and go to work solving the Nation's fiscal problems. They like the idea, at least I think the 1996 elections suggested this, of a political party from one side in the White House and a Congress from the other, swallowing their pride, holding their noses if the case need be, and meeting each other halfway for the good of the country.

The Democrats have joined the Republicans in agreeing that the United States must get its fiscal house in order. We have finally come to understand that to avoid doing so is not only bad policy but it is immoral as well.

I think a new consensus is emerging in this country, a consensus of common sense, of fiscal restraint born of the realization that our children's future depends on an economy free of crippling deficits and a skyrocketing national debt. As Thomas Jefferson once said, it is incumbent on every generation to pay its own debt as it goes.

Republicans and Democrats have finally stopped bickering and come together to find solutions to our most chronic of economic problems. Where we can find common ground, where we can agree on solutions, we have acted to cut spending and to provide tax relief for American families. Where we are still far apart, and we are in some areas, we have done the best that we could.

The American people, I believe, are tired of tantrums, they are tired of accusations and name-calling and intransigence on Capitol Hill. They demand that we cooperate, that Republicans and Democrats alike work together to find common solutions to our problems. We Republicans gave a little. The Democrats gave a little. We agreed to support some of the President's domestic initiatives and he agreed to respect our priorities.

I think critics on both the left and the right have denounced the bipartisan balanced budget agreement because it does not fully satisfy all their demands. They are absolutely right. The budget agreement cannot be all things to all people. It is, indeed, a compromise, but compromise, after all, is a prerequisite of democratic government. Without compromise, there can be no progress.

One sign that the balanced budget agreement is a good one is that no one is completely satisfied with it. Everyone, Democrats and Republicans, Congressmen and Senators, can think of ways the agreement should be altered to make it more to his or her liking. There is a time for ideology and a time for practical wisdom. There is a time for fiery rhetoric and a time for calm and reasoned accommodation. There is a time for speechmaking and there is a time for action.

It is time to act. We have compromised on specifics, on details, without compromising our principles, for there are certain core principles, I believe, that Republicans will never compromise on. We will never compromise on the principles of limited government and individual freedom. The balanced budget agreement represents a critical first step. Keeping our principles always in sight, we need to move forward together.

I think that leaves us with one final question; that is, where do we go from here? I think it is important that we look down the road because we have achieved a great milestone. Reducing the size of the Federal Government, reforming entitlements, revamping the Tax Code, all of these goals are extremely important and they have not been forgotten. But the importance of the balanced budget amendment should not be underestimated. The road ahead of us is a long and an arduous one. As conservatives, we look at this budget agreement as a promising beginning and nothing more.

Much of this year will be spent implementing the provisions of the understanding between congressional Republicans and President Clinton and writing the terms of this agreement into law. This is only a starting point. We have no time to waste congratulating ourselves.

Where we can agree, we still need to work together, and we will work together. Where there remains disagreement, I say, let the debate begin; because if this were the end of the discussion, many of us might have reason for concern, but this is only the beginning of what will be a long process. The journey of 1,000 miles starts with a single step. Tomorrow there will be plenty of time for passionate debate, for uncompromising stands, and for further battles. So today let us join hands across the aisle and make that important first step together.

To my friend from Missouri, I look forward to working with him and the other members of our freshman class, some of whom are on the floor this evening, the gentleman from Colorado, Mr. BOB SCHAFFER, a very distinguished member of our class, to do the things that are important, to see that we implement the promises that have been made, that we continue to stand firm on the principles that we believe in and the things that we talked about, and the reason that we are here today.

We have something which I think is just absolutely an historic start, and I look forward to continuing down the road toward fiscal responsibility and fiscal sanity in this country. I think it is the right thing to do, for our kids and for our grandkids.

Mr. HULSHOF. I appreciate the gentleman's words. I think very eloquently stated.

I yield to the gentleman from Colorado.

□ 1845

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I appreciate the gentleman. I want to continue on the observations that the gentleman from South Dakota observed.

Mr. Speaker, we talk about what cutting spending and slowing the rate of growth in government means for the American people, and it really is dollars in the pockets of American families and American individuals. Well, this is how this works. What occurred in 1995 when the Republicans took over the Congress and began to become serious and make this institution serious about shrinking the size of the Federal Government, the impact of that was to put more cash, more wealth not in Washington's pocket, not centralized here in Washington, DC, and in big government, but to move that wealth out to the country again and put it back in the hands of the people who are earning it and working hard, who, in fact, spend those dollars more wisely and better on things that are more important for their children, for their farms, for their businesses and so on.

When you look at these blue bars here; again this is the levels of the deficit, and these are the charts of the gentleman from Wisconsin [Mr. NEUMANN] that was here a few minutes ago. The red lines, the red bars, are what in 1995, under the Republican plan, what we projected our deficit to be. As you can see, our deficits are much lower all the way out through 2002 as a result of less spending.

Now this was far and above beyond our projections and our hopes and what we had aspired to accomplish with deficit reduction, and again what this shows: this was a surprise to many people, so there are many people that still do not believe this. They still cannot believe that the deficit actually shrunk more than we had hoped, even with the new Congress taking over back in 1995. And we expect that to go down even more.

This is the real effect of moving wealth out of Washington and strengthening the financial positions of every American family, not by giving families handouts or by giving more Federal benefits or creating more government programs, but just by leaving people alone, just by taxing them less, by allowing the dollars in their pockets to be more productive.

And you know the deficit projections, even the blue bars that we have projected out in 1998, 1999, 2000, 2001 and way over there at the end in 2002, and let me point that out. This way over here at the end, the far left of the graph in 2002, you cannot see the line here, right over there. That is because we projected that deficit will be a negative deficit in 2002 by about $1 billion at this point in time. But even these projections have the possibility, the outside prospect, of even coming in lower than we project here today.

Now these are conservative numbers because we are a conservative legislature. We want to be careful. We do not want to over promise and then end up under delivering at some point in time. But just as these projections here for declining deficits were far surpassed and far exceeded by reducing the deficit more than we had anticipated, that opportunity, that chance, still exists here. In fact, if the economy continues to perform as strong as it is today over that next 7-year period out to 2002, we will see deficits come into a balanced budget period before the end of the decade. And again that is all predicated on some assumptions that turning wealth, turning authority, turning of power away from Washington, DC, and toward the States and toward families and communities is in the long run beneficial for communities.

Now the gentleman from Missouri mentioned tax cuts before. You know, many people did not believe this either. They did not believe that we could actually cut taxes and see us glide, put ourselves on a glidepath towards a balanced budget. Even the President during the course of the 1996 campaign said this is ridiculous, you cannot cut taxes and balance the budget at the same time. But, lo and behold, we come here to Washington, and when forced to compromise and sit down at the table with reasonable Republicans and those who understand full well the economic history of America, that President came to the conclusion that cutting taxes is indeed necessary to achieve our common goal of balancing the budget.

Now there are those, as we mentioned before, in the outside, the fringes, of those represented here in this body who oppose the idea of tax cutting. They do not want to put more authority into the hands of families throughout the country. They like holding it here because it puts them in charge here in Washington and in the Congress.

Well, fortunately this morning, when we voted on this package, the reasonable voters, the reasonable thinkers, the reasonable Members of Congress who are dedicated to balancing the budget, came to their right conclusion, that cutting taxes, reducing spending, reforming entitlements and making government smarter will accomplish a balanced budget by 2002. That is the promise of the agreement that was reached this morning and that was confirmed by this House and will soon be, I am confident, over in the Senate as well.

It is the capital gains tax, the inheritance tax, the $500 per child tax credit, the tax relief for college students, families who send their children to college, those kinds of reductions in tax policy, that tax relief that we provide to families, that is the seed corn that really helps us start our economic engine to go a little faster, to be a little more productive, to run a little stronger.

This case was proven a couple times. There are many economists and many liberal thinkers who really believe that when you move authority out of Washington that it causes the country to undergo some kind of damage. But President Kennedy, a Democrat; President Reagan, a Republican, both proved to the American people that when you cut tax rates, you effectively increase tax revenues to the Federal Government.

Now what I mean by that is that when you tax people less, they go out and make better investments. They pour their income and their wealth into more productive activities. They buy new businesses, they buy that new piece of equipment that allows you to be more efficient, they put their child or their children into better schools, or maybe go invest in getting the better college degree, or getting the masters degree and so on. They put this wealth into more productive activities.

What President Kennedy and President Reagan proved is that this trend is something we should expect that is a real promise to the American people. Cutting spending, cutting taxation, making government more efficient results in more liberty, results in more wealth for the American family, more independence and more freedom.

Mr. HULSHOF. Mr. Speaker, I think this is a point worth visiting about.

You know, the economic pundits, some of the political pundits have really in the last weeks, you know, have had a heyday with poking holes in and pointing out some parts, perhaps, of the agreement that they do not choose to support. Some economists talk about or mention the fact that our economy, granted, has been very strong for a period of time but that it is living on borrowed time, that if you look back in history that surely there is, you know, perhaps a downturn ahead.

But I think the gentleman is dead on with this point, that looking back at history, whether it is a modest cut in the capital gains tax rate, and we do not know what that is going to be or how extensive that is going to be, but I know even through the campaign and even beyond since being sworn in as a Member of this body people back in the Ninth Congressional District of Missouri have talked about holding on to capital assets. I have got a good friend, a gentleman who is in his mid sixties who worked a lifetime, his career, for Wal-Mart and accumulated through that company stock that he now cannot dispose of because he cannot take the hit that the capital gains tax rate would put on him and his family because they are really at a time their kids are grown and they are out of a house. But they are really trying to make it through retirement and trying to plan efficiently, and he by no means considers himself to be a wealthy American, and yet when you listen to these, you know, the pundits; you know they talk about tax breaks for the wealthy and this demagoguery, and I think the gentleman has a good point, and I yield back to him.

Mr. BOB SCHAFFER of Colorado. Well, tax cuts for the wealthy is really a joke when you hear people say that here because what we are talking about here is your average American.

I got to tell you I come from eastern Colorado. It is a very agrarian district, just farming and ranching is the primary industry, and when I go on farms and meet farmers and ranchers in the small towns in the eastern plains of Colorado, what they tell me is about the impact of the capital gains tax.

Now these are farmers who worked the land every day, they work hard. They are not wealthy; these are not rich people. If you look at their portfolio, you might come to that conclusion, but all of their assets, all of their hard earned income, is invested back into the farm, back into equipment. You know, expensive equipment, poured into the costs of just maintaining land any more with high property taxes, Endangered Species Act that you have to comply with, endless rules and regulations that come out of Washington. By the time the day is over the farmer has very little to show for the hard work that they have poured into their labor, but the impact of the capital gains tax is one that is critically important if they want to sell a certain portion of their farm, if they want to sell equipment, if they want to sell a home, sell anything tall of value that they have accumulated.

First of all, they paid income on the income that they earned in the first place to put into those investments, and then when we cause that farmer to pay again on the capital gains and the value of those assets, we tax that farmer twice. It increases the failure rate of farms throughout the country, it increases the price of food and the price of production for consumers.

Mr. Speaker, a capital gains tax cut is not about helping the rich, it is about helping me, it is about helping you, it is about helping just about anybody we meet on any given day as a Congressman in our district relating to constituents.

And the inheritance tax, the same applies there as well. Again we have farmers with large acreages that when the farmer gets old and decides that he wants to get out of the business and leave the farm to his children, it is virtually impossible to keep that land in production any more. The cost of inheritance tax at over 50 percent of the value of a farm and the assets makes it almost just out of the question to have one of the children continue to keep that land in production.

So these taxes, by cutting those taxes, we really will see the economy perform in a way that I described before that allow us to achieve these goals and objectives of lowering the deficit and eventually getting to the point where we begin to put more and more emphasis on paying off the national debt which is another huge problem that does need to be dealt with.

But seeing a very liberal President like Bill Clinton and a conservative Congress like that we represent here come together to agree that the American people sent, for some reason sent a liberal President, a conservative Congress, they sent us all back here to Washington and stirred us up and said please get the job done, balance the budget. The fact that we have been able to come from those two positions to the center in such a commonsense approach that you see here represented today is a great day for America.

Mr. Speaker, I really believe that. We really are making life more promising for American children, for my kids, for your kids and for all those that we care about in our districts and throughout the country.

Mr. HULSHOF. I see, Mr. Speaker, our time is just about to elapse.

House Concurrent Resolution 84 will never become a household phrase, does not fall trippingly off the tongue, but that is the resolution that passed early this morning, about 3:30 this morning, by a 333 vote to 99 margin. This is a plan that will balance our Federal budget. It is going to restore economic freedom and opportunities for all Americans.

To sum up what we have talked about, Mr. Speaker, this agreement saves and protects Medicare for the next decade which insures that older Americans will continue to have access to quality health care. Family farms and family businesses will finally have relief from the very punitive Federal inheritance tax. The forthcoming budget also calls for a reduction on the tax and savings and investment, otherwise known as capital gains which will create additional economic growth as we have discussed. There will be education initiatives for families who are wanting to put kids through school, additional funds available for Pell grants and moneys, much needed moneys, some $9 billion more for roads, for bridges and for infrastructure. Those are additional moneys, $8 billion over and above what the administration requested.

This is a win-win budget.

You know there was a lot of passionate debate, and I am honored the debate went well into the evening last night and early this morning. In fact this morning I have been answering some questions today because there were several substitute amendments and some have asked me why did you not support this version or that substitute amendment or that particular one; why did you support this one? And it was difficult for me to describe a day that happened a couple of weeks ago where we had had a very contentious day in this House, it had really been a tough day, debate had really become somewhat partisan, and I choose, Mr. Speaker, rather than going through the tunnel and walking through the maze back to my office over in Longworth, I decided on that day to walk out the front door out into the sunshine. It was a beautiful spring day; the clouds, not a cloud in the sky, a beautiful crisp day here in Washington, DC, and as I burst out the front doors of this House out into the sunshine, at the bottom of the steps of this Capitol there were about 35 or 40 high school students all dressed in their school colors, and their choir director facing them, and they were singing a four part harmony medley of patriotic songs.

And in that instance, in that instant moment, suddenly the divisive debate melted away, and I thought of that moment, Mr. Speaker, last night, as we left the Chamber about 3:30 in the morning, because what we accomplished here last night was for those students and students and men and women all across this country just like them.

This is truly a historic day for them and for all Americans.

THE DEMOCRATS' EDUCATION AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about the Democrats' education agenda. As many Americans know by now late last night the House passed a budget agreement that would balance the Federal budget by the year 2002, and this agreement was very much a compromise between Democrats and Republicans. Like any compromise, it does not have everything that both sides wanted, and while I voted for the agreement and I am pleased that it addresses some of the country's most pressing education needs, I want to stress that I believe strongly that there is a lot more work that needs to be done.

□ 1900

As I said, however, there are a number of positive developments in this budget agreement with respect to education. The President's America Reads Program was included; this $2.75 billion program aims to teach every child in the country to be able to read independently by the end of the third grade.

Other elements of the Democrats' education agenda that are a part of this budget agreement include an expansion of Head Start. One million children will be covered in Head Start by the year 2002.

The President's technology literacy challenge fund will also will be fully funded. It will play an invaluable part in preparing our children for the future by teaching them how to use computer and other technologies and giving them the resources on which to learn. Every classroom in America will be connected to the information superhighway, every teacher will receive the needed training, and all students and teachers will have access to the needed technology.

For higher education, which is obviously very important, the budget agreement includes $35 billion in targeted tax cuts. This $35 billion includes cuts consistent with the Democrats' family first agenda and the President's HOPE scholarship and tuition tax deduction proposals.

These tax cuts have been a major part of an education agenda the Democrats have been pursuing for some 2 years, and they are an important component of our larger plan to make everyday life more affordable for the average working American family.

The agreement, I should say, Mr. Speaker, also includes a $300 increase in the Pell grant award and that increase brings the maximum Pell grant award to $3,000.

Mr. Speaker, I want to stress again that the inclusion of these items in the balanced budget agreement is without question a vindication for Democrats. President Clinton and congressional Democrats place education at the very top of the country's priority list, and we have been successful in getting some, and again I will stress some, of our goals accomplished.

I have alluded a number of times to this notion that there is still work to be done with respect to education, and I can use the Pell Grant Program, I think, as an excellent example of that. While the $300 increase in the budget represents the largest such increase in over two decades, the fact of the matter is that a much larger increase is needed.

I know that there are many students in this country that depend upon the Pell grant, and the Pell grant is essentially the cornerstone of all of our student aid programs. It is a means through which millions of students who would otherwise have been unable to attend college have been able to attend college. But a lack of adequate increase in the program over the years has resulted in a substantial decrease in the real value of Pell grants.

It is very easy to understand. Basically what we are saying is that even though the amount available for the Pell grant has increased, inflation has been much higher than the amount of the increase that the Federal Government has been providing. So if you look to a January 1997 report from the Congressional Research Service, it says that although the maximum grant level increased by 34 percent from 1980 to 1997, after you adjust that for inflation, the real value actually decreased by 13 percent. Increases, again, in the Pell grant funds have not kept up with inflation.

This has obviously made it very difficult for students dependent on such grants to meet the cost of college. At a New Jersey State university, Rutgers, which is in my home district, 8,498 of the approximately 20,000 students receiving Federal aid received a Pell grant during the last academic year. However, these students as well as millions like them in schools across the country would obviously have had an easier time paying for college if we could simply keep the Pell grant funding levels even with inflation. We can see, of 20,000 students at Rutgers, this is really almost getting close to 50 percent that depend on the Pell grant and have found that they cannot keep up with inflation with the grant that they are getting.

Now, another issue that I am concerned about is the potential inability of tax benefits to help those on the lowest end of the income scale. In other words, I, for one, am very much in favor of the education tax cuts that have been promised as part of this budget resolution, but the problem always is that tax cuts or even tax credits are not that helpful if one is not paying taxes. So again, as valuable as they are, they are not addressing those on the lowest end of the income scale.

What we are saying then is we need to look beyond, if you will, and target more, if we can, to lower-income people who no longer have any tax liability to pay for college.

Still another important element of our education agenda that was not included in the budget agreement was school construction. Those of us of the American public who listened to the debate during the budget resolution last night noted that many of the speakers lamented the fact that the school construction component of the President's budget proposal was not included in this agreement.

According to the General Accounting Office, one-third of our Nation's school are in need of major repair or complete replacement. While I am glad that the budget agreement includes money to hook every classroom up to the information superhighway, as I mentioned, I think we should not have put the horse before the cart. Before we begin equipping our schools with technology for the 21st century, we should make sure the physical structures of the schools themselves are in proper condition; otherwise, it is very difficult for children to learn.

During consideration of the budget yesterday, I did support the substitute proposal of the gentleman from Massachusetts [Mr. KENNEDY] that would have included $5 billion for school construction. The proposal would also have set the maximum Pell grant award at $3,700, $700 higher than in the agreement that eventually passed. Not only would it have balanced the budget, but it would have produced a $2.5 billion surplus in that year as well.

Now, I mention this again because I think it is an important point that the Kennedy budget substitute illustrates that we can increase funding for education even beyond what has been proposed and still balance the budget. In other words, it shows that in providing ample funding for education, what we are really doing is deciding where our priorities are going to be. One can devote more money in this budget to education if one makes changes and cuts somewhere else.

That is why I am here today, to urge all of my Democratic colleagues to join me in building on the momentum for education that we have established in the budget resolution.

Now, I should point out, I am not a member, but there is a Democratic education task force that has been working now for some time, trying to put together, looking at the President's proposals, looking at the budget agreement, and basically trying to put together a Democratic proposal or series of proposals, if you will, to address education needs.

Mr. Speaker, one of the cochairmen is here tonight, and I would like to have the gentleman from North Carolina [Mr. ETHERIDGE] join me, if I could yield to him at this time, and maybe he could give us some information about what they have been doing and comment further on some of these issues. I am pleased to see my colleague here tonight.

Mr. ETHERIDGE. Mr. Speaker, I want to thank my friend from New Jersey, Mr. PALLONE, for organizing this special order on education this evening. Yes, we have been doing a lot of things.

This Congress has been doing a lot. Let me touch on a couple of things. A lot of the dialogue over the last week has been about the balanced budget, as it should be, and I supported it, as did most of the Members of this House, but we cannot lose sight of the important responsibility we have in this body this year to expand the educational opportunities for middle-class families in this country, but also for those families who have their hopes and dreams set on becoming part of the middle class.

As the gentleman knows and Members of this body know and many people across this country, given the challenges of the 21st century, education is the one thing that is going to open that door of opportunity for so many people, and it has really been true through the ages, but now it is more important.

As our task force has worked, and I want to commend the Members of the task force that was set up by the leadership, we have had excellent attendance. Of all of the task forces I have served on, I think more people have been in attendance and have had more input, and it seems that at every meeting we get more new ideas and hopefully we will be able to roll those out pretty soon.

As I said to the gentleman on this House floor back on February 25, when it comes to education, as we talk about it, there seems to be many times a whole lot more talk than there is action. That is true of a lot of bodies. But I believe this year, with the focus that our party has had historically on education, with the focus that the President has placed on it, and with the framework that is now being put together and was provided for in the balanced budget agreement that passed last evening, not everything we would like to have had, of course, as the gentleman indicated, but that does not and should not stop us from looking at those broader needs outside the budget agreement; because if the economy continues to grow, as we think it will, and the conservative numbers are as they are, and the economy grows, there will be resources to do some things.

As I look across this country, and our task force heard from a number of folks, and in the original proposals there was about $5 billion to use as leverage money to help some of the most hard-pressed cities and counties across this country meet some of their facility needs, and I have often said when I was State superintendent in North Carolina, and I have a number of cartoons to prove it, that it is important for children to go to school.

As important as it is to have prisons, to lock up the people who are violent criminals and have broken the law, it is unacceptable in a society that has the resources that we have in America that we have prisons that are nicer than some of the schools we send our children to. Unfortunately, that is true today. It should not be. A child should not ride by a new $20 million prison to go to a rundown school where the water fountains do not work the way they should, the bathrooms will not flush, the rooms are not air-conditioned; and when we talk of technology, as important as it is in every classroom, the Internet, that unfortunately, for many of the teachers in that school, there are not even telephones available for them to use to call parents when they have a need.

So these are some of the infrastructure needs that we have to address. There are those who would say that that is the responsibility of the local units of government, and I would agree, but so are a lot of other things in this country. We did not ask those questions and do not necessarily ask them when it comes time to make grants on law and order, which I have strongly supported in this House and at the State level. It has been my experience that children do not normally ask who provides the resources for their education. Usually, their parents do not ask. They just want to make sure they are there.

I have often said that children do not know what they need, they only know what they get. It is our responsibility to make sure what they get as students is the very best we can provide. Not that money is the only answer, but the gentleman may have heard me say this, not on this floor, but I have said it at civic clubs and I have said this to my friends at civic clubs; if buildings are not important, when our industrial hunters in our Chamber of Commerce invite the new industrialists to town, take them down and show them the rundown warehouses and say, this is where we want you to open your new business. Because the facility really does not make any difference, it is the quality that you have inside.

Mr. Speaker, we say that to our schools many times, and the quality inside is very important. I would not want anyone to mistake that. It is important. But the quality of what we have on the outside says what we value, and I think that is important as we look at facilities.

I trust that as this process moves along, we will have time to draw attention to that. I think it is important, because if we are going to have excellence, as we must have for our children to compete, and provide for them that opportunity, that gives them a chance to not only get a high school diploma that is so important, but to get a diploma that really does mean something.

I happen to believe that our schools are doing a far better job today than they are getting credit for, because we have some of the best people in the classrooms teaching today than we have ever had.

□ 1915

Our students are coming out better prepared. That having been said, we have not reached the level that we need to reach in this country. I think anyone would say that.

But I think we do have to acknowledge the successes that we have had, because unless we are willing to acknowledge the successes, then it is very easy for people to get discouraged, and once discouraged, it is hard to get it going again.

Mr. Speaker, if we look at the National Assessment of Education Progress, which is one of the measures that roughly 42 States in this country ascribe to for fourth and eighth graders in math, and in reading, that report just came out in the last 2 months showing substantial growth across the country. Some States showed far more growth than others.

I was very pleased that my home State over the last 4 years showed the largest growth of any State in the Nation, a real tribute to the teachers and to the students, but that did not happen in 2 years or 3 years. It has been about a 10-year process.

I only mention that because I think it is important, as we think of education. It is a process and it is a journey, it is not a destination, as the gentleman spoke earlier about the opportunity for providing that door of opportunity for our middle-income young people and parents to make sure their children have a chance to go to college.

We are now recognizing that it is no longer acceptable for 20, 25 percent to go on to the university. Everyone needs to get an education beyond high school. The reason for that is because of where the jobs are going to be in the 21st century.

On our task force, as we began to look at it, and we listened to some of the speakers who came and talked with us about where the jobs are going to be, in the high-technology industry, and the responsibility, they triggered on several areas in the country. I will only use my home State as one of those, only for an example this evening.

As we think of North Carolina, having been a rural State over the years, and the Research Triangle being there and the growth that has taken place, high-technology is now the second largest industry in the State of North Carolina, larger than furniture, larger than agriculture in terms of the number of people directly employed. If you take agriculture and take the secondary benefit, then it would be different. But over 100,000 people in our State are now employed in high-technology.

In 1995, the average salary, the average salary of a person employed in high-tech is $42,166. These are some of the best jobs around, when we look at the average across the country. That is roughly about $24,000. So the gentleman can see that is important, but those jobs are going to people who have education beyond high school. Of the jobs that will be created over the next 5 to 6 years, it will require at least 2 years beyond high school.

When we talk about investing in children and getting them ready to learn, according to a Rutgers University study, every dollar that we invest in early childhood education, this is before that student gets to elementary school, he is not thinking about high school, before they get there, for every dollar we invest in early childhood education we save the taxpayers of this country, State, local, and Federal, $7. That is a pretty significant return. Those are not my figures, those are independent figures that were done.

If that is true, and we think in terms of the standards of excellence in math and reading that are part of that core responsibility we put on education, then if we will deal with that crumbling infrastructure, we provide teachers with the resources they need, not only just in technology but in the support they need on a daily basis, and we get children to school ready to learn.

It is easy to talk about it, but we are unwilling to put the dollars. Yes, it does cost money. It is an investment. If we are going to save the dollars on the back side, for a period of time jointly, Federal, State, and local, we have to do both. We have to get children ready for school and ready to learn, and we have to get them to education beyond high school, because depending on where you are in the United States, depending on the level of incarceration, the expenditure for incarceration for those people that do not make it, and roughly, depending on where you are, anywhere from 75 to 80 percent of the people who are incarcerated in this country were high school dropouts, it tells us there is a relationship between success in the schools and the problems people encounter later.

I have often said as I traveled at the State level, if you really want to see the stark reality, go into the courtrooms. Go into the criminal justice side. You will really see the reality of the people who did not make it at the public school level, for a variety of reasons.

If you go over on the civil side you may see other people suing one another. They tend to have much better educations. But on the criminal side, you really see the stark reality of the problems we face, and we have to work together. It is not an issue that we can transfer to someone else, and we cannot say, This is the Federal part, this is the State part. We all have to realize our resources are limited.

For those areas that are so difficult, as the gentleman touched on earlier, as it relates to infrastructure, facilities, there would be those that would say to us, and I have heard it said, the buildings are not the difference.

I disagree with them. If they really believe that, if they truly believe that, then I cite them the example of a business. But more importantly, I would ask them if facilities are not important, then why do businesses continue to build new facilities? Why do we want to move into nicer and nicer homes? Because it says a lot about us, it says a lot about what we value.

If you move children into a nice new building, and I have seen it happen time and time again, as I have spoken on a number of occasions, you go in that building several years later and it is still in good shape. It is amazing what happens to the attendance rate. It goes up, in many instances. People feel better about themselves. Dropout rates tend to go down. Academics improve, as long as you have a good instructional program. All of these things do work together.

Some have said that it costs us in this country roughly seven times as much, and that will vary some from State to State, but almost seven times as much to keep a person incarcerated as we spend on education in Federal, State and local funds.

That is not to say that we should not have some people incarcerated. There are some who need to be there and they need to stay there. But my point in making that is that when we think in terms of education and our responsibility, we need to look at education as an investment. It is not an expenditure, it is an investment. As a businessman for 20 years I understand what it means to invest and get a good return. If we will invest in education and in those opportunities for young people, they come back many times over.

As we talk about this leveraging, the gentleman mentioned it earlier, and I do trust that before this Congress goes home we will find a way to work together to come up with a one-time $5 billion infrastructure piece, because that will leverage roughly $20 billion in investment across the country in some much-needed infrastructure.

But if the gentleman is looking at it beyond education, as just a purely business investment, it employs people. It will return dividends down the road in terms of dollars paid, and pay itself back many times.

The gentleman touched on the technology piece, because it is important. Let me share with the gentleman very briefly, and then I will see, the gentleman may want to ask a question.

I was in a school 2 weeks ago tomorrow back in my home district where we were hooked up on the Internet. One of the schools was in England. The other school was in Belgium. The other school was in Massachusetts. I was with a fourth grade class right outside Raleigh, NC.

Those students, each class had done a project from each school. They shared the project, how they developed it, why they developed it. One was on the lighthouses on the coast that were in danger of falling in the ocean, and one was in England who had a project on the Common Market, and each one had explained to the other three schools their project. Then they were able to ask questions.

I only share this when the gentleman touches the technology piece, because this is an example of what we will see, I think, in the very near future, because this is a joint partnership, as the gentleman remembers. Many of us in this body signed a letter and sent it to the Federal Communications Commission. They in turn issued an order for lower rates, roughly as much as 90 percent, for Internet access to schools and libraries all across the country, not unlike what happened in the 1930's in this country when the Commission issued an order that we would have universal access to telephones, or the rates would be varied so we could have it.

I think the next few years are going to be very exciting in schools, but it is going to take a partnership and cooperation; as someone said one time, a lot less heat with a lot more light on the part of those of us who are setting policy, to make sure that children in this country get the opportunity to compete in an economy that is daily becoming more and more globalized in terms of our resources.

With that, let me ask the gentleman a question, because he has followed this very closely, as we talk about education being a journey and really not a destination. If I may refer back to the gentleman, my good friend, on this whole issue of the HOPE scholarship and the opportunity for providing resources for the middle class, there is a dialogue on that about whether or not it would be refundable, so you would reach down for the Pell grants and others.

I hope the gentleman would touch on that briefly, and maybe we could have a little dialog on it.

Mr. PALLONE. Mr. Speaker, I appreciate what the gentleman has stated. Obviously, he has a lot of expertise on a number of these education issues. That is why it is good to have him here talking about these issues on the floor, as the co-chair of the Democratic Task Force.

My understanding is that the HOPE scholarship is an up to $1,500 amount per student for tuition and fees. It can be claimed in 2 tax years for any student who has not finished the 13th and 14th years of education, and it is expected to help about 4.2 million students. It is a nonrefundable tax credit, and of course in order to receive it a second time, the student has to have at least a B-minus grade-point average. This is what the President has proposed.

The problem is that, as with any tax cut or any tax deduction, if you are not paying taxes at a certain level you are not really going to be able to take advantage of it. The theory, I understand, and one of the things that a number of the Democrats have talked about, is to simply make that available as essentially a grant, to the extent that you cannot take advantage of it as a tax credit.

Again, I think, and I do not want to take away from what we have done in the budget agreement and what the President proposed, because I do think that middle-class people, and I define middle class very broadly, are having a much more difficult time these days paying for higher education. It is primarily because of what we said before, which is that these various scholarships, tax credits, work study, whatever it is, direct student loans, have not kept up with inflation over the last 20 years.

But the problem is that if everything we do or if most of what we do is strictly oriented toward people or parents that are paying taxes, then you are not going to really help the lower-income students that much. Although there is an increase in the Pell grant, a very significant one in this budget agreement, that in itself will not make up for the difference.

So the idea is to perhaps provide this, this $1,500, as an additional source of funding, even if you are not eligible for the tax credit. I think that makes sense.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman will continue to yield, one of the areas we have talked about, and I hope we can roll it out in the not-too-distant future, is for that to be refundable. That way it would serve the same purpose as if it were part of the Pell grant funds for those in need.

Mr. PALLONE. I think that makes a lot of sense.

Mr. ETHERIDGE. That is a very debatable item right now. I think most of the people on the committee feel very strongly that is the way it should be.

□ 1930

Mr. PALLONE. Maybe one of the things that we should mention, I know myself and a number of people mentioned it during the budget debate yesterday and leading up to the budget debate, I think it needs to be stressed even more. I am assuming that tomorrow the budget, some sort of budget conference between the House and the Senate will be adopted. I guess that is still questionable depending on what the other body does. But if it does happen, we will be going back to our districts during the Memorial Day break. And as much as this is a historic agreement because it does lead to a balanced budget, this is just a preliminary work.

As we know, a budget resolution in the House, I often compare it to the budget in your house. It is not like a municipal budget or a State budget. It is more like the budget in your house. It is not binding on anyone. It is just a plan of action. Of course the spending bills or the appropriation bills and the reconciliation and the tax cuts, all that has to follow. We have to make sure that we keep not only our colleagues but I think primarily the Republican leadership in line over the next few months to make sure that we make good and that they make good on these commitments to make sure that these education tax credits are there, that this Pell grant money is there and that these various education programs that we talked about tonight are included in the final package.

In addition to that, Mr. Speaker, because it is essentially recommendatory, there is no reason why we could not have a refundable tax credit or we could not include the $5 billion for the school construction program. I have been here long enough to see those things change dramatically from when the budget resolution is passed to when we do the budget reconciliation.

I think we need to stress that over the next few months, many of the things that maybe we were not discussed or not specifically laid out in this budget resolution can still be implemented. I would like to see the school construction component included, and I would like to see the refundable tax credit, the way the gentleman outlined.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman will continue to yield, one of the pieces that, having served as the State level before, I came here and been superintendent when we talked about budgets there, I think this is something the public does have a difficult time understanding; when you talked about a budget, you had already appropriated your funding. You had set the spending levels. And when you passed the budget, that was it. And in effect, here when you do a budget resolution, that is not the end of the process. It is just the beginning of the process, which is the very reverse, because at the State levels and local levels when you do a budget, you work at your priorities. You determine what your revenue is and then you fit what you can spend within those parameters.

Here once we pass the budget resolution, as we have just previously stated, that begins the process through real hard decisions when we put the appropriations bill out or those number of bills we run in each category. You must fit them, the parameters of the overall budget, and then reconciliation comes when all of them fit within the numbers.

Mr. Speaker, my colleague is absolutely correct, that is where the heavy lifting is going to come over the next few months. I think that gives us the opportunity to really set the agenda. One of the points just made that is so important as we go home for the Memorial Day weekend, I plan to spend some of my time, as I know many of our colleagues do on the Democratic side, and I trust the other side as well, going into our schools because I do on a regular basis and actually teach a class. You do not have to be a teacher to do it. And this may be the last month we get a chance unless you have a year-round school because they will be taking the break for the summer.

It is amazing what you learn. You find out how bright some of the young people are, some of the conditions of some of our buildings and the needs they have. But at the same time you find out from young people how hungry they are to learn from officials, to know something about their government and how it really works. I know you do that from time to time. I trust that we can encourage more of our colleagues to do the same thing. Go in and really give a teacher a break over the next few weeks.

Mr. PALLONE. Mr. Speaker, when my colleague was talking about new schools and how much a difference they make, renovations to schools, that is so true. Just to focus a minute on the school construction and modernization proposal, because it is not in the budget agreement now, and I think it should be included as we work down the road, first of all, I think that it should be known, and you already stated, that the issue of school construction modernization is not just for core city areas or rural areas. It runs the whole gamut. My district is primarily suburban. I do not think we have any real rural areas. We have some areas that would qualify as urban areas, but the bottom line is whether you go to the most suburban school and the wealthiest school or the poorest in my district, every day or in most cases they have school construction and renovation needs.

It was very interesting because one of the urban areas that I represent is Asbury Park. I had the opportunity a couple of weeks ago to go to a brand-new school which they had a hard time building because of limited resources. Their tax base is very difficult to generate moneys for new construction or renovation with their tax base. It was amazing. The school was maybe a year old, maybe not even, and it was just amazing to see the difference on the kids' faces and the attitude being in a new school.

I actually was there because we had gotten some books from the Library of Congress for their library. It was just wonderful to be in the new library and to see how much they had progressed. I think that that is, if you listen to a lot of our colleagues, I think many of us were surprised today to see that this school construction initiative was not in the budget because it really is something that cuts into every district and has an impact.

All we are really doing is leveraging money. We are not really providing money for construction, we are making it easier for towns based on the interest rates or bond issues that they would have to provide. But that can make a difference because a lot of these towns simply do not have the tax base or the authorization to provide the funding or the bonding to do the new construction. So it would make a difference.

Mr. Speaker, the other thing I wanted to say, too, because I think it is so important, is that, I know we have seen it with the education task force. I think right now many people are having a hard time getting their kids through college that we forget how far the President really has brought us forward over the last 4 or 5 years.

Really until President Clinton made it a priority at the Federal level, education really was not, and we still really are not there, but it really was not seen as a Federal priority. I have to say that he, more than anyone else, has stressed that the Federal Government needs to get involved.

Just in the first administration, the first 4 years, we had the change of the student loan program to a direct loan program. That has made a big difference at Rutgers University. I know you cited your study of Rutgers. At Rutgers they have been really able to expand the national student loan program because they give the loans out directly and bypass the bank.

The other thing is the, I call it AmeriCorps, or the volunteer program where students, their opportunities for loans have been expanded now because they work their way, work to pay the loan back or do voluntary work in the community.

I have to say that that AmeriCorps program has been very helpful in my district and provides another way for students to get some money to pay for college. There has been a lot that has already happened in addition to what the President is putting forward and even in addition to the things that the task force says, and I agree we need to go beyond.

Mr. ETHERIDGE. Mr. Speaker, as you mentioned, having been at the State level and, of course, I had the privilege of serving as superintendent of schools for the State really at the time that the current President was Governor, so we got to work with him some there, but his commitment to public education is really deep seated. And I think he has a deep understanding for it.

He brought with him to Washington that deep commitment, I think, that is very healthy, and I am very pleased to see the highest office in the land talk about the commitment to education. And just by talking about it, it has raised the level of commitment. And talking about raising the standards for all of our students and for all of our schools I think is a laudable commitment. It is already starting to happen.

It is amazing what happens when you talk to other teachers and school officers, as I have had a chance to do and I had the chance to meet with someone today. As we look at this whole issue of education and we see that more young people are in public school in the United States this year than we have ever had in history, and that number continues to grow, you get a sense as to why the facilities are so cramped.

The problems continue to grow in terms of need not only for facility but for having quality teachers to go in those classrooms, for having leadership at every level to meet the needs and just having the resources to do it.

I could not help, when you were talking about the school in your district, in and around the Research Triangle we have schools just literally exploding. Last fall we had so many trailers in the State I had to travel the State, talk about it a lot, as many would do and as I should have done in my role. We passed a $1.8 billion bond issue last November in North Carolina, the largest bond issue in the history of our State by over 60 percent, the largest margin we had ever passed any bond issue.

But as large as that bond issue is, the need was identified as over $5 billion just in our State. If you take that number and put it across the country in 51 States, certainly you would not multiply it by 50 because there are fewer States because we only have about 10 percent of the students in North Carolina, but it is a substantial number in terms of need. Some States may be even greater. So facility does have an impact.

As we see the growth coming in student enrollment, and that is projected to continue, certainly in our State and in most States that are growing all across the country, over the next 8 to 10 years, that will have a significant impact on the resources, I think, of this Congress or should at the State levels and at the local level, how we set our priorities.

If we really and truly follow what the President has said, and I think he is right, that if we are going to compete in the 21st century, it will be with a much better educated work force, who are more productive, who are highly motivated to meet those challenges. And as we train young people, we have to make our schools fit that mold. And to fit that mold, we have to have the facilities, the tools to get the job done and the people to help train them.

Certainly as we work together in the task force with what the President has laid out, and he has provided, I think, the kind of leadership over the last several years to get us where we are, now we have a long way to go to finish the job, because it is one of those jobs that you do not really finish. You just improve on it and hopefully you leave it a little bit better when someone else comes to occupy your seat, whatever that seat may be. I think that is the challenge that we face.

Mr. PALLONE. I appreciate what the gentleman said. And the other thing I was thinking, too, with the President, President Clinton, is that I think he has not only focused attention on the need for us to prioritize education at the Federal level, including higher education, but also the whole philosophy of a lot of these changes and new initiatives is very good.

In other words, the philosophy that you should be working, in other words, with the Americorps, that you actually put in time, you work to pay back your loan, the idea with the HOPE scholarships, that you have to maintain a certain grade point average and you cannot be on drugs, he is linking—I was worried, if I could sort of digress, I remember a few years ago when the President was first elected, and I was having some town meetings. I was talking about the need to expand some of these higher education programs.

And most people, I think particularly because Rutgers is in my district and so there is a lot of people associated with Rutgers who were very receptive to the idea. But I had a few people in the audience who sort of harked back to what I call an earlier day, an earlier America, because I do not think what they are saying is realistic anymore.

We are saying, the students should simply work, if they have to work 5 or 10 or 20 years in order to save, and then they can pay to go to college or to graduate school, we should not have loan programs or work study or other programs available to them. And the idea of some of these people, that we are saying, that this is, somehow a handout, that these programs that we have on the higher education level are a handout, I think that to the extent that the President has stressed the work aspect, the maintenance of a certain grade point average, being drug free, they have taken away from the notion that somehow these Federal programs are handouts.

I do not think they are. I think we would be in very bad shape, certainly on a competitive basis with other countries, if we told everybody they had to work in a low paying job until they were 40 and then go to college because then their productive years would be behind them in many ways.

□ 1945

But it is important to stress the philosophy, I think, that many of these things do involve work. Work study. AmeriCorps. All these things. And to put sort of an incentive on it that the President has done. I know many of the things we have talked about in Congress have been the same way.

I yield to the gentleman.

Mr. ETHERIDGE. If the gentleman thinks about this, the President talked about it like the GI bill. We figured that the young men and women who fought previously in World War II and the Korean war and even in Vietnam had earned a certain stipend and we allowed them to use that to get an education.

It turned out a generation, a couple of generations of some of the best educated people that America had ever seen, and it fueled our economy with tremendous growth. And he talked about the AmeriCorps as one of those things.

In North Carolina, I hate to keep using that, but I think it is important when the gentleman mentioned this issue of working in return, giving something back, in 1985 we passed legislation to provide for 400 scholarships per year for high school students who would commit to going to college and coming out and teaching in an area that we had great need in in the public schools, be it science, mathematics, whatever the area may be.

They were chosen based on their academic standing, and then we broke it up obviously by congressional districts so we could have balance in the State. And in all fairness to the taxpayers, we wanted to make sure we had balance in the ethnic background, so we tried to make that fit.

But the point was each one of those students received a $5,000 unrestricted scholarship. They had to teach for 4 years in the State of North Carolina after they received the scholarship. The requirement was, obviously, they had to have a high academic standing even to get in because it was very competitive. And we do that with several other scholarships we do in the State.

But to retain that scholarship, they had to have a 2.2 out of a 4.0 their first semester, and to retain it after their sophomore year they had to retain a 2.5 out of a 4.0. And it was amazing what happened, as now we are obviously 12 years or 11 years down the road, with about 7 years of those young people having gone into public schools. They have absolutely started changing the chemistry of our teaching profession, because after the fourth year we start getting 400 students a year in the system.

The challenge I think we face as we get more energized and focused is keeping the young people in the profession. How do we pay them? How do we keep them and make sure we keep the brightest and best teaching the next generation? Because that is the commitment of America. That is the responsibility. If we are going to have a well-educated citizenry in the 21st century, we do it by having some of the best people in the classroom.

That was our challenge and our goal. The challenge we are facing in North Carolina, I think, is the same challenge we face all across America. When I talk with others, after that fourth and fifth year, how do we make it attractive enough, not necessarily with pay, though that is part of it, obviously, people have to be paid, but it gets back to the gentleman's first point, the reason I am bringing this up, the facility in which they work, the surroundings we ask them to work in, where young people go to learn.

As I tell my 17-year-old son, that is his work, that is his job every day when he goes to school. And that is true of all our children. We certainly do not want it to be drudgery, but it does need to be a good environment. A good place to learn, a good environment. And if it is a good environment to learn it will be a good place for our professionals to teach.

One of the things we have not talked about that I think is so important in all of this is how we get those volunteers. The very thing the President and all the former Presidents have come together with General Powell to talk about all across this country is this whole issue of voluntarism. We need them in the public schools and in our public sector so that we can encourage parents once again not only to read to their children before they get to school but be a part of that process once they get there.

I as a parent found that as one of the real challenges I face, having time, as busy as we are, and all of us in public life encouraging others, but we need to take our own advice and spend the time with our children's teachers and with our children.

With that, when we talk about the estimate of the cost, I would refer back to the gentleman as he started talking about this whole infrastructure. One of the things I have used many times, one of the few places that we continue to use temporary buildings and turn them into public buildings are in our public schools, that public sector. Very few other places do we do that.

It gets back to the point that the gentleman made so eloquently early on. It has to be a higher priority, recognizing that we do not have the first responsibility for it, but we do have a responsibility to say it is a high priority for our children. And they all are our children, whether they are directly linked to us or not. We have a responsibility to invest.

Mr. PALLONE. I agree. I think we are almost out of time, but I just wanted to say that, obviously, this is the beginning. The budget passed at least in the House and presumably in both Houses by tomorrow, but this is really the beginning of our effort. And I stress again the Democrats because we have been really talking about this as part of our family first agenda for at least a year now.

I know the gentleman does, and I certainly do and everybody within the task force wants to make sure that these Democratic priorities in terms of making sure that these tax credits and deductions go to help working families pay for education programs, and that we do have the priorities as far as education programs, including things like the school construction fund, are ultimately included.

So I want to commend the gentleman again for his efforts with the task force, and unless the gentleman wants to add anything, we will yield back.

Mr. ETHERIDGE. I want to close by thanking the gentleman for setting up this special order and hope I get a chance on several more occasions to thank the members of the task force and the Democratic Members of this Congress who have really given the support and the leadership.

As the gentleman has indicated, we have just started this process. It will be long. There will be some times when we will be discouraged, but we should never, ever give up because it is too important and the investment will pay far greater dividends than anything we can invest on Wall Street.

Mr. PALLONE. Exactly. I see that my colleague here, my neighbor from New Jersey is now in the Speaker's chair, so I will gladly yield back the balance of my time, Mr. Speaker.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to join my colleagues in expressing grave concerns about the state of Federal support for education.

Just today, in the early hours of the morning the House of Representatives failed to pass the budget resolution that I offered that would have provided an additional $25 billion for education in the United States. My plan, which would balance the budget by 2002, also provided $5 billion for school construction, $11 billion to expand the Pell Grant Program, and another $9 billion for other educational programs such as title I and IDEA.

Instead, the House passed a budget resolution, over my objections, that provides tax cuts for the people who need them the least. Instead of letting the rich of this country get huge tax breaks, we should be helping local communities repair schools, build new ones, bring up the standards of our children's education, and help train the future workers of this Nation.

I am concerned that the plan passed in the budget resolution will cause great problems in the future, not next year or in the year 2002, but further out. The revenue losses expand greatly when these tax cuts are scored in the outlying years. With these losses in revenues, I believe that the programs which benefit the poor, the elderly, and the young will suffer far more than the programs that provide subsidies to the liquor industry, the mining industry, or the timber industry.

Mr. Speaker, the Federal Government has a very good track record when it comes to education. The GI bill provided tens of thousands of veterans with the opportunity to attend college which is, I believe, in part responsible for the great economic boom of the 1950's. The Federal Government has also helped ensure the educational opportunities of the disabled and provided worker retraining for displaced workers. All with great success.

Unfortunately, my colleagues on the other side of the aisle don't see it that way. Many of them believe the Federal Government should have no role in educating our citizens. I believe they are wrong.

The Democratic Party and the President have made it clear that we know the top priority of our people—ensuring that our children have access to the best quality education in the world.

I want to thank my colleague from North Carolina, Congressman BOB ETHERIDGE, for his work on the Task Force and my colleague from New Jersey, Congressman FRANK PALLONE, for organizing this special order.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMUNICATION FROM JOAN CARLSON, EASTERN FIELD DIRECTOR FOR THE HONORABLE EARL POMEROY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Joan Carlson, Eastern Field Director for the Honorable EARL POMEROY Member of Congress:

EARL POMEROY,
CONGRESS OF THE UNITED STATES,
North Dakota, May 20, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the District Court of Cass County, North Dakota.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

JOAN CARLSON,
Eastern Field Director.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SNOWBARGER (at the request of Mr. ARMEY), for today after 1 p.m. and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. FURSE, for 5 minutes, today.

Mrs. TAUSCHER, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MATSUI, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. CAMP, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, on May 22.

Ms. GRANGER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. JONES, for 5 minutes, on May 22.

Mr. FOX of Pennsylvania, for 5 minutes, on May 22.

Mr. NEUMANN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAPPS) and to include extraneous matter:)

Mr. STARK.
Ms. NORTON.
Mr. HAMILTON.
Mr. BLUMENAUER.
Mr. DOYLE.
Mr. TORRES.
Mr. FRANK of Massachusetts.
Mr. POSHARD.
Ms. BROWN of Florida.
Mr. CONDIT.
Mr. STOKES.
Mr. FILNER.
Mr. LAFALCE.
Mr. ANDREWS.
Mr. POMEROY.
Mr. ACKERMAN.
Mr. HINCHEY.
Mr. PAYNE.
Mr. MENENDEZ.
Mr. SANDERS.

(The following Members (at the request of Mr. HULSHOF) and to include extraneous matter:)

Mr. HOUGHTON.
Mr. SOLOMON.
Mr. TALENT.
Mr. GEKAS.
Mr. THUNE.
Mr. CAMP.
Mr. SMITH of New Jersey.
Mrs. FOWLER.
Mr. FRELINGHUYSEN.
Mr. OXLEY.

(The following Members (at the request of Mr. PALLONE to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN in two instances.
Mr. BARCIA.
Mr. EHRLICH.
Mr. MENENDEZ.
Mr. SANDERS.
Mr. PAYNE.
Mr. SOLOMON.
Ms. ESHOO.
Mr. GILMAN.
Mr. SMITH of New Jersey.
Mr. FARR of California.
Mrs. LOWEY.
Mr. SERRANO.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; to the Committee on International Relations.

S. Con. Res. 6. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country; to the Committee on International Relations.

S. Con. Res. 21. Concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes; to the Committee on International Relations.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, May 22, 1997, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1420. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes (Rept. 105–106). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 155. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 105–107). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUMP (for himself, Mr. EVANS, Mr. STEARNS, and Mr. GUTIERREZ):

H.R. 1687. A bill to amend title 38, United States Code, to provide that special pay paid to certain physicians and dentists of the Veterans Health Administration who retire before October 1, 1999, shall be considered to be basic pay for retirement purposes; to the Committee on Veterans' Affairs.

By Mr. THUNE (for himself, Mr. MINGE, and Mr. LATHAM):

H.R. 1688. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

By Mr. WHITE (for himself, Ms. ESHOO, Mr. BARTON of Texas, Mr. BROWN of Ohio, Mr. BILBRAY, Mr. DOOLEY of California, Mr. CAMPBELL, Mr. FAZIO of California, Mr. COBURN, Mr. FARR of California, Mr. COX of California, Mr. FRANK of Massachusetts, Ms. DUNN of Washington, Ms. HARMAN, Mr. KLUG, Mr. KENNEDY of Massachusetts, Mr. NETHERCUTT, Ms. LOFGREN, Mr. PAXON, Mr. ROEMER, Ms. PRYCE of Ohio, Mrs. TAUSCHER, Mr. TAUZIN, Mr. TOWNS, and Mr. DEUTSCH):

H.R. 1689. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes; to the Committee on Commerce.

By Mr. ANDREWS:

H.R. 1690. A bill to amend title 28 of the United States Code regarding enforcement of child custody orders; to the Committee on the Judiciary.

Br Mrs. CHENOWETH (for herself and Mr. CRAPO):

H.R. 1691. A bill to provide for the stabilization, enhancement, restoration, and management of the Coeur d'Alene River basin watershed; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN (for himself, Mr. CARDIN, and Mr. SAM JOHNSON):

H.R. 1692. A bill to require the Secretary of Health and Human Services to waive the 3-day prior hospitalization requirement for coverage of skilled nursing facility services in the case of individuals classified within certain diagnosis-related groups; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 1693. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

H.R. 1694. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for certain amounts contributed to an education investment account; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 1695. A bill to establish a Commission on Retirement Savings; to the Committee on Education and the Workforce.

By Mr. RADANOVICH (for himself and Mr. YOUNG of Alaska):

H.R. 1696. A bill to honor agreements reached in the acquisition of Santa Rosa Island, CA, by the National Park Service; to the Committee on Resources.

By Ms. RIVERS:

H.R. 1697. A bill to assess the impact of the North American Free-Trade Agreement on domestic job loss and the environment, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1698. A bill to amend the Internal Revenue Code of 1986 to assist families in the purchase of coverage for children under school-based health insurance programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Ms. LOFGREN, Mr. SCOTT, Mr. STENHOLM, Mr. GEPHARDT, Mr. FAZIO of California, Mr. BONIOR, Mrs. KENNELLY of Connecticut, Ms. DELAURO, Ms. CARSON, Mr. BOSWELL, Ms. HOOLEY of Oregon, Mr. JEFFERSON, Mr. MEEHAN, Mr. TURNER, Mr. PASCRELL, Mr. SANDLIN, Ms. KILPATRICK, Ms. CHRISTIAN-GREEN, Mr. WATT of North Carolina, Mr. SHERMAN, Mr. KENNEDY of Rhode Island, Mr. MANTON, Mr. WYNN, Mr. VENTO, Ms. JACKSON-LEE, Mr. DELAHUNT, Mr. FARR of California, Mr. ALLEN, Mr. LAFALCE, Mr. MARKEY, Mr. CRAMER, Ms. MILLENDER-MCDONALD, Mr. BROWN of California, Mr. MCINTYRE, Mr. JOHNSON of Wisconsin, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. ROTHMAN, Mr. HOLDEN, Mr. HINOJOSA, and Ms. WOOLSEY):

H.R. 1699. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a grant program to prevent and control juvenile crime; to modify Federal court procedures applicable to violent juvenile offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself, Mr. YOUNG, of Alaska, Mr. HILL, and Mrs. CUBIN):

H.R. 1700. A bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 1701. A bill to amend title 23, United States Code, to provide a minimum allocation of highway funds for States that have low population densities and comprise large geographic areas; to the Committee on Transportation and Infrastructure.

By Mr. LAFALCE:

H. Con. Res. 85. Concurrent resolution expressing the sense of Congress that the Small Business Administration should appoint a commission to examine the credit needs of small business concerns; to the Committee on Small Business.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. CUNNINGHAM and Mr. CALVERT.

H.R. 108: Mr. WAXMAN.

H.R. 135: Mr. BERMAN.

H.R. 164: Mr. MCINTYRE, Mr. BROWN of Ohio, Mr. LAMPSON, Mr. RAHALL, Mr. FOGLIETTA, Mr. BARRETT of Wisconsin, Mrs.

LOWEY, Mr. HILLIARD, Mrs. MEEK of Florida, Mr. LATOURETTE, Ms. RIVERS, Mr. GREEN, Mr. GANSKE, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. HOLDEN, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. FILNER, Ms. WOOLSEY, Ms. BROWN of Florida, Ms. KILPATRICK, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Ms. WATERS, Mr. MANTON, Mr. BALDACCI, Ms. ROS-LEHTINEN, Ms. STABENOW, Mr. BAESLER, Ms. FURSE, Mr. CAPPS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY of Oregon, and Mr. PAYNE.

H.R. 165: Mr. MCDERMOTT.

H.R. 192: Mr. GOODLING, Mr. PAPPAS, Mr. KINGSTON, and Ms. MCKINNEY.

H.R. 195: Mr. THOMPSON.

H.R. 203: Mr. CALVERT.

H.R. 293: Mr. KENNEDY of Rhode Island.

H.R. 294: Mr. KENNEDY of Rhode Island.

H.R. 295: Mr. KENNEDY of Rhode Island.

H.R. 387: Mr. PAUL, Mr. LIPINSKI, Mr. ROHRABACHER, and Mr. SENSENBRENNER.

H.R. 399: Mr. CALVERT and Mr. WICKER.

H.R. 404: Mr. CANADY of Florida and Ms. FURSE.

H.R. 414: Mr. GOODLING, Mr. PAPPAS, and Ms. MCKINNEY.

H.R. 426: Mr. BOUCHER, Mr. EVERETT, Mr. MCINNIS, Mr. WICKER, Mr. LAFALCE, and Mr. ETHERIDGE.

H.R. 431: Mr. CONDIT and Ms. LOFGREN.

H.R. 446: Mrs. NORTHUP.

H.R. 457: Mr. SNOWBARGER.

H.R. 598: Mr. MCINTYRE.

H.R. 630: Mr. DELLUMS.

H.R. 659: Mr. LIPINSKI, Mr. CHRISTENSEN, and Mr. MCCOLLUM.

H.R. 665: Mrs. KELLY, Mr. BLILEY, and Mr. LOBIONDO.

H.R. 695: Mr. HOUGHTON, Mr. MCHUGH, and Ms. FURSE.

H.R. 716: Mr. HASTERT and Mr. UPTON.

H.R. 723: Mr. ETHERIDGE.

H.R. 754: Mr. KLINK and Mr. SKAGGS.

H.R. 820: Mr. BALDACCI.

H.R. 880: Mr. HALL of Ohio, Mr. MANZULLO, and Mr. DICKEY.

H.R. 900: Mr. PASCRELL, Mr. LAFALCE, Mr. WEXLER, Mr. FOGLIETTA, and Mr. FRANK of Massachusetts.

H.R. 955: Mr. WALSH.

H.R. 964: Mr. GOODLATTE and Mr. BILBRAY.

H.R. 990: Ms. MOLINARI.

H.R. 991: Mr. POSHARD and Mr. VENTO.

H.R. 1006: Ms. RIVERS.

H.R. 1060: Mrs. JOHNSON of Connecticut, Mr. ROHRABACHER, Mr. PASCRELL, Mr. BARCIA of Michigan, Mr. TRAFICANT, Mr. CRAMER, Ms. ESHOO, Mr. HALL of Texas, Mr. MCKEON, Mr. DAN SCHAEFER of Colorado, Mr. SUNUNU, Mr. HUTCHINSON, and Mr. BILBRAY.

H.R. 1061: Mr. SNYDER and Mr. BENTSEN.

H.R. 1063: Mr. BARRETT of Wisconsin, Mr. CLYBURN, Ms. CHRISTIAN-GREEN, Mr. GOODLATTE, Mr. CANADY of Florida, Mrs. THURMAN, Mr. PICKETT, Mr. SENSENBRENNER, Mr. WICKER, Mr. DIAZ-BALART, Mr. DEUTSCH, Mrs. CLAYTON, Mr. GOODE, and Ms. PRYCE of Ohio.

H.R. 1126: Mr. BEREUTER, Mr. YOUNG of Alaska, and Mr. BORSKI.

H.R. 1129: Ms. WOOLSEY, Mr. SPENCE, and Mr. PAPPAS.

H.R. 1132: Ms. FURSE, Ms. PELOSI, Mr. SERRANO, and Ms. WOOLSEY.

H.R. 1138: Mr. THORNBERRY and Mr. WELDON of Florida.

H.R. 1160: Ms. WATERS, Mr. VENTO, and Mr. METCALF.

H.R. 1163: Mr. SKAGGS.

H.R. 1170: Mr. GIBBONS.

H.R. 1188: Mr. BONIOR.

H.R. 1231: Mr. SNYDER and Ms. HOOLEY of Oregon.

H.R. 1247: Mr. FOX of Pennsylvania and Mr. UPTON.

H.R. 1258: Mr. GOODLATTE.

H.R. 1260: Mr. MCINTOSH.

H.R. 1263: Ms. SLAUGHTER.

H.R. 1270: Mr. BEREUTER, Mr. NETHERCUTT, Mr. GREEN, Mr. HEFNER, Mr. CRAMER, Ms. CHRISTIAN-GREEN, Ms. PRYCE of Ohio, Mr. KANJORSKI, and Mr. HOEKSTRA.

H.R. 1283: Mr. WEXLER, Mr. PORTMAN, Mr. UPTON, Mr. MCINNIS, and Mr. MANZULLO.

H.R. 1285: Mr. SOUDER.

H.R. 1296: Mr. GRAHAM.

H.R. 1298: Mr. YATES, Mr. DOYLE, Mr. FOLEY, and Mr. REYES.

H.R. 1315: Mr. GREEN, Mr. GUTIERREZ, Mr. MASCARA, and Mr. PAYNE.

H.R. 1320: Mr. EVANS.

H.R. 1322: Mr. YOUNG of Alaska.

H.R. 1334: Mr. PAYNE and Mrs. MEEK of Florida.

H.R. 1345: Mr. ENGEL.

H.R. 1356: Mr. MCKEON, Mr. BARTLETT of Maryland, and Mr. SMITH of New Jersey.

H.R. 1357: Mr. FILNER.

H.R. 1375: Mr. DUNCAN and Ms. KILPATRICK.

H.R. 1401: Ms. RIVERS.

H.R. 1415: Mr. ROTHMAN, Mr. ACKERMAN, Mr. FARR of California, Mr. BAESLER, Mr. MOLLOHAN, Mr. OLVER, Mr. POSHARD, Mr. PASCRELL, Mr. INGLIS of South Carolina, Mr. LARGENT, Mr. BRYANT, Mrs. LINDA SMITH of Washington, Mr. HYDE, Mrs. CHENOWETH, Mr. HASTINGS of Washington, Ms. CHRISTIAN-GREEN, and Mr. GOODE.

H.R. 1438: Mr. SCHUMER.

H.R. 1442: Mr. METCALF.

H.R. 1475: Mr. KLUG and Mr. FRELINGHUYSEN.

H.R. 1524: Mr. OLVER.

H.R. 1532: Mr. KIM.

H.R. 1559: Mr. PICKERING, Mr. ARCHER, Mr. TAUZIN, Mr. NEY, Mr. HANSEN, and Mr. RIGGS.

H.R. 1570: Ms. LOFGREN, Mr. SABO, Ms. DELAURO, Mr. DELLUMS, Mr. STARK, Mr. YATES, Ms. CHRISTIAN-GREEN, Mr. CONYERS, and Mr. FLAKE.

H.R. 1592: Mr. MCCRERY.

H.R. 1593: Mr. WATKINS.

H.R. 1612: Mr. ROHRABACHER and Mr. GALLEGLY.

H.R. 1684: Mrs. EMERSON.

H.J. Res. 71: Mr. YOUNG of Alaska.

H.J. Res. 75: Mr. FOLEY, Mr. RAHALL, Mr. DELLUMS, Mr. MCINTYRE, Mr. GEPHARDT, Mr. CLYBURN, Mr. GUTIERREZ, Ms. CARSON, and Mr. POSHARD.

H. Con. Res. 52: Mr. MATSUI, Mr. JOHNSON of Wisconsin, Mr. MCGOVERN, and Mr. NUSSLE.

H. Con. Res. 65: Mr. LATOURETTE, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Ms. FURSE, Mr. DAN SCHAEFER of Colorado, Mr. SPRATT, Mr. BARCIA of Michigan, Mr. FROST, and Mr. MCHUGH.

H. Con. Res. 71: Ms. NORTON, Ms. PELOSI, Mr. FRANK of Massachusetts, Mr. STARK, Mr. FROST, Mr. CLEMENT, Ms. LOFGREN, Mr. GONZALEZ, and Mr. RANGEL.

H. Res. 45: Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. HOBSON, Mrs. MALONEY of New York, Mr. KLUG, Mr. POMBO, and Mr. RUSH.

H. Res. 138: Ms. RIVERS, Mr. CLEMENT, and Mr. BALDACCI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 65: Mr. BOB SCHAFFER.

SENATE—*Wednesday, May 21, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, we begin the work of this day with awe and wonder. You have chosen and called us to know, love, and serve You. Through the years You have honed the intellect, talent, and ability You have entrusted to each of us. With providential care You have opened doors of opportunity, education, culture, and experience. Most important of all, You have shown us that daily You are ready and willing to equip us with supernatural power through the anointing of our minds with the gifts of Your spirit: Wisdom, knowledge, discernment, and vision of Your priorities.

When we ask You, You reveal Your truth and give us insight on how to apply it to specific decisions before us. We say with the psalmist, "In the day when I cried out, You answered me, and made me bold with strength in my soul."—Psalm 138:3.

Now, as the Senators press on to the votes and responsibilities of this day, continue to give them the boldness of Your strength in their souls, manifested in conviction and courage. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, today the Senate will immediately resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution. Senator KENNEDY will be recognized immediately to offer his amendment on tobacco taxes. Following the disposition of the Kennedy amendment, Senator GRAMM will be recognized to offer his amendment regarding deficit-neutral natural disaster relief.

Members can expect rollcall votes in relation to these amendments and others, and all Members will be notified when these votes are specifically scheduled.

I am still hopeful that the Democratic leader and I can join together in an effort to yield back additional time off the statutory time limitation, which is 50 hours, for the budget resolution and permit the Senate to complete its work on the budget resolution today.

Subsequently, Senators wishing to offer amendments to this legislation should notify the chairman of the Budget Committee or the ranking member of the Budget Committee of their intentions this morning.

Again, Senators can expect rollcall votes throughout the day. We have a good deal of other work that we need to complete before the Memorial Day recess. For instance, tomorrow we already have a time agreement for 3 hours on the Chemical Weapons Convention implementation legislation. We would, of course, like to complete this resolution and have it go to conference where, hopefully, there will be very little problem in working out the conference. Hopefully, there will be no real differences between the two bills. That is going to take a lot of discipline on our part throughout the day until we complete this legislation.

We also have at least three nominations that will require some small amount of time—judicial nominations, district courts—and three recorded votes.

The supplemental appropriations bill, or some version thereof, very likely would need to be voted on this week also.

So it is essential that we stay with it and that we complete the budget resolution today, if at all possible.

There is good news and bad news. The good news is that we made good progress yesterday. I think almost 10 hours have been used or yielded back already. We did take up some amendments and had votes. While it was difficult and delicate, the amendments were defeated by considerable margins. We need to continue to do that.

There are going to be a lot of good and appealing amendments offered today. It will be difficult to resist those. But this is a very delicately crafted budget agreement that the Republican leadership signed onto and that the Democratic leadership has agreed to. The chairman and ranking member have been working together more so than I have ever seen before. I commend them for that effort.

So I hope that we will continue to hold the line. If we start down the trail of changing the mix, where will it end? I know of several amendments that I am very attracted to. The one by Senator GRAMM obviously is very attractive. He basically says we should have some revenue-neutral process to have funds set aside for the annual disaster relief bill. We have to come every year for $5 billion, $6 billion, or $7 billion. He says we should go ahead and set that aside so we have that planned for. That is attractive. But that was not included in the budget agreement, so we probably should not do that here.

There will be an amendment offered by Senator WARNER with regard to highway funds. I would like to see more money go into the highways and bridges in America out of the highway trust fund, which is there for that purpose.

Of course, there is the amendment offered by Senator KENNEDY here with regard to child health care.

I want to emphasize that we discussed this at great length during the budget negotiations and in reaching the budget agreement. There are funds in here for that area. There are more than enough funds in that area. In fact, I think there will be a struggle to find the best way to provide those funds to the people that want to have child health care.

So it will be a very, very bad change in the makeup of this legislation and could unravel the whole budget agreement, if the Kennedy amendment is approved today.

So I hope that we start off the day by having a fine discussion about what is in the bill, and what the alternative offered is. But we need also to recognize that is a substantial increase in what is provided in this particular area. It is totally different from what was in the budget agreement that the administration agreed to.

So I urge my colleagues to keep calm. Let's keep working. But let's not start passing amendments that will change the mix of the make up of this budget agreement.

I yield the floor at this time, Mr. President.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER (Mr. ENZI). The clerk will report the budget resolution.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 27) setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

The Senate resumed consideration of the concurrent resolution.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AMENDMENT NO. 297

(Purpose: To provide affordable health coverage for low- and moderate-income children and for additional deficit reduction, financed by an increase in the tobacco tax; in addition to the amounts included in the bipartisan budget agreement for one or both of the following: (1) Medicaid, including outreach activities to identify and enroll eligible children and providing 12-month continuous eligibility; and also to restore Medicaid for current disabled children losing SSI because of the new, more strict definition of childhood eligibility; and (2) a program of capped mandatory grants to States to finance health insurance coverage for uninsured children)

Mr. HATCH. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, and Mr. KENNEDY, proposes an amendment numbered 297.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 3, increase the amount by 6,000,000,000.

On page 3, line 4, increase the amount by 6,000,000,000.

On page 3, line 5, increase the amount by 6,000,000,000.

On page 3, line 6, increase the amount by 6,000,000,000.

On page 3, line 7, increase the amount by 6,000,000,000.

On page 3, line 11, increase the amount by 6,000,000,000.

On page 3, line 12, increase the amount by 6,000,000,000.

On page 3, line 13, increase the amount by 6,000,000,000.

On page 3, line 14, increase the amount by 6,000,000,000.

On page 3, line 15, increase the amount by 6,000,000,000.

On page 4, line 4, increase the amount by 3,000,000,000.

On page 4, line 5, increase the amount by 3,000,000,000.

On page 4, line 6, increase the amount by 4,000,000,000.

On page 4, line 7, increase the amount by 5,000,000,000.

On page 4, line 8, increase the amount by 5,000,000,000.

On page 4, line 12, increase the amount by 3,000,000,000.

On page 4, line 13, increase the amount by 3,000,000,000.

On page 4, line 14, increase the amount by 4,000,000,000.

On page 4, line 15, increase the amount by 5,000,000,000.

On page 4, line 16, increase the amount by 5,000,000,000.

On page 4, line 19, increase the amount by 3,000,000,000.

On page 4, line 20, increase the amount by 3,000,000,000.

On page 4, line 21, increase the amount by 2,000,000,000.

On page 4, line 22, increase the amount by 1,000,000,000.

On page 4, line 23, increase the amount by 1,000,000,000.

On page 5, line 1, increase the amount by 3,000,000,000.

On page 5, line 2, increase the amount by 6,000,000,000.

On page 5, line 3, increase the amount by 8,000,000,000.

On page 5, line 4, increase the amount by 9,000,000,000.

On page 5, line 5, increase the amount by 10,000,000,000.

On page 23, line 8, increase the amount by 3,000,000,000.

On page 23, line 9, increase the amount by 3,000,000,000.

On page 23, line 15, increase the amount by 3,000,000,000.

On page 23, line 16, increase the amount by 3,000,000,000.

On page 23, line 22, increase the amount by 4,000,000,000.

On page 23, line 23, increase the amount by 4,000,000,000.

On page 24, line 5, increase the amount by 5,000,000,000.

On page 24, line 6, increase the amount by 5,000,000,000.

On page 24, line 12, increase the amount by 5,000,000,000.

On page 24, line 13, increase the amount by 5,000,000,000.

On page 39, line 22, increase the amount by 500,000,000.

On page 39, line 23, increase the amount by 2,000,000,000.

On page 40, line 16, increase the amount by 4,500,000,000.

On page 40, line 17, increase the amount by 18,000,000,000.

On page 41. line 7, increase the amount by 6,000,000,000.

On page 41, line 8, increase the amount by 30,000,000,000.

Mr. HATCH. Mr. President, I ask unanimous consent that the time on this amendment be allocated to me as the prime sponsor of the amendment.

The PRESIDING OFFICER. That is the order.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. HATCH. On the Senator's time.

Mr. FORD. I don't have any time.

Mr. HATCH. I will be glad to yield to the Senator.

Mr. FORD. I want to know if this amendment is similar to 525 and 526 that you had as health care for children and a tax bill that is now combined? They are basically the same?

Mr. HATCH. It is basically geared to get us to that point. Yes.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. DOMENICI. Mr. President, will the Senator yield for one observation on my time?

Mr. HATCH. I will.

Mr. DOMENICI. Mr. President, I want to make sure that the Senator, the prime sponsor, understands that in the unanimous-consent request following disposition of the Kennedy amendment, which I assume——

Mr. HATCH. This is not the Kennedy amendment. This is the Hatch-Kennedy amendment.

Mr. DOMENICI. That language does not preclude a second-degree amendment.

Mr. HATCH. That is correct.

Mr. DOMENICI. The Senator understands that.

Mr. HATCH. I understand that.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I sent this amendment to the desk on behalf of myself and Senator KENNEDY. This is well known as the Hatch-Kennedy amendment. I think everyone in the Senate ought to know that. It is an amendment that we have worked out over a 6-month period, or longer, and one that I think deserves consideration in every sense of that term.

The amendment that Senator KENNEDY and I offer today addresses what I consider to be a top priority of this Congress: making sure America's kids are healthy.

The Hatch-Kennedy amendment calls for an increase in the tobacco excise tax to fund additional spending for children's health insurance.

We have made enactment of a bipartisan children's health insurance bill a top priority this Congress, and plan to press forward at every opportunity if the Senate does not act in a responsible manner.

This amendment is the right thing to do, and I urge its adoption.

Specifically, our amendment would raise $30 billion in revenues through a 43-cent tobacco excise tax increase.

Twenty billion dollars will be used for services to uninsured kids, and $10 billion for deficit reduction.

We intend that the money be used for the same purposes as those outlined in the bipartisan budget agreement; that is, for Medicaid and for a mandatory capped State grant program to finance health insurance for uninsured children.

Under our amendment, $18 billion in program funding will go to the Labor Committee, and $2 billion to the Finance Committee, to be added to the $16 billion already in the budget resolution. That means each committee will get $18 billion to work on complementary programs to help the poor and near poor.

To pass this amendment—and this is an uphill battle we face—we need to have the will to do two things.

First, we must recognize that we need to help children from America's working families, as well as the poorest of the poor.

About 88 percent of uninsured children come from families where at least one parent is employed.

Don't forget that. Eighty-eight percent of these kids live in a family where one parent works, at least.

The majority of these kids will not be addressed by any Medicaid bill.

Second, in order to help these forgotten children, we need to have the courage to take on some very powerful special interests.

When we started this fight I knew that Big Tobacco would not just roll over and play dead. And they have not disappointed me.

If we demonstrate one thing by this vote today let it be this: we are sending a message today that Senator KENNEDY and I and the other supporters of this bill will stand up for children and against Big Tobacco.

Senators, who do you stand with? Joe Camel, or Joey? That is what it comes down to.

What the Senate must do today is decide whether we are going to protect Joe Camel, or whether we are going to protect Joey.

Let our votes today be the answer.

Now I am certain that those speaking in opposition to our amendment will offer a lot of complicated reasons why our amendment is deficient.

But as they talk, ask yourself who should be protected: Joey or Joe Camel?

Sometimes the logic of something is just so simple that no amount of obfuscation, legal mumbo-jumbo, technical economic jargon, and procedural objections can fool the American public.

I expect that some will come to the floor today and say that this budget resolution is the wrong time and place for this legislation.

One of their objections will be that the bill includes $10 billion in deficit reduction. Some will argue that this is not needed in a balanced budget document.

Those who make that argument simply do not take into account the fact that the interest payments on the accumulated annual deficits—the $6 trillion national debt—now consume 15% of annual Federal spending. This is as much as we spend for our national defense.

Having managed the floor debate for the balanced budget amendment that fell 1 vote short of the 67 necessary votes, I have a special place in my heart for the "LD" part of the CHILD bill: lowering the deficit.

Once again, think of Joe Camel and Joey.

Frankly, as a conservative Republican I am proud to have convinced so many Democrats to cosponsor legislation that provides $1 for deficit reduction for every $2 devoted to program costs. If this model is adopted in other areas, not only will we more quickly reach the goal of a balanced budget, but we will also be better able to face the formidable challenges of entitlement reform and financing the national debt.

Our amendment has two very basic and extremely important goals.

The Hatch-Kennedy healthy kids amendment benefits American families, working families so that they can get health care. The healthy kids amendment helps reduce the deficit and reduce our debt service requirements.

Our amendment will help millions of kids get a healthy start in life. As it stands now, we know that too many American children do not get the benefits of health insurance.

The General Accounting Office recently made a number of important observations about this problem. In House testimony, the GAO said:

> In summary, we have found that while most children have health insurance, almost 10 million children lack insurance. Between 1989 and 1995, the percentage of children with private coverage declined significantly—part of an overall decline in coverage of dependents through family health insurance policies.

The GAO concluded:

> Had this decrease not occurred, nearly 5 million more children would have had private health insurance.

From these observations of GAO, I think it is fair to say that there is a big problem in the area of children's health insurance, and unless we do something about it, it is bound to get bigger.

Who are these 10 million children? These uninsured kids come from working families. At least 88 percent of those kids come from families where at least one parent is working. Many live in families whose income is just above the Medicaid limit, but they do not make enough money to provide health insurance for their kids.

Who are the Hatch-Kennedy kids? I will tell you who they are. They are, in large part, the children of good, hardworking families who make too much for Medicaid and not enough to buy their own health insurance.

This chart shows you that there is a pronounced spike in the number of uninsured Americans who live in that $20,000 to $30,000 working-class income bracket. This is the family income range of many of these families who stand to benefit from the Hatch-Kennedy amendment.

It is clear to this Senator that there is a problem to be solved. These are uninsured Americans.

Some are saying we do not need this amendment. The budget negotiators did a good job, in my opinion, in including a significant amount of new spending for children's health—$16 billion in this budget resolution. That is a good start, and I praised them for it. No question about it. But the fact is there are about 10 million kids in the United States without health insurance, and I believe that the budget resolution probably will not cover even half of them.

I think it is important that my colleagues understand the Congressional Budget Office is coming in with very conservative estimates on the number of children who will be served under various congressional proposals. For example, the CBO, Congressional Budget Office, has estimated that the Medicaid 12-month, continuous eligibility proposal would cost $14 billion alone if implemented by every State. That alone is almost all of the money in this budget resolution. Or, if you look at it another way, the Federal share of Medicaid costs for a child is about $860 on average this year. According to the Employee Benefit Research Institute, there are 4.7 million uninsured children whose parents make less than 125 percent of the Federal poverty level. That is $19,500 for a family of four.

How can they afford insurance? By simple calculation, to cover those kids under Medicaid would cost $4.2 billion, about $1 billion more a year than is included in this budget resolution, and that is just the Medicaid kids. There are 7 million here who are not. And this would leave the vast majority of children of working parents under 125 percent of poverty level uncovered.

While I admit $16 billion is a substantial start and I commend my colleagues on the Budget Committee, it is just not enough to do the whole job.

Many of us are also cosponsors of the Chafee-Rockefeller-Jeffords-Breaux CHIPS bill, which is estimated to cost at least $15 billion, perhaps even more. This Medicaid bill is targeted to help 5 million kids, including the 3 million or so Medicaid-eligible children who are not enrolled because they do not know enough to get enrolled.

We see these two bills as compatible. The CHIPS bill improves basic Medicaid, and our bill would be added on top of that to take care of these uninsured kids who do not qualify. There obviously is a close connection between the two. That is why in our amendment we decided to divide the money equally between each of the two committees, Labor and Finance, and to work out an integrated approach.

Let me also take a few minutes to explain my views about using a tobacco tax as the revenue source for our amendment. There can be no doubt that smoking and tobacco use are major public health problems. By any measure they are costly.

Smoking is our Nation's No. 1 preventable health cause of death. There are about 48 million Americans who smoke. About 2 million Americans use other tobacco products like chewing tobacco. There are 3 million kids who smoke.

Consider these smoking facts. Smoking causes cancer and is addictive. One out of five cancers is caused by smoking; four out of five lung cancers are caused by smoking; 3,000 kids are starting to smoke every day; 50 percent of all smokers begin before age 15, 90 percent before the age 18; 419,000 American smokers die annually. Just think about it. Of those 3,000 young Americans who start smoking every day, at least half of them are going to become nicotine addicts.

Tobacco accounts for more deaths than homicide, car and airplane accidents, alcohol, heroin, crack and AIDS combined. In fact, cigarettes are a major cause of fire fatalities in the United States. In 1990, cigarettes were responsible for about one-quarter of all deaths associated with residential fires. This represented over 1,000 deaths in our society.

Every day nearly 3,000 young Americans become regular smokers. Eventually, 1,000 will die early from tobacco-related diseases. Unfortunately, cigarette smoking is on the rise among the young. About 8 in 10 smokers begin to use tobacco before age 18 and about one-half of all smokers started at age 14 or earlier.

According to a 1994 CDC report, tobacco costs our society $100 billion annually—$50 billion in direct medical costs. Of 24 billion cigarette packs sold in 1993, $2.06 per pack in medical care costs. Of this, 89 cents was paid by public sources; $10 billion Medicare, $5 billion Medicaid, $4.75 billion other Federal, and $16.75 billion higher insurance premiums. Just think about that.

The price of cigarettes devoted toward taxes has slipped over the last three decades and, even with the increase we propose today, will actually be lower proportionately once this bill is enacted than it was in 1964 when Surgeon General Luther Terry reported for the first time that smoking causes cancer.

As a conservative, I am generally opposed to tax increases. I firmly believe that the Federal Government should spend less and that the American people should keep more of their money that they earn in our economy. Yet the statistics about tobacco use and costs that I cited above, I believe, make the case that tobacco products are imposing external costs onto society that are not adequately reflected in the price of these inherently dangerous products. Simply stated, the producers and consumers of tobacco products are not paying for the full costs of this product.

When I balance the opportunity that we have in terms of helping to provide health insurance and services for children, coupled with the significant deficit reduction component against my natural aversion to raising taxes, I come down in favor of this financing mechanism with the tobacco tax or, as I call it, a user fee because only those who smoke are going to pay this tax. And 50 percent of them, according to the recent polls, are for this tax realizing that smoking causes a lot of detriment to society.

If we are going to commit ourselves to addressing the problem of adequate health care for children, then it is essential that we identify how this program is going to be funded.

I knew I was going to take the heat on this one, but I strongly believed that it was the fiscally responsible thing to do, and I still think this is the case.

Accordingly, let me pose to my colleagues this question. What do you believe is a better offset? From what program do you suggest we take the money? Now, I am willing to listen and discuss this issue but, quite frankly, I have not heard from anybody concerning a viable alternative financing source.

Let us get to the real issue here. Smoking is dangerous for our public health, and it is dangerous for our economy. It hurts the kids we are trying to help. That is the crux of our amendment here today.

Many of the critics of our proposal have seized on this amendment today to express concerns which were raised earlier about the Child Health Insurance and Lower Deficit Act. A lot of those charges against the bill are in error, as I am prepared to debate here today. But the fundamental question today is not should we pass the Hatch-Kennedy child bill. Rather, the more pertinent question before the body is should we do more for children's health?

The answer, totally clear to this Senator, is "most definitely." I consider children's health to be a top priority issue for this Congress. I think the American people expect that of us.

My colleagues may be interested in a Wall Street Journal-NBC News poll taken between April 26 and 28 of this year. The question was posed as follows:

> Two Senators, a Republican and a Democrat, have proposed increasing cigarette taxes by 43 cents a pack and giving much of the money raised to help States provide health insurance for uninsured children. Based on this description, do you favor or oppose this plan?

The response was astounding. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WALL STREET JOURNAL/NBC NEWS POLL, APRIL 26–28, 1997

Question: Two Senators, a Republican and a Democrat, have proposed increasing cigarette taxes by 43 cents a pack, and giving much of the money raised to help states provide health insurance for uninsured children. Based on this description, do you favor or oppose this plan?

[In percent]

	Favor	Oppose	Not sure
All adults	72	24	4
Men	67	30	3
Women	76	20	4
Northeast	73	20	7
Midwest	73	26	1
South	69	28	3
West	74	23	3
Whites	70	26	4
Blacks	80	16	4
Age 18 to 34	73	25	2
Age 35 to 49	74	23	3
Age 50 to 64	66	30	4
Age 65 and over	72	21	7
Under $20,000 income	74	23	3
$20,000 to $30,000	76	21	3
$30,000 to 50,000	70	28	2
Over $50,000	70	26	4
Urban	76	21	3
Suburb/towns	70	26	4
Rural	70	28	2
Registered voters	73	23	4
Non-Registered adults	65	32	3
Democrats	79	18	3
Republicans	67	29	4
Independents	69	27	4
Clinton voters	80	17	3
Dole voters	64	31	5
Liberals	79	19	2
Moderates	79	19	2
Conservatives	64	31	5
Professionals/Managers	76	21	3
White collar workers	77	20	3
Blue collar workers	62	35	3
High School or less	66	30	4
Some College	75	22	3
College graduates	75	21	4

Mr. HATCH. Mr. President, 72 percent of all adults responded that they favor this proposal and only 24 percent were opposed; 67 percent of all men approved of this proposal and 76 percent of all women were in favor. The results were remarkably consistent throughout each geographic region in the United States, across age groups and, indeed, income groups.

The point is simple. This is an idea whose time has come. So to those who believe there is a better way to go, I earnestly solicit your views. Indeed, I will make an offer to every Member in this body. I want to work with each of you and with our leadership to address this issue in a responsible way. If changes need to be made, if we need to move toward a middle ground in order to get a proposal enacted, I will be an advocate for these changes. It is for this reason that Senator KENNEDY and I initiated our discussions on this issue several months ago.

The fact is that Senator KENNEDY and I approach issues like these from vastly different ends of the political spectrum. That perhaps is what strengthens the product of our discussions on those issues, the fact that we can find common ground. I believe we desperately need to find that bipartisan common ground on an issue like child health insurance, an issue which matters to so many of all of our constituents.

I think one of the lessons we have learned in the last 18 months is that the American public believes Congress is unnecessarily politicizing issues and sandbagging legislation in areas which beg for action. Children's health is an obvious example. I caution my colleagues not to be ashamed to work in a bipartisan manner. Working across the aisle and knitting together political coalitions in order to get things done is an element of leadership, and I think it is what the public expects of all of us. I think that our approach is a true bipartisan partnership. Public health leaders back this approach.

Six former Cabinet Secretaries of HHS or its predecessor, HEW, representing all Presidential administrations back to the Nixon administration support our amendment. I thank Secretaries Elliot Richardson, David Mathews, Joseph Califano, Richard

Schweiker, Otis Bowen, and Louis Sullivan for their support and leadership in moving this legislation.

I also want my colleagues to know that former Surgeons General C. Everett Koop, Julius Richmond, Paul Erlich, and Jesse Steinfield are backing this effort.

Today is the time for we politicians to take the advice of these leaders in public health and vote to increase the tax on tobacco users in order to help children. Indeed, the budget compromise and the child bill plus the public's heightened sense of concern about the perils of tobacco are coming together to present a rare and historic opportunity for our society to help children get health insurance, further discourage tobacco use, especially among our young people, and target a sizable $10 billion for deficit reduction.

This is a unique time, and we should make the most of it. I believe that we can and should strengthen Medicaid and create a new program for those children from working families who are not Medicaid eligible. That is what our amendment is intended to do.

I will not use up all our time. Let us just keep this simple. Vote for Joey, not for Joe Camel. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I ask unanimous consent that Lauren Ewers be given privileges of the Senate floor during the pending debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, first of all, I commend my friend and colleague, Senator HATCH, for explaining the thrust of this legislation and the range of support that we have for it and the importance of it for working families. Let me just continue in the presentation.

Mr. President, I join Senator HATCH in offering this amendment to guarantee a healthy start in life for every American child. Our amendment to the budget poses a clear choice for every Senator. Whose interests do you care about—the interests of America's children—or the interests of the big tobacco companies? Are you for Joe Camel and the Marlboro Man, or millions of children who lack adequate health care?

Our amendment will make the Hatch-Kennedy children's health insurance plan part of the budget. Our goal is to make health insurance accessible and affordable for every child. The plan is financed by an increase of 43 cents a pack in the cigarette tax. That increase has the additional important benefit of reducing smoking by children.

Our plan has broad bipartisan support—because health care for children is not a Republican issue or a Democratic issue. It is a human issue. Six former Secretaries of the Department of Health and Human Services and four former Surgeon Generals have endorsed the plan. These leaders served under Presidents Nixon, Ford, Carter, Reagan, and Bush. They all understand the importance of health insurance for children and decisive action to reduce smoking. They all understand that health care for children is an issue that should transcend political party and ideology.

We all know the crisis we are facing in children's health. Ten and a half million children in this country—1 child in every 7—have no health insurance. Over a 2-year period, 23 million children—1 child in every 3—are without health insurance for substantial periods of time.

Ninety percent of uninsured children are members of working families. Their families work hard—40 hours a week, 52 weeks a year—but all their hard work can't buy their children the health care they need, because they don't qualify for Medicaid and they can't afford to buy insurance on their own.

Too many children are left out and left behind because they are uninsured. Too many parents face a cruel choice between putting food on the table, paying the rent, and giving their children the health care they need.

For millions of children the only family doctor is the hospital emergency room. Each year 600,000 sick children do not receive any medical care, because they are uninsured. Each year, 400,000 children go without the medicine their doctors have prescribed because they have no insurance. Each year, 1½ million children go without the dental care they need, because they have no insurance. Each year, 600,000 uninsured children suffer from asthma and less than half see a physician even once.

Each month, 1 million uninsured children suffer from sore throats with high fever. If they have strep throats, it can lead to heart disease and kidney disease if it's not treated. Each year, 300,000 uninsured children have chronic, untreated ear infections. Uninsured children are 50 percent more likely to die in the hospital than other children because their parents couldn't afford the health insurance they needed.

We all know our country's shameful record on infant mortality—we rank behind 17 other industrialized countries.

The lack of health care for children plagues the education system too. Children who are sick can't study well in school. Children who cannot see the blackboard because they have no eyeglasses can't succeed in the classroom. Children who cannot hear the teacher are unlikely to learn. Children who do not get a healthy start in life are unlikely to have a healthy future. And without healthy children, our country won't have a healthy future either—because children are the country's future.

Passage of this amendment, combined with the money already included in the budget agreement, can end this crisis and make this the Congress in which we guarantee every child the opportunity for the healthy start in life that should be the birthright of every child.

A budget is about setting priorities. There is no more important priority than health care for our children.

The amendment provides the additional funds necessary to achieve our goal. It includes in the instructions to the Finance Committee the necessary adjustments to provide for a 43-cent-a-pack increase in the cigarette tax to finance the coverage. And it includes in the instructions to the Finance and Labor and Human Resources Committee the spending to implement this program.

The Hatch-Kennedy legislation includes provisions that were common to bills introduced two Congresses ago by Republicans and Democrats alike. It will make health insurance coverage more affordable for every working family with uninsured children. It does so without creating any new Government mandates—on the States, on the insurance industry, or on individuals. The program is purely voluntary.

Our legislation creates no new entitlement. Instead, it encourages family responsibility, by offering parents the help they need to purchase affordable health insurance for their children.

The bill does not create any new bureaucracies—either Federal or State. The Federal Government already collects tobacco taxes, and all States have agencies that run their Medicaid, public health, and children's health insurance programs.

Our legislation builds on what the States are already doing. Fourteen States have their own public programs on which our proposal is modeled. Another 17 States have private programs to subsidize the cost of child-only coverage for low-income families.

Finally, our proposal builds on the private insurance industry. States choosing to participate will contract with private insurers to provide child-only private coverage. Subsidies will be available to help families purchase the coverage for their children, or to participate in employment-based health plans.

Even families not eligible for the financial assistance will be helped by this plan, since children's health insurance policies will be widely available in all States as a result of this proposal.

Under our plan, $20 billion over the next 5 years will be available to expand health insurance for children, and an additional $10 billion will be available for deficit reduction beyond what is provided in the budget agreement.

Paying for this program by an increase in the cigarette tax is both logical and practical. The link between smoking and children's health is obvious. If we do nothing, 5 million of today's children will die from smoking-related illnesses.

For years, tobacco companies have cynically targeted the Nation's children. It is appropriate now to ask those companies and smokers to make a contribution to the cost of health insurance for children. By providing a specific financing source to cover the cost of the program we are doing the fiscally responsible thing.

Some will oppose this legislation on the grounds that the $16 billion already included in the budget over the next 5 years is enough. But the fact is, the $16 billion is barely enough to cover the 3 million uninsured children already eligible for Medicaid but not participating. In total, it will cover only 3.7 million children of the 10½ million who are uninsured. Let me repeat that: It will cover only 3.7 million children of the 10 million uninsured.

The budget agreement is an important step forward. But that improvement is not enough to help the seven million other children in hard-working families whose parents will still make too much to qualify for Medicaid but not enough to buy the health care their children need. The Hatch-Kennedy plan fills that large gap.

Some will oppose this legislation on the grounds that the budget agreement was designed to cut taxes, not increase them. But a cigarette tax increase is a user fee and affirmative step to improve health care. It is not like other taxes. If you don't smoke, you don't pay the tax. We all know the heavy costs that tobacco companies and smokers inflict on all taxpayers. The average pack of cigarettes sells for $1.80 today—and it costs the Nation $3.90 in smoking-related costs. This proposal helps in a modest way to offset those costs.

Every poll shows that, unlike other tax increases, raising the cigarette tax has overwhelming public support. The only people who don't like this increase are the tobacco companies and their lobbyists.

Some will claim that this program will displace existing private insurance coverage. But our bill has strong safeguards to prevent this from happening. In fact, it has not occurred in the States that have already acted to implement similar programs.

Some will argue that this program creates new mandates on States or new entitlements. But anyone who reads the bill will see that it does not. Participation is voluntary for States. The requirements for participation are no greater than for other, typical Federal grants to States for health care. The bill states clearly that it creates no new individual entitlement.

Obviously, we are not voting today on the specific provisions of our legislation. There will be plenty of time for adjustment and improvement as it moves through Congress. But this vote on the budget resolution is the key vote that determines whether the overall budget will contain room for this program, financed by a tobacco tax increase, that will guarantee every family affordable coverage for their children.

Big tobacco opposes this legislation. They are powerful and well-funded, but they do not deserve to succeed in their effort to block our amendment. A vote for this amendment is a vote for children's health care and a vote against the insidious and shameful poisoning of generations of children by the tobacco industry. Enough is enough is enough.

An extraordinary 72 percent of the American people support this program. Republicans and Democrats, liberals and conservatives, low-income families and high-income families, North, South, East, and West—support is overwhelming. The question is whether democracy still works. The American people understand the choice we are making today—and Congress should listen to their views. How can any Senator say no?

I would like to close by telling my colleagues the story of the children in two families.

Sylvia Pierce of Everett, MA, didn't think twice about taking one of her four children to the doctor, when her husband was alive. The family medical bills were covered under her husband's health insurance that he got through his job. When one of the children needed a shot, Pierce took the child to the doctor; if the baby had an earache, Pierce got a prescription. "People don't realize what a luxury health insurance is," Pierce said. "I know I didn't. I took it for granted. I never thought about it; I never worried about it." That all changed October 6, 1993, when her husband was murdered. In an instant, Pierce's life was changed forever. Gone was the father of her children, the family's main breadwinner—and its health insurance, leaving her four children, 13-year-old Leonard, 8-year-old Brian, 6-year-old Alyssa, and the baby, Jillian, unprotected. "It was the middle of the winter, the worst time of year as far as kids and sickness are concerned," Pierce said. "The kids were always catching something at school, and the baby had earaches and needed to have her immunizations. I kept postponing her shots because I didn't have the money. It was a very anxious time."

"I didn't choose to be in this situation * * * We've got to take care of our children. They can't speak for themselves so we have to speak for them."

Maria lives in California. Shortly after Maria entered a new school as a third grader, her progress reports indicated that she seemed to be performing far below her potential. A health examination arranged by her school revealed that Maria had suffered multiple ear infections—probably over a period of several years. Maria's father ran a small yard maintenance business, but was not able to afford health insurance for her. As a result, her parents were unable to obtain treatment for her ear infections. Without timely and thorough medical attention, scar tissue had built up, causing her to become deaf in one ear and have hearing loss in the other. Maria's inability to access affordable medical care affects not only her physical health but her educational development as well.

Every day we delay means more children like Maria and like Leonard and Brian and Alyssa and Jillian suffer. It is time to say, "enough." We have failed our children long enough.

Children are the country's future. When we fail children, we also fail the country and its future. We all know what's at stake. For children, this vote is the most important vote we will cast in this entire Congress.

I reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might just, first, ask that every Senator who is interested in this amendment and what it does, that they get a copy of the amendment. Look through it. Turn one sheet after another. See if you find mentioned in this document cigarette taxes. See if you see it in here.

There is no mention of cigarette taxes in this. The reason is, you cannot, in a budget resolution, carry out a mandate that a cigarette tax be imposed. Let me repeat. If this amendment is adopted, there is no assurance that a cigarette tax will be imposed because you cannot do that in a budget resolution. So let us look at it, page by page. There is no mention of a cigarette tax. I repeat to Senator HATCH, my very good friend, that there is absolutely no assurance and no way, in a budget resolution, that you can instruct the Finance Committee of the Senate of the United States to levy any kind of tax specifically.

You can change the total amount of taxation and say, "We sure hope, when you change that, that you will pass a cigarette tax." I tell you that because the budget resolution is not the place to argue about what a tax package is going to look like specifically, especially with reference to imposing a new one.

Second, for those who are interested in cutting taxes—I assume there are a whole bunch of people on our side who want to cut taxes, and I think there are some on this side who want to cut taxes—if this amendment is adopted, while it does not mandate a cigarette tax, believe it or not, it cuts the taxes that you can cut by $30 billion. So that will be a wonderful accomplishment, especially by conservative Senators on this side of the aisle, that essentially the only thing you are assured they accomplish is that there will be a tax cut for the American people that will be less than we expected when we got this budget resolution passed. That is just the arithmetic of an instruction to the committee—just plain arithmetic. Having said that, there should be no bones about it, because of what I have just said with reference to a tax cut and with reference to adding more money to programs, this is in violation of the bipartisan agreement.

Mr. President and fellow Senators, I do not know who is going to lobby this in behalf of the agreement. I do not know who is going to lobby from the White House or from the office of the minority leader. I do know Senator LOTT and I intend to defeat this. So we are not only going to be lobbying, we are going to be working to see that this agreement that we entered into is kept and not violated by this amendment or any other amendment. For, make no bones about it, if you adopt this amendment, this agreement is wide open, if you believe anybody on this side of the aisle or that side of the aisle who wants to live under this is going to sit by for a major change like this. Essentially, the principal change is to reduce the amount of money you can cut taxes by $30 billion.

Let me also say, fellow Senators, and anyone listening here today, whatever the wonderful discussions by well-meaning Senators—and they are all well-meaning, I say that to my friend, Senator HATCH, looking right at him, wonderfully intentioned—the issue of covering children in America who are not covered by insurance, listen up, Americans: They are all covered in this agreement. The President claims victory in this agreement. And guess what he says, Senator KENNEDY, when he said this is a great agreement—5 million Americans, and he put up his hand with his 5 fingers like that—5 million Americans, young children, are going to be covered by health insurance because I made a deal to make sure that occurs.

So let us make sure that the speeches about covering children, trying, in this debate, to tie that to raising a cigarette tax—and another day, another place, another way, perhaps many Senators would vote for a cigarette tax increase. Perhaps.

Mr. KENNEDY. Will the Senator just yield on that point?

Mr. DOMENICI. I just want to finish this thought.

Mr. President, this cigarette tax is not needed. We need not break this agreement to cover children who are uncovered, in terms of health insurance, because they are covered. Let me tell you how much they are covered by. There is $16 billion—one-six—$16 billion in new money in this agreement that is there specifically and singularly to cover children who do not have insurance. All 5 million are covered by the $16 billion.

Let me suggest that the White House in these negotiations put before us a plan to cover the 5 million young people, 5 million young children in America. They put forth a plan and they said it is going to be very difficult to find out how to cover these young children because we do not have any experience in it. We do not have any insurance policies out there to cover them. But $16 billion ought to do the job.

Mr. KENNEDY. Will the Senator yield on my time for 1 minute?

Mr. DOMENICI. Sure. I will be pleased to.

Mr. KENNEDY. Mr. President, just to make it clear, in the budget is some $16 billion. The Medicaid costs are $860 per person. If you work that out, that covers 3.7 million.

I think the President said "up to 5 million." So, there is a major part of that group, particularly the working poor, who are not covered in that.

I strongly support the point that the Senator has made in that we are going to see progress, and it is important progress. I think we ought to at least have an understanding. We have $16 billion and it costs $860 to cover each child. If you do the math, it is 3.7 million. The President, I think, said up to 5 million. I think, frankly, if you do the math, it is a little closer to 3.7 million.

Mr. DOMENICI. Mr. President, fellow Senators, the truth of the matter is that nobody knows, nobody knows today how to cover these children who are uncovered in America. Nobody has a plan. Nobody knows which plan to use. Obviously, a very large number ought to be put under Medicaid. But they will not all fit under Medicaid, so another plan has to be developed for the rest of them. Frankly, this Senator is convinced that we can devise a plan in the Finance Committee of the U.S. Senate that will cover them all and will not even use the $16 billion.

That is just as honest a statement as my friend from Massachusetts makes when he plucks a number, because we do not know what it is going to cost. Mr. President, do my fellow Senators know that if you went out 6 months ago across America and you said, "Let's buy health insurance for some uninsured kids; let's just go around to the insurance agencies and say, 'How about giving us an insurance bid,'" there was no policy until about 2 months ago when a company decided to issue a policy. Nobody even knows, since it is the only one, whether its price is going to remain when they all start issuing them, for it is, indeed, not expensive to cover children; everybody knows that. One of the reasons given to cover them is it is not very expensive to cover them.

All I am suggesting is that the President of the United States, in this bipartisan agreement, made great, great emphasis to the American people that it was a good agreement for many reasons, and one of them was that we had covered the young people who are not covered with $16 billion in new money.

I want to close on this point, and I will have a lot more to say, but essentially, this amendment in no way will cause a cigarette tax to be imposed if that is the wish of the sponsors, because you cannot do it in a budget resolution and you cannot find the words "cigarette tax" in the boundaries of their amendment, because there is no way to do that. They just have numbers plugged in and they wish the Finance Committee will use the numbers the way they are giving their speeches on the floor. They are hoping that they will do that, but the Finance Committee does not have to.

So what we are doing is, we are tying in kids' coverage, which is already in the agreement, to a national issue on smoking cigarettes. And it is a national issue. It is a terribly tough issue, but, essentially, they are unrelated in terms of the budget resolution. So what we are doing is asking for more money for a program that is already covered, with no assurance that it will be spent for that program, and we are calling for a tax increase, with no assurance that it will be a cigarette tax, but a real assurance that you will have cut the $85 billion that we are providing for net new taxes by $30 billion, just the mathematical effect of the amendment.

I yield the floor at this time.

Mr. HELMS. Mr. President, Senator DOMENICI is absolutely correct. If the Senator from Massachusetts wants to render nugatory the work of all the Senators who labored so long to produce a budget, his amendment is the way to do it.

At stake, Mr. President, are the livelihoods of this country's tobacco farm families as Senators KENNEDY and HATCH attempt to extract an additional $30 billion tax increase from the American taxpayers by upping the existing 24-cent excise tax to 67 cents.

The impact of this proposal, if enacted, would not only devastate the Southeastern economy; it will harm the entire country. It will be harmful to the lives of thousands of farm families, to the manufacturing workers who stand to lose their jobs, to the retail-store owner and his employees, to the truck driver who delivers the product to market, to the farm implement dealer who supplies the tobacco farmer, to the schools financed by taxes levied on tobacco farmers, and on and on.

Mr. President, this tax increase will cost thousands of fine North Carolinians their jobs; it will effectively destroy the livelihoods of thousands of small family tobacco farmers.

According to American Economics Group, Inc., nearly 662,402 citizens are employed in the production, manufacturing, and marketing of tobacco. If enacted, the 43-cent excise tax on tobacco products would abolish 43,000 jobs nationwide, and North Carolina alone would lose 17,849 jobs.

Furthermore, any increase in the cigarette excise tax will fall disproportionally on lower- and middle-income consumers—the citizens least able to pay it. Those earning less than $30,000 annually already pay 5 times more in excise taxes than those earning $60,000 or more. Those families earning less than $30,000 pay a staggering 47 percent of all tobacco excise taxes, yet these families earn only 16 percent of national family income.

Make no mistake about it—the tobacco tax is not a user fee as so often claimed by the proponents of this amendment—it is a tax increase. We all know that when excise taxes are increased on any product, sales of that product decrease. If tobacco revenues fall short of projections—which will certainly be the case because there will be a substantially smaller tax base—how will the shortfall be made up? More taxes? What other group will be singled out to shoulder this financial burden?

Tobacco has been targeted for enormous tax increases because it is an easy way for this Government to take even more money out of the taxpayers' pockets. Smokers, tobacco farmers, and those who work in the tobacco industry should not be singled out to shoulder the burden of paying for the health care of uninsured children.

The anti-smoking zealots have made clear that they are willing to do almost anything in order to tax tobacco right out of existence. They do not care about the 18,000 people in North Carolina alone who stand to lose their jobs. The proponents of this amendment talk about all the children they are trying to insure with the revenues from this tax. Well, I can guarantee that they'll be able to add more uninsured children to that list if this tax is enacted. There will be a number of folks without work, and a number of children who will suffer because of it.

Once we head down this road of using the taxing power of Government to discourage Americans from undertaking activities Congress and the White House find objectionable, or politically incorrect, where will it stop?

This tax discriminates against an entire region, an entire industry, and all people who use tobacco products.

Mr. FORD. Will the Senator yield me 10 minutes?

Mr. DOMENICI. I yield 10 minutes to Senator FORD.

Mr. FORD. I thank the Senator.

Mr. President, I am quite proud of the record I have established over the years in support of programs that help children. No one in this Chamber is going to suggest that this Senator, this grandfather of five, takes second place to anyone when it comes to priorities affecting children. I have supported expanding educational opportunities ever since I came to the Senate. Nothing is more important for our children than education. I have supported full funding for Head Start and the WIC Program and expanding Medicaid coverage to poor children. I have supported child care programs. I have supported the expansion of the earned income tax credit. I have supported a child tax credit that will become, hopefully, a part of this budget. I have supported drug abuse funding to help children. I have supported reasonable environmental initiatives that improve the lives of our children. But this is not a debate about whether or not to provide funds for child health care.

The budget agreement already includes $16 billion in additional funds for child health care. A vote for this budget agreement, as is, is a vote for this country's children. I support the budget agreement that was negotiated earlier because it strikes an important balance. It provides much-needed programs for children from education to health care. It provides much-needed tax relief for middle-income families, and it balances the budget by 2002. An enormous amount of what we spend in the Federal budget is about children, and I believe that is right because our children are the most important resource this country has.

We have to balance a lot of competing priorities. There is virtually no end to what we could spend on educating our children, for instance, if money were no object, but money is an object, because we have to balance the size—and I underscore size—of Government with the appetite of our constituents to pay taxes. I thought the budget arrangement announced earlier struck a pretty fair balance. It protected a number of national priorities while balancing the budget. As I have always said, it includes $16 billion for children's health care over 5 years, an amount that we are told will cover approximately 5 million children.

The budget deal assumes that there will be $135 billion in gross tax cuts offset by $50 billion in new revenues already. Now we look at the Kennedy-Hatch proposal. No matter how you look at it, this proposal undercuts the budget deal by changing the balance reached in that agreement. It requires the Federal Government to be $30 billion bigger in tax revenues and at least $20 billion bigger in spending programs. Tax-and-spend.

So, with this amendment, there will only be $55 billion in net tax cuts. That is not the agreement I agreed to, the White House signed off on last week, and it is not the agreement that the American public has been led to believe they are getting.

There are plenty of other problems with the substance of the Kennedy-Hatch amendment. I do not think the budget deal was about raising taxes. If this amendment is adopted, this budget deal will become more and more about raising taxes. Put another way, this amendment reduces the net tax cut in this bill by 35 percent, more than a third. It requires a 60-percent increase in revenue raisers in this bill over the next 5 years. Tax increase, revenue raisers.

Let's quit talking about taxes a moment, and let's talk about the Kennedy-Hatch amendment. While it is true that States have the option of denying the new block grant under this amendment, once they decide to accept the money, several conditions and mandates—I underscore mandates—to the States apply.

The Kennedy-Hatch proposal contains 27 separate provisions which state that a State "shall" or a State "must" or a State "may not" do something. States have restrictions on how to write their plan to cover children. Who must approve the plan before they receive the funds? HHS. Which children are eligible for health insurance subsidies? What must be covered under the health insurance policy? You have told the insurance companies what they have to write, who they can contract with—think about that now, who a State can contract with for policies and how—how much they must pay out of State funds to receive this money; what percentage of administrative costs they must cover—mandates on the States.

Having been there and done that, I understand what a Governor has to do, but, if faced with a choice of stretching dollars, a Governor might prefer to provide a very basic policy but to cover more children. Under the Kennedy-Hatch amendment, the benefits that must be covered are specified in the bill.

What is the cost to the States? The Kennedy-Hatch amendment will cost the States up to $5 billion in additional matching funds, requiring them to raise their money or their taxes. The Kennedy-Hatch amendment will cause cigarette consumption to decline by a minimum of 10 percent. This means that States could lose between $4 and $7 billion in excise taxes if they do not participate in the bill, meaning that even more money must be made up somewhere else.

For weeks and weeks and months and months, there has been a bill filed to get rid of Joe Camel, to get rid of Marlboro Man, to do away with advertising, to do all those things that FDA has regulated, and then just ask FDA to get out of adult choice. But people who will not help prevent youth from smoking are here with an issue, not solving the problem, they are here with an issue, because if they wanted to solve the problem, they had an opportunity months ago to get on a piece of legislation that would do exactly what FDA is now saying will be in regulations.

So, Mr. President, don't let anyone say that they want to solve the problem. They, by their own words, have let thousands upon thousands upon thousands of kids die because months and months and months ago, they would not get on a bill to help stop youth smoking. Now they have an issue: They want to raise taxes in order to stop youth from smoking.

Well, it tells me something that they want the issue and not a solving of the problem.

I yield the floor, Mr. President.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just for the benefit of the membership, this legislation is drafted in the historical, traditional way of amending the Budget Act. There should be no question as to exactly what this legislation is about. It is about providing health insurance for working families who cannot afford it. This is spelled out in the purpose of the amendment, which also states that it will be * * * "financed by an increase in the tobacco tax." What we are voting on ought to be very clear.

Second, Mr. President, I ask unanimous consent to have printed in the RECORD a joint tax review that states that even with the decline in potential tobacco use, there still will be $30 billion generated over the period of the next 5 years. This also takes into consideration the arguments of the Senator from Kentucky.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT COMMITTEE ON TAXATION,
Washington, DC, May 19, 1997.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: This is a revenue estimate of your bill, S. 526, introduced with Senator Hatch.

Under present law, the excise tax rates on tobacco products are as follows: small cigarettes, $12.00 per thousand; large cigarettes, $25.20 per thousand; small cigars, $1.125 per thousand; large cigars, 12.75 percent of wholesale price (but not more than $30.00 per thousand); snuff, $0.36 per pound; chewing tobacco, $0.12 per pound; pipe tobacco, $0.675 per pound; cigarette papers, $0.0075 per book containing more than 25 papers (with no tax on books containing less than 25 papers); and cigarette tubes, $0.015 per 50 tubes. Under present law, there is no tax on fine cut (roll-your-own) tobacco.

Under the bill, the tax on small cigarettes would be increased by $0.43 per pack to $0.67 per pack. The excise taxes on other tobacco products are to be increased by the same percentage increase as the increase (179 percent) on small cigarettes except for the tax on snuff, which would be increased by 569 percent to $2.41 per pound and chewing tobacco which would be increased by 4,975 percent to $6.09 per pound. In addition, an excise tax is to be imposed on fine-cut tobacco equal to the tax on pipe tobacco.

The proposed tax increases for small cigarettes and other tobacco products would become effective on October 1, 1997, with floor stocks taxes levied on that date. However, a credit to be applied against the floor stocks tax liability equal to $500 would be allowed every vendor responsible for the payment of floor stocks taxes. We estimate that the floor stocks tax credit would reduce fiscal year 1998 receipts by $400 million from what they otherwise would be.

We estimate that this proposal would increase Federal fiscal year budget receipts are as follows:

[By fiscal years; in millions of dollars]

Item	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	1998–2002	1998–2007
Increase small cigarette tax by $0.43 per pack	5,273	5,633	5,673	5,714	5,753	5,791	5,827	5,864	5,904	5,944	28,046	57,376
Increase other tobacco excise taxes by 179%:												
Large cigarettes	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(2)	(2)
Small cigars	3	3	3	3	3	3	3	3	3	3	13	30
Large cigars	58	61	61	59	58	57	56	55	54	53	297	573
Pipe	10	10	9	8	8	8	8	8	8	8	45	85
Fine cut	4	4	4	5	5	5	5	5	5	5	22	47
Papers	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	1	(2)
Tubes	1	1	1	1	1	1	1	1	1	1	5	10
Increase tobacco excise taxes on chewing tobacco by 4,975%	93	94	92	90	89	88	87	86	85	84	458	888
Snuff by 569%	239	258	270	281	293	306	319	332	346	361	1,341	3,005
Totals	5,681	6,064	6,113	6,161	6,210	6,260	6,309	6,357	6,409	6,462	30,228	62,026

(1) Gain of less than $500,000.
(2) Gain of less than $5 million.

Note: Details may not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

KENNETH J. KIES.

Mr. KENNEDY. Mr. President, third, using the figures of the Senator from Kentucky, a reduction of about 10 percent is 4.5 million Americans. By and large, the greatest reductions will be among children, because they become addicted at the earliest age.

Finally, I want to address the issue as to whether this is consistent with the budget resolution. The budget resolution reduces the deficit. This program adds $10 billion in terms of deficit reduction. It strengthens the agreement itself.

Second, it does not change spending with regard to potential capital gains, the estate taxes, the IRA's, the education programs—none of those will be altered or changed.

This is effectively a user fee for those who smoke, and it will provide comprehensive coverage for the millions of children who are not covered.

I pay tribute to my friend and colleague from Kentucky because he has been a champion of children the entire time he has been in the Senate, and no one in this Senate ought to doubt his strong commitment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

I want to make a point again in a little different way. I am talking now to the U.S. Senate, but, obviously, there are people who pay attention who are not in the Senate.

So I would like to make sure that everybody that was part of this agreement—this agreement—the President of the United States signed it. I would like to make sure he somehow or other hears this next couple minutes.

Mr. President, fellow Senators, there can be no more frontal attack and violation of this agreement than this amendment. Now let me make it clear. It says that the tax cut to the American people is reduced by $30 billion. And it says we will spend $20 billion of that. So we are going to reduce the tax cut and spend more money. And we already cover the children in this agreement.

Mr. President, why would we work for 2 or 3 months—and in this instance I say, Mr. President, Mr. President Bill Clinton—why would we work for 3 months to shape an agreement that provides some items that Republicans want and some items that Democrats want, including the President, and then come to the floor and have the President of the United States not fully aware that this throws the agreement away? Perhaps he is unaware of it this morning. But he ought to be aware of it soon.

I mean, the agreement is as much as a nullity if you are going to violate it to that extent with this amendment, which will not necessarily accomplish the purposes of its sponsors.

I repeat, look at the amendment. Read it line for line. And there is no mention, I say to Senator GORTON, of a cigarette tax in this because, as you know, you cannot do that in budget resolutions. They are just numbers. So there is no cigarette tax in here, and no cigarette tax assured under this.

So I hope everybody understands the significance of it. We can debate for quite some time. I was of the opinion we had an agreement. And I was of the opinion that it was Democrat, Republican, Presidential. And I think those who are proposing this amendment better think loud and clear and think carefully, do they want the agreement to disappear because of this amendment.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I understand well the procedural objections of the distinguished Senator from New Mexico to this amendment. He argues that there is no way to be absolutely certain that the Finance Committee will levy a tobacco tax. In a narrow legal sense that is certainly true. Well, to that assertion I simply respond that this is not some hinky-dinky little technical amendment. Everybody here knows what is involved here.

We are having one of the most important debates in this Congress. It may be the most important debate that occurs during this session of Congress. We are debating in public. We all know what the stakes are. It is our children versus Joe Camel, nobody doubts that, nobody has any problem with that. In fact, even in the purpose clause of the amendment, it says financed by an increase in the tobacco tax. So it is there. Make no mistake about it, the question is clear today. History can be made today if our amendment is agreed to.

The Finance Committee would have no practical other choice but to pass the cigarette tax to finance this. Of course, there is no legal requirement to bind their actions but sometimes political and moral forces cannot be resisted by mere legal technicalities.

If we prevail today, there is no political way to turn back. That is why so many people are so nervous today. This vote may be the most important vote we cast this year for the future of our children. Let us face it. The people out there are watching. And they are going to hold us accountable, especially those 72 percent of the public, according to the Wall Street Journal-NBC poll who support our bipartisan approach. It is Joey versus Joe Camel, and no procedural nicety can obscure this reality. And everybody here knows it. So that is what it is coming down to.

There are $135 billion in total tax cuts, gross tax cuts in this budget agreement. And the fact is, that this is a public health vote much more than a tax vote. Tobacco is the No. 1 cause of premature death in this country. And that is costing our country literally tens of billions of dollars annually by our own Government estimates.

GAO is the one who has given us the figure of 10 million children here who do not have adequate health insurance, 3 million of whom do not even know they qualify for Medicaid. This money in this bill will help those 3 million children, perhaps. But I have to say, in order to get to $16 billion they had to cut the DISH. That is going to be a loss to children. So we are talking about taking care of the other 7 million children that are involved according to the GAO.

My amendment does direct the Finance Committee to come up with $30 billion more in revenues. We want this to be done with the tobacco tax increase; and it is the only way it will be done. That is the only way you can adjust the budget to accommodate a tobacco tax increase. If the Finance Committee refuses to back the tax, then it will be they, not us, who have thwarted the will of 72 percent of the American people who support this amendment.

I would like to point out nothing in the bill binds any committee to adopt any policy. Many committees may consider changes we have not anticipated here today. We have to do the best by providing clear direction on the floor. And if that guidance is not followed we will have to deal with that with subsequent reconciliation and tax bills.

So this charge ignores the real issue. The proponents of our amendment, the Hatch-Kennedy amendment, are making a public choice to help kids at the expense of the tobacco industry. You can try to gild the lily any way you want, but that is the situation here. Big tobacco is fighting back. Who are we going to be with? Are we going to be with the kids or are we going to be with tobacco? That is strictly the issue.

I reserve the balance of my time.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. How much time does the Senator want?

Mr. LAUTENBERG. How much time does the Senator want, 10 minutes?

I yield 10 minutes to the Senator from Massachusetts off of the budget resolution.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey.

I am proud to rise to join Senator HATCH and Senator KENNEDY as a cosponsor of this, and to thank them for their leadership on it. Let me say first of all, that it is absolutely disingenuous to suggest to the U.S. Senate that this amendment ought to be voted against or is subject to criticism because it reduces the tax cut by $30 billion.

Every U.S. Senator knows, by virtue of our experience here and the practice on the budget, that we are not allowed to specify the specific source of revenue. But every Senator also knows what the source of revenue would be if we decided to pass this legislation. There is no question about it.

There is no other place that the Finance Committee would go as a consequence of an overwhelming vote of the Senate to say that we should provide this care with the understanding of the sponsors and of all of those proposing that there is one source that we are directing our attention to for the revenue. So that is an entire smokescreen. No Senator can hide their vote behind that kind of smokescreen today.

Second, it is absolutely false to suggest that the $16 billion in the agreement is going to provide health care to even the 5 million children that it claims to, let alone the 10 million children we know do not have coverage today. The math is ascertainable. And the math will tell you that you are only going to cover about 3.7 million children with the amount of money allocated.

The fact is, that last year when Senator KENNEDY and I and Senator ROCKEFELLER and others introduced legislation to provide health care for children, we thought we had an approach. And Senator HATCH and others could not find agreement with it. And there have been some changes since then. But let me tell you, Mr. President, what else has happened since then.

There are 750,000 additional children who have lost their private health insurance in this country in that year that we have not seen fit to do what Senator KENNEDY and Senator HATCH are asking us to do today—750,000 additional kids.

One kid every 35 seconds has lost their health insurance in this country. And the fact is, that most of those 10 million kids are the sons and daughters of parents who are working. Ninety percent of them are working. And the vast majority, about 68 or 69 percent, both parents are working and are working full time.

So why is this necessary, Mr. President? Let me just share with you a real-life story from Massachusetts. Jim and Sylvia Pierce were married in 1980. They lived in Everett, MA. Jim was a plumber. They had three children: Leonard, Brianna, and Alyssa.

In October 1993, Sylvia was pregnant with her fourth child when Jim was murdered on his way home from the store. In that one horrible moment, her life changed forever. She not only lost her husband, but, pregnant and alone, she lost her health insurance as well. Her survivor's benefits made her income too high to be able to qualify for long-term Medicaid but it was too low to be able to pay the $400 a month premium that would have extended her husband's health plan so that it would have covered her children. Result—she lost her health insurance, pregnant, and with three children.

And she said, "I've always taken good care of my children. I feed them well; I take them to the doctors immediately when they need it. All of a sudden I couldn't do that anymore."

That is what this debate is about, Mr. President. It is about families like that that are trying to provide for their children. It is about teachers who will tell us again and again that children in a school who are disruptive in a class are often the children who have not even been diagnosed for an earache or for an eye problem. We are the only industrial country on this planet that does not provide health care to our children.

That is unacceptable in 1997. It is unacceptable when we are looking at 134 billion dollars' worth of gross tax cuts.

Mr. President, every person involved with children will tell us the value of providing health care to those kids so that you can provide the long-term preventive care and diagnosis necessary to provide them with full participation in our society.

The Journal of the American Medical Association found that children with coverage gaps are more likely to lack a continuing and regular source of health care, so that if you just have a gap in your coverage, the greater likelihood is you are not going to be able to make it up and have any kind of long-term preventative care; and that even when factors, such as family income, chronic illness, and family mobility are factored out, numerous studies by university researchers and by Government agencies show that the uninsured are less likely to receive preventative care, such as immunizations, more likely to go to emergency rooms for their care, more likely to be hospitalized for conditions that could have been avoided with proper preventive care, and more likely to have longer hospital stays than individuals with health insurance.

So, in other words, the fact that we nickel and dime this and we refuse to give them coverage actually winds up costing us a lot more in the long run.

Mr. President, when you really consider the savings in this, this ought to be a no-brainer for Members of the Senate. And the fact is, the reason we are turning to cigarettes is because cigarettes are the greatest saver of all. You can leave aside the fact that the Wall Street Journal did a poll that suggested that 72 percent of Americans favor this 43-cent tax, but just think about it on the merits.

The fact is, the public supports this bill because they want children to have health insurance and they also understand the rationale for increasing the cigarette tax. The cigarette tax is a user fee. For three-quarters of Americans they are not going to pay anything additional. But for the one-quarter of Americans who do smoke, they wind up costing Americans an additional $50 billion in direct costs, health care costs as a consequence of that smoking.

Mr. President, the tobacco taxes in the United States today are the lowest in the industrial world. And even if we passed this 43-cent tax in order to fund health care for children, we would still be far below the tax charged in most of those other countries today.

There is a rationale for doing this, a rationale that is overwhelming.

In the next 24 hours, 3,000 children are going to start smoking.

Every 30 seconds a child in the United States starts smoking. And the problem is getting worse because smoking among students in grades 9 to 12 increased by more than 26 percent from 1991 to 1995.

And although 419,000 smokers die each year of smoker-related diseases, the fact is that 89 percent of those who start to smoke by the age of 18 are going to be replaced today or the fact is those 419,000 are going to be replaced by about 1 million new smokers, which means that you are going to have about 89 percent of those who are 18 will have started smoking before that.

Mr. President, the tobacco tax is known to weed out that early smoking. The tobacco tax, according to the American Cancer Institute, suggests that 835,000 children's lives would be saved. So that is really the choice we face in this vote today. We know that if you raise the taxes on cigarettes, the people with the least amount of disposable income, which are kids, are less accessible to cigarettes. The fact is, if 835,000 lives could be saved and we refuse to take the step today to do that, then ask yourself what the complicity is in those additional 835,000 smokers and deaths that would occur as a consequence.

Mr. President, this makes sense. This is important in terms of our rising to the standards of the rest of the countries in the world, industrial countries. It makes sense to save countless tax dollars that are spent for those people who die, the 419,000 each year, as a result of smoking-related disease. It makes sense because it provides children with the opportunity to have the diagnosis of preventive care that provides them with a full opportunity to participate in our society.

I think Senator HATCH and Senator KENNEDY are absolutely correct when they say this is one of the most important votes we will cast. This does not blow apart any agreement. Do not let any smokescreen to that effect cloud a vote here. This agreement can hold together because this amendment provides for revenue and it provides for making up the difference of what is taken away. In the end, this agreement could go forward, and America's children would benefit as a consequence of that.

I reserve the balance of my time.

Mr. GORTON. Mr. President, I yield 8 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I thank my friend, the Senator from Washington.

Mr. President, we are indeed here for a budget resolution designed to ultimately lead to a tax decrease for Americans. Advocating the Kennedy-Hatch proposal is a $30 billion tax increase for the American people.

Mr. President, that is not exactly what I thought a Republican Congress had in mind in negotiating with the President of the United States to reach a balanced budget agreement. All of a sudden we throw that out right here in the second day of debate and suggest that we raise taxes $30 billion on the American people.

Now, which people are we suggesting the taxes ought to be raised upon, Mr. President? This is a regressive tax against low-income Americans. All of my colleagues on the left of the political spectrum here are advocating a low-income tax increase of substantial significance all across America. It seems to me the worst way, even if the Kennedy-Hatch proposal were otherwise something that ought to be supported, the worst possible way to finance it by putting a tax on low-income Americans. So not only is this a new tax in a budget resolution designed to give us an opportunity to lower taxes on the American people, it is a tax directed at low-income Americans.

In addition to that, Mr. President, this is a tax that is targeted at a region of the country. It is no secret that tobacco production is largely confined to the southeastern part of the United States of America. No one, as far as I know, is suggesting that cigarette smoking or the production of tobacco be made illegal. Controversial though it may be, no one is suggesting it be made illegal.

So we have in my State over 60,000 tobacco producers engaged in the raising of a legal crop for American citizens. The average tobacco grower, Mr. President, used to have in Kentucky about three-quarters of an acre. It is a little bit higher than that now. The typical tobacco producer in my State is a part-time farmer. He probably has a job in a factory. His wife probably works in an apparel or cut-and-sew plant, as we call them. They raise this tobacco on their own. They cut it and strip it on their own. They sell it at auction in November and December, and it provides Christmas money, or, for many families, a lot more than Christmas. It may be the opportunity to send their kids to college. Frequently, these kids going to college are the first in the families to have that opportunity.

Mr. President, 60,000 tobacco producers all across Kentucky are being singled out as they raise a legal crop, being singled out to pay for a children's health insurance proposal in this budget resolution, and I am told by the chairman of the Budget Committee, we have already taken care of that. There is $16 billion for children's health insurance in this budget proposal already. So what is going on here is, you will have a whopping new tax increase on low-income Americans that whacks the Southeastern part of the United States the hardest in order to get after cigarette smoking.

Mr. President, I do not smoke. I do not advocate it. I think we need to do a better job of keeping cigarettes out of the hands of people who are underage. But why in the world should we, in this budget resolution, designed, among other things, to give tax relief to the American people, whack low-income Americans with a $30 billion tax increase is simply beyond my understanding.

Now, looking at it from a job-loss point of view, Mr. President, from a Kentucky jobs point of view, estimates are that there are 78,000 Kentucky residents who have jobs in sectors linked to the production, distribution, and retailing of tobacco products. By increasing the Federal excise tax on cigarettes by 43 cents per pack, we estimate we would lose 43,000 of those jobs and 2,000 of them would be the Kentucky farmers. The total payroll loss would be $70 million in my State. Due to declining cigarette sales, total State cigarette tax revenues would also drop by just under $7 million.

So not only does this proposal advocate a huge tax increase on low-income Americans, it is also going to lose a significant number of jobs in my State and a number of other States across the Southeast all, allegedly, to go after a habit that many Americans have, which is not a healthy habit, a habit that I do not participate in, but a habit that adults are entitled to engage in if they so choose.

Now, Mr. President, this is a very, very serious proposal before the Senate. It will do great harm to my State and other States across the Southeast. We do not need to enact this proposal to provide additional health insurance for children. That is already provided in the budget agreement before the Senate.

Mr. President, I strongly urge the Senate not to adopt this amendment. It is a huge tax increase. It is a tax increase against low-income people. It is a tax increase targeted at a region of the country. It will have devastating effects on the economy of my State. I strongly urge the Senate not to approve this proposal.

To reiterate, Mr. President, I support this budget's constructive advancement of child health care, but I strongly object to the proposed amendment's destructive impact on child welfare in my home State of Kentucky.

This budget makes an up-front commitment to address the needs of child health because it is the right thing to do. But it does not place the welfare of children at risk in order to score political points against Joe Camel. I believe that my colleagues believe that no child should be discriminated against in order to benefit another. But the Hatch-Kennedy amendment takes this course openly. This amendment makes it acceptable to reduce a farm family to abject poverty in order to provide a limited health care benefit. This choice is not necessary. This budget supports the health care of children without destroying the foundation of their family and community.

As I have mentioned on this floor before, leading tobacco States like Kentucky, North Carolina, and Virginia are not the only States whose economies benefit from tobacco. Tobacco is grown on over 124,000 farms in 22 States and in Puerto Rico. Tobacco provides jobs to countless Americans. The hundreds of thousands of people involved in the tobacco industry buy cars built in Michigan, refrigerators built in Iowa, computers from California, and insurance from New York companies.

The smokeless tobacco industry includes thousands of small farmers in States like Kentucky, Tennessee, Wisconsin, Pennsylvania, and Virginia. In many cases, tobacco provides the cash margin that sustains a diversified family farm operation. Smokeless tobacco companies employ workers in States like Kentucky, Connecticut, Wisconsin, New Jersey, West Virginia, Tennessee, and Illinois. Many tobacco product distributors are in States like Texas and Georgia. With the inevitable loss of those jobs, the economic harm will be far-reaching throughout the larger farm and rural communities associated with tobacco.

The billions of tax dollars supplied by the many facets of the tobacco industry support schools, pay for roads—help build America. Where will these funds come from now? Whose taxes are you going to raise next?

This amendment will raise excise taxes on all tobacco products including cigarettes, chewing tobacco, and snuff. This represents a 179-percent increase from the current 24 cents per pack Federal tax on cigarettes; a 569-percent increase on chewing tobacco from 36 cents to $2.41 per pound; and a 4,975-percent increase on snuff from 12 cents to $6.09 per pound. I am unaware of any other product that has been subjected to such outrageous tax increases. The economic repercussions of these taxes are far-reaching in terms of the severe economic disruption they will cause.

Excise taxes are regressive and discriminatory. Regressive, because the burden of paying them falls heaviest on low-income Americans. In 1987, the Congressional Budget Office [CBO] called consumer excise taxes the most regressive type of tax. CBO singles out tobacco excise taxes as the most regressive of all estimating that lower income persons pay 15 times more in tobacco taxes as a percentage of income than upper income individuals. A 1993 study by the Council of State Governments calls tobacco a worn-out tax source.

The tax on these products will be devastating to those Americans whose household income is less than $30,000.

Thousands of American jobs will be affected with such increased taxes in the form of lost wages and reduced spending, for example, local banks, farm equipment dealers, seed and feed stores, gas stations, grocery stores, and clothing stores.

A 43-cent-per-pack increase in the Federal excise tax increases the total Federal excise tax to 67 cents per pack and boosts the total Federal, State, and local excise tax to around $1 per pack. A 50-cent-per-pack increase for cigarettes would cause cigarette consumption to decline by about 11 percent. A decline of this magnitude would reduce total burley consumption in the United States by about 40 million pounds. Kentucky produced about 420 million pounds last year. Last year the average price per pound was about $1.90 per pound, this would result in a loss of $76 million in farm income.

The American Economics Group, Inc. [AEG] estimates that 78,280 Kentucky residents have jobs in sectors linked to the production, distribution, and retailing of tobacco products. By increasing the Federal excise tax on cigarettes by 43 cents per pack approximately 4,310 of these jobs would be lost, 2,019 would be farmers. Total payroll loss would be $70 million. Due to declining cigarette sales, total State cigarette tax revenues will drop by $6.7 million.

Tens of thousands of Kentuckians earn a living from the growing, harvesting, manufacturing, and marketing of tobacco products. Additionally, nearly $130 million of Kentucky's tax revenue relates to tobacco production, and local governments receive approximately $5.5 million in property taxes from the value of the quota system alone. Where will this tax revenue come from when Kentucky farmers are taxed out of existence?

Mr. President, if this tax increase is passed, who is going to pay their bills, provide them with job opportunities, and pay their health care? Who? If this tax increase is passed, you will see a ripple effect that will be devastating to rural communities in Kentucky.

Supporters of the Hatch-Kennedy amendment have spoken often of the health care needs of America's children. For Kentucky families, the health of their children is not limited to an insurance benefit. The health of our communities and our families is directly related to the health of our children. For Kentucky's rural towns and counties, tobacco is their lifeblood.

This amendment will dramatically impact the ability of Kentucky farmers to provide a living for their families. The tremendous loss of income will affect whole communities. Most tobacco farmers operate on borrowed money from the local bank. Where farmers have been in a position to diversify, they have done so but they have borrowed the money and use tobacco income to pay back the loans. Land values will decline. Bankers are going to be less likely to make loans. Rural communities will be decimated.

Mr. President, the farmers in my State of Kentucky and across the country are real people, people with feelings, and people who are hard working. The income they generate does not go toward a lavish lifestyle. The money is used to put food on the table, pay the mortgage, keep the car running, support the church, educate their children, and makes Santa Claus real at Christmas.

For over 200 years, tobacco has played an integral role in Kentucky's history and economy. More burley tobacco is grown in Kentucky than anywhere in the world. The average farmer grows less than three acres of tobacco, and there is no other crop which provides the income tobacco does on such small acreage. The economics of this intensively managed crop do not transfer to planting soybeans, peanuts, or corn. There have been attempts to replace tobacco production with other crops; however, almost none are economically sustaining.

In eastern Kentucky the impact will be particularly devastating. These are proud, and hardworking families with few alternatives. Their farms are small and tobacco is their only form of income.

Tobacco is one of the most economically productive crops for the type of soil we have in Kentucky, and researchers have yet been unable to find a viable alternative.

Tobacco is a traditional crop for my home State, but Kentuckians do not grow it simply to keep a tradition alive. Tobacco is a hard, labor intensive crop. Imagine the strength and sweat it takes to cut and spear a pound plant in the heat and humidity of a southern August day. Now imagine repeating that effort until—pounds of tobacco are cut, hauled, and hung in the barn for curing. Kentuckians grow tobacco because no other crop provides the same level of economic return.

Forcing farmers to leave tobacco for an unsuitable crop is irresponsible and will cause irreparable damage to thousands of Kentuckians.

We have too many big-picture economists and self-appointed experts who say farmers can find something else to grow, few have ever been to a tobacco farm to even know what it looks like. If they would go with me to Morgan, Owsley, or Wolfe Counties, where over three-fourths of their farm income comes from tobacco, it becomes very clear why I say there are not many alternatives. Twenty-three counties, all in eastern Kentucky, rely on tobacco for more than one-half of their farm income.

Owsley County—88 percent of farm income is from tobacco.

Wolfe County—80 percent of farm income is from tobacco.

Morgan County—75 percent of farm income is from tobacco.

If they could diversify they would. In western Kentucky, where the land is flat, they are growing tomatoes and peppers. In central Kentucky, they have beef and dairy cattle. But in eastern Kentucky, the choices are coal, tobacco, or welfare. The options simply are not there, no matter what the experts say.

Beyond the farm gate, tobacco farming is immensely important to hundreds of small rural communities. Without the tobacco program the value of farmland would fall dramatically, local tax bases would be wiped out, and the loss of income from leasing the tobacco quota or growing the crop would reduce the standard of living dramatically across my State.

The real travesty of an excise tax increase would be the impact on family farmers who have been helping to stabilize and revitalize our rural communities. In Bath County nearly 50 percent of all personal income comes from tobacco sales. That means it keeps a steady flow of money going into the community.

If this tax goes through, how are tobacco farmers going to pay the local truck dealership, church, the farm equipment store, the seed and fertilizer store, the local independent bank, and all the other important elements in the community.

There is just no disputing the fact that Kentucky burley brings in far more money than any other crop raised in the State.

The average Kentucky tobacco farmer gets about $3,500 in revenue from an acre of tobacco, but that same acre generates nearly $37,500 in excise taxes for Federal, State, and local governments.

Other sectors will be impacted by this outrageous tax increase such as convenience stores. The convenience store industry is concerned that the large tax increase on tobacco products will invite substantial tax evasion, and concurrently, expand the underground market for tobacco products. They are also very concerned about the increase of security risks for convenience stores and other tobacco retailers.

In many retail formats, including convenience stores the value of tobacco inventory will dramatically increase. Cigarettes are already being locked up in grocery stores because of the shrinkage and theft risk that they pose.

In fact, the convenience store industry has already seen many cases in which, because the amount of money in the cash register is kept low, an armed robber has opted to rob cigarettes. With such increased excise taxes, a carton of cigarettes will be the most expensive item in any convenience store. This poses serious security concerns.

Mr. President, and colleagues, I do not use tobacco products. However, the proposed increased excise tax on tobacco products will impact me and every nonsmoker across the country. The excise taxes on tobacco products, as proposed will have a dramatic impact: jobs will be lost, sales and income tax revenues to the local, State, and Federal governments will be lost, unemployment will increase, businesses will shut down, and family farmers will go bankrupt. The men and women who grow tobacco, who rely on the money from tobacco, cannot bear this unfair tax.

I do not believe it is fair or equitable to single out one industry or region to finance such a proposal.

Mr. President, I urge my colleagues to oppose this amendment.

Mr. KENNEDY of Massachusetts. Mr. President, I yield a minute off the bill and 4 minutes from our time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Senator from Massachusetts. A couple of quick points that ought to be made. This amendment, the amendment of Senator KENNEDY and Senator HATCH, reduces the budget deficit. I hope that point has been made. It does reduce it by $10 billion. That is specifically the amount. It does not change a single spending cut or tax cut that has been proposed in the budget agreement. It does none of that whatever, and it is consistent with what is already in the budget agreement. It would help children that do not have health insurance. It is very complementary to the budget resolution.

Let me say this. When I went to West Virginia 33 years ago, I went as something called a VISTA volunteer, sort of an untrained social worker trying to do good in West Virginia. I worked in a small coal mining community, and my life at that point was involved entirely with children who did not have any health insurance, or any education, for that matter, because the schoolbus would not come to pick them up.

Something that has stayed with me forever, since I was a VISTA volunteer, which I have acted on in terms of moral angst and fervor since then, has been the condition of children, particularly regarding health care. I have to report that the children of the children with whom I was a VISTA volunteer do not have health insurance. In fact, 12 percent of our children in West Virginia do not have any health insurance.

We talk about the most industrialized nation in the world, and that is true, but when you think of certain situations on a case-by-case basis, how can it be that, as a society that has our resources and our capacity, that takes 10 million children, and says they cannot have health insurance even though the majority of their parents are working, it is not fair. America and democracy are based like the progressive income tax, on a concept of fairness. To take 10 million children, most of whom have a parent or parents working, playing by the rules, paying taxes, and saying you cannot have health insurance because the person for whom your parent works does not provide health insurance and you, on your own, cannot afford it, and therefore you—this particular child—are not going to have health insurance, is fundamentally morally repugnant. I think every Senator, in fact, would agree with that.

So here we have a marvelous opportunity to help them, and not only to help them in this amendment, but to help them in the budget agreement.

Mr. President, if your heart does not persuade you to this position, your head ought to. That point has been made. That is, we are talking about preventive medicine for the budget in the future, as well as preventive medicine for children in our immediate time. How can we expect these children to excel at school; how can we expect them to perform at school and learn the skills they need if they do not have basic health insurance?

Between 1987 and 1995 the percentage of children with job-based insurance actually declined from 67 to 50 percent. Every minute that goes by, another child loses his or her private insurance.

This is the year that can make history for Republicans and Democrats alike. It can be the year remembered as the one we prove that we can do something, together, about a problem we all acknowledge, we all know doesn't make sense, and we all say needs a response.

I want to congratulate the Hatch-Kennedy amendment because it takes the next step. Senators HATCH and KENNEDY once again have paved the way for true bipartisan, common sense action in an area where Americans are very clear. Children count. Even better news is that this partnership of two Senators reflects broadening support and momentum that now must build into real results. The budget resolution before us includes $16 billion to expand health care. Money that can fund the Medicaid-based bill that Senator CHAFEE and I have proposed to expand coverage for children, with the bipartisan support of many of our colleagues.

This amendment should pass. The Hatch-Kennedy amendment takes the next step, with the money to make it possible to get most or all uninsured children the health care they need.

I am in the leadership on the Democratic side over here, and I am voting against virtually all amendments to protect the integrity of the budget agreement. But this amendment, as Senator HATCH said, is a big daddy. It is a big, big daddy. We are discussing health care, again, on the Senate floor, and we are discussing it for children, which is the place where we ought to be beginning.

I have spent too many years in a State that I love, in a country that I love, as president of the National Commission on Children, going around this country, going around my State, seeing children who do not have health insurance, seeing what happens to them, to not be extremely supportive of an opportunity to pass an amendment and to cure that problem.

Mr. DOMENICI. Mr. President, I want to yield to Senator FAIRCLOTH such time as he needs. I yield up to 10 minutes.

Parliamentary inquiry, how much time does each side have on the amendment itself?

The PRESIDING OFFICER. On the amendment, the Senator from New Mexico has 28 minutes and 52 seconds, and the Senator from Utah has 20 minutes.

Mr. DOMENICI. We do intend on our side to use time off the bill in further debate so Senators should not be concerned on our side about the 28 minutes. I will yield off the bill.

We should be debating back and forth, and when it is our turn again, I ask unanimous consent that Senator JUDD GREGG be recognized to speak next and he be given up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise to voice strong opposition to this amendment because it simply is another tax on the American family. It is a tax increase, Mr. President, nothing more.

This is a $30 billion solution to a far less expensive problem. The budget agreement already sets aside $16 billion over 5 years for children's health insurance. That will extend coverage to 5 million uninsured children.

Further, there are 3 million children that are now covered under Medicaid who, quite simply, have not yet been signed up. There are estimates of 2 million more uninsured children, and, of course, they can be covered for far less than $30 billion. Consequently, Mr. President, this $30 billion tax package is nothing more than an old-fashioned tax increase.

We sit here and we hear it is a great opportunity. However, Mr. President, has there ever been a tax increase that was not an opportunity to further gouge the working people of this country? Sure, it is always good politics to give a speech about tobacco, and the cameras love it. But this vote is not about tobacco, Mr. President, it is about a tax increase. It is not about children, Mr. President, it is about another tax increase on the American people.

I remember sitting in the House Chamber at President Clinton's State of the Union Address in 1995. He said that "the era of big Government is over." The President campaigned for a middle-class tax cut in 1992 and 1996.

I recall that we insisted that Government live within its means. I remember that the people wanted less Government, not more. That is what the election was about. We told them we would balance the budget and cut taxes.

Mr. President, nobody campaigned on a $30 billion tax increase, but we did campaign to cut taxes. The President did, too. This tax increase would reduce the net tax cut to $55 billion. That is not the tax cut that we promised the American people. We promised to do better, and we can do better. The American people deserve better than a watered down tax cut. We give with one hand and we take with the other.

This $30 billion tax increase is not the sole cost to the American people of this bill. No, Mr. President, the costs go farther. Tobacco is used in the calculation of the Consumer Price Index. Since the tax will increase the cost of tobacco, the Consumer Price Index will rise, too. A portion of the Federal budget is based upon the Consumer Price Index. This will have an impact of $4 billion over 5 years. This is $1.4 billion over 5 years in lost Federal tax revenue, lost revenue, and another $2.6 billion over 5 years in increased expenditures due to the CPI rise.

This is a plan that attaches a $30 billion tax increase to an unfunded mandate no less. It will force additional costs upon the States. Not only will it cost the States more money, it is going to dry up one of their major sources of revenue, tobacco tax revenues. This $30 billion tax increase will reduce sales, and that drop will reduce the tax revenues to the States by $6.5 billion.

The first bill we passed in 1995 was the Unfunded Mandate Reform Act. It passed the Senate with 86 votes. But this is simply an unfunded mandate coming around the backside disguised as something else.

It is like all of these new programs that come out of Washington. At first the Federal Government picks up a major portion of it. However, when the costs of the new program rise, the States will be responsible for the ever-growing difference between the Federal Government share and the program costs.

The entire proposal is just another unfunded mandate, a new law thrust upon the States, and one not paid for in Washington.

This amendment places more than 30 new mandates on participating States. Thirty new mandates. It requires all State plans to be approved by the Department of Health and Human Services. This means more big Government, more bureaucracy. If States fund abortions through their Medicaid Program, for example, this will force them to pay for abortions for teenagers that come in under this new program. The States cannot set up two different sets of benefits.

Like every other Federal program, the costs will go through the roof, and the taxpayers will be left holding the bag to pay the bill.

Why? So we can run back home and tell people we stood up against tobacco. We will not go back and tell them that we levied a $30 billion new tax on them and drove some farmers from the land. We were strong. We stood up against tobacco.

But this is the type of unfunded mandate that we were supposed to stop with S. 1 in 1995. But just 2 years after we passed it, here we go around the back to pass another mandate on the States. And that is simply what this is.

Mr. President, I also hear some grumbling about the small tax cuts in this budget package. I think the tax cuts are too small for working families, of course, but some of the grumbling comes from Senators who are concerned about the "distribution" of the tax cut. Mr. President, the cigarette tax is the most regressive tax on the Federal books.

Families making under $30,000 per year earn 16 percent of the national family income. They pay slightly over 1 percent of the Federal income taxes. But they pay 47 percent of the tobacco excise tax. This bill increase taxes on families making less than $30,000. We are going to increase their taxes by $230 a year.

If we were thinking about putting a tax increase on families making less than $30,000 a year from any other source than tobacco, the Senate would rise up in righteous revolution. Yet, under the guise of getting the tobacco farmers, so many of them acquiesced.

These taxes are so regressive that high- and low-income families pay almost exactly the same amount of tax rather than the same rate of tax.

This is the most regressive tax on the books. I find it odd that some of the biggest supporters are the same people preaching equity in the tax relief package. If ever there was an inequitable tax, this is it, but I don't hear their complaints.

Mr. President, we have a plan that raises taxes by $30 billion, and changes the Consumer Price Index to result in $1.4 billion in lost Federal revenues, and $2.6 billion in increased Federal spending. It reduces State tax revenues by $6.5 billion, and it wipes out 30,000 jobs, which means hardship and pain for families across the South.

So, in an attempt to insure 2 million children, we are looking at a $40 billion package.

I support efforts to bring coverage to these children, but this is not the right approach, and the taxpayers deserve a seat at the table here.

I ran for the Senate and promised the people of my State that I would not vote for any tax increase under any circumstances at any time for anything. I intend to live by my commitment and to oppose this massive tax increase and assault on North Carolina farm families with all the strength within me.

Mr. President, I yield the floor.

Mrs. MURRAY addressed the Chair.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Washington off the resolution.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise today in strong support of the pending amendment. I am pleased to join with the Senators from Utah and Massachusetts in supporting this bipartisan effort to launch one of the most important health initiatives since the creation of Medicare in 1965.

At the start of the 105th Congress both the Democratic and Republican leadership included comprehensive children's health insurance legislation on their agendas for action. I applauded this decision and believe that the amendment before us today moves us closer to enacting universal children's health care legislation.

Mr. President, as a member of the Budget Committee I have been actively involved in the negotiations and difficult decision, that resulted in this bipartisan balanced budget agreement which will control spending, encourage economic development and balance the budget in 2002. And I have been an adamant proponent of Medicaid and the need to maintain the health safety net for millions of children, pregnant women, the disabled, and senior citizens. Because of my role in the development of this agreement I recognize the fact that there is little room in the current confines of the budget to significantly expand Medicaid or other health discretionary programs to serve the 10½ million children who today lack any health care coverage. We cannot simply turn our backs on these children and their working parents. If children are truly our priority, we must be more creative in finding appropriate solutions.

The amendment before us will do just that. It will allow for an increase in the cigarette tax to fund a program that helps working parents purchase health insurance for their children or offset the cost of premiums, copayments or deductible for employer provided health insurance. It does not create a new Federal entitlement program—it relies on the private insurance market as opposed to a Government run plan. In many ways it is very similar to the structure of the Medicare Program which we all know is one of the most successful public/private programs currently administered by the Federal Government.

This amendment will not hinder the enactment of a balanced budget plan. It does not add one dime to the deficit, as it is entirely funded through the cigarette tax. It is fiscally responsible and does not violate any part of the bipartisan balanced budget agreement.

Some are arguing that we do not need to enact this act as the agreement will provide an additional coverage for 5 million children. While this is an important first step, who wants to tell those other 5½ million children that they will lose in this agreement? These are real children who are in our classrooms, in our homes, in our streets, and in our communities.

Today, we have the chance to provide real security for working families and to make a positive step forward for all children in our country. I believe we have a moral obligation as adults to address the growing health care crisis facing these 10½ million children, children who have no direct access to quality comprehensive health care, children whose only exposure to health care is the emergency room. In town hall meetings and community meetings across my State, the people I represent have told me that children and their future must be our priority.

Mr. President, I think it is important for us to realize that, if enacted, this proposal would actually have a more positive impact on the deficit than will ever be scored by CBO. A sick child cannot succeed in the classroom and becomes an unhealthy adult with few economic opportunities. As we learned a long time ago from the WIC Program, a little prevention goes a long way. Providing affordable comprehensive health insurance coverage for millions of children will pay huge dividends in the future. It does little good to help communities develop the classroom of the 21st century when children are suffering from diseases and illnesses of the 19th century.

I hope all of my colleagues will support this amendment so that we can move one step closer to ensuring that no child goes without necessary medical treatment and that every parent who works hard can provide health security for their children.

Today, let us make the same commitment to our children that we have made to senior citizens by protecting the solvency of the Medicare system. I urge adoption of this important amendment.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from New Hampshire.

Mr. GREGG. How much time remains?

The PRESIDING OFFICER. The Senator from Utah has 20 minutes; the Senator from New Mexico has 17 minutes.

Mr. GREGG. I yield myself such time as I may consume off the underlying bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise in opposition to the proposal that has been brought forward by the Senator from Utah and the Senator from Massachusetts. I oppose it on a variety of different levels, and let me talk about them.

First off, let us go back to where we stand here. We have before us a budget agreement, a bipartisan budget agreement that was worked out in negotiations, extensive negotiations, between the White House, the Republican leadership of the House and Senate, and the Democratic leadership of the House and Senate, at least relative to the Budget Committee, and that agreement included in it language to address the issue of uncovered children who are of a low income. Let us define the size of this issue for a second because there has been a lot of misrepresentation on this so far on this floor.

There are about 9.8 million kids who it is believed do not have insurance, or about 13.8 percent of the child population of the country. Of that group, 3.7 million are qualified to be covered by Medicaid. In other words, under the law that we presently have, they really do have insurance; they just have not been brought in under Medicaid. So we do not need a new law to cover those kids. And of that number, that 9.8, we have reduced it now by 3.7 and you are down to 6.1. Of that 6.1 that is left, about 2.9 million are over 200 percent of poverty—over 200 percent of poverty—which means that the family has an income of some ability and for some reason they are not using that income to cover those children.

So the number of kids that are under 200 percent of poverty who are uncovered by Medicaid is really 3.2 million. So that is the population we are talking about.

Now, in this bill, the bipartisan agreement that was reached, approximately $16 billion was set aside to cover children of low income who are not covered. That is a very significant commitment and certainly more than enough money to pick up 2.9 million children—to pick up the 3.2 million children who are uncovered today and to also make sure that in the Medicaid accounts we can pick up those children who are covered today under Medicaid but have not been brought in under Medicaid.

So this bill as it is proposed, as it was brought forward, the bipartisan agreement as it was brought forward already had in it a very substantial commitment to children who do not have health insurance who are in low-income families.

What else would you expect? Essentially, one of the great insults of this amendment, one of the great insults of this amendment is it is saying that the President of the United States, who reached this agreement on this budget, does not care about children, does not care about uninsured children. Essentially, that is what one of the underlying tones of this amendment is. Or I suspect some of the authors of this amendment feel this way anyway, that the Republicans do not care about uncovered children, which I would argue is totally inaccurate and inappropriate but maybe from a partisan standpoint is a point made.

It is ironic that one of the elements of this proposal is a representation that the bipartisan budget package, which has in it $16 billion specifically directed at children who are not presently receiving health care insurance and who are in low-income families, is not enough, that the President did not know what he was doing; that he does not care; therefore, we have to have this brand new layer placed on top of the package.

It really is a position which is hard to defend just on its face. But on the face of its indefensibility let us go into the substance of it because the substance of this proposal is totally indefensible.

There has been a representation made that this is a discretionary program. If this is a discretionary program, my golf game is the same as Tiger Woods'. They are about as closely related. The fact is that this is not a discretionary program or anywhere near in the ballpark of discretionary programs. This is a mandatory unfunded mandate on the States. It is a mandatory program on the Federal Government. It is a program which is grossly underestimated in its cost because of the impact it will have on the marketplace in taking kids who are already in the private-sector insurance realm and moving them onto the public-sector realm.

It is a classic big Government solution to a problem which ironically the bipartisan budget agreement has addressed not only with dollars but with initiatives to try to give the States the creativity to take this issue on and which the States are today actually taking on and resolving. And I will get into that in a second.

But let us go back to this complete red herring, that this is some sort of discretionary program. Now, the proposal as it comes to us is in vague terms so we have to go back to the bill that was introduced by the Senators who are the authors of this agreement in order to find the underlying language which defines the program. That bill is not included but it is obviously assumed, and if you go back to section 2802 of that bill, this sets up the new entitlement. In the bill in this section a State must—it does not say "may." "May" is a discretionary word. "Shall" is not a discretionary word.

It says, "The States shall guarantee issuance of Medicaid level benefits to all eligible children." And not only do they say "shall," they cover that "shall" with all sorts of restrictions; 39 times in this bill the States are told what to do. They shall do this, they shall do that, they shall do this. Every time it says that, every time it says that in the bill, it is a mandate, and every time it says it in the bill it is a major cost. Section 2803 is where the shalls begin.

Now, not only are the folks who drafted this bill not satisfied with creating a mandate on the States—and I will get into the unfunded aspect in a second—not only are they unsatisfied with creating a mandate on the States, they decided let's create a new mandate. Let's do it the old-fashioned way. Let's not only mandate what the States have to do. Let's mandate the private sector at the same time.

This bill includes a private-sector mandate that says essentially, depending on how a State defines its Medicaid eligibility rules, every private employer in the State must supply health care benefits at the same level as Medicaid to children.

Wow. This is a big-time, old-fashioned Government proposal. This is right out of the old 1960's school of Lyndon Johnson, how you make Government gigantic and how you make Government not work, I would point out, because one of the things we found out is that when we create one of these massive new entitlements that absorbs a whole area of activity under Federal control—and this entitlement does exactly that, basically giving unbelievable authority to HHS, eliminating waivers for Medicaid, grandfathering the HHS regulatory structure. When you do that, what happens is that you create major Federal programs which fail.

Why do they fail? Because all the knowledge does not happen to come out of Washington. And what is happening in the States today is that you are seeing a tremendous amount of creative initiative to try to cover these kids who need to be covered.

There is no argument about coverage here. The bipartisan budget agreement states there will be coverage. The argument is about whether or not you are going to do it with a massive new federally dominated, directed, controlled and managed program or whether you are going to do it by allowing the States the flexibility of initiating programs and addressing the issue of the concerns of these kids.

This bill creates a brandnew, major Federal entitlement. It is not only a Federal entitlement in the classic sense of an entitlement on the States; as I mentioned, it is an entitlement that forces the private employer to take action, and that is a mandate, an unfunded mandate.

Of course, the first action which this Congress took when the Republicans took control of it was to say that we were not going to create unfunded mandates anymore. At least, if we were, we were going to require a supermajority. So this bill should be subject to a supermajority if it ever came up for a vote. But whether it is or not, it undermines the intent, which was to stop putting mandates on the States that are unfunded.

Now, why is this unfunded? Because, of course, there is this dollar figure that is attached to this. It is an additional $20 billion which is paid for by the cigarette tax—which is not the issue I am addressing, the cigarette tax. It is unfunded because of the way it is structured. It guarantees that the cost of this health care package will exceed the amount of money that is in the proposal—guarantees it. All we need to do is look at history. All we need to do is look at the CBO estimations of what would happen if you applied Medicaid coverage to a full group, to this targeted population. We know that the practical effect of that will be to exceed $20 billion by who knows how much, but it will be a heck of a lot.

So what you have created is an unfunded mandate. You have created a cap that says, all right, States, the Federal Government will require you to pay this money. We know it is not enough money, but we are going to require you to pay it. Then when we go over the amount of money that we are going to put into the package, well, you have to pay it yourself. You have to pay the difference. Unfunded mandate. And some will say, well, that cannot be.

Why would that be any different? If that is the case, doesn't the present budget agreement understate the amount of money that is necessary to cover these children? Well, the difference here is in the insidiousness of this agreement, of this proposal in its ability to draw people into a Federal program. Because the way this proposal is drafted, it absolutely guarantees for all intents and purposes that people will be moving out of private-sector coverage and into the public-sector coverage, that a lot of children who are today being covered by their employers, by their parents' employers are going to end up moving over to be covered by the Government.

Why is that? Because it is requiring a one-size-fits-all health care package be applied to all children, all children who fall in this income category, but, even more importantly, under the way this bill is drafted and interpreted, applying that same package could be required upon all employers within a State. So you are going to have a dramatic, what is known as woodwork effect, where people move from the private sector coverage into the public sector coverage. It is just going to be overwhelming.

What employer in their right mind is going to say, "OK, I am going to continue covering this parent's children," when the employer is already paying a huge tax burden and the Government is being told that they must cover this child if this child is not covered by the employer. Very few will be so altruistic. For all intents and purposes, what we are doing is federalizing the health care system—nationalizing the health care system, not federalizing; this is no Federal program, this is a national program—nationalizing the health care system for all children, for all intents and purposes, who fall into this category, the majority of whom, today—the majority of whom, today, are covered by private-sector insurance. So, the open-ended cost of this program is absolutely staggering—staggering. And the concept that the costs will be controlled to $20 billion is absurd on its face, equal in absurdity only to the claim that this is some sort of discretionary program.

How does our bipartisan budget agreement, which the President has signed on to and which tries to address these children's concerns, approach this issue? Essentially, what it does is acknowledge the fact that in the States there are some things going on that are working. Take my State of New Hampshire, for example. There are 33 States, I believe, that are pursuing this type of approach. Recognizing we have a targeted uncovered population that needs to be covered, we have set up this program called Healthy Kids. This is a partnership between the private-sector insurers and the State. In fact, at the present time it is hardly costing the State anything because it has gotten the private-sector insurers to come in and cover these children.

In the targeted area where they are doing the demonstration program, 50 percent of the kids who would fall into the uninsured categories which this bill alleges it is trying to cover are being covered at essentially no additional cost to the taxpayer—50 percent. It is a darned successful program. It would not be able to continue under this bill. All 33 States that have initiated creative programs to address children's health insurance would have their programs wiped out because we in Washington have decided to take over the issue, to nationalize the issue with this proposal put forward by our colleagues. So, a program which is insuring 50 percent of these kids at no cost to the taxpayers will be replaced by a program that will draw a whole new group of kids out of the private sector into the public sector to be covered and will, in the process, drive up costs dramatically and increase the taxpayers' costs dramatically, and, I would point out, for that 50 percent of the kids who presently have coverage under the Healthy Kids Program, will have almost no impact on their quality of health care.

So, what our bipartisan budget proposal puts forward—not ours, the one put forward by the President and the leadership of the Senate and the House—is to allow these types of initiatives to proceed; not with as much flexibility as I like, and I may offer an amendment to give these States more flexibility, but with a heck of a lot more flexibility than is proposed by this straitjacket of mandated unfunded mandates in this bill that is the underlying essence of this proposal.

So, why not let the States try to do it? Why not say to the States: All right, there is a population out there that is not covered. See what sort of programs you can come up with to cover them and meet these limited criteria, criteria that they have to be covered under a certain health care structure. It is working, working in 33 States, but it will not work after this bill is passed.

Let me read part of a letter I received from the deputy commissioner of health and human services in New Hampshire, who is a professional. She is not a political appointee. She is a professional. She was looking at this question of how we address these kids who are in need, and thinking of the Healthy Kids programs that we have in New Hampshire and evaluating the various programs. Here is what she stated was the core of the need, in the way the Congress should approach this issue. She says:

> Consideration must be given to balancing the financial incentives provided in the States to implement health care expansion while retaining sufficient flexibility for innovation. There are multiple [multiple, a word which appears to have escaped the concept of this bill] multiple strategies to extend health care coverage to the uninsured, including preventive, catastrophic coverage options. Please recognize the efforts that are currently underway in many States across this Nation and their value in promoting our common goal, extending health care to those that currently have none.

Basically, what she is saying is what I suspect every administrator of health care at every State agency of health and human services would say if you asked them. It is their goal to cover the kids who are not covered. What the bipartisan budget agreement does is fund that ability. What the proposal before us does is deny that ability, relative to flexibility at the State level, and to take out of the hands of the States the ability to manage this issue in any way, shape or manner, and to nationalize the health care delivery of—essentially all children who fall within this income category, but potentially even a dramatically larger group of people, if the bill is applied to private employers, as I happen to believe it will end up being under its present language.

So, this bill—which is brought forward to us as some sort of proposal that is a discretionary program just meant to help kids who do not have coverage—will, in my opinion, have the practical effect of not only not accomplishing its goal, because it is certainly not discretionary—and I do not think it is going to help any more kids than would be helped under the bipartisan budget agreement structure as is proposed—but it would create a massive new entitlement, a massive new unfunded mandate, a massive new federally directed regulatory structure, and would essentially emasculate the private sector's efforts to respond to this area, and private insurance as it presently covers these children.

I can't think of any program which would be more counterproductive and, put in the context of the history of other nationalization efforts, will be less successful than that. I mean, essentially we have been down this road. We have been down this road and we found this type of approach to solving national problems does not work. Having the Federal Government come in and take things over does not work. This budget agreement attempts to address this issue constructively. It funds, at the level of $16 billion, children who do not have health insurance coverage, yet it leaves some modicum of flexibility with the States to address the issue. So, I find this proposal to be not only not compelling, but to be extraordinarily counterproductive to its underlying goal, which is to obtain fiscal responsibility and to cover children who do not have health insurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see Senator MIKULSKI and Senator REED, who have been very patient and want to address the Senate on this issue. But I see my friend and colleague and principal sponsor, Senator HATCH, on the floor. I would like to take maybe 2 minutes in response to the Senator from New Hampshire, but I will be glad to yield to the Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Massachusetts, and also the vice chairman of the Budget Committee.

I was very interested listening to the Senator from New Hampshire, his journey from 10.5 million unfunded children, down to the 3.2 million he says are truly uninsured. First off, the Senator says that 3.7 million are Medicaid eligible.

The PRESIDING OFFICER. Is the Senator from Utah speaking on his time?

Mr. HATCH. I am speaking on Senator KENNEDY's time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. First of all he says he's down to 3.2 million that he says they are truly uninsured. First off, the Senator says the 3.7 million are Medicaid eligible. That's what he said. But here is what the CBO said: 10.5 million uninsured kids, 3 million Medicaid—let me just read it right out of there. Here is what the CBO says:

> According to widely quoted estimates, about 10.5 million children through the age of 18, or 14 percent, are uninsured. At least 3 million of them are thought to be eligible for Medicaid.

That is the CBO. That is what we rely upon around here. So my friend from New Hampshire is using numbers somewhat different from the CBO. I still do not understand how anyone can seriously believe that $16 billion is adequate to take care of 10.5 million uninsured kids. I will go into that for just a minute, but let me just say this.

First of all, the amendment we filed is not a bill, it is strictly numbers. A bill will have to be formed from it. The question is whether we should fund beyond the $16 billion provided for in this bill—which I praise, but which is totally inadequate to do what many of us in this body would like to do, including many on this side. Over time, I think that will be the case.

Let me just make this case. By the way, talking about mandates, that is not part of our amendment. It was not part of our bill either. I might add, it is pretty tough to call a block grant to the States with the States setting eligibility standards a great big bunch of new Federal bureaucratic Lyndon Johnson type things. We fought very hard to get to a block grant status.

I remember the same type of arguments I went through on child care a number of years ago, until it passed unanimously on the floor here. The reason it did is because it was right and it did what was right. And our goals here are right. And they do what is right. And it is time for people to wake up and pay attention and do something about these problems.

Let me just talk about the Medicaid cuts in the budget. It makes sense that the $16 billion children's health initiative in the budget will be put back into the lowest income children. I commend the Budget Committee for that, particularly those eligible for Medicaid, since the budget agreement cuts $14 billion out of Medicaid.

Much of the $14 billion is expected to come from cuts to the disproportionate share of hospital payments, or DISH, which are funds to States to reimburse those hospitals which serve a disproportionate share of Medicaid and other low-income patients.

So the loss to children, where they have taken from DISH to get $16 billion, is somewhere between $7 billion to $10 billion. So it is not a full $16 billion. We are robbing Peter to pay Paul. That may be justified. I still commend the Budget Committee for trying to do something here, but it certainly does not cover the problems that some are saying it covers.

These cuts are taking away money that the States currently have to ensure that children, the elderly and the disabled are cared for in the hospitals. Reducing these funds, as I have mentioned, will likely hurt children if additional funding is not put back into the Medicaid Program to care for these children.

Without the additional funding in the Medicaid Program, States will be forced, or may be forced, to cut back on services to children, and I estimate that to be $7 billion to $10 billion. It may be more.

The Budget Committee made a good start by allotting $3.2 billion a year over the next 5 years to the Finance Committee to cover children's health, to cover those eligible for Medicaid and to strengthen Medicaid. Let's be realistic what the $3.2 billion a year can and cannot do.

I think it is important my colleagues understand the Congressional Budget Office is coming in with very conservative estimates on the number of children who will be served under various congressional proposals. For example, CBO estimated the Medicaid 12-month, continuous eligibility proposal will cost $14 billion if implemented by every State. That alone is almost all of the money in the budget resolution. CBO has also told us they estimate the cost for a child-only insurance policy to be somewhere between $1,000 and $1,200 a year. If true, the average $3.2 billion a year in the budget would only cover about 3 million kids, far short of the 5 million targeted in the resolution and still 5 million short of those who need to be taken care of.

Or, if you look at it another way, the Federal share of Medicaid costs for a child is about $860 on average this year. According to the Employee Benefit Research Institute, there are 4.7 million uninsured children whose parents make less than 125 percent of the Federal poverty level. That is $19,500 for a family of four. We, who make $134,000, continually complain about how hard it is to maintain two homes here and there and pay for all the things we pay for. Can you imagine what a family making less than $20,000 can do?

By simple calculation, to cover those kids under Medicaid would cost $4.2 billion, about $1 billion more a year than is included in the budget resolution, and that is just some of the kids. This still would leave the vast majority of children of working parents above the 125 percent of poverty level uncovered.

While $16 billion is a substantial start, and I commend my colleagues, as I have just shown, it is just not enough to do the whole job.

Some will point out our original bill called for $20 billion in spending. They will ask, why is more than an additional $4 billion needed? Are you saying that this is a $36 billion problem, and, if that is so, why didn't you ask for that originally?

These are fair questions. Let me answer them.

The short answer to this concern is that we need these resources to help the next generation of Americans to be healthy adults. The fact is that the $16 billion in the budget resolution is not enough. When Senator KENNEDY and I originally introduced the CHILD bill, we set a spending limit of $20 billion for services and $10 billion for deficit reduction. We hoped to target up to 5 million families not on Medicaid—I said not on Medicaid—and that is important.

We are also cosponsors of the Chafee-Rockefeller-Jeffords CHIPS bill, which is estimated to cost at least $15 billion, perhaps even more. This Medicaid bill is targeted to help 5 million kids, although there are already about 3 million of Medicaid-eligible children who are not enrolled. So we see these two bills as compatible—the CHIPS bill improves basic Medicaid, and our bill would be added on top of that.

There is, obviously, a close connection between the two. That is why, in our amendment, we decided to divide the money equally between each of the two committees, Labor and Finance, to work out an integrated approach. So to make wild comments that this bill is going to mandate this, mandate that, take away the powers of the States, when the original Hatch-Kennedy bill does not do that, is irrelevant to this debate, because if we adopt the Hatch-Kennedy amendment, we will have enough money to make a real dent in these problems.

The fact is that $16 billion is a good start, but let's not kid ourselves, it is not enough, especially combined with the Medicaid cuts in the resolution, and that is why our amendment should be adopted.

I understand that the Senator from New Hampshire and others are opposed to my CHILD bill. Most of his reasoning is wrong, though, but we will debate that at a more appropriate time when we actually get to fleshing out a CHILD bill.

This is not a vote on the CHILD bill. Our amendment intends that the money be used for the same purposes as those outlined in the bipartisan budget agreement. That is, for one or both of the following: Medicaid, including outreach activities providing continuous 12-month eligibility, restoring eligibility for disabled children losing SSI under the welfare bill, and, this is also part of the budget resolution, a mandatory capped State grant program to finance health insurance for uninsured children. That grant program will be designed by the Labor and Finance Committees. We hope it will be like the CHILD bill, but it may not be. But we are going to work to try and make it what we said we would do.

Under our amendment, $18 billion in program funding will go to the Labor Committee. Will the Senator yield me 1 more minute?

Mr. KENNEDY. I want to yield to two other Senators and make a brief comment myself. I do not know where we are on time. I want to take 1 minute to respond to the Senator from New Hampshire and then yield to my colleagues.

Mr. HATCH. May I have 1 more minute to finish my remarks?

Mr. LAUTENBERG. I yield 5 minutes more to the Senator from Massachusetts.

Mr. KENNEDY. I yield another 2 minutes, and I will take the last 3 minutes and yield to my colleagues.

Mr. HATCH. Mr. President, under our amendment, $18 billion in program funding will go to the Labor Committee and $2 billion to the Finance Committee to be added to the $16 billion already in the budget resolution. That means that each committee will get $18 billion to work on complementary programs to help the poor and the near poor. We will have to work out the legislative language. I hope it will be like the CHILD bill that we have worked so long and hard to make a possibility. But what we are voting on today, if and when we do, is the right to have enough funding moneys to take care of these kids who are the poorest of the poor families not on Medicaid who cannot do it otherwise.

Of all the criticisms of our bill, I am perhaps most dismayed by the charge that this bill creates an entitlement. In sharp contrast to last year's Kennedy-Kerry bill which was an entitlement, I succeeded in persuading my cosponsor TED KENNEDY, one of the most liberal Members of the Senate, to agree to the following provision:

> NONENTITLEMENT.—Nothing in this title shall be construed as providing an individual with an entitlement to assistance under this title.

Don't words mean anything anymore?

Moreover, not only does this bill make clear it is not an individual entitlement program, participation is clearly voluntary on the part of the States. In fact, even if an individual is eligible under the State's own eligibility criteria, section 2822(d) of the bill ensures that there is not a requirement for any subsidy to the individual should there be insufficient program funds available. This can be contrasted with programs such as Medicare or Medicaid, which guarantee we will pay for the services of every eligible beneficiary. In fact, the bill states specifically that.

Some have interpreted the language that states:

> Shall ensure that children's policies are available to all eligible children in the State and that each eligible child has the opportunity to enroll for coverage under such policies.

as an entitlement.

It is true that a State that chooses to participate by negotiating a contract with one or more insurers must make sure that children in the State can get that policy. What good is health insurance availability if those who need it don't have at least the opportunity to get it? However, there is no requirement that the State subsidize that policy in any way unless the State chooses to do so by the eligibility criteria it sets. And there is no requirement that the insurance policy be available to nonsubsidized children at the price negotiated by the State for the subsidy program.

To be fair, some may object to this provision, but it is in no way an entitlement. Again, the State chooses whether or not to participate, as does any individual insurer.

Finally, the point has been made that the bill would increase Federal mandatory spending by $20 billion over the next 5 years. That is true. This provision was inserted to made certain that the revenues generated by the companion legislation (S. 526) which increases the tobacco excise tax would be used to fund the CHILD bill and not for some other program. If there is a better way to write that language to make clear it is not an entitlement, I am open to suggestions.

I find it curious that many of my colleagues have been arguing against the fact that my bill calls for mandatory spending, calling the mandatory nature of that spending the equivalent of an entitlement.

Yet, the budget resolution we debate today includes funding for a mandatory capped grant program to States.

If "mandatory" equals "entitlement"—which I believe it does not—then the bipartisan budget agreement establishes a new entitlement.

But we all know that is not the case.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

The Senator from New Hampshire is my friend and my colleague. However, as is sometimes seen around here, someone misstates what is in the bill and then differs with it. That is what has happened here.

When I was listening to the Senator from New Hampshire describe the bill, I did not recognize it, because this is not an entitlement. No individual will ever be able to receive any kind of benefit on the basis of an entitlement. Participation is voluntary for the States and it is authorized for just 5 years. It is completely funded, and it provides the kind of flexibility to the States that will allow them to build on what thy are currently doing.

Let us not lose sight of what the issue is before the Senate this afternoon: Will we support the Hatch-Kennedy bill that will provide the resources to ensure the sons and daughters of working families in this country? That is the issue. You can talk about other kinds of issues all you want, but every American understands this one. When you come right down to it, this is the issue.

We are providing the opportunity. We are saying, "Let us stand up for the children of working families and pay for it with a tobacco tax, which is basically a user fee." That is the way to address this issue, by building upon the agreement that has been spelled out here. Covering the Medicaid children will make a difference, but let's build on that and cover the children of working families.

I yield to the Senator from Rhode Island. I see that he wants to speak about this issue.

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes remaining.

Mr. LAUTENBERG. I will yield 5 minutes to the Senator from Rhode Island.

Mr. DOMENICI. Mr. President, it is our turn.

Mr. LAUTENBERG. I stand corrected.

Mr. DOMENICI. Senator HAGEL has been waiting for a while.

Mr. LAUTENBERG. No problem. The understanding is Senator DOMENICI has the time next.

Mr. DOMENICI. Can I inquire, how much time is left on the amendment?

The PRESIDING OFFICER. The Senator from Utah has 20 minutes remaining; the Senator from New Mexico has 17 minutes remaining.

Mr. DOMENICI. How much time would the Senator like?

Mr. HAGEL. Five minutes.

Mr. DOMENICI. I yield up to 10 minutes to the Senator from Nebraska, and I want to take that off the resolution, Mr. President.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. HAGEL. Mr. President, I rise today to voice my strong support for Senate Concurrent Resolution 27. I want to begin by applauding the dedication of the Budget chairman and all those who have worked so diligently over the last few months to craft a budget that makes some sense and for bringing this balanced budget to the floor.

I want to speak in more global terms about this budget issue. I have not been around here very long. It seems to me that if we continue this "what if" theory and "one more amendment" theory to budgeting, we will never get there.

The fact is, at least in this humble freshman Senator's opinion, that the real challenge to this country over the next few years, well into the next century, is like this: It is the prioritization of our resources. If we are going to do that, then we are going to have to have some framework that makes some sense, that disciplines this Congress, disciplines this body. We have been an undisciplined Congress for 30 years, and what Chairman DOMENICI and the President and the leadership on the Democratic and Republican sides in the House and the Senate, and all those who have been part of this process have brought to this floor is something that makes sense.

This is a historic budget. We have not been able to craft this kind of a budget for more than 30 years. We should not forget this point as we debate this budget.

Is this a perfect budget? No. I think it is a good budget. Over the years, Mr. President, like many of my colleagues and most Americans, I was running my own business and paying taxes. Like most Americans, I was doubting whether this Congress had the will and the discipline to ever balance the budget. Now we have an opportunity to do what many thought would never happen, and that is to pass a balanced budget.

What also makes this budget significant is it cuts taxes. I, like many of my colleagues, know how difficult it was to craft such a budget. I also know, like in my campaign last year and the campaigns of others, that people said you can't cut taxes, you can't cut spending and balance the budget. Well, we can. That is what this is about.

Mr. President, there is a reason that more Americans believe in Santa Claus than believe we can actually balance the budget. We are at a crossroads in governance. We are at a crossroads in leadership. If we allow the further erosion of confidence of the American public in this body, this Congress, trust and confidence to do the right thing, to balance the budget, then it may be some time in getting it back.

I don't doubt the sincerity of my colleagues, Senators HATCH, KENNEDY, and others. I applaud what they are doing. But if we continue to proceed with amendment after amendment after amendment, I don't know what we would do at the end of the day. These are issues that should be debated in the appropriate forums. If we are not careful, we will undo a very delicate balance in coming to this budget agreement.

I will support this budget, but I will not support any of the amendments that are being offered. This budget is too important to our Nation and the future of our children to place it at risk with various amendments, regardless of how well-intentioned.

I urge my colleagues to defeat the amendments offered today and to support this balanced budget that so many people have worked so hard to craft and make work. This does include tax relief, spending cuts, and balancing the budget, putting this country on a responsible fiscal plane over the next few years. Until we bring some stability to our financial responsibilities and our fiscal responsibilities starting right here, then we will pay consequences for that.

I urge my colleagues to support Senate Concurrent Resolution 27.

I yield the remainder of my time.

Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks time?

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Thank you, Mr. President.

I want to thank the Senator from New Jersey for yielding me time.

I want to commend Senator KENNEDY and Senator HATCH for their leadership on this critical issue. I rise in support of their amendment.

Let us be very clear. What we are talking about today is providing health care for the children of the working families of this country. And despite the budget agreement's impressive commitment of resources to Medicaid, particularly for children's health care, it is not sufficient to cover all the children in this country. The Senator from Utah was very eloquent and accurate in describing the vast gap that is still left despite the resources being made available to Medicaid.

And why is it important that we provide health care for all of our children? Because every day we learn from medical science the critical—the critical—role of good health care in the development of children. Prenatal care, early infant care from zero to 3, and continuous health care for children are critical factors in providing for the intellectual and social development of children.

If children do not have that health care, if we do not allow these young people access to high quality health care, we are incurring a huge cost to society and a huge limitation on their potential and their ability to contribute to society.

Just last week, we celebrated the passage of the IDEA, the Individuals with Disabilities Education Act. Part of it was a further commitment of significant Federal resources for special education. I wonder how much we could save in that account if we had a fully funded comprehensive health care program for all the children in this country. I think it would be significant.

There is something else that is also very clear, and it is why this bill is so compelling in its logic. It is very clear that smoking is the No. 1 public health threat to this country.

One out of five deaths in this society are attributed to smoking. And, sadly, 3,000 teenagers a day are turning to that habit. This legislation, the proposed amendment, recognizes the need for good health care for all of our children, and the way to fund that health care is through an increase in the tax on cigarettes.

It is sound fiscal policy. It represents a pay-as-you-go strategy. Also, it represents a further deficit reduction because part of these funds will be applied to reducing the deficit. In effect, it is consistent with the very, very core of what we are about here today—providing access to good health care, sound policies for public health, and being fiscally responsible by reducing the deficit.

And there is something else worth pointing out today. Many of the opponents of this legislation will point to the dire consequences of increasing the tax on cigarettes to the tobacco industry and certain regions of the country. But let me share with you what the cigarette companies themselves are contemplating.

Weeks ago, when there was discussion of a possible settlement for some of the liability claims, most financial analysts conceded that the companies would routinely raise the price of cigarettes by 50 cents a pack, causing a slight decline in their number of customers—which some would consider a sound business decision. And I do not think there can be anyone on the floor of this body claiming an increase in the price of cigarettes by the companies as an unfortunate tax on low-income Americans. In effect, this tax is not only sound policy for funding this particular program, but also would not lead to the horrendous consequences which are being conjured up on this floor.

One of the opponents said that it is a regressive tax, because the richest smoker in America would pay the same as the poorest smoker in America. I can guarantee you, the richest smoker in America has a health insurance policy. I cannot make that same guarantee for the children of this country.

I urge my colleagues to support this amendment. It is sound public health policy. It recognizes that we must make an investment in our children for our own productivity as a Nation and for their own ability to seize all the opportunities of this country. The amendment also is sound fiscal policy because the cigarette tax pays for the program and reduces the deficit. I do not think we can ask for more in this budget.

I yield back the balance of my time.

Mr. McCAIN. Mr. President, I share the deep concern of my colleagues for the approximately 10 million children in our country who are currently lacking health insurance coverage. It is distressing that such a large number of our children lack access to primary and preventative care. I find it even more disconcerting that recent reports indicate that about 3 million of these children are Medicaid eligible, but are not enrolled in this program.

However, after spending a considerable amount of time reviewing the proposal by my colleagues, Senators HATCH and KENNEDY, I sincerely believe that it is not the best solution.

There are several fundamental reasons why I can not support this proposal. First, I can not support a measure which would impose new unfunded mandates on the States and will place unfair burdens and excessive costs on our State governments. Second, I can not endorse a proposal which is creating another highly bureaucratic federal entitlement program.

Also while I do have some concerns about provisions contained in the balanced budget agreement and I am continuing to review this plan, I believe that if enacted, many portions are worthwhile and will be beneficial to the American people, particular in providing tax relief and imposing spending controls. However, I believe the Hatch-Kennedy proposal would jeopardize some of the most valuable parts of this piece.

The Republican leadership has worked hard to ensure that this agreement contains an appropriate amount of tax relief for America's working families. The Kennedy-Hatch proposal shatters this agreement by lowering the net tax cut in the budget agreement from $85 billion to $55 billion over the next 5 years.

This proposal also fails to recognize that the budget agreement provides $16 billion for expanding health care insurance for low-income insured children. These additional funds will allow us to provide grants to the States to finance health care services to approximately 5 million children who currently lack coverage. Thus, about 5 million of the approximately 10 million children who are currently lacking coverage will now have access to health care under the bipartisan balanced budget proposal.

Now, my colleagues may argue this still leaves approximately 5 million children without coverage. However, we must remember that about 3 million of these children already qualify for Medicaid services but are not enrolled in this program. Therefore, I believe that we should first focus our efforts toward a bipartisan solution for developing innovative outreach programs to reach these 3 million children and their families, educate them about the Medicaid program, and get these children access to health care. This is an achievable goal for the near-term which we all agree should and can be achieved in the near future.

I have written the General Accounting Office and requested that they conduct a thorough analysis of the 3 million Medicaid eligible children who are not enrolled in this program. This analysis should provide Congress with a thorough profile of who these kids are, where they are located geographically and what their family environment is like. This detailed study will enable Congress with the necessary tools to develop the appropriate community outreach strategies and national education programs which will address this problem and assist in getting these children enrolled in the program and finally having access to very important health care services.

Providing access to health care for uninsured children has been a priority for me since coming to the Senate. In fact, I offered legislation in the 103d Congress which attempted to address this problem and provide access to health care for many of our Nation's uninsured children. This issue still remains a high priority for me in the 105th Congress. Currently, I am developing legislation which will concentrate on developing new innovative, strategic outreach programs to educate qualifying families about the current Medicaid program. In addition, it will incorporate creative solutions for creating an environment which provides low and moderate income families with access to health care for their children.

I sincerely believe that we must continue to work together to develop a bipartisan solution to this problem and find a way to provide access to health care for our Nation's uninsured children. I look forward to working with my colleagues in developing an affordable and equitable solution to this problem. However, I simply can not support this extremely expensive plan, which unravels the tax cut agreement between the administration and Congress, and creates another highly bureaucratic Federal entitlement program.

Mr. CHAFEE. Mr. President, I intend to vote for the Hatch-Kennedy amendment. It is paid for by a 43-cent-per-pack increase in the Federal excise tax on cigarettes. We must do everything we can to discourage smoking and to advance good health policy. In my view, this does both.

However, in doing so, I want to be very clear about my order of priorities in terms of addressing the children's health crisis in this country. If the Hatch-Kennedy amendment fails, and we do not get any additional spending for children's health initiatives above and beyond the $16.8 billion already included in this budget resolution, I intend to place all of my energies behind strengthening the very cornerstone of our Federal efforts to provide health insurance to poor children—the Medicaid Program.

My first priority will be to work in the Finance Committee to enact the Chafee-Rockefeller-Jeffords-Breaux bill which provide incentives—not mandates—to encourage States to expand their Medicaid programs to cover all children aged 18 and under, up to 150 percent of poverty. Through this voluntary Medicaid expansion, which now has the support of a majority of the members of the Senate Finance Committee, we can strengthen the system already in place across the country to reach up to 5 million more children. This is the most cost-effective way to proceed, does not create any new entitlement programs, and is a known quantity in every State.

What am I saying here? Let us strengthen the foundation before we build the building. In an environment of scarce resources, we must first work to reach the very neediest children through the Medicaid Program before we create other programs with potentially overlapping objectives. I would have a very different view if we had unlimited resources, but we do not.

I would now like to recognize Senators ROCKEFELLER and JEFFORDS to get an indication of their priorities.

Mr. ROCKEFELLER. Mr. President, as a cosponsor of the Hatch-Kennedy bill, I am extremely hopeful that this amendment will pass. If this amendment passes it will enable us to come very close to achieving universal coverage for all of America's children.

However, like Senator CHAFEE, if the Hatch-Kennedy amendment fails, then we simply must target our efforts in the Finance Committee at strengthening the Medicaid Program to achieve health care coverage for the children who should be our most urgent priority. The Medicaid Program has a proven track record in providing cost effective care and it has served as a vital safety net for millions of working families. Because of past bipartisan legislation that delinked the Medicaid Program from the welfare program, the vast majority of children on Medicaid have at least one working parent. In other words, these are children in families who are struggling to avoid welfare, play by the rule, pay taxes—but they are the ones who don't get health insurance for their children through their jobs and cannot afford it on incomes where ends barely meet.

So I look forward to working with Senator CHAFEE, Senator JEFFORDS, Senator BREAUX, and the majority of my colleagues on the Finance Committee who have already signed on to our bill, to expand coverage for millions of children in the most cost-effective, targeted way possible through the Medicaid Program.

Mr. JEFFORDS. Mr. President, the children of America need our help. Nearly 10 million children have no health insurance. Many of these children live in families with working parents who simply do not make enough money to afford health insurance.

In order to help address this national problem, I have cosponsored both the Hatch-Kennedy CHILD Act and the Children's Health Insurance Provides Security [CHIPS] Act. The CHILD Act would establish a State health insurance grant program and the CHIPS Act encourages States to provide uniform Medicaid coverage up to 150 percent of poverty for children of all ages. The combination of these two bills provides an integrated approach to ensuring that our Nation's uninsured children have health care coverage and does so in a way that is completely consistent with the policy language in the budget agreement.

I have serious concerns, however, that $16 billion is an insufficient amount to meet the health insurance needs of the 10 million uninsured children. I, therefore, will support raising an additional $20 billion through a cigarette tax. I believe using an increased cigarette tax as the revenue source is especially appropriate since it will have the added health benefit of helping to deter children from starting to smoke in the first place.

If the Hatch-Kennedy amendment does not pass, I will continue to work with my colleagues to develop a multifaceted approach that has as its first priority the strengthening of the existing Medicaid Program.

Mr. ROTH. Mr. President, of the 71 million children in our country some 86 percent have health coverage provided by private insurance or Medicaid. This is an impressive statistic. But it masks a problem. There are some 3.2 million children in families whose incomes are too high to qualify for Medicaid and too low to afford private insurance.

This is a problem that ought to be fixed. No child should be without health care because his family can't afford to purchase coverage.

The basic task we face in fixing this problem is to provide health insurance to these currently uninsured children without jeopardizing the private insurance system that provides care to the rest of our children. The Finance Committee has the responsibility of deciding how to do this. As chairman of that committee I intend to report legislation that will address this problem.

The issue before us is how much money to dedicate to this activity. The budget agreement allocates some $16 billion to solve this problem. President Clinton supports this amount. The House of Representatives supports this amount. I believe this is the right place to start.

This budget agreement before us is a delicate compromise of many competing interests. I think it would be unwise for us to jeopardize this agreement by asking for more.

Mr. KOHL. Mr. President, I support the Hatch-Kennedy child health insurance bill, but I reluctantly must oppose their budget amendment.

I am pleased that the President has secured over $16 billion to address the serious problem of children who lack health insurance coverage in this Nation. I believe that the funding allotted under the budget resolution for child health can and should be applied for the Hatch-Kennedy child health bill.

Mr. President, as a member of the Senate centrist budget group, I realize how difficult it can be to work across party lines to craft a budget plan. I was pleased to be a member of the Chafee-Breaux centrist group that crafted a fair and balanced budget plan. The budget plan that the centrists put together again this year is very similar to the bipartisan budget resolution we are considering today. I support this budget resolution and am concerned that the Hatch-Kennedy amendment would put the entire budget plan in doubt.

Although I will vote against this amendment, I believe we must enact legislation this Congress that expands health insurance coverage for children. The Hatch-Kennedy Child Health Insurance and Lower Deficit Act is at the forefront of the proposals that Congress should pursue.

The growing problem of children who lack health coverage is extremely troubling. A recent study drawn from U.S. Census Bureau data show that during 1995–96, there were 23 million children who did not have health insurance for all or part of the period. Surprisingly, 9 out 10 of these children lived in households where one or both parents worked. Although Wisconsin has the second best rate of insurance for our children, 23 percent, or over 330,000 kids were uninsured for at least 1 month over the 2-year period. This situation is unacceptable.

Helping families obtain health insurance coverage for their children is the next logical step to build on the success of the recent Health Insurance Portability and Accountability Act. It is an effort that is long overdue. The Hatch-Kennedy bill should serve as the model for the plan crafted during the remaining budget process and I will support Senator HATCH and Senator KENNEDY in their efforts.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, how much time remains on both sides on the amendment itself?

The PRESIDING OFFICER. At the present time, there are 20 minutes remaining in regard to the Senator from Utah; and the Senator from New Mexico has 17 minutes.

Mr. HATCH. Mr. President, I know there are some others who would like to speak on our side. But I really think everybody knows what is involved here. I am prepared to yield back the balance of my time if the other side is and go to a vote, let this thing be resolved at this particular juncture any way Senators decide to do it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, both Senator MIKULSKI and Senator WELLSTONE are on the floor and want to address this issue. But I want to join in the observation of the Senator from Utah that I would hope that after they had a chance to speak on this that we might move ahead.

This is an important issue. We want the Senate to be able to express itself. We would like to move ahead if we have that opportunity. But we will not do that, I guess, at this time.

Mr. HATCH. I am prepared to yield back.

Mr. DOMENICI. I do not think we are going to do it at this point.

It is our turn for a speaker. We get a chance to speak on our side now. That is correct, is it not, I say to Senator LAUTENBERG?

How much time would the Senator like?

I yield 5 minutes off the resolution to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, yesterday afternoon, less than 24 hours ago, in introducing this resolution, the distinguished minority manager of the bill, the Senator from New Jersey, had behind him a long and detailed chart from which he read all of the initiatives of his party, all of the spending programs of his party, that were a part of this budget resolution and were the justification for Members of his party who favored those spending programs to vote for and to support this resolution.

Mr. President, some of those proposals were also Republican proposals with which a number of us on this side of the aisle agree. Many of them however were not. Many of them represent Government spending with which we disagree, which we think is wasteful, money that we think ought to be returned to the people of the United States. Nevertheless, we support the budget resolution and those spending programs because this resolution also provides tax relief for the American people and does overall reduce the rate of growth in Government spending.

As a consequence, Mr. President, this is not a Republican budget resolution here today. This is a resolution the outlines of which were agreed to by the Republican leadership in both Houses, by the Democratic leadership in this body and the President of the United States. We have before us an amendment, however, that totally and completely breaches that set of agreements. It adds $30 billion in taxes on the backs of the American people. It adds $20 billion in spending programs on to the backs of the American people, in spite of the fact that the resolution itself includes $16 billion for health care for young people in our society.

I have a copy of the amendment, Mr. President. Nothing in the amendment talks about tobacco taxes or child health care. It simply is three pages of increased spending and increased taxes —nothing more and nothing less.

It is a total breach of the agreement made by the Democratic leadership, a total breach of the agreement made by the President of the United States. And bluntly, Mr. President, those of us on this side of the aisle, who felt constrained to agree to this budget agreement because it was bipartisan, expect the support for the resolution in its original form without increased taxes and without increased spending to be supported as eloquently and as strongly on the other side of the aisle as it is on this side of the aisle.

The PRESIDING OFFICER. Who seeks time?

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I believe the Senator from New Jersey was prepared to yield me 5 minutes.

The PRESIDING OFFICER. If there is no objection.

Mr. DOMENICI. We have no objection.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President.

I wish to rise to express my strong support for the Kennedy-Hatch amendment on children's health. I cannot think of any more important issue that faces our country. The health of our children must be a national priority. This amendment will make sure that that happens. It will expand health insurance to cover America's uninsured children. Our country has failed to meet the health care needs of these children. And we all know the statistics. More than 10 million children do not have health insurance; that is one out of every seven children.

In my own home State of Maryland, I am deeply concerned about what the situation is. One in five children is uninsured. Almost 200,000 children in Maryland alone lack health insurance.

Most of the uninsured children are from families with parents who get up and work every day. These are families who are doing the right thing to be able to support their family and yet they also want to be able to ensure that their children have health care, where parents are working 40 hours a week, often at what I call the varicose-vein jobs. They get up, they stand on their feet, they are the checkout woman at a grocery store, clerk, or they are some man out there working as a part-time landscaper assistant, sweating, breaking his back, and in very difficult circumstances, to put food on the table, a roof over their heads. But they live in fear every time one of their children has the sniffles, that those sniffles could lead to pneumonia and they do not have health care.

I have had grown men who were veterans, who were so upset that they had health care and their children did not. They support veterans' health care, and so do I. But those very same dads would say, "Let me be a dad. And let me be able to support my own children."

I am reminded of a case in southern Maryland where the dad is a self-employed carpenter. His youngest child has a heart disease. He is making $40,000 a year. But in order to get health insurance, it will cost $9,000 a year. That is almost one-fourth of their family income. The wife stays at home to care for this child, to be the backup, to make sure that that health condition does not deteriorate into a permanent cardiac disability. Should they go without health insurance? Should the mom go back to work? They should not have these melancholy choices to make.

That is why we support health insurance for our children, and not only for the children who are acutely ill but we want to have health insurance for children so they can be immunized by the time they are two, have early detection and screening as they get ready to go into kindergarten or elementary school to make sure they are learning ready, that they know whether they need eyeglasses or they need hearing aids or whether they have undetected juvenile diabetes, all these kinds of things.

I can think of no more important health investment than to have a healthy start for children. And I want to bring to the attention of my colleagues, at the fantastic, bipartisan President's summit on voluntarism, one of the goals established by Colin Powell, one of the five goals to get our kids ready for the future is to make sure they have a healthy start.

I say to my colleagues, this amendment would be a very important step in being able to do that.

I thank the Senate for its attention.

I yield back such time as I might not have consumed.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. How much time does the Senator want?

Mr. NICKLES. Eight minutes.

Mr. DOMENICI. I yield 10 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, let me compliment my colleague from New Mexico for his leadership in putting this budget together. And I will make a speech a little later about the entire budget package. But I have a strong feeling, if this amendment should pass, we are not going to have a budget package. Maybe I will not have to give that speech.

I was going to compliment my colleagues from New Mexico and from New Jersey and the majority leader of the Senate and the minority leader of the Senate, because they worked for hours, for weeks, they worked for a long time with the administration to put together a budget package.

I will tell you I do not think everything in this budget package is perfect, but I am absolutely certain if we pass an amendment that increases taxes $30 billion and increases spending $20 billion over what is already in this package, we do not have a deal. We just killed the budget. There will not be a budget agreement. I believe that very strongly. I will be involved with several people trying to make sure that we do not do it.

This deal is not very good from many people's perspective because it does not cut taxes very much. A net tax cut of $85 billion when we have total taxes in that period of time of over $9 trillion is not much. I argue it is better than nothing, but $85 billion of almost $10 trillion is not much. You reduce that to $55 billion, and I will say it is not worth it.

I am a little bit bothered by my colleagues when I hear there is bipartisan agreement. Yesterday, we had an amendment on the floor to increase spending and taxes by $15 billion, again, breaking the budget deal. We had eight Democrats vote for that or vote to sustain the budget package. Everybody else said, "No we want another $15 billion more in spending and $15 billion in more taxes."

Now it looks like almost all the Democrats are going to jump on and say we want more money for this program. Senator HATCH and Senator KENNEDY put together a good program. We do not care that the Budget Committee and the negotiators put in $16 billion; we are going to double it. We want $20 billion on top of it. It does not matter what you already did; we want more. It is like whatever that program is, hey, we are for more. The original bill that Senator HATCH and Senator KENNEDY had only had $20 billion. The committee put in $16 billion. I do not know why they did not high five each other and say, "Hey, we won," and I would probably be on the sideline saying, "Yes, they did. They got 80 percent of what they are looking for." I will say I lost because I do not think we should have a new mandate.

This is mandatory. It is mandatory under the Hatch-Kennedy bill, too. I heard people say it is not. I will be happy to read the language, and I know we are not adopting the Hatch-Kennedy bill, but we are debating it. We already have $16 billion, and now we are coming along with an amendment that says put another $20 billion on top, adding to it so now we will have $36 billion for this program. No one in their wildest dream would have said we should have $36 billion to try to solve this problem, which I will be happy to debate.

Do we want to make sure that kids have insurance? Make sure they have access to health care? You bet. I have four kids. I want to make sure my kids have health care. I want to make sure your kids have health care. Is the solution a Federal mandate? I want to make sure kids have plenty to eat. Are we going to mandate a Federal program for that? I want to make sure kids have a warm home. Are we going to mandate everything? Government is big enough to give you everything you want. It is big enough to take everything you have. We are approaching that.

A young child born today is already inheriting a debt of about $20,000. If we do not change the way we are doing our business now, a young person born today will spend 84 percent of their lifetime earnings paying taxes and paying for entitlements, working for Government—84 percent, if we do not start living within our means and start balancing the budget.

So, first thing right out of the hopper—we have a budget bill that purportedly is to balance the budget within a few years; it has some fiscal discipline—the first thing we do, we had an amendment yesterday to increase spending another $15 billion and increase taxes $15 billion. Almost all the Democrats voted for it despite the so-called bipartisan budget, and now we have an amendment that says increase taxes $30 billion, increase taxes $20 billion, and I understand we are only going to get maybe a few Democrats who will vote against that amendment. Just break the deal. What deal?

I absolutely tell you, Mr. President, if this amendment passes, there are going to be other amendments that say, "Hey, if taxes are on the table, maybe this $85 billion is not sacrosanct. I do not think that is enough."

Last Congress we had $245 billion that we passed and we balanced the budget. I thought that was a lot better tax package. We had real things in there for American families and it helped the economy. I would like it to be bigger than $85 billion. I will not be satisfied with $55 billion. My guess is there will not be a majority in this body satisfied with $55 billion, so if people want to kill this budget package in the name of saying, "Hey, no matter what you did, Budget Committee, in putting $16 billion in, we will double it because we are for kids and against tobacco." I do not care that much about tobacco. Somebody wants a different tax, a different time, do it on the Finance Committee when we have the reconciliation bill before us, and they can say, "I do not like this, raise the tobacco tax." They can have that amendment. It can be in order, and then you are playing with real bullets, then you are talking about something that is real.

All this is, this budget resolution, if one turns to the budget resolution, all that says is we want to spend $2 billion more in the Finance Committee, $18 billion more in the Labor Committee, and we want to raise taxes $30 billion. That is all it says, and it directly violates the so-called budget deal.

So we will find out before too long, are we for a budget package? Do we want to balance the budget? Or do we want to play games, and say, "I do not care, I am more for kids than you, so I want to increase it."

How much is needed? We have heard the statistics. There are 10 million kids uninsured. How long are they uninsured? A study was done that found that the majority of kids had insurance within 4 months. Well, we just eliminated half of the problem. Most of the kids have insurance within 4 months. People change jobs, people move, people have different reasons, but for whatever reason, a lot of those kids will have insurance within a short period of time. Of that 9.8 million group, about a third, over 3 million, already are eligible for insurance, they just have not signed up. Does that mean they will not get health care? No, my guess is, if they have an accident, they might go to Children's Hospital or something, they will be covered, and they already have vaccinations and so on, but for whatever reason, there is a program and now we come up with a bigger program, but they are already eligible.

What about the group above 200 percent of poverty? For that group, a family of four that makes over $32,000 a year, they make enough money to provide kid care, health care for their children, they are just not doing it. We will make them do it? We will come up with big subsidies? What about the 3 million people that maybe are between the 100 percent of poverty and 200 percent of poverty? About 3.5 million kids fall in that category. Half of them will have insurance within 4 months. But you still have maybe 2 million children that are chronically uninsured. Mr.

President, $16 billion is more than adequate to cover that chronically uninsured child, more than adequate.

Yet we are saying $16 billion is not enough, make it $36 billion. We will match you and double it, so now we have $36 billion. If you look at the cost of kid care, in many cases it is $600, $700, $800, up to $1,000. A population of children between 100 percent of poverty and 200 percent of poverty, 3.5 million, most have insurance within 4 months, so you are only talking a couple million. You can do that for a couple billion a year. We have more than that in the $16 billion. Yet, no, we are coming up now with $36 billion. No, I do not think so. I do not think that is a solution. It may be good politics.

Looking a little bit at the substance, we do not have the legislative language of the Hatch-Kennedy bill, but the Hatch-Kennedy bill, if someone reads it, one, they will find out it is a mandate. It mandates the Federal Government shall give money to the States. That is not optional. It is a mandate. Then looking at the subsidy, the subsidy for the group of nearly poor, not the Medicaid poor, the subsidy for this group is much more generous from the Federal Government standpoint than it is for Medicaid. Now, if we revamp and improve this program, we have Medicaid—Medicaid is a Federal-State program. It is supposed to be 50–50 cost shared, but in some cases the Federal Government is up to 70 percent or more. Under the Hatch-Kennedy bill, the Federal contribution is only 40 percent of whatever the State was putting in. If the State put in 50 percent, the State's share would be 25 percent. In many States the Federal share would be 90 percent. You have a lot of States right now that are only paying like 22 percent of Medicaid costs. The Federal Government is picking up 75 percent. Under the Hatch-Kennedy bill in a lot of States the Federal Government would be paying 90 percent. So we will have greater subsidies for the income eligibility between 100 percent and 200 and 300 percent, a greater share of Federal for the lowest income. That absolutely makes no sense, absolutely makes no sense whatever.

Then to say you can do this in the Finance Committee, and then we will come up and double the program in the Labor Committee absolutely makes no sense. It is like, wait, we do not work together so we will have the Finance Committee solve this problem and then we will come over here and have the Labor Committee solve this problem and give both committees enough money to solve it. That makes no sense.

Mr. President, I hope we will have colleagues on both sides who will be fiscally responsible and say let's work to balance the budget and work for America's kids. We are not solving America's children's problems by saddling them with another great big, open-ended, expensive entitlement program that can only explode in the future, wreck the budget deal, and totally destroy the budget package. I do not think that is good for kids. I think it is a disaster for children. I think if this amendment should pass, we will not have a budget deal and the real losers will be America's children.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I think it is clear what some of the opponents of the Kennedy-Hatch legislation are trying to offer the Senate. They are saying that the Kennedy-Hatch bill, a health insurance program for vulnerable kids that pays for itself, is a bad idea. I submit that even Joe Camel would have a tough time selling that proposition. The fact of the matter is this is a program that pays for itself, that is fiscally disciplined.

In my State, close to 100,000 kids without health insurance are going to be in a position to get help as a result of this tobacco tax. I think it is important that the record be set clear on this.

Now, this morning, Mr. President, the New York Times carried an article that said that the States are going to lose revenue as a result of the Kennedy-Hatch legislation and that this should be opposed on the grounds that the States need this revenue. The fact of the matter is that attorneys general across this country are rushing to file lawsuits on behalf of their States in order to recoup some of the costs to State coffers for health care costs. That is the reality. The fact of the matter is States are losing vast sums right now as a result of our current policies.

Without the Hatch-Kennedy legislation, I am of the view we are going to have children grow up sicker, they will be sicker adults, they are going to die sooner, and health costs in America are going to increase. This is an important piece of bipartisan legislation.

Mr. President, I close by paying a special compliment to my colleague from Oregon, Senator SMITH. He has been subjected to very intense criticism at home by the tobacco lobby. I know a bit about what it is like to be attacked by them. They sued me personally when I was a Member of the House subcommittee that investigated their practices.

I want to make sure that people know that Senator SMITH has hung in there on behalf of better health care for America's youngsters.

This proposal is right. It is fiscally responsible. It is compatible with a balanced budget approach.

I hope my colleagues will reject the arguments that have been advanced against this legislation.

As I said earlier, I think even Joe Camel might have some difficulty selling the argument that a fully funded proposal that will help our kids is a bad idea.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, I thank my chairman for yielding.

Mr. President, I join what I hope is a majority of the Senators on this floor in opposing Hatch-Kennedy. I am not going to argue the merits of it one way or the other. I don't think that is the issue this morning. The issue is that a budget deal gets broken—a budget deal that has been woven together in a bipartisan format that gives both sides some recognized need and that produces a budget that is good for the American people.

All of us are concerned about child health care, or there wouldn't be $16 billion in this budget agreement for children without health care. Therein lies the issue.

I think it is important to note that, while my colleague from Oregon just talked about an analysis that said States would lose money, it is very likely they would lose money, and that is, in fact, one of the analyses. It could cost them up to $6.5 billion over 5 years.

Again, it is against the very direction that we want to head in; that is, empowering the States to take care of their own needs instead of handing them a new Federal mandate and a new program from the top down, telling them what to do and how to do it. We do that, in essence, by stealing away from them the very revenue base that they have been using for these purposes.

This would directly hurt the health and educational programs in 16 States that earmarked part of their tobacco tax for this purpose.

This doesn't include the cost of the mandate included in the amendment that will be added on. According to the whip's office, there are 30 State mandates in the proposal.

Therein is a substantial basis for the objection.

This Congress has in a bipartisan manner expressed its desire and concern about the health needs of the uninsured young people of this country. That is what the debate ought to be about.

My guess is that this Congress will work its will as the courts will work their will when it comes to the question of tobacco, when it comes to the question of: Should it be limited, and in what form ought it be limited? But let us not break a budget deal. For this is exactly what will happen with this issue.

So I hope that we will resolve it in staying with our agreement. We think it is a good one and that this one simply disrupts what is an extremely valuable part of the total program.

If we are moving toward empowering the States and the individuals to care for their own and their citizens, then Hatch-Kennedy goes directly against that thrust and prescribes again another very large, federally controlled, mandated program that is cross-grain or cross-directional to what we have been attempting to do all along.

So when you look at all of the aspects that are incorporated in this legislation, it is not precedent setting. It is returning to the past. It is stepping backwards into a large, federally controlled bureaucracy that in the end probably doesn't produce the kind of health care that our citizens would want or that our citizens would expect of their way of life or their system of government.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 4 minutes.

Mr. WELLSTONE. Mr. President, I thank the Senator from New Jersey.

Mr. President, in 4 minutes it is difficult to really make a major argument on the floor of the Senate. Let me just try to pick up on a couple of comments that I heard made in the last 15 minutes of the debate.

One of my colleagues has argued that we have to think about the future and we have to think about reducing the debt to our children in the future. I think all of us agree with that.

Then another colleague talked about the budget agreement—the budget agreement that "is a deal, is a deal, is a deal." The debate seems a little bit too abstract for me as a Senator from Minnesota.

I would like to ask colleagues to confront the fierce urgency of now. The fierce urgency of now for too many children in our country is as follows: A child with poor vision, with no health care coverage and not able to get any assistance cannot see the blackboard and, in all likelihood, will not be able to do well in school and have a chance.

The fierce urgency of now is that a child who is suffering from asthma and spending too much time in the emergency room—I have met children like this in Minnesota—though we have done a good job of covering many children with our own separate health care plan, a child who suffers from asthma with extreme attacks, unable to be able to see a physician, winding up in the emergency room too often, misses too much time from school, and he or she will not have the same chance to do well as all of our children.

In the fierce urgency of now, I think that we ought to look at, as opposed to all of these abstractions, a child who has an abscessed tooth coming to school because her family can't afford dental care. I have met children like this. That child who is in so much pain and discomfort cannot do well in school. She doesn't have the same chance as our children.

This budget agreement has been much lauded, and Senators have worked hard on it. But the fact of the matter is, using a conservative estimate, we are only covering half the children who are without health care coverage.

This amendment is the right thing to do.

I will not talk about the tobacco industry. I will not talk about why the tax makes good public-policy sense to me. But I want to say the fierce urgency of now is that this is compelling, and, if it is so compelling that our children should have the coverage, and, if it is so compelling that all the children in our country should have good health care coverage, it seems to me then that it doesn't make a lot of sense to applaud and celebrate a budget agreement that only covers half those children.

This bipartisan effort of Senator HATCH and Senator KENNEDY is so important. This speaks to the goodness of our country. There is nothing that we could do that would be more important than to support this amendment.

I hope my colleagues will do so.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield 4 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 4 minutes.

Mr. BUMPERS. Mr. President, first of all, I want to compliment my good friends and colleagues, Senators HATCH and KENNEDY, for producing what I think is a very good solution to an increasing, growing problem. I confess that I intended to offer legislation similar to this in the early part of the year, but I like this better than the idea for my own bill.

We can debate and make all kinds of sophisticated arguments about why this is wrong and the impact on the budget and so on. I remind my colleagues that Winston Churchill once said that you can tell more about a nation by the way they treat their elderly and the conditions of their prisons than any other two things. He should have added children to that.

I went to the dedication of a new $51 million Federal prison in my State this past Monday. All I could think about was the $16 million annual cost of that which would, indeed, produce a lot of jobs. But I also thought about how early intervention would have saved every one of those youngsters in that prison. Our priorities are so skewed. If we had that $51 million, or if we had that $16 million a year we spend on every inmate, if we had it spent on children at the ages of zero to 3, or zero to 50, whatever age you take, you can send people to Harvard for what we pay to keep people in prison. It is because of our neglect. If you ask the ordinary citizen on the street, "What do you think is most important for your children?" the first thing is education and the second thing is their health care. Anybody who doesn't understand that in this body is out of touch with America.

I remember as a poor country lawyer in a town of 1,200 people—this is a personal story—my daughter had a condition that was very rare and could have been fatal—would have been fatal. We just happened to have a pediatrician who knew the greatest pediatric neurosurgeon in the world at Boston General Hospital. I had just made a $22,000 fee. So Betty and I were able to go. She had complications. We spent 6 weeks in Boston and used up my $22,000. But during the course of that, having her in the hands of the best pediatric neurosurgeon in the world, Betty asked me one day, "What do poor people do?" I said, "I will tell you what they do. They watch their children die."

Here is an opportunity for the Senate to do itself proud, for the Congress to do itself proud. You can make all the arguments you want to against this because this "t" is not crossed and the "i" isn't dotted. If we picked out some little flaw in every bill we voted on, we would never pass anything.

There are a couple of things in this bill that are not terribly pleasing to me. But providing health care for 10 million children in this country who do not have it, you can't find a more noble undertaking by a political body.

Mr. President, children without health care was, is, and will remain the shame of this great Nation until we deal with it.

So I plead with my colleagues in the Senate to please America and do something that is really noble and laudable and worthwhile and will pay the richest dividends we have ever received.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I noted—since we have all been engaged in such a serious conversation—a little article from "The Hill" about polling and budgets. It might interest Senators. If I shared it with them, they might be reassured. For those who believe in politics, however, this fact may be very interesting. Seventy-four percent of the people polled think that news about the budget deal is more interesting than news of Donald Trump's marital failures. Only 10 percent responded that they were more interested in Donald Trump's marriage failures.

So we have a winner here.

Mr. President, I would like very much to ask my friend, Senator LAUTENBERG, if he is prepared to yield back time on the amendment. I will then be prepared to yield and offer a second-degree amendment.

Mr. LAUTENBERG. We are prepared to yield any time that remains on the amendment.

Mr. HATCH. I understand that we still have 20 minutes.

The PRESIDING OFFICER. The Senator from Utah now has 18 minutes remaining on his time.

Mr. HATCH. Could we make a few closing remarks?

Mr. DOMENICI. There is going to be plenty of time for remarks. But if the Senator would like to do that, fine.

Mr. KENNEDY. Mr. President, I appreciate the views of the chairman of the Budget Committee. He obviously has available to him other kinds of measures that he intends to pursue. What I would like to do is take a final 3 minutes, and then I would welcome the possibility of yielding remaining time, if that is agreeable.

Mr. DOMENICI. How much does the Senator from Utah want?

Mr. KENNEDY. If we have the 20 minutes, I would like to speak very briefly. We have the 20 minutes. Then I will speak then we will yield the time.

The PRESIDING OFFICER. The Chair observes that the Senator from Utah has 18 minutes.

Does the Senator from Utah yield time to the distinguished Senator from Massachusetts?

Mr. HATCH. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, we find that we have had a good discussion and a debate about this measure.

Those of us who favor this measure have been trying to convince the Members of the Senate what the great majority of the American people already understand. This is a proposal that will cover the sons and daughters of working families that are on the lower two or three rungs of the economic ladder. This is something that the American people overwhelmingly support, and we pay for it with a modest increase in the tobacco tax of 43 cents per pack of cigarettes. This is supported across the country—North, South, East, West, Republicans, Democrats, independents. A majority of smokers all across the country favor this proposal. Rarely have we seen an issue that has such support. We have given life to that proposal with this amendment to the Budget Act.

There have been comments about how this is drafted. This is drafted as other amendments have been drafted over the history of budget acts. It is consistent with our objective.

We have placed in the RECORD the Joint Tax Committee report that justifies our proposal in recognizing that more than $30 billion will be raised. We have allocated $20 billion to go to the States, effectively as a block grant, to provide for those children whose parents are working and who need this kind of coverage because they are making $18,000, $19,000, $20,000, or $25,000 and they are unable to afford coverage for their children. We commend the fact that the budget agreement adds some $16 billion for children. But we also recognize that Medicaid has been cut $14 billion. Half of all those who are in Medicaid are children. We are not prepared to say that half of those cuts, dollar for dollar will necessarily affect children, but that $16 billion that is supposed to go for children is going to be diminished significantly given these cuts. We believe there will be more than 3 million children who currently have no health care who will be covered by the $16 billion, but we are still not reaching the core group of children who are the sons and daughters of working families.

This is the issue before us. We know there are parliamentary measures that will be taken, and parliamentary issues raised to prevent us from having a straight up-and-down vote on the proposal.

Every Member of the Senate understands this proposal. The American Academy of Pediatrics understands this proposal. "America's pediatricians strongly urge support for the Hatch-Kennedy budget amendment to increase tobacco taxes to help finance children's health care."

The American Association of Retired Persons understands this proposal. They care about their grandchildren: "AARP believes that the Hatch-Kennedy proposal is an important step in improving access to health care for children."

The National Council of the Churches of Christ in the U.S.A., comprised of the 33 national member communions of the National Council of Churches support it. They write, "We in the religious community will continue to hold Congress to a high standard as to what is required for the common good. Providing for the health care of children is simply basic social morality."

The list goes on; 150 organizations including the Parent-Teachers Association, and many others support this measure.

Mr. President, this is ultimately a choice and a decision about whether we are going to support covering children who are uninsured or whether we are going to be for big tobacco. That is the issue. We have chosen the tobacco tax for health reasons, Mr. President. If you increase that kind of tax, you are going to discourage children from smoking and you are going to close a gateway to drug use and other kinds of substance abuse.

Second, we want to make sure that that industry and the users of tobacco are going to pay their fair share of the health care costs; $68 billion a year, according to OTA, is paid by the common taxpayers because of smoking.

We are saying that the tobacco industry ought to bear its fair share in covering poor children. That is the issue.

Finally, Mr. President, we heard a great deal yesterday about the American Medical Association. Here is the letter from the American Medical Association that says:

> On behalf of 300,000 physician and medical students members of the American Medical Association, I am writing to express our support of your and Senator Orrin HATCH's efforts, as well as those of other Congressional leaders, to improve the health of American children. We also commend you for financing your legislation by a 43-cent increase in the Federal cigarette tax. The AMA is committed to eradicating the public health crisis caused by smoking and our House of Delegates policy strongly supports increasing the Federal tobacco excise tax for health care needs.

Mr. President, from a medical standpoint, this is right. It is right in terms of fairness and equity. There is not a parent in this country, not a single parent in this country, who does not believe that all children ought to have a healthy start. That is what our amendment does, and I hope it will be accepted.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have not felt really great about taking on some of my colleagues and irritating people on my side of the aisle. I always try to support the leadership in everything. And, I think I have a very good reputation for doing that.

But there occurs in all of our lives—at times—issues that transcend the everyday important issues we face in the Senate on a daily basis, and this is one of them. Regardless of what happens here today, this issue is not going to go away. I think it is time for people to wake up and say, hey, look, this is an idea whose time has come.

We must take care of these kids who cannot take care of themselves. The problem in this body, and the problem with the Federal Government, is that oftentimes we provide programs for all kinds of people who can take care of themselves, but will not. Yet, we do not take care of people who truly cannot take care of themselves, but would if they could.

Children's health care should not be a political issue. This is not a Democrat issue. It is not a Republican issue.

I admit that when I first read the Kennedy-Kerry bill, I could not support that bill as drafted. The bill provided a new Federal bureaucracy along with $50 billion in new entitlement spending.

That bill provided extensive Federal mandates along with extensive Federal accountability and review provisions imposed on the States. It was simply unacceptable and provided far too much Federal intervention.

I do not mean to find fault with my colleague, the Senator from Massachusetts, because he too has taken a stand on this issue and has been willing to come to the center in a bipartisan way to work with me to resolve these problems. But that bill was totally unacceptable to me and I know it would have not garnished nearly the support my bill has received.

My bill is substantially different than the Kennedy-Kerry bill. My bill provides a block grant funding mechanism to the States which are given maximum flexibility to administer the program. The States set their own eligibility standards. And, the program is strictly voluntary. No new massive Federal or for that matter State bureaucracy is necessary since my bill builds on existing State programs or private sector initiatives.

There is no funding mechanism because we already have a system in place to collect the excise tax on tobacco products. We would make those tax revenues available to the States much like we make matching funds available to the States through the Medicaid program. States would not have to hire massive new numbers of bureaucrats. The States basically operate the program in a manner consistent with existing children's programs or in ways that best meet the needs of the citizens.

States will have the flexibility to contract with health insurance companies to develop new and innovative insurance products for children. In spite of some of the comments that have been made by those who oppose my bill, States can contract with private health insurers and/or health care providers such as community health centers to carry out the mission of this program.

I want to give States even more flexibility in implementing the CHILD bill. I am open to further suggestions and refinements in the bill. In that respect, I have challenged my colleagues on both sides of the aisle alone with the Nation's Governors to help me in that effort. If there is a better way of doing this, then I am willing to discuss other proposals and make construction changes to the bill.

My willingness to improve my bill extends to the funding mechanism as well. I ask my colleagues to show me a better way of funding this program. I cannot think of a more just way of funding the program than with an increase of 43 cents on the tobacco tax. In 1955, a pack of cigarettes cost 23 cents. The excise tax was 8 cents or 34 percent. Today a pack of cigarettes costs $1.80 to $2.30. The excise tax today is 24 cents, under 10 percent.

Does it not seem fair and reasonable to ask the tobacco industry to help finance this program particularly in view of the health implications of tobacco use? The fact of the matter is that tobacco use is the single largest preventable cause of death. It is the largest preventable cause of illness in our society.

Four out of five lung cancer victims in our country get cancer due to smoking. There are 51 million smokers in our country, 3 million of whom are teenagers. And, everyday 3,000 more teenagers begin to smoke, half of whom will become nicotine addicts by the time they are 18 years of age.

As my colleagues know, currently the so-called global settlement negotiations are on-going between the tobacco companies and the States regarding the litigation against tobacco manufacturers. I have had the opportunity to review the arguments on both sides of the issue and I note that arguments have been made against any increases in tobacco prices on the belief that States will lose revenues.

It seems to be that we should be spending more time worrying about the health of our citizens than the tobacco revenues going into State treasuries particularly when these revenues are marginal in comparison to health care costs States assume from smoking related illnesses.

Now, look, we can put this issue off and we can play procedural games, but this issue is not going to go away. I think virtually everybody in the Senate has strong feelings about this issue although there are legitimate differences of viewpoint.

Of all the arguments made against my bill, I think the one that is particularly false is that my bill creates a new entitlement. I am perhaps more dismayed by that charge because my bill specifically states that no new entitlement is establish by this legislation.

I succeeded in persuading my cosponsor, Senator KENNEDY, to agree to the nonentitlement provision in this bill which clearly states that: Nothing in this title shall be construed as providing an individual with an entitlement to assistance under this title. Moreover, State participation is totally voluntary.

There is nothing in the bill that would establish an entitlement to the CHILD Program, but yet that has been one of the principal arguments against the measure. I guess any bill that has real winning power could be called an entitlement program. Any good program that actually works I guess should be called an entitlement even though these programs have to face the authorization and appropriations process which the CHILD bill is also subject to face.

It is unbelievable this these kinds of arguments have been made. This is a voluntary program designed to be attractive to States. Does that make it an entitlement program? Does that somehow convert it into an entitlement program? It seems to me there are legal and programmatic distinctions between entitlement programs such as Medicare and the child development block grant program.

I remember when the Child Development Block Grant Program came before the Senate. Many Senators including those in my party were opposed to it. Ironically, that bill passed the Senate unanimously and almost everybody claims credit for it because it has been a successful block grant program for the States. The States set their own standards which is precisely what my bill provides. I think we ought to wake up and do what is right here.

Look, it is a fair characterization to say that this is a choice between Joe Camel and Joey. I am not just saying that because it is cute and gimmicky. I say that because it is true.

I think the industry that causes much of the illnesses has an obligation to be of some help here. This is not a broad-based tax. The only people who pay this tax are those who smoke cigarettes and use tobacco products.

In all candor, I trust my colleagues will keep this in mind. This issue is not going to go away. I understand that the leadership is going to file an amendment to my amendment. Fine. We will look at their amendment and see what it is. I hope it is a constructive amendment that will get us to what we are trying to do.

However, these arguments that $16 billion is all that is needed are simply inaccurate. My bill is something we ought to do. These are the children who come from families of the working poor. It is very difficult for them to help themselves. I think of the billions of dollars we spend on people who can help themselves but will not. If we cannot do this, then what can we do?

I am prepared to yield back the remainder of my time.

Mr. FORD. Mr. President, will the Senator yield me 2 minutes?

Mr. HATCH. I reserve the remainder of my time.

Mr. DOMENICI. I have a Senator who wants to speak.

Mr. FORD. I just need 2 minutes.

Mr. DOMENICI. I yield 2 minutes to the Senator.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kentucky.

Mr. FORD. Mr. President, let me just make a couple of points if I may.

Under the previous bills, not in this bill but I understand are included in this, they sunset the program at the end of 5 years. Now, in the budget program 5 years is fine which when you get in reconciliation is 10, and under the 5-year program the reason they sunset it is because they run out of money. The cost is greater than the income. So this is a budget buster in more ways than one. The cost goes well beyond the income. So it is a budget buster.

You talk about whether this is an entitlement or not. All you have to do is read what the distinguished Senator from New Hampshire was trying to explain here this morning. It is section 2802. If the State accepts, they shall, they shall, they shall, they shall. And every child in the State shall have. You shall contract with an insurer that says certain things. So I hope States understand it is in the cover of children. I hope my record is as good as the next one.

I hope we can work this out—I understand what is coming next—but, after today, at least we can keep a budget together that we agreed on. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield off the bill as much time as the majority leader desires.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the distinguished chairman of the committee for yielding this time and for the outstanding work he has been doing.

We have before us a budget resolution that has been in the making for 4 months. A lot of hard work went into it, a lot of give-and-take. It is truly a bipartisan agreement. It is not a Democratic package, and it is certainly not a Republican package. It is one that we came to agreement on. There are provisions in it that I don't agree with. There are changes that I wanted to make until the very end, and some I would like to make at this very moment. But we entered into an agreement, House and Senate, Republican and Democratic leadership, working with the Budget Committee leaders and the administration, specifically the President of the United States. We came to a budget agreement. We shook hands. Now we have this budget resolution to implement that agreement.

The House spent a very long day yesterday and they stuck with their commitment. They kept the faith. They passed the budget resolution that will carry out the budget agreement. It took them until 3:30 this morning. One amendment that was offered, which was very attractive, was one that I would like to vote for, to put more money in transportation. I think we should take more money out of the highway trust fund and put it in the roads and bridges of America, and so do many of the leaders in the House on the Republican side. But, no, they fought off a very powerful, very important chairman by a vote of 216 to 214. The amendment was defeated. They kept their word. The leadership worked all night to keep their word, to stick with the agreement. And they did it and they passed a budget resolution.

Just yesterday, here in the Senate, I worked with Senator DASCHLE, Senator DOMENICI worked with Senator LAUTENBERG, and we resisted amendments that would break us out of the agreement. Senator DODD from Connecticut had an amendment he felt compelled to offer and was very serious about. But with some nine Democrats and most Republicans, we defeated that amendment.

Senator ALLARD, the Senator from Colorado, had an amendment. I voted against his amendment. I didn't want to. I am proud of this new, fine Senator from Colorado, and I agreed with what he was trying to do. But, no, I kept my word. I kept the faith.

Now, my colleagues, this is a showstopper. This takes us outside the budget agreement. Remember, in the agreement is $16 billion for child health care. I thought that was excessive, but we came to an agreement. We do need to make sure that, for some children who are not covered in America, there is a way for them to be covered. We said: Finance Committee, here is $16 billion to address this problem, and we believe there are ways that can be found to get that done.

I care about children in America. I am a parent. I am from a State where there are children who are not covered and should be. But we have a program here that we have agreed to, $16 billion, and the committee will work with that, and I hope and think they will come up with many innovative ideas of how we can make sure these children are covered.

That is why we are here now. We have an agreement we are committed to, that addresses this problem. Now we have an amendment that will take us, clearly, outside the parameters of the agreement. We must defeat this amendment. We must have bipartisan support against this amendment, or how am I going to be able to stand up here and vote against some of the amendments that will be offered from my side of the aisle that will take some of the spending out of our agreement and put it in more tax cuts? I would like to do that. I want to do that. The American people are overtaxed and overworked, for what they get back, in terms of being able to keep their own money. But I am prepared to say no, we have to stick with this agreement.

Paragraph 3 of the bipartisan agreement between the President and the leadership of the Congress reads:

> Agreed upon budget levels are shown in the tables included in this agreement, including deficit reduction levels, major category levels of discretionary, mandatory, and tax receipt levels.

This amendment would change those agreed-to budget levels. Like yesterday's amendment by Senator DODD of Connecticut, the pending amendment would break our bipartisan agreement with the President by increasing spending and taxes beyond the levels in this agreement.

By the way, I thought the original Kennedy-Hatch bill just provided for $20 billion. We have $16 billion in this package. If you add $20 billion on top of that, now it is $36 billion. The Kennedy-Hatch amendment would create $20 billion of new entitlement spending above and beyond what is already in this resolution.

The sponsors of the amendment claim the amendment would increase the tobacco tax. That is not true. It is false. The budget resolution cannot tell the Finance Committee which taxes to raise and which to cut. The practical effect of this amendment on taxes is not to raise a specific tax. It is, instead, to reduce the size of the net tax cut by $30 billion, to only $55 billion over 5 years. That is not enough to do what we have committed to do—some tax credits for families with children, some capital gains tax rate cuts for Americans who are entitled to it and deserve that opportunity, some modification of the estate taxes. And it puts an additional squeeze on the President's education program. We cannot do what we have committed to do with this change.

I am a party to the bipartisan agreement with the President that we entered into and we outlined in paragraph 2 of the agreement. I am going to keep the faith on this amendment and other amendments. We are going to stick with our budget resolution agreement. I have talked to the President, because the President is in on this. He has made it clear he supports the concept of Kennedy-Hatch. But he is also committed to me that he is going to work to try to get Democrat votes for our second-degree amendment and against making this change in the budget resolution. That is what I have been told by the President of the United States. If anybody doubts that here on the floor or in the news media, call the White House and check it.

I signed in on the deal and I have taken criticism for it. The President signed in on the deal, and he is going to take some criticism for it. He already has. But this is clearly a deal-buster. If this amendment should be adopted right at the gate, the wheels will come off of this thing. They will come off. And I only have two options: One, offer second-degree amendments, and if we have to, we may go through a series of them, and let me assure you, each one will get hairier and more difficult for Senators to vote against, more uncomfortable.

Or the other one is to say, look, we had a deal. Is the deal off? We can pull this down. We have a little work we can do. We can go back to the comptime-flextime bill, to give the working men and women of America an opportunity to make some decisions, taking time to be with their children. We can go onto the chemical weapons implementing legislation. Maybe we can go to other bills, like product liability. That is pending. We could take that up. Or national missile defense. We have other things we could be doing.

But we should, instead, vote for the second-degree amendment. It is a very responsible and reasonable amendment. I urge Senators on both sides, vote for the second-degree amendment we are going to offer. Let us move on and complete our work on this today, on this whole resolution, so we can get to conference, meet tomorrow, and pass this budget resolution on Thursday or Friday.

The amendment we will offer as a second-degree amendment will allow us to adhere to our bipartisan budget agreement with respect to health care for our children. This amendment accomplishes this by wiping out the increases and decreases in the dollar amounts which have been proposed by our colleagues in the Kennedy-Hatch amendment. It allows us to stick with the balanced budget plan now before us and to provide health care for kids.

I think that is the responsible thing to do. I would prefer to even give some direction, maybe even have a vote like they did in the committee, saying what we should do is having 100 percent deductibility of the self-employed. That would be a major help. There are all sorts of things we can do. But we should not break out of the agreement here. We should not mandate a new program at this point, on the budget resolution. We should not raise taxes when there are other options that are as good or better.

So, my friends, I just want to sum up by saying I think we have come a long way. A lot of time has been invested in this, a lot of effort. We need to be able to get this budget resolution done so we can go on to the reconciliation bill and the appropriations bills. If we do not defeat this amendment and if we do not pass this budget resolution today or tomorrow, in our effort to get a balanced budget, with spending restraint and some tax relief for working Americans, and some reform in Medicare that will save the program on out well after the turn of the century, we will have made a terrible mistake today.

So I urge my colleagues, when we get to the vote, that we vote for the second-degree amendment and we move on to other issues in this area.

Several Senators addressed the Chair.

Mr. KENNEDY. Would the Senator yield? Can I ask the majority leader a brief question?

Mr. LOTT. Surely.

Mr. KENNEDY. I just ask the majority leader whether he will permit us to have an opportunity to vote on the children's insurance program? Is it the position of the majority leader that we will not be able to have a vote on the children's insurance program? Is that the thought?

Mr. LOTT. It is my intention that this amendment not be added to the budget resolution. Now, there are a lot of different ways we can do that. We can have second-degree amendments adopted, or we can defeat the Senator's amendment on a straight up-or-down vote. But I would have to have assurances from your leadership and from the White House, from the President, that in fact it is going to be defeated. If that does not occur, then our only other option would be to pull down this budget resolution and move on to other issues.

You know, the Senator has made his case here today.

Mr. KENNEDY. Right.

Mr. LOTT. I knew he would take the opportunity, the first opportunity that came along, to do that. That is fine. But I think he has to understand this is a very carefully crafted budget agreement which we really spent 4½ months putting together. We cannot allow this amendment in this form to be added to the budget resolution. So we will find a way, hopefully, to accomplish that.

Mr. KENNEDY. I just had two just quick questions. It is going to be an interesting meeting here, because I listened to the Senator, our majority leader, speak about how the President is supporting his position when the Vice President is on his way up here to vote for our position. So, sometime they might get together.

Mr. LOTT. Maybe they will get together someday; and this would be a good day for them to be together.

Mr. KENNEDY. I just want to say this. When the amendment is offered by the majority leader, we are going to urge everyone on our side to support it. Because we, as right from the beginning, have supported the $16 billion to take care of those needy children on Medicaid. So I would certainly urge all of our supporters to support it. Then I hope we will have an opportunity to come back on and have a vote on what we have offered here, to build on that. So that makes it—if the Senator wants to have a reaffirmation for that which has been agreed on, I hope we could get to an early vote on it, because we would have every intention, then, to come back in and have a vote on our particular measure.

Mr. LOTT. Mr. President, if I can reclaim our time, I would certainly like to have a reaffirmation of our support of what was in the budget agreement, that we worked through very carefully. I agreed to what was in there reluctantly.

If we then come along and vote for the Senator's amendment, we have undercut, we have broken out of the agreement, and we will reverse the affirmation we just voted on. That does not make any sense.

So, I yield the floor at this time so the second-degree amendment can be offered.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I rise to address the concerns that have been raised today on the floor. This is not the first time we have had differences of interpretation on this agreement, and it will not be the last.

This has not been an easy process for anybody on either side of the aisle. I know that the majority leader and I have attempted to work through disagreements dispassionately, to keep our cool, and to recognize there are going to be honest differences of opinion on how we should proceed. I just hope we have learned some lessons from the way this budget agreement was handled, and Republicans and Democrats will make a commitment to not repeat this kind of process so we can avoid the pitfalls we are now experiencing.

The fact is, when this agreement was negotiated, we had a handful of Senators in a room making decisions for the rest of us. While I agree with the end product, I have no qualms about disagreeing with the way we got there.

Now we have to make decisions with regard to whether or not amendments are consistent with this budget agreement. The terms of the agreement call for the leaders to seek to produce support for the agreement by a majority of Democrats and Republicans and to pursue remedial action against provisions deemed to be inconsistent. The agreement says, in other words, that we are going to support this agreement and try to encourage a majority of our colleagues on both sides of the aisle to support it and to oppose amendments that are inconsistent with it.

Yesterday, on a couple of occasions, I joined with the majority leader to oppose what I considered to be inconsistent amendments. I am told we have over 25 Democratic amendments. As I review those Democratic amendments, almost all of them, in my view, are inconsistent. But that issue is, obviously, going to be subject to debate and disagreement for as long as this resolution is on the floor.

I believe that this amendment is consistent with the budget agreement for three reasons. First, it deals with an issue that is already addressed in the budget. Expanded health coverage for children is in this resolution. The budget negotiators acknowledged on policy grounds the value of extending child coverage and this budget includes funding to cover 5 million uninsured children. How is it inconsistent to say we are going to add additional children to the ranks of children to whom we have already committed in this budget agreement?

Second, the Kennedy-Hatch amendment would alter the revenue numbers by raising a fee on tobacco, but it would not remove one single tax proposal agreed to by the negotiators and memorialized in the letter from the majority leadership.

Those elements of the budget agreement are untouched: the higher education deduction; the HOPE scholarship credit; the capital gains tax reduction; estate tax reform; the $500-per-child tax credit—every one of those initiatives are still in the budget. This amendment doesn't affect any of those measures.

It should be noted that the details of the tax provisions were kept intentionally vague, oftentimes at Republican insistence. They didn't want to specify the details of the proposals. As vague as those provisions are, they are not affected at all by this amendment.

Third, the Kennedy-Hatch amendment does not worsen the deficit. In fact, it helps to reduce it.

So, Mr. President, based on deficit reduction, based upon how this amendment affects the tax package, based upon the fact that this policy is already incorporated in the budget, I find it very difficult to understand how this amendment is inconsistent with the budget agreement. It happens to be entirely consistent with 1 of the 10 leadership bills that I proposed on the very first day of Congress. It happens to be a piece of legislation that the entire caucus feels very, very strongly about.

I hope we can find a way to work through this disagreement, but I will tell you this: If it means bringing down the budget resolution, as some of our colleagues have threatened, then so be it—so be it. That isn't my first choice. I would like to find a way not to avoid these kinds of confrontations. I would like to find a way to resolve this dispute. But if it means dropping this agreement, then let's do it, let's go back to the drawing board, or let's figure out another way to do this. But I have to tell you, again, this debate highlights the point I have been trying to make about the problems with the process that produced this budget agreement.

I hope we can find a way, in spite of our differences on this amendment, to keep the budget agreement intact and to resolve to find a better way to get these kind of agreements in the future. Whatever we do, let us remember how important this matter is, not just to Democrats, not just to some Republicans, but to a lot of children who are counting on this legislation passing sometime this Congress.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Has time been yielded back on their side?

The PRESIDING OFFICER. Both sides have time remaining.

Mr. DOMENICI. I did not hear the Chair.

The PRESIDING OFFICER. Both sides have time remaining.

Mr. DOMENICI. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 15 minutes, 14 seconds.

Mr. DOMENICI. I would like to use 3 minutes and then yield back the remainder of my time, if that is satisfactory.

Mr. HATCH. How much time do we have?

The PRESIDING OFFICER. The Senator from Utah has 2 minutes, 46 seconds.

Mr. DOMENICI. I am prepared to yield back my time. Is the Senator prepared to yield back his time? I am prepared to yield back mine, but I won't yield back mine until he yields his and I have the floor.

Mr. HATCH. I am prepared to yield back my time. I might add, I am prepared to accept the Senator's amendment.

Mr. DOMENICI. I did not hear the Senator.

Mr. HATCH. I am prepared to accept the Senator's amendment.

Mr. DOMENICI. I understand that; I heard that statement made by our colleague.

I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of my time.

AMENDMENT NO. 307 TO AMENDMENT NO. 297

(Purpose: The Bipartisan Budget Agreement of May 15, 1997, as implemented in this resolution, would spend $16 billion over five years (to provide up to 5 million additional children with health insurance coverage by 2002). The funding could be used for one or both of the following, and for other possibilities if mutually agreeable: (1) Medicaid, including outreach activities to identify and enroll eligible children and providing 12-month continuous eligibility; and also to restore Medicaid for current disabled children losing SSI because of a new, more strict definition of childhood eligibility; and (2) A program of capped mandatory grants to States to finance health insurance coverage for uninsured children. The resources will be used in the most cost-effective manner possible to expand coverage and services for low-income and uninsured children with a goal of up to 5 million currently uninsured children being served)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 307 to amendment No. 297.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 3, increase the amount by 0.

On page 3, line 4, increase the amount by 0.

On page 3, line 5, increase the amount by 0.

On page 3, line 6, increase the amount by 0.

On page 3, line 7, increase the amount by 0.

On page 3, line 11, increase the amount by 0.

On page 3, line 12, increase the amount by 0.

On page 3, line 13, increase the amount by 0.

On page 3, line 14, increase the amount by 0.

On page 3, line 15, increase the amount by 0.

On page 4, line 4, increase the amount by 0.

On page 4, line 5, increase the amount by 0.

On page 4, line 6, increase the amount by 0.

On page 4, line 7, increase the amount by 0.

On page 4, line 8, increase the amount by 0.

On page 4, line 12, increase the amount by 0.

On page 4, line 13, increase the amount by 0.

On page 4, line 14, increase the amount by 0.

On page 4, line 15, increase the amount by 0.

On page 4, line 16, increase the amount by 0.

On page 4, line 19, increase the amount by 0.

On page 4, line 20, increase the amount by 0.

On page 4, line 21, increase the amount by 0.

On page 4, line 22, increase the amount by 0.

On page 4, line 23, increase the amount by 0.

On page 5, line 1, reduce the amount by 0.

On page 5, line 2, reduce the amount by 0.

On page 5, line 3, reduce the amount by 0.

On page 5, line 4, reduce the amount by 0.

On page 5, line 5, reduce the amount by 0.

On page 23, line 8, increase the amount by 0.

On page 23, line 9, increase the amount by 0.

On page 23, line 15, increase the amount by 0.

On page 23, line 16, increase the amount by 0.

On page 23, line 22, increase the amount by 0.

On page 23, line 23, increase the amount by 0.

On page 24, line 5, increase the amount by 0.

On page 24, line 6, increase the amount by 0.

On page 24, line 12, increase the amount by 0.

On page 24, line 13, increase the amount by 0.

On page 39, line 22, reduce the amount by 0.

On page 39, line 23, reduce the amount by 0.

On page 40, line 16, reduce the amount by 0.

On page 40, line 17, reduce the amount by 0.

On page 41, line 7, reduce the amount by 0.

On page 41, line 8, reduce the amount by 0.

Mr. DOMENICI. Mr. President, first, parliamentary inquiry. Under the rules prevailing for this bill, each side has a half hour on this amendment, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair. I yield myself 5 minutes.

Mr. President, let me just read this amendment:

> The Bipartisan Budget Agreement of May 15, 1997, as implemented in the resolution, would spend $16 billion over five years (to provide up to 5 million additional children with health insurance coverage by 2002). The funding could be used for one or both of the following, and for other possibilities if mutually agreeable: (1) Medicaid, including outreach activities to identify and enroll eligible children and providing 12-month continuous eligibility; and also to restore Medicaid for current disabled children losing SSI because of a new, more strict definition of childhood eligibility; (2) A program of capped mandatory grants to States to finance health insurance coverage for uninsured children. The resources will be used in the most cost-effective manner possible to expand coverage and services for low-income and uninsured children with a goal of up to 5 million currently uninsured children being served.

The remainder of the amendment strikes the additions and subtractions from the resolution that are included in the Hatch-Kennedy amendment.

Mr. President, let me just speak for a couple of minutes. First, I listened attentively, I say to my fellow Senators, to the explanation of the minority leader of the Kennedy-Hatch amendment. Frankly, I normally I have great, great esteem for the leader, and I respect him almost every time he speaks on the floor. But let me suggest, I would be willing to submit to arbitration by any three intelligent people that you want to pick, and ask them if this amendment, the amendment that I have just tried to modify, the Hatch-Kennedy amendment, does not violate the agreement.

The parties to the agreement agreed that they would fight against amendments that are inconsistent with the agreement: Mind you, what do you think we argued for 3 months over? We argued one thing: What is the level of net new tax cuts that are going to be available? We compromised and the President compromised. The distinguished minority leader now comes along and tells the Senate, "It's not inconsistent to take $30 billion of that $85 billion." Now, I am not good enough with percentages, but could somebody figure that out——

Mr. GORTON. More than a third.

Mr. DOMENICI. More than a third, and just whack it out of there and say, "That's not inconsistent"? I cannot believe there could be anything more inconsistent with the agreement than that.

If that is not enough, let's take the next one. We agreed in this agreement that many of the things the President wanted he would not get and many of the things he wanted he would get, and the one thing he wanted, and most Republicans wanted, was to cover children that are not covered. So we agreed, I say to my fellow Senators, on $16 billion, and I just read to you, not the budget resolution because it can't do that, but the agreement between the President of the United States and the leaders and what it said about covering children, and $16 billion that was not in any program was put in the budget in compromise with the President of the United States.

I do not think it matters much whether something is so patently inconsistent as that. It is not going to change any votes, but I do not want the record of this Senate to go by with even such a distinguished Senator as the minority leader suggesting that this amendment is not inconsistent with the budget agreement. It is impossible that anybody could get any dictionary and look up the word "inconsistent" and apply it to these two sets of facts and not conclude that this is inconsistent.

There is nothing precluding these two distinguished Senators and their cosponsors from offering inconsistent amendments, and when I am finished they are probably going to stand up and say they didn't agree not to submit inconsistent amendments, unless they want to try to continue on with some illogical idea that it is not inconsistent.

But the point of it is not what their rights and privileges are, the point of it is what we agreed to after all those months. I suggest, Senator KENNEDY has already told us—I yield 5 additional minutes—that perhaps the Vice President is standing by to come up here and vote. I hope not, I say to the leader. I hope not. I have no idea whether he is or is not. But, frankly, had I the slightest suspicion that the Vice President himself would come here and vote inconsistent with the agreement that the President signed, I would have asked that the Vice President sign the agreement. That is what we should have done, for he feels not bound by it, I assume.

He can come up here and vote absolutely inconsistent with it and break a tie, if that occurs, and I doubt that that is going to occur. He can feel comfortable and the President can say—I don't know what. Maybe he will say, "I don't control the Vice President." Do you think he might say that, I say to the leader? Maybe that is what he will say. Or maybe he will say, "I'm sorry, Senator HATCH and Senator KENNEDY have more sway over me than you do, Mr. President, for you're telling us that you support our position." What is the Vice President saying? You support the President? The President signed this agreement. This is not just some little piece of paper floating around.

Anybody that knows about this Senator, I have been through so many budgets, so many that I am hoping this is the last one, I say to the leader, because it might be balanced. But I tell you, never have we worked harder to get something bipartisan that is supported by the President of the United States.

Let me tell you, this language that the distinguished minority leader read from that is included in this agreement—there are 10 covenants. I say to my good friend, Senator GORTON, at one point there were 20. So it is not as if they were just all of a sudden agreed to. There were 20.

We said, "You know, that's too many agreements. It's too hard to enforce an agreement with so many covenants." We spent 3 days arguing about those. In fact, one time the majority leader said, "Why don't you go and solve that and don't bother me." We did. So we left, and in a couple days we came back and got it boiled down to 10 covenants as part of this agreement. It clearly says things inconsistent with this, the President and the Democratic leadership will use everything within their power to see that those kinds of amendments are defeated.

I am going to take another 3 or 4 minutes beyond the time I have just reserved and talk about a couple of other things.

My good friend, Senator HATCH, I say to the Senator, if you desire to raise taxes on cigarettes—what is the amount you would like to do it in your bill?

Mr. HATCH. Forty-three cents.

Mr. DOMENICI. If you would like do raise it——

Mr. HATCH. Plus the equivalent for others.

Mr. DOMENICI. Thirty, forty, sixty cents, you go to the Finance Committee. You are a distinguished member. You sit very, very high up in seniority on that Finance Committee. There is nothing in this budget agreement—nothing—that says you cannot try to raise cigarette taxes in that committee. You just propose it. You can raise cigarette taxes right there in that committee. You do not need very many votes. There is nothing that precludes you from it.

Let me tell you, the irony of it all is that if the Kennedy-Hatch amendment passes, you will have the exact same difficulty getting the cigarette tax through as if you did not have this thing, because there is nothing in this amendment that you propose here today that says the Finance Committee of the United States is bound to vote in a cigarette tax—nothing.

I said once—I will say it again—cigarette taxes are not mentioned in the amendment. The distinguished Senator from Massachusetts got up and said, we have drawn it like amendments have been drawn forever. You are right. And the interpretation and the efficacy is as it has exactly been forever. That foreverness has meant it is not binding, it is not binding on anyone. To the extent that you want to put a statement with this, it is hortatory. It is giving your views and talking to the American people about what you would like to see happen. But it is not binding, never has been binding. We have never had this kind of situation where you could make it binding.

Now, having said that, I do not believe anybody in this country should believe that the President of the United States, the Democrats who were at the table with him, his three negotiators, Senator DOMENICI, FRANK LAUTENBERG, JOHN KASICH, and JOHN SPRATT—Members of the House, the last two—I do not think anybody should believe that we ignored a need in our society, to wit: to cover young children who are not covered. We did not. I can say with as much certainty and integrity and sincerity as Senator HATCH has said, we intend to cover them. We intend to cover those who are in need. We said it in disagreement; and there is $16 billion in there.

Incidentally, for Members who might be interested how this money gets spent—and I draw no inferences from it—but the distinguished Senator, Senator KENNEDY, does not sit on the Finance Committee. All the $16 billion that is in this agreement goes to the Finance Committee because they have Medicaid, which is one of the major programs. It is interesting, with the amendment, the committee that the distinguished Senator from Massachusetts sits on will get $18 billion to spend. So now we will split the responsibility, $18 billion to his committee, to the committee he serves on, and $18 billion for the Finance Committee. And, again, it seems to me there is little need for that.

So I close by saying I have offered an amendment that clearly says and unequivocally says we have provided for the children who do not have insurance in this country, and how we provided it is contained in the budget resolution.

I believe any Senator voting for that ought to be held to saying, "We voted for it. That's what we are getting. That's what the agreement says. And we are not going to vote to turn right around and destroy the very agreement that created that right."

I want to assure everyone, if this budget agreement falls apart, and I know on this one—I think I know what I am talking about—there is little assurance that this body is going to approve $16 billion for child health care, little assurance, because clearly there are all kinds of ideas on how we ought to do it, and it will take a few years for those to pan out. We said, "OK, Mr. President, even though you don't know how you're going to do it, we'll put it in there for you." That is the very truth about the $16 billion.

Mr. President, I want everyone to know—and I want to state for the other side—at the expiration of the time on this amendment, I will claim the floor back as the floor manager, and unless you intend to let us vote on the Domenici substitute, I will perfect the tree with another amendment, so we will get a vote on it, and we will get a vote on it before anything else happens here in the Senate in terms of this budget resolution.

I yield the floor at this point.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HATCH. Will the distinguished minority manager yield me time?

Mr. LAUTENBERG. I yield such time as the Senator from Utah needs to make his presentation.

Mr. HATCH. I thank my colleague.

I think that the Democratic leader has made a very compelling case. The amendment we are offering does not break the budget agreement.

He summarized three points basically.

No. 1, our amendment, just like the Domenici amendment, embodies no new health care program but builds on the existing monies in the budget resolution.

No. 2, although our amendment alters the revenue numbers by raising the tax on tobacco there is no excise tax in the body of the text. It is my understanding that such language would not be in order. I think it would also raise serious constitutional questions about a tax originating in the Senate. I think my colleagues understand that point.

No. 3, as I am pleased to recognize, as Senator DASCHLE has noted, our amendment does not worsen the deficit. In fact, it lowers the deficit.

You would think that my colleagues on both sides of the aisle would be interested in doing supporting this language, especially on a balanced budget resolution. Keep in mind, although this budget resolution claims to balance the budget, the U.S. Government will still have a $6 trillion national debt. The Hatch-Kennedy amendment would reduce that debt by $10 billion more over the next 5 years.

Frankly, for these reasons I believe that our amendment is fully consistent with the budget resolution as described by the distinguished Budget Committee chairman.

Let us not use as an excuse to avoid an important vote on a major public health problem that we are somehow trying to break the agreement on the budget resolution. My amendment helps the budget. And, in the end, we will be helping 10 million uninsured children who otherwise will not have the help we can provide them today.

Let me also be very candid here with respect to the strategy. We all know that if we do pass this amendment, it will probably have to be included in the reconciliation bill. If we do not pass the Hatch-Kennedy amendment today, I understand—and I believe it is probably accurate—that it will take 60 votes to do it on a reconciliation bill. I am not saying we cannot get the 60 votes, but naturally we would like to be able to have it in the budget resolution so that we do not have to have that hurdle.

If I have some advice for my colleagues on my side of the aisle, I would suggest you acknowledge that $16 billion is not enough, especially when you, in a sense, rob Peter to pay Paul. We will end-up taking DSH moneys that were to be used for the poor and using many of them for a new program of children's health.

At that, the $16 billion will not take care of more than what the Chafee-Rockefeller-Jeffords-Breaux bill provides. It will take care of maybe 3 million kids who are eligible for Medicaid but are not enrolled, but it does not take care of the 7 million kids who are not eligible for Medicaid but can't afford health insurance.

So those who believe that they are doing the right thing by upholding this so-called budget agreement when, in fact, my amendment does not break the agreement, may be making it even more difficult to pass legislation that would help poor children in working families.

One of my colleagues said, you have won Senator HATCH because you got $16 billion in the budget resolution. I admit that I am very pleased with this result and that it is a step in the right direction. And, in fact, that money would probably not be there in the budget resolution had it not been for the efforts of those Senators who support the CHILD legislation as well as other proposals.

I commend my colleagues on the Budget Committee for doing providing the $16 billion. Unfortunately, that amount will not provide the necessary financial commitment needed to ensure those children most in need.

Senator DOMENICI's substitute amendment to my amendment essentially strikes out all the moneys raised in my bill for children. In effect, the substitute amendment is what is already contained in the budget resolution for children's health—and nothing more.

Frankly, if you look at that amendment, basically it says on page 3, line 3, where we had increased the amount by $16 billion, it strikes out $16 billion; page 3, line 4, it strikes out the money; there on page 3, line 5, it strikes out the money; there on page 3, line 6, it strikes out the money there, right on down through the whole amendment.

So all they are saying is they are going to limit new spending for children's health to $16 billion, whether that is adequate or not. I think we have made better than a good case that it is inadequate. I think we made a case that every Senator in this Chamber ought to be able to support.

It is time to resolve this problem. We are going to have to resolve it. You know, the odds have been very heavily against us from the start on this thing in the budget context. But I hope that those who are supporters of the Hatch-Kennedy bill will stand up, and I hope that there are others who may be supporters who will think this through and realize that it is a good amendment to support.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, with all due respect, I think the position of the chairman of the Budget Committee is to deny us an opportunity to get a vote on our particular measure.

I listened with great interest to what he said. He said that, "I think three mature adults would be able to look at this amendment and make a judgment that it's inconsistent with the budget agreement." We have more than that number here that are prepared to vote on that issue. We think that at least 100 adults ought to be able to vote on that issue and make a judgment. We have tried to address the concerns that were raised concerning the consistency of our amendment with the overall budget agreement, and we did address them earlier.

I want to point out that the budget resolution is the right vehicle for this measure and I am sure that the Members are aware of this. I listened and watched how the Senator from New Mexico was looking over at the Senator from Utah saying with great fanfare, "You can raise these issues at any time. You're a member of the Finance Committee." Of course, as the Senator from New Mexico knows, measures dealing with raising a tax must begin in the House of Representatives, not in the Senate Finance Committee.

So to raise the tobacco tax, we need to amend the revenue bill. The Constitution requires tax bills to originate in the House, the reconciliation bill created by the budget resolution will probably be the only revenue measure considered this year.

We ought to understand substance of this debate. This is not a case where we will be able to address this tomorrow, next week or 2 months from now—this is it. For the parents of children that need health insurance, this is the opportunity. Now is the moment. Today is the day in the U.S. Senate. Unless we provide for the tax in the budget resolution, we will not have an opportunity to offer the amendment later. This budget is not only the right place for this amendment, it is the only place for this amendment. That is why this debate is so important.

We were prepared to vote a few moments ago, and we are prepared to move now to reach some conclusion.

Given the reasons I outlined, I urge that we support the Domenici amendment. What that will do is restate what is in the budget agreement, which is the $16 billion in the restoration in terms of Medicaid. We agree with that. We would not council our Members not to vote for that. We agree with that. We hope we will have an opportunity after that amendment is completed to vote on our amendment.

As I understand, the Senator from New Mexico will ask for recognition and he will put in another amendment. He can do that. That amendment will be accepted and we will be right back to a point where we can offer our amendment again. We can do that again and again and again and again and again. The question then becomes, why can we not have the vote on this particular measure? Why can we not go ahead and have the vote on this measure? We believe very sincerely that it is not inconsistent with the budget resolution.

The Senator from New Mexico has not told us about how this would reduce the possibility of a capital gains tax. He has not stated that our amendment will eliminate the possibility of increasing the estate tax exemption. He has not said it will compromise our opportunity to do something about IRA's or the education tax. He has not said this will cut back on the issue of spending cuts, because, as he knows, the final amount as mentioned in the reported $138 billion, will be included in the first downpayment and installation. None of this is altered or changed by our amendment.

Mr. President, we have to come back to the issue here. The issue is whether the Senate of the United States will go on record this afternoon in saying we will provide a very modest increase in the cost of cigarettes, 43 cents a pack, that will convey direct health benefits to millions and millions of children discouraging them from smoking and providing $20 billion over the next 5 years to help States pay for children's health coverage. States can then make the decision as to whether or not they want to participate. It will also provide a $10 billion deficit reduction.

That does not do violence to the budget agreement. This is not an amendment that says we want this coverage, now you find the revenues. We are not taking the revenue out of any particular area. This amendment is self-funded. It is probably one of the few, or only, self funded initiatives that will be offered this session. Maybe others will come down.

That is the issue. I hope the leadership would not deny us the opportunity for the Senate to express its will. It is 10 minutes to 2:00. We were scheduled to debate from 9:30 to 11:30. We had speakers ready to speak and we were ready to vote at 11:30, and now at 10 minutes to 2 o'clock we are told we will have one underlying vote and maybe another. I think the message that will come out of this debate is that the Republican leadership refuses to let the Senate of the United States vote on a children's health care issue. I think that would be very unfortunate—unfortunate to the children and unfortunate to the parents.

I do not see why we should be denied the opportunity to let the Senate work its will. We are completely within our rights in offering it. We are within our rights to expect we would have a resolution. This is a matter of enormous importance and it has overwhelming support of the American people.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mr. HATCH. I have been listening to the Senator and I think anybody who understands the parliamentary situation knows we can get a vote. It may take a few days, but we can get a vote. I do not want to have that kind of a confrontation, but if that is the way it is, then that is the way it is. I am prepared to accept the Domenici amendment and probably some of the future amendments, and I am prepared to vote.

That still does not resolve the problem that the distinguished Senator and I have been trying to solve, am I right?

Mr. KENNEDY. The Senator is absolutely correct. We have made our case. We have strong support on both sides of the aisle. All we want to do is get the Senate to work its will on an issue involving the coverage of health care for children which will be paid for with a cigarette tax.

Mr. HATCH. May I ask my colleague another question? Is it not correct that all we are saying here is that we would like to have a vote, win or lose, on our amendment today? If we win, that makes it easier for us to go through the process. Naturally, any good legislator should want to do that if you really believe in what you are doing. I have to say both of us believe in what we are doing.

That is true, is it not?

Mr. KENNEDY. The Senator is correct. This will be the most important vote in this Congress on children's issues. This vote we are about to either have an opportunity to conduct or be denied that opportunity, will be the most important vote in this Congress. There is no question about that.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mr. HATCH. I normally would not get this argumentative, but, to be honest with you, I have heard some of the worst arguments against this bill that I have ever heard in any Senate proceeding.

This morning I read a New York Times article, "Citing Lost Cigarette Revenue, GOP Fights Child Insurance." I could not believe what I read:

> Republican senators today attacked a children's health insurance bill, saying the higher Federal tax it would put on tobacco would cost the states more than $1 billion in revenue annually by cutting cigarette sales.
>
> The measure, proposed by Senators Orrin G. Hatch, Republican of Utah, and Edward M. Kennedy, Democrat of Massachusetts, calls for raising the current 24-cents-a-pack Federal tax to 67 cents to pay for subsidized insurance for children of the working poor. The sponsors of the bill intend to offer it on Wednesday as an amendment to the budget resolution.

Here is where it is interesting:

> The Republican Policy Committee, an arm of the leadership, today called the sponsoring Senators' intentions "admirable" but misguided, "because states depend to a great degree on excise tax revenue." The committee estimated that decreased smoking resulting from the tax increase would cost states and localities $6.5 billion over five years.
>
> "Even if one believes that decreased demand for tobacco is positive from a societal view, it still has negative fiscal aspects for the States," the committee said.

Let me tell you, that is really something. I had just heard about this recent policy analysis put out by the Republican Policy Committee about the "unforeseen effects" of the tobacco tax. I was not exactly proud to be a Republican under those circumstances. I am sure some of my colleagues wish I were not today.

But I am going to be because I believe in the Republican Party and I believe in what we stand for and I believe in taking care of kids. I believe in helping those who cannot help themselves.

Let's start taking the money away from those that can but won't help themselves.

As my colleagues may be aware, on April 23, the Republican Policy Committee issued a report entitled, "The Complex Problem of Insuring Uninsured Children." This report, revised on May 1, noted that this is the first in a series of RPC papers devoted to this issue. We can only hope that this most recent May 16 piece of tortured logic is the last of this series unless more compelling analyses are forthcoming.

Here is the point that is entirely missed. It would be a great thing for the public health of this country and particularly for the health of young Americans if tobacco tax revenues dropped substantially because tobacco is the single greatest preventable threat to our Nation's public health.

No one should be so protective of lower tobacco taxes because the taxes might raise more revenues, any more than the public would support appointing Dr. Kevorkian as a Surgeon General in an attempt to achieve Medicare savings.

I look forward to economists studying in detail the analyses of the May 16 RPC paper. It seems to me that the tobacco companies would have liked to have been able to have included this somewhat mysterious line of reasoning in their public comments to the FDA rules pertaining to the regulation of tobacco sales to minors.

I wonder how much of the supposed $6.5 billion in lost revenues to States that they say will happen comes in the form of illegal sales that are quite literally poisoning and hooking our youth. I also want to know what Governors publicly take the position that State tobacco revenues are more important than the public health. I doubt many of the 20-plus attorneys general involved in lawsuits to recover State Medicaid funds attributable to tobacco-related illnesses would agree that a decrease in tobacco consumption is a bad idea.

It seems to me that the title of the May 16 report, "Unforeseen Effects of the Much-Touted Tobacco Tax Should Be Changed," frankly, it would be better titled, "The World Turned Upside Down." I will be interested to know what the experts on the Joint Tax Committee and other groups, how they will view this RPC analysis.

If I were not just a humble country lawyer from out West, I would almost get the feeling that somebody told the analysts at the RPC to trash the tobacco tax in any way possible. I have been around here for 20 years, better than 20 years. I have been trashed by more gifted analyses than this.

Let me close this portion of my thoughts by saying that if I could get a list of Senators who are withholding support of our amendment due to the reasoning contained in the RPC document, I would immediately enter into discussions with my cosponsors. I think it is probably safe to say that if this is what it takes to attract more supporters to our measure, we can probably shift some of the funds marked for Federal deficit reduction to indemnify the States from potential revenue losses to any decrease in tobacco uses.

Who are these Senators? Senator KENNEDY and I would like to talk to you.

Now the Republican Policy Committee is implying that it is more important to preserve tobacco excise taxes than the health of our children because we will get people, especially children, to quit smoking in the process. We know that every time smoking goes up 10 percent, 7 percent of the kids will never touch a cigarette.

Are we to sacrifice people's health and lives to preserve tobacco excise taxes? Would we rather have excise taxes than healthy citizens in our States? Those who argue this way seem to want to maintain big tobacco revenues at the expense of the life and health of our citizens.

Now, I find this appalling because all Senator KENNEDY and I are offering is legislation that will result in good health for smokers and which will help children. The arguments of the opponents are logically flawed. Their interest in maintaining State tax revenues at a certain level is more important to them than the health and welfare of the citizens in our States.

When it gets to the point that we are so ideologically constipated that we place the preservation of State tobacco revenues above the welfare of our American citizens, then we need to rethink our philosophy. I have to say I would have been willing to sit down and discuss this matter with anybody, reasonably, on how to handle this.

I have to admit that I am probably irritating everybody around here. But I am irritated, too. If you want to play this game, we can just have one vote after another from here on in until the end of the process, and we will finally get our vote. If it means day and night, I will be here. I have done it before. I can do it again.

All I want is some consideration for our side. In all honesty, I don't think we have had much. We are talking about kids here. We are talking about the poorest of the poor kids not on Medicaid, and about Medicaid kids, too. We are talking about doing something right—doing something for people who cannot help themselves and doing it by raising money from the industry that is causing a lot of the troubles.

I also have to tell you that 72 percent of all adults in this country think this is the right thing to do. And even 50 percent of all smokers think it is the right thing to do.

There isn't a better tax cutter in this body or one more zealously devoted to it than ORRIN HATCH. Don't tell me about raising taxes, or cutting taxes.

I have been for every tax cut I can get. I was one of the few who voted against the 1986 tax increase in the Reagan years and the Bush tax increase when it came up. I voted against that even though I was brought down to the White House and asked to vote for it. I sincerely told the President I couldn't do it.

So I have the credentials on tax cutting. I was one of the original supply-side proponents and went all over this country to 36 States for then-Governor Reagan arguing for tax cuts.

Here we have something that could be done to rectify some of the problems of our society without a cost to 80 percent of American taxpayers—only about 20 percent would pay this—and you would think the whole world was coming to an end.

I really believe that if big tobacco were smart, they would come and say we ought to do this. People out there would respect them, and there would be more of an interest in trying to work out their difficulties with them.

I have to say that I am getting a little frustrated. This is an important issue. It shouldn't be treated trivially.

So we will just see what happens. Unless I can be shown some better way of getting this amendment considered and having an up or down vote on it, then we are just going to keep fighting this battle until we get that vote.

I am open to the suggestions of my colleagues. I am open to sitting down with them to talk to them and see what can be done. But until then, this is the way it is going to be here.

We may lose here today. But, if we do, it won't be for the lack of trying, and it won't be the last time we try either. It isn't going to end, even if it is right up to the end of the Congress. I just want to notify everybody now. I do not want any arguments next year that somebody is going to be hurt by this debate because I have notified this body that I plan to press the issue.

I want to thank my colleague from Massachusetts for yielding to me.

I yield back to my friend from Massachusetts.

The PRESIDING OFFICER (Mr. HELMS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take maybe 3 minutes.

Mr. LAUTENBERG. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute 40 seconds remaining on the amendment.

Mr. LAUTENBERG. I yield the time to the Senator from Massachusetts.

Mr. KENNEDY. Three minutes from the bill.

Mr. LAUTENBERG. I yield 3 minutes from the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just want to commend my friend from Utah for presenting what is the real issue before the U.S. Senate at this moment, and for making such a convincing case in support of this amendment which will provide health insurance for children.

Mr. President, I am having trouble understanding why our majority leader is not willing to let us vote on health insurance for children financed by a cigarette tax. I am just wondering why he is hesitating. What are we afraid of? Why can't the Senate decide by a majority vote whether our national priority is to children or to tobacco companies? Why can't we vote on whether the Senate stands with children or with Joe Camel and the Marlboro Man?

I think we ought to move ahead and have a vote. That is what the regular order would be. We don't take any satisfaction in just urging the Senate to accept the amendment of the Senator of New Mexico. The only thing we are trying to do is get a vote on our particular amendment. I certainly hope that cooler heads of leadership will at least permit us the opportunity to do so.

Mr. President, my time has expired. I urge all of my colleagues to vote in favor of the amendment of the Senator from New Mexico because it is a restatement of what is in the budget resolution bill—$16 billion for needy children. We are in strong support of that proposal.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I ask unanimous consent that I be allowed 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I also suggest that everybody vote for this amendment. That is fine with me. We will just vote for it. I am prepared to take it, but if not, then let's vote, and we will go from there.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, could you tell me the time on the Domenici second-degree amendment?

The PRESIDING OFFICER. The time for the sponsor is 16 minutes 51 seconds.

Mr. DOMENICI. I yield myself up to 5 minutes.

The PRESIDING OFFICER. Five minutes is yielded to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would like to make just two arguments.

The first one is somewhat in response to my friend, Senator HATCH, for whom I have great respect.

Mr. President, I think it is inconsistent with the facts of the agreement between the President and the Congress for any Senator to stand up here on the floor and talk to the American people as if their proposal is the only one that is going to take care of children in America. That is not true, whether it come from my distinguished friend, the senior Senator, Senator HATCH, or from whomever. The statement should be that they think they have another way to do it. But to try to look out there and say to America this is a serious issue, it is about kids, as if to say the agreement we made with the President isn't about kids.

So we are not going to stand here and let that occur without telling the American people that that just isn't so, no matter how or under what circumstance my good friend, Senator HATCH, desires, or speaks it on the floor of the Senate. We are just as much about kids as his proposal is. For him to stand here and imply that that isn't the case is just not fair.

We believe in the agreement with the President, although we would do it a different way. We wouldn't send the money to the Labor and Health and Human Services Committee. We would send it to the Finance Committee. But we believe we took care of the kids who are going to be uninsured during the next 5 years of this budget agreement.

So I just want in my first observation to say, yes, this is about kids. Yes, it is about uninsured kids in America. And, yes, we cover them. If we want to talk about another issue, a cigarette tax, which this amendment does not guarantee—in fact, there is every reason to believe that, if you adopt it, the Finance Committee of the U.S. Senate and the Ways and Means Committee of the U.S. House need not adopt it.

So to make like that is the issue, like something in this amendment is going to get you cigarette taxes—which I am not against, incidentally, I am not against them—but that just isn't what the amendment does. You can talk about some bill you have in mind, but this is a budget, not a bill.

My last point is this. I defy anyone—and I urge my good friends who would like to take the position that this amendment is not inconsistent with this agreement. I would like them to do just one thing. I ask my friend, Senator HATCH, to do just one thing: Just get the bipartisan agreement when you have a moment. Look at item No. 1. I will read it to you. "The elements of this bipartisan agreement provide for deficit reduction amounts that are estimated to be the result in the balanced budget by 2002."

It proceeds then to say that there is a tax—a summary of the agreement. It is in a chart form. The agreement then proceeds to say that the majority leader, the minority leader, the President of the United States—as I indicated, maybe not the Vice President, because maybe he is not bound by the President—but it says that this agreement, as contained in this piece of paper, these numbers, governs and that anything that will be offered that is inconsistent will be opposed.

I say to Senator HATCH that his amendment takes this agreement, this one right here, and it changes two of the numbers right off the bat—the $85 billion on the tax cuts is changed by his amendment. In fact, it is reduced by $30 billion. Excuse me. The Presidential initiatives, a line here, $31 billion, you have altered that by adding $20 billion.

So now I don't believe anybody ought to be taking the point that the majority leader of the U.S. Senate, or minority, or our whip, or myself as chairman, that when we say this does break the agreement, I cannot conceive how anybody could say that they have another interpretation that says it doesn't. That makes it a very important event.

Would Senator NICKLES like to speak for a few moments?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to echo the comments made by my colleague from New Mexico. This is even more important than the budget agreement.

You are only, in the Senate, as good as your word. There is a document that says we are going to have net tax cuts of 85. This makes net tax cuts 55. There is an addendum that says there is going to be a kid care initiative that costs 16. This amendment makes that kid care initiative 36.

This is not the agreement. If people on the other side are now saying this is consistent with the agreement, that is not the case. And it really does unravel this deal. It is beyond me.

I would like to think that people would have more credibility in their word and would say, "I will always tell you the truth." If people are going to say this doesn't break the deal and the Vice President is going to come down and say this is consistent with the deal, then we don't have a deal. Some people are just evidently quite happy to break it up and make sure that we don't have a deal.

I will go further to say that this is consistent with the deal. I can certainly have an amendment to cut discretionary spending by $20 billion and increase the tax cut by $30 billion. I would like to offer that amendment. Tell the majority leader, I would like to offer that amendment. I think we spent too much money on the discretionary side, and I think we didn't cut taxes enough. It wasn't my intention to offer that amendment because it would be inconsistent with the deal.

I want a balanced budget. I want some tax relief. But this amendment, if it passes, tells me there won't be a budget. It tells me that people who "negotiated in good faith" can say that this is consistent. Frankly, that bothers me more than the amendment. It bothers me a lot. You have to be as good as your word.

There is a package here that says here is the agreement. It says kid care, $16 billion. It didn't say 36. It said net tax cuts 85. It didn't say net tax cuts 55. I do not want to go to my constituents and say it was going to be 85 but now it turned out to be 55. But, boy, we got gypped. We didn't do what we said we were going to do.

We ought to at least try to do what we said we were going to do, but yet we have not been here 1 day and people are undermining this agreement and, frankly, making allegations that this is consistent with the package when it absolutely is not.

If this amendment should pass, this is one Senator who will not be supportive of this package. And it bothers me because I want to balance the budget. I want to provide some tax relief. I want us to help save Medicare, and I think the net result is the passage of this amendment says there will be no budget package this year.

I hope people are aware of this when they cast this vote. I hope they do not think this is just a free vote. I hope they do not think the rest of the people are going to run over on this side and put this budget resolution together and pass a net tax cut of 55. I do not think that will be the case. I do not think it will happen. So I hope people will recognize we are not talking about trivial, little things, that we have legislation in here that encompasses the Hatch-Kennedy bill, but we do have language that says we are going to have a net tax cut of 55. There is a $30 billion tax increase.

If somebody wants to raise taxes—and I hear my colleagues talk about this—if they want to raise taxes on tobacco, very easily they can wait until the reconciliation bill comes in the Chamber. The reconciliation bill, consistent with the budget package, will have a net tax cut of $85 billion. If they want to have an amendment to that tax cut that says they want to raise cigarette taxes and cut other taxes, that is consistent with the package; they can do that. They cannot come in and say, we want to spend an extra $20 billion in kid care that is not consistent with the package, but they could do that. And then they will be playing with the real bill. They are talking about real bullets. They are talking about taxes.

If they want to raise cigarette taxes and cut other taxes, I might support them. I might help them draft it. But they cannot come in and say, hey, we are going to change the net side of this tax cut as this amendment proposes to do from 85 to 55. They cannot do it. It is not consistent. It is a deal-breaker. This says the agreement is not worth the paper it is written on. And if the President is going to come down here and endorse it by his vote, or his effort, his presence, that means we have a real credibility problem. We have a real credibility problem.

This amendment is not consistent with the agreement, and I do not think anybody should make that allegation. This is a budget-breaker. This amendment basically says we do not want a budget this year.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. If the Senator from New Jersey will yield 3 or 4 minutes, 5 minutes.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from Massachusetts from the resolution itself.

The PRESIDING OFFICER. The Senator is yielded 5 minutes.

Mr. KENNEDY. As Senator HATCH and I have pointed out, this is basically budget neutral. I included earlier in the RECORD the assessment of the Joint Economic Committee, and what we have demonstrated is that the expenditures that will be used in order to pay for the program will be raised by the increase in the cigarette tax.

The opponents of this amendment cannot have it both ways. You cannot spend half the morning saying we are against the increase in the cigarette tax and then in the afternoon say, well, this is going to somehow diminish the whole budget agreement in terms of revenue.

That is what they have been saying. That is what opponents have been saying.

The fact is, as everyone in this body understands, this is revenue neutral. This is revenue neutral. I have said if they can come in and find out where our amendment is going to reduce the capability of the Finance Committee and the Ways and Means Committee to affect the estate taxes, capital gains, IRA's, student assistance, let them make that case. You cannot do it. You cannot do it. I listened to the rhetoric, and it still does not stand.

Mr. President, the real issue I think is whether we in the Senate, on the one vehicle that can make the difference, are going to have an increase in the tobacco tax and have a children's health insurance program. That is what we are talking about. That is what we are talking about.

I have increasing frustration with why the majority leader and the chairman of the Budget Committee are refusing to let us do so. We can make up our own minds. The case has been set. People have listened to the debate. Let them make up their own minds on it.

It is our position that when it says in this budget agreement if bills, resolutions or conference reports are deemed to be consistent—I think our minority leader had indicated how it is consistent, because the budget points out we are taking $16 billion to look at the Medicaid. We are looking at those individuals who are just above the Medicaid, the working poor, looking at those children. A child is a child. We should not say, OK, it is all right, it is consistent with that. If you are going to be below a certain level of poverty, it will be 85 percent above the poverty, and say, well, that is completely inconsistent. The American people are not going to buy that. The American people are not buying that. That is an absolute phony, fake argument.

This is consistent because it is looking after needy, poor children—that is the issue—paid for by a cigarette tax. If you do not want that and want to oppose it, at least say let us go ahead and vote and take that position. But we have been on it now since 9:30 this morning. It is 2:30. We are denied the opportunity to let the overwhelming majority of the American people have a vote on it.

Seventy-five percent of the American people support this. And if they are watching television today, they are saying, why can't the Senate of the United States at least vote it yes or no? We are being denied that. Quite frankly, the children who have been denied that health insurance, unable to get it, have been very patient. Their parents have been very patient. They are very patient every single night when they are concerned about those children. They are spending all night, all day, every day. We can certainly be patient, too, if the parliamentary process is going to deny us that opportunity. The majority has the right of recognition, and they can put on another amendment; we are supporting this. Then they put on another. But eventually that slot is going to open up and Senator HATCH and I are going to be here to fill it.

That is where we are, Mr. President. We just cannot understand why here, after all these hours, with this issue and debate, somehow some Members on that side are saying, if you pass a small health insurance program for needy children, 10 million children, that is paid for, it is going to end the whole budget deal. That is what they are saying. They are saying, if you provide enough money for 10 million children, the world is going to come to an end. We are ending the budget deal. We will never get to a balanced budget.

Mr. President, they cannot be such strong defenders of Joe Camel.

That is where we are, Mr. President. I hope we can move ahead. We are going to try to point this out all the way along the line, but I hope we can move ahead and get to some judgment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time would the Senator like?

Mr. GRAMM. Why not give me 5 minutes.

Mr. DOMENICI. I yield up to 10 minutes to the Senator off the bill.

The PRESIDING OFFICER. The Senator from Texas is yielded up to 10 minutes.

Mr. GRAMM. Mr. President, in all of this passion, in all of our efforts to vilify cigarettes and talk about taxing them, I think we have really forgotten a fundamental fact, and that is that we already have more money in this budget than we need to buy an insurance policy for every child in America for whom we are seeking to provide health coverage.

Let me go back and try to remind people of what this whole debate is about. What this whole debate is about is that the President, after looking at various statistical estimates, concluded that if you look at every family in America with income up to 300 percent of the poverty level, and I remind you, for a family of four that is $48,000 a year of income—I say to our distinguished majority leader from Mississippi, that is higher than the per capita income and family income of his State—that if you look at families up to 300 percent of poverty, there are as many as 10 million children in America who are not covered by either Medicaid or private health insurance.

Now, what the President has done is set the goal, recognizing that 3.3 million of these children already are or will be qualified for Medicaid—they just had not signed up—the President set out a goal of coming up with a program that helps 5 million more children to get private health insurance.

I would like to remind my colleagues that the cost of a private health policy for a child, looking at various data that is available, averages about $500 per child for a fairly standard policy—lower with a higher deductible, higher with a much lower deductible, but basically $500 per child. We could go out and buy an insurance policy for all 5 million children in America that we want to cover, and we could do it for less than the $16 billion that is in this bill.

So why should we pass an amendment—unless we just get some pleasure from spending money, why should we pass an amendment to raise it up to $36 billion, which would allow us to buy three policies for every child in America that we are trying to help. What could possibly be the purpose of such an amendment? What is the purpose of the Kennedy amendment when he started out saying we need $20 billion? The President started out with a program that was less than $10 billion. We ended up with a budget that was $16 billion. But the amendment does not say we will take it to $20 billion. The amendment says take it to $36 billion.

Now, is there no limit on the amount of money that we want to spend? If we already have in the budget enough money to buy an insurance policy for every child in America that we are trying to target here, even up to families that make $48,000 a year, where 82 percent of those families already have private health insurance policies that cover their children, is that not enough? Isn't one insurance policy enough? Why should we have in this bill enough money to buy three insurance policies?

That is what the debate here is about. If we simply want to say how much we want to deal with this problem, maybe this amendment has some relevance. But the plain, honest-to-God truth is, it is going to be hard in any rational manner to spend the $16 billion we have already provided. If we just simply went out and bought every child in America that qualifies in this 5 million children problem that the President has defined, we have more than enough money already to do it.

Why do we want to add $20 billion more? Could we not use that money for some better purpose? Could we not let families keep the money and invest it in their own children and their own future?

So I just want to remind people, in all of this passion about how we want to pound our chest and say how much we care about children, we have already have enough money in this resolution to buy an insurance policy for all 5 million of the children that the President has targeted and that we have agreed to. We clearly could do the job for much less than we have already committed to spend. But the point is, why spend three times as much as is required to simply buy the insurance policies? There is no logical reason for doing it. All we are doing is bidding with each other for spending money.

I would like to note, finally, two additional things. No. 1, I am not for this budget agreement, and I am going to be in the Chamber when this amendment is disposed of telling people why I am not for it. But I am not going to vote for the Kennedy amendment to try to kill this budget agreement. And I hope there is nobody on our side of the aisle, if this vote turns out to be very close, who is going to cast a vote for the Kennedy amendment thinking, by doing that, they are going to kill all the bad things in this budget agreement that we are not for. I have never found that I was smart enough to game the system and end up where I wanted to be on that basis.

So we are going to have an opportunity on final passage to vote "no" if we are going to be against it. I am going to offer amendments that present another vision. But what I want to urge my colleagues to do is to look at this amendment and see we already have more than enough money to buy the children's insurance policies that we need. So let us stay with the amount we have in the bill. As chairman of the subcommittee that is going to be instrumental in trying to put the bill together, I would attest that we can cover all 5 million children with the $16 billion we have.

Finally, let me say that it is discouraging to see a budget deal that commits to $16 billion of brand new programs, little baby elephants that are just going to grow, and we cannot pay the bills we already have in Medicare and Medicaid and Social Security. But, even for many of our Members, the $16 billion is not enough. The ink is not even dry on the budget deal and here we are, talking about busting it big time. It has to be very discouraging.

Defeating this amendment, it seems to me, is the reasonable thing to do, unless you really believe that it is just important that you be able to say to people: Not only did I want to insure people, but I wanted enough money to do it several times over so we can do it just as inefficiently as we wanted to and still reach everybody. Unless that gets you something at home, don't waste this $20 billion. Don't vote to raise taxes and spend this money. We already provide the funds necessary to serve the children we seek to serve.

I yield the floor.

The PRESIDING OFFICER (Mr. HELMS). Who yields time?

Mr. DOMENICI. I yield off the bill as much time as the distinguished majority leader desires.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator for yielding me that time. We don't want to go over everything that has been said two or three times this afternoon, but let me again make it very clear, if the Kennedy health care proposal had been in this budget agreement, I would never have agreed to it. I would have never signed on to it. This is a new entitlement program. It is money on top of what is in the budget agreement. As a matter of fact, I agree with the Senator from Texas, what he just said, the $16 billion was more than I thought was necessary. But it is in the agreement and the Finance Committee is already working, I am sure, on ways to deal with those children that might, in fact, be uninsured or not covered. They have the opportunity to do that. And there is enough money in here to do it.

But, now the Senator comes in here and makes all kinds of threats about how we will go on and on and on today, until we get a vote—I guess he presumes to put this in there. And then the argument is made that this does not change the agreement.

Would it change the agreement if an amendment is offered to cut spending, which I think should happen—there is not enough spending restraint in this agreement—and add it to tax cuts? I would be inclined to vote for that, want to vote for that. That would be the right thing to do. But that would clearly change the makeup of this agreement.

So, to now say that this does not change it, that it is revenue neutral, when in fact it adds a tremendous amount of money to the area of child health care—the Senator from Massachusetts wants a Government takeover in this area. That is what really is at stake here. He knows this clearly is beyond what was included in the agreement and it would completely unravel it. What will come out of this is we will reach a point where we will not have a budget resolution. I think that would be a real tragedy. But I want to make it clear, I am opposed to this amendment, No. 1, because I think it violates what we agreed to, but, also, I am opposed to the Kennedy-Hatch approach here. I think it costs too much money. I don't think it is the answer to the problem.

The Finance Committee can work on this and come up with solutions that will get the job done for those children who do in fact have a problem. So I do not think it is fair to imply we are not concerned about this area and we cannot deal with this problem. It is just the Kennedy-Hatch proposal is not the be-all and end-all. There are other proposals out there: 100 percent deductibility or 80 percent deductibility of the cost of this health care is one way to go, with more flexibility for the States. Why, the States are already using that flexibility to make sure children are covered. In the State of Utah already the Governor, with limited flexibility, has been able to make sure that a third of the children that were not covered are in fact covered. That was pointed out in a Wall Street Journal article in April of this year.

Mr. GREGG. Will the Senator yield for a question?

Mr. LOTT. I am glad to yield.

Mr. GREGG. The Senator points out the State of Utah already has a program where they are attempting to cover uncovered children, as do 32 other States.

Mr. LOTT. Yes.

Mr. GREGG. Under the language in the bill presented by the Senator from Utah and the Senator from Massachusetts, that program would essentially be overridden. That program would no longer exist, because the eligibility requirements are strict, those required under the Kennedy bill are so strict that the Utah program would no longer fit in it and therefore could no longer function.

This bill would eliminate that Utah program, along with 33 other States. Is the Senator aware of that?

Mr. GRAMM. Including New York.

Mr. LOTT. I was not aware that it was actually that restrictive, but I know the Senator, who is a former Governor, knows what the States already have been doing and is familiar with the specifics of this proposal and how it would make it even more difficult to provide the coverage that is needed.

Mr. HATCH. Will the distinguished majority leader yield?

Mr. LOTT. I will yield, yes.

Mr. HATCH. I think it should be pointed out to the majority leader that our bill does not interfere with the innovative programs in Utah and many other States which are doing so much to help children get health care.

I think it is important to underscore that even with the great Caring program, there are still 56,000 kids in Utah who are not covered. This is in spite of the Utah Governor's substantial efforts as well. And I might add that throughout the country similar efforts are occurring.

If the Senators believe that the language of my bill is not clear on this point, I am open to suggestions on what we can do here.

But I think that a much larger point bears repeating. The budget includes a reduction in spending of about $14 billion for Medicaid. Clearly, everyone recognizes that most of the reductions will probably come from the disproportionate share program, or DSH. There are not many other offsets within the Finance Committee.

At the same time, the budget includes $16 billion in new money for children's health care initiatives. It seems reasonable to assume that the Medicaid reductions will come from DSH—which, after all, is a program for the poor—and the increase will be given back to the poor in the form of Medicaid improvements or a mandatory grant program.

So it looks to me like a fairly good percentage of the $16 billion in new money will end up being taken from another program serving poor children and seniors.

Don't get me wrong. I think it is a wonderful thing for the budget to include the $16 billion.

But if you analyze the numbers, you will see that that amount probably will cover the 3 million kids who currently qualify for Medicaid but are not enrolled, and maybe even a few more. But I doubt it will even cover 5 million in a meaningful way, as the budget document suggests.

And that still leaves 5, 6, or 7 million kids who are not covered.

All I am saying is this. We are not interfering with any of those 33 State programs. This bill does not interfere with them. In fact, it builds on existing State efforts.

Mr. LOTT. Mr. President, if I could regain my time—

Mr. HATCH. If I may just finish? I apologize for taking so much time, but let me make this point, since my State was mentioned and since I think the statements were not completely accurate.

Under our bill—which as Senator NICKLES pointed out earlier is not even the subject of our amendment today—participating States would use Federal grants to help working parents with incomes too high for Medicaid buy private health insurance or purchase care through a Community Health Center for their children.

So Utah could use the Federal funds under the CHILD bill to supplement the current privately supported Blue Cross/Blue Shield Caring program for children, which serves over 1,000 children. This program provides a base on which to greatly expand subsidized private health insurance coverage.

And I know this is true, because I am one of those who helped get that program up and running.

I might also add, just for my good friends and colleagues, the distinguished majority leader and the Senator from New Hampshire, the Utah program has endorsed the Hatch-Kennedy bill. I think that is just something that needs to be said.

Mr. LOTT. What the Senator from Utah is trying to do, along with the Senator from Massachusetts, is mandate how this problem should be addressed and add more money beyond what is needed to get the job done, and to put it in the budget resolution. We had lengthy discussion about how to deal with this. Meeting with the President's representatives, talking with the President, we came up with what we thought was a reasonable compromise in terms of the amount of money, $16 billion, without the Government takeover provisions, without the Federal mandates. I have information here that indicates there are five new major Federal mandates included in this bill, which will, in fact, complicate the job of insuring the children.

We have an adequate amount of money. We are saying to the Finance Committee and the Members of the Senate, in a subsequent vote that we will have on a reconciliation bill, that there is an area where we need to help children who are not covered. We have the funds to do it. And for them to come up with proposals.

They will be able to do that. But, no, the Senator is saying: Do it our way and do it with an additional $20 billion. Clearly, this is not going to get through the process. It just cannot, because we will not have a budget agreement if this is included in there. I do not mean that as any sort of threat. I just mean, if we start down that trail there are going to be other amendments offered that then—look, if the agreement we shook hands on is going to be wiped out here with this amendment, where does it stop? There are other amendments pending out there. There are amendments I would like to vote for. I intended, on our side, to oppose them because they were not part of the agreement. I would like us to have a disaster fund set up in advance. The Senator from Texas has an amendment on that. I do not think there are adequate tax cuts in this agreement. I think we should have more.

If we are going to start doing that, we will wind up with at great big mess on our hands and no budget agreement. That is what is at stake here. Over the insistence that we do it the way the Senator from Massachusetts says, to add another $20 billion above what we agreed to and what is necessary, we are going to threaten to take down a multitrillion-dollar budget agreement that gets us to a balanced budget, that has some reforms in it, some restraint on spending—not nearly enough—and some tax cuts, and not nearly enough in that area either. I don't think it is worth jeopardizing a multitrillion-dollar agreement that the President signed on to.

If he has changed his mind, if he has walked away from this, I think he owes me, you know, the right to know if that is the case. I expect that before the day is out we are going to have some votes. We are going to see whether the Democrats are going to live up to holding this package to the way we agreed to it or not. If you are not, then how am I going to be able to do that?

I have taken the flak, I have kept my word. This clearly will defeat the whole purpose of the agreement and what has already been approved in the House of Representatives last night in the wee hours of this morning, and what came out of the Budget Committee on a 17-to-4 vote.

Now we are going to rewrite it here on the floor, mandating it has to be done this way. I just think it is absolutely the wrong thing to do, Mr. President, and we intend to resist it all the way.

Mr. KENNEDY. Will the Senator yield 5 minutes on the bill?

Mr. LAUTENBERG. I will yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this debate is reaching the ridiculous. To say that one-third of 1 percent—that is what we are talking about in the total budget agreement—the majority leader—this is going to take the budget deal down. We are talking about one-third of 1 percent spending, over the next 5 years; over one-third of 1 percent, paid for.

They say "Oh, that is going to bring it down because it is inconsistent with the budget agreement."

Look, Mr. President, I am reading from the budget agreement under "children's health, paragraph 2." The funding that is in the program here can be used for this purpose:

> A program of capped, mandatory grants to States to finance health insurance coverage for uninsured children.

That is what our bill is. That is what our bill is. It is a capped grant to the States for uninsured children. It could not be any more specific than what is included in the budget agreement. That is what some of the $16 billion could be for. So we say: Well, let us add it for some of those who are the sons and daughters of working families that do not make sufficient kind of income to be able to do it. Now, when the majority leader gets up—all we are looking for is a vote. We are voting. It is quarter to 3 now, and we are being denied a chance to vote on this issue. He refuses. He says if this goes through, this one-third of 1 percent on an issue that relates to a grant to States to finance coverage for uninsured children—that is a good statement of what our bill is all about, included in the budget agreement, and he is trying to say this is so far removed—it is difficult for me to be able to accept.

Finally, just on this point, I listened to my friend from Texas talk about the problems, how easy it is to cover all of these children. It is interesting, Texas has 1.4 million uninsured children 18 years of age or younger; nearly 1 in 4 children, 23 percent, is uninsured. It is the second-highest percentage and the second-highest total number in the country. Texas would receive, under our legislation, $2.6 billion to insure uninsured children with this particular program, an average of $655 million a year for the uninsured children.

This is supported by close to three-quarters, 74 percent, of the State of Texas.

I respect my colleague from Texas saying, "Well, there really isn't a problem out there," but there is a problem out there. There is a problem across the country. All we are saying, all Senator HATCH is saying, is this is paid for; it is an issue of covering children which is paid for with a tobacco tax.

Can we not in the U.S. Senate say, let us, on this issue, go forward with a vote? Evidently, we are being denied this. It is suggested that if we dare to go forward with a vote and we possibly are able to convince Republicans, as well as Democrats, that this is a national priority, a priority for families in America to provide insurance for uninsured children of the neediest families, that suddenly the whole economy and the Nation is in danger. This is a simple choice between children and the tobacco industry, Mr. President. That is what we are faced with. It seems to me we ought to be able to decide on children this afternoon.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. How much time does the Senator from Illinois—do we want to alternate?

Mr. DOMENICI. I would like to alternate. How much time does the Senator want?

Mr. GREGG. Ten minutes.

Mr. DOMENICI. I yield 10 minutes off the resolution to Senator GREGG.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for up to 10 minutes.

Mr. GREGG. Mr. President, I rise again to recall some of the comments I made earlier, but also to address a couple of other issues that have been raised here.

First off, I think it is good that the Senator from Massachusetts has finally admitted—I suspect maybe over the active opposition of his colleague from Utah—that this is a mandated program. He calls it a "capped mandated program," I call it an unfunded mandated program, but the fact is, we finally got it out in the open. This is a brand new major entitlement, and it is a mandated entitlement. There is nothing discretionary about this, nothing at all discretionary about this.

As I said earlier, if this is discretionary, this has the same relationship of being discretionary as my golf game has to Tiger Woods'. The simple fact is, it has no relationship to discretionary.

Let's talk about a couple specific events that occurred relative to the States that get stuck with this program, because they are all going to get stuck with this program. Under section 2802, States lose almost all flexibility in designing health care programs for kids—almost all flexibility. Under section 2802, programs like the one we have in New Hampshire, which I described earlier which is covering in its demonstration period up to 50 percent of the kids we are trying to target without additional public costs, and we will get to the 100 percent as we develop a plan under the proposal in this budget agreement, which gives us the additional money to do that, but that plan will be wiped out. And there are 33 other States in this country that have initiatives going forward to address these targeted youth, targeted children, which programs would be put at dramatic risk, if not be wiped out.

I suggest the interpretation of the amendment of the Senator from Utah is inconsistent with the amendment's language itself. The amendment states very clearly—very clearly—that States must comply with the Medicaid criteria for supplying health care, and almost in every State, these initiatives that are going forward do not comply exactly with the Medicaid criteria as for insurance purposes. So flexibility is denied.

Not only does that happen, as I mentioned earlier, this amendment is just the ultimate in the Federal Government coming in and taking over an entire sector of health care. It is a nationalization of health care for, basically, kids and, thus, creating a tremendous movement from the private sector to the public sector with costs, as kids will move out of private-sector coverage on to public coverage.

Not only does that occur, but this amendment specifically states that waivers are rejected now. I have to tell you, as a former Governor, it is hard to get waivers, but one of the good things that this President has done is that he has loosened up the waiver process, and Secretary Shalala has been receptive to States that come forward with ideas relative to Medicaid and have asked for waivers. I suspect Utah and I suspect Massachusetts—I know Massachusetts, and I know New Hampshire and New Mexico have all participated in this waiver process to try to deliver better health care using imaginative and creative ideas that the State health agencies develop. But do you know what this amendment says? It says, "Tough luck, States. From here on out, we give no waivers at all"—the ultimate regulatory dictatorial action; the ultimate excess of the Federal regulatory structure.

This is a power grab, pure and simple, an attempt to move the issue of how you finance health care for kids in America to the Federal level and, as a result, it is an outrageous—an outrageous—new mandated program. It is nice we finally have an admission of that after all the denial we heard earlier, which I found incredible, but finally we have an admission that this is a mandated program.

The practical effect of creating this program will be it is going to cost an additional $20 billion on top of the $16 billion already in the budget for this targeted population which can be taken care of, as so appropriately presented by the Senator from Texas, with the $16 billion, which obviously can be taken care of because the President signed on to it and it is his No. 1 priority. This is such an insult to the President to bring this forward in this manner, because they are essentially saying the President didn't know what he was talking about when he said he could take care of this problem with $16 billion.

They are saying we need $36 billion to do it. The reason they need $36 billion, and $36 billion is an extraordinarily low estimate, is because they have a nationalization plan. That is what they are planning, they are planning to have all the kids today who are in working families who have low incomes but who happen to be covered by health insurance moving off that private sector on to the public sector. There will be a stampede of employers essentially saying, "We're no longer going to cover you, you have to be covered by the public sector." That is why the price is going up. That is why they need all this extra money.

It is not going to give any child any more coverage of any significant nature. All it is going to do is allow the Federal Government to take over the program and allow the taxpayers to pick up a large percentage of the costs which is presently being picked up by the employer.

It is truly an outrage for us—after we have been down this road for the last 40 years of seeing Federal programs that have not worked when the Federal Government has federalized them, programs where the States have been delivering services, and suddenly the Federal Government comes in and federalizes it and we see they do not work, and in an attempt to address that just a year ago, we tried to reverse the situation with welfare, for example, and move the programs back to the States—for us to have proposed before us a program which says essentially the Federal Government knows best, States are going to be written out of the process, and we are going to create a huge new cost to the taxpayers of this country so that some bureaucrats here in Washington can control the definition of how kids are delivered health care and in the process wipe out the coverage that is occurring in the private sector and the capacity of States to have flexibility, it is just a public policy initiative which is totally inconsistent with what has been the flow of events in this country from a standpoint of knowing what works and what does not work in the last few years.

We have this one other issue that keeps being thrown in our face: We have a choice between tobacco and children. That is not the choice. The choice is between whether or not we want to nationalize health care or whether we want to let the States continue to participate in the process. There is no choice on coverage here. The President has demanded, and we have put in because we believe it is appropriate, $16 billion to cover kids, to cover the targeted population. That is a fait accompli; it is done. The extra $20 billion demanded in this amendment, which is going to be paid for by a tobacco tax increase, has nothing to do with coverage. What it has to do with is federalization, nationalization of a program. So this does not have anything to do with a choice between kids and tobacco. The kids have already won. We have already in this bill taken care of that issue.

Now, if the other side were honest about this, they would allow us to divide the question. They would allow us to divide the question, and let's have a vote on the tobacco tax increase, independent of this brand new major entitlement. But they are not going to let us divide the question. I will move to divide the question. It will be objected to.

I am happy to have an up-or-down vote on tobacco tax increases. As Governor, I increased tobacco taxes. I do think it is an area we should leave to the States, because I do think it is a revenue source most States like to use. I know my State of New Hampshire right now has another tobacco tax proposal on the table to pay for kindergarten. If this goes through, I suspect the projected income from that tax increase to pay for the kindergarten program will be severely restrained.

These two have been joined together in order for somebody to have a nice little phrase they can put on television at night, but it has no relationship to reality, substance or the manner in which this bill is structured and the way it will deliver services, because we have, in the bipartisan budget agreement—well, the President has in the bipartisan budget agreement, with the support of the leadership of the Congress, committed to caring for these kids and making sure they have insurance.

All this plan does is create a brand new huge bureaucracy which is going to, once again, federalize the system, write the States out of the process, eliminate the private sector effort in the area and give a Federal bureaucracy new lateral control over an element of the economy or an area of the economy where the States are making progress and where with the underlying budget proposal problem will be generally solved.

So it is about as misdirected a proposal as I have seen in recent times, probably not since the Clinton health care plan have I seen a more misdirected proposal, and I believe that was appropriately rejected and I hope this proposal will be appropriately rejected.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield the Senator from Illinois 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 5 minutes.

Mr. DURBIN. Mr. President, I have been listening to this debate, and it reminds me of a lesson I learned in politics many years ago. The teacher was a fellow who was my boss at the time in Illinois in the Illinois State Senate by the name of Cecil Partee. He was president of the senate. He was an African-American Senator from the city of Chicago. He used to say, when it comes to political decisions, you will always hear a good reason for a decision, but you may not hear the real reason.

We have heard a lot of good reasons from the other side as to why they might oppose the Hatch-Kennedy proposal, but very few of them are willing to articulate the real reason that they oppose it. Some have said it is a mandate, a Federal mandate. You hear the word over and over and over again. I went through the legislation again, and I have to tell you, they should read it more closely. This is voluntary. Each State will decide whether to participate and under what terms they will participate. There is no Federal mandate, there is an opportunity here for a State to address a problem, a problem which I think both Democrats and Republicans would agree is a serious national health problem: 10.5 million uninsured children in America. These are kids who do not get the appropriate medical care, the children of working families, families that, unfortunately, do not have health care benefits that many of us enjoy. These kids deserve the same level of protection, and it would be voluntary for each State to determine whether or not they want to participate in the program.

Then, of course, there is this argument that this is not part of the budget agreement. Senator KENNEDY made a point very well a few minutes ago that the actual budget agreement before us has a specific reference in every type of program. So if these so-called good reasons—the mandate and going outside the four corners of the budget agreement—are not the real reason, what is the real reason for the opposition to the Hatch-Kennedy amendment? I think the real reason is very obvious. This is the last gasp of the tobacco lobby to stop a 43-cent-a-pack tax on cigarettes. They know what is going to happen.

When you raise the price of cigarettes, as has been demonstrated in Canada and so many other countries, children are less inclined to start smoking. They cannot afford it. Look what this means in terms of the impact upon our public health. Increasing the Federal tax by 43 cents a pack is going to mean 16.6 million fewer smokers, 5.3 million fewer children dying prematurely and 835,000 children's lives saved.

It is going to mean a lot fewer sales for tobacco companies, too. That is what this is about. They know that if we put this Federal tax in place, kids will stop smoking, they are less likely to be addicted to the product, and, down the line, they will not be the steady customers the tobacco industry needs to stay in business.

It is no accident that over 80 percent of smokers today started smoking before the age of 18, over half before the age of 16. When they are immature and make a rash decision to start using chewing tobacco or spit tobacco or cigarettes, they become addicted to nicotine, an addiction which will claim one out of three of them in terms of lives lost.

So that is what this debate is about. It is about a tax which an industry is fighting. They will not come out and say it on the floor because, quite honestly, it is not a popular thing to say. Overwhelmingly, the public supports an increase in the cigarette tax. I will tell you that 76 percent of the women, 69 percent of Independent voters, 67 percent of Republican voters, 79 percent of Democrat voters understand that this tax is a reasonable, revenue-raising measure to pay for an important national priority.

I think it is time to blow through this smokescreen from the tobacco lobby. As they say in the ads here: Take your pick, Senator. Who are you going to stand with, Joe Camel or a little boy named Joey who is uninsured? This is an easy choice for me. It should be for every Member. I think the Senate owes Senators HATCH and KENNEDY, because of their leadership, a clear vote on this issue. I think with that clear vote, we will say definitively that the real reason for the opposition to this amendment is not a good reason, that we in fact are going to give to each State the opportunity to participate in a program to insure their children. We will pay for it with a tax on tobacco products.

Frankly, let me add this, too. For those who say, why do you keep picking on tobacco? Why do you zero in on cigarettes so much? Take a look at this chart.

In 1993, cigarettes killed more Americans than AIDS, alcohol, car accidents, fires, cocaine, heroin, murders, and suicides combined. This is not just another issue. This is the No. 1 public health issue in America. With this bill we not only insure the children who need the insurance, we attack a problem which is claiming lives every single day.

Will the Senate have the courage to rally behind this Hatch-Kennedy bill? I certainly hope so. And for good reason we can stand up and say to the people of America, we are protecting your children, not just with insurance, but also with a tobacco tax which discourages children from taking up tobacco habits.

I yield back the remainder of my time.

Mr. FORD. Mr. President, will the Senator from New Mexico yield me 3 minutes?

Mr. DOMENICI. I yield 5 minutes off the bill.

Mr. FORD. Mr. President, it is interesting to listen to those who are now so interested in tobacco and kids. They say, "Will you support Joe Camel or Joey?" For months and months and months we have had a bill here that would embrace all of FDA regulations, that would do everything to prevent kids from smoking. Nobody wants to get on it. Nobody wants to help. We get rid of Joe Camel. We get rid of the Marlboro Man.

All you want is an issue. You do not want to solve the problem. So, yes, we can get emotional about kids. I have voted for 22 long years for kids. I am a grandfather with five grandchildren, and I am not going to do anything to harm them. They do not smoke. I do. That is my business. I am an adult. They are underage.

So why can't adults make a decision and let us go ahead and try to accomplish those things that will stop youth from smoking? Do you think a 43-cent-a-pack increase is going to stop kids from smoking? They will just find cheap tobacco and bring it in here and reduce the price of cigarettes. You want to do away with the program? Let them grow tobacco from fence row to fence row. Tobacco gets so cheap you cannot raise it, and cigarettes go to a quarter a pack. They are using kids here and not trying to solve a problem.

That is what irritates me. I am from a tobacco-growing State. It is $3 billion every year to my farmers. And 69 percent of those farmers have other jobs. It is a husband, wife, and family income. But you do not want to do that. You want to try to eliminate all that.

You do not want to try to stop kids from smoking. You want to stomp up here—"Every day 1,000 more will die."

Those are your words.

Mr. DURBIN. That is right.

Mr. FORD. Where in the world have you been to try to stop it? Nowhere. You just want to increase the tax on a pack of cigarettes, on a pack of cigarettes to stop kids from smoking. That is it. That is what you are saying. But there is a bill here to get rid of it. No one wants to join in that effort.

So it is kind of tough for me, coming from a tobacco State, trying to do what everybody here is talking about, except let the adults have a choice. I think that is what it ought to be. But, no, we want to add the tax on. We want to reduce by 35 percent—I heard the Senator from Massachusetts say it is only one-third of 1 percent of the budget. It reduces 35 percent of the tax cut. That is a pretty healthy hunk.

One State gets $29 million under this bill of the so-called Kennedy-Hatch. And it is $1.4 billion additional taxes to that State. So they do not come out ahead. How do they come out ahead? They have to match if they voluntarily accept it. Under this bill, they have to match. And they are mandated—mandated—on what they do once they accept it.

I do not understand. People talk about trying to save kids. You have an opportunity to do it. But, no, they want the issue. They want the issue. Bigger Government, less tax cuts, but they do not want to get at the real root of the thing and try to begin to work.

For months now—month after month after month—you refuse to join with some of us, even from tobacco States, that want to stop kids from smoking. All you want to do is make an issue out of it and say, I want to choose between Joe Camel and Joey. That is not true, because I have given every Senator here an opportunity to put Mr. Joe Camel where he belongs, and the Marlboro Man.

I have made my choice. I want the adults to have a choice and kids not to smoke. But all you want to do is have another issue and pound and pound and pound here to try to unravel a balanced budget amendment on the backs of the children on the basis you want to make a choice between Joe Camel and Joey. I have made my choice. I am for Joey. I have been for him for 22 years. But you act like I cannot join in trying to help reduce the ability of children to smoke. It is there.

So I just want everyone to know that if you want—want—to help Joey, help me get rid of Joe Camel. This does not get rid of Joe Camel. This does not get rid of the Marlboro Man. It just increases the cost of smoking to the lower income, just increases the cost to the lower income and unravels a balanced budget. One-third of 1 percent—you reduce 35 percent of the tax cuts in this bill.

I hope my 5 minutes are up. I am beginning to sweat.

The PRESIDING OFFICER (Ms. COLLINS). The Senator's time has expired.

Mr. DOMENICI. I yield up to 10 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I thank you, Madam President.

I am not for Joe Camel, but I am for this budget agreement. I think that the question before the Senate today is, are we willing to run the risk of unraveling an agreement that has been entered into by Republican Members working in good faith with Democratic Members working in good faith with this administration to try to do something that we have not been able to do for many years?

We shut the Government down in the last Congress because we could not agree on a budget. You talk about affecting children. When you shut down all the services of the Government, you affect young people, you affect children, you affect senior citizens, and you affect every aspect of our society. We did that in the last Congress because we could not come together and agree on a budget that was balanced in terms not only of spending but of how we spend the money that we are allocated to spend.

We have a historical agreement in front of us that breaks that pattern of not being able to work together, by coming together and saying, yes, there are Democratic priorities and, yes, there are Republican priorities, and both sides have to give.

It is really interesting that the people who have said that they cannot support this agreement—I respect their positions; they are good citizens, they are good Congress men and women, they are good Members of the Senate. But if you look at where the opposition is coming from, it is not from the center, it is not from the mainstream, it is from more liberal Members and more conservative Members. Again, I respect their positions. But what we have been able to put together is a budget agreement that can work.

There will be all kinds of efforts to try to change that agreement. I am concerned those efforts will do damage to the overall agreement. Generally, when things sound so simple, they generally do not work, and this sounds so simple: Let's insure more children, and do it by raising the tax on a product that many people do not like. If it sounds so simple it is too good to be true, generally it is.

I think what we are neglecting to focus in on is what this agreement already has in it. This fragile agreement already has about $16.8 billion in it right now without this amendment to insure more children who are currently uninsured. That is a major achievement.

Should we insure every child? Of course. But we cannot do it all at once. This agreement insures 5 million more currently uninsured children in this country. $16.8 billion is already in this budget package for that purpose. I know that you know certainly the folks who support increasing it right now—I mean, their intentions are good intentions. I agree with their intentions. The question is not should we do it? The question is how we do it, how we do it in the context of the other priorities we have as a nation and as a society.

Just this week, I think yesterday, in the other body, our friends on the other side of the Capitol, some said, "Well, we ought to spend more money for highways." There is no question about that. We need more transportation, better transportation, we need mass transportation, we need highways, we need to fix the bridges that are crumbling down that when they fall they kill people, highways that kill people every year, 40,000 deaths on highways, much of it as a result of inadequate highway systems in this country.

Should we improve highways? Of course. Should we spend more money on highways? Yes. The question is how we go about getting there. This budget provides a blueprint, a map, a way to get from here to there that has been agreed to by Republican leaders, by Democratic leaders, and by the administration.

I just say that we have a plan of action. I suggest that we support that plan of action, and, in doing so, we are going to have to be called upon to say no to some ideas and concepts that I have no disagreement with. Of course we want to do this. Of course I want to move in that direction.

Again, the question today is not whether we should do it, but how we go about doing it. I suggest that the fragile package that is before us is the proper approach to solving the problem of uninsured children in this country. Five million more insured under this budget package is a major, major achievement. We should be proud of it.

Should we discontinue our efforts? Of course not. We should continue to work and to expand. There will be ways offered in the respective committees in order to achieve those goals. But I suggest that this is not the right approach at this time.

I think that one of the concerns I have is that if the whole entire budget agreement begins to unravel and fall apart we run the risk of doing a great deal more damage, not just to one segment of our population, but to the entire country. We did that in the last Congress. It was not a proud moment for this body nor the other body.

I think we have come a long way since then. Let us not go back to those days. I suggest that we should stick with the budget package. That is the right thing to do.

Mr. DOMENICI. Madam President, I thank Senator BREAUX for his remarks. I think he has offered kind of a calming set of remarks for us. Somebody observing, whom I have great trust in, sent me a little note to say thank Senator BREAUX for being so calm in his response.

PRIVILEGE OF THE FLOOR

Mr. FORD. Madam President, I ask unanimous consent that Pat Sellers, a congressional fellow assigned to Senator DASCHLE, be granted floor privileges for the duration of the debate on Senate Concurrent Resolution 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, how much time do I have remaining on the substitute?

The PRESIDING OFFICER. The Senator has 17 minutes.

Mr. DOMENICI. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Will the distinguished Senator from New Mexico yield?

Mr. DOMENICI. I yield 5 minutes off the bill to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. Thank you, Madam President. I thank my friend from New Mexico.

Madam President, I listened to the earlier remarks of the Senator from New Hampshire, and I believe that my colleague has either misread or mischaracterized many aspects of the CHILD bill.

Let me set the record straight.

First, despite what the Senator from New Hampshire and other Senators may have alleged here, nothing in this bill mandates any State to participate.

Let's go through some of the other erroneous accusations that have been made by those who oppose the bill.

First, they said it created an entitlement program. This totally ignores the fact that the bill states explicitly "Nothing in this title shall be construed as providing an individual with an entitlement under this title."

Moreover, the States themselves establish eligibility criteria for this voluntary block grant program. The bill explicitly provides that participating States need not provide subsidies to otherwise subsidy-eligible children, even according to their own criteria, if funds are not adequate. Funding for the program is automatically reduced if revenues are insufficient to cover costs including the cost of deficit reduction.

Some have said this bill creates new mandates on States. Participation in this program is purely voluntary for States. The program maximizes State flexibility and merely establishes reasonable requirements for States choosing to participate to assure that Federal funds meet program objectives, in the same way as such other health block grant programs as the substance abuse block grant, the maternal and child health block grant, and the preventive services health block grant operated.

There is nothing new about this. This is the way you write a grant program.

Then, opponents of the bill said it mandates the Medicaid benefits package. The facts are that the States choosing to participate in the program are expected to provide the benefits for children that the State already provides under the State Medicaid program. We advanced this proposal recognizing the importance of potential sensitivity of this issue and have indicated our willingness to modify this section if better ideas emerge. And we will certainly do that.

Medicaid benefits include services that are particularly critical for children such as broad coverage for preventive benefits. Children meeting the State eligibility requirements in families that receive insurance through employer-based plans are eligible for subsidies to cover the employee coinsurance and copayment attributable to the children and such employer-based plans need not comply with the Medicaid package of benefits. The limits on cost sharing under Medicaid are not mandated.

Another claim that has been made here today, on more than one occasion, is that the CHILD bill eliminates any future Medicaid waivers.

The fact is that, first, if a State chooses not to participate in the CHILD Program, the law will have absolutely no effect on its ability to receive a Medicaid waiver. In other words, the provision will only affect participating States.

If a State chooses to participate in the CHILD Program, it must not cut back on the existing Medicaid eligibility requirements for children. We did this to assure that States use program funds to cover additional children, rather than replace existing State funding responsibilities under Medicaid.

This has nothing to do with Medicaid managed care and expanded Medicaid coverage, the two major subjects of Medicaid waivers.

Another claim that has been made is that the bill mandates abortion funding for teens because the program requires benefits the equivalent of those under Medicaid.

As a Senator who is proud of his pro-life voting record, I would never do anything to advance the cause of those who wish to expand abortion coverage. I do not believe that my bill would cover abortions. As an appropriated program, the CHILD bill would be subject to annual appropriations and would fall under the Hyde amendment prohibitions relating to abortion services.

I know that some of my colleagues are disappointed in having to consider this amendment today. Some believe it would break the budget deal. Others are fearful of a tax increase. My purpose is simple: I am exercising my rights as a Senator to amend this budget and increase funding for children.

Why can't we just get a vote on this one way or the other?

Let me just say that I worked with the chairman of the Budget Committee for many years when I was on the Budget Committee. I know that he worked very hard in achieving this budget agreement, and I commend him for it. In fact, I admire him for it. I was not part of that negotiating team. But I am still a U.S. Senator who should be allowed to have a vote on his amendment.

As I understand the situation, we are now in the process of allowing Senators who were not part of the Budget Committee or part of the budget negotiating team to review what the leadership of the Congress and the administration have agreed upon. Our job today is to review this deal, use our judgment and decide whether we support this agreement.

What it comes down to is that the sponsors of this amendment believe it improves the budget package. We get $10 billion more in deficit reduction under our amendment. And we help about 5 million more kids who aren't helped.

For the life of me, I cannot understand what is the matter with that. What is so difficult about that? Why can't we help these kids?

I agree that the $16 billion in the bill is a good provision. I feel good about that.

But much of that money—as much as $14 billion—will be in effect taken from other existing programs for seniors and kids that are important—such as the disproportionate share hospital program.

So what we are doing here is taking moneys that have been used to help the poor and other people and put it another category to help the poor.

Well, I am happy to have the $16 billion in additional funding for kids, and the recognition that there is a problem here. But that still will only solve the problems probably for the 3 million kids who qualify for Medicaid and who the CHIPS bill is designed to help.

But I keep asking myself, "What about the 7 million kids who weren't covered?" Perhaps there will be enough funding to cover some of them. But there are at least 5 million, probably 6 million—and maybe as high as 7 million—who are not taken care of.

That is all we are trying to do here.

And we are recommending a block grant to deal with the problem, a block grant just like the many other health and social services block grants that have worked very well through the years.

I understand that one of the key areas of concern relates to the benefit package. Having been through the victorious battle over the flawed Clinton health care proposal in 1993-94, I know full well all the baggage that a Washington-dictated benefit package carries.

When I introduced the CHILD bill, I stated my willingness to work with the Governors and others to see whether an alternative to the Medicaid benefit plan would be acceptable to all parties. I remain willing to do so. I think Senator KENNEDY as well has said that he is aware that this is a sensitive issue which needs to be addressed.

Perhaps an explanation of why I agreed to the Medicaid package will be helpful to everyone here.

First, there was the practical concern of moving the legislative process forward that I felt argued against an endless series of "reinventing-the-wheel" type meetings to come up with a benefits package. I have been through that before. As you can appreciate, this would have touched off a time-consuming siege by the various medical provider specialty groups arguing that their specialty merited inclusion.

Second, on the merits, while I remain open to be persuaded otherwise, I am unaware of a children's health insurance model clearly superior to the current Medicaid standard with its children's early and periodic screening, diagnosis, and treatment—EPSDT—component. As you know, the general standard of EPSDT is that medically necessary services be provided. On its face, it is difficult to fault this principle.

While I understand the view that EPSDT is too generous compared with other health insurance plans as implemented by the States and interpreted by the courts, I think it incumbent upon those who make this criticism to specify precisely what services should not be included in the benefits package.

I am open to that. Such a dialog, if grounded in specifics, could only have a salutary effect on the refinement of the CHILD bill and perhaps for the Medicaid Program as well.

I expect that the Governors will have something to say about this topic after they develop their principles for child health insurance which we expect to see at the end of the month. I plan to hear what they have to say and continue to work with them.

We have to keep in mind that our amendment addresses the problem of children from poor families where parents work but just do not earn enough money to provide for health insurance. We ought to be ashamed not to solve this problem, when we solve so many other problems that are a lot less important than this one.

I don't see why we should have this big donnybrook or why we should be fighting so vigorously over this. We ought to just do it.

And we can do it—fully funded—by asking the one community that many experts acknowledge has caused $50 billion to $100 billion in unnecessary costs annually to help pay for the problem.

With that, I will be happy to yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from Massachusetts off of the resolution.

Mr. KENNEDY. Madam President, we have said since early today that we are prepared to move ahead with a vote, if we are unable to get the assurances that we would go ahead with the vote on the underlying amendment, the amendment of the Senator from New Mexico, which we are supporting.

I would just say to my friends that have spoken recently that we are in strong support of that amendment because that will provide the $16 billion to take care of some of the neediest children. But there is also the $14 million deficit that is going to be basically traded off against that. That represents the $14 billion on Medicaid. And half of all the Medicaid recipients are children. So it will be diminished in a very substantial degree.

We heard again somewhat that this is spoiling the budget agreement. As I reiterated, this is one-fifth of 1 percent of the total budget over the period of the next 5 years. It is difficult for me to believe that one-fifth of 1 percent affecting one-fifth of 1 percent of our economy is going to be a budget buster, particularly when it is paid for. As we indicated, it is paid for. And, as I indicated in the former part of the debate, many of those who have spoken in opposition complain about it being paid for because it is going to increase the cigarette tax. But I want to say that those who wondered about whether this was really relevant in the budget agreement, as I have mentioned, under the children's health proposal they talk about that how that $16 billion for the 5 years could be spent. They said it could be spent in one of the following ways, or it mentioned other possibilities. It said one of the ways is a program cap of mandatory grants to States. That is what our program is. It caps grants to States to finance insurance coverage for uninsured children.

So, Madam President, we believe that we should be entitled to a vote.

Again, I am really amazed that it has taken this long a time to get to a vote with all of the kinds of complex issues that we have to debate and talk about here on the budget resolution. This is a very simple issue. Are we going to put the interests of children of working families, those that are on the bottom, second, third, fourth rung of the economic ladder—are we going to side with them on a selfsustaining financed program of health insurance through the States based upon what the States are doing through the private sector with the discretion of the State making those judgments or are we going to side with the tobacco interests?

That is the issue. That is the question. It is not very difficult. We hope for those reasons—plus I thought the excellent statement that was made by the minority leader in terms of how he, too, believes that this is entirely appropriate—that we could move ahead and get some action.

I thank the Chair. I withhold the balance of the time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Who yields time?

Mr. LAUTENBERG. Madam President, I yield 5 minutes off the resolution to the distinguished Senator from California.

Mrs. FEINSTEIN. I thank the distinguished floor leader. I very much appreciate the 5 minutes.

Madam President, I have watched this debate now for the last couple of hours from my office. I think it is an important debate. In a sense it is a bellwether debate.

I think the case which the proponents for the Hatch-Kennedy legislation have made is very clear and a strong case. Probably no State would be more helped by the Hatch-Kennedy legislation than my own State, the State of California.

I had the privilege of working with the Senator from Louisiana as our Democratic leader, and the Senator from Rhode Island, Senator CHAFEE, as a Republican leader on the centrist coalition. Over a period of about a year and a half in that work I have come to the conclusion that the only way to balance the budget is in a bipartisan way; that if it is a Democratic budget, Republicans vote against it; and, if it is a Republican budget, Democrats vote against it. Therefore, it has always seemed to me that the only way you do this is to sit down and work the numbers out together and come up with a plan.

What do you know, Madam President, that has happened. And it has happened because of the distinguished chairman and ranking member of the Budget Committee. It has happened because of the President. It has happened because of the majority and minority leaders of both sides of this great House giving their imprimatur to the process and participating. After 4 or 5 months of discussions there is an agreement.

It is not everything that everybody wants, but if you believe, as I do, that the only way to balance this budget is to do this, then this becomes a very significant debate. I would like to vote for Hatch-Kennedy. It would help my State. We have—let me give you the exact figure—1.7 million uninsured children in California. This is a big deal. I would like to vote for it.

If this bill is taken down, though, it is a major commitment and statement that this body cannot work together, that both sides of this body cannot solve what is a critical problem facing this Nation. Every week, I have a meeting of constituents, about 100, 125 people, who just happen to come by the office, and I show them a small pie of outlays in the year 2003, that if we do not do something, what happens. The result of the small pie is that you have almost 75 percent of the outlays of the Federal Government consumed by net interest on the debt and entitlements. And by then, you could eliminate all discretionary spending and you cannot solve the problem.

Well, we have not gone the whole way, but this bill before this House goes a major way in solving the problem.

I stood with the President in Baltimore. I said I would support this, as did a number of people on our side. The Senator from Louisiana was there. We stood and we remarked how close the numbers in this budget bill are to the numbers of the centrist coalition. So we felt in some way that our year and a half, or whatever it has been, I say to the Senator from Louisiana, has been worthwhile.

I am very concerned. I am very concerned that this bill will be taken down if this amendment is successful. I would like to vote for this amendment. So I am looking for a way, and I hope that both the minority leader and the majority leader might in some way hear this, that there might be a time when we could have a separate vote agreed to on Hatch-Kennedy and move ahead with this budget reconciliation bill at this time.

Mr. BREAUX. Will the Senator yield?

Mrs. FEINSTEIN. I would be happy to yield to the Senator from Louisiana.

Mr. BREAUX. I congratulate the Senator for making this point, that every budget we have had in the past and been signed into law is necessarily a compromise. There are a lot of things that a lot of people would like in this legislation that are not there. I know the Senator from California has talked about additional children being covered. I support that effort. I mentioned the highway bill. We need money for transportation. We have talked about needing more money for schools, to try to fix schools that are falling down around the country. The point is, and I think the Senator from California is making it, that we have to deal with an agreement that has the chance of passing, if the $16 billion for more child care that is in this budget now ever has a chance to become law.

I would say, as one member of the Senate Finance Committee, we are going to look at exactly what the essence of this amendment does in the Senate Finance Committee. There is no problem with us considering this approach and voting on it and adding it to later legislation coming down the pike. So this does not mean this is over. We can continue to look at this suggested means in future legislation.

I thank the Senator.

Mrs. FEINSTEIN. I thank the Senator from Louisiana very much. It has been a very special privilege for me to work with the Senator on the centrist coalition.

I am not in the leadership of this body, but I would be hopeful that the leadership would hear this. I think this budget agreement—on our side, we have said every time we have had the debate on the balanced budget amendment, we do not need an amendment to the Constitution. Let us just sit down and do it. Well, we make a mockery of our own statements if we do not sit down and do it right now. And we have that opportunity to do it in this agreed-upon compromise.

So I would be hopeful that it might be possible to put together some guarantee both for the Senator from Utah and the Senator from Massachusetts, who have worked so hard, both of them. I have never seen the chairman of the Judiciary Committee as passionate as he has been in the Chamber in the last 2 hours. He obviously believes. The Senator from Massachusetts has a long history—the Kassebaum-Kennedy bill, other bills, his chairmanship and his ranking status on the Labor Committee. I think we know his commitment and we know he will be there for working families and for children at any time. I hope there can be some appreciation in this body for the need to have an agreement to honor the agreement that was made and to once and for all say to the American public we have come together as two political parties. We have balanced this budget by the end of 5 years, and we can all be proud of working together.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. So I say to the leadership, please do something. Let us get another time to consider the Hatch-Kennedy bill so that we can move on and be very proud of this body.

I thank the Chair for its indulgence.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I say to Senator FEINSTEIN, just about the time this Senator feels like he is not being heard, the hard work that you put in on the budget was not worth it, something very pleasant happens, and I thank the Senator very much.

Mr. NICKLES addressed the Chair.

Mr. DOMENICI. Would the Senator like 10 minutes off the bill?

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. Madam President, I would like to make a couple comments about where we are, and I also wish to thank our colleague from California, as well as Louisiana, in saying there is an agreement; we ought to abide by it.

I was looking at the budget agreement. There is one enclosure which says children's health, and it says 5-year expenditure, $16 billion. It is enclosed. It says we want to provide health care, $16 billion, 5 years, to provide health care for 5 million children by the year 2002. That is in the agreement. It is included.

So for somebody to say that it was included in the agreement to add another $20 billion, to make this $16 billion $36 billion, is absolutely not the case. It really loses credibility, and it makes a lot of us wonder whether we can trust the White House, whether we can trust our colleagues in trying to implement a 5-year deal if we could not trust them basically for a day, not to mention we are trying to make obligations for the next 5 years.

I am a little shaken. I will absolutely say I have wanted to support this deal, hope to support this deal, but when I hear some of the people who have negotiated it say it is within the context of the budget agreement to have $36 billion for child care, a new additional child care entitlement, when the provision clearly added to the budget resolution was $16 billion, not $36 billion, there is a difference. There is a big difference.

Now, I want to make a few comments concerning the underlying bill that Senator HATCH and Senator KENNEDY are promoting and maybe respond to some of the statements that were made and maybe challenging some provisions of this bill.

I do not support the bill. I think the underlying bill that individuals are trying to promote—that is not what we are voting on. We do not have bill language added to this budget resolution.

A budget resolution, for the information of colleagues and the public, is not a law. It is a guideline. It says spend so much money, tax so much money. This amendment spends $20 billion more and it raises taxes $30 billion more, both of which are inconsistent with the agreement, both of which, frankly, are outside the scope of the agreement.

Now, should we pass it? I would say no. Should we pass the so-called Hatch-Kennedy bill? I would say no. I would tell my colleagues from Utah and Massachusetts, I think they did very well in this budget negotiation. They got 16 out of 20—that is 80 percent—for a new program, a new entitlement program when we are trying to balance the budget. I think they should be highfiving each other and saying, hey, we won; we got 80 percent of what we want. We stuffed those people who really wanted to hold the lid on new programs. We beat them. But instead of saying, hey, we got 80 percent, we are happy, they came back and said, we are going to double our offer. We are not satisfied with 16. The original bill that they introduced was 20, but now they want 36. I just find that to be grossly fiscally irresponsible.

Now I want to talk a little bit about the substance of the underlying bill. I heard my colleague say that, well, it is not an entitlement. And I have stated repeatedly that it is an entitlement. Let us look at the bill. If you look at page 19, it says "budgetary treatment." "Authority in advance represents an obligation of the Federal Government to provide payments to the States."

An obligation. It does not sound like it is discretionary to me. An obligation for the Federal Government to provide payments to the States.

Now, in the first place, maybe I should ask, the tobacco taxes envisioned, are those discretionary? I do not think so. All the States would have to pay into the program; all the States would be paying additional taxes. That is not discretionary. I don't think anybody has made that allegation.

Page 19 says there is an obligation of the Federal Government to pay to the States. I mentioned earlier that the Federal mix of this is much more generous than under Medicaid, that the Federal Government would be paying, in many cases, 80 to 90 percent of the cost of this program, not 50–50, not splitting the cost with the States. The Federal Government paying 4 to 1, 5 to 1 what the States are paying.

Now, sure, a State is going to opt out of that. If Uncle Sam is going to be paying 90 percent of the cost of the program, more generous than Medicaid, the States are going to opt out. First, the States have to pay the taxes and then you create a new entitlement program. The Federal Government is going to pay up to 90 percent of the cost of the program, and you say, oh, the States do not have to participate. They have to pay the taxes and then Uncle Sam will pay 90 percent of the costs, and the States are going to say, no, I don't think so. And then you look at the underlying provisions of the bill; what do the States have to do. If this is such an optional program, you need to look at page 6, "Requirements for Qualifying Children's Direct Benefit Option."

Page 7. "The States shall insure." Paragraph 2: States shall insure, each participant shall insure, shall insure, shall provide, States may not, and on and on. States may not allow imposition of cost sharing; States may not enter into a contract, on and on. There are something like 30 "States shall" or "States may not" in this provision. This is not optional. All kinds of mandates, telling the States what to do with this program, including saying, States, you do not get another Medicaid waiver. Most States have Medicaid waivers pending. This says, "No more. Need not apply. Cannot do."

They don't want to touch on the issue of abortion, because I heard my colleague say this bill does not mandate abortion. I just disagree. I think people are entitled to their own opinion, but I don't think they are entitled to their own facts. If my colleagues would look at page 5 in the bill: For purposes of this title, qualifying children policy is a policy for an eligible child that provides coverage for medical care for such child that is the equivalent of medical assistance available for State child assistance available under title XIX of the Social Security Act.

If this is available for a State plan, if abortion coverage is available in Medicaid under a State plan, then it must be provided under this plan.

I know I heard my colleagues say, wait a minute, this is covered by Hyde language, and we don't pay for abortion under Hyde language. That is not what this says. This says, if abortion is a benefit under a State plan—and you have a lot of States, 14 States, including some of the biggest States, New York and California, for example, they have State-paid-for Medicaid coverage of abortion; 14 States have it. The Federal Government does not pay for it. But remember, Medicaid is a Federal-State program and some States have mandated State program benefits. In this case, the State pays for abortion coverage.

This bill says that if the State provides this benefit, they have to provide the same benefits they provide under the State Medicaid plan. It does not say Federal Medicaid plan. It doesn't say only Federal Medicaid benefits. It says State Medicaid benefits. So you have 14 States that now have State-paid-for abortion coverage that would have to have it under this plan. It is in the bill. It is on page 5, line 19 through 25.

So I just make that point. I want to be very factual. This bill leaves a lot to be desired. We should not set up a new entitlement and have the Federal Government paying 80 or 90 percent of the costs of Medicaid coverage for kids when we do not pay that much for the lowest income. This is a higher level than for the lowest income level. We are going to have a greater subsidy for this group than we are for the lowest group? I don't think so.

What we have is we have the situation now where we find ourselves, where we have the $16 billion entitlement—I think it should be discretionary under the underlying bill—$16 billion to provide health care for kids that, for whatever reason, do not have insurance.

I might review that scope because I have heard people say, wait a minute, we are going to provide health care for 10 million kids. Let us look at that scope. Madam President, 3.3 million of those kids already are eligible. They have health care. They are eligible for Medicaid. They qualify. About a third of them have incomes above 200 percent of poverty. If they are a family of 4, if they have an income of $32,000 or more, we should not be buying them insurance. That is not the Federal Government's role. So you have about 3.5 million between 100 percent of poverty and 200 percent of poverty. You have 30-some-odd States that already have coverage for kids in excess of the Medicaid eligibility standard, Medicaid eligibility standards going up to 133 percent of poverty. Thirty-some-odd States, 39 States, have Medicaid coverage in excess of Federal mandates. We are going to preempt those in this case, and we are going to provide a very expensive Federal mandate on the States to provide that coverage for that 3.5 million, which, I might mention, half of those kids will have insurance within 4 months.

So, really, the chronically uninsured population is probably around 2 million. The underlying bill provides $16 billion. It starts out at a couple of billion and grows to 2.5 billion, 3.5 billion, almost 4 billion over that period of time. That is enough, maybe more than enough, to provide ample coverage for the chronically uninsured child.

What we do not need to do is say: Here is $16 billion—the original Hatch-Kennedy bill had $20 billion—so they have $16 billion. They have 80 percent of what they are looking for. Then they want to, maybe—I don't know what the purpose is—to say now we want $20 billion on top of our $16 billion, we want $36 billion, even though in the bill they originally introduced, they wanted $20 billion. Now the demand is for $36 billion—certainly a budget buster. Certainly a deal breaker.

If we have a deal that says new kid care entitlement is $16 billion, and we are going to have an amendment and just make it $36 billion; if we are going to have a deal that says net tax reduction is going to be 85, and then all of a sudden it turns into 55, then we don't have a deal. That means maybe we cannot trust people. If we cannot trust people, that does not speak very well for this institution.

I urge my colleagues, if and when we get to an up-or-down vote on the Hatch-Kennedy bill, I urge them to vote "no". First, because it is a deal breaker, and, second, I urge them to vote "no" because this is not good policy and we do not need to do it twice. We do not need to try to solve this problem on uninsured kids both in the Finance Committee and the Labor

Committee and give equal amounts of money for both to solve this problem.

I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. So, Madam President, I——

Mr. HATCH. Reserving the right to object, I didn't hear the request.

Mr. NICKLES. I asked the Senator from New Mexico for an additional minute.

Mr. HATCH. Oh, sure.

Mr. DOMENICI. What's the dispute? I give you 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. NICKLES. He said 5.

Mr. DOMENICI. I said 5.

The PRESIDING OFFICER. I am sorry, 5 minutes.

Mr. NICKLES. Madam President, to conclude, a couple of points. A deal is a deal. If we are going to break the deal, if we are going to be amending what the size of the tax cut is, if people want to do that, then I am going to have an amendment. This amendment cuts the size of the tax cut by $30 billion. I am going to have an amendment to increase the tax cut by $30 billion. If this amendment spends $20 billion more, I am going to have an amendment to spend less money someplace else.

In other words, this bill unravels the whole package and people will find out this is not the easiest package to craft. There is no question it unravels the package, if one would just look at the budget package we already have. So I urge my colleagues, if for no other reason, to vote "no".

Also, likewise, I urge them to vote no on the substance. Somebody said something about, wait a minute, because you are trying to defend tobacco—that is hogwash. If my colleagues want to have an amendment to raise tobacco prices, let them do it. But let's not be doubling the size of the new entitlement program before the new entitlement program even starts. Let's not more than double it in the name of fiscal austerity. It is ridiculous. When the tax package comes out, if people want to, on the reconciliation bill, if they want to have an increase in the tobacco tax, so be it. If we offset it with another tax reduction, maybe I will support it. But let's not do it in this package. This, in my opinion, would be a killer amendment and certainly should be defeated. I yield the floor.

Mr. CRAIG. Mr. President, I would like to clarify some issues raised today on the Senate floor by a colleague of mine. Specifically, these issues had to do with a paper entitled "Unforeseen Effects of the Much Touted Tobacco Tax" published on May 16, 1997 by the Senate Republican Policy Committee, of which I am chairman.

My colleague made several statements about the analysis but failed to address the substance of the paper's argument: That the $6.5 billion loss in state revenue over the next five years will hinder states' ability to provide services to their citizens. This loss of revenue will pressure states to accept a new program that includes many mandates and additional costs that will yet further strain their budgets. Finally, this substantial incursion to a state revenue source establishes a dangerous precedent for further such incursions by the federal government.

It is a principle of the Republican party that the federal government should not place an unfunded mandate on the states, regardless of the reason. If the end is so laudable, then the federal government should provide the means for delivering it. In the last Congress, a proposal to prevent unfunded mandates was given the Republican party's highest priority. Introduced as the first bill in the Senate, S.1, passed (86–10) with all Republicans supporting it, and sent to the President who signed it.

The program debated today violated that principle by not only leaving states with an unfunded liability, but reducing their revenues for their own priorities. In short, the program being debated not only would increase states' spending but decrease their revenues at the same time.

The paper put out by the Republican Policy Committee made that clear. The fact that my colleague chose to ignore it and the underlying problem of the program's approach, does not change the program's impact and should not diminish our concern that the states be treated fairly and honestly by the federal government.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I ask unanimous consent all first-degree amendments in order to Senate Concurrent Resolution 27 must be offered by the close of business on Wednesday, May 21.

The PRESIDING OFFICER. Is there objection? Is there objection?

Mr. KERRY. Reserving the right to object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent all amendments be subject to second-degree amendment as provided under the Budget Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now ask for the vote to occur on Domenici amendment No. 307, and it be considered a first-degree, and, following that vote, the Senate proceed to vote on or in relation to amendment No. 297, with 4 minutes of debate to be equally divided, all without intervening action.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask for the yeas and nays on the Domenici amendment, which we just agreed is a first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Madam President, could I inquire of the manager, is that immediate? Is there any intervening time, or is that immediate?

Mr. DOMENICI. This is immediate. There are 4 minutes after this Domenici amendment before the vote on Hatch-Kennedy, or in relation to, which probably means a table, but you understand that.

Mr. KERRY. I thank the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 98, nays 2, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—2

Hagel
Thompson

The amendment (No. 307), as modified, was agreed to.

AMENDMENT NO. 297

The PRESIDING OFFICER (Mr. FAIRCLOTH). There are 4 minutes of debate equally divided on the amendment.

Mr. DOMENICI. Mr. President, I move to table the Hatch-Kennedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 4 minutes equally divided on the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I will take a minute and then the distinguished Senator from Massachusetts will take the other.

I have to say, this was a constructive debate. I think we all learned a lot about children's health and more importantly about the political process.

You know, it is tough work trying to spend money for kids.

I have been accused of being a Democratic pawn here today.

So I find it amusing that several of our "yes" votes have been quietly converted to "noes" this afternoon by some of the biggest and best lobbyists there are. And I am not speaking of the tobacco industry.

There is no way of knowing, but I think we would have won this one if we had it at the scheduled time at 11:30. We will leave that discussion for a later date.

How much time does this Senator have?

The PRESIDING OFFICER. The Senator has 19 seconds.

Mr. HATCH. Let me just end it this way.

I think the President and the people in the White House have caved here, people who we had every reason to believe would be supportive of kids' health.

Let me say, the Washington Post framed the issue in its editorial page just yesterday. They said, "This is a vote against the harmful effects of tobacco, in favor of children's health, in favor of State decision-making, and in favor of fiscal discipline. How many times do they get one like that? They ought to vote aye."

I hope Senators will vote against the motion to table, and in favor of our amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Excuse me, I say to Senator KENNEDY.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think we made a great deal of progress in this debate. We knew it would be an uphill battle because we knew the power of the tobacco industry. And we intend at the next available opportunity to offer this proposal again. And we shall offer it again and again until we prevail.

It is more important to protect children than to protect the tobacco industry. Every child deserves a healthy start. We who support this amendment are not afraid to debate it on its merits. We are willing to stand to be counted for our children. We are willing to stand for our children's health. And we are willing to stand in favor of the single most important means of reducing teenage smoking—the tobacco tax.

On both of those issues, this will be the most important vote of the year. We will stand with children. And I hope our colleagues will stand with us.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, most people in the United States think the best thing we can do for kids and for children is to balance the budget of the United States. If my motion to table does not prevail, the chance of getting a balanced budget for our children and grandchildren then is out the window because this amendment that they have offered is a total breach of an agreement between our President, Democrats, and Republicans. It is as simple as that.

Unless you vote to table it, you are voting to accept an amendment that kills the balanced budget, under the rubric of helping children.

We have covered uninsured children in this bill to the tune of $16 billion. And there are few among us that think that is an insufficient amount to cover the uninsured children in the United States. I hope you will support the motion so we can get on with getting this job done.

It has been an interesting debate. I thank Senator KENNEDY and Senator HATCH for the way they conducted themselves, although on occasion we all got a little bit too heated up, according to my wife who is watching this on television. She said, in particular, Senator KENNEDY and Senator DOMENICI, if we talk a little lower our faces would not get so red.

I yield the floor.

Mr. President, I yield 1 minute to the leader.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I will be brief because I know everybody knows what the issue here is now. We are ready to vote. I want to urge my colleagues to vote to table the Kennedy-Hatch amendment. This is a deal breaker.

I have had occasion now to again talk to the President. And his press representative has gone out and said, while he supports the concept of what is in this amendment—he recognizes it—it is a deal breaker, and this amendment should be defeated.

We have money in the agreement, $16 billion, for child care that the Finance Committee is going to be able to take and work with and come up with a proper solution. That is the way we should go. We should not add this on this resolution because the net result would be this whole resolution and agreement would come unglued.

I urge my colleagues to vote to table this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Cleland
Coats
Cochran
Collins
Coverdell
Craig
Domenici
Enzi
Faircloth
Feinstein
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kempthorne
Kohl
Kyl
Lieberman
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Chafee
Conrad
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Glenn
Graham
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Smith (OR)
Specter
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 297) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr President, I would like to rise to explain my vote on the Hatch-Kennedy amendment. The budget resolution under consideration is a fragile compromise. Support from the President, Republicans and Democrats was achieved after months of negotiation.

One of the key provisions in this agreement of great importance to me is the additional $16 billion for health care coverage of children. This funding will be used to cover an additional 5 million children. Connecticut alone is estimated to have 85,000 uninsured children 18 years and younger. The new funding will go a long way to bring health care to those kids.

The Hatch-Kennedy amendment was a good faith effort to go farther and I agree—we should go farther. Over 10 million American children lack insurance and more each month go uncovered. For these children and their parents health is not just a blessing, it is an economic necessity.

The amendment sponsors also said much about tobacco today with which I agree. According to the CDC, smoking is the leading cause of preventable death in the United States. Smoking is up among teenagers and this rise ultimately will translate into many premature deaths from smoking-related diseases. I have no hesitancy to support an increase in tobacco taxes.

But the vote I cast today was not on children's health coverage. It was not on a tobacco tax. The vote I cast today was on whether to make substantial changes in critical elements of an arduously negotiated bipartisan budget agreement. On this issue, the issue of whether to risk the resolution, I disagreed with the sponsors of the amendment.

I felt that the amendment threatened to undo the careful balancing and months of negotiation represented by the budget compromise. In the end, the effort to increase spending, threatened the children's health care coverage that we had achieved through negotiations.

I hope that we will return to the issue of children's health coverage, but at this time the wiser course is to move forward in support of the resolution in front of the Senate. Compromise is never perfect, but perfection is rarely possible.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, I have had several people—I think under the previous order I was to be recognized.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized to offer an amendment.

Mr. WARNER. Mr. President, will the Senator yield for a unanimous-consent request.

Mr. GRAMM. Yes.

Mr. WARNER. I thank the Senator.

Mr. GRAMM. If I may, I have several other people who have asked me to do the same thing so maybe I should begin by asking unanimous consent that I might recognize Senator HOLLINGS to offer an amendment, Senator INHOFE to offer an amendment, Senator KERRY from Massachusetts to offer an amendment, and then I had BOB KERREY who was going to do an amendment very briefly that has been accepted, and then let me go ahead and recognize my colleagues from South Dakota and from Virginia to offer amendments, and I would ask unanimous consent that I might do that without losing the floor and that then I might be able to offer an amendment that has been agreed to, and then bring up the amendment that will be debated.

Mr. LAUTENBERG. Will the Senator yield for a unanimous-consent request just to get someone in the Chamber included in the Senator's list.

I have a unanimous-consent request to get someone in the Chamber on the list.

Mr. GRAMM. I would be happy to include it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

AMENDMENTS NOS. 302, 303, 304, 305, AND 306

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Texas. I ask unanimous consent amendments 302, 303, 304, 305, and 306 be called up and set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the Senator.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes amendments numbered 302, 303, 304, 305, and 306.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 302

(Purpose: To express the sense of the Senate that the Highway Trust Fund should not be taken into account in computing the deficit in the budget of the United States)

At the appropriate place, insert the following:

SEC. . HIGHWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the receipts and disbursements of the Highway Trust Fund—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

AMENDMENT NO. 303

(Purpose: To express the sense of the Senate that the the Airport and Airway Trust Fund should not be taken into account in computing the deficit in the budget of the United States)

At the appropriate place, insert the following:

SEC. . AIRPORT AND AIRWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying the budget resolution that the receipts and disbursements of the Airport and Airway Trust Fund—

(1) should not be included in the total of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

AMENDMENT NO. 304

(Purpose: To express the sense of the Senate that the Military Retirement Trust Funds should not be taken into account in computing the deficit in the budget of the United States)

At the appropriate place, insert the following:

SEC. . MILITARY RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the receipts and disbursements of the retirement and disability trust funds for members of the Armed Forces of the United States—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

AMENDMENT NO. 305

(Purpose: To express the sense of the Senate that the Civil Service Retirement Trust Fund should not be taken into account in computing the deficit in the budget of the United States)

At the appropriate place, insert the following:

SEC. . CIVIL SERVICE RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the receipts and disbursements of the retirement and disability trust funds for civilian employees of the United States—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

AMENDMENT NO. 306

(Purpose: To express the sense of the Senate that the Federal Unemployment Compensation Trust Fund should not be taken into account in computing the deficit in the budget of the United States)

At the appropriate place, insert the following:

SEC. . UNEMPLOYMENT COMPENSATION TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the receipts and disbursements of the Federal Unemployment Compensation Trust Fund—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 301

Mr. INHOFE. Mr. President, I make the same request, that amendment 301 be called up and set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 301.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 301

(Purpose: To create a point of order against any budget resolution for fiscal years after 2001 that causes a unified budget deficit for the budget year or any of the 4 fiscal years following the budget year)

At the appropriate place, add the following:

SEC. . BALANCED UNIFIED BUDGET AFTER 2001.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any budget resolution or conference report on a budget resolution for fiscal year 2002 and any fiscal year thereafter (or amendment or motion on such a resolution or conference report) that would cause a unified budget deficit for the budget year or any of the 4 fiscal years following the budget year.

(b) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

AMENDMENT NO. 309

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I send an amendment to the desk, and I ask that it be temporarily set aside per the unanimous consent request.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for himself, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Ms. MIKULSKI, and Mrs. MURRAY, proposes an amendment numbered 309.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 309

(Purpose: To empower local communities to provide essential interventions in the lives of our youngest children ages zero to six and their families so children begin school ready to learn)

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be changed and allocations may be revised for legislation that provides funding for early childhood development programs for children ages zero to six provided that the legislation which changes revenues or changes spending will not increase the deficit for—

(1) fiscal year 1998;

(2) the period of fiscal years 1998 through 2002; or

(3) the period of fiscal years 2002 through 2007.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the chairman of the Committee on the Budget submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a) upon the offering of an amendment to that legislation that would necessitate such a submission, the chairman shall submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committee shall report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

Mr. KERRY. I ask the amendment be set aside per the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 310

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. DASCHLE, and Mr. HOLLINGS, proposes an amendment numbered 310.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 310

(Purpose: To express the sense of the Senate on Social Security and balancing the budget)

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY AND BALANCING THE BUDGET.

(a) FINDINGS.—The Senate finds that—

(1) This budget resolution is projected to balance the unified budget of the United States in fiscal year 2002;

(2) Section 13301 of the Budget Enforcement Act of 1990 requires that the deficit be computed without counting the annual surpluses of the Social Security trust funds; and

(3) If the deficit were calculated according to the requirements of Section 13301, this budget resolution would be projected to result in a deficit of $108.7 billion in fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that after balancing the unified federal budget, the Congress should continue efforts to reduce the on-budget deficit, so that the federal budget will be balanced according to the requirements of Section 13301, without counting Social Security surpluses.

Mr. DORGAN. I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

AMENDMENT NO. 311

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for himself and Mr. BAUCUS, proposes an amendment numbered 311.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 311

(Purpose: To ensure that transportation revenues are used solely for transportation)

At the end of the resolution, add the following new title:

TITLE IV—TRANSPORTATION REVENUES USED SOLELY FOR TRANSPORTATION

SEC. 401. READJUSTMENTS.

Levels of new budget authority and outlays set forth in function 400 in section 103 shall be increased as follows:

(1) for fiscal year 1998, by $0 in outlays and by $0 in new budget authority;

(2) for fiscal year 1999, by $770,000,000 in outlays and by $3,600,000,000 in new budget authority;

(3) for fiscal year 2000, by $2,575,000,000 in outlays and by $4,796,000,000 in new budget authority;

(4) for fiscal year 2001, by $3,765,000,000 in outlays and by $5,363,000,000 in new budget authority; and

(5) for fiscal year 2002, by $4,488,000,000 in outlays and by $5,619,000,000 in new budget authority;

SEC. 402. HIGHWAY TRUST FUND ALLOCATIONS.

(a) ALLOCATED AMOUNTS.—Of the amounts of outlays allocated to he Committees on Appropriations of the House and Senate by the joint explanatory statement accompanying this resolution pursuant to sections 302 and 602 of the Congressional Budget Act of 1974, the following amounts shall be used for contract authority spending out of the Highway Trust Fund—

(1) for fiscal year 1998, $22,256,000,000 in outlays;

(2) for fiscal year 1999, $24,063,000,000 in outlays;

(3) for fiscal year 2000, $26,092,000,000 in outlays;

(4) for fiscal year 2001, $27,400,000,000 in outlays; and

(5) for fiscal year 2002, $28,344,000,000 in outlays;

(b) ENFORCEMENT.—Determinations regarding points of order made under section 302(f) or 602(c) of the Congressional Budget Act of 1974 shall take into account subsection (a).

(c) STATUTORY IMPLEMENTATION.—As part of reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, provisions shall be included to enact this section into permanent law.

Mr. WARNER. I ask that the amendment be laid aside, and I ask the managers if the Senator from Virginia can follow the Senator from Florida [Mr. MACK].

Mr. KERRY. Reserving the right to object.

Mr. LAUTENBERG. We reserve the right to object.

Mr. DOMENICI. I do not want to agree to that. I have to get a better understanding.

Mr. WARNER. I thought that was the understanding, having discussed it——

Mr. DOMENICI. I have to look at it a little more carefully and see where we are going this evening.

Mr. LAUTENBERG. I hope the manager will give us——

Mr. DOMENICI. He is going to have a chance to have his amendment; there is no question.

Mr. President, may I be recognized for a moment.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. I do not think any Senators ought to be worried about having to get to the floor now to offer their amendments. Under the unanimous-consent request, we said they had to be filed by the close of business today. You can just file them.

They have to be offered in the Chamber. OK. So I say to Senators, I am going to get us many as I can, and then I will want later——

Mr. GRAMM. Why don't we do the people on the floor. If others appear, let us do it, but that will run into hours. Let us let everybody on the floor file their amendment if they want to.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

AMENDMENT NO. 312

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. CHAFEE, Mr. ROBB, Mr. FRIST, Mr. BREAUX, Mr. ROTH, and Mr. BINGAMAN, proposes an amendment numbered 312.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 312

(Purpose: To express the Sense of the Senate on the need for long-term entitlement reforms)

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years.

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 29.6 percent of the budget, this figure rose to 61.4 percent by 1993 and is expected to reach 70 percent shortly after the year 2000.

(3) this mandatory spending is crowding out spending for the traditional "discretionary" functions of government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending.

(4) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that levels in this budget resolution assume that—

(1) Congress and the President should work to enact structural reforms in entitlement spending in 1997 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

Mr. KERREY. Mr. President, this amendment addresses the need to keep the budget in balance over the long haul. The budget resolution we are considering today will bring us into balance by 2002. I support that budget resolution, that budget effort. But after that work is done, there is some additional work and very difficult work that we need to do.

There are four sets of numbers that I want to bring to my colleagues' attention. The first set of numbers deals with where we are headed in terms of how much of the budget goes to discretionary spending and how much goes to mandatory spending, that is entitlements and interest on the debt. In 1963 our budget was approximately 70 percent discretionary, 30 percent mandatory spending. At the end of this budget agreement, it will be over 70 percent mandatory and less than 30 percent discretionary spending. And about 10 years beyond that it will be nearly 100 percent mandatory spending.

What my amendment says is we ought to fix it at 70 percent, we ought to do what we can to fix it at 70 percent, that at some point we have to stop the movement toward this budget becoming 100 percent mandated spending.

The second set of numbers, Mr. President, illustrates that this problem is not caused by liberals; it is not caused by conservatives. It is caused by a very difficult demographic fact, and that demographic fact is the baby boom generation: 77 million people born between the years 1945 and 1965.

Third, today we have 133 million Americans who are working; they are supporting about 39 million beneficiaries in the Social Security program. In 2030, when a baby born today will be 33 years of age, there will be 163 million workers, a 20-percent increase, but there will be more than a doubling of number of people who will then be beneficiaries, 80 million. We need to address the difficult policy issues behind these numbers sooner rather than later.

Let me give you my last set of numbers, Mr. President, and then I will be finished. I have heard lots of people come to the floor and talk about the need to take care of our children and make sure that we are investing in our children.

In 1996, 29 percent of our population is under the age of 20. In 2030, 24 percent of our population will be under the age of 20. So again, in 33 years, a relatively short period of time, we are going to go from 79 million people under the age of 20 to 83 million people under the age of age 20. But in the over 65 category we will go from 13 percent to 20, from 34 million to 68 million, a doubling of that population.

This amendment simply says to understand the growth of mandatory programs and get that growth under control, it is the sense of the Senate that we make every effort we can to hold mandatory spending below 70 percent of the Federal budget and that we make the structural reforms necessary to make that happen.

I appreciate very much the Senator from Texas allowing me to do this, and I appreciate very much both the Senator from New Mexico and the Senator from New Jersey agreeing to accept this as part of this budget resolution.

Mr. ROBB. Mr. President, I rise in support of the amendment from the Senator from Nebraska which expresses the Sense of the Senate that adjustments in Federal benefit programs should be considered by the Senate. I commend my colleague from Nebraska for his work on this important effort.

Mr. President, this amendment recognizes the fact that we face an explosion in entitlement spending over the near horizon, not just because we promised too much to too many, but principally due to simple demographics. Our people are living longer and the great baby boomer generation is getting closer to retirement.

In 1940, the average woman in America who retired at age 65 received social security benefits for 13.4 years. By 1995, women—and men—were living much longer. And the average woman retiring in 1995 will receive 19.1 years of Social Security—or nearly 6 more years of benefits—because the retirement age still remains at 65.

In 1950, seven workers supported each social security beneficiary, Mr. President. By 1990 there were just five workers per beneficiary. And by the year 2030, there will be fewer than three workers per beneficiary.

We all know the statistics. By the year 2012, if no changes are made, entitlements and interest on the debt will consume every single dollar the Federal Government takes in. This stifles our ability to invest in our Nation and protect some of our most vulnerable citizens.

And it doesn't have to be, Mr. President. Small steps today can save billions tomorrow. Billions of dollars of debt we will not leave to our children—the baby bust generation, as Pete Peterson calls those who will inherit our debt.

Mr. President, this amendment proposes that we work to enact structural reforms which will successfully restrain the growth of mandatory expenditures. In my view, the Senate should consider such reforms as using the most accurate measure of cost-of-living available, extending the civil service retirement age for future Government workers, extending the military retirement age for future enlistees, gradually tracking Medicare eligibility with Social Security eligibility, and extending the retirement age for Social Security.

So I urge my colleagues to support this amendment. Otherwise, the day will surely come when we will have to explain to our children why, when we could have made a difference, we failed to enact entitlement reform.

These kinds of choices are never easy politically—but they just get tougher as the problem becomes more acute. Now is the time to act if we are going to act responsibly.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 312) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I have a unanimous-consent request, if I may. I ask unanimous consent that Nick Minshew, a fellow in the office of Senator WELLSTONE, be granted floor privileges for the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 291

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington for an amendment.

Mrs. MURRAY. I thank the Chair.

Mr. President, I ask unanimous consent to call up my amendment—it is at the desk—No. 291 on domestic violence.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] for herself and Mr. WELLSTONE, proposes an amendment numbered 291.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 291

(Purpose: To express the sense of the Congress concerning domestic violence)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—Congress finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committee by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that ¼ of battered women surveyed had lost a job partly because of being abused and that over ½ of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipents are current or past victims of domestic violence.

(5) Over ½ of the women surveyed stayed with their batterers because they lacked the

resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the Committee on the Budget of the Senate in considering the 1997 Resolution on the budget of the United States unanimously adopted a sense of the Congress amendment concerning domestic violence and Federal assistance. Subsequently, Congress adopted the family violence option amendment as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing that it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the provisions of this Resolution assume that—

(1) States should not be subject to any numerical limits in grading domestic violence good cause waivers under section 402(a)(7)(A)(iii)) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii)) to individuals receiving assistance, for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestice violence; and

(2) any individual who is granted a domestic violence good cause waiver by a State shall not be included in the States' 20 percent hardship exemption under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

Mrs. MURRAY. Mr. President, my amendment seeks only to clarify the support of this body for the family violence option, adopted during consideration of the Personal Responsibility and Work Opportunity Reconciliation Act. The family violence option allows States to waive victims of domestic violence and abuse from punitive work and education requirements, without being penalized. States would not be required to include these individuals in their 20-percent hardship exemption.

The family violence option amendment, which I joined with Senator WELLSTONE in offering to the welfare reform legislation, was intended to give States the flexibility to ensure that victims of domestic violence and abuse do not become victims of welfare reform. The amendment was adopted and accepted as part of the final conference report.

At the time, it was clear to many of us that there is a direct relationship between domestic violence and poverty. Many women and their children become trapped in violent situations based on their economic dependency. For many women and their children, welfare offers the only way out of a violent and dangerous environment. To create arbitrary obstacles to this assistance simply ensures that women and children will be trapped. This was obvious to many of us, but a recent report from the Taylor Institute made our case more solid. This report reviewed previous studies on domestic violence and abuse and made some startling conclusions regarding the number of women who are receiving welfare and who have been abused by their partner. I can tell my colleagues that this number alone could well exceed the 20-percent hardship exemption.

Giving States the flexibility that they need to address this crisis is absolutely necessary if the true objective is welfare reform. Any effort to move people from welfare to work must address the obstacles facing those victims of abuse and violence.

Many States have attempted to include a family violence option in their welfare reform implementation plans. However, because there appears to be a general lack of congressional intent on this option, my amendment is necessary to assist those States who are trying to do the right thing. The States need to know that they will not be penalized for exempting victims of domestic abuse and violence from the mandatory work and training requirements.

For many victims, simply finding a job can place them and their children in great danger. Giving an employer their home phone number or address exposes them to their abuser. Placing their child in unsecured day care exposes the child to the abuser. Victims of domestic violence and abuse cannot simply utilize most day care options. Once they leave their abuser they subject themselves and their child to the risk of retaliation. How can we say to a victim of domestic violence that they must find a job knowing that we are placing them and their children in harms way?

Helping and guiding abused women and children off of welfare involves much more than job training. Many of these women are already employed or have been employed in the past; but their abuser is the obstacle that traps them into a life of poverty. States must be able to meet these needs without jeopardizing the overall success of their welfare reform plans.

I ask my colleagues for not just their support, but their help as well. Please vote yes on this amendment to prevent women and children from being trapped in a violent situation simply because they cannot meet certain requirements that have nothing to do with improving their lives. I know that none of my colleagues would have supported placing obstacles in the way of women trying to leave a violent home.

The PRESIDING OFFICER. Did the Senator from Washington wish her amendment set aside?

Mrs. MURRAY. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 313

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 313.

Mr. WELLSTONE. I ask unanimous consent that reading of the amendment be dispensed with and the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 313

(Purpose: To ensure that this resolution assumes increases in funding for Headstart and EarlyStart, child nutrition programs, and school construction, and that this additional funding will be paid for by reducing tax benefits to the top 2 percent of income earners in the United States as well as by reducing tax benefits that are commonly characterized as corporate welfare or tax loopholes)

On page 3, line 3, increase the amount by 1,650,000,000.

On page 3, line 4, increase the amount by 2,190,000,000.

On page 3, line 5, increase the amount by 3,116,000,000.

On page 3, line 6, increase the amount by 4,396,000,000.

On page 3, line 7, increase the amount by 5,012,000,000.

On page 3, line 11, increase the amount by 1,650,000,000.

On page 3, line 12, increase the amount by 2,190,000,000.

On page 3, line 13, increase the amount by 3,116,000,000.

On page 3, line 14, increase the amount by 4,396,000,000.

On page 3, line 15, increase the amount by 5,012,000,000.

On page 4, line 4, increase the amount by 5,400,000,000.

On page 4, line 5, increase the amount by 1,601,000,000.

On page 4, line 6, increase the amount by 2,539,000,000.

On page 4, line 7, increase the amount by 4,141,000,000.

On page 4, line 8, increase the amount by 6,543,000,000.

On page 4, line 12, increase the amount by 1,650,000,000.

On page 4, line 13, increase the amount by 2,190,000,000.

On page 4, line 14, increase the amount by 3,116,000,000.

On page 4, line 15, increase the amount by 4,396,000,000.

On page 4, line 16, increase the amount by 5,012,000,000.

On page 21, line 25, increase the amount by 1,101,000,000.

On page 22, line 1, increase the amount by 1,690,000,000.

On page 22, line 8, increase the amount by 2,039,000,000.

On page 22, line 9, increase the amount by 2,616,000,000.

On page 22, line 16, increase the amount by 3,541,000,000.

On page 22, line 17, increase the amount by 3,796,000,000.

On page 22, line 24, increase the amount by 5,843,000,000.

On page 22, line 25, increase the amount by 4,312,000,000.

On page 26, line 6, increase the amount by 400,000,000.

On page 26, line 7, increase the amount by 400,000,000.

On page 26, line 14, increase the amount by 500,000,000.

On page 26, line 15, increase the amount by 500,000,000.

On page 26, line 22, increase the amount by 500,000,000.

On page 26, line 23, increase the amount by 500,000,000.

On page 27, line 5, increase the amount by 600,000,000.

On page 27, line 6, increase the amount by 600,000,000.

On page 27, line 13, increase the amount by 700,000,000.

On page 27, line 14, increase the amount by 700,000,000.

On page 38, line 14, decrease the amount by 700,000,000.

On page 38, line 15, decrease the amount by 2,700,000,000.

On page 40, line 17, decrease the amount by 5,000,000,000.

On page 41, line 7, decrease the amount by 5,012,000,000.

On page 41, line 8, decrease the amount by 16,364,000,000.

On page 43, line 21, increase the amount by 1,101,000,000.

On page 43, line 22, increase the amount by 440,000,000.

On page 43, line 24, increase the amount by 2,039,000,000.

On page 43, line 25, increase the amount by 1,366,000,000.

On page 44, line 2, increase the amount by 3,541,000,000.

On page 44, line 3, increase the amount by 2,546,000,000.

On page 44, line 5, increase the amount by 5,843,000,000.

On page 44, line 6, increase the amount by 4,312,000,000.

AMENDMENT NO. 314

Mr. WELLSTONE. Mr. President, I send another amendment to the desk on behalf of myself and Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. REED, Mr. BINGAMAN, and Mr. MOYNIHAN, proposes an amendment numbered 314.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 314

(Purpose: To ensure that the provisions in this resolution assume that, before funds are spent on unjustified tax benefits and tax loopholes commonly known as corporate welfare, Pell Grants for needy studnets should be increased)

On page 3, line 4, increase the amount by $1,600,000,000.

On page 3, line 5, increase the amount by $1,600,000,000.

On page 3, line 6, increase the amount by $1,600,000,000.

On page 3, line 7, increase the amount by $1,500,000,000.

On page 3, line 12, increase the amount by $1,600,000,000.

On page 3, line 13, increase the amount by $1,600,000,000.

On page 3, line 14, increase the amount by $1,600,000,000.

On page 3, line 15, increase the amount by $1,500,000,000.

On page 4, line 5, increase the amount by $1,600,000,000.

On page 4, line 6, increase the amount by $1,600,000,000.

On page 4, line 7, increase the amount by $1,500,000,000.

On page 4, line 8, increase the amount by $1,300,000,000.

On page 4, line 13, increase the amount by $1,600,000,000.

On page 4, line 14, increase the amount by $1,600,000,000.

On page 4, line 15, increase the amount by $1,600,000,000.

On page 4, line 16, increase the amount by $1,500,000,000.

On page 21, line 25, increase the amount by $1,600,000,000.

On page 22, line 1, increase the amount by $1,600,000,000.

On page 22, line 8, increase the amount by $1,600,000,000.

On page 22, line 9, increase the amount by $1,600,000,000.

On page 22, line 16, increase the amount by $1,500,000,000.

On page 22, line 17, increase the amount by $1,600,000,000.

On page 22, line 24, increase the amount by $1,300,000,000.

On page 22, line 25, increase the amount by $1,500,000,000.

On page 43, line 21, increase the amount by $1,600,000,000.

On page 43, line 22, increase the amount by $1,600,000,000.

On page 43, line 24, increase the amount by $1,600,000,000.

On page 43, line 25, increase the amount by $1,600,000,000.

On page 44, line 2, increase the amount by $1,500,000,000.

On page 44, line 3, increase the amount by $1,600,000,000.

On page 44, line 6, increase the amount by $1,300,000,000.

On page 44, line 6, increase the amount by $1,500,000,000.

Mr. WELLSTONE. I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Florida.

AMENDMENT NO. 315

Mr. MACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] for himself, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. FRIST, Mr. D'AMATO, Mr. DEWINE, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mr. REID, Mr. BREAUX, and Mr. SPECTER, proposes an amendment numbered 315.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 315

(Purpose: To express the sense of the Senate that the Federal commitment to biomedical research should be doubled over the next 5 years)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Resolution assumes that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years; and

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in fiscal year 1998 over the amount appropriated in fiscal year 1997.

Mr. MACK. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

AMENDMENT NO. 316

Mr. ABRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] for himself, Mr. KYL, Mr. BROWNBACK, Mr. ASHCROFT, Mr. SESSIONS, and Mr. COVERDELL, proposes an amendment numbered 316.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 316

(Purpose: To express the sense of the Senate that, to the extent that future revenues exceed the revenue aggregates contained in this resolution, those additional revenues should be reserved for deficit reduction and tax cuts only)

SEC. . SENSE OF SENATE ON ECONOMIC GROWTH DIVIDEND PROTECTION.

(a) FINDINGS.—

The Senate finds that with respect to the revenue levels established under this resolution:

(A) According to the President's own economists, the tax burden on Americans is the highest ever at 31.7 percent.

(B) According to the National Taxpayers Union, the average American family now pays almost 40 percent of their income in state, local, and federal taxes.

(C) Between 1978 and 1985, while the top marginal rate on capital gains was cut almost in half—from 35 to 20 percent—total annual federal receipts from the tax almost tripled from $9.1 billion annually to $26.5 billion annually.

(D) Conversely, when Congress raised the rate in 1986, revenues actually fell well below what was anticipated.

(E) Economists across-the-board predict that cutting the capital gains rate will result in a revenue windfall for the Treasury.

(F) While a USA Today poll from this March found 70 percent of the American people believe that they need a tax cut, under this resolution federal spending will grow 17 percent over five years while the net tax cuts are less than 1 percent of the total tax burden.

(b) SENSE OF SENATE.—It is the sense of the Senate that with respect to the revenue levels established under this resolution, to the extent that actual revenues exceed the revenues projected under this resolution due to higher than anticipated economic growth, that revenue windfall should be reserved exclusively for additional tax cuts and/or deficit reduction.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the patient Senator from Texas.

AMENDMENT NOS. 317, 318, 319, AND 320

Mr. GRAMM. Mr. President, having been patient, I want to send four amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes amendments numbered 317, 318, 319, and 320.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 317

(Purpose: To express the sense of the Senate to address emergency spending)

At the end of title III insert the following:

SEC. . SENSE OF THE SENATE ON DISASTER ASSISTANCE FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) emergency spending adds to the deficit and total spending;

(2) the Budget Enforcement Act of 1990 exempts emergency spending from the discretionary spending caps and pay-go requirements;

(3) the Budget Enforcement Act of 1990 expires in 1998 and needs to be extended;

(4) since the enactment of the Budget Enforcement Act, Congress and the President have approved an average of $5.8 billion per year in emergency spending;

(5) a natural disaster in any particular State is unpredictable, but the United States is likely to experience a natural disaster almost every year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that—

(1) the Congress should consider in the extension of the Budget Enforcement Act provisions that budget for emergencies or that require emergency spending to be offset;

(2) such provisions should also provide flexibility to meet emergency funding requirements associated with natural disasters;

(3) Congress and the President should appropriate at least $5 billion every year within discretionary limits to provide natural disaster relief;

(4) Congress and the President should not designate any emergency spending for natural disaster relief until amounts provided in regular appropriations are exhausted.

AMENDMENT NO. 318

(Purpose: To hold nondefense discretionary spending for fiscal years 1998 through 2002 to the levels proposed by President Clinton in his fiscal year 1997 budget request for these same years, saving $76 billion, and using these savings to increase the net tax cut from $85 billion to $161 billion, allowing full funding of the $500 per child tax credit and full funding of the capital gains tax cut)

On page 3, decrease the amount on line 2 by $2,800,000,000.

On page 3, decrease the amount on line 4 by $14,200,000,000.

On page 3, decrease the amount on line 5 by $22,000,000,000.

On page 3, decrease the amount on line 6 by $23,200,000,000.

On page 3, decrease the amount on line 7 by $14,800,000,000.

On page 3, decrease the amount on line 11 by $2,800,000,000.

On page 3, decrease the amount on line 12 by $14,200,000,000.

On page 3, decrease the amount on line 13 by $22,000,000,000.

On page 3, decrease the amount on line 14 by $23,200,000,000.

On page 3, decrease the amount on line 15 by $14,800,000,000.

On page 4, decrease the amount on line 4 by $10,400,000,000.

On page 4, decrease the amount on line 5 by $15,100,000,000.

On page 4, decrease the amount on line 6 by $16,800,000,000.

On page 4, decrease the amount on line 7 by $5,400,000,000.

On page 4, decrease the amount on line 8 by $3,700,000,000.

On page 4, decrease the amount on line 12 by $2,800,000,000.

On page 4, decrease the amount on line 13 by $14,200,000,000.

On page 4, decrease the amount on line 14 by $22,000,000,000.

On page 4, decrease the amount on line 15 by $23,200,000,000.

On page 4, decrease the amount on line 16 by $14,800,000,000.

On page 35, decrease the amount on line 9 by $10,400,000,000.

On page 35, decrease the amount on line 10 by $2,800,000,000.

On page 35, decrease the amount on line 15 by $15,100,000,000.

On page 35, decrease the amount on line 16 by $14,200,000,000.

On page 35, decrease the amount on line 21 by $16,800,000,000.

On page 35, decrease the amount on line 22 by $22,000,000,000.

On page 36, decrease the amount on line 2 by $5,400,000,000.

On page 36, decrease the amount on line 3 by $23,200,000,000.

On page 36, decrease the amount on line 8 by $3,700,000,000.

On page 36, decrease the amount on line 9 by $14,800,000,000.

On page 41, increase the amount on line 7 by $14,800,000,000.

On page 41, increase the amount on line 8 by $77,000,000,000.

On page 43, decrease the amount on line 14 by $10,400,000,000.

On page 43, decrease the amount on line 15 by $2,800,000,000.

On page 43, decrease the amount on line 21 by $15,100,000,000.

On page 43, decrease the amount on line 22 by $14,200,000,000.

On page 43, decrease the amount on line 24 by $16,800,000,000.

On page 43, decrease the amount on line 25 by $22,000,000,000.

On page 44, decrease the amount on line 2 by $5,400,000,000.

On page 44, decrease the amount on line 3 by $23,200,000,000.

On page 44, decrease the amount on line 5 by $3,700,000,000.

On page 44, decrease the amount on line 6 by $14,800,000,000.

AMENDMENT NO. 319

(Purpose: To ensure that the discretionary limits provided in the budget resolution shall apply in all years)

On page 45, strike line 10 through the period on line 18.

AMENDMENT NO. 320

(Purpose: To ensure that the 4.3¢ federal gas tax increase enacted in 1993, which for the first time dedicated a permanent gas tax increase to general revenues, will be transferred to the Highway Trust Fund, providing about $7 billion per year more for transportation infrastructure and reducing other spending by an equal amount, making the transfer deficit neutral)

On page 18, line 8, increase the amount by $6,931,000,000.

On page 18, line 9, increase the amount by $6,931,000,000.

On page 18, line 16, increase the amount by $7,052,000,000.

On page 18, line 17, increase the amount by $7,052,000,000.

On page 18, line 24, increase the amount by $7,171,000,000.

On page 18, line 25, increase the amount by $7,171,000,000.

On page 19, line 7, increase the amount by $7,292,000,000.

On page 19, line 8, increase the amount by $7,292,000,000.

On page 19, line 15, increase the amount by $7,414,000,000.

On page 19, line 16, increase the amount by $7,414,000,000.

On page 35, line 9, decrease the amount by $6,931,000,000.

On page 35, line 10, decrease the amount by $6,931,000,000.

On page 35, line 15, decrease the amount by $7,052,000,000.

On page 35, line 16, decrease the amount by $7,052,000,000.

On page 35, line 21, decrease the amount by $7,171,000,000.

On page 35, line 22, decrease the amount by $7,171,000,000.

On page 36, line 2, decrease the amount by $7,292,000,000.

On page 36, line 3, decrease the amount by $7,292,000,000.

On page 36, line 8, decrease the amount by $7,414,000,000.

On page 36, line 9, decrease the amount by $7,414,000,000.

On page 43, line 14, decrease the amount by $6,931,000,000.

On page 43, line 21, decrease the amount by $7,052,000,000.

On page 43, line 24, decrease the amount by $7,171,000,000.

On page 44, line 2, decrease the amount by $7,292,000,000.

On page 44, line 5, decrease the amount by $7,414,000,000.

Mr. GRAMM. Under the unanimous-consent request, the first amendment is a disaster amendment that has been accepted by Senator DOMENICI. I do not think that will require much debate. The amendment that we will debate and we will vote on is the amendment having to do with taxes. And so what I would like to do is to set aside the other two amendments and go ahead and begin the debate on the amendment on taxes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 318

Mr. GRAMM. Mr. President, I want to make an opening statement now about the budget before I turn to the amendment on taxes. Let me begin by congratulating those who have put the budget agreement together. I have had an opportunity in both the House and the Senate to work on many budgets. I understand the difficulty of putting a budget agreement together. And I think when so many people have done so much work, it is incumbent on someone who opposes that final product to say why. So what I would like to do is to go ahead and explain why I am not for this budget, what I believe is wrong with the budget, and then consider an amendment which corrects to a significant degree not everything that I find objectionable in the budget, but certainly as a movement toward the vision that I have for the future of the country and what we would like that future to be.

Let me begin by going through a couple of charts which I think will save time for the Senate.

The PRESIDING OFFICER. Will the Senator suspend for one moment.

The clerk will report the amendment.

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 318.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me start by going through the budget that is before us and outlining the concerns I have about it. I would like to discuss it in some detail. Let me say in advance the two points I hope to make. No. 1, that this does not balance the Federal budget, and neither the country nor the Congress should be deceived about that, nor should this change our behavior in being vigilant about spending.

Second, I want to make the point that this does not save Medicare, that, quite the contrary, it simply engages in a bookkeeping entry on Medicare that makes it look better in the short run, but we are adding five new or expanded Medicare benefits which clearly will add to the financial insolvency of the system.

Having gone through that, then I will turn to the amendment. First of all, let me talk about deficits. When this budget debate started, based on a re-estimation of the economy due to stronger economic output and stronger performance, what was required to balance the Federal budget when this budget debate started was $339 billion of deficit reduction. When the President and congressional negotiators met for the first time, that was the level of deficit reduction that was required, as compared to current law, to balance the Federal budget. In other words, if we had simply not had a budget and left every law in place, not repeal any law, not pass a new law, and kept discretionary spending at its current level, it would have taken $339 billion of deficit reduction to balance the Federal budget.

I would like to first go through how this budget balances the budget in 2002.

On Thursday night 3 weeks ago, when we reached an impasse in the budget negotiations, the Congressional Budget Office came forward with the glorious news that, due to a change in the estimation they had made, the Federal Government could expect to collect $225 billion of additional revenues over the next 5 years. That $225 billion of additional revenues that the Congressional Budget Office decided to project for the future represents 66 percent of all deficit reduction required to balance the budget that is before us; 66 percent of the deficit reduction simply comes from the fact that the Congressional Budget Office, 3 weeks ago, decided to change the estimate about the future performance of the economy and tax collections, based on the very strong quarter of economic growth we are in.

Mr. President, $28 billion of the deficit reduction in the budget before us comes from an assumption that the measure of inflation will be lower in the future, and that $28 billion of savings that comes from an assumption about the Bureau of Labor Statistics changing the measure of inflation represents 8 percent of the deficit reduction needed in the budget before us.

Mr. President, $77 billion of the deficit reduction in the budget before us comes from the assumption that, with a balanced budget, the economy will be even stronger, and that represents 23 percent of the deficit reduction in this budget.

So, when we total all this up, 97 cents out of every dollar of deficit reduction in the budget before us comes not from changing policy, not from constraining entitlements, not from cutting discretionary spending, but from assuming—from assuming—that revenue collections will rise in the future, from assuming that inflation will be lower in the future, from assuming that the economy will be stronger in the future. So, before this budget ever does anything, it assumes 97 cents out of every dollar of the projected deficit for the next 5 years away. Only 3 cents out of every dollar of deficit reduction in this budget represents a change in policy. In fact, that is a whopping total of $9 billion of deficit reduction in this budget that comes from changing Government policy.

In fact, every penny of that deficit reduction comes from assuming that we are going to sell to radio and television stations, and to nonbroadcast users, spectrum, and that spectrum is going to bring $26 billion into the Treasury. In fact, the last year where all this $9 billion of savings is needed, it is assumed to bring in $14.8 billion. Last year, we sold spectrum to fund increased spending of $2.9 billion. We estimated it would bring that. When it was sold, it brought $13.6 million. In other words, for every $200 we thought we were going to get by selling spectrum, we got $1. But we still spent every dollar of the $2.9 billion we assumed.

So the first point I want everybody to understand—and it is important that they understand it because someone might believe that we have put the deficit behind us by making hard choices here—the truth is, 97 cents out of every dollar of deficit reduction in this budget, as compared to current policy and current law, comes from simply assuming the economy is going to be stronger in the future and that prices are going to be lower in the future. And, of course, no one knows what is going to happen in the future.

Next, I would like to go through and show you a startling fact, which is, not only does this budget not reduce the deficit, but in reality it raises the deficit by $71 billion over the next 4 years as compared to what would happen if there were no budget. Let me try to explain this. I know it is a little complicated, but, if you look at this, I think you can see it.

Under current law, with current spending, if we simply continue to do exactly what we are doing now, with no budget, the deficit next year would be $76 billion. But, under this budget, with policy changes, we are adding $14 billion, much of it in new spending on discretionary accounts and 13 new mandatory and entitlement spending programs. So actually, by passing this budget today as compared to current policy, we are raising the deficit for the coming year by $14 billion, from $76 to $90 billion.

In 1999, if we simply continue current policy, the deficit would be $77 billion, according to the Congressional Budget Office. But we are going to add $13 billion to the deficit, so it will actually be $90 billion.

In the year 2000, we are raising the deficit from $70 to $83 billion, by $13 billion. In the year 2001, continuing current policy would produce a deficit of $22 billion, but we are going to raise it by another $31 billion. We are going to more than double it, so the deficit would be $53 billion. And the first and only deficit reduction due to policy change in this budget is $10 billion in the year 2002, in a new century, under a new President. Until we reach that point, nothing in this budget lowers the deficit by a penny, and, in fact, this budget raises the deficit by a total of $71 billion in those 4 years.

Let me turn to some other points. Probably the most startling thing that people will come to understand about this budget is that it spends so much money that the first thing we have to do in this budget is waive the spending limit set in the 1993 budget. Let me remind my colleagues and anybody at home who might be watching this debate, in 1993 we had a Democrat Congress and we had a Democrat President. They passed a budget where they increased spending and increased taxes. But they set a spending cap in that budget, and that cap said, by 1998, we would spend no more than $546.4 billion on discretionary accounts. That was in the President's budget. The Congress actually lowered that a little to $545.9 billion the next year.

Under this budget deal, we are going to spend $553.3 billion. So the first act of this new budget is to bust the budget law that is currently in effect, and we are going to have to waive a point of order at some point that I am going to raise so that we can spend $7.4 billion more than we set out, in the 1993 budget, to spend in 1998. This is a partisan point, but it is very relevant. This is going to be the first time in history that a Republican Congress is going to vote to bust the budget set by a Democrat Congress so we can spend more money.

We have had a lot of discussions about what this budget does and does not do with regard to spending. I am sure, as people who follow the debate know, we have all kinds of ways of confusing this debate. We have what we call a current service baseline, where you cut relative to what you would have spent. So, for example, if you are going to buy a new shotgun and you come home and your spouse looks at you funny because you already own 20 shotguns, you say, "Look, honey, I was going to spend $1,200, but I only spent $1,000, so I saved $200." It is that kind of baseline under which people talk about this budget saving money.

But let me talk about things you know something about. Do you remember the Contract With America? Well, I remember it. I think the American people remember it. The Senate and the House have forgotten it. But we wrote a budget called the Contract With America, and we all ran for office on it, at least people on this side of the aisle did. We passed that budget in 1995, and, as compared to that budget for the years 1998 through the year 2002, this budget we are voting on here today will raise spending by $212 billion on discretionary nondefense programs, basically social programs, above the level contained in the Contract With America budget that was adopted in 1996. So however you want to define spending, the one thing we know is, compared to the budget that we adopted 2 years ago for the same years, we are increasing spending by $212 billion, basically on nondefense discretionary social programs.

We voted on a budget right here on the floor of the Senate a year ago that set spending totals for 1997 and 1998, through the year 2002. As compared to the budget we voted on just last year, the budget before us today spends a whopping $189 billion more in the same years on discretionary social programs than we spent in the budget we adopted on this very floor only a year ago at this time. As compared to the President's budget that he offered last year, this budget spends an additional $76 billion on social programs, and, as scored by the Congressional Budget Office, this budget actually spends slightly more than the President asked for in this year's budget.

In reality, the 1 year that really matters is the year that this budget will set out in detail, that is, the 1998 budget as compared to our 1996 budget. This will spend, in 1 year, $38 billion more than the Contract With America; as compared to the budget we adopted last year, it will spend $23 billion more; as compared to the budget the President submitted last year, it will spend $3 billion more, simply on discretionary programs. But that is just discretionary programs.

This budget will create or fund 13 mandatory and entitlement programs that will either be created new or will be expanded or will represent new benefits. I remind my colleagues that every one of these mandatory programs in these entitlement programs is a little baby elephant that is set to grow in the future. We just adopted, by unanimous consent, an amendment of our dear colleague from Nebraska that said to us, listen, we need to be alert about the growth of entitlements and maybe we ought not to let these programs consume more than 70 percent of the budget. We all supported the resolution. But you need to realize that the budget before us has 13 new spending programs or additions or additional funding to mandatory and entitlement programs that do not exist under current law.

Let me go over what those are: environmental reserve fund. We have five new or expanded Medicare benefits. I am going to come back to Medicare. We increase Medicaid funding for the District of Columbia and Puerto Rico. We increase Medicare funding in terms of reducing copayments at the very time we cannot pay for Medicare as it now exists. We restore welfare benefits for immigrants and refugees and asylees. We expand the Food Stamp Program. We expand a welfare-to-work grant. We expand child health care and barely avoided raising it by another $20 billion.

So, basically, there are two reasons that I am not for this budget, and I didn't come here today to argue against it thinking I was going to convince anybody. This is a wonderful political deal. It is a wonderful political deal because it allows everybody to get what they want. It allows President Clinton, in his own words, to have the largest expansion in social programs since the 1960's. It allows Republicans to talk about having a tax cut. And it allows both parties to claim they are balancing the Federal budget. But in reality, if it sounds too good to believe that we are having the largest increase in social spending since the sixties and we are cutting taxes and balancing the budget at the same time, the reason is that it is too good to be believed. In reality, it is not true.

The two points I want to make are these: First, we are not balancing the budget here; we are simply assuming the budget is balanced. It may be that, based on a strong economic performance in the last quarter, the future picture of the economy is changed for 5 years. It may be that this is going to be, by far, the longest and strongest recovery in American history. But the probability is that that is not true, and it is not sound policy to set out the financial plan for the whole country based on those kinds of assumptions. I do not think it would be quite as farfetched as assuming you could pay your bills because you are going to win the lottery, but, basically, for anybody to believe that we are balancing the budget based on policy decisions that I already demonstrated are not true, it is important that the Congress, it is important that the country not let its guard down and understand that all we have done in this budget is assume the deficit away, and it may or may not be gone.

I raise this concern because in the supplemental appropriations that we dealt with last week, we added another $6.6 billion to these spending totals, so that we have, in reality, already busted this budget which has not yet been adopted. These spending totals that I talked about of being $189 billion above last year's budget in this budget, we have already added to that by passing a supplemental last week, which adds another $6.6 billion to the deficit.

The second and final point I want to make about the budget is it is very important that nobody believe that this budget solves the Medicare problem. What does this budget do about Medicare? First, it says we are going to lower reimbursement for doctors and hospitals. We have done that a dozen times. It has never worked, and it has never worked because, like all wage and price controls, people find ways to get around it. Yet, while we know it has never worked in the past, we have it in this bill because we have agreed to take, in essence, the President's policy in Medicare.

But that is not the worst part of it. The claim that this budget saves Medicare for 10 years is not just based on that unachieved and unachievable savings by simply reducing payments to hospitals and doctors; it is based on taking the fastest growing part of Medicare and taking it out of the Medicare trust fund and funding it in general revenue. Home health care, which is the fastest growing part of Medicare, is taken out of the trust fund under this budget agreement and is funded out of general revenue.

Virtually every person on my side of the aisle, when this was discussed 6 months ago, said, "Well, that's fraudulent." That is equivalent to having a bunch of debt on your credit card and you go to the bank and borrow money and pay part of it off and then you say, "Well, look, I'm out of debt."

As I said when this was suggested by the President, "Look, I can do you better, I can make Medicare solvent for 100 years. Take hospital care out of the trust fund." But does that change anything? Does that solve anything?

So here we are engaging in a shell game which is totally fraudulent, taking the fastest growing part of the trust fund out, not counting it, paying for it out of general revenues and claiming we save Medicare for 10 years when Medicare is going to cause a $1.6 trillion drain on the Federal Treasury in the next 10 years.

The terrible tragedy of this is we were on the verge of getting a bipartisan consensus to really reform Medicare. I am afraid that by accepting this budget deal we are going to take the pressure off Congress, because if Medicare is solvent for 10 years because we have taken the fastest growing part of it out and hidden it in general revenues, is there a problem? Why should we all cast tough votes that could cost us our jobs if we can tell people there is no problem?

Do not believe this balances the budget. It simply assumes the budget is balanced. We have assumed it was balanced on many other occasions, and it has not been balanced, I am afraid. Just like a family budget, assuming you win the lottery normally does not work. The way you balance your budget sitting around your kitchen table is by saying no. There is no "no" in this budget. There is no "no" here. There is no "no" to anybody. There is nothing in this budget that really represents any kind of fundamental change in policy. What this budget is is a wonderful political document, but I am afraid that this political document is going to induce us to spend more, it is going to induce us not to deal with Medicare, and America is going to be the loser.

Let me turn to my amendment, and let me say this is a controversial amendment. Some are going to say this is a deal-breaker amendment and, in a sense, if you want to argue that, you can. But let me talk about the amendment.

First of all, I have a chart up here, and I want people to understand what has happened to the Federal budget in the last 10 years. If you look at 1987 and then you look at 1996 and you adjust for inflation, real spending on defense has gone down by 27 percent, real spending on entitlements has gone up by 38 percent, and despite all of the protest from the President and from Members of Congress, nondefense discretionary spending, the fundamental general Government, social programs, general Government operating expenses, are up over 10 years by 24 percent. So all of Government has grown dramatically in the last 10 years except defense.

What has happened to family income in the last 10 years? If you take the average family income of America and you adjust it for inflation and take out taxes and payroll taxes and look at what the average working family in America had to spend in 1987 and what they had to spend in 1996—we do not have the figure for this year yet—basically what happened to the American family, as compared to the American Government during this same 10 years, was Government grew and grew rapidly, but here is what happened to the average family:

After taxes, after inflation, the income of the average working family in America fell, after-tax income from $28,302, 10 years later, 10 years of working and struggling and often both the husband and the wife where families are blessed with two parents in the household, 10 years later, that average family is making $27,737 after taxes. So in 10 years where Government has grown, in 10 years where we have not said no to Government, working families have actually seen their spendable income after taxes decline from $28,302 to $27,737.

My amendment is very simple. My amendment says, let's go back to the budget that President Clinton submitted last year. I remind my colleagues that in the budget he submitted last year, it provided funding for not only last year but this year and every year to 2002. When we voted on our budget, the President said his budget for 1997 provided the education funding, housing funding, the medical care funding that America would need through the year 2002. Various Members of the Senate stood up and spoke on behalf of this budget.

Senator LAUTENBERG said:

> It makes critical investments in education and training. It provides increased funding for programs like Head Start, title I, safe and drug-free schools.

The President said:

> This budget funds my priorities.

One year later, for the same years, the President says, "Well, you know I said last year I had enough money for all those things, but actually now, I need $76 billion more for the same 5 years than I said I needed last year."

So here is what my amendment does. My amendment goes back and takes the President's last year's budget for 1998, 1999, 2000, 2001, and 2002 and says, "OK, Mr. President, we are going to give you everything you said last year you needed to spend in these years, and then we are going to take the $76 billion of savings and we are going to give them back to families by cutting taxes and by guaranteeing that families will get the $500 tax credit per child that we promised in our budget and guaranteeing that we will get full capital gains tax cut."

If you vote for this amendment, what do you say? You are going to hear many ways of saying what you are saying is, "You are cutting Government spending below the President's requested level, below the budget; you are breaking the deal." In reality, what you are saying is, "We are giving the President everything he said he needed last year," but we are saying more than that. We are saying, rather than spending another $76 billion in Washington on behalf of all these families, we are going to give that money back to them and let them spend it themselves. That is what this is about.

The question you have to answer on this amendment is this: Can we spend this money on behalf of American families better than they can spend it? By letting families keep $500 more per child, for every working family in America, can they take that money and invest it in education, housing, nutrition, and health care better than we can spend it on their behalf? Do we know their interests better than they do?

Let me say, I do not think so. I know the Government, and I know the family, and I know the difference. I believe that the biggest problem in America, in terms of finances, is that Government is spending too much and families are spending too little. We are literally starving the only institution in America that really works, and that is the family. How can it make sense for Government to grow year after year after year when the family budget has declined in real terms on an after-tax basis for the last 10 years? Shouldn't we take this $76 billion more than the President asked for last year and let families spend it instead of letting the Government spend it?

Now, if we adopt this amendment, we are going to change the budget, we are going to have $76 billion less of Government spending, basically on social programs. I am not saying there are not some good programs in there, but I am saying this, that if you take all $76 billion of new discretionary spending and you let American families look at it and say, "Would you rather have us spend this for you or would you rather spend it yourself?" the vast majority of working families would say, "I would rather spend it."

In fact, if you just ask taxpayers, who paid for it, I would not doubt that 95 percent of them would say, "Yeah, I think probably I can spend it for my family a little better than you can spend it for me." So that is what this is about.

This does not raise the deficit. It just simply says, instead of giving the President $76 billion more to spend than he asked for last year, since he said last year he could fund the Government and do everything he wanted to do for $76 billion less, and now this year he wants more. They discovered this magic money out there where the Congressional Budget Office decided that we were going to collect all this revenue. So the President said, "Look, I need more spending." Now, that is one argument. It is a legitimate argument. I just do not happen to agree with him. I am saying, let us give it back to families. After all, that is where the money is coming from. Let families spend it. This is our vision. This is the Republican vision. It is America's vision.

A budget is about choosing between two competing visions. The budget before us is a clear vision: more Government. The budget before us is a budget that says, more Government is in the interest of the American people. The President may say the era of big Government is over, we may parrot those words, but this budget does not say the era of big Government is over. This budget says the era of big Government is permanent and it is expanding.

What my amendment says is, let us let families spend this new money instead of giving it to the Government to spend.

I know this is a controversial amendment. I hope my colleagues will support it. I do not suffer under any delusions, but I wanted to show my colors on this amendment. I want people to know there are at least a few people in the Senate who have not forgotten what we promised.

Mr. ASHCROFT. Will the Senator yield?

Mr. GRAMM. I will be happy to.

Mr. ASHCROFT. I say to the Senator, in this budget negotiation there seemed to be an impasse, and then all of a sudden it appeared there was a substantial additional block of money.

Now, is that money the result of people working more and paying more taxes?

Mr. GRAMM. Well, I hope that is what it is. But all we know is that the Congressional Budget Office came up with this estimate, that because of the strong economy that we have had in the last quarter, that looking into the future, we were going to collect $45 billion a year off as far as the eye could see. Now, to the extent they are right, it is coming because families are paying more taxes.

Mr. ASHCROFT. And people are working hard?

Mr. GRAMM. They are working harder. They are working longer.

Mr. ASHCROFT. Instead of rewarding people who work harder by letting then keep more of what they are earning, the approach is to take more of it and spend more on Government?

Mr. GRAMM. Basically what happened was that they said, "Well, now that we've got all this money, let's let Government spend more of it." The President is actually asking for—and we are giving him—$76 billion more to spend for the same years that he said last year he had enough, but now because of this bird's nest on the ground, this new discovery of revenues, what is happening is we are getting ready to let the Government spend $76 billion more, but never once apparently did anybody say, "Hey, maybe with this new money we ought to let families spend it." What my amendment says is, look, give the President everything he asked for last year, but do not go up another $76 billion simply because there is more money there. Let us give it back to working families.

Mr. ASHCROFT. To the people who have to earn it and pay the taxes.

Mr. GRAMM. The person who earned it will end up keeping more of it because with this we will guarantee that we have enough money—unlike the current bill which has a net tax cut of $50 billion—to fund a $500 tax credit for every child in a working family in America, which costs $105 billion, and capital gains tax cuts and changes in death duties. The problem is, we have $188 billion of promises and a $50 billion net tax cut. It is like trying to pour 188 pounds of sugar into a 50-pound bag. What we are doing here is, we are raising the tax cut by not letting Government spend this money so families can spend it.

Mr. ASHCROFT. It seems to me that what you have proposed is giving the President everything he asked for when he asked for it last year, before he saw this potential of a bigger pie. Certainly he knows how to ask largely and how to ask to meet the need. He certainly has no reticence about asking. With the additional potential for resources, when people earn more and develop more for this country, we ought to let the people have some of what they earn instead of saying, we will take that and spend it on Government, even if it means we have to adjust our—it occurs to me they are having to adjust their ambition bigger and bigger. The harder and harder the American people work, the idea is, the more the Government can spend as a result of it.

Mr. GRAMM. When they are working, they are not doing it so the Government can spend it. I think they are doing it so they can spend it.

Mr. ASHCROFT. Of course they are.

Mr. GRAMM. The tragedy is, 10 years ago, after taxes and being adjusted for inflation, the average working family made over $28,000 a year, $28,300. And 10 years later, after inflation and taxes, they are making $27,700. The average working family has less to spend today than they did 10 years ago. Government spending has grown every year for 10 years. And now, rather than letting working families keep more of what they earn, we are letting Government grow more.

Mr. ASHCROFT. Is it fair to say then, Government has taken the raise that people would have anticipated in the last 10 years, and they took it and spent it?

Mr. GRAMM. Yes. Again, if you believe that Government can spend it better than families, if you believe—some of our colleagues do—if you believe that Government knows what is better for families, that Government is a good steward of their money, you might want to say, "Well, these families might waste it. If we gave them this $500 tax credit, a family of four getting to keep $1,000 more to invest in their children and family, their future, they might make bad decisions," and leave it here with President Clinton and the trustworthy Congress, if you believe that this is a bad amendment.

Mr. ASHCROFT. If you believe that you may want to make a downpayment on a bridge someone wants to sell you in Brooklyn.

It is pretty clear to me, Government has not been the most efficient or effective way to deploy resources.

I want to thank the Senator. I thank him for yielding for this point of clarification.

I find very appealing the idea that we would let the American people, when they earn more, keep more. Families would rather spend it on themselves rather than send it here in hopes that something would happen with it here that might benefit their families.

I commend the Senator.

Mr. GRAMM. I thank the Senator.

Let me conclude and yield the floor, because I know others want to speak.

This is a pretty simple amendment. It says that we are giving the Government $76 billion more than the President said that he needed last year for these same years to do everything he wants to do from child health care to education.

Much of this spending increase occurred when we discovered miraculously—and I hope in fact we discovered it instead of making it up—that the future looked brighter. What I am saying is, do not give this additional $76 billion to Congress and the President. Give it back to families and let them invest it in their future and their children.

I believe this amendment represents a different vision than the budget before us. I think it represents a vision that believes that the future is going to be brighter if we have more opportunity and more freedom. What freedom is more basic than the right of families to spend their own money? Should Government grow every year even if working families see their budgets declining? I do not think so. So, as a result, I have offered this amendment. I want people to know that there is support for having Government tighten its belt a little so that families can loosen their belt a little. That is what the amendment is about.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FAIRCLOTH addressed the Chair.

Mr. GRAMM. I yield to the Senator so long as he might speak.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 321

(Purpose: To express the sense of the Senate that a nonrefundable tax credit for the expenses of an education at a 2-year college should be enacted)

Mr. FAIRCLOTH. First, I would like to send an amendment to the desk and ask for it to be considered and that it then be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 321.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE CONCERNING TAX CREDIT FOR WORKFORCE EDUCATION AND TRAINING AT VOCATIONAL SCHOOLS AND COMMUNITY COLLEGES.

It is the sense of the Senate that, any legislation enacted pursuant to this resolution, contain a tax credit for expenses of workforce education and training at vocational schools and community colleges.

Mr. FAIRCLOTH. Mr. President, I rise today to speak on education. I usually don't agree with the President on policy. However, this is one occasion where I do agree. The President in this year's State of the Union Address, proposed that billions be spent on education in his "Call to Action for American Education." One of the principles in this plan is his hope scholarship proposal. President Clinton proposes 2 years of a $1,500-a-year for college tuition, enough to pay for the typical community college.

I agree that we should give every adult American the opportunity to obtain the first 2 years of higher education. On January 21, I introduced S. 50 which provides for a $1,500-a-year tax credit for students attending two-year schools. S. 50 has the cosponsorship of the majority leader, Senator LOTT, and Senators CONNIE MACK, LARY CRAIG, HARRY REID and JIM JEFFORDS. Just last week, at the Republican National Committee annual dinner, House Speaker NEWT GINGRICH listed vocational training as one of the four top priorities for our budget resolution.

S. 50 will encourage workers in all age brackets to pursue an education beyond high school without incurring the costly expenses of attending a 4-year college. By improving the training and skills of our workers, we will create better jobs in manufacturing and technology throughout the United States. There is nothing more important to keeping competitive in the global marketplace.

As State commerce secretary for North Carolina, I attracted more than 500,000 jobs into North Carolina by strengthening our community college systems and offering custom training of workers in specific skills. In the past 8 years, North Carolina has been among the top three States in new-plant locations and gained a toehold in the film industry which now invests $2.5 billion a year in my State.

As we begin to see the impact of changes made to welfare in the last Congress, more people will be off of welfare and looking for work. This bill would provide the job skill training needed for these individuals to find gainful employment. Senator LOTT understands the importance of vocational training. So does Speaker GINGRICH. As discussions proceed in the budget resolution, let us please find money, within that $35 billion set out for education, to help community colleges. Community colleges help people find real jobs.

The PRESIDING OFFICER. The amendment is set aside.

Mr. FAIRCLOTH. Thank you.

AMENDMENT NO. 318

Mr. FAIRCLOTH. Mr. President, I would like to now speak very briefly on Senator GRAMM's amendment.

I think he has just reached to the heart of Government spending, and he did it very succinctly. There is $76 billion more that the President discovered he needed because by some mathematical manipulation we decided we had $76 billion more to spend. We discovered $76 billion; we spend $76 billion. Now, if we had discovered $176 billion, guess how much the President would have needed? $176 billion.

I just want to say that I strongly support the amendment of the Senator from Texas. I intend to speak on it further later. But I at this moment enthusiastically support it and will continue to speak on it at a later time when we have time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. I yield the Senator from Missouri additional time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, thank you.

AMENDMENT NO. 322

(Purpose: To add enforcement mechanisms to reflect the stated commitment to reach a balanced budget in 2002, to maintain a balanced budget thereafter, and to achieve these goals without raising taxes)

Mr. ASHCROFT. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT], for himself, Mr. GRAMM, Mr. COVERDELL, Mr. ABRAHAM, Mr. HELMS and Mr. FAIRCLOTH, proposes an amendment numbered 322.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, add the following:

SEC. . BALANCED BUDGET REQUIREMENT.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment or motion thereto, or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would cause—

(1) total outlays for fiscal year 2002 or any fiscal year thereafter to exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress provide for a specific excess of outlays over receipts by a rollcall vote:

(2) an increase in the statutory limit on the level of the public debt in excess of the level set forth in section 101(5) of this resolution with respect to fiscal years 1998 through 2002 and for fiscal years after 2002 as set for fiscal year 2002 unless three-fifths of the whole number of each House provide for such an increase by a rollcall vote: or

(3) an increase in revenues unless approved by a majority of the whole number of each House by a rollcall vote.

(b) WAIVER.—The Congress may waive the provisions of this section for any fiscal year in which a declaration of war is in effect. The provisions of this section may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

(c) DEFINITION.—In this section:

(1) TOTAL RECEIPTS.—The term "total receipts" includes all receipts of the United States Government except those derived from borrowing.

(2) TOTAL OUTLAYS.—The term "total outlays" includes all outlays of the United States Government except for those for repayment of debt principal.

(3) INCREASE IN REVENUES.—The term "increase in revenues" means the levy of a new tax or an increase in the rate or base of any tax.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 323

(Purpose: To limit increases in the statutory limit on the debt to the levels in the resolution)

Mr. ASHCROFT. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 323.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, strike line 2, and insert the following: "exceed; or

"(3) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1998, 1999, 2000, 2001, 2002 that would increase the statutory limit on the level of the public debt in excess of the level set forth in section 101(5) of this resolution with respect to fiscal years 1998 through 2002 and for fiscal years after 2002 as set for fiscal year 2002.".

The PRESIDING OFFICER. The amendment is set aside.

Mr. ASHCROFT. Mr. President, I yield the floor.

AMENDMENT NO. 318

The PRESIDING OFFICER. Who yields time on the Gramm amendment?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to Senator GRAMM, let me compliment you on the expression of your philosophy this evening. I think you have heard me a couple times. I think perhaps it is a question of how much can we do and get it done? But I have a vision of the United States that I would explain to you in a way that is very new to me.

I did not grow up with this vision. I came to this place. I had been a public servant, and I kind of liked the idea so I said I will run for the Senate. I guess it was because in my State we had so few Republicans then that they looked around and said, well, that young guy just lost a race—thank God, it is the only one I ever lost—he is as good as any, why not ask him to run. So I ran. I came here as the first Republican in 38 years.

I was here for about 3 years when an announcement came that the King of Spain—remember the young man, King Carlos of Spain, a magnificent transition figure in Spanish modern times. He had been a king, well-taken care of, no idea, as I thought, of freedom because he lived under a dictator, right, for all these years. Then, all of a sudden the dictator goes away, and they say, "You are in charge, King."

Then they said, "Why don't you come over and talk to the Congress." So he came over here. I remember sitting in my office as if it were yesterday, and I said, "I don't know whether I ought to go." As you already know, I like to work. I was sitting around my desk, in my early years, thinking it was far more important to call to New Mexico or write a letter to my constituents. Then something said, "You know, New Mexico has a lot of Spanish people in it. You know a lot of them. Maybe you ought to go because he might say something about the culture and you may learn something." Well, Senator GRAMM, I went. He gave an eloquent speech. I learned nothing about the Spanish culture. I knew more about that than what he talked about up there—he may know more than I—that he alluded to.

He said something very intriguing that I had trouble with and I did not believe it for a while. He said all significant human achievement occurs when a man or a woman is free. I wrote that down and took it back to my office, and I said how could that be true? Michelangelo was a great achiever, and I ticked off in my mind a number of others that I had heard of in history that achieved a lot, and there was not any freedom around to speak of. I was wrong. There was very little freedom, but the great achievers were made free by selection. Somebody with a lot of money said, "I want to make this talented person free and I would like them to achieve."

Frankly, I got a picture of history in my mind right then, but the reason the world had achieved so little until we had more and more freedom of individuals was just that. There were not enough people free to be enterprising, to be innovative, because society did not let them be free. So what I ended up concluding was a different image of the United States where I concluded that we have been superachievers because we have been compared to the rest of the world. In history, we made more and more people free, we got rid of slavery, we made them free. As we moved along, we did civil rights and we made more people free.

I began to understand as I worked here that there was something else and that was if you worked and made a profit in your business or a good salary in your work that freedom was to be measured by how much you had of that money and that achievement in wealth to use in whatever way you wanted. I came to the conclusion, once again, that our greatness in achievements, and our achievements are everywhere, was because we were leaving people with resources that they earned, to be free and take a chance. Some failed but many succeeded.

Now, my 25 years here has not diminished that idea one bit. In fact, I believe that I can even make a case. You know how hard I work for the mentally ill. One day we had an exchange on the floor and tonight I am apologetic because I said to you, "It is too bad you do not know anything about the mentally ill," and you said, "Yes, I do," and you told me about somebody in your family. So I was not being fair that day. I was being very arrogant.

But I can make an argument that if mentally ill people is how I think of freedom as the achievement mechanism for America collectively, if a mentally ill person can be cured of the devil in them, which people used to think is some kind of a devil that is a disease, you can cure 3 million people, America has more of a chance for even more achievement, because you never can tell which people you make free are going to be achievers.

So you see, you have a notion here in your budget, your visionary budget, that you would like to leave more money in the hands of individuals. If I read you right, it is essentially to be free, it might even be free to make mistakes. I have talked to you about that, and you said sure, sometimes you just have to let people make mistakes, but let them make it while they are trying to do their thing with their resources.

You probably had a much earlier vision and a more profound understanding because you are an economist and you understand capitalism so well, but I have been pleased to learn from you. Capitalism is the essence, when coupled with freedom, is the essence of opportunity because the capital works to achieve and the individual works to achieve, and when you marry them up you have an economy that is just hell bent for success and growth, and when you squeeze it, there are a lot of ways to squeeze.

People wonder whether regulations have anything to do with freedom. We do not explain it very well. It has a lot to do with freedom because the extent to which you are regulated, you have taken a bit of freedom away from someone or something.

Now we would both agree in a democratic capitalist society you cannot be free to do everything and anything. We pride ourselves on having laws, but what people do not understand is if you have regulations that are $50 billion more than they need to protect the public, you have taken away $50 billion worth of freedom somewhere in this country to grow and prosper and energize. So I understand that and I understand when you tax people in the wrong way and when you tax them too much the very same thing happens.

In fact, I believe you, with your expertise as a Ph.D. in economics, can probably find times in our economic history when we taxed things so wrongly that you could actually prove that we went in the wrong direction. I am reminded of one, when in a fit of lunacy we put a big tax on these little boats. What happened? It was amazing, like you and I told them, but they said, "No, no, we are taxing these rich people that own boats." Well, within 18 months we had our friends down here from those States saying, "Our workers are out of jobs because the people who own the boats decided you are taxing them so much they do not get the boats anymore." It took a long time but we finally repealed that. To be honest, people have to have a degree of freedom or they will not buy a boat they want. They will say if you tax me too much I will go without, and there go workers and businesspeople.

My problem is, Senator, that I do not believe with President Bill Clinton in the White House that we can get that budget, that consent of yours, that we could get it adopted and implemented. I think we almost tried something like this, you and I together, maybe even a little more, and we did not get anywhere. That does not mean you should ever stop trying what you are doing and expressing your vision, but frankly, I do not believe we can get it. I think you will know later this evening how many votes you will get for your proposal, and it is a little bit of an indication of what I felt when I started working this year. One of my better friends said they would finally say to the Senators who might not have been there, they said, "DOMENICI said to me last year unless we have some kind of assurance out of the White House I am not sure I want to do a totally Republican budget because I am not sure we are getting anywhere."

We are having a great exercise in doing what you and I are doing on the floor and maybe making some sense to a few million but we do not get it done, so I will not even take time to go through how much more we would have to reduce various programs so that Senators might know. I will just say that there would be a substantial reduction in the discretionary accounts of our country almost across the board and almost every one if your amendment was adopted over what we agreed to with the President.

I am firmly convinced, Senator GRAMM, that if we produced appropriations bills at those levels, I do not think we can get there because I do not think we can get that kind of agreement out of either case, and if we were to adopt them, I believe you would have a veto and we would be back as we have been before. So I chose as one who probably does not understand as deeply as you do what economic freedom is, but I think I have shown you today in the few minutes on the floor that I think I am getting it. It has taken me 65 years, but I think I am getting it. I think what we did is the best we can do.

Frankly, I am going to say what I said before on the previous Kennedy-Hatch amendment. I believe it violates the budget agreement that we entered into, except I would not expect Senator PHIL GRAMM to read the agreement and say it does not. I think you would read it as the absolute man that you are and you would say, right upfront, it does. You would not try to make some argument that, well, it does not because it is this or that. It just does.

Frankly, when I find amendments that do that, I hope you understand I am obligated to resist them if I feel comfortable and confident we are going to get there under the budget that you do not like. I totally appreciate every reason you give. I think it is better than not having a budget this year and I think, also, Senator, that unless we have some great experience that I do not contemplate, understanding what I can about the tea leaves, that we will actually balance before 2002, because we have used such economic assumptions that are so conservative that I believe we are going to be off again each year $40 billion or $50 billion, just as we have been the last 3 or 4 years when the economy helped this curve.

Now, if we had a recession that lasted 3 years, all bets are off, but I assume even in the budget you propose we would be off the mark, there, too, if we had a recession for 3 years and we take into account what you economists do when you do multiple years of economic assumptions. You build the potential for recession into being a more conservative versus a more generous set of economic assumptions. That is what I have learned from the CBO as to how they build a recession into their numbers.

Now, if anybody wants to ask how much more various programs will probably be reduced under Senator GRAMM's proposal, I will look it up and go over and talk to you and see if I am right, but I believe you, again, are willing to stand up and say it would be substantial compared to this budget because you find enough savings in your approach to then use those savings and add on to the tax cuts that we have.

Fellow Senators, I hope you understand that I have not for 1 minute this evening on the floor been critical of PHIL GRAMM and those who feel like he does. It is just that most of us who will be supporting this budget feel the same way, most of the Republicans who support the basic budget, feel the same. They think there are two ways to get there and that the bipartisan approach is more apt to be successful because it is more apt to happen. It will not necessarily be more successful as an instrument in accomplishing a vision, but it probably will occur.

With that, I say to the Senate, my instructions from our leader are that we not take any longer time than you need and perhaps my ranking member, and then we would proceed to a vote as soon as possible.

I yield the floor.

Mr. GRAMM. Mr. President, I want to thank Senator DOMENICI.

Let me simply reiterate a couple points I made early on. First of all, I am not claiming for a minute that even though we are spending $76 billion more than the President asked for last year—I am simply trying to take us back to a budget that last year he thought was adequate. There is no doubt about the fact that $76 billion is going to do a lot of things for a lot of people.

I am not claiming there will not be programs that would have benefited with the $76 billion that will not be losers under my amendment. What I am saying is that I believe that working families can spend the $76 billion better than the Government can spend it, and that is really the choice that my amendment proposes.

Let me also say to Senator DOMENICI that I am a firm believer in the old Jefferson adage that good men with the same facts often disagree. I think one of the good things about the Senate when we follow our rules—and sometimes we do not always do that here, we have certainly done it here today, I think—is that we can talk about what we believe in and what we want to happen, but the fact that people disagree with us does not in any way diminish their belief or say that we are necessarily right and they are wrong. Our system is a system of competing visions.

I say going back to the point about freedom. I am very concerned when average working families find the Federal Government taking the amount of their income that is taken today in payroll taxes and income taxes. I am also concerned that if we do not do something about Medicare and if we do not do something about Social Security, in 25 years the average taxpayer in America will be sending about 50 cents out of every dollar they earn to Washington, DC. And I think you reach a point where the tax rate is so high that it does infringe on your freedom.

Are we still the same America that Senator DOMENICI grew up in and that I grew up in if the Federal Government is taking 50 cents out of every dollar earned by the average family 25 years from now? That is the future that we are looking at if you do not dramatically change Government policy.

My objective today is simply to offer an alternative. I am not for the underlying budget. It is clear that the adoption of my amendment would dramatically change that budget. And I want to change it, which is why I have offered the amendment. I don't deceive myself into believing that this is a majority view today. But I do believe it is a majority view in the country. And I believe that it will ultimately be a majority view here in American Government.

It is obviously a question that we all have to ask ourselves. When you have a divided Government, what are the functions of the two parties? Are the functions of the two parties to try to get together and make an agreement? Or are the functions of the two parties basically delineated as presenting two competing visions for the future, and then letting America choose the clearer vision, presenting competing ideas and letting America choose the superior idea?

These are obviously things that people have contemplated, thought about, and prayed over for many years in the U.S. Senate.

I choose today to offer an alternative to the budget because this budget does not represent the vision that I believe in. This budget does not produce the America that I want produced. I believe that it is unwise in the America of 1997 to give the Government another $76 billion to spend on discretionary programs when that money could go to hard-working American families to spend on their children and invest in their future.

But it is really a choice between two competing alternatives with the overlay that Senator DOMENICI talked about of where we are with the Democrat President.

My objective in offering this amendment—and I thank the Senator for his kindness—was to simply give people an opportunity to know that there is an alternative, that there are people who believe that this budget does not move us in the right direction, and that the right direction is less Government and more freedom. I think the fundamental way we find less Government and more freedom is by having Government spend less so that people can spend more.

I don't think anybody is in doubt about where they stand on this amendment.

So I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I listened with interest to the discussion that was going on regarding the amendment that we are now considering. It is a surprise. I shouldn't say that. It is not a surprise. But there is an anomalous difference between where we were when we were talking about Hatch-Kennedy and the response from those who were opposed when they were talking about how inconsistent it was with what we had.

We had an agreement. I use the term "hammered out" because "hammered out" seems like it was really tough. And it was tough to get this agreement. It took a lot of giving, it took a lot of review, and a lot of hard thinking to get the consensus that we arrived at.

It was said that it is "inconsistent." How can you do it after all the work that was done with the President and "we," and Senator DOMENICI and "I," and the people from the House, the chairman of the Budget Committee and the ranking member of the Budget Committee sitting there night after night for something like 6 weeks, long, long days? Finally we get this agreement. And there was shock almost, and people were horrified by the notion that Senators HATCH and KENNEDY wanted to provide another $20 billion for children's health and tax tobacco and cigarettes to do it. The debate was I would say fairly long, fairly arduous at times, and fairly strong in terms of the exchange.

But here we have now a proposal after we labored so hard to get nondefense discretionary up to a point that was acceptable.

Once again I do not want to go through the whole litany of what the budget consensus constitutes—some give and take, and some got taken. But we are at this point now when suddenly we are talking about increasing the net tax cuts for the first 5 years from $85 billion to $161 billion by taking it out of nondefense discretionary. I hope that this wouldn't get a lot of consideration when it comes time to vote.

I heard my good friend and distinguished chairman of the Budget Committee say that President Clinton isn't the kind of President under which you could do something like this, the thought or the inference being, "Well, this is too good. This is too positive."

Madam President, I am not an economist by profession, though my degree from Columbia is in economics. But I learned economics the hard way. I started one of America's great companies, modestly I say. And I started one of America's greatest industries, the computing industry. My name is in the hall of fame in Dallas, TX, for having been a member of information processing pioneers. So I learned it by doing it. I also learned it by reading.

I remember the days of a very popular President, President Reagan. Under his leadership, about which people were so euphoric, the tax cut that was then introduced was in present terms something like $12.8 trillion. That was supposed to be evidence of how good the supply side would be and what eventually would trickle down into the economy which would stimulate things, and everybody would be kind of happy thereafter.

But what we saw instead was the incredible growth in the debt in this society of ours with annual deficits just booming, and total debt skyrocketing. We are finally working our way out of it. And the reference is that this President wouldn't permit it. When this President took over the debt, the annual deficit was $290 billion. It is projected to be $67 billion, now the third projection by the Congressional Budget Office, that neutral body that is targeting their sights on what is accurate, and what is honest and what is fair. They have changed their mind three times in the last 6 or 7 months.

People are working at more new jobs created than in almost any period I think—I will say almost in any period of history. Unemployment is at a historic low. Inflation is at a very stable rate. All signs are pretty darned good.

We "hammer out" this agreement laboring all those hours, people getting angry at one another at times but finally agreeing. I shouldn't put the focus on "angry." Once in a while tension would creep in. But essentially it was a debate or a negotiation conducted with the best of intentions. The chairman of the Senate Budget Committee and I, it is fair to say, worked very well together, as did our colleagues from the House. We were determined to try to solve the problem and not get the temperature up too high.

We are here now. After all of that, and after the discussion we had throughout the day today about the violation of the consistency of the budget agreement, and now we are looking at what I think is a gross violation—if one can term it a violation—about changing not only the nondefense discretionary but increasing the tax cutoff over which there was much labor.

A lot of people on this side did not want to see a major tax cut. As a matter of fact, many of them didn't want to see any tax cut. But it was understood that in the context of an agreement you sometimes do things that you wouldn't otherwise do. If you are working alone you can do anything you want. If you own the company you can do anything you want. If you are the CEO you can do almost anything you want. But when you get here we have to depend on the good will and the good judgment of others in order to arrive at agreement. Thus, we are faced with what I think is a difficult but nevertheless honorable consensus that was arrived at.

The notion that we might change it at this late hour, change it by taking away nondefense discretionary, which I frankly think is underfed in some ways. Defense discretionary in my view is overfed in some ways. I just hope that our colleagues when it is time to vote—and I hope that will be soon—will reflect on the inconsistency factor that was considered so delicate and so essential before to maintain consistency that we will maintain consistency here, and that this amendment will be defeated.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, we are going to try to do a little business even before we vote.

Senator GRAMM has another amendment that we are going to take up shortly that is acceptable, and Senator BROWNBACK has one that has been agreed to.

But I would like to announce to the Senate that what we are going to try to do is to vote at 6:30, and Senator GRAMM has indicated that we will try to do that and work on that together. I would like then to ask unanimous consent that when that vote is finished Senator STROM THURMOND be allowed to speak for 10 minutes, Senator ROBERT BYRD be allowed to speak for up to 20 minutes thereafter, and Senator MOSELEY-BRAUN has an amendment to send up. We are not going to take an amendment to debate it until it is on the list. We are putting amendments on lists and agreeing to tell people that they can take them up.

Mr. LAUTENBERG. I do not know if there is an exchange of lists or not. Was something missed in the mechanics process?

Mr. DOMENICI. I was just trying to make it kind of orderly so everybody would know.

Mr. LAUTENBERG. I agree to that. But if it were very orderly, then Senator MOSELEY-BRAUN would be heard right now. But I certainly want to defer, if she doesn't mind.

Mr. DOMENICI. That isn't true. But anyway I am not going to argue about it.

Would Senator GRAMM agree by unanimous consent to set his amendment aside temporarily while Senator BROWNBACK offers an amendment that will be accepted, and then we will return to the Senator from Texas?

The PRESIDING OFFICER. Is there objection to the request?

Mr. GRAMM. Reserving the right to object, I wanted to ask a question.

We are finished with the debate on the tax amendment. We had a sense of the Senate about how we fund disasters in the future, which I thought had been agreed to. What I would like to do, if we can set it up by unanimous consent, is deal with that one, and then debate and vote on the tax amendment. But I would be happy to let Senator BROWNBACK go with his amendment and then come back. If we can dispose of the sense-of-the-Senate resolution, I would like to get it finished.

Mr. DOMENICI. He is in order under the previous agreement. Senator GRAMM's amendment was up next. And the amendment that he is referring to we thought we would accept. But I understand that the minority is not going to accept it.

So I would think the amendment would be in order and would be the next item after we dispose of the amendment that is pending.

Did Senator BOND have something?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I have two amendments that I would like to file and have set aside. Both of them are sense-of-the-Senate amendments. I ask unanimous consent that the pending business be set aside so that I may introduce and set aside two amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. DOMENICI. No objection.

Mr. CONRAD. Reserving the right to object, I will not object. But I would like to get the attention of the chairman and the ranking member.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I would like to get the attention of the chairman and the ranking member for a moment.

I do not want to get in the way of the Senator from Missouri to have his amendments considered. I would like to get in the queue in terms of being able to make a presentation on the budget tonight. I understand that the chairman and ranking member were entering into agreements with respect to that.

Mr. DOMENICI. I want to include the Senator. I told the Senator a while ago, and I would like to see if we could do one thing first and then see what we can fit in. But I would like to ask unanimous consent that at 6:30 we proceed to vote on or in relation to the pending Gramm amendment and no other amendments be in order to the Gramm amendment prior to the vote.

The PRESIDING OFFICER. Is there objection to——

Ms. MOSELEY-BRAUN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair. All day now I thought there was agreement that I would follow Senator GRAMM after his amendments, one amendment and one sense-of-the-Senate resolution. Upon the conclusion of those activities, then we would take up the matter of my amendment. I have patiently waited all day. I obviously would have no objection to the statement Senator THURMOND would like to make and Senator BYRD, but certainly I would like my amendment to be the next amendment taken up at the conclusion of the vote on Senator GRAMM.

Mr. DOMENICI. I think we have a misunderstanding. We thought we were accommodating Democrats by not having amendments for a while because they have some event. But if that is not the case, then what we are going to do is follow some kind of order here. If we can get this one agreed to, we will vote at 6:30. Then I would ask that the next amendment be the second Senator GRAMM amendment, and then, Senator, that your amendment be in order thereafter.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from New Mexico?

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DOMENICI. We will get the Senator next.

Mr. CONRAD. Can I get included in this train so when the train leaves the station, I am on board?

Mr. DOMENICI. Yes. Might I just ask, we have already asked that the train start with Senator THURMOND, who has 10 minutes, Senator BYRD who has up to 20 minutes to speak—15 to speak. Let us leave it up to 20, and now

I would ask, how long would the Senator like to take?

Mr. CONRAD. Twenty.

Mr. DOMENICI. The Senator be allowed to speak for 20 minutes. It is my understanding that if we agree to that, the sequence would be we finish the Gramm amendment and vote on it at 6:30. If we can get any work done in here in the meantime, we will and take your last, second amendment, and then when the Senator has finished——

Mr. LAUTENBERG. If I may inquire of the chairman.

Mr. DOMENICI. Sure.

Mr. LAUTENBERG. Why are we doing two Gramm amendments in a row? As far as I know, there was no understanding. I would be happy to hear what the unanimous-consent agreement was, just to refresh my memory.

Mr. GRAMM. There was a unanimous consent.

Mr. DOMENICI. We can do that. I just have been telling Senator GRAMM for a long time—he had three. We accepted one. We thought this other one was going to be accepted, and we were going to debate one. I think we waste more time if we argue the point than go ahead.

Mr. LAUTENBERG. You told Senator GRAMM what you told him, and I told Senator MOSELEY-BRAUN what I told her and somehow or other there is a miscue.

Mr. DOMENICI. Do you mind waiting?

Mr. GRAMM. We had a unanimous-consent request whereby I had stopped, and we had about 20 people come over and do all kinds of things.

Mr. LAUTENBERG. That is true.

Mr. GRAMM. And I asked unanimous consent that they might be recognized for that purpose. But then that I would be re-recognized to deal with these two amendments. Now, I am not trying to hog the floor. I thought that the amendment that had to do with paying for disaster was going to be accepted. Senator DOMENICI said he was for it. I thought people would just take it. Now, all of a sudden, there is some opposition to it. I think we can deal with it very quickly. Why don't I just set a time limit on it of 10 minutes and then we can either voice vote it or we can have a rollcall vote.

Mr. LAUTENBERG. Why don't we do this. If we vote on the present Gramm amendment, the one that is being presented at this time, why don't we vote on that and give us a chance to take a look at the other one. And I appreciate the misunderstanding of the Senator from Texas because there was some confusion. He was gracious about accepting these UC's, and I absolutely agree with that.

I thought we were in the process of alternating sides. But I would ask the indulgence of the Senator from Illinois.

Would the Senator from Illinois agree to having a vote on the Gramm amendment that is presently pending, and give us a chance to review the other one and consider it for 10 minutes, if that is OK. Then I would propound a unanimous-consent agreement to do just that, or do we just have an understanding to proceed that way?

Mr. DOMENICI. I think we have enough understanding to do that.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. May I ask the status of the unanimous consent request that began this whole process?

The PRESIDING OFFICER. There are several unanimous-consent requests that are pending.

The Senator from Missouri made a unanimous-consent request that we set aside the amendment currently pending.

Mr. BOND. For the purpose of presenting two amendments which I would then ask be set aside simply to comply with the filing requirement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Without objection, it is so ordered.

Mr. BOND. I thank the Chair. I thank my colleagues.

AMENDMENT NOS. 324 AND 325

Mr. BOND. I send two amendments to the desk, one a sense-of-the-Senate resolution regarding protection of children's health on behalf of myself, Mrs. MURRAY, Mr. GORTON, and Mr. ASHCROFT, reflecting on the disproportionate share of hospital payments; a second sense-of-the-Senate resolution on behalf of myself, Mr. CHAFEE, Mr. ABRAHAM, Mr. REID, Mr. COCHRAN, Mr. GRAHAM, Mr. GREGG, and Mr. SESSIONS, asking that the Senate reestablish linkage between the revenues deposited into the highway trust fund and transportation spending from the trust fund. I send these to the desk and ask they be filed and I ask that they may be set side.

The PRESIDING OFFICER. The clerk will first read the amendments.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes amendments numbered 324 and 325.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 324

(Purpose: To express the sense of the Senate regarding the protection of children's health)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE PROTECTION OF CHILDREN'S HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today's children and the next generation of children are the prime beneficiaries of a balanced Federal budget. Without a balanced budget, today's children will bear the increasing burden of the Federal debt. Continued deficit spending would doom future generations to slower economic growth, higher taxes, and lower living standards.

(2) The health of children is essential to the future economic and social well-being of the Nation.

(3) The medicaid program provides health coverage for over 17,000,000 children, or 1 out of every 4 children.

(4) While children represent ½ of all individuals eligible for medicaid, children account for less than 25 percent of expenditures under the medicaid program.

(5) Disproportionate share hospital (DSH) funding under the medicaid program has allowed States to expand health care coverage to thousands of uninsured pregnant women and children. DSH funding under the medicaid program is essential for current and future coverage of these uninsured populations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the health care needs of low-income pregnant women and children should be a top priority. Careful study must be made of the impact of medicaid disproportionate share hospital (DSH) reform proposals on children's health and on vital sources of care, including children's hospitals. Any restrictions of DSH funding under the medicaid program should not devastate current State medicaid coverage of children and pregnant women, or hinder health care coverage expansion opportunities for these uninsured populations.

AMENDMENT NO. 325

(Purpose: To express the sense of the Senate concerning the Highway Trust Fund)

At the appropriate place in title III, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate finds that—

(1) there is no direct linkage between the fuel taxes deposited in the Highway Trust Fund and the transportation spending from the Highway Trust Fund;

(2) the Federal budget process has severed this linkage by dividing revenues and spending into separate budget categories with—

(a) fuel taxes deposited in the Highway Trust Fund as revenues; and

(B) most spending from the Highway Trust Fund in the discretionary category;

(3) each budget category referred to in paragraph (2) has its own rules and procedures; and

(4) under budget rules in effect prior to the date of adoption of this resolution, an increase in fuel taxes permits increased spending to be included in the budget, but not for increased Highway Trust Fund spending.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in this session of Congress, Congress should, within a unified budget, change the Federal budget process to establish a linkage between the fuel taxes deposited in the Highway Trust Fund, including any fuel tax increases that may be enacted into law after the date of adoption of this resolution, and the spending from the Highway Trust Fund; and

(2) changes to the budgetary treatment of the Highway Trust Fund should not result in total program levels for highways or mass transit that is inconsistent with those assumed under the resolution.

Mr. BOND. I ask they be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I really do not like the Senate to be in the state of confusion that it is in. This kind of makes me feel as if I am not doing my job here. So could we start over and see if I could straighten matters out so that at least I do not feel embarrassed about having everybody talking at the same time.

I would like for the rest of the evening if somebody here in the management side of this could invent some streamlined method of letting people introduce these amendments that are nothing more than conforming UC requests that said you have to file them tonight. Maybe you have a code word for it and we just say this is *X* amendment and we will get it done so people do not have to read them. And if you get a unanimous-consent that kind of does that for us, we would both appreciate that, I assume.

Mr. LAUTENBERG. Absolutely.

Mr. DOMENICI. Having said that, I want to ask that by unanimous consent, any unanimous consent that I heretofore received in the last 20 minutes be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Now I ask unanimous consent that a vote occur on Senator GRAMM's amendment and the one that has been debated, either on it or related to it, at 6:30.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUTENBERG. Reserving the right for the moment, I intend to propose to table the Gramm amendment and do not want to be excluded from that or precluded by it.

Mr. DOMENICI. You are not.

Now, Madam President, let me ask further that immediately after that, Senator BROWNBACK be recognized to offer an amendment which is going to be accepted and has been agreed on both sides.

Mr. LAUTENBERG. And I have unanimous consent that Senator KOHL be permitted to introduce an amendment for 2 minutes.

Mr. DOMENICI. It is one of these code amendments.

Mr. LAUTENBERG. It has the code. The code is zip.

Mr. DOMENICI. All right. That will be the next item of business. OK.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from New Mexico that the Senator from Kansas be recognized following the vote on the Gramm amendment?

Ms. MOSELEY-BRAUN. Reserving the right——

Mr. DOMENICI. The Senator is next. I am going to come right to her.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. All right. Now, I say to the Senator from Texas, would you mind taking your second amendment and setting it aside and let Senator MOSELEY-BRAUN go and then you follow her?

Mr. GRAMM. That would be fine.

Mr. DOMENICI. OK. So thereafter, Senator MOSELEY-BRAUN would be recognized for her amendment, and then Senator GRAMM for his second amendment that everybody knows about. We might be able to work it out. And then when they are completed, that we then stack the votes until 9 o'clock and that subsequent to the debate on those amendments, they would be set aside and the following three Senators would be permitted to speak on the floor of the Senate: Senator BYRD, 15 minutes——

Mr. BYRD. When would that be?

Mr. DOMENICI. That would probably be—I am just going to guess with the Senator, but I am thinking it would be like quarter of 8.

Mr. BYRD. Quarter of 8. I could have had my speech made.

Mr. DOMENICI. I know. We are just not as good at putting things together. Would the Senator want to do that sooner?

Mr. BYRD. I will only need 12 or 15 minutes.

Ms. MOSELEY-BRAUN. Reserving the right to object, I was not clear whether or not the Senator's request included a request to stack votes on these amendments. I would have to object to that, to stack the votes.

Mr. DOMENICI. I did not hear the Senator.

Ms. MOSELEY-BRAUN. I would object to the stacked votes.

Mr. DOMENICI. I will tell you the leader wanted the votes stacked, so if you do not want to accept it, I will stand here on the floor and speak until 9 o'clock. I do not know why we could not agree to stack the votes.

Mr. LAUTENBERG. I also have to reserve the right to consult with our leader to see if we could not make that a little bit later than 9 so that we can——

Mr. DOMENICI. Madam President, I would ask that all my unanimous-consent requests be vitiated and we proceed to a vote, except the one that we will vote at 6:30 on Senator GRAMM's amendment. And then we will stand around here and try to work it out.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 326, 327, AND 328

Mr. McCAIN. Will the Senator yield?

Mr. DOMENICI. I will be pleased to yield.

Mr. McCAIN. I ask unanimous consent to send to the desk three amendments.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes amendments numbered 326, 327, and 328.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 326

(Purpose: To express the sense of the Senate regarding truth in budgeting and spectrum auctions)

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE.

(a) The Senate finds that:

(1) The electromagnetic spectrum is the property of the American people and is managed on their behalf by the Federal Government;

(2) The spectrum is a highly valuable and limited natural resource;

(3) The auctioning of spectrum has raised billions of dollars for the Treasury;

(4) The estimates made regarding the value of spectrum in the past have proven unreliable, having previously understated and now overstating its worth;

(5) Because estimates of spectrum value depend on a number of technological, economic, market forces, and other variables that cannot be predicted or completely controlled, it is not possible to reliably estimate the value of a given segment of spectrum; therefore,

(b) It is the Sense of the Senate that as auctions occur as assumed by this Resolution, the Congress shall take such steps as necessary to reconcile the difference between actual revenues raised and estimates made and shall reduce spending accordingly if such auctions raise less revenue than projected.

AMENDMENT NO. 327

(Purpose: To express the sense of the Senate with respect to certain highway demonstration projects)

At the appropriate place, insert the following:

SEC. . HIGHWAY DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Senate finds that—

(1) 10 demonstration projects totaling $362 million were listed for special line-item funding in the Surface Transportation Assistance Act of 1982;

(2) 152 demonstration projects totaling $1.4 billion were named in the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(3) 64 percent of the funding for the 152 projects had not been obligated after 5 years and State transportation officials determined the projects added little, if any, to meeting their transportation infrastructure priorities;

(4) 538 location specific projects totaling $6.23 billion were included in the Intermodal Surface Transportation Efficiency Act of 1991;

(5) more than $3.3 billion of the funds authorized for the 538 location specific-projects remained unobligated as of January 31, 1997;

(6) the General Accounting Office determined that 31 States plus the District of Columbia and Puerto Rico would have received

more funding if the Intermodal Surface Transportation Efficiency Act location-specific project funds were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process and under the Intermodal Surface Transportation and Efficiency Act of 1991;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use of Federal Highway Trust Fund money for future demonstration projects;

(9) the Intermodal Surface Transportation and Efficiency Act of 1991 expires at the end of the Fiscal Year 1997; and

(10) hundreds of funding requests for specific transportation projects in Congressional Districts have been submitted in the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) notwithstanding different views on existing Highway Trust Fund distribution formulas, funding for demonstration projects or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) States are best able to determine the priorities for allocating Federal-Aid-To-Highway monies within their jurisdiction;

(3) Congress should not divert limited Highway Trust Fund resources away from State transportation priorities by authorizing new highway projects; and

(4) Congress should not authorize any new demonstration projects or other similarly-titled projects.

AMENDMENT NO. 328

(Purpose: To express the sense of the Senate that the revenues generated under legislation described in section 207 should not be appropriated before the enactment of legislation to reauthorize and reform the National Rail Passenger Corporation)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AMTRAK.

It is the sense of the Senate that any revenues generated to finance an intercity passenger rail fund under section 207 of this resolution shall not be appropriated to the National Rail Passenger Corporation until such time as legislation has been signed into law to reauthorize and reform the National Rail Passenger Corporation.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, if all this has come apart, I would like to remind the Chair that when I recognized Senator DORGAN and the cast of thousands here, in that unanimous-consent request was the request that we first consider, we deal with two amendments of mine, one that I thought was agreed to and one that I knew was going to be somewhat controversial. I just simply want to reaffirm, if all these other deals are off, that that unanimous-consent request is still there, and that after this vote the pending business would be my amendment.

Now, I am perfectly willing to let the Senator from Illinois go before me, but if that is not going to work out, I want to go ahead and claim the right that I had under that unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I concur with that.

Mr. LAUTENBERG. I wonder if we can just take a minute to confer with our leader.

AMENDMENT NO. 318

Mr. LAUTENBERG. Have the yeas and nays been ordered on the Gramm amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LAUTENBERG. I move to table the Gramm amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second on the motion to table.

Mr. LAUTENBERG. And the yeas and nays are ordered. Is that correct?

The yeas and nays were ordered.

Mr. DOMENICI. The time has come for a vote.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to table the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho [Mr. KEMPTHORNE] is necessarily absent.

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—68

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Hagel
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—31

Abraham
Allard
Ashcroft
Brownback
Burns
Campbell
Coats
Coverdell
Craig
Enzi
Faircloth
Gramm
Grams
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Mack
McCain
McConnell
Nickles
Roth
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thurmond

NOT VOTING—1

Kempthorne

The motion to lay on the table the amendment (No. 318) was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. DOMENICI. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia has the floor.

Mr. BYRD. Madam President, I propound a parliamentary inquiry. There was some confusion about the unanimous-consent requests that were made just before the vote and as to whether or not some of those requests have been agreed to and remain to be fulfilled. That is my question.

The PRESIDING OFFICER. The Chair is uncertain whether a unanimous-consent agreement was reached with respect to the amendment of the Senator from Kansas to go next.

Mr. BYRD. Madam President, our other distinguished President pro tempore is on the floor, and we have a very good attendance. I ask unanimous consent, notwithstanding any previous order, I might proceed at this time for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Reserving the right to object, I wonder if our colleague from West Virginia would simply permit me to offer an amendment.

Mr. BYRD. And have it laid aside?

Mr. KYL. Exactly.

Mr. BYRD. I have no objection.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Reserving the right to object, and I shall not object, I would like to make the same request of the Senator from West Virginia in order to offer three amendments.

Mr. BYRD. I have no objection.

Mr. GRAMS addressed the Chair.

Mr. BYRD. I retain my right to the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. GRAMS. Reserving the right to object, and I will not object, I also just would like to offer an amendment and lay it aside.

Mr. BYRD. Madam President, I ask unanimous consent that all Senators presently on the floor who have amendments which they wish to offer so they will be properly offered, I ask that they be allowed to offer them.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia that all Senators who wish to offer amendments be permitted to do so under the terms of the unanimous-consent request?

Mr. DOMENICI. Madam President, reserving the right to object, I say to Senators, before we leave here tonight—and we are going to come back and vote at 9—we hope by that time to have a unanimous-consent arrangement so Senators will not have to each stand up and send those amendments to the desk. Madam President, I say to Senator BUMPERS, we hope to have that done, but if he wants to do it now while he is on the floor, fine.

Mr. BUMPERS. It will take 10 seconds.

Mr. DOMENICI. I have no objection to the Senator's request.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. It is very generous of the Senator from West Virginia to propound this request. I certainly do not object, but understand, I say to my colleagues, that the amendments then should go up immediately.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

AMENDMENT NOS. 333, 334, AND 335

Mr. LAUTENBERG. Madam President, I have one amendment I send to the desk on behalf of Senator DODD, and I have two amendments which I send to the desk on behalf of Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes amendments numbered 333, 334 for Ms. MOSELEY-BRAUN and amendment numbered 335 for Mr. DODD.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 333

(Purpose: To express the sense of the Senate regarding the use of budget savings)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE USE OF BUDGET SAVINGS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Poverty rates among the elderly are at the lowest level since our Nation began to keep poverty statistics, due in large part to the social security system and the medicare program.

(2) Twenty-two percent of every dollar spent by the Federal Government goes to the social security system.

(3) Eleven percent of every dollar spent by the Federal Government goes to the medicare program.

(4) Currently, spending on the elderly accounts for ⅓ of the Federal budget and more than ½ of all domestic spending other than interest on the national debt.

(5) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(6) According to the 1997 report of the Management Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(7) The accumulated balance in the Federal Hospital Insurance Trust Fund is estimated to fall to zero by 2001.

(8) While the Federal budget deficit has shrunk for the fourth straight year to $67,000,000,000 in 1997, measures need to be taken to ensure that that trend continues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that budget savings in the mandatory spending area should be used—

(1) to protect and enhance the retirement security of the American people by ensuring the long-term future of the social security system;

(2) to protect and enhance the health care security of senior citizens by ensuring the long-term future of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(3) to restore and maintain Federal budget discipline to ensure that the level of private investment necessary for long-term economic growth and prosperity is available.

AMENDMENT NO. 334

(Purpose: To express the sense of the Senate regarding the value of the social security system for future retirees)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) Seventy-eight percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of his or her working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

AMENDMENT NO. 335

(Purpose: To ensure that the concurrent resolution conforms with the Bipartisan Budget Agreement to restrict revenue reductions over the ten-year period)

On page 41, line 9 strike the period and add, "and $250,000,000,000 for the period of fiscal years 1998 through 2007".

Mr. LAUTENBERG. I ask unanimous consent that the amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas.

AMENDMENT NOS. 330, 331 AND 332

Mr. BUMPERS. I ask unanimous consent that the pending amendment be temporarily laid aside in order for me to offer three amendments, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes amendments numbered 330, 331 and 332.

Mr. BUMPERS. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 330

(Purpose: To delay the effectiveness of the tax cuts assumed in the Budget Resolution until the Federal budget is balanced)

Change the figure on line 11 of page 3 to zero.

Change the figure on line 12 of page 3 to zero.

Change the figure on line 13 of page 3 to zero.

Change the figure on line 14 of page 3 to zero.

Strike lines 7-9 on page 41 and insert in lieu thereof the following:

"reduce revenues by not more than $20,500,000,000 in fiscal year 2002 and $20,500,000,000 for the period of fiscal years 1998 through 2002."

AMENDMENT NO. 331

(Purpose: To ensure that the Medicare cuts that will be enacted are not used to pay for tax cuts and that instead the tax cuts are completely paid for by the closure of tax loopholes)

Strike lines 7-9 on page 41 and insert in lieu thereof the following:

"Raise revenues by $19,500,000,000 in fiscal year 2002 and $30,000,000,000 for the period of fiscal years 1998 through 2002."

AMENDMENT NO. 332

(Purpose: To express the Sense of the Senate that no budget reconciliation bill shall increase the Federal deficit, either during the five year scoring period or thereafter)

Add the following new section at the appropriate place in the Resolution:

"SEC. . SENSE OF THE SENATE OPPOSING THE ENACTMENT OF RECONCILIATION LEGISLATION WHICH ADDS TO THE FEDERAL DEFICIT.

"(a) FINDINGS.—The Congress finds that—

"(1) the Congressional Budget Act allows for a point of order to be raised against a Budget Reconciliation Bill or a particular

Title of a Budget Reconciliation Bill if the Bill or Title would increase the deficit during a fiscal year covered by the Bill;

"(2) the Congressional Budget Act allows for a point of order to be raised against a Budget Reconciliation Bill or a particular Title of a Budget Reconciliation Bill if the Bill or Title would increase the deficit during a fiscal year after the year covered by the Bill; and

"(3) the purpose of the Budget Reconciliation process is to enact legislation to reduce the Federal budget deficit.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should not enact Budget Reconciliation legislation which increases the Federal Budget deficit either during any fiscal year covered by the Reconciliation legislation or any fiscal year thereafter.

The PRESIDING OFFICER. The Senator from West Virginia still has control.

Mr. BUMPERS. I am sorry, I thought the Senator had yielded for that purpose.

Mr. BYRD. I think I made a request. If I may be heard, my request was that all Senators who are presently on the floor may be permitted to send their amendments to the desk, and it will be considered as having been offered in order to comply with the requests that amendments be filed before the day ends. So I think that takes care of it.

Mr. BUMPERS. Let me ask the Senator from West Virginia, is his request that all Senators can simply send their amendments to the desk without the formality of offering them from the floor?

Mr. BYRD. That was my request. I do not know if it was objected to.

The PRESIDING OFFICER. That was the agreement that was agreed to.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, we have an agreement on the amendment that is pending subject to just a modification. Can we do the modification in 30 seconds and clear the floor and then let both our distinguished senior Senators speak, and then we can start the whole process again? We can do that in 30 seconds. Can we do that?

Mr. BYRD. I have no objection to that. I just hope we will not lose an audience before I get to speak.

Mr. GRAMM. We can add Senator THURMOND to the unanimous-consent request and let both speak. I think it will be good.

Mr. DOMENICI. Senator BROWNBACK has an amendment just like yours. Can we take it right after yours? It will take 10 minutes.

Mr. BROWNBACK. Good, and I promise I will stay around and listen.

AMENDMENT NO. 317, AS MODIFIED

Mr. GRAMM. Madam President, I send a modification to the desk to amendment No. 317. All the amendment says is it is a sense of the Senate that we need to move toward setting aside in advance funding for emergencies; that we ought to ask Presidents to submit budgets that prepare for emergencies. We know we are going to have them every year. We have averaged $7 billion in emergency spending for the last 6 years. We ought to go ahead and make it part of the process that these are funded in advance.

This is a sense-of-the-Senate resolution. Obviously, we will have to vote on this to get to appropriations, but it has been cleared on both sides.

I thank our colleagues for accepting it.

The PRESIDING OFFICER. Is there objection to amendment No. 317 being modified?

Mr. DOMENICI. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title III insert the following:

SEC. . SENSE OF THE SENATE ON DISASTER ASSISTANCE FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) emergency spending adds to the deficit and total spending;

(2) the Budget Enforcement Act of 1990 exempts emergency spending from the discretionary spending caps and pay-go requirements;

(3) the Budget Enforcement Act of 1990 expires in 1989 and needs to be extended;

(4) since the enactment of the Budget Enforcement Act, Congress and the President have approved an average of $5.8 billion per year in emergency spending;

(5) a natural disaster in any particular State is unpredictable, but the United States is likely to experience a natural disaster almost every year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that the Congress should consider in the extension on the Budget Enforcement Act and in appropriations acts—

(1) provisions that budget for emergencies or that require emergency spending to be offset;

(2) provisions that provide flexibility to meet emergency funding requirements associated with natural disaster;

(3) Congress and the President should consider appropriating at least $5 billion every year within discretionary limits to provide natural disaster relief;

(4) Congress and the President should not designate any emergency spending for natural disaster relief until such amounts provided in regular appropriations are exhausted.

The PRESIDING OFFICER. Is there further debate on amendment No. 317, as modified?

Without objection, the amendment is agreed to.

The amendment (No. 317), as modified, was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 329

(Purpose: To express the sense of the Senate on enforcement of the bipartisan budget agreement)

Mr. BROWNBACK. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself and Mr. KOHL, proposes an amendment numbered 329.

Mr. BROWNBACK. I ask unanimous consent that further reading of the amendment be dispensed with. We can do this very quickly.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON ENFORCEMENT OF BIPARTISAN BUDGET AGREEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the bipartisan budget agreement is contingent upon—

(A) favorable economic conditions for the next 5 years;

(B) accurate estimates of the fiscal impacts of assumptions in this resolution; and

(C) enactment of legislation to reduce the deficit.

(2) if either of the conditions in paragraph (1) are not met, our ability to achieve a balanced budget by 2002 will be jeopardized.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and limits in this resolution assume that—

(1) reconciliation legislation should include legislation to enforce the targets set forth in the budget process description included in the agreement and to ensure the balanced budget goal is met; and

(2) such legislation shall—

(A) establish procedures to ensure those targets are met every year;

(B) require that the President's annual budget and annual Congressional concurrent resolutions on the budget comply with those targets every year;

(C) consider provisions which provide that if the deficit is below or the surplus is above the deficits projected in the agreement in any year, such savings are locked in for deficit and debt reduction; and

(D) consider provisions which include a provision to budget for and control emergency spending in order to prevent the use of emergencies to evade the budget targets.

Mr. BROWNBACK. Senator KOHL and I have a great deal of concern about getting some enforcement mechanisms put into place during reconciliation so that the budget agreement that is reached, if it is passed, is then enforced. It is in the reconciliation of the bill. That is what this amendment will do. We need to work together during reconciliation to enforce the targets that have been established.

Madam President, this is a hopeful budget deal. We must hope that we do not have one slight downturn in the economy. We must hope that we did not make one flawed assumption, and we must hope that we don't have a national emergency.

Madam President, no matter how well intended things may be, things don't always work out the way you hope they will. If any one of these hopeful events don't occur, then the budget won't be balanced. This is why Senator KOHL and I are offering this sense-of-the-Senate amendment.

This budget deal was only made possible because the night before the agreement, CBO found an extra $225 billion in revenues.

This deal assumes we will be able to achieve 72 percent of the savings in the last 2 years with more than half occurring in the last year.

And because these numbers are so fragile and ever-changing at best, and because this budget promises to balance without much real fiscal restraint, it is imperative that we enact strong budget enforcement reforms to assure that the goals of this deal are reached.

We cannot simply rely on hope to end this cycle of debt we are passing onto our children. To make balancing the budget a reality, this deal needs teeth. We need to strengthen this deal by at least enforcing it.

This amendment does not change any numbers, it does not alter any of the goals of this agreement. It only says that Congress should put in place tools to make sure this deal is honored.

What is in the amendment?

This amendment requires that this summer the Budget Committee report a bill that requires: That every year the President sends Congress a budget that complies with this agreement; that the budget adopted by Congress complies with this agreement; provides that if the deficit is below the targets set out in this budget that the money is not spent, rather it shall be saved; that emergency spending is paid for; and this amendment establishes legal procedures that will assure that the goals of this agreement are reached.

Mr. KOHL. Madam President, I rise as a supporter of this budget and as a sponsor of the Brownback-Kohl enforcement amendment. This budget deserves the support of the Senate for several reasons.

It is bipartisan and centrist. It finds priorities—like education and child health—that transcend party lines. It includes reasonable tax relief targeted toward families and economic growth. It balances the budget by the year 2002, and it produces surpluses to reduce the debt in the years after that.

In this budget, the Congress and the administration have found a way to do what the American people have long asked us to do: Balance the budget in a balanced manner—grow the economy without growing income inequality—strengthen the country by strengthening the working family.

The amendment I offer today with my colleague from Kansas makes this very good budget stronger. It calls on the Budget Committee to report enforcement legislation that will lock in the deficit targets in the agreement.

While there are some enforcement provisions in the budget deal, we don't think they go far enough. Our amendment calls for enforceable caps on all parts of the budget—entitlements, discretionary spending, and tax expenditures. It requires windfall savings from a good economy or lower than anticipated spending to be locked in to deficit reduction. And it calls for reform in emergency spending procedures so that Congress cannot use true disasters as an excuse for off-budget spending on favorite programs.

Again, said. Out amendment does not change the budget deal. It strengthens it. It guarantees that the balanced budget becomes a reality. And it will assure the American people that we are serious about reaching balance by 2002.

It is important that we make that assurance. This budget is open to criticism because it increases the deficit from $67 to $90 billion in 1998 and 1999 before bringing it to 0 in 2002. All of the deficit reduction in this agreement occurs after the turn of the century.

We simply are not credible if we promise to cut the deficit a couple of years down the road. People have heard that from Congress for too long. I urge my colleagues to support this budget—and more. I urge them to commit to it by agreeing on strong enforcement procedures that will guarantee the deficit reduction we promise. I urge my colleagues to support the Brownback-Kohl amendment.

Mr. BROWNBACK. I ask that this amendment be agreed to by unanimous consent. It has been worked out between the parties.

The PRESIDING OFFICER (Mr. ENZI). Is there further debate on the amendment? If there is no objection, amendment No. 329 is agreed to.

The amendment (No. 329) was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia, under the previous order, is recognized.

Mr. DOMENICI. Would the Senator permit me one thing?

Mr. BYRD. Yes.

Mr. DOMENICI. I gather Senator BYRD is going to speak and then Senator THURMOND is going to speak. Then I would ask unanimous consent two amendments be in order and in the following sequence: Senator MOSELEY-BRAUN—and how much time did the Senator want to take on her amendment?

Ms. MOSELEY-BRAUN. It was my understanding that I would be allowed an hour tonight and then some time in the morning to vote on it.

Mr. DOMENICI. Do you want the whole hour? That is all I am asking.

Ms. MOSELEY-BRAUN. Yes, the whole hour.

Mr. DOMENICI. OK. Following the debate on her amendment, at the conclusion of the time, that Senator MACK be recognized to offer a sense-of-the-Senate resolution regarding the National Institutes of Health.

Mr. MACK. That is correct.

Mr. DOMENICI. Does the Senator want to reserve the statutory time of an hour?

Mr. MACK. I have already received requests of at least an hour.

Mr. DOMENICI. All right. That means then we will not resume voting until 9 o'clock or slightly thereafter when these matters have been finished. We will vote in sequence, first on Senator MOSELEY-BRAUN's and then on Senator MACK's. And we are reserving the right to table either one if we so desire or if anyone desires to do that.

I ask unanimous consent that that request be granted.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object. If I could get the——

Mr. DOMENICI. I get instructions, I am so sorry, that I am unaware of. I understand Senator MOSELEY-BRAUN will agree to have her vote be the first vote up in the morning.

Ms. MOSELEY-BRAUN. Yes.

Mr. DOMENICI. Tonight at 9 o'clock, we will vote on Senator MACK's proposal that I just described.

Would the Senator like to vote this evening?

Mr. MACK. I would like to have a recorded vote. This evening would be fine. My only question would be, are we really fixing a time at 9 o'clock or——

Mr. DOMENICI. We will not have a vote until 9 o'clock.

Mr. MACK. Sometime after that?

Mr. DOMENICI. At 9 or thereafter.

Mr. MACK. Very good.

Mr. DOMENICI. Any other Senators that might have an amendment they would like to call up tonight?

Mr. CONRAD. Yes, Mr. Chairman, if I might.

Mr. DOMENICI. You are in.

Mr. CONRAD. I would like to get included in this train. I would like to get in on this one.

Mr. DOMENICI. Do you want to follow whatever we have just indicated the sequence is? You will follow thereafter with a speech here on the floor. I ask unanimous consent for that to be added to the request.

Mr. CONRAD. I thank the Senator.

Mr. DOMENICI. We will not agree to any other amendments at this time.

The PRESIDING OFFICER. Is there any objection to the request? Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. DOMENICI. I thank Senator BYRD.

Mr. BYRD. I thank the Senator.

SENATOR THURMOND'S MILESTONE

Mr. BYRD. Mr. President, we are told in the Holy Bible that Abraham lived to be 175 years old, that Isaac lived to be 180 years old, that Jacob lived to be 147 years old, and that Joseph lived to be 110 years old. I have consulted Scripture to see if there is any account of record with respect to the Senator who is the senior Senator of this body, STROM THURMOND, and I found that nothing had yet been entered in regard to that venerable gentleman.

I rise today to call attention to a very historic and significant happening that will occur on this coming Sunday, May 25, when the senior Senator from South Carolina becomes the longest serving Senator in the history of the U.S. Senate. On that day, Senator STROM THURMOND, whose service began on December 24, 1954, will surpass the record set by Arizona Senator Carl Hayden, who served 41 years and 10 months between 1927 and 1969. In the entire 208-year history of the U.S. Senate, only three Senators—STROM THURMOND, Carl Hayden, and John Stennis of Mississippi—served for more than 40 years.

I should point out that Senator Hayden had previously spent 15 years in the House of Representatives, giving him a combined 56 years in Congress, a record matched by no one else in either the House or Senate.

I stand fourth on the overall list of seniority in the Senate, with 38 years and 5 months of service to date, which does not count the 6 years that I spent in the House of Representatives, beginning in January 1953, before I came to the Senate. The rest of the "top 10" include Senators Richard Russell, Russell Long, Francis Warren, James Eastland, Warren Magnuson, and Claiborne Pell. It is worthy of note that while there have been Senators throughout our history—1,843 Senators in our 208-year history—at the time that Senator Hayden retired in 1969, 9 of these top 10 Senators were then serving together in the Senate. That is quite a remarkable thing, I think. Longevity of Senate service is clearly a modern phenomenon.

Longevity records have been set on three prior occasions in the 20th century. In 1905, William Allison, an Iowa Republican, broke the previous record of 31 years and 11 months. In 1928, Senator Francis Warren, a Wyoming Republican, broke Allison's record. And in 1964, Senator Carl Hayden, an Arizona Democrat, surpassed Warren's tenure. Now Senator THURMOND, a Republican from the State of South Carolina, will move past Senator Hayden's record.

It is fitting for those of us in the Senate to pay tribute to Senator THURMOND on this occasion. I note that on February 19, 1962, the Senate honored Senator Hayden when he became the first person to have served in Congress 50 years. On June 19, 1970, we commemorated Senator Mike Mansfield's becoming the longest-serving Democratic leader of the Senate. And on December 22, 1995, we similarly celebrated Senator Bob Dole's breaking of his party's leadership record.

It is also fitting for us to recall the great sweep of American history represented in Senator THURMOND's long political career. And it is indeed a remarkable political career. If one will just take the time to look at the Congressional Directory, he will view with astonishment and amazement the political record of Senator THURMOND. He won his first election as Edgefield County superintendent of schools in 1928, when he was 26 years old. Calvin Coolidge then occupied the White House, soon to be replaced by Herbert Hoover, who was elected President that year. The boom times of the Roaring Twenties were soon shattered by the stock market crash of 1929 and the Great Depression that followed. STROM THURMOND and I remember all about those things.

During the 1930's, while President Franklin D. Roosevelt promoted a New Deal in America, STROM THURMOND served as city and county attorney, a member of the South Carolina State Senate, and as a circuit judge. The United States entered the Second World War in 1941. And in 1942, STROM THURMOND volunteered for service in the Army. He was a paratrooper at Normandy Beach on June 6, 1944, 53 years ago. Returning to civilian life, he was elected Governor of South Carolina in 1946, 51 years ago. Two years later, he ran as the "Dixiecrat" candidate for President of the United States against the incumbent Democrat, Harry S. Truman.

In 1954, during the Presidency of Dwight D. Eisenhower, STROM THURMOND became the first and only person ever to be elected to the U.S. Senate on a write-in vote. Senator THURMOND took the oath of office on December 24, 1954. Fulfilling a pledge he had made during that first campaign, Senator THURMOND resigned from the Senate on April 4, 1956, and ran again for his Senate seat in the Democratic primary. He won both the primary and the general election and returned to the Senate on November 7, 1956.

During his first 10 years in the Senate, STROM THURMOND was a Democrat. When I came to the Senate, STROM THURMOND was a Democrat. I can remember looking up into the galleries and seeing the late wife of STROM THURMOND, who died early in her life, relatively speaking. I can remember coming into the Chamber that day, and seeing STROM on the back row of the Senate, I walked up to him and expressed my sorrow for the loss of his wife.

In 1964, during the Presidential campaign between President Lyndon Johnson and Senator Barry Goldwater, Senator THURMOND changed his party affiliation to become a Republican. And he has been credited with devising the "Southern Strategy" that has so significantly reshaped the Republican Party.

In 1981, when Ronald Reagan became President and the Republican Party gained the majority in the Senate, after 26 years in the minority, Senator THURMOND became President pro tempore and chairman of the Senate Judiciary Committee. Today with Bill Clinton in the White House, Senator THURMOND is again President pro tempore of the Senate and chairman of the Armed Services Committee.

Now, to that record of endurance we should add one further statistic. In 1957 Senator THURMOND set the record, as yet unbroken, and I imagine it will be unbroken for a long, long time, for the longest individual speech delivered in the Senate, for 24 hours and 18 minutes. From August 28 to August 29, 1957, Senator THURMOND held the floor, speaking against the Civil Rights Act of 1957.

As a Senator who once held the floor for 14 hours and 13 minutes, and I could have held it much longer and probably would have held it much longer had I not honored a promise that I made to the then majority leader Mike Mansfield that I would give up the floor in order to let a vote occur, I held the floor for 14 hours and 13 minutes, I can attest that Senator THURMOND's exceptional stamina is quite remarkable.

Finally, I shall not allow the occasion to pass without calling attention to a historical milestone that would be set on December 31, 1997, by Senator THURMOND's colleague from South Carolina ERNEST HOLLINGS—we all know him as FRITZ—who has now served 30 years and 5 months as the junior Senator from his State. Senator HOLLINGS will then surpass the "juniority" record of 31 years and 52 days previously held by Senator John Stennis of Mississippi.

So we have two Senators from South Carolina who are breaking records these days. I salute both of these distinguished Senators.

I am proud to serve on the Armed Services Committee now chaired by Senator STROM THURMOND, and I am proud to sit on the Appropriations Committee, where for these many years I have worked at the side of Senator HOLLINGS, a very fine Senator, a very active and able Senator. Both of these Senators have contributed greatly to the service of their country. I salute these distinguished Senators and their historical records, and I commend STROM THURMOND for his lifetime of public service to his State, to his Nation and to the U.S. Senate.

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear,

So may the years that come to you, Strom,
Such health and good contain,
That every moment, hour, and day,
Be like a golden chain.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I understand the agreement has been made.

Mr. BYRD. I may have some time and I will be happy to yield to Senator HOLLINGS.

Mr. HOLLINGS. I thank the distinguished Senator from West Virginia and the distinguished Chair.

No one is more qualified to comment upon the distinguished service of the senior Senator from South Carolina than ROBERT BYRD of West Virginia, and certainly no one is more eloquent in this U.S. Senate. I thank him for his very generous remarks relative to me, but more particularly the comments relative to Senator THURMOND, because he deserves them.

I like work, Mr. President, and no one works harder than STROM THURMOND. I love the State of South Carolina, and no one loves South Carolina more than STROM THURMOND. I love this country, and of course no one loves the United States more than STROM THURMOND.

My senior Senator is the epitome of Robert E. Lee's comment that the most sublime word in the English language is duty. He is the living example of that particular admonition. The fact is that he has done his duty here for the people of the State of South Carolina and this country over the many, many years because he is the greatest disciplinarian I have ever met. He is totally disciplined with respect, not just to his physical being, which has gotten him 94 years, but more particularly his disciplined service and loyalty to his State and country.

I, too, want to recognize on Sunday he will have most deservedly broken the all-time record for length of service in this U.S. Senate. It will not be the first time the Senator has broken an all time Senate record. We all know he holds the record for the longest extended debate.

I know others are waiting. They have very generously yielded to me, so I will not attempt to break that record now. However, I will have more to say about Senator THURMOND's record at another time, but I know everyone is interested in hearing from our senior Senator. Let me just say, the greatest privilege for this junior Senator has been to serve under this senior Senator for 30-some years.

The PRESIDING OFFICER. Under the previous order the Senator from South Carolina has the time.

Mr. SPECTER. I ask unanimous consent I might speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. I wish to add my voice and tribute to our distinguished President pro tempore on his magnificent record, and comment about how much I have admired his work as chairman of the Judiciary Committee.

When I joined this body after the 1980 elections, a few days after the November election, in 1980, I was sitting in my bed in Philadelphia and the telephone rang and that distinguished southern voice said, "This is STROM THURMOND calling. I wonder if you would be willing to vote for me for President pro tempore." I was really amazed since Senator THURMOND did not need my vote that he would call and ask for my vote.

While I served with him on the Judiciary Committee I found him to be very wise. One of the comments he made soon after I joined the committee, when a judge was up for confirmation, was asking the nominee if the nominee promised to be courteous. I thought that was sort of a meaningless question until Senator THURMOND followed up after the nominee said yes by saying, "The more power a person has the more courteous that person should be." There is a lot of wisdom in that short statement. Whenever Senator THURMOND is not present and I am, I make that statement to the nominees.

During the first 4 years of my term here, Senator Howard Baker, the majority leader, used to keep us all night, and on many occasions I would join STROM for a bowl of soup for about an hour, and I have listened to some of the most fabulous stories because Senator THURMOND is a legend, having been here when John Kennedy was a Senator, when Lyndon Johnson was a Senator.

I shall tell one very brief story. After Senator THURMOND ran on the Dixiecrat ticket in 1948, in the Presidential motorcade Inauguration Day in 1949 Senator THURMOND rode in an open car with his wife. Senator THURMOND tells a story of when he passed by the reviewing stand of President Truman and Vice President Barkley. Senator THURMOND stood up, took his hat off and bowed. And Vice President Barkley started to wave to Governor THURMOND. And I shall not tell the whole story, but President Truman pulled down Vice President Barkley's hand with a comment, which is a remarkable story.

I asked STROM on a number of occasions if I could be his biographer. He should have a biographer, if he does not take the time to write his own. It is too bad, on this very busy occasion of the Senate, that there are not more Senators on the floor to hear the remarkable accolades presented by our noted historian and conscience of the Senate, Senator BYRD, and by the senior junior Senator, Senator HOLLINGS, but I wanted to have my words of admiration for Senator THURMOND on this very auspicious occasion.

The PRESIDING OFFICER. Under the previous order the Chair recognizes the distinguished Senator from South Carolina.

Mr. THURMOND. I planned to speak about 10 minutes on defense, but I did not know that these wonderful accolades were going to come up at this time. I wish to express my deep appreciation to the able Senator from West Virginia, who has been minority leader, majority leader, and every position the Senate had to offer. I guess no man in the history of this country has filled more important positions in the U.S. Senate than Senator BYRD of West Virginia, and he has filled them well. Everything he has undertaken he has done it well. I deeply appreciate the kind words he said today.

I wish to thank my able colleague, Senator HOLLINGS. Senator HOLLINGS and I are different parties but we have been here a long time together. We respect each other. And I have had the opportunity to work with him on many matters of various kinds and it has been a pleasure to do that. We have never had an argument that I recall. Although we do not always vote alike, we hold each other in respect. I wish to thank him for his kind remarks. He is, as someone stated, the longest-serving junior Senator in the United States, but after this term, if he is still here, maybe he will get to be the senior Senator. Again, I wish to express to Senator HOLLINGS my appreciation for serving with him and working with him. It has been a pleasure to do so, FRITZ, and I thank you.

I wish to thank the able Senator from Pennsylvania, Senator SPECTER. When I came to the Senate I watched different Senators come and go. When Senator SPECTER came I soon recognized that here was a man of unusual talent, a man of great ability. It has been a pleasure to serve with him. He is a great historian. He can tell many stories about different people on different things and amuse you to the fullest. I deeply appreciate his fine friendship and thank him for his kind remarks here today.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

Mr. THURMOND. Mr. President, this budget resolution represents a historic endeavor by the Congress and the administration. For the first time in 28 years, we have agreed on a path designed to balance the Federal budget by the year 2002. The fiscal irresponsibility that drove us into a national debt of more than $5 trillion, with interest payments amounting to 15 percent of our annual Federal budgets, was surely leading this Nation toward a day of economic reckoning with severe consequences. I am delighted that, aided by a strong economy, we seem to be moving toward setting our fiscal house in order.

Despite my enthusiastic support for a balanced budget, I must admit that I remain deeply concerned about the state of our national security and plans for funding our defense establishment in this post-cold-war era.

When the Clinton administration took office in 1993, it immediately began to cut defense spending. Within the context of the bottom-up review, they cut over $120 billion out of the Future Years Defense Program. Despite this severe underfunding of our military forces, the administration has shown no reluctance to use them. Multilateral peacekeeping operations under the United Nations became the vogue during the early years of the Clinton administration. The debacle in Somalia, where 18 American soldiers were killed in the streets of Mogadishu, awakened the Congress and the American people to the folly of these policies. Despite this concern, less than 2 years later the administration was dispatching U.S. troops to Haiti and then to peacekeeping operations in Bosnia. During the first 4 years of the Clinton administration, our military forces were dispatched on more separate deployments than at any other time in our history.

The tempo of these operations has put tremendous strain on our diminished force structure and its aging equipment. Indeed, the administration's willingness to employ our military forces in peacekeeping operations without regard to the adverse effects of these deployments has further eroded our capability to execute two overlapping major regional contingencies. Defense funds authorized and appropriated for military readiness, personnel and equipment have been depleted to pay for unbudgeted operations that have exceeded $15 billion since 1993. Furthermore, the unprecedented personnel tempo from these operations has dramatically stressed our military personnel and their families.

The administration's proposed budgets have neglected the necessary immediate investment in force modernization, and justified this by projecting significant funding increases in the outyears, when the administration promised to recapitalize our military forces. Unfortunately, these outyears never arrived. For 6 straight years, the administration's projected increases in the modernization accounts did not materialize. In fact, the amounts requested for the modernization accounts were lower each year than projected by the administration in the previous year.

In 1995, Republicans gain control of Congress and passed a budget resolution intended to alleviate at least some of the problems caused by the underfunding of the defense budget. Over $18 billion was added to the defense budgets of the 104th Congress. Most of these funds were directed into the modernization accounts which had been so drastically neglected by this administration.

During negotiations on the recent budget agreement, I urged our budget negotiators to adopt the congressional budget resolution for fiscal years 1998 and 1999, since those numbers were above the administration's request. I also urged that we accept the administration's request for fiscal years 2000 through 2002, when the projected spending targets were above those in our congressional budget resolution. By agreeing to the administration's spending targets in the outyears, we would, in effect, capture in the budget agreement the elusive recapitalization funds for modernization.

This agreement before us today protects our military forces from unrealistic and unwise cuts in defense. I was encouraged that Secretary Cohen has also supported these more favorable, higher numbers for defense. We do not yet know the full impact on the defense budget resulting from the budget agreement and possible effects of outlay shortfalls in the later years of this agreement. However, I remain concerned that even the highest levels for defense considered in this agreement may not provide sufficient funds to adequately sustain over time the personnel, quality of life, readiness and modernization programs critical to our military services, especially if we continue to use funds from the defense budget to pay for unbudgeted peacekeeping operations.

Preliminary results emerging from the QDR indicate that the two MRC strategy will remain essentially unchanged. However, even using the administration's higher funding in the outyears, the QDR recommends force structure reductions of up to 130,000 personnel to free minimal funds for essential modernization. Key force modernization programs will also have to be significantly reduced in order to remain within the funding limits of the administration's defense program.

I hope that, within the balanced budget agreement, we will provide adequately for our men and women in uniform to defend our Nation. It is clear that we must continue now and in the future to examine the adequacy of the funds we allocate to our national security. At the same time, we must continue to search for ways to improve the efficiency and effectiveness of our defense establishment—especially in the support structure—so that we can achieve savings to devote to the cutting edge of our military combat forces.

It is gratifying to me, after almost 42 years in the Senate, to see the possibility of a balanced budget with adequate funds also provided for our national security. It has been worth fighting for. I pledge to continue the fight.

Mr. President, I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

AMENDMENT NO. 336

(Purpose: To provide $5 billion to create a partnership among all levels of government to help states and school districts meet their school repair, renovation, modernization, and construction priorities, offset by closing tax loopholes; to improve the educational environment for the 14 million children who attend severely dilapidated schools, the millions of children in overcrowded classrooms, and the 19 million children who are denied access to modern computers because their schools lack basic electrical wiring; and to generally help states and school districts bring their school buildings into the 21st century)

Ms. MOSELEY-BRAUN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN], for herself, and Mr. HARKIN, Mr. KENNEDY, Mr. WELLSTONE, Mr. BINGAMAN, Mr. TORRICELLI, Mrs. MURRAY, Mr. JOHNSON, Mr. GRAHAM, Mr. GLENN, Mr. DORGAN, Mr. KERRY, Mr. REED, Mr. MOYNIHAN, Mr. KERREY, Mr. DODD, Mr. CONRAD, and Ms. MIKULSKI, proposes an amendment numbered 336.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 3, increase the amount by $1,250,000,000.

On page 3, line 4, increase the amount by $1,250,000,000.

On page 3, line 5, increase the amount by $1,250,000,000.

On page 3, line 6, increase the amount by $1,250,000,000.

On page 3, line 11, increase the amount by $1,250,000,000.

On page 3, line 12, increase the amount by $1,250,000,000.

On page 3, line 13, increase the amount by $1,250,000,000.

On page 3, line 14, increase the amount by $1,250,000,000.

On page 4, line 4, increase the amount by $5,000,000,000.

On page 4, line 12, increase the amount by $1,250,000,000.

On page 4, line 13, increase the amount by $1,250,000,000.

On page 4, line 14, increase the amount by $1,250,000,000.

On page 4, line 15, increase the amount by $1,250,000,000.

On page 21, line 17, increase the amount by $5,000,000,000.

On page 21, line 18, increase the amount by $1,250,000,000.

On page 22, line 1, increase the amount by $1,250,000,000.

On page 22, line 9, increase the amount by $1,250,000,000.

On page 22, line 17, increase the amount by $1,250,000,000.

On page 40, line 17, reduce the amount by $5,000,000,000.

On page 41, line 8, reduce the amount by $5,000,000,000.

Ms. MOSELEY-BRAUN. Mr. President, this amendment provides $5 billion to create a partnership among all levels of government to help States and school districts meet their school repair, renovation, modernization and construction priorities.

The point of this amendment is to focus Federal resources, and to focus our support as a national community for rebuilding the schools in our country. Every day, 14 million American children attend schools that are in such dilapidated condition, and present such an unsuitable environment for learning, that their ability to access educational opportunity is impaired and impeded and diminished.

So this amendment seeks to address the budget resolution that has been agreed upon by allocating $5 billion to the Labor Committee to help school districts meet their most urgent school repair, renovation, and modernization and construction needs. It would allow us to create a partnership among the national, State, and local governments to repair our crumbling schools and help prepare our children for the 21st Century.

This amendment is not specific to any school construction plan. It is an up-or-down vote on whether or not the Senate believes school construction ought to be a priority.

I want to take a moment to talk about school construction and why it is important for us to be engaged as a national community in support of the environment in which we expect our children to learn. At no point in our history has education been more important to individual achievement and to our national well-being.

According to a just-published Hudson Institute study of the changing American work force, "The crucial factor accounting for long-term success in the work force is a basic education provided at the primary and secondary levels."

The Wall Street Journal recently quoted a leading U.S. economist who said, "One of the few things that economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities."

Mr. President, that is true.

We are putting our Nation's economic future at risk by shortchanging our kids at schools that are literally falling down around them. Unfortunately—and it is an unfortunate fact—many of our schools are not in adequate physical condition to meet the educational needs of our children. Many of our children attend schools that are literally falling down around them.

The U.S. General Accounting Office, at our request, completed an exhaustive study of the condition of America's schools. They found that 14 million children every day attend schools in such poor condition that major renovation or outright replacement of the schools is needed. Twelve million children every day attend schools with leaky roofs. Seven million children every day attend schools with life-threatening safety code violations.

In this, the greatest country in the world, educational environments are in such bad condition that our children's performance is degraded by them. Our parents' generation did better by our generation than we are doing for our children. And that is why I have submitted this amendment. It is a tragedy for American children who have to attend schools in these conditions. None of us certainly would consider working in conditions this bad.

The problem of crumbling schools is one that is not isolated nor limited to inner cities, nor to isolated pockets of rural poverty. The General Accounting Office, in one of its studies, found that 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools are falling down around our children.

In my State of Illinois alone, it is estimated to cost some $13 million to meet the school repair needs. Nationally, the GAO has documented $112 billion of renovation needs.

Clearly this is not a challenge that the local government and the States can do by themselves by relying on local property taxes.

I am going to inject a little humor because this is a very sobering story. This ought to be a very sobering situation. But I want to inject a little humor in the debate.

A couple of weeks ago Charles Schulz had a series of Peanuts cartoons featuring Peppermint Patty's crumbling school. The problem of crumbling schools has become so widespread that even Peppermint Patty's school has a leaky school roof. That is what this cartoon is about.

In this series of Peanuts cartoons, Peppermint Patty and her friend, Marcie, express their frustration over the fact they can't get anyone to repair the leaking roof. But the most important one, I thought, was this last one here when Marcie says to Peppermint Patty, "This is how it is, Mr. Principal. Half the kids in our class can't read and half can't multiply 6 by 8. None of the them ever heard of Bosnia and couldn't tell you who wrote Hamlet."

Peppermint Patty says, "I talked to the principal."

So Marcie says, "What did he say about the roof leaking?"

She said, "I forgot to mention it."

Mr. President, unfortunately, that has been the case all along. We have been talking about education and educational achievement. We have been talking about standards for our kids. We talk about excellence for our children. We talk about education making our Nation competitive in the global economy. But we forgot to mention that they have to go to school to learn it. They have to have an environment that is suitable for learning. We have so far and for so long turned our backs on this problem that, again, according to the GAO, is going to require $112 billion nationwide to address. That is just to provide the basics. That is just to make up for the years and years of neglect.

The GAO also found that many of our schools are not ready for the 21st century. Again, there is a lot of discussion on this floor about the information superhighway, the information age, and the advent of computers and technology. Fifteen million children every day attend schools that lack enough electrical power to fully use computers or telecommunications technology in their classrooms. Fifty percent of the schools in our country lack the necessary electrical wiring to deploy computers to the classrooms.

You can't very well use these technologies if there is not the basic infrastructure to allow them to be used. You can't use a computer if you can't plug it into an outlet that works. Unfortunately, it is the case at this time in our country that many of our classrooms are inadequate to meet the technological challenges of our time.

So we have two different issues that we have to begin to face up to. One is the decades of neglect and the fact that many of our young people are going to schools that our generation attended. And they have not had the continuing maintenance over time to keep them in decent shape or to keep them from crumbling.

Then we have the secondary challenge of getting these old buildings retrofitted, or new ones built sufficient to meet the technological changes of the information age that this generation is going to have to take up, and the technologies that ought to be tools for them to succeed in this global economy.

I point out that for this generation, computers are in many instances the functional equivalent of textbooks. We used books. They ought to be able to use the Net, and they ought to be able to use the computer technology for their education. And, yet, we are denying them even the basic opportunity to do so by putting them in situations in the crumbling schools that we see.

I found it very interesting. Today in the New York Times on the front page there is an article about tax breaks for schools. This was an article on an entirely different subject—not entirely, but a part of the problem of how it is that we got to the point of having our schools literally falling down around us. Interestingly, the little boy in this picture is going to a school of the arts. There is a huge hole in the wall in the school at the stairs that he is going up. You can see it right here, a huge hole in the wall of the school that he's attending. Mr. President, I would like to think that this would be the exception to the rule. Unfortunately, according to the General Accounting Office, it is not the exception. It is, more often than not, the rule.

Here is another picture that is not quite as graphic. You can see the peeling paint. Our children are attending schools with asbestos, they are attending schools with lead paint, they are attending schools where the roofs are leaking, where the windows are broken, where the heating is not adequate, where the sewage is not working. In short, the infrastructure consigns our children to an environment for learning that is not suitable and ought to be an embarrassment to all of us in this country.

Added to that problem is the fact that too many of our schools are so overcrowded that teaching and education are difficult. Again, according to the Department of Education, public high school enrollment is expected to increase some 15 percent by the year 2006. So, just to maintain current class sizes, we will need to build some 6,000 new schools by that time.

So the question is, how did we get to this point? How did we let it get this bad? And it is bad. Crumbling schools are not accidents. Crumbling schools happen because of some policy decisions that we have made here in the Congress and in our Nation. That is why this debate, I think, goes to the heart of the future of elementary and secondary education.

At the outset, I would like to share with whoever is watching, listening to this debate, some pictures that I have brought out before but I think they are graphic reminders of what we are up against. This would have been a chemistry lab, I guess, if you could use it, in a school. As you can see, there is no way a student can learn chemistry in circumstances like this. More often than not it would probably affect performance, and that student will not be able to be competitive in this global marketplace, in this global economy.

Desks, these are desks sitting against walls that are literally cracking and falling in.

A set of lockers in a high school: Torn in, broken down, dilapidated. That neglect, that kind of disrepair, did not happen overnight. It happens because over a period of many, many years, in some cases decades, these schools have not had maintenance because the maintenance was deferred. Senator PATTY MURRAY addressed this issue. As school districts have struggled to make ends meet, have struggled to provide for the educational demands of the system, they have neglected the infrastructure. And the result is the crumbling school phenomenon and crisis that we see today.

This is another school lab.

I point out, Mr. President, this is not just confined to one part of our country. It is a nationwide problem. In fact, interestingly, according to the General Accounting Office reports, it happens more often in the Western States than any other, but all regions of the country have crumbling schools. But it also happens in every kind of community in America. It happens in urban school districts. The central city school districts experience a 38-percent rate of crumbling schools. The rural districts, a 30-percent rate. The suburban districts, suburbia, which every one thinks of as being so well off, in suburbia 29 percent of the school systems in suburbia have at least one inadequate building. So this is a problem that we have to face up to as a national community. That is why this amendment has been offered.

I said earlier, crumbling schools are not just accidents. They are a predictable result of the way we fund education. Overcrowding and deterioration in the schools will persist as long as we continue to rely exclusively on the efforts at the local property tax level to fund school infrastructure improvements. The local property tax is simply an inadequate way to pay for the school infrastructure improvements of the magnitude that our country is facing right now.

Poor- and middle-class districts especially cannot raise enough revenue to meet their needs. In fact, another one of the General Accounting Office studies pointed out a perversity that everyone should become aware of, and that is that the middle class and poorer schools tax themselves harder, do more to raise the funds to provide for their education systems, than the schools in the wealthier districts. So what you have is the whole notion of ability to pay for schools turned on its head by tying educational funding to the local property tax—for, in some instances, laudable reasons. But by not allowing for any flexibility in that arrangement, what we essentially do is consign middle-class districts, poor districts, to a greater effort in terms of raising the money to rebuild their schools and provide for educational services for their community. And we do not offset that in any way.

In 35 States, some poor districts have higher tax rates than wealthier districts, but they raise less revenue because there is less property wealth to tax. It stands to reason. If you have a poor district with less property tax wealth, the rate has to be higher in order to reach the same result as a more well off area that has the capacity and has the property level to begin with. So, for the most part, these districts across the country have to look elsewhere, above and beyond their own property tax base, to help fund educational improvements such as repairing the crumbling schools. Unfortunately the General Accounting Office found that they do not get a whole lot of help from State governments. In fact, in fiscal year 1994, State governments contributed only $3.5 billion to the school infrastructure crisis, in other words about 3 percent of the total needed. So this model, this school funding model, does not work for infrastructure, just as it was recognized some 50 years ago in this country, that it would not work for highways and other infrastructure.

Imagine for a moment if we based our system of road funding on the same funding model that we use for education funding. Imagine if every community by itself, without any outside help, were responsible for construction and maintenance of the roads within its borders. In all likelihood, with that kind of model, we would have smooth good roads in the wealthy towns, we would have a patchwork of mediocre roads in middle-income towns, and we would have very few roads if any at all in the poorer towns. Transportation, then, would become hostage to the vagaries of wealth and geography, commerce and travel would be difficult, and navigation of such a system would not serve the interests of our whole country.

That hypothetical, however, unfortunately, describes precisely the state of our school funding model. That is how we fund schools. We rely on local property taxes to find the money and then the States chip in some. And, at the national level, we say it is not our problem, it is not our responsibility, it is a State and local responsibility. I submit it is time for us to rethink that model and develop a new partnership, a partnership among all levels of government, that will allow us to rebuild and modernize our schools for the 21st century. Just as the national community through the Federal Government supports the highway system, but the State and local officials decide which roads are to be built and where they should go, I believe that we can, at the national level, help finance school infrastructure improvements while preserving local control of education. Those two concepts do not have to be tied to each other at the hip. If anything, we can look to local governments to do what they do best, which is to deal with where the school shall be and what the schools will teach and those kinds of issues at the local level; but at the same time, engage support from the national community, where we can perform best. We can access money easier. We can make it cheaper, we can make it available to the States so the States can help local school districts make those decisions.

So, we can address this issue. This amendment will engage the local, State and national resources in ways that preserve local control but at the same time maximize cooperation. At the national level, we will help to supply the funding. At the State and local levels, discussions will be had as to what schools and what features to address. Local control, I believe, will be enhanced by deemphasizing reliance on the local property tax to help solve a $112 billion national challenge.

I want, also, to share with the Members here this evening some of the comments from some of the endorsers of this legislation, because I think it is important to take a look at how it is that others who are concerned with education see this problem. I have to tell you, I was struck on my travels around Illinois, examining the crumbling school phenomenon in my State, how many instances I found the teachers and principals in classrooms, people in the school systems, just making do. If anything, the teachers and the school administrators, the people who have been involved with education and providing educational opportunity to our children, have had to make do over the last several decades, precisely because they did not have any options.

I saw schools with children learning, not in a classroom, huddling in the hallway. I saw schools in which the basements had been reconverted and cardboard, temporary walls put up to separate one class from another. I saw schools in which the computers were as old, almost, as Senator LAUTENBERG's computer system. They clearly were so outmoded and outdated that they were meaningless for the youngsters who were trying to use them; one school in which the youngsters could not use the computers because you had to turn the lights off in the entire building to keep from blowing a fuse when you plugged it in. We have computers here at the desk. We use computers in our work. Why can't we provide at least as much for our children?

I have to tell you also, some of the situations are almost—border on the tragic, with the condition of America's schools. There is a school in a part of my State, and I do not want to embarrass anybody by telling the story, but it is a fact, where the youngsters on the track team, instead of practicing at the track, because of the dilapidated and deteriorated condition of the gymnasium, had to go down the road to practice at the local prison. The prison had more modern track facilities. The youngsters on the track team had to go there for their practice because the school building was not adequate. Mr. President, as Americans, I know we can do better and we absolutely have to do better if we are going to preserve our Nation's competitiveness and preserve the quality of life that, as Americans, we have come to enjoy.

More to the point, if we are in any way going to meet the challenge of providing to the next generation of Americans at least as much as what our parents provided to our generation, I believe we have an absolute obligation to step up to the plate and help support State and local governments in meeting this $112 billion challenge that the GAO has documented.

The Children's Defense Fund writes a letter in support. I would like this letter to be printed in the RECORD.

> We simply cannot ignore the environment where nearly 52 million children spend so many crucial hours every weekday.

Again, recognizing this is a widespread phenomenon that affects all children.

As much to the point, in terms of not just affecting their ability to learn, what do we communicate to our children about the value of education? We preach, "stay in school." We preach, "It is important to get an education." Then we send them here. What do we tell them? What are we telling our children, when we consign them to environments in which no one can be expected to function—with leaky roofs and broken windows and floors that are rotting out from underneath them? I think we send them the absolute wrong message. We, in this Congress have, I believe, an absolute obligation to do something about it.

I have another letter here, which is interesting, from the Council of the Great City Schools. It says:

> The infrastructure needs of America's schools are complex and varied. Your bill does an excellent job in balancing these needs, in being flexible in how they are met, and leveraging other funds to expand the bill's impact.

Again, we are not looking to meet the entirety of the $112 billion challenge here. We are just taking a first step with the $5 billion of assistance which, going to States and local governments, can give leverage additional funds. It is estimated that this legislation will allow for States and local governments to leverage 20 billion dollars worth of funding to address this crumbling schools phenomenon.

This is from the National Association of State Boards of Education. They say, among other things:

> While our schools are literally falling down, they are also filling up. Total school enrollment, already at a record high, continues to increase. The student population in elementary and secondary schools is expected to rise 20 percent over the next decade, due to the demographic phenomenon known as the "baby-boom echo." Overcrowding and the use of temporary portable classrooms have become commonplace across the country. New schools need to be built to accommodate this growing demand.

And then they say:

> School construction is a State and local responsibility and should remain so, but their combined resources have been overwhelmed by the estimated $110 billion required to repair existing school facilities. Clearly, this is a national problem that deserves national attention. Federal involvement is consistent with the Government's historical role in promoting educational equity.

Again, I would point out this legislation will allow for the kind of flexibility to allow school districts with State and local governments to work with the national Government on behalf of this initiative.

The American Institute of Architects in their letter say:

> By instituting a cooperative partnership between the Federal Government and local school districts, the school construction initiative provides Federal support for local oversight of school repair projects. The return on investment for improving the condition of our schools has many positive dividends as well.
>
> By upgrading public school facilities in urban and rural areas alike, this nation can renew its commitment not only to a sound public infrastructure but can also ensure that succeeding generations will grow and prosper from an academic environment that is second to none.

Mr. President, there was a time when we made the investment in our schools. But we have forgotten about them. We forgot about them. Just as Marcie pointed out to Peppermint Patty, the roof leaking was something they forgot to mention to the school board.

So among the variety of issues in education that we face, I submit that the crisis of our crumbling schools is second to none. Our schoolchildren cannot be expected to learn if their schools are literally falling down around them. And only by addressing the repair of these schools, only by providing the kind of assistance that the State and local governments so clearly need in this instance will we be able to meet the challenge and really remedy the effects of decades of neglect.

The Associated General Contractors statement of policy says, and I would like to raise this as an issue also:

> As a nation, we have invested $422 billion in our public schools. Now 74 percent of those schools are more than 25 years old and nearly one-third are more than 50 years old; 14 million children attend schools that need extensive repair or replacement. The General Accounting Office estimates that 112 billion dollars' is needed to refurbish our nation's schools. The Federal Government does not currently fund school construction. However, in light of the staggering needs and the importance of education to future generations, improving the quality of our schools should be a national priority.

Mr. President, that is what this amendment calls on the Members of this Senate to do, to make a statement that education, repairing our crumbling schools, is a national priority, that it is something we put value on and that we are prepared to step up to the plate and meet the challenge of the $112 billion worth of need that the General Accounting Office has already documented. In so doing, as we do so, we will provide our youngsters with an environment in which they can learn. We will provide them with an environment that says we value education. By sending our youngsters to these crumbling schools, schools that are falling down around them, we send a message to our children that education is not important to us, this is not something that is valuable to us.

In fact—and I do not mean to be critical—there was a cartoon, another cartoon today by Herblock, who is a famous cartoonist, which says, "I hear President Clinton wants to spend money to send more people to college—What is College?" And then in the back it says "City School." The doors are falling; the bricks are falling; it is in general disrepair.

This is the situation we see all over this country. Obviously, while we support it, and higher education is important, it is not inappropriate for us to recognize that we have the capacity to engage in a partnership with State and local governments to give them the help they need.

Flexibility is a very important buzzword around these parts these days. Everybody wants arrangements to be flexible. Everybody wants the Federal Government to turn things over to the States. I think that is wonderful, and I have supported that. But at the same time flexibility has to be a two-way street, one in which the State and local governments can come to us for help and as a national community we engage in behalf of our national priorities. Clearly, giving our children an environment that is suitable for learning ought to be a national priority, and that is why this amendment seeks to start us on a path toward providing this opportunity.

Winston Churchill once said, "We shape our buildings; thereafter, they shape us."

Well, Mr. President, nowhere is that more important than in the schools. The poor condition of America's schools has a direct effect on the ability of our students to learn the kinds of skills they will need to compete in the 21st century, global economy. Our children cannot compete if they cannot learn, and they cannot learn if their schools are crumbling down around them. So this amendment would ensure that school districts around the Nation are provided some assistance—some assistance, not a lot; $5 billion out of a $112 billion starting price tag is not a lot of money, but it certainly is money well spent and will give us the ability to begin to address this problem that has crept up on us.

So, Mr. President, I encourage support of the amendment. Again, it should not conflict with the objectives of this balanced budget agreement. If anything, as the Chair may know, I am a supporter of the balanced budget. I supported the balanced budget amendment. I very much applaud the negotiators for reaching an agreement that reaches balance. I think it makes sense to do it. But as we do so, it is important that we not also throw the baby out with the bath water, as it were, that we also not forget that our priorities ought to start with providing our youngsters with the opportunity and the environment they need in which to learn.

I ask unanimous consent that the series of letters and statements I referenced earlier be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHILDREN'S DEFENSE FUND,
Washington, DC, May 21, 1997.

Hon. CAROL MOSELEY-BRAUN,
Senate Hart Building,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: I commend you on your initiative to restore funding to the budget agreement for school construction and renovation.

It is clear that the physical condition of many of our nation's public elementary and secondary schools is deteriorating. Over 14 million students attend schools that need major renovation or outright replacement. Some 7 million children attend schools with life safety code violations. About 12 million children attend schools with leaky roofs. In communities in every state, schools are crumbling and children struggle to learn in unsafe conditions. At the same time, schools are not equipped to use modern technology. The General Accounting Office (GAO) has estimated that it would cost more than $112 billion to renovate and upgrade our children's schools.

While in the past school construction and renovation have been state and local responsibilities, given the magnitude of the challenge that states and localities face, I believe that we need a new partnership. Certainly the federal government is not the sole answer. However, a federal role in partnership with states and localities as proposed in your amendment makes sense. We simply cannot ignore the environment where nearly 52 million children spend so many crucial hours every weekday.

Children need your amendment. If I can provide any assistance to you, please let me know.

Sincerely yours,
MARIAN WRIGHT EDELMAN.

COUNCIL OF THE
GREAT CITY SCHOOLS,
Washington, DC, April 7, 1997.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: On behalf of the Council of the Great City Schools, a coalition of the nation's largest urban public school systems, I am writing to give our enthusiastic endorsement for your new school infrastructure initiative, "The Partnership to Rebuild America's Schools Act".

The infrastructure needs of America's schools are complex and varied. Your bill does an excellent job in balancing those needs, in being flexible in how they are met, and in leveraging other funds to expand the bill's impact. The measure is also strong in allowing construction, repair and upgrading. Finally, the bill does a particularly good job at targeting scarce federal money to where the needs are greatest, the nation's poorest communities.

This proposal, first outlined last summer, is one of the boldest and most helpful initiatives ever introduced in the U.S. Senate. It addresses one of America's most severe domestic needs and does so in a way that has real promise for success. Thank you for your leadership both in calling attention to the needs in school repair and renovation and in shaping a program to meet them.

America's Great City Schools are resolute in our support of your proposal. And we will strongly encourage Congress to support it. Our children deserve what this bill proposes.

Again, thank you for your leadership and advocacy. Please let us know if we can be helpful to you in this critical effort.

Sincerely,
MICHAEL CASSERLY,
Executive Director.

THE AMERICAN INSTITUTE
OF ARCHITECTS,
Washington, DC, May 7, 1997.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: The American Institute of Architects (AIA) wishes to commend the sponsors of S. 456, "The Partnership to Rebuild America's Schools Act of 1997." In order to adequately meet the challenges of the 21st Century, America's elementary and high school students need a modern and safe environment.

As the saying goes, "a picture says a thousand words." Hopefully, the photographs received from various school districts around the country will convey the urgency for repairing and modernizing the physical structure of our public schools. By initiating a cooperative partnership between the federal government and local school districts, the school construction initiative provides federal support for local oversight of school repair projects. The return investment for improving the condition of our schools has many positive dividends as well. By upgrading public school facilities in urban and rural areas alike, this nation can renew its commitment not only to a sound public infrastructure, but can also ensure that succeeding generations will grow and prosper from an academic environment that is second to none.

The AIA looks forward to working with Congress and other organizations in the months ahead so that America's schools have the resources necessary to provide the quality education our students so richly deserve.

Sincerely,
RAJ BARR-KUMAR,
1997 AIA President.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, April 10, 1997.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: The National Association of State Boards of Education (NASBE) is a private nonprofit association representing state and territorial boards of education. Our principal objectives are to strengthen state leadership in education policymaking, promote excellence in the education of all students, advocate equality of access to educational opportunity, and assure responsible governance of public education.

We are writing to express our support for federal assistance in the area of school construction. As you are no doubt aware, the deterioration of America's school infrastructure has reached crisis proportions. A Government Accounting Office report found that one-third of all U.S. schools are in need of extensive repairs or replacement and 60% have at least one major building deficiency such as cracked foundations, leaky roofs, or crumbling walls. We cannot expect our children to learn much less excel in such decrepit and unsafe environments.

NASBE has been concerned about the issue of school construction for some time. In the fall of 1995 we began a one-year study of the condition of school infrastructure. The result was a comprehensive report which I have enclosed entitled, Building Our Future: Making School Facilities Ready for the 21st Century. I commend it for your review.

While our schools are literally falling down, they are also filling up. Total school enrollment, already at a record high, continues to increase. The student population in elementary and secondary schools is expected to rise twenty percent over the next decade due to the demographic phenomena known as the "baby boom echo." Overcrowding and the use of temporary, "portable" classrooms have become commonplace across the country. New schools need to be built to accommodate this growing demand.

School construction is a state and local responsibility, and should remain so, but their combined resources have been overwhelmed by the estimated $110 billion required to repair existing school facilities. Clearly, this national problem deserves national attention. Federal involvement is consistent with the government's historical role in promoting educational equity.

We applaud both you and President Clinton for your efforts to address this critical situation by proposing a $5 billion federal investment to spur school construction, recently introduced as legislation in the Senate and House as S. 456 and H.R. 1104 respectively. NASBE is encouraged by this action and we look forward to working with congressional leaders like yourself and Administration officials in fostering a partnership between federal, state and local entities to improve the learning conditions of American children.

Sincerely,

BRENDA L. WELBURN,
Executive Director.

[Excerpt from Associated General Contractors Statement of Policy]

INFRASTRUCTURE NEEDS

Invest in safe schools for our children—As a nation, we have invested $422 billion in our public schools. Now, 74% of those schools are more than 25 years old and nearly one-third are more than 50 years old. 14 million students attend schools that need extensive repairs or replacement. The General Accounting Office (GAO) estimates that $112 billion is needed to refurbish our nation's schools. The federal government does not currently fund school construction. However, in light of the staggering needs and the importance of education to future generations, improving the quality of our schools should be a national priority.

Mr. LAUTENBERG addressed the Chair.

Ms. MOSELEY-BRAUN. Mr. President, I would be happy to yield. I would not like to lose any of my time.

The PRESIDING OFFICER. The Senator may reserve her time.

Under the previous order, the Senator from Florida has the next amendment.

Mr. LAUTENBERG. Is the Senator finished?

Ms. MOSELEY-BRAUN. Yes. Thank you, Mr. President. Reserving my time, I will yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, with great reluctance I rise in opposition to the amendment. I do so only because, with the necessities of education, we have to establish certain priorities. There is no question but that rebuilding the infrastructure is an important priority. But there are others that at this particular time I think have to take priority.

I do appreciate, for instance, in the city of Washington this body, Congress, has a certain obligation to restore the schools. That is about $2 billion that we are going to have to find a way to fund in order to bring this city back to where it ought to be.

On the other hand, there is somewhere around $120 billion in infrastructure repairs necessary in this country. How we get that I do not know. I do know that $5 billion would start it, but there are other priorities—and I will tick off a number of those priorities—for which we could use these resources better.

First of all, as the body probably knows, I voted in favor of expanding the amount of money that will be available by supporting the Hatch-Kennedy bill. If that money were available, it might tend to change my position. But when I look out there right now, our most immediate needs are trying to get the educational system in order to provide the kind of skilled labor we need in this Nation. That means we have to change the K through 12 programs by professional development in order to give us the math standards we need in order to provide the skilled labor force. This is going to take a considerable amount of immediate resources.

In addition to that, getting our schools up to speed with respect to the technical aspects of computers and other means of being able to improve access to modern technology, to improve the schools, would take about $16 billion. In addition to that, it would take about $8 billion a year to keep them up to snuff.

Another area we have to deal with is higher ed as well. We already know that we have incredible problems in that respect. Most importantly are worker training areas. Right now, in order to provide the work force for the future, we have to find ways to, first of all, provide sufficient additional remedial help so that our young people who graduate will be ready to go to work in skilled labor. We do not have those resources yet.

We will be passing out a worker training bill, and we will be needing resources in order to do that. We have created another huge priority in this Nation, and that is taking the welfare people who are involved in receiving benefits, to train them and retrain them in order to have jobs. That is incredibly important, and it has to be done. That is going to take other billions of resources.

So although I sympathize with the amendment, I strongly believe the resources at this time that we do have available would have to be placed in slightly different order than would enable us to try to take care of the huge backlog and which has traditionally been accepted as the responsibility by the State and local governments. For those reasons, Mr. President, I oppose the amendment.

Mr. JOHNSON. Mr. President, I rise in support of Senator MOSELEY-BRAUN's amendment to the Budget Resolution that would provide $5 billion for a national school construction initiative. I would like to commend Senator MOSELEY-BRAUN for her leadership on this issue, and I would also like to thank Senators KENNEDY and HARKIN for their fine efforts to address this critical problem.

Mr. President, I am pleased to be a cosponsor of this amendment. Crumbling schools are not just an urban problem. They are a nationwide problem, and rural areas are no exception. In fact, 30 percent of schools in rural areas report at least one inadequate building feature.

A 1996 report by the General Accounting Office found that in my home state of South Dakota, 25 percent of schools have inadequate plumbing, 21 percent of schools have roof problems, 29 percent have ventilation problems, and 21 percent percent of schools are not meeting safety codes.

We have adopted a nationwide goal of trying to connect every school building in the country to the internet. Teaching our children to use new this technology is critical for preparing them for the 21st century. Yet, in my home state, 22 percent of schools have inadequate electrical wiring. In their present condition, these schools cannot accommodate computers in the classroom.

South Dakota's tribal schools also face very serious facilities problems and major construction backlogs. There are nine federally recognized tribes in South Dakota. At the same time, my State has 3 of the 10 poorest counties in the nation, all of which are within reservation boundaries.

With 56 percent of its people under the age of 24, the native American population in this country is disproportionately young when compared the American population overall. This population strains existing school facilities. The BIA estimates that there is a construction backlog of $680 million in its 185 elementary, secondary and boarding schools serving Indian children on 63 reservations in 23 States. Of these schools, 63 percent are over 30 years old; 26 percent are over 50 years old. Annual appropriations for BIA education facilities improvement and repair have averaged $37 million annually, which unfortunately meets only 5 percent of total need.

Nationwide, the statistics are similarly ominous. Crumbling schools are a problem of enormous magnitude. Fourteen million children attend classes in buildings that need major repair or renovation. Seven million children go to school in buildings that have safety code violations. Sixteen million children study in classrooms without proper heating, ventilation, or air conditioning.

It is nearly impossible to measure the impact that these conditions have on students' ability to learn, but there is no doubt that the impact is severe.

Clearly, there is much we can do to improve our existing school building infrastructure. But that is only part of the problem. Our Nation is experiencing significant growth in school enrollment. Estimates are that we will need to build 6,000 new schools by the year 2006 if we want to keep class sizes the same as they are presently.

This amendment would allocate $5 billion to the House and Senate committees of jurisdiction to devise a school construction and renovation initiative. We are not mandating a specific approach in this amendment. Rather, we hope that this $5 billion Federal contribution can be used in partnership with State and local efforts to leverage over $20 billion of dollars of construction activity nationwide. An effort of this magnitude would benefit our students for generations, and I am proud to support this amendment.

Mr. REED. Mr. President, I rise as a cosponsor and strong supporter of Senator MOSELEY-BRAUN's school infrastructure amendment.

One of the major problems facing elementary and secondary education today is the poor condition of our school buildings. In my home state of Rhode Island, many schools are in need of extensive repairs and upgrades.

I have visited several of these schools, including the Harris Elementary School in Woonsocket which was built in 1876. To put this in perspective, in 1876 the nation celebrated the centennial of the United States; Rutherford B. Hayes was elected President by one vote; Custer confronted the Sioux at Little Big Horn; Alexander Graham Bell transmitted the first complete sentence by voice over wire; Henry Heinz put ketchup in a bottle; and Colorado became the 38th State.

Sadly, the Harris Elementary School's library is a small trailer parked in the school's playground. In addition, I have received compelling footage of the condition of the schools in North Providence, including the Stephen Olney School, which has asbestos in the floors and water damaged classrooms, and the Centredale School, which has leaking classroom ceilings.

These examples and numerous others across my State and the Nation show the urgent and real need for a school construction initiative. A problem of this magnitude demands a Federal response.

Indeed, a recent General Accounting Office (GAO) report found that in Rhode Island 29 percent of schools report at least one inadequate building of any type; 61 percent have at least one inadequate building feature; 75 percent have at least one unsatisfactory environmental factor, such as heating and ventilation; and 37 percent have insufficient capability for computers.

Nationally, the statistics are equally compelling. Fourteen million children, in one-third of the Nation's schools, are learning in buildings that need major renovations or should be replaced outright. Seven million students attend schools with safety code violations, such as the presence of lead paint, asbestos, or radon in the walls, floors, or ceilings. One-third of students study in classrooms without electrical wiring and power outlets to accommodate computers and multimedia equipment.

We should not pass up this opportunity to repair our Nation's schools.

While the budget resolution before us does include some increases in education funding and provides protection for important education initiatives, the agreement's caps on discretionary funding do not guarantee room for the school construction initiative. The same may also be the case for school reform and efforts to improve the recruitment, education, and mentoring of teachers, for which the National Commission on Teaching and America's Future report, What Matters Most: Teaching for America's Future, suggests almost $5 billion is needed.

I urge my colleagues to support the Moseley-Braun amendment, which seeks to make $5 billion available for school repair, renovation, and construction. Indeed, this must be a top priority as we work to provide students a quality education and prepare them for the future.

Thank you, Mr. President.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I find myself in a very difficult position.

First, I commend the Senator from Illinois for her interest not only in school construction, the infrastructure for schools, but her view about investments in children, about what it is going to take to help our society stabilize, about what it is going to take to avoid criminality and violence that we see so freely around our country. She has been a leader on those issues for children. She is always discussing what it is that we have to do to make certain that children will grow up as contributing adults with a prospect for their own successes.

It is consistent with her views on what we ought to be doing for the children in our country to be concerned about the schoolhouses they attend.

Senator MOSELEY-BRAUN has made too many speeches, written so much about what the alternative to incarceration and prosecution is, and it is investment in our kids. If there is not a particularly identifying view of what we ought to be doing for our children than a bunch of broken down schoolhouses, then I would tell you there is nothing else.

I am a member of the Budget Committee, the senior Democrat on the Budget Committee, and as I said, this is a painful point at which I find myself. We have a consensus budget resolution. It took a lot of work. I was surprised, I must say, when I saw the agreement in its final form because I was expecting that there would be some funds reserved for improvement of the school facilities around the country. I did not think at the time that the original $5 billion request was held, but I thought it might be somewhere in the vicinity of $3 billion, certainly not enough to make a dent when we consider that the GAO estimate, as the Senator from Illinois mentioned, is that there is $112 billion needed to bring our schools up to date.

Now, I happen to come from a highly urbanized State, a State in which we have more than a fair share of poverty.

Our cities, and we have many of them, are among the poorest in the country—Newark, Camden, Paterson, my birthplace, I think is the fifth poorest city in America. I visit my old hometown, if I can call it that, on a fairly regular basis. It is often said here that we do these things, but I happen to go to the same barbershop that I have been going to since I was in college—and that was some years ago—and the barber is still cutting. Even if he misses a few hairs here and there, I don't care, but it takes me back to the city of my birth.

I have a lot of sentiment attached to that city because they were hard-working people, people who were determined to have their children succeed and invest whatever they could in terms of personal involvement in the development of those kids. School was the No. 1 thing. That was always the concern of the parents.

I can tell you, I don't like to admit this publicly, but I was a truant one day, and it was just my luck my father found out. I was never truant again. I visited that school just last week because I was helping them establish the connections they needed to get ultimately into the Internet, the schools being wired. My old company paid for the wiring of the schools in Paterson where our company started because my partners, like I, came from poor working-class families. I remember what it was like living that way, not particularly enjoying anything but the memory of good family life. So we helped to get the schools wired in the city.

When I was there, I was struck by the horrific condition of not that schoolhouse, not that school building in particular, but others in the city, with signs of almost war-type devastation, with broken windows and things of that nature.

I am also, since I was very active on the environment committee, conscious about the hazards to the health of the children. Forget about the disruptions to learning, for the moment—asbestos, lead paint, things that you would not permit your children to be near, to fiddle with if you had any way around it.

So when I think of the amendment proposed by the Senator from Illinois, I say, yes, it is difficult for me. I am going to support the amendment that the Senator is offering in hopes that we can find some way to finance it. The amendment, I understand, includes a source for the funding coming from where, may I ask, reduction of tax cuts?

Ms. MOSELEY-BRAUN. That is correct. It is not specific. It raises the revenue floor by $5 billion.

Mr. LAUTENBERG. The Senator is on the Finance Committee.

Ms. MOSELEY-BRAUN. That is correct.

Mr. LAUTENBERG. She will have the task of having to find a way to do it, because I think that it is probably not going to be allowable in the budget resolution.

Ms. MOSELEY-BRAUN. Will the Senator from New Jersey yield? This is the book, "Reducing the Deficit: Spending and Revenue Options." It is kind of a loophole cookbook, and I am certain that in the course of the Finance Committee's deliberations that we can find $5 billion here that will make up for the difference, so that will provide the funding stream for this.

I very much appreciate the Senator from New Jersey. You have seen the realities, you have seen what these children have to live through and live with. You know that they cannot go into the information age based on the kind of environment we are providing them.

Mr. LAUTENBERG. They cannot even go sometimes to the age of civilization in some of these facilities.

Ms. MOSELEY-BRAUN. That is correct.

Mr. LAUTENBERG. They are firetraps. They are insecure at a time when security is high in the consciousness list. So I hope a source can be found that doesn't violate the basic construction we put into this budget resolution.

I commend the Senator from Illinois for her dedication, for her determination to bring this problem foursquare in front of us and try and solve it.

The statistics are so terrible that if you look at them, they begin to lose their significance: 30 percent of the children not having adequate heating and ventilating; 24 percent—other schools without adequate plumbing. The list goes on. That is just the physical eyesore that is out there that you would expect to be something resembling a decaying factory and not a facility that is being used by youngsters who are trying, with the help of often inadequate supervision, to try and find some life for themselves that they can follow and get through. If you walk into a place that is a dump, it is not going to lift your spirits to start your day.

With that, Mr. President, I yield the floor and just remind everybody that we now have other amendments in order and that this amendment will be voted upon. As I understand it, there is a UC that allots the remaining time for use in the morning.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator is correct. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Madam President, that is correct, and we will take this up, again, in the morning as part of the vote.

I just want to say in closing, it is a funny thing, reality really does have a ring about it that is unavoidable, and I don't think there is anyone in this Chamber or anyone who is a Member of this Senate who, if they spent the time to go around in their own States and visit the schools there, elementary and secondary schools, will deny the validity of what the GAO has told us is true.

Everyone knows about the crumbling school problem, and if you talk to your constituents or visit schools in your area, you will find it there. That is what is so stunning about this issue. It is not an inner-city issue, it is not a Midwestern issue, it is an American issue, and it affects every kind of community and every kind of child. If, indeed, we are going to turn our back and say we have other things to do, we are too busy to get around fixing the window but we want you to meet these standards, we are not going to help these States meet this $112 billion burden, but we are going to give them all the flexibility in the world, or we are not going to give the local governments—the local communities that are taxing themselves the most and are having the hardest time repairing these crumbling schools.

That is what is so compelling to me in engaging this new partnership in which we don't take over Federal educational content. No one is looking to do that. It is appropriate that local governments deal with what kind of schools they have and what the children learn, the conditions and the teachers and the curriculum and those kinds of things. I think that is appropriate. So we are not talking about the Federal Government taking over anything, but rather, in this air of flexibility, saying we are prepared to be responsible and give the flexibility and help States and local governments meet this $112 billion challenge, because, indeed, our very national security is at risk. We will not be able to stay the greatest country in the world in this global economy in the world if we send our children to schools where even Peppermint Patty gets rained on in the classroom.

I thank very much the Senator from New Jersey. I thank my colleagues.

Madam President, I inquire, how much time is remaining on this amendment?

The PRESIDING OFFICER. The Senator from Illinois has 27 minutes; the Senator from New Mexico has 56 minutes.

Mr. NICKLES. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Ms. MOSELEY-BRAUN. Will it come from my time?

Mr. NICKLES. It will come from our time.

Ms. MOSELEY-BRAUN. Certainly.

Mr. NICKLES. Does the current law, Davis-Bacon, apply as well? You mentioned flexibility, but would the schools who do the building or do the maintenance also have to comply with Davis-Bacon regulations?

Ms. MOSELEY-BRAUN. That is not addressed specifically in this amendment. However, Federal contracting rules would apply, but the States and local governments would have to come forward with their own contracting rules. The question has been raised about Davis-Bacon, to be honest. We don't yet have, since the funding formula has not been worked out in terms of Federal funding of infrastructure and State and local funding of infrastructure—

Mr. NICKLES. But there is no exemption from Davis-Bacon?

Ms. MOSELEY-BRAUN. No, there is not.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Ms. MOSELEY-BRAUN. I control the time still.

The PRESIDING OFFICER. The Senator from Illinois controls the floor.

Ms. MOSELEY-BRAUN. My understanding is the Senator wanted to ask a question.

Mr. NICKLES. No, I want to speak on the amendment.

Ms. MOSELEY-BRAUN. Let me say this, the amendment does not go to those contracting rules, and, again, I think the issue of Davis-Bacon and those arguments which would take up all the time in connection with Federal highway projects is not a relevant issue with regard to this effort in behalf of rebuilding crumbling schools.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I rise in opposition to the amendment, and in answer to the question, obviously Davis-Bacon applies, because all Federal contracting dealing with Federal money would apply. We would have the Federal Government setting wage determination rates. So I object to this amendment for that reason, but also for other reasons. The Federal Government does not have a primary responsibility of trying to build new schools or to rebuild schools. That is not a Federal responsibility.

Some people say, "Well, we need more education money, we need more education programs." We have 788 education programs spending $98 billion a year spread all throughout the Government. One that we don't have, if we adopted the Senator's amendment, would be a $5 billion school building program. That is one program we do not need, and we cannot afford.

Schools are the primary function of State and local government, and to build or rebuild or to figure out which schools should be rehabbed, that really should be decided by local and State government. That should not be decided by Washington, DC. Contingent with that money comes Federal strings, regulations, such as Davis-Bacon. The Federal Government would be determining what the wage rates would be to comply, to rehab the school building. Some of those wage rates are outlandish in comparison to what is normally paid for schools or for other buildings and projects in those areas.

With greatest respect for my colleague from Illinois, I know her intentions are very sincere and I know a lot of schools need to be rehabbed, I know a lot of schools need to be replaced, I know a lot of schools are in pathetic shape, but it is not the function or responsibility of the Federal Government to try and solve all the problems and certainly not the construction of local schools or the rehab of local schools, which, I might mention, $5 billion would hardly scratch the surface. Then we would have to have the Federal Government determine if the needs in the hundreds of billions of dollars—how is the Federal Government going to determine who wins and who loses? I imagine you could spend $5 billion for school renovation in the State of Texas alone. Quite possibly, I imagine the State of Illinois alone.

So you have all this competition amongst the various schools and States for who is going to get this money. This is not a function for the Federal Government. The 10th amendment to the Constitution says all other rights and powers are reserved to the States. We should certainly leave this one, school construction and renovation, to the States and to the localities, not to the Federal Government.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Madam President. In the first place, what we are talking about fixing are our Nation's schools.

I think we can have a separate debate, a separate vote on the merits of paying workers prevailing wages. But I would point out to my colleague that some 32 States, many cities and townships, already have their own prevailing wage laws affecting school construction. And frankly, any school district that is receiving Federal Impact Aid funding today is already subject to Davis-Bacon.

Now, the truth is that Davis-Bacon applies to Federal highway construction, and few people argue that the Federal Government has no role in highway construction.

I ask my colleague, what is the difference? If the highways were in this kind of condition, clearly there would be a rush to create a partnership so that we can provide support in order to support transportation in our Nation. But the schools are in this condition. And the Senator is suggesting that we turn our backs and say it is up to the States and local governments to do it by themselves.

I think the pictures and the debate about this issue demonstrate very clearly that they have not been able to do it by themselves, and it has not been through want of trying. It is not as though school districts have deliberately set out to put children in classrooms that look like this. It is not as though local school boards have not wanted to vote the money to provide for the schools.

The Senator from Vermont knows full well that with the District of Columbia schools you see the condition. And it is not as though the people here in D.C. did not want to make certain the windows were fixed, but they had other emergencies. That is the exigencies of education they had to meet first: classrooms, textbooks, lighting, the basics, teacher salaries. So the funds have gone to that. And maintenance has been deferred time and time again.

Again, of the 50 percent of the schools in this country that are over 50 years old, in all too many instances those schools have suffered just about that same amount of neglect and deferred maintenance. Well, as with maintenance of anything else, it just gets worse as the problem gets older.

This problem is going to get worse and worse over time. And school districts have been trying. In fact, one of the reports by the General Accounting Office talked about the fact that school districts that have the least try the hardest and that they have been trying to meet these infrastructure needs, but all too often have not been able to. They cannot go into the capital markets to borrow money at favorable rates because they do not have the bond rating. So the result is classrooms that look like this.

So I will just suggest to my colleagues that this is not in any way about Washington telling school districts what classrooms to fix or what schools to rebuild or where to put the construction effort. In fact, the whole idea is to have that kind of decisionmaking start at the local level and start and stay at the local and State level. That is the point of their decisionmaking. All we would do as a national community is to give financial assistance in ways that will allow these local districts to leverage additional money to meet what is clearly their local need on the one hand but, in the final analysis, is our entire need.

If one community or another cannot afford to provide their youngsters with laboratories in which their youngsters can learn chemistry, how can we expect to be competitive in a global economy, in global competition? If a community cannot afford it and is being taxed to the maximum extent, and they just do not have the money to address the basics of the rain coming through the window or the roof leaking, how can we expect these youngsters to learn, even assuming for a moment there are other program priorities that the Federal Government has traditionally taken up with regard to elementary and secondary education?

Of course, our role has always, as a national community, been limited in elementary and secondary education. But even assuming for a moment that there are other priorities, I daresay, it should go without argument that ought to be a priority also. Our kids cannot learn, they cannot take advantage of whatever those other priorities are in schools that are literally falling down around them.

We are going to take a vote on this tomorrow morning. There will be some further debate about it tomorrow morning. I encourage my colleagues to take a close look, to call home, to check out what is going on in your own States, because this is a problem that, again, is national in scope, but it particularly goes to the well-being and the access to educational opportunity for every child in this country.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Madam President, I would point out that the primary responsibility for this construction lies with the States, and that if we were to go on in a new venture to pick up the responsibility of reconstructing the schools in this country of about $115 to $120 billion, that obviously would create a huge change in our priorities.

Mr. JEFFORDS. Madam President, I understand that under the unanimous-consent order, the Moseley-Braun amendment is now set aside.

The PRESIDING OFFICER. Without objection, it will be set aside.

Mr. JEFFORDS. Madam President, I have a motion at the desk.

The PRESIDING OFFICER. The order agreed to was to recognize the Senator from Florida at this time.

Mr. MACK. Madam President, I have no objection to allowing the Senator from Vermont to proceed at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I will be very brief. I thank my good friend from Florida for allowing me to do this.

AMENDMENT NO. 337

Mr. JEFFORDS. I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for himself and Mr. COATS, moves to recommit S. Con. Res. 27 to the Committee on the Budget with instructions to report the same back to the Senate forthwith with the following amendments:

Strike the reconciliation instruction for the Committee on Labor and Human Resources.

Adjust the reconciliation instructions for the Committee on Finance to reflect an increase in revenues of $1,057,000,000 for fiscal year 2002 and $1,792,000,000 for the period of fiscal years 1998 through 2002.

Mr. JEFFORDS. Madam President, so I do not sound totally inconsistent with the arguments I just made, I would let it be known that I intend to withdraw my amendment at the conclusion of my statement.

I rise today with my good friend from Indiana, Senator COATS, to offer this motion. What this does is to remove the reconciliation instructions from the budget bill, the reconciliation instructions of my own committee. The reason for that is that this would require us to reduce the aid for our higher ed students.

I would remind everyone that last year this body greatly reduced the instructions then of some many billions of dollars and sent it over to the House. They came back and refused to go along. And this body voted 99 to 0 to insist upon the Senate's position. That resulted in restoring almost all of the money to the higher ed area.

The only area that my committee, the Labor and Human Resources Committee, has any money that is in the reconciliation area is with respect to the higher ed funding of our student loans. The budget agreement as recently written cuts the student financial aid account by $1.8 billion over 5 years. I would note that that is substantially lower than last year. We end up, even after all the reductions from about $19 billion down, we still ended up with $4 billion. So I commend the Budget Committee for coming back with half of what was required last year.

Our motion would restore these funds however and remain budget neutral by providing for adjustment on the revenue side of the agreement. I think it is important to remind my colleagues of the central importance that student aid plays in our children's future.

The balanced budget agreement is dependent upon increases in working productivity and in future economic growth. This growth in turn is dependent upon the quality and availability of a well-educated work force.

Let us take a minute to reflect on the facts regarding the economic impact, the higher education impact upon Federal aid to student participation. Participation in higher education is one of the most dramatic predictors of economic success.

As you can see from this chart—the chart I would have had but do not have—that shows dramatically that the more education you have, the more economic availability you have.

With a high school degree, your high range is at $43,000. If you have a bachelor's degree, it is $73,000. And if you have a doctorate, it goes well above that.

In the past years, only those that had postsecondary education have been able to stay even with the cost of living. And only those with doctorates and masters degrees have improved their standard of living.

So it is incredibly important we provide the access of our young people to go to higher education. The postsecondary, as I referred to it now—we have given much emphasis on the higher education without keeping in mind the postsecondary training education that is available.

Federal financial aid plays an essential role in allowing students from low and middle income families to attend community colleges and universities. Thirty-six percent of all students receive some form of Federal financial aid in order to allow them to attend college. This Federal investment is returned many times over in increased economic productivity and income in Federal taxes. Without this aid, however, many of the students would not be able to fulfill their dreams to attend college.

Mr. COATS. Madam President, education is, for many of us, a top priority. S. 1, the first bill introduced in the 105th Congress evidenced that fact. The rhetoric from our President would seem to indicate that education was also his top priority, yet at this very moment he is supporting a budget which will result in a decrease of $1.8 billion to student aid programs. I rise today to support the Jeffords motion which ensures access to educational opportunities for all Americans.

Since the early 1980's, the price of going to college has increased at more than twice the rate of inflation; growing even more rapidly than the cost of health care. This is the chief reason that a college education is unaffordable for American families.

Initiatives, such as those included in S. 1, provide tax relief for families, encourage planning for the future through the use of college savings accounts, and build on already successful programs, such as Federal student loans and work study. These initiatives deserve our support. Unfortunately, the budget that we are considering today will make it virtually impossible to adequately provide these critically important programs to students and their families.

I encourage my colleagues to join Senator JEFFORDS and I in this firm resolve to protect higher education programs, thereby ensuring that all students have access to post-secondary educational opportunities. Access to higher education is critical and should not be compromised in this budget resolution.

Mr. JEFFORDS. I would again ask Members to keep in mind the 99 to 0 vote which occurred last year that said we should not do anything that impacts in the ability of our students to attend higher education. So I will ensure that the reconciliation that we send, if anything, will make sure that it does not in any way hinder the ability of students to attend higher education.

I ask unanimous consent to withdraw my motion at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 337) was withdrawn.

Mr. JEFFORDS. I yield the floor.

AMENDMENT NO. 315

(Purpose: To express the sense of the Senate that the Federal commitment to biomedical research should be doubled over the next 5 years)

Mr. MACK. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for himself, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. FRIST, Mr. D'AMATO, Mr. DEWINE, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mr. REID, Mr. BREAUX, Mr. SPECTER, Mr. HARKIN, and Mr. DORGAN, proposes an amendment numbered 315.

Mr. MACK. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators in not adeuqate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Resolution assumes that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years; and

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in fiscal year 1998 over the amount appropriated in fiscal year 1997.

Mr. MACK. I ask unanimous consent that no second-degree amendments to this amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MACK. Madam President, I offer this amendment on behalf of myself and the following Senators: Senators FEINSTEIN, KENNEDY, FRIST, SPECTER, HARKIN, D'AMATO, DEWINE, BOXER, COLLINS, DURBIN, REID, BREAUX, and DORGAN.

Madam President, let me quickly state the amendment is a sense-of-the-Senate resolution. Let me just say to my colleagues that I recognize that what we are doing here is merely making a statement. But I think it is an important statement to be made.

This has to do with a sense of the Senate about doubling the investment in the National Institutes of Health over the next 5 years.

It further States that it is our intent that the investments of the National Institutes of Health be increased by $2 billion in this next fiscal year.

I begin my remarks, as I do often about this issue, by speaking about my own personal experiences, in essence, what motivates me to offer this sense-of-the-Senate resolution.

Before I get into those kinds of personal feelings, maybe I ought to share with my colleagues an experience that I had just a few months ago, the last hearing that the Senate—at least I believe it was—the last hearing that the Senate held in the 104th Congress. It was a hearing that was chaired by Senator Hatfield and Senator Cohen, and it was a hearing to raise the awareness of the American people about the advantages and the needs of more research dollars.

General Schwarzkopf was one of those individuals who testified. He, in essence, said that one of these days the American people are going to realize how little we have invested in basic research in health care, in health care research, health research in this country, how little we have done. He said, in essence, when they find that out, they are going to be mad as hell and they are going to want something done about it.

I have spent many years now here in the Senate trying to raise the voices of concern, and the time has now come, frankly, that another year cannot pass without this Congress and this Senate making a commitment to doubling the investment at the National Institutes of Health.

And I say so in recognizing I do this from an emotional perspective because I, like so many others, represent families that have been devastated by disease. In my particular case, I am talking about cancer. Since the last time I spoke on the floor of the Senate about this issue I lost another member of my family to the disease. I lost my father, who died at the age of 83 with esophageal cancer.

I remember at a particular moment as he was fighting the disease, and I guess this moment comes for most of us, dad realized regardless of all the advantages and all the breakthroughs that have taken place with research, that frankly nothing more could be done for him. One of the doctors suggested what they needed to do next was to insert a feeding tube into his stomach. Dad's reaction to the doctor was, "That's not going to happen to me. I have lived a pretty good life. I have raised eight children," and he said with a little grin, "They have all done pretty well. So I look upon my life as one that has been pretty successful." He said, "It's time for me to die. I'm going back home. I'm not going to stay in the hospital. I'm not going to eat anything else. I'm not going to drink anything else. It is time for me to die. I accept that."

That was totally different than the experience that I had with my younger brother who died of melanoma at the age of 35. At that age, I guess it is almost impossible to give up. You have a sense that you have got to fight every step of the way. Maybe there will be a discovery made is the sense of what people feel. I can tell you as a member of the family, I sure was hopeful, each day, maybe a new procedure, maybe a new experimental drug would come along and save my brother Michael's life, who for 12 years, from the age of 23, on knew that each year could be the year in which he would lose his life.

So I say today, Madam President, I can no longer be kind of quiet about this issue. I realize I am here today speaking about my own personal experiences, but in essence I represent every family in America. Why are we taking this? Why have we, as a Nation, said over and over and over again we do not have the money to invest in this kind of research? We are talking about $2 billion more in this next fiscal year—$2 billion more, and we are told we do not have the money. Now I know how difficult it is going to be to find it. I do not mean to be underestimating that. But if our Nation made the commitment to do it we could find the resources to invest $2 billion more at the National Institutes of Health.

As I say, my story is a story about cancer. I was diagnosed with the same cancer that killed my brother, within months after I came to the U.S. Senate. And I would say this, if it had not have been for Michael's death, I probably would have been the one who died because I would not have been sensitive to the information on the early warning signs of the disease. I would have ignored the mole on my side until maybe it was too late. All I am saying is I do not think we as a Nation should ignore the warning signs.

You can talk about Parkinson's disease, and many of us have had the opportunity to talk with Morton Kondracke or with Joan Samuelson. In my case, a dear friend, Bob Finkernagle, another dear friend, Pat Hucker, whose wife is suffering with the disease. There have been tremendous breakthroughs with respect to Parkinson's disease but there is a lot more out there that can be discovered, a lot more that can be done.

During these past several years I have had the opportunity to speak with Dr. Varmas, Dr. Klausner, Francis Collins, all out at the National Institutes of Health, and as you listen to them talk about breakthrough after breakthrough after breakthrough you cannot help but be excited about what the opportunities are for further investments in medical research.

There is a gene known at the P–53 gene with respect to cancer. Interestingly enough, this gene, when it malfunctions, when it is mutated, has been found in somewhere between 50 percent and 80 percent of all cancers. It is a tumor suppressor gene and research scientists all across America and around the world are, in fact, trying to figure out the mechanism. They have indicated that in their tests in the laboratory that when a P–53 gene that is not mutated is placed in with other cells it, in fact, stops the growth of those cells. More money needs to be invested to find out whether P–53 holds a key for a cure.

What can be the benefits from more research? One of the things that would happen is that we would see that the number of people that participate in clinical trials would go from 2 percent to 20 percent. What does that mean to the average person? Well, it means that some mother or some father or some brother, some sister, might have an opportunity to have drugs that are available on the market but only through a clinical trial. We would increase from 2 percent to 20 percent if we were to double the investment at NIH.

The number of grants that would be approved would jump from 25 percent to 40 percent. More access to state-of-the-art care, ability for the research centers to attract new talent. I could go on and on.

The point here is this, and I will close my comments at this time, with another story from that same hearing that I referred to a little bit earlier. There was an individual on that panel with General Schwarzkopf by the name of Travis Roy. Travis Roy is a young man whose dream it was to play ice hockey in Boston, and he succeeded. Unfortunately, in the first 11 seconds of a game he was hit in such a manner that he is paralyzed from the neck down. He said to the Members at that hearing, to the panel, that his dream was to be able to hug his mother again someday. You know something, if we had listened to that 15 years ago, our reaction, sure, we would have had the compassion and the concern for that young man, but in the back of our mind we would have said, but you know there is nothing we can do about it. Well, something dramatically has changed in America. We no longer believe that there is nothing we can do about it. We have seen so much happen in the field of research that we now believe there are opportunities all across the board in all different kinds of diseases for breakthroughs that will save lives.

Today, I had the opportunity to listen to a physician by the name of LaSalle LaFalle, a former President of the American Cancer Society. He said, "When I was trained, I was told that there was no cure for leukemia, that everyone died from leukemia. Hodgkin's disease, everyone died from Hodgkin's disease." We know now the cure rate of leukemia is around 60 percent, and Hodgkin's disease is 80 percent. That is a result of the investments we made in basic research. I ask my colleagues to support this sense-of-the-Senate resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Pennsylvania is recognized.

Mr. SPECTER. I ask my distinguished colleague, Senator MACK, who controls the time, for an allocation of 10 minutes.

Mr. MACK. I yield 10 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to support this sense-of-the-Senate resolution because the results of the National Institute of Health have been dramatic, really stunning. We have seen dramatic breakthroughs in heart disease, in breast cancer, in prostate cancer, in ovarian cancer, Alzheimer's disease, cystic fibrosis, new generations of AIDS drugs are reducing the presence of the AIDS virus in HIV-infected persons to nearly undetectable levels. With respect to the variety of cancers, the death rates have begun a very, very steady decline. Most recently we have made enormous progress as well in schizophrenia.

The accounts on the National Institutes of Health have risen consistently over the past decade and a half. Regardless of whether the chairman of the subcommittee was Senator Weicker, Senator Chiles, Senator HARKIN, or myself, a position which I now hold, we have found the money for very, very substantial increases in the funding for NIH. Last year we had an increase of some 6.9 percent for a total of $820 million. The year before, $643 million. I commend my colleague, Senator MACK, for his leadership in first offering a resolution early on to double NIH funding over the next 5 years, and the resolution tonight, to add $2 billion to NIH funding.

I suggest that we need to go a step beyond the sense-of-the-Senate Resolution, and if I might attract the attention of the distinguished manager of this bill, Senator DOMENICI, in supporting this sense-of-the-Senate resolution, I wish to point out that the figures, while well intended, to express the views of the Senate, are not binding in terms of what will occur. The reality is, of course, that nothing is binding. The whole budget resolution is, in a sense, the sense of the Senate. Now there are some parts which are protected, as Senator DOMENICI has explained, under an agreement between the congressional leadership and the President. Those, however, require the confirming by the entire body, and that may not happen and they are subject to a veto if that does not happen, but in the very broad sense we express in this budget resolution what we would like to see done.

Now, at a later point in the budget resolution I will call upon my distinguished colleague from New Mexico to support an amendment which I will offer which will add $1.1 billion to the 550 function, which surprisingly has been reduced in the resolution now before the Senate. Under a freeze, that figure is set at $25 billion and in the budget resolution it is at $24.9 billion.

So, notwithstanding the very impressive presentation made by my colleague from Florida, he is talking about Confederate money. If we are to have real money in order to present this to the Appropriations Committee, in a discussion I have had with the distinguished Senator from Alaska, Senator STEVENS, we are going to have to have real dollars put in an offset. As much as I would like to see $2 billion as suggested by Senator MACK I do not know quite how to get there with an offset, but I think this is admirable.

I suggest to my colleagues that if we take four-tenths of 1 percent from discretionary nondefense, a total of some $258 billion, we will have $1.1 billion. That sum of money would enable us to have an increase in the NIH budget, something in the neighborhood of $950 million, which would be hard cash and something which is really very, very, badly needed.

When we talk about the number of grants provided through NIH, we currently have some 27,000 research project grants, 878 center grants, nearly 15,000 training grants. But even at that, only one in four approved grants are funded.

Now, beyond NIH, we will face in this subcommittee LIHEAP, Low-Income Energy Assistance. I know my distinguished colleague from New Mexico has been a leader on mental illness, and he will be coming to the markup and will be making a very valid, very impassioned plea, as he has done each year. If I could continue to have the attention of my colleague from New Mexico, each time he as come to me as chairman—and we have had rotations as to who is the chairman of which subcommittee—and each time Senator DOMENICI has come to me, I have said, "Yes. Pete. Yes, sir." He is right. But if

I am to be able to say that as chairman of the committee, we are going to have to have some hard dollars. For Senator DOMENICI's recommendation, I had a discussion with Senator STEVENS, and he said, "I will follow PETE'S lead, but we are going to have to have more than a sense-of-the-Senate resolution."

I know my distinguished colleague from New York is standing beside me. I want to yield the remainder of my time because I think there is going to be a very persuasive argument offered by my colleague, Senator D'AMATO.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from New York?

Who yields time?

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, let me say to my friend and colleague from New York that Senator FRIST was—2 minutes?

All right.

Mr. D'AMATO. I will not take a long time.

Mr. President, let me just simply say this: I support the efforts of my distinguished colleague from Florida. He has been instrumental in helping to lead the way. I remember when we first appropriated money from the defense account for breast cancer research. Were it not for his persuasiveness on the floor, I do not know if we would have ever made that historic breakthrough. That was an amendment offered by Senator HARKIN and myself. It was really Senator MACK who made a difference in this presentation with his efforts.

Let me say this: We are missing the boat. We are just dreadfully missing the boat. Where is our sense of priority in terms of how we do the business of the people?

I have to tell you something. We should take money from any one of a number of sources to see to it that the NIH is properly funded. What we are doing today—making scavengers and beggars of the best in biomedical research—is just simply wrong, whether it is for AIDS, whether it is pediatric work, cancer research, breast cancer, or prostate cancer. Virtually every male in this Chamber is going to get prostate cancer if they live long enough.

What are we doing to ourselves and to future generations? I suggest that we are mortgaging it by not coming forward and allocating resources. I don't care if it comes from the gasoline tax, the cigarette tax, or from cutting expenditures in other areas. We couldn't invest money more prudently than in this kind of medical research.

We shouldn't be juggling funds and saying take it from diabetic research and put it into some other area. Every one of these areas under NIH needs more money.

So, Mr. President, I hope that we not only pass this resolution but then do the business of the people, and that we stand up and say, "Yes, we are going to allocate the necessary resources." There was a 4.3-cent-per-gallon raise in the gas tax to help bring the deficit down. You ask the American people if they wouldn't take one penny of that—which is a lot of money on an annual basis, well over $1 billion—and use that for medical research. You ask them whether or not they would be willing to see to it that expenditures that we are making today should not be diverted to this area. And they would tell you to spend the money for the research so we don't have to go begging and turning down worthy applications because we are talking about the lives of our children and future generations.

I yield the floor. I thank my colleagues for their patience.

Mr. MACK. I say to the Chair that I believe the Senator from Pennsylvania has three amendments.

Mr. SPECTER. Mr. President, I seek recognition simply to send forward to the desk three amendments in accordance with the pending rule.

I thank my colleague from Florida.

I yield the floor.

Mr. MACK. I now yield 5 minutes to Senator FRIST of Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I am pleased to rise in support of the amendment before us just introduced by the Senator from Florida which expresses the sense of the Senate that the Federal commitment to biomedical research at the National Institutes of Health is one of the highest priorities in this year's budget resolution. This amendment very simply states that Congress should double the appropriations for the National Institutes of Health over the next 5 years and, in the fiscal year 1998, increase NIH funding by $2 billion.

I would like to commend my colleague, the Senator from Florida, Senator MACK, for his leadership in bringing this amendment forward today to ensure our commitment short term and long term to biomedical research. I was an original cosponsor with Senator MACK of similar legislation, Senate Resolution 15, introduced on the first day of the 105th Congress, the Biomedical Research Commitment Resolution of 1997, which demonstrated collectively our commitment to increasing biomedical research substantially over the next 5 years.

I rise as a member of the Senate Budget Committee who has struggled with the effort to balance the budget which we will achieve by the year 2002 and at the same time preserve a strong role, a vital role, a critical role, in biomedical research during the times of obvious fiscal restraint. Historically, Congress has in many ways over the years demonstrated a continued strong support of increased funding for the important work that we all know occurs at the National Institutes of Health.

The scientific and medical breakthroughs supported by the NIH in the last 50 years have vastly improved our capacity to prevent disease, to diagnose disease, and treat human disease. I contrast my status as a heart and lung transplant surgeon to my father, a family physician who practiced medicine for 50 years, when he started, he carried around most of the knowledge that he needed at that time to treat somebody in his head and most of his tools in a simple black bag. How far we have come because of our commitment to invest in biomedical research.

As a heart and lung transplant surgeon, I have had the opportunity to see firsthand the great advances which have revolutionized the way we think about disease. As Americans, we benefit every day from the highest quality of health care in the world. And it is vital—it is vital—that we continue to invest for the long term as well as the short term in our research efforts to maintain this high quality.

The research supported by the NIH has resulted in numerous medical advances. A whole new industry in the postwar period has sprung up that supports and encourages research. For the first time in this postwar period we have had mortality rates more affected by chronic disease than infectious disease.

I want to speak, as I see the Senator from New Mexico here on the floor, about the Human Genome Project and what we have seen. We are poised today to move into a whole new era that we couldn't have imagined 10 years ago where it is critical that we continue to maintain that investment to see these potential cures, these new ways to make a diagnosis come to fruition.

The Human Genome Project is an international effort, historic effort, with the goal of understanding and deciphering the human genetic code. The project has achieved already hugely important milestones in our understanding of the molecular basis of disease and the crucial role that our genes play in how we function and how disease is caused. This past year we have witnessed the mapping of chromosomal locations for genes related to, as referred to earlier, an inherited aspect of Parkinson's disease as well as a hereditary form of prostate cancer, which was just mentioned by the Senator from New York. The tools of this Human Genome Project have led to the isolation of a gene responsible for hereditary hemochromatosis, an iron in our metabolism disorder which causes multiple organ failure which we didn't understand historically.

These advances in genetics research are opening the door to our understanding of the causes of disease and giving hope to millions of Americans suffering from genetic disorders. We will see these treatments and we will see these cures for some of the most devastating diseases.

Again, I have to recognize the Senator from New Mexico, because it is he who deservedly has the title of the father of the Human Genome Project, for his wisdom in launching this project in the United States of America—the very person who has spent all day today and yesterday and will be tomorrow leading us into a balanced budget by the year 2002. The Human Genome Project is a success story for Federal investment in biomedical research.

In closing, the Human Genome Project is just one example of the many success stories from the National Institutes of Health. As chairman of the Subcommittee on Public Health and Safety, as a scientist, as someone who has seen, firsthand at the bedside, people die, and who has sat at the bedside of those whom we can have a cure for if we make that investment today, I stress the importance of our continued commitment to this investment so that we can reap these benefits.

In this spirit, I urge my colleagues on both sides of the aisle to support passage of this amendment in recognition that the future of our Nation's health and the future of the health of our children is dependent upon our strong investment in biomedical research today.

Mr. President, I yield my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I yield 10 minutes to the Senator from California, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair, and I thank the distinguished Senator from Florida for this opportunity.

One of my great pleasures in the Senate has been to chair the Senate Cancer Coalition with Senator MACK, and in that capacity, we have had four hearings. We have listened and heard a great deal about cancer.

I think, Mr. President, if you ask the American people two questions about Federal spending, in two areas, and if you asked, "How much do we spend as a portion of our budget on foreign operations?" the American people would think it is very high. If you ask them, "What do you think we spend on research for health?" I think they would say it is a great deal. In fact, it is less than one percent of our budget.

Today, at the NIH only 28 percent of the grant applications are funded. That is down from 30 percent in 1992. We are doing less. Only 20 percent of new grants are funded.

How would NIH use more funds? They would use the funds in areas that show scientific promise:

Brain disorders: areas such as neural development, neural degeneration, with emphasis on Alzheimer's disease and Parkinson's disease.

New Therapies: drugs to combat cancer and AIDS; bioengineering to repair damaged tissues; treatments to improve care at the end of life.

Genetics: better identification of inherited mutations which contribute to cancer risk; better identification of environmental impact of genetic mutations.

Now let's turn to the National Cancer Institute.

The National Cancer Institute in fiscal year 1997 can only fund 26 percent of grant applications. NCI funded 32 percent in 1992. They are down in 4 years from funding 32 percent to 26 percent of grant applications.

General Norman Schwarzkopf, a prostate cancer patient, said: "During the past decade, Federal funding for cancer research has, after adjusting for inflation, increased only one percent."

Mr. President, 7.4 million Americans have a history of cancer; 1.3 million cases will be diagnosed this year and 560,000 Americans will die. But we spend one tenth of one cent of every Federal dollar on cancer research.

On May 7, NCI Director Dr. Klausner said NCI could use double its current funding. How would NCI use additional funds? First, experts say they could increase the testing and search for causes of cancer. Second, more people could participate in cancer trials. We could increase access of eligible adult cancer patients participating in clinical trials. Today, only 2 percent of eligible cancer patients can participate and we could increase that to 20 percent. NIH could increase the number of cancer centers from 55 to 75. Cancer researchers could improve earlier detection of cancer and expand studies of environmental risk factors for cancer, as was urged by experts at a recent hearing of our Senate Cancer Coalition. NCI could monitor more people to better understand the impact of treatment on cancer patients. Today, NCI can monitor only 10 percent of the American population with cancer, a sample that is too small. More monitoring can yield more information about the outcome of treatments.

Mr. President, NCI has identified five important new research areas that could realize the large dividends that are described in NCI's "bypass budget." What is the bypass budget? The Congress requested the National Cancer Institute to annually identify, in their professional judgment, their promising scientific unmet needs.

Here is what they are: First, Cancer genetics: Within 5 years, the goal is to identify every major human gene predisposing to cancer. Second, NCI could increase animal models of human cancers that would allow testing in animals of early detection, prevention, and treatment strategies. Third, NCI could improve detection technologies, to sharpen the sensitivity of technologies and smaller numbers of tumor cells. Fourth, NCI could improve developmental diagnostics to better understand the difference in and the properties of tumors, how they change, how they respond to treatment and thereby improve the treatments. And fifth, NCI could increase what is called investigator-initiated research by 30 percent, to capitalize on new ideas and talent all across the country. This would increase research conducted in universities and labs.

With our aging population growing, our research needs will grow. People are living longer. By the year 2000, the number of people aged 75 to 84 will increase by one-third, to 12.3 million people. People over 85, the fastest growing segment of our population, will grow 70 percent, to 4.9 million. One-third of U.S. health care spending today goes to people over age 65. These costs, left unabated, will grow exponentially. The rising aged population will tax Medicare, Medicaid and the health system overall.

NIH is working on research to delay the diseases and disabilities of aging. Let me give some examples. Mr. President, 4 million Americans today have Alzheimer's disease, a degenerative disorder that can leave people unable to function on their own. By delaying the onset of Alzheimer's for 5 years, we can save $50 billion annually.

Half of all people over age 65 have symptoms of arthritis. Osteoarthritis costs $8 billion annually. By delaying the onset by 5 years, we can save $4 billion.

Hearing loss: 30 percent of adults age 65 to 75, and 40 percent of those over 75, have some degree of hearing impairment. Delaying the onset by just 5 years could save $15 billion annually. What is my point? Research is cost effective.

We need more health research because we have diseases and disorders for which there is no cure.

AIDS has surpassed accidents as the leading killer of young adults. It is now the leading cause of death among Americans age 25 to 44.

The prevalence of diabetes has steadily increased over the past 35 years.

Just pick up Time magazine and you see that asthma rates jumped 58 percent, from 1982 to 1992 for children, and asthma is the leading cause of school absences from chronic conditions.

40,000 infants die each year from devastating diseases, and 20 million Americans have rare diseases for which there are few effective treatments. Seven to ten percent of children are learning disabled.

The rate of low birth-weight among African-American children is 13 percent, compared to 6.2 percent for white Americans. One condition that increases the risk of premature delivery is bacterial vaginosis, and African Americans have a higher rate.

So we can alleviate suffering, find treatments, cure diseases, if we have the research, if we devote the resources to it. The irony is that most people, 75 percent of the people in America, would pay higher taxes for this kind of research.

I contend that increased research will reduce health care costs. Let me give some examples of annual economic costs. Cancer, $104 billion annually; heart disease, $128 billion; Alzheimer's, $100 billion; diabetes, $138 billion; mental disorders, $148 billion; stroke, $30 billion. A 5-year delay in Alzheimer's—again, $50 million savings. Savings in delaying the onset of stroke would be $15 billion. And a delay in the onset of Parkinson's disease would save $3 billion annually.

For every $1 spent on measles/mumps/rubella vaccine, $21 is saved. For diphtheria/tetanus/pertussis vaccine, $29 is saved. This is prevention. And research can bring us prevention.

Hip fractures, common among the elderly, are a leading cause of nursing home admissions. They account for one in every 5 admissions. NIH research found that estrogen therapy reduces osteoporosis and hip fractures. In 1991, 1 year alone, the reduction in fractures in women taking estrogen replacement saved $333 million in these nursing home admission costs.

Medicaid and Medicare: 56 percent of nursing home costs are paid by these programs. They total over $44 billion annually. These costs are rising. We all know this from our budget deficit debate. By delaying the onset of chronic aging-related illnesses, spending for nursing home care could be cut by $35 billion.

What is my point? My point is health research makes sense for many reasons, but we are not doing as well as we could. The scientific community has repeatedly pointed out that we are neglecting research. The Institute of Medicine has described U.S. clinical health research as, "in a state of crisis." Without adequate support, we will see a serious deficiency of clinical expertise, a reduction in effective clinical interventions, increases in human suffering and disability, and increases in the costs of health care.

A June 1995 national survey by Research America found, as I said, that 75 percent of the public would pay more for medical research. This is one of the reasons why Senator MACK, Senator D'AMATO, Senator REID, Senator JOHNSON and I will be proposing a tax checkoff for the IRS form, giving Americans the opportunity to use a checkoff to contribute to cancer research. This could be an effective public-private partnership. It is one of the reasons why we are also for a breast cancer stamp, which would have 1 additional cent, and that 1 cent would go to breast cancer research.

Mr. President, 94 percent of Americans believe it is important for the United States to maintain its role as a world leader in medical research. We cannot do it if health research is less than 1 percent of our budget. We cannot do it when good grants are turned down because the funding isn't there. Only 3 cents of every health care dollar spent in this country is used for research—3 cents. NIH's budget is less than 1 percent.

I made my case. Medical science is on the cutting edge of many important discoveries. It is a time when we should be nourishing research. This is not the time to backslide. I urge my colleagues to support the Mack-Feinstein amendment. I yield the floor and I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Florida.

Mr. MACK. I yield 5 minutes to Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the sense-of-the-Senate resolution offered by my colleague from Florida, calling for a doubling of our investment in biomedical research at the National Institutes of Health over the next 5 years. Now, some may question why we are calling for such a significant increase in spending as part of a balanced budget agreement. However, I believe that our sense-of-the-Senate resolution is entirely consistent with the goal of a balanced budget, because there is no investment that would yield greater returns for the American taxpayer than an investment in biomedical research.

Our nation currently spends billions of dollars each year, both directly and indirectly, to treat and care for chronic diseases. For example, cardiovascular disease costs us $138 billion each year. Alzheimer's disease costs about $100 billion each year, primarily in nursing home and other long-term care costs. Strokes result in health care costs of almost $30 billion annually. And Parkinson's disease costs our society about $6 billion annually. We basically have two choices. We can sit back and continue to pay the bills and endure the suffering, or we can aggressively pursue a national strategy aimed at preventing, delaying, and even curing these devastating and debilitating diseases and conditions.

While we are spending billions of dollars each year on patient care, as the Senator from California has pointed out, only 3 cents—3 cents of each health care dollar are currently invested in medical research. Opportunities for progress in biomedical and related health science research have never been better, but currently, we are only funding a fraction of the promising grant applications submitted to NIH. Moreover, not only are the investments in research disproportionately low compared to the cost of patient care, but the potential of research to reduce health care costs is vastly under realized.

The work of Dr. Jonas Salk and his colleagues to produce a vaccine for polio serves as a dramatic example of research as a high-yield investment. The lifetime costs of maintaining just two children stricken with polio is greater than all of the money —all of the money—ever spent on the research that virtually eliminated the disease.

The potential for achieving even greater savings from health care research is enormous. For example, the Alliance for Aging Research has estimated that a 5-year delay in the onset of Alzheimer's disease could cut health care spending by much as $50 billion annually and that a 5-year delay in the onset of stroke could save our Nation $15 billion a year.

This is no time to put the brakes on research spending. Rather, we should accelerate our efforts and increase our commitment to medical research that can cure, prevent or delay disease. This strategy is especially important as we move into the next century when our public health and disability programs will be increasingly strained by the aging of our population.

Finally, the cost of disease and disability cannot be measured in dollars alone. Only those who have had to care for a father or a husband whose quality of life has been cut short by a stroke can appreciate how devastating it can be. Or think of the family whose mother or grandmother no longer recognizes her own children or grandchildren because of Alzheimer's disease.

These diseases take their toll emotionally as well as financially. They can dramatically and irretrievably alter the lives of the affected individuals and their families, as Senator MACK has so eloquently testified. Therefore, I am very pleased to be joining Senator MACK in offering this sense-of-the-Senate amendment, and I urge all of my colleagues to join us in passing it.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I yield 5 minutes to Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair. I thank the Senator from Florida for yielding.

I am honored to be a cosponsor on this resolution. There are so many things that we vote for in the Chambers of the Senate and House, and I often wonder what the average person in the street would do if they were faced with casting a yes-or-no vote on issues we face in the Chamber.

I think I know what they would do when it comes to this resolution. If we are talking about a substantial increase in medical research as a major budget priority, I think I know where the American people would end up on that. They would be supportive. They understand, as we do, what is at stake.

There have been a lot of things said in the Chamber, and I stand behind the statement of the Senator from California, the Senator from Maine and others, and they have recounted the work that has been done by NIH. I will not go on to repeat all those things, the breakthroughs that the National Institutes of Health has initiated. There are so many in the area of hip fractures, as the Senator from California said, breast cancer. The No. 1 leading cancer cause of death among women is lung cancer from smoking, but No. 2 and very serious is breast cancer.

What is happening at the National Institutes of Health in breakthrough research on bone marrow transplant is giving new hope to women who have learned that they have been diagnosed with breast cancer. That is something that every single husband, every father, everyone can identify with in a family as an important breakthrough.

Diabetes, heart disease, stroke, the list goes on and on. But I would like to ask my colleagues to think about this in a different and more personal context. I would daresay that in the next 12 months some Member of this Senate, someone sitting in the gallery, or someone listening to this debate will be seated in a doctor's office or a hospital when a doctor walks in the room and says that either myself or you or a loved one has been diagnosed with a serious illness. It takes your breath away to even think that it might happen, and yet we know it happens every day. You and I and everyone listening pray to God that the next words out of the doctor's mouth are, "But I have good news. There is a promising new therapy. There is a new surgery. There is a new medicine. We think that we can conquer this." And your heart starts beating and you realize you have hope.

That is what this is all about. This is not about a budget resolution. This is not about numbers on a page. It is about the hope that every family wants to have when faced with this threat of a serious illness. This investment in the National Institutes of Health is money well spent, not just because it can lead to new cures and lead to people having longer lives and less suffering, but let me mention one other element that I do not know has been spotlighted.

Across America today young men and women are deciding what to do with their lives. We hope that a substantial number of them will dedicate their lives to science, to medical science, and to research. But if they fear that their education is not going to lead to a position where they can get involved in research, they are less likely to do so. When we make a commitment to medical research at the National Institutes of Health, we say to that class of young scientists, men and women, we have a job waiting for you. We need you and we need your talent and we need you to stick with it so that you can live through the satisfaction of finding a breakthrough in the field of medicine and in science.

So it is not just a matter of saving those who are ill. It is a matter of encouraging young people to dedicate their lives to medical research. And that is why the sense-of-the-Senate resolution offered by the Senator from Florida is so critically important.

The National Institutes of Health in 1995 funded approximately 2,140 research institutions and over 18,000 investigators. And yet, if I am not mistaken—and I stand to be corrected by my colleagues here—we are funding about one out of four or one out of five eligible research grants. In other words, there are three or four grants there that are very promising in medical research that we cannot fund.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. This resolution offered by the Senator from Florida, which I am happy to cosponsor, will provide the resources for that absolutely essential research.

I yield back the remainder of my time.

Mrs. BOXER. I rise to support the Mack amendment which recognizes the importance of funds for the National Institutes of Health [NIH] research programs.

The investment that the American public has made in medical research funded by the NIH has been the foundation of this Nation's medical research enterprise—one of the leading sectors of our economy.

The NIH supports research at 2,000 colleges, universities, and other scientific institutions, including the efforts of more than 50,000 researchers and their staff throughout the country.

An NIH appropriations increase of 100 percent over the next 5 fiscal years and a $2 billion increase by 1998 will save millions of lives.

In 1991, NIH launched the Women's Health Initiative, a 15-year study to examine hormone replacement therapy and its impact on cardiovascular disease—the leading cause of death in the U.S.; dietary intervention in the prevention of breast and colonrectal cancer; and vitamin D and calcium in the prevention of osteoporosis and colonrectal cancer.

Breast Cancer—the most commonly diagnosed cancer and the second leading cancer killer of American women—affects one in eight women in their lifetimes. Federal funding for breast cancer research and programs has continued to increase, but this year alone over 180,000 American women will be diagnosed with breast cancer.

I want to see the death rate from more diseases drop. I want to see a commitment in research funds for ovarian cancer—the silent killer—about which there is so little known.

I want to see eradication of diseases like Scleroderma, a disease most can't pronounce—but there are more cases of scleroderma than multiple sclerosis or muscular dystrophy.

In the 25 years since the National Cancer Act was signed into law, the toll taken by cancer continues to rise. In 1996, over 1.5 million Americans were diagnosed with some form of cancer and over 550,000 people lost their lives to cancer. This year, the numbers will continue to climb.

In 1997, approximately 131,920 Californians will be diagnosed as having cancer. This is the equivalent of almost 15 new cases every hour of every day. Approximately, 53,610 Californians will die from cancer.

Prostate cancer is the most common cancer in American men and has become the most common cancer in California. (American Cancer Society, 1997 California Cancer Facts and Figures). Based on current U.S. rates, about 19 of every 100 men born today will be diagnosed with prostate cancer during their lifetime, while approximately 4 of every 100 men will die from this disease.

In 1997, approximately 24,000 Californians will be diagnosed with prostate cancer and an estimated 3,500 deaths will occur.

More funding for cancer research will make a difference. While there is no shortage of good research ideas in the cancer field overall, the chances for funding these research opportunities keeps getting worse.

The overall percentage of approved but unfunded investigator-initiated grants steadily increased from 40 percent in the 1970's to 85 percent in 1995. This trend needs to be reversed.

This amendment is a step in the right direction. I urge my colleagues to support this amendment and make sure that appropriate levels of funding are invested in research which saves lives.

Mr. MACK. Mr. President, I ask unanimous consent that Senator GORTON and Senator HUTCHISON of Texas be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. If I could just make a couple of brief comments and then we will be through.

Mr. DOMENICI. Sure.

Mr. MACK. As I listened to the discussion, and most of you heard me go through some of my experiences, I will never forget the moment that my wife told me she had discovered a lump in her breast and the doctor had told her that she had cancer. The sense of terror that gripped both of us, the sense of fear that we experienced—and I must say to you, there were a lot of selfish feelings going on inside me. I thought that I was going to lose my wife, that she would die of cancer. That is the reaction most people have when they are told they have cancer. I thought I was going to lose her. And so I wonder to myself, knowing what we know today, the breakthroughs that have already taken place in research, what keeps us from doubling the investment at NIH? Why will people accept the notion that we cannot do more?

I just cannot comprehend that. And so I would ask my colleagues tonight to support this sense-of-the-Senate resolution, recognizing that it is only the first step in a long, hard fight to find the dollars to double the investment in the National Institutes of Health.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, do I understand we are finished with the debate except Senator KENNEDY?

Mr. MACK. Yes.

Mr. KENNEDY. Mr. President, I commend Senator MACK for introducing this amendment. He has consistently fought for the increases at NIH over a long period of time. This makes eminent sense for the reasons he and others have outlined. I hope that his amendment will be accepted and that we could move ahead on this extraordinary opportunity to support breakthroughs in health care, in so many different areas affecting so many different families in America. He deserves great credit, and I am proud and privileged to cosponsor the amendment.

Our amendment expresses the sense of the Senate that the Federal commitment to the National Institutes of Health should be doubled over the next 5 years, increasing the current NIH budget of $13 billion to $26 billion by the year 2002.

This increase is critical to fulfilling our hope for healthy lives for all Americans. Every family is touched by the scourge of disease. This amendment will be a step toward reducing that burden. It is vital to maintaining the investment we've already made and to moving forward to improve the health of the American people. It can also be a key strategy in our efforts to save Medicare.

NIH began in 1887 as a one-room Laboratory of Hygiene. It has grown in the past century into the premier biomedical research facility in the world, for the benefit of literally billions of citizens in this country and of many other lands.

In the 1950's, NIH research found that fluoridated drinking water could prevent dental cavities in children. In the 1960's, NIH scientists helped crack the genetic code, beginning the studies that would lead to recombinant DNA technology and gene therapy. In the 1970's, NIH-sponsored research began to unravel the mysteries of the genetic origin of cancer.

The promise of new medical research is boundless. As impressive as the progress of the past has been, it pales in comparison to the opportunities for the future. We stand on the threshold of stunning advances in medicine through deeper understanding of the fundamental mechanisms of the cell, through mapping of human genes, through biotechnology, and through a host of advances that are already on the horizon.

But instead of moving toward that horizon, we are in danger of standing still. The proportion of worthwhile projects that NIH is able to fund has declined steadily over the past 15 years. Today, they can fund only about one in four such projects. That means, for example, that in 1996 the NIH had to turn away about 18,000 applications.

Every unfunded application represents a missed opportunity. As funding sources dry up, the best young minds are discouraged from entering the field of biomedical research. The situation is growing dire. In 1994, the National Academy of Sciences warned that we have too few clinical investigators to conduct the research that is most needed.

In recent years, medical research has changed the world we live in, revising much of what we know about life, about diseases afflicting citizens of all ages. It has led to a breathtaking array of new technologies and therapies which have improved the health of Americans of all ages and walks of life.

From vaccines against childhood diseases, to treatments for spinal cord injury, from chemotherapy for cancer to medication for mental illness, medical research is improving the lives, and health of people everywhere.

Since we began to immunize small children with the Hib vaccine, which was developed by NIH scientists in the 1970's and 1980's, cases of deadly spinal meningitis have dropped by more than 98 percent. Diseases like mumps, whooping cough, and chickenpox, all common in the past, have dropped to their lowest levels in history. We are on the verge of eradicating polio from the world.

Spinal cord injury affects thousands of Americans, often striking in the prime of active lives. A recent NIH study found that a new drug, given within 8 hours of the injury, improves recovery by 20 percent, and gives patients greater independence and better health.

Chemotherapy for testicular cancer, the most common form of cancer in men aged 15 to 35, can bring a cure rate of 60 to 65 percent.

Researchers have identified genes linked to certain forms of breast cancer, and have developed new treatments for colon cancer. Improved detection and treatment methods like these have increased the 5-year survival rate for cancer victims to 52 percent. The gain since the 1960's represents over 80,000 additional cancer survivors each year.

For the first time, we have effective prescription drug treatments for series mental health conditions, such as major depression, bipolar disorder, and schizophrenia. Many of these medications were developed by NIH-supported research.

We are also making progress against other intractable and debilitating diseases. Diabetes affects more than 16 million Americans. Recent research has improved treatment and offers the possibility of a cure.

Research on heart disease has made important advances. Since 1971, deaths from heart disease have dropped by 41 percent. NIH-funded research showed that one aspirin a day can reduce early mortality from heart attacks by 23 percent, and reduce subsequent nonfatal heart attacks by almost 50 percent.

Estrogen therapy in women has been shown to have a wide range of benefits, including reduced heart disease, osteoporosis, and Alzheimer's disease.

Dramatic progress is taking place in the treatment of stroke, which affects 3 million Americans each year. Victims who receive a new clot-dissolving drug in the first hours after a stroke recover more fully and more quickly than other patients. Half of the patients receiving this treatment recover completely. Other advances have reduced death from stroke by 59 percent since 1971.

Parkinson's disease affects more than half a million Americans. Doctors can now identify the area of the brain causing the tremor, and destroy it with a procedure that has been successful in over a thousand patients. Patients require fewer physician visits and less medication. The treatment reduces the number of falls leading to hip fracture and the need for hospitalization, nursing homes, and physical therapy.

Recent research on Alzheimer's disease suggests that preventing small, silent strokes can help those at risk delay the onset of the disease.

Research on the cutting edge of molecular biology, immunology, and neuroscience are making advances. In the early 1980's, AIDS was virtually untreatable. Today, new drugs are maintaining health in people with HIV for longer and longer periods.

Biomedical research is cost-effective. Research costs for the Hib vaccine were about $30 million. Today, the vaccine saves $70 to $150 million a year in direct medical costs. The spinal cord injury study cost very little. If the medication comes into widespread use, the potential savings are in the billions of dollars. Estrogen therapy costs less than a dollar a day; cost savings in money and human suffering are huge.

We all know that Medicare is one of the most successful social programs ever enacted, but it is threatened today by demographic changes and the retirement of the baby boomers that lie ahead. Rather than saving the program by raised premiums of cutting reimbursements, there may be a better way.

A Duke University study earlier this year suggests that a small improvement in the disability rate among older Americans can bring large cost savings for Medicare. The decline in disability that is already occurring is attributable to research on the diseases of aging. If we take sensible steps to fix Medicare for the short-term, the most effective way to keep it solvent for the long term may well be to maintain and strengthen the existing trend toward better health for older Americans. The key step in that strategy is support for medical research.

Continued and expanding investment in such research will also provide benefits to the larger economy. As advances move from the laboratory into the commercial sector, new businesses and jobs will follow.

A recent study at the Massachusetts Institute of Technology found that the licensing of university inventions—including biomedical technologies—adds $21 billion to the economy and supports 200,000 jobs each year.

Doubling the NIH budget will build on this progress and help to ensure that its potential is achieved. It will provide funds to strengthen the research community, encouraging the best, and brightest of America's college graduates to make their careers in scientific research. This increased support will be tangible evidence of Congress' commitment to the health of all Americans.

Some will ask if we can afford to double the NIH budget. I would turn the question around to ask if we can afford not to do so. President Charles Vest, of M.I.T. has written, "Modern medicine is born of scientific research and delivered by advanced technology. Its human benefits can be realized only through the wise and caring public policy of a nation willing to invest in the future." If we can't afford to do this, we can't afford the future. The fundamental issue is priorities, and I urge the Senate to give its strong support to this bipartisan proposal.

Mr. DEWINE. Mr. President, I rise in support of Senator MACK's amendment to double the research budget of the National Institutes of Health over the next 5 years and to add $2 billion to NIH funding now for fiscal year 1998. I want to thank the Senator for bringing this amendment to the floor today and this issue to the attention of our colleagues.

This level of funding is critical. It's clearly needed if we're going to tackle the serious medical problems that America faces—including cancer, diabetes, asthma, arthritis, AIDS, and the need for additional information about the special medical needs of children.

Research sponsored by the National Institutes of Health has a proven track record that has touched the lives of many Americans. The broad scope of its achievements is truly impressive. It includes the development of new treatments for disease; identification of genetic mutations for a varied set of diseases; identification of genetic mutations for a varied set of diseases; and contributions to the development of new scanning technologies. These spectacular advances in health could not have been achieved but for the commitment of Federal dollars we make to the NIH.

And let us be clear on this. The returns on the public investment in biomedical research have been impressive. Not only have we won Nobel prizes and built on decades of basic research, we have contributed to our national economic growth. Our investments have given life to America's biotechnology industry. Some have estimated that revenues in this industry will approach $50 billion annually by the year 2000 and create as many as 500,000 new jobs.

I am supporting this effort because I believe it reflects a commitment to substantially strengthen our priorities toward biomedical research. We cannot rest on our laurels. We must work to improve the health of our citizens. I also want to make a personal commitment to work with my colleagues there in Congress and with the NIH to make advantage of the important opportunity this amendment presents to advance research that benefits all of us—and especially, all of our children.

Let me highlight just one example of the type of activity that additional NIH research could support. Children under the age of 21 represent 30 percent of the population—and yet the NIH devotes only somewhere between 5 and 14 percent of its budget to their needs. Just as there has been a recognition in recent years that women and minorities have been neglected in research efforts nationwide, there's a growing consensus that children deserve more attention than they are getting.

Children are not small adults. They go through different developmental stages, they metabolize drugs differently, and they respond to illnesses and treatments differently. Children's health needs are not only different—they're often ignored by the private sector.

Federal funding for research—especially medical research—is a fundamental responsibility of Government. Today, the Senate must acknowledge that responsibility and act to enhance the ability of NIH to improve the health of all Americans.

Mr. MACK. Mr. President, I ask unanimous consent to add Senator DOMENICI, Senator GRAMM, and Senator THURMOND as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator yield back his time?

Mr. MACK. Yes, I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, I wanted to just alert the Senate, we were not quite sure when this vote was going to occur, and I have just spoken to our leadership office and they would like to give Senators a little bit of time to get in here. So I wonder if we could start this vote at a quarter of.

Mr. President, I think what we will do, I have a couple of comments, and then I think what we will do is go ahead and have the up-or-down vote and just keep it open for 20 minutes or more, and that will give Senators who are en route a chance to get here. I think that will be all right.

Mr. President, I compliment Senator MACK on the sense-of-the-Senate resolution, but I would be remiss if I did not congratulate the Congress on what it has already done for the National Institutes of Health.

Yes, we should do more. But last year we gave the National Institutes of Health a 7 percent increase. This year, if all goes as planned, they will get a 3½ percent increase.

Now, the National Institutes of Health this year under the new plan will be a $13.1 billion enterprise, so it is not like we are not doing something significant. And while I believe that a sense-of-the-Senate saying we should do more, if we can, makes good sense, let me suggest that the greatest health science in the world is going on at the National Institutes Of health of the United States, the biggest breakthroughs are being made there along with the business investment, pharmaceutical investment in America. We are truly at the cutting edge of some very significant wellness events.

Sometime when I have time in the Chamber, we will talk a little more about how the Human Genome Project got started, for it is an interesting kind of story. I do not intend to do it tonight. It is one of the greatest programs we have going, and I thank Senator FRIST for mentioning my name in conjunction with its inception. I had a bit to do with that.

Now, if we had any time in opposition, we yield it back.

Has the Senator asked for the yeas and nays? The yeas and nays have been requested.

The PRESIDING OFFICER. The yeas and nays have been ordered. There was a sufficient second.

The question is on agreeing to amendment No. 315 offered by the Senator from Florida. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire [Mr.

GREGG] and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Gregg
Helms

The amendment (No. 315) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am sorry that I have to inconvenience a couple of people that are waiting around, particularly my good friend, the chairman, but I have to get a little business done, if I can.

I have some amendments that have been cleared on both sides. I would like to send them to the desk with the attendant statements, whatever they are.

AMENDMENT NO. 341

(Purpose: To express the sense of the Senate that certain elderly legal aliens should continue to receive benefits during a redetermination transition period)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator FEINSTEIN, and others. I believe the amendment is a good amendment. It is a sense-of-the-Senate amendment regarding the elderly disabled and the SSI program.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mrs. FEINSTEIN, for herself, Mr. CHAFEE, Mr. DOMENICI, Mr. LAUTENBERG, Mrs. BOXER, Mr. D'AMATO, Mr. DEWINE and Mr. KENNEDY, proposes an amendment numbered 341.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING CERTAIN ELDERLY LEGAL ALIENS.

It is the sense of the Senate that the provisions of this resolution assume that:

(1) the Committee on Finance will include in its recommendations to the Committee on the Budget of the Senate changes in laws within the jurisdiction of the Committee on Finance that allow certain elderly, legal immigrants who will cease to receive benefits under the supplemental security income program as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 stat. 2105) to continue to receive benefits during a redetermination or reapplication period to determine if such aliens would qualify for such benefits on the basis of being disabled.

(2) the Committee on Finance in developing these recommendations should offset the additional cost of this proposal out of other programs within the jurisdiction of Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I, along with Senators DOMENICI, LAUTENBERG, BOXER, CHAFEE, DEWINE, D'AMATO, and KENNEDY am offering the sense of the Senate that would require the Finance Committee to allow elderly legal immigrants to continue receiving SSI during their redetermination period. Under the current budget agreement, all elderly would be cut off of SSI as of October 1, 1997.

I want to acknowledge the leadership of the bill managers on both sides for their recognition of the devastating impact this budget agreement has on over 400,000 elderly legal immigrants, and encouraging the Senate to provide an important interim provision.

While I support the budget resolution's broad budget balancing framework, I have expressed over and over again, my deep concerns over its failure to restore SSI for over 400,000 elderly legal immigrants, 30 percent of which are over the age of 75 and who will be cut off from SSI as of October 1, 1997.

The current budget agreement, falls short of what is needed to keep the elderly immigrants from losing their life supporting benefits.

The Budget Agreement provides:

SSI benefits for disabled legal immigrants who are disabled and were in the country as of August 22, 1996.

SSI benefits for those who became disabled and got on the rolls between August 22, 1996 to June 1, 1997.

The budget agreement bans:

SSI for most elderly legal immigrants, even those elderly immigrants who rely on SSI for survival.

Food Stamps for most legal immigrants.

Although restoring SSI for the disabled is an important first step to a major flaw in the Welfare Reform bill passed by Congress last year, the elderly legal immigrants who depend on SSI will still lose their benefits under the agreement.

Under the current agreement, an 83-year-old woman with no family, who speaks little or no English, will be just as homeless as one who is disabled when she loses her SSI benefits. What is she supposed to do, get a job?

Under Welfare Reform, approximately 725,000 elderly, blind, and disabled legal immigrants could lose SSI benefits on August 22 of this year. Under the budget agreement: 42.5 percent or 307,630 disabled legal immigrants who were receiving SSI as of the date of enactment of the Welfare Bill would continue receiving SSI. However, for 417,360 or 57.5 percent of elderly legal immigrants who are currently receiving SSI would be cut off as of October 1, 1997.

The President estimates that 66 percent of the elderly legal immigrants who will be cut off from SSI initially could be recertified under the disabled category.

However, due to what I believe is an unintended mistake, even those elderly legal immigrants who are also disabled would be cut off from SSI on October 1, 1997. The elderly would become eligible for SSI only if they requalify after the cutoff.

CBO estimates that it would take 6 months or longer to rectify all the elderly legal immigrants currently on the rolls. During the recertification period, no elderly legal immigrant would be receiving SSI. How will they survive for 6 months? They will mostly become homeless or fall onto County General Assistance rolls.

The impact of the SSI ban for elderly legal immigrants will be devastating and immediate, especially in the high immigrant States.

In California, 163,900 elderly legal immigrants may lose their SSI.

In New York, 65,340 elderly legal immigrants may lose their SSI.

In Texas, 32,640 elderly legal immigrants may lose their SSI.

In Florida, 44,310 elderly legal immigrants may lose their SSI.

In Illinois, 13,360 elderly legal immigrants may lose their SSI.

In Massachusetts, 13,410 elderly legal immigrants may lose their SSI.

Come October 1, 1997, we will see hundreds of thousands of elderly legal immigrants, of which 30 percent are over

75 years old, and who may also be disabled, thrown out into the streets and homeless.

Under the Budget Agreement, 137,728 or 34 percent of elderly legal immigrants nationwide will lose their SSI permanently because they will not be able to qualify as disabled; 55,726 elderly legal immigrants in California will lose their SSI; 22,215 elderly legal immigrants in New York will lose their SSI; 11,076 elderly legal immigrants in Texas will lose their SSI; 15,065 elderly legal immigrants in Florida will lose their SSI; 4,542 elderly legal immigrants in Illinois will lose their SSI; and 4,425 elderly legal immigrants in Massachusetts will lose their SSI.

The alternatives for these elderly legal immigrants are bleak—if they do not have family who can care for them, they either end up in a homeless shelter or end up on County General Assistance rolls.

Senator JOHN CHAFEE and I have previously introduced a bill that would restore SSI benefits to all elderly, blind or disabled legal immigrants who were receiving SSI prior to the passage of the welfare reform bill. We propose that no current recipient should be thrown off from their SSI benefits. We agree that for those coming into the country after the enactment date, we ban SSI and require instead, the sponsors to be responsible for their family members.

I believe that this is a responsible action that must be taken by Congress to correct a serious flaw in the welfare bill.

Allowing the elderly to continue receiving their SSI until they can be recertified is the first step but not the final solution. The final solution is to provide for all elderly and disabled legal immigrants who were on SSI as of August 22, 1996, to continue receiving their SSI.

As we go forward in the budget reconciliation process and final passage of the fiscal year 1998 budget, I urge my colleagues to support the Chafee-Feinstein provision that protects the elderly legal immigrants who were getting SSI at the date of enactment.

Mr. President, I ask unanimous consent that an SSA table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—NUMBER OF ALIENS RECEIVING SSI PAYMENTS BY ELIGIBILITY CATEGORY AND STATE, DECEMBER 1996

State	Total	Aged	Disabled
Total	724,990	417,360	307,630
Alabama	480	370	110
Alaska	750	390	360
Arizona	7,650	3,900	3,750
Arkansas	340	190	150
California	293,180	163,900	129,280
Colorado	5,140	2,740	2,400
Connecticut	4,370	2,700	1,670
Delaware	330	200	130
District of Columbia	860	530	330
Florida	69,710	44,310	25,400
Georgia	4,570	3,930	1,640
Hawaii	3,770	2,850	920
Idaho	410	220	190
Illinois	23,980	13,360	9,620
Indiana	1,080	730	350
Iowa	1,170	600	570
Kansas	1,500	700	800
Kentucky	720	380	340
Louisiana	2,500	1,430	1070
Maine	540	200	340
Maryland	7,800	5,970	1,830
Massachusetts	23,980	13,410	10,570
Michigan	7,350	4,060	3,290
Minnesota	6,640	2,340	4,300
Mississippi	440	230	220
Missouri	1,900	1,030	770
Montana	150	(1)	(1)
Nebraska	720	340	380
Nevada	2,370	1,590	780
New Hampshire	350	200	150
New Jersey	22,140	14,580	7,560
New Mexico	3,350	1,530	1,820
New York	113,900	65,340	48,560
North Carolina	2,600	1,590	1,010
North Dakota	180	(1)	(1)
Ohio	5,340	3,380	1,960
Oklahoma	1,340	880	460
Oregon	4,260	2,200	2,060
Pennsylvania	11,340	6,470	4,870
Rhode Island	3,440	1,700	1,740
South Carolina	580	420	160
South Dakota	200	(1)	(1)
Tennessee	1,380	850	530
Texas	54,760	32,640	22,120
Utah	1,420	700	720
Vermont	150	(1)	(1)
Virginia	6,780	5,150	1,630
Washington	13,160	5,920	7,240
West Virginia	190	(1)	(1)
Wisconsin	4,790	1,800	2,990
Wyoming	(1)	(1)	(1)

[1] Relative sampling error too large for presentation of estimates.

Source: SSI 10-Percent Sample File, December 1996.

Mr. CHAFEE. Mr. President, I want to thank the distinguished chairman and ranking member of the Budget Committee for their help on this amendment.

The amendment before the Senate addresses the treatment of poor, elderly legal immigrants who are dependent on SSI benefits. SSI is a Federal program that provides cash assistance to those who are either elderly or disabled, and of very low income.

Pursuant to last year's welfare law, legal immigrants may no longer receive SSI benefits. Those who were receiving SSI on the date the law was enacted therefore are scheduled to lose that assistance beginning on August 1 of this year, although thanks to an amendment I offered with Senator D'AMATO and others to the disaster relief bill, that cutoff date likely will be pushed back to October 1.

In my view, the welfare law's SSI restrictions were not only harsh, but unfair, particularly to those elderly or disabled legal immigrants who were relying on those critical benefits at the time. It seems an increasing number of Senators and Representatives agree. Therefore, this year Congress is considering proposals to revise the legal immigrant SSI restrictions.

The particular proposal suggested by the budget resolution addresses immigrants' plight by exempting from the SSI ban those who are disabled and who were in the country when the bill was signed. While that is an important step toward fairness, it would mean that legal immigrants who are elderly, but not disabled, would be left out, and would lose their SSI benefits.

If this proposal were enacted, the Social Security Administration would need to re-evaluate all the elderly SSI recipients to determine how many would requalify as disabled. That process would take perhaps 6 months. The question then would become the fate of these elderly recipients during the redetermination time. Would they be dropped from the program during those 6 months, and then be reinstated later if they requalified? Or would they be allowed to continue on the program until it was clear whether or not they would requalify?

Senators FEINSTEIN, D'AMATO, DEWINE, and I believe that in that situation, it makes absolutely no sense to kick elderly recipients off of SSI during the redetermination period, only to reinstate many of them at a later date. However, as written, the budget resolution is silent on this point. Therefore, we worked with Senator DOMENICI to clarify this issue. The amendment before us would ensure that elderly recipients would be allowed to continue to receive this critical SSI assistance during the time it would take to redetermine their status.

This clarification makes sure that should the proposal in the budget resolution be enacted, elderly legal immigrants will be treated with compassion and not subjected to the sudden and perhaps unwarranted loss of basic assistance.

Mr. President, I want to point out that the proposal suggested by the budget resolution is an important one, but it is just one of the many that the Finance Committee may consider during the upcoming reconciliation process. As I mentioned, I believe that the budget resolution approach, as clarified by our amendment, goes a long way toward restoring fairness for vulnerable legal immigrants who were in the country and playing by the rules when the welfare law was enacted. But I must say that I am sorely disappointed that the budget resolution proposal leaves elderly legal immigrants—those who by definition have no other source of income and are too old and frail to work—out in the cold. To my view, then, the budget resolution proposal therefore addresses only part of the problem, and I intend to work with my colleagues here and in the Finance Committee toward a more comprehensive solution.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor this amendment and commend my colleagues for bringing this important issue before the Senate.

We have discovered an unintended gap in the budget agreement with regard to SSI coverage for disabled immigrants. If this budget agreement is adopted, elderly immigrants dependent on SSI assistance who are also disabled will continue to receive that assistance. However, the Social Security Administration states that it may take 6 months for the agency to review the current SSI caseload and make that determination. In the meantime, many elderly immigrants will lose their assistance, only to requalify later on the basis of their disability.

Clearly, this was not intended under the budget agreement, and I commend Senator DOMENICI, Senator LAUTENBERG, Senator CHAFEE, Senator FEINSTEIN, and my other colleagues for their commitment to resolve this problem and cover this gap.

I also join many of my colleagues in expressing my hope that more can be done. As we proceed with legislation to implement this agreement, I hope that we can find ways to ensure that immigrants who fall on hard times and have no sponsors to fall back on can still get help. I am particularly concerned about elderly immigrants and immigrant children.

So I commend my colleagues for their leaderhip in bringing this amendment before the Senate. We have made progress in restoring assistance to immigrants under this budget agreement, and I look forward to working with them on this important issue in the days ahead.

Mr. DOMENICI. I have no objection to the amendment.

Mr. LAUTENBERG. We have no objection here, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 341) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 342

(Purpose: To express the sense of the Senate regarding retroactive taxes)

Mr. DOMENICI. Mr. President, on behalf of Senator COVERDELL, I send to the desk an unprinted amendment which has been cleared on both sides regarding retroactive taxes, a sense of the Senate.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. COVERDELL, proposes an amendment numbered 342.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . SENSE OF THE SENATE REGARDING RETROACTIVE TAXES.

(a) FINDINGS.—The Senate finds that—

(1) in general, the practice of increasing a tax retroactively is fundamentally unfair to taxpayers;

(2) retroactive taxation is disruptive to families and small business in their ability to plan and budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that—

(1) except for closing tax loopholes, no revenues should be generated from any retroactively increased tax; and

(2) the Congress and the President should work together to ensure that any revenue generating proposal contained within reconciliation legislation pursuant to this concurrent resolution proposal, except those proposals closing tax loopholes, should take effect prospectively.

Mr. COVERDELL. Mr. President, today I rise to offer a sense of the Senate amendment to the concurrent budget resolution before us that sets our nation on the path to budgetary balance. This amendment addresses a practice that I believe is one of the most reprehensible burdens government can place on its taxpayers, retroactive taxation.

My conviction for putting a stop to retroactive taxation dates back to just months after I began my service representing Georgia in the United States Senate and occurred as a result of one of the most egregious examples of retroactive taxation in our history. I am speaking of the retroactive tax rate increases enacted as part of the Administration's 1993 tax package whose passage in the Senate required the Vice President to cast the deciding vote.

At the time, estimates of the price tag to taxpayers of these retroactive tax increases were over $10 billion! In other words, with more than two-thirds of the year having been gone, the federal government effectively told the American people, "All your planning was for naught, and we don't care."

To bring an end to this practice, I introduced legislation in the 103rd Congress, the 104th Congress, and now in the 105th Congress. This is not an issue which I intend to drop, and I'll tell my colleagues why.

Mr. President, let me take this opportunity to share with you the story of Mrs. Joanne Dixon, a retired farmer from Girard, Georgia, who suffered personally from the 1993 retroactive tax increases. In her testimony before the Senate Judiciary Subcommittee on the Constitution, Federalism, and Property Rights, she described herself and her family as a simple farming family that, like many of their neighbors, farmed their land, attended church, contributed to their community and paid their taxes. They were proud to be farmers and still believe it to be a good life.

Tragically, in February of 1993, her husband suffered a life-threatening illness brought on by the rigors of running a farm, which they had done together for 38 years. In light of the circumstances, it soon became clear they would have to leave farming and auction off everything they had worked for all their lives. In her testimony Mrs. Dixon said, "I could never put our feelings into words to adequately express what we went through. I will never forget the day of the auction itself. Looking back, I don't know how we stood it, but we managed."

After living with a very painful decision, the Dixons dutifully paid their taxes. Imagine if you would, Mr. President, their surprise when they learned they owed still more in federal taxes because of the 1993 retroactive increases.

Let me again refer to Mrs. Dixon's own words, "The amount of money itself was not a large amount, but we still had to pay the retroactive tax out of funds we had planned for retirement. However, for me that is not the issue. After what we had been through to know that the federal government can tax you simply because it chooses was a real shock. Furthermore, our situation also left us with no way to recover the money we had to pay in this additional retroactive tax. We were out of business. The retroactive tax was a shameful tax."

Mr. President, it was clear to Thomas Jefferson that the only way to preserve freedom was to protect its citizen from oppressive taxation. I believe he would agree that the retroactive imposition of massive taxes is the ultimate slap in the face of the American citizen. Even the Russian Constitution does not allow you to tax retroactively.

American families, businesses, and communities must know what the rules of the road are and that those rules will not change. They have to be able to plan their lives, plan for their families, and plan their tax burdens in advance.

We have before us an historic opportunity to bring the Federal budget into balance. This is a goal I have worked long and hard to achieve since coming to the Senate. In the march to a balanced Federal budget, I believe we need to do so in a way that is fair to American families and small businesses.

Mr. DOMENICI. I have no objection to the amendment.

Mr. LAUTENBERG. No objection here, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 342) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 343

(Purpose: To express the sense of the Senate on Social Security and balancing the budget)

Mr. DOMENICI. Mr. President, I have an amendment on behalf of Mr. DORGAN, Mr. DASCHLE, and Mr. HOLLINGS.

It is a sense of the Senate regarding long-term balancing of Social Security accounts. We have no objection to the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. DORGAN, for himself, Mr. DASCHLE, and Mr. HOLLINGS proposes an amendment numbered 343.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY AND BALANCING THE BUDGET.

(a) FINDINGS.—The Senate finds that—

(1) This budget resolution is projected to balance the unified budget of the United States in fiscal year 2002;

(2) Section 13301 of the Budget Enforcement Act of 1990 requires that the deficit be computed without counting the annual surpluses of the Social Security trust funds; and

(3) If the deficit were calculated according to the requirements of Section 13301, this budget resolution would be projected to result in a deficit of $108.7 billion in fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that after balancing the unified federal budget, the Congress should continue efforts to reduce the on-budget deficit, so that the federal budget will be balanced without counting Social Security surpluses.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 343) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 344

(Purpose: To express the sense of the Senate supporting sufficient funding for veterans programs and benefits)

Mr. DOMENICI. Mr. President, I send a sense-of-the-Senate resolution regarding veterans' programs on behalf of Senator DASCHLE, myself, and Senator ROCKEFELLER, an unprinted amendment, regarding supporting sufficient funding for defense programs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DASCHLE, for himself and Mr. ROCKEFELLER, proposes an amendment numbered 344.

Mr. DOMENICI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place the following new section:

SEC. . SENSE OF THE SENATE SUPPORTING SUFFICIENT FUNDING FOR VETERANS PROGRAMS AND BENEFITS.

(a) FINDINGS.—The Senate finds that—

(1) veterans and their families represent approximately 27 percent of the United States population;

(2) more than 20 million of our 26 million living veterans served during wartime, sacrificing their freedom so that we may have ours; and

(3) veterans have earned the benefits promised to them.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the assumptions underlying this Budget Resolution assume that the 602(b) allocation to the Department of Veterans Affairs will be sufficient in FY98 to fully fund all discretionary veterans programs, including medical care; and

(2) funds collected from legislation to improve the Department of Veterans Affairs' ability to collect and retain reimbursement from third-party payers ought to be used to supplement, not supplant, an adequate appropriation for medical care.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 344) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 345

(Purpose: To express the sense of the Congress concerning domestic violence)

Mr. DOMENICI. Mr. President, on behalf of Senator MURRAY I offer a sense of the Senate regarding family violence option clarifying amendment. This was accepted by the U.S. House in their budget resolution. I see no reason why we should not accept it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mrs. MURRAY proposes an amendment numbered 345.

Mr. DOMENICI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—Congress finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that ¼ of battered women surveyed had lost a job partly because of being abused and that over ½ of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over ½ of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the Committee on the Budget of the Senate in considering the 1997 Resolution on the budget of the United States unanimously adopted a sense of the Congress amendment concerning domestic violence and Federal assistance. Subsequently, Congress adopted the family violence option amendment as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding the provision. As a result, States are hesitant to fully implement the family violence option fearing that it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the provisions of this Resolution assume that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers under section 402(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii)) to individuals receiving assistance, for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individual who is granted a domestic violence good cause waiver by a State shall not be included in the States' 20 percent hardship exemption under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 345) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 346, 347, AND 348

Mr. DOMENICI. We can save a little bit of time because we have a number of amendments that are going to qualify and Senators do not have to stand up and go through all of that maneuvering. I ask unanimous consent the amendments that I send to the desk be considered as having been offered by their appropriate sponsor and thus qualified as under the previous order, and further they be considered as having been set aside. I do this en bloc for the Senators enumerated on the amendments.

The PRESIDING OFFICER. The clerk will report by number.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendment numbers 346, 347, and 348.

Mr. DOMENICI. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 346

(Purpose: to require that the $225 billion CBO revenue receipt windfall be used for deficit reduction and tax relief, and that non-defense discretionary spending be kept at a freeze baseline level)

On page 3, line 3, decrease the amount by $22.5 billion.

On page 3, line 4, decrease the amount by $22.5 billion.

On page 3, line 5, decrease the amount by $22.5 billion.

On page 3, line 6, decrease the amount by $22.5 billion.

On page 3, line 7, decrease the amount by $22.5 billion.

On page 3, line 11, increase the amount by $22.5 billion.

On page 3, line 12, increase the amount by $22.5 billion.

On page 3, line 13, increase the amount by $22.5 billion.

On page 3, line 14, increase the amount by $22.5 billion.

On page 3, line 15, increase the amount by $22.5 billion.

On page 4, line 4, decrease the amount by $13.7 billion.

On page 4, line 5, decrease the amount by $23.4 billion.

On page 4, line 6, decrease the amount by $33.2 billion.

On page 4, line 7, decrease the amount by $42.9 billion.

On page 4, line 8, decrease the amount by $52.7 billion.

On page 4, line 12, decrease the amount by $6.3 billion.

On page 4, line 13, decrease the amount by $16.9 billion.

On page 4, line 14, decrease the amount by $26.7 billion.

On page 4, line 15, decrease the amount by $36.6 billion.

On page 4, line 16, decrease the amount by $46.8 billion.

On page 4, line 19, decrease the amount by $22.5 billion.

On page 4, line 20, decrease the amount by $22.5 billion.

On page 4, line 21, decrease the amount by $22.5 billion.

On page 4, line 22, decrease the amount by $22.5 billion.

On page 4, line 23, decrease the amount by $22.5 billion.

On page 35, line 9, decrease the amount by $13.7 billion.

On page 35, line 10, decrease the amount by $6.3 billion.

On page 35, line 15, decrease the amount by $23.4 billion.

On page 35, line 16, decrease the amount by $16.9 billion.

On page 35, line 21, decrease the amount by $33.2 billion.

On page 35, line 22, decrease the amount by $26.7 billion.

On page 36, line 2, decrease the amount by $42.9 billion.

On page 36, line 3, decrease the amount by $36.6 billion.

On page 36, line 8, decrease the amount by $52.7 billion.

On page 36, line 9, decrease the amount by $46.8 billion.

AMENDMENT NO. 347

(Purpose: To provide for parental involvement in prevention of drug use by children)

At the end of title II, add the following:

SEC. . SENSE OF CONGRESS REGARDING PARENTAL INVOLVEMENT IN PREVENTION OF DRUG USE BY CHILDREN.

(a) FINDINGS.—Congress makes the following findings:

(1) 2,000,000 more children are using drugs in 1997 than were doing so in 1993. For the first time in the 1990's, over half of our Nation's graduating high school seniors have experimented with drugs and approximately 1 out of every 4 of the students have used drugs in the past month.

(2) After 11 years of declining marijuana use among children aged 12 to 17, such use doubled between 1992 and 1995. The number of 8th graders who have used marijuana in the past month has more than tripled since 1991.

(3) More of our Nation's school children are becoming involved with hard core drugs at earlier ages, as use of heroin and cocaine by 8th graders has more than doubled since 1991.

(4) Substance abuse is at the core of other problems, such as rising violent teenage and violent gang crime, increasing health care costs, HIV infections, teenage pregnancy, high school dropouts, and lower economic productivity.

(5) Increases in substance abuse among youth are due in large part to an erosion of understanding by youth of the high risks associated with substance abuse, and to the softening of peer norms against use.

(6) Nearly 1 in every 10 students who received a diploma last June is a daily user of illicit drugs.

(7) A 1995-96 school year survey of drug usage by students revealed that 25 percent of children using drugs are doing so at home or at the home of a friend. Despite these alarming statistics, less than 30 percent of students stated that their parents talked to them about the problem of alcohol and drugs.

(8) In the 1990-91 school year survey, over 40 percent of the students reported that their parent regularly talked to them about drugs. The 1995-96 survey reported an 11 percent decrease in parental involvement and a corresponding 10 percent increase in the number of students in the 6th through 8th grades, who use drugs, and a 17 percent increase in the number of students in the 9th through 12th grades who use drugs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that, from resources available in this budget resolution, a portion should be set aside for a national grassroots volunteer effort to encourage parental education and involvement in youth drug prevention and to create a drug-intolerant culture for our children.

Mr. COVERDELL. Mr. President, recently the Senate has made strong statements promoting efforts to fight against teenage drug use. Programs to mobilize America's parents are desperately needed in these efforts as we struggle to deal with a rising epidemic of teenage drug use.

Survey after survey has shown a shocking rise in teenage drug use. Since 1992, drug use among teens has more than doubled. We recently learned that for the first time since the 1980's over half of all graduating high school seniors will have been involved with illegal drugs and the use of heroine and marijuana by high schoolers has reached levels unprecedented in the 1990's. The number of 8th graders who have used marijuana in the past month has exploded since 1991, growing by over 350%, and heroine use in our high schools has doubled. The fact that 35.8% (or more than one out of every three high school seniors) used marijuana in the past year should be a wake up call to us all, as marijuana serves as a gateway to the use of cocaine, LSD, heroin and other highly addictive drugs. Overall, this is a complete reversal from the previous 12 years when teen drug use was cut in half between 1980 and 1992. A decade of progress has been destroyed.

Yet in spite of these alarming statistics, research conducted by the National Parents' Resource Institute for Drug Education [PRIDE] shows that 7 out of 10 American parents are not talking to their children about the dangers of drug use. These numbers are especially alarming in light of the fact that PRIDE's research indicates that mobilizing parents is one of our most effective ways of fighting this rising epidemic. For example, among students who said they never hear from their parents on the subject of drugs, 35.5% reported using illicit drugs in the last year. Yet this number falls to 26.6%—a relative decrease of 25% for students whose parent often discuss this issue with them. In response to the rise of teenage drug use in the 1980's, parents across the country became active in the anti-drug movement. Their efforts played a key role in reducing drug use by teenagers from the all-time high of 54 percent in 1979 to just 27 percent by 1992.

Over the past several years, PRIDE has devoted a great deal of attention to the question of how we, as a nation, can again capture the level of parental involvement that helped drive down teen drug use in the previous two decades. PRIDE has proposed a grassroots plan focused on a renewed parent movement in the fight against illegal drug use. The goal of this initiative is to educate parents and involve them in programs that will prevent and reduce drug abuse by their children. This volunteer-based approach will allow parents to create a drug prevention program most suitable to their community.

My experience with PRIDE has convinced me that grassroots efforts by America's parents are essential in order to reverse the skyrocketing rates of teenage drug use. I hope that the Senate will build on the amendment I have offered today and fully support programs such as PRIDE which enlist our parents in the war on drugs.

AMENDMENT NO. 348

(Purpose: To express the sense of the Senate that the budget resolution agreement does not foreclose the possibility of Congress adopting additional tax cuts in the future, so long as they are paid for)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON ADDITIONAL TAX CUTS.

It is the sense of the Senate that nothing in this resolution shall be construed as prohibiting Congress from providing additional tax relief in future years if the cost of such tax relief is offset by reductions in discretionary or mandatory spending, or increases in revenue from alternative sources.

The PRESIDING OFFICER. Under the previous order, amendments Nos. 346, 347, and 348 are now set aside.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent—and this has been cleared but I want to read it—I ask unanimous consent that during the consideration of the legislation and any conference report thereon pursuant to the reconciliation instructions set forth in the concurrent resolution on the budget for fiscal year 1998, for the purposes of section 313(b)(1)(E) of the Congressional Budget Act of 1974, legislation which reduces revenues pursuant to reconciliation instruction contained in the fiscal year 1998 resolution, the second reconciliation bill, shall be taken together with all other legislation passed in the Senate pursuant to the reconciliation instructions contained in that resolution, the first reconciliation bill, when determining whether any provision of the second reconciliation bill is extraneous; further, it is clearly understood that the unanimous consent is contingent upon the Senate considering two reconciliation bills pursuant to this budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 349

(Purpose: Expressing the sense of the Senate that higher education tax cuts should encourage parents and students to save for the costs of a higher education, and to provide relief from the debt burden associated with borrowing to pay for a post-secondary education)

Mr. DOMENICI. When I was sending amendments to the desk that had been approved on both sides we failed to introduce one on behalf of Senator SNOWE. This is another sense of the Senate regarding education, tax deductions, and credits. It has been accepted on both sides. This is being sent to the desk on behalf of Senator SNOWE to qualify under the requirement that it be in by closing time tonight.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Ms. SNOWE, for herself and Mr. COVERDELL, proposes an amendment numbered 349.

Mr. DOMENICI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(a) FINDINGS.—The Congress finds that—

(1) the budget agreement reached between Congressional leaders and President Clinton provides for $85 billion in net tax relief over five years.

(2) in a May 15, 1997, letter to President Clinton, the Speaker of the House and the Senate Majority Leader agreed that the tax package must include tax relief of roughly $35 billion over five years for post-secondary education, including a deduction and a tax credit.

(3) the letter further stipulated that the education tax package should be consistent with the objectives put forward in the HOPE Scholarship and tuition tax proposals contained in the Administration's FY 1998 budget proposal

(4) as outlined in the Administration's FY 1998 budget summary, the objective of the education tax credits and deductions is to ensure that financial barriers to higher education continue to fall for all Americans, and to encourage Americans to pursue higher education and to promote lifelong learning.

(5) students at the undergraduate level have seen tuition increases outpace inflation for more than a decade, which has led to an increased demand for student aid, including student loans.

(6) the typical student loan borrower—including undergraduate, graduate, and doctoral students—now accumulates more than $10,000 in educational debt. This rising debt burden poses a serious threat to students and may lead to some students no longer pursuing a higher education.

(7) post-secondary education tax cuts that encourage savings and that address this rising debt burden would encourage Americans to pursue a higher education and promote lifelong learning, and would, therefore, be consistent with the objectives sought by President Clinton in his budget proposal.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels of this resolution and legislation enacted pursuant to this resolution assume—

(1) that higher education tax relief should encourage Americans to pursue a post-secondary education and promote lifelong learning.

(2) tax incentives that encourage parents and students to save for higher education expenses, and that provide relief from the debt burden associated with borrowing to pay for a post-secondary education, are consistent with the objectives set forth in this resolution, and should be included in any post-secondary education tax cut package.

AMENDMENTS NOS. 350, 351, 352, 353, 354, AND 355

Mr. LAUTENBERG. I have a group of amendments that will be sent to the desk to be considered, and I ask unanimous consent they be considered as offered by the appropriate sponsor and qualify under the previous order, and further they be considered as having been set aside.

The PRESIDING OFFICER. The clerk will report the amendments by numbers.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 350, 351, 352, 253, 354, and 355.

Mr. LAUTENBERG. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 350

(Purpose: To express the sense of the Senate supporting an increase in funding for defense 050 account funds dedicated for medical research)

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON MEDICAL RESEARCH.

It is the sense of the Senate that the funds in the defense 050 account that are assumed to be dedicated for medical research should be increased by $900,000,000 for fiscal year 1998.

AMENDMENT NO. 351

(Purpose: To reduce the incentives to use tax gimmicks that artificially increase revenues in 2002 in ways that make balancing the deficit more difficult after 2002)

At the end of title II, add the following:

SEC. . ANTIGIMMICK TAX SCORING.

For purposes of scoring any revenue provision of a reconciliation bill enacted pursuant to this resolution, a provision that increases revenue in fiscal year 2002 by an amount $1,000,000,000 or more in excess of the amount that the provision increases revenue in either fiscal year 2001 or 2003 shall be scored by—

(1) subtracting the amount of the excess from the revenue amount for fiscal year 2002; and

(2) dividing the amount of excess by 4 and adding the quotient to the revenue score for the provision for each of the fiscal years 2002 through 2005.

AMENDMENT NO. 352

(Purpose: To express the sense of the Senate on early childhood education)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE EARLY CHILDHOOD EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) Scientific research on the development of the brain has confirmed that the early

childhood years, particularly from birth to the age of 3, are critical to children's development.

(2) Studies repeatedly have shown that good quality child care helps children develop well, enter school ready to succeed, improve their skills, cognitive abilities and socioemotional development, improve classroom learning behavior, and stay safe while their parents work. Further, quality early childhood programs can positively affect children's long-term success in school achievement, higher earnings as adults, decrease reliance on public assistance and decrease involvement with the criminal justice system.

(3) The first of the National Education Goals, endorsed by the Nation's governors, passed by Congress and signed into law by President Bush, stated that by the year 2000, every child should enter school ready to learn and that access to a high quality early childhood education program was integral to meeting this goal.

(4) According to data compiled by the RAND Corporation, while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children. A vast majority of public spending on children occurs after the brain has gone through its most dramatic changes, often to correct problems that should have been addressed during early childhood development.

(5) According to the Department of Education, of $29,400,000,000 in current estimated education expenditures, only $1,500,000,000, or 5 percent, is spent on children from birth to age 5. The vast majority is spent on children over age 5.

(6) A new commitment to quality child care and early childhood education is a necessary response to the fact that children from birth to the age of 3 are spending more time in care away from their homes. Almost 60 percent of women in the workforce have children under the age of 3 requiring care.

(7) Many States and communities are currently experimenting with innovative programs directed at early childhood care and education in a variety of care settings, including the home. States and local communities are best able to deliver efficient, cost-effective services, but while such programs are long on demand, they are short on resources.Additional Federal resources should not create new bureaucracy, but build on successful locally driven efforts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget totals and levels in this resolution assume that funds ought to be directed toward increasing the supply of quality child care, early childhood education, and teacher and parent training for children from birth through age 3.

AMENDMENT NO. 353

(Purpose: To expand opportunities to access funding in the High way Reserve fund)

On page 56, line 7, strike the word "enacted" and insert: "reported or an amendment is adopted".

On page 56, line 15, strike the words "enactment of legislation" and insert: "reporting of legislation or upon the adoption of an amendment".

AMENDMENT NO. 354

(Purpose: To express the sense of the Senate regarding the extension of the Violent Crime Reduction Trust Fund through fiscal year 2002)

At the end of title II, add the following:

SEC. . SUPPORT FOR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedoms and security, and with the support of Federal assistance, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, as illustrated by a murder rate in 1996 that is projected to be the lowest since 1971 and a violent crime total in 1996 that is the lowest since 1990.

(2) Through a comprehensive effort to attack violence against women mounted by State and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling, and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives, and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995.

(3) Federal, State, and local law enforcement efforts need continued financial commitment from the Federal Government for funding and financial assistance to continue their efforts to combat violent crime and violence against women.

(4) Federal, state and local law enforcement also face other challenges which require continued financial commitment from the Federal Government, including regaining control over the Southwest Border, where drug trafficking and illegal immigration continue to threaten public safety and menace residents on the border and throughout the nation.

(5) The Violent Crime Reduction Trust Fund established in section 310001 the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) fully funds the Violent Crime Control and Law Enforcement Act of 1994, including the Violence Against Women Act, without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume that—

(1) the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, will be maintained; and

(2) funding for the Violent Crime Reduction Trust Fund will continue in its current form at least through fiscal year 2002.

AMENDMENT NO. 355

At the appropriate place, add the following new section:

SEC. . SENSE OF THE SENATE ON TAX CUTS.

It is the sense of the Senate that the Concurrent Resolution on the Budget assumes that—

(1) A substantial majority of the tax cut benefits provided in the tax reconciliation bill will go to middle class working families earning less than approximately $100,000 per year; and

(2) The tax cuts in the tax reconciliation bill will not cause revenue losses to increase significantly in years after 2007.

The PRESIDING OFFICER. Under the previous order, the amendments numbered 350, 351, 352, 353, 354, and 355 will now be set aside.

Mr. DORGAN. Mr. President, yesterday I voted for an amendment offered by Senator HOLLINGS. I would like to take a brief moment to explain my vote.

Senator HOLLINGS is absolutely right in his contention about this budget agreement. The so-called balanced budget agreement that has been hammered out by the White House and the Congress does not, in fact, balance the budget.

While the agreement purports to balance the budget, I would urge my colleagues to look at page 4 of the budget resolution, which will put the agreement into effect. It says, in section 101(4) of the resolution, that the budget will be $108 billion in deficit in the year 2002. Why is that the case? Because they are claiming a balanced budget using a "unified budget," which means they can count the Social Security surpluses to offset other deficits.

However, as I have said in previous debates, using the Social Security surplus creates a deficit for our future. The surplus that is accrued in the year 2002 in the Social Security accounts is needed in the following decades to fund the retirement needs of the baby boom generation. If that money is now used as an offset against other spending to balance the budget, it will not be there when it is needed to meet Social Security needs in future years.

The way to balance the budget in a real and honest way is to do as Senator HOLLINGS suggests. We must make spending cuts that are necessary and delay both the tax cuts and the spending increases in specific accounts until there is room in the budget to accomplish them while still balancing the budget in a real way.

Robust economic growth is driving the budget deficit down substantially. I think there will ultimately be room for some tax cuts and for some targeted investment increases in certain areas, such as education, health care and the environment. But the priority ought to be to balance the budget first and do it fully and completely by reaching a budget deficit of zero in 2002 without using the Social Security trust funds. Then, as the economy continues to grow, added revenue will allow us to both provide needed tax cuts as well as targeted investments in critical accounts. Not many Members of the Senate voted for the Hollings amendment, because most want to rush to provide tax cuts now and to provide spending increases in certain accounts now. But if we do that there is no guarantee that we will truly reach an honest balanced budget in the near term.

Unfortunately, the Hollings amendment failed. It failed by a large margin. However, as the budget process continues, I intend to work as best I can to advance deficit reduction. The resolution we are debating does move in the right direction. While it is not a balanced budget plan, it is a deficit reduction plan. It does achieve $204 billion of deficit reduction. And for that reason, I think it's better to support this negotiated agreement. At least this agreement makes some progress.

To sum up, I would have felt better if this agreement had delayed both the tax cuts and spending increases until the budget is truly balanced. While this agreement provides hope for those of us who want the deficit cut, and who want the budget balanced, it also serves up the dessert before the main course. It requires less discipline than we need. I still believe that we should continue to work to do more than just balance the unified budget. Balancing the unified budget will still leave this country with a budget deficit.

NUCLEAR WASTE FUND

Mr. MURKOWSKI. I would like to inquire of the managers regarding the impact of the resolution now being considered by the Senate.

My question relates to the legislative intent of the resolution as it relates to the nuclear waste fund and specifically regarding its impact on S. 104 passed by the Senate on April 15, 1997. What is the impact of the budget resolution on the provisions of S. 104 and the Nuclear Waste Fund?

Mr. DOMENICI. The budget resolution does not prejudge the outcome of the debate concerning the nuclear waste issue. However, S. 104, as passed by the Senate, does not violate the Budget Act. If S. 104 is enacted into law, there is sufficient funding in the offsetting collections and the budget could accommodate full funding of both the permanent repository and the interim storage at Yucca Mountain within the statutory schedules mandated.

Mr. MURKOWSKI. I thank the Senator from New Mexico for his response.

UNANIMOUS CONSENT AGREEMENTS

Mr. DOMENICI. I ask unanimous consent when the Senate resumes Senate Concurrent Resolution 27 on Thursday, there be 13 hours remaining to be equally divided under the Budget Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent when the Senate resumes Senate Concurrent Resolution 27 on Thursday, that time remaining on the amendment numbered 336 be limited to 50 minutes under the control of Senator MOSELEY-BRAUN, 10 minutes under the control of Senator DOMENICI, and following the conclusion or yielding back, Senator DOMENICI be recognized to move to table the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I further ask that no other amendments be in order prior to the motion to table the amendment of Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. From what I understand, Senator BOXER wants to speak for 3 minutes and then I want to put the Senate into morning business with speeches up to 10 minutes. I am assuming you will be recognized at that point and Senator STEVENS will be here to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Senator STEVENS has 5 minutes. It is fine if he goes before me.

Mr. STEVENS. I have a series of matters for the leader to perform before that time.

Mr. CONRAD. And I have 20 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from California for up to 3 minutes.

AMENDMENT NO. 355

Mrs. BOXER. I want to thank the chairman and the ranking member. I understand that after our brief conversation they will accept an amendment that Senator DURBIN and I will be introducing tomorrow that has already been sent to the desk.

Mr. President, because the economy is so strong and the Clinton budget plan in 1993 was so right, we can now finish the job of balancing the budget in a fair and responsible way. The plan before us, for the most part, I believe is fair and reasonable. No more destruction of Medicare and Medicaid, gone are the $270 billion cuts proposed by Republicans last year, gone are the $88 billion cuts they wanted to do to Medicaid, no more talk about doing away with the Department of Education, the Department of Commerce, no more suggestion that the Environmental Protection Agency should be stripped of its power and its funds.

Now, I believe this radical revolution is over with this budget deal. Could this budget deal be better? Yes, of course, it could. One way, Mr. President, it could be better is if we kept our tax cuts moderate and targeted them to the middle-class. We could reach balance sooner. We would still have resources left to do more for our children and our communities.

What Senator DURBIN and I—and it is cosponsored by Senators DASCHLE, HARKIN, and BUMPERS—what we say in our amendment, and I am very pleased it will be accepted, is that a substantial majority of the tax cut benefits provided in the reconciliation bill will go to middle-class working families earning less than approximately $100,000 per year and that the tax cuts in the reconciliation bill will not cause revenue losses to increase significantly in the years after 2007.

In other words, we have two points to our amendment. One is tax cut benefits go to the middle-class; and two, we do not want to see an explosion of deficits in the outyears.

Mr. President, I am pleased that the chairman is accepting this. I am pleased we are walking down this path together. I really will watch this because we have no assurance that this amendment will be kept in the conference, but we will keep our eye on it because I suspect if we insisted on a vote we would get a near unanimous vote.

I am hopeful we can keep this language in the bill itself. If it is stripped out, Mr. President, I will be back once we get to the reconciliation bill, to make sure that tax cuts are not going to the people who are earning $1 million but are, in fact, going to our hardworking families who earn approximately $100,000 a year.

Thank you very much, Mr. President. Again, my thanks to the Members of the Budget Committee. This has been a long time in coming. It is not the perfect budget but I think it puts an end to the radical revolution that was threatened a couple years ago and it will bring us to balance. It is good for our children, and overall I am pleased with it.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

MORNING BUSINESS

Mr. STEVENS. I ask unanimous consent there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MAY 16

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 16, the U.S. imported 7,834,000 barrels of oil each day, 52,000 barrels more than the 7,782,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 54.8 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,834,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 20, 1997, the federal debt stood at $5,346,367,814,885.12. (Five trillion, three hundred forty-six billion, three hundred sixty-seven million, eight hundred fourteen thousand, eight hundred eighty-five dollars and twelve cents)

One year ago, May 20, 1996, the federal debt stood at $5,114,233,000,000. (Five trillion, one hundred fourteen billion, two hundred thirty-three million)

Five years ago, May 20, 1992, the federal debt stood at $3,921,030,000,000. (Three trillion, nine hundred twenty-one billion, thirty million)

Ten years ago, May 20, 1987, the federal debt stood at $2,291,944,000,000. (Two trillion, two hundred ninety-one billion, nine hundred forty-four million)

Fifteen years ago, May 20, 1982, the federal debt stood at $1,068,510,000,000 (One trillion, sixty-eight billion, five hundred ten million) which reflects a debt increase of more than $4 trillion—$4,277,857,814,885.12 (Four trillion, two hundred seventy-seven billion, eight hundred fifty-seven million, eight hundred fourteen thousand, eight hundred eighty-five dollars and twelve cents) during the past 15 years.

INTERNATIONAL PRINCIPLES OF ASYLUM ERODING

Mr. KENNEDY. Mr. President, every year the respected U.S. Committee for Refugees issues a review of the state of the world's refugees. This yearly review has earned worldwide respect as the most authoritative compilation of analyses, data, and thought-provoking information on refugees. The 1997 World Refugee Survey, released yesterday is especially troubling. The Committee finds that many countries which were once considered safe havens for refugees and asylum seekers are beginning to turn their backs on persons fleeing persecution.

The report estimates that the number of refugees and asylum-seekers decreased last year to about 14.5 million worldwide. But this apparent decrease is misleading. The Committee attributes it in part to the higher barriers to asylum erected in many countries last year, including the United States. In addition, some countries have begun to forcibly repatriate refugees back to their home countries, even if conditions in those countries have not improved. For example, Thailand has recently begun to forcibly return Burmese refugees to their persecutors in Burma.

There is some good news. Several countries, including Guatemala, Haiti, Mozambique, and Cambodia, have improved their human rights situations, so that some refugees have been able to return to their homes.

Sadly, the overall message of the report is that basic long-standing international principles of asylum and refugee protection are in trouble. As this report points out, the United States bears a share of responsibility for this problem. The summary exclusion provisions of last year's immigration law, and the continued detention of asylum-seekers sets a poor example for other countries which look to the United States for guidance on asylum and refugee protection.

Mr. President, I ask unanimous consent that a U.S. Committee for Refugees press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASYLUM ERODING IN MORE COUNTRIES, REPORT FINDS; REFUGEES' LIVES, PROTECTION PRINCIPLES ENDANGERED

WASHINGTON, DC.—Asylum for refugees around the world is eroding in more countries than ever before, as governments, including those traditionally friendly to refugees, either close their borders completely or offer "pseudo-asylum" that lacks adequate protection, the U.S. Committee for Refugees (USCR) said today.

"We are seeing a continuing deterioration in the quality of protection and assistance countries are willing to offer to those fleeing persecution and violence," said USCR Director Roger Winter in releasing USCR's 1997 World Refugee Survey. "This pseudo-asylum not only endangers the lives and well-being of refugees, but threatens to kill the principle of asylum itself," Winter said.

USCR's World Refugee Survey is considered the preeminent source for information on the worldwide refugee situation, and this year's Survey includes 120 detailed country reports, 12 statistical tables, and essays on deteriorating asylum standards.

The 1997 World Refugee Survey provides examples of countries either shutting their doors to asylum seekers or offering pseudo-asylum in the past year:

The international community deprived Rwandan refugees of true asylum by ignoring serious protection problems in refugee camps in Zaire. The lack of proper asylum for legitimate Rwandan refugees became one trigger for the current civil war in Zaire, which in turn triggered attacks on Zaire's refugee camps. Significant numbers of Rwandan refugees continue to die in central Zaire.

The *Bulk Challenge*—a freighter packed with Liberian refugees fleeing violence and chaos in their country—was turned away from one West African port after another last May.

Burmese refugees in Thailand suffered cross-border attacks on their camps in 1996, while Thai authorities offered little security. In recent months, there have been instances of Thai authorities preventing New Burmese asylum seekers from entering Thailand and forcibly returning those who have managed to cross the border.

Iraq Curds who fled to Iran last September returned to Iraq by the end of the year because the quality of asylum offered by Iranian authorities was so poor. The close proximity of the camps to the border allowed them to be shelled from Iraq, while basic services were lacking. When the Iraqis began returning to their country under questionable circumstances, UNHCR was not permitted access to the camps.

"The deterioration of asylum is not only an African phenomenon," said Winter. "The problem can be found in every corner of the world and even in our own backyards as the recent changes in U.S. asylum law shows," he said. The new U.S. asylum law, which went into effect in April, makes it harder for asylum seekers to apply for asylum, in part through a summary removal procedure for persons arriving with false documents, the only way many asylum seekers can flee repressive governments.

Other Western governments are also taking a more restrictive approach. In Germany, authorities are seeking to withdraw asylum for Bosnians prematurely. Authorities there recently ended temporary protected status for Bosnians and are beginning to send them back to an unstable situation in Bosnia, which is short on housing, landmine sweeping, jobs, freedom of movement, and tolerance.

The 1997 World Refugee Survey reports that although the total number of refugees, internally displaced people, and asylum seekers is at a seven-year low of roughly 34 million people, the reasons are complex. While human rights conditions have sufficiently improved for refugees to repatriate to Guatemala, Haiti, Mozambique, and Cambodia, refugees elsewhere have been forcibly repatriated to unsafe conditions. At least 18 countries, including the United States, forcibly expelled refugees or insufficiently screened asylum seekers in 1996.

Founded in 1958, the U.S. Committee for Refugees (USCR) is a private humanitarian agency which defends the rights of refugees, asylum seekers, and displaced persons worldwide.

COUNTRIES THAT DAMAGED ASYLUM PRINCIPLES IN 1996

(This is a selected list and should not be viewed as comprehensive)

The Bahamas (denied asylum to Cubans)

Bangladesh (denied asylum to and forcibly repatriated Burmese)

Cote d'Ivoire (denied asylum to Liberians)

Germany (announced intention to forcibly repatriate Bosnians)

Ghana (denied asylum to Liberians)

Hong Kong (forcibly repatriated Vietnamese)

Iran (provided inadequate asylum for Iraqi Kurds and expelled Afghans)

Lebanon (provided inadequate asylum to Palestinians)

Tanzania (forcibly repatriated Burundians and some Rwandans and denied asylum to Burundians)

Togo (denied asylum to Liberians)

Turkey (denied asylum to Iraqi Kurds, expelled Iraqis and Iranians)

United States (provided inadequate asylum procedures for Cubans)

TRIBUTE TO MAJ. (P). RANDY O'BOYLE

Mr. THURMOND. Mr. President, when people think of special operations forces, the image that immediately comes to mind is that of the Army's Green Berets and Rangers, or the Navy's SEAL's. Few realize that the Air Force has a special operations element which is robust and impressive. Air Commandos, Combat Controllers, and ParaRescue personnel have all made important contributions to military operations and National Security over the past five decades, and today, I rise to pay tribute to one member of that community, Major Randy

O'Boyle, who is about to assume command of the 551st Flight Training Squadron.

For the past several years, Major O'Boyle has been a tireless and diligent advocate as the Deputy Director of Legislative Affairs for the United States Special Operations Command. In that capacity, he has worked closely with Senators, Representatives, and their staffers in order to explain the missions and needs of this unique, joint-service Command. In the process he has helped to give Members of Congress a better understanding of the capabilities of our Nation's special operators and has provided us with the information necessary for us to help shape policy and the future of our special warfare elements.

Major O'Boyle was particularly effective in his job as he brought with him to Washington both extensive experience as an Air Force Officer and as a special operator. An accomplished pilot, Randy O'Boyle has literally thousands of hours behind the stick of the Air Force's Pave Low helicopter, an aircraft specifically modified to support special operations. During Operation Just Cause, Randy demonstrated his abilities as a pilot and his coolness under pressure as he flew combat operations in support of Army, Navy, and Air Force special forces personnel as they fought to liberate Panama from the grasp of the dictator Manuel Noriega. Major O'Boyle's experience and expertise was put to good use a little more than a year later during the Gulf War, where he played an instrumental role in helping to plan the coalition forces' first strike into Iraq, kicking off Operation Desert Storm. His intimate knowledge of what is required of both a successful tactical and planning officer provided Major O'Boyle with an unusual insight to how the Special Operations Command functions. His understanding of what the needs of Special Operations personnel are, from the newest member on a Special Forces or SEAL Team to the Commander of one of the SOCOM Theater Commands, assured that he was able to speak knowledgeably and eloquently on literally every aspect of special operations. In addition, his easy-going Midwestern demeanor, engaging personality, and quick-witted sense of humor all assured that he established a bond with those he worked with both in the Department of Defense and in the halls of Congress.

As Major O'Boyle leaves Washington and heads west to the famed painted landscapes of New Mexico, he leaves many friends who have enjoyed working with him during his assignments here. Though the ranks of the Special Operations Command are filled with nothing but capable individuals, I am certain that SOCOM Legislative Affairs will miss Major O'Boyle's positive and determined attitude and his effective representation of the Command. Without a doubt though, the young Air Commandos who will come under his command at the 551st Training Squadron will benefit greatly from his tutelage. I am especially pleased to note that Randy will pin on the silver oak leaf of a Lieutenant Colonel on June 1, I hope that he continues to enjoy great success in the years to come.

MESSAGES FROM THE HOUSE

At 9:42 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 84. Concurrent resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

At 1 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the following concurrent resolution, without amendment:

S. Con. Res. 26. Concurrent resolution to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1306. An act to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

H.R. 1650. An act to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

At 4:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 543. An act to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

MEASURE REFERRED

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 156. A bill to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following measure was read and placed on the calendar:

H. Con. Res. 84. Concurrent resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1306. An act to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1950. A communication from the Chairman of the National Defense Panel, transmitting, pursuant to law, the report of the assessment of the May 1997 quadrennial defense review; to the Committee on Armed Services.

EC–1951. A communication from the Director of the Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, a rule entitled "Civilian Health" (RIN0720–AA40) received on May 16, 1997; to the Committee on Armed Services.

EC–1952. A communication from the Secretary of U.S. Securities and Exchange Commission, transmitting, pursuant to law, two rules under the Investment Advisers Act of 1940 (RIN3235–AH07) received on May 16, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1953. A communication from the Assistant General Counsel of the Department of Education, transmitting, pursuant to law, five rules including a rule entitled "Technology Innovation Challenge Grants" (RIN1810–AA82); to the Committee on Labor and Human Resources.

EC–1954. A communication from the Director of the Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, five rules including a rule entitled "Drug Labeling" (RIN0910–AA45); to the Committee on Labor and Human Resources.

EC–1955. A communication from the Director of the Institute of Museum and Library Services, transmitting, a draft of proposed legislation to make technical amendments to the Museum and Library Services Act of 1996; to the Committee on Labor and Human Resources.

EC–1956. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "The Adult Basic Education and Literacy for the Twenty-First Century Act"; to the Committee on Labor and Human Resources.

EC–1957. A communication from the Secretary of Education and the Chief Executive Officer of the Corporation for National Service, transmitting jointly, a draft of proposed legislation entitled "The America Reads Challenge Act of 1997"; to the Committee on Labor and Human Resources.

EC–1958. A communication from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a rule entitled "Increased Fine for Notice Posting Violations" received on May 12, 1997; to the Committee on Labor and Human Resources.

EC–1959. A communication from the Chairman of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Labor and Human Resources.

EC–1960. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–1961. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule entitled "Allocation of Assets" received on May 12, 1997; to the Committee on Labor and Human Resources.

EC–1962. A communication from the Assistant Secretary of Education for Civil Rights, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–1963. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, a rule entitled "Training and Employment Guidance Letters No. 6–96, 7–96 received on April 22, 1997; to the Committee on Labor and Human Resources.

EC–1964. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the report of the audit for fiscal year 1996; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 459. A bill to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes (Rept. No. 105–20).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John W. Handy, 5379

IN THE ARMY

The following-named officers for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. James W. Darden, 9470
Brig. Gen. Michael E. Dunlavey, 5989
Brig. Gen. Michael T. Gaw, 4600
Brig. Gen. George O. Hillard III, 4458

To be brigadier general

Col. Richard W. Hammond, 7849
Col. John R. Tindall, Jr., 1967
Col. Gary C. Wattnem, 0832

IN THE MARINE CORPS

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated under title 10. United States Code, section 624:

To be brigadier general

Col. Terry L. Paul, 9262

IN THE NAVY

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral

Rear Adm. (1h) Joan M. Engel, 2153
Rear Adm. (1h) Jerry K. Johnson, 6030

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 4 nomination lists in the Air Force, Army, Marine Corps, and the Navy which were printed in full in the Congressional Records of January 28, April 25 and 28, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the Records of January 28, April 25 and 28, 1997, at the end of the Senate proceedings.)

* * In the Air Force there are 686 appointments to the grade of colonel and below (list begins with Neal A. Andren) (Reference No. 172)

* * In the Army Reserve there are 41 appointments to the grade of colonel (list begins with James A. Adkins) (Reference No. 305)

* * In the Navy there are 2 appointments to the grade of commander and below (list begins with Thomas P. Yavorski) (Reference No. 308)

* * In the Navy there are 381 appointments to the grade of captain and below (list begins with Craig L. Herrick) (Reference No. 309)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 771. A bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself, Mr. Coverdell, and Mr. Hutchinson):

S. 772. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. Torricelli, Ms. Moseley-Braun, Mrs. Murray, Mr. Feingold, Mr. Kennedy, Mr. Kerry, Mrs. Boxer, and Mr. Reed):

S. 773. A bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. Kempthorne):

S. 774. A bill to provide for the stabilization, enhancement, restoration, and management of the Coeur d'Alene River basin watershed; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. Kohl, Mr. Grams, Mr. D'Amato, Ms. Collins, Mr. Daschle, Mr. Leahy, Mr. Smith of New Hampshire, Mr. Grassley, Ms. Snowe, and Mr. Kennedy):

S. 775. A bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 776. A bill to amend title XVIII of the Social Security Act to provide for an increase in update for certain hospitals with a high proporation of medicare patients; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. Daschle, Mr. Wellstone, Mr. Grams, Mr. Harkin, and Mr. Grassley):

S. 777. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 778. A bill to authorize a new trade and investment policy for sub-Saharan African; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 88. A resolution to express the support of the Senate for programs such as the JumpStart Coalition for Personal Financial Literacy; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT:

S. Res. 89. A resolution to constitute the majority party's membership on the Governmental Affairs Committee for the 105th Congress, or until their successors are chosen; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 771. A bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE UNSOLICITED COMMERCIAL ELECTRONIC MAIL CHOICE ACT OF 1977

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation that will address one of the major complaints of Internet users—the proliferation of unsolicited e-mail advertisements, junk e-mail, or so-called spam.

Mr. President, in the span of 5 years, an entirely new method of commerce and communication—electronic mail on the Internet—has spread around the world. Along with the benefits of this revolutionary technology, there are some negative byproducts that can only damage the integrity of this new communications medium.

Because of technological advances, Internet e-mail has also become a very inexpensive means of distributing endless e-mails solicitations that not only annoy but can also defraud recipients. Moreover, the growth of junk e-mail can clog e-mail distribution networks and overtax the ability of service providers to distribute legitimate communications.

With a minimal equipment investment, any individual or business has the capability to transmit unsolicited advertisements to thousands of people nationwide each hour with the click of a mouse. As technology advances, thousands will turn into millions, and junk e-mail could overwhelm cyberspace.

Junk e-mail is known in the trade by the derisive term of "spam." Based upon the content of many of these e-mails, I'd be insulted if I were an employee of Hormel, the creator of the real Spam.

Mr. President, not only is junk e-mail an annoyance, but for many Americans, especially citizens living in rural States like Alaska, there is a real out-of-pocket cost they must pay to receive these unsolicited advertisements. When an on-line subscriber in rural Alaska or Montana, logs on to a network server, such as America OnLine, to check to see if there is e-mail, the subscriber often must pay a long distance charge. If there is no e-mail in his on-line mailbox, the subscriber's long distance charge may only cover 1 minute. However, if there are 25 messages in his mailbox, 24 of which are unsolicited e-mail ads, his long distance charges could triple or quadruple.

So what the rural on-line user is forced to do is to pay for the privilege of receiving junk e-mail and then having to waste his time hitting his delete button to empty this junk out of his mail box.

Mr. President, we ought to do something to end this practice. In 1991, Congress passed the Automated Telephone Consumer Protection Act that contained a provision which banned unsolicited fax transmissions. In the bill I am introducing today, the Unsolicited Commercial Electronic Mail Choice Act of 1997, I have not chosen to take such a sweeping and unilateral approach because the Internet is about choices, not outright bans.

What my bill does is to require the use of the word "Advertisement" in the subject line of any unsolicited commercial e-mail, along with the sender's real address, real e-mail address, and telephone number in the body of the message. This requirement will empower Internet users to filter out messages that they do not want to receive.

Spam generators who refuse to abide by this requirement could face legal action from private citizens, state attorneys general, and/or the Federal Trade Commission. FTC or state action could result in civil penalties of up to $11,000 per incident and, more importantly, cease and desist orders. Private citizens bringing suit could recover $5,000 plus reasonable attorney's fees.

Internet users can also choose not to unilaterally block all unsolicited commercial e-mails. Instead, they can send removal requests to specific mailing lists with further transmissions required to end within 48 hours.

Moreover, Internet Service Providers, such as America Online or Microsoft Network, would be required to filter out all e-mails with the word "Advertisement" in the subject line when a consumer so requests. Large service providers would have 1 year, from the date of enactment, to implement this requirement. Smaller Internet Service Providers would have 2 years to meet this requirement. Internet Service Providers would also be required to cut off service to those who use their services to send out unsolicited commercial e-mails in violation of the provisions of the act.

Mr. President, I want to point out what this bill does not attempt to do. It does not ban unsolicited commercial e-mails as some have suggested. I have not chosen an outright ban because I support the business practices of those who flood inboxes with sales pitches for worthless vitamin products and multilevel marketing schemes. Quite the contrary, I abhor such solicitations.

But I do not want to set a precedent in banning commercial speech on the Internet. Although these unsolicited advertisements are annoying, I do not believe that is a basis for an outright ban. A better approach is to simply ignore them by filtering them out. If enough Americans choose to filter out such e-mail messages, I seriously doubt that anyone will bother to send out such e-mails in the future since the cyberspace market will no longer be there.

I would also note that this bill does not impact automated mailing lists, e-mails between friends, or e-mails between businesses and their customers when there is a preexisting business relationship.

Mr. President, the Internet is about choices, not bans. The Unsolicited Commercial Electronic Mail Message Choice Act of 1997 should restore to consumers and businesses the right to be free from endless e-mail solicitations. It will be up to the consumer to decide if he or she wants to receive such messages. That is the way I believe Americans want it. They don't want government telling them what they can receive, but they want right to decide for themselves.

Mr. President, as I said earlier, this is a very new technology and it is not my intention to hinder it's development nor interfere with legitimate commerce transacted on the Internet. I look forward to working with my colleagues to pass legislation that resolves this problem.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unsolicited Commercial Electronic Mail Choice Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Internet is a worldwide network of information that growing numbers of Americans use on a regular basis for educational and personal activities.

(2) Electronic mail messages transmitted on the Internet constitute an increasing percentage of communications in the United States.

(3) Solicited commercial electronic mail is a useful and cost-effective means for Americans to receive information about a business and its products.

(4) The number of transmissions of unsolicited commercial electronic mail advertisements has grown exponentially over the past several years as the technology for creating and transmitting such advertisements in bulk has made the costs of distribution of such advertisements minimal.

(5) Individuals have available no effective means of differentiating between unsolicited commercial electronic mail advertisements and other Internet communications.

(6) The transmitters of unsolicited commercial electronic mail advertisements can easily move from State to State.

(7) Individuals and businesses that receive unsolicited commercial electronic mail advertisements often pay for the costs of such receipt, including the costs of Internet access and long distance telephone charges.

(8) Unsolicited commercial electronic mail can be used to advertise legitimate services and goods but is also used for fraudulent and deceptive purposes in violation of Federal and State law.

(9) Individuals and companies that use unsolicited commercial electronic mail for fraudulent and deceptive purposes often use fraudulent identification information in such electronic mail, making it impossible for a recipient to request to be removed from the mailing list or for law enforcement authorities to identify the sender.

(10) The inability of recipients of unsolicited commercial electronic mail to identify

the senders of such electronic mail or to prevent its receipt impedes the flow of commerce and communication on the Internet and threatens the integrity of commerce on the Internet.

(11) Internet service providers are burdened by the cost of equipment necessary to process unsolicited commercial electronic mail.

(12) To facilitate the development of commerce and communication on the Internet, unsolicited commercial electronic mail should be readily identifiable and filterable by individuals and Internet service providers.

SEC. 3. REQUIREMENTS RELATING TO TRANSMISSIONS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) Information on Advertisement.—

(1) Requirement.—Unless otherwise authorized pursuant to a provision of section 7, a person who transmits an electronic mail message as part of the transmission of unsolicited commercial electronic mail shall cause to appear in each electronic mail message transmitted as part of such transmission the information specified in paragraph (3).

(2) Placement.—

(A) Advertisement.—The information specified in subparagraph (A) of paragraph (3) shall appear as the first word of the subject line of the electronic mail message without any prior text or symbol.

(B) Other information.—The information specified in subparagraph (B) of that paragraph shall appear prominently in the body of the message.

(3) Covered information.—The following information shall appear in an electronic mail message under paragraph (1):

(A) The term "advertisement".

(B) The name, physical address, electronic mail address, and telephone number of the person who initiates transmission of the message.

(b) Routing Information.—All Internet routing information contained within or accompanying an electronic mail message described in subsection (a) shall be valid according to the prevailing standards for Internet protocols.

(c) Effective Date.—The requirements in this section shall take effect 30 days after the date of enactment of this Act.

SEC. 4. FEDERAL REGULATION OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) Transmissions.—

(1) In general.—Upon notice from a person of the person's receipt of electronic mail in violation of a provision of section 3 or 7, the Commission—

(A) may conduct an investigation to determine whether or not the electronic mail was transmitted in violation of the provision; and

(B) if the Commission determines that the electronic mail was transmitted in violation of the provision, may—

(i) impose upon the person initiating the transmission a civil fine in an amount not to exceed $11,000;

(ii) commence in a district court of the United States a civil action to recover a civil penalty in an amount not to exceed $11,000 against the person initiating the transmission; or

(iii) both impose a fine under clause (i) and commence an action under clause (ii).

(2) Deadline.—The Commission may not take action under paragraph (1)(B) with respect to a transmission of electronic mail more than 2 years after the date of the transmission.

(b) Administration.—

(1) Notice by electronic means.—The Commission shall establish an Internet web site with an electronic mail address for the receipt of notices under subsection (a).

(2) Information on enforcement.—The Commission shall make available through the Internet web site established under paragraph (2) information on the actions taken by the Commission under subsection (a)(1)(B).

(3) Assistance of federal communications commission.—The Federal Communications Commission may assist the Commission in carrying out its duties this section.

SEC. 5. ACTIONS BY STATES.

(a) In General.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person is engaging in a pattern or practice of the transmission of electronic mail in violation of a provision of section 3 or 7, the State, as parens patriae, may bring a civil action on behalf of its residents to enjoin such transmission, to enforce compliance with the provision, to obtain damages or other compensation on behalf of its residents, or to obtain such further and other relief as the court considers appropriate.

(b) Notice to Commission.—

(1) Notice.—The State shall serve prior written notice of any civil action under this section upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve written notice immediately upon instituting such action.

(2) Rights of commission.—Upon receiving a notice with respect to a civil action under paragraph (1), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard in all matters arising therein; and

(C) to file petitions for appeal.

(c) Actions by Commission.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of a provision of section 3 or 7, no State may, during the pendency of such action, institute a civil action under this section against any defendant named in the complaint in such action for violation of any provision as alleged in the complaint.

(d) Construction.—For purposes of bringing a civil action under subsection (a), nothing in this section shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of the State concerned to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary or other evidence.

(e) Venue; Service of Process.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) Actions by Other State Officials.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of the State concerned.

(g) Definition.—In this section, the term "attorney general" means the chief legal officer of a State.

SEC. 6. INTERNET SERVICE PROVIDERS.

(a) Exemption for Certain Transmissions.—The provisions of this Act shall not apply to a transmission of electronic mail by an interactive computer service provider unless the provider initiates the transmission.

(b) Notice of Transmissions from Commission.—Not later than 72 hours after receipt from the Commission of notice that its computer equipment may have been used by another person to initiate a transmission of electronic mail in violation of a provision of section 3 or 7, an interactive computer service provider shall—

(1) provide the Commission such information as the Commission requires in order to determine whether or not the computer equipment of the provider was used to initiate the transmission; and

(2) if the Commission determines that the computer equipment of the provider was used to initiate the transmission, take appropriate actions to terminate the use of its computer equipment by that person.

(c) Notice of Transmissions from Private Individuals.—

(1) In general.—Subject to paragraph (2), not later than 14 days after receipt from a private person of notice that its computer equipment may have been used by another person to initiate a transmission of electronic mail in violation of a provision of section 3 or 7, an interactive computer service provider shall—

(A) transmit the notice to the Commission together with such information as the Commission requires in order to determine whether or not the computer equipment of the provider was used to initiate the transmission; and

(B) if the Commission determines that the computer equipment of the provider was used to initiate the transmission, take appropriate actions to terminate the use of its computer equipment by that person.

(2) Minimum notice requirement.—An interactive computer service provider shall transmit a notice under paragraph (1) with respect to a particular transmission of electronic mail only if the provider receives notice with respect to the transmission from more than 100 private persons.

(d) Blocking Systems.—

(1) Requirement.—Each interactive computer service provider shall make available to subscribers to such service a system permitting such subscribers, upon the affirmative electronic request of such subscribers, to block the receipt through such service of any electronic mail that contains the term "advertisement" in its subject line.

(2) Notice of availability.—Upon the applicability of this subsection to an interactive computer service provider, the provider shall—

(A) notify each current subscriber, if any, to the service of the blocking system provided for under paragraph (1); and

(B) notify any new subscribers to the service of the blocking system.

(3) Blocking by provider.—An interactive computer service provider may, upon its own initiative, block the receipt through its service of any electronic mail that contains the term "advertisement" in its subject line.

(4) Applicability.—The requirements in paragraphs (1) and (2) shall apply—

(A) beginning 1 year after the date of enactment of this Act, in the case of an interactive computer service provider having more than 25,000 or more subscribers; and

(B) beginning 2 years after that date, in the case of an interactive computer service provider having less than 25,000 subscribers.

(e) RECORDS.—An interactive computer service provider shall retain records of any action taken on a notice received under this section for not less than 2 years after the date of receipt of the notice.

(f) CONSTRUCTION.—Nothing in this section may be construed to require an interactive computer service provider to transmit or otherwise deliver any electronic mail message containing the term "advertisement" in its subject line.

(g) DEFINITION.—In this section, the term "interactive computer service provider" has the meaning given that term in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(e)(2)).

SEC. 7. RECEIPT OF TRANSMISSIONS BY PRIVATE PERSONS.

(a) TERMINATION OF TRANSMISSIONS.—

(1) REQUEST.—A person who receives a transmission of unsolicited commercial electronic mail not otherwise authorized under this section may request, by electronic mail to the same electronic mail address from which the transmission originated, the termination of transmissions of such mail by the person initiating the transmission.

(2) DEADLINE.—A person receiving a request for the termination of transmissions of electronic mail under this subsection shall cease initiating transmissions of electronic mail to the person submitting the request not later than 48 hours after receipt of the request.

(b) AFFIRMATIVE AUTHORIZATION OF TRANSMISSIONS WITHOUT INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2), a person may authorize another person to initiate transmissions to the person of unsolicited commercial electronic mail without inclusion in such transmissions of the information required by section 3.

(2) TERMINATION.—

(A) NOTICE.—A person initiating transmissions of electronic mail under paragraph (1) shall include, with each transmission of such mail to a person authorizing the transmission under that paragraph, notice that the person authorizing the transmission may request at any time the recommencement of the inclusion in such transmissions of the information required by section 3.

(B) DEADLINE.—A person receiving a request under this paragraph shall include the information required by section 3 in all transmissions of unsolicited commercial electronic mail to the person making the request beginning not later than 48 hours after receipt of the request.

(c) CONSTRUCTIVE AUTHORIZATION OF TRANSMISSIONS WITHOUT INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2), a person who secures a good or service from, or otherwise responds electronically to, an offer in a transmission of unsolicited commercial electronic mail shall be deemed to have authorized transmissions of such mail without inclusion of the information required under section 3 from the person who initiates the transmission providing the basis for such authorization.

(2) TERMINATION.—

(A) REQUEST.—A person deemed to have authorized the transmissions of electronic mail under paragraph (1) may request at any time the recommencement of the inclusion in such transmissions of the information required by section 3.

(B) DEADLINE.—A person receiving a request under this paragraph shall include the information required by section 3 in all transmissions of unsolicited commercial electronic mail to the person making the request beginning not later than 48 hours after receipt of the request.

(d) EFFECTIVE DATE OF TERMINATION REQUIREMENTS.—Subsections (a), (b)(2), and (c)(2) shall take effect 30 days after the date of enactment of this Act.

SEC. 8. ACTIONS BY PRIVATE PERSONS.

(a) IN GENERAL.—Any person adversely affected by a violation of a provision of section 3 or 7, or an authorized person acting on such person's behalf, may, within 1 year after discovery of the violation, bring a civil action in a district court of the United States against a person who has violated the provision. Such an action may be brought to enjoin the violation, to enforce compliance with the provision, to obtain damages, or to obtain such further and other relief as the court considers appropriate.

(b) DAMAGES.—

(1) IN GENERAL.—The amount of damages in an action under this section for a violation specified in subsection (a) may not exceed $5,000 per violation.

(2) RELATIONSHIP TO OTHER DAMAGES.—Damages awarded for a violation under this subsection are in addition to any other damages awardable for the violation under any other provision of law.

(c) COST AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable attorney fees and expert witness fees for the prevailing party.

(d) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

SEC. 9. RELATION TO STATE LAWS.

(a) STATE LAW APPLICABLE UNLESS INCONSISTENT.—The provisions of this Act do not annul, alter, or affect the applicability to any person, or otherwise exempt from the applicability to any person, of the laws of any State with respect to the transmission of unsolicited commercial electronic, except to the extent that those laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(b) REQUIREMENT RELATING TO DETERMINATION OF INCONSISTENCY.—The Commission may not determine that a State law is inconsistent with a provision of this Act if the Commission determines that such law places greater restrictions on the transmission of unsolicited commercial electronic mail than are provided for under such provision.

SEC. 10. DEFINITIONS.

In this Act:

(1) COMMERCIAL ELECTRONIC MAIL.—The term "commercial electronic mail" means any electronic mail that—

(A) contains an advertisement for the sale of a product or service;

(B) contains a solicitation for the use of a toll-free telephone number or a telephone number with a 900 prefix the use of which connects the user to a person or service that advertises the sale of or sells a product or service; or

(C) contains a list of one or more Internet sites that contain an advertisement referred to in subparagraph (A) or a solicitation referred to in subparagraph (B).

(2) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(3) STATE.—The term "State" means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any possession of the United States.

By Mr. SPECTER (for himself, Mr. COVERDELL and Mrs. HUTCHINSON):

S. 772. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; to the Committee on Foreign Relations.

THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

Mr. SPECTER. Mr. President, I have sought recognition today to once again address the subject of religious persecution. I have stood here before describing the horrible tragedies occurring in many parts of the world. Sadly, very little has been done to combat the problem. That is why I am introducing the Freedom From Religious Persecution Act of 1997.

Religious persecution is a subject of great personal interest. Both of my parents, my father from the Ukraine, my mother from a small town on the Polish-Russian border, came to this country to avoid religious persecution. Freedom from religious persecution is a concept fundamental to the ideals of this country and to peoples everywhere.

Christians and other religious minorities have been and continue to be the victims of discrimination, rape, torture, enslavement, imprisonment, and even murder, because of their religious beliefs. This persecution continues today, often without diplomatic or other consequences for the offending regime. Christians are not the only ones being persecuted. Muslims and followers of other religions are also singled out for their beliefs.

In January 1996, the White House promised that a new senior advisor position would be created in the Office of the President dedicated specifically to the issue of religious persecution overseas. No such position was ever created. Instead, President Clinton established a committee in the State Department that will report to the Secretary of State and will advise the Secretary on violations of religious freedoms abroad. The committee has since met, months have gone by, but still no action has been taken. Mr. President, I and many of my colleagues agree that the time for action is now. We do not need more reviews and studies or more advice on the subject. The instances of religious persecution are well documented. We need action.

At the end of the 104th Congress, I introduced Senate Resolution 283, which discussed the need for quick, decisive action and called upon the President to appoint a White House advisor on religious persecution. After that, I worked with Senators NICKLES, Nunn, and COATS on a broader Senate Concurrent Resolution, 71, which included my provisions on a White House Senior Advisor on religious persecution. Senate Concurrent Resolution 71, which I cosponsored, passed the Senate by voice vote but there was insufficient time remaining in the 104th Congress to secure passage in the House.

So today, the persecution of Christians and other religious minorities continues to grow, often without diplomatic or other consequences for the offending regime. In countries such as Saudi Arabia, Sudan, China, and Ethiopia, Christians are systematically denied their religious liberties. Muslims have also been singled out for persecution in countries such as Burma, where Muslims are forced to relocate to undesirable areas and where Muslims are often denied educational opportunities.

Several examples illustrate the gravity of the problem. The Sudanese Government continues to essentially wage a war against its Christian population. Reports detail the forced enslavement and conversion of the Christian populations from the southern regions of Sudan. The Government bombs and burns Christians villages, has taken more than 30,000 Christian children as slaves in the last 6 years, and tortures Christian worshipers and their priests.

In Pakistan in February of this year, thousands of Christians were attacked, many houses and six churches were set on fire. Nearly 1,000 families were living in tents after being driven from their homes by rioters. Where was the Government to stop this terror? Where were the police?

Persecution of Christians is by no means limited to the Islamic world. China continues to be one of the worst offenders. At least 75 million Christians live in China but cannot practice their religion. Roman Catholics and Protestant Chinese are imprisoned and tortured for holding worship, preaching, or distributing bibles without permission.

This past August 1996, I traveled to China and met with Chinese Vice-Premier Qian Qichen to express my strong concerns about religious persecution in his country. On September 12, 1996, however, Chinese Premier Li Ping released a statement warning the Chinese people that the free exercise of their religious faith could result in harsh retribution.

In August 1996 I also visited Saudi Arabia and met with Crown Prince Abdullah to discuss the restrictions that country has on religious practices. I was deeply troubled by the fact that United States troops stationed in Saudi Arabia are not permitted to exercise their religious beliefs or even fly the American flag. According to the Pueblo Program on Religious Freedom of Freedom House, the Saudi Government has even insisted that the United States Government restrict Christian worship by American citizens on United States Embassy grounds in Saudi Arabia. American officials have apparently acquiesced to some of these demands by, for example, restricting Christian services at the Embassy in Riyadh and prohibiting Christmas services for United States troops defending Saudi interests during the gulf war.

Other examples of such persecution of Christians and other religious minorities abound. Earlier this year, I discussed the broad issue of religious persecution on the "Capitol Enlightenment" radio show in Virginia with host Bill Fenton and Jim Jacobson, president of Christian Solidarity International, and on "The Diner" cable television show in Pittsburgh, hosted by Tom Hinkling. The public response to these programs and my legislative efforts to combat religious persecution has been overwhelming. People from across the country have contacted me to urge me to continue the fight until Christians, Muslims, Jews, and others can practice their faith in any country without fear of reprisal.

The time has come for the United States to stand up for the right of all people to enjoy the fundamental freedom of religious faith. That is why I am introducing legislation with Congressman WOLF that will establish the position of Senior Advisor to the President dedicated to combating religious persecution overseas.

This legislation will also define degrees of religious persecution and will impose sanctions on offending entities. Degrees of religious persecution are defined by two categories of activity. The first is when religious persecution is ongoing and widespread and is carried out by the government or with the government's support. The second is when there is religious persecution that is not carried out with government support, but where the government fails to take serious efforts to eliminate the persecution.

The legislation will ban exports to the specific foreign government entity that carries out the persecution. These sanctions would take effect immediately upon the identification of the relevant entities and products. Additional sanctions would take effect after 90 days or 1 year depending on the level of persecution. In addition, the legislation includes immediate sanctions against Sudan, a country where religious persecution is particularly egregious.

This legislation requests more than just another report by the State Department. It is serious and it is tough. This legislation commits the United States to real action. There is no more time for talk.

Mr. President, I ask unanimous consent that the full text of the bill be inserted into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom From Religious Persecution Act of 1997".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Governments have a primary responsibility to promote, encourage, and protect respect for the fundamental and internationally recognized right to freedom of religion.

(2) The right to freedom of religion is recognized by numerous international agreements and covenants, including the following:

(A) Article 18 of the Universal Declaration of Human Rights states that "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance".

(B) Article 18 of the Covenant on Civil and Political Rights declares that "Everyone shall have the right to freedom of thought, conscience, and religion . . ." and further delineates the privileges under this right.

(3) Persecution of religious believers, particularly Roman Catholic and evangelical Protestant Christians, in Communist countries, such as Cuba, Laos, the People's Republic of China, North Korea, and Vietnam, persists and in some cases is increasing.

(4) In many Islamic countries and regions thereof, governments persecute non-Muslims and religious converts from Islam using means such as "blasphemy" and "apostasy" laws, and militant movements seek to corrupt a historically tolerant Islamic faith and culture through the persecution of Baha'is, Christians, and other religious minorities.

(5) The militant, Islamic Government of Sudan is waging a self-described religious war against Christian, non-Muslim, and moderate Muslim persons by using torture, starvation, enslavement, and murder.

(6) In Tibet, where Tibetan Buddhism is inextricably linked to the Tibetan identity, the Government of the People's Republic of China has intensified its control over the Tibetan people by perverting the selection of the Panchen Lama, propagandizing against the religious authority of the Dalai Lama, restricting religious study and traditional religious practices, and increasing the persecution of monks and nuns.

(7) The United States Government is committed to the right to freedom of religion and its policies and relations with foreign governments should be consistent with the commitment to this principle.

(8) The 104th Congress recognized the facts set forth in this section and stated clearly the sense of the Senate and the House of Representatives regarding these matters in approving—

(A) H. Res. 515, expressing the sense of the House of Representatives with respect to the persecution of Christians worldwide;

(B) S. Con. Res. 71, expressing the sense of the Senate with respect to the persecution of Christians worldwide;

(C) H. Con. Res. 102, concerning the emancipation of the Iranian Baha'i community; and

(D) section 1303 of H.R. 1561, the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Religious Persecution Monitoring established under section 5.

(2) PERSECUTED COMMUNITY.—The term "persecuted community" means any religious group or community identified in section 4.

(3) PERSECUTION FACILITATING PRODUCTS, GOODS, AND SERVICES.—The term "persecution facilitating products, goods, and services" means those products, goods, and services which are being used or determined to be intended for use directly and in significant measure to facilitate the carrying out of acts of religious persecution.

(4) RELIGIOUS PERSECUTION.—

(A) IN GENERAL.—The term "religious persecution" means widespread and ongoing persecution of persons because of their membership in or affiliation with a religion or religious denomination, whether officially recognized or otherwise, when such persecution includes abduction, enslavement, killing, imprisonment, forced mass resettlement, rape, or crucifixion or other forms of torture.

(B) CATEGORY 1 RELIGIOUS PERSECUTION.—Category 1 religious persecution is religious persecution that is conducted with the involvement or support of government officials or its agents, or as part of official government policy.

(C) CATEGORY 2 RELIGIOUS PERSECUTION.—Category 2 religious persecution is religious persecution that is not conducted with the involvement or support of government officials or its agents, or as part of official government policy, but which the government fails to undertake serious and sustained efforts to eliminate.

(5) RESPONSIBLE ENTITIES.—The term "responsible entities" means the specific government departments, agencies, or units which directly carry out acts of religious persecution.

(6) SANCTIONED COUNTRY.—The term "sanctioned country" means a country on which sanctions have been imposed under section 7.

(7) UNITED STATES ASSISTANCE.—The term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) assistance under chapter 8 of part I of that Act;

(ii) any other narcotics-related assistance under part I of that Act, (including chapter 4 of part II of that Act), but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iii) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(iv) assistance which involves the provision of food (including monetization of food) or medicine; and

(v) assistance for refugees;

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954; and

(D) financing under the Export-Import Bank Act of 1945.

(8) UNITED STATES PERSON.—Except as provided in section 12(b)(1), the term "United States person" means—

(A) any United States citizen or alien lawfully admitted for permanent residence into the United States; and

(B) any corporation, partnership, or other entity organized under the laws of the United States or of any State, the District of Columbia, or any territory or possession of the United States.

SEC. 4. APPLICATION AND SCOPE.

(a) SCOPE.—The provisions of this Act shall apply to all persecuted religious groups and communities, and all countries and regions thereof, referred to in the resolutions and bill set forth in paragraph (8) of section 2 or referred to in paragraphs (3) through (6) of section 2, and to any community within any country or region thereof that the Director finds, by a preponderance of the evidence, is the target of religious persecution.

(b) DESIGNATION OF ADDITIONAL COUNTRIES AND REGIONS THEREOF.—The Congress may designate additional countries or regions to which this Act applies by enacting legislation specifically citing the authority of this section.

SEC. 5. OFFICE OF RELIGIOUS PERSECUTION MONITORING.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President the Office of Religious Persecution Monitoring (hereafter in this Act referred to as the "Office").

(b) APPOINTMENT.—The head of the Office shall be a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) REMOVAL.—The Director shall serve at the pleasure of the President.

(d) BARRED FROM OTHER FEDERAL POSITIONS.—No person shall serve as Director while serving in any other position in the Federal Government.

(e) RESPONSIBILITIES OF DIRECTOR.—The Director shall do the following:

(1) Consider the facts and circumstances of violations of religious freedom presented in the annual reports of the Department of State on human rights under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

(2) Consider the facts and circumstances of violations of religious freedom presented by independent human rights groups and nongovernmental organizations.

(3) In consultation with the Secretary of State, make policy recommendations to the President regarding the policies of the United States Government toward governments which are determined to be engaged in religious persecution.

(4) Prepare and submit the annual report described in section 6, including the determination whether a particular country is engaged in category 1 or category 2 religious persecution, and identify the responsible entities within such countries. This information shall be published in the Federal Register.

(5) Maintain the lists of persecution facilitating products, goods, and services, and the responsible entities within countries determined to be engaged in religious persecution, described in paragraph (4), adding to the list as information becomes available. This information shall be published in the Federal Register.

(6) Coordinate with the Secretary of State, the Attorney General, the Secretary of Commerce, and the Secretary of the Treasury to ensure that the provisions of this Act are fully and effectively implemented.

(f) ADMINISTRATIVE MATTERS.—

(1) PERSONNEL.—The Director may appoint such personnel as may be necessary to carry out the functions of the Office.

(2) SERVICES OF OTHER AGENCIES.—The Director may use the personnel, services, and facilities of any other department or agency, on a reimbursable basis, in carrying out the functions of the Office.

SEC. 6. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—Not later than April 30 of each year, the Director shall submit to the Committees on Foreign Relations, Finance, the Judiciary, and Appropriations of the Senate and to the Committees on International Relations, Ways and Means, the Judiciary, and Appropriations of the House of Representatives a report described in subsection (b).

(b) CONTENTS OF ANNUAL REPORT.—The annual report of the Director shall include the following:

(1) DETERMINATION OF RELIGIOUS PERSECUTION.—With respect to each country or region thereof described in section 4, the Director shall include his or her determination, with respect to each persecuted community, whether there is category 1 religious persecution or category 2 religious persecution.

(2) IDENTIFICATION OF PERSECUTION FACILITATING PRODUCTS, GOODS, AND SERVICES.—With respect to each country or region thereof which the Director determines is engaged in either category 1 or category 2 religious persecution, the Director, in consultation with the Secretary of State and the Secretary of Commerce, shall identify and list the persecution facilitating products, goods, and services.

(3) IDENTIFICATION OF RESPONSIBLE ENTITIES.—With respect to each country determined by the Director to be engaged in category 1 religious persecution, the Director, in consultation with the Secretary of State, shall identify and list the responsible entities within that country that are engaged in religious persecution. Such entities shall be defined as narrowly as possible.

(4) OTHER REPORTS.—The Director shall include the reports submitted to the Director by the Attorney General under section 9 and by the Secretary of State under section 10.

(c) INTERIM REPORTS.—The Director may submit interim reports to the Congress containing such matters as the Director considers necessary.

SEC. 7. SANCTIONS.

(a) PROHIBITION ON EXPORTS RELATING TO RELIGIOUS PERSECUTION.—

(1) ACTIONS BY RESPONSIBLE DEPARTMENTS AND AGENCIES.—With respect to any country in which—

(A) the Director finds the occurrence of category 1 religious persecution, the Director shall so notify the relevant United States departments and agencies, and such departments and agencies shall—

(i) prohibit all exports to the responsible entities listed under section 6(b)(3) or in any supplemental list of the Director; and

(ii) prohibit the export to such country of the persecution facilitating products, goods, and services listed under section 6(b)(2) or in any supplemental list of the Director; or

(B) the Director finds the occurrence of category 2 religious persecution, the Director shall so notify the relevant United States departments and agencies, and such departments and agencies shall prohibit the export to such country of the persecution facilitating products, goods, and services listed under section 6(b)(2) or in any supplemental list of the Director.

(2) PROHIBITIONS ON U.S. PERSONS.—(A) With respect to any country or region thereof in which the Director finds the occurrence of category 1 religious persecution, no United States person may—

(i) export any item to the responsible entities listed under section 6(b)(3) or in any supplemental list of the Director; and

(ii) export to that country any persecution facilitating products, goods, and services listed under section 6(b)(2) or in any supplemental list of the Director.

(B) With respect to any country in which the Director finds the occurrence of category 2 religious persecution, no United States person may export to that country any persecution facilitating products, goods, and services listed under section 6(b)(2) or in any supplemental report of the Director.

(3) PENALTIES.—Any person who violates the provisions of paragraph (2) shall be subject to the penalties set forth in subsections (a) and (b)(1) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(a) and (b)(1)) for violations under that Act.

(4) EFFECTIVE DATE OF PROHIBITIONS.—The prohibitions on exports under paragraph (1) shall take effect with respect to a country 90 days after the finding of category 1 or category 2 religious persecution in that country or region thereof, except as provided in section 11.

(b) UNITED STATES ASSISTANCE.—

(1) CATEGORY 1 RELIGIOUS PERSECUTION.—No United States assistance may be provided to the government of any country which the Director determines is engaged in category 1 religious persecution, effective 90 days after the date on which the Director submits the report in which the determination is included.

(2) CATEGORY 2 RELIGIOUS PERSECUTION.—No United States assistance may be provided to the government of any country which the Director determines is engaged in category 2 religious persecution, effective 1 year after the date on which the Director submits the report in which the determination is included, if the Director, in the next annual report of the Director under section 6, determines that the country is engaged in either category 1 or category 2 religious persecution.

(c) MULTILATERAL ASSISTANCE.—

(1) CATEGORY 1 RELIGIOUS PERSECUTION.—With respect to any country which the Director determines is engaged in category 1 religious persecution, the President shall instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and use his or her best efforts to deny, any loan or other utilization of the funds of their respective institutions (other than for humanitarian assistance) to that country, effective 90 days after the Director submits the report in which the determination is included.

(2) CATEGORY 2 RELIGIOUS PERSECUTION.—With respect to any country which the Director determines is engaged in category 2 religious persecution, the President shall instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and use his or her best efforts to deny, any loan or other utilization of the funds of their respective institutions (other than for humanitarian assistance) to that country, effective 1 year after the date on which the Director submits the report in which the determination is included, if the Director, in the next annual report of the Director under section 6, determines that the country is engaged in either category 1 or category 2 religious persecution.

(3) REPORTS TO DIRECTOR.—If a country described in paragraph (1) or (2) is granted a loan or other utilization of funds notwithstanding the objection of the United States under this subsection, the Executive Director of the institution that made the grant shall report to the President and the Congress on the efforts made to deny loans or other utilization of funds to that country, and shall include in the report specific and explicit recommendations designed to ensure that such loans or other utilization of funds are denied to that country in the future.

(4) DEFINITION.—As used in this subsection, the term "multilateral development bank" means any of the multilateral development banks as defined in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)).

(d) VOTES FOR WTO MEMBERSHIP.—In casting any vote concerning the membership of a country in the World Trade Organization, the President shall consider as a significant factor the fact that the country is listed in the Director's report as a country which is engaged in either category 1 or category 2 religious persecution.

(e) DENIAL OF VISAS.—The Secretary of State shall deny the issuance of a visa to, and the Attorney General shall exclude from the United States, any alien who the Director determines carried out or is responsible for carrying out acts of religious persecution.

SEC. 8. WAIVER OF SANCTIONS.

(a) WAIVER AUTHORITY.—Subject to subsection (b), the President may waive the imposition of any sanction against a country under section 7 for periods of not more than 12 months each, if the President, for each waiver—

(1) determines that national security interests justify such a waiver; and

(2) provides to the Committees on Foreign Relations, Finance, the Judiciary, and Appropriations of the Senate and to the Committees on International Relations, Ways and Means, the Judiciary, and Appropriations of the House of Representatives a written notification of the President's intention to waive any such sanction.

The justification shall contain an explanation of the reasons why the President considers the waiver to be necessary, the type and amount of goods, services, or assistance to be provided pursuant to the waiver, and the period of time during which such a waiver will be effective.

(b) TAKING EFFECT OF WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), a waiver under subsection (a) shall take effect 45 days after its submission to the Congress.

(2) IN EMERGENCY CONDITIONS.—The President may waive the imposition of sanctions against a country under subsection (b) or (c) of section 7 to take effect immediately if the President, in the written notification of intention to waive the sanctions, certifies that emergency conditions exist that make an immediate waiver necessary.

(3) COMPUTATION OF 45-DAY PERIOD.—The 45-day period referred to in this subsection shall be computed by excluding—

(A) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

SEC. 9. MODIFICATION OF IMMIGRATION POLICY.

(a) CREDIBLE FEAR OF PERSECUTION DEFINED.—Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) (as amended by section 302 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; Public Law 104-208; 110 Stat. 3009-582) is amended by adding at the end the following:

"Any alien who can credibly claim membership in a persecuted community found to be subject to category 1 or category 2 religious persecution in the most recent annual report sent by the Director of the Office of Religious Persecution Monitoring to the Congress under section 6 of the Freedom From Religious Persecution Act of 1997 shall be considered to have a credible fear of persecution within the meaning of the preceding sentence.".

(b) TRAINING FOR CERTAIN IMMIGRATION OFFICERS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 302 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; Public Law 104-208; 110 Stat. 3009-579) is amended by adding at the end the following:

"(d) TRAINING ON RELIGIOUS PERSECUTION.—The Attorney General shall establish and operate a program to provide to immigration officers performing functions under subsection (b), or section 207 or 208, training on religious persecution, including training on—

"(1) the fundamental components of the right to freedom of religion;

"(2) the variation in beliefs of religious groups; and

"(3) the governmental and nongovernmental methods used in violation of the right to freedom of religion.".

(c) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) (as amended by section 604 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; Public Law 104-208; 1110 Stat. 3009-690) is amended by adding at the end the following:

"(e) SPECIAL RULES FOR RELIGIOUS PERSECUTION CLAIMS.—

"(1) PROCEDURES UPON DENIAL.—

"(A) IN GENERAL.—In any case in which the Service denies, or refers to an immigration Judge, an asylum application filed by an alien described in the second sentence of section 235(b)(1)(B)(v), or in any case in which an immigration Judge denies such an application on the ground that the alien is not a refugee within the meaning of section 101(a)(42)(A), the Service shall provide the alien with the following:

"(i) A written statement containing the reasons for the denial, which shall be supported by references to—

"(I) the most recent annual report sent by the Director of the Office of Religious Persecution Monitoring to the Congress under section 6 of the Freedom From Religious Persecution Act of 1997; and

"(II) either—

"(aa) the most recent country report on human rights practices issued by the Secretary of State; or

"(bb) any other report issued by the Secretary of State concerning conditions in the country of which the alien is a national (or, in the case of an alien having no nationality, the country of the alien's last habitual residence).

"(ii) A copy of any assessment sheet prepared by an asylum officer for a supervisory asylum officer with respect to the application.

"(iii) A list of any publicly available materials relied upon by an asylum officer as a basis for denying the application.

"(iv) A copy of any materials relied upon by an asylum officer as a basis for denying the application that are not available to the public, except Federal agency records that are exempt from disclosure under section 552(b) of title 5, United States Code.

"(B) CREDIBILITY IN ISSUE.—In any case described in subparagraph (A) in which the denial is based, in whole or in part, on credibility grounds, the Service shall also provide the alien with the following:

"(i) The statements by the applicant, or other evidence, that were found not to be credible.

"(ii) A statement certifying that the applicant was provided an opportunity to respond to the Service's position on the credibility issue.

"(iii) A brief summary of such response, if any was made.

"(iv) An explanation of how the negative determination on the credibility issue relates to the applicant's religious persecution claim.

"(2) EFFECT IN SUBSEQUENT PROCEEDINGS.—

"(A) USE AT OPTION OF APPLICANT.—Any material provided to an alien under paragraph (1) shall be considered part of the official record pertaining to the alien's asylum application solely at the option of the alien.

"(B) NO EFFECT ON REVIEW.—The provision of any material under paragraph (1) to an alien shall not be construed to alter any standard of review otherwise applicable in any administrative or judicial adjudication concerning the alien's asylum application.

"(3) DUTY TO SUBMIT REPORT ON RELIGIOUS PERSECUTION.—In any judicial or administrative proceeding in which the Service opposes granting asylum to an alien described in the second sentence of section 235(b)(1)(B)(v), the Service shall submit to the court or administrative adjudicator a copy of the most recent annual report submitted to the Congress by the Director of the Office of Religious Persecution Monitoring under section 6 of the Freedom From Religious Persecution Act of 1997, and any interim reports issued by such Director after such annual report.".

(d) ANNUAL REPORT.—Not later than January 1 of each year, the Attorney General shall submit to the Director an annual report that includes the following:

(1) With respect to the year that is the subject of the report, the number of applicants for asylum or refugee status whose applications were based, in whole or in part, on religious persecution.

(2) In the case of such applications, the number that were proposed to be denied, and the number that were finally denied.

(3) In the case of such applications, the number that were granted.

(4) A description of developments with respect to the adjudication of applications for asylum or refugee status filed by an alien who claims to be a member of a persecuted community that the Director found to be subject to category 1 or category 2 religious persecution in the most recent annual report submitted to the Congress under section 6.

(5) With respect to the year that is the subject of the report, a description of training on religious persecution provided under section 235(d) of the Immigration and Nationality Act (as added by subsection (b)) to immigration officers performing functions under section 235(b) of such Act, or adjudicating applications under section 207 or 208 of such Act, including a list of speakers and materials used in such training and the number of officers who received such training.

(e) ADMISSION PRIORITY.—For purposes of section 207(a)(3) of the Immigration and Nationality Act, an individual who is a member of a persecuted community that the Director found to be subject to category 1 or category 2 religious persecution in the most recent annual report submitted to the Congress under section 6, and is determined by the Attorney General to be a refugee within the meaning of section 101(a)(42)(A) of the Immigration and Nationality Act, shall be considered a refugee of special humanitarian concern to the United States. In carrying out such section, such an individual shall be given priority status at least as high as that given to any member of any other specific group of refugees of special concern to the United States.

(f) NO EFFECT ON OTHERS' RIGHTS.—Nothing in this section, or any amendment made by this section, shall be construed to deny any applicant for asylum or refugee status any right, privilege, protection, or eligibility otherwise provided by law.

SEC. 10. STATE DEPARTMENT HUMAN RIGHTS REPORTS.

(a) ANNUAL HUMAN RIGHTS REPORT.—In preparing the annual reports of the State Department on human rights under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)), the Secretary of State shall, in the section on religious freedom—

(1) consider the facts and circumstances of the violation of the right to freedom of religion presented by independent human rights groups and nongovernmental organizations;

(2) report on the extent of the violations of the right to freedom of religion, specifically including whether the violations arise from governmental or nongovernmental sources, and whether the violations are encouraged by the government or whether the government fails to exercise satisfactory efforts to control such violations;

(3) report on whether freedom of religion violations occur on a nationwide, regional, or local level; and

(4) identify whether the violations are focused on an entire religion or on certain denominations or sects.

(b) TRAINING.—The Secretary of State shall—

(1) institute programs to provide training for chiefs of mission as well as Department of State officials—

(A) having reporting responsibilities regarding the freedom of religion, which shall include training on the fundamental components of the right to freedom of religion, the variation in beliefs of religious groups, and the governmental and nongovernmental methods used in the violation of the right to freedom of religion; and

(B) the identification of independent human rights groups and nongovernmental organizations with expertise in the matters described in subparagraph (A); and

(2) submit to the Director, not later than January 1 of each year, a report describing all training provided to Department of State officials with respect to religious persecution during the preceding 1-year period, including a list of instructors and materials used in such training and the number and rank of individuals who received such training.

SEC. 11. TERMINATION OF SANCTIONS.

(a) TERMINATION OF SANCTIONS.—If the Director determines that a sanctioned country has substantially eliminated religious persecution in that country, the Director shall notify the Congress of that determination in writing. The sanctions described in section 7 shall cease to apply with respect to that country 45 days after the Congress receives the notification of such a determination. The 45-day period referred to in this section shall be computed by excluding—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

(b) WITHDRAWAL OF FINDING.—Any determination of the Director under section 6 may be withdrawn before taking effect if the Director makes a written determination, on the basis of a preponderance of the evidence, that the country substantially eliminated any category 1 or category 2 religious persecution that existed in that country. The Director shall submit to the Congress each determination under this subsection.

SEC. 12. SANCTIONS AGAINST SUDAN.

(a) EXTENSION OF SANCTIONS UNDER EXISTING LAW.—Any sanction imposed on Sudan because of a determination that the government of that country has provided support for acts of international terrorism, including—

(1) export controls imposed pursuant to the Export Administration Act of 1979,

(2) prohibitions on transfers of munitions under section 40 of the Arms Export Control Act,

(3) the prohibition on assistance under section 620A of the Foreign Assistance Act of 1961,

(4) section 2327(a) of title 10, United States Code,

(5) section 6 of the Bretton Woods Agreements Act Amendments, 1978 (22 U.S.C. 286e–11),

(6) section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in Public Law 104–208), and

(7) section 901(j) of the Internal Revenue Code of 1986,

shall continue in effect after the enactment of this Act until the Director determines, in accordance with section 11, that Sudan has substantially eliminated religious persecution in that country, or the determination that the government of that country has provided support for acts of international terrorism is no longer in effect, whichever occurs later. For purposes of the preceding sentence, the reference in section 11 to "sanctions described in section 7" shall be deemed to refer to sanctions described in paragraphs (1) through (7) of this subsection.

(b) ADDITIONAL SANCTIONS ON SUDAN.—Effective 90 days after the date of the enactment of this Act, the following sanctions (to the extent not covered under subsection (a)) shall apply with respect to Sudan:

(1) PROHIBITION ON FINANCIAL TRANSACTIONS WITH GOVERNMENT OF SUDAN.—

(A) OFFENSE.—Any United States person who knowingly engages in any financial transaction, including any loan or other extension of credit, directly or indirectly, with the Government of Sudan shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(B) DEFINITIONS.—As used in this paragraph:

(i) FINANCIAL TRANSACTION.—The term "financial transaction" has the meaning given that term in section 1956(c)(4) of title 18, United States Code.

(ii) UNITED STATES PERSON.—The term "United States person" means—

(I) any United States citizen or national;

(II) any permanent resident alien;

(III) any juridical person organized under the laws of the United States; and

(IV) any person in the United States.

(2) PROHIBITION ON IMPORTS FROM SUDAN.—No article which is grown, produced, manufactured by, marketed, or otherwise exported by the Government of Sudan, may be imported into the United States.

(3) PROHIBITIONS ON UNITED STATES EXPORTS TO SUDAN.—

(A) PROHIBITION ON COMPUTER EXPORTS.—No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use of the Government of Sudan.

(B) REGULATIONS OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce may prescribe such regulations as may be necessary to carry out subparagraph (A).

(C) PENALTIES.—Any person who violates this paragraph shall be subject to the penalties provided in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) for violations under that Act.

(4) PROHIBITION ON NEW INVESTMENT IN SUDAN.—

(A) PROHIBITION.—No United States person may, directly or through another person, make any new investment in Sudan that is not prohibited by paragraph (1).

(B) REGULATIONS.—The Secretary of Commerce may prescribe such regulations as may be necessary to carry out subparagraph (A).

(C) PENALTIES.—Any person who violates this paragraph shall be subject to penalties provided in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) for violations under that Act.

(5) AVIATION RIGHTS.—

(A) AIR TRANSPORTATION RIGHTS.—The Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned or controlled, directly or indirectly, by the Government of Sudan or operating pursuant to a contract with the Government of Sudan from engaging in air transportation with respect to the United States, except that such aircraft shall be allowed to land in the event of an emergency for which the safety of an aircraft's crew or passengers is threatened.

(B) TAKEOFFS AND LANDINGS.—The Secretary of Transportation shall prohibit the takeoff and landing in Sudan of any aircraft by an air carrier owned, directly or indirectly, or controlled by a United States person, except that such aircraft shall be allowed to land in the event of an emergency for which the safety of an aircraft's crew or passengers is threatened, or for humanitarian purposes.

(C) TERMINATION OF AIR SERVICE AGREEMENTS.—To carry out subparagraphs (A) and (B), the Secretary of State shall terminate any agreement between the Government of Sudan and the Government of the United States relating to air services between their respective territories.

(D) DEFINITIONS.—For purposes of this paragraph, the terms "aircraft", "air transportation", and "foreign air carrier" have the meanings given those terms in section 40102 of title 49, United States Code.

(6) PROHIBITION ON PROMOTION OF UNITED STATES TOURISM.—None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in Sudan.

(7) GOVERNMENT OF SUDAN BANK ACCOUNTS.—

(A) PROHIBITION.—A United States depository institution may not accept, receive, or hold a deposit account from the Government of Sudan, except for such accounts which may be authorized by the President for diplomatic or consular purposes.

(B) ANNUAL REPORTS.—The Secretary of the Treasury shall submit annual reports to the Congress on the nature and extent of assets held in the United States by the Government of Sudan.

(C) DEFINITION.—For purposes of this paragraph, the term "depository institution" has the meaning given that term in section 19(b)(1) of the Act of December 23, 1913 (12 U.S.C. 461(b)(1)).

(8) PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SUDAN.—

(A) PROHIBITION.—No department, agency, or any other entity of the United States Government may enter into a contract for the procurement of goods or services from parastatal organizations of Sudan except for items necessary for diplomatic or consular purposes.

(B) DEFINITION.—As used in this paragraph, the term "parastatal organization of Sudan" means a corporation, partnership, or entity owned, controlled, or subsidized by the Government of Sudan.

(9) PROHIBITION ON UNITED STATES APPROPRIATIONS FOR USE AS INVESTMENTS IN OR TRADE SUBSIDIES FOR SUDAN.—None of the funds appropriated or otherwise made available by any provision of law may be available for any new investment in, or any subsidy for trade with, Sudan, including funding for trade missions in Sudan and for participation in exhibitions and trade fairs in Sudan.

(10) PROHIBITION ON COOPERATION WITH ARMED FORCES OF SUDAN.—No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of Sudan, except for activities which are reasonably necessary to facilitate the collection of necessary intelligence. Each such activity shall be considered as significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(11) PROHIBITION ON COOPERATION WITH INTELLIGENCE SERVICES OF SUDAN.—

(A) SANCTION.—No agency or entity of the United States involved in intelligence activities may engage in any form of cooperation, direct or indirect, with the Government of Sudan, except for activities which are reasonably designed to facilitate the collection of necessary intelligence.

(B) POLICY.—It is the policy of the United States that no agency or entity of the United States involved in intelligence activities may provide any intelligence information to the Government of Sudan which pertains to any internal group within Sudan. Any change in such policy or any provision of intelligence information contrary to this policy shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

The sanctions described in this subsection shall apply until the Director determines, in accordance with section 11, that Sudan has substantially eliminated religious persecution in that country. For purposes of the preceding sentence, the reference in section 11 to "sanctions described in section 7" shall be deemed to refer to the sanctions imposed under this subsection.

(c) MULTILATERAL EFFORTS TO END RELIGIOUS PERSECUTION IN SUDAN.—

(1) EFFORTS TO OBTAIN MULTILATERAL MEASURES AGAINST SUDAN.—It is the policy of the United States to seek an international agreement with the other industrialized democracies to bring about an end to religious persecution by the Government of Sudan. The net economic effect of such international agreement should be measurably greater than the net economic effect of the other measures imposed by this section.

(2) COMMENCEMENT OF NEGOTIATIONS TO INITIATE MULTILATERAL SANCTIONS AGAINST SUDAN.—It is the sense of the Congress that the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies in order to reach an international agreement to bring about an end to religious persecution in Sudan. The international conference should begin promptly and should be concluded not later than 180 days after the date of the enactment of this Act.

(3) PRESIDENTIAL REPORT.—Not less than 210 days after the date of the enactment of this Act, the President shall submit to the Congress a report containing—

(A) a description of United States' efforts to negotiate multilateral measures to bring about an end to religious persecution in Sudan; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about an end to religious persecution in Sudan, including an assessment of the stringency with which such measures are enforced by those countries.

(4) CONFORMITY OF UNITED STATES MEASURES TO INTERNATIONAL AGREEMENT.—If the President successfully concludes an international agreement described in paragraph (2), the President may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of this section to conform with such agreement.

(5) PROCEDURES FOR AGREEMENT TO ENTER INTO FORCE.—Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if—

(A) the President, not less than 30 days before the day on which the President enters into such agreement, notifies the House of Representatives and the Senate of the President's intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document containing a copy of the final text of such agreement, together with—

(i) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law; and

(ii) a statement of the President's reasons regarding—

(I) how the agreement serves the interest of United States foreign policy; and

(II) why the proposed administrative action is required or appropriate to carry out the agreement; and

(C) a joint resolution approving such agreement has been enacted, in accordance with section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), within 30 days of transmittal of such document to the Congress.

For purposes of applying such section 8066(c), any reference in such section to "joint resolution", "resolution", or "resolution described in paragraph (1)" shall be deemed to refer to a joint resolution described in subparagraph (C) of this paragraph.

(6) UNITED NATIONS SECURITY COUNCIL IMPOSITION OF SAME MEASURES AGAINST SUDAN.—It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures against Sudan of the same type as are imposed by this section.

(d) ADDITIONAL MEASURES AND REPORTS; RECOMMENDATIONS OF THE PRESIDENT.—

(1) UNITED STATES POLICY TO END RELIGIOUS PERSECUTION.—It shall be the policy of the United States to impose additional measures against the Government of Sudan if its policy of religious persecution has not ended on or before December 25, 1997.

(2) REPORT TO CONGRESS.—The Director shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on or before February 1, 1998, and every 12 months thereafter, a report determining whether the policy of religious persecution by the Government of Sudan has ended.

(3) RECOMMENDATION FOR IMPOSITION OF ADDITIONAL MEASURES.—If the Director determines that the policy of religious persecution by the Government of Sudan has not ended, the President shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on or before March 1, 1998, and every 12 months thereafter, a report setting forth recommendations for such additional measures and actions against the Government of Sudan as the Director determines will end the government's policy of religious persecution.

(e) DEFINITIONS.—As used in this section—

(1) GOVERNMENT OF SUDAN.—The term "Government of Sudan" includes any agency or instrumentality of the Government of Sudan.

(2) NEW INVESTMENT IN SUDAN.—The term "new investment in Sudan"—

(A) means—

(i) a commitment or contribution of funds or other assets, or

(ii) a loan or other extension of credit,

that is made on or after the effective date of this subsection; and

(B) does not include—

(i) the reinvestment of profits generated by a controlled Sudanese entity into that same controlled Sudanese entity, or the investment of such profits in a Sudanese entity;

(ii) contributions of money or other assets where such contributions are necessary to enable a controlled Sudanese entity to operate in an economically sound manner, without expanding its operations; or

(iii) the ownership or control of a share or interest in a Sudanese entity or a controlled Sudanese entity or a debt or equity security issued by the Government of Sudan or a Sudanese entity before the date of the enactment of this Act, or the transfer or acquisition of such a share or interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a Sudanese entity, a controlled Sudanese entity, or the Government of Sudan.

(3) CONTROLLED SUDANESE ENTITY.—The term "controlled Sudanese entity" means—

(A) a corporation, partnership, or other business association or entity organized in Sudan and owned or controlled, directly or indirectly, by a United States person; or

(B) a branch, office, agency, or sole proprietorship in Sudan of a United States person.

(4) SUDANESE ENTITY.—The term "Sudanese entity" means—

(A) a corporation, partnership, or other business association or entity organized in Sudan; or

(B) a branch, office, agency, or sole proprietorship in Sudan of a person that resides or is organized outside Sudan.

SEC. 13. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsections (b) and (c), and except as provided in section 12, this Act and the amendments made by this Act shall take effect 120 days after the date of the enactment of this Act.

(b) APPOINTMENT OF DIRECTOR.—The Director shall be appointed not later than 60 days after the date of the enactment of this Act.

(c) REGULATIONS.—Each Federal department or agency responsible for carrying out any of the sanctions under section 7 shall issue all necessary regulations to carry out such sanctions within 120 days after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mrs. Boxer, and Mr. REED):

S. 773. A bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

AMERICA'S RED ROCK WILDERNESS ACT

Mr. DURBIN. Mr. President, today I am introducing America's Red Rock Wilderness Act to protect an important part of our Nation's natural heritage. America's Red Rock Wilderness Act designates 5.7 million acres of the 22 million acres of public, Bureau of Land Management (BLM) lands in Southern Utah as wilderness.

Passage of America's Red Rock Wilderness Act is essential to protect a national treasure for future generations of Americans. A companion bill, H.R. 1500, has been introduced in the House by Representative MAURICE HINCHEY with over 100 original cosponsors.

America's Red Rock Wilderness Act will protect 5.7 million acres of magnificent canyons, red rock cliffs and rock formations which are unlike any on Earth. The lands included in this legislation contain steep slick rock canyons, high cliffs offering spectacular vistas of rare rock formations, important archeological sites and rare plant and animal species. Each year, almost 8 million people from across the United States and the world visit these lands to see a part of their natural heritage and experience the beauty and solitude of this wilderness area.

However, these fragile, scenic lands are threatened by oil, gas and mining interests which are willing to sacrifice these lands for short-term economic gain. These wilderness areas are also threatened by off-road vehicle use and proposals to construct roads, communication towers, transmission lines, and dams.

Because of flaws in the original wilderness inventory conducted by BLM during the Reagan administration, only 3.2 million acres in southern Utah are currently protected as wilderness study areas. The wilderness areas included in America's Red Rock Wilderness Act are based on a careful assessment of BLM lands which meet the criteria for wilderness designation by citizen groups that form the Utah Wilderness Coalition. Unlike other proposals, this legislation does not include special interest exemptions that would undermine the integrity of the 1964 Wilderness Act.

America's Red Rock Wilderness Act is supported by a broad coalition of environmental organizations and citizen groups. In a national survey conducted by USA Today, over 90 percent of the respondents supported the designation of 5.7 million acres in southern Utah as wilderness. Newspapers across the Nation have also editorialized in support of protecting America's Red Rock Wilderness Area.

Theodore Roosevelt once stated that, "The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value." Because of the foresight of leaders like Theodore Roosevelt, national treasures such as the Grand Canyon and Yellowstone were preserved for all Americans. I urge my colleagues to join me in this effort to protect America's Red Rock Wilderness Area in southern Utah for future generations.

Mr. FEINGOLD. Mr. President, I am very pleased to be joining the junior Senator from Illinois [Mr. DURBIN] as an original cosponsor of legislation to designate 5.7 million acres of Federal lands in Utah as wilderness.

Though this is the first time this particular measure has been introduced in this body, it is not the first time that the protection of Utah's public lands has been before the Senate. During the last Congress, I joined with the former Senator from New Jersey, Mr. Bradley, in opposing the Omnibus Parks legislation because it contained provisions, which were eventually removed, that many in my home State of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

Wallace Stegner wrote "No place is a place until things that have happened there are remembered in history, ballads, yarns, legends, or monuments."

The lands of southern Utah are legendary, alive, and well remembered in the minds and hearts of the people of Wisconsin. In writing to me last Congress, my constituents described these lands as places of special family moments, healing silence, and incredible beauty. In March 1996, during debate on the omnibus parks bill, Ed Culhane of the Appleton Post-Crescent wrote:

> This is some of the most beautiful landscape in the world and each year hundreds of thousands of people hike into these canyons, into this hard, dry land of varnished cliffs and blasted mesas.
>
> Aldo Leopold once asked if a still higher standard of living was worth its cost in things natural, wild, and free. If we lose the Redrock Wilderness, we will get precious little in return.

Some may say, Mr. President, that this legislation is unnecessary and Utah already has the "monument" that Wallace Stegner wrote about, designated by President Clinton on September 18, 1997. However, it is important to note, the land of the Grand Staircase Escalante National Monument, included among the lands to be given wilderness protection in this bill, is less than one third of the lands this bill protects.

I supported the President's actions to designate the Grand Staircase Escalante National Monument. On September 17, 1997, amid reports of the pending designation, I authored a letter to President Clinton, cosigned by six other members of the Senate, supporting that action. That letter concluded with the following statement "We remain interested in working with the Administration on appropriate legislation to evaluate and protect the full extent of public lands in Utah that meet the criteria of the 1964 Wilderness Act."

I believe that the measure being introduced today accomplishes that goal. Identical in its designations to H.R. 1500 sponsored in the other body by Representative MAURICE HINCHEY of New York, it is the culmination of more than 10 years and four Congresses of effort in the other body beginning with the legislative work of the former Congressman from Utah, Mr. Owens.

The measure protects wild lands that really are not done justice in words. Truly remarkable American resources of red rock cliff walls, desert, canyons and gorges are found on these BLM lands which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. They include mountain ranges in western Utah, stark areas like the new National Monument, and wildlife intensive areas like the Deep Creek and Stansbury Mountains, that support habitat for deer, elk, cougars, bobcats, bighorn sheep, coyotes, birds, reptiles, and other wildlife. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, a paper in Madison, answered an important question I am often asked when people want to know why a Senator from Wisconsin would cosponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that "These are not scenes that you could see in Wisconsin. That's part of what makes them special." He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, "the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the Nation's most splendid areas."

Wisconsinites are watching this test case closely. I believe, Mr. President, that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the Nation is headed with respect to its stewardship of natural resources in Wisconsin. For example, some in my home State believe that among Federal lands that comprise the Apostle Islands National Lakeshore and the Nicolet and Chequamegon National Forests there are lands that are deserving of wilderness protection. I know first hand what spectacular and special places these Federal properties are, and what they mean to the people of Wisconsin. Wisconsinites want to know that, should additional lands in Wisconsin be brought forward for wilderness designation, the type of protection they expect from Federal law is still available to be extended because it had been properly extended to other places of national significance.

What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness insures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 publicly codifies that expectation and promise.

Finally, and perhaps the most important reason why this legislation is receiving my support, and deserves the support of others in this body, is that all of the 5.7 million acres that will be protected under this bill are already public lands held in trust by the Federal Government. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for others.

I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 774. A bill to provide for the stabilization, enhancement, restoration, and management of the Coeur d'Alene River basin watershed; to the Committee on Environment and Public Works.

THE COEUR D'ALENE RIVER BASIN ENVIRONMENTAL RESTORATION ACT OF 1997

• Mr. CRAIG. Mr. President, I am today introducing, with the cosponsorship of Senator KEMPTHORNE, the Coeur d'Alene River Basin Environmental Restoration Act of 1997. This legislation would allow for a workable solution to clean up the historic effects of mining on the Coeur d'Alene Basin in North Idaho. This bill is similar to a bill (S. 1614) I introduced in the last Congress.

This legislation establishes a process that is centered around an action plan developed between the Governor of the State of Idaho and a Citizens Advisory Commission comprised of fourteen representatives of affected State and Federal government agencies, private citizens, the Coeur d'Alene Indian Tribe; and affected industries. The responsibilities of this Commission are very important to the ultimate success of cleaning up the Basin. I would like to note that a Commission that mirrors the one in this legislation was created by the Idaho legislature and that legislation was signed into law by Governor Phil Batt. I am indeed pleased that Idaho has put in place the citizen committee that is the crux of this plan to clean up the Silver Valley.

The Silver Valley of North Idaho has made contributions to the national economy and to all of our country's war efforts for well over a century. The federal government has been involved in every phase of mineral production over the history of the Valley. It is, therefore, appropriate that Congress specifically legislate a resolution of natural resources damages in the Coeur d'Alene Basin and participate in funding such a plan.

I want to make clear this legislation does not interfere with the ongoing Superfund cleanup within the 21-square mile Bunker Hill site. This legislation sets up a framework for voluntary cleanup of affected areas outside this 21-square mile area. In drafting this legislation, I have worked with the mining industry, the Coeur d'Alene tribe, local governments, the Governor of Idaho, and citizens in North Idaho. It is only through the involvement of all these parties that a solution will be reached.

Throughout this effort it has been clear that all parties want the Basin cleaned up, and they want the cleanup done with the concerns of local citizens and entities addressed and with controls and cleanup decisions made in Idaho, not in Washington, DC. These are the guiding principles that I have applied in developing this legislation.

Local cleanup has already begun in the headwaters of the Basin's drainage. Nine Mile Creek and Canyon Creek have had proven engineering designs implemented within their drainages. The Coeur d'Alene River Basin Environmental Restoration Act of 1997 would assure this type of meaningful restoration could continue. However, the actions needed in each part of the Basin are not clear. That is why my bill calls for the Governor of Idaho and the Citizens Advisory Commission to develop an Action Plan that can address the varying conditions within the Basin. For example, engineering solutions will certainly work in portions of the Basin—but not every place. The steeper gradient streams in the upper Basin respond well to engineering fixes, but these types of fixes may only exacerbate problems in the lower, flatter portions of the Basin. Local input and control through the action plan can address such diversity and the need for varying environmental fixes.

The Department of Justice is currently pursuing a lawsuit for alleged natural resources damages in the area addressed by this legislation. For the federal government to follow such a course is folly. When the federal government litigates under Superfund, the members of the legal profession benefit, as litigation eats away at whatever resources are available for a cleanup. Litigation does not benefit the citizens affected by a cleanup and certainly does not benefit the resources that are purported to be the primary consideration when such a suit is pursued. I do not intend to see cleanup resources in North Idaho squandered in litigation. It is my goal to see that Coeur d'Alene Basin cleanup is not litigated away. That is the reason we have introduced this legislation. it will clean up the Basin, not litigiously waste the Basin's resources.●

By Mr. JEFFORDS (for himself, Mr. Kohl, Mr. Grams, Mr. D'Amato, Ms. Collins, Mr. Daschle, Mr. Leahy, Mr. Smith of New Hampshire, Mr. Grassley and Ms. Snowe):

S. 775. A bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned-income credit; to the Committee on Finance.

THE EARNED-INCOME CREDIT FAIRNESS ACT OF 1997

Mr. JEFFORDS. Mr. President, I am today introducing a bill along with Senator Kohl and several of my colleagues which will amend the earned-income credit to restore fairness to low-income dairy farmers across the country.

Last year during the debate over welfare reform, Congress tightened up on the requirements for eligibility for the EIC. The law was amended to prevent taxpayers with investment assets from claiming the EIC, our rationale being that taxpayers with substantial investment assets should sell those assets rather than rely on the EIC to supplement their income. Specifically, the law now reads that if you have over $2,200 in disqualified income, you cannot claim the EIC.

The earned-income credit (EIC) is a credit against tax available to low-income working taxpayers. The credit is refundable; in other words, even if you don't owe any income tax, the Government may still give you a refund. In this way, the credit is a kind of income assistance to low-income taxpayers, encouraging them to keep working.

Mr. President, the problem lies in that the IRS has interpreted the term disqualified income to include gains realized by dairy farmers when they cull and sell cows no longer suitable for dairy farming. I disagree with the IRS' interpretation, as do many of my colleagues. In my view, culled dairy cows are not investment assets. When farmers cull and sell cows no longer fit for dairy farming, they're not cashing in on their investments. To the contrary, they're cutting their losses. And we should not automatically expect proceeds from these sales to be available to support the farmer's day-to-day living expenses. Farmers may not be able to use this money to put food on his or her family's table or clothing on his family's back. He or she may have to pump these funds back into the dairy operation. If the farmer intends to maintain a viable dairy farm, he or she may use proceeds from the sale of a culled cow to acquire another cow suitable for dairy farming. So, I think it is wrong that these sale proceeds should make the low-income dairy farmer ineligible for the EIC.

The IRS' interpretation will result in the loss of income from thousands of struggling dairy farmers across the country. Dairy farmers have experienced a 25-percent decline in milk prices in recent months and for years have been faced with unstable and low milk prices. Based on the Farm Credit's analysis, the current IRS position would cost Vermont dairy farmers nearly $1 million in refunds and/or increased tax bills. Dairy farmers across the country will be adversely impacted by the current position of the IRS. The greatest impact will be in States that have a high number of small- and mid-sized family dairy operations. Losses to the Nation's dairy farmers have been estimated to be as much as $76 million.

In short, in my view, when the income generated by a farmer's dairy operations is otherwise modest, he or she should not become ineligible for the EIC when he or she has the misfortune to discover that some of his or her dairy cows are nonproductive and disposes of those nonproductive assets at a profit.

Because I disagree with the IRS interpretation, I, together with 16 colleagues, wrote to IRS Commissioner Margaret Richardson on March 13, 1997, to challenge the IRS interpretation of the EIC. Unfortunately, the IRS has maintained that its interpretation is correct. Accordingly, today I am introducing this bill, along with several of my colleagues, to overturn what we believe is an unwise and unwarranted interpretation by the IRS. I urge my colleagues to join us in this effort.

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, March 13, 1997.

Hon. Margaret Milner Richardson,
Commissioner, Internal Revenue Service, Washington, DC.

Dear Commissioner Richardson: We are writing because some of our constituent dairy farmers have brought to our attention their concern about a potentially adverse impact to them that may result from an IRS interpretation of the earned income credit (26 U.S.C. §32). Our constituents have informed us that in conversations with taxpayers, IRS personnel have indicated that a low-income dairy farmer may become ineligible to claim the EIC if he decides to cull from his herd a cow no longer suitable for dairy farming, and subsequently sells the cow, realizing a gain of $2,200 or more.

We believe that this interpretation is incorrect. Section 32 of the Internal Revenue Code allows low-income taxpayers a refundable credit against tax. Under §32(i)(1), this earned income credit (EIC) is not available to taxpayers with more than $2,200 in disqualified income. "Disqualified income" is defined to include "capital gain net income" for the taxable year.

According to our constituents, the IRS has characterized gains from the sale of culled cows as "capital gain net income." For the definition of "capital gain net income," §32(i)(1)(D) specifically references the definition of that term in §1222. Section 1222(9) defines "capital gain net income" as the excess of gains from sales of "capital assets" over such losses from such sales.

We do not believe that culled cows are "capital assets." As defined in §1221(2), the term "capital asset" does not include "property used in the trade or business." Section 1231(b) defines the term "property used in the trade or business," and subsection (b)(3) specifically defines cattle held by a taxpayer for 24 months or more for dairy purposes as "property used in the trade or business." It would follow, then, that any gains resulting from the sale of such cattle are not gains from sales of capital assets giving rise to "capital gain net income." Accordingly, we do not believe that §32(i)(1)(D) disqualifies a dairy farmer from claiming the EIC because of gains realized from sales of culled cows.

We request that the IRS review and summarize the applicability of §32(i)(1)(D) to low-income dairy farmers who realize gains of $2,200 or more upon the sale of culled cows that they have held for more than two years. We also request that you summarize what tax treatment would result if the culled cows had not been held for two years. We look forward to your response.

Sincerely,
Jim Jeffords, Alfonse D'Amato, Jeff Sessions, Bob Smith, Patrick Leahy, Chris Dodd, Susan M. Collins, Jack Reed, Joe Biden, Mike DeWine, Chuck Grassley, Rick Santorum, Herb Kohl, Rob Grams, Olympia Snowe, Russ Feingold, Judd Gregg.

Mr. KOHL. Mr. President, I rise today as a co-author of this important legislation, which Senator JEFFORDS and I, and many others, introduce today on behalf of all of our nation's farmers.

Let me begin by thanking my colleague from Vermont for his help and leadership on this issue. The economic health of our agricultural economy is paramount to both of our regions, and to the country at large. And tax provisions related to agriculture, whether it be the earned income credit [EIC] or other provisions, have repercussions throughout our agricultural economy. In the two regions that Senator JEFFORDS and I represent, dairy farming is of particular importance. And it is with our dairy farmers in mind that we feel an urgency in introducing this legislation. Because while the tax policy change that we are seeking to undo affects many livestock producers, it is the dairy farmers who are the hardest hit.

Mr. President, our legislation will clarify that the sale of livestock should not be treated as capital gain net income for purposes of the EIC. As you may know, in last year's welfare bill, we took steps to tighten eligibility to the EIC, a refundable tax credit available only to lower income, working Americans. We did so to ensure further that, in a time of limited Federal resources, the EIC was benefiting those that it was intended to benefit—the working poor—those who have jobs but who often need extra help to avoid turning to public assistance. For many facing tough financial times and struggling to support their families, the EIC has been the difference between hard work and a hand out, between self-worth and self-doubt. And for many dairy farmers in Wisconsin, the EIC has helped pay seed bills and farm operating expenses and put food on kitchen tables.

One of several EIC provisions approved by Congress last year expanded the category of disqualified income to include capital gain net income. As such, under current law, if a taxpayer reports more than $2,200 in capital gain net income, he or she is automatically disqualified from collecting the EIC.

On its face, this tax policy adjustment seems reasonable. Most policymakers would agree that an individual who realizes substantial capital gain income from the sale of capital assets in any given year should not be eligible for a tax credit for the working poor. The House Committee report confirms as much.

That said, however, we are here today because a subsequent IRS interpretation of that adjustment has restricted EIC eligibility in such a way that we believe goes far beyond congressional intent—distorting the purpose of last year's reforms and denying the credit to a population of hard working Americans that the EIC was designed to help—small- and mid-sized family farmers.

Specifically, the Internal Revenue Service [IRS] has interpreted capital gain income to include income generated by the sale of culled cows for purposes of the EIC. Further, the IRS argues that dairy cows represent the type of assets Congress would expect a taxpayer to sell to cover living expenses in lieu of claiming the credit.

Mr. President, though I do not question their good intentions, I believe the IRS is misguided.

As you may know, farmers sell cows no longer suited for dairy farming as a matter of course. It is a standard part of a farmer's business. And in times of low prices or economic stress, it can play an even more important role when some farmers are driven to cull cows more quickly than they otherwise would. In addition, the Tax Code defines dairy cattle held by a taxpayer for a certain period of time as property used in a trade or business, specifying that such property is excluded from the definition of capital assets. Since dairy cattle are not capital assets, it follows that sales of cattle should not give rise to capital gain income for EIC purposes.

For our Nation's dairy farmers, this unfair policy change has come at a particularly cruel time, when milk prices have declined precipitously, and many have been forced to cull cows to make ends meet. Yet instead of stretching the family budget, they learn that their actions have actually resulted in thousands of dollars in extra taxes, leaving them worse off than before.

The consequences for my home State have been devastating. In a sample of cases from a seven-county area in the eastern part of the State, the average loss of Federal and State EIC benefits to farmers has been $2,111 per family. And these are families with between one and seven children. The total loss to the approximately 12,000 Wisconsin dairy farms eligible for the EIC is estimated at $15.5 million.

Denying the EIC to family farmers on the basis of culled cows sales is wrong. It is wrong, unfair, and Congress should act swiftly to correct it.

I urge my colleagues to support this bipartisan legislation of national significance and help ensure the EIC continues to benefit those for whom Congress intended.

Mr. GRAMS. Mr. President, I am proud to be a leading co-sponsor of legislation introduced today with my friend and colleague, Senator JIM JEFFORDS of Vermont. The Earned Income Credit (EIC) Fairness Act of 1997 is a direct response to back-door efforts by the Internal Revenue Service to raise revenue on the backs of family farmers. This legislation simply clarifies the intent of Congress by preserving this important tax credit for our Nation's dairy farmers.

I want to thank Senator JEFFORDS for his leadership on this issue. My colleague from Vermont and I have differed from time to time on what is best for the Nation's dairy industry in the way of federal dairy policy. However, I have always had a profound respect for his hard work and genuine commitment to Vermont's dairy farmers. They have in Senator JEFFORDS a tireless advocate in the U.S. Senate.

I also want to commend Mike Foley, a teacher and dairy farmer from Melrose, MN for bringing this issue to my attention. Like other problems created by IRS misinterpretations of Congressional intent—including the alternative minimum tax [AMT] and the self-employment tax problems—few knew of the EIC problem and the hardship it would ultimately cause. Thanks to Mike, we now have the opportunity to restore the IRS to its proper role of carrying out current laws instead of creating new ones.

Mr. President, unless Congress acts on this legislation, the Nation's dairy farmers will be forced to pay $76 million in taxes they were never intended to pay. In effect, this is an agency-created $76 million tax hike on hard working, generally low-income, dairy producers. For dairy farmers in Minnesota, the tax hike would amount to about $6 million. As a boy who grew up on a dairy farm, I know all too well how hard dairy farmers must work to make ends meet. Long hours. Early mornings. Late nights. The vacations—even for a day—which a lot of us take for granted are unthinkable for most of our dairy producers. This is especially true for the dairy producers who would be hit hardest by the new IRS-imposed tax hike. This is wrong. Wrong because the IRS has no business raising taxes by agency fiat. And, wrong because of the severe hardship the tax hike would impose on our Nation's dairy producers.

During consideration of the 1996 Farm Bill, we promised our farmers long overdue tax relief, regulatory relief, improved risk management and research, and free and fair trade. My request of the administration, particularly the IRS, is simple. If you don't want to help keep this promise to America's farmers, simply step aside and at least don't hinder those of us who do.

I urge my colleagues to give the EIC Fairness Act of 1997 speedy consideration and passage.

By Mr. JOHNSON (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. GRAMS, Mr. HARKIN and Mr. GRASSLEY):

S. 777. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

THE LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1997

Mr. JOHNSON. Mr. President, today, I am proud to be introducing legislation, along with my colleagues, the Minority Leader Senator DASCHLE of South Dakota, Senator HARKIN and Senator GRASSLEY of Iowa, and Senator WELLSTONE and Senator GRAMS of Minnesota, to authorize the Lewis and Clark Rural Water System. I introduced similar legislation last year as a Member of the House of Representatives during the 104th Congress. I look forward to again working closely with my colleagues for timely consideration of this important measure.

The Lewis and Clark Rural Water System is made up of 22 rural water systems and communities in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota who have joined together in an effort to cooperatively address the dual problems facing the delivery of drinking water in this region—inadequate quantities of water and poor quality water.

This region has seen substantial growth and development in recent years, and studies have shown that future water needs will be significantly greater than the current available supply. Most of the people who are served by 10 of the water utilities in the proposed Lewis and Clark project area currently enforce water restrictions on a seasonal basis. Almost half of the membership has water of such poor quality it does not meet present or proposed standards for drinking water. More than two-thirds rely on shallow aquifers as their primary source of drinking water, aquifers which are very vulnerable to contamination by surface activities.

The Lewis and Clark system will be a supplemental supply of drinking water for its 22 members, acting as a treated, bulk delivery system. The distribution to deliver water to individual users will continue through the existing systems used by each member utility. This regionalization approach to solving these water supply and quality problems enables the Missouri River to provide a source of clean, safe drinking water to more than 180,000 individuals. A source of water which none of the members of Lewis and Clark could afford on their own.

The proposed system would help to stabilize the regional rural economy by providing water to Sioux Falls, the hub city in the region, as well as numerous small communities and individual farms in South Dakota and portions of Iowa and Minnesota.

The States of South Dakota, Iowa, and Minnesota have all authorized the project and local sponsors have demonstrated a financial commitment to this project through State grants, local water development district grants, and membership dues. The State of South Dakota has already contributed more than $400,000.

Mr. President, I do not believe our needs get any more basic than good quality, reliable drinking water, and I appreciate the fact that Congress has shown support for efforts to improve drinking water supplies in South Dakota. I look forward to continue working with my colleagues to have that support extended to the Lewis and Clark Rural Water System.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark Rural Water System Act of 1997".

SEC. 2. DEFINITIONS.

In this Act:

(1) ENVIRONMENTAL ENHANCEMENT.—The term "environmental enhancement" means the wetland and wildlife enhancement activities that are carried out substantially in accordance with the environmental enhancement component of the feasibility study.

(2) ENVIRONMENTAL ENHANCEMENT COMPONENT.—The term "environmental enhancement component" means the component described in the report entitled "Wetlands and Wildlife Enhancement for the Lewis and Clark Rural Water System", dated April 1991, that is included in the feasibility study.

(3) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(4) MEMBER ENTITY.—The term "member entity" means a rural water system or municipality that signed a Letter of Commitment to participate in the water supply system.

(5) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply system, as contained in the feasibility study.

(6) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) WATER SUPPLY SYSTEM.—The term "water supply system" means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, environmental enhancement, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 10.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met;

(2) a final engineering report is prepared and submitted to Congress not less than 90 days before the commencement of construction of the water supply system; and

(3) a water conservation program is developed and implemented.

SEC. 4. FEDERAL ASSISTANCE FOR THE ENVIRONMENTAL ENHANCEMENT COMPONENT.

(a) INITIAL DEVELOPMENT.—The Secretary shall make grants and other funds available to the water supply system and other private, State, and Federal entities, for the initial development of the environmental enhancement component.

(b) NONREIMBURSEMENT.—Funds provided under subsection (a) shall be nonreimbursable and nonreturnable.

SEC. 5. WATER CONSERVATION PROGRAM.

(a) IN GENERAL.—The water supply system shall establish a water conservation program that ensures that users of water from the water supply system use the best practicable technology and management techniques to conserve water use.

(b) REQUIREMENTS.—The water conservation programs shall include—

(1) low consumption performance standards for all newly installed plumbing fixtures;

(2) leak detection and repair programs;

(3) rate schedules that do not include declining block rate schedules for municipal households and special water users (as defined in the feasibility study);

(4) public education programs and technical assistance to member entities; and

(5) coordinated operation among each rural water system, and each water supply facility in existence on the date of enactment of this Act, in the service area of the system.

(c) REVIEW AND REVISION.—The programs described in subsection (b) shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 6. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 7. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning on May 1 and ending on October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase the entire electric service requirements of the system, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It is agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the water supply system;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 8. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

SEC. 9. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 10. COST SHARING.

(a) FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply system under section 3;

(B) such amounts as are necessary to defray increases in the budget for planning and construction of the water supply system under section 3; and

(C) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) SIOUX FALLS.—The Secretary shall provide funds for the city of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) SIOUX FALLS.—The non-Federal cost-share for the city of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 11. BUREAU OF RECLAMATION.

(a) AUTHORIZATION.—The Secretary may allow the Director of the Bureau of Reclamation to provide project construction oversight to the water supply system and environmental enhancement component for the service area of the water supply system described in section 3(b).

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Director of the Bureau of Reclamation for planning and construction of the water supply system shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $226,320,000, of which not less than $8,487,000 shall be used for the initial development of the environmental enhancement component under section 4, to remain available until expended.

Mr. WELLSTONE. Mr. President, today I join my colleagues from South Dakota, Iowa, and Minnesota in cosponsoring Lewis and Clark Rural Water System Act of 1977, and I do so with great enthusiasm for what this project could mean to the people in southwestern Minnesota, as well as those in Iowa and South Dakota who have serious problems finding adequate drinking water supplies.

Many of us never really have to think about where our water comes from, but for the people in Luverne and Worthington, Minnesota, it is a constantly nagging question, Helping provide for this sort of basic need is what I think government ought to be doing.

In a project like Lewis and Clark, governments at all levels have to work together. Municipalities, states, and the federal government each will have important roles to play, and each will have to carry a significant burden. And that is as it should be—in tough situations like this, not only is there no free lunch, but there is also no free water.

So today I am pleased to formally state my support for the Lewis and Clark project by cosponsoring its authorization legislation. The Lewis and Clark Rural Water System project is sorely needed to provide safe drinking water on a consistent basis for citizens in the tri-state region of Minnesota, South Dakota, and Iowa. For far too long communities in this region have faced great and sometimes overwhelming challenges in finding safe and reliable sources of water for their citizens. While many communities in our country have ample supplies of drinking water, twenty-two communities in this tri-state area are not so lucky. Shallow aquifers and high water tables have left many water systems in the region constantly searching for potable water. Even when these communities have managed to find sources of water, many times the water has been contaminated with unsafe levels of nitrates and bacteria, as well as high levels of naturally occurring iron and manganese.

While the lack of water, reliable water sources affects the health of these citizens in the short-term, the economic vitality of these communities is adversely affected in the long-term. Rural communities cannot plan economic growth when they do not possess long-term sources of safe drinking water. Businesses are reluctant to locate in an area where such necessities are not guaranteed. Therefore, as a strong supporter of rural economic development. I believe that this project will benefit the economic welfare of citizens who live in this region.

I recognize that some concerns still exist about the impacts of this project. I intend to work to improve the bill as it makes its way through the legislative process, and believe the concerns which some have raised regarding the environmental impacts of this project will be addressed as the project moves forward. Work on this important bill will likely be going on for some time, and I look forward to helping shape the final legislation and making the project a reality.

Mr. GRAMS. Mr. President, I rise today to join Senators DASCHLE, JOHNSON, GRASSLEY, HARKIN, and WELLSTONE as a proud cosponsor of legislation authorizing the Lewis and Clark Rural Water System. This much-needed legislation will help provide a long-term, high-quality water supply from the Missouri River to over 180,000 individuals in portions of Minnesota, South Dakota, and Iowa.

For too long, and to the detriment of community development, residents of this region have been deprived of a sustainable water resource. In light of Minnesota's reputation as the "land of 10,000 lakes," it might come as a surprise to hear my home state described as being desperately short on water supplies. The southwestern corner of the state, however, is geographically very different from the rest of Minnesota. Rock County, which would be served by the Lewis and Clark system, is the only county in Minnesota without a natural lake.

Communities within the proposed water system are now served by shallow aquifers highly susceptible to drought, leading most of these communities to impose severe watering restrictions. The constant deterioration of these aquifers is evidenced through the detection of ever-increasing nitrate levels that threaten the safety of current drinking water. Moreover, increasing federal regulations have imposed expensive, unfunded mandates on communities seeking to deliver clean and healthy water to their residents.

This situation has forced communities throughout the region to aggressively explore alternative water supplies. Since 1989, the community of Worthington, Minnesota has spent between $50,000 to $75,000 annually searching for another source of water, all without success. The nearby community of Luverne, Minnesota has experienced the same disappointing results despite its significant expenditures. It is little wonder struggling communities across this region have joined together to strongly support the Lewis and Clark proposal.

Bill Weber, the distinguished mayor of Luverne, Minnesota stated: "It made sense to us to combine our financial assets in building one system that can provide an alternative supply of drinking water for 22 systems. The only other alternative was for each of us to continue as we have in the past, exploring more costly alternatives that only helped one at a time and alternatives, which in the case of Luverne appear to be nonexistent."

Greg Degroot, President of Worthington Public Utilities, wrote that the system "will provide our community with an alternative source of water that will give us some protection in the event of the loss of our existing water source and will also provide the additional water that is necessary for our community to continue to prosper and grow."

Mr. President, under our legislation, local communities will come together with the affected states and the federal government to form a strong, financial partnership, thereby ensuring an adequate, safe water supply while reducing the costs to the American taxpayers. In fact, with our revised proposal, the city of Sioux Falls, South Dakota—by far the largest user of the proposed system—will pay 50% of the construction costs for its share of Lewis and Clark water.

Mr. President, providing healthy water to our communities is one of the most basic functions of the government. It is not a partisan issue, and therefore I am proud to join with a bipartisan group of my colleagues and the Governors of Minnesota, South Dakota, and Iowa in supporting this bill. We believe our legislation to be the best, most cost-effective answer to a severe and growing problem.

The time to enact this bipartisan legislation is now. As a member of the Energy and Natural Resources Committee, I look forward to working with the distinguished Chairman, Senator MURKOWSKI; Senator JOHNSON, the primary sponsor of this legislation and a Committee member; the rest of our colleagues; and the Clinton Administration in providing much-needed relief to our communities. They deserve nothing less.

Mr. HARKIN. Mr. President, I rise today in strong support of the Lewis and Clark Water System Act of 1997. This legislation will authorize the construction of Lewis and Clark, along with a federal commitment of assistance for construction. Lewis and Clark is designed to be a treated, bulk water delivery system for 22 communities and rural water systems located in northwest Iowa, southeast South Dakota, and southwest Minnesota. Within this tri-state area, over 200,000 persons will be assured of clean and safe drinking water from Lewis and Clark.

Lewis and Clark is necessary to address poor water quality sources, inadequate water supplies, population growth, and increasing federal regulations that the member water systems are trying to deal with. In many cases the drinking water currently delivered by Lewis and Clark's membership exceeds secondary drinking water standards for iron, manganese, sulfate, and total dissolved solids. Water of this quality is very difficult and expensive to treat. In Iowa, most of the involved drinking water systems are at, or near, their capacity, and have serious water quality problems. An engineering feasibility study completed by the Bureau of Reclamation in September 1993 concluded the project is technically feasible.

However, this project will not be economically viable without federal assistance. Because many rural areas and small communities are involved with the project, the necessary financial resources do not exist to bring Lewis and Clark to completion. Through the Bureau of Reclamation study, each utility member determined that Lewis and Clark was the most feasible and least costly alternative for meeting future drinking water needs. It is estimated that this project will provide quality water at a reasonable cost, an estimated 75 cents per 1,000 gallons.

Mr. President, this project represents a unique opportunity to bring safe, clean, and affordable drinking water to hundreds of thousands of persons in a tri-state area. It is not often Congress has the opportunity to assist in a project that has the joint cooperation of persons from three states, and twenty-two communities and local water systems. In an era when we see states and communities fighting for water resources, Lewis and Clark represents a grass-roots effort of concerned citizens, businesses, and government officials.

Lastly, I would like to add that this is a project that clearly fits the characteristics of projects traditionally funded by the Bureau of Reclamation. Given its broad support, critical needs, and clear merits, I urge the passage of this important legislation.

By Mr. LUGAR:

S. 778. A bill to authorize a new trade and investment policy for sub-Saharan African; to the Committee on Finance.

THE AFRICAN GROWTH AND OPPORTUNITY ACT

• Mr. LUGAR. Mr. President, I introduce the African Growth and Opportunity Act. A similar bill has been introduced in the House of Representatives and is now cosponsored by nearly 50 Members. It enjoys the support of many in the House leadership. I applaud the hard work of those Members of the House who have toiled to draft proactive legislation that would, if enacted, help re-shape our relationship with countries in sub-Sahara Africa.

The bill I am introducing contains a range of trade, investment and reform incentives for economic growth that require little or no new spending. It reflects much of the administration's "Partnership for Economic Growth and Opportunity in Africa" initiative which proposes greater U.S. attention and priority to Africa. This bill proposes important trade and investment initiatives that would be available to eligible African countries which pursue meaningful internal reforms—both economic and political reform.

The bill would seek to provide a range of trade preferences and concessions, including GSP and lower trade barriers, to eligible countries embarking on economic and political liberalization. It seeks to encourage increased private sector investment flows by engaging OPIC and other government guarantees to create private equity and infrastructure funds targeted on Africa. It proposes certain personnel changes in various government agencies to give greater attention to Africa and to facilitate U.S. trade and investment. It seeks the cooperation of international financial institutions to ease the heavy debt burden of the poorest countries in Africa. And, it seeks the cooperation of other developed countries to join us in granting trade concessions and other preferences to Africa.

To achieve sustained economic growth and political stability in Africa, the private sector must be more fully engaged. They have the investment capital, they have the knowhow, and they have the will to take calculated risks abroad. The private sector, however, will be more interested in investment, trade and the technical assistance that accompany them, if countries make the hard decisions to liberalize their economies and open their political system to participation and good governance. That process is underway in Africa, but much more needs to be done.

This bill intends to increase our commercial and official contacts and interactions in recognition of the enormous potential for economic growth and development in Africa. It reflects the vast diversity of people, cultures, economies, and potential among the forty-eight countries and the more than 600 million people. It provides incentives and rewards to the growing number of countries embarking on a host of economic and political reforms. These are reforms we should encourage and support. These changes are not only in the interests of African societies, they are in our interest as well. A stable and economically prosperous Africa will contribute to our commercial and security interests.

The "African Growth and Opportunity Act", therefore, includes a range of incentives and policy tools that would begin the long-overdue process of linking U.S. ties with Africa on trade and investment, not solely on foreign assistance. We should be basing our relations with Africans as partners, not just as aid recipients. For too long, American policy towards Africa has concentrated on our foreign assistance programs which have resulted in little more than a series of bi-lateral donor-recipient relationships.

While helpful in promoting economic and political development, and in alleviating humanitarian crises and other social ills, our assistance programs were never large enough to be effective in stimulating or sustaining real economic growth. They are still important and needed. But, bilateral assistance, even when coupled with assistance from other donor countries and from international banks and lending institutions, are insufficient by themselves to kick-start and sustain the economies of Africa. They have not been sufficient in eradicating contagious diseases, in eliminating chronic poverty, or in ending the cycle of under-development and recurring political turmoil.

Mr. President, we have neglected Africa's economic growth potential for too many years. For too long, American interest in sub-Sahara Africa was largely a function of our strategic considerations and trade-offs during the Cold War period. Most Americans paid attention to Africa only when there was a natural or man-made calamity or disaster. Regrettably, this has led to distortion and mis-information about the real Africa. It has retarded interest in exploring opportunities in this rich and diverse continent.

But, economic growth, political stability or the protection of human rights in Africa won't happen by themselves or by the actions of the U.S. The leadership in Africa must make it happen by their actions and decisions. We should encourage and respond to those countries and those leaders who are making the difficult decisions to implement economic and political reform.

There is little doubt that those African countries which have embarked on the road to economic and political reform are beginning to reap the kind of benefits known in other regions of the world, such as East Asia. Several countries already enjoy multi-year economic growth in the five, six to ten percent range. Uganda, for example, had a growth rate of 10% in 1995 and Ethiopia exceeded that level last year. More than 30 countries in sub-Sahara Africa have already initiated economic reform programs and some twenty-five countries have conducted open elections.

Many countries have begun to liberalize their exchange rates and prices, privatize state-owned enterprises, reduce expensive state subsidies and cut back on impediments to trade and investment. These steps and others will help African economies grow.

African trade barriers are more onerous than those in the faster growing economies in the developing world. Import tariffs are three and a half times higher than those in faster growing countries in the developing world. Along with non-tariff restrictions and assorted protectionist practices, these practices have hurt the competitiveness of Africa exports. They inflict trade losses that match or exceed the total levels of aid to Africa. As these barriers to trade and investment are eased and eliminated, they will open the way for economic growth and assist American entrepreneurs by opening their markets to our goods and services.

It may interest members to know that U.S. trade with sub-Saharan Africa grew by more than 18% last year. For the second consecutive year, the growth in U.S. trade in sub-Sahara Africa outdistanced America's overall growth in world trade. No one who has sought to invest or trade in Africa will deny that doing so has been difficult, but few would deny that the many opportunities exist.

U.S. trade with Africa amounts to only about one percent of total U.S. trade and U.S. investment there totals less than one percent of all U.S. direct investment overseas. This, despite the fact that roughly forty per cent of all America exports now go to developing countries where the greatest growth in U.S. trade and exports in recent years has taken place.

Finally, Mr. President, let me conclude by saying that I am introducing this bill to stimulate interest and to encourage serious debate in the Senate on re-orienting U.S. policy towards Africa. Without question, we have a genuine interest in Africa that is only now being recognized. Enactment of this bill will help create an environment in which the private sector will become more fully engaged in the economic development and growth and political modernization of Africa. If that happens, it will be very much in the interest of the United States.

I urge my colleagues in the Senate to take note of this bill, consider its merits, explore the growing potential for U.S. exports and investment and consider the prospects for revising and broadening our overall relationship with sub-Sahara Africa.

If we do so, our country will be a major economic and security beneficiary.

Mr. President, I ask unanimous consent that the Africa Growth and Opportunity Act be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Growth and Opportunity Act".

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa. To that end, the United States seeks to facilitate the social and economic development of the countries of sub-Saharan Africa in a manner which strengthens and expands market-led economic growth consistent with equitable and efficient development and which reduces poverty and increases employment among the poor. In particular, the United States seeks to assist sub-Saharan African countries to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act for a fiscal year only if the President determines that the country has established, or is making continual progress toward establishing, a market-based economy, such as the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services and factors of production between the United States and sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and United States companies;

(3) trade issues, such as protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) tax issues, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(6) foreign investment issues, such as the provision of national treatment for foreign investors and other measures to attract foreign investors;

(7) supporting the growth of regional markets within a free trade area framework;

(8) regulatory issues, such as eliminating government corruption, minimizing government intervention in the market, monitoring the fiscal and monetary policies of the government, and supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(9) encouraging the private ownership of government-controlled economic enterprises through divestiture programs;

(10) removing restrictions on investment; and

(11) the reduction of poverty, such as the provision of basic health and education for poor citizens, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) The extent to which such country is in material compliance with its programs with and its obligation to the International Monetary Fund and other international financial institutions.

(c) CONTINUING COMPLIANCE.—

(1) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of those sub-Saharan African countries that have been determined to be eligible under subsection (a) but are in need of making continual progress in meeting one or more of the requirements of such subsection.

(2) INELIGIBILITY OF CERTAIN COUNTRIES.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

SEC. 5. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) USE OF SUSTAINABLE DEVELOPMENT ASSISTANCE TO SUPPORT FURTHER ECONOMIC GROWTH.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this Act and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Strengthening family planning service delivery systems.

(D) Supporting democratization, good governance and civil society and conflict resolution efforts.

(E) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(F) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(G) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(H) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(I) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

(c) ADDITIONAL AUTHORITIES.—

(1) IN GENERAL.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) DEMOCRATIZATION AND CONFLICT RESOLUTION CAPABILITIES.—Assistance under this section may also include program assistance—

"(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

"(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.".

(2) CONFORMING AMENDMENT.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking "paragraphs (1) and (2)" in the first sentence and inserting "paragraphs (1), (2), and (3)".

(d) WAIVER AUTHORITY.—Section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) is amended by adding at the end the following:

"(p) WAIVER AUTHORITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the President may waive any provision of law that earmarks, for a specified country, organization, or purpose, funds made available to carry out this chapter if the President determines that the waiver of such provision of law would provide increased flexibility in carrying out this chapter.

"(2) EXCEPTIONS.—

"(A) CHILD SURVIVAL ACTIVITIES.—The authority contained in paragraph (1) may not be used to waive a provision of law that earmarks funds made available to carry out this chapter for the following purposes:

"(i) Immunization programs.

"(ii) Oral rehydration programs.

"(iii) Health and nutrition programs, and related education programs, which address the needs of mothers and children.

"(iv) Water and sanitation programs.

"(v) Assistance for displaced and orphaned children.

"(vi) Programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria, and other diseases.

"(vii) Basic education programs for children.

"(viii) Contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of this Act.

"(B) REQUIREMENT TO SUPERSEDE WAIVER AUTHORITY.—The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the African Growth and Opportunity Act which specifically repeals, modifies, or supersedes such provisions.".

SEC. 6. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (hereafter in this section referred to as the "Forum").

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that a United States-Sub-Saharan Africa Free Trade Area should be established, or free trade agreements should be entered into, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of Sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States-Sub-Saharan Africa Free Trade Area (hereafter in this section referred to as the "Free Trade Area").

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 8. ELIMINATING TRADE BARRIERS AND ENCOURAGING EXPORTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The lack of competitiveness of sub-Saharan Africa in the global market, especially in the manufacturing sector, make it a limited threat to market disruption and no threat to United States jobs.

(2) Annual textile and apparel exports to the United States from sub-Saharan Africa represent less than 1 percent of all textile and apparel exports to the United States, which totaled $45,932,000,000 in 1996.

(3) Sub-Saharan Africa has limited textile manufacturing capacity. During 1998 and the succeeding 4 years, this limited capacity to manufacture textiles and apparel is projected to grow at a modest rate. Given this limited capacity to export textiles and apparel, it will be very difficult for these exports from sub-Saharan Africa, during 1998 and the succeeding 9 years, to exceed 3 percent annually of total imports of textile and apparel to the United States. If these exports from sub-Saharan Africa remain around 3 percent of total imports, they will not represent a threat to United States workers, consumers, or manufacturers.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) it would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization and associated agreements are faithfully implemented in each of the member countries, so as to lay the groundwork for sustained growth in textile and apparel exports and trade under agreed rules and disciplines;

(2) reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade, consistent with obligations under the World Trade Organization, can assist the countries of the region in achieving greater and greater diversification of textile and apparel export commodities and products and export markets; and

(3) the President should support textile and apparel trade reform in sub-Saharan Africa by, among other measures, providing technical assistance, sharing of information to expand basic knowledge of how to trade with the United States, and encouraging business-to-business contacts with the region.

(c) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States—

(A) from Kenya within 30 days after that country adopts a cost-effective and efficient visa system to guard against unlawful transshipment of textile and apparel goods; and

(B) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary assistance to Kenya and Mauritius in the development and implementation of those visa systems. The Customs Service shall monitor and the Commissioner of Customs shall submit to the Congress, not later than March 31 of each year, a report on the effectiveness of those visa systems during the preceding calendar year.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for countries in sub-Saharan Africa. The President shall submit to the Congress, not later than March 31 of each year, a report on the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury on account of the no quota policy. The President should ensure that any country in sub-Saharan Africa that intends to export substantial textile and apparel goods to the United States has in place a functioning and efficient visa system to guard against unlawful transshipment of textile and apparel goods.

(d) DEFINITION.—For purposes of this section, the term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 9. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—The President may provide duty-free treatment for any article set forth in paragraph (1) of subsection (b) that is the growth, product, or manufacture of an eligible country in sub-Saharan Africa that is a beneficiary developing country, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of imports from eligible countries in sub-Saharan Africa. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).".

(b) RULES OF ORIGIN.—Section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by adding at the end the following:

"(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—For purposes of determining the percentage referred to in subparagraph (A) in the case of an article of an eligible country in sub-Saharan Africa that is a beneficiary developing country—

"(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A); and

"(ii) the cost or value of the materials included with respect to that article that are produced in any beneficiary developing country that is an eligible country in sub-Saharan Africa shall be applied in determining such percentage.".

(c) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

"(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any eligible country in sub-Saharan Africa.".

(c) EXTENSION OF PROGRAM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

"SEC. 505. DATE OF TERMINATION.

"(a) COUNTRIES IN SUB-SAHARAN AFRICA.—No duty-free treatment provided under this title shall remain in effect after May 31, 2007, with respect to beneficiary developing countries that are eligible countries in sub-Saharan Africa.

"(b) OTHER COUNTRIES.—No duty-free treatment provided under this title shall remain in effect after May 31, 1997, with respect to beneficiary developing countries other than those provided for in subsection (a).".

(d) DEFINITION.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

"(6) ELIGIBLE COUNTRY IN SUB-SAHARAN AFRICA.—The terms 'eligible country in sub-Saharan Africa' and 'eligible countries in sub-Saharan Africa' means a country or countries that the President has determined to be eligible under section 4 of the African Growth and Opportunity Act.".

SEC. 10. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) It is the sense of the Congress that international financial institutions and improved application of programs such as those of the International Development Association, the African Development Bank, the African Development Fund, and the Enhanced Structural Adjustment Facility of the International Monetary Fund are vital to achieving the purposes of this Act.

(2) The Congress supports the efforts of the executive branch to encourage international financial institutions to develop enhanced mechanisms for providing financing for countries eligible under section 4, consistent with the purposes of this Act.

(b) DEBT REDUCTION.—(1) It is the sense of the Congress that the executive branch should extinguish concessional debt owed to the United States by the poorest countries in sub-Saharan Africa that are heavily indebted and pursuing bold growth-oriented policies, and that the executive branch should seek comparable action by other creditors of such countries.

(2) The Congress supports the efforts of the executive branch to secure agreement from international financial institutions on maximum debt reduction for sub-Saharan Africa as part of the multilateral initiative referred to as the Heavily Indebted Poor Countries (HIPC) initiative.

(c) EXECUTIVE BRANCH INITIATIVES.—The Congress supports and encourages the implementation of the following initiatives of the executive branch:

(1) AMERICAN-AFRICAN BUSINESS PARTNERSHIP.—The Agency for International Development devoting up to $1,000,000 annually to help catalyze relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks.

(2) TECHNICAL ASSISTANCE TO PROMOTE REFORMS.—The Agency for International Development providing up to $5,000,000 annually in short-term technical assistance programs to help the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization; and

(C) make financial and fiscal reforms, as well as the United States Department of Agriculture providing support to promote greater agribusiness linkages.

(3) AGRICULTURAL MARKET LIBERALIZATION.—The Agency for International Development devoting up to $15,000,000 annually as part of the multi-year Africa Food Security Initiative to help address such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities.

(4) TRADE PROMOTION.—The Trade Development Agency increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa.

(5) TRADE IN SERVICES.—Efforts by United States embassies in the countries in sub-Saharan Africa to encourage their host governments—

(A) to participate in the ongoing negotiations on financial services in the World Trade Organization;

(B) to revise their existing schedules to the General Agreement on Trade in Services of the World Trade Organization in light of the successful conclusion of negotiations on basic telecommunications services; and

(C) to make further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers and to foster competition in the services sector in those countries.

SEC. 11. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should, within 12 months after the date of the enactment of this Act, exercise the authorities it has to initiate 2 or more equity funds in support of projects in the countries in sub-Saharan Africa.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—

(A) EQUITY FUND FOR SUB-SAHARAN AFRICA.—One of the funds should be an equity fund, with assets of up to $150,000,000, the primary purpose of which is to achieve long-term capital appreciation through equity investments in support of projects in countries in sub-Saharan Africa.

(B) INFRASTRUCTURE FUND.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa. The primary purpose of any such fund would be to achieve long-term capital appreciation through investing in financing for infrastructure projects in sub-Saharan Africa, including for the expansion of businesses in sub-Saharan Africa, restructurings, management buyouts and buyins, businesses with local ownership, and privatizations.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 12. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) BOARD OF DIRECTORS TO INCLUDE MEMBER WITH PRIVATE SECTOR EXPERIENCE IN SUB-SAHARAN AFRICA.—Section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is amended in the first paragraph by inserting after the fifth sentence the following: "At least one of the eight Directors appointed under the fourth sentence shall have extensive private sector experience in sub-Saharan Africa.".

(2) ADVISORY BOARD.—

(A) IN GENERAL.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(e) ADVISORY BOARD.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the establishment and use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments designed to support the expansion of, and increase in, the provision of loans, guarantees, and insurance with respect to sub-Saharan Africa. In addition, the advisory board shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa.".

(B) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 and any recommendations of the advisory board established pursuant to such section.

(b) EXPORT-IMPORT BANK.—

(1) BOARD OF DIRECTORS TO INCLUDE MEMBER WITH PRIVATE SECTOR EXPERIENCE IN SUB-SAHARAN AFRICA.—Section 3(c)(8)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(8)(B)) is amended by inserting ", and one such member shall be selected from among persons who have extensive private sector experience in sub-Saharan Africa" before the period.

(2) ADVISORY BOARD.—

(A) IN GENERAL.—Section 3 of such Act (12 U.S.C. 635a) is amended by adding at the end the following:

"(f) The Board of Directors shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Bank in sub-Saharan Africa, including through the establishment and use of an advisory committee to assist the Board of Directors in developing and implementing policies, programs, and financial instruments designed to support the expansion of, and increase in, the provision of loans, guarantees, and insurance with respect to sub-Saharan Africa. In addition, the advisory board shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade and investment with and in sub-Saharan Africa.".

(B) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank shall submit to the Congress a report on the steps that the Board has taken to implement section 3(f) of the Export-Import Bank Act of 1945 and any recommendations of the advisory board established pursuant to such section.

SEC. 13. ESTABLISHMENT OF ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) ESTABLISHMENT.—The President shall establish a position of Assistant United States Trade Representative within the Office of the United States Trade Representative to focus on trade issues relating to sub-Saharan Africa.

(b) FUNDING AND STAFF.—The President shall ensure that the Assistant United States Trade Representative appointed pursuant to paragraph (1) has adequate funding and staff to carry out the duties described in paragraph (1).

SEC. 14. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 4 1-year periods thereafter, a report on the implementation of this Act.

SEC. 15. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", and "countries in sub-Saharan Africa" refer to the following:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zaire (Zaire)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)
Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. ROTH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for American families, and for other purposes.

S. 50

At the request of Mr. FAIRCLOTH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 127

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 219

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 275

At the request of Mr. CHAFEE, the names of the Senator from California [Mrs. BOXER] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt financing of private sector highway infrastructure construction.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 419

At the request of Mr. BOND, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 436

At the request of Mr. ROTH, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 436, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 498

At the request of Mr. CHAFEE, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 498, a bill to amend the Internal Revenue Code of 1986 to allow an employee to elect to receive taxable cash compensation on lieu of nontaxable parking benefits, and for other purposes.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 609

At the request of Mr. KENNEDY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies.

S. 648

At the request of Mr. GORTON, the name of the Senator from Oklahoma

[Mr. INHOFE] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 747

At the request of Mr. ROTH, the names of the Senator from Nebraska [Mr. HAGEL] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 747, a bill to amend trade laws and related provisions to clarify the designation of normal trade relations.

S. 764

At the request of Mr. SPECTER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 764, a bill to reauthorize the mass transit programs of the Federal Government.

S. 766

At the request of Ms. SNOWE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 769

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 769, a bill to amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

SENATE RESOLUTION 57

At the request of Mr. DORGAN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from South Dakota [Mr. JOHNSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of Senate Resolution 57, a resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

SENATE RESOLUTION 88—RELATIVE TO THE JUMP$TART COALITION FOR PERSONAL LITERACY

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs;

S. RES. 88

Whereas at a time when more consumers are using credit than ever before, the financial skills of young adults are not adequate to cope with the rapid, technologically driven development of new financial products and new ways to deliver those products;

Whereas lack of financial management skills is a major cause of rising consumer bankruptcies and family crises, and generally impairs the health and welfare of the general public;

Whereas it is critical that students and young adults develop functional skills in money management, including basic budgeting, savings, investing, spending, and income;

Whereas the Senate commends the Jump$tart Coalition for Personal Financial Literacy for its effort to promote personal financial literacy; and

Whereas the Senate supports the Coalition's objective of promoting education to ensure that basic personal management skills are attained during the kindergarten through 12th grade educational experience: Now, therefore, be it

Resolved, That it is the sense of the Senate that the goal of having young adults who can enter the mainstream of an increasingly complex financial world with confidence and prudence is one which can be advanced through coordinated efforts such as the Jump$tart Coalition for Personal Financial Literacy.

Mr. D'AMATO. Mr. President, I rise today to submit a sense-of-the-Senate resolution on a subject of profound importance for the youth of our Nation and the future economic well-being of our citizens and our country. It is a subject that every single adult in our country must deal with on a day-to-day basis and whose fortune depends on its successful application. And yet, no matter how vital this subject is, we often don't realize what scant energy and resources are devoted to mastering it. What is this subject that is woven throughout our lives, touching everyone but which is frequently ignored? Simply put, it is financial literacy; the ability to manage money.

Modern American life offers us a world of almost limitless financial possibilities. Marshalling all the knowledge and resources of the modern marketplace, people today are provided with a tremendous variety of choices about how to earn a living, invest for the future, and provide security for their families. The benefits of such financial diversity are obviously great, but only if coupled with the knowledge of how to apply basic economic reasoning. For all too many of our fellow citizens, this knowledge was never imparted to them in all their years of schooling.

The consequences of such financial ignorance are obvious and extremely costly, not only on a personal level, but also to the country's economy. Extraordinarily high consumer debt, bankruptcy, low savings rates, the inability of many to make sound and reasonable budgets and financial plans—these are the symptoms of a disease that sap our Nation's strength, Mr. President. A disease of financial ignorance and apathy. But fortunately one with a cure, if we just make the effort to teach our children the basic financial management skills we've always assumed that they had.

Our schools teach reading, writing, history, languages, mathematics, and science, among other subjects. But do we teach our children how to balance a checkbook? Do we instruct them on the beauty of compounding interest, which allows one to save vast amounts of money over the long term for an education, or retirement, or to buy a home? Do we instruct them in avoiding the credit card trap of easy financing, only to be hit later with high finance charges? Do we train students to understand how to budget their money, and do they realize the relationship of taxes, spending, and investing? Too often, Mr. President, we do not.

The resolution I place before the Senate today recognizes the danger to our Nation's continued economic vitality by its support of an innovative public-private partnership, called the Jump$tart Coalition for Personal Financial Literacy. Jump$tart's primary goal is to improve the financial literacy of our children from kindergarten through twelfth grade by strengthening curriculums across the country in their teaching of basic financial management skills, such as budgeting, saving, investing, and borrowing.

Additionally, Jump$tart puts into place mechanisms to survey high school seniors every other year to monitor the understanding of the students toward financial literacy. With the data provided by the surveys, we will be able to track the progress of schools as they improve their teaching of financial literacy.

Mr. President, the Jump$tart Coalition will also create a national data base to hold an annotated listing of information in personal finance education. I believe this will be an invaluable clearinghouse of knowledge, giving our teachers and school districts a wide range of teaching materials which they can choose from to suit their particular situation.

Recognizing how important financial literacy is to the future success of our country, an impressive roster of participating organizations has lined up in support of the Jump$tart Coalition. From the Federal Reserve, to the American Financial Services Association to the Consumer Bankers Association to institutions of higher learning, including one from my home State, the State University of New York (SUNY) at Oneonta; they know the keys to personal success lie with teaching kids financial smarts. The Wall Street Journal has signed on as well, utilizing their innovative Classroom Edition to reach out directly to students, offering instruction in money management.

Mr. President, on Thursday, May 22, the Jump$tart Coalition will announce the results of a national survey conducted to gage the financial literacy of today's high school seniors. Preliminary results highlight the urgent need for work in this area. The Jump$tart Coalition initiatives are voluntary, but through public awareness and access to curriculum information, I am confident we can make great strides in ending the ignorance. The children of today will be the economic decision makers of tomorrow; they need dollars and sense savvy to make the right decisions for themselves and their families, and with a little extra effort, we can teach them. The Jump$tart Coalition is a worthy effort at teaching our youth the money management skill necessary to prosper in the years to come, and should appeal to members from both sides of the aisle. I urge my colleagues to support this resolution.

SENATE RESOLUTION 89—RELATIVE TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS FOR THE 105TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 89

Resolved, That notwithstanding the restrictions contained in Rule 25, the following shall be the majority party's membership on the Governmental Affairs committee for the 105th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Thompson (Chair), Ms. Collins, Mr. Brownback, Mr. Domenici, Mr. Cochran, Mr. Nickles, Mr. Specter, Mr. Smith (NH), and Mr. Bennett.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET

HATCH (AND OTHERS) AMENDMENT NO. 297

Mr. HATCH (for himself, Mr. KENNEDY, and Mr. KERRY) proposed an amendment to the concurrent resolution (S. Con. Res. 27) setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002; as follows:

On page 3, line 3, increase the amount by 6,000,000,000.

On page 3, line 4, increase the amount by 6,000,000,000.

On page 3, line 5, increase the amount by 6,000,000,000.

On page 3, line 6, increase the amount by 6,000,000,000.

On page 3, line 7, increase the amount by 6,000,000,000.

On page 3, line 11, increase the amount by 6,000,000,000.

On page 3, line 12, increase the amount by 6,000,000,000.

On page 3, line 13, increase the amount by 6,000,000,000.

On page 3, line 14, increase the amount by 6,000,000,000.

On page 3, line 15, increase the amount by 6,000,000,000.

On page 4, line 4, increase the amount by 3,000,000,000.

On page 4, line 5, increase the amount by 3,000,000,000.

On page 4, line 6, increase the amount by 4,000,000,000.

On page 4, line 7, increase the amount by 5,000,000,000.

On page 4, line 8, increase the amount by 5,000,000,000.

On page 4, line 12, increase the amount by 3,000,000,000.

On page 4, line 13, increase the amount by 3,000,000,000.

On page 4, line 14, increase the amount by 4,000,000,000.

On page 4, line 15, increase the amount by 5,000,000,000.

On page 4, line 16, increase the amount by 5,000,000,000.

On page 4, line 19, increase the amount by 3,000,000,000.

On page 4, line 20, increase the amount by 3,000,000,000.

On page 4, line 21, increase the amount by 2,000,000,000.

On page 4, line 22, increase the amount by 1,000,000,000.

On page 4, line 23, increase the amount by 1,000,000,000.

On page 5, line 1, reduce the amount by 3,000,000,000.

On page 5, line 2, reduce the amount by 6,000,000,000.

On page 5, line 3, reduce the amount by 8,000,000,000.

On page 5, line 4, reduce the amount by 9,000,000,000.

On page 5, line 5, reduce the amount by 10,000,000,000.

On page 23, line 8, increase the amount by 3,000,000,000.

On page 23, line 9, increase the amount by 3,000,000,000.

On page 23, line 15, increase the amount by 3,000,000,000.

On page 23, line 16, increase the amount by 3,000,000,000.

On page 23, line 22, increase the amount by 4,000,000,000.

On page 23, line 23, increase the amount by 4,000,000,000.

On page 24, line 5, increase the amount by 5,000,000,000.

On page 24, line 6, increase the amount by 5,000,000,000.

On page 24, line 12, increase the amount by 5,000,000,000.

On page 24, line 13, increase the amount by 5,000,000,000.

On page 39, line 22, reduce the amount by 500,000,000.

On page 39, line 23, reduce the amount by 2,000,000,000.

On page 40, line 16, reduce the amount by 4,500,000,000.

On page 40, line 17, reduce the amount by 18,000,000,000.

On page 41, line 7, reduce the amount by 6,000,000,000.

On page 41, line 8, reduce the amount by 30,000,000,000.

FAIRCLOTH AMENDMENTS NOS. 298–300

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted three amendments intended to be proposed by him to an amendment submitted to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

AMENDMENT NO. 298

At the end of the matter proposed to be inserted, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING THE REPEAL OF THE DAVIS-BACON ACT.

It is the sense of the Senate that the provisions of this resolution assume that the Davis-Bacon Act will be repealed in order to eliminate its wasteful rules and requirements, which the Congressional Research Service reported will save the federal highway aid program $721 million per year, and thus to maximize the value of the limited taxpayer dollars in the federal highway aid program.

AMENDMENT NO. 299

At the end of the matter proposed to be inserted, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING THE USE OF TAXPAYER FUNDS TO SUBSIDIZE FEDERAL EMPLOYEE UNION ACTIVITIES RATHER THAN HEALTH INSURANCE FOR CHILDREN.

It is the sense of the Senate that, as tens of millions of taxpayer dollars are used to subsidize federal employee union activities, federal funds should not be used for these union subsidies and that such funds should be used for efforts to provide health insurance to uncovered children.

AMENDMENT NO. 300

At the end of the matter proposed to be inserted, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING TAXPAYER SUBSIDIES OF FEDERAL EMPLOYEE UNIONS.

It is the sense of the Senate that the provisions of this resolution assume that monies from the social security and Medicare trust funds will not be used for expenditures for official time for employees of the Social Security Administration and the Department of Health and Human Services.

INHOFE AMENDMENT NO. 301

Mr. INHOFE proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, add the following:

SEC. . BALANCED UNIFIED BUDGET AFTER 2001.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any budget resolution or conference report on a budget resolution for fiscal year 2002 and any fiscal year thereafter (or amendment or motion on such a resolution or conference report) that would cause a unified budget deficit for the budget year or any of the 4 fiscal years following the budget year.

(b) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

HOLLINGS AMENDMENTS NOS. 302–306

Mr. HOLLINGS proposed five amendments to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

AMENDMENT NO. 302

At the appropriate place, insert the following:

SEC. . HIGHWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this Budget resolution assume that the receipts and disbursements of the Highway Trust Fund—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

AMENDMENT NO. 303

At the appropriate place, insert the following:

SEC. . AIRPORT AND AIRWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying the Budget resolution that the receipts and disbursements of the Airport and Airway Trust Fund—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

AMENDMENT NO. 304

At the appropriate place, insert the following:

SEC. . MILITARY RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this Budget resolution assume that the receipts and disbursements of the retirement and disability trust funds for members of the Armed Forces of the United States—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

AMENDMENT NO. 305

At the appropriate place, insert the following:

SEC. . CIVIL SERVICE RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this Budget resolution assume that the receipts and disbursements of the retirement and disability trust funds for civilian employees of the United States—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

AMENDMENT NO. 306

At the appropriate place, insert the following:

SEC. . UNEMPLOYMENT COMPENSATION TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this Budget resolution assume that the receipts and disbursements of the Federal Unemployment Compensation Trust Fund—

(1) should not be included in the totals of—

(A) the Budget of the United States government as submitted by the President under section 1105 of title 31, United States Code; or

(B) the Congressional Budget (including allocations of budget authority and outlays provided in the Congressional Budget);

(2) should not be—

(A) considered to be part of any category (as defined in section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4))) of discretionary appropriations; or

(B) subject to the discretionary spending limits established under section 251(b) of the Act (2 U.S.C. 901(b));

(3) should not be subject to sequestration under section 251(a) of the Act (2 U.S.C. 901(a)); and

(4) should be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States government.

DOMENICI AMENDMENT NO. 307

Mr. DOMENICI proposed an amendment to amendment No. 297 proposed by Mr. HATCH to the concurrent resolution. Senate Concurrent Resolution 27, supra; as follows:

On page 3, line 3, increase the amount by 0.

On page 3, line 4, increase the amount by 0.

On page 3, line 5, increase the amount by 0.

On page 3, line 6, increase the amount by 0.

On page 3, line 7, increase the amount by 0.

On page 3, line 11, increase the amount by 0.

On page 3, line 12, increase the amount by 0.

On page 3, line 13, increase the amount by 0.

On page 3, line 14, increase the amount by 0.

On page 3, line 15, increase the amount by 0.

On page 4, line 4, increase the amount by 0.

On page 4, line 5, increase the amount by 0.

On page 4, line 6, increase the amount by 0.

On page 4, line 7, increase the amount by 0.

On page 4, line 8, increase the amount by 0.

On page 4, line 12, increase the amount by 0.

On page 4, line 13, increase the amount by 0.

On page 4, line 14, increase the amount by 0.

On page 4, line 15, increase the amount by 0.

On page 4, line 16, increase the amount by 0.

On page 4, line 19, increase the amount by 0.

On page 4, line 20, increase the amount by 0.

On page 4, line 21, increase the amount by 0.

On page 4, line 22, increase the amount by 0.

On page 4, line 23, increase the amount by 0.

On page 5, line 1, increase the amount by 0.

On page 5, line 2, increase the amount by 0.

On page 5, line 3, increase the amount by 0.

On page 5, line 4, increase the amount by 0.

On page 5, line 5, increase the amount by 0.

On page 23, line 8, increase the amount by 0.

On page 23, line 9, increase the amount by 0.

On page 23, line 15, increase the amount by 0.

On page 23, line 16, increase the amount by 0.

On page 23, line 22, increase the amount by 0.

On page 23, line 23, increase the amount by 0.

On page 24, line 5, increase the amount by 0.

On page 24, line 6, increase the amount by 0.

On page 24, line 12, increase the amount by 0.

On page 24, line 13, increase the amount by 0.

On page 39, line 22, increase the amount by 0.

On page 39, line 23, increase the amount by 0.

On page 40, line 16, increase the amount by 0.

On page 40, line 17, increase the amount by 0.

On page 41, line 7, increase the amount by 0.

On page 41, line 8, increase the amount by 0.

KYL AMENDMENT NO. 308

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON ADDITIONAL TAX CUTS.

It is the sense of the Senate that nothing in this resolution shall be construed as prohibiting Congress from providing additional tax relief in fiscal year 1998 or future years if the cost of such tax relief is offset by reductions in discretionary or mandatory spending, or increases in revenue from alternative sources.

KERRY (AND OTHERS) AMENDMENT NO. 309

Mr. KERRY (for himself, Mr. ROCKEFELLER, Mr. KOHL, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Ms. MIKULSKI, and Mrs. MURRAY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be changed and allocations may be revised for legislation that provides funding for early childhood development programs for children ages zero to six provided that the legislation which changes revenues or changes spending will not increase the deficit for—

(1) fiscal year 1998;

(2) the period of fiscal years 1998 through 2002; or

(3) the period of fiscal years 2002 through 2007.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the chairman of the Committee on the Budget submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a) upon the offering of an amendment to that legislation that would necessitate such a submission, the chairman shall submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committee shall report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

DORGAN (AND OTHERS) AMENDMENT NO. 310

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. HOLLINGS, Mr. FORD, and Mr. REID) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra, as follows:

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY AND BALANCING THE BUDGET.

(a) FINDINGS.—The Senate finds that—

(1) This budget resolution is projected to balance the unified budget of the United States in fiscal year 2002;

(2) Section 13301 of the Budget Enforcement Act of 1990 requires that the deficit be computed without counting the annual surpluses of the Social Security trust funds; and

(3) If the deficit were calculated according to the requirements of Section 13301, this budget resolution would be projected to result in a deficit of $108.7 billion in fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that after balancing the unified Federal budget, the Congress should continue efforts to reduce the on-budget deficit, so that the Federal budget will be balanced according to the requirements of Section 13301, without counting Social Security surpluses.

WARNER (AND BAUCUS) AMENDMENT NO. 311

Mr. WARNER (for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution, to the concurrent resolution, Senate Concurrent Resolution 27, supra, as follows:

At the end of the resolution, add the following new title:

TITLE IV—TRANSPORTATION REVENUES USED SOLELY FOR TRANSPORTATION

SEC. 401. READJUSTMENTS.

Levels of new budget authority and outlays set forth in function 400 in section 103 shall be increased as follows:

(1) for fiscal year 1998, by $0 in outlays and by $0 in new budget authority;

(2) for fiscal year 1999, by $770,000,000 in outlays and by $3,600,000,000 in new budget authority;

(3) for fiscal year 2000, by $2,575,000,000 in outlays and by $4,796,000,000 in new budget authority;

(4) for fiscal year 2001, by $3,765,000,000 in outlays and by $5,363,000,000 in new budget authority; and

(5) for fiscal year 2002, by $4,488,000,000 in outlays and by $5,619,000,000 in new budget authority.

SEC. 402. HIGHWAY TRUST FUND ALLOCATIONS.

(a) ALLOCATED AMOUNTS.—Of the amounts of outlays allocated to the Committees on Appropriations of the House and Senate by the joint explanatory statement accompanying this resolution pursuant to sections 302 and 602 of the Congressional Budget Act of 1974, the following amounts shall be used for contract authority spending out of the Highway Trust Fund—

(1) for fiscal year 1998, $22,256,000,000 in outlays;

(2) for fiscal year 1999, $24,063,000,000 in outlays;

(3) for fiscal year 2000, $26,092,000,000 in outlays;

(4) for fiscal year 2001, $27,400,000,000 in outlays; and

(5) for fiscal year 2002, $28,344,000,000 in outlays.

(b) ENFORCEMENT.—Determinations regarding points of order made under section 302(f) or 602(c) of the Congressional Budget Act of 1974 shall take into account subsection (a).

(c) STATUTORY IMPLEMENTATION.—As part of reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, provisions shall be included to enact this section into permanent law.

KERREY (AND OTHERS) AMENDMENT NO. 312

Mr. KERREY (for himself, Mr. CHAFEE, Mr. ROBB, Mr. FRIST, Mr. BREAUX, Mr. ROTH, and Mr. BINGAMAN) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) The senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years.

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 29.6 percent of the budget, this figure rose to 61.4 percent by 1993 and is expected to reach 70 percent shortly after the year 2000.

(3) this mandatory spending is crowding out spending for the traditional "discretionary" functions of government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other intrasructure spending.

(4) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that that levels in this budget resolution assume that—

(1) Congress and the President should work to enact structural reforms in entitlement spending in 1997 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extended the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

WELLSTONE AMENDMENT NO. 313

Mr. WELLSTONE proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 3, line 3, increase the amount by $1,650,000,000.

On page 3, line 4, increase the amount by $2,190,000,000.

On page 3, line 5, increase the amount by $3,116,000,000.

On page 3, line 6, increase the amount by $4,396,000,000.

On page 3, line 7, increase the amount by $5,012,000,000.

On page 3, line 11, increase the amount by $1,650,000,000.

On page 3, line 12, increase the amount by $2,190,000,000.

On page 3, line 13, increase the amount by $3,116,000,000.

On page 3, line 14, increase the amount by $4,396,000,000.

On page 3, line 15, increase the amount by $5,012,000,000.

On page 4, line 4, increase the amount by $5,400,000,000.

On page 4, line 5, increase the amount by $1,601,000,000.

On page 4, line 6, increase the amount by $2,539,000,000.

On page 4, line 7, increase the amount by $4,141,000,000.

On page 4, line 8, increase the amount by $6,543,000,000.

On page 4, line 12, increase the amount by $1,650,000,000.

On page 4, line 13, increase the amount by $2,190,000,000.

On page 4, line 14, increase the amount by $3,116,000,000.

On page 4, line 15, increase the amount by $4,396,000,000.

On page 4, line 16, increase the amount by $5,012,000,000.

On page 21, line 25, increase the amount by $1,101,000,000.

On page 22, line 1, increase the amount by $1,690,000,000.

On page 22, line 8, increase the amount by $2,039,000,000.

On page 22, line 9, increase the amount by $2,616,000,000.

On page 22, line 16, increase the amount by $3,541,000,000.

On page 22, line 17, increase the amount by $3,796,000,000.

On page 22, line 24, increase the amount by $5,843,000,000.

On page 22, line 25, increase the amount by $4,312,000,000.

On page 26, line 6, increase the amount by $400,000,000.

On page 26, line 7, increase the amount by $400,000,000.

On page 26, line 14, increase the amount by $500,000,000.

On page 26, line 15, increase the amount by $500,000,000.

On page 26, line 22, increase the amount by $500,000,000.

On page 26, line 23, increase the amount by $500,000,000.

On page 27, line 5, increase the amount by $600,000,000.

On page 27, line 6, increase the amount by $600,000,000.

On page 27, line 13, increase the amount by $700,000,000.

On page 27, line 14, increase the amount by $700,000,000.

On page 38, line 14, decrease the amount by $700,000,000.

On page 38, line 15, decrease the amount by $2,700,000,000.

On page 40, line 17, decrease the amount by $5,000,000,000.

On page 41, line 7, decrease the amount by $5,012,000,000.

On page 41, line 8, decrease the amount by $16,364,000,000.

On page 41, line 21, increase the amount by $1,101,000,000.

On page 43, line 22, increase the amount by $440,000,000.

On page 43, line 24, increase the amount by $2,039,000,000.

On page 43, line 25, increase the amount by $1,366,000,000.

On page 44, line 2, increase the amount by $3,541,000,000.

On page 44, line 3, increase the amount by $2,546,000,000.

On page 44, line 5, increase the amount by $5,843,000,000.

On page 44, line 6, increase the amount by $4,312,000,000.

WELLSTONE (AND OTHERS) AMENDMENT NO. 314

Mr. WELLSTONE (for himself, Mr. Reed, and Mr. Bingaman) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 3, line 4, increase the amount by $1,600,000,000.

On page 3, line 5, increase the amount by $1,600,000,000.

On page 3, line 6, increase the amount by $1,600,000,000.

On page 3, line 7, increase the amount by $1,500,000,000.

On page 3, line 12, increase the amount by $1,600,000,000.

On page 3, line 13, increase the amount by $1,600,000,000.

On page 3, line 14, increase the amount by $1,600,000,000.

On page 3, line 15, increase the amount by $1,500,000,000.

On page 4, line 5, increase the amount by $1,600,000,000.

On page 4, line 6, increase the amount by $1,600,000,000.

On page 4, line 7, increase the amount by $1,500,000,000.

On page 4, line 8, increase the amount by $1,300,000,000.

On page 4, line 13, increase the amount by $1,600,000,000.

On page 4, line 14, increase the amount by $1,600,000,000.

On page 4, line 15, increase the amount by $1,600,000,000.

On page 4, line 16, increase the amount by $1,500,000,000.

On page 21, line 25, increase the amount by $1,600,000,000.

On page 22, line 1, increase the amount by $1,600,000,000.

On page 22, line 8, increase the amount by $1,600,000,000.

On page 22, line 9, increase the amount by $1,600,000,000.

On page 22, line 16, increase the amount by $1,500,000,000.

On page 22, line 17, increase the amount by $1,600,000,000.

On page 22, line 24, increase the amount by $1,300,000,000.

On page 22, line 25, increase the amount by $1,500,000,000.

On page 43, line 21, increase the amount by $1,600,000,000.

On page 43, line 22, increase the amount by $1,600,000,000.

On page 43, line 24, increase the amount by $1,600,000,000.

On page 43, line 25, increase the amount by $1,600,000,000.

On page 44, line 2, increase the amount by $1,500,000,000.

On page 44, line 3, increase the amount by $1,600,000,000.

On page 44, line 5, increase the amount by $1,300,000,000.

On page 44, line 6, increase the amount by $1,500,000,000.

MACK (AND OTHERS) AMENDMENT NO. 315

Mr. MACK (for himself, Mrs. Feinstein, Mr. Kennedy, Mr. Frist, Mr. D'Amato, Mr. DeWine, Mrs. Boxer, Ms. Collins, Mr. Durbin, Mr. Reid, Mr. Breaux, Mr. Specter, Mr. Harkin, Mr. Gorton, Mrs. Hutchison, Mr. Domenici, Mr. Thurmond, Mr. Dorgan, and Mr. Gramm) proposed an amendment to the concurrent resolution, supra; as follows

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) Findings.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging

(MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Resolution assumes that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years; and

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in fiscal year 1998 over the amount appropriated in fiscal year 1997.

ABRAHAM (AND OTHERS) AMENDMENT NO. 316

Mr. ABRAHAM (for himself, Mr. KYL, Mr. BROWNBACK, Mr. ASHCROFT, Mr. SESSIONS, and Mr. COVERDELL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE ON ECONOMIC GROWTH DIVIDEND PROTECTION.

(a) FINDINGS.—

The Senate finds that with respect to the revenue levels established under this resolution.—

(A) According to the President's own economists, the tax burden on Americans is the highest ever at 31.7 percent;

(B) According to the National Taxpayer Union, the average American family now pays almost 40 percent of their income in state, local, and federal taxes;

(C) Between 1978 and 1985, while the top marginal rate in capital gains was cut almost in half—from 35 to 20 percent—total annual federal receipts from the tax almost tripled from $9.1 billion annually to $26.5 billion annually.

(D) Conversely, when Congress raised the rate in 1986, revenues actually fell well below what was anticipated.

(E) Economists across-the-board predict that cutting the capital gains rate will result in a revenue windfall for the Treasury; and

(F) While a USA Today poll from this March found 70 percent of the American people believe that they need a tax cut, under this resolution federal spending will grow 17 percent over five years while the net tax cuts are less than 1 percent of the total tax burden.

(b) SENSE OF SENATE.—

It is the Sense of the Senate that with respect to the revenue levels established under this resolution, to the extent that actual revenues exceed the revenues projected under this resolution due to higher than anticipated economic growth, that revenue windfall should be reserved exclusively for additional tax cuts and/or deficit reduction.

GRAMM AMENDMENTS NOS. 317–320

Mr. GRAMM proposed four amendments to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

AMENDMENT NO. 317

At the end of title III insert the following:

SEC. . SENSE OF THE SENATE ON DISASTER ASSISTANCE FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) emergency spending adds to the deficit and total spending;

(2) the Budget Enforcement Act of 1990 exempts emergency spending from the discretionary spending caps and pay-go requirements;

(3) the Budget Enforcement Act of 1990 expires in 1998 and needs to be extended;

(4) since the enactment of the Budget Enforcement Act, Congress and the President have approved an average of $5.8 billion per year in emergency spending;

(5) a natural disaster in any particular State is unpredictable, but the United States is likely to experience a natural disaster almost every year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that—

(1) the Congress should consider in the extension of the Budget Enforcement Act provisions that budget for emergencies or that require emergency spending to be offset;

(2) such provisions should also provide flexibility to meet emergency funding requirements associated with natural disasters;

(3) Congress and the President should appropriate at least $5 billion every year within discretionary limits to provide natural disaster relief;

(4) Congress and the President should not designate any emergency spending for natural disaster relief until amounts provided in regular appropriations are exhausted.

AMENDMENT NO. 318

On page 3, decrease the amount on line 2 by $2,800,000,000.

On page 3, decrease the amount on line 4 by $14,200,000,000.

On page 3, decrease the amount on line 5 by $22,000,000,000.

On page 3, decrease the amount on line 6 by $23,200,000,000.

On page 3, decrease the amount on line 7 by $14,800,000,000.

On page 3, decrease the amount on line 11 by $2,800,000,000.

On page 3, decrease the amount on line 12 by $14,200,000,000.

On page 3, decrease the amount on line 13 by $22,000,000,000.

On page 3, decrease the amount on line 14 by $23,200,000,000.

On page 3, decrease the amount on line 15 by $14,800,000,000.

On page 4, decrease the amount on line 4 by $10,400,000,000.

On page 4, decrease the amount on line 5 by $15,100,000,000.

On page 4, decrease the amount on line 6 by $16,800,000,000.

On page 4, decrease the amount on line 7 by $5,400,000,000.

On page 4, decrease the amount on line 8 by $3,700,000,000.

On page 4, decrease the amount on line 12 by $2,800,000,000.

On page 4, decrease the amount on line 13 by $14,200,000,000.

On page 4, decrease the amount on line 14 by $22,000,000,000.

On page 4, decrease the amount on line 15 by $23,200,000,000.

On page 4, decrease the amount on line 16 by $14,800,000,000.

On page 35, decrease the amount on line 9 by $10,400,000,000.

On page 35, decrease the amount on line 10 by $2,800,000,000.

On page 35, decrease the amount on line 15 by $15,100,000,000.

On page 35, decrease the amount on line 16 by $14,200,000,000.

On page 35, decrease the amount on line 21 by $16,800,000,000.

On page 35, decrease the amount on line 22 by $22,000,000,000.

On page 36, decrease the amount on line 2 by $5,400,000,000.

On page 36, decrease the amount on line 3 by $23,200,000,000.

On page 36, decrease the amount on line 8 by $3,700,000,000.

On page 36, decrease the amount on line 9 by $14,800,000,000.

On page 41, increase the amount on line 7 by $14,800,000,000.

On page 41, increase the amount on line 8 by $77,000,000,000.

On page 43, decrease the amount on line 14 by $10,400,000,000.

On page 43, decrease the amount on line 15 by $2,800,000,000.

On page 43, decrease the amount on line 21 by $15,100,000,000.

On page 43, decrease the amount on line 22 by $14,200,000,000.

On page 43, decrease the amount on line 24 by $16,800,000,000.

On page 43, decrease the amount on line 25 by $22,000,000,000.

On page 44, decrease the amount on line 2 by $5,400,000,000.

On page 44, decrease the amount on line 3 by $23,200,000,000.

On page 44, decrease the amount on line 5 by $3,700,000,000.

On page 44, decrease the amount on line 6 by $14,800,000,000.

AMENDMENT NO. 319

On page 45, strike line 10 through the period on line 18.

AMENDMENT NO. 320

On page 18, line 8, increase the amount by $6,931,000,000.

On page 18, line 9, increase the amount by $6,931,000,000.

On page 18, line 16, increase the amount by $7,052,000,000.

On page 18, line 17, increase the amount by $7,052,000,000.

On page 18, line 24, increase the amount by $7,171,000,000.

On page 18, line 25, increase the amount by $7,171,000,000.

On page 19, line 7, increase the amount by $7,292,000,000.

On page 19, line 8, increase the amount by $7,292,000,000.

On page 19, line 15, increase the amount by $7,414,000,000.

On page 19, line 16, increase the amount by $7,414,000,000.

On page 35, line 9, decrease the amount by $6,931,000,000.

On page 35, line 10, decrease the amount by $6,931,000,000.

On page 35, line 15, decrease the amount by $7,052,000,000.

On page 35, line 16, decrease the amount by $7,052,000,000.

On page 35, line 21, decrease the amount by $7,171,000,000

On page 35, line 22, decrease the amount by $7,171,000,000.

On page 36, line 2, decrease the amount by $7,292,000,000.

On page 36, line 3, decrease the amount by $7,292,000,000.

On page 36, line 8, decrease the amount by $7,414,000,000.

On page 36, line 9, decrease the amount by $7,414,000,000.

On page 43, line 14, decrease the amount by $6,931,000,000.

On page 43, line 21, decrease the amount by $7,052,000,000.

On page 43, line 24, decrease the amount by $7,171,000,000.

On page 44, line 2, decrease the amount by $7,292,000,000.

On page 44, line 5, decrease the amount by $7,414,000,000.

FAIRCLOTH AMENDMENT NO. 321

Mr. FAIRCLOTH proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE CONCERNING TAX CREDIT FOR WORKFORCE EDUCATION AND TRAINING AT VOCATIONAL SCHOOLS AND COMMUNITY COLLEGES.

It is the sense of the Senate that, any legislation enacted pursuant to this resolution, contain a tax credit for expenses of workforce education and training at vocational schools and community colleges.

ASHCROFT (AND OTHERS) AMENDMENT NO. 322

Mr. ASHCROFT (for himself, Mr. GRAMM, Mr. COVERDELL, Mr. ABRAHAM, Mr. HELMS, and Mr. FAIRCLOTH) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of title II, add the following:

SEC. . BALANCED BUDGET REQUIREMENT.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment or motion thereto, or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would cause—

(1) total outlays for fiscal year 2002 or any fiscal year thereafter to exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress provide for a specific excess of outlays over receipts by a rollcall vote;

(2) an increase in the statutory limit on the level of the public debt in excess of the level set forth in section 101(5) of this resolution with respect to fiscal years 1998 through 2002, and for fiscal years after 2002 as set for fiscal year 2002 unless three-fifths of the whole number of each House provide for such an increase by a rollcall vote; or

(3) an increase in revenues unless approved by a majority of the whole number of each House by a rollcall vote.

(b) WAIVER.—The Congress may waive the provisions of this section for any fiscal year in which a declaration of war is in effect. The provisions of this section may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

(c) DEFINITION.—In this section:

(1) TOTAL RECEIPTS.—The term "total receipts" includes all receipts of the United States Government except those derived from borrowing.

(2) TOTAL OUTLAYS.—The term "total outlays" includes all outlays of the United States Government except for those for repayment of debt principal.

(3) INCREASE IN REVENUES.—The term "increase in revenues" means the levy of a new tax or an increase in the rate or base of any tax.

ASHCROFT AMENDMENT NO. 323

Mr. ASHCROFT proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 45, strike line 2, and insert the following: "exceed; or

"(3) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1998, 1999, 2000, 2001, 2002 that would increase the statutory limit on the level of the public debt in excess of the level set forth in section 101(5) of this resolution with respect to fiscal years 1998 through 2002 and for fiscal years after 2002 as set for fiscal year 2002.".

BOND (AND OTHERS) AMENDMENT NO. 324

Mr. BOND (for himself, Mrs. MURRAY, Mr. GORTON, and Mr. ASHCROFT) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE PROTECTION OF CHILDREN'S HEALTH.

(a) FINDINGS.—the Senate makes the following findings:

(1) Today's children and the next generation of children are the prime beneficiaries of a balanced Federal budget. Without a balanced budget, today's children will bear the increasing burden of the Federal debt. Continued deficit spending would doom future generations to slower economic growth, higher taxes, and lower living standards.

(2) The health of children is essential to the future economic and social well-being of the Nation.

(3) The medicaid program provides health coverage for over 17,000,000 children, or 1 out of every 4 children.

(4) While children represent ½ of all individuals eligible for medicaid, children account for less than 25 percent of expenditures under the medicaid program.

(5) Disproportionate share hospital (DSH) funding under the medicaid program has allowed States to expand health care coverage to thousands of uninsured pregnant women and children. DSH funding under the medicaid program is essential for current and future coverage of these uninsured populations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the health care needs of low-income pregnant women and children should be a top priority. Careful study must be made of the impact of medicaid disproportionate share hospital (DSH) reform proposals on children's health and on vital sources of care, including children's hospitals. Any restrictions on DSH funding under the medicaid program should not devastate current State medicaid coverage of children and pregnant women, or hinder health care coverage expansion opportunities for these uninsured populations.

BOND (AND OTHERS) AMENDMENT NO. 325

Mr. BONDS (for himself, Mr. CHAFEE, Mr. ABRAHAM, Mr. REID, Mr. COCHRAN, Mr. GRAHAM, Mr. GREGG, and Mr. SESSIONS) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING HIGHWAY TRUST FUND.

(A) FINDINGS.—The Senate finds that—

(1) there is no direct linkage between the fuel taxes deposited in the Highway Trust Fund and the transportation spending from the Highway Trust Fund;

(2) the Federal budget process has severed this linkage by dividing revenues and spending into separate budget categories with—

(A) fuel taxes deposited in the Highway Trust Fund as revenues; and

(B) most spending from the Highway Trust Fund in the discretionary category;

(3) each budget category referred to in paragraph (2) has its own rules and procedures; and

(4) under budget rules in effect prior to the date of adoption of this resolution, an increase in fuel taxes permits increased spending to be included in the budget, but not for increased Highway Trust Fund spending.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in this session of Congress, Congress should, within a unified budget, change the Federal budget process to establish a linkage between the fuel taxes deposited in the Highway Trust Fund, including any fuel tax increases that may be enacted into law after the date of adoption of the resolution, and the spending from the Highway Trust Fund; and

(2) Changes to the budgetary treatment of the Highway Trust Fund should not result in total program levels for highways or mass transit that is inconsistent with those assumed under the resolution.

McCAIN (AND HOLLINGS) AMENDMENT NO. 326

Mr. McCAIN (for himself and Mr. HOLLINGS) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place in the resolution, insert the following:

"SEC. . SENSE OF THE SENATE.

(a) The Senate finds that:

(1) The electronmagnetic spectrum is the property of the American people and is managed on their behalf by the Federal Government;

(2) The spectrum is a highly valuable and limited natural resource;

(3) The auctioning of spectrum has raised billions of dollars for the Treasury;

(4) The estimates made regarding the value of spectrum in the past have proven unreliable, having previously understated and now overstating its worth;

(5) Because estimates of spectrum value depend on a number of technological, economic, market forces, and other variables that cannot be predicted or completely controlled, it is not possible to reliably estimate the value of a given segment of spectrum; therefore,

(b) It is the Sense of the Senate that as auctions occur as assumed by this Resolution, the Congress shall take such steps as necessary to reconcile the difference between actual revenues raised and estimates made and shall reduce spending accordingly if such auctions raise less revenue than projected.

McCAIN (AND MACK) AMENDMENT NO. 327

Mr. McCAIN (for himself and Mr. MACK) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, insert the following:

SEC. . HIGHWAY DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Senate finds that—

(1) 10 demonstration projects totaling $362 million were listed for special line-item funding in the Surface Transportation Assistance Act of 1982;

(2) 152 demonstration projects totaling $1.4 billion were named in the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(3) 64 percent of the funding for the 152 projects had not been obligated after 5 years and State transportation officials determined the projects added little, if any, to meeting their transportation infrastructure priorities;

(4) 538 location specific projects totaling $6.23 billion were included in the Intermodal Surface Transportation Efficiency Act of 1991;

(5) more than $3.3 billion of the funds authorized for the 538 location specific-projects remained unobligated as of January 31, 1997;

(6) the General Accounting Office determined that 31 States plus the District of Columbia and Puerto Rico would have received more funding if the Intermodal Surface Transportation Efficiency Act location-specific project funds were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process and under the Intermodal Surface Transportation and Efficiency Act of 1991;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use of Federal Highway Trust Fund money for future demonstration projects;

(9) the Intermodal Surface Transportation and Efficiency Act of 1991 expires at the end of Fiscal Year 1997; and

(10) hundreds of funding requests for specific transportation projects in Congressional Districts have been submitted in the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) notwithstanding different views on existing Highway Trust Fund distribution formulas, funding for demonstration projects or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) States are best able to determine the priorities for allocating Federal-Aid-To-Highway monies within their jurisdiction;

(3) Congress should not divert limited Highway Trust Fund resources away from State transportation priorities by authorizing new highway projects; and

(4) Congress should not authorize any new demonstration projects or other similarly-titled projects.

McCAIN AMENDMENT NO. 328

Mr. McCAIN proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AMTRAK.

It is the sense of the Senate that any revenues generated to finance an intercity passenger rail fund under section 207 of this resolution shall not be appropriated to the National Rail Passenger Corporation until such time as legislation has been signed into law to reauthorize and reform the National Rail Passenger Corporation.

BROWNBACK (AND KOHL) AMENDMENT NO. 329

Mr. BROWNBACK (for himself and Mr. KOHL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

AT the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON ENFORCEMENT OF BIPARTISAN BUDGET AGREEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the bipartisan budget agreement is contingent upon—

(A) favorable economic conditions for the next 5 years; and

(B) accurate estimates of the fiscal impacts of assumptions in this resolution; and

(C) enactment of legislation to reduce the deficit.

(2) if either of the conditions in paragraph (1) are not met, our ability to achieve a balanced budget by 2002 will be jeopardized.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and limits in this resolution assume that—

(1) Reconciliation legislation should include legislation to enforce the targets set forth in the budget process description included in the agreement and to ensure the balanced budget goal is met; and

(2) such legislation shall—

(B) establish procedures to ensure those targets are met every year,

(C) require that the President's annual budget and annual Congressional concurrent resolutions on the budget comply with those targets every year;

(D) consider provisions which provide that if the deficit is below or the surplus is above the deficits projected in the agreement in any year, such savings are locked in for deficit and debt reduction; and

(E) consider provisions which include a provision to budget for and control emergency spending in order to prevent the use of emergencies to evade the budget targets.

BUMPERS AMENDMENTS NOS. 330–332

Mr. BUMPERS proposed three amendments to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

AMENDMENT NO. 330

Change the figure on line 11 of page 3 to zero.

Change the figure on line 12 of page 3 to zero.

Change the figure on line 13 of page 3 to zero.

Change the figure on line 14 of page 3 to zero.

Strike lines 7–9 on page 41 and insert in lieu thereof the following: "reduce revenues by not more than $20,500,000,000 in fiscal year 2002 and $20,500,000,000 for the period of fiscal years 1998 through 2002."

AMENDMENT NO. 331

Strike lines 7–9 on page 41 and insert in lieu thereof the following: "Raise revenues by $19,500,000,000 in fiscal year 2002 and $30,000,000,000 for the period of fiscal years 1998 through 2002."

AMENDMENT NO. 332

Add the following new section at the appropriate place in the Resolution:

SEC. . SENSE OF THE SENATE OPPOSING THE ENACTMENT OF RECONCILIATION LEGISLATION WHICH ADDS TO THE FEDERAL DEFICIT.

(a) FINDINGS.—The Congress finds that—

(1) The Congressional Budget Act allows for a point of order to be raised against a Budget Reconciliation Bill or a particular Title of a Budget Reconciliation Bill if the Bill or Title would increase the deficit during a fiscal year covered by the Bill;

(2) The Congressional Budget Act allows for a point of order to be raised against a Budget Reconciliation Bill or a particular Title of a Budget Reconciliation Bill if the Bill or Title would increase the deficit during a fiscal year the year covered by the Bill; and

(3) The purpose of the Budget Reconciliation process is to enact legislation to reduce the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should not enact Budget Reconciliation legislation which increases the Federal Budget deficit either during any fiscal year covered by the Reconciliation legislation or any fiscal year thereafter.

MOSELEY-BRAUN AMENDMENTS NOS. 333–334

Ms. MOSELEY-BRAUN proposed two amendments to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

AMENDMENT NO. 333

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE USE OF BUDGET SAVINGS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Poverty rates among the elderly are at the lowest level since our Nation began to keep poverty statistics, due in large part to the social security system and the medicare program.

(2) Twenty-two percent of every dollar spent by the Federal Government goes to the social security system.

(3) Eleven percent of every dollar spent by the Federal Government goes to the medicare program.

(4) Currently, spending on the elderly accounts for ⅓ of the Federal budget and more than ½ of all domestic spending other than interest on the national debt.

(5) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(6) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(7) The accumulated balance in the Federal Hospital Insurance Trust Fund is estimated to fall to zero by 2001.

(8) While the Federal budget deficit has shrunk for the fourth straight year to $67,000,000,000 in 1997, measures need to be taken to ensure that that trend continues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that budget savings in the mandatory spending area should be used—

(1) to protect and enhance the retirement security of the American people by ensuring the long-term future of the social security system;

(2) to protect and enhance the health care security of senior citizens by ensuring the long-term future of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(3) to restore and maintain Federal budget discipline to ensure that the level of private investment necessary for long-term economic growth and prosperity is available.

AMENDMENT NO. 334

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) Seventy-eight percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of his or her working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

DODD AMENDMENT NO. 335

Mr. LAUTENBERG (for Mr. DODD) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 27, supra; as follows:

On page 41, line 9 strike the period and add, "and $250,000,000,000 for the period of fiscal years 1998 through 2007".

MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 336

Ms. MOSELEY-BRAUN (for herself, Mr. HARKIN, Mr. KENNEDY, Mr. WELLSTONE, Mr. BINGAMAN, Mr. TORRICELLI, Mrs. MURRAY, Mr. JOHNSON, Mr. GRAHAM, Mr. GLENN, Mr. DORGAN, Mr. KERRY, Mr. REED, Mr. MOYNIHAN, Mr. KERREY, Mr. DODD, Mr. CONRAD, and Ms. MIKULSKI) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 3, line 3, increase the amount by $1,250,000,000.

On page 3, line 4, increase the amount by $1,250,000,000.

On page 3, line 5, increase the amount by $1,250,000,000.

On page 3, line 6, increase the amount by $1,250,000,000.

On page 3, line 11, increase the amount by $1,250,000,000.

On page 3, line 12, increase the amount by $1,250,000,000.

On page 3, line 13, increase the amount by $1,250,000,000.

On page 3, line 14, increase the amount by $1,250,000,000.

On page 4, line 4, increase the amount by $5,000,000,000.

On page 4, line 12, increase the amount by $1,250,000,000.

On page 4, line 13, increase the amount by $1,250,000,000.

On page 4, line 14, increase the amount by $1,250,000,000.

On page 4, line 15, increase the amount by $1,250,000,000.

On page 21, line 17, increase the amount by $5,000,000,000.

On page 21, line 18, increase the amount by $1,250,000,000.

On page 22, line 1, increase the amount by $1,250,000,000.

On page 22, line 9, increase the amount by $1,250,000,000.

On page 22, line 17, increase the amount by $1,250,000,000.

On page 40, line 17, reduce the amount by $5,000,000,000.

On page 41, line 8, reduce the amount by $5,000,000,000.

JEFFORDS (AND COATS) AMENDMENT NO. 337

Mr. JEFFORDS (for himself and Mr. COATS) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

Strike the reconciliation instruction for the Committee on Labor and Human Resources.

Adjust the reconciliation instructions for the Committee on Finance to reflect an increase in revenues of $1,057,000,000 for fiscal year 2002 and $1,792,000,000 for the period of fiscal years 1998 through 2002.

SPECTER AMENDMENTS NOS. 338–340

Mr. SPECTER proposed three amendments to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

AMENDMENT NO. 338

On page 39, line 22, increase the amount by $3,600,000,000.

On page 39, line 23, increase the amount by $10,000,000,000.

On page 43, line 14, increase the amount by $300,000,000.

On page 43, line 15, increase the amount by $300,000,000.

On page 43, line 21, increase the amount by $1,400,000,000.

On page 43, line 22, increase the amount by $1,400,000,000.

On page 43, line 24, increase the amount by $2,000,000,000.

On page 43, line 25, increase the amount by $2,000,000,000.

On page 44, line 2, increase the amount by $2,700,000,000.

On page 44, line 3, increase the amount by $2,700,000,000.

On page 44, line 5, increase the amount by $3,600,000,000.

On page 44, line 6, increase the amount by $3,600,000,000.

At the end of the resolution add the following new section:

SEC. . INCREASE IN DISCRETIONARY SPENDING ON CHILDREN'S HEALTH.

(a) REDUCTION IN MANDATORY SPENDING.—It is the sense that, with respect that the mandatory spending levels provided for in this resolution, for children's health care funding should be reduced by $10,000,000,000 for fiscal years 1998, 1999, 2000, 2001, and 2002 and discretionary spending for such fiscal years should be increased by $10,000,000,000.

AMENDMENT NO. 339

At the end of the resolution add the following new section:

SEC. . INCREASE IN DISCRETIONARY SPENDING ON CHILDREN'S HEALTH.

(a) REDUCTION IN MANDATORY SPENDING.—Mandatory spending provided for in this resolution for children's health care shall be reduced by $10,000,000,000 for fiscal years 1998, 1999, 2000, 2001, and 2002 and discretionary spending for such fiscal years shall be increased by $10,000,000,000.

(b) DISCRETIONARY BUDGET AUTHORITY AND OUTLAYS.—With respect to the discretionary spending limits in section 201(a)—

(1) the nondefense discretionary limits for fiscal year 1998 for new budget authority and outlays shall each be increased by $300,000,000;

(2) the nondefense discretionary limits for fiscal year 1999 for new budget authority and outlays shall each be increased by $1,400,000,000;

(3) the discretionary category for fiscal year 2000 for new budget authority and outlays shall each be increased by $2,000,000,000;

(4) the discretionary category for fiscal year 2001 for new budget authority and outlays shall each be increased by $2,700,000,000; and

(5) the discretionary category for fiscal year 2002 for new budget authority and outlays shall each be increased by $3,600,000,000.

(c) RECONCILIATION.—With respect to the recommendations of the Committee on Finance under section 104(a)(5)(A)—

(1) the amount relating to reductions in outlays for fiscal year 2002 shall be increased by $3,600,000,000; and

(2) the amount relating to reductions in outlays for the period of fiscal years 1998 through 2002 shall be increased by $10,000,000,000.

AMENDMENT NO. 340

On page 23, line 8, increase the amount by $1,100,000,000.

On page 23, line 9, increase the amount by $1,100,000,000.

On page 35, line 9, decrease the amount by $1,100,000,000.

On page 35, line 10, decrease the amount by $1,100,000,000.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 341

Mr. DOMENICI (for Mrs. FEINSTEIN, for herself, Mr. DOMENICI, Mr. CHAFEE, Mr. LAUTENBERG, Mrs. BOXER, Mr. D'AMATO, Mr. DEWINE, and Mr. KENNEDY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING CERTAIN ELDERLY LEGAL ALIENS.

It is the sense of the Senate that the provisions of this resolution assume that:

(1) the Committee on Finance will include in its recommendations to the Committee on the Budget of the Senate changes in laws within the jurisdiction of the Committee on Finance that allow certain elderly, legal immigrants who will cease to receive benefits under the supplemental security income program as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193: 110 stat. 2105) to continue to receive benefits during a redetermination or reapplication period to determine if such aliens would qualify for such benefits on the basis of being disabled.

(2) the Committee on Finance in developing these recommendations should offset the additional cost of this proposal out of other programs within the jurisdiction of Committee on Finance.

COVERDELL AMENDMENT NO. 342

Mr. DOMENICI (for Mr. COVERDELL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of the bill, add the following:

SEC. . SENSE OF THE SENATE REGARDING RETROACTIVE TAXES.

(a) FINDINGS.—The Senate finds that—

(1) in general, the practice of increasing a tax retroactively is fundamentally unfair to taxpayers;

(2) retroactive taxation is disruptive to families and small business in their ability to plan and budget;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that—

(1) except for closing tax loopholes, no revenues should be generated from any retroactively increased tax; and

(2) the Congress and the President should work together to ensure that any revenue generating proposal contained within reconciliation legislation pursuant to this concurrent resolution proposal, except those proposals closing tax loopholes, should take effect prospectively.

DORGAN (AND OTHERS) AMENDMENT NO. 343

Mr. DOMENICI (for Mr. DORGAN, for himself, Mr. DASCHLE, and Mr. HOLLINGS) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY AND BALANCING THE BUDGET.

(a) FINDINGS.—The Senate finds that—

(1) This budget resolution is projected to balance the unified budget of the United States in fiscal year 2002;

(2) Section 13301 of the Budget Enforcement Act of 1990 requires that the deficit be computed without counting the annual surpluses of the Social Security trust funds; and

(3) If the deficit were calculated according to the requirements of Section 13301, this budget resolution would be projected to result in a deficit of $108.7 billion in fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that after balancing the unified federal budget, the Congress should continue efforts to reduce the on-budget deficit, so that the federal budget will be balanced without counting Social Security surpluses.

DASCHLE AMENDMENT NO. 344

Mr. DOMENICI (for Mr. DASCHLE) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

Insert at the appropriate place the following new section:

SEC. . SENSE OF THE SENATE SUPPORTING SUFFICIENT FUNDING FOR VETERANS.

(a) FINDINGS.—The Senate finds that—

(1) veterans and their families represent approximately 27 percent of the United States population;

(2) more than 20 million of our 26 million living veterans served during wartime, sacrificing their freedom so that we may have ours; and

(3) veterans have earned the benefits promised to them.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the assumptions underlying this Budget Resolution assume that the 602(b) allocation to the Department of Veterans Affairs will be sufficient in FY98 to fully fund all discretionary veterans programs, including medical care; and

(2) funds collected from legislation to improve the Department of Veterans Affairs' ability to collect and retain reimbursement from third-party payers ought to be used to supplement, not supplant, an adequate appropriation for medical care.

MURRAY AMENDMENT NO. 345

Mr. DOMENICI (for Mrs. MURRAY, for herself and Mr. WELLSTONE) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—Congress finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one-fourth of battered women surveyed had lost a job partly because of being abused and that over one-half of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over one-half of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the Committee on the Budget of the Senate in considering the 1997 Resolution on the budget of the United States unanimously adopted a sense of the Congress amendment concerning domestic violence and Federal assistance. Subsequently, Congress adopted the family violence option amendment as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing that it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the provisions of this Resolution assume that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers under section 402(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii)) to individuals receiving assistance, for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individual who is granted a domestic violence good cause waiver by a State shall not be included in the States' 20 percent hardship exemption under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

GRAMS AMENDMENT NO. 346

Mr. DOMENICI (for Mr. GRAMS) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 3, line 3, decrease the amount by $22.5 billion.

On page 3, line 4, decrease the amount by $22.5 billion.

On page 3, line 5, decrease the amount by $22.5 billion.

On page 3, line 6, decrease the amount by $22.5 billion.

On page 3, line 7, decrease the amount by $22.5 billion.

On page 3, line 11, increase the amount by $22.5 billion.

On page 3, line 12, increase the amount by $22.5 billion.

On page 3, line 13, increase the amount by $22.5 billion.

On page 3, line 14, increase the amount by $22.5 billion.

On page 3, line 15, increase the amount by $22.5 billion.

On page 4, line 4, decrease the amount by $13.7 billion.

On page 4, line 5, decrease the amount by $23.4 billion.

On page 4, line 6, decrease the amount by $33.2 billion.

On page 4, line 7, decrease the amount by $42.9 billion.

On page 4, line 8, decrease the amount by $52.7 billion.

On page 4, line 12, decrease the amount by $6.3 billion.

On page 4, line 13, decrease the amount by $16.9 billion.

On page 4, line 14, decrease the amount by $26.7 billion.

On page 4, line 15, decrease the amount by $36.6 billion.

On page 4, line 16, decrease the amount by $46.8 billion.

On page 4, line 19, decrease the amount by $22.5 billion.

On page 4, line 20, decrease the amount by $22.5 billion.

On page 4, line 21, decrease the amount by $22.5 billion.

On page 4, line 22, decrease the amount by $22.5 billion.

On page 4, line 23, decrease the amount by $22.5 billion.

On page 35, line 9, decrease the amount by $13.7 billion.

On page 35, line 10, decrease the amount by $6.3 billion.

On page 35, line 15, decrease the amount by $23.4 billion.

On page 35, line 16, decrease the amount by $16.9 billion.

On page 35, line 21, decrease the amount by $33.2 billion.

On page 35, line 22, decrease the amount by $26.7 billion.

On page 36, line 2, decrease the amount by $42.9 billion.

On page 36, line 3, decrease the amount by $36.6 billion.

On page 36, line 8, decrease the amount by $52.7 billion.

On page 36, line 9, decrease the amount by $46.8 billion.

COVERDELL AMENDMENT NO. 347

Mr. DOMENICI (for Mr. COVERDELL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of title II, add the following:

SEC. . SENSE OF CONGRESS REGARDING PARENTAL INVOLVEMENT IN PREVENTION OF DRUG USE BY CHILDREN.

(a) FINDINGS.—Congress makes the following findings:

(1) 2,000,000 more children are using drugs in 1997 than were doing so in 1993. For the first time in the 1990s, over half of our Nation's graduating high school seniors have experimented with drugs and approximately 1 out of every 4 of the students have used drugs in the past month.

(2) After 11 years of declining marijuana use among children aged 12 to 17, such use doubled between 1992 and 1995. The number of 8th graders who have used marijuana in the past month has more than tripled since 1991.

(3) More of our Nation's school children are becoming involved with hard core drugs at earlier ages, as use of heroin and cocaine by 8th graders has more than doubled since 1991.

(4) Substance abuse is at the core of other problems, such as rising violent teenage and violent gang crime, increasing health care costs, HIV infections, teenage pregnancy, high school dropouts, and lower economic productivity.

(5) Increases in substance abuse among youth are due in large part to an erosion of understanding by youth of the high risks associated with substance abuse, and to the softening of peer norms against use.

(6) Nearly 1 in every 10 students who received a diploma last June is a daily user of illicit drugs.

(7) A 1995–96 school year survey of drug usage by students revealed that 25 percent of children using drugs are doing so at home or at the home of a friend. Despite these alarming statistics, less than 30 percent of students stated that their parents talked to them about the problem of alcohol and drugs.

(8) In the 1990–91 school year survey, over 40 percent of the students reported that their parent regularly talked to them about drugs. The 1995–96 survey reported an 11 percent decrease in parental involvement and a corresponding 10 percent increase in the number of students in the 6th through 8th grades who use drugs, and a 17 percent increase in the number of students in the 9th through 12th grades who use drugs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that, from resources available in this budget resolution, a portion should be set aside for a national grassroots volunteer effort to encourage parental education and involvement in youth drug prevention and to create a drug-intolerant culture for our children.

KYL AMENDMENT NO. 348

Mr. DOMENICI (for Mr. KYL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON ADDITIONAL TAX CUTS.

It is the sense of the Senate that nothing in this resolution shall be construed as prohibiting Congress from providing additional tax relief in future years if the cost of such tax relief is offset by reductions in discretionary or mandatory spending, or increases in revenue from alternative sources.

SNOWE (AND COVERDELL) AMENDMENT NO. 349

Mr. DOMENICI (for Ms. SNOWE, for herself and Mr. COVERDELL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the proper place, insert the following:

PURPOSE.—Expressing the sense of the Senate that higher education tax cuts should encourage parents and students to save for the costs of a higher education, and to provide relief from the debt burden associated with borrowing to pay for a post-secondary education.

(a) FINDINGS.—The Congress finds that—

(1) the budget agreement reached between Congressional leaders and President Clinton provides for $85 billion in net tax relief over five years.

(2) in a May 15, 1997, letter to President Clinton, the Speaker of the House and the Senate Majority Leader agreed that the tax package must include tax relief of roughly $35 billion over five years for post-secondary education, including a deduction and a tax credit.

(3) the letter further stipulated that the education tax package should be consistent with the objectives put forward in the HOPE Scholarship and tuition tax proposals contained in the Administration's FY 1998 budget proposal.

(4) as outlined in the Administration's FY 1998 budget summary, the objective of the education tax credits and deductions is to ensure that financial barriers to higher education continue to fall for all Americans, and to encourage Americans to pursue higher education and to promote lifelong learning.

(5) students at the undergraduate level have seen tuition increases outpace inflation for more than a decade, which has led to an increased demand for student aid, including student loans.

(6) the typical student loan borrower—including undergraduate, graduate, and doctoral students—now accumulates more than $10,000 in educational debt. This rising debt burden poses a serious threat to students and may lead to some students no longer pursuing a higher education.

(7) post-secondary education tax cuts that encourage savings and that address this rising debt burden would encourage Americans to pursue a higher education and promote lifelong learning, and would, therefore, be consistent with the objectives sought by President Clinton in his budget proposal.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume—

(1) that higher education tax relief should encourage Americans to pursue a post-secondary education and promote lifelong learning.

(2) tax incentives that encourage parents and students to save for higher education expenses, and that provide relief from the debt burden associated with borrowing to pay for a post-secondary education, are consistent with the objectives set forth in this resolution, and should be included in any post-secondary education tax cut package.

HARKIN AMENDMENTS NOS. 350–351

Mr. LAUTENBERG (for Mr. HARKIN) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

AMENDMENT NO. 350

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON MEDICAL RESEARCH.

It is the sense of the Senate that the funds in the defense 050 account that are assumed to be dedicated for medical research should be increased by $900,000,000 for fiscal year 1998.

AMENDMENT NO. 351

At the end of title II, add the following:

SEC. . ANTIGIMMICK TAX SCORING.

For purposes of scoring any revenue provision of a reconciliation bill enacted pursuant to this resolution, a provision that increases revenue in fiscal year 2002 by an amount $1,000,000,000 or more in excess of the amount that the provision increases revenue in either fiscal year 2001 or 2003 shall be scored by—

(1) subtracting the amount of the excess from the revenue amount for fiscal year 2002; and

(2) dividing the amount of excess by 4 and adding the quotient to the revenue score for the provision for each of the fiscal years 2002 through 2005.

KOHL (AND KERRY) AMENDMENT NO. 352

Mr. LAUTENBERG (for Mr. KOHL, for himself and Mr. KERRY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE EARLY CHILDHOOD EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) Scientific research on the development of the brain has confirmed that the early childhood years, particularly from birth to the age of 3, are critical to children's development.

(2) Studies repeatedly have shown that good quality child care helps children develop well, enter school ready to succeed, improve their skills, cognitive abilities and socioemotional development, improve classroom learning behavior, and stay safe while their parents work. Further, quality early childhood programs can positively affect children's long-term success in school achievement, higher earnings as adults, decrease reliance on public assistance and decrease involvement with the criminal justice system.

(3) The first of the National Education Goals, endorsed by the Nation's governors, passed by Congress and signed into law by President Bush, stated that by the year 2000, every child should enter school ready to learn and that access to a high quality early childhood education program was integral to meeting this goal.

(4) According to data compiled by the RAND Corporation, while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children. A vast majority of public spending on children occurs after the brain has gone through its most dramatic changes, often to correct problems that should have been addressed during early childhood development.

(5) According to the Department of Education, of $29,400,000,000 in current estimated education expenditures, only $1,500,000,000, or 5 percent, is spent on children from birth to age 5. The vast majority is spent on children over age 5.

(6) A new commitment to quality child care and early childhood education is a necessary response to the fact that children from birth to the age of 3 are spending more time in care away from their homes. Almost 60 percent of women in the workforce have children under the age of 3 requiring care.

(7) Many States and communities are currently experimenting with innovative programs directed at early childhood care and education in a variety of care settings, including the home. States and local communities are best able to deliver efficient, cost-effective services, but while such programs are long on demand, they are short on resources. Additional Federal resources should not create new bureaucracy, but build on successful locally driven efforts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget totals and levels in this resolution assume that funds ought to be directed toward increasing the supply of quality child care, early childhood education, and teacher and parent training for children from birth through age 3.

BYRD AMENDMENT NO. 353

Mr. LAUTENBERG (for Mr. BYRD) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 56, line 7, strike the word "enacted" and insert: "reported or an amendment is adopted".

On page 56, line 15, strike the words "enactment of legislation" and insert: "reporting of legislation or upon the adoption of an amendment".

BIDEN (AND OTHERS) AMENDMENT NO. 354

Mr. LAUTENBERG (for Mr. BIDEN for himself, Mr. BYRD, and Mr. GRAMM) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of title II, add the following:

SEC. . SUPPORT FOR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedoms and security, and with the support of Federal assistance, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, as illustrated by a murder rate in 1996 that is projected to be the lowest since 1971 and a violent crime total in 1996 that is the lowest since 1990.

(2) Through a comprehensive effort to attack violence against women mounted by State and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling, and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives, and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995.

(3) Federal, State, and local law enforcement efforts need continued financial commitment from the Federal Government for funding and financial assistance to continue their efforts to combat violent crime and violence against women.

(4) Federal, state and local law enforcement also face other challenges which require continued financial commitment from the Federal Government, including regaining control over the Southwest Border, where drug trafficking and illegal immigration continue to threaten public safety and menace residents on the border and throughout the nation.

(5) The Violent Crime Reduction Trust Fund established in section 310001 the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) fully funds the Violent Crime Control and Law Enforcement Act of 1994, including the Violence Against Women Act, without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume that—

(1) the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, will be maintained; and

(2) funding for the Violent Crime Reduction Trust Fund will continue in its current form at least through fiscal year 2002.

BOXER (AND OTHERS) AMENDMENT NO. 355

Mr. LAUTENBERG (for Mrs. BOXER, for herself, Mr. DURBIN, Mr. DASCHLE, Mr. HARKIN, and Mr. BUMPERS) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, add the following new section:

SEC. . SENSE OF THE SENATE ON TAX CUTS.

It is the sense of the Senate that the Concurrent Resolution on the Budget assumes that—

(1) A substantial majority of the tax cut benefits provided in the tax reconciliation bill will go to middle class working families earning less than approximately $100,000 per year; and

(2) The tax cuts in the tax reconciliation bill will not cause revenue losses to increase significantly in years after 2007.

ROBB AMENDMENT NO. 356

Mr. ROBB proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, add the following:

SEC . . SENSE OF THE SENATE ON SOCIAL SECURITY AND RETIREMENT SAVING.

(a) FINDINGS.—The Senate finds that—

(1) Payroll taxes provide the basic funding source for Social Security, the most popular and successful government program in reducing the rate of poverty among the elderly;

(2) For a majority of Americans, the payroll tax burden imposed for Social Security is now greater than the income tax burden, making it difficult for many families to invest for their own retirement;

(3) Payroll taxes collected for Social Security currently exceed the amounts necessary to fund Social Security benefits;

(4) Excess Social Security revenues finance current consumption rather than being saved and invested for the benefit of today's employees, denying them an opportunity to share in the benefits of the increasing value of capital in a global economy;

(5) Increased personal savings is necessary to provide secure retirements and enhance future productivity and economic growth;

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this Resolution assumes that—

(1) The Senate will consider using the amounts currently reserved for tax cuts for individuals to use a portion of their Social Security payroll tax contribution for personal retirement accounts.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Small Business Perspectives on Mandates, Paperwork, and Regulation." The hearing will be held on June 4, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Suey Howe at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, May 21, 1997, at 2 p.m. in open session, to receive testimony regarding the quadrennial defense review and its impact on the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 21, 1995, at 9:30 a.m. on program efficiencies at the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 21, for purposes of conducting a Full Committee Business Meeting which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTE ON FINANCE

Mr. DOMENICI. Mr. President, The Finance Committee requests unanimous consent to conduct a hearing on Wednesday, May 21, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Wednesday, May 21, 1997, beginning at 2 p.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 21, 1997, at 10 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 21, 1997 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct an Oversight Hearing on programs designed to assist native American veterans.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 15TH ANNIVERSARY OF THE VIETNAM VETERANS MEMORIAL

• Mr. GORTON. Mr. President, I am proud to be a cosponsor of Senator HAGEL's legislation commemorating the 15th anniversary of the Vietnam Veterans Memorial, Senate Resolution 87. His resolution is a fitting tribute not only to the wall itself, but to the 58,196 American men and women who gave their lives for this country in Southeast Asia or who are still missing nearly 20 years after the conclusion of the war.

The memorial, the names of Americans killed and missing engraved in its marble edifice, is an eery reminder of the sacrifice made by so many young men and women for a cause many here at home disputed. Nearly 9 million Americans served in Vietnam. Their valor in war was too often greeted with disrespect upon their return home. That is why the Vietnam Veterans Memorial plays such an important role in honoring the bravery and sacrifice of the soldiers who served in an unpopular war at a tumultuous time in American history.

While the memorial's design was at first controversial, it has become an important aspect of the National Mall in Washington, DC, visited by tens of thousands of tourists every year. For those whose loved ones perished in Vietnam, it is an opportunity to see firsthand, that their friends or relatives will be revered and remembered for a long time to come. For those who were not touched personally by the war, the memorial is a chance to understand and experience Vietnam. And for all Americans, the Vietnam Veterans Memorial is a lesson about the dangers of war and the bravery, character, and patriotism of the men and women of our Armed Forces.

On this, the 15th anniversary of the Vietnam Veterans Memorial, Senator HAGEL's resolution is a timely and appropriate way to honor all those who served in Vietnam. I am proud, Mr. President, to be an original cosponsor.•

LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1997

• Mr. LEVIN. Mr. President, I wish to add to the statement I offered last week when I introduced S. 758, the Lobbying Disclosure Technical Amendments Act of 1997. In my statement, I noted that a similar piece of legislation that Congressmen CHARLES CANADY and BARNEY FRANK sponsored last year and moved through the House of Representatives, was unable to gain passage in the Senate because of a provision that some Members of the Senate found problematic. I emphasized that the bill I have introduced omits that provision.

Although that revision is, in my view, the key difference between the bill I have introduced and last year's version, I should also point out a second change. S. 758 omits a provision that would alter the language in those sections of the Lobbying Disclosure Act (the "LDA") requiring LDA registrants to identify certain foreign entities that have an interest in the outcome of their lobbying activities. As it stands now, the LDA provides that registrants need to identify foreign entities that have a direct interest in their lobbying. The provision in last year's House-passed bill and which is not included in S. 758 would have added the word "significant" to that phrase. Under that provision, registrants would have to disclose foreign subsidiaries only if they have a significant direct interest in the lobbying.

In my view, changing direct interest to significant direct interest would be counterproductive, especially since the provision in question does not define what the word "significant" means in this context. At what point does a direct interest become a significant direct interest? If foreign entities have a direct interest in the lobbying of a registrant, but the registrant insists that interest is not significant, how can we judge that contention? In the absence of clear answers to those questions, I believe the provision I have omitted could weaken the LDA. By introducing an element of vagueness into the act's language, it could undercut the act's ability to fulfill the information-gathering function that we had in mind when we passed it.

As I emphasized in my initial statement, my purpose in introducing this technical amendments bill is to make the LDA even more useful than it is now. I do not want to do anything to weaken the act, and S. 758 is shaped in accordance with that guiding principle.•

LAMENTATION

• Mr. CHAFEE. Mr. President, I ask that a poem by Virginia Louise Doris be entered in the RECORD. Ms. Doris, distinguished poet and historian from my hometown of Warwick, RI, has written this poem to commemorate those who lost their lives in the bombing of the Murrah Federal Building in Oklahoma City over 2 years ago.

The poem follows:

LAMENTATION

(By Virginia Louise Doris, composed April 19, 1997)

"A Song that wanders only where an elegy sent".

DE PROFUNDIS

We tarry, roses breathing vanished-times broken,
in this green-parting glade where agonies spoken.
Oh! waiting heart! shall thy pulses always beat
to the serephs pause of a presence so dear,
that all dove-cote lowing cadance repeat
its sweet, floating, accents to thine ear?
Charcoal shadows lay their twilight fingers
upon a barren wall, where roses sang a
climbing song, and declivous wings brushed
in summer flight, each petal instill life's
incense to fulfill; the roar of fate decrees
a sundered cherish.

IN EXTREMIS

In the long noon-tide of our sorrow, we questioned
of the eternal morrow; we gaze in bonded awe
far through the daystar's candle dimmed, or charnel
tears and dust which tell our kindred roam.
The beloved is keeping all, the waiting, murmuring,
beloved lets nothing go, of clasp and want
which tolls our famished moan, illumed by lyric
cerement, spheres gush of dewy, languored,
woes cascading vernal, flamy, biers of memory,
the enchanted years.

IN NOMINE

Oh! waiting heart! Shall thy images always keep
the remembrance of lost, embroidered-time,
our realm-blessed joy unrolled, to weep
unstemmed amid this sable, wounded, clime?
We tarry, roses breathing vanished-times beckon,
in this green-parting grove where seasons reckon.

IN MEMORIAM

April 19, 1995, Oklahoma City, the Murrah Building.•

ENHANCING OUR DIPLOMATIC READINESS—A CRITICAL TEST OF AMERICAN LEADERSHIP

• Mr. BIDEN. Mr. President, last week a bipartisan budget agreement was successfully reached between the Administration and Congressional leaders of both parties.

This is a seminal achievement that will lead us to a balanced budget for the first time in 28 years.

I would like to congratulate the budget negotiators on this important accomplishment.

I would like to call particular attention to their leadership in funding international affairs.

In February, I wrote the Budget Committee asking that the President's budget request of $19.45 billion for international affairs spending be regarded as the absolute minimum essential to effectively carry out the national interests of the United States.

Yesterday, the Budget Committee reported a resolution establishing these enhanced levels of funding as a priority for fiscal year 1998.

I commend the Budget Committee for recognizing the importance of funding this year the full amount of the President's request for foreign affairs.

This was an important first step.

I look forward to continue working with Chairman HELMS on the Foreign Relations Committee and with the Appropriations Committee to insure that sufficient funds are authorized and appropriated to restore our resources for diplomatic readiness abroad.

But it was only the first step. In recent years, funding for international affairs has plummeted in real terms to its lowest level since World War II.

Yet all the while, due to the downsizing of U.S. overseas military forces, diplomacy has become more important than ever as a vital front-line defense of American interests.

Although the cold war has ended, challenges to our security remain.

We live in an age in which international threats such as terrorism, narcotics trafficking, and nuclear proliferation continue to imperil our Nation's security and prosperity.

American diplomats in the field and on the ground are essential to understanding complex political and economic forces affecting our allies and adversaries alike.

Despite the reduction in our military readiness abroad, the increased importance of diplomatic readiness to our Nation's security has not been reflected in the Federal budget in recent years.

To the contrary, international affairs funding has suffered drastic budget cuts, a point which I will demonstrate today. These cuts have already begun to have noticeable effects on our Nation's diplomatic readiness.

Thus, this year's budget agreement must be seen as only the first step toward restoring and enhancing America's diplomatic preparedness.

Before discussing the decline in resources for foreign affairs, it is worth pausing to address a threshold question: What kind of foreign policy do we want to have?

Stated more bluntly—are we prepared to remain engaged in the world, or are we headed down the path of isolationism?

For it is only after we answer this fundamental question should we make decisions about the budgetary resources for foreign affairs.

Mr. President, how we fund our diplomatic resources abroad presents another test for American leadership—whether the growing forces of neoisolationism or those favoring engagement are going to prevail in this congress.

It is commonly asserted these days that the American people are weary of international involvement, and want us to cut back from our commitments abroad.

Over the course of the last 50 years we have seen an enormous technological revolution take place in the areas of information, communication, transportation, medicine, manufacturing, and world trade.

For better or worse, this revolution—at least for large segments of the world—has fundamentally transformed the way we live.

Within and among nations, people today are more closely connected than ever by fast and affordable travel, instant electronic communication, and standardized products.

For americans, who for much of our history enjoyed a sense of separateness from the world, global interdependence is no longer an academic abstraction; we experience it daily. The lesson of the two world wars in this century—that we cannot preserve our own well-being in isolation from the world's problems—has now been compounded by technology.

For the last 50 years, the major threat to our Nation's security was the global spread of communism. Today, a host of other threats—no less dangerous—to our future security and prosperity exist: the proliferation of dangerous weapons; the threat of terrorism, narcotics, and international crime; the spread of deadly diseases; the degradation of the environment; and increasing economic competition.

On every continent, we face many challenges, new and old:

In Europe, we work to reinvigorate the NATO alliance by engaging in new missions and expanding to the east;

In Eurasia, we seek to build a constructive relationship with a newly democratic Russia still armed with thousands of nuclear weapons, and to nourish democracy there and elsewhere in the New Independent States;

In the Middle East, we endeavor to sustain a peace process that has brought Israel and her neighbors within sight of a final agreement that could end decades of conflict;

In Asia, we seek to strengthen the bonds of cooperation with old allies in Japan and Korea, and to build a cooperative relationship with a growing economic and military power in China;

In Latin America, we seek to sustain and strengthen our ties to the new democracies which are enjoying unprecedented economic success, and to help them contain the threat of the narcotics trade;

In Africa, we are helping the new South Africa take its rightful place as a leader of the world community, and we seek to encourage the spread of democracy across the continent, where the seeds of freedom and free markets are slowly taking root.

These multiple challenges may not call for a single construct—as the challenge of communism yielded the policy of containment—but they clearly affect American interests, and cry out for active American leadership.

I believe that the American people understand this reality; and precisely for that reason, they expect to see the strong hand of the United States in world affairs.

It is often stated, sometimes with excessive triumphalism, that we are the world's lone remaining superpower. Unfortunately, when it comes to devoting adequate resources for our diplomatic efforts, we rarely act the part.

Indeed, our ability to continue our leadership role is threatened by the severe decline in funding for international affairs.

And although some members of this body may contest the need for such funding, there can be no dispute that spending for international affairs has fallen significantly in recent years.

Allow me to elaborate. In budgetary terms, nearly all funding for international affairs programs are found in the category known as function 150. In this category are all major foreign affairs activities: diplomacy conducted by the Department of State, foreign aid administered by the Agency for International Development; information and exchange activities carried out by the U.S. Information Agency; The work of the Arms Control and Disarmament Agency; U.S. contributions to international financial institutions such as the World Bank; and support for the United Nations and related agencies ranging from the International Atomic Energy Agency to the Children's Fund.

By every measure, spending for these activities has been cut to the bone in the last few years.

According to a study of the Congressional Research Service prepared at my request, foreign policy spending is now at its lowest level in 20 years.

Stated in fiscal 1998 dollars, the budget in the current fiscal year is $18.77 billion, which is 25 percent below the annual average of $25 billion over the past two decades, and 30 percent below the level of 10 years ago, near the end of the Reagan administration.

This is a recent phenomenon. The decline commenced at the beginning of the decade. But the most significant reductions came in the past few years.

Spending dropped by 3.8 percent in fiscal 1994, by 5.6 percent in fiscal 1995, by 10.2 percent in fiscal 1996, and finally by 3.7 percent in fiscal 1997. In short, the reductions in this decade began with a trickle and have turned into a hemorrhage.

Taken together, let me repeat, these budget cuts brought spending in 1997 to the lowest level in the past 20 years, and a full 25 percent below the average for that period.

These reductions are also historic in two other respects. For the past two decades, international affairs spending, as measured against the rest of the discretionary budget, held reasonably steady. The average was 4.1 percent, but it rarely deviated much from that average.

In fact, the trend, from 1987 to 1995, was virtually a straight line. But then the line started to take a dive in 1996, dropping to 3.7 percent; and in 1997, it fell still further to 3.6 percent.

The story is largely the same when foreign affairs funding is compared to the total budget, including mandatory spending programs.

Over the past two decades, international affairs funding comprised, on average, 1.7 percent of the entire Federal budget. In fiscal 1997, such funding was just 1.1 percent of the Federal budget, the lowest level in the past 20 years and about one-third below the historical average.

It should be pointed out here that I am not using fiscal year 1985 as a base year for comparison. That was an extraordinary year because there were two special supplemental appropriations to meet foreign policy crises: a special aid package for the Middle East, and a relief bill for famine in Africa.

Spending that year, in constant fiscal 1998 dollars, was $36.3 billion, or nearly twice current funding.

I recognize that such an anomalous year would skew the comparison, and instead I have chosen to look at current funding based against a 20-year time period.

This period, I might add, embraces the tenure of both Presidents Carter and Clinton—that is, the two most recent Democratic administrations—as well as those of Presidents Reagan and Bush.

In sum, Mr. President, the data do not lie. No matter how you slice it, spending for foreign affairs has been severely cut.

There's another part of the story that needs to be told, however, and that's how these cuts in international affairs spending, on both programs and people, have impacted American interests.

Let us start with the State Department. Since President Clinton assumed office, funding for the Department's core activities has fallen by 17 percent in real terms.

Although the current level is slightly higher than the historical average of the past 20 years, the cuts in the last few years have had a dramatic effect on the Department.

First, we have closed 36 missions overseas, in locations such as Zurich, Switzerland, Stuttgart, Germany, and Lubumbashi, Zaire.

At the same time, 24 new posts have been opened, 15 of which are in the nations that once comprised the Soviet empire. We now have 249 overseas posts, the lowest level since 1980.

Now, I am not objecting to cuts made in the interest of efficiency. I agree that we should eliminate duplication and waste.

What I am concerned about, however, is whether these reductions may have left our interests unevenly protected overseas.

Just as one example, the closing last year of the American Consulate in Medan, Indonesia, has left us with no American diplomatic presence in the second most important commercial center in that country.

Unlike Britain, Russia, Japan, Germany, and a host of other countries which all have diplomats in Medan, our presence is limited to the American Embassy some 800 miles away in Jakarta.

Medan is located in a part of Indonesia that is a key entry-way for arms smuggling into the country, and historically has been a hotbed of pro-independence political activity. Moreover, there are significant private American economic interests in Medan. However, instead of protecting our interests in the region—both economic and security—we have been reduced to sending someone from the Embassy up to Medan about once every 4 months.

Second, the Department is suffering from what might be called an infrastructure deficit. Replacement and modernization of basic equipment has been long deferred, and renovation and repair of overseas buildings has been delayed. Let me state it at the most basic level: Many diplomats, both here and abroad, still use Wang computers. When purchased in the early 1980's, the Wang was state-of-the-art, and the State Department was the envy of the Federal Government; today, the obsolete computers that pervade the Department make it the laughing-stock of Washington. Similarly, over 40 percent of the Department's overseas telephone switchboards are obsolete, so old in fact, that spare parts are unavailable, and to keep the older systems working, we cannibalize ones that have been replaced to fix those still in operation. The same is true for over 80 percent of all our radio equipment overseas.

In the same vein, thousands of repairs to embassies and other facilities remain unmet because of the lack of funds. Our embassy in Beijing—one of our most important posts—is literally falling apart. Numerous other facilities, on every continent, require extensive repair work.

At other foreign affairs agencies, the story is much the same. At the U.S. Information Agency, funding is 13 percent below the average in the past 20 years. Two programs which are among our cheapest and most cost-effective foreign policy tools—exchanges and international broadcasting—have been particularly affected.

For example, budget cuts and a consolidation of all international broadcasting have forced reductions in programming on the Voice of America and Radio Free Europe/Radio Liberty. During the Cold War, services like Radio Free Europe provided a steady breath of truth to those trapped behind the Iron Curtain.

Today, their mission, and the mission of the new Radio Free Asia, is no less important. During my recent visit to Moscow, a leading member of the Russian legislature pleaded for the continuation of Radio Liberty, which is regarded as a critical tool in a country where the media remains under strong influence of the government and the ruling classes.

The steepest reductions in our foreign policy budget have come in foreign assistance, which at $11.5 billion last year—again, using fiscal 1998 dollars—is lower, in real terms, than any year of the last 20, and some 36 percent below the historical average of that period.

Foreign aid spending has been steadily falling since the early 1990's. Reductions of this magnitude have undermined American influence and interests around the globe.

It is popular to assert that foreign aid is merely the foreign policy equivalent of welfare, a supposed giveaway of massive dimensions that yields few benefits to American interests, and that if we merely ended the program, our problems with the budget deficit would be over. Wrong on both counts.

Through our foreign assistance programs we help to combat the scourges of drug trafficking, international crime, terrorism, and arms proliferation. For example, our contributions to the International Law Enforcement Academy in Budapest, Hungary, has helped to train nearly 3,000 foreign law enforcement personnel in fighting organized crime, drugs, and international money laundering. American contributions to these efforts is an important way in which we protect our interests abroad.

To state the obvious, if we ended all foreign aid—both economic and military assistance—we would not end our deficit problem. And the programs are far from a giveaway; they are an investment in our security.

Mr. President, I am not the only one who feels that reductions in foreign affairs spending have put American interests at risk.

A recent independent, bipartisan blue ribbon panel jointly sponsored by the Brookings Institution and the Council on Foreign Relations came to the same conclusion.

They concluded that "the cuts already made in the international affairs discretionary account have adversely affected, to a significant degree, the ability of the United States to protect and promote its economic, diplomatic and strategic agendas abroad.

"Unless this trend is reversed, American vital interests will be jeopardized."

Mr. President, we cannot let this trend continue. It is a delusion to believe that America can remain actively engaged in the world if we continue to deny the President and the Secretary of State the resources necessary for the conduct of American foreign policy.

An important first step in the right direction has been taken by funding in full President Clinton's international affairs budget request for fiscal 1998.

Yet, as I have demonstrated here today, after several years of drastic cuts, continued funding is critical to restoring and enhancing America's vital diplomatic capacity.

As it has been reported, the President has decided to reorganize the many foreign affairs agencies of the Federal Government.

I support the President's reorganization plan, and believe that we should eliminate duplication and waste in our foreign policy programs.

However, we in the Congress must keep in mind the needs of the next century and the importance of our diplomatic presence abroad.

I also want to make clear that our reform efforts should be driven not by the imperative of budgetary savings—as important as that is—but by the need to ensure that we have a robust diplomatic presence around the globe in order to protect the gains of our cold war victory.

Let me also unequivocally state that any savings realized from reorganization of our foreign policy agencies should not be diverted elsewhere but re-allocated to enhance our diplomatic readiness.

Moreover, in acting to ensure adequate funding for American foreign policy, we should also end the false distinction—in both our thinking and our budgeting—between foreign policy and national defense.

For years, we have distinguished between the two as if they were separate and unrelated aspects of our national budget.

But that is hardly the case. Quite the opposite: The two are closely linked, and should be similarly conceived as part of a broader national security budget.

This is far from a radical concept. More than most Americans, members of the U.S. military well understand that diplomacy is the front-line of our national defense.

Both our diplomats and our soldiers work on a daily basis to protect our national security, and their missions overlap frequently.

When American aircraft carriers are deployed to the Taiwan Straits, they are not only showing American military power, they are demonstrating the United States commitment to security and stability in East Asia.

When American diplomats negotiate nuclear and conventional arms control agreements in Europe and Eurasia, they are strengthening European security, a vital national interest which has long been central to our defense planning.

In short, just as the projection of military power is a diplomatic tool, diplomacy is a weapon in the arsenal of our national defense. Both are vital to our national interest; both should be protected.

Mr. President, the debate over the form and substance of our Nation's foreign policy comes down to this—will America lead?

I believe our interests call for it. The sacrifices of our grandparents and parents require it. The future of this great country demands it.

Mr. President, the end of the cold war and the approach of a new century provides a historic moment for the United States to play a decisive role in world affairs, to bend the course of history slightly. Such moments are rare.

The last such time, after the conflagration of the Second World War, saw an active American leadership role in shaping the institutions that were central to world history in the last half of this century—institutions such as the North Atlantic Treaty Organization and the World Bank.

Like the choices made by Presidents named Roosevelt and Truman and Senators named Connolly and Vandenburg a half century ago, the decisions we make now could affect the course of world history for generations to come.

Congress needs to reinforce America's leadership in the world, and provide the resources necessary to protect our interests overseas.

We bear a responsibility to the American people to make the case and show the benefits for these investments, as well as the costs of not pursuing them.

I, for one, will do everything I can as ranking minority member on the Foreign Relations Committee to make sure that we do.

Rather than resting on our laurels after winning the cold war, we must be even more resolute, lest we squander an opportunity to bring peace and democracy to even more people across the globe.●

E. DONNALL THOMAS MEDAL OF ACHIEVEMENT

● Mr. GORTON. Mr. President, I rise to pay special tribute to George and Jane Russell, two individuals who have made remarkable contributions within their business and local communities. The Russells will be presented with the E. Donnall Thomas Medal of Achievement Award at a special celebration to be held on June 14 in Seattle.

The E. Donnall Thomas Award is named after Dr. E. Donnall Thomas, Director Emeritus of the Fred Hutchinson Cancer Research Center's Clinical Division and recipient of the 1990 Nobel Prize in Medicine, who pioneered bone marrow transplantation as a form of treatment for cancer. The guidance of Dr. Thomas and the work of his colleagues enables the Fred Hutchinson Cancer Research Center to save thousands of lives each year.

George and Jane Russell truly represent the spirit of the E. Donnall Thomas Medal of Achievement: inspirational leadership in their company and community; a force for positive change; and dedication to service that puts their highest humanitarian principles into action. Together, the Russells have inspired a corporate culture of integrity, earning their company, the Frank Russell Co., the distinction of "Best Large Company to Work for in Washington State" by "Washington CEO" in 1994 and the Better Workplace award from the Association of Washington Business in 1995.

George Russell is a dynamic industry pioneer who has made an indelible mark on the investment world. As the founder of both the pension consulting business and Russell 20-20, a group providing investment opportunities for countries making the transition from command to market economies, George Russell has truly revolutionized the investment world. Jane Russell is credited as the visionary behind the Frank Russell Company's award winning success. As the director of corporate and community relations, Jane promotes a business environment based on mutual trust and respect.

The Russells' community involvement and dedication to humanitarian efforts is unmatched. Jane has been the recipient of the Tacoma/Pierce County's Community Service Award and serves on the boards of the National Center for Nonprofit Boards, Washington, DC, the American Leadership Forum and the campaign cabinet of the Washington State History Museum. George is a founding member of the Executive Council for Greater Tacoma, a group of corporate and community leaders dedicated to the revitalization of Tacoma. Together, they cochair the effort to build the $38.8 million International Museum of Modern Glass on Tacoma's waterfront.

I commend the efforts and the inspiration provided by George and Jane Russell. By awarding the Russells with the E. Donnall Thomas Medal of Achievement, the Hutchinson Center guarantees that their exemplary efforts are not overlooked and reaffirm our commitment to provide the Fred Hutchinson Cancer Research Center the vital support it needs to continue its battle against cancer.●

RELIEF OF CHRISTOPH MEILI

● Mr. ABRAHAM. Mr. President, I rise to explain my reasons for being an original cosponsor of this legislation.

Christoph Meili was until recently a security guard at the Union Bank of Switzerland. At about 6 p.m. on January 8 of this year Mr. Meili was making his nightly rounds, when he stumbled upon a number of crates containing bank documents. Surprised, Mr. Meili examined the documents and found them to be ledgers, letters, and statements of account dating back to the 1930's and 1940's, and pertaining mostly to Jewish clients.

Mr. Meili knew that historical documents relating to the relationship between Swiss banks and Jews during the Holocaust were an issue of international importance. For some time now my colleague from New York, Senator D'AMATO, has been investigating the role of Swiss banks in laundering money for the Nazis during World War II, and in particular the possibility that those banks reaped huge profits from property and gold confiscated from Jewish victims of the Holocaust.

In answer to the firestorm of protest over these allegations, the Swiss Parliament only 3 weeks before had passed, with great fanfare, a law specifically prohibiting the destruction of documents that might assist in the search for assets properly belonging to victims of Hitler's concentration camps. Yet here were exactly the kind of documents the Swiss Parliament presumably wanted to protect.

At this point, Christoph Meili could have looked the other way. Instead he remembered his responsibility as a civilized human being. He spent 20 minutes going through the documents, put what seemed the most important in his jacket, and took them out to his car.

We owe Mr. Meili a debt of immense gratitude for this act of conscience. But not everyone is thankful to him. He has lost his job. He has received death threats. He is uncertain of his own future and the future of his wife and two young children. His future does not look bright in Switzerland.

Yet here in America he is welcomed with open arms everywhere he goes, as he should be. In early May he was flown to New York under the auspices of the World Jewish Congress. He has been warmly received at receptions in both New York and Washington. And Mr. Edgar Bronfman, the chairman of the World Jewish Congress and president of the Seagram Co., has offered him a fulltime job.

Which brings us to this bill. Mr. Meili and his family seek permanent residency in this country. This is an unusual case, in that he requires action on the part of Congress to achieve this status. But this is necessary because Mr. Meili does not meet the necessary criteria for permanent residency under any of the existing categories.

Mr. Meili has done a great service to the Jewish people, to this country and to the civilized world. Without thought for his own future or well-being he did what his conscience demanded, and saved valuable evidence concerning the relationship between Swiss banks and the victims of Hitler's death camps.

It seems equally clear to me that Mr. Meili has two possible futures ahead of him. In the first, we abandon him. The United States turns its back on this man of conscience and sends him back to Switzerland. There he faces unemployment, a dark blotch on his record for informing on his employer, and possibly worse. While the vast majority of the Swiss people are decent and law-abiding, some of them already have made threats against him. He would be literally a man without a country.

Alternatively, we could welcome Mr. Meili into our Nation, as so many of our people already have welcomed him into their hearts. We have the choice. We could open our doors to this man of conscience, giving him the chance to make for himself and his family a brighter future in a land that treasures the kind of bravery he has displayed.

His circumstances do not fit any of our set categories for immigration. But I am convinced that they present us with the opportunity to demonstrate our ability and willingness to recognize when noble acts render the particulars of bureaucratic regulation less important than the will to do what is right.

Mr. Meili is the kind of man I want for a neighbor. His is a family I feel would benefit any community. Our country can only be made better by his permanent residence here.●

GOOD SAMARITAN EXEMPTION

● Ms. SNOWE. Mr. President, I am pleased to report that we have made progress in our efforts to protect Atlantic large whales. As you may recall, on May 8th of this year, several of my colleagues joined with me in introducing the "Good Samaritan Exemption" to the Marine Mammal Protection Act. The Good Samaritan Exemption provides that the disentanglement of a marine mammal from fishing gear does not violate the "take" provisions of the MMPA. We were able to have the exemption accepted as an amendment to S. 672, and, due to the broad support for this noncontroversial amendment, I am hopeful that it will be included in the conference report.

However, during the drafting of the amendment a concern emerged that this exemption alone would not provide full protection for citizens involved in whale disentanglement efforts. On May 20th, I was notified by the administration that the necessary steps will be taken to ensure that fishermen and others who act as Good Samaritans will not be subject to prosecution under the nation's environmental statutes. I would ask to have printed in the

Record a letter from Dr. D. James Baker, Under Secretary for Oceans and Atmospheres, which addresses this issue.

I am pleased that the administration was able to provide this assurance so that fishermen acting as Good Samaritans will not be treated unfairly by our laws. With this commitment from the administration, whale disentanglement efforts will be able to expand, improving the welfare and survival of these marine mammal populations.

The letter follows:

U.S. Department of Commerce,
The Under Secretary for Oceans and Atmosphere,
Washington, DC, May 20, 1997.

Hon. Olympia J. Snowe,
U.S. Senate,
Washington, DC.

Dear Senator Snowe: I am aware of the recent proposals to amend the Marine Mammal Protection Act (MMPA) with a so-called "Good Samaritan" exemption, to allow the taking of a marine mammal if the taking is necessary to avoid injury or death to an animal entangled in fishing gear or debris.

I am also aware that such a taking could be a violation of the Endangered Species Act (ESA), if the animal is listed as endangered or threatened under that statute. The National Oceanic and Atmospheric Administration (NOAA) believes that Section 10(a)(1)(A) of the Endangered Species Act authorizes the Secretary to permit the taking of an endangered marine mammal in accordance with the conditions contained in the Snowe-Kerry "Good Samaritan" amendment. I am writing to you to express the commitment of NOAA to take the most appropriate administrative action under Section 10(a)(1)(A) of the ESA, to allow a "Good Samaritan" taking of an entangled marine mammal in the circumstances specified in the proposed MMPA amendment, specifically with regard to large whales.

Thank you for your efforts to rationalize interactions between the fishing industry and marine mammals.

Sincerely,

D. James Baker.●

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent I be recognized to present the normal wrapup. Following that time, I have 5 minutes, then Senator Conrad will present his speech, and following his speech, the Senate will stand in adjournment pursuant to the requests outlined.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY ASSIGNMENTS TO COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Senate Resolution 89 submitted earlier by Senator Lott which would make majority party committee appointments, and further the resolution be adopted and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 89) was agreed to.

The resolution is as follows:

Resolved, That notwithstanding the restrictions contained in Rule 25, the following shall be the majority party's membership on the Governmental Affairs Committee for the 105th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Thompson (Chair), Ms. Collins, Mr. Brownback, Mr. Domenici, Mr. Cochran, Mr. Nickles, Mr. Specter, Mr. Smith (N.H.) and Mr. Bennett.

MEASURE REFERRED TO COMMITTEE

Mr. STEVENS. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of S. 156 and the bill be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 1306

Mr. STEVENS. Mr. President, I understand that H.R. 1306 has arrived from the House and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

Mr. STEVENS. I now ask that the bill be given its second reading, and I object on behalf of a Member on the other side of the aisle.

The PRESIDING OFFICER. There is an objection. This bill will be read for the second time on the next legislative day.

VOLUNTEER PROTECTION ACT OF 1997

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 543) a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 543) entitled "An Act to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers", do pass with the following amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) Purpose.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) Preemption.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) Election of State Regarding Nonapplicability.—This Act shall not apply to any

civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) Liability Protection for Volunteers.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) Concerning Responsibility of Volunteers to Organizations and Entities.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) No Effect on Liability of Organization or Entity.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) Exceptions to Volunteer Liability Protection.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) Limitation on Punitive Damages Based on the Actions of Volunteers.—

(1) General rule.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) Construction.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) Exceptions to Limitations on Liability.—

(1) In general.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) Rule of construction.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) General Rule.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) Amount of Liability.—

(1) In general.—Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) Percentage of responsibility.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) Economic loss.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) Harm.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) Noneconomic losses.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) Nonprofit organization.—The term "nonprofit organization" means—

(A) any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note); or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(5) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) Volunteer.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) In General.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) Application.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act but only if the harm that is the subject of the claim or the conduct that caused such harm occurred after such effective date.

Mr. LEAHY. Mr. President, I commend the House Judiciary Committee and the House of Representatives for their consideration and passage of H.R. 911, the Volunteer Protection Act of 1997.

At the beginning of this month, the senior Senator from Georgia and I worked out a compromise version of the Volunteer Protection Act, S. 543. Our bipartisan legislation extended reasonable liability protection to individual volunteers for honest mistakes with no effect on liability of nonprofit organizations and governmental entities. The Coverdell-Leahy substitute offered liability protection for individuals who are volunteering to help others and acting in good faith and passed the Senate by a 99–1 vote.

I am pleased that the House Judiciary Committee adopted the Coverdell-Leahy substitute version of the Volunteer Protection Act at its mark-up of H.R. 911. During its consideration of

H.R. 911, the House Judiciary Committee adopted two amendments that improve our legislation.

First, the House Judiciary Committee adopted an amendment by Representative SCOTT that applies the act's protection to conduct after the act's effective date. Prospective application makes sense since the act's passage will give notice to all parties of their new legal rights.

Second, House Judiciary Committee adopted an amendment by Representative JACKSON-LEE that exempts members of hate groups from the liability protections in the bill. Although I am not completely comfortable with the language of this amendment, its purpose is clear—to make sure that this legislation provides no protection whatsoever to anyone who is involved in a hate crime. I know that every one of my colleagues opposes hate groups and would not support liability protection for them and this amendment makes that explicitly clear.

I recommend that my colleagues review the House Judiciary Committee report on H.R. 911, House Report 105–101, for a section-by-section analysis and summary of the bill.

Although I support the Volunteer Protection Act, I realize that it is not perfect. I am troubled by its possible preemption of existing state law. While the bill's preemption provision has been significantly narrowed from the original version of S. 543, this legislation still preempts state laws that do not provide more protection for volunteers. If preemption occurs, State legislatures may pass legislation to opt out of the bill's coverage.

Rather than preempting some State laws, I would prefer that Congress offer Federal incentives to States to enact model language for limiting volunteer liability. Many States have already acted on this issue with at least 44 States having passed some protection for volunteers. If we can achieve the shared objective of protecting individual volunteers without preempting State tort law, I think we should be pursuing that route. That approach, however, was not acceptable to the majority.

I am also troubled by the manner that the Senate considered the Volunteer Protection Act. S. 543 was brought to the Senate floor without notice, without hearings and without a committee report. Although Senator COVERDELL and I were able to work together to fashion a bipartisan bill, I believe that process would have been much easier had we gone through the normal process of considering the Volunteer Protection Act through the Senate Judiciary Committee.

Mr. President, I share a profound sense of gratitude and appreciation for the thousands of Vermonters and millions of volunteers nationwide whose selfless acts make the world a better place for us all. The people who spend their weekends preparing dinners for the homeless and poor, the parents who organize a carwash to raise money for the local PTA, the neighbors who donate to those displaced by flood, fire and other disasters—these generous acts of voluntarism and countless others are an essential element of the American social fabric.

The Presidents' Summit on America's Future last month in Philadelphia was a tribute to the spirit of American voluntarism and a magnifying glass that will help spark intensified efforts by all Americans to be better citizens and better neighbors; citizens who will be more willing to give of ourselves to make life better in our communities and nation. The events in Philadelphia were nonpartisan and inclusive of the interests of all. I am pleased that we in the Senate and House of Representatives were able to work in that spirit to craft bipartisan legislation that promotes the worthy goals of voluntarism in America.

I believe we are building on the success of the Presidents' Summit on America's Future by working together to pass a good bill that provides volunteers involved in the delivery of needed services with reasonable liability protection. I urge my colleagues to support S. 543, the Volunteer Protection Act.

Mr. COVERDELL. Mr. President, we have today taken an important step to encourage more people to step forward and serve their communities as volunteers by removing the fear of unwarranted lawsuits against volunteers. Our adoption of S. 543, the Volunteer Protection Act of 1997, will grant immunity from personal civil liability, under certain circumstances, to volunteers working for nonprofit organizations and governmental entities.

This legislation has enjoyed overwhelming bipartisan support in both bodies. I want to thank all of those members who supported this bill to help our volunteers all across America. In particular, I would like to recognize the leadership of Senator MCCONNELL, who has been a strong advocate of reform in this area, and the other cosponsors of the bill: Senator ABRAHAM, Senator ASHCROFT, Senator ENZI, Senator GRAMM, Senator GREGG, Senator HUTCHINSON of Arkansas, Senator KYL, Senator SANTORUM, and Senator SESSIONS. All of them were extremely helpful during the original Senate debate and in many other ways as we moved this legislation forward.

I thank also Senator LEAHY for his cooperation and leadership in striking a compromise that both sides of the aisle, and indeed both Chambers, could support.

From the other body, I thank Congressman JOHN PORTER of Illinois, who has been promoting the issue of volunteer protection since 1986 and truly laid the foundation for today's success. HENRY HYDE, Chairman of the House Judiciary Committee, was instrumental in holding hearings on volunteer protection legislation. I should also thank Congressman BOB INGLIS for his leadership on this issue. And Speaker GINGRICH lent his strong support to our effort. We worked in close coordination with our colleagues in the other body and I appreciate their cooperation and hard work to make this victory possible for volunteers.

We now send the Volunteer Protection Act to the White House with the expectation that the President will enthusiastically sign it. This legislation bears directly on the mission of the Philadelphia Summit held last month at which President Clinton, and former Presidents Bush, Carter, and Ford joined with Gen. Colin Powell and other leaders to ask Americans to make a commitment to volunteerism.

Congress has now said to would-be volunteers that you don't have to be afraid of being named in a frivolous lawsuit based on your volunteer service. If you make a simple, honest mistake, we are not going to put all your assets on the block in a lawsuit lottery. Don't be afraid to step forward, get involved, and take an active part in the affairs of your community.

We hope the President will join with the overwhelming majorities in both houses of Congress and sign the Volunteer Protection Act into law.

Mr. ABRAHAM. Mr. President, I am very pleased that the House passed volunteer protection legislation this week and that the Senate is now voting on final passage of the Volunteer Protection Act. I look forward to our sending this important legislation to the President for his signature.

Thanks to the tireless efforts of my distinguished colleagues, particularly Senators COVERDELL and MCCONNELL, but also Senators SANTORUM, ASHCROFT and others, including Representatives PORTER and INGLIS in the House, we were able to pass this legislation, which will grant meaningful relief from unwarranted litigation to volunteers.

I have heard from my constituents in Michigan and others time and again about baseless lawsuits that have plagued volunteers and about how some have declined to volunteer or have limited their voluntary activities out of concern for being sued. Volunteers with the Boy Scouts, Little League, the Red Cross, and many other fine organizations have been subject to frivolous and baseless litigation. They have had to spend considerable time and money defending lawsuits. That time and money could be going to charitable activities, instead of going to increased legal fees and liability insurance costs.

We heard many examples of frivolous lawsuits and their costs during floor debate on this legislation, and I am pleased that Congress is taking action to address these significant problems that have hindered charitable activities. While many other sectors of our society and our economy continue to face equally harmful lawsuit abuses and while we need broader litigation reforms to address those abuses, this legislation represents a significant step forward in reintroducing some measure of fairness and justice in our civil justice system. In the coming weeks, I plan to introduce a bill that would provide relief from abusive lawsuits to small businesses, and I also plan to join Senator McCONNELL in introducing a broad civil justice reform bill similar to the bill on which he and I collaborated last Congress. Those efforts are no less needed, but voluntary activity does provide some very special benefits that justify kicking off legal reform efforts this Congress by focussing on volunteers.

Charitable activity in particular provides a unique link between us as members of the same community. Through volunteer work and efforts, each of us think of our neighbors, and even strangers, as our brothers and sisters, deserving of our care and help. All too often, abusive litigation has broken down that community spirit and made us look at each other as potential plaintiffs and defendants, rather than as neighbors and friends.

The Volunteer Protection Act will help rebuild that spirit by reducing litigation excesses. The bill provides relief from punitive damages for volunteers by providing that punitive damages may only be awarded against a volunteer in cases in which the claimant proves by clear and convincing evidence that the harm was caused by the defendant through criminal or willful misconduct or through a conscious, flagrant indifference to the rights and safety of the claimant.

The act also reintroduces some fairness into the system by reforming joint and several liability rules so that, where a volunteer is a defendant in an action, the volunteer will be liable for noneconomic damages only in proportion to the volunteer's responsibility for causing the harm. That is only fair. In addition, where a volunteer is not acting with gross negligence, recklessness, or in a more egregious fashion, that volunteer will not be liable for harm caused in the scope of the voluntary activity.

This legislation also includes a State opt-out provision, under which a State may opt out of the bill's provisions for cases in State court in which all parties are citizens of the State. No State is expected to elect out of the coverage of this bill's worthy provisions, but it was important to include such a provision out of respect for principles of federalism.

These reforms can help create a system in which plaintiffs sue only when they have good reason—and only those who are responsible for their damages—and in which only those who are responsible must pay. Such reforms will create an atmosphere in which our fear of one another will be lessened, and our ability to join associations in which we learn to care for one another will be significantly greater.

I thank my colleagues on both sides of the aisle for supporting this legislation, I look forward to continuing to work to achieve broader legal reforms, and I hope that the President will demonstrate his support for voluntarism by signing the Volunteer Protection Act into law.

Mr. McCONNELL. Mr. President, I am proud tonight to see that we are one small step away from providing protections for one of our most cherished resources—that is, the men and women who serve as volunteers throughout our communities. The Senate is prepared to pass this bill tonight, and we anxiously await the President's signature.

This country's long line of volunteerism is built upon the principle of loving your neighbor as yourself—of being a "Good Samaritan" and stopping along side the road to lend a helping hand. People from my home state of Kentucky understand and live this simple, yet powerful principle.

Unfortunately, this volunteer spirit has become another victim to our national epidemic of litigation. William Cople, former pro bono General Counsel for the National Capital Area Council of the Boy Scouts of America has written that, "volunteer service is under assault from an unlikely quarter—the civil justice system. Like so many others, volunteers and their service organizations have been swept into the courts to face potential liability in civil suits."

Moreover, even the Little League faces major league liabilities. As Dr. Creighton Hale, former CEO of Little League Baseball, has noted, the Little League has become the "Litigation League." For example, one woman won a cash settlement when she was struck by a ball that a player failed to catch. Incidentally, the player was her daughter.

The chilling effect of even one settlement or judgment is astounding. Again, I quote the Boy Scouts' former General Counsel who has explained: "a legal judgment entered in a single case can have a multitude of consequences extending far beyond that case itself. This surely is a reason for concern in the case of volunteers to service organizations."

It is precisely this type of reasoning and this type of horror stories-come-to-life that prompted me to introduce legislation to protect volunteers. I have introduced such legislation in 1990, 1993, and 1995. In this Congress, I have been proud to work with Senator COVERDELL to bring this bill to final passage, and I greatly appreciate his leadership.

Specifically, our bill protects volunteers: First, who act within the scope of their responsibilities, second, who are properly licensed or certified, where necessary, and third, who do not act in a willful, criminal or grossly negligent fashion.

The organizations whose volunteers will receive protection are both broad and worthy. Our bill not only covers 501(c)(3) organizations, but it also covers volunteers of the organizations which do good work, but do not have a tax exemption under 501(c)(3). For example, our bill covers volunteers of local charities, volunteer fire departments, little leagues, veterans groups, trade associations, chambers of commerce, and other nonprofit entities that exist for charitable, religious, educational, and civic purposes.

Finally, this bill is significant because it provides a national solution for a national problem. Bob Goodwin, president and CEO of The Points of Light Foundation, testified recently that a national solution is necessary because "there is no consistency among our states with regard to volunteer liability statutes." Moreover, Mr. Goodwin explained that "the lack of consistency has led to confusion in the volunteer community." The Volunteer Protection Act responds to this need and provides a uniform minimum standard to protect our volunteers.

In closing, let me say a deep word of thanks to all the volunteers and leaders who have helped me push for this legislation over the past 7 years. In particular, I want to offer a special and heartfelt thank you to my wife, Elaine Chao, who has kept me focused on this issue, and been such a steady and constant voice for the men and women who serve in our communities.

I also thank the President for his efforts in joining with Gen. Colin Powell and with President Bush to promote volunteerism throughout our country. I encourage President Clinton to sign this legislation and provide much-needed protection for our volunteers.

Mr. STEVENS. I ask unanimous consent the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING AWARDING A CONGRESSIONAL GOLD MEDAL TO MOTHER TERESA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 1650 which has been received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1650) to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise in order to urge the Senate to pass and send to the President, H.R. 1650, a bill to award Mother Teresa a Congressional Gold Medal.

I would like to take this opportunity to commend our colleague, the honorable Senator from Kansas, SAM BROWNBACK, for his tireless efforts to pass this legislation. Senator BROWNBACK first introduced a Senate version of this legislation, S. 689, earlier this month with overwhelming bipartisan support and cosponsorship.

That this legislation has moved quickly and easily through both Houses of Congress is a testament not only to Mother Teresa's humanitarian and charitable activities over a lifetime, but also to Senator BROWNBACK's hard work and commitment to honoring this outstanding human being.

The Congressional Gold Medal is the highest honor Congress can bestow on someone for acts and dedication to a cause that exceeds even the highest standards. This bill honors Mother Teresa for her lifelong devotion to the sick and the needy in the most impoverished areas of the world. It also recognizes her work to build and sustain the Missionaries of Charities in 25 countries. Under her direction and following her example of selflessness, over 3,000 members of the Missionaries of Charities stand ready to continue her work.

Mr. President, Mother Teresa has already been awarded the Nobel Peace Prize and the Presidential Medal of Freedom. It is time for Congress itself to honor Mother Teresa and I commend Senator BROWNBACK for initiating this legislation. I offer my personal thanks and congratulations to my colleague.

Mr. STEVENS. I ask unanimous consent the bill be considered read for a third time and passed, the motion to reconsider be laid on the table and any statements related to this bill be placed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1650) was read a third time and passed.

AUTHORIZING THE 1997 SPECIAL OLYMPICS TORCH RELAY

Mr. STEVENS. I ask unanimous consent the Senate proceed to consideration of House Concurrent Resolution 67 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 67) authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table and any statements related to the resolution appear at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 67) was agreed to.

NEW MEXICO STATEHOOD AND ENABLING ACT AMENDMENTS OF 1997

Mr. STEVENS. I ask unanimous consent the Senate turn to immediate consideration of Calendar 53, Senate bill 430.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 430) to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I ask unanimous consent the bill be read for the third time and passed, the motion to reconsider be laid on the table, and any statements be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 430) was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT TRUST FUNDS OF THE STATE OF NEW MEXICO.

(a) SHORT TITLE.—This Act may be cited as the "New Mexico Statehood and Enabling Act Amendments of 1997".

(b) INVESTMENT OF AND DISTRIBUTIONS FROM PERMANENT TRUST FUNDS.—The Act of June 20, 1910 (36 Stat. 557, chapter 310), is amended—

(1) in the proviso in the second paragraph of section 7, by striking "the income therefrom only to be used" and inserting "distributions from which shall be made in accordance with the first paragraph of section 10 and shall be used";

(2) in section 9, by striking "the interest of which only shall be expended" and inserting "distributions from which shall be made in accordance with the first paragraph of section 10 and shall be expended"; and

(3) in the first paragraph of section 10, by adding at the end the following: "The trust funds, including all interest, dividends, other income, and appreciation in the market value of assets of the funds shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 12, Section 7 of the Constitution of the State of New Mexico.".

(c) CONSENT OF CONGRESS.—Congress consents to the amendments to the Constitution of the State of New Mexico proposed by Senate Joint Resolution 2 of the 42nd Legislature of the State of New Mexico, Second Session, 1996, entitled " A Joint Resolution proposing amendments to Article 8, Section 10 and Article 12, Sections 2, 4 and 7 of the Constitution of New Mexico to protect the State's permanent funds against inflation by limiting distributions to a percentage of each fund's market value and by modifying certain investment restrictions to allow optimal diversification of investments", approved by the voters of the State of New Mexico on November 5, 1996.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: Calendar Nos. 76, 78 through 81, and 112.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid on the table, and that any statements relating to the nominations appear in the RECORD at this point, that the President be immediately notified of Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. George T. Babbitt, Jr., 3032

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

to be lieutenant general

Maj. Gen. Tad J. Oelstrom, 3287

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Richard B. Myers, 7092

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Ralph E. Eberhart, 7375

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John B. Hall, Jr., 5835

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force of the U.S.

to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Gary A. Ambrose, 0398
Col. Frank J. Anderson, Jr., 9288
Col. Thomas L. Baptiste, 1125
Col. Barry W. Barksdale, 4599
Col. Leroy Barnidge, Jr., 7882
Col. Randall K. Bigum, 5457
Col. Richard B. Bundy, 7270
Col. Sharla J. Cook, 0473
Col. Tommy F. Crawford, 8769
Col. Charles E. Croom, Jr., 6468
Col. Richard W. Davis, 4196
Col. Robert R. Dierker, 7380
Col. Jerry M. Drennen, 2664
Col. Carol C. Elliot, 7798
Col. Paul W. Essex, 5243
Col. Michael N. Farage, 3352
Col. Randall C. Gelwix, 4009
Col. James A. Hawkins, 6268
Col. Gary W. Heckman, 6559
Col. Hiram L. Jones, 6366
Col. Joseph E. Kelley, 2386
Col. Christopher A. Kelly, 6369
Col. Jeffrey B. Kohler, 6994
Col. Edward L. LaFountaine, 5918
Col. William J. Lake, 1783
Col. Dan L. Locker, 0497
Col. Teddie M. McFarland, 0563
Col. Michael C. McMahan, 7967
Col. Duncan J. McNabb, 2295
Col. Richard A. Mentemeyer, 6097
Col. James W. Morehouse, 747
Col. Paul D. Nielsen, 2184
Col. Thomas A. Oriordan, 0904
Col. Bentley B. Rayburn, 1485
Col. Regner C. Rider, 7161
Col. Gary L. Salisbury, 4579
Col. Klaus O. Schafer, 3320
Col. Charles N. Simpson, 2150
Col. Andrew W. Smoak, 5760
Col. John M. Speigel, 5018
Col. Randall F. Starbuck, 7495
Col. Scott P. Van Cleef, 7075
Col. Glenn C. Waltman, 8155
Col. Craig P. Weston, 3970
Col. Michael P. Wiedemer, 1040
Col. Michael W. Wooley, 9379
Col. Bruce A. Wright, 5759

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order the Senate will return to legislative session.

ORDERS FOR THURSDAY, MAY 22, 1997

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, May 22. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then immediately resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, at 9:30 a.m. tomorrow morning the Senate will resume consideration of the budget resolution with Senator MOSELEY-BRAUN being recognized to conclude debate on her amendment. There is one hour total for debate. Therefore, a rollcall is expected at approximately 10:30, or somewhere between 10:30 and 11 a.m., on Thursday in relation to the Moseley-Braun amendment.

In addition, a number of amendments still remain to the budget resolution. Therefore, Senators should expect votes throughout the day and into the night in order to complete action on the budget resolution.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I ask unanimous consent that I be allowed to file an amendment at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 356

(Purpose: To express the Sense of the Senate on Social Security and retirement saving)

Mr. ROBB. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 356.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY AND RETIREMENT SAVING.

(a) FINDINGS.—The Senate finds that—

(1) Payroll taxes provide the basic funding source for Social Security, the most popular and successful government program in reducing the rate of poverty among the elderly;

(2) For a majority of Americans, the payroll tax burden imposed for Social Security is now greater than the income tax burden, making it difficult for many families to invest for their own retirement;

(3) Payroll taxes collected for Social Security currently exceed the amount necessary to fund Social Security benefits;

(4) Excess Social Security revenues finance current consumption rater than being saved and invested for the benefit of today's employees, denying them an opportunity to share in the benefits of the increasing value of capital in a global economy;

(5) Increased personal savings is necessary to provide secure retirements and enhance future productivity and economic growth;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this Resolution assume that—

(1) The Senate will consider using the amounts currently reserved for tax cuts for the individuals to use a portion of their Social Security payroll tax contribution for personal retirement accounts.

Mr. STEVENS. Mr. President, was this cleared with the Budget Committee to make it eligible this evening? It is being filed, but it qualifies now under the budget resolution. I have no objection if that is the case.

Mr. ROBB. Yes, Mr. President, that is the case.

I yield the floor.

TRIBUTE TO BARBARA ANDREWS-MEE

Mr. STEVENS. Mr. President, we are fortunate when our working associates are knowledgeable, efficient, responsible and willing to go the extra mile.

But none of those attributes mean much over the long haul until you add loyalty to the mix.

For half of my life—and two-thirds of hers—Barbara Andrews-Mee has been my boss—as a lawyer, a member of our state legislature and as a U.S. Senator.

Her talents are many. But, when I've been asked, "What is Barb's best characteristic?" I say, "loyalty."

That means more to me than any of the help she's given me and the people of Alaska over more than three decades: work above and beyond the call of duty.

Through our 36 years of working together, Barb has solved problems for countless Alaskans.

She's been to hundreds—maybe even thousands—of meetings of civic and community groups to keep her finger on the pulse, to help keep me informed.

A tireless supporter of our military men and women, she has attended ceremonies on bases and posts, on submarines and on her own ship, the U.S.S. *Zephyr*, a PC8 coastal patrol craft, which she christened.

Barb has watched parades and air shows and presentations of colors and speeches of all types, and worked to ensure that military people who serve in Alaska are treated with respect as our neighbors and constituents.

Barb, can on request, put a file in my hand that is sometimes decades old. She can always locate them.

She's been the institutional memory for the young Alaskans who come to work with us, fresh out of school.

And, after they've served on the Senate payroll and move on, they come back to see Barb.

My grandmother always told me, "Just remember, dynamite comes in small packages."

That's Barb.

She knows when to use her Norwegian stubbornness or her Alaskan toughness to get a job done.

She also knows how to set me straight, and has done it many times.

Many a morning Barb has risen long before dawn, or many a dark night, well after others in Anchorage have gone to bed, she has traveled to Elmendorf Air Force Base to greet, in my name, dignitaries whose planes are making a brief stopover.

She gives our visitors an Alaskan gift package—some smoked salmon, crackers, and candy. And every time afterward, the visitors say, "Remember me to Barb."

She's met my planes every hour of the day and night when I come home.

And she's made sure I made my flights back to Washington, DC, no matter how tight the time frame, possibly testing the speed limits along the way, but always getting me there.

One year I came home 36 times. She met me every time but one. When I got there that night, having left the Senate at 4 p.m., battled traffic and got the 5:30 plane and arrived in Anchorage about 11:30 p.m., there was no one there.

I waited, then called Barb. "What's up?" I said to my sleepy friend. "What's my schedule?"

"You aren't here, chief," Barb said. "I won't tell anyone you're here if you won't tell anyone I'm not there!"

I went fishing and then went back to DC.

We've shared much more than a working relationship through the years, Mr. President. Barb's friendship has meant much to me and my family.

In our worst days, when I lost my wife Ann who was Barb's good friend, Barb did everything possible to ease our pain, despite her own sense of loss.

Barb's quick with the quip, and usually has a great joke to share when it looks like our spirits are low.

Along with her job, and her sons, her daughter-in-law, and grandchildren, and her husband, Vince, Barb has another special love.

It's golf.

The snow has hardly disappeared from our Alaska golf courses before Barb is on the links.

With Vince, she packs up her clubs and heads for sunny climes whenever there's an opportunity.

Like everything else she's worked on, Barb continues to perfect her golf game.

We may not see her on the L.P.G.A. circuit, but she's going to give those other lady golfers a run for their money.

Mr. President, it's impossible to sum up 36 years of association in one small tribute.

Mike Doogan, a columnist for the Anchorage Daily News, in a farewell column about Barb's years with us, quoted her as saying, "It's been a great ride."

You bet it has.

But more than all of her other great attributes, Barb's loyalty has sustained me, comforted me, inspired me, and helped me to overcome tough situations.

She may not be coming into my Anchorage office every day, anymore. She may be soaking up sunshine at her Arizona getaway, or on a Hawaiian Island or a Florida Key.

But no matter where Barb is, she knows she can count on me to be her friend for all time.

There is no way to thank Barb, Mr. President. The words "Thank you" are too small to convey the depth and breadth and length of the gratitude I have for all of the wonderful years Barb Andrews-Mee has shared with me, with my family, and with Alaskans.

We'll miss our day-to-day contact, but we'll always know we have a loyal friend.

Thank you, Mr. President.

I ask to have printed in the RECORD Mike Doogan's Anchorage Daily News column of Sunday, May 18.

The column follows:

[From the Anchorage Daily News, May 18, 1997]

ANDREWS-MEE LEAVES'EM LAUGHING, AND GRATEFUL AFTER 35 YEARS

(By Mike Doogan)

You have to say this for Barbara Andrews—Mee: She's no quitter. She's worked for the same fellow for 35 years.

"I have been with Ted Stevens longer than I have been with three husbands," she said last week with a characteristic laugh. "It's been a great ride."

The ride end this month, when Andrews-Mee retires as manager of U.S. Sen. Ted Stevens' Anchorage office.

Resplendent in a red plaid blazer, Andrews-Mee sat in Stevens' big office in the federal building and talked about her time with Alaska's senator-for-life. Her own office, next door, was stacked with files she's trying to clean out. Her desk, which once belonged to Stevens' predecessor, Bob Bartlett, was a jumble of notes and letters. Propped atop a filing cabinet was a big, black-and-white photo of a younger Stevens, looking like his dog had just died, with a hand-lettered caption that read: Whoever said it would be easy?

Maybe it hasn't all been easy, but for Andrews-Mee it seems to have been fun. The woman is a pistol. Here's just a sample:

On her height (she's 5 feet tall): "I tell people used to be 6-foot-2, and then I went to work for Stevens."

On her age (she's 59): "Jeez, that's hell, when you to have to admit your kid's going to turn 40."

On why she never ran for office herself: "Oh, no, my skin is too think. Like the fellow who goes to a football game and when they go into a huddle, he thinks they're talking about him?"

On the fancy new computer she has at home: "We've got the whole thing. Don't get off at Chicago if you're going to New York."

On her plans for retirement: "My god, I am my mother. You know how you just become your parents? My mother was a holy terror 89 when she died and still dying her hair red. I'm not going to sit home and watch soaps."

Instead, she said, she's going to play golf—she's still trying to break 100—serve on the Defense Advisory Commission on Women in the Services, and do volunteer work.

"It's payback time," she said, "my country and my state and my community."

Andrews-Mee went to work for Stevens when he was just another lawyer with political ambitions. He was first elected to the state Legislature in 1962, before there was the oil money to pay legislative staff.

"In those days, Ted would find somebody going to Anchorage and give them three, four Dictaphone belts, and I'd type them up and send them back," she said. "And that's how we did legislative mail."

Stevens' political success since then owes a lot to Andrews-Mee. His office has a longstanding reputation for solving constituents' problems, whether or not the constituent is a Stevens supporter.

"When somebody tells me, 'I voted for Ted,' I say, "That great, but we represent everybody," she said.

That attitude is a big part of the reason so many Democrats enter the voting booth every six years and quietly cast a ballot for the Republican. One way or another, Andrews-Mee has made her boss a lot of friends.

So it seems appropriate, out of respect for the job she's done, to let Andrews-Mee say she's been happy to do that for Stevens, to let her sneak in one last plug for her boss.

"He's done a great job." she said. "Why else would I stay with somebody for 35 years."

ORDER FOR ADJOURNMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in adjournment following the remarks of the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

CONCURRENT RESOLUTION ON THE BUDGET

Mr. CONRAD. I thank the Chair. I especially thank the Chair for his courtesy of remaining behind to listen as I present my remarks on the budget agreement. I apologize to him because I have been seeking to do this as we have gone through the afternoon and evening. But other business intervened, and it was in the best interest of the body that we allow those amendments to be taken up and considered. But I do appreciate the Chair's indulgence.

Mr. President, as a Member of the Finance and Budget Committees, I rise to support the budget agreement. I believe it is a modest step—I want to emphasize "modest"—step in the right direction. Before I discuss its provisions I would like to remind my colleagues of why we are in a position to consider such a budget agreement. We are here because Democrats made very tough choices in 1993. In 1993, we were in the majority and we had the burden of coming up with a budget resolution. We made a series of decisions, including the need to move toward a balanced budget and to do it as quickly as possible. And as a result of that agreement, the deficit has been reduced and reduced dramatically. I remind my colleagues that in 1992 the deficit was $290 billion. This year CBO is now telling us the deficit will be $67 billion, a 77 percent reduction.

If we look at the deficit in a different way, as a percentage of the size of our economy, we can see that the deficit has also declined even more dramatically. In this case, we look at the deficit in terms of a percentage of our gross domestic product, or the size of our national economy, and we can see that we have gone from a deficit of just under 5 percent to a deficit of just under 1 percent.

These reductions in the deficit took pressure off interest rates and kicked off four years of strong economic growth. The results are that the United States economy has created 12 million new jobs since that 1993 budget deal. We are the biggest job generator in the industrialized world.

But the good news doesn't end there. Not only have we seen tremendous job generation in the United States and strong economic growth, but we have also seen remarkable results in terms of inflation. As you can see, inflation is now at its lowest level in 31 years. Inflation is now dramatically reduced in this country—we have an inflation rate of under three percent. Unemployment has similarly seen a dramatic decline. Unemployment is at its lowest level in 24 years. This chart shows what has happened to the unemployment rate. It indicates that we have got the lowest level since 1973; again dramatic economic results in part because of that 1993 budget agreement. That 1993 budget agreement cut spending, and also raised income taxes on the wealthiest one percent in this country.

Our friends on the other side of the aisle said if we passed that agreement it would increase unemployment, it would increase the deficit, and it would crater the economy. They were wrong. That economic plan has worked and worked remarkably well. Not only have we seen terrific results in terms of unemployment and inflation, look at what has happened to real business fixed investment. Real business fixed investment has been growing at an annual rate of 9 percent for the last four years.

You can see that since the 1993 agreement real business fixed investment has taken off. Not only do we see good results there—let's look at the misery index—we used to talk a lot about the misery index. That is the combined rate of unemployment and inflation. The misery index is now at its lowest level since 1968. That is the lowest level in almost 30 years.

Mr. President, incomes are going up, and poverty is going down.

This chart speaks to some of the really remarkable economic results that we have gotten ever since the 1993 budget agreement. At that time we put in place a new economic plan. Since that time we have seen median household income up the largest increase in a decade. We have seen the largest decline in income inequality in 27 years. We see nearly 2 million fewer people in poverty, the largest drop in the poverty rate in this country in 27 years. The poverty rate for the elderly is at 10.5 percent, its lowest level ever, and we've seen the biggest drop in child poverty in 20 years. Those are remarkable economic results by any standard.

Mr. President, I wanted to put in some context what the 1993 budget agreement meant in terms of deficit reduction compared to the agreement that we are working on now. I think it tells quite a story.

This chart shows the 1997 budget agreement was possible only with the 1993 deficit savings. The purple area shows the savings from the 1993 deficit reduction package and the economic growth that it made possible. The 1993 budget agreement reduced the deficit from 1994 to 2002 by $2 trillion. The savings in the 1997 package during that period will be $200 billion, or one-tenth as much.

Mr. President, the only reason we are able to have an agreement like the one that is before us is because of what was done in 1993.

But when I look at the 1997 agreement I largely see a missed opportunity. Eighty percent of the American people in the polls say they don't believe this new agreement is going to balance the budget. I regret to say that 80 percent of the American people are right. This agreement does not balance the budget.

Unfortunately, as this chart shows, if you go out to the year 2002, what you find is not a zero deficit but a $109 billion deficit. The reason for that difference is, of course, that the only way they are able to claim balance as a result of this agreement is that they are counting all of the Social Security trust fund surpluses.

That is not a balanced budget. That is not a balanced budget by our own rules. If you look in the concurrent resolution, the document that is before us, and you turn to the page that reports what the deficit will be in the year 2002, what you find is not a zero. What you find on page 4—I direct my colleagues to this page. I think it might be a revelation to those who are saying that this is a balanced budget agreement. If this is a balanced budget agreement, why does it say on page 4 that the deficit in fiscal year 2002 is $108.7 billion? Why does it say that? Why does it say there is a deficit if the budget is balanced? Of course, the answer is the budget is not balanced.

It is remarkable to me that our colleagues report to the American people that this is a balanced budget agreement and the press reports it when the document that we are considering here, the budget resolution, shows clearly the budget is not balanced in 2002. There is almost a $109 billion deficit.

The other thing that troubles me is, if you look at the budget line, as I indicated, the deficit was $290 billion, and the unified deficit in 1992 has come down to $67 billion this year, but for the next three years the deficit is going to be higher than it is this year.

Here we are in the midst of great economic times and under this budget agreement the deficit is going up. How do we justify that? It makes no sense. In good economic times, we ought to be steadily reducing the deficit. We shouldn't let the deficit go up. But that is what this budget agreement does.

And then, of course, on a unified basis they say it is balanced. Unified means they are counting all of the trust funds. Of course, that is the problem. We should not count the Social Security trust funds. No company would be able to do that. No company would be able to take the retirement funds of its employees and throw them into the pot and call it a balanced budget. But that is what we are doing here.

I say to the President and those who might be listening, that is a mistake. We ought not to be counting these trust fund surpluses. This is really not a balanced budget. No company could claim it. If they did, they would be in violation of Federal law, and they would be headed for a Federal institution, but it would not be the United States Congress. They would be headed to Federal jail. And yet we blithely call this a balanced budget.

Of most concern to me is that budget negotiators failed to correct the upward bias that currently exists in the Consumer Price Index. As the occupant of the Chair knows, we use the Consumer Price Index to adjust for the change in the cost of living in our revenue system and in all of our spending programs. That is an appropriate thing to do. It is appropriate to adjust for the cost of living, but the overwhelming scientific evidence is that we are overadjusting.

In fact, the Senate Finance Committee appointed a bipartisan commission that was headed by Michael Boskin, who was the head of the economic advisers in the Bush administration. The Boskin Commission came back to us and said the overstatement is about 1 percent a year. One percent does not sound like much but over time it makes a big difference. A 1 percent overstatement in the Consumer Price Index means $1 trillion in debt of the United States over the next 12 years. That is a mistake we should not allow to continue.

I also am concerned that some of the economic assumptions in this plan are also highly suspect. CBO's last minute revenue adjustment of $45 billion a year may be credible for the first few years, but its credibility from the years 1999 to 2007 is unclear.

In addition, the balanced budget fiscal dividend assumes lower interest rates will result from balancing the budget with a credible deficit reduction plan. The problem is that is not what most people are considering in this country. There is very little debate about whether interest rates are going to be reduced. The question is whether interest rates are going to be increased.

Mr. President, ultimately each of us must decide if this plan is worthy of support.

In deciding how to vote on this package, a key question for me was whether or not passage of this package was better policy than doing nothing at all. I believe it is a fairly close call.

Despite all of its shortcomings, the 1997 budget deal does contain some good policies, including about $200 billion of net deficit reduction. From 1998 on, the deficit declines steadily as a percentage of gross domestic product. Unfortunately, it ought to be declining from this year on, not starting only in 1998.

In addition, debt subject to limit—and this is the final chart I will show—debt subject to limit as a percentage of GDP also declines from about 68 percent in 1998 to 66 percent by the year 2002. Federal debt subject to limit declines from 1997 to 2002. Finally, the incredible growth of the debt has been stopped. It was stopped largely because of the 1993 budget agreement, but this budget package will continue to hold down the growth of the debt, and that is critically important to our economic future.

Finally, the plan protects discretionary investments for programs like education and transportation, provides health insurance for 5 million insured children and helps people move from welfare to work. The plan also preserves the solvency of the Medicare Part A Trust Fund through the year 2007. And the plan includes targeted tax relief for working Americans. The education tax cuts in the package will help provide educational opportunity, and reform of the estate tax which has been unchanged for 10 years will help farm families and small business owners keep their businesses and their farming operations.

Finally, let me say, even though I favor a far more ambitious deficit reduction package, I view this agreement as a step in the right direction. I will support this budget agreement and work to improve it throughout the budget process this year.

Mr. President, I thank the indulgence of the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned.

Thereupon, at 10:50 p.m., the Senate adjourned until Thursday, May 22, 1997, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 1997:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. GEORGE T. BABBITT, JR., 3032

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. TAD J. OELSTROM, 3287

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. RICHARD B. MYERS, 7092

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. RALPH E. EBERHART, 7375

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN B. HALL, JR., 5835

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. GARY A. AMBROSE, 0398
COL. FRANK J. ANDERSON, JR., 9288
COL. THOMAS L. BAPTISTE, 1125
COL. BARRY W. BARKSDALE, 4599
COL. LEROY BARNIDGE, JR., 7882
COL. RANDALL K. BIGUM, 5457
COL. RICHARD B. BUNDY, 7270
COL. SHARLA J. COOK, 0473
COL. TOMMY F. CRAWFORD, 8769
COL. CHARLES E. CROOM, JR., 6468
COL. RICHARD W. DAVIS, 4196
COL. ROBERT R. DIERKER, 7380
COL. JERRY M. DRENNEN, 2464
COL. CAROL C. ELLIOT, 7798
COL. PAUL W. ESSEX, 5243
COL. MICHAEL N. FARAGE, 3352
COL. RANDAL C. GELWIX, 4009
COL. JAMES A. HAWKINS, 6268
COL. GARY W. HECKMAN, 6559
COL. HIRAM L. JONES, 6366
COL. JOSEPH E. KELLEY, 2386
COL. CHRISTOPHER A. KELLY, 6369
COL. JEFFREY B. KOHLER, 6994
COL. EDWARD L. LA FOUNTAINE, 5918
COL. WILLIAM J. LAKE, 1783
COL. DAN L. LOCKER, 0497
COL. TEDDIE M. MC FARLAND, 0563
COL. MICHAEL C. MC MAHAN, 7967
COL. DUNCAN J. MC NABB, 2295
COL. RICHARD A. MENTEMEYER, 6097
COL. JAMES W. MOREHOUSE, 7472
COL. PAUL D. NIELSEN, 2184
COL. THOMAS A. O RIORDAN, 0904
COL. BENTLEY B. RAYBURN, 1485
COL. REGNER C. RIDER, 7161
COL. GARY L. SALISBURY, 4579
COL. KLAUS O. SCHAFER, 3320
COL. CHARLES N. SIMPSON, 2150
COL. ANDREW W. SMOAK, 5760
COL. JOHN M. SPEIGEL, 5018
COL. RANDALL F. STARBUCK, 7495
COL. SCOTT P. VAN CLEEF, 7075
COL. GLENN C. WALTMAN, 8185
COL. CRAIG P. WESTON, 3970
COL. MICHAEL P. WIEDEMER, 1040
COL. MICHAEL W. WOOLEY, 9379
COL. BRUCE A. WRIGHT, 5759

EXTENSIONS OF REMARKS

A TRIBUTE TO ARCWORK OF FRESNO, FRESNO, CA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to ArcWork of Fresno. In partnership with the Fresno Chamber of Commerce, ArcWork employs people with developmental disabilities at jobs which enhance the business environment and the community.

The ArcWork project was the vision of Larry Willey, vice president of marketing for the Fresno Chamber of Commerce. Mr. Willey was aware that one of the priorities of Fresno Mayor Jim Patterson was to keep Fresno Clean and Green. In response, it was proposed that individual businesses and the Fresno Chamber of Commerce could sponsor various areas and pay ArcWork employees to keep them clean.

Since then, the concept of community and corporate involvement to take care of the cities beautification has expanded greatly. Parks were recently added to the list for the beautification process, and various city agencies and groups have become involved in the program. The collaboration of resources has been so effective, the city of Fresno has been able to redirect its workers to more demanding projects. The result: ArcWork crews are now capable of picking up an increasing number of general city tasks.

The advent of the ArcWork program has been a win-win for everyone involved. Businesses have found the services to be cost effective, helping to create a cleaner environment throughout Fresno. ArcWork also has allowed business to gain recognition for the positive contributions made to the program. Municipalities have benefited by the increased partnerships that have been forged between the Fresno Chamber of Commerce and the business community, helping to create employment opportunities for the developmentally disabled. Most importantly, though, are the benefits that the ArcWork program has given to those with developmental disabilities who want to work and increase their self-sufficiency.

Mr. Speaker, I admire the success of the ArcWork program. Working together, the city of Fresno, the Fresno Chamber of Commerce, private organizations, and local businesses have found a beneficial way to solve some of the challenges facing our city in a positive and effective manner. I ask my colleagues to join me in paying tribute to ArcWork, a program that serves as a model of local grassroots involvement throughout the Nation.

IN HONOR OF DR. AARON E. HENRY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. THOMPSON. Mr. Speaker, Dr. Aaron E. Henry, a fellow Mississippian, and civil rights pioneer died Monday morning, May 19, 1997, of complications resulting from a stroke, following a 5-month illness. Dr. Henry was a mentor, a humanitarian, a scholar, and a great human being. I would like to share with you the following information about the life of a man who helped to forge the shape of society in this country for all African-Americans.

Dr. Henry was born in Clarksdale, MS, July 2, 1921, to the late Joseph and Elizabeth Henry Jackson. He was the youngest of five children. His natural parents died when he was very young and his formative years were spent under the nurturing support of his maternal uncle and aunt, Edd Henry and Mattie Logan Henry. He was an active member of Haven United Methodist Church, serving as lay leader, and a member of the United Methodist Men.

He attended public schools on Coahoma County, graduating from Coahoma Agricultural High School. He entered the U.S. Army as a private in 1943 and was honorably discharged as a Staff Sergeant in 1946. Following his discharge, Dr. Henry attended Xavier University in New Orleans. After receiving a degree in pharmacy in 1950, he returned to Clarksdale and opened the Fourth Street Drug Store. His career as a civil rights activist began soon thereafter.

On June 11, 1950, he married the lovely Noelle Celestine Michael of Jackson. To this union one daughter, Rebecca Elizabeth, was born.

In 1953, Dr. Henry organized the Coahoma County Branch of the NAACP and served as the State NAACP president from 1960 until 1993. He worked with all five of the field directors of the Mississippi State Conference of the NAACP, including the late Medger Evers. In an effort to assure equal representation for all Mississippians, he chaired the Mississippi Freedom Democratic Party that successfully challenged the established State Democratic Party during the 1968 Democratic Convention in Atlantic City, NJ. This effort led to the creation of the integrated Democratic Party in Mississippi. Dr. Henry participated in the Freedom Rider Movement and in the Mississippi Freedom Summer's nonviolent campaigns of public protest which led to the eventual passage of the Public Accommodations sections of the Civil Rights Act of 1964.

On the national level, Dr. Henry was instrumental in securing congressional support for passage of the Office of Economic Opportunity Act. Several programs, including Head Start and Job Corps, grew out of this act to provide services to improve the quality of life for all citizens. Dr. Henry's quest for equality and fair treatment was evident in his commitment to securing Job Corps and Head Start Programs for Mississippians. He believed in the need for Job Corps' existence and in the young people it would serve. He worked with former Gov. Cliff Finch to bring the first Job Corps Center in Mississippi located in Crystal Springs, MS. Dr. Henry recognized that the benefits of the program would mean job opportunities for the State's poor and underserved young people. He not only was a pioneer in the State for Job Corps and Head Start, but for many programs that impacted the quality of life for all Mississippians.

In a fitting tribute to his years as a civil rights leader, Dr. Henry was elected by the citizens of District 26 in Coahoma County to the Mississippi House of Representatives in 1979 and reelected in 1983 and 1987. He was an active member of the Mississippi Legislative Black Caucus.

Dr. Henry has served on the board of director of a number of organizations including the national NAACP where he served as vice president and as a member of its executive committee; chairman of the National Caucus for the Black Aged since 1972; member of the Federal Council on Aging since 1977; the Southern Christian Leadership Conference; the Southern Regional Council and the Mississippi Council on Human Relations. Dr. Henry was chairman of the board and primary stockholder in Civic Communications Corp., the holding company for WLBT–TV–3, Inc., the minority-owned NBC affiliate in Jackson, MS; KLTV in Tyler, TX; KTRE in Lufkin, TX; and WLBM in Meridian, MS. He was chairman of the board of directors for MINACT, Inc., a management and training firm in Jackson operating Job Corps centers throughout the Nation.

His commitment to community, educational and civic issues propelled him into the forefront of the American Legion, Elks, Masons, Veterans of Foreign Wars, and Omega Psi Phi Fraternity. He was recognized for his outstanding academic achievements through honorary degrees from Tougaloo College, Rust College, Mary Holmes College, Prentiss Institute, Queens College, and Boston University. Professionally, he was recognized by the American Pharmaceutical Association with the Hubert H. Humphrey Award.

Dr. Henry lived an active and committed life. He leaves to cherish memory a daughter, Rebecca Elizabeth of Clarksdale; grandsons, Aaron and Demon of Clarksdale; a sister, Thelma Henry Johnson of St. Louis, MO, and many supporters of justice and equality throughout this Nation.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1997, H.R. 1681

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. GILMAN. Mr. Speaker, together with the ranking minority member, Representative LEE HAMILTON, I am introducing, by request, the administration's bill, the Overseas Private Investment Corporation Amendments Act of 1997 H.R. 1681, extending the authority of OPIC through the year 2000.

Since it began operations in 1971, the Overseas Private Investment Corporation [OPIC], has mobilized private sector resources to assist developing countries and emerging democracies in the transition from nonmarket to market economies. In an era of declining budgetary resources, OPIC has consistently demonstrated an ability to operate on a self-sustaining basis to support United States companies in emerging economies in Africa, the newly independent states of the former Soviet Union and in Latin America and the Caribbean.

OPIC has also played an important role in reinforcing U.S. foreign policy goals and in strengthening our economy by creating jobs and promoting exports. OPIC programs have served to rectify market failures, including limited market information in developing countries and underdeveloped capital markets, by insuring U.S. firms against economic and market uncertainties.

Over the past 25 years, projects supported by OPIC have generated more than $52 billion in U.S. exports and created more than 225,000 jobs. OPIC has been run on a sound financial basis with reserves totaling approximately $2.7 billion and with earnings reaching a record $209 million in 1996. In the process, it has maintained a claims recovery rate of 98 percent, settling close to 260 insurance claims for $519 million and recovering all but $11 million.

All the 26 members of the Organization of Economic Cooperation and Development [OECD] have agencies similar to OPIC: the United States needs to compete with these and other countries that subsidize their exporters.

Accordingly, I urge my colleagues to support the reauthorization of this small but efficient agency.

H.R. 1681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Private Investment Corporation Amendments Act of 1997".

SEC. 2. ISSUING AUTHORITY.

(a) MAXIMUM CONTINGENT LIABILITY.— Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended by striking paragraph (1) and all that follows through the end of subparagraph (A) of paragraph (2) and inserting the following:

"(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a). and the amount of financial issued under sections 234(b) and (c), shall not exceed in the aggregate $32,000,000,000.".

(b) TERMINATION OF AUTHORITY.—Paragraph (3) of section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)) is amended—

(1) by redesignating such paragraph as paragraph (2); and

(2) by striking "1997 " and inserting "2000 ".

INTRODUCTION OF THE SAFE BRIDGES RECONSTRUCTION AND RESTORATION ACT OF 1997

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mrs. EMERSON. Mr. Speaker, this year Congress will take up the reauthorization of the ISTEA law to ensure that the critical infrastructure needs of our Nation are met as we strive toward a more efficient safe, and productive transportation network. To that effect, I am introducing legislation that will expand the bridge discretionary program and I would allow States and local communities to receive sufficient funds for high cost bridges that are in dire need of replacement.

According to the U.S. Department of Transportation, in 1995, 25 percent of the Nation's interstate bridges were classified as deficient. Twenty eight (28) percent of the 130,000 bridges on all other arterial systems in the nation were deficient as well.

In fiscal year 1994–96 States requested $1.28 billion in discretionary funds for 65 different bridges. Currently, ISTEA funds the bridge discretionary program at $69 million a year and there is tremendous need for a greatly expanded program. My legislation would authorize $800 million to be used out of our transportation funds in the new highway bill for these bridges.

In the 1970's and 1980's, the Federal highway program has a large discretionary component that met the needs of replacing aging bridges and reconstructing early segments of the interstate system. However, in the last two surface transportation acts, these programs were severely cut back. Prior to ISTEA, the bridge discretionary program was funded at the $200 to $225 million level annually. ISTEA dramatically scaled back the funding, and the state of the nation's bridges has continued to deteriorate.

An expanded bridge discretionary program would allow your State to compete for bridge funds each year. It would permit these projects to move ahead faster and receive more money rather than relying on a State's regular apportionment or scarce demonstration project funds. Once these bridge projects receive their initial funding, they go to the top of the list to receive funds in the future years, if needed.

The Nation benefits from a strong Federal transportation system. We must allow the Federal Government to have the flexibility to fund a State's extraordinary bridge needs in any given year. This legislation would provide the funding and flexibility to meet this pressing need to help rebuild our high-traffic bridges that are in very poor condition nationwide.

TRIBUTE TO RANKIN FIELD, TULARE, CA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today, to pay tribute to the planners and participants from Sequoia and Rankin Fields. These two airfields will be celebrating their first reunion on Saturday, May 31, 1997.

Over 50 years ago, Tulare County opened its doors to train USAAF pilots. This reunion event is designed to honor those pilots who did not make it home from World War II, and to pay tribute to two distinguished soldiers, Maj. Richard Bong and Maj. Daniel Lindsay. Both gentlemen received their flight training at Rankin Field more than 50 years ago. Later, the two went on to fight for victory during World War II. They each received the Congressional Medal of Honor for their distinguish military service.

Rankin Field was founded by flight instructor "Tex" Rankin, a native of the State of Texas. Rankin opened his field during World War II. At the time, the Government contracted out private airfields, making them responsible for training soldiers entering military service during World War II. More than 40 years after Rankin's death, the contributions that he made to the growth of the Tulare and Visalia communities are still felt today.

The celebration at Rankin Field is a culmination of work done by former cadets and instructors, Sequoia Field, the Tulare County Historical Society, and the Costa Mesa Historical Society. Former cadets from all over the State of California joined forces with the Tulare County Deputy Sheriff's Association, an organization that recently purchased a portion of the original Rankin Field site. The association commenced work on the headquarters and recreation facility that would be named "Rankin Field, home of Tulare County Deputy Sheriffs Association." The association plans to create an exhibit devoted to the World War II USAAF pilot training program at Rankin Field.

Mr. Speaker, I am proud to have constituents in my district who have taken the initiative to restore Rankin Field in its full glory. I ask my colleagues to join me in wishing those organizers of the reunion best wishes for a successful and enjoyable celebration.

TRIBUTE TO MAJOR GENERAL ALBERT C. HARVEY, USMCR

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. FORD. Mr. Speaker, I rise today to honor a great patriot and fearless soldier, Maj. Gen. Albert C. Harvey, USMCR. General Harvey, a Tennessean, retired from the Marine

Corps on May 10, 1997, after a 40-year career that spanned the height of the cold war in 1962 to the new national security challenges of the 1990's. By having his retirement ceremony at historic Chalmette National Battlefield, he honored an important historic connection to another great Tennessean, Gen. Andrew Jackson. At the Battle of New Orleans at Chalmette, General Jackson brought together a courageous group of fighting men from three different States as well as a detachment of U.S. Marines and U.S. Army dragoons. This forerunner of the Total Force resulted in victory for the United States at the Battle of New Orleans. Today, the Total Force concept is the cornerstone of the Marine Corps.

General Harvey reached a pinnacle of his military career as commander of the 4th Marine Division—the ground combat arm of the Marine Corps. As commander of the 4th Marine Division, General Harvey lead over 18,000 Marines in 38 States. In July 1995, General Harvey was the first General Officer in the Marine Corps Reserve to be nominated and selected for a position on a Joint Staff. He served as the Vice Director of Operations Directorate (J–3), U.S. Atlantic Command, Norfolk, VA. He was activated for Operation Joint Endeavor—Bosnia—in the summer and fall of 1996 and served as director of the European Theater Command Center, which included Operation Desert Strike—Northern Iraq.

Prior to this, General Harvey rose through the ranks of the Marine Corps, commanding units at every level of the military organization during both peacetime and war. He began active duty in 1961, served on the USS Ranger (CVA–61) in the western Pacific, including Vietnam. He rejoined his reserve unit, the 6th Engineer Company, after earning a law degree from the University of Tennessee College of Law. He commanded the 3d Battalion, 23d Marines in New Orleans and served as Chief of Staff of the 2d Marine Expeditionary Brigade. In 1988, after returning yet again to active duty, General Harvey assumed command of the 25th Marine Regiment, a significant assignment because it was the first time in approximately 20 years that a member of the Marine Corps Reserve Force was selected to command a regiment.

In addition to his military service, General Harvey is a committed family man and participant in civic and community affairs. He has served in leadership positions with the Kiwanis Club, Phoenix Club, Goodwill Boys Club, the YMCA, and many other community organizations.

General Harvey has distinguished himself as a civil and criminal litigator as a partner with the Memphis law firm Thomason, Hendrix, Harvey, Johnson & Mitchell. He is a member of the Board of Governors of the American Bar Association, the Memphis Bar Association, and the Tennessee Bar Association.

General Harvey exemplifies the ideal of citizen-soldier. He has made great sacrifices and contributions by defending the Nation. And let us not forget the contribution and sacrifices made by General Harvey's family, his wife Nancy, and his two daughters Anne and Elizabeth. I ask my colleagues to join me in honoring my constituent and friend, a brave soldier and an accomplished attorney, Maj. Gen. Albert C. Harvey for his service to our great Nation.

THE SCHOOL-BASED CHILDREN'S HEALTH INSURANCE ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. STARK. Mr. Speaker, I am pleased to introduce the School-based Children's Health Insurance Act of 1997.

Health insurance equals access to health care. Access to health care equals better health and a better quality of life. It is that simple, and it should be that simple for all kids.

I have sponsored several bills this Congress that address the need for health insurance for uninsured children in low-income families. This bill is modeled, in part, after the nationally recognized, award winning Florida school-based Healthy Kids Program. The bill combines this effective school-based approach with a sliding scale tax credit so that all parents of children can buy affordable health insurance through their own school system.

This bill provides up to a 90-percent tax credit for low-income families plus an effective distribution system for actually getting private market health insurance products to the 10 million children that are not currently covered.

Each Member of Congress was elected to make laws that make sense. This bill makes sense. It realistically reaches all of the 10 million uninsured kids in America * * * quickly and efficiently. The school-based approach provides low cost but comprehensive health insurance for millions of children without new bureaucracies or hassles. Schools are the natural grouping mechanism to lower the cost of insurance for children, similar to the role large employers play in providing group coverage to their employees. It is more affordable and more portable than coverage through an employer.

Are uninsured kids a problem in every community? Yes. According to the U.S. Census Bureau, fully 30 percent of all children are uninsured for at least a month during the year. In addition, 10 million kids under the age of 18—or one in seven children—are uninsured year round, without a single day's health coverage.

Who are these kids that have no health insurance? Studies indicate that there are 10 million children that currently do not have health insurance for at least 1 year. That's about 14 percent of all children. One-third of these uninsured children have families below the poverty line, and another one-third have families between 100 and 200 percent of the poverty level. Almost 15 percent are from families above 300 percent of the poverty line, and most parents of uninsured children are also uninsured, 85 percent. However, 60 percent of uninsured children have at least one parent working full time. In addition, almost 50 percent of these family heads work for small firms with fewer than 25 employees.

A month or a year without health insurance is long enough to suffer serious harm for a child. According to the 1987 National Medical Expenditure Survey, the most recent comprehensive national survey of health care expenditures, and use, uninsured children are almost twice as likely not to be seen for health problems that expert physicians say should "always or virtually always come to medical attention." For example, according to this survey, more than half of uninsured children with asthma never saw the doctor during the year of the survey. One in three uninsured children with recurring ear infections likewise will never see the doctor. Many of these asthmatic children are hospitalized with problems that could have been prevented. Many children with untreated, recurring ear infections suffer permanent hearing loss.

With the recent attack on welfare, the number of uninsured children may get disastrously worse . . . fast. Adding fuel to this fire, a recent report published by the American Hospital Association indicates that the number of individuals without health insurance will increase to nearly 46 million by the year 2002. This projected growth is attributed to a decline in the level of employer-provided health insurance.

Can the school-based concept work to insure more children? Yes. This bill is modeled after the Florida Healthy Kids Corporation, a school enrollment-based insurance program that currently provides broad coverage to thousands of previously uninsured children. It was recently named a winner of the 1996 Innovations in American Government Award by both the Ford Foundation and the John F. Kennedy School of Government at Harvard University. In presenting the award, considered to be among the Nation's most prestigious public prizes, the president of the Ford Foundation, Susan V. Berresford, characterized Florida Healthy Kids as "one example of effective government producing extraordinary results. They are helping to restore faith in government's ability to solve tough problems."

The concept for the Florida program is simple. Most American children attend school. School systems can be used as a mechanism for creating large groups of people to cover participants the way large businesses do. Coverage is offered to families with children enrolled or residing in the school district and benefits are designed for the individual child. This is identical to employment-based insurance, except the school children become, in effect, employees qualifying themselves for coverage. A group composed of school children is large enough to provide an insurance benefit and premium package that is a good fit for families. Since premiums can still be beyond the reach of some lower income families, the coverage is subsidized on a sliding scale based on income.

In Florida, the school district plays a significant and varied role that schools, nationwide, could follow. The district serves as the center of community focus, fostering relationships between the school programs, local community leaders, and area business groups. It distributes enrollment materials and verifies student eligibility, contributing significantly to administrative efficiencies. School staff, especially school nurses and teachers, help identify and put the program in touch with potential participants. Mailing labels have been provided by schools to assist with marketing efforts.

Schools have also allowed the use of dial-up systems which automatically call a student's family with a prerecorded health care message.

Is quality health care for children too expensive? No. When the Florida program evaluated the predicted frequency with which children utilize the offered benefits, they found that those services which typically drive up the cost of employer-based plans were not frequently used by school-age children. By including these benefits, the program has enabled families to gain a greater peace of mind with little effect on the program costs. Other state programs have attempted to control claims costs by reducing coverage for preexisting conditions, inpatient, mental health, and transplant services or by raising copayments or deductibles. The Florida program has found that these additional health benefits can be included with little impact on the premium when a thoughtful package with reasonable, affordable copayments is crafted. In fact, with 5 years of use pattern supporting data, the Florida program has been able to negotiate three premium reductions.

Florida has found that children with insurance are more likely to have a health care home and therefore receive care before an illness becomes serious, reducing overall health care costs by one fourth. Preventive care is crucial to the overall well-being and development of a child. Recent studies have shown that for every $1 spent on immunizations such as measles, mumps, and rubella, $21 is saved in health care and related costs.

A child's health has a direct impact on their performance in school. Children who attend school while sick are not mentally or physically prepared to meet the challenges of learning. This becomes much worse for a child who cannot afford to see a doctor and suffers through a disease until it gets better on its own, or until an illness becomes too serious for home-based treatments. This results in less productivity in the classroom and more days absent from school for the child. In fact, the average school-age child misses 4 days of school a year due to illness. And uninsured children are 25 percent more likely to miss school than those who have insurance.

Independent studies of the Florida program have shown that the program is not only beneficial to the children, but to the community as well. Florida hospitals report a 30-percent drop in pediatric charity care. Emergency room visits have been shown to decline by 70 percent. Program savings like this have saved Florida $13,125,000 in health care costs in just one year.

The first pilot project for Florida Healthy Kids was launched with the assistance of a demonstration grant authorized by Congress in 1989 and administered by the Health Care Financing Administration [HCFA]. This crucial experiment may never have moved from the drawing board without Federal interest and assistance. This bill would recognize the full potential that was originally hoped for by Congress for this tremendously successful program.

It's just that simple.

I welcome cosponsors for the bill, and comments and suggestions from the public on ways to improve the bill.

The following is a summary of the bill:

SCHOOL-BASED CHILDREN'S HEALTH INSURANCE ACT OF 1997

SUMMARY

I. School-based Health Insurance Program

A qualified school-based program is operated by a local or state public school system or any public or private non profit organization operating a private school. Qualified school-based health insurance coverage is coverage that: Is offered by a qualified school-based program; is available to all children under 19 years of age; provides a comprehensive benefit package; has at least a $1,000,000 lifetime benefit; has no cost-sharing for covered preventive care; does not impose any pre-existing condition exclusions; charges premiums that are consistent with the premium section of this bill; and does not discriminate against any individual.

A program will not be eligible as a qualified program if there is established a pattern of abuse or misrepresentation of this insurance

Medicaid-eligible children do not qualify for this insurance since they are already covered

II. Benefit Package

The benefit package is comprehensive and includes well-baby and well-child care, immunizations, physicians services, laboratory tests, inpatient and outpatient hospital costs, emergency services and transportation, prescription drugs, eye exams and eyeglasses, hearing exams and hearing aids, basic dental care, physical therapy, mental health services and pre-natal care and delivery.

If the parent objects to any of these services based on religious or moral conviction, they will not be provided. A religious organization operating a school-based program will not be required to provide any of these services if it is opposed by their religious beliefs.

III. Tax Credit

Each taxpayer who purchases a school-based health insurance policy for their dependent receives a tax credit for an amount up to 90% of the premium to buy health insurance for a qualifying dependent.

The credit is available to taxpayers based on a computation of adjusted gross income plus an additional $5,000 amount for each child covered.

There is a full tax credit provided at the adjusted gross income of up to $15,000 plus $5,000 per child covered by the health insurance policy. The "$15,000" figure represents approximately 200 percent of poverty for an individual under the age of 65.

For example, a family with adjusted gross income of $25,000 and two qualifying children would receive a refundable tax credit of up to 90% of the family's cost for coverage of the two children.

As a family's income rises and the need for a subsidy is less critical, the credit phases out.

The credit is available only to subsidize qualified school-based coverage for children.

Establishment of premiums: the program will provide a minimum contribution of 20% to the premium before a fully subsidized child's premium is calculated. The subsidy amount phases out to 10% on a sliding scale for partially subsidized children.

IV. Other Provisions

There is coordination with other tax provisions subsidizing health costs to disallow the credit in instances where the taxpayer also claims a medical expense for the same premium cost or claims a deduction for health insurance costs of self-employed individuals.

Grants to states for school-based health insurance outreach and information programs would be established.

An employer may not discriminate against employees eligible for this health insurance subsidy. The employer may not condition or vary employee benefit contributions because an employee is eligible for this program subsidy. An employer is still free to cease or reduce employer contributions for health insurance coverage as long as it applies to all its employees.

RECOGNIZING THOMAS ERWIN ELEMENTARY SCHOOL, WINNER OF CALIFORNIA'S DISTINGUISHED SCHOOL AWARD

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. TORRES. Mr. Speaker, I rise today to give special recognition to Thomas Erwin Elementary School, in La Puente, CA, which was recently recognized as one of California's Distinguished Schools.

Erwin Elementary is a school of 820 kindergarten through 8th grade students, 90 percent of whom are Latino, and is the first school in the Bassett Unified School District to receive this distinction. To achieve a Distinguished School Award it takes the dedication of an entire community of students, parents, faculty, staff, and administration. The coalescing of the Erwin community has been led by its dynamic leader, Principal Jose Reynoso, faculty and staff, along with the strong support of the members of the Board of Education and Superintendent Linda Gonzalez.

On a recent visit to Erwin, I was impressed by the school's state-of-the-art computer lab, its outstanding Gifted and Talented Education Program [GATE], which challenges students to reach their highest potential, and especially for Erwin's unique outdoor science pond, which was developed in a partnership with the Jet Propulsion Laboratories. This outdoor science pond is the envy of many schools in the community. The focal point of this ecosystem project is the pupil-made pond surrounded with flora and fawna indigenous to the area.

Another notable project is Erwin's bilingual education program, which gives over 500 limited-English-speaking students a strong academic foundation in their native language, and transitions them into an English instructional program. There is a tutorial program which utilizes "at risk" upper grade students as tutors for lower grade students, allowing both to develop an appreciation of each other, and helps foster self esteem and academic growth.

These programs, along with a strong academic emphasis, provide Erwin students with an excellent foundation for future success. A strong parent involvement program that encourages parents to visit the school and become partners in the educational process of students is in place and also ensures the student successes.

Mr. Speaker, I ask my colleagues to join me in honoring Thomas Erwin Elementary School, one of California's Distinguished Schools, for its commitment to providing its students with the highest quality educational experience possible. Erwin Elementary serves as truly a model school.

FEDERAL LANDS TRANSPORTATION IMPROVEMENT ACT

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. THUNE. Mr. Speaker, I rise today to introduce a bill that recognizes a unique transportation need for many States. That need is created by a dominating presence of Federal lands, whether those lands be national parks, national forests, Indian trust lands, or other Federal holdings.

While these lands are located in our States, they serve national interests and national priorities. Despite that fact, States often are obliged to serve those lands with roads funded either through the State's Federal allocation or from State tax dollars. The fact is these lands—though important—are largely unproductive in economic terms and make it difficult to support the infrastructure.

To ensure national interests are served, there must be a mechanism in place that allows States to maintain transportation infrastructure to and across Federal lands. My bill would do this.

As my colleagues are aware, the present surface transportation program authorized under the Intermodal Surface Transportation Efficiency Act provides funding for roads serving Federal lands. However the funding is confined to certain roads maintained by the Federal Government. Some examples include Indian reservations roads, public lands highways, and parkways and park highways. By no means does the current program support many of the important transportation links that serve Federal lands.

The Federal Lands Transportation Improvement Act would establish a new category of funding within the existing Federal Lands Highway Program. The program, to be known as the Cooperative Federal Lands Program, would complement existing programs for investments in Federal holdings. The bill would authorize $200 million for this program. This amount, combined with present funding levels for existing Federal lands programs, would increase the overall Federal Lands Highway Program's effort to a level roughly proportionate to the overall program increases that have been discussed in the Transportation and Infrastructure Committee. Under this proposal, funding for the important needs in the current Federal Lands Highway Program would be maintained while making room for the previously mentioned critical need.

The criteria establishing qualification is simple. States that have at least 4.5 percent of their total land area owned or held in trust by the Federal Government would qualify for a portion of these funds. These States then would be eligible to apply to the Secretary of the Department of Transportation to receive funding for specific project needs. Once applications have been filed, projects would be funded in qualifying States in proportion to the percentage of the State which is Federal lands. The approval of the Secretary would help ensure the projects serve Federal lands, and are separate and apart from the other needs the State may have.

Serving Federal lands should be a shared responsibility. As the Federal Government holds lands in the public interest, there comes the responsibility to provide the public adequate access to, across, and from those lands. States do enjoy some benefits from public areas. However, the ability of States to generate tax revenue within those areas is limited. A modest reserve of Federal lands may provide few problems and some tax-generating opportunities. However, expansive Federal lands do not provide proportional enhancement. States then suffer from the diminishing marginal utility of additional Federal lands. In other words, the presence of an inordinate amount of Federal lands creates more of a burden than it reaps in benefits.

Representing a State that has a significant Federal lands presence has its own unique challenges when it comes to transportation infrastructure. This bill would improve the responsiveness of the Federal Government to meet the transportation needs on Federal lands.

I have submitted a chart to be printed in the RECORD following my remarks that outlines which States would qualify under this legislation as well as the level of funding for which each State could qualify.

I thank my colleagues, Representatives YOUNG of Alaska, HILL of Montana, and CUBIN of Wyoming for joining me as original cosponsors of this bill. I hope other Members will join them in their support of this legislation.

COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM

Est. Funds Provided to Secretary of Transportation To Be Utilized On Projects in States That Have Significant Federal Land Holdings Descending Order Distribution

State	Total State land owned or held in trust by Federal Government (percent)	Total distribution (sect. 206) (percent)	Estimated distribution (sect. 101(5)(B))
Nevada	92.77	7.50	$37,500,000
Arizona	71.94	7.50	37,500,000
Utah	68.55	7.50	37,500,000
Alaska	66.55	7.50	37,500,000
Idaho	63.74	7.41	37,034,743
Oregon	61.20	7.11	35,557,673
Wyoming	52.79	6.13	30,671,114
California	47.39	5.51	27,536,041
New Mexico	43.33	5.03	25,172,713
Colorado	37.45	4.35	21,755,842
Montana	33.45	3.89	19,433,113
Washington	32.68	3.80	18,986,531
Dist. of Columbia	24.24	2.82	14,085,782
Delaware	19.09	2.22	11,090,356
Hawaii	16.76	1.95	9,738,069
South Dakota	15.93	1.85	9,255,826
Minnesota	15.75	1.83	9,153,717
New Jersey	13.26	1.54	7,703,270
New Hampshire	13.22	1.54	7,680,985
Michigan	12.97	1.51	7,538,281
Virginia	11.85	1.38	6,884,715
Wisconsin	9.54	1.11	5,540,516
Arkansas	8.73	1.01	5,071,024
Maryland	8.39	0.97	4,873,581
Florida	8.06	0.94	4,682,675
North Carolina	7.98	0.93	4,633,560
Vermont	7.28	0.85	4,231,503
West Virginia	7.09	0.82	4,118,025
North Dakota	6.08	0.71	3,529,762
Tennessee	5.85	0.68	3,399,695
Missouri	4.76	0.55	2,768,253
Mississippi	4.55	0.53	2,644,933
Oklahoma	4.50	0.52	2,615,275
Georgia	4.50	0.52	2,612,425
Total (34)		100.00	500,000,000

Source: GSA "Summary Report of Real Property Owned by the United States Throughout the World As of September 30, 1994" August 1996

AUTHORIZING PRESIDENT TO AWARD CONGRESSIONAL GOLD MEDAL TO MOTHER TERESA

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. SNOWBARGER. Mr. Speaker, Mother Teresa is one of the great figures of our time. Her love and compassion are extended alike to rich and poor, sick and healthy, young and old. She ministers to the least fortunate who might otherwise have no home, no food, no family, and no hope. And she witnesses to the well-off around the world who grow complacent in their wealth and would sacrifice the unborn in pursuit of material gain.

Because of all Mother Teresa stands for, and not in spite of it, I cannot support the awarding of this congressional gold medal. As I stated on a similar occasion earlier in this session, the $30,000 authorized for this medal is more than the average annual income of my constituents. I can only guess how many times more it is than the lifetime incomes of those Mother Teresa so diligently serves.

The American people may rightly wonder how their Congress can approve such extravagance on the same day it debates the first balanced budget in three decades. These same Americans can and do pay their own tributes to Mother Teresa and other humanitarians through voluntary contributions to charities of their choice.

While the awarding of this medal springs from nothing but the best of motives on the part of my colleagues, I suggest that a more appropriate tribute would be to support her daily work. For my part, I will honor her with a contribution to her organization, Missionaries of Charity.

Mr. Speaker, no words can adequately express our admiration for and appreciation of Mother Teresa and her work. The only fitting tribute lies not in a gold medal, but rather in our own hearts and deeds.

HAPPY 50TH ANNIVERSARY TO JERRY AND ROSA DICKSON

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of Alfred (Jerry) and Rosa Dickson's 50th wedding anniversary on June 7.

Jerry and Rosa met at the St. Aloysius Church carnival in Chicago in 1943. Jerry served in the U.S. Navy and was stationed on the S.S. *Gablian* during World War II. His service in the Navy ended in 1946 and Jerry and Rosa were married on June 7, 1947.

Jerry is retired after 40 years of service in the food industry in Chicago and Rosa is a homemaker. The couple raised 7 children and have 13 grandchildren. I join with their family today in wishing them a wonderful celebration and many more happy and productive years together.

WEST GLENS FALLS, NY FIRE CO. NO. 1 CELEBRATES 50TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. SOLOMON. Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. That's why I travel home to my congressional district every weekend, to see the picturesque towns and scenery that marks the 22d district of New York. And my hometown of Queensbury and the Glens Falls community are certainly near and dear to my heart.

The traits which make me most fond of such communities is the undeniable camaraderie which exists among neighbors. Looking out for one another and the needs of the community make such places great places to live and raise a family. This concept of community service is exemplified by the devoted service of the West Glens Falls Fire Co. No. 1. For 50 years now, this organization has provided critical services for the citizens on a volunteer basis. As a former volunteer fireman myself, I understand, and appreciate, the commitment required to perform such vital public duties.

It has become all too seldom that you see fellow citizens put themselves in harms way for the sake of another. While almost all things have changed over the years, thankfully for the residents of my hometown, the members of West Glens Falls Fire Co. No. 1 continue to selflessly perform their duty without remiss. I can't say enough about the countless lives and millions of dollars in property they have saved by doing so over the course of their 50-year history.

That's why I am so glad to have this opportunity to pay tribute to them today. And for that matter, the residents of their community will have the opportunity to show their appreciation at a parade marking this momentous occasion this Sunday, June 1, 1997.

Mr. Speaker, I have always been one to judge people by how much they give back to their community. On that scale, the members of this fire company, both past and present, are truly great Americans. I am proud of this organization because it typifies the spirit of volunteerism which has been such a central part of American life. We would all do well to emulate the service of the men and women who comprise Fire Co. No. 1 in West Glens Falls. To that end, it is with a sense of pride, Mr. Speaker, that I ask all Members to join me in paying tribute to them on the occasion of their 50th anniversary.

AMERICAN MEDICAL WOMEN'S ASSOCIATION OPPOSES LATE TERM ABORTION BAN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Ms. HARMAN. Mr. Speaker, considerable press attention has been devoted to the American Medical Association's shift in position and endorsement of the late term abortion ban voted on by the Senate today.

In my view, no less attention should be devoted to the statement of the American Medical Women's Association, which has reiterated its strong opposition to any legislation intervening in medical and surgical care decisions.

My good friend, Dr. Debra Judelson, president of AMWA and a resident of California, has repeatedly pointed out that it is irresponsible for the Government to interfere legislatively with physician-patient autonomy. Physicians, not the President or Congress, should determine appropriate medical options, particularly with respect to a woman's constitutionally protected right to choose.

Mr. Speaker, I recommend my colleagues heed the strong statement of the American Medical Women's Association.

Statement of the American Medical Women's Association on Abortion Legislation in the 105th Congress

ALEXANDRIA, VA.—The American Medical Women's Association, "is committed to protecting the reproductive rights of American women and has opposed any legislative intervention for medical and or surgical care decisions," says current AMWA President Debra R. Judelson, MD. This week, AMWA reiterated its opposition to H.R. 1122 and S. 6, which seek to ban a particular medical procedure.

It is the opinion of AMWA's Executive Committee that legislative efforts to regulate abortion have been flawed. Concerns in the following areas have prevented AMWA from taking a position on recent legislative efforts focusing on abortion in the 105th Congress.

AMWA is gravely concerned with governmental attempts to legislate medical decisionmaking through measures that do not protect a woman's physical and mental health, including future fertility, or fail to consider other pertinent issues, such as fetal abnormalities. Physicians and their patients base their decisions on the best available information at the time, often in emergency situations. AMWA strongly opposes governmental efforts to interfere with physician-patient autonomy.

It is irresponsible to legislate a particular test of viability without recognition that viability cannot always be reliably determined. Length of gestation is not the sole measure of viability because fetal dating is an inexact science.

AMWA resolutely opposes the levying of civil and criminal penalties for care provided in the best interest of the patient. AMWA strongly supports the principle that medical care decisions be left to the judgment of a woman and her physician without fear of civil action or criminal prosecution.

Any forthcoming legislation will be carefully reviewed by AMWA based on the criteria outlined above, and AMWA will seek to ensure that there is no further erosion of the constitutionally protected rights guaranteed by *Roe v. Wade*. Says AMWA President Debra R. Judelson, MD, "AMWA firmly believes that physicians, not the President or Congress, should determine appropriate medical options. We cannot and will not support any measures that seek to undermine the ability of physicians to make medical decisions."

AMWA has long supported a woman's right to determine whether to continue or terminate her pregnancy without government restrictions placed on her physician's medical judgment and without spousal or parental interference.

Founded in 1915, the American Medical Women's Association represents more than 10,000 women physicians and medical students and is dedicated to furthering the professional and personal development of its members and promoting women's health.

INTRODUCTION OF THE FREEDOM FROM RELIGIOUS PERSECUTION ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. WOLF. Mr. Speaker, today I am introducing the Freedom From Religious Persecution Act. This bill, which will be introduced in an identical format in the Senate, is bipartisan and will represent, what I hope will be a fundamental departure from "business-as-usual" human rights policy.

The persecution of people of faith is the great untold human rights story of the decade. With the end of the cold war came freedom for millions living under Communism in the former Soviet Union, Central Eastern Europe. During those years, many people of all faiths worked together with the Jewish community on behalf of those suffering persecution at the hands of the Communist dictators. The Jewish community led the fight and the Christians, though sometimes late, raised their voices and demanded justice for their faithful. But, with the dawn of freedom came a feeling that the problem had been solved.

Sadly, it has not. Millions of people of all faiths live in daily fear of secret police, vigilantes, state repression, or discrimination.

Religious persecution—and especially the persecution of Christians—did not dissipate with the cold war. It has persisted and accelerated. It has gotten worse while the world and the United States have turned their efforts elsewhere. A few groups have tried to keep the flame flickering. I am grateful for their work and efforts to document this problem. My thanks go out to the Catholic Church, Nina Shea with the Puebla Program of Freedom House; Michael Horowitz with the Hudson Institute; John Eigner and all those at Christian Solidarity International; Steven Snyder with International Christian Concern; John Hanford and with Senator LUGAR and his associates; Voice of the Martyrs; Open Doors; Diane Knippers with the Institute for Religious and Democracy; Paul Marshall, author of "Their Blood Cries Out"; and many, many others. In the House, individuals like CHRIS SMITH, TONY HALL, TOM LANTOS, and NANCY PELOSI and others have long been champions of religious freedom.

But generally the world has been deaf. U.S. policy does not reflect an understanding of the seriousness and intensity of this human tragedy. We have turned away while 1.5 million—Christians and Muslims—have been killed in Sudan. Millions of house church Christians in China are forced to risk their lives and their freedom to worship in secret to keep their faith independent of government control. Christians in Pakistan are having a difficult time and so are the Coptic Christians in Egypt. Tibetan Buddhists have seen their holy places destroyed and their religious leaders imprisoned, tortured, raped and beaten. Bahai's are executed in Iran. Muslims in Sudan are suffering.

We cannot be silent any longer. When we come to the defense of the "least of these," those who are persecuted for their religious beliefs, we raise the comfort level for all who are persecuted by dictators. When we speak for Christians, we also speak for Muslims. When we speak for Jews, we also speak for Bahai's. We are speaking for all of whatever belief.

This legislation tracks the resolutions and bill language passed in the 104th Congress and calling for action. The American Christian community has recognized these facts and begun calling for action on behalf of the millions of Christians who are being persecuted on account of their beliefs. It has joined forces with the Tibetan community and others to urge the United States to do more, to speak out in defense of the "least of these."

The United States must take a new approach to this growing problem—an approach that says we will no longer be silent when regimes terrorize or allow terror against its religious believers.

The bill does a number of things:

It focuses on persecution—abduction, enslavement, imprisonment, killing, forced mass resettlement, rape, or torture.

It establishes an Office in the White House to monitor religious persecution and requires the Director to report to Congress on whether a country has category 1 persecution—government involvement—or category 2 persecution—no government involvement but lack of government action to stem persecution. We ask that the Director look at persecution of Tibetans, Bahai's, and Christians—the three groups which were the focus of resolutions—but encourage the Director to examine persecution of vulnerable communities whenever it occurs.

It shuts off aid to category 1 and 2 countries and requires U.S. executive directors to vote against multilateral development banks against loans to persecuting countries.

It improves refugee and asylum procedures to ensure those seeking refuge from persecution are not turned away from a country which has historically welcomes religious victims.

Finally, and I want to emphasize this point, the bill imposes immediate and tough sanctions on the Government of Sudan until it ceases all religious persecution. The sanctions prescribed in this bill are virtually identical to those imposed on South Africa in the anti-apartheid act of the 1980's such as ban on flights, ban on investment, and a ban on imports. Though its difficult to quantify human suffering, after having traveled to Sudan three times since 1989, I can say with some experience that the persecution occurring there is some of the worst I've ever seen. Slavery, forcible conversion, the use of food as a weapon, torture, kidnapping of children. It's time the United States singled this country out as an example of one of the most egregious violators of human rights in the world.

This bill is not intended as a panacea. The international community, the President, and the Congress must remain vigilant and speak out on individual cases.

This bill, is intended to increase the priority given to this issue in our foreign policy and put the persecutors on alert. The United States will no longer acquiesce.

Jackson-Vanik was the movement that crystallized concern in the 1980's on behalf of those suffering persecution in the Soviet Union. I am hoping that this bill will be its counterpart for the 1990's.

It's an important and vital first step. We have 25 original bipartisan cosponsors in the House and we expect this bill to pass and to result in real action.

I want to thank all those who worked to put this bill together including Anne Huiskes on my staff; Bill Morley and Gretchen Birkle on Senator SPECTER's staff; and Grover Joseph Rees and Dorothy Taft on Representative CHRIS SMITH's staff. I also want to thank those outside groups who have worked on this bill including Michael Horowitz with the Hudson Institute, Heidi Stirrup, Christian Coalition; Will Dodson, Southern Baptist Convention; Will Nance, Prison Fellowship; Melissa McClard, Family Research Council; Nina Shea, Puebla Program; Father Keith Roderick; Dr. Whalid Phares; Ann Buwalda, Just Law, David Adams, Lutheran Church—Missouri Synod; and the many others who have helped us craft this bill. Their efforts and input are greatly appreciated.

HONORING THE WHITTIER HOST LIONS CLUB IN RECOGNITION OF 75 YEARS OF OUTSTANDING AND INVALUABLE SERVICE TO THE COMMUNITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. TORRES. Mr. Speaker, I rise to recognize the men and women of the Whittier Host Lions Club on the occasion of its 75th anniversary. On Saturday, May 31, 1997, the Whittier Host Lions Club will have a special ceremony in honor of this momentous occasion.

Sponsored by the Santa Ana Lions Club, the Whittier Host Lions Club was chartered on May 27, 1922. It is part of the International Association of Lions Clubs, known throughout the world for its humanitarian service, fellowship, and organizational leadership. The primary focus of this organization is service to the local community and to those in need throughout the world. Each year, Lions Clubs provide goods and services to thousands of people around the globe.

The Lions Club International began in June 1917, founded by a Chicago insurance agent, Melvin Jones. He presented to a group of small business clubs his proposal of consolidating their small clubs into a strong influential club. Its goal would be to serve the community and humanity. At the first annual convention in October 1917, 23 clubs participated. Today, there are more than 40,000 Lions Clubs.

The Whittier Host Lions Club has adhered to the international motto of service with distinction. Its members have provided countless hours of service to the community. Through the efforts of its members, the Whittier Host Lions Clubs has provided eyeglasses for area schoolchildren and invaluable support to the YMCA, Camp Arbolado, and Whittier Intercommunity Blind Center. It has organized a recycling center, contributing $20,000 annually to civic projects and, since 1962, an Arabian Horse Show, contributing $30,000 to the community.

Mr. Speaker, it is with pride that I ask my colleagues to join me in paying tribute to the men and women of the Whittier Host Lions Club on the occasion of its 75th anniversary and in recognition of its outstanding and invaluable service to the community.

CALLING FOR A U.S. INITIATIVE SEEKING A JUST AND PEACEFUL RESOLUTION OF THE SITUATION ON CYPRUS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. GILMAN. Mr. Speaker, the Cyprus problem has been a matter of concern to the United States Congress now in excess of 22 years. It is a situation that cries out for just redress and an end to the occupation of Cyprus by foreign troops. Although the world has dramatically changed for the better during this decade, Cyprus remains as a pressing international problem. Indeed Cyprus has almost become a codeword for intractability in the realm of diplomacy.

I have been encouraged, nevertheless, by recent statements from high level officials of the Clinton administration, including the President himself, that indicate that there may be new willingness on the part of our Government to exert its leadership in promoting a solution to the Cyprus problem. I strongly believe that our Government should invest some of our prestige in such an effort, because Americans have always supported justice, and because we have significant interests that can be affected by instability in Cyprus.

Over the past year there have been a number of events and incidents that have increased tensions in Cyprus and in the eastern Mediterranean region. There is a disturbing trend of increased militarization of the island, already one of the most highly militarized parts of the globe. There are, however, also positive developments that could act to catalyze a peaceful and just solution. One of these is the pending negotiation on Cyprus' accession to the European Union that may begin by the end of the year. There has been increased diplomatic activity in Europe and in the U.N. to bring the two sides together.

The resolution I introduced last week points out the interests and developments regarding the Cyprus situation and urges the President to keep his pledge to give increased attention to Cyprus. I am pleased to be joined by a group of distinguished cosponsors including Mr. HAMILTON, Mr. BILIRAKIS, Mr. PORTER, Mr. ENGEL, and Ms. MALONEY, that have shared an interest in Cyprus and the concern over what may arise from a continued stalemate on the island. It is our hope that this resolution will help spur the resolve of the Clinton administration to indeed make 1997 the Year of Cyprus.

Mr. Speaker, I request that a full text of House Concurrent Resolution 81 be inserted at this point in the RECORD.

H. CON. RES. 81

Whereas the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions;

Whereas the international community, the Congress, and United States administrations have called for an end to the status quo on Cyprus, considering that it perpetuates an unacceptable violation of international law and fundamental human rights affecting all the people of Cyprus, and undermines significant United States interests in the Eastern Mediterranean region;

Whereas the international community and the United States Government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus;

Whereas there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus;

Whereas the House of Representatives has endorsed the objective of the total demilitarization of Cyprus;

Whereas during the past year tensions on Cyprus have dramatically increased, with violent incidents occurring along cease fire lines at a level not reached since 1974;

Whereas recent events in Cyprus have heightened the potential for armed conflict in the region involving two North Atlantic Treaty Organization (NATO) allies, Greece and Turkey, which would threaten vital United States interests in the already volatile Eastern Mediterranean area and beyond;

Whereas a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security, and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey;

Whereas a lasting solution to the Cyprus problem would also strengthen peace and stability in the Eastern Mediterranean and serve important interests of the United States;

Whereas the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1092, adopted on December 23, 1996, with United States support;

Whereas the prospect of the accession by Cyprus to the European Union, which the United States has actively supported, could serve as a catalyst for a solution to the Cyprus problem:

Whereas President Bill Clinton has pledged that in 1997 the United States will "play a heightened role in promoting a resolution in Cyprus"; and

Whereas United States leadership will be a crucial factor in achieving a solution to the Cyprus problem, and increased United States involvement in the search for this solution will contribute to a reduction of tensions on Cyprus: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms its view that the status quo on Cyprus is unacceptable and detrimental to the interests of the United States in the Eastern Mediterranean and beyond;

(2) considers lasting peace and stability on Cyprus could be best served by a process of complete demilitarization leading to the withdrawal of all foreign occupation forces, the cessation of foreign arms transfers to Cyprus, and providing for alternative internationally acceptable and effective security arrangements as negotiated by the parties;

(3) welcomes and supports the commitment by President Clinton to give increased attention to Cyprus and make the search for a solution a priority of United States foreign policy;

(4) encourages the President to launch an early substantive initiative, in close coordination with the United Nations, the European Union, and interested governments to promote a speedy resolution of the Cyprus problem on the basis of international law, the provisions of relevant United Nations Security Council resolutions, democratic principles, including respect for human rights, and in accordance with the norms and requirements for accession to the European Union;

(5) calls upon the parties to lend their full support and cooperation to such an initiative; and

(6) requests the President to report actions taken to give effect to the objectives set forth in paragraph (4) in the bimonthly report on Cyprus transmitted to the Congress.

CHILDREN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, May 21, 1997 into the CONGRESSIONAL RECORD:

EARLY CHILDHOOD DEVELOPMENT AND LEARING

President Clinton recently hosted the White House Conference on Early Childhood Development and Learning. The purpose was to bring together parents, scientists, policy makers, child care providers and others to discuss the new research on brain development in children under age 3 and to explore how to deliver this information to more homes. The key lesson from this research is that our ability to interact with others, communicate, and learn is largely dependent on what happens to us as newborns and toddlers.

Now more than ever we know the importance of early intervention, from prenatal care to preschool, to ensure that children get off to a healthy start. Research shows that the stimulation children receive after birth counts even more than genetics to enable them to become smart and adaptable. Unfortunately, there remains a huge gap between our knowledge about children's needs and our success in meeting them. We simply must find effective ways to apply new scientific knowledge to public policy. Deprivation, abuse, and neglect of children often has long-lasting, damaging effects not only on them, but on our entire nation.

NEW DISCOVERIES

Fifteen years ago researchers thought that a baby's brain structure was virtually complete at birth, as if the brain were a computer just waiting to be turned on. Now we know that humans come into the world with a brain that is largely incomplete. Just as a sculptor shapes a lump of clay into a distinct work of art, our experiences mold our brain.

Giving children the stimulation they need to learn and grow doesn't require fancy toys or classes. Research shows instead that simple things can have the greatest positive impact. For example, talking, singing, and reading to children from birth onward helps develop the parts of their brains devoted to language. In addition, holding babies and responding to their cues enables them to feel secure, which helps them learn and grow. Unfortunately, the opposite is also true. The brains of children who are abused or neglected release high levels of stress hormones, which can actually hinder the brain's growth and development.

PERSISTENT PROBLEMS

Most parents work very hard to meet their children's needs. As a nation, though, we fail our youngest citizens far too often. The U.S. has the highest rate of young children living in poverty of any western industrialized nation. The child poverty rate has hovered at around 20% ever since 1981. Other trends are even worse. In 1995, nearly one million children were victims of abuse or neglect. Fourteen percent of children lacked health insurance, 25% lacked immunizations against preventable childhood diseases. Between 1985 and 1994, the percentage of low-birth-weight babies, who often have multiple health problems, grew. And while the infant mortality rate has improved, the U.S. still ranks 18th among industrialized nations. During this same period, the number of teens dying from accidents, homicides, and suicides rose 10%. Arrests of juveniles for violent crimes increased by a staggering 70% nationwide, 125% in Indiana. And while the teen pregnancy rate has leveled off in recent years, about half a million children are born to teen mothers each year.

Although most mothers of children under 4 work outside the home, high-quality, affordable child care remains in short supply. The federal government's Head Start program is widely acclaimed, but it is available only to those age 3 and above, and serves only about a third of eligible children. A new program for younger children, Early Head Start, has only 22,000 slots for 2.9 million eligible children.

PROPOSALS FOR CHANGE

At the White House Conference, President Clinton announced a number of worthy initiatives. First, he directed the Department of Defense, which runs many high-quality child care centers, to share its formula for success with state and local governments and private child care centers. Second, the President proposed a plan to extend health care coverage to an additional 5 million uninsured children. The balanced budget agreement recently announced includes funding to extend health insurance to some unserved children.

Third, the President wants to expand Early Head Start enrollment by one-third next year. Fourth, the U.S. Department of Education is making available early childhood development activity kits to anyone who calls 1-800-USA-LEARN to request one. Fifth, the Department of Justice is establishing a "Safe Start" program to help law enforcement officers respond more sensitively to children who are the victims of or witnesses to violence. The President also supports expanding the Family and Medical Leave Act to cover events like parent-teacher conferences.

CONCLUSION

Parenting can be vastly rewarding, but also demands enormous amounts of time, energy, patience and skill. Children require not just caretakers, but caregivers. Even under the best circumstances, the task of parenting can be overwhelming. For parents who are very young, lack education, are struggling to rise out of poverty, or who were once abused themselves, the demands occasionally are too great. The arguments for an expansion of support for new parents and for quality child care are compelling. Communities that have reached out to at-risk families with visits by social workers and nurses and free parenting classes have had promising results.

Children are persistently the poorest group in America. I worry that recent budget-cutting efforts in Congress have focused disproportionately on the poor. We have not yet seen the full effects of welfare reform, which not only included time limits on welfare benefits but also restrictions on food stamps and Supplemental Security Income (SSI) benefits for children.

Children have such an amazing capacity to grow and learn and thrive provided there is love and patience and commitment. We adults fall short of our responsibilities if we fail to provide these, and we also pay the price. We need to reach out to struggling parents, offering assistance and advice that can help them become the strong mothers and fathers most of them want to be. The very youngest Americans are the ones who will lead us in the 21st century. We cannot expect to prosper in the future if we do not help them prosper today.

HAPPY BIRTHDAY, PETE DARLING

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. HOUGHTON. Mr. Speaker, I would like to ask the House to help me pay tribute to Dr. Arthur Perry "Pete" Darling, who today celebrates his 80th birthday. Pete Darling lives in Corning, NY. He came there in 1952. For the last 45 years he has been an essential, constant, vital part of our small town. He is a true American original, and his story is part of the bedrock upon which this Nation is built. His children have this to say about their father:

Our dad endured a childhood of poverty—the sort of poverty it's better to read about in Horatio Alger than to experience. He lost his mother while he was still a small boy, and in the midst of the depression Dad got himself through Williams College on a scholarship that didn't include money for books, so he never bought any. After graduation he spent a year working 18 hour shifts as a bellhop to earn the tuition for medical school, and though he interrupted his studies to enlist in the Army during World War II, he was eventually able to finish his surgical internship and residency at Columbia University and the University of Chicago.

Do you measure a man's value by his work? Dad is a brilliant surgeon. He brought a level of talent, innovation and skill to our hometown that saved countless lives. Sometimes we went with him on his housecalls, helping to carry his black bag. We've heard countless stories about how he listened to his patients, demanded the best from the hospital and its staff, and never accepted any of the endless offers that came his way to practice in other places.

Or is a man judged by his courage? We've never found a braver man than our father. At the height of his career, Dad lost his sight. His surgical career ended overnight. At a time when most men are contemplating retirement and solitude, he built a new life for himself at the age of 61. He gave up the practice he loved without a backward glance, and went to work at Corning, Inc., building a first-rate medical department.

He raised the money to found a low-vision clinic, a clinic that today offers those with limited sight the practical advice and tools they need to make a full, independent life possible.

Dad eventually retired at the age of 70, and finally had time for the things he loves—fly fishing, scotch, golf, good food, good conversation, a good joke. More than anything on earth, though, he loves our mother, Anne, his wife of 37 years. A local mechanic, speaking with them about the loss of his own wife, said wistfully, "I'd like to think we had the same sort of marriage you two have," and with those words he spoke for everyone who knows our parents. They have talked, laughed, loved and occasionally fought their way through nearly four decades of marriage, and no invention of Hollywood could ever tell a finer story.

Together they raised five children, creating a secure haven of love and stability in the midst of turbulent times.

All five of us have grown and gone now, and have established careers of our own in education, business, finance, law, politics and religion. Each child has at least one degree, some have two, one is working on her third. We are making our mark from New York to San Francisco, and trying to set the same standards in our chosen fields as our parents did in theirs. It's a hard act we're following, but if you asked Dad what he takes the most pride in, we suspect he would point to our independence, even if it does occasionally drive him wild.

Mr. Speaker, those children, their spouses, and Pete's grandchildren will all arrive in Corning in a few days, to celebrate this special birthday and this special man. His has been a life of service, courage, and love. I am proud to call him my friend.

THE SMALL BUSINESS PERSON OF THE YEAR FOR 1997, DERYL McKISSACK, PRESIDENT AND CEO, McKISSACK AND McKISSACK OF WASHINGTON, DC

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Ms. NORTON. Mr. Speaker, each year the U.S. Small Business Administration [SBA] celebrates Small Business Week by honoring outstanding men and women as Small business Persons of the Year. The winners of this award are judged based on staying power, growth in number of employees, increase in sales and/or unit volume, current and past financial reports, innovativeness of product or service, response to adversity and evidence of contributions to community-related projects. The Small Business Person of the Year for 1997 is Deryl McKissack, President and CEO of McKissack and McKissack of Washington, DC.

Mr. Speaker, Deryl McKissack is a DC resident and graduate of Howard University who, in 1990, opened the Washington Office of McKissack and McKissack, the oldest minority-owned architectural/engineering firm in the Nation with $1,000, exceptional skills, determination, and a dream. In 1995 the company was certified in SBA's 8(a) Program and has won two 8(a) contracts totaling $9.5 million.

Mr. Speaker, today this business woman has over 35 full-time employees with an estimated revenue of $7 million for the coming fiscal year. Her client list now includes the U.S. Department of Labor, the Department of the Treasury, the Washington Convention Center, NationsBank, Georgetown University, Howard University, Morgan State University, and Coppin State College. The firm is a leader in program management engagements and is working on three separate contracts at the historic Treasury building in downtown D.C.

Ms. McKissack has encountered closed doors and stiff competition. She overcame these obstacles with a strong commitment to excellence, a determination to outperform her competitors, emphasis on delivering outstanding work on schedule and within budget and ensuring that client's needs are met. Ms. McKissack supports a number of charitable organizations and serves the community in other ways including the DC Public Schools' Task Force on Education, Infrastructure for the 21st Century, and the Architectural Review Board.

Mr. Speaker, I ask that this body join me in saluting Deryl McKissack, SBA's Small Business Person of the Year for 1997 for the Washington Metropolitan Area and celebrating the contributions of the small business community to this Nation's economic health.

LEWIS AND CLARK RURAL WATER SYSTEM ACT

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. THUNE. Mr. Speaker, today, I am introducing legislation that authorizes constructions of the Lewis and Clark rural water system. This system, when complete, will provide much needed, safe drinking water for hundreds of communities in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota.

I am proud of the citizens of South Dakota who have worked extremely hard on this project. They are to be commended. Nothing is more important to the health of South Dakota ranchers, farmers, and people living in towns and cities than the availability of safe drinking water. The bill I am introducing today will achieve that goal.

In this day of fiscal austerity, only projects of the greatest public benefit can be brought forward. The Lewis and Clark rural water system is the only feasible means of ensuring that future supplies of high quality water will be available well into the next century. The Lewis and Clark rural water system will provide a supplemental supply of drinking water that is expected to serve over 180,000 people.

Mr. Speaker, water development is a health issue, economic development issue, and a rural development issue. The ability of rural America to survive and grow is intrinsically related to the ability of rural and growing communities to provide adequate supplies of safe drinking water. Without a reliable supply of water, these areas cannot attract new businesses and cannot create jobs. The creation of jobs is a paramount issue to a rural State such as South Dakota. The Lewis and Clark rural water system will help assure job growth in the areas to be served.

It is extremely difficult for rural communities and residents to maintain a healthy standard of living if they do not have access to good quality drinking water. This bill authorizing the construction of the Lewis and Clark rural water system with work toward this end.

I urge my colleagues to take a close look at this legislation. Their support would be greatly appreciated.

DECLARING MAY 22, 1997, BILINGUAL FOUNDATION OF THE ARTS DAY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize the Bilingual Foundation of the Arts [BFA] on the occasion of its 17th annual El Angel Awards ceremony, which will honor the outstanding artistic contributions of women, and to declare May 22, 1997, Bilingual Foundation of the Arts Day in my California's 34th Congressional District.

This year marks BFA's 24th season of bringing Latino world drama to both English- and Spanish-speaking audiences. Each year, more than 300,000 children and adults experience the richness and diversity of Latino culture through the presentation of plays in southern California schools and at BFA's Lincoln Heights Theater.

BFA's mission has been to bring communities together through the presentation of plays from the diverse Latino cultural and theatrical tradition. Classical and contemporary plays are presented in both English and Spanish, alternating weekly. Founded by my good friend and internationally recognized Mexican-American actress and producer, Carmen Zapata, along with Cuban-born actress and director, Margarita Galban, and Argentinean designer, Estela Scarlata, BFA has grown from a small, itinerant bilingual theater to a permanent cultural institution that utilizes the arts as a tool for exploration and understanding of the Latino community.

On the evening of May 22, 1997, Chairman Jesus Rangel, joined by Cochairs Enrique "Henry" Baray, Douglas M. West, and Latin Heat's Bel Hernandez and Loyda Ramos, will join BFA's supporters in honoring the outstanding contributions of women at the 17th annual El Angel Awards ceremony. Receiving the El Angel Corporate Award will be the Coca Cola Co. and Kraft General Foods, for their support of Latino arts. Muralist Judy Baca and actress/comedianne Liz Torres will receive the El Angel Artist Award, for their outstanding and innovative contributions to the arts.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in recognizing the Bilingual Foundation of the Arts for its unyielding commitment to promoting the arts in the Latino community, and to join me in congratulating 1997's El Angel Award recipients. I proudly, in recognition of BFA's contributions to our community for nearly a quarter of a century, declare May 22, 1997, to be Bilingual Foundation of the Arts Day in my congressional district.

PERSONAL EXPLANATION

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mrs. FOWLER. Mr. Speaker, due to the cancellation of my flight to Washington, I missed rollcall Votes Nos. 139, 140, and 141. Had I been present I would have voted aye on rollcall Nos. 139, 140 and 141.

"MY GOOD FRIEND, THE PRESIDENT OF TAIWAN"

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Ms. BROWN of Florida. Mr. Speaker, a few years ago I had the opportunity to visit Taiwan and I became an admirer of President Lee Teng-hui. He was graceful, charismatic, knowledgeable, and visionary as well. He deeply impressed me with his firm grasp of world events as he articulated his vision of a modern Taiwan that is economically prosperous, politically free, and internationally respected.

President Lee has certainly maintained Taiwan's spectacular economic growth. Politically he has introduced many reforms, including the upcoming debate on Taiwan's constitution. In terms of achieving greater international recognition for Taiwan, I have learned that Foreign Minister John Chang is succeeding in making the world see the injustices of excluding Taiwan, a major economic power, from many important international organizations. As for Taiwan's relationship with the United States, Taiwan certainly has many friends on Capitol Hill due to the efforts of Ambassador Jason Hu and his staff.

Congratulations to my good friend, the President of Taiwan, on the occasion of his first anniversary of his first elected term of office. He will always have my support and best wishes.

A TRIBUTE TO THE WEST ST. LOUIS COUNTY CHAMBER OF COMMERCE

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to the West St. Louis County Chamber of Commerce on the event of its 40th anniversary. This chamber has faithfully served the cities of Ballwin, Clarkson Valley, Ellisville, Manchester, Valley Park, Wildwood, Winchester, and parts of unincorporated St. Louis County, MO.

Established on May 13, 1957, as the Lafayette Chamber of Commerce, the chamber was founded to enrich the communities of the West St. Louis County corridor. At its first meeting held in the basement of Ballwin Elementary School, the chamber dedicated itself to improving the quality of education, highways, and sewer systems. From these humble beginnings, the West St. Louis County Chamber of Commerce has grown into one of the most dynamic and progressive chambers in this region. With 385 members and 601 representatives, the chamber continues to advance commercial, industrial, and civic interest, as well as enhancing the community environment within cities and unincorporated areas.

The West St. Louis County Chamber of Commerce currently is involved in numerous activities including: monitoring local, State, and Federal legislative issues of specific interest to business; maintaining a proactive status to improve transportation facilities and services; publishing an annual "Buyer's Guide and Membership Directory" which is distributed to 50,000 residents; soliciting of new businesses and residents to the area; acts as a clearinghouse for information for prospective new businesses; and offers its members opportunities for networking, advertising, education, and referrals.

Mr. Speaker, I ask that you join me in congratulating the membership of the West St. Louis County Chamber of Commerce on this occasion. I am confident that the chamber will continue to lead the West St. Louis County corridor well into the next millennium.

AN AMERICAN SUCCESS STORY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, it is most appropriate that on the eve of his retirement that I rise in tribute to the chairman and chief executive officer of General Public Utilities, In., Mr. James R. Leva.

Jim Leva is a true American success story and how he achieved that success defines what it is to be a good civic and corporate citizen—hard work, determination, commitment to community, excellence in all efforts, and loyalty and love for family.

A 1950 graduate of Boonton High School and a veteran of the U.S. Marine Corps, Mr. Leva joined Jersey Central in 1952 as a utility worker and progressed to first-class lineman in 1954. He worked for 4 years as night troubleman while attending Fairleigh Dickinson University as a full-time day student in electrical engineering. At the same time, he was beginning his life with his wife, Marie Marinaro of Morristown, and raising their five children.

Mr. Leva graduated from the university magna cum laude with a bachelor of science degree in electrical engineering in 1960. The same year he advanced to cadet engineer in the utility's central division engineering department and was promoted to assistant engineer the following year. His rise continued—from personnel assistant in 1962, assistant manager-employee relations in 1963, manager-employee relations in 1968, vice president personnel, safety and services in 1969 and vice president consumer affairs in 1979.

In 1980, Mr. Leva obtained his juris doctorate from Seton Hall Law School and was admitted to the New Jersey Bar the same year.

In January 1992, he was elected president and chief executive officer of General Public Utilities Corp., the forerunner of GPU, Inc., and assumed the additional position of chairman in June 1992. He is also chairman of GPU Nuclear, Inc., and chairman and chief executive officer of all other major GPU companies.

And, while all this hard work was accomplished, Jim Leva never forgot his commitment to the county and State in which he lived. Mr. Leva has been active in local public affairs for many years. He served as a member of the Morris Township Board of Education, the Morris Township Committee, and was the township's police commissioner. He also served two terms as mayor of Morris Township.

Jim Leva has had an even broader sense of community than the county in which he lives. Among his other contributions, Mr. Leva is a director of the Utilities Mutual Insurance Co., New Jersey Utilities Association, Edison Electric Institute, and New Jersey State Chamber of Commerce. He was national chairman of the 1996 U.S. Savings Bond campaign, chairman of the board of trustees of St. Clares-Riverside Foundation, and chairman of the joint advisory board of the Edward J. Bloustein School of Planning and Public Policy of Rutgers University. He is also a member of the board of trustees of Fairliegh Dickinson University and the TriCounty Scholarship Fund and a member of the board of directors of Prosperity New Jersey, Inc.

Mr. Speaker, this Friday, May 23, many people will gather to pay tribute to Jim Leva for his many achievements and leadership of GPU as well as his countless contributions to a better New Jersey. They will come from all walks of life—from the lineman to the government official, from business leaders to community volunteers to say thank you. We say thank you Jim for a job well done and thank you for serving as an example to us all. We are most grateful for your service and we wish you and your family many happy and well deserved years of retirement.

TRIBUTE TO BARTLEY "BART" BENNETT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. CONDIT. Mr. Speaker, I rise today to pay tribute to a great humanitarian and close friend, Mr. Bartley "Bart" Bennett. Bart has worked tirelessly for the housing industry and constantly volunteered his time throughout our community. For that, I would like to honor him today.

Bart and I have known each other for years. Since founding Christmas CanTree with Frank Riser in 1977, Bart has worked with numerous organizations providing for the less fortunate. He simultaneously served on the Salvation Army Modesto Corps Advisory Board and the Community Housing and Shelter Services Board for almost two decades. This unrelenting dedication has affected many lives over the years.

In addition to these services, Bart has served as chairman of the Big Five Fundraiser for 10 years. This organization benefits the Community Housing and Shelter Services. It is a pleasure to recognize Bart today for these selfless acts of good will.

TRIBUTE TO NATIONAL WRITE YOUR CONGRESSMAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. CAMP. Mr. Speaker, I was pleased during the last few years to see that so many Americans take the opportunity to become involved in our Government. This involvement is reflected in the high volume of letters from my constituents regarding issues and events that affect their lives. I encourage and welcome this type of participation.

Today, I would like to recognize an organization that helps the people of this country send their thoughts and concerns to their Representatives in Washington, DC. National Write Your Congressman, founded in 1958, is a unique organization. It is different because it is not a lobbying organization and does not show partiality toward a particular issue. National Write Your Congressman researches legislation, presents both sides of national issues, and allows its members to develop their own opinions.

Once a month, this organization sends its members an opinion ballot outlining both sides of a controversial issue. They also conduct frequent national polls among their members and advise Representatives of the results. Finally, National Write Your Congressman keeps its members aware of their Representatives' voting records on national issues.

I am proud to see this organization actively encouraging busy Americans to voice their opinions on national issues. I commend National Write Your Congressman on its efforts to keep the American people in touch with their Representatives.

AMERICAN LEGION POST 553, SOUTH GLENS FALLS, NY, HONORED FOR 75 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. SOLOMON. Mr. Speaker, as a lifetime member of the American Legion myself, it is with great pride that I commemorate the Mohican Post 553 of the American Legion in South Glens Falls, NY, in my congressional district. And it is with great humility that I stand here today and try and do justice to all the tremendous service and good this post has done for veterans and their families, as well as the entire community over the past 75 years.

Just last year, I had the tremendous good fortune of addressing both the New York State and the National American Legion Convention where I was awarded with the American Legion's Distinguished Public Service Award. Mr. Speaker, it occurred to me that among all the things I've done in this Congress, I literally cherish above all else the time I've spent working alongside the American Legion. Together we've achieved so much on behalf of flag and country.

But Mr. Speaker, those achievements are what makes the men and women of American Legion Posts like No. 553 in South Glens Falls the true heroes. Not only have they served their country in uniform, but they have served America and their fellow veterans as members of the Legion. A group that is always in the forefront of efforts to develop and maintain adequate veterans benefits and programs.

And as if that wasn't enough, there are the tremendous programs and activities the members of Post 553 run on behalf of their community. I'm talking about things like scholarships and teams they sponsor for the youth in Glens Falls as well as community wide events.

Because of efforts like these, their promotion of pride, patriotism, and good citizenship goes unparalleled. And that's why I can't wait to pass the constitutional amendment to protect Old Glory right here on the House floor knowing I have the wholehearted support of my fellow Legionnaires from Post 553 in South Glens Falls, New York.

Mr. Speaker, protecting our flag, watching out for fellow veterans and ensuring a strong national defense may seem like a large and daunting agenda to some. But that's not half of what Legion Posts like this one have done over the 75 year history dating back to 1922. But I know there's no limit to what they can accomplish. That's because this post is made up of patriotic Americans who have served their country and earned the right to call themselves veterans of the U.S. Armed Forces and proud members of the American Legion.

At this time, Mr. Speaker, I ask that you and all members join me in paying tribute to all the members of South Glens Falls Legion Post 553 for their tireless and selfless devotion to America and their community.

A SPECIAL TRIBUTE TO DR. ROBERT L. FULLER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. STOKES. Mr. Speaker, on May 24, 1997, Mt. Hermon Baptist Church will honor a dedicated individual and servant of God. The church, which is in my congressional district, will pay special tribute to Dr. Robert Lawrence Fuller, a pastor who completed 81 years in the Gospel Ministry. I join the Mt. Hermon Church family and the Greater Cleveland community in saluting Dr. Fuller. I want to share with my colleagues and others some information regarding this distinguished individual.

Dr. Fuller was born on October 10, 1911, in Decatur, AL. At the age of 5, his call to the ministry was recognized. Although Dr. Fuller was born with a speech impediment and had never been to school, he undertook the preaching of the Gospel with an unwavering conviction. He received his license at the age of 11, and was ordained some 8 years later. At the youthful age of 22, Dr. Fuller accepted his first pastorate at the Union Hill Baptist Church of Chattanooga, TN.

Mr. Speaker, in February 1937, Dr. Fuller arrived in Cleveland, OH, and began his ministerial service at Mt. Hermon Baptist Church. With the country in the Depression and the congregation on the verge of losing its place of worship, Dr. Fuller began a faith-building itinerary which would continue throughout his tenure. In 1939, the Mt. Hermon congregation began to purchase its first building. They burned the mortgage in 1942. As the membership continued to increase, a building fund was established, with a view to expansion. The ground breaking for the new place of worship took place on July 7, 1957. On August 10, 1958, the Mt. Hermon Baptist Church conducted its first worship service in the newly-completed, half-million dollar edifice on East 40th Street.

Mr. Speaker, Reverend Fuller retired as pastor of Mt. Hermon Baptist Church in October 1992, after a record 55 years of dedicated service. He left with an impressive list of accomplishments to his credit. Under Dr. Fuller's leadership, renovations continued to take place, including the installation of an infra-ray heating system, a state-of-the-art public chime system, and the completion of a tower and third floor addition. Further, Dr. Fuller was instrumental in seeing that Mt. Hermon was responsive to the needs of the Greater Cleveland community. He led the congregation in evangelistic crusades and conducting religious surveys. Dr. Fuller was also responsible for the planning and building of the Good Samaritan Foundation Home which officially opened its doors to the community in October of 1990.

Mr. Speaker, I join the Mt. Hermon Baptist Church family and many others in saluting Dr. Robert L. Fuller. His slogan that he is "God's Minute Man," exemplifies his intention to immediately respond to God's direction. I applaud Dr. Fuller for his strong commitment and dedicated service throughout the years. I recognize his achievements, and I wish him continued blessings and Godspeed.

PERSONAL EXPLANATION

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. HINCHEY. Mr. Speaker, unfortunately I was delayed on route to the Capitol following a meeting with constituents in my congressional district during the votes on H. Res. 152. Had I been present, I would have voted "no."

ARLENE NUNES' GUARDIAN ANGEL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, all of us in Congress are called upon from time to time to provide assistance to people who live in our districts and require some guidance in dealing with the complexities of one or another bureaucracy. One of the people that the excellent staff in my office have been able to help is Ms. Arlene Nunes. I was therefore especially moved when I saw Ms. Nunes recently and heard her describe the events which are chronicled in the accompanying article. The point is that Ms. Nunes having herself been in a situation where she experienced health problems and called on us to help her in dealing with a bureaucratic maze, drew strength from this and was for precisely this reason eager to help someone else who was in trouble. I was especially impressed by Ms. Nunes' assertion that precisely because she has herself asked others for assistance, she was inspired to provide literally life saving assistance to someone else at a difficult period. To go from the illness she had within a short period of time to being literally a life saver for a fellow human being is not only an extraordinary experience, but indicative of an extraordinary individual, Arlene Nunes, and I am proud to share this experience with others as an example of how adversity of a personal sort can sometimes be strengthening and bring out the best in us.

ARLENE NUMES, AS TOLD TO VERONICA CHATER

The blue-green sea spread out before me like a blanket as I waded into the warm water of Lydgate Lagoon on the Hawaiian island of Kauai. Could a month in paradise help me heal? I wasn't sure anything could.

Only a month before, I'd been lying miserably in a hospital back home in New England, admitted for heart problems and exhausted from multiple sclerosis.

"My daughter and I are supposed to be on a plane to Kauai!" I told the doctor.

"Don't worry," my 23-year-old daughter Dorene reassured me. "We'll just postpone the trip. It's not the end of the world."

But it felt like it. At 49, with my divorce behind me, I wanted to believe I still had a lot of living to do. But instead, my heart was racing, my left side was weak—and I felt I was falling apart.

Lying in bed, 17 long days had passed while I wondered if I'd ever feel strong again. But this trip would do more for me than I could have imagined.

The sun was on my face as I fed tropical fish. I wanted to dive into the glassy blue, but my doctor's words echoed in my mind, *Take it easy*.

I'm not much of a swimmer anyway. As a young girl, I had gone swimming in a lake and gotten a cramp in my leg. Before I knew it, I was under. Please help me! I panicked, my lungs ready to burst. Finally, someone pulled me out. But ever since, I couldn't put my head underwater, I'd just paddle and float.

So I paddled and floated out, and when I could no longer feel the sandy floor, I let the water just support my body.

I watched a man swim to shore to look after his three children while his wife went in, scuba gear in hand. Then I kept floating out—about 100 feet—to the deepest part of the lagoon.

There may have been 10 other swimmers, or rather, snorkelers, their breathing straws skimming and bobbing. But my vision was drawn farther out. That's the mother of those children, I realized. It was her jerking movements that had caught my eye. Without making a sound, she threw up her arm, which twisted like a corkscrew. And she was gasping as she tried to yank off her diving mask.

Instantly, I knew I was witnessing an epileptic seizure; I had seen one years ago. And now, there was only still water where the young mom had been.

My mind went blank as my body took over. I paddled over as fast as I could, my heart pounding. And then, without thinking, I dove beneath the water.

I don't even remember pulling the woman to the surface. But suddenly, there I was, floating, holding on to her with my stronger right arm to keep her afloat. And then I found my voice and screamed. "Help!"

None of the snorkelers heard me. So I kept screaming, trying to keep the woman—convulsing and grabbing me—from pulling us both under.

On shore, I saw Dorene jump at the sound of my voice, and she started hollering too. And then the woman's husband realized. "Ellen," he cried "Ellen!" The sound of his plaintive cries made my heart break.

I can't wait for help, I thought. We have to get to shore. So with my weak left arm, I swam with all my might. Will we make it? I panicked. But then I saw a man swimming quickly toward us.

Panting, he reached us. "She's having a seizure!" I cried.

"Take her legs," he coughed, and together we towed her to shore.

When my feet finally touched bottom, I shouted to the crowd: "Get a doctor!" As it turned out, there was one on the beach, who performed CPR and emptied her lungs of water. Within minutes, she and her family had disappeared in an ambulance.

Standing in the water, I realized for the first time what had happened, and I started to sob. My fellow rescuer came toward me. "You saved her life," he said.

"We did," I replied.

"You know," he said, "I'd postponed this vacation because I was ill. I was just wading in the water . . ."

Then I told him my own story. For a moment we just stared at each other, knowing we had shared something incredible.

Maybe it wasn't just a coincidence that we were here to save that woman, I thought. Maybe, just maybe, God wanted to give us something: the feeling of strength when we felt weak. To show us something: that we could do something wonderful for another when we weren't sure what we could do for ourselves.

We called the hospital and found that Ellen had been released. She never knew that the stranger who reached out for her that day was me.

I think about Ellen a lot. Whenever I feel tired or weak, I remember the feeling of my legs and arms moving furiously and a sensation of power taking hold. If I could pull a woman out of the ocean, I can do anything!

If you ask Ellen, she'd probably tell you that I was her guardian angel. But if you ask me I'd have to say she was mine.

NATIONAL INTEREST IN RURAL HIGHWAYS ACT

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. THUNE. Mr. Speaker, as my colleagues are aware, Congress is in the process of developing legislation to reauthorize highway and transit programs. To ensure vital transportation links are maintained into the 21st century, we must address rural America's needs as well as America's need for a strong rural America.

The National Interest in Rural Highways Act would ensure rural States receive adequate funding. These States need a level of funding that ensures a seamless transportation system. The Nation does and must continue to benefit from effective transportation in and across rural areas. Without good highways across the plains and mountains, people and goods cannot move efficiently between the west and the east coasts. Yet these States with large land areas and sparse populations cannot support these national interest roads without a Federal investment. The bill would help meet this goal by establishing a small pool of funds to be allocated to States that have a population density of 25 people per square mile or fewer and cover a total area of 10,000 square miles or more.

The allocation from this pool of funds would supplement the State's regular allocation. The allocation would help meet the special needs of States that depend so heavily upon highways. The States that would qualify for this program would be Alaska, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.

The total fund would constitute a mere 1.25 percent of the authorized appropriation of the highway trust fund (excluding the mass transit account). The distribution formula would be based upon two factors. Half of the total allocation would be distributed to each qualifying State based upon the total number of NHS miles in the State. The other half of the allocation would be based upon the number of vehicle miles traveled on the NHS within the eligible State.

The need for this legislation is clear. Without good roads in and across these States, regional and national movement is stymied.

And while these States enjoy some of the benefits of mass transit and passenger rail service, these are services that largely go unused in our area of the country. Quite frankly, the costs too often outweigh the benefits. Families, businesses, and industry depend largely upon roads and highways for their day-to-day business. As an example, South Dakotans annually pay over 30 percent more per capita in motor fuel taxes than the national average.

Highways act as the lifeline between these communities. In the State of South Dakota, agriculture and tourism are the top two industries. For agriculture, roads and bridges allow our farmers and ranchers to conduct their daily operations and help them bring their products to markets. For the small businesses—the entrepreneurs of my State—highways and roads are absolutely vital to keep our out-of-state visitors moving from border to border.

I grew up in Murdo, a small town on Interstate 90 in western South Dakota. Murdo is built upon the agriculture and tourism businesses. Growing up, I worked in both industries. Having that four-lane highway running past my town played a key role in building these businesses and keeping Murdo alive and thriving.

But this last winter and spring have brutalized our highways. The record cold temperatures, excessive snow fall, and subsequently flooding have turned miles of roads and bridges into crumbled pavement and asphalt. Some of these extra needs can be met through disaster relief efforts. However, rebuilding our infrastructure will take much, much more. South Dakota already has a highway maintenance backlog of over $500 million.

This bill recognizes the need to tie together the expanses that separate people as it gives certain States the tools they need to overcome the obstacle of distance. Nationally the highways in these States—particularly the National Highway System routes—help improve transportation for the entire country.

I have submitted a chart to be printed in the RECORD following my remarks that outlines which States would qualify under this legislation as well as the level of funding for which each State would qualify.

I thank my colleagues, Representative YOUNG of Alaska, HILL of Montana, and CUBIN of Wyoming, for joining me as original cosponsors of this bill. I hope other Members will join them in their support of this legislation.

NATIONAL INTEREST IN RURAL HIGHWAYS ACT

	HM–48P[1] NHS lane miles	Percent of total NHS lane miles	NHS lane miles distribution	VM–3P[1] total NHS VMT (millions)	Percent of total NHS VMT	Total NHS VMT distribution	Total distribution	Percent of total distribution
Alaska	3,508	4.90	5,939,987	1,821	3.78	4,577,675	10,517,662	4.34
Idaho	6,303	8.81	10,672,674	4,474	9.29	11,246,853	21,919,527	9.05
Montana	10,357	14.48	17,537,186	4,237	8.79	10,651,076	28,188,262	11.64
Nebraska	7,534	10.53	12,757,088	6,393	13.27	16,070,883	28,827,971	11.90
Nevada	5,764	8.06	9,760,002	4,932	10.24	12,398,185	22,158,186	9.15
New Mexico	8,932	12.49	15,124,278	8,344	17.32	20,975,355	36,099,633	14.90
North Dakota	7,411	10.36	12,548,816	2,605	5.41	6,548,514	19,097,330	7.88
South Dakota	7,628	10.66	12,916,255	3,263	6.77	8,202,611	21,118,866	8.72
Utah	7,037	9.84	11,915,533	8,909	18.49	22,395,666	34,311,199	14.17
Wyoming	7,051	9.86	11,939,239	3,200	6.64	8,044,240	19,983,479	8.25
Total	71,525	100	121,111,058	48,178	100	121,111,058	242,222,115	100.00

[1] Revised Feb. 1995 FHWA Highway Statistics Table.

Total adjustment 242,222,115.

SERGIO ESPINOZA AND THE USIAA—TRUE CHAMPIONS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. FILNER. Mr. Speaker, I rise today to salute one of my constituents, Sergio Espinoza, the first San Diegan to win the National Golden Gloves Tournament of Champions, and also to pay tribute to the U.S. Institute of Amateur Athletics, the organization that provided Sergio with the training that led him to his victory.

Boxing for the U.S. Institute of Amateur Athletics, Sergio was crowned 106-pound National Golden Gloves Champion on May 3, 1997. This tournament has a distinguished history that spans 70 years of pugilistic excellence.

Sergio is an intense young man from my congressional district, who began boxing 4 years ago. In his short career, he won a national tournament for 17 to 19-year-old boxers, and reached the quarterfinals in the World Junior Championship in Cuba. He has served notice to the world that he will be a force in the next Olympics.

I am proud to have the U.S. Institute of Amateur Athletics located in my own 50th Congressional District. The USIAA has succeeded in both training and educating student athletes. Under the guidance of its executive director, Mr. Robert C. Coons, and a very dedicated board of directors, the USIAA has become a permanent fixture in amateur athletics in San Diego.

The success of Sergio Espinoza and many other young people from USIAA who have represented our city, depend on a community that is willing to share its time, its talent, and its financial resources. In that sense, all of my constituents in the 50th Congressional District share in his victory.

Sergio and the USIAA serve as role models for our community—they are true champions and heroes.

The citizens of San Diego will honor the remarkable achievement of Sergio Espinoza in a homecoming celebration to be held May 29, 1997, at High Park Church in San Diego. Mr. Speaker, I ask that my colleagues join with me in saluting this fine young man, his family, friends, and the organization that he has represented so well in competition, the USIAA.

IN HONOR OF THE 31ST ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF GUYANA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. PAYNE. Mr. Speaker, I ask my colleagues to join me in congratulating the New Jersey Arya Samaj Mandir, Inc. as they celebrate the 31st anniversary of the independence of the Republic of Guyana. In honor of this event, a commemorative flag-raising ceremony will take place on Thursday, May 27, 1997 at 5:30 p.m., in the Council Chambers at Jersey City Hall, 28 Grove Street, Jersey City, NJ.

The word "Guyana" is an indigenous Indian word that means land of many waters. This land is believed to have been populated since the 1200's by the Arawak, Carib and Warrow tribes. Christopher Columbus was the first European to have sailed along its coast in 1498. Sir Walter Raleigh organized expeditions in the 1500's in search of the mystical city of El Dorado believed in be in Guyana.

In 1621 the Dutch started to colonize Guyana and in 1640 the first slaves arrived from Africa. In 1763, about 100 years before the American Emancipation, the slaves in Guyana revolted in the ill-fated effort known as the Berbice Slave Rebellion.

In 1781 the British captured the colony but were ousted within the year. From 1782 until the return of the British in 1812 the colony was administered by French and Dutch administrations.

In 1835 laborers were brought in from Portugal and 1838 marked the beginning of indentured servitude with the arrival of laborers from India. The Chinese came in 1853.

In 1953 elections were held for the first time under the system of universal adult suffrage. The People's Progressive [PPP] won this election but was removed, after 133 days in office, by the British.

The PPP was reelected in 1957 and again in 1961. During these two terms under the system of internal self rule, the colony of the then British Guiana experienced significant social and economic growth in spite of political disturbances, especially in the early 1960's.

In 1964, an unpopular government was brought to power through external influences. It remained in power until 1992 through constant rigging of national elections.

In 1966, Guyana became an independent Nation and in 1970 it obtained republican status.

On October 5, 1992 the first free and fair elections were held since 1964. This election, supervised by a team of international observers led by former U.S. President Carter brought the PPP-civic government under the Presidency of Dr. Cheddi Jagan to office.

Over 50 percent of Guyana's population consists of East Indians, whose ancestors came to Guyana from India. Therefore, Mr. Speaker, I would also like to applaud the New Jersey Arya Samaj Mandir, Inc. for their support of Hindu culture and serving the educational, cultural, and religious needs of the Hindu immigrant population that lives in New Jersey.

NORTH HOOSICK FIRE DEPARTMENT CELEBRATES THEIR 50TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. SOLOMON. Mr. Speaker, as in many primarily rural areas, volunteers provide most of the fire protection in the 22nd Congressional District of New York.

One of those, in fact one of the best volunteer fire companies, is celebrating its 50th anniversary this year. On May 1, 1947, a group of citizens gathered at the old North Hoosick Schoolhouse on the corner of routes 22 and 67 to form the department. For the next 50 years the North Hoosick Fire Department has provided the communities of North Hoosick, East Hoosick, and Walloomsac with outstanding fire protection. These volunteer companies, Mr. Speaker, save billions of dollars of property and countless lives every year in New York State alone. Volunteers are increasingly well-trained and professional. But more than that, the spirit of volunteerism that they exhibit is America at its best. Neighbor helping neighbor at the local level. That's what volunteer fire companies are all about.

Mr. Speaker, I know that all 435 congressional districts in this great country are blessed with their own volunteer firefighters who do equally fine work. Please join me in saluting the North Hoosick Fire Department, so ably led by Chief Alan J. Bornt, and all the other members, and wish them another 50 years of dedicated service to the community.

TRIBUTE TO JO-ANN MAXWELL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. ANDREWS. Mr. Speaker, I rise today to honor an individual who has dedicated her life to education. I am speaking of Ms. Jo-Ann Maxwell, who will be retiring on May 22, 1997, after a lifetime of exemplary service.

Ms. Maxwell has been involved in education since her graduation from Indiana State Teachers College in 1958. She holds certificates in secondary speech and dramatics, secondary English, secondary education, as well as an elementary certificate. Currently, Ms. Maxwell is using her skills as a basic skills instructor for the upper elementary grades at Erial Elementary School. She has shown a deep commitment to passing along the skills that each student will need to be successful in the future. For her efforts, Ms. Maxwell received the prestigious honor of being selected as the 1986–87 Teacher of the Year.

All who have known Ms. Jo-Ann Maxwell, especially those who have benefited from knowledge, are honored by her service to their community. On behalf of all the citizens of New Jersey, I thank and congratulate Ms. Maxwell. We all will miss her remarkable talents.

SEEKING SOLUTIONS FOR SMALL BUSINESS CREDIT NEEDS

HON. JOHN J. LAFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. LaFALCE. Mr. Speaker, small businesses are again being hurt by a lack of loan guarantee assistance through the Small Business Administration. This, in turn, is directly attributable to a shortage of Federal moneys to adequately support the 7(a) loan guarantee program.

The President's budget request for fiscal year 1997 was for $11 billion in guarantees for SBA's 7(a) loan program.

The House-passed appropriation bill only provided funding for $7.2 billion.

The Senate-passed bill provided funding for $8.4 billion.

And the enacted bill funded $7.8 billion.

I want to emphasize that these are loan guarantees. The Federal Government only spends money to pay claims in the event of default in repayment of these loans which are made by private lending institutions. For the 1997 program, we appropriated $158 million, along with usage of $40 million which was unspent in 1996, in order to support almost $8 billion in guarantees.

It is now clear that the $8 billion in loan guarantees is not sufficient to meet demand, which is estimated at $9.5 to $10 billion.

In order to prevent the program from running out of money this summer and being forced to close, SBA took administrative action to limit the size of a loan which it would guarantee. Instead of the statutory maximum of $750,000 in Federal exposure per borrower, a cap of $375,000 was imposed effective May 5.

Unfortunately, the notice of SBA's decision to impose a cap, which is required by law, provided lenders with a window to rush through most of their pending bigger loans and caused what has been termed a "run on the bank."

As of yesterday, the amount of 7(a) loan guarantees available through the end of this fiscal year is less than $1.65 billion. This meager amount must stretch over 4 months as compared to usage of $6 billion in the first 8 months.

It appears certain at this point that even though the previously imposed loan cap will reduce demand, it will not have sufficient impact. Additional action must be taken.

At this point we cannot engage solely in an exercise in assessing blame and finger pointing.

If Congress had appropriated more money as the President requested, we would not be confronted with this problem today.

If SBA had reacted more quickly in acting to dampen demand and live within the budget enacted, less severe action would be necessary.

The most immediate need is to craft a solution to small business credit needs, on a short term basis to see us through the end of this year and into next, but also over a longer range.

There is a wealth of knowledge available to examine this problem and develop a solution. We should take full advantage of it.

Today, I have introduced a resolution calling upon the Administrator of SBA to appoint a blue ribbon commission to quickly examine small business credit needs.

This examination should encompass the entire concept of Federal programs to assist small firms in obtaining loan capital.

Over the short term, the options are probably limited to some minor changes in existing standards, terms and conditions. There simply is not time to develop new programs. But priority must be placed on developing some reasonable short term solution.

For the long term, however, there is an opportunity to expand the options being considered.

The quality of small business guaranteed loans have been greatly improved in the past few years.

Substantial user fees are now imposed upon those who participate in these programs.

In fact, SBA's major plant and equipment program, the certified development company program—which is not the one involved in the shortage of funding—now operates without any subsidy from the Federal Government. It costs us nothing.

The subsidy rate for the 7(a) program has also substantially improved.

Now is perhaps the time to consider privatizing these programs. It may be that 7(a)'s costs can be further reduced.

It probably is not possible to completely eliminate Federal support all at once. It will probably take an evolution just as in past decades SBA lending evolved from direct loans to loan guarantees.

The evolution from Federal loan guarantees to privatization may involve a concept called a government sponsored enterprise or GSE. Simple described, a GSE is a privately owned entity which is not part of the Federal budget but which may receive financial assistance in the future from the Government if the need arises and the Government agrees to do so.

GSE's have been used to assist housing. They have been used to assist students. They have been used to assist agriculture.

This may also be a useful model to help small business. Or perhaps a GSE should be used to help at least some small businesses which need a small amount of credit enhancement—that is, a small percentage of the loan needs to be guaranteed—as compared to other firms which need an 80- or 90-percent guarantee.

I advanced the privatization concept 20 years ago. I refined it over the years and specifically directed it toward small business in the late 1980's. It did not receive the necessary support. But small business loans were very different then than now, and we did not confront the budget constraints we now do.

A GSE is not a panacea. Establishment does involve some potential problems. It is, however, worthy of consideration as one of a variety of alternatives, and my resolution simply calls for its consideration.

PENSIONS TO FORMER NAZIS WHILE SURVIVORS GET NOTHING

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. ACKERMAN. Mr. Speaker, I wanted to take this opportunity to bring to the attention of my colleagues a painful reminder of WWII and the Nazi Holocaust in Europe. Several months ago, it came to light that the German Government was paying military pensions to former Nazi Waffen S.S. soldiers living in the United States and elsewhere, while scores of Jewish survivors in Eastern Europe and even some in the United States have never received any compensation for the horrors that they endured. I have spoken out on this subject numerous times, but I wanted to commend my colleagues to an ad placed by the American Jewish Committee in the New York Times on May 7, 1997, which clearly outlines this horrible and tragically ironic state of affairs.

At the beginning of the ad, two pictures are displayed: One is of an elderly Jewish man who was a survivor of a Nazi ghetto in Eastern Europe, the other is of a man with arm raised in a Hitler salute, who was a soldier of the Waffen S.S. from Latvia. The headline asks: "Guess Which One Receives a War Victims Pension from the German Government?"

The text of the ad follows:

> If you guessed the survivor, you're wrong, sad to say. While Holocaust survivors in other parts of the world are eligible to receive German pensions, Holocaust survivors in Eastern Europe and the former Soviet Union have never received a pension of any kind from Bonn. Inexplicably, the German government has simply drawn the line at providing such direct assistance to this group of survivors. Not so, however, for many of the survivors' former tormentors. Believe it or not, the German government provides generous monthly pensions to Nazi war veterans whose injuries or even mild, chronic ailments qualify them for "war victims pensions." In the U.S. alone, there are 3,377 pensions sent each month to veterans of the armies of the Third Reich or their dependents! After the fall of communism, many Waffen S.S. veterans in the Baltic states and elsewhere in Eastern Europe discovered they, too, were eligible and are now receiving such pensions from Germany, while their victims are not. Today, an estimated 15,000–20,000 Jewish survivors of ghettos and concentration camps live in Eastern Europe and the former Soviet Union. They are old, many are in poor health and financially destitute. Surely, they deserve some help and comfort in the last years of their lives. Join our call to the German government to correct this grievous wrong. Bring justice to the real victims of the Holocaust.

RECORD LOW UNEMPLOYMENT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. OXLEY. Mr. Speaker, in April the national unemployment rate reached a 24-year low of 4.9 percent. Ohio's unemployment rate was 4.8 percent for April, according to Ohio Bureau of Employment Services statistics released last Friday. Unemployment fell in every one of the counties of Ohio's Fourth Congressional District. Clearly, the Ohio economy is very strong, with a robust labor market.

For the national unemployment rate to crack the 5 percent floor for the first time since the Nixon administration signals a fundamental change in the labor market. The accepted economic thinking has been that even a full-employment economy had a natural unemployment rate of 5 percent or so. That is, that even during times of prosperity and growth you would have structural and short-term unemployment due to the normal function of the labor market, and that the figure was between 5 and 6 percent.

The parameters have changed, and it is the result of actions taken by the Republican Congress. Welfare reform probably had the largest single impact. As the States implement the legislation enacted by Congress, individuals are being weaned off welfare and into paying jobs. Over 1.3 million people left the welfare rolls in 1996, more than 650,000 of them in just the last 4 months of the year. When you reform social programs that discourage work, you are bound to get more wage earners.

Then there's immigration reform. With the tightening of restrictions on illegal immigration and the termination of benefits like unemployment insurance for illegal immigrants, jobs are moving out of the underground economy and are being filled by legal residents.

In addition, efforts made by Congress to deregulate businesses, promote competition, and cut government spending are all contributing to economic growth. The telecommunications and securities reform legislation passed during the 104th Congress are two prime examples where deregulation is eliminating redtape, expanding industries, and putting capital investment to more efficient use to create jobs.

Another factor contributing to the sustained economic expansion has been the increase in international trade. Fully half of U.S. economic growth during the past 5 years has been export growth. Free trade policymaking in Washington and a global perspective in Columbus have accrued to the advantage of the Buckeye State, where Governor Voinovich has worked to make Ohio one of the top exporting States in the Nation.

International competition benefits the U.S. economy in another important way, by working to keep prices down. We truly are part of a global economy, one result of which is that tight labor markets do not necessarily mean higher prices.

What we are experiencing now is record employment without accompanying inflationary pressures. With the exception of a few sectors requiring special skills in short supply, you have full employment without worker shortages. The old notion of what constitutes natural unemployment rates needs to be rethought. The Federal Reserve Board was correct not to raise interest rates yesterday, and it should not do so until such time as there is real evidence of inflationary pressure.

Finally, because the balanced budget agreement negotiated by GOP congressional leaders calls for tax cuts for families, capital gains tax relief, and reduced government spending, we can count on lower interest rates, continued job growth, and more money in the pockets of Americans—more of whom are working than at any time in history.

THE MEN OF ESSEX—AN EXTRAORDINARY GROUP

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. PAYNE. Mr. Speaker, I would like to draw the attention of my colleagues to an event that will take place this evening in Newark, NJ. It is the 39th Annual Essex Award ceremony of the Men of Essex. For 39 years this group of distinguished and dedicated gentlemen, the Men of Essex, has given time, expertise and resources to recognize and enhance the lives of students who have shown outstanding achievement and potential in academic and athletic activities. This evening, four of its founders—Winfred Gideon III, Hamilton V. Bowser, James Sherman, and J. Garfield Jackson, Sr., will be honored. All of these men are excellent role models and exemplify what it means to be of service to one's community.

In 1958 a group of men having a common interest in athletics and creating a better image for the youth of the County of Essex met to discuss the possibilities of forming an organization whose prime function would be that of providing the young athletes in the community with some incentive for achieving both athletic and academic distinction. Following several informal meetings under the leadership of Winfred Gideon, with whom I had the pleasure of working with at The Prudential some years ago, it was agreed that there was a need for such service and the Men of Essex was born.

Mr. Speaker, that was 40 years ago. Just a few weeks ago there was a summit in Philadelphia that focused on volunteer efforts and working with youth. I would like to commend and thank these men for having such foresight and remaining focused on such a laudable and practical mission.

WEST GLENS FALLS, NY, FIRE COMPANY NO. 1 CELEBRATES 50TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. SOLOMON. Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. That's why I travel home to my congressional district every weekend, to see the picturesque towns and scenery that marks the 22d district of New York. And my hometown of Queensbury and the Glens Falls community are certainly near and dear to my heart.

The traits which make me most fond of such communities is the undeniable camaraderie which exists among neighbors. Looking out for one another and the needs of the community make such places great places to live and raise a family. This concept of community service is exemplified by the devoted service of the West Glens Falls Fire Company No. 1. For 50 years now, this organization has provided critical services for the citizens on a volunteer basis. As a former volunteer fireman myself, I understand, and appreciate, the commitment required to perform such vital public duties.

It has become all too seldom that you see fellow citizens put themselves in harms way for the sake of another. While almost all things have changed over the years, thankfully for the residents of my home town, the members of West Glens Falls Fire Company No. 1 continue to selflessly perform their duty without remiss. I can't say enough about the countless lives and millions of dollars in property they have saved by doing so over the course of their 50 year history.

That's why I am so glad to have this opportunity to pay tribute to them today. And for that matter, the residents of their community will have the opportunity to show their appreciation at a parade marking this momentous occasion on Sunday, June 1, 1997.

Mr. Speaker, I have always been one to judge people by how much they give back to their community. On that scale, the members of this fire company, both past and present, are truly great Americans. I am proud of this organization because it typifies the spirit of volunteerism which has been such a central part of American life. We would all do well to emulate the service of the men and women who comprise Fire Company No. 1 in West Glens Falls. To that end, it is with a sense of pride, Mr. Speaker, that I ask all members to join me in paying tribute to them on the occasion of their 50th anniversary.

TRIBUTE TO ADAM DEFOE

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. POMEROY. Mr. Speaker, today I would like to recognize an impressive young North Dakotan. Adam DeFoe of Devils Lake was the 1997 State winner in the Veterans of Foreign Wars' Voice Democracy Broadcast Scriptwriting Contest. Mr. DeFoe's essay is based on the theme "Democracy—Above and Beyond".

I am very excited to see such worthwhile ideas coming from North Dakota's youth. It is my pleasure to submit Mr. DeFoe's essay for inclusion in the CONGRESSIONAL RECORD:

DEMOCRACY—ABOVE AND BEYOND

(By Adam DeFoe)

"Democracy, above and beyond all other forms of government. What exactly does this phrase mean? To find out, I took each letter of democracy and found a word befitting this form of government starting with that letter. It is as follows.

First of course is 'D'. I chose two words for this letter. The first is dependence. Democracy stands for dependence upon the people for an efficient government unit. Dependence upon the people is the key to democracy, for without the people's say in the government, what kind of government is it?

My next word is dauntless. Synonyms for this word include fearless and bold. A democracy is indeed dauntless because it is government by the people. If the people are in charge, of course they will be bold and fearless. This is what they fought for, went above and beyond their call of duty for, for a government that is indeed above and beyond all others.

Next, we have the letter 'E'. For this letter I chose empowerment. Again we come back to the people. The people are indeed empowered in Democracy as it is their form of government: "of the people, by the people, for the people". Without a government such as a democracy, the people would have little or no say in the government, as is the case in lower forms of government such as a tyranny or monarchy, where the rule is just by a few and oftentimes by the least competent few.

We move on now to the letter 'M'. For this letter I settled upon majority rule. A democracy is rule by the majority, not by just the wealthy or by those who inherit their positions. The voice of the majority is heard and ruled upon. The laws of the country are governed as such. This is government in its truest form, this is democracy.

Now we have 'O'. For 'O' we have obligation. This word relates not only to the Democratic government, but also to the people. The government's first and foremost duty is to do what is right for the people, to defend and protect their rights and interests. However, these people, too, are obliged to see that the government does these things, to see that the government is run well and efficiently. Moreover, it is the people's obligation to vote, so that their voice may be heard. For without this very important part of the democratic process it is very hard for the government, or democracy as a whole, to be above and beyond all other forms of government.

This brings us now to the letter 'C'. I found the word 'change' to be appropriate for this letter. People crave changes. Democracy gives them that. True, other forms of government do give change, such as a monarchy, for example, but in a democracy it's good change, a change the people want. Also, a change that democracy needs, to have fresh ideas and thoughts in the government. It is the people's responsibility to see that this change is brought forth.

Next, we have 'R'. Resilience. It is my belief that a democratic government is resilient. Resilience to change, and to recover quickly from these changes that are imperative to Democracy. Resilience is also needed to recover quickly from misfortune. The people in a democratic nation may band together more quickly than would other nations with other forms of government for the reason that they've had to work together in the past to form and make their democratic government work and will remain banded together in times of disaster.

After that comes 'A'. For 'A' we have adapt. This word is important to democracy in that democracy has evolved over time from other forms of government such as the caste system. Democracy originated in Ancient Greece and has since then adapted and changed to the needs of modern society.

Moving on now 'C', we have culture. A democracy can represent all forms of culture in a nation. It can represent all of the people, rich or poor, educated or not. This is the essence of democracy, representing all walks of life equally. Favoring no one. Going "above and beyond all other forms of government" in this way.

Finally we come to the letter 'Y'. For this I have chosen the word 'yes'. The word 'yes' in that I say yes to democracy, a fine government in which people can express their opinions without fear of oppression. A government where people can guarantee themselves the freedoms they want. Yes, a democracy, above and beyond all forms of government. I think it's spelled out quite clearly."

A TRIBUTE TO THE ANNUAL ELIZABETH WATERFRONT FESTIVAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. MENENDEZ. Mr. Speaker, I rise to pay tribute to the Annual Elizabeth Waterfront Festival. This 3-day cultural celebration will take place in my district on May 24–26, 1997, along the spacious Veterans Memorial Waterfront Park in the city of Elizabeth.

This weekend's festivities celebrate the enormously positive influence of Hispanic culture on the lives of the people of Elizabeth. The Elizabeth Waterfront Festival proudly exhibits the rich cultural traditions that Hispanics have brought to the city, and to the Nation. The artwork, music, dance, and cuisine at the festival represent the cultural mosaic of Elizabeth.

The Elizabeth Waterfront Festival recognizes the role business can play in helping people achieve their true potential and highlights the diversity that exists within the Hispanic community. Its success exemplifies the beneficial influence public-private partnerships can have on a community. In cooperation with the city of Elizabeth, sponsors of the festival include major companies such as Anheuser-Busch, AT&T, Bustelo Coffee, HBO en Espanol, Best Foods, and Coca-Cola. Melly Mell Productions is once again producing the festival whose local sponsors include the Elizabeth Center at 13A, Twin City Supermarkets, Mega 97.9 FM Radio, Telemundo 47, TKR Cable of Elizabeth, Union County College, and First BankAmericano.

The Elizabeth Waterfront Festival observes the cultural and economic role that the Hispanic community plays in Elizabeth and it illustrates all that the city has to offer. Locating the festival on the waterfront was an inspired choice to highlight Elizabeth's business community since the city of Elizabeth's strategic location on New Jersey's coastline makes it a preferred destination for ships carrying goods from all over the world.

It is an honor to have such an exceptional event take place in my district. The festival brings our community together, reflecting positively on the city of Elizabeth and New Jersey. I am certain my colleagues will rise with me and recognize this wonderful celebration of culture, community, and diversity.

VOLUNTEER MEDICAL SERVICES ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. DUNCAN. Mr. Speaker, a number of organizations provide volunteer medical services without charge to those who might not otherwise have access to medical care.

I think all of these people should be commended for lending a helping hand to their fellow man.

However, many of these organizations have been hampered in their efforts because the doctors must have a medical license in each State in which they volunteer their services. The State of Tennessee recognized this problem and addressed it by enacting legislation which will allow any licensed doctor to practice in the State as long as they are providing medical services to the poor at no cost.

Unfortunately, the State of Tennessee is the only State in the Union to have this type of law. Therefore, Mr. Speaker, I have introduced a bill, House Concurrent Resolution 69, which encourages all States to pass similar legislation.

I believe we need to reduce the rules and regulations which hinder the efforts of those who wish to help the less fortunate in our Country. House Concurrent Resolution 69 will do just that.

I urge my colleagues to lend their support to House Concurrent Resolution 69 so that volunteer organizations can provide medical services to those in need.

HAPPY 60TH BIRTHDAY FRANCIS FRAENKEL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mrs. LOWEY. Mr. Speaker, I wish to honor and congratulate Francis Fraenkel on his 60th birthday.

The name Francis Fraenkel is synonymous with success. Francis is currently president of Delta Capital Management, Inc., the investment advisory firm he founded in 1992. Prior to establishing DCM, he served as president of Salomon Brothers Asset Management Inc. and as managing director of Salomon Brothers Inc. Before joining Salomon Brothers, Francis served as chairman and chief executive officer of Lehman Management Co., and senior executive vice president and director of Lehman's parent company, Shearson Lehman Brothers.

Francis earned his undergraduate degree in business from Tulane University's School of Business Administration in 1954, and has remained involved with the school ever since. In recognition of his career accomplishments and his continued support of the business school, he was honored as Freeman Business School's Distinguished Alumnus in 1984. Three years later, he was honored again by the school with the first bachelor of Science in Management Award for Excellence in Business. For the past 17 years, Francis has served on the Freeman Business School Council, which has given him the opportunity to help shape the future of the thousands of Freeman graduates who have followed him.

While Francis' commitment to business excellence is clear, work is not the only thing that matters to him. For example, he has volunteered his time at Community Synagogue in Rye for years, and served as president from 1982–1984. Our community is a better place because of him.

Perhaps most importantly, Francis Fraenkel is a dedicated husband and father. He has been married to his wife, Cecele Ross Fraenkel for 43 years. He is the proud father of two daughters, Sally Fraenkel Zuch and

Julie Fraenkel Mamis, and the grandfather of Emily and Melanie Zuch and Max Mamis. His example sends a message to us all that we need not choose between career and family. I know his family is proud.

Mr. Speaker, on behalf of the friends, colleagues, and family of Francis Fraenkel, I hereby express my heartfelt congratulations on his 60th birthday and wish him many more to come.

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Ms. ESHOO. Mr. Speaker, I rise today to introduce the Securities Litigation Uniform Standards Act of 1997. This bipartisan bill will finally guarantee a single set of standards for securities litigation for nationally traded securities.

This legislation, introduced with Representative RICK WHITE, is a narrowly focused bill that will address a specific problem created by a loophole in the 1995 Securities Litigation Reform Act. It does not in any way seek to limit the ability of States to enforce its laws. The bill is strictly limited to nationally traded securities traded on the American Stock Exchange, the New York Stock Exchange and NASDAQ.

The legislation clarifies that nationally traded securities, whose regulation is a primary responsibility of the Federal Government, will be subject to Federal securities law, as amended by the 1995 Securities Litigation Reform Act. Among the major reforms instituted by that law were a safe harbor provision that protected forward looking statements, the creation of a single pleading standard that required plaintiffs present some evidence of securities fraud, and a stay of discovery when a motion to dismiss is pending. Unless these important reforms are applied across the board, they are meaningless.

The need for these reforms was clear. Without an enforceable safe harbor provision, companies would continue to fear releasing any forward looking statements that could be grounds for a meritless suit. Without a single standard for pleading, there could be a different requirement, or no requirement, for a plaintiff presenting evidence of grounds for fraud. Finally, without a stay of discovery, companies could be forced to settle out of court to avoid huge legal fees.

Unfortunately, in the last year, we have seen these reforms undermined by a shift to State courts where safe harbor, uniform pleading standards, and stay of discovery do not apply. Two studies, one done by the Securities and Exchange Commission and one by two Stanford professors, have indicated a significant move to file securities class action in State courts, and in some cases, filing parallel cases in both Federal and State courts.

Professors Joseph Grundfest and Michael Perino of the Stanford Law School did extensive research into the nature of class actions suits filed after the 1995 securities litigation reform was implemented.

They found that prior to passage of the 1995 reforms filings in State courts of securities class actions were de minimis. In the past year 26 percent of class actions involving nationally traded securities were filed in State Courts. The shift to the State courts has undermined the safe harbor provisions to the extent that corporate heads still avoid forward looking statements according to a letter sent to me by 181 presidents and CEO's of high technology companies.

Sixty-one Democrats recognized the need to address this problem when earlier this year we sent a letter to President Clinton calling on him to support legislation to establish uniform standards.

We have constructed a narrow bill that seeks to get at the specific problem that has been raised. The bill will require class action lawsuits that involve nationally traded securities to be heard in Federal court. It does not cover public class actions or State enforcement. It affects only class actions, not all private actions. Finally, it avoids needless litigation by making removal to Federal courts the procedure by which these cases will be heard.

I thank Representative WHITE and each of the original cosponsors of this legislation for their work and support, and I look forward to the passage of this needed, balanced legislation in the 105th Congress.

PROTECT OUR VOLUNTEERS SO THAT THEY MAY CONTINUE TO SERVE OUR NATION WITHOUT THE THREAT OF LAWSUITS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. FARR. Mr. Speaker, I was pleased to support passage of H.R. 911, the Volunteer Protection Act.

A Gallup study found that nearly 20 percent of all nonprofit organizations in the United States have experienced volunteers withholding service or resigning due to fear of liability exposure.

I want to clear up some misconceptions about the bill. H.R. 911 provides only limited tort claim liability protection for nonprofit or governmental volunteers acting in good faith and within the scope of their duties.

H.R. 911 does not shield volunteers from lawsuits for harm caused by willful or criminal misconduct.

Hate crimes committed by groups or individuals are fully liable for their actions and are not exempt from prosecution under the willful or criminal misconduct provision. The committee adopted an amendment clarifying that groups engaged in activities covered under the Hate Crimes Statistics Act are not exempt.

One might wonder if it is necessary for Congress to enact legislation to protect volunteers. It is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers.

In the spirit of voluntarism, we must find the ways and means to make citizen service the common expectation and the common experience of every American.

This bill will open the door for the many Americans withholding their services due to fear of exposure to liability suits. I am pleased that the House approved H.R. 911 today.

IN MEMORY OF LT. OWEN EUGENE SWEENEY, JR.

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. EHRLICH. Mr. Speaker, I rise today to pay tribute to a constituent and fallen hero, Lt. Owen "Gene" Sweeney, Jr., of the Baltimore City Police Department. Lieutenant Sweeney—a resident of Bel Air, MD—fell in the line of duty on May 7, 1997. Mere words cannot describe the shock and grief felt by his family, friends, and fellow police officers.

Gene Sweeney joined the Baltimore City Police Department in 1968 because he wanted to make a difference. As he worked his way through the ranks, Lieutenant Sweeney was always willing to accept responsibility. He was a member of the Baltimore City Police Department Homicide Squad, and at one time commanded the Crimes Against Persons Unit.

Throughout his 28 years on the force, Gene Sweeney enjoyed great respect as an exceptional police officer and leader. He was always there when people needed him, both as a cop and as a friend. Those who knew him described him best when they said, "he was a class guy."

Gene Sweeney was a devoted husband and father. He and his wife of 25 years, Elaine, had two sons, Frank and Eugene. Like many families, they enjoyed attending Baltimore Orioles baseball games and Ravens football games. Most of Owen's happiest family moments, however, were spent boating on the beautiful Chesapeake Bay. In fact, Gene Sweeney—only 819 days shy of retirement—had already purchased a boat in anticipation of his golden years.

It was dedication to duty and devotion to the officers he commanded that took Lieutenant Sweeney on his last call. Lt. Owen Eugene Sweeney, Jr., was mortally wounded while trying to help his fellow officers. Ironically, Gene Sweeney's death came only a few days before "Fallen Heroes Day," a day on which the citizens of Maryland annually commemorate those who have laid down their lives in the performance of their duties. His death was a stark reminder of the price these brave souls have paid.

I want to offer my deepest sympathy to Lieutenant Sweeney's family, his friends, and the men and women of the Baltimore City Police Department. Gene will be dearly missed, but never forgotten.

THANK YOU, ROBERT PRICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. BARCIA. Mr. Speaker, many of the communities throughout our great Nation are blessed with great local governments. And the reason these governments are great is because they have been led by wonderful, dedicated people like Robert Price, the president of the village of Otisville, who is retiring after 36 productive years in office. He is being honored by the village with a retirement celebration on May 31.

Bob first served his community as a member of the board of review, appeals and planning, beginning in 1958. He then in 1961 began 8 years of service as a member of the village council. Since 1969, he has been the village president.

He will leave behind him a legacy of accomplishment. The village grew during his time of leadership, and many services had to be upgraded to provide for the increased demands. There were extensive improvements to the water system, including the construction of a new sanitary sewer system. Parks and recreational facilities were built for the community to provide the infrastructure that families need to provide wholesome recreation for their children.

Bob Price's activities on behalf of the community came in many other forms as well. He was a charter member of the Otisville Jaycees, where he promoted the Jaycee sense of encouraging new businesses for the needs of residents of the community and as a source of jobs for many residents. His involvement in other civic and church groups are very well known throughout the community, and will certainly be highlighted at his retirement celebration.

Mr. Speaker, each of us works with our local officials, and I know many of our colleagues have served in that capacity. It is the most challenging of all public service because you are accessible every moment of every day—at the office, in church, at the grocery store, or at the Little League game. I have great respect for these dedicated individuals. It is why I consider it an honor and a privilege, Mr. Speaker, to encourage you and all of our colleagues to join me in thanking Robert Price, an outstanding example of local officials, for all of the work that he has done, and offering our best wishes for him as he begins a well-earned retirement.

TRIBUTE TO FOUR GIRL SCOUT GOLD AWARD RECIPIENTS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. SANDERS. Mr. Speaker, today I would like to salute four outstanding young women who are being presented with the Girl Scout Gold Award by the Vermont Girl Scout Council. They are Melissa D. Jones and Tina M. Newell of Senior Girl Scout Troop 707 in Vergennes, VT and Jennifer R. Tobin and Vincenza Tortolano of Senior Girl Scout Troop 817 in Rutland, VT. They are being honored on May 29, 1997 for earning the highest achievement award in U.S. Girl Scouting.

The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12. To receive the award, these Girl Scouts first earned four interest project patches, the career exploration pin, the Senior Girl Scout leadership award and the Senior Girl Scout challenge as well as designing and implementing a Girl Scout Gold Award project to meet a special need in their communities.

As members of the Vermont Girl Scout Council, Melissa Jones and Tina Newell first earned badges in understanding yourself and others, child care, games, creative writing, and reading. The girls then combined their efforts in a project to combat illiteracy. They designed a series of three workshops for young children about the magic of books which they put on at their local town library. The workshops featured a magician, hired with moneys the girls raised themselves, magic tricks and crafts taught by the girls and wonderful stories featuring magic. They attracted a large number of youngsters. The girls reported "Everything we did interested and excited the children; they wanted to read more books and they now know the library and are planning to come to their future children's programs."

Jennifer Tobin and Vincenza Tortolano put their efforts into making a special place for some elderly members of their community. The girls designed and established a conversation garden to give nursing home residents and their guests access to sidewalks, shade and beauty, putting in two settees and planting bulbs and a flowering crabapple tree, all financed by the girls' sale of handmade cookbooks. To quote the nursing home administrator, "These two young people have earned the respect and appreciation of 125 nursing home residents and 160 employees of Eden Park."

These four Senior Girl Scouts have earned my respect and appreciation, too, and I believe all four of the girls should receive the public recognition due them for such significant services to their communities and their country.

HONORING CAPTAIN LEROY A. FARR, A MILITARY AND AMERICAN HERO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1997

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor a friend and a true military giant, an American hero—U.S. Navy Captain Leroy Farr.

Captain Farr is retiring from the Navy after 30 years of service to our country. As a test pilot, landing signal officer, operations and maintenance officer, squadron commanding officer, air boss, program manager, and inspector general, Captain Farr has a record in naval aviation that is second to none.

In 30 years Captain Farr has racked up numerous accomplishments but one of the greatest achievements in his distinguished record is the quiet but critical role he played in helping to save a strategic military asset—the Naval Air Warfare Center Aircraft Division in Lakehurst, NJ.

Lakehurst, Mr. Speaker, is the heart of naval aviation. It is a unique, one-of-its-kind, world-class facility whose primary function is to ensure that aircraft safely launch and recover from the deck of a carrier or other platform, and that support equipment assist in the service of planes, parts, and ordinance at sea. The safety and success of every single naval aircraft depends on the work and skill housed at Navy Lakehurst.

Despite its military value, the Department of Defense erroneously targeted Navy Lakehurst for closure—and then for a radical realignment. As part of the realignment scenario, the critical manufacturing, design, and research that goes on at Lakehurst was to be split apart and relocated at other bases.

Knowing that we had to act quickly to respond to this disaster, I immediately called together business and community leaders to discuss a plan to defend our base. We formed the Save Lakehurst Committee and organized a massive effort to save Navy Lakehurst. But without reliable facts and figures, our effort would have been for naught.

As commanding officer of Lakehurst, Captain Farr was undoubtedly between a rock and a hard place. He knew the facts; he knew the figures. But as a Navy officer, Captain Farr could not and would not violate his chain of command. At the same time, as a Captain, a pilot, a former air boss, and the current commanding officer of Navy Lakehurst, Captain Farr knew better than anyone just how devastating the close Lakehurst scenario would be for national security and pilot safety.

It was an unusual situation where one's own military command was supporting a plan not in the best interest of the military. A predicament in which a man of less character, less courage, less fortitude and less grit might decide to look the other way—and let the chips fall where they may. But not Leroy Farr.

Captain Farr drew strength from his own personal skills and attributes enabling him to strike a balance between the plans of his Pentagon and the needs of his Nation. I remember his wife, Barbara, telling me just how much he grieved for the future of Navy Lakehurst and the future of any pilot who might fly off an aircraft carrier without the support of the skilled workers and artisans at Navy Lakehurst.

I had the good fortune of sitting in on Captain Farr's many briefings when BRAC officials would come to the base to see for themselves what went on at Navy Lakehurst. It was in these skillful presentations that Captain Farr laid the groundwork for the ultimate reversal of the close Lakehurst scenario. Captain Farr was informed, clear, concise, fair, direct, honest, sincere, and always careful to never publicly repudiate the Pentagon's plans.

Yet, on those critical points and questions when the facts simply did not fit the Pentagon's proposal, Captain Farr was sure to let the facts speak for themselves.

And the facts spoke volumes. Each fact introduced or underscored in a Captain Farr briefing became amplified by our community effort. We catapulted—to coin a phrase—the information to the BRAC Commission who in turn were persuaded not by rhetoric but by data—real hard evidence. They reversed the Pentagon proposal and secured the future of Navy Lakehurst and naval aviation and the safety of every Navy pilot.

Captain Farr's love of his country and love of his military—and his ability to withstand the heat—enabled him to educate and guide all of us who could openly and publicly challenge the Pentagon on the basis of military value and pilot safety. He did it not in a brash, self-promoting, self-serving or destructive manner but with class, dignity, firmness, integrity, valor, and resolve. And in this effort Captain Farr demonstrated that he is the personification of what our future military leaders should always strive to be: brave, decent, honorable leaders who put the safety of the Nation at the forefront of every decision.

It has been my distinct honor and privilege to have worked with Captain Farr and I know I speak not only for myself but for all who support Navy Lakehurst and are dedicated to a strong, capable military defense when I say that we will sincerely miss you and your brand of military leadership. Our gratitude for your dedication, contribution, and success is immeasurable.

We wish you the absolute best in your future endeavors with your wife Barbara and your children, Patty, Sherry, and Andrew—you, Captain, have earned it.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 84) establishing the Congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

Mr. SERRANO. Mr. Chairman, Governor Rosselló has proposed an economic growth incentive for Puerto Rico that would encourage U.S. companies to stay and expand on the island. This program has been endorsed by the President and has received bipartisan support in Congress. Senators D'AMATO and MOYNIHAN have introduced legislation in the Senate to implement this proposal. It is a priority of most of the Hispanic Members of Congress. This has the unified support of the public and private sectors in Puerto Rico. This job creation incentive should be included in legislation being considered this year to spur economic growth for the Nation as a whole.

Puerto Rico has paid a very high price this decade to fund legislation which expanded existing economic incentives or created new ones from which it will not benefit. In the 1993 budget bill, for example, business operations in Puerto Rico saw a net tax increase of almost $4 billion, while individuals and businesses on the mainland enjoyed $25 billion in new or expanded tax benefits.

In 1996, Congress again increased taxes on commerce in Puerto Rico by $11 billion while reducing taxes on mainland businesses and individuals by $30 billion. The 1996 changes are especially harmful to economic growth in Puerto Rico. In effect, Congress eliminated altogether the Federal economic incentives that help attract companies to the island. Sections 936 and 30A of the Internal Revenue Code will continue for ten years but at a significantly reduced level and only for companies and lines of business that were already on the island on October 13, 1995.

As a result of these changes, Puerto Rico now has no Federal economic incentives to attract new business. Further, companies subject to the 10-year phase out may not, without losing all of their incentives, introduce new lines of business.

The 1996 tax bill enacted a number of special tax incentives for small businesses and tax credits for both small and large companies. The 1996 small business tax credits were intended to help companies offset an increase in the minimum wage. Ironically, while employers in Puerto Rico are subject to the minimum wage, they also saw the elimination of their Federal economic incentives.

These changes present the Government of Puerto Rico with a serious threat to its goal of expanding private sector employment while reducing the size and cost of both Government and welfare. Without any economic incentives for new job creation or investment, it will be difficult to stop employers from leaving the island for foreign locations.

Moreover, without any incentives, the Puerto Rican economy, where per capita income is less than 30 percent of the United States mainland, and where unemployment is two to three times the average in the States, cannot possibly catchup; it can only fall further behind, with implications for state and Federal balanced budget goals.

The D'Amato-Moynihan bill would modify the wage credit in section 30A to: (1) Apply to new business; (2) eliminate the "cap" limitations that were put in place last year; and (3) remain in effect until Puerto Rico increases its economic performance. These modifications would be made without reducing in any way the economic incentives that apply to existing business operations in Puerto Rico that are being phased out.

There are compelling reasons to act now.

Most importantly, we should not wait until there are visible declines in the Puerto Rican economy. These job creation incentives take time to generate results, and Puerto Rico needs results now. Deferring this program until all incentives for existing operations terminate is like playing Russian roulette with the 4 million Americans in Puerto Rico.

As time goes by the cost of providing new economic incentives for Puerto Rico will increase, especially as the negative impact of the 1996 tax law changes are felt. It will be far less expensive to keep companies in Puerto Rico by acting now, rather than to try and get them back after they leave.

Moreover, should Congress and the President agree on a long-term budget plan this year, it is unlikely that a major budget or tax vehicle will be considered for some time to come. As a result, this may be the last best opportunity to act.

It is in the national interest to establish these economic growth incentives for Puerto Rico this year.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 22, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 3

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to examine the Federal Communications Commission implementation of the Telecommunications Act of 1996, focusing on efforts to implement universal telephone service reform and FCC proposals to assess new per-minute fees on Internet service providers.
SR–253

JUNE 4

9:00 a.m.
Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.
SD–226

9:30 a.m.
Environment and Public Works
To hold hearings on the nomination of Michael J. Armstrong, of Colorado, to be an Associate Director of the Federal Emergency Management Agency.
SD–406

Small Business
To hold hearings to examine small business perspectives on mandates, paperwork, and regulation.
SR–428A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine instances of contaminated strawberries in school lunches.
SR–332

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Library of Congress, General Accounting Office, and the Government Printing Office.
S–128, Capitol

JUNE 10

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on miscellaneous water and power measures, including S. 439, H.R. 651, H.R. 652, S. 725, S. 736, S. 744, and S. 538.
SD–366

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the offices of the Secretary of the Senate, Senate Sergeant at Arms, and the Architect of the Capitol.
S–128, Capitol

JUNE 11

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Stateside of the Land and Water Conservation Fund.
SD–366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH–216

JUNE 16

2:00 p.m.
Special on Aging
To hold hearings to examine the problem of pension miscalculations, focusing on methods for educating people on the steps they can take to protect themselves and their pension benefits.
SD–628

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

POSTPONEMENTS

MAY 22

2:00 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine Russian case studies on proliferation.
SD–342

SENATE—*Thursday, May 22, 1997*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy God, help us to be ever mindful of Your presence in every moment of this day. May we practice Your presence by opening our minds to think Your thoughts. May this day be filled with surprises in which You intervene with solutions to our problems and with superlative strength that replenishes our limited endurance. Fill us with expectancy of what You will do in and through us today.

We claim Isaiah's promise, "You will keep him in perfect peace whose mind is stayed on You."—Isaiah 26:3. Stay our mind on You so that we may know Your lasting peace of mind and soul. You know how easily we can become distracted; often hours will pass without thought of You or Your will for our work. In those times, invade our minds and remind us that You are in charge and we are here to serve and please You.

Lord, keep our minds riveted on You throughout this day so that we may draw from Your unlimited wisdom for all that we do and say. Especially, we ask for Your guidance as discussion is completed and a final vote is taken on the budget. May our fiscal planning be in keeping with Your priorities for our Nation.

In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the able Senator from New Mexico, is recognized.

SCHEDULE

Mr. DOMENICI. Mr. President, for the information of all Senators, today the Senate will resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution, with 13 hours of debate on the resolution remaining. As under the previous order, Senator MOSELEY-BRAUN will be recognized this morning to conclude debate on her amendment. Senators can expect a rollcall vote between 10:30 and 11 o'clock this morning. Following the disposition of the amendment just mentioned, the Senate will continue to work through the approximately 45 amendments which have been filed to the budget resolution. As the majority leader has indicated, it is his intention that the Senate conclude work on this resolution today. In regard to numerous amendments filed, it is our hope that each and every amendment filed will not require a vote. The Budget Committee has worked through the night, identifying amendments which can be worked out on both sides, therefore expediting this process immensely.

The majority leader has requested the cooperation of all Members in working with the Budget Committee and/or being prepared to debate their amendments during today's session of the Senate. As always, all Members will be notified as soon as any agreements are reached and votes scheduled. Also, before we recess tomorrow, the Senate will consider the CWC implementation bill with a short time agreement, as under the previous order.

I thank all Members for their attention.

MEASURE PLACED ON THE CALENDAR—H.R. 1306

Mr. DOMENICI. Before we begin, I understand that there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such out-of-State bank.

Mr. DOMENICI. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. Under the previous order, the clerk will report the budget resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) setting forth the Congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

The Senate resumed consideration of the concurrent resolution.

Pending:

Murray-Wellstone amendment No. 291, to express the sense of the Congress concerning domestic violence.

Inhofe amendment No. 301, to create a point of order against any budget resolution for fiscal years after 2001 that causes a unified budget deficit for the budget year or any of the 4 fiscal years following the budget year.

Hollings amendment No. 302, to express the sense of the Senate that the Highway Trust Fund should not be taken into account in computing the deficit in the budget of the United States.

Hollings amendment No. 303, to express the sense of the Senate that the Airport and Airway Trust Fund should not be taken into account in computing the deficit in the budget of the United States.

Hollings amendment No. 304, to express the sense of the Senate that the Military Retirement Trust Funds should not be taken into account in computing the deficit in the budget of the United States.

Hollings amendment No. 305, to express the sense of the Senate that the Civil Service Retirement Trust Funds should not be taken into account in computing the deficit in the budget of the United States.

Hollings amendment No. 306, to express the sense of the Senate that the Federal Unemployment Compensation Trust Fund should not be taken into account in computing the deficit in the budget of the United States.

Kerry amendment No. 309, to allocate funds for early childhood development programs for children ages zero to six.

Dorgan amendment No. 310, to express the sense of the Senate that the Congress should continue efforts to reduce the on-budget deficit without counting Social Security surpluses.

Warner-Baucus amendment No. 311, to ensure that transportation revenues are used solely for transportation.

Wellstone amendment No. 313, to provide for increases in funding for Headstart and Early Start, child nutrition programs, and school construction, which will be paid for by reducing tax benefits to the top 2 percent of income earners in the United States as well as by reducing tax benefits that are characterized as corporate welfare or tax loopholes.

Wellstone amendment No. 314, to provide that Pell Grants for needy students should be increased.

Abraham amendment No. 316, to express the sense of the Senate that, to the extent that future revenues exceed the revenue aggregates, those additional revenues should be reserved for deficit reduction and tax cuts only.

Gramm amendment No. 319, to ensure that the discretionary limits provided in the budget resolution shall apply in all years.

Gramm amendment No. 320, to ensure that the 4.3 cents federal gas tax increase enacted in 1993 will be transferred to the Highway Trust Fund.

Faircloth amendment No. 321, to express the sense of the Senate that a non-refundable tax credit for the expenses of an education at a 2-year college should be enacted.

Ashcroft amendment No. 322, to add enforcement mechanisms to reflect the stated commitment to reach a balanced budget in 2002, to maintain a balanced budget thereafter, and to achieve these goals without raising taxes.

Ashcroft amendment No. 323, to limit increases in the statutory limit on the debt to the levels in the budget resolution.

Bond amendment No. 324, to express the sense of the Senate regarding the protection of children's health.

Bond amendment No. 325, to express the sense of the Senate concerning the Highway Trust Fund.

McCain-Hollings amendment No. 326, to express the sense of the Senate that the Congress shall take such steps as necessary to reconcile the difference between actual revenues raised and estimates made and shall reduce spending accordingly if Spectrum Auctions raise less revenue than projected.

McCain-Mack amendment No. 327, to express the sense of the Senate with respect to certain highway demonstration projects.

McCain amendment No. 328, to express the sense of the Senate that the revenues generated to finance an intercity passenger rail fund under section 207 should not be appropriated before enactment of legislation to reauthorize and reform the National Rail Passenger Corporation.

Bumpers amendment No. 330, to delay the effectiveness of the tax cuts assumed in the Budget Resolution until the Federal budget is balanced.

Bumpers amendment No. 331, to ensure that the Medicare cuts that will be enacted are not used to pay tax cuts and that instead the tax cuts are completely paid for by the closure of tax loopholes.

Bumpers amendment No. 332, to express the sense of the Senate that no budget reconciliation bill shall increase the Federal deficit.

Lautenberg (for Moseley-Braun) amendment No. 333, to express the sense of the Senate regarding the use of budget savings.

Lautenberg (for Moseley-Braun) amendment No. 334, to express the sense of the Senate regarding the value of the social security system for future retirees.

Lautenberg (for Dodd) amendment No. 335, to ensure that the concurrent resolution conforms with the bipartisan budget agreement to restrict revenue reductions over the ten-year period.

Moseley-Braun amendment No. 336, to provide $5 billion for school repair, renovation, modernization, and construction priorities, offset by closing tax loopholes.

Specter amendment No. 338, to provide for a reduction in mandatory spending and an increase in discretionary spending relating to children's health.

Specter amendment No. 339, to provide for a reduction in mandatory spending and an increase in discretionary spending relating to children's health.

Specter amendment No. 340, to restore funding within the discretionary health function to maintain progress in medical research, offset by reductions in Federal agency administrative costs.

Domenici (for Grams) amendment No. 346, to require that the $225 billion CBO revenue receipt windfall be used to for deficit reduction and tax relief, and that non-defense discretionary spending be kept at a freeze baseline level.

Domenici (for Coverdell) amendment No. 347, to provide for parental involvement in prevention of drug use by children.

Domenici (for Kyl) amendment No. 348, to express the sense of the Senate that the budget resolution agreement does not foreclose the possibility of Congress adopting additional tax cuts in the future, so long as they are paid for.

Domenici (for Snowe-Coverdell) amendment No. 349, to express the sense of the Senate relative to higher education tax relief and higher education expenses.

Lautenberg (for Harkin) amendment No. 350, to express the sense of the Senate supporting an increase in funding for defense 050 account funds dedicated for medical research.

Lautenberg (for Harkin-Bingaman) amendment No. 351, to reduce the incentives to use tax gimmicks that artificially increase revenues in 2002 in ways that make balancing the deficit more difficult after 2002.

Lautenberg (for Kohl-Kerry) amendment No. 352, to express the sense of the Senate on early childhood education.

Lautenberg (for Byrd) amendment No. 353, to expand opportunities to access funding in the Highway Reserve fund.

Lautenberg (for Biden) amendment No. 354, to express the sense of the Senate regarding the extension of the Violent Crime Reduction Trust Fund through fiscal year 2002.

Lautenberg (for Boxer) amendment No. 355, to express the sense of the Senate regarding tax cut benefits.

Robb amendment No. 356, to express the sense of the Senate on Social Security and retirement savings.

AMENDMENT NO. 336

The PRESIDING OFFICER. The Senator from Illinois is recognized to speak on her amendment for up to 50 minutes.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I yield myself such time as I may require.

Before I start, I ask unanimous consent Senator BAUCUS be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I am going to yield to my colleagues from Massachusetts and Minnesota in a moment to speak on this. But I would just like to pick up the debate where we left off last evening.

This is the amendment to begin to repair America's crumbling schools and to help provide an environment suitable for learning to the 14 million children who attend school every day in this country, schools with leaky roofs, with crumbling walls, with sewage backing up in the basement, with insufficient electrical equipment to plug in computers, children who attend schools in our country that are not suitable environments for learning. Mr. President, I believe we can do better.

There has been a great deal of debate about who should pay for the crumbling schools. As we know, it is traditional in this country that State and local governments pay for elementary and secondary education. In fact, the Federal Government only supports elementary and secondary education nationwide at about a 7 percent level, so we are barely engaged in the funding formula. But as it is no doubt apparent, and I know it is apparent to everybody in this room, we are facing a crisis of national proportions because the formula for funding elementary and secondary education just does not work in ways that are adequate to meet the needs of our children. It does not work because the property tax base of elementary and secondary funding has been so inelastic as not to provide for the repair, construction, and maintenance of schools over time. So we are faced with a crisis of monumental national proportions.

The General Accounting Office tells us it will take $112 billion to repair our schools, to just bring them up to a level of adequacy—code violations removed, where students can actually learn—without even getting to putting in new technologies. It is pretty clear children cannot learn if their schools are falling down around them. They cannot use computers if there are no electrical systems to plug them into. Unless we engage as a national community to provide local districts and to provide States with some assistance in meeting this huge challenge, the challenge will continue to go unmet and we will hamstring an entire generation and make them less capable of competing in this global economy, this technological age.

We can do better. Our parents turned over to us schools that were adequate to our needs. The public schools were not in this condition. In fact, if anything, most of the schools that most American children attend were built for our generation. We have an obligation to help provide some financial assistance to States and to local districts to repair their crumbling schools.

I wanted to put it on a light note before I turned it over to my colleagues. I thought this was a perfect picture to talk about where we are. This is a cartoon. As a matter of fact, I have two cartoons. The first one says, "A computer in class opens a whole new world for us." And the little girl says, "Look, a picture of a school with no leaking roof, no peeling paint, with textbooks for everyone. . . ."

"A whole new world for us" because this is the real world. It is the crumbling schools, the broken plaster in the walls, the lack of electrical connections, broken plumbing, code violations, lead paint in the walls, asbestos—that is the environment to which we send our children to schools. The new one would be one with no leaking roof, no peeling paint, and with textbooks for everyone. This one, unfortunately, is the reality.

The second cartoon speaks to the reality again as well. Again, these are issues that everybody knows to be true. That is why it is almost surprising to even have to say these things. All you have to do is go out in your State, and you will see schools in this kind of condition. This is Peppermint Patty. Peppermint Patty's crumbling school. Peppermint Patty, in the first few panels, talks about how the roof is leaking again. And then Marcie says, "Sir, the roof is leaking again and you are getting all wet."

"I don't like to complain, Marcie."

"Then I'll do it for you. We were just wondering, ma'am, if perchance you might have noticed . . . the roof is leaking."

And then the custodian, of course, goes up, falls off the roof, and then, "How about that, Marcie, I think they fixed the leak in the roof. Let's just hope there aren't some other places where . . ." and that's when the rain starts coming down on Marcie herself.

As we talk about the importance of education, of a college education, of national standards and goals and the like for education—it is conversation. It is just conversation if we don't give the youngsters an environment in which to learn. They clearly cannot learn if the environment, the setting, is such that it impedes their ability to access the technology, it diminishes their ability to focus in on what it is we are trying to communicate to them.

This last panel which I wanted to bring to your attention, really, I thought, points out the problem altogether. That is, infrastructure, facilities, the environment, the structure have been forgotten. It is everybody pointing fingers at everybody else. It's this unit of government's job, it's that unit of government's job, it is not our responsibility; turning our backs, pointing fingers, and forgetting altogether about the basics. We are talking about computers, but we haven't remembered that you have to have electrical systems to use them. So this last one says, "This is how it is, Mr. Principal. Half the kids in our class can't read and half can't multiply 6 by 8. None of them ever heard of Bosnia and couldn't tell you who wrote Hamlet."

"I talked to the principal, sir."

"What did he say about the leaking roof?" says Peppermint Patty, who is under a rainstorm.

And Marcie says, "I forgot to mention it."

Well, we have been forgetting to mention it. We have been neglecting infrastructure and we have been letting the problem get worse and worse. As with any maintenance issue, if you let it go, it doesn't get better, it just gets worse. So this amendment, this $5 billion, is just a start to try to reach the level of the $112 billion that the General Accounting Office tells us is needed.

Here is reality. I have been showing cartoons, but this is reality. This is a chemistry lab, built probably when I was in high school, if not before—probably when my parents were in high school. Clearly, this is not suitable to teach any youngster chemistry in these times. There is no equipment. It is falling down. You can see this is just age; this is not kids trashing the school. That's just old, outdated—I would imagine, from the type of construction, since I like to do construction, this is probably close to the 1920's, if not earlier.

Here is another. Desks that you and I probably used that have been recycled, Mr. President, with peeling paint. One of the problems the GAO found is a lot of the paint peeling has lead in it, and we know from other research what lead does to youngsters.

Here's another one. The kids may have trashed the lockers, but at the same time the lockers seem to me to have gone a long way toward being trashed before the kids got there. You can't use these things.

But this is the condition of the schools.

Here is another lab. Look at that. What do we tell our children about the value of education? What do we tell them about what we think about them, sending them into conditions like this?

Before I conclude, I want to point out something that may be counterintuitive about this whole issue but that is reality; that is, crumbling schools is not just an inner city problem. Crumbling schools are not just problems in poor communities. Crumbling schools happen all over our country. In fact, the GAO tells us the central cities experience crumbling schools at a rate of 38 percent; the suburban communities at a rate of 29 percent; the rural communities at a rate of 30 percent. Add to that that it is a nationwide problem—in fact, if anything, the West has this problem more than the Midwest, and the East has it more than the Midwest. So it is a problem that is national and is in every kind of community and affects 14 million children every day.

It is shameful to me that we did not have this already in the budget as part of the budget agreement. I was very distressed about that part. But I hope the Members of this Chamber will recognize that this is reality, that we have to have a partnership. We need to help States and local governments meet this need. We are not looking to take anything over. This will maintain local control of the schools, local control of the decisionmaking about what schools get fixed and what features get addressed. But, surely, surely, with a $112 billion national problem, here at the national level we can find $5 billion to help our school districts and our States repair the crumbling schools in which we expect our children to learn.

Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I join my colleague and friend from Illinois, Senator MOSELEY-BRAUN, and commend her for bringing this matter to the U.S. Senate. Her amendment addresses basic and fundamental needs to help children get a good education, and to offset that by closing some of the tax loopholes.

In reviewing the agreements that were made in the balanced budget amendment, it is clear that almost every program is going to bear the brunt of belt tightening—with the exception of tax expenditures. There are over $430 billion in tax expenditures this current year, and that number will increase as we move to enact the tax breaks. We have still not closed the billionaire's tax loophole that permits Americans who have accumulated large amounts of wealth to renounce their citizenship and take their wealth overseas. I think we can afford to close that particular loophole and pay for this particular amendment. There are others that are just as outrageous that, with any fair evaluation of those loopholes, would clearly be closed.

It is entirely appropriate that we give favorable consideration to this measure.

Mr. President, I strongly support the amendment by Senator MOSELEY-BRAUN to provide the $5 billion for improving America's school facilities.

Good education begins with decent places to learn. Yet, in too many public schools across the Nation, children have to run an obstacle course to learn, and that is wrong.

Schools across the country are facing enormous problems with crumbling facilities. Fourteen million children in one-third of the schools are learning in substandard school buildings. Over half of all schools report at least one major building in disrepair, with cracked foundations, leaking roofs and other major problems.

Yet, student enrollments are at an all-time high and will continue to rise, causing even greater overcrowding in many schools. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

Massachusetts is no exception. Forty-one percent of Massachusetts schools report that at least one building needs extensive repair or should be replaced; 75 percent report serious problems, such as plumbing or heating defects; 80 percent have at least one unsatisfactory environmental factor.

Faulty boilers and leaky pipes are responsible for sewage leaks and backups at many schools in Springfield. Sixty percent of Springfield schools do not have power outlets and electric wiring needed to accommodate computers and multimedia equipment.

At the Washington School in Springfield, windows are falling out, so they cannot keep the school well heated. At Chestnut school, an entire floor was closed due to disrepair and has not been reopened. To add to the problem, enrollment in Springfield schools has increased by 1,500 students, or 6 percent, over the past 2 years. Facilities are not large enough to accommodate the number of students in the schools, forcing teachers to hold classes in storage rooms, large closets and basements.

In Boston, nearly half the schools need major upgrades in their ventilation systems to meet current air quality standards.

It is interesting, Mr. President, that over half of the schools in my home city of Boston are still not handicapped accessible.

Schools in the city cannot keep their heating systems functioning properly. On a given day, 15 to 30 schools report that their heating systems are not working. Of Boston's 120 school buildings, 90 do not have adequate power outlets and wiring to accommodate today's technology. Roofs are crumbling at the Dearborn School, Hyde Park High School, Dickerman High School, and the Trotter School.

Of the 50 public schools in Worcester, 10 schools need new boilers for their heating systems. Almost every school needs windows replaced. Half of Worcester's schools are not equipped with the wiring and infrastructure to handle new technology, and the vocational high school risks losing its certification because the building is in such poor condition. Its outdated electrical wiring is especially dangerous.

Worcester's schools are also becoming overcrowded. Forest Grove Middle School is at its full capacity of 750 students. They expect 150 additional students to enroll next year, forcing them to rent rooms at a local church to offset the overcrowding.

At Holt School in Whitman, the foundation is cracked. Water damage has loosened the ceiling tiles in the cafeteria, and the ceiling of the boiler room is collapsing.

At the Toy Town Elementary School in Winchendon, the roofs in the gymnasium are leaking, the window caulking is deteriorating, and there is asbestos in the cafeteria ceiling and floor tiles.

It is difficult to teach or learn in dilapidated buildings and overcrowded classrooms. That is why this amendment is so important. It would provide $5 billion in funding over the next 5 years to help school districts meet their priorities for repair, renovation and modernization of their facilities, and it is fully offset by closing the tax loopholes and corporate subsidies in the budget resolution. The amendment does not bind anyone to one specific plan of how to provide support for school facilities. Those details will be worked out later. What the amendment does do is put priority on addressing the urgent needs of schools and the children who learn in them.

It is preposterous to pretend that we can prepare students for the 21st century in dilapidated 19th century classrooms. I urge my colleagues to support Senator MOSELEY-BRAUN's amendment.

This chart indicates, Mr. President, exactly what the conditions are, as pointed out by the Senator from Illinois: Fourteen million children in substandard schools; 7 million attend schools with asbestos and lead paint. This provides for mental retardation and slow developmental learning; radon in the ceilings and wall; 12 million children go to schools under leaking roofs; and one-third of American children study in classrooms without enough panel outlets and electrical wiring to accommodate computer and multimedia equipment.

We are going to spend $7.2 million in the title I program to help children to get the basic math and reading skills they need. But if those children are in dilapidated buildings, we are not spending that money wisely. We are going to be spending about $491 million in Goals 2000, to help States and local communities establish standards so that they can measure the progress that children are making. If the Nation's classrooms are falling apart, When you have the kind of classrooms like this, how can we expect children to meet high academic standards?

As the Senator from Illinois pointed out, we are going to be spending $1.8 billion for computers, electronics, and Internet access in the schools over the next 5 years. If you do not have the electrical outlets in which to plug in the computers, what difference will our technology investment make? We will spend hundreds of millions of dollars in upgrading professional training for teachers, but forcing them to teach in crumbling schools. So we are willing to get computers into the classroom, upgrade teaching, provide additional funding for literacy, and provide the additional funding for early interventions, but are going to ignore the deterioration of our schools? This is a national problem that must be addressed. GAO estimates that communities need $112 billion nationwide to repair their schools. It's a problem across the country—in urban areas, rural areas, and suburban areas. The places I talked about reflect a broad range of Massachusetts schools. Communities in every part of Massachusetts and across the country are facing urgent needs to repair dilapidated schools. You can go all over this Nation and find out this is true, and it is affecting the children of this Nation.

So, Mr. President, this is not the first time that Senator MOSELEY-BRAUN has championed this issue in the Senate. She is not a member of the Labor and Human Resources Committee, but she made her case to us on this issue, and we addressed it.

In 1994, we authorized a grant program in the Elementary and Secondary Education Act. In appropriations, we were able to appropriate $100 million in fiscal year 1995 for the program. But, when the rescissions came, the School Infrastructure Improvement Act was one of the first targets of the Republican leadership—they rescinded 100 percent of the funding. Then we saw her amendment included in the initial budget agreement because individuals—Republicans and Democrats alike—understood the urgent need to repair the Nation's schools. Then overnight, it suddenly disappeared. It was in that proposal initially, and it should have been in it in the final agreement too. Now the good Senator is trying to just put back what was already in the initial draft to make a downpayment on helping to repair the Nation's schools.

This very modest program will help school districts to develop funding mechanisms so that they can go ahead and meet this challenge themselves. There will be some help and assistance communities to subsidize some of the interest rates on bonds so that they can afford to repair their schools. We do not propose to have the Federal Government repair local schools. We propose to let the Federal Government lend a helping hand to those local communities that are hard pressed to do it themselves, to create decent, safe school buildings for their children.

This is a national issue, Mr. President. I am strongly committed, and I know my other colleagues are too, to improving the quality of education of young people in this country. It starts right in the classroom and it starts by having a safe, modern classroom where a child can learn. Senator MOSELEY-BRAUN's amendment will move us in that direction. I commend her, and I hope the Senate will support her amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President. I thank the Senator from Massachusetts for his eloquence and for his support.

I want to yield some time to the Senator from Minnesota, but first I want to point out a couple of things.

The Senator from Massachusetts talked about the classroom. It is a fact that in America, the rungs of the ladder of opportunity are still crafted in the classroom, and we now know that classrooms all across this country are falling apart and crumbling. The General Accounting Office told us in this report, "Condition of America's Schools," that it is going to take $112 billion nationally to even bring our schools up to code. So this is no mistake, Mr. President. This is something that is documented by an exhaustive study by the General Accounting Office.

They also then went on to tell us that in addition, "America's Schools Are Not Designed or Equipped for the 21st Century." So they went on to tell us what these charts say and pictures say and all of us know: That you cannot use computers in a classroom with a broken window, with falling ceilings, with peeling paint with lead in it, with no electrical system. This has been confirmed by the General Accounting Office.

Then they went on to tell us, with "Profiles of School Conditions by State," that this is a national problem. This is not just Illinois or Massachusetts or Minnesota, this is all over America, and each State has this problem.

Then they went on to tell us, "States' Financial and Technical Support Varies," that "America's Schools Report Differing Conditions," and that "State Efforts to Reduce Funding Gaps Between Poor and Wealthy Districts" are poor and inadequate.

I submit to you, Mr. President, that if all the States and cities, the local school districts, the rural communities all did their best in terms of property tax support for rebuilding our crumbling schools, they would have a hard time coming up with $112 billion without some assistance.

Mr. KENNEDY. Will the Senator yield for two questions?

Ms. MOSELEY-BRAUN. Yes.

Mr. KENNEDY. Is the Senator saying that the Finance Committee ought to be able to find that $5 billion over 5 years out of $2.3 trillion—$2.3 trillion—in tax expenditures, which include the billionaire's tax loophole and other egregious violations? Does the Senator think we ought to be able to find $5 billion out of $2.3 trillion in tax expenditures over the next 5 years?

Ms. MOSELEY-BRAUN. I thank the Senator from Massachusetts for his question, and he is exactly on the point. I absolutely agree. In fact, this is the cookbook; this is the book with the loopholes. It is called a loophole book instead of a cookbook. Here are the loopholes. The people who are billionaires can leave the country, renounce their U.S. citizenship and not pay a dime of taxes. In fact, they do it so they will not have to pay taxes on their money, and that represents more than we are asking for to rebuild our crumbling schools, and yet that is not taken out.

Mr. KENNEDY. Am I correct that this is not a partisan issue? Senator McCAIN has been a leader in trying to close down some of the tax loopholes. So the idea of closing them is not just something put forth by the Senator from Illinois. This has been recognized across partisan lines that we ought to be able to close some of the tax loopholes in the interest of the American taxpayers.

Finally, I ask the Senator this question, and she touched on it so eloquently earlier: What is the message that we send to school children if we do not pass this amendment? We have been talking about the collapsing roofs, inadequate boilers, windows that have fallen out and haven't been replaced, schools in Boston whose heating systems frequently fail. But what does this say to the schoolchildren of this country about our commitment to them when we are trying to, either as parents or as community leaders, say that continued education, the quality of schoolteachers, and homework is important; that we want young people to apply themselves and develop their own skills to enhance their educational opportunities so that they will have good jobs in the future? What do we say when we impress on them that what the learn is what they are going to earn in the future? What message does it say to them every single day when they go to school to learn in dilapidated classrooms?

Ms. MOSELEY-BRAUN. I thank the Senator from Massachusetts for the question. And I think the message that it sends is that we are a bunch of hypocrites. I think the message that it sends is that everybody talks about education. We have an "education everything." You can find probably an education dogcatcher somewhere in America that ran on a platform: I'm going to fix the schools. But we never seem to be able to get there.

And so after a while the children become cynical and begin to believe that we do not believe education is important, that we do not really put our money where our mouth is, that we are prepared to send them into classrooms that suggest a diminished support or diminished importance of what they do.

We send our children to classrooms every day in conditions that we would allow no worker to work in. We send our children to classrooms every day that we would not for a moment tolerate in our homes. And so if that is the case, then we say, well, we want you to go to learn somewhere that looks like this, that looks like the charts I have had. And we expect you to learn in that environment. What that says is learning is not really important.

As we stand up and make our pious speeches about the globalization of our economy and the information age and the brave new world—again, that is why I thought this cartoon was so funny. "A computer in class opens a whole new world for us!" "Look! A picture of a school with no leaking roof, no peeling paint, with textbooks for everyone * * *." That is a whole new world, because the world we give them is one with peeling paint and leaking roofs and no textbooks. I think it is just outrageous and shameful.

Mr. KENNEDY. Finally, how does the Senator address the question that this is going to be a budget buster, a deal breaker? We fully offset the amendment through corporate tax loopholes. If we pass this amendment of $5 billion with an offset of $5 billion, therefore making it revenue neutral, is it challenging to find $5 billion out of $2.3 trillion in tax expenditures to spend on the renovation and repair of the Nation's crumbling schools? That looking out for the children of this country is a deal breaker? I do not find that as a very persuasive argument.

Ms. MOSELEY-BRAUN. That is right. Out of $2.3 trillion, $5 billion pales in comparison. It is just a start. It is not a budget buster by any means. In fact, if anything, it keeps the bottom line constant and just says we are going to give out a little less in tax breaks, we are just going to do a little less on the tax side, we are going to be a little more moderate in how many chickens we try to put in every pot and instead focus on our priorities and provide our youngsters with an opportunity to learn. That is all it does, I say to the Senator from Massachusetts.

Mr. KENNEDY. I hope that the Senator's amendment is approved.

Ms. MOSELEY-BRAUN. I thank the Senator from Massachusetts.

I want to pick up with one other point the Senator made. And that is, there is no reason why this should be a partisan issue. Politics should stop at the schoolroom door. There ought to be Republican legislators and Democratic legislators alike standing up saying, we are prepared to help our States and local governments fix our crumbling schools.

This should not come down to being: The Republicans are for crumbling schools and the Democrats want to fix them. This should not come down to being: Republicans do not care about their States having to meet 112 billion dollars' worth of need that the General Accounting Office has documented State by State.

And I suggest to my colleagues, I know your staffs all have them, but we have sent around copies of a State-by-State analysis. Take a look at what your State has in terms of the cost of bringing the schools just up to code.

We are not talking about bells and whistles here. We are not talking about putting computers in the classrooms here. We are not talking about curtains. We are not even talking about new paint jobs. We are talking about taking care of the foundation, the electrical wiring, the plumbing, the roof, the windows, the basics, the floors.

There was a school in the southern part of our country where the roof caved in altogether, a few minutes after the children had left the classroom; a school in my State where the track team had to use the prison because the gymnasium was so rotted away. It is an outrage and a shame, and we have an opportunity to address this problem on a bipartisan basis this morning.

The Senator from Minnesota has been kind enough to wait here.

I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me also thank Senator MOSELEY-BRAUN for bringing this amendment to the floor of the Senate. And I am very proud to support her and be an original cosponsor.

Mr. President, I am just going to build on a few remarks that have been made. There are 14 million children learning in substandard schools; and 7 million children attending schools with asbestos, lead paint, or radon in the ceilings or walls.

Mr. President, this really is a scandal. This is really unconscionable. And this amendment goes to the heart of the question of priorities. What this amendment says is that rather than continuing to spend the hundreds of billions of dollars in a variety of different loopholes and deductions, billionaire tax breaks and all, transfer $5 billion over 5 years and put that into investing to rebuild our schools that are crumbling all across America.

I suggest to my colleague from Illinois, Senator MOSELEY-BRAUN, or Senator DURBIN, that I really believe that in many ways this is the priority vote. I really do, because it is just too dear a price to pay to refuse to go after some of these loopholes and deductions, never mind the fact that behind the loopholes and deductions are the heavy hitters and the people who are connected and the people who have the clout.

This is all about who gets represented in the Senate. It is too dear a price to pay to not ask for a little bit of sacrifice over here and plug some of these loopholes or deductions and not make this investment.

As I look at this budget agreement right now—I will be speaking about it more this afternoon with an amendment that I have on the floor of the Senate; so I want to stay within the framework of Senator MOSELEY-BRAUN's amendment—I just ask the question, where are the funds to rebuild schools that are crumbling all across our Nation? There is not one penny.

Where are the funds—we went through this yesterday—to get health care coverage to every child who lacks it? We are still not willing to do that.

And I say that any budget that does not provide at least some funds to begin to rebuild some of the schools in our country, schools that are crumbling all across the Nation, is hardly a budget that represents a bridge to the next century. This is not a budget that represents a bridge to the next century. Not one penny is invested in our crumbling schools.

Mr. President, this is wrong. I wish we could just do an instantaneous poll and get the results in, because I know that people in the country would say it is wrong that 14 million children learn in substandard schools, it is wrong that 12 million children go to school under leaky roofs, it is wrong that 7 million children attend schools with asbestos, lead paint.

How well could we do our jobs if we were here and the toilets did not work and the heating systems did not work or the air-conditioning did not work, and we were cold during the winter, hot during the summer, if there was asbestos or lead paint, the ceilings and the walls were decrepit?

It is not that way here. This is splendor. And thank God that it is. This is the Nation's Capitol. Can't we have some of this splendor for children in America?

In all due respect, we are getting way ahead of the curve with $35 billion that goes to tax credits, deductions for college. I was a college teacher. Fine. But we have to get our children to the point where they are able to attend higher education. That does not happen unless we make this investment.

This is the amendment. Do we continue to just fork out lavish subsidies to billionaires and large multinational corporations that do not need them or do we at least begin to make the investment in the schools that are crumbling all across this country?

This speaks to the very issue of justice and fairness. This is a critically important amendment. I hope we will pass it.

I thank the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator from Minnesota for his eloquence and for his passion and support as well.

To the Senator from Florida, Senator GRAHAM, I yield——

Mr. GRAHAM. Five minutes.

Ms. MOSELEY-BRAUN. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Thank you.

Mr. President, I appreciate this opportunity to rise on behalf of the amendment that is being offered by our distinguished colleague from Illinois.

Frankly, my own criticism of her proposal is that I think it is too modest in relationship to the challenge that we face as a Nation. As she has pointed out, our own General Accounting Office has indicated that there is a need in this Nation to bring existing schools up to a standard of basic safety, health, and educational adequacy of over $100 billion. What is not included in that number, Mr. President, is what is required to build the new classrooms for the exploding student population.

If I could use my own State as an example, Mr. President. Last year we had over 55,000 new students enrolled at the public schools in the State of Florida. That number will continue, in terms of angle rate of growth, for the foreseeable future.

Similar numbers are true in States across America, as the baby boom population is now having babies and those babies are reaching school age. So we have a crisis not only in terms of rebuilding our older schools, but also in assuring new schools in order to avoid overcrowded classrooms.

If I could tell a personal story, my own daughter was a kindergarten teacher in Dade County, FL. Her last year teaching in a brand new elementary school she had 38 5-year-olds in her kindergarten class. My daughter is a wonderful teacher. I would defy anyone to truly educate 38 5-year-olds in one classroom.

I might say, she went on from that experience. She was married, she taught for a brief period in Virginia, and now is a mother. In fact she is not only a mother, she is a mother of triplets. And so she said she was the only mother of triplets who ended up with 35 fewer children to deal with.

Mr. President, that personal story underscores what is happening in too many classrooms to too many of our young Americans. And that is, that because we have fallen so woefully behind in maintenance as well as new construction, we are not providing the educational facilities that students need.

The question is asked, "Well, that's a State and local responsibility. Why are you here in Washington talking about this? You, a former State legislator, a former Governor, you certainly understand where the responsibility for education lies." Absolutely.

I would defend the right and the importance of maintaining our tradition that States and local communities especially be responsible for those things that happen inside the classroom, curriculum, personnel policy, teacher relationships. But, Mr. President, there is a role for the Federal Government in the physical facilities of schools.

We have demonstrated this for a long time in higher education. There is probably not a major college or university in America that cannot point to a substantial number of its physical facilities having been built with totally or in part Federal funds. We have recognized that distinction of concrete and steel from what happens inside the classroom and the appropriateness of a Federal role in meeting those facilities challenges.

If we are serious about the proposition that the key to a competitive America in the 21st century is going to be how well our Americans are educated, and how well they will be able to compete in the increasingly globalized economy, certainly the Federal Government has a role in seeing that the physical places in which that preparation is going to take place meet acceptable standards. They do not meet those standards in too many communities in America today.

And we, Mr. President, are about to exacerbate that situation. One of the reasons that we have 55,000-plus new students in the Florida public schools is because of Federal immigration policy.

The Federal Government has adopted policies which have resulted in tens of thousands of young people who were not born in the United States now being in the United States and being educated in our public schools. I think the Federal Government has a moral responsibility to assist when it is the precipitator of a significant amount of the challenge that school districts face.

We are about to consider some substantial enhancements in the opportunity for young people to go to college through credits and deductions toward that tuition. Mr. President, that could have a significant effect on college tuition.

I have a letter from the Assistant Deputy Secretary of the Treasury which indicates that the estimate of enrollment which will increase substantially in higher education as a result of the proposal for credits and deductions for college tuition is between 120,000 and 1.4 million. So we are about to consider a proposal which has the potential not only of creating a substantial surge in additional enrollment in higher education but would have a spillover effect in terms of the number of students and the kinds of educational opportunities that would be expected, particularly within our secondary schools.

Mr. President, the Federal Government has a second responsibility because we are a significant part of the policies which are causing the demands that are occurring on the physical facilities of our public schools.

Finally, one of the reasons that the reports are as dire as the General Accounting Office report states is so many States and local school districts are against the wall in their capacity to finance the maintenance of their schools and new construction. It has not been people at the local level that are indefinite, it is not that they are blind to the problem, it is that they are in many cases out of options as to how to deal with the problem, either because of statutory or economic limitations.

I believe there is an appropriate Federal role to be a partner, and I underscore the word partner, with States and local school districts in meeting their school construction needs. This proposal is a beginning toward that new very important relationship.

I commend the Senator from Illinois for her leadership in this matter. I hope her voice will be heard by our colleagues. I can tell you it is being heard out in America. They understand the importance of this issue. They understand the need to have Washington respond in a meaningful and tangible way. The question is whether we hear those voices here in this Chamber.

The PRESIDING OFFICER. The time allotted to the Senator from Florida has expired.

Ms. MOSELEY-BRAUN. The Senator from Florida raises a very good point that I did not touch on but I think it is important to mention and that is that we at the national level do not even pay for the Federal mandates. We are not even paying or giving the States and local governments the assistance they need to pay for the things we have told them to do.

Small wonder that the resources get diverted, and so we wind up with crumbling roofs and classrooms that look like this. Small wonder. We put this burden on them, and now we are saying in terms of what you need to do, we are not going to help.

Well, I hope that is not the message this morning. I hope that Republicans and Democrats alike will come together on behalf of giving our children a decent environment in which they need to learn.

Less than 1 percent of this budget, less than 1 percent goes to support elementary and secondary education. Less than 1 percent. So we stand up and we have education this, that, and the other—the education Senator, the education President, the education Governors, the education mayors, and less than 1 percent of this budget goes to education. None goes to fix our crumbling schools unless we pass this amendment.

(At the request of Ms. MOSELEY-BRAUN, the following statement was ordered to be printed in the RECORD.)

● Mr. HARKIN. Mr. President, as the Bible says, "To every thing there is a season, a time to break down and a time to build up."

The unfortunate truth is that too many of our Nation's schools have broken down. It is long past the time for us to build our schools back up—literally.

You have heard my colleague from Illinois cite some of the details—$112 billion is needed across this country to rebuild, repair and renovate schools. Some 14 million children attend school daily in facilities that are unsafe and inadequate. To put this in some perspective, this is almost five times the population of the entire State of Iowa.

This as a national problem and needs a national response. A Federal program to assist needy communities in rebuilding schools will not and should not circumvent the primary local and State control of education. However, I firmly believe the Federal Government needs to become a better partner for States and local communities with respect to education, in general, and construction of school facilities, in particular.

Senator MOSELY-BRAUN has done a good job talking about the need nationally. I want to take a few moments to talk about the state of school facilities in my State.

Iowans take great pride in education. Our State has a long tradition of placing a high value on education. In fact, Iowa students often lead the Nation in performance on national and even international assessments. This is a tribute to the teachers, families, school boards, administrators, and State policymakers who have made education a top priority for decades. I applaud the commitment that Iowa has made to education. However, we still have much to do.

The General Accounting Office report found that 79 percent of Iowa schools report a need to repair or upgrade buildings to bring them up to overall good condition.

Like many of my colleagues, I frequently visit schools in my State. I am often struck by the fact that many schools have not changed much since I was a student. We won't talk about how long ago that was.

However, our homes, offices, shopping centers, cars and just about every thing else has changed radically. However, reinvestment and renovations have not been made to our Nation's schools. As a result, we are trying to prepare our children for the 21st century in facilities that hardly make the grade in the last one. We can certainly do better than that.

In 1994, Senator MOSELY-BRAUN secured legislation to authorize funding for school infrastructure. At that time, I served as chairman of the education appropriations subcommittee and provided $100 million for new school infrastructure. I was very disappointed when that modest downpayment was rescinded the following year.

A problem that was a critical need then, has gotten even worse. In 1995, Iowa State University conducted a comprehensive survey about the condition of school buildings in the state and estimated that $3.4 billion is needed to repair and rebuild these facilities. This survey was updated a few months ago and the tab has risen to $4 billion.

This is a problem that gets worse by the day and the impact on high quality learning is significant. It is long past time for the Federal Government to step up to the plate and help remedy this problem.

The amendment I am offering with the Senator from Illinois is a very important response to this urgent national concern. We believe that children in a nation as rich as ours should not have to attend schools that look more like they belong in the third world. We implore our colleagues to help us provide a modest sum to rebuild our crumbling schools.

Mr. President, I am fully aware that many of my colleagues will say that this problem is just too big for the Federal Government to handle. Our critics will point out that the need is enormous—$112 billion and we are proposing a $5 billion solution. However, this plan will generate $20 billion in newschool construction. To provide this additional funding we simply call for closing additional tax loopholes.

Our amendment continues to build on the positive aspects of this budget. The underlying legislation increases funding for activities related to education and training by 13 percent over the next 5 years by calling for expanded access to Head Start and increased funding for Pell grants. In addition, the budget makes changes to the Tax Code to help Americans pay for college by providing tuition tax credits and deductions for postsecondary education. These investments are vital to the future of the United States and our ability to remain competitive in the international marketplace.

The problems facing school facilities across our Nation are enormous and will not be solved overnight. However, as they say, Rome wasn't built in a day. Further, if we had that attitude in the 1950's we would not have built the Interstate Highway system or put a man on the Moon in 1969. As we know, every journey begins with one step.

This is a very important step for us to take. One that will help provide safe, sound learning environments for millions of children. I urge my colleagues to support the amendment.●

Ms. MIKULSKI. Mr. President, I rise today to support the amendment offered by my colleague, Senator CAROL MOSELEY-BRAUN, to help rebuild our Nation's schools.

This amendment would ensure that any budget agreement that we reach will include funding for school construction. I believe that we must ensure that we meet the needs of our local communities to help them upgrade the Nation's schools.

I am an original cosponsor of S. 456, the Partnership to Rebuild America's Schools Act. This bill would provide $5 billion over 4 years to subsidize up to 50 percent of the interest or other financing costs for school construction.

These funds would help States and localities leverage scarce resources to help upgrade, repair, and build new schools.

In my State of Maryland, school enrollment is at an all time high. Many of the counties in Maryland like Prince Georges and Montgomery are rapidly expanding and the school districts are struggling to keep pace.

I hear from parents, students, and teachers about the need to upgrade the schools. Our children must be in environments which are conducive to learning. Over one-third of the schools in Maryland are in desperate need of repair.

Under S. 456, Maryland would receive approximately $57.9 million in Federal funds to support $231.6 million for school construction. Baltimore public schools would receive $31.4 million.

I believe that funding school construction has to be a priority for our Nation. Children cannot learn in schools with leaky roofs, poor ventilation, crumbling walls, and other problems. This problem is especially acute in rural areas and inner cities. Many of these schools fail to meet even minimum local health and safety codes.

I urge my colleagues to support this amendment. Our Nation's school children deserve no less.

Mr. DODD. Mr. President, I am pleased to rise in strong support of the amendment offered by Senator MOSELEY-BRAUN to begin a vital undertaking—the rebuilding of America's crumbling schools.

Mr. President, we all talk a good game here about children. We say time and time again that America's children are at the center of our efforts—be it education, job training, or tax policy. However, this amendment asks us to support more than rhetoric, it asks us to support the actual foundations of our schools.

Unfortunately, our schools are in desperate need of help in this area. In the richest Nation in the world, we have schools without adequate heat or plumbing and leaky roofs. One-third of all students in this country go to school in buildings that are considered inadequate, and 60 percent of American students attend school in buildings that are in need of repair. There are schools just minutes from us here today, where whole sections of the school are unusable because they are too dangerous for children to be in. Beyond basic repairs, schools are also lacking electrical and telephone capabilities necessary to install computers in the classrooms.

These problems are everywhere, but here are a few examples from my State. Seventy-seven percent of Connecticut's schools report a need to upgrade or repair on-site buildings to reach a good overall condition. Sixty-eight percent of schools report at least one unsatisfactory environmental factor, 32 percent inadequate roofs, 23 percent inadequate exterior walls or windows, and 29 percent inadequate electrical systems. One of the stated goals of our national education policy is to connect every school in the country to the Internet and teach every student to use the Internet by the age of 12. Well, I have heard from principals in my State who can only dream of computers in the classroom, and they simply hope to obtain a few telephones with voice mail capacity to improve communications with parents.

Mr. President, this is a national travesty. We expect children to be ready for the 21st century, and we encourage them to stay in school, go to college, and work hard. But we are not keeping up our side of the bargain. Schools with no heat, plumbing that doesn't work, windows that don't open, and no capacity for technology—these are schools that fall short of anyone's expectations, particularly the expectations of our students.

The amendment we are debating here today takes a modest step to begin to address this serious challenge. The General Accounting Office has estimated that over $110 billion is needed to repair our schools. This amendment would dedicate an additional $5 billion that would be significantly leveraged at the State and local level to $20 billion to begin this task and lead the way in this effort. I am pleased to be an original cosponsor of this amendment, and I urge my colleagues to join me in supporting it.

Mrs. MURRAY. Mr. President, I rise today to support the amendment offered by my colleague, Senator MOSELEY-BRAUN. I want to thank her for her tireless efforts to educate the Senate and the American people about the tremendous problems in our nation's school facilities.

People talk about the role of the Federal Government in local school policy. By championing this issue, Senator MOSELEY-BRAUN has pointed out quite accurately that the Federal Government does have a role in K–12 education in this country. That role is not in passing down curriculum or trying to tell teachers how to teach. The role is guaranteeing certain minimum standards for health, safety, and quality—and that is what this proposal is all about.

There are schools in our Nation that are rundown, have falling plaster or open holes in floors or ceilings, schools with water leaks or no air-conditioning in hot climates. There are schools, like Lewis and Clark High School in Spokane, WA, an 85-year-old urban high school, that are badly in need of improvements. There are school districts in places like the small town of Raymond, WA, which the General Accounting Office has previously identified as needing help with school construction funding—which cannot renovate all their schools due to local economic factors. This amendment could have as much as a $40 million cumulative impact on my State.

This amendment is absolutely critical to the students, parents, and families in our country who think education is of primary national priority. How can we say that we truly care about public education, when our school rooms smell of mildew, or are far too cold or hot or crowded? How can we say that we care about students learning that all Americans are equal under law, if their track meet across town is at a much nicer school?

Senator MOSELEY-BRAUN showed a cartoon on the Senate floor, in which students were using computers to look at other student's much nicer school buildings. This problem is symbolic. Students in this country deserve decent places to learn. We must make sure that the Moseley-Braun school construction amendment is included in this budget.

Ms. MOSELEY-BRAUN. Mr. President, I will reserve the remainder of my time. I understand that Senators TORRICELLI and DURBIN will speak with time yielded from the budget resolution.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Parliamentary inquiry. What hour are we supposed to vote on the amendment of the Senator from Illinois?

The PRESIDING OFFICER. The Chair would observe that there is no agreed upon time to vote. The Senator from New Mexico has 9 minutes and 43 seconds, the Senator from Illinois has 5 minutes and 30 seconds, and the vote will occur after that time expires pending any other agreements reached on the Senate floor.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I would very much appreciate it and I will do the same for you if we could keep the debate on amendments to a minimum—not taking away the prerogatives but not adding to the time. I assume that you all could live with that.

If you need, on this particular amendment, an extra 5 minutes off the bill—but after that we ought to try and stick to a limited amount.

Mr. LAUTENBERG. I agree, Senator DOMENICI, that we have to start constraining time because the list is long and unless we get after it we will not have a chance for everybody to be heard on the amendments that they care about.

I suggest, however, we give 5 minutes to the Senator from New Jersey and after that, 5 minutes to the Senator from Illinois, who has requested time, as well, and we will try to button it up. I know the sponsor of the amendment has a few minutes that she will complete.

Mr. DOMENICI. How much time, then, would the Senator desire?

Ms. MOSELEY-BRAUN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes and 30 seconds remaining.

Mr. DOMENICI. So that means three Senators with essentially 5 minutes each, and then you are finished on your side.

Mr. LAUTENBERG. Five minutes each from the resolution.

Mr. DOMENICI. She will use hers off of the bill. She has 5 minutes left.

Mr. LAUTENBERG. Will that be enough time to finish your remarks, the 5 minutes you have remaining?

Ms. MOSELEY-BRAUN. Yes, it will.

Mr. LAUTENBERG. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first of all, there is no precedent for Federal involvement in the construction of elementary and secondary institutions except the Education Infrastructure Act of 1994.

It has an interesting history. The program had a total appropriation of $100 million and that was rescinded in 1995, no funding was provided in 1996, and no funding was requested by the President of the United States in his 1997 budget. No funding was provided in 1997. In fact, it is very interesting, the President, in his fiscal year 1996 Department of Education budget said the following: "The construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction." That was the President of the United States speaking not too long ago.

The justification for this initiative is a 1995 GAO report which was based on a national sample of schools and school officials who were surveyed about construction and renovation needs. These schools estimated the Nation needed about $112 billion to repair and upgrade America's schools. The GAO concluded that if that is the case, if that is their conclusion, I say this money will not even make a ripple of positive effect on the horizon on the difficulties that are out there.

Scarce resources would be better spent on clear-cut Federal priorities, clear-cut education priorities, clear-cut issues like children with disabilities. This budget resolution assumes $5 billion increase for special education and for programs which there is a very clear Federal role.

Now, from what I understand of this amendment, the amendment would be paid for by, once again, reducing the level of net tax reductions allowable for the American people. It seems to me that every time we turn around somebody wants to say, "We want to give the American people less of a tax cut." We have this great need for something so we will just take it out of the tax-cut package that was going to Americans, including a $500 child care credit to American families who are raising children and having a difficult time getting them through school.

So when the time is up, while I laud my colleague for her efforts here on the floor, I will move to table this amendment. I hope there would be broad support to go along with the conclusions which the President of the United States so brilliantly stated in 1996 when he said that the Federal Government should not be involved in the construction and repair of public school facilities, that that was the responsibility of local government. I paraphrase, but nonetheless I do state accurately what the President of the United States thought just about 18 months ago.

I reserve the balance of my time.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. I thank my colleague for yielding me the time.

Mr. President, in my brief tenure in this institution I have never felt more motivated on an individual amendment and in addressing a higher national priority than endorsing and speaking today on the amendment of CAROL MOSELEY-BRAUN regarding school finance. She has made an enormous contribution to this institution.

Mr. President, like every Member of this Senate, I share the priority of balancing the Federal budget. It is due, it is required, and it is essential.

We do no service to the country, however, if in our desire to balance the Federal budget we also lose sight of all other Federal priorities. Balancing the Federal budget is important, but it is not the only business of this country. It is noteworthy that the principle contribution in reducing the Federal debt in recent years has come from neither reducing spending nor raising taxes. It is the unmistakable result of a growing, expanding economy.

The amendment before the Senate is relevant and not an obstacle to reducing the debt of the U.S. Government because education is the foundation of an expanding economy. My goal is not simply to see us balance the Federal budget for the next few years but for the next generation. That is unachievable in a Nation with a $100 billion inventory of crumbling schools, schools which cannot teach modern technology, where children cannot even sit safely in a classroom.

The GAO has reported that 14 million of our own children are in schools with extensive need of repair or requiring total replacement. Half of our schools are unable to take advantage of the latest technology because of inadequate wiring. Mr. President, 74 percent have outlived their usefulness.

Recently, I toured some of the most troubled schools of my own State of New Jersey. In Perth Amboy, Newark, Jersey City, and Paterson, I saw students sitting in classrooms trying to learn the latest of mathematics and science with buckets next to their desk to collect the rain, classrooms that were being held in school corridors because science classes were not safe, gymnasiums used for lecture halls because of inadequate space.

It may be that what we do today involving the Federal Government and the rebuilding of our schools is a precedent. So be it. There was a time when the Federal Government had no role in the building of roads. It was local. Then we built a national economy.

There was a time the Federal Government was not involved in transportation. Then we saw the need for expanded interstate commerce.

Today there can be no misstating that this country will go no further and no farther in the education of our children and their preparation for the future.

I respect my colleagues who may have a different view. But I would ask this: If you believe that this is not a crisis, that there is no Federal role, and that we can build a modern economy, pay our bills and balance our budget into the future without rebuilding these schools, come to New York, Los Angeles, Chicago, Newark, or Camden and stand in those schools. Look those children in the eyes. Tell them they have a future and they can play a role in expanding the American economy competitive with other students around the world without rebuilding these schools. Tell them and convince yourselves that there is a strong and stable American economy without this effort.

Mr. President, only a few months ago the President of the United States came to this Congress with a single new domestic initiative. He too recognized that we live in times of limits. The budget must be balanced. He provided the leadership that got us to this day in sight of a balanced budget. But his single new initiative, his single promise to this country for the next year, was the rebuilding of these schools.

There is a $5 billion program represented today by the Senator from Illinois that will allow $20 billion worth of construction across America by reducing the local costs of borrowing; $20 billion will not solve the problem with a $100 billion inventory. But it is a real contribution. It is a real beginning by having this country address this extraordinary and deep problem.

Mr. President, I, too, support the tax cut provisions of the balanced budget plan. I do not want to see it lessened or diminished in any way. That is why it is significant.

The provisions by the Senator from Illinois will allow the Finance Committee to either eliminate some tax loopholes or provisions of corporate welfare to compensate so that we can reach a balanced budget and keep the current tax reduction plan.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes. The time allotted to the Senator has expired.

Mr. TORRICELLI. Thank you, very much. I urge support for CAROL MOSELEY-BRAUN's amendment.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DURBIN] is recognized.

Mr. DURBIN. Mr. President, I yield 5 minutes to myself to speak in behalf of the Moseley-Braun amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. Mr. President, yesterday we had a vote that was very important about health care for children. I thought it was a watershed vote, because it is an issue which very few American families would quarrel with. Children were not insured. They weren't receiving adequate health care. A suggestion was made by Senators HATCH and KENNEDY that we have a bipartisan response and raise the cigarette tax, take the money and ensure the children. We lost. We called it for a vote and we lost. Health care for children failed yesterday.

So we start this morning with another challenge. If you won't provide health care for children, how about education? Let's test that question before the U.S. Senate. Have we provided in this great Nation the resources for education for our children?

Senator MOSELEY-BRAUN of Illinois brings that challenge to the floor this morning. She says to the U.S. Senate, let's test this theory. If we are committed as a nation to education, are we committed enough to cut tax loopholes that some of wealthiest Americans enjoy, take the money and put it into building our crumbling schools? She is not talking about carpeting schools in America. Senator MOSELEY-BRAUN is not talking about air conditioning for every school in America. She is talking about the basics: safety in the schools and a learning environment so that our children can walk into a clean classroom, heated in the winter, cool in the hot days of summer, and have the ability to learn.

If you go to your State, whatever it is, and look around, you know what you are going to find. The Government is spending money today for that very type of room: A clean, comfortable room for young people. Is it a classroom? No. It is a prison cell. It is a juvenile detention center. We are building them in Illinois at a record pace. And I will bet you that in every State of the country you will find the same is true.

As juvenile crime increases, we are building more boot camps, more detention centers and more prisons. If you visit them, many of them are not luxurious. But they are a heck of a lot better than the school building just a few blocks away.

Should we have clean and adequate facilities for the detention of young people? Of course. But think about it for a second. We drive past a high school that is falling down, a junior high school that is totally inadequate, an elementary school where they don't have heating, where the windows are busted out and the ceilings are falling down, and, a few blocks beyond that, see a detention center all brand new and shiny and modern. What is the lesson there for the children, or for us as taxpayers? Where is the priority? Wouldn't we say that we would have at least as high a priority in providing a school building that is good for children? That is what Senator CAROL MOSELEY-BRAUN has proposed.

Let me add another element that is very important as far as I am concerned. In the old days, a school building opened up at 7:30 or 8 o'clock in the morning and closed up at 2:30 or 3 in the afternoon, and that was it. Kids went home to mom and dad in the "Ozzie and Harriet" setting of cookies and milk, or "The Partridge Family," whatever, you name it—good, old American values. That isn't what the American family looks like today. Those kids coming home at 2:30 or 3 in the afternoon are lucky to find anybody at home. The parent or parents are usually out working. And they sit around for 2 or 3 hours waiting for an adult to show up. Their choices in life at that point are television or trouble. Sad choices.

So we are expanding the concept of schools beyond just learning, to be community centers so that at the end of the ordinary schoolday the kids stay there in a safe learning environment. They would stay there until the parents were home in the evening, and they would have a positive experience.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. If we are going to use our schools so that kids have a better chance in life, don't we want them to be decent, safe buildings? Honest to goodness, if we fail, if these kids go out in the street, get in trouble at the malls, or wherever it happens to be, and get arrested, they are going to head off to a public facility that is better than the school they left. Does that make sense? What does it say about America?

So, today, we are going to test a new premise. If we cannot afford, as America, health care for children, which we voted yesterday, we will have a chance today on Senator CAROL MOSELEY-BRAUN's amendment to see whether or not we can afford adequate schools for our children.

I yield the floor.

The PRESIDING OFFICER. Who yields time—hopefully, within the appropriated time by the Chair?

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. How much time remains on this side?

The PRESIDING OFFICER. The Senator has 5 minutes and 30 seconds remaining.

Ms. MOSELEY-BRAUN. I reserve my time until 5 minutes of 11.

Is the vote scheduled to start at 11 o'clock?

The PRESIDING OFFICER. The Chair would observe that the Senator does not have a right to specify the time in regard to 5 minutes and 30 seconds. The time will run equally between the two managers of the bill. But the Senator from Illinois does have 5 minutes and 30 seconds remaining on her time.

Ms. MOSELEY-BRAUN. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The time will count equally between the managers of the bill.

Who yields time?

Mr. DOMENICI. I would like to know why the Senator wants to do this. This is not the normal way. She has to get consent from the Senate. Her time is running right now. As soon as I sit down, it is running. I don't understand.

Ms. MOSELEY-BRAUN. I yielded the floor. And my time is not running if I yield the floor.

Mr. DOMENICI. I wanted to ask, why does the Senator want to break up the time? We don't break up time. People use their hour. I am asking. It isn't normal.

Ms. MOSELEY-BRAUN. At the outset, I ask: Is this conversation on my time or not?

Mr. DOMENICI. Let the Senator speak on my time.

The PRESIDING OFFICER. The time is being utilized by the Senator from New Mexico.

Ms. MOSELEY-BRAUN. I say to the Senator from New Mexico that I would just as soon have a slot at the close of the debate. Is my understanding that the vote was scheduled at 11 o'clock? If we can use the intervening time—you have not. No? I would like at the moment to consult with the Senator from New Mexico, because it is my understanding the vote was scheduled for 11.

Mr. DOMENICI. I am so sorry. We had a misunderstanding. There is no time set. So we will vote as soon as the time of the Senator from Illinois has been used.

Ms. MOSELEY-BRAUN. That is wonderful. Then I would like to do that.

Mr. DOMENICI. If the Senator would let us to do something for about 2 minutes, then we will get back to her and the Senator can use her time, I will use mine, and then I will move to table.

Ms. MOSELEY-BRAUN. And then we will vote. Thank you very much.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 355

Mr. DOMENICI. Mr. President, last night Senator BOXER introduced an amendment. We agreed that we would accept that amendment without a rollcall vote.

I would like to ask unanimous consent that the Moseley-Braun amendment be set aside temporarily while we move back to the Boxer amendment, at which time Senator DURBIN would like to speak for a couple of minutes, and then we will accept it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question pending is Boxer amendment No. 355.

Mr. DURBIN. Mr. President, I am happy to sponsor this amendment with Senator BOXER. I am happy that the chairman of the committee has agreed to accept the amendment and make it part of this budget resolution. I would like to speak for a very brief period about this amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I ask unanimous consent that I be added as a cosponsor of amendment No. 355, and that Senator KENNEDY be added as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. This amendment, so it is understood by the membership, is very straightforward. I can read it in two sentences and describe it as well with these words.

"A substantial majority of the tax cut benefits provided in the tax reconciliation bill"—which is a part of this agreement—"will go to middle-class working families earning less than approximately $100,000 per year, and the tax cuts in the tax reconciliation bill will not cause revenue losses to increase significantly in years after 2007."

Senator BOXER and I are trying to establish as basic principles that the tax cut package that will emerge from this budget agreement will do one thing and avoid another. The thing that it will do is to gear more than a majority—a substantial majority—of the benefits to middle-income families. We think, if this ends up becoming a tax cut for wealthy people, that it is not in the best interests of sparking this economy and helping working families cope with the expenses of life that they face every day.

Second, we want to make certain in this resolution that we make it clear that any tax cut package will be measured not only to the year 2002, when we hope the budget will be in balance, and 5 years beyond to 2007. We have great fear and concern by reports that have come out recently from the Center for Budget and Policy Priorities that some of the tax cut provisions that are being debated will literally explode in cost in the outyears, causing great dislocation in terms of the Federal budget and a great burden to Federal taxpayers.

Let us make sure these tax cuts are affordable and they are targeted to families that need them. Then, I think we can say to the American people that we have not only balanced the budget, but we have given you a tax cut that is responsible for the future of our economy.

I yield the remainder of my time.

Mr. DOMENICI. I yield any time that I have.

The PRESIDING OFFICER. If there is no objection, the Boxer amendment is agreed to.

The amendment (No. 355) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 336

Mr. DOMENICI. Mr. President, we are going to return quickly to Senator MOSELEY-BRAUN for her wrap-up. I have a couple of minutes, then we are going to ask Senator WARNER—we are notifying him now—if he would be ready for his highway bill. That would occur after the vote. Obviously, if the motion to table is not agreed to, then Senator WARNER will have a little more of a wait. But, other than that, that is the sequence we have asked for.

The PRESIDING OFFICER. The question recurs on amendment 336.

The Senator from Illinois has 5 minutes remaining on her time and is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I would like to respond at the outset to my friend, the Senator from New Mexico, who says this is the first time we have ever been involved in trying to repair our Nation's schools, that it is a new initiative, that we have never done this before. In fact, between 1933 and 1939, the Federal Government aided 70 percent of all new school construction. Mr. President, a lot of our children are attending those very same schools.

In fact, in America today, 74 percent of the schools are over 25 years old and a third of the schools are over 50 years old. So there is no question that if you do not repair a 50-year-old building, it is going to begin to look like this. This is one of the reasons why we have the troubled-school phenomenon.

The second issue that has been raised has to do with the contributions of State and local governments. Again, I would point out this is not looking to take over anything. We just want to have a partnership to help State and local governments meet the $112 billion amount it is going to take to repair their crumbling schools.

The President did, in fact, support this in his State of the Union Address. He said our children cannot raise themselves up in schools that are literally falling down around them. Similarly, the Department of Education has a long letter talking about the leveraging and the financing assistance that we will give the States should this amendment be approved.

But let me say to my colleague, in the final analysis, really, this modest contribution is not about setting a precedent. It is about whether or not we will allow for elementary and secondary education to get up to 1 percent of our total budget we are voting on here to help begin to tackle 112 billion dollars' worth of rot in our schools. We are asking that it come out of the tax breaks that we are giving in this budget, in some instances to the very wealthy.

I thought it was kind of ironic; in yesterday's New York Times there was a headline talking about "Tax Breaks Costly for Schools in Cleveland." I want to point out that tax breaks are going to be costly for schools all over America because we are giving tax breaks at a time when we are saying we do not have the wherewithal to provide a modest amount to help States and help local communities meet the challenge of repairing their crumbling schools.

I hope that on both sides of this Chamber, Republicans and Democrats alike will send a message that we are willing to help, we are willing to help States and local communities provide an environment that is suitable for learning by our children. They are, after all, the children of all. They are America's children. Just as the generation before us stepped up to build new schools and provide environments for learning for our time, I believe our generation has an obligation to step up to the plate to assist in meeting this $112 billion challenge and help rebuild the crumbling schools which we ask our children to attend.

I have already made the point it is a national issue. It is in every kind of community—urban, suburban and rural. It is all over America. Mr. President, $5 billion is just a contribution, a contribution to the States and local governments so they can borrow the money they need to meet what is a national challenge.

Senator DURBIN actually hit the nail on the head when he made the analogy to our roads. If we just built roads based on what a local community could do, you could not get from one end of this great Nation to the other. But we cooperate and collaborate with each other to build a highway system so that we can have transportation that serves our national interests.

Mr. President, crumbling schools are not in our national interest. Crumbling schools hurt our country. Crumbling schools hurt our children. If we are going to give our country the ability to be competitive in this global economy, if we are going to give our children the capacity to command information technologies that are so much a part of their time, we cannot expect them to learn in environments like this.

We can make this modest contribution, recognizing that it is an appropriate Federal role to provide this kind of support and help. I hope that when this vote happens, we do have bipartisan support; that this does not become a matter of Republicans saying they are not willing to provide this assistance to State and local governments to help provide children, our children, with an environment suitable for their education. I hope my colleagues on the other side of the aisle will see that this is something we can do within the context of this budget; that we can do this without causing harm to anyone. We ought to be able to close a few tax loopholes so we can provide modest support for our children and for State and local government efforts to repair our crumbling schools.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. Mr. President, I yield 4 minutes——

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair. I yield 4 minutes to Senator NICKLES of Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 4 minutes.

Mr. NICKLES. Mr. President, with great respect for my colleague from Illinois, I urge our colleagues to vote no on this amendment.

This amendment basically says, taxpayers, you pay $5 billion more in taxes and now we are going to have a new Federal program designed to build new schools or to renovate schools.

Is that really a Federal responsibility? I do not think so. We already have the Federal Government involved in education in many areas; as a matter of fact, a lot more than I was quite aware of. I asked my staff to find out, and they told me. I heard originally the House said there were 760 programs. We find out now there are 788 programs. I asked my staff, how much does it cost? And they said about $100 billion, and I sent them an E-mail and said, "That can't be right."

It is right. I will insert it into the RECORD. It is $96.8 billion that we spend on these 788 programs. We have a little program for construction. The total cost of it is $627 million, I might mention. I am going to guess that is for military schools and Indian schools, and so on. But this says, well, let us have a $5 billion education building program, a new program, one that would have to comply with Federal rules, like Davis-Bacon. In other words, if a school is going to be built in South Dakota—they may have to build a new school in South Dakota because of the floods—they would have to build according to Federal rules, and that includes Davis-Bacon. That means the Federal Government is going to determine what the wage rates are. In all likelihood the wage rates might be 30 percent more than they are in South Dakota. So you get a lot less school built for the same amount of money.

My point is that this really is not a Federal responsibility, and $5 billion cannot come close to scratching the surface of the need. I do not doubt that you could have a lot of pictures of dilapidated school buildings. Is that really the Federal Government's responsibility? I do not think it is. Even if we had a surplus, I do not think that is a Federal Government responsibility.

How in the world could we in Washington, DC, decide which State, which school, which local area should have their schools fixed or renovated? If we made this available, I could see just for the District of Columbia or just for any State—New Mexico, Oklahoma, Illinois, any State—a lot of schools. A lot of cities have real needs. Are we going to be the superintendent? Are we going to be deciding who should get the renovation and who should not? We will not come close; $5 billion would not scratch the surface. I am sure $5 billion could not take care of all the public school needs in the State of Illinois or in the State of New York.

So, my point being this is not a Federal responsibility. It is not a Federal obligation, and I think it would be a serious mistake for us to start down this line of new spending which would have an ever-growing demand that we would never be able to fill, so I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. DOMENICI. Could I just make an announcement off the bill because I want to discuss something with the Senate.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. A short while ago, when the Senator wanted to reserve the time until 11, I said there is no agreement to vote at 11, and there is none. But I have understood now that the Republican leadership had agreed with the Democratic leadership that because of a conflict on the other side we would not vote until 11. So we have about 3 minutes of a hiatus here. I was speaking what I knew and the Senator was speaking about something she had understood, and I apologize for whatever discomfort I might have caused.

Ms. MOSELEY-BRAUN. I thank the Senator from New Mexico. It is very nice of him to mention that, but I was prepared to take his word that he knew what the agreement would be.

Mr. DOMENICI. I thank the Senator. I will use time off the amendment which I understand is just a couple minutes. I want to quote—yes, Senator NICKLES.

Mr. NICKLES. I ask unanimous consent a couple of charts be inserted in the RECORD accompanying my statement.

Ms. MOSELEY-BRAUN. Reserving the right to object, charts having to do with this issue?

Mr. NICKLES. I am going to insert a couple documents in conjunction with my statement.

Ms. MOSELEY-BRAUN. I think that is inappropriate if we have not seen them. I think it is appropriate for us to see them, and obviously, then, there would not be an objection.

The PRESIDING OFFICER (Mr. BURNS). The Chair asks that the Senators address the Chair.

Mr. NICKLES. Mr. President, if the Senator will yield further, I would like to ask unanimous-consent three pieces of paper, a chart showing the 788 Federal school programs, and the $98.1 billion that we currently spend on educational programs, be inserted in the RECORD accompanying my statement.

The PRESIDING OFFICER. Is there objection?

Ms. MOSELEY-BRAUN. No objection.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL EDUCATION PROGRAMS BY CATEGORY

Category	Number of programs	Funding
Construction	9	$627,096,000
Education Research	14	841,534,000
General Education	52	684,250,501
K12	181	25,920,623,342
Libraries	9	249,869,103
OMB 1&2	33	577,929,000
Professional Development/Teacher Training	60	731,528,342
Postsecondary	259	44,765,196,759
Preschool	17	5,770,992,000
Research	27	1,711,255,000
Social Services	42	6,790,978,287
Training	79	8,178,372,048
Set Asides	6	19,719,038.
Total	788	96,869,343,420

DEPARTMENTS, PROGRAMS AND FUNDING

Department	Number of programs	Federal funding
Appalachian Regional Commission	2	$2,000,000
Barry Goldwater Scholarship Program	1	2,900,000
Christopher Columbus Fellowship Program	1	0
Corporation for National Service	11	501,130,000
Department of Education	307	59,045,043,938
Department of Commerce	20	156,455,000
Department of Defense	15	2,815,320,854
Department of Energy	22	36,700,000
Department of Health and Human Services	172	8,661,006,166
Department of Housing and Urban Development	9	81,800,000
Department of Interior	27	555,565,000
Department of Justice	21	755,447,149
Department of the Treasury	1	11,000,000
Department of Labor	21	5,474,039,000
Department of Transportation	19	121,672,000
Department of Veterans' Affairs	6	1,436,074,000
Environmental Protection Agency	4	11,103,800
Federal Emergency Management Administration	6	118,512,000
General Services Administration	1	0
Government Printing Office	2	24,756,000
Harry Truman Scholarship Foundation	1	3,187,000
James Madison Memorial Fellowship Program	1	2,000,000
Library of Congress	5	194,822,103
National Aeronautics and Space Administration	12	153,300,000
National Archives	2	5,000,000
National Institute for Literacy	1	4,491,000
National Council on Disability	1	200,000
National Endowment for the Arts/Humanities	13	103,219,000
National Science Foundation	15	2,939,230,000
Nuclear Regulatory Commission	3	6,944,000
National Gallery of Art	1	750,000
Office of Personnel Management	1	0
Small Business Administration	2	73,540,000
Smithsonian	14	3,276,000
Social Security Administration	1	85,700,000
State Department	1	0
United States Information Agency	8	125,558,000
United States Institute for Peace	4	3,371,000
United States Department of Agriculture	33	13,339,630,410
U.S. Agency for International Development	1	14,600,000
Total	788	96,869,343,420

Mr. DOMENICI. Did you get that resolved, Mr. President?

Mr. President, I just want to end this debate by saying that the President's thinking in 1996 was much better than his thinking in 1997, because in 1996 in submitting his budget, the President made the following statement:

> The construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers. We are opposed—

Continues the President in 1996—

> to the creation of a new Federal grant program for school construction.

Now, I understand the President has the right to change his mind in 12 months, but I submit his thinking was much, much better in 1996.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. DOMENICI. I only have 30 seconds remaining.

Ms. MOSELEY-BRAUN. Is it not a fact that that statement was associated with the rescissions of the appropriation for a grant program, whereas this amendment relates to a leveraging approach to give States and school districts assistance—different approaches to the issue?

Mr. DOMENICI. It is obvious that it is about a different program, but I am merely mentioning that the President was firm of mind in 1996 when he quite appropriately said that this is not a responsibility of the Federal Government, and I just quoted the President. Now, he has a right to change his mind about another way to help build schools, but I submit that we also should share with the American people that that change occurred over a 12-month period and, frankly, I believe we ought to agree with the President in 1996, not the President in 1997.

Now, having said that, has my time been used up?

The PRESIDING OFFICER. The majority managers' time is 50 seconds.

Mr. DOMENICI. Since we have until 11 to vote and time is finished on this amendment, my colleague from New Mexico desires to speak, if Senator LAUTENBERG would concur, for the remainder of the time until 11 o'clock.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask that I be permitted to speak for up to 4 minutes, if that is possible, the time yielded off the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, during my tenure in the Senate, I have long been concerned about our Nation's economic fundamentals and long-term competitive and economic vitality. During the 1980's, budget deficits roared upward as both spending increased and major tax cuts were enacted. As Senator HOLLINGS mentioned here last night, it can be an intoxicating combination to slash taxes for constituents while pumping up spending. This is what we did in those years. In a way, we just stole from the future, from our childrens' future and from the strength of the economy that they will live in.

Fortunately in 1993, we turned this trend around. Since passage of the 1993 budget, our Nation has shaved $2.5 trillion off of our budget deficit. This is a stunning turnaround for our country, and we are on the verge of achieving the kind of balance and fiscal responsibility that I have been fighting for these many years. If the truth be told, this balanced budget resolution, which we are debating now, is rather modest and only cuts another $207 billion off during the next 5 years. This is a tenth of what we accomplished in 1993. However, this resolution is vastly better than the draconian and unfair budget package the Republican majority tried to pass in 1995.

Our fiscal prudence has brought down interest rates, helped increase investment and business activity, and increased our employment levels dramatically. Continuing this trend makes sense for our Nation and makes sense for New Mexico.

Balancing the budget is an important component of fiscal health—but we would be making a great mistake—to think that this solves all of our economic problems. We need to know the details of the tax framework, which we will soon debate, to fully understand how this budget will impact the lives and quality of life of our citizens. New Mexico is still trailing much of the Nation, and has a long way to go before my State will share as it should in the growth of this economy. New Mexicans have the lowest level of pension coverage in the Nation; the lowest level of health care coverage; the highest poverty rate in the Nation and the only State in the Nation to worsen its poverty level during the last 2 years; we also have the highest unemployment levels west of the Mississippi.

New Mexico is not expecting large hand-outs to improve its situation—but we need to be sure that the budget framework we are debating here—and the follow-on tax bill, which represents the small print at the bottom of the contract—impacts New Mexico fairly in relation to other parts of the Nation. I want to make sure that we invest in education, which provides the best chance for the people of my State to get ahead. And I want to make sure that any tax cuts we provide are responsible, equitable, and reward the hard working families in New Mexico and across the country.

While I support this budget, we need to be honest about the fact that this budget does not deal with the looming challenge of increased Social Security and Medicare entitlement spending caused by the aging of the Baby Boom generation. Also, we are not incorporating any structural changes in our defense spending. In fact, it is hardly reflected in this budget that the Soviet Union has dissolved and that strategic threats to our Nation have dramatically decreased. Our defense strategy seems to be primarily the product of inertia.

Although the details of the accompanying tax bills are not yet clear, there are some items that concern me greatly. First, I am concerned that the $500 per child tax credit is not clearly specified as refundable. If this is not refundable, it means that low-income working families in New Mexico will not significantly benefit from this provision and will largely help those who are already better off in our society; 45 percent of the tax filers in New Mexico have adjusted gross incomes below $15,000; 70 percent have income levels below $30,000. This means that the majority of those in my State—and probably others—will not benefit much from this per child tax credit unless we make this credit refundable.

In the areas of capital gains relief, inheritance tax exclusions, and IRA tax cuts, I see something very dangerous brewing that we must not allow to happen. While I don't want to see Medicare cuts made just to put money in the pockets of the wealthy, I can support reasonable tax cuts—as long as they do not come at the expense of achieving real balance in our budget or at the expense of improving our schools or environment. But in this deal, $85 billion in cuts is pledged during the first 5 years of the agreement—and nearly double that amount, $165 billion, is pledged in the following 5 years, 2003–7. Given that the tax cuts are priced at $42 billion in the 10th year of this program—and are increasing at a rate of $5 billion a year during the last 3 years—we can logically anticipate tax cuts in the vicinity of $500 billion or more, or over half a trillion dollars, during the next 10 years 2008–17.

What is alarming about this is that if the numbers I just cited are believable, then all of this celebration on balancing the budget could be premature. The effect of a tax package with these characteristics would be to reduce taxes on well-off Americans by half a trillion dollars, while leaving middle and lower income working Americans with very little relief. A half trillion dollar reduction in our Federal revenues could throw our budget again into substantial deficit. And just at the time that we have discovered that we are once again living beyond our means, then the crushing entitlement costs of retiring Baby Boomers will hit us.

I hope we can develop a tax bill that will avoid this result—and I am confident that this budget resolution can be complied with in a fiscally responsible manner.

EDUCATION

As others have said before me, this budget resolution and the balanced budget agreement should be applauded for including many key education programs, including provisions such as increases in Pell grants to $3,000 per student, a new $35 billion program to help more students attend college, and substantial increases in funding for education technology, Goals 2000 grants to States, and other programs to help improve elementary and secondary education.

Despite these important elements, however, I believe there are at least two key remaining issues we should address if we hope to make this resolution a blueprint for a more effective system of public education.

The first of these education issues is school construction. Our schools' need for funding for school repair and construction is perhaps the most obvious and compelling need that is ignored in this resolution.

With a student population that is 47 percent rural and a significant portion of the Nation's BIA schools, New Mexico is facing a school construction problem that exceeds that of many other States. Over 90 percent of New Mexico's schools need to upgrade or repair onsite buildings; 44 percent of districts report having at least one building in need of serious repair or replacement. And as one of the fastest-growing States in the Nation, over 70 percent of our high school students are forced to attend schools that are as large or larger than the 900-student maximum at which student achievement begins to deteriorate.

For this reason, I am an original cosponsor of the Moseley-Braun amendment to restore $5 billion in funding to help local school construction efforts.

A second educational issue we need to address is rigorous standards for students receiving tuition tax deductions. Now that the President and the leadership have agreed on the need to develop a new $35 billion program to help more students go on to college, it will be essential to ensure that these students are prepared to succeed once they arrive.

For the proposed $10,000 tax deduction, we need to find uniform and rigorous measures of academic preparedness to ensure that these funds are being used effectively.

A clear measure of academic preparation is necessary because it is increasingly clear that fewer and fewer of those enrolling are receiving adequate preparation to meet the challenge of college-level work. And as a result, more and more students are dropping out, taking remedial courses, or struggling academically.

However, linking eligibility for these tax benefits to a student's grade point average—whether it be in college or in high school—ignores the fact that grades are not a sufficiently uniform or rigorous measure, given the decentralized nature of our schools and colleges.

We need to consider more uniform measures, including widely used examinations and adaptations of other assessments for high school students that may be available. Without taking reasonable steps to ensure the academic readiness of students, this new investment to encourage more students to attend college could be a cruel and expensive hoax.

I look forward to working with my colleagues to address this issue when the tax bill is being considered later this year.

Mr. President, I will support passage of this budget resolution and am glad that we are finally closing in on a balanced budget and the kind of fiscal responsibility that benefits our Nation and our people. But I support this resolution somewhat concerned about the implementing language. If we are not careful, we could adopt legislation which institutionalizes a disparity between what we raise and what we spend.

I pledge my best effort to see that the end result of all these efforts is of benefit to working families in my State and it is the hope that we will arrive at such an end result that causes me to vote "Aye" on the resolution.

Mr. President, I yield the floor and I thank the managers for the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I move to table the pending amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs now on the motion to table the amendment (No. 336) offered by the Senator from Illinois. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 56, nays 43, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux

Brownback
Burns
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Campbell
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Glenn
Graham
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Harkin

The motion to lay on the table the amendment (No. 336) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Can we have order?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I have talked with Senator LAUTENBERG about this. I ask unanimous consent that we permit Senator COATS of Indiana to proceed for 10 minutes to speak on the bill. He has a conflict this evening and would like to explain that to us, along with his words about the effort. Then, if Senator LAUTENBERG has a Senator who wants to speak on the bill rather than on an amendment, if they are here before the end of that 10 minutes, that they be allowed up to 10 minutes, and then at the expiration of that, we proceed to the Warner amendment immediately thereafter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, with reference to the Warner amendment, Senator WARNER has agreed that the time that we use on his amendment will be 1 hour equally divided. He will control the time on his side, and I will control the time in opposition.

Mr. WARNER. I wish to thank the distinguished chairman and the distinguished ranking member. This is an amendment on behalf of the distinguished Senator from Montana and myself. While the control will be under the Senator from Virginia, it will be jointly shared with the distinguished Senator from Montana [Mr. BAUCUS]. We will control 30 minutes under our time jointly. I thank the Chair.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, thank you, and I thank the Senator from New Mexico for his courtesy.

I regret that I probably will not likely be in the Chamber when the final vote comes on the resolution, though the schedule has been changed so much, I do not think anybody is sure when that vote will come. If I am not, it is because of a priority of mine, the only priority I think, that would exceed voting for something as important as the budget resolution.

My good wife, who has supported my efforts in Congress for 17 years now, who has missed many events, and has done a lot of waiting for me to vote and to come home, is graduating this evening with a master's degree from Johns Hopkins University. It is the result of 3 years of strenuous effort. She is a star student. It is something that I very much want to attend.

I had thought and had been told that we would be finalizing the budget agreement last evening. We were not able to do that, and it looks like action on the resolution will go through the day.

This is a priority I want to keep, and I think that, as important as the budget agreement is, I want to be there and honor this important date, and celebrate her achievement. As I said, she has done a lot of waiting around for me, made many sacrifices, and missed a lot of things because of our uncertain schedule here. There are times, however, when I think we have to establish priorities in life, and this is a priority.

[Applause.]

Mr. WARNER. Hear, hear.

Mr. COATS. Mr. President, I also want to use this opportunity to explain why I would have, if I am to miss the vote, opposed the budget resolution. I have examined this very, very carefully. In fact, I have tried to come up with sufficient reasons to support the budget.

I know that the leader, Senator LOTT, the leadership of our Congress, of the Senate, the work of Senator DOMENICI has been honest, it has been an honest effort at finding a true balanced budget. They have toiled for hours. There have been compromises that have had to be made as a consequence of not controlling the executive branch and the turmoil that will result for the rest of the year if a budget agreement is not reached. This budget clearly makes some important steps in the right direction, and there is much to commend about the efforts of those who have put this together.

However, I have been here since 1981, and there have been a lot of promises about balancing the budget. When I first ran for Congress, one of my top three priorities was to balance the budget. I felt that it was unconscionable, immoral to pass on to future generations a debt burden so that this present generation could enjoy benefits without having to pay for them. I have toiled now for 17 years to attempt to achieve a balanced budget in the Congress and have not been able to do so.

My greatest disappointment is, probably, our failure on two occasions by one vote to pass a constitutional amendment in this body and send it to the people of the United States to let them determine whether or not they think we should be held constitutionally responsible for balancing the budget. We were not able to do that.

This budget, like all the previous six budgets, promises a balanced budget in 5 years. I have gone home after the passage of these budgets, spoken to my constituents and said, "We balanced the budget."

And they said, "We're skeptical of that."

"No, no, no, we have put in place a mechanism to balance the budget."

Well, six times we promised that, and six times we failed. This is the seventh. Our Policy Committee, which I support, tries to put the best light on this budget. I have here a report published by the committee, it says, "Balanced Honestly by 2002, First Time Balance Will Be Achieved Since 1969." I have seen that phrase written over and over again. I have uttered it myself. It has not come true. It will not come true this time.

People need to understand that 5-year, 7-year agreements really only commit us to the first year, and even with that, with supplementals, failure to enact rescissions, contingencies that come up—in fact, we have already seen a proliferation of attempts to change this budget, to add money to this budget, to change the spending priorities—Congress has the right to waive this agreement any time it chooses.

We actually increase the deficit in this budget in the next 2 years from the current level estimated at $67 to $90 billion in fiscal year 1998 and 1999, and like all of our budget gimmicks in the past, all of the deficit reduction comes in the outyears, in 2001 and 2002.

All of the tough decisions come after the next midyear election, after the next Presidential election. I have announced my resignation, so I will not be here. I will not be here to protest that "Here we are again. Remember back in 1997 when we promised a balanced budget?"

Here we are at 2001 putting together the next promised balanced budget which pushes us out now to 2006 or 2007.

All the rosy scenarios about the assumptions of no economic decline in the next 6 years, I hope and pray it happens. I doubt very much that it will.

The other thing that distresses me is that in this budget we had the opportunity for meaningful entitlement reform and we once again took a pass on it. It seemed to me that everything was lined up in order for us to do this.

We had a Republican Congress that had gone on record as supporting meaningful structural changes in entitlements, changes that we know we are going to have to face for if we don't, we are going to find ourselves in severe economic distress in the future. We had a President who had just been re-elected and was not going to run again. He did not have to worry about getting reelected or pleasing certain constituencies. And we thought he would step forward and provide real leadership on this. And he took a pass.

Congress took a pass because somehow we materialized some additional revenue because of the economy, not because of anything we have done to hold down spending, but because of the good economy that we have in this country. And revenues were flowing in. And at the last minute we came up with $250 billion and said we can take a pass again.

So when we say we have averted the crisis of Medicare's imminent bankruptcy until 2007, yeah, we have done that. We have done that with a gimmick of shifting home health care from part A to part B and applying more revenues to cover the deficit that is coming instead of implementing reform and giving the windfall in revenues back to the American people to whom it belongs.

We have had to narrow our tax cut because we have not exercised the discipline on spending. I can go on and on. But I am going to abbreviate my remarks here so we can keep moving on this.

It is worth pointing out that, rather than taking the $255 billion in unanticipated revenues and using it for deficit reduction or tax reduction, we have used it to increase spending. Rather than capitalize on the momentum that we had for meaningful entitlement reform, we used budget gimmicks and price controls to delay the crisis and postpone the tough decisions once again. Rather than reduce the size of the Government, baseline budget tactics are used, tactics which Republicans used to criticize—assuming automatic increases in the baseline and then making reductions in that baseline and calling it a cut when it is not a cut, it is an increase. This deceptive practice is continued in this resolution, and now Republicans have bought into that practice.

In the end, this resolution simply postpones deficit reduction into the next millennium and lets everybody off the hook on tough decisions that ought to be made now.

As stated in an article in the May 10 issue of the National Journal called "The Easy Way Out":

> Historic the deal may be, but not so much because of what it includes as because of what fell out: just about anything unpleasant for incumbents of either party. From a political point of view, it may indeed be a triumph; certainly, at a minimum, it is clever. From a reformer's point of view, however, it is a washout.

We need reformer practices. We have said that; many have, since I have been here. I am now in my 17th year. We have not used reformer practices. Once again, we have used tricks and unexpected revenues to postpone the tough decisions.

I have said from the beginning, and will continue to say it, we will not make the tough decisions until we are constitutionally forced to do so. We will not achieve meaningful reform in our budget until we are constitutionally required, by raising our hand and pledging to support that Constitution, that we will honestly balance the budget and not create deficits and not pass on debt to future generations.

I am ashamed of the fact that during my watch, while I was here, the national debt has grown from less than $1 trillion to approaching $6 trillion. That is a national disgrace. And it has happened on my watch. I tried everything I could to keep that from happening. I think my voting record indicates that. Nevertheless, it happened on my watch.

So for me, someone who will not be here to protest in future years, I cannot in good conscience support this budget. Is it an improvement? Yes. Is it probably everything that the Budget chairman could have achieved under the circumstances? With divided Government and an administration bent on spending more and making a mockery of their statement that the era of big Government is over, I think the Budget chairman did everything he could under the circumstances. I commend him for his work and commend the leadership for their work.

But let us not pretend. Let us not pretend. And let us not pass on to the American people that we are giving them an honest balanced budget by the year 2002. I do not believe that is going to happen any more than the previous six promises on balanced budgets in the last 15 years have proven to be true to the American people.

I regret that I have to vote against this, but I, in all honesty, cannot support this budget resolution.

The most glaring problem with this budget resolution is that the deficit actually increases dramatically next year, from an estimated $67 billion for fiscal year 1997 to over $90 billion in fiscal year 1998, and does not begin to come down until 2001. The deficit then drops precipitously by nearly $84 billion between 2001 and the end of 2002.

This rosy scenario is hard to believe. In fact, the only years that really count in this budget agreement are the next 2, when Members and the President can be held accountable to abide by their commitment. The heavy work of deficit reduction is postponed, and becomes someone else's problem. Even then, 97 percent of deficit reduction included in this package is based upon economic assumptions that seem implausible at best. They are based on sustaining the current state of the economy for another 6 years.

This resolution fails to address the looming crisis in entitlements. Rather, it delays dealing with the issue through budget gimmickry.

The resolution purports to secure $115 billion in Medicare savings. However, the overwhelming majority of this savings is secured through price control gimmicks that have failed in the past. Even then, the preponderant majority of this savings comes after the year 2000, when there is no guarantee of enforcement.

The plan calls for further reducing payments to health care providers. We have tried this many times before with no success. In fact, costs have continued to rise while the quality of health care for our seniors has continued to be diminished.

In addition, the current proposal shifts the Home Health Care Program, the fastest growing Medicare program, from the Medicare part A fund, to part B. This trick postpones the collapse of the Medicare trust fund from 2001 to around 2008, and serves to delay having to confront the long-term Medicare crisis.

Failure to implement meaningful reform in Medicare represents the greatest single missed opportunity in a budget proposal rife with deferment and missed opportunity. In fact, the resolution creates a $16 billion health care entitlement for low-income children. It is important to note that this entitlement goes beyond covering poor children already covered under Medicaid.

The key to busting the logjam in negotiations on this budget agreement was a midnight-hour $255 billion windfall from the Congressional Budget Office. This money came from larger than anticipated revenues from a robust economy. However, rather than using this money to both reduce the deficit and reduce the tax burden on the American people, negotiators went on a spending binge.

The result of this is that the budget resolution actually increases, not decreases the size of the Government. For fiscal year 1998, spending is increased over fiscal year 1997 projected spending levels by an estimated 4.32 percent, or $70 billion above the freeze. This is the largest increase of the Clinton Presidency, $5 billion more than the President requested in his original budget proposal, and outpaces inflation by nearly 1.5 percent.

This dramatic increase in domestic spending is based upon the concept that spending on these programs has been limited in recent years. In fact, according to economist Stephen Moore, over the past 10 years, 1988–97, Federal domestic spending has soared from $622 billion to $1.116 trillion. After adjustments for inflation, this is an increase of 40 percent. And now, under this agreement, we will be increasing this spending by a rate of 1.5 percent above inflation.

There are no spending reductions in the budget. The savings are actually reductions in projected baseline spending. This type of baseline gimmickry is something that conservatives have long rejected. However now, for political expediency, this plan is based entirely upon it.

James Glassman writes in his column entitled "Bad for Everyone": "The reason that the Federal deficit is projected at zero under the new budget is not that Government will be smaller, but that revenues from taxpayers will be larger—much larger." Mr. Glassman goes on to point out: "According to the President's February budget, the Treasury was expected to collect $1.5 trillion from citizens and businesses in 1997. According to the new bipartisan budget, that figure will rise to $1.9 trillion in 2002. Meanwhile, spending will rise from $1.6 trillion to $1.9 trillion. And there you have it: A balanced budget."

Is this what reform is all about? Rather than use windfall tax revenues as an opportunity to decrease spending and accelerate the path to a balanced budget, this resolution gobbles up taxpayer money with substantial spending increases and postpones the tough decisions for another day.

If there is anything hopeful in this budget resolution, it is some progress toward tax reduction. There is roughly $135 billion set aside for tax cuts. However, $50 billion of that number is offset by tax increases elsewhere in the budget, leaving a beginning net tax cut of $85 billion. This represents just 1 percent of the $8.5 trillion in estimated tax revenues over the next 5 years.

Even then, the President's tax priorities for education, totaling $35 billion, is locked in, leaving Congress to spread the remaining benefit between a $500 child tax credit, capital gains reduction, expanded IRAs, and estate tax relief. The $85 billion net tax cut comprises about one-third of the money needed to offset all of these tax cuts fully. In fact, the Heritage Foundation estimates that the full cost of the $500 dollar-per-child tax credit alone is $105 billion over 5 years.

However, the game doesn't stop there. A key aspect of the agreement is the assumption that the Bureau of Labor Statistics will adjust the CPI downward by approximately .3 percent. The result would be a hike in income taxes by approximately $6 billion dollars. Thus, the real total net tax cut under the agreement is $79 billion or less. Again, according to Heritage Foundation estimates, Americans will receive a grand total of 67 cents in tax relief for every new dollar of spending on Government programs contained in the agreement, or less than one cent on every tax dollar sent to the Federal Government.

In fact, the entire net tax cut contained in the Resolution is less than one-fifth of this $255 billion dollar windfall discovered by CBO, and used to blow the ceiling on spending. The result is that much needed tax relief will have to be phased in, with the bulk of it falling, once again, in the out years. The child tax credit, touted as middle class tax relief, will likely have to be limited to low income families.

Already, discussions regarding a capital gains tax cut have gone from an early 50 percent reduction proposal, to a cut of 10 percent, and is now moving toward a limited maximum rate of 21 percent. This is hardly the type of capital gains tax cut needed to free the hundreds of billions of dollars in encumbered capital in our economy.

I do not believe that this is what the American people have in mind. And I have no confidence that future Congresses, faced with the skyrocketing spending and rosy economic assumptions contained in this agreement, will follow through on fully implementing tax relief.

This budget is full of missed opportunities. Rather than taking the $255 billion in unanticipated revenues and using it for direct deficit and tax reductions, it has been used to increase spending. Rather than capitalize on momentum for meaningful entitlement reform, budget gimmicks and price controls are used to delay the crisis and postpone the tough decisions. Rather than reduce the size of Government, baseline budget tactics are used to simulate smaller Government.

In the end, this resolution simply postpones any deficit reduction into the next millennium and lets everyone off the hook on the tough decisions. As stated in the May 10 National Journal article entitled, "The Easy Way Out":

> Historic the deal may be, but not so much because of what it includes as because of what fell out: just about anything unpleasant for incumbents of either party. From a political point of view, it may indeed be a triumph; certainly, at a minimum, it is clever. From a reformer's point of view, however, it is a washout.

I thank the chairman of the Budget Committee for allowing me this opportunity to speak. I regret that I might not be here this evening. But I think I identified the right priority in my life. And I am looking forward to being, for once, not the person in the limelight in our family but the person applauding the one that is in the limelight, which is my wife who will be receiving the degree which she worked so hard for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nebraska is recognized.

Mr. KERREY. Pursuant to the previous unanimous-consent request, I ask unanimous consent that 10 minutes be taken off the resolution so I can speak.

The PRESIDING OFFICER. The Senator is correct.

Mr. KERREY. Mr. President, before I talk about the resolution itself, what it does, what it does not do, I do want to go back to 1993, as many of my colleagues have done, and discuss the Deficit-Reduction Act of 1993.

Since I only have 10 minutes, I will not go into detail about the one that happened in 1990 under President Bush's watch. Both of those were very unpopular budget resolutions. I noticed when I went home, in both cases, there was substantial criticism from people who did not like various aspects of it.

One of the unique things about this particular budget resolution compared to those is that I do not expect to find a similar sort of outcry against it. I think it tells us a lot about what is in this one as well as the progress that we have made toward reduction over the last 4 years.

That resolution, Mr. President, that act, OBRA, 1993, brought the deficit down by 77 percent, a substantial reduction in the deficit. It occurred, it must be said, as a consequence of the economic recovery that had begun in 1992. It did not produce all of the growth by any measure. I do not argue that the economy turned around as a result of that Deficit-Reduction Act, but there is no question that we had demonstrated in 1993 that there was a connection between growth and deficit reduction, that it is possible for us to take action with our budget to produce good things out in the private sector.

I would argue that the greatest victor in this Deficit-Reduction Act of 1997, the Deficit Elimination Act of 1997, the greatest victor is economic growth. Four percent real growth in the first quarter is what has really enabled us relatively easily to take the last step.

There were a lot of terrible things that were said were going to happen as a result of the 1993 OBRA. People said it would result in lost jobs. We stood here on the floor and said, if we voted for OBRA 1993 there were going to be higher deficits and there was going to be higher national debt, so on and so on. About the only dire prediction that turned out to be true was that people who voted for it were not reelected because, as I said, it was very unpopular. It was very difficult deficit reduction, very substantial deficit reduction.

We have evidence, in short, that if we are willing to cast a tough vote, if we are willing to reduce spending and reduce our deficit, that not only is there economic gain coming as a consequence, but that that political risk can pay off long term. We can stand and say that though we have asked people to take a bit less, there will be benefits coming as a consequence of this reduction in the rate of growth of spending that is contained in this budget resolution.

So I stand here today to say, where do we go from here? And I have to confess, there is a part of me, Mr. President, that says, "Well, now that we've gone from a Democratic majority to Republican majority," in part, if not in large part, as a result of the unpopularity of the 1993 Deficit-Reduction Act, "maybe we ought to hold our breath on this side and let you all figure it out on the other side, let the distinguished occupant of the chair and the other guys on that side of the aisle, let you all address it and cast the tough votes this time around." I do not think that would be responsible of us, Mr. President.

There is a lot I do not like in the budget resolution. There is a lot I did not like in 1993 and in 1990. But given the benefits that occur as a consequence, I do not think that it is good for the country for me to stand here in a petulant fashion and say I am not going to participate as a consequence of what happened politically in November 1994.

I do believe that the budget resolution in front of us today will, on balance, produce economic growth, and I do believe that it will balance the budget in the year 2002, if Congress keeps its eye on the ball and keeps its attention focused on what is going on outside of these Halls, and that is to say what is going on in the private sector, and what is going on with our economy.

If our tax, our regulatory, and spending policies produce economic growth, all the rest of it gets relatively easy, as we are learning indeed with OBRA 1997.

We need to start thinking about economic growth. We need to start asking ourselves the question, what do we do, not only to produce the growth, but when is the growth good for us and when are we willing to step in and say the growth is not good?

I mean, all of us, I suspect, universally would say, I do not care if it does produce jobs, I am not in favor of pornography, and I am not in favor of spoiling our environment, and I am not in favor of making our streets unsafe. There are lots of examples where we would step in and put a law in place even though it might prevent somebody freely from being able to produce jobs. We will say that those particular jobs are not good for us and thus we are going to put a law in place to prevent that activity from happening.

There is a larger problem as well, Mr. President. I do think, though, growth lifts all boats, that a rising tide will tend to lift all boats. As we have seen with the dramatic narrowing of economic inequality and income inequality that has occurred in the last 4 years, that there is still going to be large sectors of our economy, large sectors of our population, individuals and their families that are going to be left out of the benefit of that growth.

That is especially true if you take the position, as I do, that we ought to put in place laws that say the United States of America is going to lead the effort to lower trade barriers, that we believe that generally speaking we are better off competing in a global economy. In that global economy with technology, with immigration, with the welfare-to-work programs that are going on, people at the lower end of the wage scale are going to suffer. They are going to be under a lot of pressure.

People making $5.15 an hour, $6, $7, $8, $9, $10 an hour are going to be under a great deal of pressure. They are going to be working more than one job. They are going to be paying child care. They are going to have lots of other problems they are going to face.

It is important for us to pay attention to our capacity to give them the opportunity to get a good education, get retrained, go to college, if they choose to. We have to look at those sorts of things, and keep our eyes open to special problems that exist today that did not exist 30 years ago.

Perhaps the most dramatic difference is that in the 1990's the amount of debt accumulated to go to college exceeds all the debt that was accumulated in the 1980's, 1970's, 1960's combined. By the end of the century $50 billion of new debt will be acquired by American youth who are trying to go to college; graduating today with an average of $10,000 debt, growing by some 14 percent a year.

The President's response to try to direct some additional resources for education, I believe, is good. I also think it is important for us to try to come up with mechanisms and enable Americans, using the laws of the land, to acquire the wealth that they need to make those kinds of purchases not just for education, but for retirement as well.

This balanced budget will produce, in short, economic growth. But I do not believe that this balanced budget will take us in every single instance in directions that we need to go.

I think that we are still going to have problems with our schools. I think we still have problems with fighting the war on drugs. I think we still have problems in a number of other areas where our current policies are inadequate to the task. They are going to require us to reach down and look for different ways of doing things if we want to change our future.

The three areas that I would like to address here this morning, Mr. President, where this law does not change our future adequately is the percentage of our budget that is going for entitlements versus discretionary, the amount of wealth that individuals have in order to be able to plan for their retirement, and, Mr. President, I also believe we need to look at the mix of people over the age of 65 versus under the age of 20. I still do not believe we adequately adjusted to the problem that we are going to face when that baby-boom generation begins to retire.

I would like, Mr. President, just to run through a couple of charts here very quickly. You all probably have seen them before. It is what everybody wants to do—look at another chart here on the floor of the Senate.

This is a line that shows the births in the United States from 1910 through 1920. I bring this to the floor because it is a demographic problem that we face, not a problem that was caused by Ronald Reagan or George McGovern or Phyllis Schlafly, or secular humanists. This is a problem that was created as a consequence of 77 million Americans who were born between the years of 1945 and 1965. And then the birthrate dropped for about 15 years afterward.

Thus, what that has produced is a relatively small number of people who will be supporting a much larger number of people who will be retired out there in the future.

This is a dramatic change, Mr. President, that Congress needs to factor into our thinking because this is our future. This is where we are going. As I said, I am confident 5 years from now, 1997, we will have a balanced budget, but we have not addressed this problem. This is the future for America:

In 1997, 29 percent of our population is under the age of 20; 13 percent is over the age of 65; 79 million in one group, 34 million in the other group. In 2030—all the speeches we give about children, 4 million babies born in America this year, those babies will be 33 years of age in 2030, and all of us understand how quickly 33 years go by. In 2030, when those babies are now out there working, there will be 24 percent of our population, down from 29 percent, under the age of 20. The under-20 population will only have grown by 4 million. But the over-65 population, Mr. President, will have doubled, going from 34 million to 68 million. If you look at the number of workers per retirees, it is even more dramatic, a doubling of the population over the age of 65 and a 20 percent increase in the size of the American work force.

Mr. President, we have simply got to address this problem. The only way for us to do it, in my judgment, is to look at the mix of our budget that is going to mandatory versus discretionary. In 1963, 30 percent of our budget went to mandatory spending, 70 percent went to discretionary spending. At the end of this budget resolution it will be exactly reversed, 70 percent mandatory, 30 percent discretionary. Mr. President, in about 10 or 12 years after that it will be 100 percent mandatory and 30 percent discretionary.

A much bigger and more difficult problem for us to face as a Congress than balancing the budget is balancing the mix of mandatory and discretionary spending. It is not a mathematical formula, Mr. President. If we do not take action on this, people who will retire 15, 20 years from now—and again, this is a problem for the babyboom generation; this is not a problem for the current generation. There are enough workers in the workplace today to support current retirees. But those people who will be retiring out in the future, Mr. President, they are not going to like that future as a consequence of the kinds of choices that will be forced upon them later, unless we take action earlier to accommodate.

Mr. President, I would like to see this budget resolution changed. I am hopeful we can build some bipartisan consensus to change it. Senator LIEBERMAN and I, Senator BREAUX, and a number of others have been working on a proposal called Kids Save that would alter the child care credit in this resolution that would enable us to help working families acquire wealth. Unless you expect to hit the lottery, unless you expect to inherit the wealth, the only and the best and most reliable way to generate wealth is to save a little bit of money over a long period of time. Kids Save enables us to do that. It enables working families to have that wealth. If they want to use it for education, if they want to use it, preferably, for retirement, they will have it when they get there.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator WARNER of Virginia is recognized at this time.

AMENDMENT NO. 311

Mr. WARNER. Mr. President, I call up an amendment at the desk by the Senator from Virginia.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Virginia [Mr. WARNER], for himself and Mr. BAUCUS, proposes an amendment numbered 311.

(The text of the amendment is located in the RECORD of May 21, 1997.)

Mr. WARNER. Mr. President, we ask now for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, the Senator from Virginia, throughout my career in the U.S. Senate, has fought for the balanced budget as hard as anyone. I say that with humility. I am sure the distinguished Senator from Montana has a like record and a like commitment.

We are also entrusted with the responsibility, in my case as chairman and the Senator from Montana as the ranking member of the Subcommittee on Public Works and Environment, to see that our Nation's infrastructure of highways, and to a certain extent mass transit—although that is primarily in another committee—constantly is administered in such a way as to promote growth in this country.

Talk about a balanced budget. That balanced budget is dependent on the ability of Americans to get to their place of work, to return safely, to provide for their families, and every Member of this body knows that we are falling behind every minute in our ability to keep in place the infrastructure of roads and bridges, much less modernize it to make it safer and more efficient. We are steadily falling behind. But as we fall behind in providing the necessary dollars, the dollars that they are paying in the tank are accumulating in the Treasury in an account called the highway trust fund.

Now, Mr. President, I like to do homework. I learned it as a child under the supervision of two good, strong parents. So I went back to 1955 when in this very Chamber resonated the voices of the chairman of the Environment Committee, Mr. Chavez, and incidentally, the chairman of the subcommittee, Albert Gore, Sr., the father of our distinguished Vice President. When they came forth with the legislation to establish the highway trust fund, they picked the name "trust." They could have called it the highway fund. They could have said there is a line in the Treasury for just where to put the tax dollars, but they called it a trust fund.

Today the Congress, together with the executive branch, are using it as an escrow account—not a trust fund, but an escrow account—to hold these dollars almost as if they were poker chips to play with them as we see fit, not in keeping with the intention of the founders of this piece of legislation.

I read from the 1955 CONGRESSIONAL RECORD, page 6716, of May 20—is that not interesting, May 20, coincidental in time, Mr. President, 42 years ago—in which Senator Gore concluded by saying, "Had the committee thought it advisable to recommend a more vigorous program than that which is contained in S. 1048, I am sure it would have done so. The sentiment in the committee, if I interpret it correctly, was to act as fast and as energetically as we could while still ensuring that the taxpayer received a dollar's worth of road for his [and I insert her] tax dollars." There it is, a commitment by the U.S. Senate, right in this Chamber, the origin of that legislation, and we are breaking that trust, that fiduciary relationship today.

Mr. President, 18.3 cents is paid by every American and all those using petroleum at the local gas station; 4.3 is taken out for the deficit. That is another argument. We are not dealing with that today. Fourteen cents remains, of which 12 cents is for the highway and 2 cents for mass transit.

We have another piece of legislation under the auspices of Senator BOND and Senator CHAFEE, which I support, saying a dollar in, a dollar out. That is what this does. This amendment is designed to put every Member of this body on record when he or she goes back home that, "I fought to see that your tax dollars that you pay are returned to you and you can apply them to improve that infrastructure to strengthen America's economy."

Critics say, well, Senator WARNER and Senator BAUCUS, you did not provide offsets. Well, we did not have to provide offsets, I say to my colleagues, because the offset is there in the word "trust." That is what it means—trust means exactly that. The people of this country trust the Congress of the United States, and in this instance, more specifically, the Senate, trust them to find the necessary means to balance the budget without a breach of trust to those who contribute at the gas tank, consistent for 42 years, given by the U.S. Senate.

I say to my colleagues, weigh heavily when you cast this vote. Put this amendment on. Let it go to conference. Let the distinguished chairman and the distinguished ranking member in the context of a conference decide how to continue the preservation of the balanced budget but at the same time keeping trust with the American people to return their dollars, their hard-earned dollars, submitted at the gas tank.

I yield such time as my distinguished colleague desires with the caveat that I would like to reserve for the Senator from Virginia 2 minutes at the end and 2 minutes for the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I want to first commend the chairman of the Budget Committee, the ranking member, the President, and negotiators for putting together a bipartisan agreement. I know it was not easy. It was difficult. But I think the American people are very gratified that the President and the Congress put together the outlines of a budget agreement which brings the budget deficit down to zero.

One of the provisions in that agreement is the amount we will spend on highways and transit for the next 5 years. Under the budget agreement, the highway and transit programs will receive funding levels equal to the estimated revenue collected each year.

But Mr. President, I would suggest we need to do better.

That is why the Senator from Virginia and myself are offering this very simple amendment. Under the amendment, whatever comes into the trust fund through gasoline taxes and diesel fuels, et cetera, plus interest on what is earned on the balances in the trust fund, is available to be spent. In otherwords, whatever revenue comes in, will go out. This is truth in budgeting. It is a very modest amendment.

Mr. President, current balances in the highway account of the highway trust fund is $14.3 billion. If you look at this chart, you will see that the balances in the highway account will almost double by the end of the 5 years covered by the budget resolution. Under the resolution, the balance in the highway trust fund will grow to almost $27 billion. It just seems to me, Mr. President, and to all of us who are concerned about the balances in the highway trust fund, that it is wrong for that balance to continue to grow or double when those are dollars being contributed by motorists who expect to see transportation benefits.

I might add, Mr. President, that motorists are already paying 4.3 cents a gallon which goes to deficit reduction. Over the 5 years of the budget resolution will amount to about $35 billion.

If our amendment does not pass, there are serious consequences. If our amendment does not pass, I must tell Senators that they are not going to receive funding levels close to the highway funds or the mass transit funds that their States expect. That is what is shown in this chart. I apologize for the small print on this chart, but we have after all 50 States and it is difficult to get every State on the single chart.

This chart shows what will happen to a State's anticipated funding under the various highway bills that have been introduced, such as STARS 2000, STEP 21, NEXTEA and ISTEA Works. Senators have signed onto those bills anticipating certain funding levels. If the Warner-Baucus amendment does not pass, each State will receive a reduction in funding.

I look at the Presiding Officer. New Hampshire—as an example, New Hampshire signed up for the ISTEA reauthorization bill. If New Hampshire thinks it is going to get $142 million a year, that is wrong. If my amendment does not pass, New Hampshire is going to receive $30 million less. If my amendment passes, New Hampshire will get the $142 million.

That same example holds for every single State.

So it is very clear that Senators are not going to get the money they think they are going to get if this amendment does not pass.

I want to also add that there are other reasons to increase transportation spending.

Our Department of Transportation says that we need about $50 billion dollars annually to maintain our highway system. The $26 billion provided for under this amendment is a little more than half of that. That is all.

Think of the competition in the world. The Japanese spend four times what we do as a percentage of GDP than the United States. The European Union, spends twice as much.

We are hurting ourselves in not keeping our transportation system up to snuff.

In addition, if the budget resolution becomes the law, areas that are experiencing growth or areas with an aging infrastructure will not get the money they need. And programs that mean a lot to Members, such as the Congestion Mitigation and Air Quality program, or enhancements and bike trails, will not have the money they need.

Our proposal is very simple: That we pass this amendment, which will increase the deficit in the last year from a $1 billion surplus to about a $2 billion deficit. That is all. Over all 5 years, $12 billion. It does not go to the core of the agreement. It does not touch Medicare or Medicaid and does not touch taxes. It does not touch any of the provisions that Senators have been arguing about over the past few months as to what should or should not be in the bipartisan agreement. It doesn't touch those at all. It just says let's spend the interest, plus what comes into the trust fund as revenue each year. That way we can prevent further deterioration of our highways and bridges.

If this amendment should pass,—the Senator from Virginia and I will work with the managers of the Budget Committee and with the administration to try to find some way to accommodate this $12 billion increase in conference.

I want a balanced budget. I think every Senator wants a balanced budget. Fifty-seven Senators have written the Budget Committee asking for more money in transportation. In fact, what they asked for was a full $26 billion every year for 5 years. We are only asking for a ramp up to the $26 billion level over the 5 years. This is very modest and nowhere close to the request made by 57 Senators who have asked for a full $26 billion to be included in transportation for every year.

This is a very small change in the agreement which the budget and administration negotiators put together. It can very easily be accommodated in conference.

I might add, to those Senators from the Northeast who are concerned about mass transit, this amendment also—the $12 billion increase in outlays I mentioned—includes increases in mass transit.

So, Mr. President, it is really very simple. I grant that it is technically an increase in the deficit by $12 billion. I am also saying that we as Senators should not be caught in a box. We should not be rigid. We should not be knee-jerked. We are elected to be thoughtful. We are elected to do what is right. We are elected to be creative.

What do the American people think is right? First, balance the budget; second, do it in a way which is fair to our country and our country's needs.

It is clear that we can balance the budget, including the framework agreed to by the budget negotiators, the administration, and the leadership, and still meet our States' infrastructure needs.

It is a very modest amendment. Again, it just says spend what comes in, plus interest, to the trust fund. In fact, even under our amendment we end up with a $17 billion balance in the trust fund. So under our amendment, we are not spending anywhere near the amounts the trust fund could sustain. But the Senator from Virginia and I are trying to be modest.

So, I again urge Senators, just go the extra mile. Vote for this. We will all work together to balance the budget in a way which also does not hurt the core provisions of the agreement but addresses the very serious transportation needs of this country.

I reserve the remainder of my time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, I commend my distinguished colleague. We worked together as a team on this. He has spent a good deal of his career in the U.S. Senate fighting to improve America's infrastructure and transportation.

I am going to place at the desk at the time of the vote a letter signed by 66 Members of this body supporting precisely what it is we have before them today in this amendment, together with letters from each of the Governors. All 50 Governors support a higher level of funding for our highways.

Senator BAUCUS and I, as we worked on this amendment, decided not to take the top dollar. As Senator BAUCUS clearly said, $17 billion remains in the trust fund. We tried to take a reasonable amount of increase.

This chart shows the green line of what this budget resolution does in terms of highways—flat. Our amendment takes this up at a gradual increase to where we reach the $26 billion, that figure subscribed to by 66 Senators, that figure subscribed to by all 50 Governors.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that we temporarily set aside the amendment that is pending and permit Senator PAT

ROBERTS to speak for up to 10 minutes on the bill, after which we return to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

Mr. BAUCUS. Reserving the right to object. I am sorry. I did not hear the request.

Mr. DOMENICI. I had checked with Senator LAUTENBERG. All we did was ask that the Senator set aside his amendment for 10 minutes and return immediately to it after PAT ROBERTS speaks for 10 minutes.

Mr. BAUCUS. How much time is remaining on the amendment?

The PRESIDING OFFICER. Twenty-nine minutes on Senator DOMENICI's side and 12 minutes on Senator WARNER's side.

Mr. BAUCUS. Thank you. No objection.

Mr. INHOFE. Mr. President, I rise on a point of personal privilege.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I ask unanimous consent to be allowed 2 minutes to count against either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLARIFICATION OF PRESS REPORT

Mr. INHOFE. Mr. President, I was shocked a little bit this morning to read in the Washington Times a story by Ralph Hallow in which he quotes a statement that was supposedly attributed to me by Mr. Paul Weyrich. I would like to read it.

Hallow writes that:

> Mr. Weyrich said that at his regular Tuesday meeting for conservative leaders, Senator James Inhofe, Oklahoma Republican, accused Mr. LOTT of having "betrayed the national-security interests of the country."

I have to tell you, Mr. President, that I don't think anything like this has ever happened to me. Even though I don't have thin skin—I have been beat up by the liberal media quite often—this is not the case. I never made such a statement.

I even checked the tape of a TV show that I had with the gentleman, Mr. Weyrich recently, and I find nothing but compliments which I made about Mr. LOTT. I did say on a couple of occasions that I disagreed with him on the chemical weapons stand. I disagreed with him on his suggestion in terms of potential punishment for Lt. Flynn. However, I was very complimentary of him.

Just a few minutes ago I received a memo from Paul Weyrich which clarifies the matter. I want to read into the RECORD the first half of that memo, dated this morning.

> Once again Ralph Hallow has caused a problem. He called me on my private line and asked my views on Lott and Lt. Flynn, which I was happy to give. He asked me about the rest of the movement, and I told him that at the Wednesday lunch we gave Senator Inhofe a message to take back to the Steering Committee which was supported almost unanimously by the 65 or so in attendance. I then quoted Frank Gaffney as saying that twice in a month Senator Lott had betrayed the security interests of the United States. Instead, he attributes this quote to Senator Inhofe, who refrained from criticizing Lott even though he disagrees with him. Believe me, Hallow did not misunderstand what I told him because he even called me back and said he had interviewed Inhofe and he—Inhofe—refused to be critical of Lott.

Thank you, Mr. President.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. ROBERTS. I thank the Chair. I thank the distinguished chairman of the Budget Committee.

Mr. President, I rise in support of the overall balanced budget plan and rise expressing some reservations in regard to many of the amendments that we are considering, the pending amendments; some 45 of them, as a matter of fact.

If nothing else, I wanted to pay a personal tribute in behalf of the taxpayers of Kansas and thank the chairman of the Budget Committee for his leadership, his perseverance, his patience. He has the patience of Job. I must confess, having come from the lower body, as described by Senator BYRD, and being the chairman of the House Agriculture Committee, I am not sure I had the patience of Senator DOMENICI. We now spell "persevere" D-o-m-e-n-i-c-i.

How many hours, I ask of the chairman, if he could respond, how many days, even years, have been involved? Does he have any estimate in regard to the hours he has spent late, early—he and Chairman KASICH of the House? If he gives me an estimate, what is it? 10,000?

Mr. DOMENICI. On this agreement itself, just this year, I would estimate 1,000 hours.

Mr. ROBERTS. 1,000 hours. I said hours and minutes; even years.

This has been the third year on this particular budget plan. This is the culmination of 3 years of hard work that the Senator from New Mexico has put in, all members of the Budget Committee, as well as the staff. This has been a Lonesome Dove Trail ride. I hope we get through the tall grass and balanced budget with all of our body parts intact. If we do, the chairman will get most of the credit.

In the last session of the Congress we had two balanced budgets. We worked very hard and very diligently. They were vetoed by the President. We even came to a Government shutdown. Nobody wants to repeat that. I understand that when you are doing a budget for the U.S. Government, you have many, many strong differences of opinion. After all, for better or worse, the Congress of the United States reflects the diversity we have in this country and the strong difference of opinions. Goodness knows, we have good diversity and strong differences of opinion. The House, the other body, just the other night stayed until 3 a.m., and, finally, by a two-vote margin, succeeded in defeating an amendment that was a deal breaker. It involved highways. As a matter of fact, it involved transportation, the very issue we are discussing on the floor at this very moment other than my comments. Two votes was the difference. Goodness knows, everybody in the House of the Representatives, everybody in the Senate cares about transportation and cares about highways and the infrastructure.

We came within five votes of a deal breaker on the floor of the Senate. I think it was five votes in regard to health care for children. Who can be opposed to additional funds for health care for children? As a matter of fact, the chairman has worked very hard to provide $16 billion in regard to that goal.

So we had highways, health care, and we had a situation in regard to the construction of our schools, to fix the infrastructure of the Nation's schools—$5 billion—with a $100 billion price tag, which set a very unique precedent.

I don't question the intent. I don't question the purpose nor the integrity of any Senator, nor, for that matter, anyone who would like to propose an amendment or a better idea in regard to the budget. But I would suggest that the high road of humility and responsibility is not bothered by heavy traffic in this instance.

Most of the amendments—I have them all here. Here is the stack, 45 of them. Most of the pending amendments right here are either sense of the Senate or they have been rejected outright as deal breakers.

Sense of the Senate means it is the sense of the Senate. It has no legal standing, has no legislative standing. It is just a Senator saying this would be a good idea in terms of my intent, my purpose, what I think we ought to do. And there are a few that are agreed to that obviously will be very helpful.

But here are the 45. Most of them are simply not going anywhere but raises the point. I took a little counting here. There are 8 Democrats and 11 Republicans—11 Republicans who have decided that they will take the time of the Senate, take the time of the American people, take the time of the chairman of the Budget Committee and staff and go over and repeat their priority concerns in regard to the budget.

There is nothing wrong with that. I understand that. Each Senator is an island in terms of their own ideas and their own purpose and their integrity. I do not really question that but in terms of time, I mean after 3 years of debate, after hours and hours and hours of careful deliberation between the President and the Republican leadership and 45 pending amendments.

I have my own amendments. I have my own amendments. I should have had some sense of the Senate amendments. I feel a bit left out. I thought we had a budget deal. I thought we were going to vote on it. I thought that we were going to conclude. And then during the regular appropriations process, during the regular order, if you will, of the rest of the session, why, perhaps we could address these things that I care very deeply about.

Maybe we ought to have a sense-of-the-Senate resolution introduced by Senator ROBERTS that all wheat in Kansas should be sold at $6. That is a little facetious, to say the least, but I do have concerns about crop insurance, a child care bill I have introduced, along with a capital gains bill, capital gains and estate tax. I think capital gains should be across the board. I think estate tax should be at least $1 million. I want a sense-of-the-Senate resolution or amendment declaring that. Or maybe an amendment—I tell you what we ought to have, if the chairman would agree. I think you ought to make a unanimous consent request to consider an amendment that all Senators who offer an amendment on the budget process must be required to serve 6 months on the Budget Committee. Why not? Perhaps in the interest of time, since all of the time that is being spent by the 11 Republicans and the 8 Democrats—oh, I forgot my sense-of-the-Senate resolution on defense. I do not think we have enough money committed to our national defense with the obligations we hear from the Secretary of State, the Secretary of Defense, the administration and everything else. So add that one in Roberts' sense of the Senate.

Maybe we ought to have a unanimous consent request, to save time, to get this business done, to accept the responsibility for the budget, I could just ask unanimous consent that all amendments pending be laid on the table and considered en bloc and ask for the yeas and nays and we could get the budget deal and go home. I have not made that unanimous consent request. That would be untoward. That is the mildest word I could use for it because it would violate agreements the distinguished chairman has made with other Senators.

So let me say this to all the Senators who introduced all these sense-of-the-Senate amendments, fell asleep, issued a lot of press releases back home and got a lot of credit. And I laud their intent, laud their purpose. What about breaking the deal? What about the law of unintended or intended effects? What about the responsibility of delaying the Senate and possibly delaying 3 years of work, 3 years of work to get to a balanced budget?

As you can see by the tone of my remarks, perhaps my patience as a new Member of the Senate is not near the patience of Chairman Job, Chairman Job DOMENICI, in regard to the Budget Committee.

Now, I had intended on reading the names of all the Senators, their amendments and lauding their intent in behalf of all the things that we would like to see done. As I say, I have them all here. They range from everything from highways to education to defense to making sure that we have proper tax relief across the board. I will not do that. But I would at least ask my colleagues in the Senate to consider the job and the mission and what our distinguished chairman and members of the Budget Committee have brought to the floor of the Senate. And if we could, if we could plead for a little bit of expeditious consideration, because you know what is going to happen. Time will run out and then we will engage in what the Senate calls a votearama, and the votearama is like "Jeopardy" or any other game you play on television. You will not even hear what the amendment is. We will just hear an amendment by X, Y, or Z, Senator X, Y, or Z and then we will vote on it and obviously that will make a good statement back home and we can consider that very serious bill, that serious legislative intent during the regular order which should have been considered that way from the first.

Again, I thank the chairman so much.

Mr. ASHCROFT. Will the Senator yield?

Mr. ROBERTS. I will be delighted to yield.

Mr. ASHCROFT. I appreciate the Senator's remarks. When the Senator holds the stack of amendments, is he suggesting there should be no amendments or is he just focused on sense-of-the-Senate amendments?

Mr. ROBERTS. I think if I could further clarify that, of the 45 amendments there are about 6 deal breakers, if my conversation with the chairman is correct. Most of them are sense of Senate. And there are others that have been agreed to. But my basic premise is—and goodness knows, this new Member of the Senate is not about to say that we should change the process of the Senate. And this Member of the Senate is not about to preclude any Member from offering any amendment.

The point that I am trying to make is that every amendment, every sense-of-the-Senate amendment, every deal-breaking amendment also to some degree interferes with the process and the conclusion of a balanced budget which has taken us 3 years. And I know because I have been sitting in the chair presiding, listening to the same speeches that are made today in the Chamber during morning business, and people can make them in their districts; they can make them on the steps of the Capitol; they can make them here, and that is quite proper of the Senate and is advisable.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. Could I have an additional minute?

The PRESIDING OFFICER. The Senator seeks an additional minute. Who yields him time?

Mr. DOMENICI. How much time does the Senator desire?

Mr. ROBERTS. One additional minute.

Mr. DOMENICI. I yield it.

Mr. ROBERTS. I find it rather untoward or awkward after talking 10 minutes and expressing concern of the time here I would go on and on about this. I think the point is well taken. I know the Senator from Missouri has a very laudable amendment in regards to something I would agree with and I would not deny him that opportunity. But can we not get on with it after 3 years?

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 311

Mr. DOMENICI. Mr. President, let me make it very clear to everyone in the Senate, first of all, I have nothing but the highest respect and admiration for both the sponsors of this amendment, the distinguished Senator from Virginia, who has worked diligently to try to create the transportation programs in the committee he serves and do it in the best interests of our whole country, and believe you me, he has had a tough job, and so has Senator BAUCUS in doing a great job, whether working on the committee or with transportation infrastructure.

Their job is very difficult because they have to balance frequently the interests of all 50 States or those that are rural versus those that are very dense in terms of population and thus roadway needs are very different in his State or mine as compared with New Jersey, if you just take into account how much gasoline tax is taken in because we are small, with small populations, but we cannot get from one place to another without roads, so we are in a different category. And over the decades we have all worked very hard to figure out how to do that balancing act. And then it turns out when it is all finished, the House does it differently than the Senate because the

Senate is represented two Senators to each State. So Senator BAUCUS and his co-Senator represent a very small population but they are two. In the House, they always load the bills with the heavy populated States and over here we try to do it with a little more fairness, more fair play.

They have had to be referees over that. In fact, I might tell the Senators, they probably do not remember, but I was a referee on that once as a conferee, and that was pretty interesting, how we found a formula that year.

I might say, in spite of these accolades, this is a very, very strange amendment, to say the least. Here we have been for all these days discussing a balanced budget, and as a matter of fact even those who would break this budget did not unbalance the budget. Or even those who had deal breakers because they would take the principal components of the budget and change them, as our leader said yesterday, pulling the wheels out from under the cart so it would break down. This amendment makes no effort to try to offset the $12 billion that they add to this budget.

In other words, Mr. President and fellow Senators, this amendment is bold enough to say it just does not matter about a balanced budget. We just want to put in $12 billion more for highways. Frankly, I am sorry we do not have the money in this budget for that. But we did in fact, we did in fact increase the President's proposal by $10.4 billion. That is $10.4 billion more than the President had in mind, and we balanced the budget. We offset it somewhere or in some way reduced the amount of tax cut we were going to have in the overall sense of putting the package together.

But this amendment just comes along and says, well, we just want this additional money spent on highways, and we will wait until another day to worry about the balance. Frankly, we had a very meager surplus in the year 2002. This particular amendment costs $4.5 billion in the year 2002, and that will bring us out of balance by over $2.5 billion.

So I urge the Senators who want to support this amendment or this concept, they ought to come down to the floor and cut $12 billion out of this budget so it is still in balance. Then we would understand what would be hit—education and everything else we have been trying to fund.

So I must say on this one the administration supports us. We were not so sure yesterday morning, I say to my good friend from Kentucky, but they support us. They sent a letter up here saying they do not support this amendment. They support our efforts to see that it does not pass.

Frankly, I would be less than honest and less than fair with the cosponsors—it is clear we are going to have to do something when the ISTEA Program comes along in the not too distant future. We are going to have to make some serious, serious adjustments. And I think those are going to happen. Perhaps the Senators will help expedite that a bit today by calling to the attention of the Senate the situation as you see it.

But essentially, we have many trust funds in the United States, many trust funds. I used to know how many. But I think it is probably fair to say we have 100 trust funds. I think that is low by 50. I think we have 150. But let us just say we have 100 of them.

Frankly, we do not spend every penny that comes into those trust funds every year, nor do we take them and set them out on the side and say whatever comes in goes out. We have put them in the unified budget. I am not sure—people argue on both sides of that concept. Should you break Government up into 150 pieces and then find some more pieces and have no central government running things, no unified budget, I should say. Forget who runs it, just a budget representing them all. And I have come down on the side of putting them all in and leaving them in, and if there is surpluses take credit for the surpluses. As a matter of fact, it is pretty clear that at some point we are going to have to change the way we are doing business, not perhaps spend more. But I would urge Senators not to vote for this amendment today. I will move to table it. I think it breaks the budget. It unbalances the budget. The intentions are very, very good, but this is not quite the way to do it.

Now I yield to Senator LAUTENBERG—

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. Of course.

Mr. WARNER. I thank him for the courtesy. Let's clarify a little bit just how the Senator as chairman of the Budget Committee—and certainly we commend him for the hard work he has done. What is the meaning of a trust fund?

Let's be honest. You are keeping $26 billion, according to my calculation, holding it back, of the revenues paid at the gas tank, as if it were poker chips to play where you so desire elsewhere in the budget. We specifically did not put in offsets because the offset is there in a trust fund established 42 years ago with a legislative history which clearly said that it belongs to the people and should be returned to the people. That is why we did not have an offset. The offset is there in the form of the money in the highway trust fund. Shall we rename that budget deficit fund?

Mr. DOMENICI. Senator, you will be writing the new ISTEA law. If you will care to rename it, it will be renamed under your direction, not under mine. But I would say, from what I can find out, this $26 billion trust fund surplus—we spend about $20 billion each year and they have done that for a long time. This $26 billion that is referred to is made up of two things: $20.6 billion of it is compounded interest, and $5.9 is committed to projects. Frankly, that does not mean we have an awful lot of money to spend. As a matter of fact, we probably do not have very much. But, from my standpoint, this trust fund balance is a very reasonable balance to keep in the fund. If at some point we can get to a better plan and do it over a period of time, you are going to find this Senator on your side.

Mr. BAUCUS. Will the Senator yield?

Mr. DOMENICI. Did Senator LAUTENBERG want to speak now?

Mr. LAUTENBERG. I do.

Mr. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 20 minutes left; the other side has 12 minutes.

Mr. BAUCUS. Mr. President, we all deeply appreciate the amount of work the Senator from New Mexico has made to try to put this together. It is an almost impossible task. He made an interesting statement, though, that I would just like to follow up on a little bit. He turned to the Senator from Virginia a few minutes ago—if I heard you correctly; I do not want to put words in your mouth—and said something to the effect: Yes, you are right. At some future time when we take up ISTEA we are going to have to deal with deficiencies that are otherwise going to be available to be spent on the highway bill, ISTEA.

If I heard him correctly, if that is what he meant, I would just like to explore with the chairman where we might find some of those additional dollars if it's not in the context of this budget resolution.

Mr. DOMENICI. Senator, you did not quote me so incorrectly that I would say you didn't quote me right. But, in essence I am just expressing the notion that is pretty rampant, that outside of this budget resolution, at a later date, that in various committees we will be working on what do we do with this highway trust fund and what do we do with the new formula, where there will be a new formula.

All I am suggesting is at some point that debate is going to occur, but I don't believe it should occur here on the floor of the Senate, taking $12 billion and just adding it to this budget and saying we are just going to go in the red because we have not figured out any other way. There is going to be another way to look at this situation.

Mr. BAUCUS. But again I ask you, at what time, at what point would we begin to find the additional dollars that we all know we need for transportation?

Mr. DOMENICI. Senator, look, the committees in the U.S. Senate are marvelous institutions, and how you work out problems that are complicated and difficult and frequently of longstanding—the Senate is historic in its wise ways of doing this.

Mr. BAUCUS. I understand.

Mr. DOMENICI. All I am suggesting is there is going to be a way.

Mr. BAUCUS. I understand, but I bow to the mighty power of the Budget Committee, when we see the limitations that otherwise are incumbent upon us—

Mr. DOMENICI. I might suggest, I served on that committee for a long time, Senator WARNER. In fact, I would have been chairman three times over with the longevity I would have if I would have been there.

Mr. WARNER. Mr. President, we want the Senator where he is. Please stay. By the way, I volunteered three times to serve on the Budget Committee, and my name will be on there one of these days.

Mr. DOMENICI. All right. Now, how much time do we have left?

The PRESIDING OFFICER. The Senator from New Mexico has 17 minutes left.

Mr. DOMENICI. I wanted to yield to Senator LAUTENBERG, who is my ally here on the floor on this issue, and then find a little time of mine out of it to yield to the Senator from Rhode Island.

Mr. LAUTENBERG. I am not going to take that much time, Mr. President. I think the chairman of the Budget Committee has fairly directly and succinctly made the arguments. The fact of the matter is that none of us are happy with the level of funding that we have for our investments in highways and our transportation needs. We are more deficient, in many ways, than countries down the Third World list. I think we rank about 55th in per capita spending for infrastructure.

So, one would not disagree with the distinguished Senator from Virginia or the distinguished Senator from Montana in terms of the need, the need to correct the situation. But unfortunately, and it is unfortunate for me because I have long been an advocate of more spending on transportation in this country. I think it is common knowledge that the Senator from New Jersey has been an advocate of mass transit, of rail transportation, improving our highway system, of fixing our deficient bridges, which number in the thousands. But we have a proposal in hand that takes a priority, unfortunately, for the moment. That is, to complete the work we started on a balanced budget. We are committed to it.

Believe me, this is not a place I enjoy being, because I do not agree with everything that is in the budget resolution. But I agree with it enough to say that there is a consensus that we fulfilled an obligation that we talked about to children, children's health, to the senior citizens, to try to make Medicare solvent, to try to not further burden the impoverished in terms of Medicare, to try to take care of those who are in this country legally and become disabled. We fulfilled those obligations.

The economy is moving along at a very good rate and we are still running the risk, in my view, with some of the tax cuts that have been proposed, of taking us away from the direction that we are moving in, which is to continue to reduce the budget deficit until the year 2002, when there will be none.

So we have an imperfect, but pretty good, solution in front us. And, now what we are discussing, in terms of transportation—and this is like me talking against motherhood—but the transportation funds that are there are inadequate because of the structure of our budgeting structure, the budgeting arrangement that we have in our Government. The fact is that we have unified budgets. If one wants to start, as has been claimed here several times, establishing truth in budgeting, under that nomenclature I think one would have to start with Social Security.

Are we prepared today to say we are going to add $70 billion to our deficit each year? We certainly are not. Yet I think, when you talk about a trust fund, there is no more sanctified trust fund than Social Security, something people paid in, they are relying on for their future, for their ability to get along. But we nevertheless still have the unified budget. That problem, I assure you, is going to get intense scrutiny over the next several years.

Senator ROBERTS said something—I don't know whether you were here, Senator DOMENICI, when he said: Everybody, in order to have the budget fully understood, every Senator should be sentenced to 6 months on the Budget Committee. I thought immediately, there is a constitutional prohibition against cruel and inhuman punishment, so we could not do that, even if we wanted to. I am on the Budget Committee by a quirk of circumstance. When I came here, a fellow I had known who was a Senator said that he would do me a favor and that he would vacate his seat on the Budget Committee for me. And I will get even.

The fact of the matter is, we complain and we gripe, but the money is where the policy is, the money is where the direction is. We take this assignment with a degree of relish, because we want to do the right thing. None of us want to throw the taxpayers' money away. But we are where we are.

It is with reluctance that I am opposing this amendment because both Senators, Senator WARNER and Senator BAUCUS, have been very actively involved in highway funding and highway legislation as a result of our mutual service on the Environment and Public Works Committee. But we are spending more than we did last year. We are spending more than the budget resolution of just 2 years ago.

I was able, with a lot of hard work and with the support of the chairman of the committee, to get an $8.7 billion increase over the President's budget request for transportation. I had asked that transportation be included as one of the top priorities in the budget. Unfortunately it is not there. But there is a plan, that we expect to be fulfilled, to have a reserve fund that would allow significantly more funding for some of the transportation needs.

But I want to point out one thing about the trust fund. That is, there is a slow payout in highway projects. I think everybody is aware of that—5, 7 years on many of these things. If we shut down the revenue source now, interest alone would not carry the obligations that are already out there. The obligation ceiling as contrasted with the contract authority are quite different things. We have these obligations that have to be fulfilled, they are there and one day must be met. The balances in the fund, I think, will start coming down with the adjustments that are expected to occur in ISTEA. We have the chairman of the Environment and Public Works Committee on the floor. That will be opportunity to make some of the changes that are being contemplated here.

I just think it is a terrible time to say we ought to burden the budget deficit by $12 billion, roughly, right now, when everybody has worked so hard, and this budget has been scrubbed, reviewed, rewashed, rehashed—you name it. We are where we are, in a fairly delicate balance, I point out to my colleagues. There are very delicate opportunities that will, I think, upset the balance that has been achieved. So, again, I repeat myself when I say with reluctance I am going to vote against it.

Mr. WARNER. Will my colleague yield for a brief question?

Mr. LAUTENBERG. Sure.

Mr. WARNER. Mr. President, the distinguished Senator, a member of our committee, Environment and Public Works, is, according to my records, a cosponsor of a piece of legislation called ISTEA—NEXTEA. Am I not correct?

Mr. LAUTENBERG. That is correct.

Mr. WARNER. In that, it is interesting, there are three bills put in by Members of the Senate. I am coauthor—Senator BAUCUS, Senator GRAHAM of Florida; STEP 21, Senator BAUCUS is 2000, you are with Senator CHAFEE.

Mr. LAUTENBERG. Right.

Mr. WARNER. ISTEA. Look into that bill. Right in there is a provision saying we want $26 billion each year, far more than what the Senator from Virginia is asking. I build up to $26 billion in the fifth year. You want it beginning this year. In other words, you are saying to the Senate, in a cosponsored piece of legislation together with the distinguished chairman of the committee, you want $26 billion. Now you stand on this floor and talk in direct opposite. That is what leaves me at a loss. So the question is, you are a cosponsor and——

Mr. LAUTENBERG. Mr. President, in response to the question, before the speech, I would say this—yes, I sponsored that legislation.

My heart is in more funding for transportation, and no one here can say differently. The problem is that we are in a different point in time, and if you want to take it out of highways and say forget the children's health care bill, if you want to take it out of highways and forget the pledge we made to the senior citizens, or take it out of this bill and forget the pledge that we made to those who might be disabled, let's do it, let's talk about that. Let's talk about balancing the budget, because I know the distinguished Senator from Virginia has been a proponent of a balanced budget almost from the day the words were invented around here.

So now we have a different occasion. We are not talking about transportation; we all agree that transportation is definitely underfunded. What we are talking about is at what price do we make this change, and the price is at, again, children's health or otherwise, because we are committed to balancing this budget. And this is strange talk for a fellow like me.

Mr. DOMENICI. I think it is right on, and I hope you make it about five or six times in the remaining couple hours. I look forward to hearing it more times than one.

Mr. President, I wonder, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 7 minutes; the Senator from Virginia has 10 minutes, almost 11 minutes.

Mr. DOMENICI. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island, the chairman of the full Committee on Environment and Public Works, Senator CHAFEE.

Mr. CHAFEE. Mr. President, I thank the distinguished manager of the bill.

I rise in opposition today to the amendment offered by the Senator from Virginia and the Senator from Montana. I might say, these are two Senators for whom I have tremendous respect. I have worked with them. The Senator from Virginia, I think we first started our association in 1969, and the Senator from Montana, I started working with him the first year he came to the Senate, which I think was 1978, 1979, and we have been closely associated ever since.

However, this amendment, which would increase outlays for transportation spending above the levels provided in the resolution before us, I find to be inconsistent with the achievement of a balanced budget by the year 2002.

The Senator from Virginia just said it went beyond the bill, the so-called NEXTEA bill that goes beyond this, and that is absolutely right, but that was before we had a target from the Budget Committee. I believe strongly in the budgetary process we have set up. I voted for it, and I support it.

I think we all can agree that the Nation's roads and bridges are in need of repair. No one argues with that. Transportation plays a critical role in our Nation's economy. We recognize that. In the United States, more than 12 million people, more than 11 percent of the gross national product, is involved in transportation.

Earlier this year, I cosponsored a measure to increase, within the context of a unified budget, the level of transportation spending from the highway trust fund. I am pleased that the budget agreement, crafted by the Senator from New Mexico and the Senator from New Jersey, increases the spending levels implicit in that proposal, the so-called Bond-Chafee proposal. It is $13 billion over a freeze baseline. That is pretty good.

Would we like more? Sure we would. But I think it is terribly important to recognize that any proposal that boosts highway spending or transportation spending without corresponding offsets is something I personally cannot support. So, I agree with Senators WARNER and BAUCUS that transportation spending should be increased, but not in a manner that would undermine the careful agreement reached by the Budget Committee.

Do we like everything in this budget? No, but it is the best we can get. I am supporting that agreement. It seems to me we simply cannot afford to retreat from our efforts to eliminate the Federal deficit.

So that, Mr. President, is the reason I cannot support this amendment that is before us today. I thank the Chair and thank the manager and thank the distinguished chairman of the subcommittee that deals with these matters. He has worked on them, and I know his heart is in this. As always, he argues his case with vigor and considerable force.

Mr. WARNER. Mr. President, might I ask a question on my time of my distinguished chairman?

There are three bills pending before the Senate relating to the reauthorization of ISTEA. I mentioned that. Seventy-four colleagues have signed one of those three bills. Each one of those bills has the higher level of $26 billion. I say to my colleague, he also is a cosponsor of the Bond-Chafee/Chafee-Bond legislation. The principle that Senator BAUCUS and I are arguing today precisely is the Chafee-Bond bill. I ask the Senator, does he feel there is any difference in principle?

Mr. CHAFEE. Yes. First of all, I am pleased to call it the Chafee-Bond proposal.

Mr. WARNER. Call it what you want.

Mr. CHAFEE. We call it that in Rhode Island. What the Chafee-Bond proposal does is it says that what came in in the previous year—we do not deal with the interest, we do not deal with——

Mr. WARNER. Mr. President, I do not need an explanation. In principle, pay it in, take it out, isn't that right, in simple English?

Mr. CHAFEE. That's right.

Mr. WARNER. Fine, that's all I need to say.

Mr. CHAFEE. What comes in this year goes out next year, and that principle is in this budget.

Mr. WARNER. That principle is in this amendment. I thank the distinguished Senator. That is all we are asking. But it is interesting we are asking for less than what is paid in to come out, recognizing the challenge before the Budget Committee.

So I say, once again, 74 colleagues have signed on to legislation. We are going to have to answer to our constituents, Mr. President, on this vote. You say one thing in sponsoring the bills, and we will see how consistent you are. I will put a letter on the desk signed by 56 Senators as to how they spoke to this. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Will the Senator from Virginia yield for a few minutes?

Mr. WARNER. Mr. President, I yield all but a minute and a half, 2 minutes I have reserved.

Mr. BAUCUS. Mr. President, we heard today from both the chairman and the ranking member of the Budget Committee that we need to address this problem; the problem that there is a deficiency in highway-mass transit-infrastructure spending that must be dealt with at sometime. But they are also saying they feel constrained to say they cannot deal with it here because they feel constrained by the budget resolution, a resolution agreed to principally between the White House and the leadership.

They talk about an $8 billion increase. That does not include interest. And because the country is growing, because of additional needs we have and the crumbling bridges, if this resolution is adopted, Senators should know that they will receive less in dollars than they will need for their State's infrastructure.

The Senators, the chairman and ranking member, say, "Well, we will deal with it in the future at sometime," acknowledging that there is a problem and we need more transportation dollars. I must remind Senators that we have a difficult problem ahead of us. When we in the Environment and Public Works Committee in the coming weeks write a bill dealing with CMAQ, dealing with formulas, donor States, donee States, so on and so forth, what do we look at? We look at the number that the Budget Committee sends to us. We are constrained by that number. We must then write a 5- or 6-year bill which locks in the spending limits that the Budget Committee prescribes for us. We are locked in for 5 or 6 years.

Those lower levels cannot be changed next year by a new budget resolution, cannot be changed until or unless this Congress writes a new highway bill. I am not so sure this Congress is going to want to write a new highway bill every year. So I am saying that this is the time to deal with this problem. It is now. Otherwise, we are locked in for 6 years to inadequate numbers.

We want to make an adjustment of less than one-tenth of 1 percent of our Federal budget, less than one-tenth of 1 percent of our Federal budget, which I am fully confident can be dealt with in conference. It is critical that this amendment be adopted so that we are not locked in over the next 6 years to inadequate numbers. We will be locked into these numbers if this resolution is adopted. We can make adjustments in all the other accounts and still maintain the core provisions of the bipartisan agreement.

So I urge Senators to, therefore, vote for this so we can do what we know is right.

The PRESIDING OFFICER. The Chair notes 2 minutes remain for the Senator from Virginia.

Mr. WARNER. Mr. President, is that all the time that is remaining?

The PRESIDING OFFICER. That is correct. The Senator from New Mexico has 2 minutes; the Senator from Virginia has 2 minutes.

Mr. WARNER. Mr. President, I commend my distinguished colleague. He, in his concluding remarks, gave the clarion call: When we cast the vote, we simply cast a vote to say to the Budget Committee, "Go back and look for that very small fraction so we can avoid this flat green line which is correctly represented on this chart, and allow our several States to build that infrastructure necessary to compete in this world market."

What we have left out, my distinguished colleague and myself, are pages and pages of added requests by our colleagues. I totaled over $7 billion in addition to what is to be allocated under the formulation for superb programs that are badly needed by the country: Appalachian highway system; for the Indian reservation roads; for expansion of the intelligent transportation system; for innovative financing initiatives; for new funding to meet infrastructure—on and on it goes.

We want to, Senator BAUCUS and I together with other members of our subcommittee and full committee, try and do this, but those we haven't even discussed today. We will never get to one nickel of this unless we are given some additional flexibility.

So we say, with all due respect, we are simply asking a voice mandate in support of our constituents to the Budget Committee, "Go back and reexamine the desperate need of America for these dollars."

I thank the Chair. I yield back all time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Do I have 2 minutes and that is it?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Mr. President, let me suggest, again, to Senators who might be listening or those who might be listening in their stead, in this budget, we have tried to do many things. We have tried to cut taxes for the American people; we have tried to cover little children who are uninsured with $16 billion; we have tried to cover the National Institutes of Health with a 3.5-percent increase.

We heard from people what America had to be doing, and, in each instance, we had to get rid of something. In fact, I have not said it yet, but the President gave up 50 percent of his initiatives in the compromise that was made, and every time we did it, we said, "Let's balance the budget; let's balance the budget." We would come back and say, "Well, we want to add this, what do we take out?" And we would take something out. What we have here today is $12 billion as if it just flopped out of the sky; no effort to balance the budget, no effort to offset it with expenditures so we can all see where do you pick up the $12 billion that is needed for highways?

Everybody understands that highways are very much needed in America, but this budget, for the first time, will permit us to spend every cent of new taxes that comes into that fund every single year. We are moving in the right direction. Every cent of new gasoline tax that goes into this fund under this budget agreement will be spent in that year that it comes in, obligated during that year. That is a giant stride in the direction that we have been asked to go by many people in our country.

Frankly, every Governor in America sends a letter in. They want more money. And then some of them get up and criticize that we do not balance the budget right. The lead Governor in America, the head of the association, he wants every penny of highway funds, but this budget resolution just does not get the job done right.

The PRESIDING OFFICER (Mr. ENZI). All time has expired.

Mr. DOMENICI. I yield back the balance of my time, and move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—51

Allard
Bennett
Biden
Bond
Breaux
Brownback
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
D'Amato
Daschle
Domenici
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Gorton
Gramm
Grassley
Gregg
Hagel
Hutchison
Kohl
Kyl
Landrieu
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
Moseley-Braun
Moynihan
Murkowski
Nickles
Reed
Roberts
Rockefeller
Roth
Santorum
Smith (NH)
Smith (OR)
Snowe
Stevens
Thompson

NAYS—49

Abraham
Akaka
Ashcroft
Baucus
Bingaman
Boxer
Bryan
Bumpers
Burns
Byrd
Coats
Conrad
DeWine
Dodd
Dorgan
Faircloth
Glenn
Graham
Grams
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Leahy
Levin
McConnell
Mikulski
Murray
Reid
Robb
Sarbanes
Sessions
Shelby
Specter
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

The motion to lay on the table the amendment (No. 311) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. History was made with this vote, by two votes, and two votes in the House—that resonates all across this land. It is a wake-up call to all those entrusted with the responsibility of keeping America's infrastructure modernized and safe so we can compete in this one-world market. This is but the first of a series of battles that will be waged on this floor on behalf of America's transportation system. It is my privilege to be a part of that team.

I thank the Chair.

Mr. DOMENICI. Mr. President, I yield myself 2 minutes. I want to compliment those who offered the amendment for the way they have handled matters and to tell the same American people that were listening to the distinguished Senator from Virginia that there will be additional highway funding in years to come, there is no doubt about it, but it will not be done at the expense of unbalancing the budget. It will not be done at the expense of just saying we will spend some money even if the deficit goes up. I look forward to the day we do it in such a way that it is balanced and that, as a matter of fact, if we increase, we cut some things to make up for the difference so we stay in balance.

Mr. STEVENS. Will the Senator yield?

Mr. DOMENICI. I yield 2 minutes to Senator STEVENS.

Mr. STEVENS. As chairman of the Appropriations Committee, I want to tell the Senate that those of us who are voting against some of these amendments are doing it because there is no money to fund these sense-of-the-Senate resolutions. I say to any of you that want to offer amendments that change this budget, that authorize additional funds—show me the money. Show me where the money is when you offer amendments that change the budget plan agreed to with the President.

I have discussed this with the distinguished Senator from West Virginia. We will have the obligation to allot money within the budget among 13 subcommittees. A sense-of-the-Senate resolution does not give us any more money but it gives us the problem that you have sent a message to America that there is money in this budget to do something the Senate votes for in a sense-of-the-Senate resolution.

When the budget resolution, just before, was voted I asked for a chance to come to the floor again, and I ask for you to reserve some time and we will show where a commitment has been made by the Senate to fund items where there is no money. I urge the Senate to wake up. We are voting against these matters not because we are against highways or aid for children who need insurance. We are voting—the Senators from New Mexico and New Jersey have brought us a resolution. We had a budget that has been worked out with the President and we have a chance to vote for a balanced budget. I do not want to be accused of being a tightwad when we allocate the money under 602(b) of the budget act and then we do not cover the sense-of-the-Senate Resolutions.

Again, if anyone is going to accuse us of being tightwads and not following the sense of the Senate, I tell you, if you vote for one of these things, you show us where the money is and we will allocate it. We will not be misled by these attempts to gain publicity and to gain some credit at home on a bill like this. This is a very serious bill. The two of us are going to have a horrendous job trying to meet our duties even within this budget, so do not give us any more of this funny money. You show me real money and I will allocate it to your function.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I yield.

Mr. BYRD. Mr. President, I wish to associate myself in considerable measure with the distinguished Senator from Alaska [Mr. STEVENS]. We have been voting for a lot of sense-of-the-Senate resolutions. I think we had one yesterday, 99–0. We know it is not going to be paid for.

On this business about infrastructure, we hear it said that there is no money. I am from a State that needs infrastructure. We say there is no money. I shall state why I supported the Warner-Baucus amendment. We do not need a tax cut in this country right now. We do not need a tax cut. I say that with respect to the Republican tax cut and with respect to the tax cut that is supported by the Administration. We do not need a tax cut. When we see what we are doing in this budget resolution with respect to cutting taxes—cutting taxes at a time when we are within reach of balancing the budget, if we were to use that money that is going for the tax cut, we would balance this budget much earlier than it is expected to be balanced now and we could also use some of that money for infrastructure. If we want to know where we can get the money, that is where it can be found. Let's vote against the tax cut.

I am going to vote against this resolution if we have the tax cut tied with it.

I thank the distinguished Senator.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I yield myself 2 minutes off the resolution.

Mr. President, I don't like being put in the position that appears to be developing here, that I am against investment in infrastructure. I stand on my record of having fought as hard as anyone in this body to invest more money in highways, in mass transit, in rail and aviation, whatever was called for. I never met a transportation project I didn't like if it was a well-founded and well-thought-out project. But the insinuation by our distinguished friend from Virginia to caution us and to lay down the scare that we will be counted upon or we will be looked upon by the Record and by the voters, I want to say this: The Senator from Virginia took the liberty yesterday of voting against the funds for crumbling schools, against schools that are tattered and falling apart, where children can't possibly learn. That was OK to vote against. And the appeal wasn't made, and there was no threat that if you vote against this, you are committing those kids to an even more difficult assignment to try and lift themselves up.

I have defended investments in transportation as chairman of the Subcommittee on Transportation of the Appropriations Committee. Without fail, I have defended investing more. But the onerous comparison is that we neglected our responsibility. It is almost as if you are unpatriotic.

I don't really like everything in this budget resolution. But I am committed by my constitutional responsibilities. If I take the assignment, I have to work on it. We negotiated in good faith, and I don't like some of the tax concessions we have in there. But I think middle-class people in this country are entitled to some tax relief. I think those who want to send their kids to college are entitled to some help to get them the first step up on the economic ladder.

No, I don't like it all. But I have my duty to do, and I did it. It wasn't pleasant. It wasn't pleasant when I went into the Army in World War II, either, but I did it. And the insinuation that somehow or other I have deserted my responsibility is one that really offends me.

We did what we thought was best, each one of us, whatever the vote was.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KERRY. Mr. President, it is my understanding that I was to be able to call up an amendment at this time.

Mr. LAUTENBERG. That is in the order. That is true.

Mr. KERRY. Mr. President, before I use any of that time, just as a matter of courtesy and parliamentary process, my distinguished colleague is also standing for recognition.

If I could ask the Chair what the Senator's intent might be, we might be able to work out an arrangement.

Mr. DORGAN. Mr. President, my intention, having talked to the ranking Member, was to seek 10 minutes for debate on the resolution. Whatever fits with the schedule of the Senator from Massachusetts will be fine with me.

Mr. LAUTENBERG. It is a commitment that was made, I say to the Senator from North Dakota. But the Senator from Massachusetts did have a priority and was on record as being next in line. If an accommodation can be made between the two—if not, the Senator from Massachusetts has an opportunity to offer an amendment.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senator from North Dakota be permitted to proceed for 10 minutes, and subsequently, when he completes, that I be recognized for the purposes of calling up my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I thank the Senator from Massachusetts for his courtesy. I wanted to speak for a couple of minutes on the resolution itself that is brought to the floor of the Senate. I want to talk just for a moment about what it is and what it is not.

This piece of legislation is a budget agreement that I intend to vote for on final passage. I think a substantial amount of work has been done by the chairman of the Budget Committee, the ranking member, and many others in the House and the Senate and in the White House. They have negotiated in very difficult circumstances the terms of a budget agreement. But, as I said, I want to talk about what this is and what it is not.

This is a budget agreement that provides a balanced budget of the unified budget. Is that something that has merit? Yes, it is. Is that something that moves in the right direction? Yes, it does. But it is not a balanced budget amendment that balances the budget without the use of trust funds, such as the Social Security fund. I want everybody to be clear about that.

On page 4 of this budget resolution, which is on the desks of all Senators, it says "deficit." On line 24, it says "deficit" in the year 2002, "$108 billion." Why does it say that?

It says that because this piece of legislation balances what is called the unified budget. Many of us believe there is another step to be taken after that. That is to balance the budget without the use of trust funds, especially without the use of Social Security trust funds.

For that reason, I voted for the initiative offered yesterday by the Senator from South Carolina. It got very few votes, I might say. But he said, let us balance the budget and not do tax cuts and not do added investments at the start so that we balance the budget completely without using the trust fund, and then, as the economy strengthens and as we have extra money, let us provide for the tax cuts and let us provide for the added investments. Obviously, that proposal failed.

I will vote for this budget agreement. But it is not truly a balanced budget. It moves in the direction, and it moves the right way. But it will leave this country, still, with a deficit. That must be the next step following action on this document.

There are several steps here in climbing a flight of stairs to get to the point where we make real progress. One step we took in 1993. I was one who voted for the budget in 1993. I am glad I did. I said at the time it was a very controversial vote. It passed by one vote in the U.S. Senate—a budget agreement to substantially reduce the Federal budget deficit. It passed by one vote, the vote of the Vice President of the United States.

Some paid a very heavy price for that vote because it was controversial. It cut spending. And, yes, it raised some taxes. But what was the result of that vote in 1993? The result was a dramatically reduced budget deficit.

In that year, the unified budget deficit was close to $290 billion. Again, using the unified budget, the Congressional Budget Office now says the unified budget deficit is going to be, at the end of year, $67 billion.

What has caused all of that? Well, a good economy and a 1993 budget act that a lot of people here had the courage to vote for, that passed by one vote, that says, let's put us moving in the right direction; let's move us in the right direction to substantially reduce the budget deficit. And only with that vote, and only with the progress that came from that vote, are we now able to take another very large step in moving toward a balanced budget.

What was the result of that vote? It was interesting. We had people in 1993 on the floor of the Senate who said, if you cast a "yes" vote and pass this budget, the economy will collapse; the country will go into a recession; it means higher deficits and a higher debt; it means the economy goes into a tailspin.

It passed with my vote—and, yes, the votes of some of my colleagues who decided to say to this country that we are serious, that we are going to move this country in the right direction even if the choice is painful for us to cast this vote.

What happened? What happened was 4 years of sustained economic growth, inflation coming down, down, down, and down, and unemployment coming down and down for 4 years in a row. We have more people working. This country now has 12 million more people on the payrolls that we did in 1993. We have an economy that is moving ahead, a deficit that is moving down, and inflation that is at a 30-year low.

I wonder if those who predicted doom from that vote now won't join us and say, "You did the right thing. It wasn't easy to do. But because you did it, we stand here today now able to take the next step." The next step is a step in which we now try to choose priorities.

What do we make investments on in our country, and where do we cut real levels of spending?

That is what this document is about. It is a compromise between Republicans and Democrats, between a President and Congress, that tries to establish priorities. Frankly, while it reduces spending in some areas, it cuts out entire classes of spending in others. It also increases some investment in spending in yet other areas.

What are those? Education: It makes a lot of sense for us even as we attempt to move toward solving this country's fiscal problems to say that we don't solve the problems of the future by retreating on things like educating our kids.

So this piece of legislation says education is a priority—more Pell grants, more Head Start, more investing in education, from young kids to college age and beyond. It says we are going to invest in education.

Then it says the environment and health care. It says these areas are priorities. They are areas that make this country strong, and we will continue to invest in those areas even as we move to reconcile our books so that we are not spending more than we take in.

That is why this is important, and it is why it is successful. I am pleased, frankly, after all of these years, to be on the floor of the Senate saying this is something that is bipartisan. Finally, Republicans and Democrats, rather than exerting all of their energy to fight each other and beat each other, are deciding there are ways that we can join each other and pass a piece of legislation that moves this country in the right direction. I think the American people probably think it is a pretty good thing that bipartisanship comes to the floor of the Senate in the form of this budget resolution.

I started by saying I would talk about what this is and what it isn't. I am going to vote for this. It moves this country in the right direction. It preserves priorities that are important to preserve, and investment in this country's future. It represents a compromise. Many of us would have written it differently. We didn't get all we wanted. But it moves this country in the right direction while preserving the kinds of things most of us think are important as investments in our country's future.

This is not a balanced budget, not truly a balanced budget. It balances something called the unified budget. But it is a major step in the right direction. I hope we will take the next step beyond this to say that, on page 4 of the next budget resolution, line 24, we will say "zero" in a future year. That is when we will truly have completed the job.

But the choices here are not always choices we would like. The choice that we now ask ourselves is, does this move us in the right direction with respect to the things I care a great deal about—one, fiscal discipline; a more deficit reduction; investment in education, health care, the environment—things that make this country a better place? The answer, unequivocally, is yes. This moves America in the right direction.

Is it an exercise between the President and Congress, between Democrats and Republicans, that will give this country some confidence that the past is over, that the reckless, the irresponsible fiscal policy of saying let's spend money we don't have on things we don't need and run up trillions and trillions of dollars of debt for our kids and our grandkids to assume? Is it a message to the American people that we are beyond that period and have moved on to a new day of bipartisanship to decide together we can plot a better course and move this country toward a brighter future? The answer to that is yes.

If the past is any experience, since 1993, the vote we took then to put us on the road to balancing this budget is a proud vote and one that I am glad I cast. I will be glad I cast this vote as well, because this is the next major segment of the journey to do what the American people want us to do on their behalf and on behalf of so many children who will inherit this country. They will inherit a better country because of what we will have done in this Chamber this week.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, it is my understanding that we have under normal regular order an amount of time at this point.

The PRESIDING OFFICER. That is correct.

Mr. KERRY. I thank the Chair.

I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator has no time. The Senator hasn't called up his amendment.

AMENDMENT NO. 309

Mr. KERRY. I call up amendment No. 309.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KERRY], for himself, Mr. ROCKEFELLER, Mr. KOHL, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BINGAMAN, proposes an amendment numbered 309.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. KERRY. Mr. President, I now yield to the Senator from Minnesota 4 minutes.

Mr. President, before I yield let me just take 1 minute to explain. This is an amendment to hold out a possibility—I yield myself such time as I may use—to hold out the possibility that when we come back in the appropriating process, we may be able to find some money to deal with the issue of early child development. We do not spend money now. We do not trade money. We do not have an offset. We do not spend. We simply want to be able to reserve the capacity to come back at a later time to deal with this issue. I will explain why I feel that is so important, as do the other Senators joining me. This is an amendment that is cosponsored by Senators KOHL, MOSELEY-BRAUN, WELLSTONE, ROCKEFELLER, MIKULSKI, MURRAY, and BINGAMAN.

I now yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 4 minutes.

Mr. WELLSTONE. Mr. President, I will be very brief.

I see the Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield

Mr. DOMENICI. How much time is the Senator going to use in total? I am trying to be accommodating. Use as much time as you like. Do we have any idea?

Mr. KERRY. Mr. President, I cannot tell the Senator precisely, but I can absolutely tell you I am going to yield back time. I think it will be somewhere in the vicinity of a half-hour.

Mr. DOMENICI. My problem is, Mr. President, I have to go to an important meeting with the minority and the majority leaders, and I have not had a chance to speak to the Senator about this amendment. I want to speak to him about it. I am wondering, if the Senator does use his whole half-hour, could we then get another amendment ready and call it up and set the amendment aside?

Mr. KERRY. I will be delighted to set this aside for whatever period of time the manager would like. I do want to engage in a dialog on it.

Mr. DOMENICI. Will the Senator agree when he is finished——

Mr. KERRY. I will agree to request that this be set aside.

Mr. DOMENICI. When the Senator is finished, will he suggest the absence of a quorum and I will return as soon as I can?

Mr. KERRY. Mr. President, I will be happy to agree with the Senator from New Mexico.

Mr. DOMENICI. Then I ask unanimous consent that when they are finished with the argument, the quorum call be called for and I will then attend the meeting and return as quickly as I can.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. We cannot do that. We all understand.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will have an opportunity to have an amendment and speak on it a little later this afternoon, so let me be very brief.

I rise to support this amendment that Senator KERRY has introduced. I think more than anything else it is an amendment that almost asks us to engage in some reflection. It does not call for spending any additional money. It asks us to pause and think deeply about our priorities and at least consider the possibility that we might eventually be able as we go through this reconciliation process to make some significant investment in these very critical and very important early years.

As a former college teacher, and I think more importantly as a parent and grandparent, I am absolutely convinced from my own experience and from spending time in a school in Minnesota about every 2 or 3 weeks during the school year we have to get to the point where every child who comes to kindergarten has been read to widely, that we have to get to the point where every child who comes to kindergarten knows the alphabet and knows how to spell his or her name, knows colors, shapes, and sizes. And we have to get to the point where every child who comes to kindergarten comes with that sort of wonderful readiness to learn.

The critical challenge for all of us, which kind of speaks to what we are really about, speaks to what our goodness is, is to make sure that each and every child enters kindergarten with this wonderful readiness to learn. The problem is that for all too many children this does not happen. I am sure that Senator KERRY has referenced so much the neuroscience evidence that is coming out now. I think we know what to do. I do not think it is true we do not know what to do. And we just have to get it right. There is sort of an interconnection of the nutrition part and the health care part and the intellectual development and child care part and we have to do much better for children in this country.

Hopefully this amendment will be an amendment that will generate bipartisan support. I think it is a plea. I think it is a call upon all of us to reflect. It is an effort to say to all of us, think deeply and let us, at least, hold out the possibility as we move through this reconciliation process we can invest in these children and their opportunities.

I yield the floor.

Mr. KERRY. Mr. President, I thank the Senator from Minnesota not just for his support for this but especially for his long-term commitment to it and his enormous understanding as a former teacher of how important these ingredients are.

Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. KOHL. I thank the Senator from Massachusetts.

Mr. President, I rise today as a supporter of this budget and as a cosponsor of the Kerry amendment.

This budget deserves the support of the Senate for several reasons. It is bipartisan and it is centrist. It funds priorities like education and child health that transcend party lines. It includes reasonable tax relief targeted toward families and economic growth. It balances the budget by the year 2002 and it produces surpluses to reduce the debt in the years after that.

This good deal will be made better by adopting the Kerry amendment which makes clear the Senate's commitment to very young children. A compelling amount of research on the brain has confirmed what scientists have long talked about for years, that the most significant period in a child's development is between the years of zero to 3. Unfortunately, the Federal commitment to early childhood education has not caught up with our understanding of how important the first 3 years of life are. Early education and child care receive fewer resources for teacher training, salary, and even respect than the rest of the education system.

According to data compiled by the Rand Corp., while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children.

And so, Mr. President, we are clearly missing a unique opportunity. A look at the current Department of Education budget shows the stark funding disparity against early childhood education. Of $29.4 billion in current estimated education expenditures, only $1.5 billion or 5 percent is spent on children from birth to age 5. A new commitment to quality child care is a necessary response to the fact that children between the ages of zero and 3 are spending more time in care away from their homes. Almost 60 percent of women in the work force have children under the age of 3 requiring care. Many of these working families will not be able to find quality child care for their young children. And while Federal, State, and local governments have helped build a strong education system for 5- to 25-year-olds, care and education for zero to 5-year-olds is largely unstructured, undervalued, and scarce. Resolving this inequity will require solutions through the public and private sector.

I proposed legislation to encourage the private sector to invest in child care for their employees through a new tax credit. I intend to work with Senator HATCH who is the primary cosponsor of my bill to see to it that this important child care incentive is included in the overall tax provisions of the budget.

The amendment before us now would give us the opportunity under this budget to enhance innovative early childhood programs focused on the educational needs of children in the zero to 3 age group. This initiative does not earmark a specific amount of money. It does not create any new bureaucracy and it does not threaten this budget. So, Mr. President, a solid and sensible commitment to early childhood education specifically focused on children from zero to age 3 is long overdue. I urge my colleagues to support this amendment, and I yield the floor.

Mr. KERRY. Mr. President, I am particularly grateful to the Senator from Wisconsin for his support because as a supporter of the budget—and he has long been an advocate of balancing the budget and reducing the deficit—he has taken some tough votes in the Senate in an effort to do that, sometimes separating himself from colleagues on this side of the fence, but he is supportive of this amendment.

My hope is that colleagues on the other side of the aisle will not see this amendment as a threat but, rather, see it as an opportunity for us to simply reserve the possibility that as we go into the process of reconciliation we may find that revenue expectations are better or that we are in a better position to take money from some other program that people have thought differently about and invest some of it in early childhood development and education.

I have been working to try to develop a way to do that with Senator COATS from Indiana, Senator MCCAIN, Senator BOND, and Senator DEWINE. We have not yet resolved exactly the methodology by which we would want to do it, but I think it would be a mistake were the Senate to preclude the opportunity, to have potential points of order and all kinds of parliamentary gobbledygook restrain us from coming back to this if Senators on both sides of the aisle can find a good means of coming together on this. I think there are enough people on both sides of the aisle who recognize why this is important and why we ought to do it, but my principal objection to this current budget that is in front of us is the absence of a sufficient commitment to our children.

We hear an enormous amount of talk in and out of the Senate, all around the country, properly so, about the implosion of family, about the absence of family values, the absence of community in many cases in our life.

If you look at the statistics with respect to the increase of juvenile violence and you look at the statistics with respect to the condition of some of our education system and schools, if you look at the absence of after-school programs, the absence of sufficient drug treatment and other problems, it is clear that in many ways what we are doing is running a national farm system for the trouble spots. We are running a national farm system for young people to move up the ladder of difficulty, ultimately to become $50,000- or $80,000-a-year wards of the State.

Now, that is not an exaggeration. That is a reality that is documented by facts, implacable facts that none of us can deny. The truth is that since 1969, the gross domestic product of the United States has doubled, but in that same span of time child poverty has increased in the United States of America by 50 percent. As I stand here today in this Chamber, all of us know that there is a huge problem in America with births out of wedlock. Some people may say all right, what does that have to do with this budget and where we are heading?

We are living in an age where 33 percent of all the children in America are born out of wedlock. One-third of America's children are born into a single parenting situation. And in a world where 60 percent of the mothers of children from 6 on down are at work in the workplace, we have got to stop and think about what is the availability of surrogate parenting, of care for those children when they are away. What you know is that if 33 percent of your children are being born out of wedlock without even measuring the difficulty that many two-parent families have, you know that the vast majority of that one-third are born into a state of crisis, a very difficult structure for parents to adequately be able to teach and adequately be able to instill those children with the values we talk about.

Now, some people may say, well, that is going to happen automatically. The fact is it does not happen automatically. I just share with you the results of that.

In our country, while the stock market is at the rate of 7,290 or so points, while chief executives of our corporations are earning a record 200-plus times the average worker, while we have a record level of employment and a record level of control of inflation at least for some 30 years, we find that an American child drops out of school every 8 seconds; an American child is reported neglected or abused every 10 seconds, is arrested every 15 seconds, is born with a low birthweight every 2 minutes, born into poverty every 34 seconds, is killed by gunfire—an American child is killed by gunfire every hour and a half and commits suicide every 4 hours.

The costs to our society of these children who are being raised without adequate supervision, without adequate input, are simply enormous. Business Week estimated, in a study that it released recently, that we are spending $425 billion a year annually on crime in the United States. The total annual economic cost to society of drug abuse is $67 billion. So we are just losing $67 billion out the door as the cost of people who wind up being part of the drug culture, largely as a consequence of their lack of capacity to make a better choice.

We have learned a lot in the last years. I used to be a prosecutor and I spent a lot of time, and I still spend a lot of time, talking to young kids, 14 and 15 years old, or 16 years old, who are in trouble. Almost every kid I have ever talked to, once they finally get into some kind of mentoring program, once they finally have some kind of adult supervision in their lives, has said to me: Senator, this is the first time in my life that somebody has provided a structure for me. This is the first time in my life that somebody has told me I am valuable. This is the first time in my life somebody said I can be somebody, I can do something. It is the first time in my life I had to get up in the morning and do chores and be responsible for myself.

Inevitably, anybody of good sense is going to stand back from that and say, wait a minute, why are we waiting until they are 15 or 16 years old for kids to be able to say this is the first time these experiences, which hopefully most normal kids get all through their lives, are experienced?

I have sat with my friends on the other side of the aisle and we talk about this. We talk about, what do you do if 33 percent of your kids are born into a situation where it is almost predictable that they are going to have trouble? I respectfully suggest it is not enough to simply say, oh, it's individual responsibility. Oh, it's up to the parents. Because, obviously, these are situations where the parents have already failed and where there is no individual capacity to make a difference.

The question for all of us here is, who is going to make a difference? Or, are we going to be so blind, and even sometimes so stupid, that all we are going to do is wait until they come down that track, get into trouble, and we are finally going to make great speeches and say, throw the book at them, send them away.

We have learned a lot in the last years about the science of brain development and of children. It is not altogether new to all of us, because the fact is that pediatricians and people of good sense, child psychologists and others, have been telling us a lot of this for a long period of time. But what we now know scientifically is that the brain of a baby develops almost fully in the first 3 years—almost fully. The brain of a child, when it is born, has about 100 billion neurons in it and those neurons are rushing around, making the connections that empower that brain to be able ultimately to create the capacity to relate to people, to do certain tasks, to learn.

Mr. President, this is a CAT scan of two brains. These brains were originally shown to doctors and the doctors were asked, "What do you see there?" The doctors said, "Well, those are the two brains; one is an adult's brain fully developed, and the other is the brain of an adult with Alzheimer's disease."

They were wrong. These are both the CAT scans of 3-year-old brains, both of them. One is the 3-year-old brain fully developed, with the area of red, yellow and green which represents the full development of that brain. Here in the dark areas of this brain there is nothing. It is blank. The scientists now tell us that the brain of a 3-year-old, properly stimulated so those neurons properly make connections, will be 25- to 30-percent larger than the brain of a child that does not receive that kind of stimulation.

I want to read to you what that is all about. This is from "Nightline." Ted Koppel did an interview with the doctors who were involved in this. I want to share with you what Dr. Stanley Greenspan at George Washington University says. He said:

> Well, what we've learned is that a lot of commonsense makes common sense, but we've added a few little twists onto common sense. For example, we've identified the six kinds of experiences in the early years that will help promote not just our intelligence, but our morality and our sense of self. It starts with a baby learning to pay attention. We figured out that babies attend differently. Some babies like high pitched sounds, some low pitched sounds, some bright lights, some dull lights. So now we can cater the experiences to the baby's senses.
>
> We've also learned that babies fall in love, the second step, differently. Some babies need to be wooed. We need to pull them in. We need to smile a lot. Other babies reach right out and charm us.
>
> The third step in the building of our intelligence and our morality and sense of self, learning to be logical. By eight months, babies are capable of give and take games with smiles and smirks and head nods and back and forth, but some babies we need to woo into these interactions.

He goes on to say that, later on, at toddler stage, babies learn to be problem solvers and that one can develop the intelligence much further by encouraging that child in that problem solving, and so forth.

Unfortunately, when so many of our children are born into this state of crisis, when so many of our children are even the sons and daughters of children, of 15- and 16- and 17-year-olds, they do not have a clue about these interactions. They don't understand what parenting is at that stage.

And if we are not going to inherit a significant number of those children as children with learning disabilities, children with health problems, children with sociopathic problems, with the inability to adjust, the inability to relate—then somehow, if we are going to come back from this precipice, I respectfully suggest to my colleagues we need intervention in the place of that incapacitated parent. In the absence of the parent, who is going to provide the structure for that child to have the values that all of us want that child to have?

I am not here to suggest it should be the Government. I don't want the Government to do it. We've learned a lot about the downside of that. I am not here to suggest that it ought to be another big Federal program. We've learned a lot about that. I am here to suggest that we have to create a new model, a new way to think about this.

I think Senator COATS and Congressman KASICH and some others have thought about that a lot. But I do not happen to agree with their methodology of how they get the resources for it. I do agree with the notion that there are thousands of efforts out there in this country, Boys Clubs, Girls Clubs, YWCA, YMCA, the Youth Build, the ABC mentor programs, Success by Six, Smart Start—North Carolina, by Governor Hunt—a host of efforts that are proving their capacity to provide grassroots, local, home-grown efforts that make a difference in the lives of these children.

But every single one of them is drowning in the demand, and there isn't a sufficient supply. I was in an early infant toddler care center in Boston the other day, the Castle Square Child Development Center. There are about 67 children in there, early infant toddlers, getting this kind of input. But for the 67 that are in there, there are 400 on the waiting list. And those 400 will never cross the threshold of that place because they will be 6 years old before there is room for them.

What I am respectfully suggesting is that there is an ability for us to reduce these costs that we are spending on drug abuse, on imprisonment, on the violence in our streets, on the back end, and rescue a whole generation from this problem of lack of sufficient input at the early stage, if we would think about how to empower those local entities directly; not with big Federal bureaucracy, but directly.

Mr. President, in the last 10 years, we have taken our prison population in America from about 450,000 to 1.5 million. So we are filling up our prisons, and we are building more prisons. There has been, I think it is, a 248-percent increase in prison spending in the last few years. I want to show you the spending on children, because it is absolutely inverse.

This blue line represents the line of brain development. It goes up, obviously, dramatically in the first 3 years. It grows a little bit as you go on from there, and when you reach about 14 years old, it flattens out, regrettably, and then for all of us who are getting older, at the back end, it starts to tail down.

Mr. President, a 15-year-old's brain versus the brain of a child, a baby, the brain of the baby is growing 1,000 times faster than the 15-year-old. The brain of a baby is growing 10,000 times faster than the brain of a 50-year-old.

Here is the line of expenditure of the United States. We are spending exactly inversely to the most important years of brain development. We spend the most money at the very tail end; we spend the least amount of money up front.

I want to underscore what we are trying to do here. This is not coming to the floor with a specific program. It is not coming to the floor saying money will go to early Head Start or money will go to the charitable institutions I talked about, although I would like to see that happen. We are merely trying to reserve the capacity to be able to agree in the course of the next months that we will do something to address this vital issue. I am confident that we will be able to find a bipartisan place to begin in order to be able to focus on what really works.

I would like to see us at least have some pilot projects that invest in the capacity to put some leverage directly into those charitable institutions so we can see the grassroots do a better job at the local level of being able to reach out and intervene. It is my hope that colleagues will recognize the wisdom of at least reserving a place in line so that we can argue about this at a later time.

Mr. ROCKEFELLER. Mr. President, I thank the Presiding Officer and I thank the Senator from Massachusetts. I was listening to his speech. It was very interesting.

Mr. President, I should say at the beginning, I am an original cosponsor, of Senator KERRY's bill, and proud to be the second on a distinguished list. I think there is a tendency in this body, when we do something for children—let's say we do a tax credit or we do something in Head Start or where we do something in health care—to say that we made a dent and we can go on the next issue in the next year. I think of all the areas of life that we deal with in the Senate, that is the most inaccurate assessment and approach. When it comes to what our children need to prepare for their futures and what they are going to be like as adults, we need to follow through. And we must begin in the earliest years.

I spent a number of years in Japan. In Japan, when a baby is born, and while the baby is growing to a certain age, they do not have cribs. They do not have cribs, because in Japan the baby sleeps between the mother and the father. Why is that so? That is so because they, as a matter of culture and history and instinct, know that bonding has to start at the beginning. That is about the clearest form of bonding that there can be.

But even before that, there is a Japanese word called taikeo, in which the pregnant mother talks to—and this is standard in Japan—they talk to the baby in the womb on a regular basis. That would make a fairly strange sight, I guess, walking down the streets of Washington, DC, or West Virginia. But the Japanese understand something that Senator KERRY showed with his graphics there about the two brains, that we clearly don't. They understand when you are looking at the raising of children and their future, you have to take a holistic approach. You have to start with early childhood development. You have to follow through, and keep providing the support, education and development support. And you must keep at it. That is both enormously frustrating, but, in a nation which purports to care about its children, it is absolutely essential that we understand that helping children and strengthening families is an unending job. The work on behalf of children is never finished, no matter how much we do. In the private sector, as individual parents, it is not good enough. No matter what we do in the public sector, there will be more that could and should be done if we are serious about the real definition of children's future—and we must be for their sake, and the sake of our society.

I spent, as I have said before, as this Senator said before on this floor, 4 years as the chairman of the National Commission on Children. We took a comprehensive look at children's needs—income security, health care, education, values, and the effects of media. We did everything, and we came out of it with a unanimous report. I picked the name for the publication that we put out. I liked it. It was called Beyond Rhetoric. That is what we have to come to terms with in this body, that we are very good at the rhetoric. In fact, on children—our rhetoric tends to be more bipartisan than other subjects which is good. And we actually do some good things, insofar as the public has any role in that, as apart from parental responsibility and even children's responsibility to themselves.

But we are in a huge new world of responsibilities as parents, which I am as a private citizen and concerned father. I am also public citizen and a Member of the Senate. I have obligations to children as both a private citizen and member of my community, and as a public official as well. We are just not going to get off easily if we accept the challenge to move beyond rhetoric and really do something for children.

So I think on this floor, we are going to have to start thinking about those graphs, about those two brains. They are studies of contrasts—both kids' brains, one kid getting attention, one kid not getting attention. What a difference it makes.

I will say another final thing. We do not purport or believe that we are doing everything for the future now with this amendment. What we are trying to do here is a reserve clause to capture the attention of the people. An argument that gets used here often, but not very effectively, is extremely compelling in this case—we need to take action because of the children, but we also need to act to save money for the taxpayers in the future.

We hear that a lot. People discount it. They say, "That's nice that for Head Start, you save $10 for every dollar you put in now." But, we have to spend the money now, to save the long-term costs of neglecting our children's early development. That is what our problem is. We are in a budget resolution here.

But in the case of children, we are talking about spending billions and billions of dollars more on crime and remedial education, if we do not do the right thing in the early years for children.

Senator KERRY has focused on the zero-through-6 period. He is doing that with an intensity, with a passion which is absolutely unmatched and which attracted me. I tend to be a Member who votes against amendments on this floor to protect the integrity of this budget deal, which I think we have to adopt. But I feel so strongly that he is on the right track and he is doing the right thing and that I support the Kerry amendment. We have to learn to discipline ourselves to exempt children from the way we ordinarily look at problems: Pass legislation, get the private sector to do something, and then go on to the next thing. Children, their problems, their growth, their development are vital and with us forever. The time to start thinking about children and their futures is right now.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I am particularly grateful to the Senator from West Virginia. His work as the head of the National Commission on Children was absolutely extraordinary. It was way ahead of its time. I am very honored to have him working as part of this effort.

I just say to him that the example about Japan that he raised, that in 1965, when PAT MOYNIHAN first talked about 27 percent then known as illegitimacy in America, the rate of illegitimacy in Japan was 1 percent. It is now 33 percent overall in America; that is up from 27 percent. He was referencing only African-Americans. It is now 69 percent among African-Americans in America; 49 percent among the Hispanics; and 27 percent among the whites. It is still 1 percent in Japan—1 percent.

What is interesting is the Japanese have an adage that the Senator is obviously familiar with. They say that the soul of a 3-year-old will be with you for 100 years. They have been way ahead of us; they have understood that. I am particularly grateful to Senator ROCKEFELLER for his participation and effort in this.

Mrs. MURRAY. Mr. President, I rise to speak on a topic which significantly affects every citizen in America. An issue that has consequences for every child and parent, and tremendous bearing on our Nation's economic status and welfare—early childhood development.

Recent research has proven that an infant's brain initially holds approximately 100 billion neurons. However, without the proper care, nurturing, love, stimulation, and involvement of adults—which most of us were lucky enough to receive—these neurons will not make connections essential for healthy development. The amount of brain development which occurs between the ages of zero and 3 has enormous consequences later in a child's life. Children who are rarely touched develop brains 20 to 30 percent smaller than normal for their age. The 2-year-old girl whose mother is too preoccupied with her job to provide the proper care will not be as likely to develop to her potential. This child might feel deprived and angry. The good news is that if parents are given up-to-date information on how to promote brain development, they will be able to raise healthy children. The result will be more productive young adults.

Clearly, we must do something as a nation to provide help when help is needed. The most practical, ethical, and cost-effective way to solve such problems as a nation is to increase funding for early childhood development.

Mr. President, a person's brain develops the most rapidly between the ages of zero and 3, by 350 percent. Ironically, we spend the least amount of Federal money on children during this period, only 20 percent of the public expenditures from which they will benefit prior to adulthood. Between the ages of 3 and 18, however, while the brain develops by another 50 percent, public spending on children increases by 800 percent. We need to change this discrepancy. Parents need more and better information about how to best care for their infants. They need the tools to provide this care most easily.

With greater attention to early childhood development, we will spend less money on children later in their lives. National studies have found increased violence and crime among youth when they do not receive adequate developmental care as young children. Furthermore, greater attention to early childhood development will help children avoid falling through the cracks. It will help them succeed. They will make important contributions to our country—instead of possibly ending up in jail, institutions, or on welfare. The Early Childhood Development Act makes investments now that will benefit our society later by saving money, keeping us competitive, and preventing needless suffering.

I personally know that this is a worthwhile investment. As a preschool teacher 15 years ago, I saw children in need of nurturing. For some children, I was their only source of such care. I knew that my assistance was helping these 2- and 3-year-olds to lead productive adult lives. As a parent educator, I had information to give parents the tools they needed to provide the best possible environment for their children. All parents have something to gain from learning these skills—we just need to make the tools available to everybody.

Senator KERRY's early childhood development amendment puts us on the road toward this goal. The amendment gives grants to States to establish State Early Learning Coordinating Boards. These boards give grant funds to community projects for child care improvement, including parent education and involvement in schools. The amendment establishes forgiveable loans for child care workers, who earn a degree in early childhood development and agree to work in early childhood development for 2 years. This will not only increase general awareness for early child care, but it will empower individuals to access quality care. This amendment also expands currently successful programs. The Family and Medical Leave Act is expanded to grant parents time to become involved with school. Early Head Start will also have increased funding, which will improve health and nutrition services for low-income infants and toddlers. In addition, this amendment will fully fund WIC, ensuring that every mother has adequate nutrition—and a healthy baby. This will save taxpayers tremendous amounts of money in health care expenditures avoided.

A child learns more from its experiences in the first 3 years of life than at any other time, and the dollars we invest in early childhood now save billions later in welfare, emergency room, and court costs. I have seen a tremendous amount of commitment to children, by many caring adults, in my own experiences teaching preschool. But in order to make a real difference, we need a widespread sense of commitment to improve early childhood development services everywhere. We need a national strategy for informing parents, so they can send their children to the right child care providers, and take an active role in their development.

This amendment is a catalyst for all of these desperately-needed improvements. As policymakers, we must encourage and allow America's children to grow into healthy adults. We need to positively influence the lives of young people right now. Let us change the message we are sending to children, by investing in their futures.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the quorum call be charged equally off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that my amendment be temporarily set aside and that the time remain as it is on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 331

Mr. BUMPERS. Mr. President, I call up amendment No. 331.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 331.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. BUMPERS. Mr. President, this amendment is very simple, and I will not belabor the Senate's time. It will just take me 4 or 5 minutes to explain it.

I have two amendments, incidentally, 331 and 332. I hope we can dispose of both of them right now.

Under this budget agreement, we assume $135 billion in tax cuts over the first 5 years of this budget. And of that $135 billion, $115 billion is in Medicare cuts.

Mr. President, I yield to the distinguished floor manager.

Mr. DOMENICI. Mr. President, I say to Senator BUMPERS, I inadvertently made a mistake. Our understanding was that we would just consider a Democratic amendment, and Senator SPECTER from the Republican side was entitled to make the next amendment, and then Senator BUMPERS was next. I think we knew that. It has been very difficult. Senator SPECTER has waited around a long time. I wonder if you would consider——

Mr. BUMPERS. Certainly I will accommodate the Senator any way I can.

Is Senator SPECTER here ready to go?

Mr. DOMENICI. We will send out word that if Senator SPECTER is ready, he should come down.

Mr. BUMPERS. I hope to dispose of mine before he even gets here.

Mr. DOMENICI. Maybe we can do that.

Mr. BUMPERS. I will proceed. If he comes, I will lay my amendment aside.

Mr. DOMENICI. I thank the Senator.

Mr. BUMPERS. So anyway, Mr. President, the budget resolution calls for a $115 billion cut in Medicare, ostensibly to provide some solvency in the Medicare trust fund.

The Finance Committee, in my opinion—in my opinion, we should not go forward with this budget and allow the people in this country who depend on Medicare for their very lives, we should not allow them to believe, as they have a perfect right to believe, that we are cutting $115 billion out of Medicare and, make no mistake about it, they will suffer.

We say we are going to take it out of providers', hospitals', and doctors' hides. They are going to take it out of the patients' hides and the patients are going to get fewer services.

So I do not want to go home and face my constituents and have them say, "You cut $115 billion out of Medicare, and that's all laudable as long as it goes into the trust fund to make the thing more solvent. But did you do that, did you put this on the deficit?" "No." "Did you put it on child health care?" "No." "Did you put it into education?" "No." "What did you do with it?" "We gave it to the wealthiest people in America in tax cuts."

That is the accusation that every Senator should be prepared to face up to when he goes home this fall and in the election year next year.

So what I am saying is, it is a laudable thing to try to make the Medicare trust fund solvent, but what we are doing here is using that $115 billion to provide $135 billion in tax cuts. We say, "Well, we're going to make up $50 billion of that; the net tax cuts will only be $85 billion." What I am saying in my amendment is we require the Finance Committee to come up with a total of $115 billion in offsets to offset what we are cutting Social Security by. Otherwise, we stand fairly accused of using Medicare funds to cut taxes for the wealthiest people in America.

Look at this chart. Here is the Medicare savings—$115 billion. That is the cut in Medicare. What we are going to do is we are going to use that as an offset to accommodate $135 billion in tax cuts. That is undeniable, unarguable, unassailable. We are using $115 billion of Medicare cuts to provide tax cuts.

So what I am saying is, let us instruct the Finance Committee not just to put the airline ticket tax in at $32 billion over the next 5 years, but come up with enough additional offsets to offset the entire $115 billion in Medicare savings. That is not hard to understand, Mr. President. I hope my colleagues will support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. If nobody wishes to debate that amendment further, I would like to call up amendment No. 330. I do not want to do this while the chairman's attention is diverted.

Mr. DOMENICI. I am sorry, I say to the Senator.

Mr. BUMPERS. I say to Senator DOMENICI, I will follow up with my other amendment and debate it right now unless you wish to speak on the one I just offered.

Mr. DOMENICI. The Senator wants to offer another one?

Mr. BUMPERS. Yes.

Mr. DOMENICI. Does the Senator reserve any time on the one he offered?

Mr. BUMPERS. I will be happy to have 10 minutes equally divided.

Mr. DOMENICI. On this one?

Mr. BUMPERS. I am finished on this one.

Mr. DOMENICI. You must have great confidence in it.

Mr. BUMPERS. I am hoping we can get back home and tell people how great it is.

Mr. DOMENICI. When Senator SPECTER comes, we will call on him.

I ask unanimous consent that we further set aside both the Kerry amendment and the Bumpers amendment No. 331 while Senator BUMPERS offers his second amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 330

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 330.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. BUMPERS. Mr. President, my second amendment is one I feel strongly about—both of these—but I want you to listen to this.

It would delay the tax cuts that are provided in this budget resolution. We are going to face all of this later on in the reconciliation bill. I know that. But what we ought to do is delay the tax cuts until the year 2002. All I do in this amendment is I strike the first $63.3 billion of tax cuts over the years 1998 to 2001.

You know what that does, Mr. President? It does not balance the budget in the year 2002. It balances the budget in the year 2001. Now, why would we not, after reading the paper this morning and seeing that the Treasury Department reaped a gold mine in April—the surplus in April of income versus expenditures was $97 billion.

CBO has now said that the deficit could be as low as $65 billion come September 30. That is a remarkable achievement.

On this floor in August 1993, we passed a bill called the Omnibus Budget Reconciliation Act of 1993. I regret, Mr. President, not one single Republican voted for it. You know what the effect of that was? I told the President as far as I am concerned that is going to be his legacy. All these other things he is trying to accomplish, they are all laudable. I have no quarrel with them. But 5 solid straight years of real budget deficit reduction is going to be his legacy.

But I will tell you how that legacy can be destroyed. That is to proceed with a budget that we have right here which cuts taxes by $135 billion for the wealthiest people in America, and revenues go down every single year—every single year. If we were to postpone these tax cuts until the year 2002, we could balance the budget in the year 2001.

Let me tell you something else. If we do not strike while the iron is hot, we are going to regret it. I promise you, the assumptions in this bill that our economy is going to be as hot as these assumptions say it will be over the next 5 years is a very dicey situation. We have already had an unbelievable prosperity for the past 6 years. Nothing looks like it since Eisenhower was President. To assume it is going to continue another 5 years is the height of folly. You cannot depend on this budget to balance anything unless you agree with those economic assumptions, and I do not.

I have spent 22 years in the Senate standing in this aisle, screaming my head off about budget deficits. In 1981, when Ronald Reagan was riding the crest the likes of which has never been seen since Franklin Roosevelt, the herd instinct swept through this body and all my screaming was for naught. It did not do a bit of good.

I said—and I will send anybody a copy of the speech that would like to see it—you pass this budget and you are going to create deficits big enough to choke a mule. You cannot cut taxes, increase defense spending and balance the budget any more than you can lose weight on five chocolate sundaes a day. That is the five-chocolate-sundaes-a-day diet. And that is exactly what we are coming back to.

What does it take to educate this body? If you do not learn from past experiences, what are you going to learn from? When Ronald Reagan left office 8 years later, the national debt—which at that time was $1 trillion and took 200 years to get to $1 trillion—when he left, all his 8 years later, it was $3 trillion. He had tripled the national debt because of the folly, the political folly, the political herd instinct that swept across this body in 1981.

I am proud to tell you, Mr. President—a little self-serving—I did not vote for it. There are only 11 Senators who voted against the tax cuts. There were only three Senators who voted against the tax cuts and for the spending cuts. We could have balanced the budget by 1985 easily if everybody had voted the way those three Senators voted.

So here we are, back at the same old stand: It did not work before, but it'll sure work this time. We will cut taxes, are going to cut taxes, going to increase spending, and bring you a balanced budget.

While the deficit goes from $67 billion anticipated this fall, the fifth straight year, from $290 billion in 1992—$290 billion—to $67 billion this year, 5 straight years of deficit reduction, what does this budget do? Why, it takes it back up to $97 billion next year and $97 billion the following year and $83 billion the following year and $50 billion the following year. Then the following year a $1 billion surplus.

I have some great land in the Everglades I would like to sell you if you believe that is going to happen.

Mr. President, all we have to do is vote very simply to postpone the tax cuts. I am not saying do not ever cut taxes. But you are either for cutting taxes or for balancing the budget, but you cannot be for both and be economically sound in the process.

So I am asking my colleagues to say, postpone the tax cuts until the year 2001 and balance the budget at the soonest possible date. Then you can argue all the other economic nonsense. But our first priority is to balance the budget. You are not going to do it with this budget. If you assume that the economy is going to stay like it is right now for the next 5 years—I do not know whether I will be here or not. I would just like to be around at the end of 5 years so I can say, I told you so. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to Senator BUMPERS, I wonder if we could ask how much time the Senator used, and I would use the same amount of time, and then there would be no more time used.

Mr. BUMPERS. Mr. President, I will be happy to reserve 2 minutes.

Mr. DOMENICI. Two minutes.

Mr. BUMPERS. Of additional time.

If I may, Mr. President, I ask unanimous consent to add the Senator from Virginia [Mr. ROBB], as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, while I am having a great deal of difficulty discerning the difference between the two amendments, let me tell the Senate what I believe the sum total of the two amendments are.

The distinguished Senator from the State of Arkansas does not believe in tax cuts. It is just that simple. When you go to work on a budget, you ask the American people to let you reform some programs that are out of control, and you save some money.

When you ask the American people to let you reduce spending in some other areas, or at least keep it intact, when you do that, you come up with a surplus, and you say, we want to give that back to the American people. You know that is a tax cut.

We do not have any other way to give back to the American people what is theirs. We give the American people a lot of programs. But when you reduce taxes, you are giving them back what is theirs. They already earned it.

No matter how you cut it, both of these amendments—one says in this budget resolution you are permanently prohibited from giving any tax cuts. That is plain and simple. That is one of them. Now maybe my friend will explain it with relation to other things, but that is, plain and simple, what it is.

What we have done in the overall budget, we have restrained Government such that there is sufficient funding to give the American people a modest tax cut, a net of $85 billion out of a tax take in the trillions. It is not like we are giving them a huge tax cut. Well, let us give them something. Balance the budget and give them some kind of balance. What is the use of having a balanced budget if there is nothing in it for the people?

We are trying to get the economy running better, and to do that we want to get a balanced budget and to make sure the American people feel better about their day's work and their taking a chance on investing. You want to give them some back. To those mothers and fathers raising kids under 18 years of age, we would like to say to them, we understand your problem and we have enough savings in this budget we will give you a tax break. It is not pie in the sky.

The economic assumptions, and I know we are not supposed to talk about technicalities, but the distinguished Senator said he would not rely on any of these assumptions. Mr. President, let me tell you, there are literally thousands of American businesses who do economic planning, thousands of them, and the biggest of them in America rely on more generous economic assumptions than are in this budget resolution. The Office of Management and Budget has more generous economic assumptions. We have the most conservative set of economic assumptions you will find from any major institution or business in America. We did that because that is a way of saying if you should have a downturn, if you should have a downturn you have taken that into consideration by using very, very conservative economic assumptions. Nobody does it any differently. Nobody comes along and says, well, let's write a 5-year budget and in the third year, let's have a recession and plug it in. First, nobody wants to do that because they are frightened to death of such a concept, but what economists do is build in low economic assumptions. That is what we did.

Frankly, I do not want to be on the side that says there is no room in the Federal budget to balance it and give the American taxpayers a break. I believe there is. In fact, I believe, absent some untoward happening, something untoward happening, I believe we will be balanced ahead of 2002 because I believe the economic assumptions are so low that we will do better for at least 2 out of the next 4 years than are estimated here. I did not choose to put that in. I choose to use modest, conservative economic assumptions.

Now, the Bumpers amendment that tries to allude to Medicare has nothing to do with Medicare. The President of the United States joined with Democrats and Republicans and said to the senior citizens of America, we want to do something for you in this budget that is positive and good. Lo and behold, what we have done is make the Medicare trust fund solvent for 10 years. That is not bad. It is bankrupt in about 3 years if we do not do that. That is No. 1 on the positive side, we made it solvent for 10 years. We told the providers in America that they will get paid differently, and for the most part paid less. We told the Medicare people that run the program, give the seniors all kinds of options because there are options to get better service at cheaper rates. We also moved part of home health care out of the trust fund and said we will take care of it under a more generous program, all of which contributes to the senior citizens of America in a very mighty way.

Now nobody can kid anybody anymore. The tax cuts have nothing to do with that. Let me tell you, you wipe out the tax cuts—let's just do that. We will think it out here, take out the tax cuts. But also if you think through Senator BUMPERS's proposal—maybe we ought to wipe out all those reform measures that save money for the Medicare fund, or what I am saying in another way is that all of the savings for the Medicare goes back to Medicare. All of the savings for Medicare go back to Medicare. They do not go to taxpayers, they go back to making that program solvent. That is pretty logical, it seems to me, when you have done that, and balanced the budget and found room for a tax break.

We relish the idea of voting on these two amendments today. We Republicans want to vote on them. We hope a lot of people vote against it, but not a single Republican should. I hope they do not. Because what we are saying is, the modest tax cut in this budget resolution ought to be carried out, and it ought to be carried out in a manner prescribed in this budget resolution.

If I have additional time on the amendment, I reserve it but I do not think I will speak more than 1 minute on either of the two amendments. If Senator BUMPERS wants to use 2 minutes, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I remember a great lesson when I was a boy about Joseph having a dream. Everybody in this body knows the rest of the story. Joseph dreamed there was going to be 7 years of plenty and 7 years of starvation. So he told the King of Egypt, if you want to survive, you better start saving everything you can the first 7 years.

I want to relay that to every Senator in the U.S. Senate. I am telling you, if you have the 5 years, if you have the 5 years you are talking about here, do not assume that the deficit will continue to go down and we will start paying on the national debt, because we have never had prosperity for that length of time.

I give you Joseph's admonition: Strike while the iron is hot and while the economy is hot.

The Senator from New Mexico said I do not believe in tax cuts. I do not believe in using Medicare for tax cuts from the most vulnerable people in America, our elderly, who go to bed petrified every night fearing what their medical bills might be. I do not believe in using Medicare and I do not believe in tax cuts at the expense of balancing the budget.

Every poll I have seen has shown overwhelmingly that people will take a balanced budget to tax cuts, and that is the option. As far as my liking taxes or not liking taxes, the present small business exemption for people who invest in small businesses, which the President endorsed in 1993, was mine. I am the author of it, trying to help small business.

Right now, I have a bill up here in case we cut capital gains, and we are going to, to 19.8 percent—I reduced the capital gains on small business investments to half that, 9.8 percent.

Mr. President, I used to have a little dachshund, a female dachshund. Betty and I worshipped that little dog, but we had a problem. We could not train her, could not train her to go outside. The only perfect analogy to that is the U.S. Senate. We cannot seem to train the U.S. Senate that you cannot cut taxes and balance the budget. I do not care how many times we do it. We did it in 1981 and paid a disastrous price, and we are about to do it again, and we will probably pay another disastrous price. We cannot resist the siren song of tax cuts. Politically, it is wonderful to go home and say, "Oh, yes, oh yes, I voted to cut your taxes, you bet."

"How did you do it?"

And then you start obfuscating and trying to confuse the issue. You do not want to tell them you did it at the expense of a balanced budget.

Mr. President, this amendment makes eminent good sense and there is not a Senator in the U.S. Senate—I take that back, there might be a few —who does not know that what I am talking about is pure common sense. It makes common sense in your life. It makes economic sense for the Nation to save up and to balance the budget, something the people in this country have been yearning for as long as anybody can remember.

I have not announced whether I will run again or not. I do not mind telling you that two things that sort of make me want to be around here the next few years are that I would like to be here after investing 22 years in trying to balance the budget. I would like to be here when it happens. And the other thing I would like to be here for is when we change the way we finance campaigns. Why in the name of all that is good and holy we continue to cherish this absolutely outrageous system for raising money for campaigns, when every time you take a vote they rush and see whether somebody gave you money last year or the last time you ran, and how that affected your vote. Why would we not want to get rid of a system like that?

If anybody believes this great Nation, the greatest democracy on Earth, with the oldest Constitution on Earth, can continue to survive when the people we elect and the laws we pass depend on how much money we put in it, is daydreaming. It cannot last forever. Those are two things that I would give anything in the world to see happen before I leave the U.S. Senate.

So I plead with my colleagues, I plead with you, vote for common sense and vote to postpone these tax cuts and balance the budget in the year 2001. What is sacred about 2002? I have been hearing 2002 for I do not know how long. What is sacred about 2002? If you have a chance to do it in 2001, do it. That is what I am asking you to do.

I yield the floor.

Mr. DOMENICI. Has the time of Senator BUMPERS elapsed on the amendments?

The PRESIDING OFFICER. No formal consent——

Mr. BUMPERS. I am prepared to yield. I wish Senator SPECTER was here so we could get something going.

Mr. DOMENICI. We will be going, do not worry. We will be ready shortly.

AMENDMENT NO. 332 WITHDRAWN

Mr. BUMPERS. I have an additional amendment at the desk, I think 332, and I ask unanimous consent I be permitted to withdraw that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 332) was withdrawn.

Mr. DOMENICI. The list is down to 70 amendments, I guess. I am just kidding.

Mr. President, I yield to Senator LAUTENBERG.

AMENDMENT NO. 330

Mr. LAUTENBERG. Mr. President, far be it for me to seek an argument with our distinguished colleague from Arkansas. I cannot argue the other side very effectively.

Tax cuts at this point in time, I do not think, are the best idea. What I think are some good ideas are the facts that we will, by virtue of this tax cut, we will be saving the middle-class families, those in more modest income circumstance. This will help pay for the insurance of your children. If they choose not to go to a 4-year college there is a program in here that will give them $1,500 worth of tax relief if their child wants to go to a 2-year college or a vocational school.

I find it hard to disagree totally with my friend from Arkansas. I do want to say this, and this may not be the appropriate defense, but I have to look at it as a member of the Budget Committee and also as a member of the Appropriations Committee as an advance toward something that we want to do. We would like to be able to pay down our deficit, and I think that one day in the not-too-distant future, half a dozen years, which is not much in the lifetime of a country, that we will be able to start paying down our debt, starting to relieve ourselves of the biggest costs we will soon have in the budget which is the interest on the debt. That will happen and it happens because there is a compromise that has been fashioned, and as usual, the compromise is a consensus of minds but not a consensus of hearts.

I do not really like everything that I am supporting here but there are things that I really love that I am supporting. I love the fact we will take care of 5 million children's health needs, and I love the fact we are not saying to those that are here legally if some accident or sickness befalls you that renders you disabled you will not be kicked off the rolls, which was an intent here for some time.

There is going to be some relief for the impoverished, up to 150 percent, approximately, of the poverty level for any increases in the part B premium necessary as a result of the switch from part A to part B of home health care. That will help make that part A more solvent. I think that is a worthwhile objective.

Meanwhile, we see that the economy is boiling, as you suggested, and that there is some hope that it will continue, and the economic assumptions, I think, are relatively conservative. So there is room to achieve the objectives that we want to without simply saying that the tax cuts are the thing that are driving this. That is not the case. The tax cuts are part of it. I do not approve of the tax cuts, either, but I voted for this bill because I think it is an essential part of getting our books in balance and working our way out of debt and not leaving our children with ever larger debts to pay off.

So while I agree with the Senator in principle, the fact of the matter is that I think we have a job to do here that robs us of some of the things we would like to see. I voted against investments in transportation. That was really painful for me. I voted against expanding programs for children. That was painful to me. I do not like doing those things, but I like doing the job here as conscientiously as I can, which is to say at some point we want to reduce our debt, we want to reduce our deficits, we want to invest in our society, but we do not want to continue to pay the incredible interest rates that we are forced to pay, something around $250 billion a year.

It is an outrageous thing for us to have to be subjected to. But we are trying to fix it. That is what this is about.

I hope that the Senator will try at another opportunity to make the adjustments that he is talking about.

Mr. DOMENICI. Mr. President, we are still on our side expecting Senator SPECTER to arrive. I assume Senator BUMPERS will not mind if we stack some votes, if we have him present his, and in due course we will get to his. Then I will have a chance to discuss further with the distinguished Senator from Massachusetts his pending amendment.

I want to close now on this note. I truly wish Senator BUMPERS would not have tied Medicare to this tax cut.

First of all, Mr. President and fellow senior citizens—I can say "fellow senior citizens." I just turned 65 a few days ago. But the truth of the matter is we have far more savings from other accounts than the reforms in Medicare to pay for tax cuts. In fact, there are almost three times as many savings in the first 5 years from other sources—two times from other sources, and from the reform measures that are part of Medicare.

My last remarks are: If you wipe the tax cuts out of here, you still have to do all those things for Medicare to keep it solvent. You have to do those kinds of things or raise taxes, which nobody has suggested we do.

So, I close by saying I opt for a balanced budget that includes some tax relief. I am comfortable and confident we can do both this time. We have done much in moderation in this budget, which has caused some of our friends who want to do much more, both in cutting the budget and cutting taxes, to opt out of this agreement, not wanting us to pass it. But I think we have had a moderate approach to both sides. I for one hope both of these amendments get defeated overwhelmingly to show the American people that they deserve a tax break along with this balanced budget.

I am prepared now to move on to another amendment.

Did Senator BOND want to proceed?

Mr. BOND. I am ready.

Mr. DOMENICI. I am not aware that the Senator is next in line.

Is there any commitment on the part of the Senator that he is next in line?

Mr. BOND. That was my understanding.

Mr. DOMENICI. I think the Senator from Missouri was supposed to be after Senator SPECTER and after Senator ASHCROFT. But Senator SPECTER is not here.

How much time does the Senator want on his amendment?

Mr. BOND. Mr. President, there are a couple of people who want to speak. I think 20 minutes.

Mr. DOMENICI. Which amendment is the Senator calling up?

Mr. BOND. Disproportionate share of hospital payments, sense of the Senate.

Mr. DOMENICI. I hope that the Senator will take less time. We will accept the amendment.

Mr. BOND. We would like very much to have a vote on it. If they were stacked, that would be acceptable. But this one is a very serious matter to the States of Missouri, Texas, and Washington.

Mr. DOMENICI. I, once again, have put myself between a rock and a hard place because I thought Senator SPECTER would be next. We do not know who will follow him. I told Senator ASHCROFT he would be next.

Let's do it this way. I believe Senator SPECTER will be awhile arriving. So will the Senator let us go with Senator ASHCROFT, and then the senior Senator from Missouri would go next?

Mr. ASHCROFT. Yes. I yield to the senior Senator.

Mr. DOMENICI. I ask unanimous consent that the pending amendment be temporarily set aside so that we can proceed to Senator BOND's amendment.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the distinguished chairman. I know that this is an extremely difficult time. The analogy of loading frogs in a wheelbarrow is very apt when dealing with scheduling budget proceedings. The chairman has done an outstanding job.

AMENDMENT NO. 324

Mr. BOND. I call up amendment No. 324.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. MURRAY, Mr. GORTON, and Mr. ASHCROFT, proposes an amendment numbered 324.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

AMENDMENT NO. 324, AS MODIFIED

Mr. BOND. Mr. President, I send a modification to the desk and ask unanimous consent that the modification be included.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment (No. 324), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE PROTECTION OF CHILDREN'S HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today's children and the next generation of children are the prime beneficiaries of a balanced Federal budget. Without a balanced budget, today's children will bear the increasing burden of the Federal debt. Continued deficit spending would doom future generations to slower economic growth, higher taxes, and lower living standards.

(2) The health of children is essential to the future economic and social well-being of the Nation.

(3) The medicaid program provides health coverage for over 17,000,000 children, or 1 out of every 4 children.

(4) While children represent ½ of all individuals eligible for medicaid, children account for less than 25 percent of expenditures under the medicaid program.

(5) Disproportionate share hospital (DSH) funding under the medicaid program has allowed States to provide health care services to thousands of uninsured pregnant women and children. DSH funding under the medicaid program is critical for these populations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the health care needs of low-income pregnant women and children should be a top priority. Careful study must be made of the impact of medicaid disproportionate share hospital (DSH) reform proposals on children's health and on vital sources of care, including children's hospitals. Any restrictions on DSH funding under the medicaid program should not harm State medicaid coverage of children and pregnant women.

Mr. BOND. Mr. President, in addition, I ask unanimous consent that Senator HUTCHISON of Texas be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, today I rise to discuss a sense of the Senate amendment on behalf of myself, Senators MURRAY, GORTON, ASHCROFT, and HUTCHISON, which simply states that "careful study must be made of the impact of Medicaid disproportionate share hospital, or DSH, reform proposals on children's health and on vital sources of care including children's hospitals."

It is our strong belief, and the sense of the Senate indicates, that any restrictions on DSH funding should not harm Medicaid coverage of children and pregnant women.

While I recognize and strongly support the need to control Federal spending, I am deeply concerned about the impact of billions of dollars in new Medicaid DSH spending reductions.

I know that my colleague, the distinguished chairman of the Budget Committee, can point to some States in which there may be disagreements about how the DSH payments were used. I don't say that there has been the same kind of usage of Medicaid disproportionate share payments in other States as there has been in Missouri.

But I do know from our standpoint that since 1981 the Medicaid DSH Program has enabled hospitals who provide care to a disproportionate share of low-income people to serve as a safety net for those with little or no access to health care.

In Missouri, the DSH Program has been a key variable in expanding health care coverage to thousands of pregnant women and children. More than a quarter of a million, more than 250,000, people have been served as a result of the DSH payments.

These payments have enabled my home State to successfully reduce the number of uninsured Missourians by enrolling them. It has improved access to health care services for those who remain uninsured.

In addition to using DSH funds appropriately, our State of Missouri also uses them efficiently.

For Federal Medicaid benefits plus DSH payments per beneficiary: The national average is $2,454; in Missouri the figure is $2,288 versus the national average of $2,454.

Overall Medicaid spending in Missouri is also below the national average. A recent report by the Kaiser Commission illustrates the efficiency of the Missouri program. Missouri spends $3,190 annually per Medicaid enrollee compared to the national average of $3,290.

Yet, reductions in the Federal DSH payments would be devastating for Missouri, a State which has used its Federal DSH dollars in an efficient, effective, and appropriate manner.

Anywhere from 56,000 to 348,000 Medicaid beneficiaries in Missouri could lose health coverage if the DSH reforms that have been publicized are enacted, and there is no compensating source of revenue funding for them.

President Clinton's proposal specifically would eliminate Medicaid benefits for 162,000 Missourians.

This is simply the wrong approach. Reducing DSH payments does not focus on cutting the fat in the Medicaid Program. Instead, it cuts crucial health care benefits for low-income pregnant women and children whose lives depend upon this critical coverage.

Yes, Congress should increase State Medicaid flexibility, as this budget resolution calls for. But we should not target DSH funding—funding which has allowed many States to expand health care coverage to our Nation's most vulnerable population.

Again, I reiterate that this resolution fully recognizes and supports the need for a balanced Federal budget. At the same time it guarantees that when working out the details of achieving Medicaid savings, Congress will have sufficient information to ensure that reforms in disproportionate share payments will not threaten low-income pregnant women and children, as well as providers of health care such as children's hospitals, public hospitals, and other safety net hospitals.

I look forward to working with the Finance Committee in the coming months regarding this issue, and I am confident that we can structure a plan that takes into consideration the health of our most vulnerable citizens.

I ask unanimous consent that several statements in support of this amendment be printed in the RECORD. I ask unanimous consent that statements by Lawrence McAndrews, president and CEO of the National Association of Children's Hospitals; Governor Met Carnahan of the State of Missouri; Douglas Reis, president of Cardinal Glennon Children's Hospital in St. Louis; Ted Frey, president of St. Louis Children's Hospital; and Randall O'Donnell, president and CEO of Children's Mercy Hospital in Kansas City be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY LAWRENCE A. MCANDREWS, PRESIDENT AND CEO, NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS

The National Association of Children's Hospitals strongly supports Senator Kit Bond's resolution on children's health and Medicaid.

He is absolutely right on all three counts. A balanced budget is very important to children. Medicaid is very important to children. And Medicaid disproportionate share payments are very important to children, especially the patients of children's hospitals and other safety net hospitals.

Medicaid is far more significant to children's health than most of us realize. It pays for the health care of one in every four children and one in three infants.

Medicaid and Medicaid disproportionate share hospital payments are far more important to children's hospitals than most of us realize. On average, children's hospitals devote nearly half of their care to children who are covered by Medicaid or are uninsured.

If it weren't for Medicaid disproportionate share payments, some children's hospitals could be in jeopardy. Even with such payments, Medicaid often does not pay enough to cover the full cost of children's health care.

For example, even with these extra payments, children's hospitals still average only about 80 cents from Medicaid for every dollar of health care they provide. Without them, they would receive closer to 70 cents for every dollar of care.

As a former CEO of Children's Mercy Hospital in Kansas City, I know just how important Medicaid and disproportionate share payments were to our ability to serve all of the children of our community, no matter how poor or sick.

Senator Bond's resolution fully supports the balanced budget. It simply makes sure that in working out the details of changes in Medicaid spending, Congress will have the information it needs to ensure that changes in disproportionate share payments will not jeopardize children or other safety net hospitals.

EXECUTIVE OFFICE,
STATE OF MISSOURI,
Jefferson City, MO, May 19, 1997.
Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR KIT: I write to inform you of my serious concern about the Medicaid provisions in the budget resolution.

As you know, the resolution calls for savings of around $17 billion over five years from the Medicaid program. It is presumed that this savings level would be achieved primarily through reductions in disproportionate share (DSH) payments to states. Such a plan could have a devastating impact on Missouri's Medicaid program, and more importantly, on the citizens of our State who rely on Medicaid to meet their health care needs.

Missouri runs a very well-managed and fiscally responsible Medicaid program. Our spending is frugal and already below most other states. In fact, Missouri's per capita spending on Medicaid for adults is the lowest in the nation. We are willing to swallow hard and do our share to balance the federal budget. But to disproportionately reduce the DSH program to achieve Medicaid savings, the federal government would merely be using DSH cuts to subsidize the cost of Medicaid in other states, many of which have chosen to develop overly generous and costly programs.

Medicaid has already made a massive contribution to deficit reduction. In February, the Congressional Budget Office lowered its baseline projections of future Medicaid spending by $86 billion. States are achieving these savings through implementation of a number of innovative measures such as Missouri's Medicaid managed care program, MC+. At the same time, we are considering expanding Medicaid to cover more uninsured. We want to continue making this progress, but we may be unable to do so if our Medicaid funding base is eroded through extensive reductions in the DSH program.

It is my understanding that a portion of the Medicaid savings called for in the budget resolution may also be achieved through a package of state flexibility initiatives. We will be working with the House Commerce Committee and Senate Finance Committee over the next couple of weeks in hope that they will craft a package of Medicaid savings that is both fair and responsible, and one that does not disproportionately harm the DSH program. I hope you will do all in your power to assist us in this regard.

Thank you for your attention to this extremely important issue for the State of Missouri. If I can provide you with further information, please don't hesitate to let me know.

Very truly yours,
MEL CARNAHAN,
Governor.

CARDINAL GLENNON CHILDREN'S
HOSPITAL,
St. Louis, MO, May 21, 1997.
Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: The officers and staff of Cardinal Glennon Children's Hospital support your amendment to express the sense of the Senate regarding the protection of children's health.

As a provider of tertiary health services to a broad geographic region including metropolitan St. Louis, Missouri and Illinois, the disproportionate share funding under Medicaid is critical to our mission. Your efforts and those of your colleagues to sustain momentum in providing health care coverage to uninsured pregnant women and children is directly dependent on the expanded use of disproportionate share funding.

Thank you for your continued support for this important funding source.

Sincerely,
DOUGLAS A. RIES, FACHE,
President.

St. Louis Children's Hospital,
St. Louis, MO, May 21, 1997.
Hon. Christopher "Kit" Bond,
U.S. Senator
Washington, DC.

Dear Senator Bond: Thank you for supporting fair and adequate Medicaid payments for disproportionate share hospitals (DSH). As you know, St. Louis Children's Hospital serves a patient population which consists of approximately 50 percent Medicaid patients. We have qualified as a DSH provider ever since the Medicaid program recognized the need for additional funding to those hospitals serving an extraordinary Medicaid and uninsured patient load.

We certainly agree with the Senate's observations regarding the high priority which should be placed on the health care needs of low income pregnant women and children. In Missouri, restrictions on Medicaid DSH funding would seriously impair our Federal Reimbursement Allowance (FRA) program. The FRA targets DSH payments to hospitals serving a high volume of Medicaid and low income patients. As Governor Carnahan points out in his May 19 letter, Missouri has made significant progress expanding Medicaid eligibility in recent years and we would hate to see our program threatened by proposals which may not have been carefully evaluated in terms of impact.

Please contact me if there is anything I can do to help and thank you again for your continued leadership on behalf of all children.

Sincerely,
Ted W. Frey,
President.

The Children's Mercy Hospital,
Kansas City, MO, May 21, 1997.
Hon. Kit Bond,
U.S. Senate,
Washington, DC.

Dear Kit: On behalf of The Children's Mercy Hospital in Kansas City, Missouri, I wish to thank you for your resolution on children's health and Medicaid. The Children's Mercy Hospital recognizes the need to control federal spending, but we are deeply concerned about the impact of billions of dollars in new spending reductions in Medicaid, which would come on top of major savings states already have begun to achieve.

Never has the Medicaid safety net for children been more important than now. Without the Medicaid safety net, the numbers of uninsured children would increase dramatically. It is of paramount importance that any Medicaid proposal preserve a base-year formula that includes all "disproportionate share hospital (DSH)" payments in order to continue to serve all of the children in our community.

We applaud your dedication to children and the betterment of their lives. Your efforts will not only benefit the children of Missouri, but the children of the entire country for generations to come. Thank you for your continued support.

Sincerely,
Randall L. O'Donnell, Ph.D.
President/Chief Executive Officer.

Mr. BOND. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Senator Bond has not yielded his time. Has he reserved?

Mr. BOND. Mr. President, I have reserved time. I see one of the cosponsors of the amendment on the floor. When she finishes, I would be willing to have this set aside to accommodate the Senator from Pennsylvania.

May I ask the Senator from Washington how much time she requires?

Mrs. MURRAY. I will only take 30 seconds.

Mr. BOND. I yield 1 minute.

Mr. DOMENICI. Mr. President, before we yield to Senator Murray, let me once again ask my friend, Senator Bond.

You know, we are reaching a deadline here with an awful lot of things that haven't been handled. From my standpoint, the way the Senator has accommodated his amendment in working with us is acceptable. I urge that he let us accept it at some point and not insist on a rollcall vote. I assume the rollcall vote will probably be 100 percent. But I don't think that helps the Senator any more. I am trying to tell him as clearly as I can that is not going to help him any more than if he lets us accept it. It is going to a conference which is on an expedited process. I want to help him. I am doing everything I can. I don't know if I want to go through a rollcall and then, you know, be very helpful after that.

I yield the floor.

Mr. BOND. Mr. President, I appreciate the good advice from my very wise leader on the Budget Committee.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am pleased to join with my colleague from Missouri in offering this amendment. I have been extremely concerned about the impact of a $14 billion reduction in the disproportionate share hospital payments.

The Bond/Murray amendment sends a strong message to the authorizers that the health care needs of low-income pregnant women and children remain a priority in developing any DSH reform legislation. I am not opposed to reforming the program to ensure that payments are being targeted to those most in need, but we cannot allow reform efforts to threaten the delivery of care to our most vulnerable populations.

Massive changes in DSH implemented in order to be a deficit reduction target could jeopardize the ability of many hospitals, especially children's hospitals to serve low-income children, pregnant women, and the disabled. For many hospitals, DSH payments are the difference between solvency and bankruptcy.

As we all know, few States would be in a position to off set the loss of Federal DSH payments. Meaning that hospitals would have little choice but to eliminate or reduce services for the most vulnerable in our society. Without the flexibility of DSH, States cannot hope to expand Medicaid coverage for uninsured children or pregnant women. In addition, any efforts to expand Medicaid for HIV positive individuals in order to prevent the onset of full blown AIDS, could be impossible.

I am hopeful that the authorizers will carefully craft a reform proposal drive by policy, not just numbers. DSH is too important to allow simple numbers to be the guiding influence.

I urge my colleagues to support this amendment to send an important message that DSH reform should not result in the loss of health care coverage for children, the disabled and low-income pregnant women. We need to use extreme caution to prevent any further eroding of health security for these vulnerable populations.

I thank Senator Bond for his efforts in bringing this amendment to the floor and I look forward to working with the authorizing committee in developing a fair and equitable DSH reform legislation.

Mr. DeWine. Mr. President, I rise in strong support of Senator Bond's resolution, the sense of the Senate regarding the protection of children's health. While I believe that our children will be best served by a balanced budget, we also must ensure that this agreement sends a strong message that we must preserve the access of low-income children to quality health care.

May children's hospitals are designated as disproportionate share hospitals or DSH hospitals because they serve a disproportionate share of low-income children. DSH payments make a vital difference in the ability of hospitals to serve this population. They are a critical part of the health care safety net for vulnerable children.

For example, two of the largest children's hospitals in Ohio have informed me that approximately 40 percent of the children they serve are covered by Medicaid. Without the additional DSH payments, the ability of these hospitals to serve low-income children would be seriously impaired.

DSH payments are even more important to independent children's teaching hospitals that do not receive Medicare support for graduate medical education, known as DSH dollars. In fact, I'm working on a letter to the Finance Committee about this GME inequity now.

But my point here is that if DSH funds are cut from children's hospitals—that already are not receiving dsh funds—then these hospitals will find it very difficult to provide quality care for poor children. Although we must balance the Federal budget, we also want this balanced budget to make children's health and well-being a top priority.

Senator Bond's resolution is consistent with that message. It recognizes how important a balanced budget is, and it recognizes that some changes in DSH payments may well be necessary. But, it also recognizes how important—within such a budget—DSH is to children's health. I strongly support the Bond resolution.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I do not want to get myself into another situation where I am confused. Senator BOND has a lot of time. Has he yielded his time?

Mr. BOND. Mr. President, I had several other cosponsors who wished to speak. I would like to reserve 5 minutes for them to speak and yield back the remainder of the time. In the meantime, until they come to the floor, I would be happy to ask unanimous consent to have the amendment temporarily set aside so I can confer with the chairman and give an opportunity for the cosponsors to speak.

Mr. DOMENICI. Could we establish this, however? Either before we accept the amendment, if that is the approach, or before we vote on it, if that is the approach, the Senator from Missouri would use 5 minutes immediately prior thereto.

Mr. BOND. I would be agreeable with that.

Mr. DOMENICI. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I understand that we could temporarily set aside the pending amendments and proceed now to Senator SPECTER, the Senator from Pennsylvania, for one of his three amendments. I understand that the Senator from Pennsylvania has agreed that the other two will not be called up.

Mr. SPECTER. Mr. President, the distinguished manager articulates it correctly. I will offer one amendment.

Mr. DOMENICI. Thank you, very much.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 340

Mr. SPECTER. Mr. President, I call up amendment No. 340.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 340.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. SPECTER. Mr. President, this amendment adds $1.1 billion to function 550, which is the health function, for fiscal year 1998, with an offsetting $1.1 billion reduction in nondefense discretionary functions, which would hold Federal agency administrative costs to 96 percent of the estimated 1998 level.

The offset constitutes a reduction in nondefense spending of four-tenths of 1 percent. This four-tenths of 1 percent could be accommodated by reducing administrative costs only 4 percent, so that the net effect would be to have Federal administrative costs reduced by 4 percent to 96 percent of the estimated 1998 level.

This amendment is being offered, Mr. President, because the Senate yesterday adopted, by a vote of 98 to nothing, a sense-of-the-Senate resolution to increase spending for the National Institutes of Health by $2 billion. And while that sounds good, to those who are unaware of the inner workings of the Senate, a sense-of-the-Senate resolution does not have any real effect but just says what we would like to have occur. This amendment will be directed toward having hard dollars placed in the budget resolution for the National Institutes of Health. I am offering this amendment on behalf of Senator HARKIN, Senator MACK, Senator D'AMATO, Senator JEFFORDS, Senator INOUYE, Senator COLLINS, Senator HUTCHISON, Senator FEINSTEIN, and Senator REID.

Mr. President, there is a general acceptance that the National Institutes of Health has been one of the real treasures of the U.S. Government, making enormous advances in the most dreaded diseases which we face today. There have been enormous advances in cancer, breast cancer, prostate cancer, enormous advances in Alzheimer's disease, cystic fibrosis, more recently in schizophrenia; a new generation of AIDS drugs are reducing the presence of the AIDS virus and HIV-infected persons to nearly undetectable levels, and the phenomenal work being done by the National Institutes of Health has led to a consistent rise in funding for that agency.

Since becoming chairman of the Subcommittee on Labor, Health and Human Services and Education, we have raised the funding for NIH by some $643 million in fiscal year 1996. We have raised the funding for the National Institutes of Health by $820 million in fiscal year 1997, but this year we are faced with a reduction in the health account. So that if this budget goes forward, and this budget signifies what funding will be available for NIH, there will be a cut in all health accounts and accordingly, on a pro rata basis, a cut on the National Institutes of Health.

The total allocation and funding for the health account, account 550, was frozen from last year at $25 billion, and in this budget it is in at $24.9 billion, or, as I say, a cut of some $100 million.

This is $400 million short of what the President's original budget mark was for 1998, and over $3 billion short for the 5-year budget period. The budget would cut the health account by some $2.2 billion through the year 2002. But, most importantly, from the point of view of what we are doing here today, we have the President coming forward with a budget increase of some $400 million, and this account is now cut by $100 million.

If this is left to stand, Mr. President, we will have the anomalous, or hard-to-understand situation where the Senate has said we ought to increase the National Institutes of Health by $2 billion, and then when it comes to my committee where I chair and have the responsibility for establishing the mark, suddenly we will find not only no money for an increase, but the account is cut by $100 million. So, on a pro rata basis, there would have to be a decrease.

We find this at a time when other accounts have increases in spending. Defense spending rises by $3.2 billion in fiscal year 1998; international affairs rises by $900 million in fiscal year 1998; energy rises by $400 million in fiscal year 1998; natural resources and environment rises by $1.3 billion for this year; commerce and housing goes up $300 million; education and training goes up $4.3 billion; administration of justice up by $1.4 billion, the general Government rises by some $800 million. But no one has come to the floor on any of these lines and has said there ought to be a $2 billion increase. The only line in the items which I have just spoken about would be defense. But for the National Institutes of Health, yesterday we had a spirited presentation with many speakers saying NIH ought to go up by $2 billion. The reality is it is all Confederate money unless there is some allocation which is more than a sense-of-the-Senate or our very best wishes but a specific amount which has a specific offset.

That is, in itself, somewhat of an oversimplification, but that is very close to the reality. The whole budget resolution, in a sense, is an expression by the Senate, by the Congress of what we ought to have done, contrasted with the specific appropriations bills which are then legislated and then ultimately signed by the President.

I conferred with the distinguished chairman of the Appropriations Committee after talking this over with the distinguished chairman of the Budget Committee, and Senator DOMENICI said, well, you better see how Senator STEVENS is going to respond to it. And Senator STEVENS says we need to have the hard dollars through the budget process. So that if the National Institutes of Health is to avoid having a cut, this amendment is going to have to be adopted.

It goes without saying that as one Senator who chairs a certain subcommittee, I am bound by the will of the Senate. If the Senate says in this vote that the National Institutes of Health is not to have an increase but, in fact, is supposed to have a decrease, to the various interest groups who want breast cancer to be funded, who want prostate cancer to be funded, who want Alzheimer's to be funded, who want heart disease to be funded, who want AIDS to be funded, then I can say I went to the floor and I laid the case on the line—and I am not totally without experience as an advocate—and the Senate said, no, we are not going to increase the funding for the National Institutes of Health. I have a specific offset, and that is administrative costs that go down 4 cents on the dollar. I think that administratively you can cut 4 percent. It is four-tenths of 1 percent across all discretionary nondefense budgets, but it comes out of, could come out of 4 cents on the dollar on administrative costs.

If the Senate says that on Wednesday night we said put it up $2 billion, that is what we would like to see, but when the Senate faces the hard choice and has to put its money where its mouth is, a sense-of-the-Senate amendment is where the Senate's mouth is. This budget resolution is where the money is. If the Senate says we are not going to put our money where our mouth is, that is on the record. And when people say NIH did not get an increase, it is because the Senate turned it down.

So this is an opportunity for the Senate, bluntly speaking, to put its mouth where its money is. Mr. President, we have only 1 in 4 approved grants funded, and we have people dying as we speak from cancer, dying as we speak from heart disease, dying as we speak from many, many ailments. The National Institutes of Health has been our very best capital investment in the health of the American people.

That, in effect, lays it on the line in just a very few moments. So at this point I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I might present an amendment, which will only take 5 minutes, and then we can go back to the amendment, unless the Senator just wants to wait for someone else to speak.

Mr. SPECTER. Mr. President, I have no objection to my distinguished colleague proceeding.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? If not, who yields time to the Senator from Texas?

Mr. DOMENICI. Mr. President, I yield—how much time, I ask the Senator?

Mr. GRAMM. Five minutes.

Mr. DOMENICI. Five minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 320, AS MODIFIED

Mr. GRAMM. Mr. President, I send to the desk a modification to amendment No. 320. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

If the Senator will withhold, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself and Mr. BOND, proposes an amendment numbered 320, as modified.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . DEPOSIT OF ALL FEDERAL GASOLINE TAXES INTO THE HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since 1956, federal gasoline excise tax revenues have generally been deposits in the Highway Trust Fund and reserved for transportation uses.

(2) In 1993, Congress and the President enacted the first permanent increase in the federal gasoline excise tax which was dedicated to general revenues, not the Highway Trust Fund.

(3) Over the next five years, approximately $7 billion per year in federal gasoline excise tax revenues will be deposited in the general fund of the Treasury, rather than the Highway Trust Fund.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this resolution assume that the Congress should in the extension of the Budget Enforcement Act, ISTEA reauthorization, appropriations acts, and in any revenue bills, that all revenues from federal gasoline excise taxes, including amounts dedicated to general revenues in 1993, should be dedicated to the Highway Trust Fund so that such taxes may be used for the purpose to which they have historically been dedicated, promoting transportation infrastructure and building roads.

Mr. GRAMM. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to amendment No. 320 with a modification in its stated purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, we set up the highway trust fund in 1956, and from 1956 until 1993, every time we had a permanent gasoline tax, that gasoline tax as a user fee for use of the highways was deposited in a highway trust fund that was spent largely for highway construction, though in recent years some portions of it have been dedicated to other purposes like mass transit. But from 1956 to 1993, when somebody went to the filling station and stuck that nozzle in their gasoline tank and filled up their car or truck, they were paying a tax on gasoline that was used to build the roads that they would drive over using that car or truck.

In 1993, in the budget and subsequent tax bill that flowed from it, for the first time in American history since the adoption of the highway trust fund, we had a permanent gasoline tax of 4.3 cents a gallon that went not into the highway trust fund but into general revenues, so that for the first time since we set up the trust fund we had a gasoline tax that was adopted for the purpose of paying for general Government and not building highways.

We know from the vote in the House on the Shuster amendment, we know from the vote in the Senate on the Warner amendment that there is a strong belief that money collected on gasoline taxes ought to be used to build roads and it should not be taken to fund other programs of American Government.

I have put together and sent to the desk in my modification to amendment No. 320 a very strong sense-of-the-Senate resolution that simply makes note of the fact that this 4.3-cent-a-gallon tax on gasoline, which has been diverted for the first time ever from the highway trust fund, should be returned to the highway trust fund, and that as we move on to consider our Budget Enforcement Act, as we consider ISTEA reauthorization, as we consider appropriations acts, and as we consider other revenue bills, all revenues coming from a gasoline excise tax, including the 4.3 cents a gallon that currently goes to general revenues, should be deposited in the highway trust fund and should be used for the purposes that the trust fund has been historically dedicated to: building roads and paying for other modes of transportation. This is the first of many amendments that we will have, aimed at moving the 4.3-cent a gallon tax on gasoline out of general revenue, where it funds general Government, into the highway trust fund so that this roughly $7 billion a year can go for the purpose that the gasoline tax was collected. I know this is a controversial amendment in some areas, but I believe there is a strong consensus in Congress that we need to move in this direction. I do believe that later this year, when we do a tax bill, that this will be done. So my purpose here is simply to begin the process of putting the Senate on record.

Let me also say, and I discussed this with Senator DOMENICI, and I feel a little sheepish about doing it, but when we had so many people who felt so strongly about this issue, one of the things that I promised them was that they were going to get an opportunity to vote on it. So, what I would like to do is simply ask that this be put with another amendment, possibly a unanimous consent that this be a 10-minute vote following some other vote that we would have, so we might actually give people a chance to be on record on this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I cannot agree to the unanimous-consent request regarding the 10 minutes. Would the Senator leave that up to us as we schedule it? Does the Senator want to get the yeas and nays?

Mr. GRAMM. Yes.

Mr. DOMENICI. I ask unanimous consent it be in order we get the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I thank the Senator from Texas. I intend to support his amendment.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 340

Mr. SPECTER. Mr. President, I ask Senator SANTORUM be added as original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time on the pending amendment?

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time on the pending amendment?

Mr. SPECTER. Mr. President, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I want to inquire parliamentary wise, how much time does Senator SPECTER have remaining on his amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 50 minutes remaining.

Mr. DOMENICI. How much?

The PRESIDING OFFICER. Five-zero, 50 minutes.

Mr. DOMENICI. How much time did he have for the amendment? I thought he had an hour. He only spoke 10 minutes?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I am sorry. I thought he spoke much longer than 10 minutes. Would the Senator agree to reduce his time to 30 and we will take 15 on our side?

Mr. SPECTER. I do.

Mr. DOMENICI. I so propose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I might inquire, the sequence has been somewhat misunderstood, but I think we are close to an agreement. If Senator ASHCROFT, from the State of Missouri, can agree to 30 minutes on his, then I would proceed to ask that he go next, and then Senator WELLSTONE go next; but in the event Senator WELLSTONE is inconvenienced for 5 or 6 minutes, that we do other business but not deny him the next amendment to be called up to be his, after Senator ASHCROFT.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I just inquire of the Senator from New Mexico, I believe my colleague from Missouri is planning to take the full half-hour?

Mr. ASHCROFT. That is correct.

Mr. WELLSTONE. I say to my colleague from New Mexico, I think I will be here. I thank him for his courtesy. If I am not, a 1-minute quorum call will do the job and I will be ready to go.

Mr. DOMENICI. We will send out word for you and we will give you a little time, because you accommodated us and I appreciate it.

Does the Chair have an inquiry of the Senator?

The PRESIDING OFFICER. The Senator yields the floor?

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I inquire of my distinguished colleague from Iowa, how much time he would like? The distinguished ranking member of the subcommittee on Labor, Health, Human Services and Education, former chairman of the subcommittee?

Mr. HARKIN. And the proud cosponsor of your amendment, I might add. How much time do we have?

Mr. SPECTER. We have 20 minutes left. Parliamentary inquiry, how much time does remain on my side?

The PRESIDING OFFICER. It is the understanding of the Chair that the request was for 30 minutes, equally divided.

Mr. DOMENICI. No, that was not our intention. I asked the Senator if he would agree with a total of 30 minutes, and then I would agree to 15 minutes.

Mr. SPECTER. That is correct. That was my understanding.

Mr. DOMENICI. And that is the consent. He has, whatever time he has used, the total he is going to get is 30 minutes on the amendment and I have agreed to reduce my time from an hour to 15 minutes in rebuttal. Is there something wrong with this that makes it complicated? I thought it is very, very simple.

The PRESIDING OFFICER. So the Senator from Pennsylvania has 15 minutes?

Mr. SPECTER. I have 20 minutes. Mr. President, the statement was made that I had spoken 10 minutes. Senator DOMENICI asked a few moments ago how much time remained on my account: 50 minutes, 5–0. I spoke for 10 minutes. I have agreed to speak for 30. So 10 from 30 would leave 20. Senator DOMENICI has agreed to accept 15 minutes. So the total time remaining would be 20 minutes on my side and 15 minutes on Senator DOMENICI's side.

The PRESIDING OFFICER. Then that will be the order.

Mr. HARKIN. May I have 10 minutes?

Mr. SPECTER. I yield 10 minutes to Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HARKIN. Mr. President, I am pleased to join my colleague, the chairman, Senator SPECTER, to support this important amendment. Yesterday the Senate went on record in support of doubling research at NIH with the adoption of the Mack sense-of-the-Senate amendment, a unanimous vote last time. This amendment that Senator SPECTOR is offering is a modest first step toward making good on that commitment.

Senator SPECTER said the amendment would add $1.1 billion to the health account to restore, first of all, the $100 million cut contained in the resolution and additional moneys to enable our subcommittee to provide adequate funding for NIH and other health programs. Without our amendment, it will be virtually impossible to provide even an inflation adjustment for medical research in the year 1998.

Mr. President, the resolution before us, despite the other merits, is, to put it kindly, extremely shortsighted when it comes to support for finding cures and more cost-effective treatment and prevention for the many diseases and disabilities that affect us. In so doing, it shortchanges our future, shortchanges Americans' health, and shortchanges efforts to control health care costs and keep Medicare solvent in the long run. At the same time we are shortchanging basic investments in health care, the Pentagon gets another multibillion-dollar increase. Here is a chart right here that will show you. Here is the shifting priorities. This is our budget agreement versus last year's spending.

Defense gets $3.2 billion more; health gets $100 million cut. Wrong priorities.

Another way of looking at it is to see what is happening with our spending on discretionary health funding. The President's budget had $25.3 billion; the 1997 budget was $25 billion; the budget agreement is $24.9 billion. That is where that missing $100 million is. We are going in the wrong direction in spending for basic research in this country.

Let me just give a couple of examples to show the folly of what we are doing.

Last year, the federally supported research on Alzheimer's disease totaled about $300 million. Yet it is estimated that we spend about $90 billion annually caring for people with Alzheimer's. In other words, for every $100 we spend caring for people with Alzheimer's we are spending about 3 pennies on research for Alzheimer's. Supported research on diabetes is about $290 million a year, yet it is estimated we spend over $25 billion on diabetes care. Mental health, research is about $613 million a year, estimated $130 billion a year spent annually on mental health care.

So, these penny-wise and pound-foolish statistics are even more illogical today. We are at a time of great promise. Just about every day we read about new discoveries and new breakthroughs, new therapies and new treatment strategies. We are making progress. But, while we aren't suffering from a shortfall of ideas, we are suffering from a shortfall of resources. I have often made this analogy, when it comes to medical research. It is like we have 10 doors and they are all closed. We want to find out what is behind those doors. If you look behind one door, the odds are 10 to 1 you are not going to find what you are looking for. Right now, we are funding less than 25 percent of the peer reviewed, accepted grant proposals at NIH. That means we may be looking behind door No. 1, but doors 2, 3, and 4 are still closed.

That is the odds. They are not good odds we are going to find the right treatments, strategies, cures, interventions. "Let's Make A Deal" had better odds than that. Maybe there is a cure for breast cancer behind door 3, or Alzheimer's behind door No. 4, or Parkinson's behind door No. 2, but we don't know because we aren't committing the resources to unlock those doors.

There is another impact that lack of medical research funding has. Young people, maybe looking ahead, thinking about pursuing a career in medical research, yet they see the resources are not there to let them do long-term research. So the doors are locked to the cures but so are the doors to careers.

Our lack of investment in research is discouraging people from pursuing careers in medical research. Here is a figure. The number of people under the age of 36 applying for NIH grants dropped by 54 percent between 1985 and 1993.

I know there are a lot of factors, but we believe that the lower success rate among all applicants is making biomedical research less and less attractive to young people. This amendment, by Senator SPECTER, provides a very modest downpayment on what is needed. It begins to put us on the right path, the path that we committed to last night unanimously by adopting the Mack amendment. This amendment today will have a real impact on efforts to support medical research. But let me be clear, even with adoption of this amendment we can't get the job done. The budget resolution before us makes it clear that the only way we can devote the resources we need to help research, to help health research and stop robbing Peter to pay Paul is by going outside of the regular discretionary spending process.

This resolution calls for $24.2 billion in discretionary health spending by the year 2002. That includes NIH, CDC, Community Health Centers, Older Americans Act, health professional training, maternal and child health care, and on and on. To double funding for NIH, as this body committed to do last night, would cost over $26 billion by the year 2002. That is $2 billion more than the entire health function is allotted by the year 2002.

So even if you eliminated all funding for breast cancer screening, Meals on Wheels for seniors, drug treatment, Older Americans Act, community health centers, and on and on, if you eliminated all of that, this budget resolution would still not enable us to meet the goal that we said last night by a vote of 98 to 0 that we wanted to meet by the year 2002, which is to double NIH funding.

The only way we are going to get this is through another mechanism. I believe the best other mechanism is called for in S. 441, National Fund for Health Research Act, that Senator SPECTER and I introduced. Basically, what this trust fund says is, look, we spend about $650 billion a year in health plans—Blue Cross/Blue Shield, Aetna, HMO's, on and on. All we are asking is that 1 percent, 1 penny out of every dollar that we spend on health care in this country, be remitted to a trust fund, just like a highway trust fund. Every time you buy a gallon of gas, you put money into the highway trust fund. It is like an airline ticket tax; you put money in to keep the airports going.

What we are saying is, it is unconscionable that we spend all this money in health care in America and we put nothing from that health care budget into research.

The bill Senator SPECTER and I have introduced, S. 441, will do that. It will take 1 penny out of $1 to put into a research trust fund, because if we do not do it, then all we did last night were just words, so much hot air. Ninety-eight Senators last night said they want to double funding for NIH by the year 2002. Let's put our resources where our mouths are.

The first step toward that is adopting the Specter amendment to at least meet the needs next year to make sure that we do not have this $100 million cut in health spending, and to make sure that we have higher-than-inflation-spending resources for the National Institutes of Health.

Mr. President, expanding our commitment to research will promote health care, control health costs, create jobs and strengthen our economy and competitive position in the global marketplace. This amendment is an investment in our future.

I urge the adoption of the Specter amendment so that we can meet—start to meet—what we said we were going to do last night when we adopted the Mack resolution.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Parliamentary inquiry, Mr. President. When I suggest the absence of a quorum, how is that time charged?

The PRESIDING OFFICER. The time is charged to the Senator from Pennsylvania.

Mr. SPECTER. And when no one speaks and the Senate is in session, there is no quorum call, how is that time charged?

The PRESIDING OFFICER. Time is charged equally between both sides.

Mr. SPECTER. I do not suggest the absence of a quorum.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes, 36 seconds; the Senator from New Mexico has 15 minutes remaining.

Mr. SPECTER. I will not yield time but await response, if any, from the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to make sure my friend, Senator GRAMM, has 4 or 5 minutes, so will you remind me when I have used 5 minutes, and then I will yield as much time Senator LAUTENBERG needs and then withhold a few minutes for the Senator from Texas. If not, I will take it off the resolution.

First of all, let me say it is with great regret that I cannot support this amendment. It does not make any difference what the U.S. Senate said last night in a sense-of-the-Senate resolution. They expressed a wish, a hope. The truth of the matter is that we cannot afford this amendment, nor will it work as proposed by the proponents of the amendment.

First of all, it is without saying, that no matter what we do to try to add money to the function of Government that the two Senators who are proposing this control in the appropriations process, that the allocation of the moneys will be done by the chairman of the Committee on Appropriations. So, in a sense, we are going through an exercise as if we are really increasing NIH when we really are not. There is no doubt in my mind that if this amendment were to be adopted, that Senator STEVENS would not have any chance of being fair to all the rest of the parts of Government and take $1.2 billion and add it to this function of Government.

The second point is, just to be absolutely frank and honest, even if we did it and the chairman of the Appropriations Committee did not agree and did not put any money in, there is plenty of money in the subcommittee to increase NIH by $1.1 billion if the chairman and ranking member chose to do so. They will just have to do what all the other committees do; they will have to reduce a lot of other spending within their committee to make an addition of $1.1 billion to NIH.

So, in a sense, this is like expressing a desire, but in this one, we actually change the numbers and presume that this is going to be what is going to be carried out. I do not think we ought to do that.

For Senators who would like to know what the effect of it is, because there is nothing free, you take $1.1 billion out of the rest of the functions of Government and here is what I assume: First, I assume that the agreement between the President of the United States and the leadership, with reference to preferential accounts, will hold, and that in the subcommittees, we will fund those items that are preferred. The distinguished Senator from Pennsylvania has a huge amount of money for these protected items, most of them in education, but I assume they are the largest number of protected accounts wherein more money is put in the subcommittee than any other subcommittee.

Having said that, I am going to assume in this explanation to the Senate that we protect all the other accounts we have agreed to protect, which are considerable. This small amount of money that they are talking about cutting, on that assumption, would yield cuts like this: Veterans, $190 million; WIC, $38 million; LIHEAP, which many around here worry about, emergency energy, $14 million; Social Security administrative expenses, $36 million.

Frankly, I do not think we ought to be doing that here today. I have the greatest admiration for the distinguished Senator from Pennsylvania, and, yes, indeed, he has done a marvelous job in seeing to it that he can push NIH up as much as possible, for which we are all grateful. And, yes, I will say he has been very helpful to the Senator from New Mexico, and I hope this debate on the floor will never change that. But I just cannot, in good conscience, let the Senate take $1.1 billion, which I assume is going to come from the unprotected accounts of this Government, and put them into the function that is called 550, where it could be spent for anything in that function. There is nothing we are going to do here today which says you put it in and it must be spent for NIH. The good judgment of the chairman and ranking manager will be what controls it. They could put more in education if they like and nobody could stop them.

Until the chairman of the Appropriations Committee looks at all the money available in the nonprotected accounts and determines how much he wants to give this subcommittee, we are not going to know how much the subcommittee has to spend, and I regret that, but I believe that is the case.

I do not think we ought to do this to the rest of the budget. Yesterday evening, when we debated the desire of the institution, called the U.S. Senate, to do more for NIH, you did not hear the Senator from New Mexico say, "And that assures you in this budget we are going to change it by $1.1 billion," and had anybody asked me, I would have said it does not assure you of that. This budget is finished. That wish is in the future, and I think the proponent of that amendment knows we are not going to get there very easily doubling NIH. It is just we want to shoot for the stars when it comes to science research, especially biomedical research.

I yield the floor and yield whatever time Senator LAUTENBERG wants, and if we have a few minutes left, I will yield to Senator GRAMM.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Once again, Mr. President, I find myself on the opposite side of an amendment that, frankly, I would not mind supporting. I do not think we do enough to combat the diseases that plague our society, things that we could ultimately save, I think, a fortune with if we could develop some of the programs that are now kind of just showing up with a light at the end of the tunnel.

I met with a group of drug executives last week in New Jersey, and when they laid out the programs that are near completion—some of those are in testing now in FDA—and the prospect of saving costs for long-term diseases, whether it is Alzheimer's or osteoporosis and so many other things, it is a great advantage for us, both financially and functionally, as a society.

Because we are in this bind where the funds would come from functions like education, environment, crimefighting, frankly, I am going to have to oppose it. It is one of the tasks we inherit when we take on an assignment like budget, which was declared earlier in this Chamber to be one of the least popular assignments in the place. As a matter of fact, one Senator suggested that every Senator ought to have a sentence of 6 months on the Budget Committee to understand what it is like. Budget committees are fun when there is lots of money. When there is not much money, to put it mildly, it is a drag.

Mr. President, I yield back any time remaining.

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from New Mexico has 6 minutes 30 seconds.

Mr. DOMENICI. I yield 4 minutes to Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas is recognized for 4 minutes.

Mr. GRAMM. Mr. President, I am in favor of doubling funding for NIH, and I am going to vote for it. When the appropriations bill comes to the floor and we are shooting with real bullets, as I like to say, I am going to offer this amendment if nobody else does. I think we ought to vote on funding NIH, but I want to make it clear that we are not voting to fund NIH here. We are voting to give the Labor-HHS Subcommittee another $1.1 billion, with no guarantee where that money is going to go.

I would like to make this point: There is no program under their jurisdiction that is more popular than the National Institutes of Health. The National Institutes of Health is going to end up getting this $1.1 billion no matter what we do here, but if we did transfer this money and if the Appropriations Committee actually decided to do it, something we cannot mandate they do, what we are doing is larding the very social programs that make up the biggest growth in this budget.

The President of the United States said, in one of his most honest statements, this budget provides the largest increase in social spending we have had since the 1960's. The point is, most of those programs are under the jurisdiction of the Labor-HHS Subcommittee, chaired by the distinguished Senator from Pennsylvania. All we are asking is that we not give that subcommittee more money; that they have to set priorities, and if we are for the National Institutes of Health, we have to decide that there are other programs that are less important than it is.

I remind my colleagues that the discretionary allocation alone to the Labor, Health and Human Services Appropriations Subcommittee is going to be at least $60 billion.

The National Institutes of Health gets about $13 billion. So we could quadruple funding for the National Institutes of Health in 1 year if we were willing to take it away from other programs.

So I am glad we are voting on this amendment now because when we have this appropriation come to the floor of the Senate, if NIH does not have this money and nobody else on the committee and no one who is on the subcommittee offers an amendment to give it to them by taking it away from other social programs, I intend to offer the amendment to see that NIH gets the $1.1 billion.

But let us not today give the fastest growing part of the domestic budget, Labor, Health and Human Services, another $1.1 billion with no guarantee that we are protecting the National Institutes of Health but every guarantee that we are larding programs that many of the Members of the Senate do not even support, much less do not support giving more money to.

So if you want to raise funding for NIH, vote for it when the appropriations bill is on the floor. But there is over $60 billion in discretionary funding under the jurisdiction of this subcommittee. If they want to quadruple NIH next year, they can do it.

But they have to do it the way families make a decision about sending their child to Texas A&M University. They have to say, "Well, look, I wanted to buy a new refrigerator. That was great. I wanted to go on vacation. That was even better. But I didn't do those things in order to send my child to college."

If we want to fund NIH, let us fund it. And let us do it by giving less money to things that are less important. I think that basically is what this amendment is about. That is why I am going the oppose it.

The PRESIDING OFFICER (Mr. SANTORUM). Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes 30 seconds.

Mr. SPECTER. Mr. President, I will be interested to see when the distinguished Senator from Texas offers his amendment during the appropriations process what his offsets will be. On my time, I am interested to hear them now, if the Senator from Texas would care to give us a preview.

Mr. GRAMM. Well, let me say that I do not have the listing before me, but I can certainly tell you that it would be my intention to go through the list and to look at many of the areas where we are funding programs that are of a lower priority than the National Institutes of Health.

When a family decides they are not going to go on vacation, that is not because it is not important. It is just because they have other things that are more important.

Mr. SPECTER. Mr. President, I appreciate the answer from my distinguished colleague from Texas. But I ask him if he would cut the Social Security administrative costs which total some $6 billion or cut the Medicare administration costs or if he would cut the job training programs or student aid or Pell grants?

I understand that, in posing this question to the Senator from Texas, it is not possible for him to give a very meaningful answer without having the list before him, but I suggest at the same time that when he says we could quadruple the accounts because we have $60 billion; we had $74 billion last year and the funding was very, very short. And contrary to what the distinguished Senator from New Mexico says, that we are just talking about expressing a wish and a hope, that the accounts are going to be set by the appropriators, that really is not so.

When the chairman of the Appropriations Committee, the full committee, sits down for the 602(b) allocations, what the Budget Committee has done will be very, very important. When the Senator from New Mexico says that we can make allocations, yet at the same time has stated that there are protected accounts on education that cannot be utilized for the health account, it is just a little bit inconceivable to this Senator how the Budget Committee comes up with the 550 account which is less than a freeze on last year's account. The reality is that there will not be the funds for us to make an allocation for the National Institutes of Health.

If this amendment passes, there will be a statement from the U.S. Senate to the Appropriations Committee that there ought to be an increase by $1.1 billion, which will net out to about $1 billion for NIH, and that when you go through, as the Senator from New Mexico did, and specify what the costs will be other places, that it is doable to have a cut of 4 percent in administrative costs. The administrative costs are $25 billion today. Nobody can tell me that you cannot cut 4 cents out of a dollar on administrative costs.

What we did last night in talking about a $2 billion increase for NIH is "talking about it." What we are doing now is putting our money where our mouths were last night.

If the Senate votes this down, then there is a ready answer that this Senator will have because I have the responsibility as chairman, Senator HARKIN has the responsibility as ranking member, of saying what we are doing. On this date of the record, it looks like there is going to be a $2 billion increase.

How does the American public, how do the people understand what the sense of the Senate is? You say it is the sense of the Senate. Is there a sense? Yes, there is a Senate. Does the Senate have any sense? Well, not really if you pass a sense-of-the-Senate resolution which does not mean anything; $2 billion. Does the Senate have any sense? Well, not if you pass a sense-of-the-Senate resolution which is vacuous and meaningless.

This is the money. Where is the money? It is in this amendment. If you do not pass this amendment, fine. I have a way to tell the people who want breast cancer to be financed, there is not the money. The Senate voted no. I have a way to say to the people who wanted money for mental health, there is no money to increase mental health.

The fact is that there has to be a pro rata cut. You have less in the 550 health account. There is no way to have an increase for inflation. Now, if that is sense, then the Senate does not have any sense.

How much time remains, Mr. President?

The PRESIDING OFFICER. Four minutes thirty seconds.

Mr. SPECTER. I yield 2 minutes to my distinguished colleague from Iowa.

Mr. HARKIN. I will try not to take more than a minute.

The Senator from Texas said, if I heard him correctly, that we can double in 1 year the funding for NIH if we would just set our priorities straight.

Mr. SPECTER. If the Senator will yield for 1 minute?

Mr. HARKIN. Sure.

Mr. SPECTER. He did not say, "double." He said, "quadruple."

Mr. HARKIN. In 1 year?

Mr. SPECTER. In 1 year. That is what he said.

Mr. HARKIN. I thought it was double.

We are spending about $13 billion a year at NIH.

Mr. SPECTER. Four times 13 is $52 billion, and we have $8 billion left over according to the $60 billion figure. But we only have worker safety and child care and education.

Mr. HARKIN. I ask if the Senator from Texas would amend his statement in the RECORD and provide us with a table. If the Senator from Texas says we can quadruple spending for NIH, please tell us how. Please put in the RECORD for all to see what the Senator from Texas would like to cut in order to increase that kind of funding for NIH. If he does not, well, then the words are just words; they do not mean anything.

So I challenge the Senator from Texas to back up his words with examples of where we are going to get the money to quadruple in 1 year funding for NIH.

Lastly, let me just say, again for the record, there has been some talk we put the money there, but we don't know where it is going to go. We offer the amendment as chairman and ranking member of the subcommittee as cosponsors. We have the votes on his side and our side to make sure that is where the money goes, to NIH. There should be no doubt in anyone's mind that that is where this money is going to go.

I thank the chairman for taking the lead on this.

Mr. SPECTER. Mr. President, beyond the assurance as to where the money is going to go, there is money there, so that if there needs to be a reallocation, there will be some funds that can be allocated.

The subcommittee has the responsibility for job training, student aid, Pell grants, LIHEAP, the Center for Disease Control, child care, Social Security administrative costs, Medicare, and a long list of items which have very, very high priority. And when the Budget Committee returns to the health account less money than it had last year, obviously, there is no money for NIH because the other items have been cut to the bone as it is.

The last 2 years Senator HARKIN and I consolidated or eliminated 134 programs to save $1.5 billion to put into NIH and to put into education. And the additional funds here are on projected programs.

So it is a very clear vote. It is a vote as to whether we want to put our money where we spoke so eloquently last night on $2 billion or whether we want to have NIH unable to have an inflation rise and, in fact, have a pro rata cut.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute 22 seconds.

Mr. DOMENICI. Is the Senator finished?

I yield 2 minutes to Senator GRAMM.

Mr. GRAMM. Mr. President, I want to go back to this issue a moment because I think it makes my point. I was thinking in terms of yesterday in talking about $60 billion for this subcommittee. They are now up to $74 billion. They blew through $60 billion in a hurry, and then another $14 billion.

My point is this—and I stand by the point—if they wanted to give this project more money, they could do it. But the point is they have got to take it away from somebody else. Actually, they could increase it fivefold. I was being overly conservative, as usual.

But let me just give you an example. I do not have the list in front of me. I will have to have the list when I offer the amendment on the floor to provide this money. I will have to cut some.

Let me give you one example. $491 million for Goals 2000. Maybe local education could do without Federal Government telling them how to run the primary and secondary schools. Maybe we could sacrifice and not obligate that $491 million of budget authority. That would be about half of the way home toward meeting this goal.

So I just begin with that one example. I will start that out of the bidding process. You can have all $491 million of that project. My guess is with the list before me, in another 45 seconds I could probably come up with the other funds it would be required to do this.

But the point is, not that it is easy, not that you want to do it, but the point is, their argument is sort of like the parent saying, "Well, you know, I'd really like my child to go to college but, you know, I've got to buy a new refrigerator. We have been planning to go on vacation." The point is, families make those decisions; why cannot Government?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, if it were the old U.S.S.R., and Senator GRAMM were Premier Stalin, he could cut the $400 million for Goals 2000. That happens to be one of the President's premier projects. Every time you turn around within that item, there are matters which are very, very important to someone.

But I will await the vote. I will abide by the will of the Senate. I will be fascinated to see Senator GRAMM's amendment.

I yield the floor.

The PRESIDING OFFICER. Does the Senator yield back his remaining 50 seconds?

Mr. SPECTER. Mr. President, not until I hear what Senator DOMENICI says.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield myself 3 minutes. What I do not have I will take it off the bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I guess I would like to once again compliment the sponsors and certainly indicate that I have great respect for their desire to fund programs like NIH.

But I tell you, fellow Senators, to say you are going to go across the entire budget of the United States and you are going to get rid of some administrative costs and then you are going to take those administrative costs and you are going to put them in this subcommittee so it can spend it on NIH is a pipe dream.

There is not going to be any 4-percent cut or 2 percent, whatever it is, in overhead unless it is made by each subcommittee who is doing that. What this amounts to is deciding here on the floor of the Senate that all of the other subcommittees of the U.S. Senate that handle everything from the Department of the Interior to Veterans—in fact, if I were the chairman of the Veterans' Subcommittee I would be here on the floor and I would say, "I don't think the U.S. Senate has given the veterans enough." I would ask John ASHCROFT, "Will you help me? Why don't we just say, let's cut overhead and give the veterans $5 billion more? After all, they're preferred people in America."

Boy what an amendment that would make up here at the desk. Who is going to turn it down? It does not cost you anything—does not cost you. Of course it costs you something. Huge numbers of other programs are going to have to be cut. All I am suggesting is, we ought to wait for the appropriators to make that decision.

I think I am glad we stopped the amendments and there are not any more. I would look at very popular programs and send the subcommittee chairman over here and say, well, let's just cut 8 percent out of the Subcommittee on Health and Human Services, the one they are adding to, and just cut 8 percent out of overhead, and stand here and tell the Senate, well, we did not hurt anything in the subcommittee; we took 8 percent out of overhead and put it in the veterans.

Maybe you can think of a good one, or maybe you can think of a good one. I gave you some ideas, but I do not want you to do that. I tell you, that is what this amounts to. What we ought to do is leave it up to the appropriators as we have in the past.

It has been said that the Budget Committee's numbers are important as to how they allocate. Let me tell you, sometimes I am pretty puffed up about this process. Other times I wonder what in the world am I doing working so hard at this process. The truth of the matter is, in the last 14 years, the appropriators have used the allocations of the Budget Committee how many times, would anybody think? Once. One time Senator Mark Hatfield said, "I am brand new at this job as chairman, so I am just going to take your allocations and just accept them." Boy, that did not last very long. By the next year, they figured out what their allocations ought to be and that was the end of that, and they probably departed from it by $5 billion. In other words, they moved it from here to here but stayed with the total.

I think we ought to stay with the totals. Frankly, I hate to do this because I am a strong supporter of NIH. In fact, I may very well urge that Ted STEVENS put more money in NIH when we look through all the accounts of Government and see how we can fit it. I do not think it is fair to come here and say it is not going to cost anybody anything, it is a tiny bit of overhead. The other phrase we used to use is "fraud and abuse." The best fraud and abuse salesman around here was Senator Dennis DeConcini. He used to come down here at the end of the whole process and say, "I am not spending anything. I just want to tell the Government to save $600 million on fraud and abuse," and he would write up an amendment, fraud and abuse, take the $6 million, put it in the subcommittee, and say we will spend it there, and everybody went home and he got a press release. The truth is, nobody found the $600 million or the $400 million in fraud and abuse, and so what happened, another committee has to eat it.

That is what we are asking to do here. I do not think that is the way to do it. We will have a little more time spent on this amendment before we finish here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I am delighted I did not have an offset here on fraud and abuse. I have an offset on administrative costs.

As the distinguished chairman knows, there has to be an offset. I chose an offset which I think is realistic. When the distinguished Senator from New Mexico says the appropriators are going to do whatever they want to do, I wonder why we are here at all. Why have we been spending the last 2 days on a budget process that does not mean anything? The fact is that it does mean something.

When the Senator from New Mexico says, call on the subcommittee chairman of Veterans' Affairs, how about the chairman of Veterans' Affairs? I chair the Veterans' Affairs Committee. Let me tell you, it would be a boon to that committee to have this researched.

Now the question is whether there is going to be any sense of the Senate at all, and if there is, this amendment will be adopted.

Mr. DOMENICI. I understand this amendment will be stacked in the normal manner that we are planning, or if we have not gotten that agreement, we have a number of amendments we will stack by unanimous consent soon. But we have another amendment to call up, and I ask whatever the pending amendment is, that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 322

Mr. ASHCROFT. I call up an amendment numbered 322, and I ask unanimous consent that Senators MCCAIN and INHOFE be added as original cosponsors, and Senator GRAMM is now reflected as a cosponsor of the amendment, but, if not, I ask his name be added.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Missouri [Mr. ASHCROFT] for himself, Mr. GRAMM, Mr. COVERDELL, Mr. ABRAHAM, Mr HELMS, Mr. FAIRCLOTH, Mr. MCCAIN and Mr. INHOFE, proposes an amendment numbered 322.

(The text of the amendment is printed in the RECORD of May 21, 1977.)

Mr. ASHCROFT. Mr. President, I rise today with an open mind, for I have not yet decided how to vote on the budget resolution before the Senate. I understand and I appreciate that we should not let the perfect become the enemy of the good. If I forget that, the leadership and the Senator from New Mexico will be quick to remind me, I am sure.

Having been a Governor, I understand that budgeting requires choices, choices that will not satisfy everyone but should benefit everyone. Like Senator BOND, who served as Missouri Governor before me, I balanced eight budgets in our State of Missouri, working with our State legislature. The economic results were a strong, growing economy, more jobs, low taxes, and the Nation's highest bond ratings. We developed a record of which we could be proud in balancing the budgets. We developed a rainy day fund, several hundred million dollars in the cashflow operating reserve.

But the State law that we had equipped us with the necessary tools to balance our budget. We had a constitutional provision and requirement that we balance the budget. We had the line-item veto. We had the requirement and the power to balance our budgets and then the tools to enforce our agreements. We worked with good people who had good intentions, and we reached good agreements. But we also had a good process to ensure that our agreements were kept.

I have only been in the Senate for a relatively short period of time, but it seems to me there is no shortage of good people with good intentions here in Washington. What disturbs me is that here in Washington we do not have good processes in place to ensure that the budget agreements we make 1 year will be kept the next year. Particularly, we lack the right kind of mechanical structural devices in Government to make sure that the budget agreements we make in 1 year, like 1997, would be kept in the year 2002.

You can believe in and trust the people who reach disagreement in good faith, and I do believe in them and I trust in them. But the history of failed budget agreements and the continuous deficit spending without enforcement measures makes a mockery of good people and it makes a mockery of good intentions. We need more than good intentions and good people. We need good guarantees. We need strong enforcement provisions. We need the limits contained in the agreement to make sure that the agreement is not broken.

We have heard a lot on the floor of Senate that if you do this to the budget, it will be a deal-breaker. Well, I want to make sure that we add some enforcement so that we have a deal-keeper. I hope that there will not be folks anywhere in this Chamber who say that because you have an enforcer of this agreement that it is a deal-breaker. It would be awfully difficult to hear people argue that anything that forces us to keep the agreement breaks the agreement. I think what we have here is the need for a deal-keeper and a deal-keeper cannot be a deal-breaker.

Most of the people who are involved in the debate might not be in office 5 years from now. The President certainly will not. So if we expect to balance the budget, we need a principled process, we need the structure of protection to be added to this agreement. We should not trust the next generation's future to a handshake agreement between people who will not even be around when the real crunch time comes. That would be the triumph of hope over experience.

For me, a balanced budget in the year 2002 is worth voting for, but good intentions are not enough to be worth voting for and good intentions alone will simply not protect us until we get there. The budget resolution which we have before the Senate today claims to reach balance by the year 2002. The American people will furnish every single dollar that is taxed and spent under this budget deal. I believe they are entitled to the very strongest possible guarantees, guarantees that promises made under this deal today will be promises kept tomorrow. People outside the Washington Beltway have a healthy skepticism of promises to stay on course for a balanced budget.

The amendment which I have introduced and which I am introducing with those other Senators whose names have already been recited enforces the assurances that the leadership is promising under this plan. It does not change the bipartisan agreement between the President and the constitutional leadership. It simply adds additional enforcement mechanisms to ensure that the Nation actually reaches balancing its budget by the year 2002.

Now, if we are truly committed to balancing the budget, we must have adequate enforcement mechanisms. This amendment ensures that any legislation, any legislation would be out of order if it caused total outlays to exceed total receipts for the year 2002, or any fiscal year thereafter, unless three-fifths of the whole number of each House provide for a specific excess of outlays over receipts by a rollcall vote. Under this amendment, any legislation would be out of order if it caused an increase in the public debt above the levels in the fiscal year 1998 budget resolution for fiscal year 1998 through 2002, remaining at the 2002 level thereafter unless three-fifths of the Members of each House provided for such by rollcall vote. Under this amendment, any legislation would be out of order if it caused an increase in revenues unless approved by a majority of the whole number of each House by a rollcall vote. That is the requirement for an absolute majority in the event of any increase in taxes.

Now, over the past 30 years Congress has not been very good at exercising self-control in budgetary matters. We need these enforcement tools to lock in our commitments to the American people to balance the budget by the year 2002. Senators should recognize these concepts which I have just mentioned. The fact that it would be out of order to increase the debt above the levels in the agreement, it would be out of order to have outlays that exceeded our income, it would be out of order to have tax increases without the whole of a majority of each whole House in a rollcall vote, because these are the very provisions, these are the very provisions which we all voted for, which 66 Members of this Senate voted for in the balanced budget amendment to the Constitution debate.

I say to the 66 Members who voted in favor of this, this should be the structure we work in perpetuity, as long as this Nation exists. If it was good enough to put in the Constitution as long as America would exist, it ought to be good enough to put into this budget agreement for the next 5 years. It is that simple.

Deficit spending has wrested power from the people it has deposited here in Washington. We have inverted the Framers' will. They expected us not to spend the money of the next generation. This approach is to do one thing, and one thing alone, and it is to curtail the deficit. It is to put enforcement and teeth into this agreement. It is to hold this agreement in place during the next 5 years. It is not to add spending to this agreement or take spending out of this agreement. It is simply to make this agreement an honest agreement for the people of the United States of America.

Our ability to spend the money of the next generation is one of the skills we have refined to a very high level, and it is a skill we ought to curtail and guard against. This amendment would guard against it.

We have tried time and time again to deal with the dilemma of recurring debt. We have not been able to deal with it. We simply have not been able to summon the discipline. Well, I say put the discipline in this agreement. We should make part of this agreement the kind of guarantee that will make sure we keep our word. Put "deal-keeper" into this agreement. Stop talking about deal-breakers. Make this a deal-keeper.

Chronic overspending does not simply result when one group decides that it will try and stop it. We have to have the right structure in place, and the amendment which I have offered today is the right structure for doing that.

This budget agreement suggests that Congress will balance the budget by the year 2002. We must have the enforcement provisions necessary to ensure that this goal is actually reached to place the very provisions in this agreement, the very provisions which were voted for overwhelmingly by this Senate when it sought to pass the balanced budget amendment to the Constitution. Sixty-six Members voted for those items. That makes good sense.

Incidentally, for those who didn't vote in favor of the balanced budget amendment, the rest voted against it and almost universally said give us a chance to vote for this as a statute.

We don't need to tamper with the Constitution. Here is that chance. This is a chance to say, "Yes. We agree that statutorily the very conditions which were so favorably received in the balanced budget amendment proposal are available as statutory law here." I believe this is an addition to the budget agreement, which won't be a deal breaker but which would be a budget agreement keeper.

If the Senators believe that this budget deal will lead us to a balanced budget by the year 2002, then they shouldn't fear adequate enforcement provisions that will make this a certainty. The American people are rightly skeptical that this deal will lead to a balanced budget. Firm enforcement would go a long way to assure the American people of Congress' resolve to do the right thing and to keep its promise to balance the budget.

As I mentioned, 66 Senators voted to abide by the enforcement provisions in this amendment when they voted for the balanced budget constitutional amount.

I hope that they will join in support of these very items which would provide an assurance that the conditions of this agreement would indeed be met.

Senator INHOFE and I have combined forces on another amendment. I wanted to thank him for his cooperation in getting that done.

I yield the remaining time to Senator INHOFE.

Mr. INHOFE. Let me yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I thank my colleague from Oklahoma.

Mr. LAUTENBERG. Mr. President, parliamentary inquiry: Perhaps I didn't understand the Senator from Missouri. Was the Senator yielding time to the Senator from Oklahoma to speak on the Ashcroft amendment?

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri yielded his remaining time to the Senator from Oklahoma.

Mr. INHOFE. If I could be recognized for a point of clarification, I believe that the Senator from Missouri was recognized for the purpose of explaining the provisions of the amendment 323, and inadvertently said "322."

Mr. ASHCROFT. I had two amendments. The second amendment I was going to use at the same time.

Mr. INHOFE. We are going to ask for the yeas and nays.

Mr. ASHCROFT. I would like to ask for the yeas and nays on amendment 322.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to congratulate our colleague from Missouri.

This is a very important amendment. Quite frankly, the only reason anybody would oppose this amendment is if they don't believe that this budget agreement is going to produce a balanced budget. I think this budget agreement is really short on enforcement. I think enforcement is very important in a budget because you are talking about what you are going to do 5 years from now.

We all know the old adage: "After all is said and done more is said than done." And in politics that adage should grow by some multiple. In fact, we have stood on the floor of the Senate on many occasions and pounded our chests and said we balanced the Federal budget. It is not balanced yet. And, in fact, we are a long way from the goal line.

As I pointed out yesterday, 97 cents out of every dollar of deficit reduction, as compared to current discretionary spending and current law, in this budget comes from assuming good things are going to happen in the future.

What the amendment of the Senator from Missouri does is say that is just great, but, if it doesn't happen, we are going to have an enforcement procedure that says you have to have a three-fifths vote to raise the debt to pay for this deficit, that you have to balance the budget by the year 2002 unless 60 percent of the Senators vote to waive it. Obviously, they are going to be under political pressure to live up to their promise—and that you have to have a rollcall vote and a constitutional majority on raising taxes.

These provisions weren't made up by the Senator from Missouri last night. These provisions weren't simply dreamed up or written on the back of an envelope. We enshrined these agreements forever when 66 Members of the Senate voted to make this part of the Constitution of the United States of America. In fact, had two of our colleagues, who had pledged to vote for it, not changed their votes it would be part of the Constitution today, and this wouldn't even be needed.

If 66 Members of the Senate were willing to make this the Constitution, why couldn't 51 of them vote to make it part of this budget agreement, that for the next 5 years as a part of this budget agreement we have the same enforcement procedures we would have had had one more person voted for the balanced budget amendment to the Constitution?

So I want to congratulate our colleague from Missouri. I think this is a very important amendment. If you have any concerns that Congress may not live up to what it said, if you have any reason to be suspicious that all may not go well or as planned and you want to buy a little insurance policy that says there is something different about this budget than all of the others that we have adopted, vote for this amendment. I intend to vote for it. I think it is a very important amendment. I urge my colleagues to do the same.

I thank our colleague for yielding me this time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I send a second-degree amendment, numbered 323, to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. A second-degree amendment is not in order until all time has expired on the amendment.

Mr. INHOFE. Does the Senator from Missouri yield back all his time on 322?

Parliamentary inquiry: As I understand it, if the Senator from Missouri would yield back the remaining time on amendment No. 322, then it would be in order for me to send this to the desk.

The PRESIDING OFFICER. If the Senator from Missouri and the Senators who control the time yield all time, then the amendment would be in order.

Mr. INHOFE. Mr. President, I ask unanimous consent that I send a second-degree amendment to the desk and ask for its consideration and that it be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma has the floor.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I yield such time in opposition to the amendment by the Senator from Missouri to the Senator from New Jersey as he may use.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

As we examine the amendment sent up by the Senator from Missouri, it kind of recalls some other debates that we have had here, and he so aptly reminded us, that included the balanced budget debates and the subsequent vote that took place. And it therefore seems to me to be out of range to attempt to do that on this budget resolution.

Frankly, in discussions that we have been having informally, it is my understanding that this amendment not only is opposed by me on behalf of the Democrats but also is opposed by the Republican management, and I certainly hope so because this is outside certainly the structure of this budget resolution.

We are, Mr. President, working with a set of estimates. That is the best that can be done. One cannot put this into concrete and say that absolutely at the end of your fiscal year 1998 or even at the end of the fiscal year 1997, which is relatively imminent, we are going to be able to precisely gauge exactly what the outcome is going to be. It cannot happen. So we are working with estimates.

But there is something else we are working with, and that is the good faith of the institution. I have heard it said on this floor in recent moments that the implication is that we in this body can't be trusted. And the words that were uttered came from a Member or Members of the institution.

I don't know who it is that can't be trusted. Is it everybody else except the speaker? Is it everybody on this side of the aisle? Is it everybody on that side of the aisle? The one thing I must tell you I find difficult to comprehend—now, my background is business and I spent 30 years doing that. We didn't find everybody always meeting their word. But typically, if someone had a position of responsibility, you gave them the benefit of trust. And if there was, sometimes, a misunderstanding on an agreement, why, we chalked it up to a misunderstanding, we chalked it up to a misinterpretation. But to suggest that there is no trust in the U.S. Senate, sent here, 100 of us, by 260 million people—what fools those people are to send us here. We can't be trusted. You hear it coming from those who work here, those who have been sent here: Oh, no, we can't be trusted.

I will tell you this. I don't know anybody here—anybody here, on either side of the aisle, who can't be trusted. I may disagree with their point of view. I may disagree with their judgment. I wouldn't say—I am trying to think of the instances where, perhaps, in my 15 years here, that I have run into someone who you just can't trust. There are rumors about a person here or there. But to suggest that the body is not trustworthy and therefore we need special shackles, special handcuffs, special rules, special procedures?

It is not enough to say, look, I was sent here by, I don't know, 2 million people in the voting booths, or that I represent a State with 8 million people, or this one represents a State with almost 50 million people, or that one represents a State with 18 million, or that one represents a State with 350,000 people—to say those people are either naive, stupid, don't know what is going on? They made a choice that suits their intellect and suits their view of what life is about, what they need to carry on their responsibilities. I don't think we need these constraints.

I want to look at the record. I look at a record and if we get partisan about this, I look at a record of two parties, one Republican, one Democrat. The Republicans came into power in full force in 1980. President Reagan was a popular President, among the most popular in the history of the country. He came in, made decisions about tax cuts, $2.8 trillion worth of tax cuts—$2.8 trillion. By the way, in this budget, we have $250 billion, and there is a fair amount of debate. I didn't hear a lot of people say, don't trust him. It was voted, it was part of the law, and we succeeded in creating skyrocketing deficits, year after year, growing more each year than the year before, until we were almost at our wit's end.

In 1992, a Democrat was elected President, a Democrat from the tax-and-spend party. That Democrat brought the budget deficit down from $290 billion to what is anticipated this year to be below $70 billion, 1992–97, 5 years' worth. We have been doing pretty good. That, to me, looks like we kept our word, all of us, because we have legislated. We have been lucky, too. We have had a very good economy to bolster the revenue side of things.

But Government is smaller than it was by a significant measure, over a couple of hundred thousand people. We have tightened up in lots of ways that needed tightening up, and the results are pretty good. We have close to 12 million new jobs, unemployment is at its lowest point in 24 years, inflation at a steady rate, very low. There is not too much concern—a little worry, but it's not like it used to be. It's not like it was when it finally worked its way up to 21-or-so percent some years ago. It has been modest. Things have been happening.

Our tax-to-GDP ratio is the lowest among the industrialized nations. Our ratio of deficit to GDP, very low. Signs are pretty good. Is this going to last forever? I don't know. Neither does anybody else here. Is it going to get worse immediately? No one knows that here, either.

We look at the statistics. They look pretty good: PPI down, CPI down, everything in the right direction. That, again, does not mean it is going to last, but it does mean this is a heck of a time to, after struggling, struggling to get a balanced budget amendment on the books—and we are this close, Mr. President, this close to a balanced budget. It can be done in this body within hours from now, within hours, 4 or 5 hours; pass a balanced budget amendment—a balanced budget. I am sorry. A balanced budget. That was a slip of the tongue. Not one I meant to make, I can tell you. Within 4 hours, we can have a balanced budget, bipartisan—their side, my side.

I don't know that we are walking arm in arm, but as I said for the newspaper the other day, at least we are not looking nose to nose, we are looking shoulder to shoulder, which I think is a better way to do it, and feeling pretty good about a lot of hard work.

I don't get paid overtime. I don't want to get paid overtime. I did it because I took the job I wanted to have. I am so privileged to serve in this body. So many times I go over to my desk and I lift the top drawer—this is for the Senator from Missouri. I lift the top of my desk. It is right back there. Underneath that top, it says, "Truman, Missouri." There is only one Truman I know, who was the President of the United States. I think his name was Harry—"Truman, Missouri." The man who stood for don't pass the buck: "The buck stops here." The distinguished Senator from Missouri had served as Governor of that State. He is someone highly thought of. But I could not disagree with him more on this resolution.

When I see things going as they are, and we have an opportunity for us to work in a bipartisan fashion, 6 weeks, roughly, of long days, long nights of sitting across the table from one another—no growling, no grousing, no anger, no fits or bursts of temperament, walk out of the room—none of that stuff. We disagreed. We discussed it. But nobody tried to put anything over on the other person. And we had the President's people in the room with us, three parties to the agreement.

And I tell you, talking for myself and for my colleagues over here, there are things in here that we just don't like. I can be sure that there are things over there that they just don't like. But in a consensus arrangement—I have heard that even occurs sometimes in marriage. Two people get along, have nice kids and all that. Sometimes they disagree. Hard to believe?

In any event, here we are. We have worked together and we walked out of that room, that day, feeling pretty good, even though we had the disagreements that followed on. We have worked, now, for these couple of days to try to get this agreement in place so it could go over to the House, have a conference on it, get the President to sign it and say to the American people—I hold my head high when I do it, in conscience. And my conscience—my name means a lot to me. It means a lot to me because whenever I am in here, I always remember that my parents were brought here as children by their parents from Europe—poor, hard-working people. They always said to me, "FRANK, get an education. That's the way up. That's the way you get out of this. That's the way you get out of the store," with my mother waiting on the tables, cleaning them off all day and all night.

So, my name means a lot to me. When I lent my support to this agreement, I did it feeling full well that I had done it with all the knowledge that I had available to me, that I did it in good conscience and that we were going to be able to get this agreement passed, out of the way and passed, and that we would be working hard to make sure that we met the objectives that are in here.

The budget amendment says—and I perhaps paraphrase here because I am not reading from the amendment but I am reading from a summary. It requires a three-fifths vote of the Members of each House to provide for specific excess of outlays over receipts or to provide for such an increase in the level of the public debt.

That is pretty significant. Normally, we operate with a majority, except in some special cases—veto override or supermajority that are required, sometimes, in budget affairs. But typically it is 51 votes takes it all.

Here we say that, no, even though it is now in order, even though it is on paper, even though these are estimates, I once again say, and even though it was done with the best judgment that people could exercise, no, we are now going to go back to the debate on the balanced budget amendment. That is essentially what this is. Because we saw it defeated when it was presented here. It needed 67 votes. It got 66, as I remember. And one of the Senators on the floor before said that we would have had a balanced budget amendment if a couple of people hadn't changed their minds. We would have had it in place. It would have been attached to the Constitution.

Far be it. It took a lot of States. They had to make a lot of votes; 50 of them had to vote to approve it before it got into place—not all 50 of them, but three-quarters of them.

So it would not be in place. To now be doing a balanced budget amendment when we have a balanced budget 5 years in duration, 10-year projections, we don't expect—we could be wrong, but that's judgment. That is why we were sent here. Use your judgment, make sure your conscience is clear in things that you do. We could be wrong, but it looks in the 10 years, in the next 5-year cycle, that there will not be an explosion of growth in tax cuts, there won't be an explosion in the annual deficit, that we will be able to muster a surplus so we can start paying down some of that debt and get rid of some of the interest we have to pay every year. We have to pay more than a quarter of a trillion dollars in interest every year that every citizen in this country pays for in one way or the other, that children, future generations, will be called upon to pay your debt. They didn't sign any papers to acquire that debt. But we are on the way to solving some of those problems.

Now, when I look at this amendment, it says, further, that it waives these provisions for any fiscal year in which a declaration of war is in effect, certainly, or the United States is engaged in a military conflict which causes an imminent and serious threat to national security. Are there threats to our society other than war? Is instability within our society a threat to this society? Is violence in the street a threat to our society? Is constant tension and hostility between parts of our society, one with the other, classes in our society? I think that is a real threat to national security. But there are no provisions if we are all wrong and a recession starts; if, worse, a depression occurs. If we had the same rules in place today in the early 1930's, then the Depression—everyone who knows anything about business or economics, who studied the problem, will tell you the Depression would have been considerably ameliorated if we had unemployment insurance, if we had other protections for people during that period of time.

I think, frankly, as we look at this amendment, demanding now a 60 person vote in order to change things, to try and anticipate all the problems you have, is a terrible mistake. I think it violates the structure of the budget resolution. It will blow this agreement out of the water absolutely, because I know that there are not enough people who would vote to sustain a point of order if that is called upon. I expect to do just that.

So, Mr. President, I hope that we will leave well enough alone in this case, get on with the business at hand, pass the balanced budget resolution, and let us start solving our problems and not create new ones.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I yield such time on the amendment as I may use.

Mr. President, my colleague and ally from New Jersey a few moments ago said of the amendment of the Senator from Missouri on this case I could not disagree more. I must say I could not disagree less and still disagree, but disagree I must do.

The reason I put it in that form is that the Senator from Missouri has presented us with an amendment that is for all practical purposes in statutory form the constitutional amendment on the balanced budget that was supported by almost but not quite two-thirds of the Members of this body. It differs, of course, not just in being in budget resolution language but in being effective immediately rather than several years from now, and in dealing with declining budget deficits as if each of them was the triggering mechanism for the supermajority requirements that are included within it.

It is, nevertheless, a theory with which this Senator and the manager of the bill, the Senator from New Mexico, agree. The point with which we disagree, however, is the proposition that this philosophy should be added to this budget resolution. The issue is an important one. It is an appropriate one to be debated.

I can remember personally a decade ago when I had serious enough reservations about a constitutional amendment on the balanced budget when I felt that this philosophy ought to be passed in the form of a statute so that we could determine as a country whether or not it worked before we moved toward placing it in the Constitution. Personally, I would still be willing to do that.

However, it is important enough, it is vital enough that it ought to be debated independently of a budget resolution, which, as the Senator from New Jersey has said, marks the first time on which we have had a budget resolution in the time that I have been here at least that was supported largely by both sides of the aisle and in this case by the President of the United States.

And so while it is possible to argue, I suppose, that this amendment does not formally or technically breach the bipartisan agreement on the budget, as did yesterday's amendment on a tobacco tax and several of the other amendments that have been voted on here, it clearly breaches at the very least the spirit of this budget resolution agreement. It also clearly represents a vitally important policy decision which should not be debated for an hour or 2 hours as an amendment to this bill and then added to it.

It is for that reason, keeping what this Senator believes to be a commitment to pass this budget resolutions essentially in the form in which it was presented to this body, that I regret to say it is not acceptable to the leadership on this side as it is not to the leadership on the other side.

Now, Mr. President, for the information of other Members of the Senate, when all time has been yielded back on this debate—and I intend to yield our time back in just a moment—the Senator from New Jersey will raise a point of order against this amendment. I believe that the Senator from Missouri will move that the point of order be waived, will ask for a rollcall vote on that subject, and then we will stack that rollcall vote after the one previously ordered. We will go on to a similar but not identical amendment that will be sponsored jointly by the Senator from Missouri and the Senator from Oklahoma, and I suspect, although I cannot guarantee this, that when debate on that is completed we will probably have a series of votes, all of the votes that have been stacked at that time, which might very possibly take place at or around 6 o'clock.

With that, Mr. President, I am prepared to and I do yield back the remainder of my time on this amendment.

Mr. ASHCROFT. I yield back the remainder of my time on amendment 322.

The PRESIDING OFFICER (Mr. HAGEL). All time is yielded back.

Mr. LAUTENBERG. Mr. President, the pending amendment is not germane and therefore I raise a point of order that violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. ASHCROFT. Mr. President, I move to waive the point of ordered and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ASHCROFT. Mr. President, I ask that the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 323

Mr. ASHCROFT. Mr. President, I call up amendment 323.

The PRESIDING OFFICER. The clerk will report.

Mr. WELLSTONE addressed the Chair.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 323.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. ASHCROFT. Mr. President, I believe we are prepared to agree that debate on this amendment be limited to 30 minutes in total.

Mr. LAUTENBERG. Mr. President, I would ask the Senator from Missouri if he would permit the exchange that we expected to have—the chairman of the Budget Committee is here—and that was that we would switch side to side. Now, we have had an amendment from Senator GRAMM, from the Senator from Pennsylvania, one amendment from the Senator from Missouri. Meanwhile, a commitment was made to the Senator from Minnesota, who has been waiting virtually all day. We have not had a chance to deal with it and I think——

Mr. DOMENICI. I think unless Senator WELLSTONE and you want to yield a second opportunity to our side, we have had three in a row. I did not know Senator ASHCROFT was going to offer two. I said let's have one. And if you do not want to yield to them, they will be next after Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, that would be my preference.

I thank the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

AMENDMENT NO. 313, AS MODIFIED

Mr. WELLSTONE. Mr. President, I call up amendment 313.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 313.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

AMENDMENT NO. 313, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to modify my amendment.

Mr. GORTON. Objection.

The PRESIDING OFFICER. Objection is made.

Mr. WELLSTONE. Mr. President, this is a typographical error. I believe we sent it to the staff earlier.

Mr. President, I am pleased to work this out. We had given it to Senator DOMENICI's staff several hours ago.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I inform the Senator from Minnesota there will be no objection to his modifying his amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I send a modification to the desk. I thank my colleague from Washington.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. WELLSTONE. I thank the Chair.

The amendment, as modified, is as follows:

On page 3, line 3, increase the amount by $1,650,000,000.

On page 3, line 4, increase the amount by $2,190,000,000.

On page 3, line 5, increase the amount by $3,116,000,000.

On page 3, line 6, increase the amount by $4,396,000,000.

On page 3, line 7, increase the amount by $5,012,000,000.

On page 3, line 11, increase the amount by $1,650,000,000.

On page 3, line 12, increase the amount by $2,190,000,000.

On page 3, line 13, increase the amount by $3,116,000,000.

On page 3, line 14, increase the amount by $4,396,000,000.

On page 3, line 15, increase the amount by $5,012,000,000.

On page 4, line 4, increase the amount by $5,400,000,000.

On page 4, line 5, increase the amount by $1,601,000,000.

On page 4, line 6, increase the amount by $2,539,000,000.

On page 4, line 7, increase the amount by $4,141,000,000.

On page 4, line 8, increase the amount by $6,543,000,000.

On page 4, line 12, increase the amount by $1,650,000,000.

On page 4, line 13, increase the amount by $2,190,000,000.

On page 4, line 14, increase the amount by $3,116,000,000.

On page 4, line 15, increase the amount by $4,396,000,000.

On page 4, line 16, increase the amount by $5,012,000,000.

On page 21, line 25, increase the amount by $1,101,000,000.

On page 22, line 1, increase the amount by $1,690,000,000.

On page 22, line 8, increase the amount by $2,039,000,000.

On page 22, line 9, increase the amount by $2,616,000,000.

On page 22, line 16, increase the amount by $3,541,000,000.

On page 22, line 17, increase the amount by $3,796,000,000.

On page 22, line 24, increase the amount by $5,843,000,000.

On page 22, line 25, increase the amount by $4,312,000,000.

On page 26, line 6, increase the amount by $400,000,000.

On page 26, line 7, increase the amount by $400,000,000.

On page 26, line 14, increase the amount by $500,000,000.

On page 26, line 15, increase the amount by $500,000,000.

On page 26, line 22, increase the amount by $500,000,000.

On page 26, line 23, increase the amount by $500,000,000.

On page 27, line 5, increase the amount by $600,000,000.

On page 27, line 6, increase the amount by $600,000,000.

On page 27, line 13, increase the amount by $700,000,000.

On page 27, line 14, increase the amount by $700,000,000.

On page 38, line 14, decrease the amount by $700,000,000.

On page 38, line 15, decrease the amount by $2,700,000,000.

On page 40, line 17, decrease the amount by $5,000,000,000.

On page 41, line 7, decrease the amount by $5,012,000,000.

On page 41, line 8, decrease the amount by $16,364,000,000.

On page 43, line 21, increase the amount by $1,101,000,000.

On page 43, line 22, increase the amount by $44,000,000.

On page 43, line 24, increase the amount by $2,039,000,000.

On page 43, line 25, increase the amount by $1,366,000,000.

On page 44, line 2, increase the amount by $3,541,000,000.

On page 44, line 3, increase the amount by $2,546,000,000.

On page 44, line 5, increase the amount by $5,843,000,000.

On page 44, line 6, increase the amount by $4,312,000,000.

Mr. WELLSTONE. Mr. President, this amendment assumes increases in funding for Head Start and early start, child nutrition programs, school construction, and this additional funding will be paid for by reducing the tax benefits to the top 2 percent of income earners in the United States as well as by reducing tax benefits that are commonly characterized as corporate welfare tax loopholes.

Mr. President, it has been said about this budget—I might ask my colleague from North Dakota, does he have an inquiry?

Mr. DORGAN. I wonder if the Senator will yield to me for a question.

Mr. WELLSTONE. I am pleased to yield, Mr. President.

Mr. DORGAN. I appreciate the fact we are on a very important amendment the Senator from Minnesota is offering. I am increasingly concerned this afternoon. It is now 5:30 in the afternoon. As the Senator from Minnesota knows, a number of us in this Chamber have been working on a disaster supplemental bill providing disaster relief in an appropriations bill for people who have been involved in disasters, and we are nearing a point in time when time will run out on the passage of the bill. And some say, well, maybe the disaster bill will not be passed before the Senate goes out for the Memorial Day recess. Some others say, well, maybe not only will we not pass the emergency supplemental appropriations bill that we have been working on for weeks, but we will not pass the emergency portion of it.

I ask the Senator from Minnesota, is it not the case that in Grand Forks and East Grand Forks we have 10,000, 15,000 people who are waking up not in their own beds because they are homeless and a disaster bill must be passed? We cannot adjourn this session of Congress and take a recess unless a disaster bill is passed that deals with these critically needed funds. We have victims of floods and fires and blizzards out there who are waiting for a disaster bill to be passed. I am not suggesting here anyone is to blame for anything. I am just saying in the waning hours, we need to find a way to bring a disaster bill to the floor of the Senate.

Is it not the case we have thousands of people homeless in your area, East Grand Forks, and in Grand Forks who are awaiting some word about whether a disaster bill is going to be passed?

Mr. WELLSTONE. Mr. President, I say to my colleague from North Dakota, I am pleased he raised this question. I certainly want to speak about this amendment. I think it goes to the heart of the question of what the budget is about. But I think it is important to take a few moments right now in the Chamber to speak about this. I say to the Senator from North Dakota I know how hard he has worked on this for people in North Dakota. I know how hard Senator CONRAD has worked. I know how hard Senator GRAMS, the other Senator from Minnesota, has worked and Senator JOHNSON and Senator DASCHLE.

I just think that would be unconscionable. I hope this does not happen, the House of Representatives going into recess without getting the work done. Because in this particular case —it is quite one thing to say we want to get the work done, for example, on the budget, though the truth of the matter is 10 days from now the budget could be done and it really would make no difference. In this particular piece of legislation, we are talking about emergency assistance for people. This needs to be done right away.

So I say to my colleague, we cannot adjourn. I mean there is no way we can adjourn until this work is done. He is quite right in the question that he put to me.

Mr. DORGAN. If the Senator would yield for one additional question?

Mr. WELLSTONE. Certainly.

Mr. DORGAN. Mr. President, the disasters that have occurred in our country that now result in a requirement to pass a disaster bill have been the most significant disasters that occurred in North Dakota statehood: 3 years worth of snow in 3 months; a 500-year flood in the Red River; thousands and thousands of people homeless, still homeless.

I appreciate very much the cooperation that we have seen here in the U.S. Senate in trying to write a disaster bill. We got one out of committee and got into conference. I am a conferee. I know a lot of Members of the Senate—the chairman of the committee, the ranking member, and others—have been working hard to get this done.

I do not know what is happening on the other side, but I know this: If the result of the coming hours will be that there are those who want to adjourn the Congress and go on a Memorial Day recess and decide that it is all right later to pass some kind of disaster relief bill, I will say to them, it is not all right with this Senator and not all right with a number of others, because people awaiting disaster relief are going to understand that this Senate has an obligation to do it.

We must not and cannot take a Memorial Day recess until we have addressed the disaster needs of victims who have suffered now for weeks.

In Grand Forks alone, nearly 15,000 of whom are still homeless, we do not need those folks to be looking at the Congress and saying "Why? Why on Earth were we not able to get the help we were promised and help that was needed?" I want them at the end of this session to be able to say thanks to Members of Congress who worked hard to say to them, "You're not alone. Here's some help. Here's some help to reconstruct and recover." I want them to say thanks for that.

But I just say to my colleagues, I do not quite know where we are. I worry about some of the things I am hearing in the last hour or so. At the end of this process, we must have passed some kind of disaster relief bill. This Congress cannot—cannot—possibly adjourn for the Memorial Day recess and leave the victims of those disasters wanting and needing help that will not come.

So I appreciate the Senator from Minnesota yielding.

Mr. WELLSTONE. Mr. President, that is fine.

I want to go on with this amendment, but I see my other colleague from North Dakota on the floor. If he has an inquiry to put to me, I would be pleased to hear from him.

Mr. CONRAD. I thank my colleague from Minnesota.

I just say, I talked to the mayor now of Grand Forks, our good, mutual friend, Mayor Owens. I am sure she is in contact with the mayor of East Grand Forks over in Minnesota, Mayor Stauss, your good friend. She has said to me that, if Congress adjourns without taking action, it will be a terrible blow, given the fact that this city that was entirely evacuated, nearly all 50,000 citizens had to leave their homes. Many of them still have not been able to return.

The supplemental has been going through Congress with good, bipartisan cooperation, certainly an excellent effort here in the Senate, one which has been on both sides of the aisle very accommodating, very willing to help out.

I see our good friend, the Senator from New Jersey, who is the ranking member on the Budget Committee, who personally came forward with a very generous contribution to help the people in Grand Forks and East Grand Forks, which we deeply appreciate. Now we are being told that there is a view by some in the other body that they should just leave town without taking further action. That would be a disaster all of its own.

I say to my colleague, and I ask him, wouldn't that be a disaster in and of itself to say to those local officials, "We can't tell you what resources you have available to rebuild because we've got to take a break"? I mean, we could understand if they cannot get the entire disaster bill done, although that ought to be the first priority. But if they cannot get that done, they should at least be able to get the emergency measures in that disaster bill done so those towns are not left in the lurch.

I ask my colleague from Minnesota, wouldn't it be a disaster, a second disaster—actually a third disaster—for the people of our communities if Congress decided just to leave town before taking action at least on the emergency measure?

Mr. WELLSTONE. Mr. President, I respond to both my colleagues—and please understand I think about what is happening to the people in Grand Forks. Everybody had to leave their homes. Those people were refugees. I know the pain of the people in East Grand Forks and other communities of Minnesota.

I say to both my colleagues that this is a nightmare. I just—this is a nightmare. I guess I never would have believed it, that we are on the floor right now—this is away from the amendment. We will get back to it, I say to the Senator from New Jersey. But my colleagues come to the floor and raise these questions.

This is a nightmare. I never would have dreamed that there would even be any thought that we would go into recess without finally providing this assistance to people. People need this. These people are trying to figure out how to get back to their homes. People are homeless.

We cannot—we cannot—leave without doing this. I have heard that over in the House there is some discussion they are going to just adjourn.

I just make a plea to Democrats, Republicans, and the independent in the House, everybody, every breed of political person, regardless of your point of view, please do not do this. I think from our point of view, it is just unacceptable.

I mean, I think all three of us are saying, we just cannot have a Congress going into recess without passing through at least this emergency assistance. What people do not agree on, I say to both my colleagues, they can set aside; but what we cannot set aside is this emergency.

Let me emphasize that word again, "emergency" assistance that people need. They need it now. It would be the worst possible thing for this Congress to go into recess without providing this.

Mr. DORGAN. I wonder if the Senator would yield for one additional question?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to the Senator from Minnesota, I appreciate your yielding to me.

The flood that occurred—let me take Grand Forks and East Grand Forks to discuss why we have the need for an emergency response here.

The Red River flood was a flood that became 150 miles by 40 miles nearly. You could not see a river; it became a huge lake in the Red River Valley. But the point of it all is this. When this flood came—let me just use Grand Forks, ND, and East Grand Forks, MN, represented by Senator GRAMS and Senator WELLSTONE who worked so hard on this. Nine thousand people—when those dams broke and that water came rushing down the streets, the people got out of their houses, in most cases with only the clothes on their backs. They rushed to the end of the streets, were pulled up by National Guard trucks and by other devices, and they lost their homes, lost their vehicles.

Then we saw them at a hangar, big aircraft hangar out at the Grand Forks Air Force base sleeping on cots—4,000 of them from every other small town for 100 miles around.

In Grand Forks, 50,000 people, 90 percent of the town was flooded. I was in a boat of the Coast Guard in the main street of Grand Forks, ND. You would hit a car. You could not see the car. All you could see was 2 inches of the top of the radio antenna.

In the downtown, a major fire destroyed 11 of the huge buildings in downtown Grand Forks in the historic district.

In the middle of all of this, with two cities evacuated, we had the head of FEMA come to our region, James Lee Witt, and say, "We're going to help you." We had the Vice President come to our region and say, "You're not alone." We had President Clinton in Air Force One fly into Grand Forks and East Grand Forks and put his arm around some of those victims living in that aircraft hangar, and he said, "We're with you. The rest of the country wants to extend a helping hand and say you're not alone."

We have had enormous cooperation from everybody. In this Chamber, the chairman of the Appropriations Committee and the ranking member and the subcommittees have done a remarkable job of saying to us, "We want to help you." And they put in the disaster supplemental bill the resources that were needed. Congratulations to them. Every single one of them have come to us and said, "We want to help you." And they provided the resources in this bill here in the Senate that we then sent to conference.

What a remarkable effort by the Members of the Senate on a bipartisan basis. Then we went to conference. In fact, all of the disaster issues that are important to us to provide the necessary resources in conference are now agreed to. We do not have any outstanding issues. They are agreed to.

Why is it important that this get done? Because in the cities of Grand Forks and East Grand Forks—the Red River runs in the middle of those two cities—they have to establish a new floodway. When they establish a new floodway, it means there will be hundreds and hundreds of homes that will no longer be able to be located there. Most of them are now destroyed anyway. In order to describe the new floodway and have a buyout of those homes, those mayors need to have the resources to begin that process now.

Today, they do not have the resources, so those hundreds of families—well over 1,000, incidentally, are near and in that floodway—they now cannot be told by anyone, will their home be there or will it not be there? Will it be bought out or not? No one knows and no one can know until the resources are available to have that buyout. That is why this is urgent. If it waits 1 week or 2 weeks, they cannot make those decisions. Those folks can never move back into their homes. They cannot move back into their homes.

So anybody who says, "This is not urgent. It can wait. It can wait 1 week or 2 weeks," let me give them the names of the young boys and the young girls who will sleep on cots, sleep in shelters, sleep in strange homes during those 2 weeks, part of which Congress will have been in recess. And then have them send them a letter to say, you know, we just could not get this done.

Not getting it done is not acceptable. We have done our work. The disaster supplemental is largely agreed to in all of these areas. We must at a minimum take that out of the disaster supplemental, those resources that are necessary to help those people, and pass that on an emergency basis. The failure to do that—a decision, for example, by the other body to say we will not do that, we are going to take a recess, will be a devastating blow to people who do not deserve that, having been victimized by these disasters.

So the Senator from Minnesota has been generous in yielding for a question. I just make the point that this Congress cannot adjourn without addressing the emergency needs of this disaster.

Do I feel passionate about this? You're darn right I do. I am not going to let 15,000 people who are not yet back into their homes be told that Congress took a break for Memorial Day and the people who are homeless can wait a couple of weeks for a solution to this problem. I will not be a part of that kind of decision.

So if there are those who think that any adjournment resolution will pass by this Congress failing to pass an emergency bill dealing with this disaster, it is going to be a long, long few days.

I ask for the cooperation of everyone. We have had wonderful cooperation of Republicans and Democrats, and I might say in the Senate I cannot feel prouder of all the people I have worked with on the Appropriations Committee. I will just encourage and urge everyone involved in this process to decide and determine that we must get this done.

I appreciate very much the Senator yielding. I understand that you have an important amendment and I apologize for intervening on that, but I think this message must be understood. This is not an option. We must pass a disaster relief bill.

Mr. WELLSTONE. Mr. President, I thank both my colleagues, and I appreciate their graciousness. I think that what both my colleagues are trying to say is we have an emergency now, and, Mr. President, I just do not think there is any way that this Congress can go into recess without passing this disaster relief bill. I mean, it is just too important. I mean, it truly is an emergency measure, and both my colleagues were speaking to that. I have told them I am in complete agreement.

So let us hope that the House will be able to do the work. We have had great cooperation over here on the Senate side.

Mr. President, the discussion about the budget, much of the discussion is about the balance, that this is a responsible budget, this is the responsible thing to do.

Mr. President, let me just be really clear. I have some good friends who believe that. I respect their work. I have tremendous respect for their work. But from my point of view, as a Senator from Minnesota, when you do not invest to rebuild schools that are crumbling across this country—7 million children's schools with asbestos and lead—I do not think that is the responsible thing to do.

When there are not the funds to assure that every child who now goes without health care still does not receive that health care, to me, that is not responsible. And when there are not the funds and there is not the investment to make sure that, in fact, there is a school breakfast program for children, for whom that really is their only nutritious meal in the morning so that they are not going to school hungry, when there is not the investment in nutrition programs to make sure children are not malnourished in America—there are some 13 million children that are now malnourished in America—that does not seem balanced or responsible to me.

Mr. DOMENICI. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. DOMENICI. I ask unanimous consent that Senator WELLSTONE be permitted to follow the amendment he has with a second amendment that he has pending and that there be 30 minutes available to the Senator from Minnesota on both amendments, and for the opposition on both amendments that we have 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Senator from New Mexico, and on my second amendment I know I will be joined by Senator REED from Rhode Island.

Mr. President, this amendment that is before the Senate right now essentially says this. We make sure that the tax cuts in this budget resolution do not go to the top 2 percent of the population. We look at some of the loopholes and deductions, and what Senators have called corporate welfare. There is several hundred billion dollars that fits into this category.

Instead, we take the following steps, which seems so reasonable. First of all, since we cut child nutrition programs by roughly $3 billion for 6 years, this amendment restores $2.7 billion. Let me repeat that: Last year, we made cuts in child nutrition programs. This amendment says, can we not take some of this out of corporate welfare? Can we not take it out of loopholes for billionaires? Can we not make sure that the tax cuts go to middle-income families and small business people and not the top 1 percent and 2 percent? And instead, could we not provide just a little bit, over 5 years, $2.7 billion, could we not invest that in nutritional programs for some of the poorest and most vulnerable children in America? They do matter. They do count.

Mr. President, currently, there are 6.5 million children who participate in the school breakfast program. However, in many States, this program reaches only 50 percent of those eligible. In the State of Minnesota, the school breakfast program, much like the national, reaches just under 50 percent of those students eligible.

Mr. President, what we are talking about is all across the country we have schools who are not able to participate. The welfare bill last year wiped out grants for schools to start up or expand school breakfast programs, and we have 13 million malnourished children in America. I do not know how my colleagues think some of these children will do well in school when they come to school hungry. I have talked to kindergarten teachers in Minnesota, and every single Senator here, I think, has had similar experiences with their teachers who surely say it breaks their heart to know some of the students in their class come to school hungry.

Mr. President, there is another food nutrition program, the summer food service program. Many of my colleagues may not be aware of it, but I want you to be aware of it because these children, when they are not in school, are no longer able to receive school lunch or breakfast if that program is not available now during the summer. What we try to do is serve meals at summer schools or recreational centers or other nonprofit groups—a lunch, a breakfast or a snack—some way of making sure that these children have at least one nutritious meal a day.

Over 14 million children, unfortunately, are low income enough to be eligible, and only 2 million are served—only 2 million are served. In Minnesota, only 16 percent of low-income children who are served throughout the school year are served during the summer.

Mr. President, is it too much to ask to take just a little bit from loopholes, deductions for billionaires, large multinational corporations, and others that do not need it and invest a little bit in nutrition programs to make sure the children in our country have at least one nutritious meal?

Mr. President, the Head Start Program has been discussed so there is no need for me to go into it in great detail but just to say one more time, that the President, in his budget, in this budget proposal, intends to serve an additional 1 million children. That is fine until we find out that that there are 2 million children who are eligible who are not participating. This does not even deal with Early Start, that is to say, age 2, age 1. So what this says is if we are serious about doing well for all the children in this country, surely we will dramatically expand the number of children that can participate in Head Start. That is worth it. That is an investment, an investment all of us can be proud of.

Mr. President, the final part, of school construction, and I do not even need to go into it, again, this amendment says invest the $5 billion that was in the original agreement—at least that was being negotiated; it was taken out. This is too painful a contrast. On the one hand, tax cuts not targeted, going to be skewed to the very top of the population; on the other hand, not a pittance when it comes to going after corporate welfare, but being unwilling to invest in crumbling schools all across the country.

Mr. President, let me use this amendment for a final conclusion about this budget. One more time, I have heard it said that this budget is balanced, represents balanced values. I do not see the balance. I do not see the balanced values when on the one hand the tax cuts are skewed to the top and on the other hand we do not invest in crumbling schools across the Nation. I do not see the balance when we cannot invest in nutrition programs to make sure children are not hungry in America. I do not see the balanced values when we talk about a compelling problem of children going without adequate health care and we are not willing to fully fund health care for those children.

I think this is a budget without a soul. It is interesting what is not on the table. What is not on the table is the $12 billion more than the Pentagon wanted. That is for defense. I would have thought we could have used that for some of our investment. What is not on the table are the tax preferences to special interests that are, quite candidly, a result of those who make the large contributions and have the power. What is not on the table is the deterioration of public institutions which are supposed to be so important to the quality of our lives. If we are going to rebuild a sense of community in America, Mr. President, that means attending to this deterioration. We have fewer good schools, fewer good libraries, and too many hospitals and clinics that are unable to provide the best care. This budget does not build a bridge to the next century. We do not invest in these critical areas of life.

Mr. President, what is not on the table, perhaps most of all, is a set of social arrangements that allows children to be the most poverty stricken group in America. There is no concept of justice or virtue that justifies our willingness to allow millions of children to suffer involuntary poverty. What principle can we possibly invoke to absolve ourselves of responsibility for the fate of children too young to comprehend their expulsion from the American promise, denied the pleasures of childhood, their natural capacity stifled, their mind and spirit under attack from birth? Their impoverishment is our disgrace and it is a betrayal of our Nation's heritage.

Mr. President, if this balanced budget agreement is to be the great accomplishment of 8 years of a Democratic Presidency, then history will judge us harshly. This agreement is a triumph of the past. This is not a bridge to the century to come.

Mr. President, we have lost our way. I say this to the Democratic Party, to some of my colleagues I think we have lost our way. Our party, from Jefferson to Jackson to Roosevelt to Kennedy was a party that stood for justice, a party that expanded opportunities for citizens. We have always been at our best when our party has been there for people.

Mr. President, this budget does not represent the best of the Democratic Party. This budgets turns our Nation's gaze away from too much of what is important about America—equality of opportunity, justice, the very essence of our Nation. Mr. President, for that reason, I will vote against this budget resolution.

Mr. President, I reserve the balance of my time.

AMENDMENT NO. 313, AS FURTHER MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to send a modification to the desk to amendment numbered 313. This was a typographical error.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 313), as further modified, is as follows:

On page 3, line 3, increase the amount by $1,650,000,000.

On page 3, line 4, increase the amount by $2,190,000,000.

On page 3, line 5, increase the amount by $3,116,000,000.

On page 3, line 6, increase the amount by $4,396,000,000.

On page 3, line 7, increase the amount by $5,012,000,000.

On page 3, line 11, increase the amount by $1,650,000,000.

On page 3, line 12, increase the amount by $2,190,000,000.

On page 3, line 13, increase the amount by $3,116,000,000.

On page 3, line 14, increase the amount by $4,396,000,000.

On page 3, line 15, increase the amount by $5,012,000,000.

On page 4, line 4, increase the amount by $5,400,000,000.

On page 4, line 5, increase the amount by $1,601,000,000

On page 4, line 6, increase the amount by $2,539,000,000.

On page 4, line 7, increase the amount by $4,141,000,000.

On page 4, line 8, increase the amount by $6,543,000,000.

On page 4, line 12, increase the amount by $1,650,000,000.

On page 4, line 13, increase the amount by $2,190,000,000.

On page 4, line 14, increase the amount by $3,116,000,000.

On page 4, line 15, increase the amount by $4,396,000,000.

On page 4, line 16, increase the amount by $5,012,000,000.

On page 21, line 25, increase the amount by $1,101,000,000.

On page 22, line 1, increase the amount by $1,690,000,000.

On page 22, line 8, increase the amount by $2,039,000,000.

On page 22, line 9, increase the amount by $2,616,000,000.

On page 22, line 16, increase the amount by $3,541,000,000.

On page 22, line 17, increase the amount by $3,796,000,000.

On page 22, line 24, increase the amount by $5,843,000,000.

On page 22, line 25, increase the amount by $4,312,000,000.

On page 26, line 6, increase the amount by $400,000,000.

On page 26, line 7, increase the amount by $400,000,000.

On page 26, line 14, increase the amount by $500,000,000.

On page 26, line 15, increase the amount by $500,000,000.

On page 26, line 22, increase the amount by $500,000,000.

On page 26, line 23, increase the amount by $500,000,000.

On page 27, line 5, increase the amount by $600,000,000.

On page 27, line 6, increase the amount by $600,000,000.

On page 27, line 13, increase the amount by $700,000,000.

On page 27, line 14, increase the amount by $700,000,000.

On page 38, line 14, increase the amount by $700,000,000.

On page 38, line 15, increase the amount by $2,700,000,000.

On page 40, line 17, increase the amount by $5,000,000,000.

On page 41, line 7, increase the amount by $5,012,000,000.

On page 41, line 8, increase the amount by $16,364,000,000.

On page 43, line 21, increase the amount by $1,101,000,000.

On page 43, line 22, increase the amount by $440,000,000.

On page 43, line 24, increase the amount by $2,039,000,000.

On page 43, line 25, increase the amount by $1,366,000,000.

On page 44, line 2, increase the amount by $3,541,000,000.

On page 44, line 3, increase the amount by $2,546,000,000.

On page 44, line 5, increase the amount by $5,843,000,000.

On page 44, line 6, increase the amount by $4,312,000,000.

AMENDMENT NO. 314

Mr. WELLSTONE. Mr. President, I call up amendment numbered 314.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. REED, Mr BINGAMAN, and Mr. MOYNIHAN, proposes an amendment numbered 314.

(The text of the amendment is printed in the RECORD of May 21, 1977.)

Mr. WELLSTONE. I ask unanimous consent Senator MOYNIHAN be added as a cosponsor, along with Senator REED of Rhode Island and Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

I yield 10 minutes to my colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I want to thank my colleague from Minnesota for yielding me this time and also for sponsoring this amendment along with Senator BINGAMAN and Senator MOYNIHAN.

Today we are offering an amendment to increase the maximum Pell grant to $3,500. The Pell grant holds a very special meaning for me. In the last 6 years as a Member of the other body I have worked to open up further access to higher education. The foundation of that access to higher education is the Pell grant.

As you know it is probably the enduring legacy of my predecessor, Senator Claiborne Pell of Rhode Island. One of his most significant accomplishments was the creation of the basic educational opportunity grant program in 1972 during the reauthorization of the Higher Education Act. Later, this basic opportunity grant was named in his honor and has become the famous Pell grant. Its purpose then and now is to assist low-income Americans to gain access to postsecondary education, access which is critical not only to their future but to the future of this Nation.

Going back to the very beginning of the Pell grants, the avowed purpose was to "in combination with reasonable family and student contributions and other Federal grant aid meet at least 75 percent of the student's costs of attendance." Sadly, we have not met that 75 percent, and we need, in fact, to raise the Pell grant so that we can begin to recoup some of the original purpose and allow students to meet the significant cost increases in higher education.

This program was premised on Senator Pell's belief, which is my belief, and indeed I believe the belief of so many people in this Chamber, that everyone who is qualified should have the opportunity to pursue higher education. The Pell grant has been the cornerstone of this effort for many, many years. Since its creation, over 60 million Pell grants have been awarded, providing over $75 billion in aid to students across the Nation.

In the first year of the program, 1973–74 over 176,000 students received the Pell grants. By 1980–81, this total had grown to 2.7 million recipients. Today, over 3.6 million American students receive Pell grants. In my home State of Rhode Island, that includes 16,000 recipients.

This investment clearly assists our neediest students. In 1995–96, 54 percent of Pell grant recipients had income levels of less than $10,000. Only 9 percent of recipients had incomes over $30,000.

In 1992, during the reauthorization of the Higher Education Act, I worked closely with Senator Pell to increase the authorization level of the maximum Pell grant from $3,100 to $3,700 for the 1993–94 award cycle with increases thereafter of $200 a year with the hopes that by 1997–98 that we would have a maximum Pell grant on the order of $4,500 a year. But, as we are all aware, we have not come even close to that figure. Indeed, this year the appropriated maximum Pell grant was only $2,700—too little to meet the needs of so many students across this country.

This lack of resources has had a dramatic impact on students struggling to go to college. Indeed, as college costs have increased over the past two decades at an annual rate of between 5 percent and 6 percent, consistently outpacing inflation, there has been a decline in the purchasing power of the Pell grant.

According to the College Board, for 4-year private institutions the average tuition has gone up by over $14,000 between 1980 and 1996. In that same period the maximum Pell grant has only increased by about $950, and the average Pell grant only by about $733. As a result, back in 1980 the maximum Pell grant covered 33 percent of the tuition costs of a 4-year private institution. Now it only covers 14 percent. The average Pell grant covered 18 percent of costs of 4-year private colleges in 1980 and now it only covers 9 percent.

If you look at public institutions—those great institutions which we feel have a special obligation to educate all of our citizens, particularly those coming from disadvantaged backgrounds—the maximum Pell grant back in 1980 covered 72 percent of a 4-year public college. Today it only covers 22 percent.

As I said before, the grant has not hardly kept up with inflation. If we had simply paid the Pell grant at inflation we would today be looking at not a $2,700 maximum grant but a $4,300 maximum grant.

So, before us we have the obligation to raise the maximum Pell grant. I am pleased to note that the proposal in the budget does increase it by $300. But that is not sufficient to keep up with the accelerating costs that I have described. The Wellstone-Reed amendment builds on this request within this budget—the President's request—by increasing the maximum Pell grant from $2,700 to $3,500. This would be a $500 increase above the President's proposal.

It calls for a $6 billion investment over five years by an offset of additional reductions in corporate tax loopholes and corporate welfare to fund this increase. By increasing the Pell grant to $3,500 we would be able to extend this grant to several hundred thousand more students. The average Pell award among poorest students would increase by almost a third.

And, Mr. President, we recognize—all of us—the absolute necessity of higher education. A college education really pays off. It pays off for our country, and it pays off for individual graduates of college.

The National Bureau of Labor Statistics has estimated that 60 percent of all the new jobs between 1992 and the year 2005 will require an education beyond high school. Without these skills, college and postsecondary technical school graduates will not be able to man the economy of the 21st century. College education is also the key to higher wages. And one thing that we have been talking about repeatedly here is how do we raise the wages of Americans to give them a fair share in the progress of our economy? Education is the answer—higher education particularly. This translates dramatically.

It is estimated that college graduates earn 50 percent more than high school graduates. In 40 years of expected work a college graduate is estimated to earn over a half-million dollars more than a high school graduate. All of this points to the critical need to provide additional access to higher education.

Indeed, in terms of the national well being there have been studies, one of which is Trends in American Economic Growth, that point to the fact that 37 percent of our growth as a Nation from 1929 to 1982 was attributable to education, and particularly higher education.

So not to invest in Pell grants, not to invest in opportunities for Americans to seek higher education, will I think undercut the goal we all have of growing and providing for an expanding and productive economy.

So the amendment before us today is a step in the right direction, to provide more access to higher education, to allow particularly students from low-income households to go to school, to learn skills, to work in this economy, and to build strong communities so that we prosper not only economically but as citizens in a community of other citizens.

If we shortchange the Pell grant and other educational programs, we will be reaping a very short and very transparent economy, one that in the clear light of day in the future will reveal itself to be not a savings but a massive lack of investment in the potential of our people and the success of our economy.

I hope that we will all join together, as the distinguished Senator from Minnesota has done, to put forth this amendment and support this amendment and to increase our contribution to the Pell grant. Doing so I think will prepare us well for the new economy we face, an economy which demands these skills. The world is changed. Technology is forging new boundaries. Capital investment respects no boundaries. The only determinant I believe that we will have to ensure that we maintain our superiority as an economy is that we have the best educated people with access to higher education being the key to that success.

This amendment will I hope take that strong step forward to accelerate the process of education for all of our citizens to ensure that we meet these technological challenges, to ensure that we have the best prepared work force, and that we also have people who respect and, indeed, appreciate the value of education because they benefited from it.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

Let me thank my colleague from Rhode Island, Senator REED. The Pell grant program has been a huge success. It has sort of been the foundation of opportunity in our country. I feel like my words are also dedicated to Senator Claiborne Pell.

Let me just highlight a few things that Senator REED had to say. And, again, Senator BINGAMAN and Senator MOYNIHAN are also original cosponsors.

What we are really doing is saying that we are pleased to see the tax deductions. And we are pleased to see the tax credits. But we want to make sure that we also provide the support for students and families with incomes under $20,000 a year who may very well fall between the cracks.

So what this amendment does is it says for $6 billion more over 5 years we take it out of a variety of different loopholes and deductions that are called corporate welfare. Instead, we would invest it in the Pell grant program. We would increase the award up to $3,500.

My colleague is right. The President has brought it from $2,700 to $3,000, and that is a modest increase. But we are pleased to see that. But if we brought it up to $3,500, then what you would see is that the Pell program would be available to several hundred thousand new students and the average Pell grant among low-income students would increase by about a third.

One of the things that I want to say to my colleagues is that I hope before you vote on this amendment that there will be a way that you can be in touch, if you are not already, with the higher education communities in your States, because I think you will hear over and over again from them that there is no more important program than the Pell grant program, if we want to target this assistance to make sure those students and those families most in need of assistance are able to have access to higher education.

There is a shameful statistic in our country. The best predictor of attending college is family income. And only 16 percent of college freshmen come from households with incomes under $20,000 a year. Only half of them graduate by age 24.

So just think about that for a moment. Only 8 percent of those women and men coming from households with incomes under $20,000 a year are able to graduate. And we are now moving toward an economy where the brainpower of women and men in industry is going to matter more and more. Many of these companies, by the way, are going to be small businesses—not necessarily large companies. And the whole key to whether or not our children and our grandchildren are going to be able to do well economically is to be able to have access to higher education.

I mean this really speaks not only to the whole issue of opportunity but also to national security. We do well as a Nation when we make sure that women and men have access to higher education so that they can do well for themselves and their families and they can do well for our country.

So, again, I just want to make it clear that this is the choice. We just simply take $6 billion. And believe me, you know, you are looking at hundreds of billions of dollars when you look at this whole area of tax expenditures. We say find some of those loopholes and deductions and plug them. Mr. President, $6 billion over 5 years is not too much to expand the Pell grant program up to $3,500 which would make a huge difference.

Again, what we would be talking about is several thousand new students. The Pell grant award would increase. It would make a huge difference to low- and moderate-income families. It would make a huge difference to access to higher education.

And if we want to talk about priorities, I don't see any reason why this amendment would not be an amendment that would carry on the floor of the U.S. Senate. There are a whole bunch of loopholes and deductions. Regular people are pretty angry about them. They don't think that those people who already make millions of dollars should get these breaks. And I think it is an absolute priority for people to make sure that higher education is affordable.

This would really make this budget a budget with a strong higher education component. This would really make this budget a budget that I think Senators could feel really proud of when it came to higher education. Senator REED and I are really trying to improve upon this.

So, Mr. President, I am hopeful that we will get very, very strong support.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes and 45 seconds.

Mr. WELLSTONE. Mr. President, if my colleague wants to comment, I would like to preserve 2 minutes.

Mr. REED. If the Senator will yield.

Mr. WELLSTONE. I am pleased to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I want to associate myself with the remarks of the Senator from Minnesota. He has stated very well what is at stake—which is the future of the country through the future of individual students who have the opportunity to pursue higher education.

There is something else that I might add. This proposed increase in the Pell grant compliments some of the other provisions in this bill where the President has proposed higher education tax credits and tax deductions which will assist, I think, generally speaking middle- and upper-income Americans. This Pell proposal would be particularly effective in helping low-income working Americans, and also particularly effective in helping a new and growing category of students—not recent high school graduates but those people who through circumstance were forced in midlife to retrain themselves. And there are so many in this situation nowadays due to downsizing.

So for all of these reasons this is a very useful and critical step.

I thank again the Senator for yielding.

Mr. WELLSTONE. I thank again the Senator from Rhode Island. He comes from a State with a great tradition of commitment to higher education.

To my colleagues, there are two amendments. One of them is, if you will, very precious.

It is all about making sure that we at least provide some more funding for nutritional programs for many poor children who are malnourished in America; that we invest in Head Start; and that we invest in our schools, too many of which are crumbling across the country, and we take that out of tax cuts that are skewed to the very top and we say target those to middle-income and small businesses, and we take it out of corporate welfare.

The second amendment Senator REED and I offered is a higher education amendment. This makes all the sense in the world. With this additional $6 billion of outlays over 5 years, we would be talking about a dramatic increase in access to higher education for many, many families all across the country in our States.

Mr. President, those are the two amendments. I am going to finish on a positive note, but with 30 seconds left, I will just say one thing on a negative note. I gather that I will be meeting with my colleagues from North Dakota, Minnesota, and South Dakota. Apparently the House is not going to finish the disaster relief bill. I have to say on the floor of the Senate, I cannot believe that this is happening. I think it is just unconscionable. It is irresponsible. This is emergency assistance that people in our States have been waiting for.

We as Senators are going to have to figure out exactly what we do next, but I can assure you, and I think I speak for my colleagues, we will be as strong as we can be, and we will fight as hard as we can for people in our States. That is not meant to be showman-like. It is very sincere.

Finally, I thank my colleague from New Mexico, Senator DOMENICI, for his graciousness. We were able to get the two amendments in in the 30-minute limit, and I thank my colleague. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, I have the greatest respect for the two Senators who spoke. I do not know the new Senator from Rhode Island as well as I know Senator WELLSTONE, but I am growing in understanding and knowledge and put him in the category of a Senator I respect.

Mr. President, I actually believed, as I listened to those arguments, that we did not have a budget before us; that somehow or another, we had not done anything in this budget.

Let me tell the American people and Senators what we did in this budget. Did anybody happen to catch the President's press conference when he bragged about this budget resolution? Remember what he said about education? "We have done more to increase educational funding in this budget than at any time in the last 30 years." He had in mind a few things that the Senators are talking about in their amendments.

Let me just tell you a couple of them. A $2.7 billion increase over the next 5 years in Head Start. Over the next 5 years, Head Start will receive exactly what the President of the United States requested. It is interesting, when the President has to look at all of Government like we do in the budget resolution, he gives Head Start a huge increase, and we agree with him in this agreement, and we make it a priority item that is going to be hard not to fund. That program has enjoyed a 300-percent increase since 1990. Not very many programs around have done that.

I would have thought, if I were one listening here, that this President of the United States just denied these poor people Head Start, just sent them off saying, "I don't want anything to do with it." It is the President who asked for this much money, and we did not change it one penny.

Then, they were talking about Pell grants, and then I will return to another issue. Of course, it would be wonderful for America if Pell grants were $5,000. What did the President say about Pell grants? He said, we have the best increase in Pell grants in the last decade. How much? Three-hundred dollars for each Pell grant.

We conservatives did not say that. We are glad to do it. The President of the United States asked for that. He got every penny he asked for. It is very simple to come to the floor of the Senate, no matter what you do in a budget, to have a new wish list and a new set of statistics about who needs something.

I have learned more from that side of the aisle about that than I ever dreamt in my life. I can get up after you put the President's budget together, if we had given him everything he wanted, I learned from that side of the aisle that I could get up here and say we have 26 million people who do not have enough food, even if the President had put in a whole new nutrition program.

As a matter of fact, let's move from Pell grants to nutrition. Child nutrition program, isn't it interesting? The Federal Government spent $12.4 billion on those programs last year. Believe it or not, 70 percent of those programs, Mr. President, are what we call mandatory programs. That means, if you qualify, you get them. There cannot be much more needed; if you qualify, you get them. That means everybody who is poor qualifies for those programs, and we spend $12.4 billion.

Mr. WELLSTONE. Will the Senator yield?

Mr. DOMENICI. You would have thought we did not even have a program from over there, and we did not even have an increase. Let me just finish.

Believe it or not, the other 30 percent of the money that goes to children's nutrition programs is spent for programs like WIC, Women, Infants, and Children, one of the finest programs in terms of effectiveness we have in the Federal Government in this inventory. It has wide bipartisan support. It enjoys an increase in this budget, and, as a matter of fact, the President is so confident that it will be funded every year and funded appropriately that he did not even ask us to make it a priority program, because by doing so, we are taking more and more of the budget and locking it in, because he knows we are going to fund it.

Mr. President, I do not know exactly how I will ultimately handle these amendments, because no matter what you say, the argument is going to be that we are against nutrition programs, and it is a ready-made TV ad.

On Pell grants, no matter if we gave the President every penny he wanted and we increased it $300 a year—it would be great if we had enough money to go to $10,000 a year, I guess, I am not sure. It does not matter. Whoever votes with DOMENICI tonight is going to vote against Pell grants.

So I want to make sure the Senators understand that I have great respect for them, and I admire them greatly, but we may have a second-degree amendment to change the way this vote occurs, so we are voting on something different for a change than your add-ons. I am not sure yet, but I am looking at it. So with that, I yield the floor.

Mr. WELLSTONE. Will the Senator yield for a question or comment?

Mr. DOMENICI. I did not hear the Senator.

Mr. WELLSTONE. Will the Senator yield for a question or comment?

Mr. DOMENICI. Of course.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to the Senator from New Mexico, who is really—we say a good friend—he really is a good friend. I want him to know both of these amendments—and I am speaking for myself, not for Senator REED—do not have a darn thing to do with TV attack ads. I cannot stand them. I wish there was no such thing.

These amendments are offered out of a sense of sincerity, and, in all due respect to my colleague, you can talk about what we are doing in the area of, for example, nutrition for children, and it is, I guess, all a matter of how you see it. These amendments just say we can do better. The fact of the matter is that in the last Congress, we cut grants for school districts to establish the School Breakfast Program and only 50 percent of the children who are eligible receive it. The fact of the matter is——

Mr. DOMENICI. I yielded for a question.

Mr. WELLSTONE. The fact of the matter is, the same thing can be said for the Summer School Program. So, the question—I said actually a comment, but I will put it in the form of a question. My question for the Senator is, how can you even view this as some sort of potential TV attack ad when these amendments are so substantive and they speak to the huge—I am sorry, I say to the Senator—disparity between children who need this assistance and, quite frankly, a budget that does not get them anywhere near close to it? How can that be viewed just as an effort to have an attack ad?

Mr. DOMENICI. Let me answer the question. I would never suggest that any Senator who offers an amendment, with all of the concern that you have in your heart and your mind when you offer these kinds of amendments, I would never consider that they would ever be used to disabuse somebody who voted against you improperly. But I am merely suggesting that happens from time to time, and that is all I was thinking. I do not think it will be much of a defense to say that the President of the United States was given everything he asked for in these areas. I do not think that will help much, if somebody wants to use it for a contrary purpose.

I yield the floor, and I understand the next amendment is Senator INHOFE's amendment, is that correct?

The PRESIDING OFFICER. The Senator has 6 minutes, 15 seconds remaining. Does he yield his time back? Does he wish to yield his time back?

Mr. DOMENICI. If Senator WELLSTONE will wait, can we yield back our time and get the yeas and nays on his two amendments?

Mr. WELLSTONE. Mr. President, that will be fine. I yield back the remainder of our time.

Mr. DOMENICI. Wait a minute, wait a minute. Could we not do that for a moment and let him proceed and let me clarify something?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask to set aside temporarily the consideration of the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 301

Mr. INHOFE. Mr. President, I ask we turn to consideration of amendment No. 301.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 301.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. INHOFE. Mr. President, I do not plan to take a long time. I would like to make a couple comments about some of the things that have been said here.

I do not question the sincerity of any Member on this floor, but I think it should be obvious to you, Mr. President, and anyone else who may not be worn out right now, that there is a difference of philosophy often expressed on this floor. I think it goes back to the role of Government.

I not only remind my friend from Minnesota that every country that has tried to take care of all these ills from a government perspective has not made it. I wonder sometimes, all these people who come to school supposedly that are hungry, how many of those parents perhaps are not able to feed them because they are overtaxed, or how many of those parents might have fallen into this mentality that permeated the 1960's that Government has the responsibility of taking care of all the human social ills?

I agree with one thing the distinguished Senator from Minnesota said when he said we have lost our way. I think we have. I think that is what this is all about, trying to find our way back.

I have to say, Mr. President, that I have not been supportive of this compromise, but for a totally different reason than the Senator from Minnesota. I look at this, and I have to correct the distinguished Senator from New Mexico about one thing that he said. He said we gave the President everything he wanted in his social programs. We actually gave him more. This is $5 billion more than his request was last year. It is not a matter of not having enough in this bill. I feel the spending is too high. I do not agree with all the assumptions, but I am very confident that this is going to be adopted and going to be adopted tonight.

Also, I am not sure we are going to be able to accomplish all the tax decreases that we have promised some of the people. I had occasion this morning to talk to two large groups, both of whom are endorsing this, and they are endorsing this because they believe they are going to get an estate tax reduction; they believe they are going to get capital gains reductions. I do not believe there is going to be enough money to do that. But that is not the point of standing here now.

What I would like to see happen with this, ultimately, in the year 2002 is to accomplish the goal that many people believe in their hearts we will accomplish with this. I am not that confident. I am going to assume that will happen and we will reach a balanced budget by the year 2002.

I have offered amendment No. 301 because I think by just oversight, something was left out. Let's assume that everything we are trying to accomplish with the adoption of this budget agreement becomes a reality. Let's assume that the economic assumptions produced an additional $225 billion. Let's assume that these spending programs are going to stay within the limits and that we are able to do the tax cuts. And let's assume that we find ourselves with a balanced budget.

Now, here is the problem that I have with this. One of the problems is, if we reach the year 2001 and we see, in fact, it is doing what we projected it would do, doing what we told the American people it would do, and that is balance the budget, eliminate the deficit, what happens in the next year? With that as a concern, I don't think there is anyone in this Chamber who is going to vote for this bill on the basis that they want to balance the budget who does not also want to keep the budget in balance in the years following that. So I have this very simple resolution that I wouldn't think there would be any opposition to. That is, if this passes, and that becomes a reality—I am going to read the sentence from the bill. This is, in essence, my entire amendment.

> It shall not be in order in the Senate to consider any budget resolution or conference report on a budget resolution for fiscal year 2002 and any fiscal year thereafter that would cause a unified budget deficit for the budget year or any of the four fiscal years following the budget year.

So, what we are saying is, once we get it in balance and we have eliminated the deficit, I would like to go further and say, let's then start spending down and paying down the debt. Instead of that, with this, all we are saying is once we eliminate the deficit, let's keep it eliminated. In the absence of this, all of this, that is on this plan, this road map can become a reality in the year 2001. But if that happens, then they can turn around and say, "Good, that's over with, now let's start raising deficits again."

That is the essence of it. I am prepared to yield the remainder of my time, but I understand the Senator from New Jersey wants to use some of his time.

Mr. LAUTENBERG. Very briefly. I thank the Senator from Oklahoma for remembering that I might disagree that we have a 60-person vote required after the year 2002. I understand that the Senator wants to make sure that if we do achieve the objectives that we set out for ourselves, that we can continue to do so. I believe the same thing. However, I do disagree that we require a supermajority.

The fact of the matter is, to project that far in advance—again, I said it earlier in a discussion, that we are working with estimates. We are looking at a particular point in time, the condition of our economy, the condition of the revenue stream that we get from, really, an ebullient marketplace and high tax collection. That has given us revenues that make the balanced budget a reality, to permit the tax cuts that have been established. Again, we each take a little bit of time for editorial comment to say—with which I disagree. I do agree with the portion that is devoted to the middle class and devoted to education. But it cannot be only my way. I regret that, but that is life and the reality.

Mr. President, I hope we will be able to defeat this amendment. I think it does violate the agreement as we understand it. If we get to 2002—we have deliberately had the projections extend for 10 years, so we had some idea that we were not going to face a cataclysmic explosion with deficits or with tax cuts, frankly, in that period of time. I hope we will be able to defeat it. I do not see my colleague, the chairman of the Budget Committee here, but I assume he will agree with me and that he will discuss it at an appropriate moment, if we have time.

Has the Senator yielded back all the time?

Mr. INHOFE. No, I was waiting until the Senator yielded his time.

Mr. LAUTENBERG. I yield the floor.

Mr. INHOFE. I thank the Senator from New Jersey for the spirit in which he is addressing these things. I know there is a difference of opinion. But I would only say, in closing, that we have a list here of 66 people, Democrats and Republicans—you were not one of them—that voted for the balanced budget amendment.

Mr. LAUTENBERG. Not.

Mr. INHOFE. I assume you don't want to change that vote today?

Mr. LAUTENBERG. The record is closed.

Mr. INHOFE. I would say it would be very difficult for me to understand how anyone could have voted for a balanced budget amendment to the Constitution and not support this. Because we are talking about, if you do not do this and you are saying, let's make the plan work, come up to 5 years from now, and then let's start in again on deficits. And we do not want to do that.

With that, if the Senator from New Jersey would like to yield back his time, I will do the same.

Mr. LAUTENBERG. I yield our time.

Mr. INHOFE. Mr. President, I yield the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum and ask the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 335

Mr. DODD. Mr. President, I have an amendment that is on the list. I am going to do this very briefly to accommodate our colleagues who are anticipating a series of upcoming votes. The distinguished chairman of the committee has given me a couple of minutes to explain my amendment. It is at the desk.

Mr. DOMENICI. Mr. President, you heard a couple minutes. A couple minutes is my interpretation of 3, that is what a couple is.

The legislative clerk read as follows:

> The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 335.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. DODD. Mr. President, very briefly, let me explain, as I said when I offered an amendment earlier in the week, I intend to support this budget resolution. I think it is a good resolution. I commend the leadership for putting it together. There is some disagreement around the fringes.

Fundamentally, this is a good agreement. I am impressed with the balance that is included in here. One of the ways this balance is accomplished is by limiting, of course, as we know, the size of tax cuts, both initially and in the latter years.

The agreement entered into by the President, the majority leader, my colleague from Mississippi, Senator LOTT, and Speaker GINGRICH specifies tax cuts should cost no more than $85 billion in the first 5 years and no more than $250 billion over the 10-year period.

I read from the letter signed by our distinguished majority leader and the Speaker. I quote from the letter, Mr. President:

> It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007.

As I said, this was signed by the majority leader and the Speaker. I was surprised, however, Mr. President, to learn that this budget resolution does not fully conform in a sense because there is no reflection of the $250 billion over 10 years. It does include the $85 billion over the first 5 years. There is no particular reason they should not be included. It was part of the agreement.

In my view, the resolution ought to reflect the agreement. We do not specify, obviously, what is to be done. That is up to the specific committees; in our case, the Finance Committee; in the House, the Ways and Means Committee. All it does is conform to the overall agreement of tax cuts should not exceed $250 billion over 10 years. The absence of that reference in the resolution, I think, leaves open the question whether or not we are going to meet those guidelines.

So, Mr. President, I offer this modification with reconciliation instructions so that the tax cuts are not limited to $85 billion but also be limited to $250 billion in 10 years. This language would be binding, but not in the sense of how it is done. We are not out of the woods, obviously, at the end of 10 years. There are reports we could have a ballooning problem, as we did after the 1981 agreement. I think by including the $250 billion here, it does conform very explicitly, as I said, with the letter.

I ask unanimous consent that the letter from the distinguished majority leader and the Speaker be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1997.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We would like to take this opportunity to confirm important aspects of the Balanced Budget Agreement. It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007. We believe these levels provide enough room for important reforms, including broad-based permanent capital gains tax reductions, significant death tax relief, $500 per child tax credit and expansion of IRAs.

In the course of drafting the legislation to implement the balanced budget plan, there are some additional areas that we want to be sure the committees of jurisdiction consider. Specifically, we believe the package must include tax relief of roughly $35 billion over five years for education, including a deduction and a tax credit. We believe this package should be consistent with the objectives put forward in the HOPE scholarship and tuition tax proposals contained in the Administration's FY 1998 budget to assist middle-class parents in paying and saving for their children's education.

Additionally, the House and Senate Leadership will seek to include various proposals in the Administration's FY 1998 budget (e.g., the welfare-to-work tax credit, capital gains tax relief for home sales, the Administration's EZ/EC proposals, brownfields legislation, FSC software, and tax incentives designed to spur economic growth in the District of Columbia), as well as various pending congressional tax proposals.

In this context, it should be noted the tax-writing committees will be required to balance the interests and desires of many parties in crafting tax legislation within the context of the net tax reduction goals which have been adopted, while at the same time protecting the interests of taxpayers generally.

We stand to work with you toward these ends. Thank you very much for your cooperation.

Sincerely,

NEWT GINGRICH,
Speaker.
TRENT LOTT,
Senate Majority Leader.

Mr. DODD. Mr. President, so my colleagues can appreciate this, this is not gamesmanship or trying to be cute about this in any way, but merely to have our reconciliation instructions conform to what the letter says we do. I think that would certainly put everyone at ease about the commitments we are all making to this resolution when it comes to deficit reduction.

The great tragedy would be if we got to the end of 5 years and have no requirement that we try to limit it to $250 billion at the end of 10 years, and you have deficit reduction and balance for 1 year, and then it will explode out of proportion after that period of time. That is the reason for the amendment.

I appreciate, again, my colleague providing me these few minutes to explain the amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have no objection to the amendment, but before we finish and wrap this up, I will be making sure that the rest of the agreement, as it pertains to cuts, has the same kind of specificity to it, otherwise, I would not accept it. I am not sure we can hold it in conference, as long as the Senator understands that.

Mr. DODD. I am sure the Senator from New Mexico will try. I say to my colleague, I think the cuts are there. If not, I will join him in an amendment.

Mr. DOMENICI. I have no objection. I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 335) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

Mr. BUMPERS. Will the Senator withhold for a moment? Can I have the attention of the floor manager?

The PRESIDING OFFICER. Does the Senator from New Mexico yield for a question?

Mr. DOMENICI. Yes.

Mr. BUMPERS. Mr. President, I question the distinguished Senator from New Mexico, why can't we just start voting right now?

Mr. DOMENICI. We have five amendments which we are going to vote on and some other unanimous-consent requests that the leadership and the managers have. We will put it all in one UC and then start with the amendment of the Senator from Arkansas: His is the lead-off one, and we should not take more than another 5 minutes and then we will be ready.

Mr. BUMPERS. How many following mine?

Mr. DOMENICI. Five in total, I believe. Yours and four others for a total of five. Then we will have some more language in the UC about the rest of the evening and the rest of the amendments.

Mr. BUMPERS. I wonder if the Senator, while we are in this colloquy, can tell us what to expect for the rest of the evening after these votes, and tomorrow.

Mr. DOMENICI. I can only tell you that the distinguished Democratic manager and I are going to be here this evening, and we are going to use all the time to take up amendments. Whether we will vote on them tonight or not, let's wait and see what the leadership proposes. The time will run out sometime before too late, at least it will not be so late that we cannot stand here on the floor and get it done. Amendments will be worked on all evening. There may not be any votes, but it depends on the unanimous-consent request.

Mr. BUMPERS. Mr. President, I wonder if the Senator can inform the Senator how much time is left on the bill?

Mr. DOMENICI. I will ask—a little less than 5 hours.

Mr. LAUTENBERG. About roughly 5 hours.

Mr. BUMPERS. Parliamentary inquiry, Mr. President. How much time is left on the bill?

The PRESIDING OFFICER. A little less than 5 hours is left.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

AMENDMENT NO. 328, AS MODIFIED

Mr. DOMENICI. Mr. President, I have an unprinted amendment on behalf of Senator JOHN MCCAIN. It is a modification to 328 which has heretofore been offered. It is a sense-of-the-Senate regarding Amtrak. I ask that it be considered.

The PRESIDING OFFICER. Without objection, the amendment is so modified, and the clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. MCCAIN, proposes amendment numbered 328, as modified.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING ASSISTANCE TO AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) Amtrak is in a financial crisis, with growing and substantial debt obligations approaching $2 billion;

(2) Amtrak has not been authorized since 1994;

(3) the Senate Committee on Commerce, Science, and Transportation favorably reported legislation to reform Amtrak during the last two Congresses, but no legislation was enacted;

(4) the Finance Committee favorably reported legislation in the last Congress that created a dedicated trust fund for Amtrak, but no legislation was enacted;

(5) in 1997 Amtrak testified before the Congress that it cannot survive beyond 1998 without comprehensive legislative reforms and a dedicated source of capital funding; and

(6) Congress is obligated to invest Federal tax dollars responsibly and to reduce waste and inefficiency in Federal programs, including Amtrak.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions of this resolution assume that:

(1) Legislative reform is urgently needed to address Amtrak's financial and operational problems.

(2) It is fiscally irresponsible for Congress to allocate additional Federal dollars to Amtrak, and to distribute money from a new trust fund, without providing reforms requested by Amtrak to address its precarious financial situation.

(3) The distribution of money from any new fund to finance an intercity rail passenger fund should be implemented in conjunction with legislation to reauthorize and reform the National Rail Passenger Corporation.

Mr. MCCAIN. Mr. President, my amendment states that if legislation is enacted to establish an intercity passenger rail fund, as this budget resolution would make room for, the distribution of any new money should be in conjunction with legislation to reauthorize and reform the National Rail Passenger Corporation, better known as Amtrak. Money alone, cannot fix all of Amtrak's financial and operational problems.

This amendment does not attempt to kill Amtrak or block its funding. It simply attempts to establish some level of fiscal accountability before the taxpayers are forced to pay $400 to $500 million more to fund Amtrak capital subsidies.

We have an obligation to the American public to invest our Federal dollars wisely. We should reduce waste and inefficiency and allow Amtrak to achieve greater fiscal accountability. Statutory reforms are necessary if Amtrak is to increase efficiencies, reduce costs, and lessen its dependence on Federal assistance.

Earlier this week, I met with Delaware's Governor, Tom Carper, who serves on the Amtrak board of directors. Governor Carper articulated clearly to me Amtrak's plan to turn its financial condition around. He talked about the need for capital investment and his support for establishing a trust fund for Amtrak. He also talked about the importance of legislative reforms.

I may not agree with Governor Carper's views on the role that the Federal Government should continue to play in supporting Amtrak. But, it was refreshing to hear from someone close to Amtrak's operations discuss the critical need for statutory reforms—including labor and liability reforms—and not just the need for more money.

Mr. President, Amtrak has not been authorized since 1994. The Commerce Committee has reported out reform legislation during the last two Congresses. But, instead of meeting our authorizing obligations, Congress has found it easier to just keep throwing good money at an inefficent operation.

This fiscally irresponsible practice must stop.

Last week, Senator HUTCHISON, the chairman of the Surface Transportation and Merchant Marine Subcommittee, introduced S. 738, the Amtrak Reform and Accountability Act. That bill proposes to reauthorize Amtrak for 5 years and provide comprehensive reforms to allow Amtrak to operate more like a business. In short, it provides all the things Amtrak's president, Tom Downs, says are needed in order for Amtrak to meet its glide path to zero Federal operating subsides by 2002.

The Commerce Committee is prepared to move Senator HUTCHISON'S bill during our very next executive session. We will be ready for floor action as soon as the leadership can agree on a schedule. Members can offer amendments and cast their votes. But we are committed to debate reform legislation on the Senate floor.

I cannot understand how any Member could seriously argue that reform legislation should not be tied to any future "pot of gold" for Amtrak. Let me remind my colleagues that it is Amtrak that has said that money will not solve all its problems.

For the past several years, Amtrak's president, Tom Downs, has testified before Congress explaining the three things needed to turn Amtrak around: Internal Restructuring; comprehensive legislative reforms; and a dedicated source of capital funding.

And, just yesterday morning, during a DOT oversight hearing of the Commerce Committee, the GAO and the Office of Inspector General testified on the serious challenges Amtrak faces to achieving operating self-sufficiency.

Mr. President, since 1983 I have listened to Amtrak officials talk about their plans to turn Amtrak into a viable operation. I imagine they've talked about it for 26 years. Amtrak says they can operate more efficiently and reduce the need for Federal assistance if Congress gives them the tools they have requested. Therefore, it would be extremely irresponsible to give Amtrak a substantial increase in Federal assistance and not remove some of the statutory burdens that are the root cause of many of their financial woes today.

If Amtrak is given new money without reforms, I can hear them in the year 2002. They'll try to convince me how Congress still should continue subsidizing Amtrak because Congress never gave them what they said they needed. Well, enough is enough. If Amtrak is going to receive Federal assistance, let's make sure they also have the ability to increase efficiencies, reduce costs, and operate more like a business.

Amtrak is in a financial crisis. Without comprehensive legislative reforms, it is business as usual. And today, that business faces a debt load fast approaching $2 billion.

Mr. President, I do not support a never-ending drain on the Federal taxpayers in funding a passenger rail system that serves only 500 locations across the country. But, if the collective wisdom of Congress believes we should continue to invest billions of dollars in a passenger system that serves less than 1 percent of the traveling public, I am going to do all I can to ensure such investment is as fiscally sound at possible. Turning on a new Amtrak funding spigot absent comprehensive operational reforms would be wasteful and careless.

I urge my colleagues to support my amendment.

Mr. ROTH. Mr. President, I support Senator MCCAIN'S Sense of the Senate. I agree with my colleague from Arizona that Amtrak needs reforms. Amtrak must be able to operate more like a business. Senator HUTCHISON has recently introduced a major reform package which I support. Amtrak needs these reforms and they must be enacted this year. It is also very clear that Amtrak needs an adequate and reliable source of capital funding. Amtrak is currently borrowing to meet payroll and if additional capital funding is not provided, GAO and Amtrak have testified that the company will not survive past mid-1998. The key to Amtrak's future is both a legislative reform package and a secure source of capital funding.

Given the immediate financial crisis Amtrak is facing, Congress cannot wait a moment longer. To be viable Amtrak will need both a secure source of capital funding and a reauthorization and reform bill this year. It is my goal to see both bills enacted this year. I do not doubt Senator MCCAIN'S ability to get the reform bill passed in the Senate and enacted this year. And, as I have stated on the floor many times, it is one of my priorities to give Amtrak a secure source of capital funding this year. Both bills are essential and I believe both should be implemented in conjunction with each other. We cannot lose our national passenger rail system. If something is not done to give Amtrak the capital funds and the reforms it needs, Amtrak will not survive. This is not an idle threat. GAO has testified before my committee that this is the case. Amtrak President Tom Downs has testified that the company would not survive past 1998. Amtrak's financial report proves it. The question before us is whether or not we want this country to have a national passenger rail system. If we want a national system, we must give Amtrak a secure capital funding source to allow it to operate more like a business.

Let me take a few minutes to explain why I fought to include the Amtrak reserve fund in the budget resolution. And may I also say at this time that Senators DOMENICI and LAUTENBURG have been extremely helpful in securing this compromise language for me.

Senator DOMENICI and I have worked together to develop a compromise on how to finance a secure source of funding for Amtrak. Out of these discussions we developed an Amtrak reserve fund which would allow for the spending caps for Amtrak to be raised by the amount of revenue raised to finance this fund. It is the first step, and a very critical step, for ensuring that Amtrak receives the capital funding it needs to survive.

Mr. President, all major modes of transportation have a dedicated source of capital funding, except for intercity passenger rail. Amtrak needs a similar capital funding source to bring its equipment, facilities, and tracks into a state of good repair. Much of Amtrak's equipment and infrastructure has exceeded its projected useful life. The costs of maintaining this aging fleet and the need to modernize and overhaul facilities through capital improvements to the system are serious financial challenges for Amtrak. This provision is the first step in helping to reverse these problems and give Amtrak the resources necessary to meet its capital investment needs.

I believe that it is time for Congress to reverse our current policy that favors building more highways at the expense of alternative means of transportation, such as intercity passenger rail. Despite rail's proven safety, efficiency, and reliability in Europe, Japan, and elsewhere, intercity passenger rail remains severely underfunded in the United States. In fact, over half of the Department of Transportation's spending authority is devoted to highways and another quarter to aviation; rail still ranks last with roughly 3 percent of total spending authority.

If this Congress wants a national passenger rail system, we will have to properly fund the system. Amtrak has not been able to make sufficient capital investments in the past through annual, but inadequate appropriation. I am pleased that the Senate now recognizes that a new funding mechanism is needed for Amtrak. Under this budget agreement, Amtrak would finally receive similar treatment as other modes of transportation.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona for his efforts. I appreciate his leadership as full committee chairman because he makes it possible for members to move important legislation in a timely fashion, and I am pleased to hear his commitment to move S. 738, Amtrak reauthorization and reform legislation, as soon as possible.

In particular, he is exercising great leadership on the issue of Amtrak. I know he personally has doubts about our current passenger rail policy but, as chairman, has not acted to impede the will of the Commerce Committee or Congress to continue the national passenger rail system. He does, however, insist these the policies and their implementation be responsible. I commend him for that, appreciate the leadership it represents, and will work closely with him to that end.

I support this amendment because I believe Amtrak must have both reform and capital funding. I commend Senator ROTH for his commitment to authorize a capital fund for Amtrak and will work with him to see that it occurs. He is a cosponsor of my Amtrak reauthorization bill and am certain he will make a similar commitment to help achieve its passage.

I believe we agree that the passage of both of these bills is necessary to sustain Amtrak. Increased Amtrak funding alone is not enough; nor are reforms without adequate funding. However, providing the funding without the reforms not only shortchanges Amtrak, it shortchanges the taxpayer.

I fully share the sense of this Senate that appropriations from the new intercity rail fund should go to a reformed and reauthorized Amtrak. I urge all of my colleagues to work with me to pass Amtrak reform legislation as soon as possible in fulfillment of this resolution.

Mr. DOMENICI. Mr. President, I have no objection to this and hope we will adopt it here by voice vote.

But I yield to Senator FRANK LAUTENBERG.

Mr. LAUTENBERG. Very simply, Mr. President, I too approve of the amendment. I have a deep interest in Amtrak and national passenger rail service. And this refines a process. I am pleased to endorse it.

Mr. DOMENICI. I yield back all my time.

I yield back any time Senator MCCAIN may have.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment, as modified.

The amendment (No. 328), as modified, was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I have discussed this unanimous consent agreement we are about to enter with the Democratic leader. Therefore, I ask unanimous consent that at 7:15 today the Senate proceed to a series of votes on or in relation to the following amendments in the order specified, and, further, prior to each vote there be 2 minutes for debate equally divided in the usual form: Senator BUMPERS, No. 330; Senator BUMPERS, No. 331; Senator BOND, No. 324, which I understand will be a voice vote; Senator GRAMM, No. 320; Senator ASHCROFT, No. 322; Senator ASHCROFT, No. 323; Senator INHOFE, No. 301.

Mr. President, I make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that all votes after the first vote be limited to 10 minutes in length, and, further, all time consumed by the votes count against the overall time limitation, and, further, any remaining debate time under the statute be consumed this evening, and, finally, beginning at 9:30 a.m., tomorrow morning the Senate proceed to vote on any pending amendments, and following disposition of all amendments, the Senate proceed to the immediate consideration of calendar 56, House Concurrent Resolution 84, the House companion, and all after the enacting clause be stricken, and the text of Senate Concurrent Resolution 27 be inserted, and the Senate proceed to vote on adoption of the budget resolution, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that following adoption of House Concurrent Resolution 84, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I want to express my appreciation for the cooperation from the chairman and ranking member and the Democratic leader for getting this agreement. This will, I think, be a fair way and expeditious way to complete our action. And we will then get all amendments voted on and final passage beginning at 9:30 tomorrow morning.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to thank the distinguished majority leader for his assistance tonight.

I think this is a very fair way to handle matters. And we will be discussing further amendments that will come up this evening while these votes take place.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I wonder if—I am sorry. The leader made that request, and I was not paying close enough attention.

I would like to reverse my two amendments and bring up 331 first and then 330 second. I ask unanimous consent that we do that.

Mr. DOMENICI. We have no objection. Maybe we could proceed, I say to Senator BUMPERS, to use up time that you have to—

Mr. BUMPERS. I am prepared to use my time.

Mr. DOMENICI. If the Senator used his minute and I use my minute, we will be ready to vote promptly at 7:15.

The PRESIDING OFFICER. Without objection, it is so ordered. The order is so modified.

Mr. DOMENICI. I thank the Presiding Officer.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 331

Mr. BUMPERS. My first amendment simply says that the Finance Committee must come up with offsets of $115 billion to offset that amount which is the cut in Medicare. I think it would be unseemly and extreme if we have to go home and tell our people that we cut Medicare by $115 billion to make the system more solvent and at the same time tell them the only way we could cut taxes under this budget agreement was to cut Medicare by $115 billion.

So, Mr. President, I earnestly ask my colleagues to seriously consider voting to simply say to the Finance Committee, do not force us to go home and tell our constituents that we cut Medicaid by $115 billion and we used every dime of it—every dime of it—to offset all these tax cuts, many of which go to the wealthiest people in America.

It is indefensible. It is inexcusable. I urge my colleagues to support this amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. The problem is that what the Senator just described is not the amendment. All the amendment does is take out all the tax cuts the American people are to receive. It has nothing to do with Medicare.

It is a forthright simple amendment. It says, take out all the tax cuts. It totally violates the agreement and, I repeat, has nothing to do with Medicare, nothing.

Everything that we saved in Medicare went to make Medicare solvent. There are plenty of other savings to cover these tax cuts if you had to cover them. But we have to make no apologies. We produced a balanced budget, and in that we got $85 billion net new tax cuts available to the American people.

Plain and simple, this amendment says, no tax cuts. That means anyone that votes for it is against tax cuts. Simple, plain, nothing else.

I yield any time I have remaining.

Mr. BUMPERS. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 47 seconds.

Mr. BUMPERS. Mr. President, I ask the distinguished chairman of the Budget Committee, and my colleagues, what kind of a tax cut will you have if you do not use Medicare's $115 billion cut? The answer to that is, none, virtually none.

Make no mistake about it, the Medicare cut is being used to fund these tax cuts. And without it there will be no tax cuts. It is just that simple.

Mr. DOMENICI. Do I have any time left?

The PRESIDING OFFICER. Ten seconds.

Mr. DOMENICI. That is just not true. If that did not take 10 seconds, that is enough.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMENICI. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. They yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—73

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—26

Akaka
Boxer
Bumpers
Byrd
Cleland
Conrad
Dodd
Dorgan
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—1

Coats

The motion to lay on the table the amendment (No. 331) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 330

The PRESIDING OFFICER. There will be 2 minutes of debate on the next Bumpers amendment, 1 minute to each side.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, this is an amendment which keeps the deficit from soaring next year. This year's deficit is going to be $67 billion. This budget takes the deficit next year to $97 billion. In the year 2000 it is $97 billion. It starts coming down the last 2 years only because of the economic assumptions.

You are assuming in this budget that the economy is going to stay as hot the next 5 years as it has been the last 5 years. And if that proves to be a false assumption you are going to see the deficit start soaring.

I say strike while the iron is hot.

In 1981 we bought into this same proposition, and in 8 years had a $3 trillion debt to show for it.

Here we are back at the same old stand—cutting taxes and balancing the budget. That is the good old five-chocolate-sundae-a-day diet. It didn't work in 1981. It isn't going to work now.

So I am saying balance the budget in the year 2001, not 2002. Postpone the tax cuts until 2002 and honor the American people who say they want a balanced budget a lot worse than they want a tax cut.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not take very long.

Fellow Senators, what this amendment effectively does is takes away all the tax cuts except $20 billion—plain and simple. There can be all kinds of rationale. But at least $20 billion of the $835 billion in tax cuts, and the rest of the tax cuts are gone.

It seems to me that we have made a commitment that we are going to do both—balance the budget and cut taxes for some Americans, including families with children. This eliminates all of that, and I believe it ought to be turned down overwhelmingly.

Indeed, it doesn't cut any spending. It just cuts out the tax cuts.

I yield my time.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—81

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Reed
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—18

Akaka
Bryan
Bumpers
Byrd
Conrad
Feingold
Glenn
Graham
Hollings
Kennedy
Kerrey
Levin
Moseley-Braun
Moynihan
Murray
Reid
Robb
Sarbanes

NOT VOTING—1

Coats

The motion to lay on the table the amendment (No. 330) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Senator BOND?

AMENDMENT NO. 324, AS MODIFIED

The PRESIDING OFFICER. The Senate will please come to order. We will now have debate on the Bond amendment No. 324, as modified; 2 minutes, 1 minute per side.

Mr. BOND. Mr. President, I believe this amendment can be accepted. Basically it points out the fact that in the State of Missouri and other States, the disproportionate share of the hospital Medicaid payments is used to provide health care to the most vulnerable population, a quarter of a million pregnant women and children and, as we look at it, when the Finance Committee addresses this DSH program, they need to keep in mind that no harm must befall these very vulnerable people. We ask they consider use of the funds in the legislation, other legislation that is being adopted. We urge the adoption of the amendment.

Mr. DOMENICI. Mr. President, I yield back my time. I am willing to accept the amendment without a rollcall vote.

Mr. LAUTENBERG. No objection on this side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 324), as modified, was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank my colleague for changing it into a sense of the Senate. It is acceptable because of that.

AMENDMENT NO. 320

The PRESIDING OFFICER. The question now occurs on amendment No. 320.

Mr. DOMENICI. Mr. President, parliamentary inquiry?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What is the amendment following the Gramm amendment?

The PRESIDING OFFICER. The Ashcroft amendment No. 322.

Mr. DOMENICI. Senator ASHCROFT, would you mind going next and giving your 1 minute? I ask consent we pass the Gramm amendment and proceed to the Ashcroft amendment that is listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 322

The PRESIDING OFFICER. We will have a 2-minute debate.

The Senator from Missouri.

Mr. ASHCROFT. Mr. President, much has been said about different amendments, alleging that they were deal breakers. This is a deal keeper. This is a set of enforcement provisions which would limit the amount of debt that we could have each year to the amount that is specified in the budget agreement. This is basically the balanced budget amendment in statutory form, conformed to the balanced budget agreement. Those individuals who voted in favor of a balanced budget amendment to the Constitution were willing to put this kind of discipline into our culture for life. I think we ought to be willing to put it into this agreement for the next 5 years.

This is not a deal breaker. This is a deal keeper, and the American people deserve to have the discipline of knowing that the debt will not exceed the limits specified.

The debt will not exceed the numbers of debt which are provided for in the agreement. This is just a way to provide discipline and enforcement of the agreement, as written.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this amendment would require a supermajority, three-fifths of the Members in each House, to provide for specific excess of outlays of receipts or to provide for such increase in the level of public debt.

What we are doing here is we will be reviewing the balanced budget amendment and voting for it here again. It does not fit in the scope of things.

I have raised a point of order on this relative to germaneness. We should defeat this. I think this is a very dangerous precedent, for us to get involved with this kind of legislation in this budget resolution.

I hope we will defeat it.

Mr. DOMENICI. Has the Senator's time expired?

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. ASHCROFT. Mr. President, I urge Members of the Senate who voted for a balanced budget amendment to the Constitution to do this imposition of a balanced budget amendment to the budget agreement. It provides discipline and will ensure that we keep the agreement; that we don't break it. The American people deserve no less.

Mr. LAUTENBERG. Mr. President, do I have any time?

The PRESIDING OFFICER. Around 20 seconds.

Mr. LAUTENBERG. Mr. President, 20 seconds? We will use the 20 seconds, Mr. President.

Mr. DOMENICI. Could we have order, please?

The PRESIDING OFFICER. The Senate will please come to order. The Senate will please come to order.

Mr. LAUTENBERG. We will use the seconds preciously and quickly and just say that this doesn't even allow for any adjustments during a recession, depression or that kind of thing. It says, "other than national security." That is a military reference. I think national security includes a stable society, one that adjusts to the times. I hope we will again vote it down.

I yield back my time.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to waive the Budget Act in relation to amendment No. 322, offered by the Senator from Missouri.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 41, nays, 58, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—41

Abraham
Allard
Ashcroft
Bond
Brownback
Burns
Coverdell
Craig
Enzi
Faircloth
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Mack
McCain
McConnell
Murkowski
Nickles
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—58

Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Specter
Torricelli
Wellstone

NOT VOTING—1

Coats

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order previously raised against the amendment is sustained in that it violates section 305(b)(2) of the Congressional Budget Act and the amendment falls.

AMENDMENT NO. 320, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 320, as modified.

There are 2 minutes equally divided.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we established the highway trust fund in 1956, and under that trust fund, when people paid taxes on gasoline, it was a user fee to build roads and to build mass transit. In 1993, in the tax bill, for the first time ever, we had a permanent tax increase on gasoline that went to general revenues.

What this sense-of-the-Senate resolution says is that it is the sense of the Senate that on the budget reconciliation, on any appropriation, or any tax bill that we should put this 4.3-cent-a-gallon tax on gasoline back into the highway trust fund so that it can be spent for the purpose the tax is collected.

I hope my colleagues will vote for this amendment. We are going to have an opportunity to vote on the real thing later this year, but this vote will put people on record.

I thank the Chair.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. I am not in opposition.

Mr. CHAFEE. I am in opposition.

Mr. DOMENICI. I yield to Senator CHAFEE.

Mr. CHAFEE. Mr. President, what this does is it takes $40 billion over the

5 years that is now going into the General Treasury and puts it into the highway trust fund with, obviously, the assumption that it is going to be spent. In effect, what we are doing here is adding $40 billion to the deficit of the United States.

I just don't think, when we are in this effort of trying to balance the budget, that this is the right step to take. Do we all want to have more highways? Of course, we do. Indeed, it falls under the very committee of which I am the chairman. I don't think at this time, when we are making these efforts to balance the budget, that we want to take $40 billion over 5 years going into the General Treasury and spend it in this manner. So I hope the amendment will be defeated.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—83

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Enzi
Faircloth
Feingold
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—16

Chafee
Dodd
Durbin
Ford
Glenn
Graham
Harkin
Kennedy
Kerry
Levin
Moseley-Braun
Moynihan
Reed
Robb
Roth
Wellstone

NOT VOTING—1

Coats

The amendment (No. 320), as modified, was agreed to.

Mr. BAUCUS. Mr. President, I want to take this opportunity to explain my vote on the Gramm sense-of-the-Senate amendment.

This sense-of-the-Senate amendment calls for the return of 4.3 cents of the Federal gas tax currently used for deficit reduction to the highway trust fund.

I have long argued for the return of these revenues to transportation programs—approximately $7 billion annually. In fact, I recently introduced legislation to transfer the 4.3 cents to transportation programs—3.8 cents to the highway account of the highway trust fund and 0.5 cents to be used to maintain this Nation's national passenger rail system or Amtrak.

While this sense-of-the-Senate amendment unfortunately does not address Amtrak, I feel it is important for the Senate to express its support for redirecting the 4.3 cents to transportation purposes. That is why I have voted for this amendment.

As this sense-of-the-Senate amendment is nonbinding, it is important to ensure that the transfer of the 4.3 cents for transportation actually takes place. As a member of the Finance Committee, I want to make it very clear to my colleagues that I intend to pursue my legislation to make the transfer—again, 3.8 cents for the highway account and 0.5 cents for Amtrak.

Transportation investments are the key to this Nation's economic future. Our ability to compete in today's global economy is tied to an efficient and safe intermodal transportation system—highways, transit, Amtrak, and other modes.

The Gramm amendment is the first step to reaching that outcome. By putting the Senate on record in support of transferring the 4.3 cents for transportation purposes, we will be able to work during the reconciliation process and the reauthorization of ISTEA to see that additional investments are made in our transportation system.

I look forward to working with the chairman of the Finance Committee, Senator MOYNIHAN, and others to transfer these revenues as we develop reconciliation legislation.

AMENDMENT NO. 323, WITHDRAWN

The PRESIDING OFFICER. Under the previous order, we will proceed to consider amendment No. 323 by the Senator from Missouri, Senator ASHCROFT.

There are 2 minutes of debate equally divided.

Who yields time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be able to withdraw this amendment. This amendment was in large measure subsumed in the prior amendment which I offered to the Senate. I ask unanimous consent that this amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 323) was withdrawn.

AMENDMENT NO. 301

The PRESIDING OFFICER. The question now occurs on amendment No. 301 by the Senator from Oklahoma, Senator INHOFE.

Mr. INHOFE. Mr. President, this is the last amendment of the evening. I would like to have your attention for a short period of time.

I have not been a strong supporter of this budget deal, the basis of the assumptions and other things. But in the event it does come up with a balanced budget in the year 2002, I see one frailty with this, and that is, you can come into balance in the year 2002, only to find out that in 2003 you come along and go back into deficits again.

So I am going to read one sentence very carefully. I would like to have you listen to it.

> [I]t shall not be in order in the Senate to consider any budget resolution . . . for fiscal year 2002 and any fiscal year thereafter . . . that would cause a unified budget deficit for the budget year or any of the 4 fiscal years following the budget year.

I would like to reserve the last 10 seconds of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, this amendment talks to the years 2000-plus. We heard it from the Senator from Oklahoma. We are not balancing the budget for 10 years. We are balancing it for the first 5 years to 2002. We project off into the years subsequent to that.

We believe that we will have the mechanism in place to control it. If not, we ought to take it up at that time. And this budget amendment creates a supermajority. So we are back to 60 votes in case you want to make a change at that time.

I do not think we ought to be strapping ourselves now for something that is going to happen after 2002. I hope that we will defeat this amendment. I think that it is important that we do.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I believe I have 15 seconds remaining.

Let me just say that if it is the intent of anyone to vote for this in hopes it would achieve a balanced budget by the year 2002, and then coming back and starting into deficits again, of course you want to oppose it.

This is your last opportunity to say that we want to reach that balanced budget by 2002, and then keep it in balance thereafter.

The PRESIDING OFFICER. Does the other side wish to yield back their time?

Mr. LAUTENBERG. I move to table the amendment.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—52

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Domenici
Dorgan
Durbin
Feinstein
Ford
Gorton
Graham
Harkin
Hatch
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Roberts
Rockefeller
Sarbanes
Smith (OR)
Specter
Stevens
Wellstone

NAYS—47

Abraham
Allard
Ashcroft
Brownback
Burns
Cochran
Coverdell
Craig
D'Amato
DeWine
Enzi
Faircloth
Feingold
Frist
Glenn
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NOT VOTING—1

Coats

The motion to lay on the table the amendment (No. 301) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

AMENDMENT NO. 316

Mr. ABRAHAM. Mr. President, I call up my amendment numbered 316.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. KYL, Mr. BROWNBACK, Mr. ASHCROFT, Mr SESSIONS, and Mr. COVERDELL, proposes an amendment numbered 316.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. ABRAHAM. Mr. President, it is not my intent tonight to keep the Senate here for a lengthy period of time on this amendment. I will speak to my amendment for just a couple of minutes. If others wish to debate it, I will stay here, but I am otherwise prepared to yield back my time on this amendment after giving it a couple of minute's description.

Basically, Mr. President, this amendment tries to address a concern that a number of my constituents, and I suspect constituents from other States, have expressed in recent weeks with respect to the development of this budget. As the President and Members are aware near the end of discussions and deliberations that went into the development of this budget agreement, the Congressional Budget Office informed the negotiators at the last minute that they had underestimated the income shares, the revenue estimate, for the upcoming 5-year period by some $225 billion.

Obviously, a lot of questions have been raised. I am not here tonight to quarrel with or to raise questions about the basis on which those adjustments took place, but the fact is, Mr. President, based on these adjustments, we are moving forward with a budget that estimates certain amounts of revenue.

Clearly, it is possible that sometime during the period that this budget covers over the next 5 years we might find further adjustments occurring. My concern, Mr. President, is what happens if further adjustments based on the actual receipts to the Federal Government exceed what the estimates are that we are using as the basis for this budget resolution. To that end, my constituents are basically telling me that if the actual revenues the Government produces exceed that which we are using here in this budget resolution, that those dollars ought to be returned to taxpayers in the form of tax cuts or ought to be used to reduce the deficit, for deficit reduction and debt reduction purposes.

Based on that, Mr. President, I am offering tonight—because of the nature of the resolution, I am not offering this as an amendment in the fullest sense—as a sense-of-the-Senate amendment that if, in fact, the revenues which we receive during the pendency of this resolution exceed the revenue estimates that have been used to formulate the resolution, those dollars be, in effect, put in a lockbox and made available exclusively for reductions in the deficit or for further tax cuts.

I think this makes sense because if, in fact, the American taxpayers are sending more money to Washington than we expect them to it only makes sense to me that the additional dollars ought to be returned to the taxpayers or used to reduce the deficit as opposed to being used for increased and additional Federal spending beyond that which we are including in this budget resolution.

Mr. President, I think that is the one way by which we can maintain some integrity with respect to the taxpayers by assuring them that as a consequence of the progrowth ideas we have for this budget resolution—which we hope will result in such things as a capital gains tax—as a consequence we see the revenue come to the Federal Government beyond that which we expect, that the only way we maintain some integrity here is guarantee the taxpayers that those additional dollars are either going to help us reduce the debt of this country, or we give it back to the taxpayers in the form of additional tax cuts.

Virtually everybody in this Chamber could think of additional ways by which we might address some of the problems with the Internal Revenue Code, whether it is additional tax cuts for education for working families or to a eliminate the marriage penalty or a variety of other things.

We all know that there isn't embodied within this resolution adequate resources to address all of those objectives that we have as a group.

My feeling is that, if the taxpayers send us more money than we are counting on, more money than we have asked them to, we might then use those additional dollars to fund additional taxes or, alternatively, for the purposes of deficit reduction.

So, for those reasons, I offer this amendment.

I also would like to say in closing here tonight that I want to offer my praise particularly to Senator DOMENICI, whom we work with on the Budget Committee, for his unstinting efforts here. I have always been impressed and amazed at his resilience as we go through amendment after amendment. He leads us so well in that.

So, I thank Senator DOMENICI, both for in the committee and in the prior activities before we get to the committee, and then here on the floor this week.

I offer my amendment. As I said, I am prepared, unless there is a desire to debate the amendment, to yield the remainder of the time tonight. I guess we will vote tomorrow on this.

At this point, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, there is a 601(b) point of order against this budget because it raises spending above the spending caps set in the 1993 budget.

My remaining business with the budget is I want to raise this point of order. We are going to have 1 minute a side tomorrow, I guess, to do closing. I would like to ask unanimous consent that tomorrow I be recognized for the purpose of making the point of order. I can make it within the minute, and then we will have the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, I wonder if the Senator would agree to double that time, 2 minutes to a side.

Mr. GRAMM. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, in light of the fact that I don't think there is further debate planned on this amendment on either side, I at this point yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI. If we yield our time, that means there is 1 minute on a side tomorrow under the interpretation of the Parliamentarian.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 353, AS MODIFIED

Mr. BYRD. Mr. President, I have an amendment at the desk, I believe amendment No. 353, and I ask unanimous consent that I may modify the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 353), as modified, is as follows:

On page 56, strike line 5 through page 58, line 12 and insert the following:

SEC. 209. HIGHWAY RESERVE FUND FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance highways and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ADJUSTMENTS FOR BUDGET AUTHORITY.—Upon the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces direct non-highway spending or increases revenues for a fiscal year or years, the Chairman of the Committee on the Budget shall submit revised budget authority allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct non-highway spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—Upon the submission of such revisions, the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or direct non-highway spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—Upon the reporting of an appropriations measure, or when a conference committee submits a conference report thereon, that appropriates funds for highways, the Chairman of the Committee on the Budget shall submit increased outlay allocations, aggregates, and discretionary limits for the amount of outlays flowing from the additional obligational authority provided in such bill.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(e) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (c) shall not be made—

(A) with respect to direct non-highway spending reductions, unless the committee that generates the direct spending reductions is within its allocations under section 302(a) and (602)a of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (c)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (c)).

(2) OUTLAYS.—The outlay adjustments made pursuant to subsection (d) shall not exceed the amounts specified in subsection (c)(2) for a fiscal year.

Mr. BYRD. Mr. President, I rise to offer an amendment to provide a meaningful and effective mechanism that will allow the Senate to boost substantially our national investment in highways. Much has been said over the last few days, both in the Senate and in the other body, regarding the critical need for our nation to reverse the trend of national disinvestment in our Nation's highways.

My amendment would substitute the reserve fund provisions in the committee-reported resolution with a new fund that will provide the Senate with the opportunity to consider reported bills or individual amendments that reduce spending in nonhighway areas or increase revenues to allow for increased highway funding. Mr. President, I believe that when the Senate is faced with the very difficult process of reauthorizing ISTEA, there will be renewed interest in finding additional funding for highways. But we must have the mechanism available to us to revisit the issue. This amendment will provide us with that opportunity.

I want to thank the chairman and ranking member of the Budget Committee, Senators DOMENICI and LAUTENBERG, for their cooperation in the development of this amendment.

I hope they will accept my amendment, as modified.

Mr. DOMENICI. Mr. President, Senator BYRD has understood from our side through my staff and myself that we are willing to accept the amendment. It may need further refinements, and he understands that. But we have no objection to it under those circumstances.

Mr. LAUTENBERG. We are pleased to support the amendment, Mr. President.

Mr. DOMENICI. I yield back any time in opposition.

Mr. BYRD. Mr. President, I yield back any time I may have.

The PRESIDING OFFICER. The question is agreeing on the amendment of the Senator from West Virginia.

The amendment (No. 353), as modified, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I wish to thank Senator DOMENICI and Senator LAUTENBERG for their consideration and courtesy and for their acceptance of the amendment.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 291, 350, 351, AND 356 WITHDRAWN

Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment No. 291 by Senator MURRAY, amendments Nos. 350 and 351 by Senator HARKIN, and amendment No. 356 by Senator ROBB be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 291, 350, 351, and 356) were withdrawn.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I have a series of amendments here that have been agreed to on both sides.

AMENDMENT NO. 354

(Purpose: To express the sense of the Senate regarding the extension of the Violent Crime Reduction Trust Fund through fiscal year 2002)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. BIDEN, for himself, Mr. BYRD, and Mr. GRAMM, proposes an amendment numbered 354.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. BIDEN. Mr. President, I want to commend President Clinton and congressional leaders on both sides for bringing before the Senate a balanced budget.

I also believe that this budget goes a long way toward protecting the key priorities I believe must be protected.

But, of all those priorities, I believe that none is more important than continuing our fight against violent crime and violence against women.

To a great extent, this budget resolution meets this test—but, in at least one area of this crime front, I believe the budget resolution must be clarified.

The amendment I am offering, along with Senators BYRD and GRAMM does exactly that—by clarifying that it is the sense of the Senate that the violent crime control trust fund will continue through the end of this budget resolution, fiscal year 2002.

I am particularly pleased that Senator BYRD—who, more than anyone, deserves credit for the crime law trust fund. Senator BYRD worked to develop an idea that was simple as it was profound—as he called on us to use the savings from the reductions in the Federal work force of 272,000 employees to fund one of the Nation's most urgent priorities: fighting the scourge of violent crime.

Senator GRAMM was also one of the very first to call on the Senate to put our money where our mouth was. Too often, this Senate has voted to send significant aid to State and local law enforcement—but, when it came time to write the check, we did not find nearly the dollars we promised.

Working together in 1993, Senator BYRD, myself, Senator GRAMM, and other Ssenators passed the violent crime control trust fund in the Senate. And, in 1994, it became law in the Biden crime law.

Since then, the dollars from the crime law trust fund have:

Helped add more than 60,000 community police officers to our streets;

Helped shelter more than 80,000 battered women and their children;

Focussed law enforcement, prosecutors, and victims service providers on providing immediate help to women victimized by someone who pretends to love them;

Forced tens of thousands of drug offenders into drug testing and treatment programs, instead of continuing to allow them to remain free on probation with no supervision and no accountability;

Constructed thousands of prison cells for violent criminals; and

Brought unprecedented resources to defending our southwest border—putting us on the path to literally double the number of Federal border agents over just a 5-year period.

The results of this effort are already taking hold:

According to the FBI's national crime statistics, violent crime is down and down significantly—leaving our Nation with its lowest murder rate since 1971;

The lowest violent crime total since 1990; and

The lowest murder rate for wives, ex-wives and girlfriends at the hands of their intimates to an 18-year low.

In short, we have proven able to do what few thought possible—by being smart, keeping our focus, and putting our money where our mouths are—we have actually cut violent crime.

Today, our challenge is to keep our focus and to stay vigilant against violent crime. Today, the Biden-Byrd-Gramm amendment before the Senate offers one modest step toward meeting that challenge:

By confirming that it is the sense of the Senate that the commitment to fighting crime and violence against women will continue for the full duration of this budget resolution.

By confirming that it is the sense of the Senate that the Violent Crime Control Trust Fund will continue—in its current form which provides additional Federal assistance without adding 1 cent to the deficit—for the full duration of this budget resolution.

The Biden-Byrd-Gramm amendment offers a few very simple choices: Stand up for cops—or don't; Stand up for the fight against violence against women —or don't; Stand up for increased border enforcement—or don't.

Every Member of this Senate is against violent crime—we say that in speech after speech. Now, I urge all my colleagues to back up with words with the only thing that we can actually do for the cop walking the beat, the battered woman, the victim of crime—provide the dollars that help give them the tools to fight violent criminals, standup to their abuser, and restore at least some small piece of the dignity taken from them at the hands of a violent criminal.

Let us be very clear of the stakes here—frankly, if we do not continue the trust fund, we will not be able to continue such proven, valuable efforts as the Violence Against Women law. Nothing we can do today can guarantee that we, in fact, will continue the Violence Against Women Act when the law expires in the year 2000.

But, mark my words, if the trust fund ends, the efforts to provide shelter, help victims, and get tough on the abusers and batterers will wither on the vine. Passing the amendment I offer today will send a clear, unambiguous message that the trust fund should continue and with it, the historic effort undertaken by the Violence Against Women Act that says by word, deed and dollar that the Federal Government stands with women and against the misguided notion that domestic violence is a man's right and not really a crime.

I urge my colleagues to support the Biden-Byrd-Gramm amendment.

Mr. LAUTENBERG. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 354) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 352, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENGERG], for Mr. KOHL, for himself and Mr. KERRY, proposes an amendment numbered 352, as modified.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no objection, the amendment is so modified.

The amendment (No. 352), as modified, is as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE EARLY CHILDHOOD EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) Scientific research on the development of the brain has confirmed that the early childhood years, particularly from birth to the age of 3, are critical to children's development.

(2) Studies repeatedly have shown that good quality child care helps children develop well, enter school ready to succeed, improve their skills, cognitive abilities and socioemotional development, improve classroom learning behavior, and stay safe while their parents work. Further, quality early childhood programs can positively affect children's long-term success in school achievement, higher earnings as adults, decrease reliance on public assistance and decrease involvement with the criminal justice system.

(3) The first of the National Education Goals, endorsed by the Nation's governors, passed by Congress and signed into law by President Bush, stated that by the year 2000, every child should enter school ready to learn and that access to a high quality early childhood education program was integral to meeting this goal.

(4) According to data compiled by the RAND Corporation, while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children. A vast majority of public spending on children occurs after the brain has gone through its most dramatic changes, often to correct problems that should have been addressed during early childhood development.

(5) According to the Department of Education, of $29,400,000,000 in current estimated education expenditures, only $1,500,000,000, or 5 percent, is spent on children from birth to age 5. The vast majority is spent on children over age 5.

(6) A new commitment to quality child care and early childhood education is a necessary response to the fact that children from birth to the age of 3 are spending more time in care away from their homes. Almost 60 percent of women in the workforce have children under the age of 3 requiring care.

(7) Many States and communities are currently experimenting with innovative programs directed at early childhood care and education in a variety of care settings, including the home. States and local communities are best able to deliver efficient, cost-effective services, but while such programs are long on demand, they are short on resources. Additional Federal resources should not create new bureaucracy, but build on successful locally driven efforts.

(b) Sense of the Senate.—It is the sense of the Senate that the budget totals and levels in this resolution assume that funds ought to be directed toward increasing the supply of quality child care, early childhood education, and teacher and parent training for children from birth through age 3.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 352), as modified, was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 302, 303, 304, 305, AND 306, EN BLOC, AS MODIFIED

Mr. DOMENICI. Mr. President, I send to the desk five Hollings amendments and ask that they be considered en bloc.

They are acceptable to this side.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. Domenici], for Mr. Hollings, proposes amendments numbered 302, 303, 304, 305 and 306, en bloc, as modified.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 302

At the appropriate place, insert the following:

SEC. . HIGHWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the Highway Trust Fund from the totals of the Budget of the United States government.

AMENDMENT NO. 303

At the appropriate place, insert the following:

SEC. . AIRPORT AND AIRWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying the budget resolution that the Congress should consider legislation to exclude the receipts and disbursements of the Airport and Airway Trust Fund from the totals of the Budget of the United States government.

AMENDMENT NO. 304

At the appropriate place, insert the following:

SEC. . MILITARY RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the retirement and disability trust funds for members of the Armed Forces of the United States from the totals of the Budget of the United States government.

AMENDMENT NO. 305

At the appropriate place, insert the following:

SEC. . CIVIL SERVICE RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the retirement and disability trust funds for civilian employees of the United States from the totals of the Budget of the United States government.

AMENDMENT NO. 306

At the appropriate place, insert the following:

SEC. . UNEMPLOYMENT COMPENSATION TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the Federal Unemployment Compensation Trust Fund—

(1) should not be included in the totals of—

(A) the Budget of the United States government.

Mr. DOMENICI. I just make note of the fact they have been modified from those that were pending, and so when I send them to the desk, I assume I am requesting the modification, which I am entitled to.

The PRESIDING OFFICER. Without objection, the amendments are so modified.

Mr. DOMENICI. We disposed of Hollings, did we not?

The PRESIDING OFFICER. No, we have not.

Without objection, the Hollings amendments, as modified, are agreed to en bloc.

The amendments (Nos. 302, 303, 304, 305, and 306), as modified, were agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 325

Mr. DOMENICI. Mr. President, I have an amendment of Senator Kit Bond on the highway trust fund. It has been cleared on both sides. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. Domenici], for Mr. Bond, proposes an amendment No. 325.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the Record of May 21, 1997.)

Mr. BOND. Mr. President, I must start by saying that this is not an ISTEA amendment, this is not a formula amendment, this is not a 4.3 cents amendment, this is not an Amtrak amendment, this is not an off-budget amendment.

This is a sense-of-the-Senate amendment concerning reestablishing the linkage between the revenues deposited in the highway trust fund and transportation spending.

Mr. President, if I can take just a moment I want to read this short sense-of-the-Senate.

The Senate finds that—

One, there is no direct linkage between the fuel taxes deposited in the Highway Trust Fund and the transportation spending from the Highway Trust Fund.

Two, the Federal budget process has served this linkage by dividing revenues and spending into separate budget categories with fuel taxes deposited in the Highway Trust Fund as revenues; and most spending from the Highway Trust Fund in the discretionary category.

Three, each budget category referred to has its own rules and procedures.

Four, under budget rules in effect prior to the date of adoption of this resolution, an increase in fuel taxes permits increased spending to be included in the budget, but not for increased Highway Trust Fund spending.

It is the sense of the Senate that in this session of Congress, Congress should, within a unified budget, change the Federal budget process to establish a linkage between the fuel taxes deposited in the Highway Trust Fund, including any fuel tax increases that may be enacted into law after the date of adoption of this resolution, and the spending from the Highway Trust Fund. Changes to the budgetary process of the Highway Trust Fund should not result in total program levels for highways or mass transit that is inconsistent with those allowed for under the resolution.

This sense-of-the-Senate is self explanatory, but let me provide some background.

Mr. President, back in 1956 the Federal highway trust fund was established as a way to finance the Federal-Aid Highway Program. This was a dedicated trust fund supported by direct user fees/taxes. It was called a trust fund because, once the money went in, we were suppose to be able to trust that money would come back out for use on our roads, highways, and bridges.

However, the 1990 Budget Act eliminated the linkage between the revenues raised by the user taxes and the spending from the transportation trust fund. We know that we promised ourselves and our constituents that the highway user taxes deposited into the highway trust fund would be used for highways, but we now have an illogical process that does not always result in the desired outcome. With the process currently in place balances are accumulating in the trust fund and not being spent on the vitally important transportation needs we have.

To correct the problem, we must reform our budget process.

Mr. President, status quo is not sustainable.

Senator CHAFEE and I have introduced S. 404, the Highway Trust Fund Integrity Act. I know that not everyone agrees with the revenue constrained fund approach taken in that bill. However, I think everyone can agree with this sense-of-the Senate that we must work something out. We must establish the linkage to ensure that the taxes deposited into the highway trust fund are spend on transportation.

I share the concerns that many of my colleagues have—on both sides of the aisle—that we need to find ways to spend more on transportation. This budget resolution moves us closer to that goal. I want to thank the chairman of the Budget Committee and the ranking member for including in the budget resolution the assumption of spending all of the estimated highway trust fund tax receipts that comes in each year for highways.

All of us share the same belief that transportation funding is critical to our individual States and the entire country. Transportation links our communities, towns, and cities with markets. It links our constituents with their schools, hospitals, churches, and jobs. An effective transportation system will help move this country into the 21st century.

Mr. President, it is my hope that as this Congress moves forward on one of the most important and probably most difficult pieces of legislation—ISTEA—we also continue our efforts to ensure that "trust" is in the highway trust fund. I look forward to working with my colleagues to ensure that we do.

Mr. DOMENICI. I yield back any time on the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 325) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 321, AS MODIFIED

Mr. DOMENICI. Mr. President, I have a modification of Senator FAIRCLOTH's previously submitted amendment No. 321. It has been cleared by both our side and their side. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. FAIRCLOTH, proposes an amendment numbered 321, as modified.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title III, add the following:

It is the sense of the Senate that the provisions of this resolution assume that any revenue reconciliation bill should include tax incentives for the cost of post-secondary education, including expenses of workforce education and training at vocational schools and community colleges.

Mr. DOMENICI. I yield back any time on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the amendment is agreed to.

The amendment (No. 321), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 348, AS MODIFIED

Mr. DOMENICI. I send to the desk on behalf of Senator KYL amendment No. 348, as modified. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. KYL, proposes an amendment 348, as modified:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON ADDITIONAL TAX CUTS.

It is the sense of the Senate that nothing in this resolution shall be construed as prohibiting Congress in future years from providing additional tax relief if the cost of such tax relief is offset by reductions in discretionary or mandatory spending, or increases in revenue from alternative sources.

Mr. DOMENICI. I yield back any time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 348), as modified, was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 344—ADDITIONAL COSPONSORS

Mr. LAUTENBERG. Mr. President, I have a unanimous-consent request that Senators DASCHLE, HARKIN, and BUMPERS be added as original cosponsors to the Boxer-Durbin amendment No. 355.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDING FOR NATURAL RESOURCE PROGRAMS

Mrs. BOXER. Mr. President, I would like to ask the distinguished ranking member of the Senate Appropriations Subcommittee on Energy and Water Development, Senator REID, and the distinguished ranking member of the Budget Committee, Senator LAUTENBERG, if they would respond to questions I have concerning funding for natural resource programs in the budget resolution for fiscal year 1998.

Mr. REID. I would be happy to respond to a question from the senator from California.

Mr. LAUTENBERG. I look forward to her question.

Mrs. BOXER. Let me first ask my friend and State neighbor, Senator REID, to recall the provision in last year's omnibus appropriations bill, that authorized the California Bay-Delta Environmental Enhancement and Water Security Act. The Act authorizes Federal participation in the CALFED Bay-Delta Program, which is charged with developing a balanced, comprehensive and lasting plan to restore and enhance the ecological health and improve water management in the Bay-Delta system. This program is a top priority of the State of California and has support from business, environmental and water users throughout the State. I would like to ask Senator REID, as the ranking member of the appropriations subcommittee with jurisdiction over this act, if he agrees with me that it is important to fund this program?

Mr. REID. I want to thank the Senator from California for bringing this issue to my attention. Indeed, I believe the Bay-Delta program serves as a national model on how we can bring environmental, agribusiness, and other water users to the same table with the goal of preserving our natural resources for many uses. I see the program has having a particular benefit for our Western States. If California restores its environment and improves its water supply reliability, then we relieve the pressure on the Colorado River and lessen any tensions among the seven Colorado River States. When

California restores migratory bird habitat and provides water for wildlife refuges, the health of the Pacific flyway will be improved, benefitting States from Arizona to Alaska.

While the investments will be made in California, the benefits will be realized throughout the west. I look forward to working with the senator from California on the Bay-Delta project on the Appropriations Committee.

Mrs. BOXER. Thank you, Senator. Let me now ask our very distinguished ranking member of the Senate Budget committee, Senator LAUTENBERG, about the Bay-Delta program. Senator LAUTENBERG, as one of the negotiators involved in this current budget agreement and as a member of the Budget Committee leadership, is it your view that the amounts provided under the Natural Resources function in this Budget Resolution are sufficient to accommodate the President's request of $143 million in fiscal year 1998 to implement the California Bay-Delta Environmental and Water Security Act?

Mr. LAUTENBERG. Let me first also express my support for this critical program to protect California's Bay-Delta system. I do believe that the amount that the Budget Committee has provided under the natural resources function is sufficient to accommodate the funding of the California Bay-Delta Environmental Water Security Act.

Mrs. BOXER. I want to thank both of the Senators for their time to discuss the Bay-Delta project and, for their support as fellow members of the Appropriations Committee, for the President's request for funding the program in fiscal year 1998.

FUNDING FOR VETERANS' PROGRAMS

Mr. SPECTER. Mr. President, I wish to comment on the impact this budget agreement will have on America's veterans, and to express my concerns that funding assumed under the agreement will not be sufficient to provide for adequate health care for America's veterans.

If it is approved, the budget resolution will require the Committee on Veterans' Affairs [VA] to report legislation which will reduce entitlement spending, over a 5-year period, by $2.7 billion compared to the budget baseline. That sounds like, and is, a substantial sum. However, I believe the committee will be able to meet this goal by extending the expiration dates of savings provisions already enacted as part of prior deficit reduction measures, and by agreeing to round down to the nearest dollar future cost-of-living adjustments.

No one is happy that controlling the deficit requires restrained growth in mandatory-account spending for veterans' benefits. But I am confident that the committee will be able to meet its mandatory spending instructions in such a way as to ensure that no provision in the final reconciliation bill will result in a veteran who receives a benefit this year not also receiving the same benefit next year. Indeed, even after the committee has complied with its reconciliation instructions, spending for veterans' benefits from mandatory accounts will increase each year the budget agreement is in effect.

I am also pleased that the proposed budget resolution permits the committee to report legislation which will allow VA to retain money it collects from private health insurance carriers when VA treats the nonservice-connected illnesses of veterans who have health insurance. Under current law, VA is required to bill insurance companies when it treats the nonservice-connected illnesses of insured veterans. However, VA is required to transfer the money it collects to the Treasury. Allowing VA to retain the money it collects will provide a real incentive for more efficient and effective collections.

However, the administration proposed its health insurance proceeds retention provision with a hook. The President, in requesting the authority to allow VA to retain health insurance proceeds, also proposed that VA receive, initially, a cut in appropriated funds for VA medical care and that appropriations be frozen at that reduced level over the succeeding 4 years. historically, VA has needed an increase of almost a half a billion dollars a year just to pay for VA employees' cost-of-living salary adjustments and for the increased costs of medical supplies and equipment.

In its April 24, 1997, "Views and Estimates" letter to the Budget Committee, the Veterans' Affairs Committee expressed its serious concerns about the wisdom of relying on an untested source of revenue—insurance collections—for a program as critical as veterans' health care. I continue to have that concern.

The budget resolution now before this body is even worse than the President's initial proposal. It does not merely carry forward the President's proposal to cut appropriations for VA medical care, and then maintain that reduced level of appropriations for 5 years. Under this proposal, VA discretionary spending in 1998 will be $400 million less than it was in fiscal year 1997, and $3.1 billion less than current levels over the 5-year term of the agreement, even after allowing for retained health insurance collections.

The cost of providing health care for veterans consumes over 417 billion of $18 billion plus in VA discretionary spending. Almost all of the rest of VA discretionary spending is expended on construction, medical research, and for the salaries of VA employees who process veterans' disability claims. There are no unimportant discretionary accounts with VA's budget. According to VA, each 4100 million pays for about 1,400 VA care givers, and for care for about 22,000 veterans.

In February, 1997, Dr. Kenneth Kizer, VA's Under Secretary for Health, announced an initiative to increase the number of veterans VA treats by 20 percent and to reduce VA's cost per patient by 30 percent. In time, reforms in the delivery of VA care may enable VA to absorb real reductions in health care funding. But those reforms have not yet taken root. Further, it takes money to make money. According to VA, reforms needed to achieve Dr. Kizer's ambitious goals will cost money to implement. If Congress reduces VA medical funding before VA's reforms are implemented, we should not be surprised if VA's goals of increasing the number of veterans treated, and reducing the average cost of treating each patient, are postponed or even abandoned. I believe that would be a false economy, and a tragedy for our veterans.

I recognize that discretionary spending assumptions are just that assumptions. The actual decisions will be made as the Congress debates and enacts appropriations bills to fund discretionary programs. The Appropriations Committee always faces heavy pressure to ensure adequate funding for VA medical care. This budget resolution will only increase that pressure.

Mr. President, 26 million American veterans will watch to see how—and if—the Congress will rise to the challenge presented by the discretionary spending assumptions affecting the VA in this budget resolution. I will fight to assure that adequate funding for veterans' health care is provided. In my estimation, appropriations for discretionary spending on veterans' programs, which are assumed under this budget agreement, are not sufficient. I intend to work hard, as chairman of the Veterans' Affairs Committee and as a member of the Appropriations Committee, to correct this inequity.

Ms. SNOWE. Mr. President, I am extremely pleased to have supported the amendment offered by my colleague from Florida, Senator MACK, which expresses the sense of the Senate that Federal funding for biomedical research should be doubled over the next 5 years. This amendment is based on a resolution which I cosponsored, Senate Joint Resolution 15—one of the first bills the Republican leadership introduced in the 105th Congress. That resolution, and the amendment we adopted last night, sends a message to the American people, as well as to scientists and policy makers, that Congress is committed to enhanced funding for this crucial research.

Americans consistently identify increased funding for medical research as something they believe should be a national priority. They want researchers to unravel the mysteries of cancer, Alzheimer's disease, Parkinson's, cystic fibrosis, heart disease, HIV, multiple sclerosis, and countless other diseases which plague Americans today. And they do not want their national leaders or scientists to rest until there is a cure.

We must bring the full force of our country's tremendous resources to bear on these diseases in the same way we rallied to be the first to set foot on the Moon. We are a nation that has split atoms, sent probes to the far reaches of the solar system, and eradicated polio from the face of the Earth. We ought to be able to conquer these diseases.

Over the years, we have increased our Federal commitment to medical research. For example, 25 years ago, Congress allocated just $400 million to the National Cancer Institute. Today, total funding for cancer research at the National Institutes of Health for this fiscal year is $2.7 billion. This represents an increase of close to 700 percent. And this infusion of Federal funding is working. For the very first time since cancer mortality statistics were first collected in 1930, mortality rates from cancer are actually decreasing.

Researchers are beginning to isolate the genes responsible for various diseases at a seemingly breathtaking speed, and gene therapy may someday offer exciting new treatments—or even a cure—for these diseases. Scientists are beginning to understand the very workings of cancer cells, and immunotherapy may offer cancer sufferers new hope. But how this knowledge may someday be translated into benefits for everyday Americans is yet unknown. We need to increase Federal funding so that we can capitalize on these important breakthroughs.

Throughout my tenure in both the House and Senate, I have worked hard to increase funding for medical research. In fact, on the first legislative day of this session, I introduced a bill which would raise the reauthorization level for breast cancer funding to a record $590 million. The Mack resolution demonstrates the very same commitment to ensuring that Americans no longer suffer from diseases that cut their lives short and cause undue suffering. Our enhanced investment in medical research will save countless lives and health care dollars, and alleviate suffering in millions of Americans.

ACCURATE MEASURE OF THE COST OF LIVING

Mr. KERREY. Mr. President, this budget may solve our short-term budget problems, but my concern remains that it does not do enough about the long-term budget problems we face. If we want to keep the budget in check over the long-haul, we need to adopt policies that will slow entitlement spending in a rational, equitable way.

At present, we use the Consumer Price Index [CPI] to determine cost-of-living adjustments in our Federal tax and entitlement programs. There is wide, although not universal, agreement among leading economists, that the CPI overstates the cost-of-living and should be adjusted. Indeed the December 4, 1996 final report to the Senate Finance Committee from the Advisory Commission to Study the Consumer Price Index concluded that:

> The Commission's best estimate of the size of the upward bias looking forward is 1.1 percentage points per year. The range of plausible values is .8 to 1.6 points per year.

Mr. President, we ought not to make the problems we face in funding our entitlement programs even worse by paying benefits based on an overstated cost of living. Spending on entitlement programs is already crowding out spending for the traditional discretionary functions of Government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, research and development, and other infrastructure spending.

If steps are not taken to reverse this trend, nearly all Federal revenues will be consumed by entitlement spending and interest on the debt shortly after the year 2000. By 2030, revenues may not even cover entitlement spending, much less interest on the debt or a single dollar of discretionary spending. This is an unsustainable trend.

Adjusting the cost-of-living adjustments triggered by the CPI, by 1 percentage point, would produce nearly a trillion dollars in savings over 12 years and $46 billion in 2002 alone. To illustrate what just half of this amount—$23 billion—in domestic discretionary spending could fund, I have a list of programs and what they will cost in inflation-adjusted numbers in 2002. This entire list of programs could be funded by half of a 1 percentage point reduction in CPI, with money to spare.

I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

	Cost in fiscal year 2002
Cleaning up environmentally damaged sites	[1]$6.356
Head Start	[1]4.455
Agriculture Research	[1]2.005
National Park Service	[1]1.770
Safe Drinking Water	[1]1.425
Superfund	[1]1.421
Fish and Wildlife Service	[1]1.417
Clean Water Programs	[2].736
NSF Education and Human Resources	[2].682
Education Technology	[2].370
Solar and Renewable Energy	[2].281
Violence Against Women	[2].214
Juvenile Justice Program	[2].185
National Endowment for the Humanities	[2].123
National Endowment for the Arts	[2].111
Total in billions of dollars	21.551

[1] In billions of dollars.

[2] In millions of dollars.

Mr. KERREY. Expressed another way, $23 billion could fund nearly all of the Highway Trust Fund—$25.2 billion in 2002—or all of NIH—$14.294 billion in 2002—and all of EPA—$7.398 billion in 2002.

Mr. President, if we are making a mistake, we ought to correct it. Surely if it was almost universally believed that we were understating the cost-of-living, we would have already taken care of that problem. Although the time for making this change this year appears to have passed, I hope that the distinguished chairman and ranking member of the Finance Committee will continue their fine work to see that we correct this error sooner, rather than later.

LAND AND WATER CONSERVATION FUND

Mr. MURKOWSKI. Mr. President, I rise today to speak about the additional $700 million appropriation for the Land and Water Conservation Fund [LWCF] included in the balanced budget agreement. While I commend the President and congressional leadership for recognizing the importance of the LWCF, I have concerns that this additional appropriation will not be spent on the priorities for which the LWCF was established.

I urge congressional appropriators not to use this additional LWCF money on a handful of large projects, including the acquisition of Headwaters Forest in California and the New World Mine in Montana. Those projects were identified as priority land acquisitions by politicians, not by Federal land managers. Rather, I urge the appropriators to spend this additional LWCF money as the Land and Water Conservation Act directs on the hundreds of priority land acquisitions and local recreation projects identified by Federal land management agencies and the States.

As originally envisioned, the administration planned to acquire the Headwaters and the New World Mine through land exchanges. Now, under the terms of the budget agreement, these lands would not be acquired by land exchange but by purchase.

Mr. President, this change sets a horrible precedent. It is bad public policy, and the Congress should not be a partner in this land grab, as now proposed. I also fear that these land grabs, which do not involve public participation and which are inconsistent with land management plans, may become the norm as opposed to the exception.

Recently, the President announced the creation of the 1.7 million acre Grand Staircase-Escalante National Monument in Utah. He made the same sort of promises from Arizona that he made in Yellowstone when he spoke about the controversy surrounding the New World Mine. The Utah National

Monument lands contain 176,000 acres of school trust lands that contain approximately 1.54 billion dollars' worth of coal deposits which, if extracted, would fund the Utah school systems. The President indicated that other Federal lands in Utah would be made available, and the schoolchildren in Utah would not be hurt by the creation of the National Monument. There are apparently no plans to complete land exchanges in Montana or California, and the taxpayers are going to take another hit for Presidential promises. One only has to wonder what we are going to do to make the schoolchildren of Utah whole. If we begin by fully funding the acquisitions at Headwaters and the Mine, how do we ignore Utah when the President decides to just buy them out. This is not how Congress intended for the Land and Water Conservation Act to be used.

Over 30 years ago, in a remarkable bipartisan effort, Congress and the President created the LWCF. The LWCF provides funds for the purchase of Federal land by the land management agencies—the Federal-side LWCF program—and creates a unique partnership among Federal, State, and local governments for the acquisition of public outdoor recreation areas and facilities—the State-side LWCF program. The LWCF is funded primarily from offshore oil and gas leasing revenues which now exceed $3 billion annually, and has been authorized through the year 2015 at an annual ceiling of $900 million.

However, LWCF moneys must be annually appropriated. And, despite the increase in offshore oil and gas revenues, the LWCF has not fared well in this decade. Expenditures from the LWCF have fluctuated widely over its life but have generally ranged from $200 to $300 million per year. In the 1990's, total appropriations to both the Federal and State sides of LWCF steadily declined from a high of $341 million during the Bush administration to $149 million in fiscal year 1997.

Most significantly, all of the fiscal year 1997 appropriation was for the exclusive purpose of Federal land acquisition. In 1995, Congress and the President agreed to shut down the State-side LWCF program. For fiscal year 1998, the President has requested $165 million for Federal land acquisitions and only $1 million for monitoring previously funded State-side projects. The President did not request any funds for new State-side projects.

Mr. President, I believe the additional appropriation provided for in the budget agreement presents a significant opportunity to right those misguided decisions on the use of the LWCF.

The State-side of the LWCF has played a vital role in providing recreational and educational opportunities to millions of Americans. State-side LWCF grants have helped finance well over 37,500 park and recreation projects in all 50 States, including campgrounds, trails, and open space.

The availability of these outdoor recreation facilities is critical to the well-being of Americans. People who participate in outdoor recreation activities, whatever the activity, are happier and healthier. Recreation is an important component of our economy. Moreover, while trips to our National Parks create experiences and memories which last a lifetime, day-in and day-out, people recreate close to home. In fiscal year 1995, the last year for which the State-side LWCF grant program was funded, there were nearly 3,800 applications for State-side grants. Unfortunately, there was only enough money to fund 500 projects. The demand for those local recreation resources is increasing.

That is why stateside LWCF grants are so important. Stateside LWCF grants help address the highest priority needs of Americans for outdoor recreation. At the same time, because of the matching requirement for state-side LWCF grants, these grants provide vital seed money which local communities use to forge partnerships with private entities. In the absence of the grants, I fear local park and recreation services will fail to meet the ever-growing demands of the American public, and the Federal Government will be asked to fill the void—a role the Federal Government cannot, and should not, play.

At the same time, the Federal land management agencies have identified, through their planning processes, the lands they would like to purchase for inclusion in the Federal estate. Again, the purchases would be made with LWCF moneys. The lands often are in holdings in national parks or forests. Or, they may be lands with unique characteristics which the Federal land managers believe should be owned by the Federal Government. Interestingly, neither Headwaters Forest nor the New World Mine meet these criteria. Rather, both the Headwaters Forest and the New World Mine, have been labeled as Federal land priorities according to the politicians, not to the professional land managers.

The budget agreement, as interpreted by the Clinton administration, would ignore hundreds of prioritized projects and focus on a handful. The $315 million the President would like to spend on Headwaters Forest and New World Mine could be spent on hundreds of park and recreation facilities throughout the Nation. Would the American people rather own 5,000 acres in California and a mine in Montana, or park and recreation facilities Americans can enjoy on a daily basis?

Why should Congress bail out the administration because it could not fulfill the terms of deals it made on its own for the acquisition of Headwaters Forest and New World Mine?

Once again, when he announced each of those deals, the President promised the lands would be acquired through land exchanges. We stand ready to work with the President on land exchanges to accomplish his priorities in Montana and California. But this should be a process where the President and Congress work together. Instead, those who have been waiting for years for the Government to acquire their lands, as they were promised when we incorporated private lands into national parks and forests, will just have to wait. Moreover, children throughout urban America may not have a park to play in or bike trail to ride on because their money was spent on the old growth redwoods in California and the New World Mine in Montana

We have held no hearings on the New World Mine. There have been no hearings on Headwaters. Congress has not been a participant in this process. In fact, most of us know little about the two proposals. On the other hand, we know quite a bit about the stateside of the LWCF. All of our constituents and all of our States have benefited from new greenways, trails, scenic pathways, bicycle trails, parks, recreation facilities, ball parks, open spaces, and the list goes on and on and on.

Mr. President, I encourage my friends on the Appropriations Committee to seriously evaluate the President's proposal in light of the priority projects that could otherwise be funded under the LWCF. We have an opportunity to save and enhance a program that has proved to be beneficial to all Americans. Let us weigh the pros and cons, and be mindful of the dangerous precedent we will set if we just swim merrily along with the President into his ocean of land acquisition.

Unfortunately, the majority of city kids will never see the Headwaters or the site of the New World Mine. But a majority of city kids will see and be able to experience the results of the LWCF if properly applied. Mr. President, I yield the floor.

Mr. ROTH. Mr. President, I am pleased that this budget agreement includes my proposal to give Amtrak a capital fund. My proposal creates an Amtrak reserve fund which would give Amtrak the capital funds that it needs to survive. Amtrak is currently borrowing to meet payroll and if additional capital funding is not provided, Amtrak President Tom Downs, has testified that the company will not survive beyond mid-1998.

Let me be clear. This reserve fund is not my first preference. Amtrak today needs funding that I would prefer to do through direct spending. However, this reserve fund language is a compromise with the chairman of the Budget Committee to ensure that the Appropriations Committee will continue to have complete control over the funding of Amtrak.

Our compromise language would allow spending caps for passenger rail to be raised by the amount of revenue raised in the Senate Finance Committee. It is the first step, and a very critical step, for ensuring that Amtrak would be able to receive the capital funds, subject to the appropriations process, it needs to survive.

This provision does not create a trust fund nor ensure the creation of a trust fund for Amtrak. It is merely a placemark in the budget which provides that should money be raised for Amtrak, the spending caps would be raised by that amount.

Three more steps are required if Amtrak is to see a capital fund:

First, legislation must be enacted to create a fund; second, legislation must be enacted which pays for the fund; and finally, once all these steps have been accomplished, the appropriators must act to fund Amtrak. Let me reiterate, that the fate of Amtrak will continue to be in the appropriators' hands.

Again, this is the first significant step to allow for a creation of a fund for Amtrak this year. This provision is necessary so that the creation of such a fund would not be in violation of the Budget Act. It merely creates room in the budget to allow spending from the rail fund, provided money is raised to finance this fund.

Let me also say that this provision does not in any way put funding ahead of legislative reforms for Amtrak. Many Senators supporting this provision also support legislative reforms. I believe Amtrak must be able to operate like a business. Amtrak needs these reforms and they must be enacted this year. Senator HUTCHISON has recently introduced a major reform package which I generally support. I believe any additional capital funding must be done in conjunction with this reform package. This Amtrak reserve fund would not prevent this from happening. Again, the provision we are debating today merely says that should a trust fund be created and funded, there would be room in the budget.

Also, this provision does not rely on the transfer of a half-cent from the 4.3 cent per gallon motor fuels tax. It has nothing to do with the 4.3 cent per gallon motor fuels tax. This reserve fund would be financed without such a transfer. My goal, however, would be that total capital funding for Amtrak would equal the revenues derived from a half-cent.

Mr. President, we cannot lose our national passenger rail system. If something is not done to give Amtrak the capital funds it needs, Amtrak will not survive. This is not an idle threat. GAO has testified before my committee that this is the case. Amtrak President Tom Downs has testified that the company would not survive past 1998. Amtrak's financial report proves it. The question before us is whether or not we want this country to have a national passenger rail system. If we want a national system, we must give Amtrak a secure capital funding source. This provision is the first step in creating such a fund.

Mr. President, all major modes of transportation have a dedicated source of capital funding, except for intercity passenger rail. Amtrak needs a similar capital funding source to bring it's equipment, facilities and tracks into a state of good repair. Much of Amtrak's equipment and infrastructure has exceeded its projected useful life. The costs of maintaining this aging fleet and the need to modernize and overhaul facilities through capital improvements to the system are serious financial challenges for Amtrak. This provision is the first step in helping to reverse these problems and give Amtrak the resources necessary to meet its capital investment needs.

Mr. President, GAO, Amtrak, and the National Commission on Intermodal Transportation have called for a secure source of capital funding for Amtrak. I believe that now is the time for this Congress to reverse our current policy that favors building more highways at the expense of alternative means of transportation such as intercity passenger rail. Despite rail's proven safety, efficiency, and reliability in Europe, Japan, and elsewhere, intercity passenger rail remains severely underfunded in the United States. In fact, over half of the Department of Transportation's spending authority is devoted to highways and another quarter to aviation; rail still ranks last with roughly 3 percent of total spending authority.

Last year we spent $20 billion for highways while capital investment for Amtrak was less than $450 million. In relative terms, between fiscal year 1980 and fiscal year 1994, transportation outlays for highways increased 73 percent, aviation increased 170 percent, and transportation outlays for rail went down by 62 percent. In terms of growth, between 1982 and 1992 highway spending grew by 5 percent, aviation by 10 percent, while rail decreased by 9 percent.

A problem that is going to increase is the congestion on our roads. Between 1983 and 1990, vehicle miles traveled increased nationwide by 41 percent. If current trends continue, delays due to congestion will increase by more than 400 percent on our highways and by more than 1,000 percent on urban roads. Highway congestion costs the United States $100 billion annually, and this figure does not include the economic and societal costs of increased pollution and wasted energy resources.

Air travel is equally congested. Commercial airlines in the United States presently transport over 450 million passengers each year. A recent transportation safety board study revealed that 21 of the 26 major airports experienced serious delays and it is projected to get worse. Again, the costs are enormous. A 1990 DOT study estimated the financial cost of air congestion at $5 billion each year, and it expects this number to reach $8 billion by 2000.

Congestion is a problem and it must be addressed. However, the current path we are on directs more money for highways and airports. For us in the Northeast, building more roads is simply not an option. We do not have the land nor the financial resources to build more highways or more airports. For these reasons, we must provide more than just good roads but a good passenger rail system as well.

Adequately funded passenger rail can successfully address highway gridlock and ease airport congestion. Passenger rail ridership between New York and Washington is equal to 7,500 fully booked 757's or 10,000 DC–9's. Between New York and Washington, Amtrak has over 40 percent of the air-rail market.

Improved Northeast rail service will also have the same positive impact on road congestion. The 5.9 billion passenger miles were taken on Amtrak in 1994. These are trips that were not taken on crowded highways and airways. Improved rail service in the Northeast is projected to eliminate over 300,000 auto trips each year from highways as well as reduce auto congestion around the airports.

Improved rail service will also have a positive effect on rural areas. Twenty-two million of Amtrak's 55 million passengers depend on Amtrak for travel between urban centers and rural locations which have no alternative modes of transportation.

Mr. President, now is the time to invest in our rail system.

Opponents of this language say that we should stop subsidizing Amtrak. Amtrak needs to be self-sufficient.

I would like to see that happen, but to date, I am not aware of any transportation system that supports itself without Federal assistance. Further, I am not aware of any transportation system that supports itself through user fees. According to the Department of Transportation, in fiscal year 1994 nearly $6 billion more was spent on highways than was collected in user fees.

In fiscal year 1995 nearly $8 billion more was spent on highways than was collected in taxes. Transit which is exempted from the motor fuels tax, received $3 billion in revenues in motor fuels revenues last year. I repeat, no mode is self-financed.

If we want a national passenger rail system, we must fund it properly. This provision is an important step to give Amtrak the capital funds it needs to survive.

Mr. ROCKEFELLER. Mr. President, I have made the decision to vote in favor of the budget resolution before us to achieve a balanced budget and invest in key priorities for the country. This is not a vote to claim that this budget plan is perfect or a replica of the specific way I would best like to see the budget balanced and my own State's needs addressed. However, as a result of President Clinton working with Congress to reach this agreement, this plan represents a responsible course for completing the job of deficit reduction and launching essential steps for our future.

This budget plan is also a victory against the dangerous and reckless efforts we have seen over the past 2 years in the name of balancing the budget, reforming Medicare, and other attractive but misleading labels. I am extremely proud and now relieved that some of us succeeded in defeating the extreme cuts proposed in the budget plans offered by Republicans that would have done such grave damage to Medicare, education, infrastructure, and other priorities. The Republican plans literally raided Medicare to pay for tax cuts for the wealthy, and would have put crushing burdens on working families and our communities that were totally unnecessary and wrong.

This budget plan now before us is possible because of the tough choices and hard work done by President Clinton, with the sole help of Democrats and not a single Republican vote, in 1993 to enact a historic package of deficit reduction and economic growth measures. Instead of the horrors predicted by opponents, that 1993 budget and economic plan cut the deficit from $290 billion to $67 billion. Over the past 4 years, we have watched the economy grow steadily, interest rates come down and stabilize, inflation remain low, and unemployment reach record lows.

Some of the critics of the bipartisan budget agreement before us now seem to be upset because this plan doesn't hurt enough. Since when is pain or sacrifice the goal of a Federal budget? The goals should be fairness, balance, priority-setting, and investment as we hammer out a budget that also adheres to fiscal discipline. And the reason we can now proceed to finish the job of balancing the budget is because some of us have been hard at work over the past years to limit spending, set priorities, and make the real choices.

This budget agreement is a plan with the necessary spending cuts and reform to balance the budget, with investments in urgent needs that Americans want us to address. This means accepting tradeoffs and limits. In fact, I have been obligated to vote against certain amendments in the past few days to increase spending in areas that I have a strong commitment to, from childrens programs to highway spending. But in order for this agreement to go forward, and enable us to fill in the details and even work out revisions, I feel a responsibility to help the bipartisan leadership maintain the fabric of this agreement.

Mr. President, I am especially pleased that this agreement includes $16 billion for expanding health care coverage for children. My hope is that this will translate directly into enacting the legislation introduced by Senator CHAFEE and myself, with broad, bipartisan support, to use the Medicaid Program to insure up to 5 million children with the most urgent needs. Our approach would build on a foundation that serves children and families well, in a cost-effective and targeted manner.

As the former chairman of the National Commission on Children, I view this budget agreement as the bipartisan commitment needed to fulfill other parts of the agenda we recommended to make children a higher priority in deeds, not just rhetoric, in America. With the education tax cuts promised for families, a children's tax credit, and more investment in early childhood and education, along with the childrens health care initiative promised, we can make sure this country prepares more of the next generation to be ready for the incredible challenges ahead of us.

Mr. President, while I generally support the provisions of the balanced budget resolution, I want to make a special point of the fact that I take strong exception to the proposed funding for veterans. It is my view that veterans, who have sacrificed for this country, are carrying a disproportionate share of the burden to balance the Federal budget.

As the ranking member of the Senate Veterans' Affairs Committee, this part of the budget is the area that I have a special responsibility to review in great detail. In addition, it affects West Virginians in countless ways. It is a sad statement that spending for veterans was not included in the list of protected programs by the President or congressional leadership. The result is that veterans benefits and services have been cut. In fiscal year 1998, discretionary veterans programs covering medical care, construction, and general administrative expenses will be decreased by $132 million in fiscal year 1998. To me, this represents a serious cut in veterans programs. Veterans groups and their advocates have agreed over the years to pull their weight in a concerted effort to balance the budget. However, this agreement does not reflect a sense of fairness. Aside from the deep cuts in Medicare and Medicaid and receipts from spectrum sales, veterans face the largest cuts in programs, and this is unacceptable.

The budget resolution effectively flatlines the Department of Veterans Affairs' [VA] medical care appropriation to $16.959 billion over the next 5 years, and in an attempt to supplement this funding shortfall, builds in a new revenue stream.

For the first time, VA will retain all third-party payments collected from insurance companies, and the budget agreement assumes that these fees will be available to support discretionary spending for VA medical care. In policy, I have always supported retention of these so-called Medical Care Cost Recovery [MCCR] collections on the basis that these collections would enhance medical services for veterans. Unfortunately, even with these new funds—$604 million in fiscal year 1998—the resulting level of funding would not be sufficient to support current services in fiscal year 1998. Projected outyear medical care spending would rise by less than one-half of 1 percent, while at the same time, the number of unique patients VA treats is projected to rise at an average annual rate of over 3.5 percent. If this same growth rate were applied to Medicare, America's seniors would rightly be marching on the Capitol.

Mr. President, I want my colleagues to know that when we speak of the funding level for VA medical care, we are really talking about such concerns as the long-term care needs of our World War II and Korean war veterans, the health care needs of ailing Vietnam and Persian Gulf war veterans, specialized services provided to veterans who are catastrophically disabled, and basic health and preventive care services provided to all our veterans.

Under the budget agreement, veterans seeking medical care from the VA would be dependent upon uncertain funding, including a base appropriation which is $54 million less than the previous year; an untested plan to secure funding from insurance companies; and another controversial proposal, Medicare reimbursement, which will require congressional approval. I believe that the Government can be fiscally responsible and reduce the Federal deficit and debt, and still fulfill our commitment to our Nation's veterans. Asking veterans to rely upon tenuous funding mechanisms for their medical care does not meet this basic criteria.

This proposed level of funding will also be particularly troublesome in those areas of the country which are losing VA health care funding as part of VA's new resource allocation model. Those facilities which are already slated to lose resources, including the Clarksburg VA Medical Center in my home State, will be hit even harder by the low level of fiscal year 1998 funding.

Mr. President, some have viewed this budget agreement as a victory for veterans. This is simply a misunderstanding of the facts. Veterans groups know and understand that a frozen appropriation coupled with cuts in other programs will translate into a reduction of services and benefits, and I understand that they will be opposing the resolution. I will be working throughout the appropriations process to assure that these cuts are diminished. In sum, the appropriators will have to do better if we are to honor our commitment to veterans.

Before concluding, I also warn my colleagues who are such strong proponents of capital gains and estate tax relief that these requirements are going to be subject to intense scrutiny by Americans who have every right to ask some tough questions. When working families struggle as hard as they do to make ends meet and give their children opportunities to succeed, they want to see a Federal budget with priorities that make sense.

Every year, when faced with the budget process and debate, I have to weigh the various principles and goals that guide me in all of my work as the Senator of West Virginia. I have fought certain plans and proposals strenuously, because of their tilted and unfair approaches. In the case of the budget agreement before us, I believe it is an effort that should go forward. It is a work-in-progress, and I will be working hard to improve it. But at the same time, it captures the basic goals that the people of West Virginia and the country are asking us to pursue. We need to complete the job of balancing the budget. We also need to take new steps to address the opportunities and needs of Americans, in education, health care, research, and other key areas. With a bipartisan budget agreement resolved to pursue these goals, I will vote to get the job underway.

Mr. FEINGOLD. Mr. President, this is a notable occasion.

We are adopting a bipartisan budget plan, an uncommon event, made even more exceptional because that plan outlines a path toward achieving balance in the unified budget.

As others have noted, this budget resolution is not perfect.

No one of us would have proposed precisely the same combination of provisions we have in this resolution, that is the nature of political compromise.

The result, however, is a package of provisions that does provide the opportunity to reach balance.

Mr. President, balancing our budget has been my highest priority as a Member of this body.

I ran on that issue in 1992, and I am pleased that we will enact a budget outline that puts us on track to achieve that goal.

Mr. President, it is important to note that this agreement would not have been possible without the President's deficit reduction package enacted in 1993.

Some now estimate that package achieved approximately $2 trillion in deficit reduction between 1993 and 2002.

By contrast, the deficit reduction achieved in this year's budget outline is much smaller, but it is still an important accomplishment.

Mr. President, I think it also needs to be said this important accomplishment was achieved without amending our Constitution.

Indeed, I am convinced that the lack of a constitutional amendment pushed both sides to get the job done right now.

No one was able to say to their constituents: "Well, we passed a constitutional amendment to balance the budget, now it's up to State legislatures."

Mr. President, we still have a ways to go.

This budget resolution is only the beginning; we still have to enact the necessary spending cuts to reach balance.

More importantly, our longer-term budget prospects need much more serious work.

In fact, my biggest concern is that the agreement leaves enough room for either or both sides to push tax or spending policies that worsen our longer-term budget prospects.

I am particularly concerned that while the tax cut agreement may look sustainable in the budget resolution, it may become entirely unsustainable in the long-run, and only aggravate the serious budget problems we know we will face with the retirement of the baby boomers.

We all must continue the bipartisan commitment reflected by this budget agreement to ensure the resulting tax and spending legislation does not undermine either the immediate goal of that agreement—balancing the unified budget—nor our ability to take the next critical steps—enacting necessary entitlement reform, balancing the budget without relying on the Social Security trust funds, and beginning to reduce our national debt.

Mr. President, while many can be congratulated for the work done to produce this budget, I want to note especially the work done by our Budget Committee Chairman, the senior Senator from New Mexico [Mr. DOMENICI] and our ranking member, the senior Senator from New Jersey [Mr. LAUTENBERG].

I joined the Budget Committee this past January, and this is my first experience as a member in working on a budget resolution.

To say the least, Mr. President, it has been a remarkable first experience.

We all realize that reaching this kind of settlement is not simply a matter of finding policies on which there is agreement.

The character and good will of the negotiators makes an enormous difference, and both sides of the aisle were well represented in this regard.

Mr. President, understandably, we often find ourselves focusing on the developing details of the agreement as the negotiations proceeded, and we all have specific matters to which we pay special attention.

All of that is appropriate.

But we often lose sight of the big picture, and the big picture here is that this budget resolution gives us the opportunity to actually achieve balance in the unified budget by 2002.

That is an historic achievement, and a great deal of the credit for that achievement should go to our chairman and ranking member.

I am proud to serve with them, and delighted to be a member of the committee they oversee.

I look forward to working with them next year on a budget resolution that takes the next important steps: enacting necessary entitlement reforms, achieving true balance without using the Social Security trust funds, and reducing the national debt.

MORNING BUSINESS

Mr. DOMENICI. I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OECD SHIPBUILDING AGREEMENT IMPLEMENTING LEGISLATION

Mr. LOTT. The congressional participation in the OECD shipbuilding agreement continues in the 105th Congress. On April 22, 1997, Senator BREAUX introduced S. 629, the OECD Shipbuilding Agreement Act. On April 30, 1997, the Senate Committee on Commerce, Science, and Transportation, chaired by Senator MCCAIN, held a hearing on trade matters which included the OECD shipbuilding agreement. On June 5 that hearing will be continued with the focus on this particular maritime trade policy.

I must say that S. 629 represents the administration's attempt to reconcile their earlier legislative proposal made in the 104th Congress with the successful amendment made by the House of Representatives to that bill. Let me be clear, while the current bill does not address all of the concerns voiced by America's largest shipbuilders, it is a positive step in the right direction. My colleagues must not ignore it.

It also begins to deal with issues I raised in my two colloquies in the Senate with Senator SNOWE.

I intend to work with Senator BREAUX to amend S. 629 so that all appropriate maritime solutions are incorporated. At a recent maritime function, I challenged the audience to examine the new language and to offer constructive improvements. Our Nation has international maritime responsibilities and we must respond to the challenge.

I believe that with the introduction of S. 629, the administration has made an honest attempt to address the majority of the concerns.

I plan on working with my colleagues in both the Senate and the House of Representatives to ensure that acceptable ratification and implementation legislation for the OECD shipbuilding agreement is passed by this Congress.

Mr. BREAUX. I thank the majority leader for his efforts to address the concerns of all U.S. shipbuilders while achieving proper ratification and implementation of this important international agreement.

Mr. LOTT. A primary thrust of the amendment in the 104th Congress by the House of Representatives was to clarify that the agreement shall not affect in any way the Jones Act and other laws related to our essential coastwise trade. My colleagues know my position on the Jones Act—I support it unequivocally. I believe the language in S. 629 also supports the Jones Act by requiring the withdrawal of the United States from the agreement if it interferes with our coastwise trade laws. However, I am continuing to work with Senator BREAUX to further strengthen this provision.

Mr. BREAUX. I agree with the majority leader. This legislation represents a strong reaffirmation to the world of the United States steadfast support for the Jones Act.

Furthermore, the House of Representatives amended H.R. 2754 to clearly preserve the authority of the Secretary of Defense to define, for the purposes of exclusion from coverage under the agreement, the terms "military vessel", "military reserve vessel", and "essential security interest". While the administration and the Office of the USTR attempted to define "military reserve vessel" by including a description of current military reserve vessel programs, some have expressed concerns that this approach might in the future limit the flexibility of the Secretary of Defense to implement additional programs, such as the National Defense Features Program. I am working with Senator LOTT to redraft this provision in a way that will not limit United States national security options.

Mr. LOTT. Acknowledging the valid concerns raised by Representative BATEMAN is appreciated. I believe together we can find the right definition to ensure our national security is protected. No one wants to jeopardize our military capabilities.

S. 629 would also grant the United States a 2-year extension for the title XI shipbuilding loan guarantee program to continue under its current terms and conditions. This too is a move toward equitable implementing language. However, other signatories, including Belgium, Portugal, Spain, and South Korea, were provided special arrangements, exemptions, and transition programs under the Agreement.

When the House of Representatives amended H.R. 2754 in the last Congress, it provided a 3-year transition period for the title XI program. This is an essential component for a fair agreement and I intend to work with Senator BREAUX to restore the full 3-year transition period as provided in last year's House bill.

Mr. BREAUX. H.R. 2754, as amended by the House of Representatives, would have required that third country antidumping cases taken by the Office of the USTR to the third country be adjudicated in a manner similar to that provided by the agreement. Some were concerned that S. 629 would require that the injurious pricing action be taken in accordance with the laws of that third country, without regard to whether those laws are consistent with the agreement. I intend to work with Senator LOTT to ensure that such third country proceedings are consistent with the injurious pricing actions of the agreement.

Mr. LOTT. Many of our American shipbuilders also expressed their concern to me that several countries with a significant shipbuilding industrial presence are not signatories to the agreement. This reduces the effectiveness of the agreement. S. 629 includes a provision not found in last year's House bill which would direct our Trade Representative to seek the prompt accession to the agreement by these other countries. This is one step in the right direction. Another step is that S. 629 also would direct our Trade Representative to use the mechanisms already available under existing U.S. trade laws to redress efforts by non-signatories to undermine the agreement.

Additionally, I expect our Trade Representative to vigorously protest the recent approval of approximately $2.1 billion in restructuring aid to shipyards in Germany, Spain, and Greece. I'm sure that all will agree that the agreement has no chance of holding together if any signatories work around its provisions in order to continue unfairly subsidizing their shipyards.

Mr. BREAUX. I would also like to note that S. 629 includes another important provision not found in H.R. 2754, as amended by the House of Representatives. S. 629 provides for U.S. shipyards to continue to receive 25-year title XI financing when competing in bids against subsidized non-signatory shipyards.

I want to once again thank the majority leader for his efforts to resolve the differences within the U.S. shipbuilding industry over the agreement and to find an appropriate solution that benefits the entire U.S. maritime industry.

Mr. LOTT. I anticipate a swift resolution of the jurisdictional issue. The Senate should focus on the successful enactment of a corrected version of S. 629.

I look forward to working with the other members of the Senate Commerce and Finance Committees to develop fair implementing language.

I want to personally thank you JOHN for your dedication to America's maritime industry and I look forward to a continued partnership in finding an acceptable consensus for the agreement's implementing language.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 21, 1997, the Federal debt stood at $5,348,057,972,766.87. (Five trillion, three hundred forty-eight billion, fifty-seven million, nine hundred seventy-two thousand, seven hundred sixty-six dollars and eighty-seven cents)

One year ago, May 21, 1996, the Federal debt stood at $5,115,827,000,000. (Five trillion, one hundred fifteen billion, eight hundred twenty-seven million)

Five years ago, May 21, 1992, the Federal debt stood at $3,923,950,000,000. (Three trillion, nine hundred twenty-three billion, nine hundred fifty million)

Ten years ago, May 21, 1987, the Federal debt stood at $2,289,948,000,000. (Two trillion, two hundred eighty-nine billion, nine hundred forty-eight million)

Fifteen years ago, May 21, 1982, the Federal debt stood at $1,068,477,000,000 (One trillion, sixty-eight billion, four hundred seventy-seven million) which reflects a debt increase of more than $4 trillion—$4,279,580,972,766.87 (Four trillion, two hundred seventy-nine billion, five hundred eighty million, nine hundred seventy-two thousand, seven hundred sixty-six dollars and eighty-seven cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 408. An act to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress regarding the 50th anniversary of the Marshall plan and reaffirming the commitment of the United States to the principles that led to the establishment of that program.

The message further announced that pursuant to the provision of 22 U.S.C. 1928a, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly: Mr. BEREUTER, Chairman, Mr. SOLOMON, Vice Chairman, Mr. REGULA, Mr. BATEMAN, Mr. BLILEY, Mr. BOEHLERT, Mrs. ROUKEMA, Mr. BALLENGER, Mr. HAMILTON, Mr. RUSH, Mr. LANTOS, and Mr. MANTON.

ENROLLED BILL SIGNED

At 1:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1650. An act to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 408. An act to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress regarding the 50th anniversary of the Marshall plan and reaffirming the commitment of the United States to the principles that led to the establishment of that program; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 1306. An act to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1965. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Transfer of Offenders" (RIN1120–AA60) received on May 20, 1997; to the Committee on the Judiciary.

EC–1966. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, a report for calendar year 1996; to the Committee on the Judiciary.

EC–1967. A communication from the Director of the Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Export Requirements"; to the Committee on Labor and Human Resources.

EC–1968. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, the report of the financial condition of the American Legion for calendar year 1996; to the Committee on the Judiciary.

EC–1969. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Irish Potatoes" (FV97–947–1) received on May 20, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1970. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend section 502 of title V of the Housing Act of 1949; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1971. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Suspension of Certain Order Provisions" received on May 20, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1972. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Interstate Movement of Livestock" received on May 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1973. A communication from the Director of the Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Medical Devices" received on May 22, 1997; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments and with a preamble:

S. Res. 57. A resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 610. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as "the Chemical Weapons Convention" and opened for signature and signed by the United States on January 13, 1993.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 768. A bill for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Thomas W. Thrash, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

Alan S. Gold, of Florida, to be United States District Judge for the Southern District of Florida.

Eric L. Clay, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Arthur Gajarsa, of Maryland, to be United States Circuit Judge for the Federal Circuit.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THOMPSON, from the Committee on Governmental Affairs:

David J. Barram, of California, to be Administrator of General Services.

Mary Ann Gooden Terrell, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. GRASSLEY, and Mr. GLENN):

S. 779. A bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes; to the Committee on Finance.

S. 780. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. CRAIG, Mr. GRAMM, Mr. ENZI, Mr. COCHRAN, Mr. HELMS, and Mr. KEMPTHORNE):

S. 781. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 782. A bill to amend the Department of Agriculture Reorganization Act of 1994 to remove the provision that prevents the recovery of an amount disbursed as a result of an erroneous decision made by a State, county, or area committee; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMS:

S. 783. A bill to increase the accessibility of the Boundary Waters Canoe Area Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (by request):

S. 784. A bill to reform the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of Oregon:

S. 785. A bill to convey certain land to the City of Grants Pass, Oregon; to the Committee on Energy and Natural Resources.

By Mr. BRYAN (for himself and Mr. REID):

S. 786. A bill to direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 787. A bill to permit any state to use non-governmental personnel in the determination of eligibility under the Medicaid, Food Stamps and WIC programs; to the Committee on Finance.

By Mrs. MURRAY:

S. 788. A bill to suspend temporarily the duty on certain materials used in the manufacture of skis and snowboards; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BREAUX, Mr. D'AMATO, Mr. WYDEN, Mr. JEFFORDS, Mr. KOHL, and Mr. CHAFEE):

S. 789. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with additional information regarding medicare managed care plans and medicare select policies; to the Committee on Finance.

By Mr. DASCHLE:

S. 790. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. JOHNSON, and Mr. CONRAD):

S. 791. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD, and Mr. JOHNSON):

S. 792. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

By Mr. DODD:

S. 793. A bill to amend the Public Health Service Act to require that the Center for Substance Abuse Treatment carry out treatment programs for adolescents; to the Committee on Labor and Human Resources. S. 794. A bill to amend the Public Health Service Act to revise and extend the grant program for services for children of substance abusers; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. BREAUX, Ms. COLLINS, and Mr. ROCKEFELLER):

S. 795. A bill to improve the quality of health plans and health care that is provided through the Federal Government and to protect health care consumers; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mrs. FEINSTEIN):

S. 796. A bill to reduce gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. BAUCUS, and Mr. KENNEDY):

S. 797. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 798. A bill to establish a Commission on Information Technology Worker Shortage; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEAHY (for himself, Mr. WELLSTONE, Mr. LEVIN, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mr. DODD):

S. Con. Res. 28. A concurrent resolution expressing the sense of Congress that the Administrator of the Environmental Protection Agency should take immediate steps to abate emissions of mercury and release to Congress the study of mercury required under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. GRASSLEY, and Mr. GLENN):

S. 779. A bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes; to the Committee on Finance.

THE MEDICARE PHYSICIAN WORKFORCE ACT OF 1997

S. 780. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Labor and Human Resources.

THE GERIATRICIANS LOAN FORGIVENESS ACT OF 1997

Mr. REID. Good morning Mr. President. I come to the floor today to offer two bills which are written to address the national shortage of geriatricians we are experiencing in this country. A problem I am sorry to say that is getting worse, not better. I am pleased to have as original cosponsors of my bills Senator GRASSLEY, the distinguished Chairman of the Senate Special Committee on Aging and Senator GLENN, also a member of the Aging Committee, one for whom I have tremendous respect and regard.

Our Nation is growing older. Today, life expectancy for women is 79, for men it is 73. While the population of the United States has tripled since 1900, the number of people age 65 or older has increased 11 times, to more than 33 million Americans. By 2030, this group is projected to double in size to nearly 70 million.

Mr. President, I first became concerned about this problem when a read a report issued by the Alliance for Aging Research in May of 1996 entitled, "Will you Still Treat Me When I'm 65?" The report concluded that there are only 6,784 primary-care physicians certified in geriatrics. This number represents less than one percent of the total of 684,414 doctors in the United States. The report goes on to state that the United States should have at least 20,000 physicians with geriatric training to provide appropriate care for the current population, and as many as 36,000 geriatricians by the year 2030 when there will be close to 70 million older Americans.

The bills I am introducing today, the Medicare Physician Worforce Improvement Act of 1997 and the Geriatricians Loan Forgiveness Act of 1997, aim—in modest ways and at very modest cost—to encourage an increase in the number of trained doctors seniors of today and tomorrow will need, those with certified training in geriatrics.

One provision of the Medicare Physician Workforce Improvement Act of 1997 will allow the Secretary of Health and Human Services to double the payment made to teaching hospitals for geriatric fellows capping the double payment to be provided to a maximum of 400 fellows per year. This is intended to serve as an incentive to teaching hospitals to promote and recruit for geriatric fellows.

Another provision directs the Secretary of Health and Human Services to increase the number of certified geriatricians appropriately trained to provide the highest quality care to Medicare beneficiaries in the best and most sensible settings by establishing up to five geriatric medicine training consortia demonstration projects nationwide. In short, allow Medicare to pay for the training of doctors who serve geriatric patients in the settings where this care is so often delivered. Not only in hospitals, but also ambulatory care facilities, skilled nursing facilities, clinics, and day treatment centers.

The second bill I am offering today, The Geriatricians Loan Forgiveness Act of 1997 has but one simple provision. That is to forgive $20,000 of education debt incurred by medical students for each year of advanced training required to obtain a certificate of added qualifications in geriatric medicine or psychiatry. My bill would count their fellowship time as obligated service under the National Health Corps Loan Repayment Program.

Mr. President, the graduating medical school class of physicians in 1996 reported they had incurred debts of $75,000 on average. My bill will offer an incentive to physicians to pursue advanced training in geriatrics by forgiving a small portion of their debt.

Last year Medicare paid out more than $6.5 billion to teaching hospitals and academic medical centers toward the costs of clinical training and experience needed by physicians after they graduate from medical school. It is ironic, only a tiny fraction of those Medicare dollars are directed to the training of physicians who focus mainly on the needs of the elderly. Of over 100,000 residency and fellowship positions that Medicare supports nationwide, only about 250 are in geriatric medicine and psychiatry programs. Existing slots in geriatric training programs oftentimes go unfilled. With 518 slots available in geriatric medicine and psychiatry in 1996, only 261, barely one-half of them were filled.

By allowing doctors who pursue certification in geriatric medicine to become eligible for loan forgiveness, and by offering an incentive to teaching institutions to promote the availability of fellowships, and recruit geriatric fellows, my bills will provide a measure of incentive for top-notch physicians to pursue fellowship training in this vital area.

We must do more to ensure quality medicine today for our seniors and it is certainly in our best interest to prepare for the future when the number of seniors will double. Geriatric medicine requires special and focused training. Too often, problems in older persons are misdiagnosed, overlooked, or dismissed as the normal result of aging because doctors are not trained to recognize how diseases and impairments might appear differently in the elderly than in younger patients. One need only look at undiagnosed clinical depression in seniors or the consequences of adverse reaction to medicines to see how vital this specialized training really is. This lack of knowledge comes with a cost, in lives lost, and in unnecessary hospitalizations and treatments.

We need trained geriatricians to train new medical students. Of the 108 medical schools reporting for the 1994 to 1995 academic year, only 11 had a separate required course in geriatrics, 53 offered geriatrics as an elective, 96 included geriatrics as part of another required course and one reported not offering geriatrics coursework at all. Mr. President, this is simply not good enough.

In a country where by 2030, 1 in 5 citizens will be over the age of 65, there are only two departments of geriatrics at academic medical centers across the entire country. Yet, every academic medical center has a Department of Pediatrics. This just does not seem to make sense to me. While certainly no one would argue the need for emphasis on pediatrics, there is no less of a need for emphasis on geriatrics as well. In England, it is my understanding that every academic medical center has a department of geriatrics. Do our friends in England know something we do not?

Mr. President, we have here a perfect case where an ounce of prevention will be worth a pound of cure. While not every patient over 65 will need a geriatrician, in fact most will not, we need academicians and researchers to train the medical community about the field of geriatrics and we need primary care physicians to have access to trained geriatricians when a patient's case warrants it. As our oldest old population increases, the population growing the fastest and most appropriate for geriatric intervention, we must ensure that access to geriatricians becomes a reality.

I believe the Medicare Physician Workforce Act of 1997 and the Geriatricians Loan Forgiveness Act of 1997 are steps in the right direction. While they will not solve the total problem, they do make a critical first step.

Mr. President, I am grateful to the American Geriatrics Society for their assistance in working with my staff on this bill and I especially want to thank my cosponsors, Senators GRASSLEY and GLENN, for their support and leadership on this issue.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN GERIATRICS SOCIETY,
New York, NY, May 20, 1997.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the American Geriatrics Society (AGS), I am writing to offer our strongest support to the "Medicare Physician Workforce Improvement Act of 1997" and the "Geriatricians Loan Forgiveness Act of 1997."

With more than 6500 physician and other health care professional members, the AGS is dedicated to improving the health and well being of all older adults. While we provide primary care and supportive services to all patients, the focus of geriatric practice is on the frailest and most vulnerable elderly. The average age of a geriatrician's caseload exceeds 80, and our patients often have multiple chronic illnesses. Given the complexity of medical and social needs among our country's oldest citizens, we are strongly committed to a multi-disciplinary approach to providing compassionate and effective care to our patients.

As you know, America faces a critical shortage of physicians with special training in geriatrics. Even as the 76 million persons of the baby boom generation reach retirement age over the next 15 to 20 years, the number of certified geriatricians is declining. By providing modest incentives—which will encourage teaching hospitals to increase the number of training fellowships in geriatric medicine and psychiatry, provide loan assistance to physicians who pursue such training, and support development of innovative and flexible models for training in geriatrics—your bills represent very positive steps toward reversing that trend.

The American Geriatrics Society has been pleased to work closely with your office to develop initiatives to preserve and improve the availability of highest quality medical care for our oldest and most vulnerable citizens. We believe that the "Medicare Physician Workforce Improvement Act" and the "Geriatricians Loan Forgiveness Act" represent a cost-effective approach to training the physicians our nation increasingly will need. We commend you for your leadership on an issue of such vital importance to the Medicare program and our elderly citizens.

Sincerely,

DENNIS JAHNIGEN, *MD,*
President.

ALLIANCE FOR AGING RESEARCH,
Washington, DC, May 16, 1997.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: As the Executive Director for the Alliance for Aging Research, an independent, not-for-profit organization working to improve the health and independence of older Americans, I am writing in support of the "Medicare Physician Workforce Improvement Act" and the "Geriatricians Loan Forgiveness Act."

As you know, on May 14, 1996 the Alliance released a report, "Will You Still Treat Me When I'm 65?", addressing the national shortage of geriatricians. Currently, there are only 6,784 primary-care physicians certified in geriatrics, the area of medicine that addresses the complex needs of older patients. That is less than one percent of the total of 684,414 doctors in the U.S. We currently need 20,000 geriatricians and a total of 36,858 by the year 2030 to care for the graying baby boomers. These two pieces of legislation take the important first steps in solving this problem.

In addition to increasing the number of physicians trained in geriatrics, we need to develop a strong cadre of academics and researchers within our medical schools to help mainstream geriatrics into both general practice and specialties. Increasing the number of fellowship positions in geriatric medicine will improve the situation.

We must have this kind of support and commitment from the federal government, along with private philanthropy and business if we are to sufficiently care for our aging population. The Alliance for Aging Research is encouraged by your leadership and support in this area and we look forward to working with you to bring these issues before Congress.

Best regards,

DANIEL PERRY,
Executive Director.

• Mr. GRASSLEY. Mr. President, I am pleased to be an original cosponsor of two very important bills being offered by my colleague on the Senate Special Committee on Aging, Senator HARRY REID. The legislation we are introducing today will encourage more of our nation's physicians to specialize in geriatric medicine. As our population continues to age and with the impending retirement of the baby boomers, the need for trained geriatricians will be great. In my home State of Iowa, 15 percent of the population is over 65 with the third largest percentage of elderly in the Nation.

The incentives for residents to choose geriatrics as a specialty are limited. The financial rewards are fewer than most other specialties. In addition, patients require more time and attention because they typically have a multitude of health problems. With the cost of education so high, many residents face enormous debt when they complete medical school. Institutions have trouble attracting students to specialize in geriatric medicine due to the lack of financial incentives.

The Geriatricians Loan Forgiveness Act of 1997 will provide help to residents. This bill gives the Secretary of the Department of Health and Human Services [DHHS] the authority to forgive up to $20,000 of loans under the National Health Service Corps Loan Repayment Program on behalf of a resident who completes the required 1 year fellowship to become a geriatrician. The maximum amount of residents eligible is 400.

The other bill I am cosponsoring today is the Medicare Physician Workforce Improvement Act of 1997. We spent nearly $7 billion last year on graduate medical education under the Medicare Program. Yet, only 200 of the over 100,000 residency and fellowship positions funded by Medicare are in geriatric medicine. This does not make sense. Medicare is a program for seniors. Therefore, we should be supporting physicians who specialize in geriatrics.

The Medicare Physician Workforce Improvement Act has two provisions to encourage academic medical centers to train physicians in geriatrics under the Medicare graduate medical education [GME] program. The first provision provides for an adjustment in a hospital's count of primary care residents to allow each resident enrolled in an approved medical residency or fellowship program in geriatric medicine to be counted as two full-time equivalent primary care residents for the 1-year period necessary to be certified in geriatric medicine. A limit is placed on the number of residents enrolled each year to control the cost. No more than 400 fellows nationwide can be eligible in any given year. This provision will encourage institutions to train more geriatricians using Medicare funds.

The second provision is budget neutral. It directs the Secretary of DHHS to establish five geriatric medicine training consortium demonstration projects nationwide. The demonstration will allow current Medicare GME funds to be distributed to a consortium consisting of a teaching hospital, one or more skilled nursing facilities, and one or more ambulatory care or community-based facilities to train residents in geriatrics. This provision could be beneficial to rural areas and other areas not served by an academic medical center.

I applaud Senator REID for his efforts to provide our Nation's elderly with qualified trained geriatricians. I ask my colleagues on both sides of the aisle to join Senator REID and me in support of these legislative initiatives.●

By Mr. HATCH (for himself, Mr. CRAIG, Mr. GRAMM, Mr. ENZI, Mr. COCHRAN, Mr. HELMS, and Mr. KEMPTHORNE):

S. 781. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

THE OMNIBUS PROPERTY RIGHTS ACT

Mr. HATCH. Mr. President, I am pleased today to once again introduce the Omnibus Property Rights Act. Many Members of the Senate have as a paramount concern the protection of individual rights protected by our Constitution.

One particular right—the right to own and use private property free from arbitrary governmental action—is increasingly under attack from the regulatory state. Indeed, despite the constitutional requirement for the protection of property rights, the America of the late 20th century has witnessed an explosion of Federal regulation that has jeopardized the private ownership of property with the consequent loss of individual liberty.

Under current Federal regulations, thousands of Americans have been denied the right to the quiet use and enjoyment of their private property. Arbitrary bureaucratic enforcement of Federal and State regulatory programs has prevented Americans from building homes and commercial buildings, plowing fields, repairing barns and fences, clearing brush and fire hazards, felling trees, and even removing refuse and pollutants, all on private property.

Fairness and simple justice demand that Americans owning property be entitled to the full use of their property. Ensuring compensation for regulatory takings is the first step toward restoring the fundamental right to own and use private property guaranteed by the takings clause of the fifth amendment to our Constitution. That is why I am once again introducing legislation—the Omnibus Property Rights Act—to protect private property owners from overzealous regulators. This bill, similar in substance and procedure to the bills I introduced last Congress, represents the most comprehensive legislative mechanism to date to foster and protect the private ownership of property.

The omnibus bill contains three different approaches contained in different titles.

The first substantive title of the bill encompasses property rights litigation reform. This title establishes a distinct Federal fifth amendment "takings" claim against Federal agencies by aggrieved property owners, thus clarifying the sometimes incoherent and contradictory constitutional property rights case law. Property protected under this section includes real property, including fixtures on land, such as crops and timber, mining interests, and water rights. This title is triggered when a taking, as defined by the Supreme Court, occurs. Moreover, it allows for compensation when the property, or "affected portion" of property, is reduced in value by 33 percent or more.

It has been alleged that this bill would impede government's ability to protect public health, safety, and the environment. This is not true. This first title contains a "nuisance exception" to compensation. It codifies that part of the 1992 Supreme Court decision in Lucas versus South Carolina Coastal Council, which held that restrictions on property use based on "background principles of the state's law of property and nuisance" need not be compensated. Thus, by adopting the Supreme Court's recent Lucas holding, the Omnibus Property Rights Act provides that only innocent property holders are to be compensated for government takings. Those that demonstrably misuse their property to pollute or to harm public health and safety are not entitled to compensation under the bill's nuisance provision.

Finally, this title also resolves the jurisdictional dispute between the Federal district courts and the Court of Federal Claims over fifth amendment "takings" cases—sometimes called the Tucker Act shuffle—by granting each court concurrent jurisdiction.

A second title in essence codifies President Reagan's Executive Order 12630. Under this title, a Federal agency must conduct a private property taking impact analysis before issuing or promulgating any policy, regulation, or related agency action which is likely to result in a taking of private property.

A third title provides for alternative dispute resolution in arbitration proceedings.

The three titles of the Omnibus Property Rights Act together function to provide the property owner with mechanisms to vindicate the fundamental constitutional right of private ownership of property, while instituting powerful internal incentives for Federal agencies both to protect private property and include such protection in agency planning and regulating.

It is very significant that the nonpartisan Congressional Budget Office, after a year of research, concluded in a study dated March 8, 1996, that the incentives built into the very similar bills I introduced last Congress would have encouraged agencies to act more responsibly, that the administrative cost of the bill would be quite small, and that compensation costs would be even smaller.

Despite some critics' charges that these very similar bills would be too costly, CBO found that the costs of both the omnibus bills will diminish to an insignificant level over time. This is predicated on the CBO finding that each of the omnibus bills contain powerful incentives, which over time will reduce costs. These include: First, the bills' bright line legal standards, which better enable agencies to avoid takings disputes; second, the takings impact assessment requirement, which requires agencies to analyze the affect of proposed regulations on property rights; and third, the requirement that compensation be paid from the agency's budget, which inevitably will act as a deterrent to unconstitutional and unlawful takings. Based on extensive research, CBO estimated that each omnibus bill should cost no more than $30 or $40 million a year for the first 5 years of implementation, thereafter diminishing to insignificant amounts. The new bill will cost even less.

IMPORTANCE OF PRIVATE PROPERTY

The private ownership of property is essential to a free society and is an integral part of our Judeo-Christian culture and the Western tradition of liberty and limited government. Private ownership of property and the sanctity of property rights reflects the distinction in our culture between a preexisting civil society and the state that is consequently established to promote order. Private property creates the social and economic organizations that counterbalance the power of the state by providing an alternative source of power and prestige to the state itself. It is therefore a necessary condition of liberty and prosperity.

While government is properly understood to be instituted to protect liberty within an orderly society and such liberty is commonly understood to include the right of free speech, assembly, religious exercise and other rights such as those enumerated in the Bill of Rights, it is all too often forgotten that the right of private ownership of property is also a critical component of liberty. To the 17th century English political philosopher, John Locke, who greatly influenced the Founders of our Republic, the very role of government is to protect property: "The great and chief end therefore, on Men uniting into Commonwealths, and putting themselves under Government, is the preservation of their property."

The Framers of our Constitution likewise viewed the function of government as one of fostering individual liberties through the protection of property interests. James Madison, termed the "Father of the Constitution," unhesitantly endorsed this Lockean viewpoint when he wrote in The Federalist No. 54 that "[government] is instituted no less for the protection of property, than of the persons of individuals." Indeed, to Madison, the private possession of property was viewed as a natural and individual right both to be protected against government encroachment and to be protected by government against others.

To be sure, the private ownership of property was not considered absolute. Property owners could not exercise their rights as a nuisance that harmed their neighbors, and government could use, what was termed in the 18th century, its despotic power of eminent domain to seize property for public use. Justice, it became to be believed, required compensation for the property taken by government.

The earliest example of a compensation requirement is found in chapter 28 of the Magna Carta of 1215, which reads, "No constable or other bailiff of ours shall take corn or other provisions from anyone without immediately tendering money therefor, unless he can have postponement thereof by permission of the seller." But the record of English and colonial compensation for taken property was spotty at best. It has been argued by some historians and legal scholars that compensation for takings of property became recognized as customary practice during the American colonial period.

Nevertheless, by the time of American independence, the compensation requirement was considered a necessary restraint on arbitrary governmental seizures of property. The Vermont Constitution of 1777, the Massachusetts Constitution of 1780, and the Northwest Ordinance of 1787, recognized that compensation must be paid whenever property was taken for general public use or for public exigencies. And although accounts of the 1791 congressional debate over the Bill of Rights provide no evidence over why a public use and just compensation requirement for takings of private property was eventually included in the fifth amendment, James Madison, the author of the fifth amendment, reflected the views of other supporters of the new Constitution who feared the example to the new Congress of uncompensated seizures of property for building of roads and forgiveness of debts by radical state legislatures. Consequently, the phrase "[n]or shall private property be taken for public use, without just compensation" was included within the fifth amendment to the Constitution.

CURRENT PROTECTION OF PROPERTY RIGHTS FALL SHORT

Judicial protection of property rights against the regulatory state has been both inconsistent and ineffective. Physical invasions and government seizures of property have been fairly easy for courts to analyze as a species of eminent domain, but not so for the effect of regulations which either diminish the value of the property or appropriate a property interest.

This key problem to the regulatory takings dilemma was recognized by Justice Oliver Wendell Holmes in *Pennsylvania Coal Co.* v. *Mahon*, 260 U.S. 393 (1922). How do courts determine when regulation amounts to a taking? Holmes' answer, "if regulation goes too far it will be recognized as a taking," 260 U.S. at 415, is nothing more than an ipse dixit. In the 73 years since Mahon, the Court has eschewed any set formula for determining how far is too far, preferring to engage in ad hoc factual inquiries, such as the three-part test made famous by *Penn Central Transportation Co.* v. *City of New York*, 438 U.S. 104 (1978), which balances the economic impact of the regulation on property and the character of the regulation against specific restrictions on investment-backed expectations of the property owner.

Despite the valiant attempt by the Rehnquist Court to clarify regulatory takings analysis in *Nollan* v. *California Coastal Comm'n*, 483 U.S. 825 (1987), *Lucas* v. *South Carolina Coastal Council*, 112 S.Ct. 2886 (1992), and in its recent decision of *Dolan* v. *City of Tigard*, No. 93–518 (June 24, 1994), takings analysis is basically incoherent and confusing and applied by lower courts haphazardly. The incremental, fact-specific approach that courts now must employ in the absence of adequate statutory language to vindicate property rights under the fifth amendment thus has been ineffective and costly.

There is, accordingly, a need for Congress to clarify the law by providing bright line standards and an effective remedy. As Chief Judge Loren A. Smith of the Court of Federal Claims, the court responsible for administering takings claims against the United States, opined in *Bowles* v. *United States*, 31 Fed. Cl. 37 (1994), "[j]udicial decisions are far less sensitive to societal problems than the law and policy made by the political branches of our great constitutional system. At best courts sketch the outlines of individual rights, they cannot hope to fill in the portrait of wise and just social and economic policy."

This incoherence and confusion over the substance of takings claims is matched by the muddle over jurisdiction of property rights claims. The Tucker Act, which waives the sovereign immunity of the United States by granting the Court of Federal Claims jurisdiction to entertain monetary claims against the United States, actually complicates the ability of a property owner to vindicate the right to just compensation for a Government action that has caused a taking. The law currently forces a property owner to elect between equitable relief in the Federal district court and monetary relief in the Court of Federal Claims. Further difficulty arises when the law is used by the Government to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should first seek equitable relief in the district court.

This Tucker Act shuffle is aggravated by section 1500 of the Tucker Act, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and brought by the same plaintiff. Section 1500 is so poorly drafted and has brought so many hardships, that Justice Stevens, in *Keene Corporation* v. *United States*, 113 S.Ct. 2035, 2048 (1993), has called for its repeal or amendment.

Title II of the Omnibus Property Rights Act addresses these problems. In terms of clarifying the substance of takings claims, it first clearly defines property interests that are subject to the act's takings analysis. In this way a floor definition of property is established by which the Federal Government may not eviscerate. This title also establishes the elements of a takings claim by codifying and clarifying the holdings of the Nollan, Lucas, and Dolan cases.

For instance, Dolan's rough proportionality test is interpreted to apply to all exaction situations whereby an owner's otherwise lawful right to use property is exacted as a condition for granting a Federal permit. And a distinction is drawn between a noncompensable mere diminution of value of property as a result of Federal regulation and a compensable partial taking, which is defined as any agency action that diminishes the fair market value of the affected property by 33 percent or more. The result of drawing these bright lines will not be the end fact-specific litigation, which is endemic to all law suits, but it will ameliorate the ever increasing ad hoc and arbitrary nature of takings claims.

Finally, I once again want to respond to any suggestion that may arise that this act will impede Government's ability to protect the environment or promote health and safety through regulation. This legislation does not, contrary to the assertions of some, emasculate the Government's ability to prevent individuals or businesses from polluting. It is well established that the Constitution only protects a right to reasonable use of property. All property owners are subject to prior restraints on the use of their property, such as nuisance laws which prevents owners from using their property in a manner that interferes with others.

The Government has always been able to prevent harmful or noxious uses of property without being obligated to compensate the property owner, as long as the limitations on the use of property inhere in the title itself. In other words, the restrictions must be based on background principles of State property and nuisance law already extant. The Omnibus Property Rights Act codifies this principle in a nuisance exception to the requirement of the Government to pay compensation.

Nor does the Omnibus Property Rights Act hinder the Government's ability to protect public health and safety. The act simply does not obstruct the Government from acting to prevent imminent harm to the public safety or health or diminish what would be considered a public nuisance. Again, this is made clear in the provision of the act that exempts nuisance from compensation. What the act does is force the Federal Government to pay compensation to those who are singled out to pay for regulation that benefits the entire public.

In other words, it does not prevent regulation, but fulfills the promise of the fifth amendment, which the Supreme Court in *Armstrong* v. *United States*, 364 U.S. 40, 49 (1960), opined is "to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole."

I hope that all Senators will join me in supporting this long overdue legislation.

By Mr. LUGAR:

S. 782. A bill to amend the Department of Agriculture Reorganization Act of 1994 to remove the provision that prevents the recovery of an amount disbursed as a result of an erroneous decision made by a State, county, or area committee; to the Committee on Agriculture, Nutrition, and Forestry.

THE USDA'S FINALITY RULE REPEAL ACT OF 1997

• Mr. LUGAR. Mr. President, I introduce legislation to repeal an outdated agricultural law that has cost taxpayers millions of dollars over the last several years.

Historically, as part of its statutory mandate to support farmers' income, the Department of Agriculture made payments to farmers for the planting of certain crops and in cases of natural disaster. In the process of carrying out this mission, USDA sometimes mistakenly overpaid farmers.

A provision of the 1990 farm bill, known as the finality rule or the 90-day rule, allowed farmers to keep these overpayments if they were not discovered within 90 days of the payment or application for farm program benefits. Repayment is required in cases of fraud or misrepresentation involving the farmer.

Whatever its merits in 1990, changes in farm policy and new evidence indicate that the finality rule should be repealed. At the time of the 1990 farm bill, to be eligible for farm program payments, it was necessary for the county or State USDA office to determine that farmers were actively engaged in farming and that their operations were structured properly. Farmers often relied on these determinations before deciding which crops to plant, the size of the plantings, and how to structure their farming operation for the crop year.

However, the landmark reforms in the 1996 farm bill eliminated these justifications for the finality rule. Under the 1996 farm bill, farm payments are no longer linked to the planting decisions of farmers and the structure of the farming operation is unlikely to change. Today, payments are made based on a formula which does not vary from one year to the next.

The finality rule does not only apply to farm program payments. It applies to most types of payments received by farmers including disaster relief assistance. But these disaster payments have been dramatically scaled back in recent years. In 1994, Congress passed the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act which largely eliminated disaster assistance payments for most major crops. Instead of disaster aid, farmers were encouraged to buy crop insurance.

A recent report from the General Accounting Office provides further evidence that the finality rule should be repealed. According to GAO, from November 1990 through September 1996, USDA applied the finality rule to 10,694 cases in which the overpayments were not discovered within the 90-day timeframe. The rule allowed farmers to keep $4.2 million in overpayments. Nearly 90 percent of the overpayments involved crop disaster initiatives or old-style farm programs which no longer exist.

GAO also looked closely at finality rule payments in fiscal years 1995 and 1996. Even though the justification for the finality rule was to prevent farmers from having to repay large amounts of money years after the money was paid, GAO found that most of the overpayments involved small sums and were discovered within 9 months or less. According to GAO, in the years studied, 86 percent of the finality rule cases involved $500 or less. In addition, 59 percent had overpayments amounting to 10 percent or less of the correct payment amounts, and two-thirds were discovered within 9 months of the date of payment or the filing of a program application. It should be noted that while most of the overpayments were small, a few large overpayments accounted for the bulk of the dollar value of the overpayments. An examination of the GAO data indicate that the finality rule, in its application, has not served its original stated purpose.

Mr. President, the U.S. Department of Agriculture agrees that the finality rule should be repealed. In those limited number of cases in which repayment would work a hardship on the farmer, the very cases that finality rule was supposed to assist, USDA has indicated that it would use existing procedures already in place for debt collection in hardship cases.

In summary, Mr. President, the finality rule was largely designed for programs which have been dramatically altered, it generally does not serve the hardship cases for which it was designed, and it can be replaced by other existing procedures designed for hardship cases. The Department of Agriculture and the General Accounting Office support its repeal. It is time to remove this outdated law from the books. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOVERY OF AMOUNTS BASED ON ERRONEOUS DECISIONS OF STATE, COUNTY, AND AREA COMMITTEES.

Section 281 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7001) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.•

By Mr. D'AMATO (by request):

S. 784. A bill to reform the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes.

THE PUBLIC HOUSING MANAGEMENT REFORM ACT OF 1997

• Mr. D'AMATO. Mr. President, as chairman of the Committee on Banking, Housing and Urban Affairs, I introduce the Public Housing Management Reform Act of 1997 at the request of the Secretary of the Department of Housing and Urban Development, the Honorable Andrew M. Cuomo.•

By Mr. SMITH of Oregon:

S. 785. A bill to convey certain land to the city of Grants Pass, OR; to the Committee on Energy and Natural Resources.

THE GRANTS PASS LAND TRANSFER ACT OF 1997

• Mr. SMITH of Oregon. Mr. President, I am today introducing legislation to transfer 320 acres of Oregon and California grant lands currently under the jurisdiction of the Bureau of Land Management [BLM] to the city of Grants Pass, OR. I am pleased to introduce this legislation because it exemplifies how I believe our government should work. I believe government works best when the local community has an opportunity to participate in making decisions important to them.

Since 1968, the city of Grants Pass has leased 200 acres of BLM land to operate the Merlin Municipal Solid Waste Facility under permit by the Oregon Department of Environmental Quality [DEQ]. The current lease ends April 14 in the year 2000 and, pursuant to BLM's national policy, the lease will not be renewed. The city of Grants Pass has made an incredible commitment of time, manpower, and financial resources over several years to address and minimize the environmental concerns of the Merlin landfill. The long-term management and resolution of these environmental issues can best be handled by the city of Grants Pass through ownership of the property.

The 120 acres not part of the Merlin landfill are described by BLM as "scab lands" and are not subject to timber harvest. In addition, if the additional 120 acres are retained they would be landlocked or without access. For these reasons, the BLM recommends that these 120 acres be included in the land transfer. The 120 acres and any of the 200 acres not used for solid waste management will be retained exclusively for public use.

The reason for this legislation is simple: Existing Federal law providing for the transfer of Federal land either does not cover Oregon and California grant lands, presents administrative procedural requirements, or does not provide the United States with the necessary environmental liability safeguards.

The Grants Pass land transfer legislation is supported at all levels of government—local, State, and Federal. This legislation is a companion bill to that of my good friend and colleague from the House, Congressman BOB SMITH, and is being heard today before the House Subcommittee on National Parks and Public Lands. I encourage my colleagues to join me in support of this legislation.

Mr. President, I ask unanimous consent that the provisions of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF BLM LAND TO GRANTS PASS, OREGON.

(A) CONVEYANCE REQUIRED.—Effective on the date the City of Grants Pass, Oregon tenders to the Secretary of the Interior an indemnification agreement and without monetary compensation, all right, title, and interest of the United States in and to the real property described in subsection (b) is conveyed, by operation of law, to the City of Grants Pass, Oregon (in this section referred to as the "City").

(b) PROPERTY DESCRIBED.—

The real property referred to in subsection (a) is that parcel of land depicted on the map entitled "   " and dated   , 1997, consisting of—

(1) approximately 200 acres of Bureau of Land Management land on which the City has operated a landfill under lease; and

(1) approximately 200 acres of Bureau of Land Management land that area adjacent to the land described in subparagraph (1).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Secretary shall require the City to agree to indemnify the Government of the United States for all liability of the Government that arises from the property.•

By Mrs. MURRAY:

S. 788. A bill to suspend temporarily the duty on certain materials used in the manufacture of skis and snowboards; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mrs. MURRAY. Mr. President, I introduce legislation of importance to the economy and quality of life in my home State of Washington. The measure I am introducing will help maintain the competitiveness of an industry that makes vital contributions to our State and this Nation.

One of my top priorities here in the U.S. Senate is to support policies that promote economic growth for people in Washington State and across the country. To me, this means preserving current jobs and creating new jobs in all sectors of our economy.

The K2 Corp., located on Vashon Island in Washington State, makes an important contribution toward achieving this goal. As the last remaining major U.S. manufacturer of skis and just one of three major snowboard makers in this country, K2 employs more than 700 people at its Vashon Island facility. The products made by K2 represent a substantial percentage of the American skis and snowboards sold around the world. Maintaining the competitiveness of K2 helps ensure the United States remains a player in the global ski market.

To the extent possible, K2 purchases materials used in the manufacture of skis and snowboards from companies based in Washington State and other regions of our country. However, K2 is unable to find a domestic source that meets its requirements for two key raw materials—steel edges and polyethylene base material. As a result, K2 must purchase these two commodities abroad and pay customs duties on the imported products. This forces K2 to spend more for these materials, thus diverting resources that could be used to expand business and develop new technologies.

My legislation seeks to make these resources available to K2 suspending

U.S. customs duty on imports of these two raw materials—steel edges and polyethylene base material. It helps ensure K2 and America continue to have a role in the international ski industry. Together, these materials comprise a very small portion of all the materials used to produce skis. However, without the ability to acquire them at a reasonable cost, K2's ability to compete on an international scale would be adversely affected.

K2 strives to continue as a key player in the increasingly competitive international ski and snowboard market. This duty suspension legislation will help enable K2 to compete and to continue supporting our Nation's economy. I urge my colleagues to support this legislation, which strengthens the U.S. ski and snowboard industry and supports American jobs.●

By Mr. GRASSLEY (for himself, Mr. BREAUX, Mr. D'AMATO, Mr. WYDEN, Mr. JEFFORDS, Mr. KOHL and Mr. CHAFEE):

S. 789. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with additional information regarding Medicare managed care plans and Medicare select policies; to the Committee on Finance.

MEDICARE BENEFICIARY INFORMATION ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise today with my colleague, Senator BREAUX, to introduce the Medicare Beneficiary Information Act of 1997. Medicare is a Federal program paid for with taxpayer dollars. Therefore, Congress has the duty and obligation to ensure beneficiaries have access to necessary information to select an appropriate health plan for their individual health care needs.

This legislation is based upon many of the recommendations made to members of the Senate Special Committee on Aging at a hearing we held on April 10, 1997. This bill will improve competition among Medicare health plans and provide Medicare beneficiaries with the useful information they need to make an informed choice when selecting a health plan. Good, reliable information that allows consumers to select among competing options is essential for any market to work. The health care market is no exception. Under Medicare, accurate, widely-available comparative information does not exist. The Medicare Beneficiary Information Act of 1997 addresses this problem by including the following provisions:

While beneficiaries now have to call all the health plans in their area, wait for the marketing materials to come, and then try and compare all the different brochures with no standard terminology required, this bill instructs the Secretary to develop comparison charts for each Medicare HMO market and for Medicare Select plans. The Secretary has discretion to utilize existing mechanisms in place, such as regional Health Care Financing Administration [HCFA] offices and Insurance Counseling Assistance [ICA's] programs, to develop and distribute these charts.

Comparison charts would be distributed by Medicare health plans in their marketing materials and at the time of enrollment and annually thereafter. In addition, the charts would be available upon request through HCFA. The charts would help beneficiaries understand the difference between the HMO's in their market. The charts would also contain a description of standard fee-for-service Medicare, so beneficiaries have a reference point.

The charts will tell beneficiaries about, for example, the health plans' additional benefits; additional premiums; out-of-pocket expenses; disenrollment rates, as recommended by the General Accounting Office at the Aging Committee hearing; appeal rates, reversed and denied; coverage for out-of-area services.

The bill also requires plans to inform beneficiaries about their rights and responsibilities using understandable, standard terminology regarding benefits; appeals and grievance procedures; restrictions on payments for services not provided by the plan; out-of-area coverage; coverage of emergency services and urgently needed care; coverage of out-of-network services; and any other rights the Secretary determines to be helpful to beneficiaries.

These provisions are also included in the bill I introduced on May 6, entitled the "Medicare Patient Choice and Access Act of 1997," or S. 701. Senator BREAUX and I believe that providing Medicare beneficiaries with proper information to select the health plan that best meets their individual health care needs is so important, we decided to introduce this free-standing bill. Increasing choices within the Medicare program has strong bipartisan support, but this approach is meaningless if beneficiaries cannot make an informed choice. Our bill can be enacted and implemented quickly. HCFA is already collecting this data and plans to start distributing comparative information this summer through the Internet. However, Internet access is not enough. We need to provide this information in written form and through Medicare counseling programs as well. Medicare beneficiaries, as research has shown, prefer reviewing written materials and having someone with which to talk. Our bill would enable beneficiaries to obtain a user-friendly chart utilizing existing Medicare counseling programs, local Medicare offices and through health plans participating in the Medicare program.

We ask our colleagues on both side of the aisle to join us in cosponsoring this important legislation. I ask unanimous consent that a copy of the bill be submitted for the RECORD. I also ask unanimous consent that a news column by Senator BREAUX be included in the RECORD.

There being no objection, the material was ordered to be printed in the the RECORD, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Beneficiary Information Act of 1997".

SEC. 2. MEDICARE BENEFICIARY INFORMATION.

(a) IN GENERAL.—Section 1876(c)(3)(E) of the Social Security Act (42 U.S.C. 1395mm(c)(3)(E)) is amended to read as follows:

"(E)(i) Each eligible organization shall provide in any marketing materials distributed to individuals eligible to enroll under this section and to each enrollee at the time of enrollment and not less frequently than annually thereafter, an explanation of the individual's rights and responsibilities under this section and a copy of the most recent comparative report (as established by the Secretary under clause (ii)) for that organization.

"(ii)(I) The Secretary shall develop an understandable standardized comparative report on the plans offered by eligible organizations, that will assist beneficiaries under this title in their decisionmaking regarding medical care and treatment by allowing the beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with. In developing such report the Secretary shall consult with outside organizations, including groups representing the elderly, eligible organizations under this section, providers of services, and physicians and other health care professionals, in order to assist the Secretary in developing the report.

"(II) The report described in subclause (I) shall include a comparison for each plan of—

"(aa) the premium for the plan;

"(bb) the benefits offered by the plan, including any benefits that are additional to the benefits offered under parts A and B;

"(cc) the amount of any deductibles, coinsurance, or any monetary limits on benefits;

"(dd) the number of individuals who disenrolled from the plan within 3 months of enrollment and during the previous fiscal year, stated as percentages of the total number of individuals in the plan;

"(ee) the procedures used by the plan to control utilization of services and expenditures, including any financial incentives;

"(ff) the number of applications during the previous fiscal year requesting that the plan cover certain medical services that were denied by the plan (and the number of such denials that were subsequently reversed by the plan), stated as a percentage of the total number of applications during such period requesting that the plan cover such services;

"(gg) the number of times during the previous fiscal year (after an appeal was filed with the Secretary) that the Secretary upheld or reversed a denial of a request that the plan cover certain medical services;

"(hh) the restrictions (if any) on payment for services provided outside the plan's health care provider network;

"(ii) the process by which services may be obtained through the plan's health care provider network;

"(jj) coverage for out-of-area services;

"(kk) any exclusions in the types of health care providers participating in the plan's health care provider network; and "(ll) any additional information that the Secretary determines would be helpful for beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with.

"(III) The comparative report shall also include—

"(aa) a comparison of each plan to the fee-for-service program under parts A and B; and

"(bb) an explanation of medicare supplemental policies under section 1882 and how to obtain specific information regarding such policies.

"(IV) The Secretary shall, not less than annually, update each comparative report.

"(iii) Each eligible organization shall disclose to the Secretary, as requested by the Secretary, the information necessary to complete the comparative report.

"(iv) In this subparagraph—

"(I) the term 'health care provider' means anyone licensed under State law to provide health care services under part A or B;

"(II) the term 'network' means, with respect to an eligible organization, the health care providers who have entered into a contract or agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section; and

"(III) the term 'out-of-network' means services provided by health care providers who have not entered into a contract agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts entered into or renewed under section 1876 of the Social Security Act (42 U.S.C. 1395mm) after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 3. APPLICATION OF ADDITIONAL INFORMATION TO MEDICARE SELECT POLICIES.

(a) IN GENERAL.—Section 1882(t) of the Social Security Act (42 U.S.C. 1395ss(t)) is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(C) by adding at the end the following:

"(G) notwithstanding any other provision of this section to the contrary, the issuer of the policy meets the requirements of section 1876(c)(3)(E)(i) with respect to individuals enrolled under the policy, in the same manner such requirements apply with respect to an eligible organization under such section with respect to individuals enrolled with the organization under such section; and

"(H) the issuer of the policy discloses to the Secretary, as requested by the Secretary, the information necessary to complete the report described in paragraph (4)."; and

(2) by adding at the end the following:

"(4) The Secretary shall develop an understandable standardized comparative report on the policies offered by entities pursuant to this subsection. Such report shall contain information similar to the information contained in the report developed by the Secretary pursuant to section 1876(a)(3)(E)(ii).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to policies issued or renewed on or after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 4. NATIONAL INFORMATION CLEARINGHOUSE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish and operate, out of funds otherwise appropriated to the Secretary, a clearinghouse and (if the Secretary determines it to be appropriate) a 24-hour toll-free telephone hotline, to provide for the dissemination of the comparative reports created pursuant to section 1876(c)(3)(E)(ii) of the Social Security Act (42 U.S.C. 1395mm(c)(3)(E)(ii)) (as amended by section 2 of this Act) and section 1882(t)(4) of the Social Security Act (42 U.S.C. 1395ss(t)(4)) (as added by section 3 of this Act). In order to assist in the dissemination of the comparative reports, the Secretary may also utilize medicare offices open to the general public, the beneficiary assistance program established under section 4359 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-3), and the health insurance information counseling and assistance grants under section 4359 of that Act (42 U.S.C. 1395b-4).

GIVING OLDER CONSUMERS BETTER INFO ON HEALTH CARE BENEFITS

(John Breaux, U.S. Senator for Louisiana)

The federal government needs to provide older Americans with better information about all their health care options. That was the conclusion of a senate hearing I recently cochaired as the new ranking Democrat on the Senate Special Aging Committee. We called in a number of health care experts to talk about the quality of information provided to millions of Medicare beneficiaries, including nearly 600,000 in Louisiana.

Many who testified said that right now Medicare beneficiaries are not being given all the information they need to adequately compare the costs and benefits of their health care coverage.

We learned that many beneficiaries simply do not know how managed care is different from standard fee-for-service Medicare. And they are not getting simple explanations of the differences among the Medicare Health Maintenance Organizations (HMO's) in their local areas. Because it is generally agreed that HMO's best serve their enrollees when they compete on factors other than just price, providing Medicare beneficiaries with more and better information is essential.

Consumers ideally need simple, readable comparison charts so they are able to readily understand the differences between plans. Currently, the Health Care Financing Administration (HCFA), which administers Medicare, does not provide beneficiaries with any comparative data. This means older people who want to learn about managed care options must call a toll-free number to see what HMO's are in their area and then call each company one-by-one and request their health care information. The problem is that each local plan with a Medicare contract presents information using different formats and language, so it's difficult or even impossible to make cost and benefit comparisons.

And while the vast majority of Medicare beneficiaries—87 percent nationally—remain enrolled in traditional fee-for-service Medicare, this is changing rapidly. The number of beneficiaries nationwide who enroll in HMO's is growing by about 30 percent a year. In Louisiana, the growth rate is more than 50 percent. The number of health plans with Medicare contracts is also increasing rapidly. In 1993, there were 110 such plans. Last year, the number more than doubled to 241.

In a recent report to the Congress, the General Accounting Office (GAO) was critical of the type of information older Americans get on their health care options. The Prospective Payment Assessment Commission also said in a recent report that "cost and benefit definitions should be standardized so that beneficiaries can better compare plans."

And the Institute of Medicine last year reported that "current information available to Medicare beneficiaries lags far behind the kinds of assistance provided by progressive private employers to their employees."

One way to begin addressing these disturbing structural problems is to provide more and better information so that beneficiaries can make informed choices. It is really a fairly simple concept, but one that government often loses sight of—people make wiser and less costly decisions for themselves and their families if they have the right kind of information.

In fact, in its October 1996 report, GAO recommended that the federal government require plans to use standard formats and terminology; produce benefit and cost comparison charts with all Medicare options available for all areas; and analyze, compare and widely distribute certain statistics about HMO's, including their disenrollment rates and rate of complaints.

Clearly, we must find a better way to inform Medicare consumers about their choices because good information is the key to making the right health care choices for ourselves and our loved ones.

By Mr. DASCHLE:

S. 790. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES LEGISLATION

Mr. DASCHLE. Mr. President, I am pleased to introduce legislation to expand the current inventory charitable donation rule to include Indian tribes. This proposal is short and simple.

Under current law, companies may obtain a special charitable donation tax deduction under Internal Revenue Code section 170(e)(3) for contributing their excess inventory to the ill, the needy, or infants. While not limited to any particular type of company or inventory, this deduction commonly is used by food processing companies whose excess food inventories otherwise would spoil. Indian tribes have had difficulty obtaining these donations, however, because of an ambiguity in the law as to whether or not donating companies may deduct donations to organizations on Indian reservations.

The current language in section 170(e)(3) requires charitable donations of excess inventory to be made to organizations that are described in section 501(c)(3) of the Code and exempt from taxation under section 501(a). While Indian tribes are exempt from taxation, they are not among the organizations described in section 501(c)(3). Accordingly, it is not clear that a direct donation of excess inventory to an Indian tribe would qualify for the charitable donation deduction under section 170(e)(3).

Ironically, the Indian Tribal Government Tax Status Act found in section 7871 provides that an Indian tribal government shall be treated as a State for purposes of determining tax deductibility of charitable contributions made pursuant to section 170. Unfortunately, the act does not expressly extend to donations made under section 170(e)(3) because that provision technically does not include States as eligible donees.

Mr. President, it is well documented that Native Americans, like other citizens, may meet the qualifications for this special charitable donation. No one would argue that it is not within the intent of section 170(e)(3) to allow contributions to Native American organizations to qualify for the special charitable donation deduction in that section of the code. The bill I am introducing today simply would allow those contributions to qualify for the deduction. By allowing companies to make qualified contributions to Indian tribes under section 170(e)(3), the bill would clearly further the intended purpose of both Internal Revenue Code section 170(e)(3) and the Indian Tribal Government Tax Status Act.

The appropriateness of the measure is exhibited by the fact that it was included in the Revenue Act of 1992 (H.R. 11), which was vetoed for unrelated reasons. At that time, the measure was supported on policy grounds by the staffs of the joint committee on Taxation and Finance Committee. In 1995, the joint committee estimated that the proposal would have a negligible effect on Federal receipts over the 6-year period it estimated.

I strongly encourage my colleagues to support this bill and ask unanimous consent that its text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to a special rule for certain contributions of inventory or other property) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR INDIAN TRIBES.—

"(i) IN GENERAL.—An Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

"(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government, such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1996.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. JOHNSON and Mr. CONRAD):

S. 791. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

TAX TREATMENT OF TELEPHONE COOPERATIVES ACT OF 1997

Mr. DASCHLE. Mr. President, today I am introducing legislation that reaffirms the intent of the U.S. Congress, originally expressed in 1916, to grant tax exempt status to telephone cooperatives. This exemption is now set forth in section 501(c)(12) of the Internal Revenue Code.

I am joined by my distinguished colleagues, Senators DORGAN, GRASSLEY, JOHNSON, and CONRAD.

This legislation is identical to a bill I introduced in the 103d and 104th Congresses and to a measure that was included in the Revenue Act of 1992, which ultimately was vetoed.

Congress has always understood that a tax exemption is necessary to ensure that reliable, universal telephone service is available in rural America at a cost that is affordable to the rural consumer. Telephone cooperatives are nonprofit entities that provide this service where it might otherwise not exist due to the high cost of reaching remote, sparsely populated areas.

The facilities of a telephone cooperative are used to provide both local and long distance communications services. Perhaps the most important of these for rural users is long distance. Without these services, both local and long distance, people in rural areas could not communicate with their own neighbors, much less with the world. While telephone cooperatives comprise only a small fraction of the U.S. telephone industry—about 1 percent—their services are vitally important to those who must rely upon them.

Under Internal Revenue Code section 501(c)(12), a telephone cooperative qualifies for tax exemption only if at least 85 percent of its gross income consists of amounts collected from members for the sole purpose of meeting losses and expenses. Thus, the bulk of the revenues must be related to providing services needed by members of the cooperative, that is, rural consumers. No more than 15 percent of the cooperative's gross income may come from nonmember sources, such as property rentals or interest earned on funds on deposit in a bank. For purposes of the 85 percent test, certain categories of income are deemed neither member nor nonmember income and are excluded from the calculation. The reason for the 85 percent test is to ensure that cooperatives do not abuse their tax exempt status.

A technical advice memorandum [TAM] released by the Internal Revenue Service a few years ago threatens to change the way telephone cooperatives characterize certain expenses for purposes of the 85 percent test. If the rationale set forth in the TAM is applied to all telephone cooperatives, the majority could lose their tax exempt status.

Specifically, the IRS now appears to take the position that all fees received by telephone cooperatives from long distance companies for use of the local lines must be excluded from the 85 percent test and that fees received for billing and collection services performed by cooperatives on behalf of long distance companies constitute nonmember income to the cooperative.

The legislation I am introducing today would clarify that access revenues paid by long distance companies to telephone cooperatives are to be counted as member revenues, so long as they are related to long distance calls paid for by members of the cooperative. In addition, the legislation would indicate that billing and collection fees are to be excluded entirely from the 85 percent test calculation.

Mr. President, it is no secret that mere distance is the single most important obstacle to rural development. In the telecommunications industry today, we have the ability to bridge distances more effectively than ever before. Technology in this area has advanced at an incredible pace; however, maintaining and upgrading the rural telecommunications infrastructure is an exceedingly expensive proposition. We must do all we can to encourage this development, and ensuring that telephone cooperatives retain their legitimate tax exempt status is a vital step toward this goal. I believe that providing access to customers for long distance calls as well as billing and collecting for those calls on behalf of the cooperative's members and long distance companies are indisputably part of the exempt function of providing telephone service, especially to rural communities. The nature and function of telephone cooperatives have not materially changed since 1916, and neither should the formula upon which they rely to obtain tax exempt status.

In the 104th Congress, the Joint Committee on Taxation estimated the cost of this legislation to be $61 million over a 6-year period. At the appropriate time, I will recommend appropriate offsets to cover the cost of this measure over the 10-year period required under the Budget Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY A COOPERATIVE TELEPHONE COMPANY.

(a) NONMEMBER INCOME.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end the following new subparagraph:

"(E) In the case of a mutual or cooperative telephone company (hereafter in this subparagraph referred to as the 'cooperative'), 50 percent of the income received or accrued directly or indirectly from a nonmember telephone company for the performance of communication services by the cooperative shall be treated for purposes of subparagraph (A) as collected from members of the cooperative for the sole purpose of meeting the losses and expenses of the cooperative."

(2) CERTAIN BILLING AND COLLECTION SERVICE FEES NOT TAKEN INTO ACCOUNT.—Subparagraph (B) of section 501(c)(12) of such Code is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) from billing and collection services performed for a nonmember telephone company."

(3) CONFORMING AMENDMENT.—Clause (i) of section 501(c)(12)(B) of such Code is amended by inserting before the comma at the end thereof ", other than income described in subparagraph (E)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1996.

(5) NO INFERENCE AS TO UNRELATED BUSINESS INCOME TREATMENT OF BILLING AND COLLECTION SERVICE FEES.—Nothing in the amendments made by this subsection shall be construed to indicate the proper treatment of billing and collection service fees under part III of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to taxation of business income of certain exempt organizations).

(b) TREATMENT OF CERTAIN INVESTMENT INCOME OF MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) of such Code (relating to list of exempt organizations) is amended by adding at the end the following new subparagraph:

"(F) In the case of a mutual or cooperative telephone company, subparagraph (A) shall be applied without taking into account reserve income (as defined in section 512(d)(2)) if such income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, does not exceed 35 percent of the company's total income. For the purposes of the preceding sentence, income referred to in subparagraph (B) shall not be taken into account."

(2) PORTION OF INVESTMENT INCOME SUBJECT TO UNRELATED BUSINESS INCOME TAX.—Section 512 of such Code is amended by adding at the end the following new subsection:

"(d) INVESTMENT INCOME OF CERTAIN MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

"(1) IN GENERAL.—In determining the unrelated business taxable income of a mutual or cooperative telephone company described in section 501(c)(12)—

"(A) there shall be included, as an item of gross income derived from an unrelated trade or business, reserve income to the extent such reserve income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, exceeds 15 percent of the company's total income, and

"(B) there shall be allowed all deductions directly connected with the portion of the reserve income which is so included.

For purposes of the preceding sentence, income referred to in section 501(c)(12)(B) shall not be taken into account.

"(2) RESERVE INCOME.—For purposes of paragraph (1), the term 'reserve income' means income—

"(A) which would (but for this subsection) be excluded under subsection (b), and

"(B) which is derived from assets set aside for the repair or replacement of telephone system facilities of such company."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1996.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD and Mr. JOHNSON):

S. 792. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

THE SPECIAL USE VALUATION FOR FAMILY FARMS ACT OF 1997

Mr. DASCHLE. Mr. President, since 1988, I have studied the effects on family farmers of a provision in estate tax law known as section 2032A. While section 2032A may seem a minor provision to some, it is critically important to family run farms. A problem with respect to the Internal Revenue Service's interpretation of this provision has been festering for a number of years and threatens to force the sale of many family farms.

Section 2032A, which bases the estate tax applicable to a family farm on its use as a farm, rather than on its market value, reflects the intent of Congress to help families keep their farms. A family that has worked hard to maintain a farm should not have to sell it to a third party solely to pay stiff estate taxes resulting from increases in the value of the land. Under section 2032A, inheriting family members are required to continue farming the property for at least 15 years in order to avoid having the IRS recapture the tax savings.

At the time section 2032A was enacted, it was common practice for one or more family members to cash lease the farm from the other members of the family. This practice made sense in a situation in which some family members were more involved than others in the day-to-day farming of the land. Typically, the other family members would continue to be at risk with respect to the value of the farm and participate in decisions affecting the farm's operation. Cash leasing among family members remained a common practice after the enactment of section 2032A. An inheriting child would continue to cash lease from his or her siblings, with no reason to suspect from the statute or otherwise that the cash leasing arrangement might jeopardize the farm's qualification for special use valuation.

Based at least in part on some language that I am told was included in a Joint Committee on Taxation publication in early 1982, the Internal Revenue Service has taken the position that cash leasing among family members will disqualify the farm for special use valuation. The matter has since been the subject of numerous audits and some litigation, though potentially hundreds of family farmers may yet be unaware of the change of events. Cases continue to arise under this provision.

In 1988, Congress provided partial clarification of this issue for surviving spouses who cash lease to their children. Due to revenue concerns, however, no clarification was made of the situation where surviving children cash lease among themselves.

My concern is that many families in which inheriting children or other family members have cash leased to each other may not even be aware of the IRS's position on this issue. At some time in the future, they are going to be audited and find themselves liable for enormous amounts in taxes, interest and penalties. For those who cash leased in the late 1970's, this could be devastating because the taxes they owe are based on the inflated land values that existed at that time.

A case that arose in my State of South Dakota illustrates the unfairness and devastating impact of the IRS interpretation of section 2032A. Janet Kretschmar, who lives with her husband, Craig, in Cresbard, SD, inherited her mother's farm along with her two sisters in 1980. Because the property would continue to be farmed by the family members, estate taxes were paid on it pursuant to section 2032A, saving over $50,000 in estate tax.

Janet and Craig continued to farm the land and have primary responsibility for its day-to-day operation. They set up a simple and straightforward arrangement with the other two sisters whereby Janet and Craig would lease the sisters' interests from them.

Seven years later, the IRS told the Kretschmars that the cash lease arrangement had disqualified the property for special use valuation and that they owed $54,000 to the IRS. According to the IRS, this amount represented estate tax that was being recaptured as a result of the disqualification. This came as an enormous surprise to the Kretschmars, as they had never been notified of the change in interpretation of the law and had no reason to believe that their arrangement would no longer be held valid by the IRS for purposes of qualifying for special use valuation. The fact is that, if they had known this, they would have organized their affairs in one of several other acceptable, though more complicated, ways.

For many years, I have sought inclusion in tax legislation of a provision that would clarify that cash leasing among family members will not disqualify the property for special use valuation. In 1992, such a provision was successfully included in H.R. 11, the Revenue Act of 1992 and passed by Congress. Unfortunately, H.R. 11 was subsequently vetoed. In 1995, I introduced this provision as freestanding legislation; however, it did not reach the full Senate for a vote.

Today, I am reintroducing a bill that is identical to the section 2032A measure which was passed in the Revenue Act of 1992. I am joined in this effort by Senators DORGAN, CONRAD and Mr. JOHNSON whose expertise on tax and rural issues are well known.

I must emphasize that there may be many other cases in other agricultural States where families are cash leasing the family farm among each other, unaware that the IRS could come knocking at their door at any minute. I urge my colleagues in the Senate who may have such cases in their State to work with us and support this important clarification of the law.

I intend to request that the Joint Committee on Taxation estimate the revenue impact of this proposal. At an appropriate time thereafter, I will recommend any necessary offsets over a 10-year period as required by the Budget Act.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN CASH RENTALS OF FARMLAND NOT TO CAUSE RECAPTURE OF SPECIAL ESTATE TAX VALUATION.

(a) IN GENERAL.—Subsection (c) of section 2032A of the Internal Revenue Code of 1986 (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end the following new paragraph:

"(8) CERTAIN CASH RENTAL NOT TO CAUSE RECAPTURE.—For purposes of this subsection, a qualified heir shall not be treated as failing to use property in a qualified use solely because such heir rents such property on a net cash basis to a member of the decedent's family, but only if, during the period of the lease, such member of the decedent's family uses such property in a qualified use."

(b) CONFORMING AMENDMENT.—Section 2032A (b)(5)(A) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to rentals occurring after December 31, 1976.

By Mr. DODD:

S. 793. A bill to amend the Public Health Service Act to require that the Center for Substance Abuse Treatment carry out treatment programs for adolescents; to the Committee on Labor and Human Resources.

THE SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS ACT

S. 794. A bill to amend the Public Health Service Act to revise and extend the grant program for services for children of substance abusers; to the Committee on Labor and Human Resources.

THE SUBSTANCE ABUSE TREATMENT FOR ADOLESCENTS ACT

Mr. DODD. Mr. President, I rise today to introduce two bills which seek to address one of the most critical problems tearing at the fabric of American society: substance abuse. When we consider health care costs, lost time on the job, increased crime, and other related factors, it is estimated that drug and alcohol abuse cost this Nation more than $300 billion in 1993. While some efforts to address this problem have been successful, there is still a great deal of work to be done. The two bills that I am introducing, the Services for Children of Substance Abusers Act and the Substance Abuse Treatment for Adolescents Act, seek to provide additional tools for families to fight the battle of addiction and its debilitating social consequences.

Addiction threatens the American family in several ways. The long term emotional health of an individual is shaped during childhood, and the children of substance abusers face numerous obstacles during their development. The children of substance abusers are typically deprived of the parent's attention and concern, and often the financial support to provide food, clothing, and shelter. In the most dramatic cases, children are exposed to substances prenatally and are deprived of a healthy future before they are even born.

An estimated 7 million children are growing up with at least one substance abusing parent, and more than 200,000 women who gave birth in the United States in 1992 used illegal drugs at some time during their pregnancy. In addition, alcohol consumption by pregnant women has recently surged, despite public campaigns about the effects of alcohol on the developing fetus. Clearly these parents will need help if they hope to overcome their addictions and raise healthy children. Unfortunately, these parents often face several obstacles on the road to recovery.

The basic problem with our current drug and alcohol treatment programs is that they fail to address the wide range of problems that addicted parents face. Many were physically or sexually abused as children. Many are victims of domestic violence. Many lack any formal job skills. Many will need child care assistance if they hope to enroll in a treatment program. Many fear that they will lose their children if they come forward for treatment. In short, these parents face several problems which extend far beyond their addictions.

The Children of Substance Abusers Act is currently authorized in the Public Health Services Act, but it has never been funded. Today, I introduce a revised version of this legislation that seeks to give families affected by substance abuse somewhere to turn. The heart of the bill is the grant program which will provide $50 million for a comprehensive range of health, developmental, and social services to children, parents, and other family members. These services will enhance the ability of parents to access drug and alcohol treatment and promote family preservation, where appropriate.

The bill ensures that all children whose parents are substance abusers can enter the program and receive a range of services. The legislation addresses another critical need by providing grants to train professionals, child welfare workers, and other providers serving children to identify and address the effects of familial substance abuse.

For years we have talked about the impact of substance abuse on families. We have all visited the neonatal intensive care units, and we have all seen reports on children who were abused and neglected because their parents were on drugs. The time has come for Congress to respond to what is going on in this country and take an aggressive step toward alleviating these problems.

The Children of Substance Abusers Act is critical to our efforts to reach out to those families that are struggling with substance abuse, and I urge my colleagues to support the legislation I introduce today and fund this critical program.

On another front, the increased prevalence of substance abuse among young Americans poses an additional public health crisis. Last year, the percentage of teens using drugs within the past month rose from 8.2 to 10.9 percent, and the rate of drug use among 12 to 17 year-olds has doubled since 1992. I am particularly disappointed to learn that Connecticut's students report higher rates of drug use than their peers nationwide.

Annually, more than 400,000 Americans under the age of 18 are in need of treatment, and in Connecticut approximately 6,700 students need substance abuse treatment. However, young people have few places to turn. Most treatment programs are designed for adults, and there are limited resources available for the treatment of adolescents with drug and alcohol problems.

Federal and state initiatives have focused on preventing children from becoming substance abusers. While prevention efforts are effective and necessary, they do not provide for those adolescents with substance abuse problems. In addition, most substance abusing adolescents have co-occurring disorders, such as depression, learning disabilities, post-traumatic stress disorders, and other health problems which make treatment even more challenging.

The Substance Abuse Treatment for Adolescents Act seeks to create a funding stream for adolescent treatment. This would be the first time that any money has ever been earmarked specifically for adolescent treatment, setting aside an estimated $70 million annually to address this problem. This bill would also eliminate the need within the public system for adolescent providers to compete with other groups for scarce treatment dollars, thereby allowing them to focus upon the real problem: successfully treating adolescent substance abusers.

Mr. President, this legislation marks a significant step on the road toward improved treatment for adolescent substance abuse. It tells families that we care about their children's health and well-being, and it sends a signal to those individuals who struggle to help our kids overcome addiction that their hard work is not for naught, but will soon be rewarded.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Substance Abuse Treatment for Adolescents Act".

SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 507 of the Public Health Service Act (42 U.S.C. 290bb) is amended by adding at the end the following:

"(d) PROVISION OF SERVICES.—Notwithstanding any other provision of law, the Secretary, acting through the Center for Substance Abuse Treatment, shall ensure that not less than 20 percent of the amounts appropriated under this subpart for the programs and activities of the Center for Substance Abuse Treatment for each fiscal year, but in no case less than $20,000,000, is used to carry out adolescent specific substance abuse treatment programs. Such programs shall include the provision of services to such adolescents as well as the conduct of evaluations and research concerning the effects of such services.".

S. 794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Services for Children of Substance Abusers Reauthorization Act".

SEC. 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) ADMINISTRATION AND ACTIVITIES.—

(1) ADMINISTRATION.—Section 399D(a) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in paragraph (1), by striking "Administrator" and all that follows through "Administration" and insert "Director of the Substance Abuse and Mental Health Services Administration"; and

(B) in paragraph (2), by striking "Administrator of the Substance Abuse and Mental Health Services Administration" and inserting "Administrator of the Health Resources and Services Administration".

(2) ACTIVITIES.—Section 399D(a)(1) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting the following: "through family social services; child protective services; child care providers (including Head Start, schools, and early childhood development programs); community-based family resource and support centers; the criminal justice system; health and mental health providers through screenings conducted during regular childhood examinations and other examinations; self and family member referrals; treatment services; and other service providers and agencies serving children and families; and"; and

(C) by adding at the end the following:

"(D) to provide education and training to health care professionals, child welfare providers, and the personnel or such providers who provide services to children and families.".

(3) IDENTIFICATION OF CERTAIN CHILDREN.—Section 399D(a)(3)(A) of the Public Health Service Act (42 U.S.C. 280d(a)(3)(A)) is amended—

(A) in clause (i), by striking "(i) the entity" and inserting "(i)(I) the entity";

(B) in clause (ii)—

(i) by striking "(ii) the entity" and inserting "(II) the entity"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(iii) the entity will identify children who may be eligible for medical assistance under a State program under title XIX of the Social Security Act.".

(b) SERVICES FOR CHILDREN.—Section 399D(b) of the Public Health Service Act (42 U.S.C. 280d(b)) is amended—

(1) in paragraph (1), by inserting "alcohol and drug," after "psychological,"; and

(2) by striking paragraph (5) and inserting the following:

"(5) Drug and alcohol treatment and prevention services.".

(c) SERVICES FOR AFFECTED FAMILIES.—Section 399D(c) of the Public Health Service Act (42 U.S.C. 280d(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting before the semicolon the following: ", or through an entity the meets applicable State licensure or certification requirements regarding the services involved"; and

(B) by adding at the end the following:

"(D) Aggressive outreach to family members with substance abuse problems.

"(E) Inclusion of consumer in the development, implementation, and monitoring of Family Services Plan."; and

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

"(A) Alcohol and drug treatment services, including screening and assessment, diagnosis, detoxification, individual, group and family counseling, relapse prevention, and case management.";

(B) by striking subparagraph (C) and inserting the following:

"(C) Pre- and post-pregnancy family planning services and counseling on the human immunodeficiency virus and acquired immune deficiency syndrome.";

(C) in subparagraph (D), by striking "conflict and"; and

(D) in subparagraph (E), by striking "Remedial" and inserting "Career planning and".

(d) ELIGIBLE ENTITIES.—Section 399D(d) of the Public Health Service Act (42 U.S.C. 280d(d)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(d) ELIGIBLE ENTITIES.—The Secretary shall distribute the grants through the following types of entities:";

(2) in paragraph (1), by inserting "or prevention" after "drug treatment"; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "; and" and inserting "; or"; and

(B) in subparagraph (B), by inserting "or pediatric health or mental health providers and family mental health providers" before the period.

(e) SUBMISSION OF INFORMATION.—Section 399D(h) of the Public Health Service Act (42 U.S.C. 280d(h)) is amended—

(1) in paragraph (2)—

(A) by inserting "including maternal and child health" before "mental";

(B) by striking "treatment programs"; and

(C) by striking "and the State agency responsible for administering public maternal and child health services" and inserting ", the State agency responsible for administering alcohol and drug programs, the State lead agency, and the State Interagency Coordinating Council under part H of the Individuals with Disabilities Education Act"; and

(2) in paragraph (3)(B), by inserting before the semicolon the following: "when the child can be cared for at home without endangering the child's safety".

(f) REPORTS.—Section 399D(i)(6) of the Public Health Service Act (42 U.S.C. 280d(k)(6)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(F) the number of children described in subparagraph (C) for whom the permanent plan is other than family reunification;".

(g) EVALUATIONS.—Section 399D(l) of the Public Health Service Act (42 U.S.C. 280d(l)) is amended—

(1) in paragraph (4), by inserting before the semicolon the following: ", including increased participation in work or employment-related activities and decreased participation in welfare programs";

(2) in paragraph (5), by striking "children whose" and inserting "children who can be cared for at home without endangering their safety and whose"; and

(3) in paragraph (6), by inserting before the semicolon the following: "if the reunification would not endanger the child".

(h) REPORT TO CONGRESS.—Section 399D(m) of the Public Health Service Act (42 U.S.C. 280d(m)) is amended—

(1) in paragraph (2), by adding "and" at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(3) by striking paragraphs (4) and (5).

(i) DATA COLLECTION.—Section 399D(n) of the Public Health Service Act (42 U.S.C. 280d(n)) is amended by adding at the end the following: "The periodic report shall include a quantitative estimate of the prevalence of alcohol and drug problems in families involved in the child welfare system, the barriers to treatment and prevention services facing these families, and policy recommendations for removing the identified barriers, including training for child welfare workers.".

(j) DEFINITION.—Section 399D(o)(2)(B) of the Public Health Service Act (42 U.S.C. 280d(o)(2)(B)) is amended by striking "dangerous".

(k) AUTHORIZATION OF APPROPRIATIONS.—Section 399D(p) of the Public Health Service Act (42 U.S.C. 280d(p)) is amended to read as follows:

"(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1998, and such sums as may be necessary for fiscal year 1999.".

(l) GRANTS FOR TRAINING AND CONFORMING AMENDMENTS.—Section 399D of the Public Health Service Act (42 U.S.C. 280d) is amended—

(1) by striking subsection (f);

(2) by striking subsection (k);

(3) by redesignating subsections (d), (e), (g), (h), (i), (j), (l), (m), (n), (o), and (p) as subsections (e) through (o), respectively;

(4) by inserting after subsection (c), the following:

"(d) TRAINING FOR HEALTH CARE PROFESSIONALS, CHILD WELFARE PROVIDERS, AND OTHER PERSONNEL.—The Secretary may make a grant under subsection (a) for the training of health care professionals, child welfare providers, and other personnel who provide services to vulnerable children and families. Such training shall be to assist professionals in recognizing the drug and alcohol problems of their clients and to enhance their skills in identifying and obtaining substance abuse prevention and treatment resources.";

(5) in subsection (k)(2) (as so redesignated), by striking "(h)" and inserting "(i)"; and

(6) in paragraphs (3)(E) and (5) of subsection (m) (as so redesignated), by striking "(d)" and inserting "(e)".

By Mr. TORRICELLI (for himself and Mrs. FEINSTEIN):

S. 796. A bill to reduce gun trafficking, and for other purposes; to the Committee on the Judiciary.

THE GUN KINGPIN DEATH PENALTY ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today, on behalf of myself and the distinguished Senator from California, Senator FEINSTEIN, to introduce the Gun Kingpin Death Penalty Act of 1997. I hope that our colleagues will soon join us in sending a clear and strong signal to our most violent gunrunners—your actions will no longer be tolerated.

Mr. President, the fight against gun violence is a long-term, many-staged process. We have already succeeded in enacting the Brady bill and the ban on devastating assault weapons. Last year, even in the midst of what many consider a hostile Congress, we told domestic violence offenders that they could no longer own a gun.

And these laws have been effective: 186,000 prohibited individuals have already been denied a handgun due to Brady background checks—70 percent of these people were convicted or indicted felons. Traces of assault weapons have plummeted since the ban, and prices have gone up. And our law enforcement officers are no longer dying at the hands of criminals armed with assault weapons.

As I said, we have been successful. But we cannot be satisfied with victories in battle—we must use every avenue possible to win the war against gun violence.

Mr. President, it is for this reason that I rose just a few weeks ago with Senator DURBIN to introduce a new prosecutorial tool in the fight to stop gun traffickers—the Gun Kingpin Penalty Act of 1997. That bill would institute a sliding scale of mandatory minimum penalties for the worst gunrunners, and I hope we can debate it soon.

But we must also address the problem of the most violent and dangerous offenders—those who commit murder in furtherance of their gun trafficking crimes. So I rise again today to issue a new challenge—send a message to murderous gunrunners that their violence must stop.

Our Gun Kingpin Death Penalty Act of 1997, which is modeled after the Drug Kingpin Death Penalty legislation already enacted into law, provides that any criminal who commits murder or successfully orders a murder committed during the course of trafficking in more than 25 firearms may receive life in prison or the death penalty. This provision gives Federal prosecutors one more tool in the fight against gun trafficking, and sends out a warning to all violent gunrunners—think twice before you act.

Mr. President, when I rose with Senator DURBIN last month to introduce the first in this two-bill attack on gunrunners, I cited recent numbers gathered by the Bureau of Alcohol, Tobacco and Firearms which clearly demonstrate what many of us already knew all too well—several key highways in this country have become so-called firearm freeways—pipelines for merchants of death who deal in illegal firearms.

We learned from the ATF data that in 1996, New Jersey exported fewer guns used in crimes, per capita, than any other State—less than one gun per 100,000 residents, or 75 total guns. In contrast, Mississippi exported 29 of these guns per capita last year.

Meanwhile, an incredible number of guns used to commit crimes in New Jersey last year came from out-of-State—944 guns were imported and used to commit crimes compared to only 75 exported—a net import of 869 illegal guns used to commit crimes against the people of New Jersey.

In fact, the top six exporters of illegal guns used to commit crimes in New Jersey supplied 62 percent of the guns, 585, and only one of those six States—North Carolina—has strong gun control laws.

This represents a one-way street—guns come from States with lax gun laws straight to States—like New Jersey—with strong laws.

New Jersey has long been proud to have some of the toughest gun control laws in the Nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out-of-State gunrunners who treat our State like their own personal retail outlet.

It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from States with weak laws. We must act on a Federal level to send a clear message that this cannot continue and will not be tolerated. And we must send an equally clear message that gunrunners who commit murder risk the ultimate of penalties.

Finally, Mr. President, I remind my colleagues that we cannot rest satisfied simply because we have succeeded in the past. The problem of illegal gun traffickers will not just go away, and we cannot stand by and watch as innocent men, women, and children die at the hands of criminals armed with these guns. I urge my colleagues to support this bill. I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Kingpin Death Penalty Act of 1997".

SEC. 2. DEATH PENALTY FOR CERTAIN FIREARMS TRAFFICKING VIOLATIONS.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(p) In addition to any other penalties set forth in this title, any person engaging in an offense under paragraph (1)(A) or (3) of section 922(a) that involves 25 or more firearms, who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of an individual, and such killing results, shall be sentenced—

"(1) to a term of imprisonment of not less than 20 years and up to life imprisonment; or

"(2) to death.".

By Mr. CHAFEE (for himself, Mr. BAUCUS, and Mr. KENNEDY):

S. 797. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; to the Committee on Environment and Public Works.

THE JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT OF 1997

Mr. CHAFEE. Mr. President, today I introduce legislation to help resolve the most serious problem identified by patrons and visitors of the Kennedy Center—the lack of adequate on-site parking. Joining me today as original cosponsors are: Senators BAUCUS and KENNEDY.

This legislation provides authority to the Kennedy Center Board of Trustees to construct an addition to the existing parking garage at each of the north and south ends of the Center. Importantly, Mr. President, the garage addition authorized in this bill will come at a cost to the Federal Government. The project will be financed through the issuance of industrial revenue bonds which will be repaid entirely with revenue derived from operation of the expanded garage. Indeed, a provision included in the legislation explicitly prohibits the use of appropriated funds for the purpose of constructing or financing the parking garage expansion.

Also included in the bill is authorization for the Center to take action on site modifications for the improvement of security on the site. The Center has conducted a complete security review, and among the recommendations are changes to the main approach and plaza. This legislation allows the Center to pursue site modifications for the protection of the building and its visitors.

Consistent with the John F. Kennedy Center Act Amendments of 1994, the Center's plans for the garage expansion and other related site improvements will be developed in close consultation with the Department of Interior. In fact, the National Park Service sent a letter today to the president of the Kennedy Center, Mr. Lawrence J. Wilker, conveying its approval of the conceptual plan for this project.

Mr. President, let me say that this proposal reflects the commitment of the Kennedy Center trustees to continually improve this Presidential monument for the benefit of the Public—in a manner that is financially responsible. And indeed, the Center is an operation run in a financially sound way.

A little-known fact about the Kennedy Center is that 90 percent of the Center's annual operating income is derived from private sources. The Federal Government provides only 10 percent of the Center's annual operating income—and these Federal funds are carefully limited to nonperformance activities. This legislation maintains that impressive private-to-Federal funding ratio.

I am proud to serve as a trustee of the Kennedy Center, and commend the board for its stewardship of this treasured asset—the national center for the performing arts and living memorial to the late President.

In closing, Mr. President, I want to thank Senators BAUCUS and KENNEDY for their help in drafting this bill. I look forward to working with them and other colleagues to secure timely adoption of the measure.

By Mr. WARNER:

S. 798. A bill to establish a Commission on Information Technology Worker Shortage; to the Committee on Labor and Human Resources.

THE NATIONAL COMMISSION ON THE INFORMATION TECHNOLOGY WORKER SHORTAGE ESTABLISHMENT ACT OF 1997

Mr. WARNER. Mr. President, the shortage of skilled workers is one of the most critical issues facing the U.S. information technology [IT] industry today. Our position as world leader in this industry is threatened—not by technology—but by a shortage of necessary labor.

This issue is underscored by what we see in the want-ads every week: thousands of high-paying jobs unfilled, because there are not enough skilled applicants.

There is a shortage of nearly 200,000 workers nationwide. The economic impact of this shortfall is being felt in every State and congressional district across America.

Virginia, with its growing high-technology industry, is particularly hard hit—it is currently estimated that 18,000 jobs are currently unfilled. Technology-based businesses in Virginia number over 2,450, employ more than 290,000 workers, and contribute more than $13.8 billion in wages to the State's economy. At current rates of growth, by 2002 these numbers are expected to jump to over 4,000 companies, employing about 330,000, with $22 billion in wages. The average technology sector worker in Virginia earned $45,288 in 1996, compared to an average wage of $26,608 in the Virginia economy as a whole. By 2002, the average technology sector wage could grow to over $63,000.

By any measure, these are the jobs of the future. But unless our workforce is educated and trained properly, these jobs will remain unfilled or, worse yet, move to countries with the necessary qualified people. This 2.5-million-person industry is projected to nearly double in size by the year 2000. But its growth is being stunted by the inability of firms to hire the talent that they need to expand.

Let me be clear: this problem is not confined to just high technology companies and it is not limited to one region of the country. It extends to any firm that depends on information technology employees to expand its markets, reach its customers, or improve its products.

Education is a key component of the solution to this problem. However, schools are not graduating enough qualified individuals to meet the need. From 1986 to 1994, the number of bachelor degrees in computer science, for example, fell 43 percent from 42,195 to 24,200. As the Senate begins the reauthorization process for the Higher Education Act of 1965 and the formulation of job training legislation, I hope we will give particular emphasis to the impact that the shortage of skilled technology workers is having on the economy, and recognize the need to ensure that our work force is prepared for the next century.

As cochair of the Senate Information Technology Caucus and a new member of the Senate Labor and Human Resources Committee, I want to bring this matter to the attention of the Congress and the public, to demonstrate the far-reaching implications this crisis will have on the IT industry and the American economy as a whole.

We need to look at all options for addressing this problem. That is why I am introducing legislation establishing a National Commission on the Information Technology Worker Shortage. The Commission will be comprised of industry leaders, educators, and government officials who will study this issue and provide Congress with potential solutions. The Commission will draw on the brightest minds and the best ideas to craft the solutions necessary to encourage more students to enter technical fields, to ensure that teachers and schools are equipped to train them, and to incorporate the best private sector initiatives. The Commission will report concrete legislative and administrative recommendations to the President and to Congress within the year.

Mr. President, the Commission will provide the national focus and attention that this problem demands. I hope my colleagues will join me in supporting this initiative.•

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 293

At the request of Mr. HATCH, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid Programs.

S. 358

At the request of Mr. DEWINE, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 453

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 453, a bill to study the high rate of cancer among children in Dover Township, New Jersey, and for other purposes.

S. 460

At the request of Mr. BOND, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 528

At the request of Mr. CAMPBELL, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 532

At the request of Mr. BAUCUS, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 532, a bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 551

At the request of Mr. GREGG, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 551, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions.

S. 646

At the request of Mr. FORD, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 646, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 738

At the request of Mrs. HUTCHISON, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 738, a bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from California [Mrs. BOXER], the Senator from California [Mrs. FEINSTEIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Maryland [Mr. SARBANES], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Oregon [Mr. SMITH] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week."

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Virginia [Mr. ROBB], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Florida [Mr. MACK], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

AMENDMENT NO. 309

At the request of Mr. KERRY the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Missouri [Mr. BOND] were added as cosponsors of amendment No. 309 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 312

At the request of Mr. KERREY the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of amendment No. 312 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 320

At the request of Mr. GRAMM the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of amendment No. 320 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 322

At the request of Mr. MCCAIN his name was added as a cosponsor of amendment No. 322 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

At the request of Mr. INHOFE his name was added as a cosponsor of amendment No. 322 proposed to S. Con. Res. 27, supra.

AMENDMENT NO. 324

At the request of Mr. BOND the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of amendment No. 324 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000. 2001, and 2002.

AMENDMENT NO. 330

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 330 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 336

At the request of Ms. MOSELEY-BRAUN the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of amendment No. 336 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 336 proposed to S. Con. Res. 27, supra.

AMENDMENT NO. 340

At the request of Mr. SPECTER the names of the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Iowa [Mr. HARKIN], the Senator from Florida [Mr. MACK], the Senator from New York [Mr. D'AMATO], the Senator from Vermont [Mr. JEFFORDS], the Senator from Hawaii [Mr. INOUYE], the Senator from Maine [Ms. COLLINS], the Senator from Texas [Mrs. HUTCHISON], the Senator from California [Mrs. FEINSTEIN], and the Senator from Nevada [Mr. REID] were added as cosponsors of amendment No. 340 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 344

At the request of Mr. LEAHY his name was added as a cosponsor of amendment No. 344 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

At the request of Mr. WELLSTONE his name was added as a cosponsor of amendment No. 344 proposed to S. Con. Res. 27, supra.

At the request of Mr. DASCHLE the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Illinois [Mr. DURBIN], the Senator from Connecticut [Mr. DODD], the Senator from Nevada [Mr. REID], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of amendment No. 344 proposed to S. Con. Res. 27, supra.

SENATE CONCURRENT RESOLUTION 28—RELATIVE TO A STUDY OF MERCURY

Mr. LEAHY (for himself, Mr. WELLSTONE, Mr. LEVIN, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 28

Whereas there has been a two-to-threefold global increase in mercury in the environment since the 1850's, increases of 3 times have been found in wilderness areas of the United States, and much higher increases have been found in developed areas of the United States;

Whereas mercury is truly a State, national, and international concern because mercury is atmospherically transported indiscriminately across political boundaries;

Whereas atmospheric deposition resulting from human activities, including area sources, waste incineration and disposal, and fossil fuel burning contributes to mercury loading in the environment;

Whereas mercury is a persistent bioaccumulative toxic substance that presents particular problems in aquatic systems;

Whereas fish consumption advisories have been issued for at least 1,500 water bodies in 37 States, including Vermont, because of high levels of mercury contamination in fish, resulting in losses to tourism and fishing industries and related activities;

Whereas, according to estimates by the Administrator of the Environmental Protection Agency, each year in the United States between 80,000 and 85,000 pregnant women are exposed to mercury levels high enough to produce risk to their children;

Whereas the study of mercury required under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), required to be completed by November 15, 1994, represents the best information in the world on the use, generation, and disposal of mercury;

Whereas the Administrator of the Environmental Protection Agency effectively completed the draft report in 1995, but has continually delayed submittal of the study to Congress;

Whereas there are known substitutes for most mercury-containing products and devices, except for high-efficiency lighting;

Whereas over 500,000,000 mercury-containing lamps are annually produced in the United States, representing one of the largest sources of mercury in municipal waste streams, and typical waste management practices involve compaction, which results in mercury releases, before and during disposal;

Whereas landfill air emissions test data for mercury is lacking;

Whereas the Administrator of the Environmental Protection Agency is establishing simultaneously maximum achievable control technologies for mercury sources pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), proposing tightening water quality criteria for mercury under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), placing priority on mercury-contaminated superfund sites, but is proposing to exempt mercury-containing lamps from hazardous waste regulations;

Whereas the United States and Canada have jointly agreed in the Agreement on Air Quality, Agreement on Great Lakes Water Quality, 1978, and Agreement on Virtual Elimination of Persistent Toxic Substances in the Great Lakes Basin to control transboundary emissions and to cooperate on research and development projects to eliminate toxic substances, including mercury; and

Whereas Federal and State governments have taken many actions to reduce mercury in the environment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that the Administrator of the Environmental Protection Agency should—

(1) immediately release to Congress the study of mercury required under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B));

(2) initiate a pilot program for landfill air emission tests for mercury in the Northeast and nationally; and

(3) not exempt mercury-containing lamps from hazardous waste regulations, but should instead adopt universal waste rules that foster mercury recycling.

Mr. LEAHY. Mr. President, I would like to draw the Senate's attention to something that is going on at the Environmental Protection Agency that is of great concern to many of our House and Senate colleagues, and to myself. For the past year, I have been working with the Environmental Protection Agency, the White House and now, the Science Advisory Board, to release a 1,700-page report on the sources, health risks, and control measure for mercury pollution in our country. This report is the best and most complete assemblage of state-of-the-art information to date on the sources and health effects of mercury pollution. It has undergone extensive internal and external peer review. American taxpayers have already paid more than $1 million in contract dollars and for more than 25,000 hours of staff time to develop this report. Had the report been submitted to the Congress when it was effectively completed roughly 17 months ago, the information it contains would have been available to the public and for use by State and Federal decisionmakers.

Because of the widespread public and congressional concern over the health and environmental effects of mercury pollution, the 1990 Clean Air amendments required the EPA to conduct a study of mercury and submit that study to Congress by November 1994. Instead, the EPA submitted the report to the Science Advisory Board for review because new studies are expected to be published over the next 2 years. Well, as we all know, one thing you can be sure of in this world is that researchers will continue to research; there will always be new studies, and this is as it should be. We need sound science to make public policy decisions. But we also need up-to-date science, and that is what this report offers. As time passes, the information contained in the report becomes increasingly less useful for regulatory and judicial decisions.

Mercury poses a serious and growing public health and environmental threat to our Nation. Thirty-seven States have issued human health consumption advisories because of unacceptable levels of mercury in freshwater fish. According to EPA estimates, as many as 85,000 pregnant women are exposed to mercury levels high enough to produce risks to their children. Yet many States cannot identify the sources and quantities of this pollutant or address the problems that arise both within and outside State borders.

We Vermonters are deeply concerned about what is being transported by air currents across our borders. Acid rain taught us that our tough laws on the environment were not enough to protect us. We could be affected from other areas of the country whose environmental standards may not be as high as our own. Yet despite these standards, Vermont and other States have become a dumping ground. We saw some of our healthiest forests die off from pollution that came from outside our region. Unlike the many compounds causing acid rain, mercury does not break down. It circulates through the environment. It is not going to go away when we turn off the tap. It will settle in the lakes, streams, and soils of those States that were also the dumping ground for acid rain.

The public has a right to this report and the States need it to make sensible decisions about reducing mercury in the environment. Instead, it has been sitting on the shelf for nearly 2 years now. By holding back the mercury report, the administration is denying to Federal and State regulatory bodies and to the public information that will be critical to the revision of health advisories, air pollution measures, and utility restructuring proposals. But releasing the report is only the first step in addressing mercury pollution. The concurrent resolution I am submitting today also addresses the need to reduce mercury releases into the environment.

One major source of mercury is municipal waste due to the disposal of mercury-containing lamps. EPA has proposed a rule to either exempt mercury-containing lamps from hazardous waste regulations or to include them in the universal waste rule, but EPA has made little progress since 1995. Exempting mercury-containing lamps from the hazardous waste rule would allow more than 500 million lamps to be deposited in solid waste landfills or conveyed to waste incinerators, perpetuating the uncontrolled release of mercury into the environment. In Vermont, we are building a recycling industry to collect mercury-containing lamps. We are trying to keep mercury out of our waste stream. Without a Federal effort to encourage the same preventive steps in other States, this effort will be for naught. By including mercury-containing lamps in the universal waste rule, we would encourage recycling and the elimination of these products from the municipal solid waste stream.

Another integral step in addressing mercury pollution is development of a better inventory of mercury emissions. One of the recommendations of the mercury report is to acquire test data on notable sources of mercury. My concurrent resolution calls upon EPA to begin landfill testing in pilot sites across the country. Several States have already expressed an interest in testing, and Florida has already begun testing at landfills. The only testing conducted at the Federal level was in New York City where two studies raised contradictory findings. In a 1994 Minnesota study, more than 10 percent of the overall emissions of mercury were attributed to landfills. We need to verify these initial findings through a national pilot program. Unfortunately, the 1,700-page mercury report does not include an examination of landfills.

It is my hope that by releasing the mercury report, promulgating regulations on disposal of mercury-containing lamps and testing for mercury emissions, we will lay the groundwork for the long-overdue reduction of mercury from several sources. I am pleased to be joined by my colleagues, Senators WELLSTONE, JEFFORDS, LEVIN, MOYNIHAN, FEINGOLD, and DODD, in submitted this Senate concurrent resolution. I hope that this resolution will draw to this issue the attention not only of the Senate, but also of the administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m., on Thursday, May 22, 1997, in open session, to receive testimony on the Quadrennial Defense Review.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 22, 1997, to conduct a hearing on the following nominees: Mr. James A. Harmon, of New York, to be the president of the Export-Import Bank of the United States; and Ms. Jackie M. Clegg, of Utah, to be the first vice president of the Export-Import Bank of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 22, 1997, to conduct a hearing on electronic funds transfer and electronic benefit transfer and the effect of these programs on Federal benefit recipients.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 22, 1995, at 9:30 a.m. on oversight of professional boxing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 22, at 4 p.m. for a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, May 22, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 22, 1997, beginning at 9:30 a.m. until business is completed, to hold a hearing to consider revisions to title 44/GPO: Review and Recommendations of Draft Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 22, 1997, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 22, 1997, at 2 p.m. to hold a hearing on: "Antitrust Implications of the College Bowl Alliance."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science and Transportation be authorized to meet on May 22, 1997, at 2 p.m. on S. 442—Internet Tax Freedom Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 22, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a Hearing on Substance Abuse and Mental Health Services Administration [SAMHSA] during the session of the Senate on Thursday, May 22, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING THE GRAND OPENING OF THE LANDMARK INN HOTEL

• Mr. LEVIN. Mr. President, I rise today to pay tribute to Bruce and Christine Pesola, of Marquette, MI, whose restoration of the Landmark Inn Hotel has preserved one of the Upper Peninsula's architectural and historic treasures for a new generation.

The Landmark Inn Hotel originally opened on January 8, 1930, and was known as the Hotel Northland. At that time, the Northland was the premier hotel in the Upper Peninsula. Throughout the years, the hotel has housed many notable people, including Amelia Earhart, Bud Abbott and Lou Costello, and musical legends Duke Ellington and Louis Armstrong.

When Bruce and Christine Pesola purchased the hotel in 1995, it had stood vacant for more than 12 years. While many people were calling for the demolition of the building, the Pesolas were dedicated to preserving this piece of history. Described by one local newspaper as a "squalid, vacant blemish on the city's skyline," the rehabilitation of the Landmark Inn will contribute significantly to restoration efforts in downtown Marquette. As a longtime proponent of historic preservation, I was pleased to support the Pesolas in their efforts to secure the project's eligibility for historic preservation certification from the Department of the Interior, enabling the Pesolas to receive federal tax credits in return for their commitment to retaining the historic characteristics of the hotel.

The renovation of the Landmark Inn Hotel stands as an example of the benefits of historic preservation. Not only will Marquette gain a quality hotel in the downtown area, the people of the city of Marquette and the State of Michigan will retain an important link to the past. I know my colleagues will join me in expressing congratulations and best wishes for future success to Bruce and Christine Pesola on the occasion of the grand opening of the Landmark Inn Hotel.•

TRIBUTE TO THE NEW HAMPSHIRE DELEGATES ATTENDING A NATIONAL SUMMIT ON VOLUNTARISM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the New Hampshire delegates who represented the Granite State at the National Summit on Voluntarism in Philadelphia from April 27 through April 29. The 3-day summit focused on the challenges facing our Nation's children and youth, and encouraged Americans to dedicate their time and talents to communities and children. It was organized on the suggestion that America's young people have access to five fundamental resources. These resources include an ongoing relationship with an adult, safe places during nonschool hours to learn, a healthy start, a skill through effective education, and the opportunity to give back through community service.

I would like today to honor the individuals from my state who gave their time and energy so our children can remain safe and strong. They are: Amy McGlashan of New Hampshire College and University Council, Daniel Forbes of St. Anselm College, Carlos Agudelo of the ALPHA Alliance, Regis Lemaire of the Office of Youth Services, David Fish of the United Parcel Service, Darlene E. Schmidt of CFX Bank, Joshua Morse of Southern New Hampshire Services, JoAnn St. Pierre of the Voluntary Action Center, Ann Puglielli of St. Anselm College, Richard Shannon of New Hampshire Catholic Charities, Susan Gilbert of Manchester, Suzanne Carbon of the Grafton County Family Court, Catie Doucette of the White Mountain School, Ed Farrell of the White Mountain School, Dick Fowler of the Division of Children and Youth Services, Katie Kelley of the Pathfinders Program, Theresa Kennett of Kennett High School, Bruce Labs of Woodsville High School, Sara Lang of Woodsville High School, Mike Purcell of White Mountain Mental Health, Lynn Wheeler of Nighswander, Lord & Martin, Debbie Tasker of the Dover Adult Learning Center, Bernie Mucci of Tyco International Ltd., Elise Klysa of the Timberland Corp., Ron Borelli of Aavid Thermal Technologies Inc., Karen Brown of Channel 9 News, Chris Gallagher of the Corporation for National Service, Sidney Swartz of the Timberland Corp., and Ken Freitas of the Timberland Corp.

Each and every delegate from the State of New Hampshire has achieved success in effective citizen service. They are experienced in creating opportunities for others to contribute to solutions, and have a record of getting things done. Above all, they are trusted by others in their community and for that they can be very proud.

The summit proved to be beneficial. The representatives from New Hampshire combined their efforts with delegates from Delaware. They came up with creative plans to bring adults and college students into Manchester's public schools together to help establish a mentoring program. The New Hampshire delegates will meet again in the summer to review this proposal and the other ideas they collected and decide how to use them.

I commend the New Hampshire delegates on their willingness to help make the Granite State a better place to live, and to ignite the spirit of voluntarism to provide a strong foundation for America's youth. New Hampshire is fortunate to be blessed by their leadership and dedication. I applaud them for their outstanding work, and am proud to represent all of them in the U.S. Senate.•

TRIBUTE TO RICHARD LLOYD THOMPSON, SR.

• Mr. DODD. Mr. President, I rise today to pay tribute to a truly remarkable man who, on May 30, 1997, will celebrate his retirement after 38 years as an educator—Richard Lloyd Thompson, Sr. of Middletown, CT.

Within every middle-sized town in America, there is a small handful of individuals that form the backbone of that community. Everyone knows and respects these individuals, because they are continually working to strengthen neighborhoods and help others. They always place the needs of others above their own, and they continually give of themselves to ensure that their hometown is a better place in which to live. Dick Thompson is one of these individuals.

People like Dick Thompson are every bit as important to the city of Middletown, CT as major employers like Aetna, Pratt & Whitney, and Wesleyan University. He has helped to educate more than a generation of students in Middletown, and countless children and their families in this town have had their lives positively impacted by him.

Dick has seen Middletown grow and mature before his own eyes. After teaching in the Hartford Public Schools for 10 years, he came to Middletown in 1971 to serve as the principal at Bielefield Elementary School. When Dick accepted this job, he entered a newly racially integrated school as the first nonwhite school administrator in the history of this school system. Through the strength of his own character, he was able to guide the school through a period of social uneasiness, and he has been an institution within the Middletown school system ever since.

But Dick Thompson's contributions extend far outside the school. He has served on Middletown's Planning and Zoning Commission, their Charter Revision Commission, and their Salvation Army Advisory Committee. To illustrate the broad variety of his community involvement, he has been named an honorary deputy by the Middlesex County Sherriff's Association, and he has also served as a Middlesex County justice of the peace.

I have been fortunate to get to know Dick personally through his involvement with the Democratic Party. He has been a local and State delegate for Middletown's Democratic Town Committee, and he has also served on Middletown's Democratic Nominating Committee.

Despite the broad range of Dick Thompson's community service, the driving force behind all of his activities has been his concern for children. As someone who was orphaned at the age of 5, and who lived in an orphanage from ages 5 to 18, Dick is keenly aware of the needs of children and the positive impact that the surrounding community can have on a child's life. Dick sits on Middletown's Youth Services Commission, and he has taken a very active role in the lives of children through his service as a Deacon in his church. Dick has been a mentor for many children, and he has helped to instill these young people with a strong set of values that they will carry for a lifetime.

As Dick approaches his retirement, I am certain that he would consider his commitment to his family to be his greatest accomplishment. Dick has been happily married to his wife Betty for more than 30 years, and together they have raised two wonderful children. Following in the family tradition, their daughter, Claudette Renee, worked as an educator of children and adults. She worked for Head Start programs in both Boston and Atlanta, and she currently serves as a technical director for an international corporation in Maryland. Their son, Richard, graduated from law school in 1994, and he is working as an attorney in the Washington, D.C. area. There is no greater source of pride for a parent than to see his children succeed, and Dick should be pleased to know that his pride in his children is exceeded only by their admiration for their father.

Again, I want to congratulate Dick Thompson on his retirement, and I wish him the best of luck in all his future endeavors.•

BROOKE COUNTY'S BICENTENNIAL CELEBRATION

• Mr. ROCKEFELLER. Mr. President, I rise today in recognition of a historical milestone in my state of West Virginia. In 1797, Brooke County, named after Gov. Robert Brooke of Virginia, was officially born. I take this opportunity to congratulate Brooke County on its bicentennial celebration.

Brooke County, located in the northern Panhandle of West Virginia, was created from part of Ohio County. The first session of the Brooke County court took place in the home of William Sharpe on May 23, 1797. Since that day, the residents of Brooke County have played a vital role in the development of West Virginia and the Nation. Its residents fought to protect our Nation in the War of 1812 and to keep it intact in the Civil War. They founded Brooke Academy, the first educational institution on the Ohio River, south of Pittsburgh and west of the Alleghenies. However, they are not only sound in body and mind, but also in their souls, as the Christian Church, the Disciples of Christ, and the Church of Christ all have their early roots in 19th century Brooke County.

From the Duval Glass House, the first glasshouse in West Virginia, to the delicious Grimes golden apples, the residents of Brooke County have been steeped in a tradition of innovation. Their accomplishments are numerous and far-reaching. Part of the highly industrialized Ohio Valley, Brooke County has seen its innovation at work, as their industries have grown from early paper bag and marble manufacturers to a variety of steel industries including the most modern steel coating mill in the world.

On behalf of all citizens from the Mountain State, I would like to once again commend Brooke County on its 200th birthday and ask that my distinguished colleagues join with me in recognizing its rich history of accomplishments and innovation.•

FEDERAL FUNDING FOR NEW THE NORTHWEST ARKANSAS REGIONAL AIRPORT

• Mr. McCAIN. Mr. President, several weeks ago the ABC News "20/20" program aired a piece entitled "Your Tax Dollars at Work," a report about an airport construction project in northwest Arkansas. The report focused on allegations that the new airport was unnecessary and a waste of Federal tax dollars. As chairman of the Commerce Committee, I believed it was incumbent on me to followup on these allegations. I consequently requested that the General Accounting Office [GAO] review the project to ensure that the Federal Aviation Administration [FAA] followed the agency's established process to allocate discretionary airport funds to this project.

I want to state at the outset that the GAO has said that nothing illegal has taken place with respect to the project. In its review, however, shortcomings were discovered with the FAA's grant decisionmaking process that need to be addressed. The FAA's decision to provide grants for the new Northwest Arkansas Federal Government does not always do the best job in managing the taxpayers' money. In this case, the FAA could have better managed the airport grant program. The FAA decided to fund this airport, although the circumstances on which it made its decision changed. When this new airport is built and ready for use in 1998, the Federal Government's share will be $70 million, almost two-thirds of the airport's total cost. It remains to be seen, however, if the airport will have an airline to serve it and if passengers will use it.

The FAA must ensure that the limited Federal funds available for developing the Nation's airports to go to the most deserving projects. Maintaining and improving the Nation's airport system requires continual capital investment and the FAA provides Federal grants to help with that development. As with other Federal programs, the airport grant program has taken its share of cuts as we work toward balancing the budget. This situation makes it even more important that the FAA does the best possible job in managing the program's approximately $1.5 billion in funds.

From the beginning, there were problems with the FAA's decisionmaking process in awarding grants to NWARA. The FAA went outside its priority system, and relied in part on its subjective assessment in awarding the airport $70 million over the 12-year period from 1991 through 2002. The FAA made its decision in 1990 and did not reconsider its position, although the circumstances on which the decision was based changed in the immediate following years. In making its decision, the FAA assumed that a nearby airport, Drake Field in Fayetteville, AR, would close and that all air service would move to NWARA. Drake Field, however, remains open and improvements to this airport have been made. The airlines are happy with the airport. Rather than closing, it appears that Drake Field will compete with NWARA. These airports are less than 30 miles apart. The FAA also said airlines were behind the construction of NWARA. To this day, however, no airlines have made a firm commitment to use this new airport.

The FAA also decided to provide grants to NWARA under a rarely used special mechanism called a letter of intent. This mechanism allows the FAA to schedule grant payments in future years beyond the program's authorization period. Of the tens of thousands of grants the FAA has awarded, only about 50 letters of intent have been issued and only two—one of which went to NWARA—have been issued in the last 4 years. The Congress established letters of intent only to fund projects that significantly enhance the capacity of the national airport system. The FAA, however, awarded the letter of intent to NWARA without having defined what constitutes a significant capacity enhancement for small airports like NWARA. The agency also used a cost-benefit analysis to justify the letter of intent, analysis that was not redone even though it was not clear that certain assumptions the agency made would hold, such as the closing of Drake Field.

The sloppiness of the FAA's decision-making process on this project has been disappointing, although legal. The GAO and other observers agree that it would be a waste of investments already made to withhold Federal funding now. NWARA has received about 40 percent of its total $70 million in grant funding, and construction of the airport is under way. The airport's runways will be completed by the end of 1997 and its terminal soon thereafter.

Nevertheless, the review of this project has been a valuable exercise. We must be certain that scarce Federal resources are allocated to their highest and best uses. The FAA must be able to demonstrate compelling reasons for using subjective assessments to place projects on the priority list for Federal funding. The GAO will soon report to the FAA on how it can tighten up its grant award process, and better adhere to the criteria that the agency has laid out for itself. In the meantime, the Commerce Committee will continue to oversee the FAA's management of its grant program.•

OLDER AMERICANS MONTH

• Mr. SARBANES. Mr. President, since 1963 when President Kennedy began this important tradition, May has been designated "Older Americans Month," a time set aside each year for our country to honor senior citizens for their many accomplishments and contributions to our Nation.

Those of us who have worked diligently in the U.S. Senate to ensure that older Americans are able to live in dignity and independence during their retirement years, look forward to this opportunity to pause and reflect on the contributions of those individuals who have played such a major role in the shaping of our great Nation. We honor them for their hard work and the countless sacrifices they have made throughout their lifetimes, and look forward to their continued contributions to our country's welfare.

Today's senior citizens have witnessed more technological advances than any other generation in our Nation's history. Seniors today have lived through economic depressions and recessions, times of war and peace, and incredible advancements in the fields of science, medicine, transportation and communications. It is imperative that we address the needs of these Americans who have devoted so much of their life experience and achievement to the betterment of our society. The celebration of Older Americans Month provides us with the opportunity to highlight the importance of reauthorizing the Older Americans Act. As a vigorous and consistent supporter of measures to benefit senior citizens, I am pleased to be a past cosponsor and strong supporter of this important legislation. First enacted in 1965, the Older Americans Act has evolved from its original mandate to promote independent living among those older citizens with the greatest social and economic need into today's dynamic network of community and home-based services so critical to many of our Nation's seniors.

The need for such legislation becomes especially apparent in light of current demographic trends. Senior citizens today comprise more than 12 percent of the country's population. Baby boomers, who represented one-third of all Americans in 1994, will enter the 65-years-and-older category over the next 13–34 years, substantially increasing this segment of our population. In my own State of Maryland, more than 768,400 individuals are over the age of 60, representing 15 percent of Maryland's total population. By the year 2020, that percentage is expected to increase to just over 23 percent. These demographic transformations pose significant challenges and opportunities and the Older Americans Act provides an excellent framework from which to address these challenges as we move into the next century. It is not enough to just honor our senior citizens. We must continue to enact meaningful legislation which will help meet the needs of this valuable and constantly expanding segment of our society.

The theme of this year's celebration is "Caregiving: Compassion in Action." In my view, it is most appropriate that—as the percentage of the population over age 65 continues to grow—we take this opportunity to focus on how we, as a society, will care for our seniors. It is, therefore, incumbent upon us all to be prepared to both understand and address the needs of our seniors as they become an increasingly larger segment of American society. Many of us are already addressing this serious need. The Administration on Aging estimates that each day, as many as five million senior citizens in the United States are recipients of care from more than 22 million informal caregivers. As programs such as Medicare and Medicaid continue to feel the pressures of the current Federal budget process, the noble and compassionate work of these dedicated individuals is particularly critical.

Mr. President, I have always believed strongly in the potential of this significant and growing population to contribute to the development of policies that effect all Americans. Our Nation's seniors are an ever-growing resource that deserves our attention, our gratitude, and our heart-felt respect. As observance of Older American Month comes to a close, I look forward to working with my colleagues in the Senate in implementing public policies which affirm the contributions of older Americans to our society and ensure that they continue to thrive with dignity.•

CONGRATULATIONS TO WHEAT MONTANA FARMS AND BAKERY ON MONTANA SMALL BUSINESS OF THE YEAR

• Mr. BURNS. Mr. President, I rise today to extend my congratulations to Dean Folkvord of Wheat Montana Farms and Bakery of Three Forks on winning the Small Business Person of the Year Award. It is a real pleasure to recognize Dean and his family for his dedication and hard work.

There is a fierce competition in Montana for Small Business Person of the Year since 98 percent of our businesses are classified as small, and that makes Dean's accomplishments special. I was amazed when I learned of it, but Wheat Montana mills more wheat in a year than is grown in Montana. It takes a truly successful operation to handle that much wheat.

Mr. President, I am proud to say we have many small business success stories like Wheat Montana, and many folks like Dean keeping our economy growing and putting Montanans to work. There were two close runners-up for this award this year, and many other small businesses were awarded in other categories. Together, they are the engine that keeps Montana running.

Congratulations again to Dean Folkvord and the Wheat Montana family, and to Montana's entire small business community for all you do.•

HONORING THE MANITOWOC WORLD WAR II SUBMARINE EFFORT

• Mr. FEINGOLD. Mr. President, recently, the distinguished Senior Senator from Wisconsin [Mr. KOHL] and I, along with our colleague from the House of Representatives, Representative THOMAS PETRI, wrote to the Secretary of the Navy, the Honorable John H. Dalton, indicating our strong support for the proposal to name the third *Seawolf* class submarine the *Manitowoc*, recognizing the unique contribution by the city of Manitowoc, WI, to the development of U.S. submarine superiority in World War II.

The Manitowoc Shipbuilding Co. produced 28 submarines during World War II—roughly ten percent of America's submarine fleet during that war. The 25 Manitowoc-built submarines in the Pacific theater sank 132 enemy ships.

Prior to World War II, the Manitowoc Shipbuilding Co. had never produced submarines. As America entered the war, and the Nation committed its resources and energies to the effort, this shipbuilding company took on the task of retooling, retraining its employees, and restructuring its facilities to produce high-quality submarines at a wartime pace. They completed production of the submarines 19 months ahead of schedule and $1.8 million under budget. In all, some 7,000 people were employed at the Manitowoc Shipbuilding Co. at the height of World War II production, many working numerous nonstop shifts. Many also came from other cities and towns and the Manitowoc community opened up its arms to support these workers, giving them a home-away from home, which helped to maintain the morale of these essential workers in the war effort.

I am pleased to note that the Wisconsin State Senate has just passed a measure urging the Navy to name the new submarine the *Manitowoc*. Naming the new sub the *Manitowoc* would honor those who served on the Manitowoc-built subs, those individuals who worked 24 hours a day to build them, and the city which extended its support to the Herculean production effort. It would be a fitting tribute.•

SAFETY AND HEALTH ADVANCEMENT ACT OF 1997

• Mr. BURNS. Mr. President, as an original cosponsor of S. 765 I want to stress the importance of this measure and urge my colleagues to support its passage.

Mr. President, the Safety and Health Advancement Act is based on one simple premise: The Occupational Safety and Health Administration [OSHA] can be more effective at ensuring safe working environments by working with businesses than by waiting for violations to occur and then issuing fines. The purpose of this bill is to refocus OSHA's mission from enforcement to consultation, without putting a straightjacket on its ability to enforce when required.

S. 765 takes a number of important steps to help small business comply with OSHA standards. First, it establishes a third-party review process whereby a licensed auditor may consult with businesses and certify that the are in compliance with applicable OSHA standards. If certified, the business will be exempt for 2 years from any civil penalty prescribed by the OSH Act.

Second, S. 765 broadens the technical assistance program run by the States and OSHA. Under this program, the Montana Safety Bureau, with assistance from OSHA, consults with businesses and helps them meet OSHA standards. If in compliance, the business is exempt from general inspections for 2 years. This is a good program, but it is not widely used and it is underfunded, especially in Montana. S. 765 expands and makes permanent this assistance program.

Third, this bill writes into law OSHA's Voluntary Protection Program and requires the Secretary of Labor to encourage small businesses to use the program. If a business applies under the program and is certified as safe, it is exempt from inspections and certain paperwork requirements. Only 300 employers are currently in this program, but I know of plenty of small businesses that would qualify.

Finally, this bill requires OSHA to submit all proposed standards to the National Academy of Sciences for review and comments, and bars OSHA from using quotas for inspections, citations, or penalties.

Mr. President, I will soon be chairing a Small Business Committee field hearing in Montana to hear from small businesses how Federal and State regulations adversely affect them. The loudest complaints I will hear will be about OSHA and its heavy-handed enforcement policies. As a former small businessman, I know that working with small businesses to help them comply with OSHA standards will have better results than enforcement alone. By encouraging compliance, workplaces will be safer and workers will be better off.•

IN MEMORY OF ANDREW TEN

• Mrs BOXER. Mr. President, I rise today in memory of a remarkable young boy, and in tribute to his devoted family. Andrew Ten was just 12 years old when he passed away this week from complications resulting from a chronic neurologic, pulmonary, and gastrointestinal condition that left him physically handicapped for most of his short life. His life-treatening diseases required constant home medical and nursing care, 24 hours a day, 365 days a year.

Andrew came to my attention through his father, Rabbi Harold Ten, whose devotion to and love for his son was equaled only by his perserverence and tenacity in fighting the injustices of the health insurance system millions of Americans must endure every day. I will not delve into the details of young Andrew's case, but suffice it to say that he and his family were the victims of a system that encourages capriciously unilateral decisionmaking by the medical-industrial complex that fails to account for the real-life, human tragedies that families confront every day.

It was another example of how the understandable drive to hold down health care costs and maximize the profits often forces insurance carriers to make decisions that make no sense on a human level. It was an example of serious flaws and omissions in the laws protecting the consumer from health care system abuses, something we must not forget.

It was also an example of how one person can wage a battle against the inertia that often results in injustice. If it were not for the intervention of my office, after I had been contacted by Rabbi Ten, young Andrew would not have received the critical medical care he needed. But, it should not have come to that. The law should have been enough to protect Andrew and his family.

That is a fight for another day. Today, I want to offer my condolences to Rabbi Ten and his family on their loss. My heart goes out to them, who have fought so hard to prolong the life of their son and brother. I know that they will show the same courage and faith as they mourn his death.•

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1128a–1928d, as amended, appoints the Senator from Utah [Mr. HATCH] as a member of the Senate Delegation to the North Atlantic Assembly during the First Session of the 105th Congress, to be held in Luxembourg, May 28–June 1, 1997.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware [Mr. BIDEN] as vice chairman of the Senate Delegation to the North Atlantic Assembly during the 105th Congress.

ORDERS FOR FRIDAY, MAY 23, 1997

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, May 23.

I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, at 9:30 a.m. tomorrow morning, the Senate will begin consideration of the resolution and begin a lengthy series of rollcall votes. And I cannot stress lengthy series of rollcall votes sufficiently. There will be a number of votes in order to complete action on the resolution. Senators should be prepared to remain on the Senate floor during that period to enable us to expedite this process to allow us to finish our business at a reasonable hour tomorrow. In addition, during Friday's session, the Senate will consider the CWC implementation bill, nominations that may be available on the Executive

Calendar, and any other items that may be cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, at 9:20 p.m., the Senate adjourned until Friday, May 23, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 22, 1997:

SOCIAL SECURITY ADMINISTRATION

KENNETH S. APFEL, OF MARYLAND, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

DEPARTMENT OF STATE

STANLEY O. ROTH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE WINSTON LORD.

MARC GROSSMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JOHN CHRISTIAN KORNBLUM.

JOHN CHRISTIAN KORNBLUM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

DAVID J. SCHEFFER, OF VIRGINIA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.

HOUSE OF REPRESENTATIVES—*Thursday, May 22, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 1997.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Sam P. Lamback, Jr., Byron United Methodist Church, Byron, GA, offered the following prayer:

Let us pray. O Creator God, You have gifted and assembled Your servants on this new day for the vital work of leading the Nation. We pause to honor the memory of our veterans on the upcoming Memorial Day.

In all the proclamations, projects, and paperwork at hand, align our spirits with Your will. Encourage and equip us for the tough tasks of service amid the competing claims of a diverse and strong-willed people. Work in us firmness and compassion in proper balance.

As You give direction to those who direct our Nation, may humility surpass self-interest, and cooperation resolve personal quests.

So may what is best for America be found to be what is best for humankind, and peace become the product of our labors and the satisfaction of our strong service together.

In Your Holy Name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 1650. An act to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

H. Con. Res. 67. Concurrent resolution authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 430. An act to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 543) "An Act to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers."

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 USC 1928a, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Messrs. BEREUTER of Nebraska, chairman; SOLOMON of New York, vice chairman; REGULA of Ohio; BATEMAN of Virginia; BLILEY of Virginia; BOEHLERT of New York; Mrs. ROUKEMA of New Jersey; and Messrs. BALLENGER of North Carolina; HAMILTON of Indiana; RUSH of Illinois; LANTOS of California; and MANTON of New York.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes from each side.

INTRODUCTION OF THE REV. SAMUEL P. LAMBACK, JR., GUEST CHAPLAIN

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I rise in order to recognize the Rev. Samuel P. Lamback, Jr., who served as guest Chaplain this day in giving the Chamber's morning invocation.

Originally from Macon, GA, Reverend Lamback was born and raised in my congressional district. After serving with distinction in the U.S. Army, he and his wife, Ginni, have returned to middle Georgia where Reverend Lamback now lives in Byron, GA, and serves as pastor of the Byron United Methodist church.

Reverend Lamback has devoted his life to serving others. Following his graduation from the U.S. Military Academy at West Point, where I might add he was under the tutelage of our own chaplain, the Rev. Jim Ford, he served his country and fellow servicemen for 30 years as a chaplain in the U.S. Army.

Rev. Lamback represents the finest aspects of American culture he has led a life of excellence and obedience in serving his God, his church, his beliefs, and a grateful Nation.

It is truly an honor for me to recognize a constituent who has served both his country and his Creator with honor and dignity.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PROVIDING HOUSING FOR RUSSIAN SOLDIERS WHILE AMERICANS ARE UPROOTED BY MILITARY BASE CLOSINGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, even though American families are being uprooted with military base closings, Uncle Sam gave millions of dollars to Russia to build housing for Russian soldiers. Now, if that is not enough to throw up your vodka, check this out. News reports confirm that one of Russia's top generals has been arrested for taking bribes, bribed with American cash. These reports say the top Russian military officials have used American dollars to build elegant country homes, and there have hardly been any homes built for Russian soldiers.

Beam me up, Mr. Speaker. When American veterans are losing their homes and America continues to give money to Russia, it is being used to build homes for the military elite, something is wrong.

Are we nuts here?

Is everybody inhaling in D.C.?

I say not one more dollar for these fat cat Russkie nincompoops. Let us use our money to help American military.

Mr. Speaker, I yield back the balance of any jobs and money left.

TOP 10 REASONS NOT TO SUPPORT H.R. 1270, NUCLEAR WASTE POLICY ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, top 10 reasons not to vote for H.R. 1270, the Nuclear Waste Policy Act of 1997:

Number 10, nuclear waste will be transported next to your constituents, their homes and their schools; No. 9, transportation of radioactive waste past private property results in its devaluation; No. 8, shipping containers are designed to withstand a cash of only 30 miles per hour; No. 7, the President will veto this bill; No. 6, the Senate will sustain the bill; No. 5, local officials are neither trained or equipped to cope with a nuclear disaster; No. 4, 33 faults and 30 earthquakes, Yucca mountain is not safe period; No. 3, H.R. 1270 would result in the transfer of liability for radioactive waste to the U.S. taxpayer; No. 2, it will cost the American taxpayers an additional $2.3 billion to transport this waste rather than keeping it onsite; and finally, Mr. Speaker, No. 1, a single radioactive accident in this country would cost the American taxpayers nearly $20 billion and take over 450 days to clean it up.

Mr. Speaker, it is very important that my colleagues learn the facts surrounding H.R. 1270 and then vote against it.

HELPING WOMEN ON WELFARE TO EARN A COLLEGE DEGREE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the budget resolution makes a good start at educating more Americans, and that is very good. But at the same time we must take this opportunity to help another very important group of Americans become educated. I am talking about women who are on welfare, women who want to complete their education so they can get off welfare and into jobs that pay a livable wage.

The welfare bill as passed tells these women education is not important. It is important for others, but not for them, because education is not counted as work in the new welfare law.

I have introduced a bill, Mr. Speaker, to change that. My bill says to women on welfare, "If you study for your high school degree or your college degree or train for a career, we will count that as work."

Education must be a top priority for all Americans, particularly for single moms who are on welfare. We must count education for welfare mothers as work so that they can get their lives together and they can earn a livable wage.

AIR QUALITY IMPROVING, BUT COCKROACHES, MITES, AND MOLDS A REAL CAUSE FOR CONCERN

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, it is safe for our children to go outside and play again. The EPA's PM–2.5 ozone standards are being questioned again by experts.

In Newsweek's cover story on asthma, Dr. Thomas Platts-Mills of UVA's Asthma Disease Center says it is biologically, and I am quoting, "it is biologically abnormal behavior" for American kids to spend so much inactive time in front of TVs and computers.

With air quality improving, many are beginning to question the correlation between fine particulates and asthma cases. Instead, the real culprit, the real asthma culprit, might be hiding right inside our homes. Cockroaches, dust mites, molds, and animal dander may be the real cause for concern.

A recent study featured in the New England Journal of Medicine examined 476 asthmatic kids and found that cockroach allergies emerged as a key to increased asthma attacks. They no longer need to be scared of lions and tigers and bears, but watch out for roaches, mites and mold.

So America, open up the doors and windows, and send the children out to play with a deep breath of fresh air.

MAKING EDUCATION THE TOP PRIORITY OF THIS CONGRESS

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I was pleased early Wednesday morning to join my colleagues in voting for the balanced budget agreement. The most important piece for me in that agreement is that we place education as number one both in terms of investment spending and, on the other side, in terms of tax breaks for families that are working hard to send their children to college.

Now the real work begins. We have to make sure that we fulfill that promise to our families and our districts, and I would urge that as the Republican majority leads the efforts in the Committee on Appropriations and the Committee on Ways and Means that we keep our promise to focus on our children and on education.

Mr. Speaker, our children need to be prepared to start school ready to learn. They need to be able to read. They need to have classrooms that have technology that prepare them for the future. They need to be able to go to college, be involved in apprenticeships and job training that allows them to be prepared for the future.

Our challenge is to make sure that the promises that were in that agreement and the opportunities presented actually happen, and I would urge my colleagues to work hard to make education the top priority of this Congress.

BALANCING THE BUDGET IS A MATTER OF COMMON SENSE

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, a lot of people when they hear that the country's national debt is over $5 trillion asked me how did we get into such a mess? Have the politicians in Washington totally lost their minds?

Mr. Speaker, while I cannot comment on the mental state of Washington politicians, I can say a few words about passing on a $5 trillion debt to future generations.

I think it is wrong. I think balancing a budget is not so much a spectacular achievement. Rather, I consider it a matter of common sense. I suppose that says a few things about how much common sense there has been in Washington in recent decades.

And so while I support a balanced budget amendment, the one that Congress passed earlier this week, I really do not want to tire myself out by patting ourselves on the back. On the other hand, maybe allowing common sense to win the day in Washington is something to cheer about. Last time I checked, the budget had not been balanced since 1969.

Mr. Speaker, I will keep some champagne ready.

FIGHTING FOR DEMOCRATIC PRIORITIES IN THE BUDGET

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, let us be perfectly clear about this budget agreement. It is far from over. Now that the framework has been decided by this body, it is time to talk about priorities.

The Democrats' priorities are to educate our children. First we want full funding for WIC, then we fought tooth and nail to protect funding for Pell grants, bilingual and immigrant education, Head Start, and child literacy. Now we must force the Republicans to make good on this agreement.

The Republican agenda is just as clear. They continue to brag that their number one concern is cutting taxes for the richest people in this country.

Mr. Speaker, is this what the American people want? When they want to know why our schools are crumbling to the ground and our students are not learning to read, is there a Member in this Chamber who will look them in the eye and tell them that tax cuts for the wealthy are more important?

□ 1015

POLITICS IS A FUNNY BUSINESS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Speaker, politics is a funny business. Not too long ago, we were told that we could not balance the budget and cut taxes for working Americans. Well, the surprising thing is that most Americans never believed that nonsense. Most Americans knew that Washington could get by on less and that American families ought to get by on more. Business as usual here in Washington meant that every year the taxes went up, the Federal Government got bigger and people grew more and more frustrated.

What did the politicians in Washington have to show for these tax and spend habits? A national debt of over $5 trillion. It has been a long time coming, but finally the American people have said enough, enough to irresponsible spending, enough to the tax policies that are holding America back. This balanced budget agreement is a far cry from what needs to be done to stop Washington from its wasteful spending ways, but at least it will bring the budget into balance by the year 2000, and it will make Washington spend a little less so that American families can spend a little more. It is about time.

AMERICANS HELD HOSTAGE BY THE REPUBLICAN MAJORITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, Americans held hostage by the Republican majority; 1 million-plus children in Texas and counting, without health insurance. Ten million children in this country and counting, without health insurance, with no legislation by this Republican majority being brought to the floor of the House to remedy this tragedy. Flood victims in the Dakotas and across the Nation being held hostage without being able to have the emergency relief dollars that they are in need of.

Women, infants, and children being held hostage, 360,000 of them, not able to have the WIC Program that provides them with nutrition. Three hundred sixty thousand less Pell grants, 31,000 less work study jobs for our young people, and 483,000 less teachers, teaching valuable needed reading and math skills to our children.

What are we going to do? Release the hostages. Begin to do legislation that works for the American people. Provide health insurance for our children, and yes, take care of the flood victims in the West. Release this legislation, get us out of this hostage situation.

DISRUPTION SHOULD NOT DETER AMERICA'S DREAMS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I daily give thanks for this institution where we are free to express different ideas and opinions.

It is worth noting that my distinguished colleague from Texas offered precisely that: Her opinion based on spurious facts, claiming damage to people that simply does not exist.

Sadly what we see, Mr. Speaker, is the disgruntled fringe of the left terribly, terribly upset that at long last there is a new consensus——

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. In American politics of people working together——

Ms. JACKSON-LEE of Texas. Would the gentleman yield?

Mr. HAYWORTH. To give tax relief to working families.

Ms. JACKSON-LEE. Would the gentleman yield?

Mr. HAYWORTH. To help people get everything they can get in terms of their own livelihoods, their own ambitions——

Ms. JACKSON-LEE of Texas. I see the gentleman does not want to yield.

Mr. HAYWORTH. Mr. Speaker, within the Rules of the House, if I might suspend for a second, within the Rules of the House, I would ask to be allowed time to finish my remarks, for I was interrupted and the gentlewoman failed to suspend.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). That time does not come out of the gentleman's time. The gentleman from Arizona has the time.

Mr. HAYWORTH. I thank the Speaker very much.

I would say to my colleagues, we have another example of people more interested in disrupting the institutions and agreements than working for honest and open debate.

DEMOCRATS WILL BE WATCHING THE BUDGET FOR AMERICA

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, yesterday in the wee hours of the morning this body passed a balanced budget resolution. The plan, please understand, provides a rough blueprint. Now we get the opportunity to work out the details of this budget.

As we head into the process, Democrats are going to be watching carefully to make sure that this budget gives every, every working man and woman a shot at the American dream, and the right to a quality education has always been an essential part of that dream. So, the Democrats are going to be fighting to make sure that this budget does the right thing for American families.

Getting young children ready to learn with strong investments in Head Start and an early start, looking at educational standards so that American children can read and write and compute, boosting school construction and repair initiatives so our kids are not sitting in crumbling schools, and helping families to afford college and vocational training through getting tax relief, and larger Pell grants. We are going to be watching the tax relief package very closely so that the richest 1 percent of Americans are not the beneficiaries, but that in fact working Americans, small businesses and small farmers are the beneficiaries. That is where the Democrats stand, for working families.

TIME TO LOOK AHEAD

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, despite some obvious unhappiness on the far left, the balanced budget agreement passed yesterday on a vote, a bipartisan vote, of 333 to 99, an overwhelming number of Democrats and Republicans passed this. It is a budget that balances by 2002. It provides permanent tax relief for the middle class, $500 per child tax credit. Medicare is safe from bankruptcy and solvent completely until the year 2007.

We have to look ahead. We, together, on a bipartisan basis need to work for a drug-free America. Drugs are a poison to society, they are involved with crime, violence, spousal and child abuse. We have to address drugs on a bipartisan basis.

We have to look forward to education, but the focus on the classroom and learning, and not on the Washington bureaucracy. We also have to look at out-of-wedlock pregnancy. For 15 years the number of out-of-wedlock births has almost tripled. Over 70 percent of all juveniles in State reform institutions were raised in fatherless homes.

These are the challenges that lie ahead. We can work best on a bipartisan basis to work toward solutions.

DISAPPOINTMENT FOR AMERICAN CITIZENS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, how disappointed the American public must have been on Thursday night when they saw the Republican leadership and the President of the United States come together to work the budget bill so to deny American communities the right to build the bridges and the highways that are so necessary if we are not going to continue to choke on the traffic. How disappointed the American public must have been when last night they learned that the Republican leadership and the Senate and the President of the United States came together to deny health care to millions of America's children for the sake of the budget agreement. How disappointed they must have been to see these two working hand in hand to deny us the ability to deal with the infrastructure problems of our communities and the health care of our children.

So much for that bridge to the 21st century, and so much for the healthy children that we are supposed to walk across it.

THE BORDER IS OUT OF CONTROL

(Mr. BILBRAY asked and was given permission to address the House for 1 minute.)

Mr. BILBRAY. Mr. Speaker, there is a lot of discussion this morning about the budget, and the Democrats and the Republicans going back and forth here.

Let me ask my colleagues on the other side of the aisle and my colleagues on this side of the aisle to consider one thing that happened this week that has not been talked about here on the House floor.

A young man was sitting in his vehicle doing his job for the United States this week at 3 o'clock Saturday night, and somebody on the other side of the Mexican border took a high-powered rifle, walked on to an overpass, and fired 17 rounds at this young man in his twenties. One bullet grazed his head, the other went through his left shoulder and the flying glass through his windshield took out, maybe has lost his left eye.

I only say this so my colleagues on both sides of the aisle, as we debate back and forth, are sensitized of the fact of reality out along our frontier. I ask all of my colleagues to remember that this man was doing his job for us, and there was an assassination attempt on this individual with a high-powered rifle from a foreign country.

The border is out of control, I say to my colleagues. If we think that we have problems here, please come and look at that. I say this: This is one of five instances in the last few weeks where an officer has had to use a firearm to protect themselves. Please join, both Democrats and Republicans, to address this issue comprehensively.

WE MUST DO A BETTER JOB OF PROTECTING OUR CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, my home State of Texas and sadly, all of America, is suffering from a rash of child abductions. In the Ninth District community of Friendswood, the Smither family buried their 12-year-old daughter, Laura, last month. In Killeen, TX, the Thompson family buried 7-year-old DaNydia. Each of these little girls were abducted by strangers and murdered.

We must do a better job of protecting our children, sometimes even from their parents. Three-year old Bianca Isabella Lozano was abducted April 7, 1996, from Baytown, TX, another town in my district. Authorities believed she was kidnapped by her own father. Her mother and her family do not have any idea if she is OK or not. I have printed her picture and vital statistics on my office envelopes in hopes that someone has seen her and can point the authorities in the right direction.

We have formed the Missing and Exploited Children's Caucus to do what we can to help families like Bianca's. I urge my colleagues to join.

WE SHOULD ALL HAVE HAPPY FACES

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I come here with a happy face today because of the work that we have done this week on the budget agreement. We ought to all have a happy face and a big smile. I am a little surprised at the-world-is-falling attitude on the other side of the aisle.

The balanced budget amendment passed by over 330 votes out of this House, putting into law an agreement between the Democratic President and the Republican Congress, to move this country ahead to a balanced budget, to provide necessary services, and yes, to provide what the American people believe they cannot afford from Government.

When we hear from the other side of the aisle about all the things that are not in this budget, we realize how out of touch they are with the American people, who realize there are limits to what we can do with one's family budget, with one's State budget, with the Federal budget. Let us all be happy we are making great progress.

IT IS ALL ABOUT JOBS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, consider for a moment a rich person. A rich person has two basic choices as to what he can do with his money, he can save it or he can spend it.

Now suppose that he has $100,000 of income that he is completely free to dispose of as he wishes. If he spends that $100,000 on a luxury car or a new yacht, that is very good for the economy. In fact, it is very, very good for the economy to have as many rich people as possible.

But while spending $100,000 is a good thing for the economy, if he saves the $100,000 instead by investing in stock, for example, that is even better for the economy. Why is that? Because businesses that wish to expand to modernize and to grow need that investment money. When a company expands or a new company is started, jobs are created.

So I want to give rich people an incentive to save more of their money instead of spending it. That is why it is so important for the economy to cut the tax on savings and investment. It is all about jobs.

□ 1030

A BUDGET AGREEMENT THAT TAKES AMERICA IN THE RIGHT DIRECTION

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, the balanced budget agreement that was reached here the last few days and hours is not just financially sound, it is also philosophically sound, because it begins to address some of the fundamental problems and inequities in our tax system.

In this country we value our families and our children, yet our tax system punishes those who want to start a family. This plan promotes families by providing a child tax credit. In this country we value frugality and saving for a rainy day, yet our current tax system punishes those who save. The budget agreement promotes saving by providing for expanded IRA accounts, and gives incentives for those who want to put away for retirement.

Finally, in America we are taught to value hard work and the things that go with it, like being able to provide for our children when we are gone. The death tax punishes those who try to pass their property on to the next generation. This budget agreement would allow one to pass more on to their children before they have to pay taxes on it.

This budget agreement takes America in the right direction. I think that is evidenced by the fact that over 300 Members of this body, over 75 percent of this institution, supported it. I urge my colleagues in the Senate to do the very same thing and to support it.

AMERICA WANTS MEMBERS TO COORDINATE TO BALANCE THE BUDGET

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, many people ask me, how can you come to an agreement on the balanced budget with a President whose vision for America is so much different than your own? That is a fair question. I think we should address that this morning.

The answer, of course, is with great difficulty. It is no secret that the Democrats and Republicans have honest fundamental differences in our view of the role of government in our lives. It is no secret that the Democrats want government to have a greater role in our lives, and Republicans think that the Government's role is far too great.

It is no secret that the Democrats want to increase the size and power of government. Republicans want to reduce it. It is no secret that the Democrats think that more government can help to solve the problem of poverty. Republicans think that far from ending poverty, government welfare programs perpetuate it.

Mr. Speaker, we disagree on matters of principle, but the American people have asked us to work together to balance the budget. Let us go forward and carry out their wishes.

A BALANCED BUDGET AND A SMALLER GOVERNMENT

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, what a difference 4 years makes. Four years ago the President proposed the largest tax increase in U.S. history, the largest entitlement expansion in American history, and the strongest, clearest signal in U.S. history that big government, in their way of thinking, was truly the answer to all of our problems. This was in exactly the opposite direction from where many of us from across the country believe this Nation must be headed.

Now, 4 years later, I am happy to see that a majority of Americans and a majority of this Congress on both sides of the aisle agree that a reasonable government, as opposed to big government, is the way to tackle some of our more difficult problems.

Mr. Speaker, this country has been going in a direction of bigger government and higher taxes for the past 30 years. We have now signaled with action this week in passing a balanced budget, the first time in 30 years, we have signaled that we are ready to own up to our responsibilities as a Congress, Democrats and Republicans united, to pass a balanced budget. I commend the House and all my colleagues.

REPUBLICANS KEEP THEIR WORD TO AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, there is something strange that has been happening here in the Capitol over the last 2½ years, something that we have not seen for quite a while. It is a group of politicians who are actually keeping their word.

In the fall of 1994, we laid out for the American people our set of promises in the Contract With America that we would balance the Federal budget, that we would reduce taxes, we would solve the problems in Medicare, that we would deal with illegal immigration and reform it, that we would reform welfare. Guess what? All of those things are happening.

In 1995 and 1996 we had the most successful Congress in 20 years. Now, with our agreement to balance the Federal budget, to reduce taxes for American families, and to preserve and protect Medicare, we are continuing to keep the promises that we made to the American people. It is something that I am proud of in terms of my colleagues and their commitment to do what they said they would do. We are going to keep our promises.

FOREIGN POLICY REFORM ACT

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of our Foreign Policy Reform Act, which will be coming before the House next month. This bill is the first Republican-led foreign policy blueprint since our party wrote the Marshall plan legislation some 40 years ago.

The bill will consolidate two Federal agencies into the State Department, saving a number of employees. It will choke off aid and nuclear fuel for the Castro dictatorship, it will block aid to Russia until it stops its help to Iran, and it nails deadbeat diplomats, making sure they would be prosecuted either here or back in the host country.

This bill was endorsed by major PVOs and 40 major groups, including Mothers Against Drunk Driving and many of our Irish groups. Driving this measure are a number of organizations that are supportive of what we are doing. Accordingly, I urge my colleagues to support the Foreign Policy Reform Act that will be before us early next month.

COMMENDING EFFORTS OF COLLEAGUE TO FIND MISSING CHILDREN

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I just want to real quickly say that the gentleman from Texas [Mr. LAMPSON] ought to be commended for what he is doing in trying to find missing children. I think that should be an example for every Member of this House, and this shows his real bipartisan support for this kind of effort.

Mr. LAMPSON. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. LAMPSON. Mr. Speaker, just as an example, this is the envelope we are using with Bianca's picture on it, Bianca Lozano, and I thank the gentleman for his commitment that he also makes to this major catastrophe that is facing our country, and I look forward to working with the gentleman on it.

IN SUPPORT OF CORRIDOR X AND ISTEA LEGISLATION

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, I rise today in support of the completion of Corridor X as an important transportation project, not only for the Fourth Congressional District, but also the southern region of the United States.

Few people realize there is no four-lane highway that connects the cities of Birmingham, AL, the largest city in the State of Alabama, and Memphis, TN. For economic development and safety reasons, this is an unacceptable omission from our national highway system.

The completion of Corridor X could connect these two major metropolitan areas by running through Birmingham and through the Fourth Congressional District. It must be remembered that 30 years ago Congress passed legislation to create a system of highways in the 13-State Appalachian region, including a route to connect Memphis and then through Birmingham.

Unfortunately, today the people in my area still are waiting for this four-lane highway to be completed. Economic growth is hampered because it is so difficult to transport goods and services between Birmingham and Memphis and through the northwestern part of Alabama. The current inadequate two-line route is extremely dangerous, with traffic incidents or a fatality occurring almost every month in my district. Mr. Speaker, we need to reauthorize ISTEA and ensure that all States receive an equitable share of funds.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken later in the day.

DRUG-FREE COMMUNITIES ACT OF 1997

Mr. PORTMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 956) to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes, as amended.

The Clerk read as follows:

H.R. 956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Communities Act of 1997".

SEC. 2. NATIONAL DRUG CONTROL PROGRAM.

(a) IN GENERAL.—The National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.) is amended—

(1) by inserting between sections 1001 and 1002 the following:

"CHAPTER 1—OFFICE OF NATIONAL DRUG CONTROL POLICY";

and

(2) by adding at the end the following:

"CHAPTER 2—DRUG-FREE COMMUNITIES

"SEC. 1021. FINDINGS.

"Congress finds the following:

"(1) Substance abuse among youth has more than doubled in the 5-year period preceding 1996, with substantial increases in the use of marijuana, inhalants, cocaine, methamphetamine, LSD, and heroin.

"(2) The most dramatic increases in substance abuse has occurred among 13- and 14-year-olds.

"(3) Casual or periodic substance abuse by youth today will contribute to hard core or chronic substance abuse by the next generation of adults.

"(4) Substance abuse is at the core of other problems, such as rising violent teenage and violent gang crime, increasing health care costs, HIV infections, teenage pregnancy, high school dropouts, and lower economic productivity.

"(5) Increases in substance abuse among youth are due in large part to an erosion of understanding by youth of the high risks associated with substance abuse, and to the softening of peer norms against use.

"(6)(A) Substance abuse is a preventable behavior and a treatable disease; and

"(B)(i) during the 13-year period beginning with 1979, monthly use of illegal drugs among youth 12 to 17 years of age declined by over 70 percent; and

"(ii) data suggests that if parents would simply talk to their children regularly about the dangers of substance abuse, use among youth could be expected to decline by as much as 30 percent.

"(7) Community anti-drug coalitions throughout the United States are successfully developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis.

"(8) Intergovernmental cooperation and coordination through national, State, and local or tribal leadership and partnerships are critical to facilitate the reduction of substance abuse among youth in communities throughout the United States.

"SEC. 1022. PURPOSES.

"The purposes of this chapter are—

"(1) to reduce substance abuse among youth in communities throughout the United States, and over time, to reduce substance abuse among adults;

"(2) to strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

"(3) to enhance intergovernmental cooperation and coordination on the issue of substance abuse among youth;

"(4) to serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing substance abuse among youth;

"(5) to rechannel resources from the fiscal year 1998 Federal drug control budget to provide technical assistance, guidance, and financial support to communities that demonstrate a long-term commitment in reducing substance abuse among youth;

"(6) to disseminate to communities timely information regarding the state-of-the-art practices and initiatives that have proven to be effective in reducing substance abuse among youth;

"(7) to enhance, not supplant, local community initiatives for reducing substance abuse among youth; and

"(8) to encourage the creation of and support for community anti-drug coalitions throughout the United States.

"SEC. 1023. DEFINITIONS.

"In this chapter:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator appointed by the Director under section 1031(c).

"(2) ADVISORY COMMISSION.—The term 'Advisory Commission' means the Advisory Commission established under section 1041.

"(3) COMMUNITY.—The term 'community' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

"(4) DIRECTOR.—The term 'Director' means the Director of the Office of National Drug Control Policy.

"(5) ELIGIBLE COALITION.—The term 'eligible coalition' means a coalition that meets the applicable criteria under section 1032(a).

"(6) GRANT RECIPIENT.—The term 'grant recipient' means the recipient of a grant award under section 1032.

"(7) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

"(8) PROGRAM.—The term 'Program' means the program established under section 1031(a).

"(9) SUBSTANCE ABUSE.—The term 'substance abuse' means—

"(A) the illegal use or abuse of drugs, including substances listed in schedules I through V of section 112 of the Controlled Substances Act (21 U.S.C. 812);

"(B) the abuse of inhalants; or

"(C) the use of alcohol, tobacco, or other related product as such use is prohibited by State or local law.

"(10) YOUTH.—The term 'youth' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

"SEC. 1024. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter—

"(1) $10,000,000 for fiscal year 1998;

"(2) $20,000,000 for fiscal year 1999;

"(3) $30,000,000 for fiscal year 2000;

"(4) $40,000,000 for fiscal year 2001; and

"(5) $43,500,000 for fiscal year 2002.

"(b) ADMINISTRATIVE COSTS.—Not more than the following percentages of the amounts authorized under subsection (a) may be used to pay administrative costs:

"(1) 10 percent for fiscal year 1998.

"(2) 6 percent for fiscal year 1999.

"(3) 4 percent for fiscal year 2000.

"(4) 3 percent for fiscal year 2001.

"(5) 3 percent for fiscal year 2002.

"Subchapter I—Drug-Free Communities Support Program

"SEC. 1031. ESTABLISHMENT OF DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

"(a) Establishment.—The Director shall establish a program to support communities in the development and implementation of comprehensive, long-term plans and programs to prevent and treat substance abuse among youth.

"(b) Program.—In carrying out the Program, the Director shall—

"(1) make and track grants to grant recipients;

"(2) provide for technical assistance and training, data collection, and dissemination of information on state-of-the-art practices that the Director determines to be effective in reducing substance abuse; and

"(3) provide for the general administration of the Program.

"(c) Administration.—Not later than 30 days after receiving recommendations from the Advisory Commission under section 1042(a)(1), the Director shall appoint an Administrator to carry out the Program.

"(d) Contracting.—The Director may employ any necessary staff and may enter into contracts or agreements with national drug control agencies, including interagency agreements to delegate authority for the execution of grants and for such other activities necessary to carry out this chapter.

"SEC. 1032. PROGRAM AUTHORIZATION.

"(a) Grant Eligibility.—To be eligible to receive an initial grant or a renewal grant under this subchapter, a coalition shall meet each of the following criteria:

"(1) Application.—The coalition shall submit an application to the Administrator in accordance with section 1033(a)(2).

"(2) Major sector involvement.—

"(A) In general.—The coalition shall consist of 1 or more representatives of each of the following categories:

"(i) Youth.

"(ii) Parents.

"(iii) Businesses.

"(iv) The media.

"(v) Schools.

"(vi) Organizations serving youth.

"(vii) Law enforcement.

"(viii) Religious or fraternal organizations.

"(ix) Civic and volunteer groups.

"(x) Health care professionals.

"(xi) State, local, or tribal governmental agencies with expertise in the field of substance abuse (including, if applicable, the State authority with primary authority for substance abuse).

"(xii) Other organizations involved in reducing substance abuse.

"(B) Elected officials.—If feasible, in addition to representatives from the categories listed in subparagraph (A), the coalition shall have an elected official (or a representative of an elected official) from—

"(i) the Federal Government; and

"(ii) the government of the appropriate State and political subdivision thereof or the governing body or an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e))).

"(C) Representation.—An individual who is a member of the coalition may serve on the coalition as a representative of not more than 1 category listed under subparagraph (A).

"(3) Commitment.—The coalition shall demonstrate, to the satisfaction of the Administrator—

"(A) that the representatives of the coalition have worked together on substance abuse reduction initiatives, which, at a minimum, includes initiatives that target drugs referenced in section 1023(9)(A), for a period of not less than 6 months, acting through entities such as task forces, subcommittees, or community boards; and

"(B) substantial participation from volunteer leaders in the community involved (especially in cooperation with individuals involved with youth such as parents, teachers, coaches, youth workers, and members of the clergy).

"(4) Mission and strategies.—The coalition shall, with respect to the community involved—

"(A) have as its principal mission the reduction of substance abuse, which, at a minimum, includes the use and abuse of drugs referenced in section 1023(9)(A), in a comprehensive and long-term manner, with a primary focus on youth in the community;

"(B) describe and document the nature and extent of the substance abuse problem, which, at a minimum, includes the use and abuse of drugs referenced in section 1023(9)(A), in the community;

"(C)(i) provide a description of substance abuse prevention and treatment programs and activities, which, at a minimum, includes programs and activities relating to the use and abuse of drugs referenced in section 1023(9)(A), in existence at the time of the grant application; and

"(ii) identify substance abuse programs and service gaps, which, at a minimum, includes programs and gaps relating to the use and abuse of drugs referenced in section 1023(9)(A), in the community;

"(D) develop a strategic plan to reduce substance abuse among youth, which, at a minimum, includes the use and abuse of drugs referenced in section 1023(9)(A), in a comprehensive and long-term fashion; and

"(E) work to develop a consensus regarding the priorities of the community to combat substance abuse among youth, which, at a minimum, includes the use and abuse of drugs referenced in section 1023(9)(A).

"(5) Sustainability.—The coalition shall demonstrate that the coalition is an ongoing concern by demonstrating that the coalition—

"(A) is—

"(i)(I) a nonprofit organization; or

"(II) an entity that the Administrator determines to be appropriate; or

"(ii) part of, or is associated with, an established legal entity;

"(B) receives financial support (including, in the discretion of the Administrator, in-kind contributions) from non-Federal sources; and

"(C) has a strategy to solicit substantial financial support from non-Federal sources to ensure that the coalition and the programs operated by the coalition are self-sustaining.

"(6) Accountability.—The coalition shall—

"(A) establish a system to measure and report outcomes—

"(i) consistent with common indicators and evaluation protocols established by the Administrator; and

"(ii) approved by the Administrator;

"(B) conduct—

"(i) for an initial grant under this subchapter, an initial benchmark survey of drug use among youth (or use local surveys or performance measures available or accessible in the community at the time of the grant application); and

"(ii) biennial surveys (or incorporate local surveys in existence at the time of the evaluation) to measure the progress and effectiveness of the coalition; and

"(C) provide assurances that the entity conducting an evaluation under this paragraph, or from which the coalition receives information, has experience—

"(i) in gathering data related to substance abuse among youth; or

"(ii) in evaluating the effectiveness of community anti-drug coalitions.

"(b) Grant Amounts.—

"(1) In general.—

"(A) Grants.—

"(i) In general.—Subject to clause (iv), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

"(ii) Suspension of grants.—If such grant recipient fails to continue to meet the criteria specified in subsection (a), the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

"(iii) Renewal grants.—Subject to clause (iv), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

"(iv) Limitation.—The amount of a grant award under this subparagraph may not exceed $100,000 for a fiscal year.

"(B) Coalition awards.—

"(i) In general.—Except as provided in clause (ii), the Administrator may, with respect to a community, make a grant to 1 eligible coalition that represents that community.

"(ii) Exception.—The Administrator may make a grant to more than 1 eligible coalition that represents a community if—

"(I) the eligible coalitions demonstrate that the coalitions are collaborating with one another; and

"(II) each of the coalitions has independently met the requirements set forth in subsection (a).

"(2) Rural coalition grants.—

"(A) In general.—

"(i) In general.—In addition to awarding grants under paragraph (1), to stimulate the development of coalitions in sparsely populated and rural areas, the Administrator, in consultation with the Advisory Commission, may award a grant in accordance with this section to a coalition that represents a county with a population that does not exceed 30,000 individuals. In awarding a grant under this paragraph, the Administrator may waive any requirement under subsection (a) if the Administrator considers that waiver to be appropriate.

"(ii) Matching requirement.—Subject to subparagraph (C), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

"(iii) Suspension of grants.—If such grant recipient fails to continue to meet any criteria specified in subsection (a) that has not been waived by the Administrator pursuant to clause (i), the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

"(B) RENEWAL GRANTS.—The Administrator may award a renewal grant to an eligible coalition that is a grant recipient under this paragraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, during the 4-year period following the period of the initial grant.

"(C) LIMITATIONS.—

"(i) AMOUNT.—The amount of a grant award under this paragraph shall not exceed $100,000 for a fiscal year.

"(ii) AWARDS.—With respect to a county referred to in subparagraph (A), the Administrator may award a grant under this section to not more than 1 eligible coalition that represents the county.

"SEC. 1033. INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO GRANT RECIPIENTS.

"(a) COALITION INFORMATION.—

"(1) GENERAL AUDITING AUTHORITY.—For the purpose of audit and examination, the Administrator—

"(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this chapter; and

"(B) may periodically request information from a grant recipient to ensure that the grant recipient meets the applicable criteria under section 1032(a).

"(2) APPLICATION PROCESS.—The Administrator shall issue a request for proposal regarding, with respect to the grants awarded under section 1032, the application process, grant renewal, and suspension or withholding of renewal grants. Each application under this paragraph shall be in writing and shall be subject to review by the Administrator.

"(3) REPORTING.—The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a grant recipient and expedite any application for a renewal grant made under this subchapter.

"(b) DATA COLLECTION AND DISSEMINATION.—

"(1) IN GENERAL.—The Administrator may collect data from—

"(A) national substance abuse organizations that work with eligible coalitions, community anti-drug coalitions, departments or agencies of the Federal Government, or State or local governments and the governing bodies of Indian tribes; and

"(B) any other entity or organization that carries out activities that relate to the purposes of the Program.

"(2) ACTIVITIES OF ADMINISTRATOR.—The Administrator may—

"(A) evaluate the utility of specific initiatives relating to the purposes of the Program;

"(B) conduct an evaluation of the Program; and

"(C) disseminate information described in this subsection to—

"(i) eligible coalitions and other substance abuse organizations; and

"(ii) the general public.

"SEC. 1034. TECHNICAL ASSISTANCE AND TRAINING.

"(a) IN GENERAL.—

"(1) TECHNICAL ASSISTANCE AND AGREEMENTS.—With respect to any grant recipient or other organization, the Administrator may—

"(A) offer technical assistance and training; and

"(B) enter into contracts and cooperative agreements.

"(2) COORDINATION OF PROGRAMS.—The Administrator may facilitate the coordination of programs between a grant recipient and other organizations and entities.

"(b) TRAINING.—The Administrator may provide training to any representative designated by a grant recipient in—

"(1) coalition building;

"(2) task force development;

"(3) mediation and facilitation, direct service, assessment and evaluation; or

"(4) any other activity related to the purposes of the Program.

"Subchapter II—Advisory Commission

"SEC. 1041. ESTABLISHMENT OF ADVISORY COMMISSION.

"(a) ESTABLISHMENT.—There is established a commission to be known as the 'Advisory Commission on Drug-Free Communities'.

"(b) PURPOSE.—The Advisory Commission shall advise, consult with, and make recommendations to the Director concerning matters related to the activities carried out under the Program.

"SEC. 1042. DUTIES.

"(a) IN GENERAL.—The Advisory Commission—

"(1) shall, not later than 30 days after its first meeting, make recommendations to the Director regarding the selection of an Administrator;

"(2) may make recommendations to the Director regarding any grant, contract, or cooperative agreement made by the Program;

"(3) may make recommendations to the Director regarding the activities of the Program;

"(4) may make recommendations to the Director regarding any policy or criteria established by the Director to carry out the Program;

"(5) may—

"(A) collect, by correspondence or by personal investigation, information concerning initiatives, studies, services, programs, or other activities of coalitions or organizations working in the field of substance abuse in the United States or any other country; and

"(B) with the approval of the Director, make the information referred to in subparagraph (A) available through appropriate publications or other methods for the benefit of eligible coalitions and the general public; and

"(6) may appoint subcommittees and convene workshops and conferences.

"(b) RECOMMENDATIONS.—If the Director rejects any recommendation of the Advisory Commission under subsection (a)(1), the Director shall notify the Advisory Commission in writing of the reasons for the rejection not later than 15 days after receiving the recommendation.

"(c) CONFLICT OF INTEREST.—A member of the Advisory Commission shall recuse himself or herself from any decision that would constitute a conflict of interest.

"SEC. 1043. MEMBERSHIP.

"(a) IN GENERAL.—The President shall appoint 11 members to the Advisory Commission as follows:

"(1) 4 members shall be appointed from the general public and shall include leaders—

"(A) in fields of youth development, public policy, law, or business; or

"(B) of nonprofit organizations or private foundations that fund substance abuse programs.

"(2) 4 members shall be appointed from the leading representatives of national substance abuse reduction organizations, of which no fewer than 3 members shall have extensive training or experience in drug prevention.

"(3) 3 members shall be appointed from the leading representatives of State substance abuse reduction organizations.

"(b) CHAIRPERSON.—The Advisory Commission shall elect a chairperson or co-chairpersons from among its members.

"(c) EX OFFICIO MEMBERS.—The ex officio membership of the Advisory Commission shall consist of any 2 officers or employees of the United States that the Director determines to be necessary for the Advisory Commission to effectively carry out its functions.

"SEC. 1044. COMPENSATION.

"(a) IN GENERAL.—Members of the Advisory Commission who are officers or employees of the United States shall not receive any additional compensation for service on the Advisory Commission. The remaining members of the Advisory Commission shall receive, for each day (including travel time) that they are engaged in the performance of the functions of the Advisory Commission, compensation at rates not to exceed the daily equivalent to the annual rate of basic pay payable for grade GS–10 of the General Schedule.

"(b) TRAVEL EXPENSES.—Each member of the Advisory Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"SEC. 1045. TERMS OF OFFICE.

"(a) IN GENERAL.—Subject to subsection (b), the term of office of a member of the Advisory Commission shall be 3 years, except that, as designated at the time of appointment—

"(1) of the initial members appointed under section 1043(a)(1), 2 shall be appointed for a term of 2 years;

"(2) of the initial members appointed under section 1043(a)(2), 2 shall be appointed for a term of 2 years; and

"(3) of the initial members appointed under section 1043(a)(3), 1 shall be appointed for a term of 1 year.

"(b) VACANCIES.—Any member appointed to fill a vacancy for an unexpired term of a member shall serve for the remainder of the unexpired term. A member of the Advisory Commission may serve after the expiration of such member's term until a successor has been appointed and taken office.

"SEC. 1046. MEETINGS.

"(a) IN GENERAL.—After its initial meeting, the Advisory Commission shall meet, with the advanced approval of the Administrator, at the call of the Chairperson (or Cochairpersons) of the Advisory Commission or a majority of its members or upon the request of the Director or Administrator of the Program.

"(b) QUORUM.—6 members of the Advisory Commission shall constitute a quorum.

"SEC. 1047. STAFF.

"The Administrator shall make available to the Advisory Commission adequate staff, information, and other assistance.

"SEC. 1048. TERMINATION.

"The Advisory Commission shall terminate at the end of fiscal year 2002.".

(b) REFERENCES.—Each reference in Federal law to subtitle A of the Anti-Drug Abuse Act of 1988, with the exception of section 1001 of such subtitle, in any provision of law that is in effect on the day before the date of enactment of this Act shall be deemed to be a reference to chapter 1 of the National Narcotics Leadership Act of 1988 (as so designated by this section).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Wisconsin [Mr. BARRETT] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers the Drug Free Communities Act of 1997, legislation I introduced with the gentleman from Illinois [Mr. HASTERT], the gentleman from Michigan [Mr. LEVIN], and the gentleman from New York [Mr. RANGEL]. This bill provides needed support to our communities around the country to help them wage the war on drugs, community by community, child by child.

There is no more important battle to fight for the future of our country, and in my view, there is no more effective way to win that war than to focus our energies at the community level.

The bipartisan effort we have before us today is the result of months and months of work with communities around the country, with top experts in the field, with Members on both sides of the aisle, with the administration. It represents some new thinking. It takes existing Federal drug control resources and rechannels them to support community antidrug groups around the country that are actually working to reduce teenage drug abuse.

I believe a shift in priorities to support effective, sustainable prevention efforts is long overdue. We all know the numbers. Tragically, after more than a decade of substantial progress in reducing substance abuse among our kids the trends have now reversed, and reversed dramatically. Teenage drug use of marijuana, cocaine, inhalants, heroin, and other drugs is up. LSD use is at its highest reported levels.

Of course, it is not just about numbers. It is about our kids and their futures being ruined. The Drug Free Communities Act is designed to support something we know actually works in reducing drug abuse, community-based coalitions. It does so in a cost-effective manner.

Mr. Speaker, I would like to highlight the key features of this new approach. First, to qualify for a Federal matching grant under this program a local community must first demonstrate a comprehensive approach to the problem. Experience in the field, good research, and just common sense tells us that communities that have every major sector involved in this effort are those that are most effective.

In March 1997, a GAO report confirms this for us. That is why this legislation supports only those communities that have mobilized youth, parents, businesses, law enforcement, the media, educators, and other key sectors that have been working together with a focused mission and targeted strategies.

Second, the local community must demonstrate that it is not dependent on the Federal dollars. With local will and local financial support, we think a program is going to be more successful. Without them, a program simply cannot survive over the long haul.

Not one Federal dollar will be spent under this program without a dollar or more first having been generated by a local community. A 100 percent match is required, and no grant can exceed $100,000. The Federal Government should be a catalyst to communities to do the right thing. It will then be able to sustain that effort over time, with or without that Federal support.

Third, one of the most common and often deserved criticism of Federal programs is that they lack accountability. This bill requires that the local community have a system of evaluation in place that actually measures outcomes, consistent with well-accepted standards. Successful community efforts around the country already do that. They evaluate their effectiveness. In order to generate local financial support in the private sector they simply have to do that.

Fourth, although the data indicates that broad-based local efforts work best, we also know that national and State leadership can play a very helpful role at the local level. For example, national and State experts in the field can assist local communities by sharing the best ideas from around the country, and by helping to put in place effective systems to sustain and evaluate the local efforts.

This bill encourages local communities to involve their Federal and their State leaders. The 44 Members of Congress who have recently established or worked with community antidrug coalitions in their own districts can speak from their own experiences on this. Some of them will today.

I can speak for mine. Over the past 2 years with Cincinnati in organizing the Coalition for a Drug-Free Greater Cincinnati in my hometown, we helped mobilize our local community, but we also brought national groups to the table, like the Partnership for a Drug Free America, the Community Antidrug Coalitions of America, CATCA, the National Parents Resource Institute for Drug Education, PRIDE, as well as others in the State level. Because the drug issue is best addressed at the local level, in my view, this bill encourages all of us to focus our efforts more there.

Fifth, this is not a matter of new money, but getting more bang for the buck from existing resources. The bill redirects to communities less than three-tenths of 1 percent of our existing money from the $16 billion Federal drug control budget. We have been working with appropriators in the full committee and on the Treasury-Postal Subcommittee to help identify the appropriate offsets.

Finally, Mr. Speaker, to ensure this program assists efforts that are truly working, and to ensure it gives communities the flexibility to continue to fashion innovative solutions to local problems, an advisory commission made up of local community leaders and national and State experts in the field of substance abuse will help select the administrator and actually oversee this program.

The legislation has the support of hundreds of community groups in all 50 States; national leaders, such as former drug czar Bill Bennett, former HEW Secretary Joe Califano, National Drug Prevention Groups like CATCA, I mentioned PRIDE, the Partnership for Drug Free America; and because it is fiscally responsible, it has the support of the Council for Citizens Against Government Waste.

Before I conclude, Mr. Speaker, I would like to thank all those groups around the country who have helped us put this effort together. Of course, I also want to commend my colleagues, the gentleman from Michigan Mr. LEVIN, the gentleman from Wisconsin, Mr. BARRETT, the gentleman from Illinois, DENNY HASTERT, the gentleman from Indiana, DAN BURTON, the gentleman from Maryland, ELIJAH CUMMINGS, and many others who actually helped improve this legislation.

Finally, I would like to pay tribute to somebody else who is here, my chief of staff, John Bridgeland. He actually conceived this idea, coordinated the drafting of the legislation, and helped get it through the process.

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I really believe that his good work and that of so many from both sides of the aisle is going to make a difference. It is actually going to make a meaningful difference in the lives of our kids around this country. I urge Members to support this legislation so that we can get on with the business of providing communities the needed support they need to reduce drug abuse.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Wisconsin. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the Drug-Free Community Act of 1997.

Mr. Speaker, youth substance abuse is an enormous problem. Studies show that children who use drugs are two to five times more likely to drop out of school. One-quarter of our health care costs are related to substance abuse, and more than half of all child and spousal abuse cases are related to substance abuse.

Unfortunately, we are not winning the war on teenage drug abuse. In the last 3 years teenage drug use has risen 78 percent. LSD and hallucinogen use has increased 183 percent, and cocaine use is up 166 percent.

The Monitoring the Future Study just released in December found that the increase in teenage drug use is caused in part by the fact that youngsters have heard less about the dangers of drugs. The message will more likely reach our children, our teens, when all sectors of the community, schools, media, law enforcement, and parent groups join together in a coordinated attack against teenage substance abuse.

Fortunately this bill goes right to the root of the problem and provides matching grants of up to $100,000 a year to community coalitions that are working together to get the message to our teens. Eligible coalitions must demonstrate their long-term commitment, financial viability and success. Therefore, communities will get the seed money they need, yet taxpayer money will not be wasted on unsuccessful programs or programs that do not have the backing of the community.

I am proud to be a cosponsor of this important initiative. In fact, in my own home town, Milwaukee, we have recently had a youth crime forum where we brought together many portions of our community to talk about the issue of youth crime and drug use. This is the type of forum that I think would be a perfect candidate for this program. It works with different components of the community and really allows the community to come together.

Mr. Speaker, I also want to take this opportunity to thank the author of the bill, the gentleman from Ohio [Mr. PORTMAN], and the subcommittee chairman, the gentleman from Illinois [Mr. HASTERT], for making this a truly bipartisan bill.

In particular I would like to thank them for working out the concerns that I raised by adding language that first ensures that the Office of National Drug Control Policy can draw on the substantial grant experience of the Department of Health and Human Services; second, that it protects against violations of ethical standards applicable to White House entities; and third, makes clear that we do not intend to fund this program by cutting funding for successful drug prevention programs already in place at HHS.

I am also very pleased that the concerns raised by the gentleman from California [Mr. WAXMAN], the gentleman from Vermont [Mr. SANDERS], the gentleman from Maryland [Mr. CUMMINGS], the gentleman from Michigan [Mr. LEVIN], and the gentleman from New York [Mr. RANGEL] were worked out to everyone's satisfaction.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. Mr. Speaker, I thank my friend from Ohio for yielding me the time.

I want to commend both the Democratic and Republican leaders of this bill who worked together in a bipartisan manner to help develop a Drug-free Community Act that I think is a significant step in the right direction. First of all, I believe that this bill moves us in the right direction because it moves efforts to the community level. It involves the entire community and it creates an environment in which we recognize that volunteers, churches, synagogues, mosques, local governments, private businesses, and individual citizens all have a role to play in the drug prevention effort.

The goal is also correct, drug-free communities. I believe all of us should commit ourselves to the goal of beginning the 21st century on January 1, 2001, the first morning of the next millennium, a Monday morning in which our goal should be to have a virtually drug-free America, to get back, say, to the level of drug use that was prevalent in 1960, when I was a very tiny child and very few people were using drugs.

It is doable but it is only doable by having a comprehensive effort, one key component of which is drug-free communities, a strong effort at prevention, and making sure the young people know not to do drugs and a strong effort at education so people understand the consequences of doing drugs. When people learn that 50 percent of homicides and violent crime is drug related, that young people who use drugs are between two and five times more likely to drop out of school, that when over half the child abuse cases are drug and alcohol related, and let me say, we recently had a press conference with the gentlewoman from New York [Ms. MOLINARI] on child abuse, one of the case workers there said that 99 percent of the cases they had dealt with in their career involved either drug or alcohol addiction as a component.

It is clear that drug use is a plague which affects this entire country. This bill moves us towards the world that Marvin Olasky described in the Tragedy of American Compassion, the world that de Tocqueville described in Democracy in America, back to an America in which local citizens in local community programs working with local faith-based institutions create the environment and the opportunity to reach out and save lives.

I urge all of my colleagues to vote for the Drug-Free Community Act. It is a significant building block in the right direction, and it is the kind of program that will have fewer young people involved with drugs and a healthier and safer country.

Mr. BARRETT of Wisconsin. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL], ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, let me thank the gentleman for yielding me the time. I thank the gentleman from Ohio [Mr. PORTMAN] and all those that made this bill possible. Let me thank Speaker GINGRICH. No one in this House has been more sensitive than Speaker GINGRICH to the problem that has been facing our Nation as we see our youth being destroyed through a poison that originates outside of this great Republic. We have talked so many times as to how we can prevent this threat to our national security, and yet I can almost say hallelujah for this bill today, Mr. Speaker, because every time I have come to this floor to talk about drugs and youth, instead of talking about education and hope and dreams, we have talked about mandatory sentences, more time in jail instead of what this bill does. And it goes to the American people and asks, save our country, save our community and save our children.

There is no bigger fight that we can wage by going to our communities and asking them to give education and hopes and dreams to our children because, once they have it, they are not the ones that end up with lack of hope doing drugs, doing crimes, doing violence and causing this great Nation to be the one that has more people incarcerated than any Republic on the face of the Earth.

I hope that this serves as a model where the Congress can continuously go back to the community. One of the things that they will ask us to do is to help us to keep this poison from coming into this country from countries that are producing it. If we can tear down the walls of communism as we have done, we cannot let a couple of nickel and dime countries produce this poison to come in here and have it available to our children.

This is what our community would be saying. They will be asking for our Secretary of State to be speaking out, our Secretary of Education, everybody in the Cabinet, because this is a threat to our national security. So I say to Speaker GINGRICH, who recognizes that in order to save our kids we have to give them something to live for, this brings the community in. And we do not have to go back home and say how tough we were against drugs based on how long the sentences were.

If we are going to be successful, it means that countries can have all the drugs available but our kids would not need them. Why? Because they would be able to say, as we enjoy economic growth, as we move into the next century, as we see international trade being a new way to go, they can say that they will be a part of it. But what do they have today? One thing is certain, that any black family in the United States of America knows that if they have a child, a boy child that they can be guaranteed according to the bureau of statistics that one out of four of those children would end up in jail.

When was it that the American dream was that maybe one of these children could end up as President of the United States?

So what we are doing as Republican and Democrats is not demagoging an issue. We are saying, can we not work together? Can we not go to the communities and ask them, is it not better to have more teachers than police? Is it not better to go back home to our State legislatures and find that out, that they are fighting to have a university in their district instead of what we find out today, they are fighting to have a prison in their district?

Is it not great to find out in the great city of New York, we pay $84,000 to keep a bum kid in Rikers Island, a detention center, and the unions and the mayor are fighting to see whether $7,000 a year is enough? We pay $7,000 a year for a child being born addicted to drugs, $40,000 to pull out a bullet after a kid has been shot in a gang war. And yet we are not prepared to do the things like has been done today, to come together and say, the strength of our Nation is the confidence that we have in our communities and that we are going to work together to make certain as we tore down the walls of communism, we are going to raise the hope so that those people who disrespect international law, who grow and dispense and traffic in narcotics and who know they will be certified because it is the political thing to do, to know that the families throughout this country, rich and poor, black and white say we have had enough of it. The gentleman from Ohio [Mr. PORTMAN] has found a way to allow us to believe in ourselves and the Congress by putting together this bill.

Let this be a beginning. Let this be a bridge. Let us forget what we used to do and see whether we can do more of this type of legislation when we respond to the hearts and the minds of the people that are afraid for their children.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I rise in full support of H.R. 956, the Drug-Free Communities Act of 1997.

I would like to commend and congratulate my colleague and the gentleman from Ohio [Mr. PORTMAN] who conceived a better cooperative relationship between Government and communities in order to better fight the scourge of drugs among our Nation's youth. His diligence and commitment to this effort have shown amazing results.

Beginning in his own district, the Portman community drug initiative was proof that Federal partnerships with community leaders and organizations are an extremely effective weapon in the fight against illegal drug use. The gentleman from Ohio [Mr. PORTMAN] has now turned his successful effort into this legislation before us today.

I would like to also commend the gentleman from Illinois [Mr. HASTERT] for his tenacity on the drug issue and on this bill in particular. His leadership on the issue of illegal drug trafficking and illegal drug use has been outstanding, both in this Congress and in past Congresses. I thank him for shepherding this legislation through his subcommittee.

I would also like to congratulate the gentleman from Michigan [Mr. LEVIN] and my good friend, the gentleman from New York [Mr. RANGEL], the gentleman from Wisconsin [Mr. BARRETT], and others for their help in this effort.

We, as Members of Congress, often voted on legislation that will never have a direct impact on our own districts. Today, however, through this legislation now before us, we will have the means to positively and directly impact the very cities, towns, and communities that we represent. This legislation will enable each and every one of us to go back to our districts with the resources and the knowhow to bolster our efforts to reduce the devastating effects of substance abuse that we all know is destroying America.

Drug abuse has doubled in the last 5 years with the most alarming increases among 13- and 14-year-olds. Absolutely astonishing rates of drug use are chronicled in the report that accompanies this legislation, the National Household Survey on Drug Use. That survey shows that from 1994 to 1996, illegal drug use by 12- to 17-year-olds rose 78 percent. LSD use increased by 183 percent and cocaine use rose by 166 percent over those 3 years.

Our young people today are clearly not seeing the risks associated with drug use the way they used to. Studies on perceived risks bear this out. One conducted by the National Center on Addiction and Substance Abuse showed that in just 1 year the number of 12- to 17-year-olds who said they would never try an illegal drug dropped by 40 percent. Kids are not getting a clear message about drug use, about it being wrong, deadly, and illegal. They are not getting it from their parents, and regrettably they are not getting it from the leadership in this administration.

This bill is very, very important. I urge all of my colleagues to support it. Once again, I congratulate its sponsor, the gentleman from Ohio [Mr. PORTMAN].

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Mr. BARRETT of Wisconsin. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan, [Mr. LEVIN], one of the leaders on our side of the aisle that really helped shape this bill.

Mr. LEVIN. Mr. Speaker, I thank the gentleman for yielding me this time.

We have a major problem in this country. This is an effort to address it. Surveys show, for example, in high schools in the last month, in many cases a third of the students have used illegal drugs. We have been losing ground.

This is an effort to say we are going to start to reverse the trend. The gentleman from Ohio, [Mr. PORTMAN] and I put this bill together with the help of others, based on the experiences within our own communities. This is a bill that springs from the communities to Washington.

The gentleman from Ohio has described the experiences within Cincinnati. Within the 12th District I represent, led by the city of Troy and early pioneering coalitions, we have seen that the best way to fight this effort, to make this a successful one, is to draw on all the resources of the community, every resource: religious leaders, law enforcement leaders, business leaders, parents, teachers, kids. Everybody has to be pulled together to work on this.

We have seen this in both Macomb and Oakland Counties, as I said led by Troy. And an amazing fact in a recent survey, half of the residents of the city of Troy knew of the Troy Community Coalition and its work on drugs.

So the gentleman from Ohio and I said to ourselves, in working with others, how do we replicate the experiences within our communities? That is the issue, not just to have a successful experiment here or a successful experiment there but to spread it throughout this country. And this is an effort through matching grants to try to replicate the experiences within these communities.

I have enjoyed so much working with him and the gentleman from Illinois, [Mr. HASTERT], who helped us shepherd this through the subcommittee; with the gentleman from New York, [Mr. RANGEL], the gentleman from Wisconsin, [Mr. BARRETT], and others; and with the staffs, as mentioned by the gentleman from Ohio, and Drew Setter of our office. Our local staff goes to every single coalition meeting within our communities.

This is a battle we have no choice but to win, and this act, this proposal, is an important step to pull us all together to pull this off. We have no choice.

I am proud to be working with the gentleman from Ohio, and I urge all of us to vote for this and, more importantly, for every Member to work to stimulate, if it does not exist, a coalition within our districts. When we all work together, I think this effort will work.

Mr. PORTMAN. Mr. Speaker, I would like to inquire as to how much time remains on each side.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Each side has 9 minutes remaining.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume to simply commend the gentleman from Michigan, [Mr. LEVIN], for his work at the local level.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio, [Mr. BOEHNER], my neighbor.

Mr. BOEHNER. Mr. Speaker, let me commend my colleague from Ohio, [Mr. PORTMAN], and our other colleague, the gentleman from Michigan, [Mr. LEVIN], for bringing this bill to the floor today and, more importantly, for all of their hard work, and their staffs in the work that they are doing to fight teenage drug abuse in both Cincinnati and in Troy, MI.

There is no doubt that drugs are a big problem in our country. A 1996 study by the National Parent's Resource Institute for Drug Education showed that 1 in 4 high school seniors use illicit drugs at least once a month, 1 in 5 use once a week, and 1 in 10 use drugs once every day. I think this is a serious study.

Another study done by the National Household Survey found that illicit drug use among 12- to 17-year-olds has increased by 78 percent in the last 3 years, and LSD and hallucinogen use has increased by an amazing 166 percent.

Yesterday the President talked about the new glamour drug, that being heroin, and the fact that it is glamourized by Hollywood and ought to come to an end.

As with so many other problems in this country, the real gains against drug abuse are driven at the local level. All over the United States, including right in my back yard in Cincinnati, local programs to fight drug abuse are showing real signs of being successful. But as my colleagues know, and as these statistics show, more needs to be done.

In Cincinnati, just down the road from where I live, the gentleman from Ohio, ROB PORTMAN, has developed a fantastic program with all types of organizations. In a coordinated effort, the community is providing parents with drug education training, radio and TV stations are running antidrug messages, and employers are being encouraged to adopt certified drug-free workplace programs. With the whole community working together, we have seen tangible results.

And that is why I am here today, to strongly support their work and their bill we have before us, H.R. 956, the Drug-Free Communities Act. This bill encourages local communities to develop their own innovative approaches to fighting drug abuse and then rewards those who are successful.

The bill takes already existing Federal funds that would be spent here in Washington and redirects them to local communities that have a comprehensive self-sustaining antidrug coalition. They have done a good job and they deserve our support.

Mr. BARRETT of Wisconsin. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, [Mr. TURNER], one of the most active members on our committee in helping shape this bill.

Mr. TURNER. Mr. Speaker, I am honored to rise in support of the Drug-Free Communities Act. It is a very important piece of legislation.

We all know the facts and we all know the figures about the problems of drug abuse in our Nation, and yet I think most of us today would put faces on those problems. I think about my friend Larry, in Crockett, whose son recently overdosed on drugs and I attended the funeral. I think about my friend Mitch, whom I graduated from high school with, whose children also went to school with mine, who died on prom night in a single car accident because he drove with too much alcohol.

Those are the very real problems that all of us know all too personally, which cause us, I think, to unite in a bipartisan way to attack the problems of drugs in our country.

This bill represents what I think is the very best of bipartisan cooperation, and I think it represents what government in the next century must look like. President Clinton said the era of big government is over, and this bill implements that concept.

I commend the gentleman from Ohio [Mr. PORTMAN], the gentleman from Illinois [Mr. HASTERT], the gentleman from Wisconsin [Mr. BARRETT], the gentleman from Michigan [Mr. LEVIN], and the gentleman from New York [Mr. RANGEL], all of whom worked very hard to bring this bill about.

This bill represents a progressive and commonsense approach to attacking the menace of drug abuse. It is community based. It recognizes that communities can best solve their own problems, and it brings to the table and encourages the coalitions of religious groups, law enforcement, business community representatives, churches, who all across this country are working already on this problem. This bill acknowledges their efforts and provides matching grants to allow them to continue to build upon the good work that is already being done.

This bill is prevention based. We all know we have built prisons all across our country, in every State in this Nation, until we have taxed the taxpayers way too much for the cost of drug abuse and lawbreakers. But the truth of the matter is this bill also says that prevention is the key to solving the problem of crime.

This is a good bill. This is a bipartisan bill. This is a bill that we can all be proud of because it acknowledges that government does have a role but that communities can best solve their own problems. I hope every Member of Congress will unite behind this landmark piece of legislation.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HASTERT] who has been a national leader in the fight against drugs along our borders and our communities.

Mr. HASTERT. Mr. Speaker, the problem of drug use in our Nation is growing. We have heard all the statistics today. We can talk about statistics and illustrate the problems.

We know that illicit drug use among our most vulnerable population, our kids, is growing. We know that the number of kids who would say that they would never try drugs have dropped. We know that parents have stopped talking to their children about drugs.

We also know that centralized Federal programs, the big government, so to speak, is not always the answer. We do have a responsibility. We have the Coast Guard to make sure that we stop drugs coming across our borders. We have the customs agents and the border patrols. That is our job in this Congress, to make sure that we can stop drugs coming in. But the most effective way to stop drugs is prevention; to teach kids, to give them the support to stop them wanting to try to use drugs.

This is what the gentleman from Ohio [Mr. PORTMAN], and I congratulate him, and my good friend, the gentleman from New York [Mr. RANGEL], who has been on the front of this whole drug issue for a long time, the gentleman from Michigan [Mr. LEVIN], the gentleman from Wisconsin [Mr. BARRETT], the ranking member, I thank him for his good work, this is what we are doing. We are pulling together to make sure communities have the ability to fight this problem.

We are not pouring a lot of money, but we are saying if communities can bring their faith-based, fraternity-based, civic-based organizations together to have effective drug prevention, then we can go ahead and we will help them. If they need a little bit of support, if they need a director or something along those lines, we can help them through this bill.

This is the right direction. This is not the only direction but this is the right direction for this Congress to go in order to fight drugs. We need to start in the communities. We need to start with people back home, and this bill does it.

I certainly congratulate the gentleman from Ohio, and I support this bill and ask everybody else to support it.

Mr. BARRETT of Wisconsin. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. CUMMINGS] who, in committee, added a very important amendment that improved this bill.

Mr. CUMMINGS. Mr. Speaker, I rise today to support the Drug-Free Communities Act. I thank the sponsor of this legislation, the gentleman from Ohio [Mr. PORTMAN] for his vision, his guidance, and his mission. He and his staff worked in a bipartisan fashion with Members on both sides of the aisle and they are certainly to be commended for their hard work.

I also wish to thank the chairman of the Subcommittee on National Security, the gentleman from Illinois, Congressman HASTERT, and my ranking member, the gentleman from Wisconsin [Mr. BARRETT], for their leadership. And certainly the hard work of the gentleman from New York [Mr. RANGEL], and the gentleman from Michigan [Mr. LEVIN], does not go unnoticed, and I thank them.

My colleagues, this legislation is so important to our Nation. Many areas, like my home district of Baltimore, are disproportionately ravaged by the drug epidemic. This bill would set a blueprint and a road map for community organizations to receive matching funds and provide assistance in their drug prevention programs.

This measure focuses on a theme that I echo continuously when I visit neighborhoods throughout Baltimore. To be successful in this war on drugs, it will take a partnership between State and local governments, educators and health care professionals, law enforcement officials and community groups, as well as religious organizations and the private sector. There must be a unified American counterdrug effort with one common purpose, to reduce illegal drug use and its consequences in America.

I support a national drug strategy, which includes both domestic and international efforts, to strongly eradicate drug importing and drug trafficking. However, cultivating and empowering grass roots leadership is so vital in effective drug control efforts. Best of all, this measure focuses on local needs. This measure allows us to use the people's funds in a very effective and cost efficient manner.

There is one community organization in west Baltimore, led by a woman named Adele Redden, which has singlehandedly reduced drug trafficking in their neighborhood by 70 percent over the last 3 years. The men and women who are working in neighborhoods across America are the real heroes in this fight against drug abuse.

It is crucial we reach our young people before they get hooked on drugs. This bill goes a long ways towards that end.

My colleagues, if we want to make a difference in the war on drugs, if we want to go home to our constituents and tell them we are actually working to stem the flow of drugs entering this country, if we want to support the drug czar in his efforts to reduce illegal drug use and crime that comes to our cities, I urge all of us to support this bill.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume to commend the gentleman from Maryland for his work in improving the bill, as I said earlier.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

□ 1115

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of H.R. 956, the Drug Free Communities Act of 1997. I commend the gentleman from Ohio [Mr. PORTMAN] and our distinguished committee chairman, the gentleman from Indiana [Mr. BURTON], and the minority member, the gentleman from Wisconsin [Mr. BARRETT], the gentleman from Michigan [Mr. LEVIN], and the gentleman from New York [Mr. RANGEL] for their support of this measure.

It is an important measure. I have taken an active role in our international fight against drugs as chairman of our Committee on International Relations. But this important legislation is an important domestic measure. It encourages our local communities to band together to develop and share their ideas on the very best way to fight this scourge on illegal drugs in our society.

The stakes in the drug war are high, affecting the lives of our young people. We need to develop more community involvement in order to ensure a more effective antidrug program. Time and time again, it has been demonstrated that, when confronted with strong community opposition and awareness, drug traffickers and criminals take their business elsewhere.

H.R. 956, the Drug Free Communities Act, will make certain that our communities will have the kind of flexibility and kind of resources necessary to create solutions that address their own local problems stemming from drug trafficking and substance abuse. It requires our community leaders to take the initiative on these issues and to oversee the antisubstance abuse programs that have been created.

In order to receive Federal matching funds, bear in mind that these programs must include the involvement of community leaders, must be sustainable, and must have some system in place to evaluate their success and failure. Accordingly, Mr. Speaker, I urge all of our colleagues to support this significant antisubstance legislation.

Mr. BARRETT of Wisconsin. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. MILLENDER-MCDONALD], who has been active both here and in her home community of Los Angeles in addressing the problems of drug abuse.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to thank all of my colleagues on both sides of the aisle for this piece of legislation. I am proud to support the Drug Free Community Act. This bipartisan legislation will authorize essential funding for community coalitions that are making a difference in addressing the Nation's drug problem.

We have all heard the statistics on the rising rate of marijuana use among our Nation's youth. Among eighth graders alone, the rate of marijuana use tripled in 1996, and the marijuana of today is 15 times more potent than the marijuana used in the 1970's. But even more lethal, cocaine, heroin, and methamphetamines are the drugs that are tearing apart families and ruining communities throughout the country and in my district.

California has the worst methamphetamine problem in the country. Over the past few years, there has been a significant increase in methamphetamine use, especially in Los Angeles. From 1990 to 1994, the admissions of Los Angeles residents to addiction treatment centers jumped from 700 to over 2,000, and this number only includes those who have received treatment.

At any given time during the month, some 13,000 Californians who have sought treatment cannot get it because they are placed on a waiting list, which can last from 3 to 60 days. The Drug Free Community Act can change these numbers and begin a new era when parents, teachers, churches, and entire communities can come together to prevent, treat, and ultimately end drug abuse.

We have already lost too many children to drugs and crime. We cannot afford to lose any more. Creating opportunities for community coalitions to overcome the problems of drug abuse is essential in our effort to maintain and improve the social fabric of our communities, not just in the 37th Congressional District, but in the entire country.

I urge all of my colleagues to vote on this very important bill, and I would like to thank the sponsors for this legislation, as it will help me in assisting my constituents in my district.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we have seen and have heard from a lot of Members, there is no issue more important to the future of our kids than this one. We do have a lot of speakers interested in addressing it.

Mr. Speaker, I ask unanimous consent to extend by 20 minutes the debate time on this legislation, 10 minutes to each side equally divided between myself and the gentleman from Wisconsin [Mr. BARRETT].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Wisconsin [Mr. BARRETT], and I would like to congratulate them on the leadership on this most difficult and tragic problem, a problem that challenges every community in America. And that problem, as any parent can tell us, is the problem of drug abuse among America's youth.

This is not a problem that is limited to America's urban ghettos, as some would want to believe. There is no hiding from America's drug dealers by moving to a wealthy suburb or a serene rural area. The drug dealer sets no boundaries to his deathly trade. He seeks to solicit profits where there is potential. There is potential in any community, rich or poor, urban or rural, any community that is not actively advanced in a serious antidrug effort. That is why this legislation is so important, and that is why I applaud my colleagues, the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Wisconsin [Mr. BARRETT], for advancing this important legislation.

The Drug Free Community Act is a major step forward in an effort to protect our communities from those that would pollute our children, steal their health, and destroy their lives. It was not too many years ago when we were heartily congratulating one another on a decrease in drug use among America's youth. Sadly, our self-congratulation has been premature.

Statistics show that since 1991, teenage drug use of every kind has increased at an obscene rate. In 3 years, illicit drug use among 12- to 17-year-olds rose 78 percent. Even more frightening, there is a rise in drug use among children under 12 years of age.

Just as the drug dealer knows no physical bounds to his trade, he also knows no age limitation. Our smallest children are his target. The Drug Free Community Act puts power in the communities where it belongs and provides incentives and helping hand to citizens who take a stand against letting drugs take over their communities.

I have seen these local programs work. They can make a difference, and we he must do all we can to extend a hand to America's families and communities who are on the frontlines of this critical war to put an end to this drug trade and to save our children. I urge my colleagues to support the Drug Free Community Act.

Mr. BARRETT of Wisconsin. Mr. Speaker, I yield as much time as she may consume to the fine gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker and my colleagues, I am delighted to join with all of my colleagues here today to support this legislation. It is extremely important that Americans know that there is bipartisan support for this legislation. There is bipartisan support because all of our communities, whether they are inner cities or rural areas or suburban areas, are now under attack.

The greatest threat, the greatest security threat to America is drugs, the illegal use of drugs, the drug addiction, the violence associated with drugs. The No. 1 priority of the Congressional Black Caucus is the eradication of drugs in our society. We worked for days to put together our legislative agenda. We have decided that we are going to put all of our time and effort in on eradicating drugs.

We went around this country talking about something that had happened in south central Los Angeles. And many people wondered why I spent so much time dealing with the accusation of CIA involvement in drug trafficking. I spent an awful lot of time because in the 1980's, in south central Los Angeles, I witnessed an explosion of drug addiction and violence and I wondered what was happening, why were so many young people getting involved. I wondered why the explosion of violence and crime.

What is important about my involvement in this issue and trying to seek out answers is not so much to be able to identify who said what, who did what, who wrote the memo, my involvement is because in the town hall meetings across this Nation, whether I was up in Brooklyn, NY, or St. Louis, MO or south central Los Angeles, was the outpouring of parents and grandparents talking about what had happened to their children and their families.

Crack cocaine is one of the most vicious drugs that was ever manufactured by anybody. That is not to say that marijuana and methamphetamine are not dangerous and addictive. They are, and they are problems. But I want you to know what we have witnessed with crack cocaine should not happen to humans anytime, anyplace, anywhere.

The Congressional Black Caucus is determined that we are going to take back our communities, we are going to give leadership, we are going to provide a platform for debate and discussion on this issue, we are going to engage communities, we are going to hold the town hall meetings, we are talking with young people, we will be involved at campaigns, we are going to do everything that is possible to do to take back our communities, protect our children, be involved with prevention and rehabilitation, and, yes, redirection.

This bill speaks to that. This bill speaks to it because it talks about community coalitions, engaging communities, getting everybody involved in this problem. We have introduced seven bills from the Congressional Black Caucus. Many of those bills would complement this bill. Not only do we talk about community coalitions also, but we talk about rehabilitation and we talk about prevention. But we also ask the Department of Justice to help to monitor the drugs that are confiscated so that they do not get back out on the streets in ways that we have learned that they are doing in some of our communities.

I am so pleased and proud that the Members who have worked on this had the wisdom and the foresight and the vision to understand where we must direct our attention. We cannot talk about job training, we cannot talk about teenage pregnancy prevention, we cannot talk about keeping young people in school until we get rid of this scourge in our community. And we can do it.

The American people have not used their power to deal with this issue. We have allowed this explosion. We have allowed young people increasingly to turn to drugs for answers. And we have sat back waiting on somebody else to solve the problem. Well, nobody else is going to solve this problem. We collectively are going to solve this problem. We are going to solve this problem because we are going to take the bull by the horns.

These are our children. They did not drop down out of Mars. They did not come from someplace else. They are our grandchildren, our nieces, our nephews, our neighbors. These are our children. And if they are to be secure, if they are to be responsible, it is because we are going to provide that leadership, we are going to be the examples, we are going to be the leaders, we are going to be the organizers, we are going to be the ones that will set America free and allow our children to realize their potential.

I do not know any parents who do not believe that their child can be President of the United States of America. I do not know any parent who does not understand that our children are precious and they should have the opportunity to realize their potential. And while we all have these dreams and these visions, we have allowed the scourge of drugs and drug traffickers and those who would peddle in death and destruction to increasingly creep into our lives and our communities and contaminate our children, contaminate our neighborhoods.

Enough is enough. I will join hands with the most right wing of Republicans, the most left, if they can get on the left of me, of Democrats in order to get this work done. It is our job. It really is our challenge. But you know what? We are smart. We are committed. We work hard. We have the energy, and we have the love for humanity, we have the love for our families and our children.

□ 1130

This bill really sets the tone and defines what we care about. The seven bills of the Congressional Black Caucus will further do that. I want my colleagues to watch the Congressional Black Caucus on this issue. I want my colleagues to watch us take leadership. I want Members to see what we have committed to do on this issue. I know there are those who have said, well, we have not heard enough. We were just naive enough oftentimes to believe that somehow somebody else, be it the White House or somebody else, was just going to do this work.

Now that we have all decided to get involved, I am more inspired than I have ever been. If I do nothing else in my career, if I do nothing else in providing leadership, the leadership that I will provide as the chair of the Congressional Black Caucus will be centered and focused on this issue, on getting rid of drugs in our society, freeing our communities, as this bill indicates.

I thank the Members, all Members who have worked, who have labored, who have put it together. This is what we need. Combined with all that we are going to be doing and the bills that we have put together in the Congressional Black Caucus, I think we will see a change. The data, the statistics, will be different a year from now. If we continue in the fashion and the way that I know we can, 5 years down the road, we can all stand up and be very proud about the significant reduction that we have made in the use of drugs, in the crime and violence associated with drugs. We can see the reductions in the Federal penitentiaries, of young people who are getting convicted under mandatory minimums, many of them just 19 and 20 years old, addicted themselves, out hustling, selling small amounts of drugs because they think somehow they can get over.

We are going to see a change in that. We need those resources that we are putting into prisons to do other things with. We do not need to be continuing to take the taxpayers' money to deal with the problem that way. The Rand study that just came out said that is not the way to solve the problem anyway.

This is the way to do it. We are going to wrap our arms around this program, we are going to put our hearts, our heads, and our minds together and we are going to let our children know that we truly love them and we are going to show them we love them because we have made them our No. 1 priority through our public policy work and through sharing of resources to deal with this problem.

Again, I am so proud, I am so pleased and delighted to be a part of this kind of coalition, of this kind of effort until I will not only commit again my time and my attention as the chair of the Congressional Black Caucus, but every member of the Congressional Black Caucus is committed and will be working beyond the Halls of Congress, on the streets, in the neighborhoods, in the townhall meetings, in the community centers and in the churches.

Mr. PORTMAN. Mr. Speaker, I thank the gentlewoman for her passionate support and for her wing-to-wing broad spectrum approach to the problem.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Speaker, I also commend my colleagues for bringing this legislation forward. I commend my colleague from California for her remarks on this issue. We all do want to work together to solve the problem.

I served as the mayor of Charlotte, NC, which is a large city. We definitely are experiencing all these problems with crime and teenage drug abuse. It is in every part of the country. It is not just in the large cities. It especially was important to me when I was mayor, and it is still important to me that we solve the problem. There is no reason we should not have solved it long ago.

I have witnessed firsthand the devastation that this causes in our communities, the devastation of lives and the crime that comes along with it. I have worked on the streets so I know firsthand of what I am speaking.

I also found the best way to solve the problem was through local organizations, groups that came together who really could work together, who knew what the problem was and could best solve it at the local level, not with the Federal Government dictating to them but giving the options of them knowing how best to do it.

The Drug-Free Communities Act of 1997 encourages that local community involvement to solve the problems by forming these coalitions. I have always said we at home know best how to solve our problems and we know best how to achieve success. The most successful substance abuse programs do have coalitions of churches and religious organizations involved. We need to encourage more of that because that is one of the main reasons that they work. I for one do not want to attend any more funerals of 13-, 14-, and 15-year-olds who have been senselessly murdered or drug overdosed because we have not done all we could do at all levels of government and all levels of community to solve this. I urge support of this bill.

Mr. PORTMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. WOLF] who has been very bold on this issue at the local level. He is also going to be critical frankly in the appropriations process in finding the appropriate offsets.

Mr. WOLF. I did not really come over to talk about the legislation. I came over to personally thank the gentleman from Ohio [Mr. PORTMAN] for his leadership on this issue.

There is a major drug problem in the country. I learned about it when I went into the high schools as I do and listened to the young people in my district. I learn what to do about it when I listen to the gentleman from Ohio [Mr. PORTMAN] here in Congress. Because of the effort of the gentleman from Ohio, we have been able to put together a number of coalitions in our district that have made a difference.

I just want to thank the gentleman from Ohio [Mr. PORTMAN] and let him know that there will be many moms and dads and many young people who will be saved from the drug use problem for many, many years to come. It will be because of the leadership that the gentleman from Ohio [Mr. PORTMAN] exercised and they may never know why it was done.

I want to pay tribute to the gentleman from Ohio [Mr. PORTMAN] and urge all Members in this body, on both sides of the aisle, if they have not focused on the problem, I guarantee there is a major, major drug problem in Members' congressional districts. It may be in the most wealthy portion of a Member's district. I urge my colleagues to use this legislation to put together a coalition to do something about it. I again thank the gentleman from Ohio [Mr. PORTMAN].

I am pleased to rise today in support of H.R. 956, the Drug Free Communities Act of 1997.

I am a cosponsor of this legislation, which I believe will help reduce teenage drug use and abuse. In my congressional district, I have been active in promoting the creation and maintenance of community antidrug coalitions. Over the last year, I have sponsored two districtwide conferences and workshops to help implement the community coalition concept. These coalitions are groups of individuals from cities, towns, communities, and neighborhoods who work to reduce drug use by children and to keep their neighborhoods drug free.

H.R. 956 has been endorsed by numerous antidrug organizations, including: PRIDE Parent Training, the Community Anti-Drug Coalitions of America, Drug Abuse Resistance Education America [DARE], and Mothers Against Drunk Driving.

There are five main features of this legislation: First, in order to receive Federal support, a community must first demonstrate a comprehensive, long-term commitment to address teenage drug use through grassroots participation at the local level.

Second, a community must demonstrate that its antidrug coalition is an ongoing concern that also has non-Federal financial support.

Third, a community must have a good system to evaluate the success of its antidrug coalition efforts.

Fourth, the coalition must be run by local leaders familiar with local problems and needs.

Fifth, community coalitions will be eligible for Federal matching grant funding if they meet the above criteria.

I know this legislation will prove helpful in the efforts of communities across America to fight the scourge of drugs. Teenage drug use and abuse has been skyrocketing and I believe H.R. 956 is an important step in helping to educate children about drugs and keeping communities drug free. I thank Congressman PORTMAN for his leadership on this matter and for bringing this important legislation to the floor today.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. I thank the gentleman for yielding me this time.

Mr. Speaker, today I rise in strong support of H.R. 956, the Drug-Free Communities Act. This better equips community antidrug organizations that have proven effective in the war on drugs. All one needs to do is look at the facts to see that we have not done enough to combat drug abuse in our country.

Fact. Marijuana use among high schoolers has more than doubled since 1992. Fact. LSD use is now at its highest level since the early 1970's. Fact. We are losing the war on drugs.

I believe that the best place to wage the war on drugs is in the home. When parents get involved, drug use is dramatically reduced. Local institutions must also get involved. Churches, schools, civic organizations, and local dignitaries must also step forward and help fight the war on drugs.

This bill sends to local organizations the resources to provide needed guidance and support to stamp out this scourge on society. Recently I initiated the Heartland Coalition project. The goal of this project in my district in Kentucky is to bring together current antidrug groups and coordinate efforts to curtail the drastic increase in illegal drug use. These existing antidrug groups can efficiently and effectively use the Federal dollars allocated by this bill to do just that.

Mr. Speaker, these grants can be used for a variety of purposes. They can help cover media campaigns to educate our kids about the dangers of drug abuse, or they can be used to sponsor seminars at schools. If these efforts keep just one kid off drugs, this bill will be a success.

I urge all my colleagues to vote yes on H.R. 956, the Drug-Free Communities Act. Again the best place to battle drugs is on the local level. That is what this bill does. It gives local communities the ability to fight the war on drugs.

I would also like to commend the gentleman from Ohio [Mr. PORTMAN] for his leadership on this issue.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I thank the architects of this wonderful initiative, because really it is about our children. There is no more precious resource in this Nation than our children and their futures. Frankly, the viability of our Nation rests on doing something about this very, very important problem.

The American people might say, well, the Congress has talked about this for decades. We have attacked the problem of drug abuse, whether from the interdiction and stricter laws or the education side; we have debated about who is more correct on fighting drugs, the White House or the Congress. We have had these debates over the last several decades. Frankly, I think it points out most importantly that the Congress and the White House, whomever is in control of either, really does understand that there is probably no greater scourge, no more pressing public policy issue than dealing with this problem of those who push poison upon our children. That is why I am so delighted and thank my good colleagues and the architects of this important legislation, the Drug-Free Communities Act of 1997, for this wonderful initiative.

Over a year ago, thanks to the leadership of the gentleman from Ohio [Mr. PORTMAN], I stole a few ideas that he had initiated back home in his own district in Ohio. That was, to bring together the disparate groups that work so hard and so tirelessly to fight this problem of drug abuse in our communities. One thing I found out in bringing the groups together, whether it was the treatment folks or the education folks, whether the police, whether it was community groups, that they were all doing their own thing very, very well, but doing their own thing. I was surprised to learn that despite the notoriety of this problem, these well-meaning groups were not talking to each other. That is a very big problem in trying to fight the scourge of drugs.

Mr. Speaker, this initiative will truly bring all parts of our community together, the churches and the synagogues, houses of worship, the youth, the police, the employers, parents, civic organizations. This is the critical part of this legislation. I thank the architects and I am proud to be a sponsor and supporter of this initiative.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. BARRETT of Wisconsin. Mr. Speaker, will the gentleman yield for a quick question?

Mr. PORTMAN. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. I understand that the only difference between the version filed on Monday and the version being considered today is a minor technical change to ensure that the bill does not violate the establishment clause of the Constitution; is that correct?

Mr. PORTMAN. The gentleman is correct.

Mr. BARRETT of Wisconsin. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. FATTAH].

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Pennsylvania is recognized for 1 minute.

Mr. FATTAH. I thank the gentleman from Wisconsin [Mr. BARRETT] for yielding me this time.

Mr. Speaker, I rise in support of this bill. As someone who led a drug-free coalition effort in my own city in Philadelphia and has seen its benefits, I want to congratulate the gentleman from Ohio [Mr. PORTMAN] for his leadership on this and for our committee for expeditiously moving this bill forward.

This is the beginning of what we can do here at the Federal level. The gentleman from New York [Mr. RANGEL] has for such a long time been pointing in the right direction that as a Nation we should take a more aggressive leadership role on this issue and that more can be done. I rise in favorable support of this. I know that it works, bringing people together, providing the kind of cohesive and coordinated efforts that can happen through these efforts in the local communities. We should not stop here, however, and we should take hopefully this bipartisan spirit and really work together, really making sure that treatment and prevention are resources that are going to be available in abundance at a neighborhood level and community level and also inside our prison system which we seem so dedicated to as a society, we should also make sure that treatment is available and assistance is available there.

Mr. PORTMAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 3½ minutes.

Mr. PORTMAN. Mr. Speaker, we have heard a lot of shocking statistics today. Those alone should inspire us to act and pass this legislation today. But as a lot of Members have also reminded us, this is about people and it is about our kids. I would not be standing here today probably if not for a visit 3 years ago from a young woman in my district, Patty Gilbert, the mother of two, who came to me to say that her 16-year-old son had just died from a combination of huffing gasoline and smoking marijuana.

□ 1145

Mr. Speaker, she issued a challenge to me. She said, "I want to you to help us in our community." She said, "I don't want to hear more about this rhetoric from Washington. I want to know what you can do to help us locally."

Mr. Speaker, it took us a while, but we finally came up with this idea that these communities coalitions really were working around the country, and it is something that Members of Congress could get engaged in and help with.

My colleagues have heard from a few Members today, the gentleman from Kentucky [Mr. LEWIS] and others who have committee coalitions up and going, the gentleman from Michigan [Mr. LEVIN], and they are working. We have at least 43 Members of Congress who are now working on their own community coalitions.

This bill is the next step because it really does answer her question, it really does provide help in a meaningful way back in our communities. It does so by parent training. It does so by getting our businesses to have drug-free workplaces. It does so by involving our religious community. It does so by involving our schools. It is a neighborhood approach, it is a local approach, a community approach; we know it works.

This is something that Congress is doing, as we have seen this morning, in a bipartisan way to approach a very real problem, and again what, I think, is a very meaningful way.

I urge all my colleagues on both sides of the aisle to support the legislation today. Mr. Speaker, I thank my colleagues for all their help in putting this together.

Mr. HAMILTON. Mr. Speaker, I rise in strong support of H.R. 956, a bill I am pleased to cosponsor with my neighbor from Ohio, Representative PORTMAN. I commend Representative PORTMAN and the other members of the drug policy working group for their efforts in this area.

H.R. 956 is an important step forward in our efforts to help the people who can do the most to stop illegal drug abuse. This bill would provide assistance to local community drug coalitions that have demonstrated a commitment to fighting drug abuse.

I have spent a good bit of time in the last few months visiting with community leaders in southern Indiana who are active in fighting drug abuse. School counselors, PTA's, student groups, law enforcement officers, clergy, prosecutors, health care workers, businesses, and nonprofits are doing remarkable things to reduce drug abuse in their communities. They deserve our support.

I am often struck by how little the debate in Congress focuses on what actually works to discourage drug use. Almost everyone agrees that the Government needs to interdict drug smugglers, eradicate drug-producing crops, convict drug dealers, and help people break the cycle of drug addiction. We fall short, however, in taking personal responsibility for discouraging young people from using drugs. Parents, teachers, community leaders—and our young people themselves—need to take a more active role in fighting drug use. I have made a personal commitment to do more to keep young people off of drugs, and I encourage my colleagues to do the same.

I am pleased that H.R. 956 offers more resources to the people on the front line of anti-drug efforts. Former First Lady Barbara Bush used to say that what happens in your house is more important than what happens in the White House. She was right on target: The solution to the drug problem begins at home. Data suggest that if parents would simply talk to their children regularly about the dangers of substance abuse, use among youth could be expected to decline by as much as 30 percent. We must do all we can to help parents, teachers, clergy, and community leaders begin those conversations.

The drug problem comes down to this: Personal responsibility. Not just for those who abuse drugs, but for every community member. We must each take it upon ourselves to do a little more to fight drugs. I am making fighting youth drug use a top personal priority in southern Indiana. We can have an impact if a few more of us wear red drug-free ribbons, if a few more parents ask their children about drugs at the dinner table, if a few more businesses sponsor a youth drug-free program. If each of us insists on more responsibility—and sets a personal example by not using drugs and discouraging others not to use them—we may be able to keep our young people and our communities safe from the scourge of drugs.

I urge my colleagues to give this bill—and this issue—their strong and sustained support.

Mr. PORTMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The question is on the motion offered by the gentleman from Ohio [Mr. PORTMAN] that the House suspend the rules and pass the bill, H.R. 956, as amended.

The question was taken.

Mr. PORTMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 956.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO ADJOURN

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts [Mr. MOAKLEY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 80, nays 339, not voting 15, as follows:

[Roll No. 152]

YEAS—80

Ackerman
Allen
Bishop
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clay
Clyburn
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Fattah
Filner
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jefferson
John
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Klink
Lampson
Lantos
Lewis (GA)
Maloney (CT)
Maloney (NY)
Manton
Markey
McCarthy (NY)
McDermott
McGovern
McNulty
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Nadler
Neal
Owens
Pallone
Pascrell
Payne
Quinn
Rangel
Roybal-Allard
Sanders
Slaughter
Stabenow
Stenholm
Stokes
Tierney
Towns
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Yates

NAYS—339

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo

Lofgren
Lowey
Lucas
Luther
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McDade
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Andrews
Becerra
Cannon
Deutsch
Hefner
Hunter
Istook
McCrery
McHugh
Pelosi
Schiff
Snowbarger
Thompson
Torres
White

☐ 1208

Messrs. HOEKSTRA, VENTO, LEVIN, McINTOSH, WATTS of Oklahoma, BLAGOJEVICH, and LATHAM, Ms. ESHOO, Mrs. NORTHUP, Ms. RIVERS, Ms. SANCHEZ, and Mrs. LOWEY changed their vote from "yea" to "nay."

Messrs. QUINN, FRANK of Massachusetts, and JOHN changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, I would like to engage my dear friend, the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, in a little dialogue so that the House, or at least I, will know where we are at the present time.

As the Speaker knows, we do not have any papers concerning the budget or the supplemental budget in front of us, so I would like to ask my dear friend from New York when we can expect to see something on the budget resolution, and when we can expect to see something from the conference on the supplemental.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as we all know, there are two pending pieces of legislation that are holding up the recess of this body to go home over the Memorial Day weekend, which is a very, very important weekend to all Americans. Those two pieces of legislation are the supplemental appropriation bill and the budget resolution.

The supplemental appropriation bill is presently tied up with several contentious substantive issues, legislative issues and some policy issues. I am informed that that may or may not be finished today, and if it is not, it would be put off until a day or two after we return on June 2 or 3.

The issue that is really holding us here is the budget resolution. As most of my colleagues may know, the Senate failed to meet into the night last night; therefore, when they go back into session today, they have 13 hours remaining of debate time. As my colleagues know about the other body, they tend to pontificate and use all of that time.

So there are several alternatives, and right now there was a meeting going on between the leadership of both bodies until the gentleman from Massachusetts [Mr. MOAKLEY] called for this procedural motion to adjourn. That broke up that meeting. Now they are going back into that meeting and hopefully, in about an hour or two, we will have better direction for the body.

Mr. MOAKLEY. Mr. Speaker, I hear strong rumors that there might be some changes on the short-term supplemental bill. Does the gentleman have any information on that situation?

Mr. SOLOMON. Mr. Speaker, on the short term?

Mr. MOAKLEY. On the supplemental bill. I understand that there might be some changes on the supplemental bill.

Mr. SOLOMON. Mr. Speaker, if the gentleman would further yield, the supplemental bill is not what is holding up the recess period. The supplemental bill, hopefully we can get it worked out, and as the gentleman knows, in the rule that we will be taking up in a few minutes, it is going to allow us to bring that supplemental to the floor should there be a final agreement. But that is not the issue that is really holding up the body. The budget resolution is the issue that must be resolved today.

Mr. MOAKLEY. Mr. Speaker, as the gentleman knows, that causes us a problem on this side. They are about to work on two bills, the supplemental bill and the budget bill, and we have neither, we have paper on neither one of them.

Last night we gave our permission for two-thirds to bring it to the floor today so we can expedite it. We cannot expedite it to the degree that we are going to vote on it without seeing it. So all I am wondering is when we can expect to see the paper.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, let us just make it clear to the Members here and the Members back in their offices, this rule does not approve any bill at all. This simply allows us, if we successfully pass this two-thirds rule now, within the next 45 minutes, it would allow us then, at some later time today, to bring another rule and whatever bill to the floor. That is the time when my colleagues might want to be concerned.

Right now, all this is doing, and the reason why we would debate it now, is to save the Members an extra hour later on this evening at 4, 5, 6, 7 or 8 o'clock. If Members have planes that are leaving at 3 o'clock or 4 o'clock or 5 o'clock, this is going to move up the whole debate by 1 hour, and it would be my advice to the gentleman to let us go ahead and have this debate, discuss what is going to be happening and get this 1 hour out of the way, so that Members can go home to their obligations they have home in their districts later on today, hopefully.

☐ 1215

Mr. MOAKLEY. Mr. Speaker, as the chairman knows, we offered to postpone or to limit debate, if the gentleman wants to postpone it until a later time, so we are not trying to run the clock out. But I feel that our side has to know what is in those bills, even at this juncture, to go ahead.

Mr. SOLOMON. Mr. Speaker, there are a number of alternatives on the budget resolution itself. We could wait out the Senate the 10, 12, 14 hours. That is one alternative. We could come back with a rule that would deem us agreeing with the Senate amendment, which has nothing to do with numbers, which has nothing to do with policy, but minuscule differences. We could do that. That is an alternative. Or we could just leave town, and the chairman of the budget committees could notify the authorizers and the appropriators, their staffs, to go ahead next week while we are out of town and proceed, based on those numbers.

Those are really the three alternatives we have before us on the budget.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I appreciate the gentleman yielding to me, Mr. Speaker. I would simply say, speaking on behalf of the majority on the Committee on Appropriations, I think there has been a joint, bipartisan effort in this body to get an agreement on the disaster relief supplemental. However, it has not been possible to finalize our negotiations with the other body and reach an agreement on the overall conference. Therefore, we have not been able to report back to the House floor with a final conference report.

It appears entirely unlikely that is going to happen before we adjourn today for business, which means that, frankly, while there is plenty of money in the pipeline in most accounts for the victims of the various disasters, it is not at all certain that money will be sufficient as we get into the month of June, and let alone July. So for that reason, it has been my objective to see if it is possible to come up with a stripped down version of the supplemental that would provide some moneys in some of the most needy accounts to submit to the House and to the Senate under unanimous consent.

Because of the lateness of the hour, frankly, it would not be possible to adhere to traditional rules, to go through traditional procedures with such a bill. Also, any single Member can stop the bill in its tracks, and therefore, deny the passage of an interim disaster relief bill.

But if it is the intent of the membership to go along with the stripped-down version, and we do not have the final version to present to the House just yet but we expect to within a matter of hours, if not minutes, I would expect that we could call up such a bill by unanimous consent. Any Member in this House or in the other body could stop it, but if by unanimous consent it seems that the membership of both houses agree, then we can have a bill to pass, and certainly alleviate any short-term problems that might arise in the coming weeks.

Mr. MOAKLEY. I thank the gentleman. I yield to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think this is a time for pity in the House. What is happening to this supplemental reminds me of what my favorite philosopher, Archie the cockroach, said once. He said, now and then, somebody is born who is so unlucky he runs into accidents that started out to happen to somebody else.

That is what is happening to this supplemental. Here we have a disaster supplemental which we have all wanted to get to the President before Memorial Day, so there is no doubt in anybody's mind that we can get the assistance that is needed out in the field, and yet we are being held up by the fact that the other body is still droning on on almost a continuous basis on the budget resolution.

The supplemental itself is being bogged down by dragging in a large number of extraneous issues, not the least of which would be the permanent CR dispute plus another large issue about Alaskan roads. There are some other issues as well which are still holding up that supplemental.

Mr. Speaker, we have had around here a lot of devices in the past. We have had continuing resolutions. It looks to me like before the week is up we may need a continuing resolution for a continuing resolution, and on this one it looks to me like we are going to have to invent a new device, which is a continuing supplemental. So go the perils of Pauline, I guess.

I find this very regrettable. I hope that the House will be able to find some way out of it by the time the day is over. There is no reason why this supplemental should be held up because of extraneous causes.

I am confused about why this specific resolution is before us at this time, however, because certainly I share the view of the gentleman from Louisiana, the chairman of the committee, that it is highly unlikely that there will even be a supplemental vehicle that will ride along after this rule. So if we are interested in resolving the problem, I think we are going to need a lot of other action, including a speed-up of the Senate schedule, which I fully do not expect to see.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, let me just say that the gentleman from Massachusetts [Mr. MOAKLEY] and I had discussed, we had originally expected to bring a rule to the floor dealing only with the budget. However, because of great concerns, some of which the gentleman from Wisconsin [Mr. OBEY] has just stated, it was thought we would just add the supplemental to it as well.

Having said this, we are far past our minute. We need to get on with the work of the day. I would suggest that the gentleman has used more than his minute. Let us get on with the rule before us.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman.

WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 155 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 155

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported before May 23, 1997, providing for consideration or disposition of any of the following measures:

(1) A concurrent resolution on the budget, an amendment thereto, a conference report thereon, or an amendment reported in disagreement from a conference thereon.

(2) The bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, an amendment thereto, a conference report thereon, or an amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Florida [Mr. GOSS] is recognized for one hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, this rule is very straightforward and simple. As has actually just been discussed in the extended 1-minute we just had, it waves clause 4(b) of rule XI, which requires a two-thirds vote to consider a rule on the same day it is reported. That is all it does.

In this case the exemption is very narrow, as it applies to two specific measures, the fiscal year 1998 budget resolution conference report and the emergency supplemental bill, as we just heard in the colloquy between the gentleman from Massachusetts and the gentleman from New York.

In an effort to avoid postponement of the Memorial Day work period restriction, when many Members obviously have important things to do back in their districts, this rule will allow for expedited consideration of these two important items. That is the purpose of the rule, and nothing more sinister than that.

Negotiations over several extraneous items in the emergency bill have, unfortunately, delayed timely release of these funds, and I remain hopeful, if not optimistic, that we will be able to get this bill to the President's desk before the weekend. I think we all share that.

I understand that the budget agreement had been strained in the other body by the proposed addition of a brand new Federal entitlement program paid for in tax increases. I hope that the irony of our balanced budget agreement being held hostage by unlimited spending and higher taxes will not be lost on most American people.

But that is where we are, as we just hear in the extended 1-minute colloquy. In order to be able to move these critical items in a timely fashion, the House needs the targeted authority covered in this resolution, again, the targeted limited authority. We frankly need to be prepared to go forward as expeditiously as possible when that is possible.

It is an ounce of prevention we are taking at this point. I think it is the responsible thing to do under the important and somewhat extraordinary circumstances we find ourselves in on the threshold of Memorial Day.

Mr. Speaker, I urge adoption of the resolution and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to oppose this two-thirds rule. Today's rule will allow my Republican colleagues to rush two very important bills to the House floor. I believe we should do everything in our power to make sure the Midwestern flood relief gets out of Washington and into the hands of the people who need it the most as soon as possible.

I also believe that this House should have completed its work on the budget over a month ago, when it was actually due. But since no one has even laid eyes on the final version of the two bills under question, I just cannot lend my support to a rule rushing their consideration because I am not sure what else is in those bills. They do not exist, Mr. Speaker. I am not sure what has been put into these bills, particularly given the unabashedly partisan provisions that were added to the supplemental appropriations bill, provisions that all but ensure its doom.

Mr. Speaker, I want to make something perfectly clear. There is no problem, no problem at all, with the flood relief money for North Dakota. There is no problem, no problem at all, with the money for our troops in Bosnia. There is no problem with any of the emergency money in this bill, so why did it take so long to get this bill out of conference? Why did we have to do this rule today, waiving the two-thirds requirement for the same day consideration of the rule?

Because, Mr. Speaker, Republican colleagues insist on holding the Midwest flood money hostage in order to make a political point. Despite the complete devastation of towns like Red Forks, ND, my Republican colleagues still refuse to do what they should do, let this emergency relief go forward.

Even though the flooding is over and the fires are put out, Mr. Speaker, hundreds of people are still without their homes, without their belongings, without their businesses. These are the people, Mr. Speaker, that are waiting for our help. We should give it to them. We should give it to them as soon as possible. We should not attach political blackmail to a bill this urgent and a bill with this much support.

Weeks ago President Clinton warned that he would veto a bill with automatic continuing resolution because he believes, and I agree, that my Republican colleagues should fulfill their constitutionally mandated responsibilities to pass the appropriation bills by October 1, and not close down the Government for silly political gains.

But they have attached the automatic continuing resolution anyway. Today they want to bring it to the House floor without giving Members enough time to find out exactly what is in it that they are voting on. But my Republican colleagues want to get out of Washington for the Memorial Day recess, and they will not drop this political blackmail.

For my Republican colleagues to consider going away for Memorial Day when these people are waiting for their flood relief money, which absolutely nobody opposes, is disgraceful.

Mr. Speaker, simply and plainly, the people in North Dakota need our help. They do not need anymore political gains, they need our help. I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume. I would again remind our colleagues that this is a rule to keep our options open.

It does nothing except change the two-thirds vote requirement, and any further measure that would have to come forward would have to be covered by another rule which, of course, the distinguished gentleman from the Commonwealth of Massachusetts, as the ranking member of the Committee on Rules, would have significant input in the shaping in order that we could get the best possible job done.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], distinguished chairman of the Committee on Rules, who can expand further on this rule we are discussing today.

Mr. SOLOMON. Mr. Speaker, I had not even intended to speak, but I was moved by the ranking minority member of the Committee on Rules, the former chairman of that committee, whose place I took. And I must say, I learned an awful lot from him over the preceding decade when he was the chairman, but he talks about this continuing resolution and how the President has vowed to veto the continuing resolution.

Well, just briefly we ought to discuss what is a continuing resolution. Let us digress for a minute. If Members recall, a couple years ago, when the Republicans and Democrats could not get together, they could not come to an agreement. Consequently, various departments of Government were not funded when the fiscal year began on September 30. And when that happens, if the Congress has not authorized and appropriated the money for the operation of these departments, those departments shut down.

That is what happened, and it was a great inconvenience to many Americans. Many of them, if they were waiting for passports to be expedited, they could not get them. If they have reservations on airways and boats, many of them, because they did not have their passports, they lost their tickets. They could not get refunds. That was just one area.

In the IRS, many people were waiting for refunds from the Government and they did not get them on time. If they were visiting Washington, the Washington Monument or if they were going into the various State parks, one of them is like the Franklin Delano Roosevelt Park and the Vanderbilt mansion up in Hyde Park, NY, they could not operate. People were hurting; the areas were hurt in tourism. And so we decided right then and there, we ought to do something about that.

If we cannot get together, then we ought to make some provision to keep the Government operating, if we and the President cannot come to an agreement.

Well, that is exactly what this debate is all about. Sometime between now and September 30, we will have to act on the appropriation bills that fund the various 13 departments of Government across this country.

And should one or two of those not be agreed to, then this continuing resolution would continue to keep those departments operating, keep those very, very good Federal workers at their jobs getting their paychecks each month until the Congress could come to an agreement. That is what this debate is all about.

Now, if the President wants to veto this bill simply because it has this continuing resolution, then let the President be responsible to the American people and to these Federal workers for having shut down the Government. I do not think he should do that.

And, second, I really think he is bluffing. I do not think he will veto this bill for that reason. That, to me, would be a disgrace.

So, having said that, let us get on with this resolution. Let us pass it. We are prepared to yield back our time, if the gentleman is, and get on with the day's business.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume to say that I am a little puzzled. We just went from a hard-fought battle on adjournment, at the gentleman's request over there, which we beat back.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I told the gentleman from Florida that the gentleman from Massachusetts [Mr. MOAKLEY], sitting over there, looks like Santa Claus and not the Grinch that stole Christmas. I still think he is Santa Claus.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts, who could be misidentified as Santa Claus.

Mr. MOAKLEY. Mr. Speaker, I am very happy to be compared with Santa Claus. I hope the gentleman is not referring to my girth.

I think that the gentleman from Florida and the gentleman from New York and myself have adequately described this, and, thus, I have yielded back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DRUG-FREE COMMUNITIES ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 956, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. PORTMAN] that the House suspend the rules and pass the bill, H.R. 956, as amended, on which the yeas and nays are ordered.

Without objection, a vote on the Journal, if called, will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 13, as follows:

[Roll No. 153]

YEAS—420

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—13

Allen
Andrews
Burton
Cannon
Deutsch
Istook
Largent
McHugh
Norwood
Oxley
Schiff
Snowbarger
Thompson

□ 1257

Mr. GREENWOOD changed his vote from "nay" to "yea".

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was inadvertently detained on rollcall No. 153. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Speaker, on rollcall No. 153, the Drug Free Community Act, I was unavoidably detained downtown. Had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore [Mr. TAYLOR of North Carolina]. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings..

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PORTMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 65, not voting 17, as follows:

[Roll No. 154]

AYES—352

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Flake
Foley
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Owens
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—65

Abercrombie
Becerra
Bonior
Borski
Brown (CA)
Brown (OH)
Clay
Clyburn
Costello
DeFazio
DeLauro
English
Ensign
Farr
Fattah
Fazio
Filner
Foglietta
Forbes
Furse
Gejdenson
Gephardt
Gibbons
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Hulshof
Johnson (WI)
Johnson, E. B.
Kennedy (RI)
Kucinich
Lewis (GA)
LoBiondo
McDermott
McNulty
Menendez
Miller (CA)
Oberstar
Olver
Pallone
Pascrell
Pickett
Pombo
Poshard
Ramstad
Redmond
Rodriguez
Sabo
Sessions
Stabenow
Stark
Strickland
Stupak
Taylor (MS)
Wamp
Watt (NC)
Watts (OK)
Weller
Wicker

NOT VOTING—17

Andrews
Cannon
Cooksey
Deal
Deutsch
Ford
Istook
Largent
Luther
McHugh
Morella
Oxley
Pelosi
Schiff
Slaughter
Snowbarger
Thompson

☐ 1307

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House Chamber for two votes today. Had I been present, I would have voted "yea" to approve the Journal and "yea" on H.R. 956, of which I am cosponsor.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TAYLOR of North Carolina) at 6 o'clock and 38 minutes p.m.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to address the House for the purpose of making an announcement regarding the schedule for our Members.

Mr. Speaker, it is with a deep sense of apology that I inform the Members at this time that we will be unable to do any further work this evening on the legislative business before the House that so many of our Members have been so anxious about and that all had had such high hopes that we might be able to work further on tonight.

Circumstances between ourselves and the other body have made it impossible for us to do that work, in particular to further work on the budget or the supplemental appropriations bill. That work cannot be concluded tonight. Indeed, it will not be work we can resume again until after the recess period.

I would like to inform the Members that I do not anticipate any further votes this evening, any further work before the body, and that Members should be advised that they are free to return to their districts for the district work period.

Again, I would like to apologize to the Members, many of whom suffered some terrible inconvenience, and some of whom have suffered some bitter disappointment about this announcement, and I can only wish them Godspeed on their journey to their districts and for the best, most productive, and happy work period possible.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I have appreciated the time and attention that the majority leader has spent looking at the consequences of the natural disasters experienced in our region, the people of Grand Forks and East Grand Forks and Devils Lake, ND. The gentleman's statement represents a very great disappointment to me and to those I represent.

I think there was a reasonable expectation that Congress would respond to this disaster and do so in a timely manner. The outside dimension of that timely response, I think, was before we certainly left for the Memorial Day recess, and now the gentleman indicates that that would not be the case.

Just when would the gentleman estimate that the relief so desperately needed would finally be accomplished?

Mr. ARMEY. Reclaiming my time, I thank the gentleman for his inquiry. And, Mr. Speaker, responding to the gentleman from North Dakota may be one of the most difficult things I will do this year.

The gentleman from North Dakota has worked hard on this issue of this supplemental relief bill for his State.

He has worked hard in the State, has expressed much concern to myself and other Members in the body. Indeed, I had the privilege of returning to the gentleman's State, my home State, at his invitation, to see for myself the devastation that has been inflicted in the area where, in fact, I attended graduate school. And I understand, I think, the degree to which the gentleman from North Dakota must be severely disappointed.

I can give the gentleman from North Dakota my assurance that the appropriators working on this bill are not walking away from their work. They are going to continue with their interest in this regard and will be bringing this up as soon as possible as soon as we return and the House reconvenes.

The gentleman from North Dakota, the respect with which he is held by the other Members of this body, will continue to be appreciated among those appropriators, and I can tell the gentleman that it is my great expectation and my full intent to complete this as quickly as possible upon our return.

I might also remind the gentleman from North Dakota that there are, in fact, continued relief efforts that will continue during this period of time for the State, and nobody from this body nor the administration, I believe, intends to leave the good people from the gentleman's home State in any kind of a state of disaster.

Mr. THUNE. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I want to thank the majority leader. I too have to say that I am extremely disappointed that this institution has failed to act on something that is so important to so many people in this country.

I think it is a tragic, tragic and a huge mistake for us, actually, to leave without having resolved the issue of what we are going to do to complete the process of getting assistance to the people of the Dakotas, Minnesota, and other States around this country who have suffered enormous costs and personal heartbreak from these disasters that we have had in the past few months.

If I thought that I could prevail on a motion to block this House from adjourning, I would do that. In deference to many of my friends here who are anxious to get going, I will not do that. But I will say that I believe that we have made a huge mistake in putting politics and process in front of people.

I think that the real victims and the real losers in this are the people of our States, and I would hope that we will not delay any further when we return in getting this situation resolved.

Mr. ARMEY. Reclaiming my time, and if the gentlemen would please be patient, I wish to respond to the gentleman from South Dakota.

The gentleman from South Dakota has also worked hard on this bill, in fact, has introduced and won many innovations that will be very useful for the people in actually all three of the States that are so severely impacted by this.

I want to recognize again, as I did in the case of the gentleman from North Dakota, the good work and the dedication of the gentleman from South Dakota. Again, I would like to extend personally between himself and myself my apologies to the gentleman from South Dakota.

I understand that it would be within the gentleman's prerogative to call for a recorded vote. I understand how he must have every impulse of his being driving him in that direction. But I think the gentleman's assessment of the extent to which that would be consequentially in his favor is correct, and I, on behalf of so many of our colleagues that would be unnecessarily inconvenienced by his doing so, want to appreciate that as well.

I know the gentleman from North Dakota has these very, very same strong feelings, and I must say the gentleman from North Dakota has expressed them to me in what I would have to say was strong, congenial yet somewhat colorful language, and that is appropriate.

□ 1845

It is appropriate that my colleagues should all fight for their States and their districts with the fervor that has been demonstrated here. And again, I thank the gentleman from South Dakota [Mr. THUNE].

I know, having raised the point of the gentleman from North Dakota [Mr. POMEROY], he wishes to make a point.

Mr. POMEROY. I make one final point. The outpouring of support the people I represent have seen from across the country in response to the disaster that has hit us so brutally hard has been overwhelming. I think the American people truly had a right to expect that their governing body, the Congress of the United States, in a timely fashion would also commit the resources to help get our area back on its feet.

I am going to ask the Members to resist the motion, to vote "no" on adjournment. We have no business leaving town with the disaster supplemental in a point of incomplete status. We have got to finish this up. The people we represent deserve no less.

Mr. ARMEY. I thank the gentleman from North Dakota [Mr. POMEROY] again for his comments and his conviction and his commitment to his State. It is certainly well noted and appreciated by myself.

I can only say that the people of this country, through their legislative bodies, this body and the other body, will in fact, as soon as the difficulties are resolved, have this problem done. The gentleman's work will continue. I understand the work of the gentleman from South Dakota [Mr. THUNE] will continue. And it will be completed.

I think, in all due respect, the gentleman from California [Mr. FAZIO] would understand that I would most logically yield to the gentleman from Minnesota [Mr. PETERSON], who has such tremendous serious affliction in his own State.

Mr. FAZIO of California. Certainly the gentleman has the right to yield to anyone he wants to at any time. I will remain on my feet.

Mr. ARMEY. The gentleman from Minnesota [Mr. PETERSON] I am sure would like to share some of his concerns with me.

Mr. PETERSON of Minnesota. I thank the gentleman from Texas [Mr. ARMEY] for yielding to me. I want to be brief. I want to associate myself with the remarks from the gentleman from North Dakota [Mr. POMEROY] and the gentleman from South Dakota [Mr. THUNE].

I just wanted to relay, I just got off the phone with the mayor and city leaders of East Grand Forks, which was entirely under water, and they are in the process of trying to figure out what to do. They are under tremendous pressure from the homeowners that want to be moved. They want answers today about what they are going to do. Are they going to have their houses bought out? Are they going to be able to buy another house? And this is a real frustration for them, not having these answers and possibly us going home tonight without having passed a bill.

If I could just make a suggestion. It appears, from everything I can tell, that the $500 million for CDBG money is in both bills and that is pretty much a given. What really is a bigger problem, and maybe those of you that are working on this, if we can come to some specifics of how we are going to put the CDBG money out to the States so we can start the process, so that when this does get done in 2 weeks we will be ready to hit the ground running, that will help us a lot.

So if there is some way that that part of it could get resolved so we could tell our people this is how it is going to work, so we could talk to our Governor and other folks and set up a process so that when this does happen, we will be ready to go. That will be very helpful if we are not able to move on this this evening.

Mr. ARMEY. Again, if I may, the gentleman from California [Mr. FAZIO] is very patient. The appropriators that have been working in this conference I am sure have dealt with that and many other issues. And I will ask the staff to digest that and get that information, if it is available, to the gentleman as quickly as possible.

And now I believe if the gentleman from North Dakota and the gentleman from South Dakota have no further points, I would be happy to yield to the gentleman from California [Mr. FAZIO], who has been so gracious in deferring to those two colleagues.

Mr. FAZIO of California. Thank you, Mr. Leader. I am striving to be polite, but I am not patient. I am frustrated, as I think most Members of the 33 States that have been affected by disasters are. I appreciate the tremendous work done by the two Representatives from the Dakotas, and I know we all appreciate your returning to your family home and the efforts that have been made in the more immediate Grand Forks crisis. But there are a number of States, Ohio and Kentucky, the Pacific Northwest, California. The district that I represent and several around it, were impacted with $2 billion in losses.

I would like to hear from the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the committee, why we cannot pass what he described in our debate earlier today as a short-term, temporary, partial distribution of flood-related funds. It seemed to me a proper compromise. We were not removing your ability to deal with the Gekas amendment on an automatic continuing resolution. We were not rolling Senator STEPHENS and his concerns about roads on Federal lands. We did not provide all the money. That was still before the House on our return.

But at least we could say, as we went home for this 10-day break, that we have gotten part of the money, the core money, the FEMA money, whatever it may be, that needs to be provided. I would love to hear the gentleman from Louisiana [Mr. LIVINGSTON] say why his very worthy compromise proposal is not before us for unanimous consent, and I would hope that the leader would allow him to speak.

Mr. ARMEY. It is my time. And of course, I see the gentleman from Louisiana [Mr. LIVINGSTON], the very distinguished chairman of the Committee on Appropriations, has risen, I assume to seek recognition or time from the gentleman from Texas.

Mr. LIVINGSTON. If the gentleman would yield, I would be happy to respond to the gentleman from California.

The fact is that, as the gentleman who is a member of the Committee on Appropriations knows, that we reported this bill out on April 24. The Senate has considered their bill and reported it out, as well; and for the last several days, we have attempted to reach a resolution working out the differences between the House-passed bill and the Senate-passed bill. We met all day the day before yesterday. We met all day yesterday. And we were unable to come to a resolution of the differences in the bill.

I would have hoped that we might have taken it up earlier, but that proved not possible. It was my intent to extract a portion of that bill today and pass it with unanimous consent. But, as I pointed out on the floor earlier today, that would have required unanimous consent of the House and of the Senate; and it now appears that because of the lateness of the hour that unanimous consent was not possible. I regret that.

I want to tell the gentleman, I sincerely regret that. I believe that it is important for this House to make a statement and to tell the people that have been devastated by the flood damage in the some 35 States that have been afflicted across the country with flood damage or tornadoes or whatever happened, however they qualified, that they are going to be assisted by the Federal Government.

I am told that there is enough money in the pipeline and that the Federal agencies that are required to respond to their devastation will be available to respond and will have the sufficient resources to respond over the next couple of weeks, so that we can return to Congress and readdress this and get the bill out.

I hope that is true. But quite frankly, in my opinion, it would have been better had we addressed this issue earlier and gotten it confronted and signed by the President. It proved impossible to do that, and so we are at an impasse.

All I can do is say that I will extend my best efforts to make sure that the bill is readdressed as soon as we come back. We will have our staffs working on this bill as we adjourn or are on recess, and we hope to have a bill on the floor as quickly as possible when we return.

Mr. FAZIO of California. If the leader would just yield to me for one additional comment, and I will yield back to the chairman, I would urge him to offer that unanimous-consent request; and if the Senate will not deal with it, let the burden fall on their shoulders.

I do not think there is a Member on this floor of either party who would object to the proposal the gentleman outlined earlier today on the floor. We know we need to move forward. We know we cannot get it all done. It was a compromise, and we ought to agree to it. If the gentleman would place that unanimous-consent request, let the Senate decide whether it will take it up or not.

Mr. OBEY. Would the distinguished majority leader yield?

Mr. ARMEY. I thank the gentleman from California [Mr. FAZIO] for his very helpful comments.

I might yield now to the gentleman from Wisconsin [Mr. OBEY], who also has been very patient.

Mr. OBEY. Let me simply make a point and ask a question. As the chairman of the Committee on Appropriations just indicated, we have been working very hard over the last 2 days in conference to try to get a bill that this House can vote on before we adjourn.

I had been under the impression that the motion just described by the gentleman from California [Mr. FAZIO] was indeed a very real-life option today, so that we could at least deliver small amounts of funds needed to assure that there are no irregularities or problems associated with any of these relief programs.

I, for the life of me, do not understand why that motion is not before us now. And I want to stipulate that the chairman of the Committee on Appropriations has conducted himself at all times in an absolutely straightforward manner. He has dealt with this in as nonpolitical fashion as possible, given the circumstances.

But I honestly feel, as a member of some experience on the Committee on Appropriations, that once again the regular appropriations process has been victimized by bringing into a bill designed to provide immediate emergency relief, a series of other unrelated items, which represent simply portions of other people's political agendas, people who are not on the Committee on Appropriations.

Two years ago, this Congress got into a very big amount of trouble because all kind of extraneous material were dragged into appropriation items, and the result was chaos and the Government shut down. Today it seems to me that we are causing Government chaos by accident rather than intent because of the insistence that a number of these other political issues be dragged into the appropriations process.

I think it is outrageous that we do not have an opportunity to offer that motion tonight. And I do not know, for the life of me, why we should not have a vote on adjournment under these circumstances.

Mr. ARMEY. I thank the gentleman from Wisconsin [Mr. OBEY] for his helpful comments again. Let me just say, first of all, that the supplemental appropriations bill touches many people. Perhaps it touches no heart as deeply as it touches the heart of those whose heart breaks for the horrible devastation that is so immediate in the lives of the residents of North and South Dakota and Minnesota. But it touches many people, it touches many issues.

The innovation that the gentleman from Louisiana [Mr. LIVINGSTON] came up with today was in fact a good innovation, and it is to his credit that he was responsive enough to these concerns to come up with this idea. The parliamentary procedures under which we operate would give an opportunity for any number of different Members to effect an objection to that. And I think the gentleman from Louisiana quite rightly recognizes the reality of that situation and has determined that it is not in his best interest to again make that effort.

I must say one thing, though, and I say this on behalf of all of the Members of Congress and all of their respective constituencies. The supposition that the supplemental bill, or any appropriations for that matter, any appropriations bill, or, for that matter, any bill within the jurisdiction of any other committee is the property of that committee and that committee alone is a supposition of course that is errant and could only provoke mischief.

The appropriators do a wonderful job, and they are to be appreciated and to be congratulated. But in truth of fact, the bill belongs to the entire body and all of their respective constituents and they all have a right to be involved in the bill.

Mr. OBEY. Would the gentleman yield for a question?

Mr. ARMEY. I would be happy to yield to the gentleman for one final short question.

Mr. OBEY. Could the gentleman tell me who was it that was expected to object to such a proposition?

Mr. ARMEY. Reclaiming my time before I yield to the gentleman from Iowa, there were and are any number of different Members who might do so, and the gentleman from Texas is not prepared to reveal any of those names.

□ 1900

Mr. BOSWELL. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Iowa.

Mr. BOSWELL. I thank the honorable leader for yielding. I appreciate that very much.

First of all, I like the tone of what the gentleman is trying to share with us. I know the gentleman has had a difficult day. I personally am willing to stay here until the cows come home if we can deal with this tonight, tomorrow or whatever.

In 1993 we had a similar situation. We came to you folks for help and you helped. I greatly appreciate it, but it kind of looks to me like I can see where this is going. I think as I have walked around these halls the last several days that there is a toll-free number in Grand Forks that our friend from Grand Forks established, which I think is 1–888–74–FLOOD, is what I understand, where people if they are tuned into this, they can call there and offer their assistance. I would guess it would be greatly appreciated. I just wanted to make that remark to all of us. If we have folks out there who would like to help, let us let them help. But if it takes us staying here to get the job done, count me in.

Mr. ARMEY. I thank the gentleman from Iowa. Again I think the gentleman reflects the kind of compassionate concern that all the Members of this body have for that, as they couple that with interest and concerns that they may have for other related matters.

Mr. POMEROY. If the gentleman will yield further, this will be my final point in this discussion, Mr. Leader.

Let me again say I appreciate the gentleman's personal time and attention, the personal time and attention of all, majority, minority alike, that have focused on our problem and worked in the appropriations process to get some relief. But the bottom line is this: If this Congress goes home without doing something to provide flood relief to those who need it, this Congress will have failed. I urge a no vote on the motion to adjourn.

Mr. ARMEY. Mr. Speaker, I yield further to the gentleman from South Dakota who is seeking recognition.

Mr. THUNE. I thank the gentleman for yielding.

Mr. Speaker, I would like to, because I think it has been mentioned here from the chairman of the Committee on Appropriations, if there is some opportunity that we could get something done under a unanimous-consent request here this evening, I think it would behoove us to try and accomplish that and try and resolve that. I for one would be interested in hearing from the chairman as to what that might be.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Maryland, and, Mr. Speaker, I am prepared to make a motion before the House after the gentleman from Maryland's comment.

Mr. HOYER. I thank the leader for yielding. Like the gentleman from Iowa, I appreciate the tone of this discussion.

The gentleman from North Dakota [Mr. POMEROY], all of our good friends, one of our newest Members and others who represent immediately the areas, obviously the gentleman from North Dakota [Mr. POMEROY], indicated the frustration, not so much the anger but the frustration that they are feeling, I am sure, that all of us can share, even those of us, like those of us in Maryland who thankfully are not immediately impacted, but we grieve for those who have been immediately impacted.

I rise for a number of reasons. First of all, I want to congratulate the gentleman from Louisiana [Mr. LIVINGSTON], my chairman, who, as he has said, has been working very hard to try to either resolve the supplemental as a whole or to take a portion of the supplemental and move that forward for immediate relief and to indicate that this Congress was going to act. I congratulate the chairman for his efforts and the gentleman from Wisconsin [Mr. OBEY], our ranking member, for his.

Mr. Leader, if I might, in the spirit of positive debate and constructive debate, I want to make an observation. It relates to the complaints that were made about "Christmas treeing" supplementals when the Democrats were in charge. There is a tremendous inclination, not by Democrats or Republicans but by all of us, to see a vehicle that is going to pass, going to pass because everybody in this Congress wants to help the flood victims, the victims of disaster, and we all see it, there really are no clean hands, as an opportunity to pass something that we otherwise might not be able to pass.

Let me suggest, Mr. Leader, constructively on the problems that this bill has. If I were the President of the United States, I would say, notwithstanding the compelling objective of aiding flood-ravaged victims around this country, there is still a willful——

Mr. ARMEY. Mr. Speaker, I choose to reclaim my time. The gentleman from Maryland is a very good speaker and he gives great political speeches, but quite frankly, we have a great many Members that will be only further inconvenienced by him making the political points he is about trying to make. If the gentleman can make his points so that we can get on with the business.

Mr. HOYER. I have a point that I think is worthwhile for the leader to consider. It is not a political criticism.

Mr. ARMEY. If the gentleman will make his point, I will continue to yield, but I have a sense of responsibility to my colleagues to move on now that we have, in my estimation, given people an opportunity to fully air their positions on this issue.

Mr. HOYER. Mr. Leader, my point is this, and I appreciate the gentleman for yielding. This is not an accusation of one side or the other. This is a history of practice that has occurred. But I say to the leader, the reason the President of the United States has said that he will not allow this bill to go forward if the CR is included, and I am one who voted to include the CR, as the leader knows. I was on his side of that vote. But the reason the President of the United States has said I will not sign this bill, because we know there is not the same kind of compulsion to pass appropriation bills consistent with the budget agreement that there is, Mr. Leader, for the empathy that we have for the flood victims.

Therefore, I say to the leader that we ought to consider passing a clean supplemental at some point in time, tonight, tomorrow, whenever we get back to it, Mr. Leader, so that we do not again revisit this anguish that we are now experiencing because of our inability to act. I would urge the leader that we do the unanimous consent that the gentleman from Louisiana [Mr. LIVINGSTON], the chairman, wanted to do. If we cannot do it, I will lament that, but I think we ought to consider doing a clean CR for the victims of this flood.

Mr. ARMEY. I thank the gentleman for his very helpful remarks.

Mr. Speaker, I want to thank again all of my colleagues on both sides of the aisle. I want to thank my colleagues, if I may, for the compassion, the concern and the interest that they have demonstrated for people across this country and the hard work that they have put into trying to produce a response. I want to thank my colleagues for their willingness to stay late tonight for the chance that perhaps we might have been able to finally and fully address this.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM THURSDAY, MAY 22, 1997, OR FRIDAY, MAY 23, 1997, TO TUESDAY, JUNE 3, 1997, AND RECESS OR ADJOURNMENT OF THE SENATE FROM THURSDAY, MAY 22, 1997, OR THEREAFTER, TO MONDAY, JUNE 2, 1997

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 87) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 87

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 22, 1997, or Friday, May 23, 1997, pursuant to a motion made by the Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, June 3, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, May 22, 1997, Friday, May 23, 1997, or Saturday, May 24, 1997, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, June 2, 1997, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FAZIO of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 67, noes 278, not voting 89, as follows:

[Roll No. 155]

AYES—67

Archer
Armey
Barr
Bartlett
Bass
Bilbray
Bliley
Bonilla
Brady
Burr
Burton
Buyer
Camp
Campbell
Coble
Collins
Combest
Cook
Crane
Crapo
Davis (VA)
Dickey
Ehrlich
English
Gekas
Gilchrest
Gillmor
Goodling
Graham
Hansen
Hastert
Hefley
Horn
Hostettler
Hunter
Inglis
Johnson, Sam
Kasich
Knollenberg
LaTourette
Linder
McInnis
McKeon
Miller (FL)
Molinari
Morella
Myrick
Neumann
Paxon
Peterson (PA)
Radanovich
Rogan
Rohrabacher
Royce
Sanford
Saxton
Schaefer, Dan
Sensenbrenner
Smith (OR)
Solomon
Souder
Stump
Talent
Thornberry
Tiahrt
Wolf
Young (AK)

NOES—278

Abercrombie
Aderholt
Allen
Bachus
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berry
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Callahan
Capps
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Costello
Cox
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Goodlatte
Goss
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Levin
Lewis (GA)
Lewis (KY)
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Roukema
Roybal-Allard
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thune
Thurman
Torres
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn

NOT VOTING—89

Ackerman
Andrews
Baesler
Baker
Ballenger
Barton
Berman
Bilirakis
Bonior
Boucher
Bunning
Calvert
Canady
Cannon
Cardin
Castle
Coburn
Conyers
Cooksey
Cunningham
Deal
DeLay
Deutsch
Diaz-Balart
Dooley
Duncan
Fattah
Flake
Foglietta
Foley
Fowler
Fox
Frelinghuysen
Gejdenson
Gordon
Granger
Green
Greenwood
Gutknecht
Hobson
Houghton
Istook
Jackson-Lee (TX)
John
Kaptur
Kilpatrick
King (NY)
Kingston
Kolbe
Largent
Lazio
Leach
Lewis (CA)
Lipinski
LoBiondo
Lucas
McCollum
McDade
McHugh
McIntosh
Metcalf
Mica
Oxley
Packard
Paul
Pickett
Quinn
Ros-Lehtinen
Rothman
Rush
Salmon
Schiff
Shadegg
Shuster
Skelton
Smith (TX)
Snowbarger
Stark
Taylor (NC)
Thompson
Tierney
Velázquez
Vento
Waxman
Weldon (PA)
Weller
Wexler
Yates
Young (FL)

☐ 1944

The Clerk announced the following pairs:

Mrs. KELLY, Mrs. LINDA SMITH of Washington, and Messrs. KIM, EHLERS, WATTS of Oklahoma, GANSKE, DOOLITTLE, RYUN, BONO, FRANKS of New Jersey, CHRISTENSEN, HULSHOF, HASTINGS of Washington, BOEHNER, BLUNT, LaHOOD, SUNUNU, GOSS, HILLEARY, REDMOND, PITTS, HYDE, FAWELL, ROGERS, MORAN of Kansas, STEARNS, BARRETT of Nebraska, BRYANT, UPTON, HAYWORTH, GOODLATTE, CHAMBLISS, GALLEGLY, BOEHLERT, JONES, HOEKSTRA, GILMAN, EWING, NORWOOD, WALSH, GIBBONS, and SESSIONS changed their vote from "aye" to "no."

Mr. GEKAS and Mrs. MORELLA changed their vote from "no" to "aye."

So the concurrent resolution was not agreed to.

The result of the vote was announced as above recorded.

RECESS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0002

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTERT) at 12 o'clock and 2 minutes a.m.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN CONGRESSIONAL RECORD OF TODAY

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extension of Remarks".

The SPEAKER pro tempore (Mr. HASTERT). Is there objection to the request of the gentleman from Colorado?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY JUNE 4, 1997

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 4, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING THE SPEAKER AND MAJORITY AND MINORITY LEADERS TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, June 3, 1997, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ADJOURNMENT TO TUESDAY, MAY 27, 1997

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, Friday, May 23, 1997, it stand adjourned to meet at 10 a.m. on Tuesday, May 27, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado.

There was no objection.

ADJOURNMENT FROM TUESDAY, MAY 27, 1997, TO FRIDAY, MAY 30, 1997

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 27, 1997, it stand adjourned to meet at 10 a.m. on Friday, May 30, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado.

There was no objection.

ADJOURNMENT FROM FRIDAY, MAY 30, 1997, TO TUESDAY, JUNE 3, 1997

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, May 30, 1997, it stand adjourned to meet at 12:30 p.m. on Tuesday, June 3, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I the Speaker signed the following enrolled bill during the recess today:

H.R. 1650, to authorize the President to award a Gold Medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

DESIGNATION OF HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 3, 1997

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 1997.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 3, 1997.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF JOINT ECONOMIC COMMITTEE

The Speaker pro tempore laid before the House the following resignation as a Member of the Joint Economic Committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC. May 22, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the Joint Economic Committee effective today, May 22, 1997.

Should I in the future petition to again serve on this committee, I ask that such a request be given due consideration.

Sincerely,

DONALD A. MANZULLO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee: Mr. EWING of Illinois.

There was no objection.

COMMUNICATION FROM DISTRICT STAFF DIRECTOR OF HON. RALPH REGULA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Daryl L. Revoldt, district staff director of Hon. RALPH REGULA, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that I have been served a subpoena issued by the Canton Municipal Court, Stark County, State of Ohio.

After consultations with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

DARYL L. REVOLDT,
District Staff Director.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 9, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on May 7, 1997 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 9, 1997.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2511, REDWOOD CITY HARBOR, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Redwood City Harbor, California, published as House Document 104, 81st Congress, 1st Session, and any other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of navigation improvements and related purposes at Redwood City Harbor, California, with particular reference to providing increased depths to accommodate new, larger vessels that now call on the port.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 9, 1997.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2512, BLACK WARRIOR-TOMBIGBEE WATERWAY, ALABAMA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the reports on the Warrior and Tombigbee Rivers, Alabama, contained in House Document Number 99–198, 99th Congress, 2nd Session and House Document Number 276, 76th Congress, 1st Session and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at this time in the interest of commercial navigation, including an evaluation of additional navigational improvements in the Mobile and Tombigbee Rivers below Demopolis.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 9, 1997.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2513, LOWER EASTERN SHORE, MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Chesapeake Bay, Maryland and Virginia, published as House Document 176, 88th Congress, 1st Session, and other pertinent reports with a view to conducting a watershed management study, in cooperation with other Federal agencies, the State of Maryland, its political subdivisions and agencies and instrumentalities thereof, of water resources improvements in the interest of navigation, flood control, hurricane protection, erosion control, environmental restoration, wetlands protection and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2514, COSUMNES AND MOKELUMNE RIVERS, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Sacramento-San Joaquin Basin Streams, California, published as House Document 367, 81st Congress, 1st Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable at the present time, with specific reference to the Cosumnes and Mokelumne Rivers, California, in the interest of flood control, including structural and non-structural solutions, and in the interest of environmental protection and restoration, and other purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2515, SHREWSBURY RIVER AND TRIBUTARIES IN MONMOUTH COUNTY, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Shore of New Jersey from Sandy Hook to Barnegat Inlet, published as House Document 332, 85th Congress, 2nd Session, the Report of Limited Reconnaissance Study on the entire Shore of New Jersey, dated September 1990, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2516, SAN FRANCISCO BAY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the San Francisco Harbor, California, published as House Document 50, 72nd Congress, 2nd Session, and other pertinent reports, with a view to determining whether any modifications to the existing navigation project in San Francisco Bay are advisable at this time, in the interest of improved navigational safety by removal of submerged rocks, shoals, and other hazards to deep-draft vessels traversing the existing navigation channels. In conducting the benefit/cost analysis and selecting a final project design, the Secretary shall consider the economic and environmental benefits attributable to the reduction in actual or threatened oil spills upon completion of a final project. In considering these special benefits and in conducting the overall study, the Secretary shall maintain close coordination with the United States Coast Guard.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2517, OHIO RIVER, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio River published in House Document Number 306, 74th Congress, 1st Session, House Committee on Flood Control Document Number 1, 75th Congress, 1st Session and related reports, with a view to determining whether any modifications in the present comprehensive plan for potential riverfront and riverine infrastructure restoration and development are necessary for inland port and industrial development and the growing recreation, environmental, and water supply requirements within the Ohio River Valley.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2518, UPPER PASSAIC RIVER AND TRIBUTARIES IN LONG HILL TOWNSHIP, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Upper Passaic River and Tributaries in Long Hill Township (formerly Passaic Township), Morris County, New Jersey, published as

House Report Number 94–1702, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2519, UPPER ROCKAWAY RIVER, MORRIS COUNTY, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Upper Rockaway River in Morris County, New Jersey, published as House Report Number 94–1702, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster. Chairman.

U.S. Congress, Committee on Transportation and Infrastructure,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2520, VERDIGRE CREEK AT VERDIGRE, NEBRASKA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Missouri River and Tributaries published as House Document 238, 73rd Congress, 2nd Session, and other pertinent reports with a view to investigating water resources problems to determine if any improvements for purposes of flood control, environmental restoration, and other purposes are advisable within the watershed of Verdigre Creek, Nebraska.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2521, WALLACE LAKE, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the report entitled Final Reconnaissance Report prepared under the existing Red River Basin, Arkansas and Louisiana, Comprehensive Study authority (P.L. 98–63), published as House Document 217, 98th Congress, 2nd Session, and other pertinent reports with a view to determining whether any modifications are advisable at the present time, with particular reference to providing improvements in the interest of flood control and other related water resources purposes in the Wallace Lake area in Caddo and De Soto Parishes, Louisiana.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2522, MOHAWK RIVER BASIN, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mohawk River, authorized by Section 6 of the Flood Control Act approved 11 August 1939, P.L. 396, 76th Congress, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2523, WOOD RIVER LEVEE, ILLINOIS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the mouth of the Ohio River, published as House Document 669, 76th Congress, 3rd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at this time, for the purpose of reconstructing the facilities of the Wood River Drainage and Levee District along the Mississippi River in Madison County, Illinois to return the levee and pump stations and other appurtenant features to their original degree of protection.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2524, MONROE RIVER LEVEE SYSTEM, ILLINOIS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the mouth of the Ohio River, published as House Document 669, 76th Congress, 3rd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at this time, in the interest of flood control, navigation and related purposes along the Mississippi River and its tributaries with particular reference to that area along or affected by the Mississippi River and its tributaries in Monroe County, Illinois.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2525, PRAIRIE DU ROCHER & MODOC LEVEES, ILLINOIS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the mouth of the Ohio River, published as House Document 669, 76th Congress, 3rd Congress, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of flood control, navigation and related purposes along the Mississippi River and its tributaries with particular reference to interior flooding and associated causes or problems within the Prairie du Rocher and Modoc Levee and Drainage District, Randolph County, Illinois.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2526, BIG FIVE LEVEE SYSTEM, ILLINOIS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the mouth of the Ohio River, published as House Document 669, 76th Congress, 3rd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of flood control, navigation and related purposes along the Mississippi River and its tributaries with particular reference to interior flooding and associated causes or problems within the Preston Drainage and Levee District, the Clear Creek Drainage and Levee District, the East Cape Girardeau and Clear Creek Drainage District, the North Alexander Drainage and Levee District, and the Miller Pond Drainage District in Union and Alexander Counties.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2527, MORRO BAY ESTUARY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Morro Bay Harbor, San Luis Obispo County, California published as House Document 103-33, 103rd Congress, 1st Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of environmental protection and restoration and related purposes within the Morro Bay Estuary in Morro Bay, California. In conducting the study, the Secretary shall consider the problems related to sedimentation and shoaling of sensitive habitat and tidal circulation restrictions in the estuary.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2528, AUSABLE RIVER BASIN, CLINTON AND ESSEX COUNTIES, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ausable River in Essex and Clinton Counties, New York, published as House Document 488, 71st Congress, 2nd Session, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2529, BOQUET RIVER BASIN AND TRIBUTARIES IN ESSEX COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Boquet River in Essex County, New York, published as House Document 48, 71st Congress, 2nd Session, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2530, GREAT CHAZY RIVER BASIN, CLINTON COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Great Chazy River Basin, Clinton County, New York, published as House Document 490, 71st Congress, 2nd Session, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained there are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

U.S. CONGRESS, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC.—RESOLUTION

DOCKET 2531, SARANAC RIVER BASIN IN CLINTON COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Saranac River Basin in Clinton County, New York, published as House Document 492, 71st Congress, 2nd Session, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood damage reduction, environmental restoration and other allied purposes.

Adopted: May 7, 1997.

Attest: Bud Shuster, Chairman.

There was no objection.

APPOINTMENT OF MEMBER TO THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 2501 of title 44, United States Code, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Records Commission:

Mr. BLUNT of Missouri.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) after 6:30 p.m. on May 22 and for the balance of the week, on account of district business.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. CANNON (at the request of Mr. ARMEY) for today, on account of attending daughter's graduation.

Mr. MCHUGH (at the request of Mr. ARMEY) for today, on account of official business in the district.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 430. An act to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1650. An act to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House oversight reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1650. An act to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes a.m.), under its previous order, the House adjourned until Tuesday, May 27, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3402. A letter from the Associate Chief, U.S. Forest Service, transmitting the Service's final rule—Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares [36 CFR Part 223]

(RIN: 0596–AB62) received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3403. A letter from the General Counsel, Department of Defense, transmitting a draft of two proposed legislative items that would ease current restrictions which preclude the Department of Defense from procuring certain items from foreign sources; to the Committee on National Security.

3404. A letter from the Director, Institute of Museum and Library Services, transmitting a draft of proposed legislation to make technical amendments to the Museum and Library Services Act of 1996; to the Committee on Education and the Workforce.

3405. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Limited Approval of Volatile Organic Compound (VOC) Control Measures for Texas [TX43–1–7333; FRL–5824–6] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3406. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sustainable Development Challenge Grant Program [FRL–5825–6] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3407. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Underground Storage Tank Program: Approved State Program for Mississippi [FRL–5827–1] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3408. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Export Requirements for Medical Devices; Technical Amendment [21 CFR Part 812] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3409. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Environmental Report—Materials Licenses [10 CFR Part 51] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3410. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Closure from Point Lopez to Point Mugu, CA [Docket No. 960429120–6120–01; I.D. 042997A] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3411. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 050797C] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3412. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 961107312–7021–020; I.D. 050797A] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3413. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1997 [Notice 97–30] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3414. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule—Determination of Interest Rate [Rev. Rul. 97–23] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3415. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–24] received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3416. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled "Veterans' Compensation Cost-of-Living Adjustment and Benefit Programs Improvement Act of 1997"; jointly to the Committees on Veterans' Affairs and Ways and Means.

3417. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to further acquisition reform government-wide, including at the Department of Defense; jointly to the Committees on National Security, Government Reform and Oversight, and Small Business.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

93. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution 8 urging the U.S. Congress to give an affirmative expression of approval to a policy authorizing the State to regulate, restrict, or prohibit the export of unprocessed logs harvested from its land and from the land of its political subdivisions and the University of Alaska; to the Committee on Agriculture.

94. Also, a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution 24(RES) relating to challenging the environmental and economic integrity of Alaska timber as Christmas decor for the U.S. Capitol; to the Committee on Agriculture.

95. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2005 urging the Congress of the United States to direct the U.S. Department of Agriculture to establish reasonable, science-based standards by which American wheat growers can market wheat and other grain products containing karnal bunt; to the Committee on Agriculture.

96. Also, a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution 7 supporting continued funding of the Alaska National Guard youth corps challenge program; to the Committee on Education and the Workforce.

97. Also, a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution 9 urging the U.S. Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, AK, to oil and gas exploration, development, and production; to the Committee on Resources.

98. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 97–1011 requesting the U.S. Congress to expeditiously pass, and propose to the legislatures of the several States for ratification, an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all Federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; to the Committee on the Judiciary.

99. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Joint Resolution 1001 declaring the State's sovereignty under the U.S. Constitution and demanding that the Federal Government stop mandates that are beyond its powers; to the Committee on the Judiciary.

100. Also, a memorial of the General Assembly of the State of Maryland, relative to House Joint Resolution 25 requesting the Congress of the United States to propose a Federal constitutional amendment which authorizes the Congress and the States to prohibit the physical desecration of the American Flag; to the Committee on the Judiciary.

101. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 12 memorializing Congress to oppose the closure of the air flight-service center at the Arcata-Eureka Airport, in Humboldt County, CA, and to direct the Federal Aviation Administration to act accordingly; to the Committee on Transportation and Infrastructure.

102. Also, a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution 12 relating to reconstruction and paving of the Alaska Highway; to the Committee on Transportation and Infrastructure.

103. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2002 urging the Congress of the United States to make more Federal highway trust fund moneys available for highway projects that enhance North American Free-Trade Corridors, border infrastructure projects, unified port management systems, and binational transportation planning activities; to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SENSENBRENNER (for himself, Mr. ROHRABACHER, Mr. BROWN of California, Mr. CRAMER, and Ms. JACKSON-LEE):

H.R. 1702. A bill to encourage the development of a commercial space industry in the United States, and for other purposes; to the Committee on Science.

By Mr. EVERETT (for himself, Mr. EVANS Mr. STUMP, Mr. CLYBURN, Mr. BILIRAKIS, and Mr. BUYER):

H.R. 1703. A bill to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. KELLY (for herself and Mr. TALENT):

H.R. 1704. A bill to establish a Congressional Office of Regulatory Analysis; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HORN (for himself, Mrs. Maloney of New York, Mrs. Johnson of Connecticut, Mr. Boehlert, Mr. Campbell, Mr. Castle, Mr. Dooley of California, Mr. English of Pennsylvania, Mr. Gilman, Mr. Hobson, Mr. Kolbe, Mr. Lazio of New York, Mr. Nethercutt, Mr. Price of North Carolina, Mr. Quinn, Ms. Rivers, Mr. Tierney, and Mr. Strickland):

H.R. 1705. A bill to amend the Federal Election Campaign Act for 1971 to require political parties to submit reports to the Federal Election Commission on expenditures of any funds used to influence an election for Federal office and to require reports to the Commission on any independent expenditures which mention a political party or a candidate for election for Federal office, and for other purposes; to the Committee on House Oversight.

By Mrs. MALONEY of New York (for herself and Mrs. Ros-Lehtinen):

H.R. 1706. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employees who provide child care assistance for dependents of their employees, and for other purposes; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 1707. A bill making interim emergency supplemental appropriations for immediate needs for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIVINGSTON:

H.R. 1708. A bill making interim emergency supplemental appropriations for immediate needs for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER (for himself, Mr. Armey, Mr. DeLay, Mr. Boehner, Mr. Bliley, Mr. Smith of Oregon, Mr. Stenholm, Mr. Hall of Texas, Mr. Combest, Mr. Barton of Texas, Mr. Sam Johnson, Mr. Bonilla, Mr. Brady, Mr. Sessions, and Ms. Granger):

H.R. 1709. A bill to permit any State to use nongovernmental personnel in the determination of eligibility under the Medicaid, food stamps, and WIC programs; to the Committee on Commerce, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Ms. Eshoo, Mr. Bliley, Mr. Bilirakis, Mr. Greenwood, Mr. Dan Schaefer of Colorado, Mr. Hall of Texas, Mr. Hastert, Mr. Manton, Mr. Tauzin, Mr. Towns, Mr. Oxley, Ms. Furse, Mr. Upton, Mr. Rush, Mr. Stearns, Mr. Paxon, Mr. Gillmor, Mr. Klug, Mr. Crapo, Mr. Cox of California, Mr. Deal of Georgia, Mr. Largent, Mr. Burr of North Carolina, Mr. Bilbray, Mr. Whitfield, Mr. Ganske, Mr. Norwood, Mr. White, Mr. Coburn, Mr. Lazio of New York, Mrs. Cubin, Mr. Rogan, Mr. Shimkus, Mr. Gordon, Mr. Ehrlich, Mr. Ramstad, Mr. Wynn, Ms. McCarthy of Missouri, and Mr. Pallone):

H.R. 1710. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, clearance, and use of devices to maintain and improve the public health and quality of life of the citizens of the United States; to the Committee on Commerce.

By Mr. BARTON of Texas (for himself, Mr. Green, Mrs. Chenoweth, Mr. Frost, Mr. Crapo, Mr. Shadegg, Mr. Christensen, Mr. Radanovich, and Mr. Smith of Texas):

H.R. 1711. A bill to establish a maximum level of remediation for dry cleaning solvents, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself and Mr. Ewing):

H.R. 1712. A bill to encourage the People's Republic of China to join the World Trade Organization by removing China from title IV of the Trade Act of 1974 upon its accession to the World Trade Organization and to provide a more effective remedy for inadequate trade benefits extended by the People's Republic of China to the United States; to the Committee on Ways and Means.

By Mr. BILBRAY:

H.R. 1713. A bill to amend the Internal Revenue Code of 1986 to allow an employee to elect to receive taxable cash compensation in lieu of nontaxable parking benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. BISHOP:

H.R. 1714. A bill to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site; to the Committee on Resources.

By Mr. BURR of North Carolina (for himself, Mr. Goode, Mr. Taylor of North Carolina, Mr. Price of North Carolina, Mr. Clement, Mr. Norwood, Ms. Rivers, Mr. Hefner, Mr. Ehlers, Mr. Hansen, Mr. Ballenger, Mr. Abercrombie, Mr. Jones, Mr. Cook, Mr. Etheridge, Mr. Coble, Mr. Borski, Mrs. Clayton, Mr. Watt of North Carolina, Mr. Kleczka, Mr. Towns, Mr. Fattah, Mrs. Mink of Hawaii, Mr. Spence, and Mr. McIntyre):

H.R. 1715. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging; to the Committee on Commerce.

By Mr. CASTLE (for himself, Mrs. Johnson of Connecticut, Mr. Foley, Mr. Lampson, Mrs. Kelly, Mr. Frost, Mr. Peterson of Minnesota, Ms. Lofgren, Mr. Conyers, Mr. Rangel, Ms. Carson, Mr. Martinez, Mr. McInnis, Mr. Dooley of California, Ms. Ros-Lehtinen, Ms. Stabenow, Mr. Lipinski, Ms. Slaughter, Ms. Jackson-Lee, Mr. Cramer, Mr. Towns, Mr. Sandlin, Mr. Diaz-Balart, Mr. Kildee, and Ms. Woolsey):

H.R. 1716. A bill to authorize appropriations for the National Center for Missing and Exploited Children, a nonprofit corporation organized under the laws of the District of Columbia, to operate a national resource center and clearinghouse relating to missing children; to the Committee on Education and the Workforce.

By Mr. CRANE (for himself, Mr. Rohrabacher, and Mr. Packard):

H.R. 1717. A bill to provide for the privatization of the U.S. Postal Service; to the Committee on Government Reform and Oversight.

By Mrs. CUBIN:

H.R. 1718. A bill to provide for the conveyance of certain lands in Wyoming to the County of Park, WY; to the Committee on Resources.

By Mr. CUNNINGHAM (for himself, Mr. Tanner, Mr. Young of Alaska, Mr. Chambliss, Mr. Peterson of Minnesota, Mr. Smith of Oregon, Mr. Pombo, Mr. Goode, Mr. Hill, Mr. Barcia of Michigan, Mr. John, and Mr. Hunter):

H.R. 1719. A bill to protect and enhance sportsmen's opportunities and enhance wildlife conservation; to the Committee on Resources.

By Mr. DINGELL (for himself and Mr. Oberstar) (both by request):

H.R. 1720. A bill to improve transportation safety, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself, Ms. McKinney, Mr. Ackerman, Mr. Bishop, Ms. Carson, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Dellums, Mr. Frost, Mr. Green, Mr. Hastings of Florida, Mr. Hilliard, Mr. Kucinich, Ms. Norton, Mr. Pastor, Mr. Thompson, Mr. Towns, and Mr. Watts of Oklahoma):

H.R. 1721. A bill to prohibit insurers from canceling or refusing to renew fire insurance policies covering houses of worship and related support structures, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX of Pennsylvania:

H.R. 1722. A bill to amend various banking laws; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 1723. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make the restrictions on foreign students added by such Act inapplicable to students lawfully present in the United States on the effective date of the restrictions in cases where a public school or adult education program evidences a desire for such result, to the Committee on the Judiciary.

H.R. 1724. A bill to amend the Immigration and Nationality Act to eliminate certain restrictions on foreign students added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. FRANK of New Jersey:

H.R. 1725. A bill to establish a regional investments for national growth program to identify and fund the metropolitan regional transportation projects that are essential to the national economy, but exceed State and regional financial capacity; to the Committee on Transportation and Infrastructure.

By Ms. FURSE (for herself, Mrs. Clayton, Ms. DeGette, Ms. Hooley of Oregon, Ms. Jackson-Lee, Ms. Lofgren, Mrs. Lowey, Ms. McKinney, Mrs. Maloney of New York, Ms. Millender-McDonald, Mrs. Mink of Hawaii, Ms. Norton, Ms. Slaughter, Ms. Waters, and Ms. Woolsey):

H.R. 1726. A bill to establish as an element of the national security of the United States the importance of providing for the health, safety, and education of children in the United States; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Transportation and Infrastructure, Banking and Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. Waxman, Mr. Burr of North Carolina, Mr. Upton, Mrs. Johnson of Connecticut, Mr. Klug, Mr. Franks of New Jersey, Ms. Lofgren, Ms. Pryce of Ohio, Mr. Towns, Ms. DeGette, Mr. Boucher, Mr. Faleomavaega, Mr. Horn, and Ms. Slaughter):

H.R. 1727. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Commerce.

By Mr. HEFLEY (for himself and Mr. Vento):

H.R. 1728. A bill to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; to the Committee on Resources.

By Mr. HOUGHTON (for himself, Mr. Rangel, Mr. Weller, Mr. Ensign, Mr. English of Pennsylvania, Mr. McDermott, Mr. Coyne, Mr. Levin, Mr. Matsui, Mr. McNulty, Mr. Neal of Massachusetts, Mr. Christensen, Mr. Lewis of Georgia, and Mr. Watkins):

H.R. 1729. A bill to amend the Internal Revenue Code of 1986 to extend and modify the work opportunity credit; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Coyne, Mr. McCrery, and Mr. Matsui):

H.R. 1730. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of an overpayment otherwise payable to any person shall be reduced by the amount of pastdue, legally enforceable State tax obligations of such person; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 1731. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 1732. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide for off-budget treatment of the receipts and disbursements of the land and water conservation fund and the special accounts established under such Act; to the Committee on Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE (for himself and Mr. Stupak):

H.R. 1733. A bill to establish the Saint Helena Island National Scenic Area; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaFALCE (for himself, Mr. Sisisky, and Mr. Weygand):

H.R. 1734. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Ms. LOFGREN:

H.R. 1735. A bill to amend the Internal Revenue Code of 1986 to allow an individual who is entitled to receive child support a refundable credit equal to the amount of unpaid child support and to increase the tax liability of the individual required to pay such support by the amount of the unpaid child support; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. Castle, Mrs. Clayton, and Mrs. Johnson of Connecticut):

H.R. 1736. A bill to provide for a reduction in the rate of adolescent pregnancy through the evaluation of public and private prevention programs, and for other purposes; to the Committee on Commerce.

By Mrs. LOWEY (for herself, Mr. Lazio of New York, and Mr. Combest):

H.R. 1737. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide adequate access to services provided by obstetrician-gynecologists; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATSUI (for himself, Mr. Stark, Mrs. Thurman, and Mr. Fazio of California):

H.R. 1738. A bill to amend title XVIII to provide a special Medicare part B enrollment period and MediGap enrollment period and a waiver of the Medicare part B late enrollment penalty for certain military retirees and dependents who live near military hospitals that are closed or that discontinue inpatient hospital services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 1739. A bill to amend the Act designating the Boundary Waters Canoe Area Wilderness to clarify certain provisions of law regarding activities authorized within the wilderness area, and for other purposes; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. Cardin, Mr. Ensign, Mr. Matsui, Mr. Crane, Mr. English of Pennsylvania, Mr. Houghton, Mrs. Johnson of Connecticut, Mrs. Kennelly of Connecticut, Mr. Kleczka, Mr. Levin, Mr. Lewis of Georgia, Mr. McNulty, Mr. Ramstad, Mr. Thomas, Mr. Weller, Mr. Hulshof, Mr. Hobson, Mr. Pomeroy, Mr. Sawyer, Mr. Abercrombie, Mr. Bateman, Mr. Blumenauer, Mrs. Cubin, Mr. Frost, Mr. Goode, Mr. Hoyer, Ms. Kilpatrick, Mr. Manzullo, Ms. McCarthy of Missouri, Mr. Moran of Virginia, Mr. Olver, Mr. Pickett, and Mr. Stump):

H.R. 1740. A bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio:

H.R. 1741. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers in the process of adopting a child to use alternative information, rather than a TIN, to claim the dependency exemption for the child; to the Committee on Ways and Means.

By Mr. ROTHMAN:

H.R. 1742. A bill to suspend temporarily the duty on certain viscose rayon yarn; to the Committee on Ways and Means.

By Mr. SALMON (for himself, Mr. Boehner, Mr. Hastert, Mr. Stump, Mr. Norwood, Mr. Goss, Mrs. Kelly, Mr. Wicker, Mr. Foley, Mr. Coburn, Mr. Bartlett of Maryland, Mr. Cannon, Mr. Doolittle, Mr. Manzullo, Mr. Hostettler, Mr. Largent, Mr. Burton of Indiana, Mr. Kolbe, Mr. Campbell, Mr. Paul, Mr. McCrery, Mr. Sessions, Mr. Cooksey, Mr. Bunning of Kentucky, Mr. Brady, Mr. Shadegg, Mr. Royce, Mr. Ballenger, Mr. Pappas, Mr. Rohrabacher, Mr. Hilleary, Mr. Nussle, Mr. Hayworth, Mr. McIntosh, Mr. Smith of New Jersey, Mr. Chabot, Mr. Ensign, Mr. Hutchinson, Mr. Hoekstra, Mr. Talent, Mr. Cunningham, Mr. Sensenbrenner, Mr. Bob Schaffer, Mr. White, Mr. Sam Johnson, Mr. Graham, Mr. Everett, Mr. Scarborough, Mr. Crapo, Mr. Metcalf, Mr. McKeon, Mr. Neumann, Mr. Skeen, Mr. Souder, and Mr. Combest):

H.R. 1743. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on medical savings accounts relating to the number of accounts and number of employees of an employer, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself and Mr. Nadler):

H.R. 1744. A bill to make the antitrust laws applicable to owners of teams of major league professional baseball players, and to leagues composed of such teams, with respect to selecting the site at which any such team plays its regular season home games; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 1745. A bill to reform asset forfeiture laws; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 1746. A bill to provide that, in any year in which the Congress does not timely adopt a concurrent resolution on the budget that eliminates the deficit by fiscal year 2002, Members of Congress shall forfeit their right to be paid for the remainder of that year; to the Committee on House Oversight.

By Mr. SHUSTER (for himself and Mr. Oberstar):

H.R. 1747. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey:

H.R. 1748. A bill to amend the Communications Act of 1934 to ban the transmission of unsolicited advertisements by electronic mail, and to require that sender identification information be included with electronic mail messages; to the Committee on Commerce.

By Mr. STARK (for himself, Mr. Kildee, Mrs. Lowey, Mr. Miller of California, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Sanders, Mr. Tierney, Mr. Frost, Mr. Dellums, Ms. Christian-Green, Mr. Lewis of Georgia, Mr. DeFazio, Mr. Waxman, Mr. Rangel, Mr. Kucinich, Mr. Kleczka, Mr. Kennedy of Rhode Island, Ms. Rivers, Mr. McGovern, Mr. Berman, and Mrs. Tauscher):

H.R. 1749. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to improve and clarify accountability for violations with respect to managed care group health plans; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KASICH:

H. Con. Res. 86. Concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002; to the Committee on the Budget.

By Mr. ARMEY:

H. Con. Res. 87. Concurrent resolution providing for an adjournment of the two Houses; considered and failed of passage.

By Mr. BALLENGER:

H. Con. Res. 88. Concurrent resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 16, 1997; to the Committee on International Relations.

By Ms. FURSE (for herself, Ms. Waters, Mrs. Meek of Florida, Ms. Eddie Bernice Johnson of Texas, Ms. McKinney, Mr. Hastings of Florida, Ms. Norton, Ms. Brown of Florida, Mrs. Clayton, Mr. Jackson, Mr. Hilliard, Ms. Kilpatrick, Mr. Davis of Illinois, Mr. Fattah, Mr. Payne, Mr. Towns, Mr. Ford, Mr. Rush, Mr. Scott, Mr. Watt of North Carolina, Mr. Owens, Mr. Dellums, Mr. Stokes, Mr. Clyburn, Mr. Wynn, Mr. Dixon, Ms. Millender-McDonald, Mr. Bishop, Mr. Lewis of Georgia, Ms. Carson, Mr. Jefferson, Mr. Cummings, Mr. Conyers, Mr. Clay, Mr. Thompson, Mr. Flake, Mr. Rangel, Ms. Jackson-Lee, and Ms. Christian-Green):

H. Con. Res. 89. Concurrent resolution expressing the sense of Congress that the 2004 Summer Olympic Games be held in Cape Town, South Africa; to the Committee on International Relations.

By Mr. KENNEDY of Massachusetts:

H. Con. Res. 90. Concurrent resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002; to the Committee on the Budget.

By Mr. SANDERS (for himself, Mr. Pallone, Mr. Ehlers, Mrs. Maloney of New York, Mr. Frank of Massachusetts, Mr. Filner, Mr. Klug, Mr. Dellums, Ms. Christian-Green, Ms. Rivers, Ms. Eddie Bernice Johnson of Texas, Ms. DeGette, Mr. Evans, Mr. Hinchey, Mr. Kennedy of Massachusetts, Mr. Conyers, Mr. Barrett of Wisconsin, Ms. Furse, Mr. Franks of New Jersey, and Mr. Sabo):

H. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the Administrator of the Environmental Protection Agency should take immediate steps to abate emissions of mercury and release to Congress the study of mercury required under the Clean Air Act, and for other purposes; to the Committee on Commerce.

By Mr. SOLOMON:

H. Res. 156. Resolution relating to the disposition of Senate amendments to the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002; to the Committee on Rules.

By Mr. BEREUTER (for himself, Mr. Gingrich, Mr. Bonior, Mr. Gilman, Mr. Hamilton, Mr. Berman, and Mr. Stearns):

H. Res. 157. Resolution congratulating the people of India and Pakistan on the occasion of the 50th anniversary of their nations' independence; to the Committee on International Relations.

By Mr. DREIER:

H. Res. 158. Resolution to express the support of the House of Representatives for programs such as the Jump$tart Coalition for Personal Financial Literacy; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. FOWLER introduced a bill (H.R. 1750) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Barefoot Contessa*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. Smith of Oregon, Mr. Hinojosa, Mr. Strickland, Mr. Etheridge, and Mr. Ramstad.

H.R. 15: Mr. Skeen, Mr. Bilbray, and Mr. Wicker.

H.R. 58: Mr. Stearns, Mr. Snyder, and Mr. Spence.

H.R. 76: Mr. Kildee, Mr. Weldon of Florida, Mr. Gibbons, Mr. Bono, Mr. Bartlett of Maryland, and Mr. Kingston.

H.R. 84: Mr. Bonior and Mr. Fazio of California.

H.R. 96: Mr. Sununu and Mr. Lucas of Oklahoma.

H.R. 122: Mr. Peterson of Pennsylvania, Mr. Ryun, Mr. Hulshof, and Mr. Calvert.

H.R. 123: Mr. Bilirakis.

H.R. 125: Mr. Callahan, Mr. Dickey, and Mr. Hutchinson.

H.R. 195: Mr. Taylor of North Carolina.

H.R. 218: Mr. Peterson of Pennsylvania, Mr. Barrett of Nebraska, Mr. Wamp, and Mr. Kingston.

H.R. 219: Mr. LoBiondo, Ms. Kilpatrick, Mrs. Meek of Florida, Mr. Price of North Carolina, and Mr. Canady of Florida.

H.R. 306: Mr. Cummings and Mr. Lipinski.

H.R. 339: Mr. Ensign.

H.R. 399: Mr. Bilbray.

H.R. 404: Mr. Barrett of Wisconsin.

H.R. 411: Mr. Blagojevich.

H.R. 418: Mr. Neal of Massachusetts and Mr. Burr of North Carolina.

H.R. 466: Ms. Christian-Green and Mrs. Thurman.

H.R. 471: Mr. Bono.

H.R. 475: Mr. Baesler, Ms. Christian-Green, Mr. Hastings of Florida, Mr. Bishop, Mr. Fattah, Mr. Canady of Florida, Mr. Coburn, and Mr. Klink.

H.R. 479: Mr. Combest.

H.R. 521: Mr. Hayworth, Ms. Kaptur, Mr. Snyder, Mr. Canady of Florida, and Mr. Pallone.

H.R. 536: Mr. Moran of Virginia.

H.R. 552: Mr. Sanders.

H.R. 553: Mr. Vento and Mr. Fazio of California.

H.R. 559: Mr. Evans and Mr. Andrews.

H.R. 598: Mr. Condit.

H.R. 612: Mr. Moran of Virginia and Mr. Bartlett of Maryland.

H.R. 674: Mr. Doolittle and Mr. Rodriquez.

H.R. 678: Ms. Brown of Florida, Mr. Condit, Mr. Deutsch, Mr. Farr of California, Mr. Kucinich, Mr. McNulty, Mr. Markey, Mrs. Meek of Florida, Mr. Serrano, Mr. Stokes, Mr. Strickland, Mr. Waxman, Mr. Barton of Texas, Mr. Bilbray, Mr. Bilirakis, Mr. Boehner, Mr. Burr of North Carolina, Mr. Canady of Florida, Mr. Diaz-Balart, Mr. Fox of Pennsylvania, Mr. Hayworth, Mr. LaHood, Mr. McIntosh, Mr. Miller of Florida, Mr. Pappas, Mr. Paxon, Mrs. Roukema, Mr. Snowbarger, Mr. Stump, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Upton, Mr. Boyd, and Mr. Wexler.

H.R. 681: Mr. Martinez, Mr. Dooley of California, and Mr. Radanovich.

H.R. 695: Mr. Hastings of Florida, Mr. Diaz-Balart, Mr. King of New York, Ms. Slaughter, Mr. Frost, and Mr. Burton of Indiana.

H.R. 731: Mr. Price of North Carolina.

H.R. 744: Mr. Filner, Mr. Evans, and Mr. Torres.

H.R. 745: Mr. Waxman, Mr. Rothman, Mr. Pascrell, Mr. Barrett of Wisconsin, Mr. Owens, Ms. Rivers, and Mr. Capps.

H.R. 753: Mr. Kennedy of Massachusetts and Ms. Christian-Green.

H.R. 768: Mr. Bilbray.

H.R. 778: Mr. Kennedy of Rhode Island.

H.R. 779: Mr. KENNEDY of Rhode Island.

H.R. 780: Mr. KENNEDY of Rhode Island.

H.R. 805: Mr. ROHRABACHER.

H.R. 813: Mr. SNYDER.

H.R. 815: Mr. MILLER of Florida and Mr. BLUMENAUER.

H.R. 816: Mr. GOODE and Mr. ROYCE.

H.R. 835: Mr. GREEN and Mr. CAPPS.

H.R. 845: Mr. KUCINICH.

H.R. 857: Mr. DEAL of Georgia, Mr. CALVERT, and Mr. JONES.

H.R. 866: Mr. BACHUS.

H.R. 875: Mrs. LOWEY, Mr. GONZALEZ, Mr. CAMPBELL, and Mr. NEAL of Massachusetts.

H.R. 881: Mr. ACKERMAN.

H.R. 893: Ms. STABENOW, Ms. KAPTUR, Mr. DEFAZIO, Mr. CALVERT, Mr. POMEROY, Mr. ACKERMAN, Mr. PALLONE, Mr. LEWIS of Georgia, Mr. BALDACCI, Mr. WISE, Mrs. MORELLA, Mr. KIND of Wisconsin, Mr. WATT of North Carolina, and Mr. BOEHLERT.

H.R. 894: Mr. CHRISTENSEN, Mr. CALVERT, Mr. POMEROY, Mr. ACKERMAN, Mr. PALLONE, Mr. KIND of Wisconsin, and Mr. WATT of North Carolina.

H.R. 901: Mr. GUTKNECHT, Mr. KINGSTON, Mr. SAM JOHNSON, Mr. CALLAHAN, Mr. BARCIA of Michigan, Mr. KOLBE, Mrs. FOWLER, and Mr. UPTON.

H.R. 906: Mr. LEWIS of California, Mr. ENGLISH of Pennsylvania, Mr. HERGER, Mr. EVANS, Mr. WOLF, and Mr. BATEMAN.

H.R. 916: Mr. LEWIS of Kentucky, Mr. HALL of Texas, and Ms. SLAUGHTER.

H.R. 920: Mr. BARRETT of Wisconsin, Mr. PAYNE, and Mr. BENTSEN.

H.R. 947: Mr. SHERMAN.

H.R. 972: Mr. FRELINGHUYSEN.

H.R. 977: Mr. SISISKY, Mr. SCOTT, and Mr. BEREUTER.

H.R. 979: Mr. EHLERS and Ms. FURSE.

H.R. 991: Mr. SABO, Mr. LAMPSON, and Mr. PETERSON of Minnesota.

H.R. 992: Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. BARRETT of Nebraska, Mr. CRAPO, Mr. THORNBERRY, Mr. SESSIONS, Mr. SAM JOHNSON, and Mr. NORWOOD.

H.R. 1002: Mr. STUPAK.

H.R. 1009: Mr. THORNBERRY, Mr. LAHOOD, and Mr. WICKER.

H.R. 1031: Ms. FURSE and Mr. GIBBONS.

H.R. 1036: Mr. FOX of Pennsylvania and Mr. CALVERT.

H.R. 1037: Mr. KLECZKA.

H.R. 1104: Mr. WEXLER and Mr. BLUMENAUER.

H.R. 1120: Mr. WEYGAND.

H.R. 1124: Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. NORWOOD, Mr. EHRLICH, Mr. PAUL, Mr. MILLER of Florida, and Mr. SESSIONS.

H.R. 1129: Mr. PETRI, Ms. ROYBAL-ALLARD, and Mr. ENGLISH of Pennsylvania.

H.R. 1134: Ms. ROS-LEHTINEN, Mr. FORD, and Mr. GOODE.

H.R. 1145: Mr. BURTON of Indiana, Mr. BLILEY, Mr. KLUG, Mr. GALLEGLY, Mr. HYDE, Mr. UPTON, Mr. GORDON, Mr. BUNNING of Kentucky, Mr. STUMP, Mr. GOSS, Mr. BAKER, Mr. GRAHAM, Mr. MCCOLLUM, Mr. SAM JOHNSON, Mrs. NORTHUP, Mr. MCKEON, Mr. LATHAM, Mr. CANADY of Florida, and Mr. HAYWORTH.

H.R. 1151: Mr. FATTAH, Mr. OLVER, Mr. EVANS, Mrs. LINDA SMITH of Washington, and Mr. SANFORD.

H.R. 1153: Mrs. KELLY, Mr. PITTS, and Mr. PASCRELL.

H.R. 1169: Mr. RUSH, Mr. DOOLEY of California, Mr. STARK, and Mr. SHAW.

H.R. 1173: Mr. TRAFICANT, Ms. SLAUGHTER, Mr. ROTHMAN, Mr. CUMMINGS, Mr. CAMPBELL, Mr. KING of New York, Mr. DICKS, Mrs. MORELLA, Mr. DELLUMS, Mr. WEYGAND, Mr. JOHNSON of Wisconsin, Mr. PETRI, Mr. BORSKI, Mr. LOBIONDO, and Mr. ABERCROMBIE.

H.R. 1176: Mr. FAWELL and Mr. ROTHMAN.

H.R. 1189: Mr. SHIMKUS, Mr. FROST, Mr. SANDLIN, and Mr. FALEOMAVAEGA.

H.R. 1233: Mr. BONIOR, Mr. ROMERO-BARCELO, Ms. WOOLSEY, Mr. FORD, Mr. KUCINICH, Mr. ACKERMAN, Mr. BORSKI, Mr. BOSWELL, Mrs. CLAYTON, Mr. CONYERS, Mr. ENGEL, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FLAKE, Mr. GONZALEZ, Mr. HILLIARD, Ms. KAPTUR, Mrs. KENNELLY of Connecticut, Ms. LOFGREN, Mrs. MALONEY of New York, Mr. RAHALL, Mr. ROTHMAN, Mr. STRICKLAND, Mr. TORRES, and Mr. WEYGAND.

H.R. 1247: Mr. BARRETT of Nebraska and Mr. SNOWBARGER.

H.R. 1248: Mr. SANDLIN and Mr. KINGSTON.

H.R. 1260: Mr. BOEHLERT, Mr. BACHUS, Mr. MCDERMOTT, and Mr. GILLMOR.

H.R. 1270: Mr. BOEHLERT, Mr. LIVINGSTON, and Mr. ETHERIDGE.

H.R. 1297: Mr. SISISKY.

H.R. 1300: Mr. ROHRABACHER and Mr. FOX of Pennsylvania.

H.R. 1320: Mr. DOYLE.

H.R. 1323: Mr. MARKEY.

H.R. 1329: Mr. ACKERMAN and Mr. PARKER.

H.R. 1330: Mr. PARKER, Mr. THOMPSON, Mr. EVANS, and Mr. DEFAZIO.

H.R. 1335: Mr. BERMAN, Ms. CHRISTIAN-GREEN, Mr. GONZALEZ, Mr. JACKSON, Ms. KILPATRICK, Mr. MALONEY of Connecticut, Mrs. MORELLA, Mr. SANDERS, and Ms. SLAUGHTER.

H.R. 1348: Ms. SANCHEZ and Mr. CALVERT.

H.R. 1350: Mr. DEAL of Georgia and Mr. CRANE.

H.R. 1355: Mr. GOODE.

H.R. 1362: Mr. LAMPSON, Mr. KOLBE, Mr. BACHUS, Mr. DICKEY, and Mr. BLAGOJEVICH.

H.R. 1375: Mr. HAYWORTH and Mr. THOMPSON.

H.R. 1378: Mr. BARRETT of Nebraska, Mr. STEARNS, Mr. HILL, Mr. BURR of North Carolina, Mr. CANADY of Florida, Mr. CALVERT, and Mr. MCINNIS.

H.R. 1382: Mr. TORRES and Mr. KILDEE.

H.R. 1383: Ms. CARSON, Mr. HASTINGS of Florida, Mr. KLECZKA, Ms. MCCARTHY of Missouri, Mr. ROEMER, and Mr. STRICKLAND.

H.R. 1398: Mr. DICKEY, Mr. CANADY of Florida, and Mr. LIPINSKI.

H.R. 1401: Mr. KLUG.

H.R. 1416: Mr. MARTINEZ, Mr. GILMAN, and Mr. ACKERMAN.

H.R. 1432: Ms. DEGETTE.

H.R. 1434: Mr. WATKINS, Mr. MCKEON, Mr. FILNER, and Mr. CANADY of Florida.

H.R. 1435: Ms. WOOLSEY, Mr. CONYERS, Mr. DELLUMS, Mr. FILNER, Mr. FROST, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, and Mr. JACKSON.

H.R. 1436: Ms. WOOLSEY, Mr. CONYERS, Mr. DELLUMS, Mr. HASTINGS of Florida, Mr. JACKSON, and Mr. TORRES.

H.R. 1437: Mr. FRANK of Massachusetts, Mr. MENENDEZ, Mr. LANTOS, Mr. SANDLIN, Mrs. CLAYTON, Ms. KAPTUR, Mr. BROWN of Ohio, Ms. DELAURO, Mr. HEFNER, Mrs. LOWEY, and Mrs. MORELLA.

H.R. 1475: Mr. DOYLE.

H.R. 1491: Mr. MANTON, Mr. BOUCHER, Mr. FROST, Mr. STARK, Mr. LEWIS of Georgia, Ms. RIVERS, Mr. SNYDER, Mr. EVANS, Mr. DEUTSCH, Mr. DELLUMS, and Mr. KLINK.

H.R. 1492: Mr. BACHUS.

H.R. 1493: Mr. WICKER, Mr. BONO, Mr. HORN, and Mr. DREIER.

H.R. 1496: Mr. BILBRAY.

H.R. 1507: Mr. BOEHLERT, Mr. KILDEE, and Mr. VENTO.

H.R. 1509: Mr. WATKINS and Mr. NEAL of Massachusetts.

H.R. 1510: Mr. DEAL of Georgia.

H.R. 1516: Mr. BROWN of California, Mr. CONYERS, Ms. DANNER, Mr. DELLUMS, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. TORRES.

H.R. 1521: Mr. OXLEY.

H.R. 1524: Mr. FRANK of Massachusetts, Mr. LUCAS of Oklahoma, Mr. GEJDENSON, and Mr. PITTS.

H.R. 1525: Mr. SANDERS, Mr. RANGEL, Mr. FROST, Mr. ACKERMAN, and Mr. DEFAZIO.

H.R. 1527: Mr. BILBRAY.

H.R. 1532: Mr. LAHOOD, Mr. BURR of North Carolina, Mr. LINDER, Mr. RYUN, Mr. SHAYS, Mr. CAMPBELL, Mr. CAMP, Mr. BARRETT of Nebraska, Mr. HINOJOSA, Mr. REDMOND, Mr. DICKEY, Mr. BARTON of Texas, and Ms. GRANGER.

H.R. 1534: Mr. GOODE, Mr. ROYCE, Mr. SESSIONS, and Mr. BRYANT.

H.R. 1549: Mr. SHAYS.

H.R. 1559: Mr. DREIER and Mr. LIPINSKI.

H.R. 1560: Mr. BRYANT, Mr. MILLER of Florida, Mr. KINGSTON, Mr. SHAYS, Mr. METCALF, Mr. GOODLING, Mr. FOX of Pennsylvania, Mr. BALLENGER, Mrs. ROUKEMA, Ms. DUNN of Washington, Mr. GOSS, Mr. GANSKE, Mrs. EMERSON, Mrs. CUBIN, Mr. NETHERCUTT, Mrs. CHENOWETH, Mr. CLAY, Mr. BLUNT, Mr. SKEEN, Mr. WATKINS, Mr. BLILEY, Mr. BLUMENAUER, Mr. DICKEY, Mr. GINGRICH, Mr. THOMAS, Mr. BARRETT of Nebraska, Mr. BATEMAN, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Ms. FURSE, Mr. REGULA, Mr. FROST, Mr. DEFAZIO, Mr. SISISKY, Mr. SPENCE, Mr. SCOTT, Mr. PICKETT, and Mr. HILL.

H.R. 1568: Mr. FROST and Mr. LAMPSON.

H.R. 1571: Ms. SLAUGHTER, Ms. NORTON, and Mr. ACKERMAN.

H.R. 1573: Mr. SMITH of New Jersey and Ms. RIVERS.

H.R. 1574: Mr. WHITE, Mr. GRAHAM, Mr. KNOLLENBERG, AND Mr. METCALF.

H.R. 1591: Mr. WICKER, Mr. GOODE, Mr. NETHERCUTT, Mr. HASTERT, Mr. GUTKNECHT, and Mr. WATKINS.

H.R. 1592: Mr. NEAL of Massachusetts.

H.R. 1612: Mr. CONDIT.

H.R. 1614: Mr. GILMAN and Mr. TAUZIN.

H.R. 1624: Mr. BROWN of Ohio, Ms. KAPTUR, Mr. VENTO, Mr. MARKEY, and Mr. FATTAH.

H.R. 1636: Mr. OBERSTAR, Ms. KILPATRICK, Mr. RAHALL, Mr. FLAKE, Ms. BROWN of Florida, Mr. FROST, and Mr. UNDERWOOD.

H.R. 1653: Mr. ROHRABACHER, Mr. CALVERT, and Mr. ROGAN.

H.R. 1655: Ms. MCKINNEY.

H.R. 1657: Mr. EWING.

H.R. 1658: Mr. PALLONE.

H.R. 1670: Mr. FROST and Ms. CARSON.

H.R. 1684: Mr. PITTS.

H.R. 1687: Mr. FILNER.

H.R. 1689: Mr. ROGAN.

H.J. Res. 75: Ms. SLAUGHTER.

H.J. Res. 76: Mr. BERRY, Ms. CHRISTIAN-GREEN, Mr. DEFAZIO, Mr. MCNULTY, and Mr. MEEHAN.

H. Con. Res. 52: Mr. KIND of Wisconsin, Mr. LAZIO of New York, and Mrs. THURMAN.

H. Con. Res. 65: Mrs. MORELLA, Mr. HINCHEY, Mr. BILBRAY, Mr. FORBES, Mr. TOWNS, and Mrs. LOWEY.

H. Con. Res. 75: Mr. ACKERMAN.

H. Con. Res. 80: Mr. NEUMANN.

H. Res. 37: Mr. FOX of Pennsylvania, Mr. FAZIO of California, Ms. KILPATRICK, and Mr. HORN.

H. Res. 139: Mr. BACHUS.

H. Res. 144: Mr. BRYANT, Mr. MILLER of Florida, Mr. KINGSTON, Mr. SHAYS, Mr. METCALF, Mr. GOODLING, Mr. FOX of Pennsylvania, Mr. BALLENGER, Mrs. ROUKEMA, Ms. DUNN of Washington, Mr. GOSS, Mr. GANSKE, Mrs. EMERSON, Mrs. CUBIN, Mr. NETHERCUTT, Mrs. CHENOWETH, Mr. CLAY, Mr. BLUNT, Mr.

SKEEN, Mr. WATKINS, Mr. BLILEY, Mr. BLUMENAUER, Mr. DICKEY, Mr. GINGRICH, Mr. THOMAS, Mr. BARRETT of Nebraska, Mr. BATEMAN, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Ms. FURSE, Mr. REGULA, Mr. FROST, Mr. DEFAZIO, Mr. SISISKY, Mr. SPENCE, Mr. SCOTT, Mr. PICKETT, and Mr. HILL.

EXTENSIONS OF REMARKS

SPEAKER GINGRICH'S REMARKS OUTLINING THE REPUBLICAN AGENDA

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. LINDER. Mr. Speaker, I commend to my colleagues the following comments of the Speaker of the House NEWT GINGRICH delivered to the Georgia Public Policy Foundation this week.

EXCERPTS FROM HOUSE SPEAKER NEWT GINGRICH'S REMARKS OUTLINING THE REPUBLICAN AGENDA

What we have done is pretty remarkable. Four years ago a very small group of leaders, 38 years in a minority at a time when the news media told us that we were going to have the largest tax increase in peacetime history, and we were going to nationalize health care so the government controlled everything, and we were going to have left wing social policies—one of which led to a dramatic increase in drug use in this country because it lacks in teaching our children. Because the American people then stook up in 1994 and said "No," we clearly don't want to go in that direction. They repudiated it, and things began to change.

We had the largest voter increase in off-year election history. We had nine million more people voting Republican and one million fewer voting Democrat and for the first time in 40 years there was a majority on the conservative side of the House. Then, we worked for two years at keeping our word.

And we accomplished a great deal. In fact, we did pass a bill to apply to Congress every law that applies to the rest of America; we did pass a bill to reform the telecommunications system which will create about three million new jobs; we did pass a bill which ended the agricultural entitlement in the Midwest; and we did pass a welfare reform legislation tha ended 61 years of federal entitlement for welfare and dramatically improved the opportunity for poor people to move from welfare to work and from poverty to prosperity.

Then last week we put the capstone on what we promised four years ago. We reached an agreement on a balanced budget by 2002 with lower spending and lower taxes.

Let me tell you what's in this agreement so you understand why I can say with authority we won. First of all, spending over the next 10 years compared to current law will be one trillion, 100 billion dollars lower than it otherwise would have been. Taxes will be a net of $250 billion lower over the next ten years that they otherwise would have been.

You have the president's agreement that he will sign a capital gains tax cut, that he will sign a cut in the death tax and that he will sign a $500 per child tax credit and all those will be passed into law before he gets a penny of additional discretionary spending. Our goal is to pass this by the Fourth of July to give America a birthday present.

Yet I want to suggest to you the greatest example of the balanced budget is not economic. It is the fact that four years ago, leaders set out to work with the American people on something that the American people believe in. And if the American people have leaders who are disciplined and persistent and are willing to take a beating from opponents, work together the constitutional system works.

Yes, it takes time, but that's the way the founding fathers designed it. The founding fathers were afraid of a dictatorship. They wanted to design a machine so inefficient that no dictator could force it to work. The corollary is that sometimes it is very hard for us as volunteers to get it to work voluntarily. That's fine. The fact is, it worked.

I believe we have three great challenges for the future. I want to analyze what we have to do over the next four years. Imagine a January, 2001. The first morning of the 21st century, the first morning of the new *millennium*, it just happens to be a Monday morning.

Imagine that on that morning you wake up in an America that was for all practical purposes drug-free, an America in which every child was learning at their best rate, an America in which children were born into families capable of taking care of them because we had ended the long process of teenage pregnancy outside of marriage. Now how much healthier would that America be?

Now let me repeat those three clear, definable achievements. An America that is for all practical purposes drug-free, an America in which every child is learning at their optimum rate, and an America where girls don't get pregnant outside of marriage as teenagers and there is an expectation of children being born into families capable of raising them.

How much healthier and how much better would that be?

I know that the first time you hear that said, it sounds like one more politician offering some big goal that sounds good and nothing will happen. But I came here today to say something very different.

We have proven over the last four years that if you take something seriously and you stay focused on it and you work at it every day, you can achieve it. It's not just a campaign slogan, it's not just an idea, it is a fact that this summer we are going to pass the implementing legislation for a balanced budget. It is a fact that you will have tax cuts in your next tax report. It will be the first tax cut in 16 years by the federal government.

And so I'm talking today about dedicating the country in exactly the tradition that de Touqueville talked about in Democracy in America in 1840.

He said it wasn't the Constitution, it wasn't the government, it wasn't the politicians. It was the spirit of individual Americans working on an individual basis at a community level across the country that made America so remarkably different from Europe, a spirit that Marvin Olasky caught in his great work, The Tragedy of American Compassion, who pointed out bureaucrats that simply redistribute money cannot save people.

And in the 19th century when you had a much lower tax system, much higher take home pay as a percent of income, you had one volunteer for every two poor people. The volunteers knew who was the alcoholic, who was the drug addict, who beat their children, who was worthless and needed to be retrained. And you had a much higher level of human to human contact and that is the spirit that I believe you have to reestablish.

Let me suggest to you that this is the core challenge and intellectually mentally about where we are going.

Can we stop drugs? Yes. Can we stop drugs with a liberal bureaucracy and a social policy and an intellectual theory that is wrong. No.

Can we have every child learn? Yes. Can we have every child learn in a failed bureaucracy dominated by tenure and unionized work rules with an education theory that doesn't work? No.

Can we save teenage girls from getting pregnant? Yes. Can we save them in a liberal bureaucracy with the wrong signal policy and the wrong theory about how society works? No.

So this is essentially an intellectual argument, what is the nature of reality. I think there are signs frankly that people are beginning to get it. Joseph Califano was one of the designers of the Great Society under Lyndon Johnson. In a recent magazine article he reports that on a tour of drug treatment centers every single ex-drug addict that he talked with said that religious belief was the key to their recovery. He said "I don't see anything wrong with public funding for a drug treatment program that provides for spiritual needs," says Califano.

This is a man who would have been a Great Society liberal, but he's at least willing to recognize that the reason Alcoholics Anonymous works is that it starts with the notion that you have to recognize that you have a problem inside you and that it takes a higher being to help solve that problem. I've had a number of recovering alcoholics report to me that they have been approached by federal officials who say "Could we do an 11 step program, and skip that part about God." I don't think they get what makes this work.

And again there's a simple test, if we reinforce drug rehabilitation that works and cut off drug rehabilitation that fails what we are going to find ourselves doing is helping institutions that are faith based and eliminating secular institutions that are simply bureaucracies that don't save anybody. We will save more people per million dollars the faster we move the resources to a faith based center but this is going to be an intellectual argument. It is going to be a big power struggle. A lot of folks who are not doing any good but are doing very well not doing any good are not going to like it.

Some of you have wondered why I would make one of the three major challenges of the next few years end pregnancy outside of marriage for young teenagers. I have to say first of all that Kay Granger, the former Mayor of Ft. Worth, who is a freshman member of Congress, convinced me of this. She has a YWCA program in her city that has 800 at-risk girls.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Statistically they should have 70 percent pregnancies, 560 pregnancies. In this particular group they have two. She said, you have to understand the cost. The United States has the highest teenage pregnancy rate in the industrial world. Here are some of the costs.

50 percent of the girls who have a baby out of wedlock will be long-term welfare recipients.

70 percent of all juveniles in state reform institutions were raised in fatherless homes.

Now rates of illegitimacy have passed 50 percent in seven of our 20 largest cities.

Some numbers the president used are very sobering. A child born to a single head of household family will have 140,000 social transactions by the time they are four years old. A child born into a family of two parents will have 700,000 social interactions. That is learning how to speak, learning how to talk, learning how to read, learning how to interact. Think what the difference is of that child coming into Head Start, the child that has had 140,000 and the child that has had 700,000 social interactions, and then we try to play catch up with government employees at that point.

Now the goal is not, as our liberal friends would say, a bureaucrat at the crib, and a bureaucrat for prenatal care and a bureaucrat that teaches them how to speak and a bureaucrat that stands next to the parent and watches over the children.

What we need is to reestablish the healthy social patterns and the healthy social programs and the principles that simply made common sense to most people. One of them is: if you're a young boy and you get a girl pregnant, you have a responsibility. You have an obligation. Another is to reach out to girls and give them an understanding that they can have a better future.

The program that has worked at the YWCA in Ft. Worth emphasizes the motivation of the young girl, the integrity of the young girl, the chance to be ambitious of the young girl. Because she sees herself with a better future, just saying no makes sense, because there is a life beyond one evening. It's very important to give people who are poor an opportunity for a better future and a belief in a better future because it changes their time horizon.

Drugs and teenage pregnancy are in large part a function of the breakdown of society's belief that every person has the right to pursue happiness, and we need to reestablish that belief and make it real for the poorest children of America. In the poorest neighborhoods you will see a dramatic change in behavior because hope precedes discipline. And people, once they have hope will begin to discipline themselves.

This is not a federal program. All elected officials are societal leaders who happen to be involved in the government. And our ability to lead our people is more important than fighting over legislation or fighting over bureaucracy.

Take the example of Best Friends, an Elayne Bennett program. It's an abstinence program for fifth to 12th grade girls. It's now in 50 schools in 15 cities. Each year each girl gets at least 110 hours of adult attention, discussing problems, gaining skills, learning self confidence. In nine years, out of 600 girls who participated at least two years, there have only been two pregnancies.

I would challenge anyone to find a government program with similar results. Because the fact is when you volunteer, you give of your heart and your time and your soul. You are engaged. But when you write a check to the IRS, you think you have bought permission to ignore the health of your country and you haven't.

So we have an obligation to reestablish lower taxes with higher take home-pay, so we can then turn to every American and say, if America has been good to you, it's time for you to find a fellow American and be good to them. And that's the spirit that will truly save every young person in the next generation.

What is at stake here goes far beyond the concept of simply waking up in a drug free society with everyone learning at their best rate and young children being born into families that can take care of them. This is about the very fabric of America. It's about what we are going to become. It is doable.

I want to come back to this point. I am not today giving you a set of solgans for a nice political campaign. I am suggesting to you as the Speaker of the House and as one of the leaders of our two great parties that we should at every level of society make these three things happen by January 1, 2001.

Now we know we can bring about great change because we are bringing about great change in welfare. In one year, nationwide welfare caseloads have dropped by 18 percent. 650,000 people left welfare in just the four months after we passed the reform. Fact is, people left welfare before the bill became effective. The word was on the street. Go to work. Get off welfare.

You could literally talk to welfare workers and they would tell you once the news media began to describe it, once it began to penetrate the common dialogue and once people discussed it over coffee, behaviors began to change.

The law followed the behavior change, but the act of debating the behavior change led to the law. In Wisconsin, where welfare reform has been far advanced because of the great leadership of Tommy Thompson, it reduced those on welfare by 33 percent in one year. The welfare rolls in Wisconsin are 50 percent lower than when Tommy Thompson first became governor.

And it's beginning to be recognized. Here's what the New Republic, the bastion of modern liberalism, said: "So far it seems the logic behind welfare reform is right. Now that the incentives have changes, welfare recipients are making better decisions. Liberals who opposed reform speak of the poor as if their were irrevocably crippled, lost forever. But as we have learned over the last six months, the problem is much simpler, a small core of people need tremendous health, a large majority seems to need only a small shove. That is the best news that we could have hoped for."

So I just want to say to you, you are seeing real change in welfare, you are seeing real change in government spending, you are about to see real change in taxes. So if we talk about a drug-free America, with children learning at the optimum rate and being born into families that can nurture them, these are just the next wave of changes in a pattern that we began in 1994.

The reason this is happening is that we are part of a worldwide movement of freedom and faith. You may think that sounds grandiose. So I brought a Washington Post article captured the rise of this worldwide movement of freedom and faith—and I'm quoting from the Washington Post:

"On a stool in his portable felt and canvas yurt, Yadamsuren, a 70-year-old nomadic sheep herder, offered a visitor chunks of sheep fat and shots of fermented mare's milk to ward off the unspeakable cold. Seventy miles of bleak desert northeast of Ulan Batur and many miles from the nearest neighbor, he spoke glowingly of the work of House Speaker Newt Gingrich and the Republican Party."

I'm not making this up. This is what he said, quote, "'I read the contract with the voter closely; everybody did,' explaining why he decided to vote for a new government in Mongolian elections last June. 'In the contract, they clearly say what society and the people can do for each other.'"

They printed 350,000 copies of their contract with the voters. They distributed it by car, truck, horse and camel. The contract became the most widely distributed Mongolian publication in history. The Mongolian people responded with a 91 percent turnout, and elected a 43-year-old speaker, a 41-year-old prime minister and a 38-year-old majority leader. Over half the new legislators are under 35. They are totally part of a worldwide movement.

There are things happening around the world. We are part of a worldwide movement of faith and freedom. We believe that if you combine the wisdom of the Founding Fathers with the opportunities of the information age and the world market then everyone has an opportunity to pursue happiness.

Now as a historian, I know people have changed their countries more than governments have changed their countries. The greatest example is the rise of Wesley and the rise of the Methodist movement in the 1870.

Those of you who are Methodists may be very familiar with the story. By reaching out across Britain, by saving souls, by reducing the number of people who were using gin. There was a crash in alcoholism among the industrial poor because of the Wesleyan movement. It not only saved Britain from the pressure of revolution. It saved the people Britain both from political turmoil and a tremendous amount of pain. And it set the stage for one of the great achievements of modern times.

One of the amazing stories in all of history concerns how the institution of slavery, deeply rooted in the practice at the millennium, was virtually eliminated in one hundred years. The greatest achievement in the nineteenth century. The Abolition movement began among a small group of people in England known as the Clapper Sect. It's leaders were Henry Thornton, a wealthy banker and one of the fathers of monetary economics, and William Wilburforce, a Methodist and a member of Parliament. Their goal was the change the laws of England and abolish the slave trade. Their method was an amazing information campaign.

Researchers associated with the group interviewed witnesses and gathered information on the horrors of slavery. Pamphlets were published. Actual specimens of leg shackles and whips were displayed to the public. A boycott of slave produced sugar was organized. The opposition in Parliament was strong, 56 members of parliament had a direct financial interest in slavery. But after 20 years of defeats they won in 1807 the beginning of the end for slavery around the world.

Changes in sentiments and beliefs create the base for legal reform. And that leads to changes in government. It was after all the Royal Navy that actually suppressed the slave trade after it was banned, not prayer but ships. But it is the prayer that made the ships possible.

Government action makes a secular reality out of the moral spiritual womb. And that's really the framework for what I am describing about where I think we need to go. Now, when I said if you combine the wisdom of the Founding Fathers with the opportunities of the information age and the world market, so that every person on the planet has their God-given right to pursue happiness.

Let me show you something I learned two weeks ago at the Library of Congress which has a wonderful display of the treasures of the American collection. Part of that collection is Jefferson's personal Bible. It's a book there from Jefferson's own collection. It's called Essays on the Principles of Morality and National Religion.

It's not what you think of a modern politician reading. Here's a quote underlined by Jefferson because it will change your thinking on one of the most common phrases in American political history. "People have an innate sense of right and wrong. When they act virtuously they increase the general happiness of mankind, thus the pursuit of virtue and morality is the pursuit of happiness."

Let me repeat that: Jefferson replaced what John Locke had written, "the pursuit of property." Jefferson replaced it with "the pursuit of happiness." Here is the meaning as underlined by Jefferson's own hand. "Thus the pursuit of virtue and morality is the pursuit of happiness." Doesn't that place that in rather a different light than say situation comedies or modern theoretical thought?

Doesn't that sort of suggest that the core principles of the American system are remarkably faith-based. There is a reason that Washington's first inaugural and Washington's farewell address are replete with references to God and morality, and there is a reason that the Declaration of Independence says, "We hold these truths to be self evident, that we are endowed by our creator * * * that we pledge our lives, our fortunes and our sacred honor."

That Lincoln 12 times in the second inaugural refers to God as the almighty in explaining America. That Jefferson in his memorial has around the top of it, "I have sworn upon the altar of God Almighty eternal hostility against all forms of tyranny over the minds of men." And to get to a drug-free America where every child is learning and children are born into families that can raise them does require a faith-based society and a society that returns to its roots.

These may seem like big grandiose goals. Let me cite for you why it is very American to have goals that are in fact larger than you think. The story of George Nast * * * that the great seal of the United States was adopted by the Continental Congress in 1782. We weren't yet a free country. On one side is a majestic eagle.

The other side, less familiar, is the unfinished pyramid with the date 1776 in Roman numerals on its base. Below is the motto: a new order for the ages, self-conscious break with history, identified with the hopes and the futures of mankind by design and intention. Nash adds, "hovering above the pyramid is a symbolic unblinking eye, the eye of God. And placed there is another motto: He has favored our undertaking."

I believe if we will return to that which has made us a unique country, that we will recognize that we are a great nation filled with good people who will call upon all those people, not the federal government, not the bureaucracy, not the law, but all of our people in all of our communities, we will in fact awake on January 1, 2001 a country that is virtually drug-free, in which practically every child is learning at their best rate, and in which children are born into families that can actually raise them.

And I believe that those three tasks have to be done and when done we will be able to say to our children, we have given you a country that is economically in order, is socially in order and where we have reestablished the framework of freedom. And now it is your generation's turn to lead the rest of the human race to that kind of a promised land.

CONGRATULATIONS TO WESLEY GAINES ELEMENTARY SCHOOL

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. HORN. Mr. Speaker, I rise today to praise the Wesley Gaines Elementary School, located in the Paramount unified school district. Wesley Gaines is one of 99 schools being honored as a title I national recognition school, by the Department of Education and the National Association of State Coordinators of Compensatory Education, and is one of five from California. The association's goal is to focus the Nation's attention on programs in high poverty areas where disadvantaged students demonstrate unusual success in raising their achievement levels in basic and more advanced skills. Wesley Gaines met the six criteria required for this honor, and received their recognition in Atlanta on May 6, 1997, at the International Reading Association Conference. In April, Wesley Gaines was recognized by the California Department of Education as a California title I achieving school. I am proud to have such an honored school in the 38th Congressional District.

This achievement has not come easy. Paramount school Superintendent Michele Lawrence and Wesley Gaines Principal Susan Lance have made a commitment to develop and maintain the Gaines community, which is not just physical buildings, but a philosophy that underscores the importance of education as a joint venture between the home, the school, and the community. The goal of the Gaines community is to prepare students to become responsible citizens and productive members of the society. To achieve this, students need to be proficient in reading, writing, mathematics, and have a positive character behavior—which includes good work habits, teamwork, perseverance, honesty, self-reliance, and consideration for others.

Through several key features, the Gaines community has been able to achieve these goals. The primary component has been a balanced literacy program, utilizing title I funds. All existing and incoming teachers receive training in specific, researched-based reading and writing strategies, including theory, program expectations, and implementation expectations. Additionally, Wesley Gaines has five reading recovery teachers who work with targeted at risk first graders and provides assistance to staff, as well as a site literacy Teacher, who acts as a partner-teacher to all staff.

Parent involvement is a critical part of the effort, and programs for parent-training help to support students' reading efforts at home Program examples are "I Have A Parent Who Reads to Me" for kindergarten and first grades; "WOW! I Can Read" for second grades; and "Book Bridges" for off-track students. A parent task force is very active with the site-based decision-making model and coordinates support activities, such as a minimum of three parent visitation days and family nights each year. One example of this program's success is the parent attendance rate at parent conferences: more than 97 percent of Wesley Gaines parents attend their parent-teacher conferences.

The overall success has been achieved and maintained regardless of some district wide changes: extension of the school day; implementation of a four-track, year-round schedule, adding grades 6 to 8 to Wesley Gaines' K–5 campus; redefining each school's attendance boundaries, which at Wesley Gaines led to an increase of 850 new students; and implementing a new school uniform policy.

It is obvious that Wesley Gaines deserves this honor. The students, teachers, and staff have worked hard and it has paid off. They recognized where their focus needed to be, devised a plan that efficiently used their resources, implemented their plan, and continue to reevaluate and reassess the quality of work they do, making changes as they go. And I am pleased to see that they recruited the best support group possible: parents. The level of commitment Wesley Gaines parents show has been, without a doubt, a key to their success. I would wish that all schools could have as much parental support as Wesley Gaines does. After all, it will take the entire community to educate and prepare our children for the 21st century.

I congratulate Superintendent Lawrence, Principal Lance, the entire staff, faculty, parents and students of the Gaines Elementary School community. I wish them many more years of success.

ROUTE 66

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BLUNT. Mr. Speaker, Route 66 conjures up memories about America's love affair with the automobile along a road into the Nation's heartland. Restaurants, motels, gas stations sprang up to serve the travelers and commerce as the highway moved west.

Today, Route 66 is mostly a nostalgic memory. Many of those early American developments along the Route 66's old path have been bulldozed away. Traffic on old Route 66 in Springfield, MO, gave birth to the Rail Haven Motor Court at Glenstone and St. Louis Street which remains one of the city's busiest and best known locations. When it was built in an orchard, the motor court sat on the intersection of U.S. Highways 66, 65, and 60. No major improvements had been made since the early 1960's at Rail Haven.

New owner Gordon Elliott, president and owner of Elliott Lodging, saw the real potential to save the deteriorating motel. In 1994, rather than bulldoze the historic old building, Gordon's vision included a renovated and expanded classic 1950's motel property. Gordon Elliott blended community renewal, development of a classic historic property, and risking private money to produce a successful venture that has rejuvenated one key intersection in his home community. The facelift for the property was completed without Federal grants, loans or tax abatements.

Elliott's refurbished motel has been a hit with patrons of a new generation. Building on public interest in nostalgia and the appeal of historic Route 66, the property became the best Western Sycamore Inn. Elliott's has marketed the Sycamore Inn for lovers of Route 66, tourists and business travelers. It has been so successful, Elliott is renaming the property the Best Western Route 66 Rail Haven in a public ceremony on June 12, 1997, to reestablish its historic roots.

The Best Western Rail Haven Motel's history has been featured in several publications including the quarterly magazine of "The Route 66 Association of Missouri" and "Missouri U.S. Tour Book."

The Route 66 Rail Haven is a look into our past with attention to detail in the modern transformation. Craftsmen will install the signature split rail fences long associated with the old motel built in 1938. The new 93-room lodge, joins nostalgic beauty and modern convenience. The spring 1997 edition of "The Route 66 Association of Missouri" features the Rail Haven on its cover and describes the facilities as "a charming 1950's style parlor room, complete with chandeliers, old time radios and speakeasy telephones, or, if you're a business traveler, you can choose to relax in one of the elegant corporate-friendly rooms." Featuring celebrity theme rooms for people like Marilyn Monroe and Elvis Presley, Elliott's Route 66 Rail Haven has found customers enjoying the opportunity to relive a bygone era in accommodations.

The Rail Haven is a Best Western motel. It is one of five motel properties owned by Elliott Lodging. The firm also owns and manages about 2,000 apartment units in Springfield. Gordon Elliott is a former Springfield City Council member and is a CPA in Springfield, MO.

BAN UNSOLICITED JUNK ELECTRONIC MAIL

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing the Netizens Protection Act of 1997. My legislation is aimed at protecting the internet user from the unseemly practices of the junk e-mailer. The internet user, or Netizen, is in a vulnerable position in the new medium and we in Congress cannot stand idly by as law-abiding citizens have their privacy invaded on an almost regular basis. And no one should have to pay for any such intrusion.

This is a bill that has moved, as Justin Newton of the Internet Service Provider Consortium so succinctly stated, from the community to the legislature, not one that was produced by the legislature and then forced upon the community. We are empowering the consumer and the individual to take action against an egregious breach of consumer and individual rights.

As increasing numbers of Americans go online and become passengers on the information superhighway, consumers' rights must not be eroded, abridged, or mitigated along the way.

The Internet—and e-mail—are becoming part of our everyday lives. And no one—from the consumer to the small businesses who run servers—should be forced to pay for unsolicited advertisements. This is not a question of curbing speech. I believe in the first amendment as much as anyone else. However, the idea of shifting the financial burden of speech on to an unwilling audience is one that needs to be addressed.

From the netizen who may incur costs in the form of charges spent online reading and disposing of the messages—there are still millions of internet users who pay in increments of time spent online—to users who assume the costs of both accessing and storing mail they did not want, consumers should not be unwilling, and paying, recipients.

Furthermore, junk e-mailers occupy time and space on an Internet Service Provider's ISP servers and forces the ISP to make technical improvements. The cost of these improvements are passed on to the consumer—you and me. In effect, the consumer is paying to have their privacy breached and invaded.

And no one remains unaffected by these intrusions. The business owner or ISP with their own server often unwittingly distributes unsolicited advertisements by acting as an exploder site or mail relay site. Not only is this trespassing on another person's property, but it is an outright theft of another person's resources.

Even more disturbing is the fact that a large portion of the unsolicited junk e-mail comes in the form of fraudulent get rich quick schemes, unproven medical remedies, and other unsavory solicitations.

Let me reiterate that my legislation is targeted at unsolicited commercial e-mail. The paths of communications between friends and acquaintances and businesses and their customers remains wide open. As a matter of fact, this legislation still offers the opportunity for legitimate direct marketers to do business. Certainly, the traditional avenues of direct marketing which do not shift the burden of cost to the recipient, such as postal mail, remain unchanged; and individuals will have the right to opt-in and be reached by legitimate direct marketers via e-mail. And let us not forget that we will still be exposed to electronic billboard and banner advertising on the Internet.

My legislation will make unsolicited advertisements unlawful by amending the Telephone Consumer Protection Act of 1991 which banned unsolicited junk faxes. The banning of junk e-mails is a natural extension of existing law. Based on a Ninth Circuit Court decision in *Destination Ventures* v. *FCC* (1995), there is substantial Government interest in protecting consumers from having to bear the costs of third-party advertising. In addition, the court also held that advertisers have no right to turn consumers into a "captive audience" that is "incapable of declining to receive a message."

I believe I have crafted a bill—although it is just the beginning of a process which includes hearings and committee work—that is acceptable to most parties involved. It allows people to "opt in" and receive unsolicited advertisements if they give their consent, but it does not put the onus on the individual to stop the unsolicited advertisers as an "opt out" plan would do. Today, at a press conference Ray Everett, a representative of the proconsumer group Coalition Against Unsolicited Commercial E-Mail, and Justin Newton, a representative from the pro-business Internet Service Providers Consortium—each coming at the issue from different sides—both came to the same conclusion—this legislation would be an effective way to put a stop to unsolicited advertisements.

THE SPORTSMEN'S BILL OF RIGHTS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. CHAMBLISS. Mr. Speaker, as vice chairman of the Congressional Sportsmen's Caucus, it is my pleasure to join in introducing the sportsmen's bill of rights in the House of Representatives. Our goal is to assure the same kind of access to Federal public lands and waters for tomorrow's hunters and anglers, that present and past generations of hunters and anglers have known.

From a young age, I learned to value and treasure the outdoors. I have also had the enjoyment of passing this love of the outdoors onto my son and hope one day to pass it along to my grandson. I am an original sponsor of the sportsmen's bill of rights because I want to ensure that future generations will not be denied the opportunity to enjoy similar experiences with their families and friends.

Government's involvement with promoting America's outdoor heritage dates back to the days of Teddy Roosevelt, and the sportsmen's bill of rights is a continuation of that relationship. This proconservation and prooutdoorsman legislation will strengthen hunters' and anglers' ability to hunt and fish on Federal public lands, while requiring Federal agencies to defer to State management authorities in most instances. Not only does the legislation encourage local stewardship, but it also maintains all current land management mandates and priorities established by law, so not to disturb current and successful conservation practices.

The primary focus of the sportsmen's bill of rights is to restore equity to public land use by providing reasonable access to America's outdoorsmen and women. In fact, this commonsense measure will give hunters and anglers the ability to utilize public lands that all taxpayers should have the ability to enjoy. After all, it is our tax dollars that pay for the maintenance and upkeep of public lands—with much of that tax revenue being generated from sportsmen's activities. In my home State of Georgia alone, the expenditures of sportsmen account for $88 million in State and Federal tax revenues.

By passing the sportsmen's bill of rights, Congress can send a message to the American public that the environment is too important to be left to extreme special interest groups or big government bureaucrats. This measure will unlock America's beautiful lands for all to enjoy, whether it is the type of folks who enjoy fishing with their children on a cool Saturday morning or those who can only go out once a year with their old hunting buddies.

SPORTSMEN'S BILL OF RIGHTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of the sportsmen's bill of rights. When this bill becomes law, it will encourage Federal land managing agencies to allow hunting and fishing on the lands they manage. It requires these agencies to take into consideration the impact that their policies and management practices will have on hunting and fishing. Another important feature of this bill clarifies that State government holds the primary management authority over wildlife resources unless the Federal managing agency can show specific statutory authority that requires otherwise.

This legislation is needed to ensure that Americans who enjoy the outdoors can utilize our public lands. There have been too many instances where Federal agencies have closed lands to hunting and fishing with little to no explanation to the sportsmen's community. The sportsmen's bill of rights will help keep these lands open as long as sportsman's use does not interfere with the primary use of the land.

This bill is very important to the people of the State of Alaska. The Federal Government controls over 242 million acres in our State, which makes up 66 percent of Alaska's total land area. To put it into perspective, the Federal lands in Alaska add up to over twice the total area of the entire State of California. This bill helps the Federal agencies keep these public lands open to use of our sportsmen and I urge its swift passage.

INTRODUCTION OF LEGISLATION

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mrs. CUBIN. Mr. Speaker, today I introduce legislation to transfer 190 acres of Federal land to Park County, WY. The legislation is the result of 5 years of dedication and hard work by the Cody Country Chamber of Commerce and the Cody Economic Development Council. I also extend a special thanks to Paul Hoffman, executive director of the Cody Country Chamber of Commerce, for his unwavering commitment in getting this matter resolved.

The land to be transferred is currently in public ownership, more specifically that of the Bureau of Reclamation. The Bureau has completed its withdrawal review of this land and have done extensive environmental testing, archaeological, and cultural resource studies. The State Historic Preservation Office has reviewed, and through the Bureau of Land Management [BLM], completed a cadastral survey of the land to be transferred.

All wetlands and lands with potential recreation, wildlife, and water management significance have been surveyed out of the area recommended for disposal, and that land will be retained by the Federal Government under Bureau of Reclamation management.

Through the General Services Administration [GSA], the Bureau of Reclamation recommends that all 190 acres be transferred to the county. BLM would of course be the logical Federal agency to receive the land, but it has formally confirmed it does not want to have the property under its management.

Mr. Speaker, this property, when transferred, will help ensure the economic stability of many businesses that currently hold leases on the property. Most of the acreage has excellent development potential as an industrial area, but the details of its use will be left to the discretion of the people of Park County, WY.

I am hopeful that my colleagues in the House will see the importance of conveying this Federal property, property that is no longer needed by the Federal Government, but is significant to the local entities that will directly benefit from it.

Mr. Speaker, I commend this legislation to my colleagues and urge their support for its prompt enactment.

CONGRATULATIONS TO CAPTAIN EUGENE SWEENEY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. STUPAK. Mr. Speaker, as a retired member of the Michigan State Police, it is an honor for me to bring to the attention of the House of Representatives and the American public the celebration of the retirement of a former colleague, a constituent and most importantly, a friend, Capt. Eugene David Sweeney from the Michigan State Police.

Throughout his distinguished 30 year career, Captain Sweeney has exemplified the attributes and personal qualities it takes to achieve the respect he has earned and the official commendations he has received. As a member of the 67th Recruit School in 1967, he quickly rose through the ranks and was promoted to Sergeant on October 2, 1977, and was transferred to the Fire Marshal Division at First District Headquarters in Lansing, MI.

His leadership and abilities soon provided the basis for additional promotions, including one 8 month span in 1981 when he was promoted to lieutenant, then first lieutenant, and post commander of the Negaunee Post. In 1989, he was again promoted to inspector for the Eighth District. On September 13, 1992, Gene Sweeney received his final promotion as captain in his role as commander of the Eighth District. The Eighth District comprises all of Michigan's Upper Peninsula.

There are few, if any positions where an individual places more on the line than in the area of law enforcement. Captain Sweeney put it all on the line every day for 30 years. He received the department life saving award on May 30, 1977. He also served as a model for many State troopers who served under his command and who have gone on to be excellent troopers themselves.

Captain Sweeney is married to the former Kathleen O'Rourke. They have three children, Shawn, Colleen and Aaron who, in keeping with family tradition, is also a member of the Michigan State Police. Aaron is serving with the Fire Marshal Division at the Eighth District Headquarters in Negaunee, MI.

Mr. Speaker, John Stuart Mill once said, "Everyone who receives the protection of society owes a return for the benefit." We have all received the benefit of knowing, working with and for Gene Sweeney and his family.

Mr. Speaker, on behalf of all the residents of Michigan's First Congressional District and as cochairman of the Congressional Law Enforcement Caucus, I congratulate Capt. Eugene Sweeney upon his retirement and wish him well with all future endeavors.

CELEBRATION OF THE 50TH ANNIVERSARY OF THE SANTA BARBARA MENTAL HEALTH ASSOCIATION

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. CAPPS. Mr. Speaker, I rise today to recognize the Santa Barbara Mental Health Association, which is located in my district and celebrates its 50th anniversary today. Historically, the needs of people with mental illness have often been neglected and forgotten. The Santa Barbara Mental Health Association was formed in 1947 by caring people who recognized the inadequacies in the care which mentally ill people received, and were determined never to allow these individuals to be ignored.

Today, the volunteers and staff of the association run two group homes and a drop-in center providing classes, support groups, meals, and a friendly atmosphere to mentally ill people. To the families of persons with mental illness, the association offers education and support services. The association also helps build understanding in the community by putting people in contact with, and educating them about, the challenges and triumphs of the mentally disabled.

Mr. Speaker, I would also like to take a moment to thank my dear friend Tom Rogers who will be honored by the Mental Health Association for his years of dedicated service and outstanding achievement on behalf of persons with mental illness. As a county supervisor and well-respected leader of our community, Tom Rogers has had the courage and ability to stand up and work for those people who most need a friend and advocate. And as everyone on the central coast knows, Mr. Speaker, Tom's courage and strength of spirit are shining brightly in the face of his own personal adversity.

Mr. Speaker, I ask that you join me today in commending Tom Rogers and the Santa Barbara Mental Health Association for their years of service to the community.

"HAPPY 200TH BIRTHDAY TO FELLOWSHIP LODGE"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. FRANK of Massachusetts. Mr. Speaker. One of the most interesting aspects of representing Massachusetts is our history as one of the original 13 States, and as a place where much of America began.

One great example of this is the Fellowship Lodge, A.F. & A.M. in Bridgewater, MA.

On June 15 this lodge will celebrate its 200th anniversary. On that day in 1797, the grand master of Masons in Massachusetts went to the town of Bridgewater to present a charter to Fellowship Lodge, and that same charter remains in Fellowship Lodge in Bridgewater today. Of particular interest is that the grand master who made that trip is a man who made another, more well known trip in Massachusetts 20 years earlier—Paul Revere. And the man who organized the petition drive to open a lodge of Masons in Bridgewater, Hector Orr, preceded myself and my House colleagues to Washington.

I congratulate the members of the lodge for their persistence in preserving this important part of our history. Massachusetts flourishes in part because our citizens recognize the value of maintaining our strong historical traditions even as we are pioneers in so many breakthrough technologies. It is I think of great note that the town of Bridgewater is the home both of this 200-year-old lodge, begun with a charter by Paul Revere when he was grand master of Masons, and also the John Joseph Moakley Technology Center at Bridgewater State College, which is a state-of-the-art facility helping residents of the area master the latest in telecommunications skills. Mr. Speaker I ask that the history of this lodge, written by Luther Hayden, Jr., be printed here as an important example of how a community can nurture and be nurtured by its history.

HISTORICAL HIGHLIGHTS—1797–1972

(By Worshipful Luther L. Hayden, Jr.)

The first record of any movement toward the formation of the Lodge bears the date of October 1, 1796. At that time, a group of Masons of the old town of Bridgewater, desirous of having a meeting-place at or near their place of abode, appointed a committee to present a petition to the nearest Lodge. The petition was signed by Hector Orr, Charles Angier, Josiah Otis, Noah Fearing, Isaac Lazell, Nathan Lazell, and Joseph Lazell. It was presented to Orphan's Hope Lodge of Weymouth, asking for a recommendation to the Most Worshipful Grand Lodge that it grant a charter for a lodge in Bridgewater, to be called Fellowship Lodge.

The first meeting of which we have a record was held at the home of Brother Hector Orr, in the East Parish of Bridgewater, on June 30, 1797. On October 2, officers of The Grand Lodge of Masons in Massachusetts came to Bridgewater, and at that time Most Worshipful Paul Revere consecrated and constituted Fellowship Lodge.

The charter of Fellowship Lodge is dated June 15, 1797, and is worthy of special mention. It is signed by Most Worshipful Paul Revere. During his term of office, twenty-three new lodges were formed, and several of these have their original charter. Fellowship Lodge is one of these.

In order to appreciate the period in which Fellowship Lodge was formed, it would be well to note what was happening in our country in 1797. George Washington had just completed his second term, and in March, 1797, John Adams, second president of the United States, had been inaugurated. The cornerstone of the first Capitol building in Washington had just been laid with elaborate Masonic ceremonies, in which George Washington took part. The Town of Bridgewater was composed of what is now Brockton, West Bridgewater, East Bridgewater and Bridgewater.

In 1835, due to the strong anti-Masonic feeling which prevailed throughout this nation, the Lodge voted to suspend its regular meetings. From 1835–1845, only one candidate received the degrees. The charter was never surrendered during this time. Tradition informs us that it was concealed in the caves of the Jonathan Ames house on South Street in West Bridgewater.

Regular meetings were resumed in September, 1845, and a period of lively Masonic activity took place. By 1868, 140 new members had been added to the rolls.

In 1869, Fellowship Lodge purchased its first permanent home, located on the site of the present Temple. In 1872, a third story was added to form the lodge room which many of us came to know so well.

On June 15, 1897, the 100th Anniversary was observed. Apparently the whole town participated, for a newspaper list of decorated buildings includes practically all public and commercial buildings, as well as many homes. The Most Worshipful Grand Master, Most Worshipful Charles G. Hutchinson, and many members of Grand Lodge were in attendance. After an hour-long parade, an anniversary meeting was held, followed by a banquet. the Reverend Dr. George C. Lorimer, minister of Tremont Temple, delivered the principal address. One report states that over 800 attended.

In 1922, the 125th Anniversary was observed with a church service, ladies' night, and a commemorative communication. The grand Lodge was represented by the Right Worshipful Senior Grand Warden.

In 1936, according to Right Worshipful Herbert K. Pratt, "the Lodge was swept with a wave of dramatic fervor." The Fellowship Players were organized, and for several years a different play by Worshipful Carl H. Claudy was produced annually. Invitations were received from far and wide, and the Players traveled from Provincetown to Boston, appearing before an estimated ten thousand Masons. During World War II. the Players submerged, but every now and then they surface, upon request, to reenact their perennial favorite "A Rose on The Altar."

On June 15, 1947, the Lodge celebrated its 150th Anniversary with church services and a special communication. Most Worshipful Samuel H. Wragg and several other Grand Lodge officers were our guests. The observance ended with a banquet at the Albert Gardner Boyden Gymnasium.

At the February 24, 1964 meeting of the Lodge, a committee was appointed to look into the advisability of either remodeling the lodge building or erecting a new Temple. For a number of years it had become increasingly apparent that extensive repairs would have to be made to the old structure, which had been the home of Fellowship lodge for nearly 100 years. The building was structurally weak and the lodge room on the third floor was a potential firetrap. After considerable study, by this committee and others that follows, at the May 2, 1996 meeting, erection of a new building on the same site was recommended and it was voted to proceed with the project.

The building committee then set to work in earnest. A brochure was prepared showing plans for the proposed new Temple, and at the June 6th communication a drive for funds was initiated, with Brother Thomas Carroll, our oldest member, making the first contribution. Arrangements were made for the Lodge to meet in the quarters of Satucket Lodge in East Bridgewaterr. Late in July, demolition of the old building was begun. Construction proceeded with few interruptions, and by the fall of 1967 the building was ready for occupancy.

September 7, 1967, was a Red Letter Day in the history of Fellowship Lodge. On that day, officers of the Most Worshipful Grand Lodge of Masons in Massachusetts came to Bridgewater, and Most Worshipful Thomas A. Booth presided over the laying of the cornerstone and dedication of the new Temple. Masons from far and near taxed the capacity of the lodge room to participate in the traditional Masonic ceremonies. Then, on April 3, 1968, a mortgage-burning ceremony proclaimed the Lodge's freedom from encumberances. Thus, the hopes and plans of Fellowship Lodge came to fruition, and another page added to the story of Masonry in Bridgewater.

No account of the building of the Temple would be complete without credit being given to those whose efforts and contributions made it possible. First, to the Building Committee, who labored so tirelessly for a period of more than two years, studying, planning, and finally supervising the building construction. Second, to all those who subscribed so generously to the drive for funds. Third, to the memory of those whose gifts and bequests were largely responsible for our being able to build without incurring indebtedness: namely, Brothers Elmer Edson Kimball and John Gardner Braman; Paul Revere, great-grandson of the signer of our charter; Mrs. Flora T. Little, widow of Brother Walter S. Little; and Mrs. Eleanor G. Reynolds, daughter of Brother Harry H. Bragdon, Lodge treasurer for thirty-nine years. To these, and many others, Fellowship Lodge owes a debt of undying gratitude.

For 175 years, Fellowship Lodge has survived through wars, depressions and the anti-Masonic period, and has prospered. It has become a recognized and respected influence for good in the community. As a unit of a great Fraternity, international in its scope, we should like to feel that it has played its part in the promotion of Brotherly Love, Relief and Truth to all men "whereever dispersed over the face of this earth." May God grant that its future be as bright as its past.

TRIBUTE TO DARLENE REINKEMEYER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BLUNT. Mr. Speaker, Darlene Reinkemeyer became executive director of the Missouri Funeral Directors Association in 1992 and almost immediately members noticed something had changed for the better.

With Darlene's directing, memberships increased sharply, membership services tripled, and the association's programs for continuing education seminars, licensure, and professional development were enhanced and scheduled on a more frequent basis.

The MFDA Newsletter took on a new life with added information and diverse advertising. The newsletter is now regarded as one of the best in the country.

Reinkemeyer was a key figure in restoring credibility to the Missouri Funeral Trust by developing effective contracts, folders, and forms and implementing a computerized record keeping system that gave the system new accountability, and reduced costs. The MFT now manages $30 million. The system Reinkemeyer authored has been copied in other States.

Darlene also put the Missouri Funeral Directors Association into the information age, too. The MFDA is on the Internet and its offices are computerized. In the last year, she was instrumental in providing the MDFA with new offices and headquarters building. The Association, with Reinkemeyer at the helm, is financially stable with a sound process of planning and acquisition of assets and capital improvements.

Darlene Reinkemeyer has decided to leave her position, and funeral home directors in Missouri will miss her. Her efforts have improved the profession in Missouri to the benefit of those persons who need their services in times of great bereavement. We wish Darlene Reinkemeyer the very best in her pursuits.

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HONORING RAY L. TURNER

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. ROEMER. Mr. Speaker, it is a great honor to rise today in appreciation of Mr. Ray L. Turner, a loyal and dedicated friend who has been named the Indiana School Social Worker of the Year for 1997. It is truly an honor for me to recognize Ray, who has consistently demonstrated generosity and selfless dedication to the children of northern Indiana.

As the school social worker at Harrison Elementary School in South Bend, IN, Ray has dedicated himself to promoting the academic and social advancement of students in a host of important areas including home visits, crisis prevention, and an innovative approach known as early intervention, which Ray designed and is now in the second year of implementing. The objective of this unique method is to apply prevention and early intervention strategies for elementary school children to reduce suspensions and promote parental involvement. For the current school year, Ray also assumed primary responsibility for the design and implementation for the Harrison School's "Enrichment After School Program."

Ray received an undergraduate degree in philosophy from the University of Notre Dame in 1973. He also received a masters degree in elementary education from Indiana University in 1975 and a masters degree in social work from Western Michigan University in 1978. Ray has also completed all coursework and examinations for Western University's Education Leadership Doctoral Program.

Ray's awards and achievements are numerous and illustrate an extensive and distinguished career in assisting children. In addition to being named Indiana's School Social Worker of the Year, Ray has also been named the local Social Worker of the Year for South Bend Schools and Teacher of the Year at Harrison Elementary School in 1996 and 1997. Additionally, Ray was awarded the Martin Luther King Community Service Award in January 1997, the Co-Social Worker of the Year for South Bend Schools in 1995 and 1996, and the UCAADA Community Service Award in August 1994.

Mr. Speaker, I am especially proud to recognize Ray's achievement in establishing a regional site for the Indiana Chapter's Books for Kids Foundation in 1996. This innovative program focuses on early literacy as a critical part of the foundation from which a child learns and improves in mind and spirit, and becomes a contributing member of the family and the community. As a member of the House Committee on Education and the Workforce, my efforts to provide greater opportunity for young people are significantly bolstered by the contributions of selfless individuals like Ray Turner, whose ongoing contributions continue to provide an unrivaled source of inspiration and motivation for America's youth.

Mr. Speaker, Ray Turner is a shining example of the importance of our Nation's outstanding teachers and social workers, whose tireless contributions provide an invaluable service to our community. I am confident that Ray will continue to play a constructive and important role in influencing the lives of children and all of those who come into contact with him.

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CONGRATULATIONS TO THE CARMELITOS PUBLIC HOUSING DEVELOPMENT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. HORN. Mr. Speaker, I rise today to praise the Carmelitos public housing development, located in North Long Beach. It wasn't long ago that a public housing site in my district of Long Beach epitomized what is wrong with public housing today. Crime-ridden neighborhoods and rundown units plagued families living in this community. Today, the Carmelitos public housing development is a bonafide success story, due in part to one program making a difference in its public housing residents' lives—the Growing Experience. The Growing Experience is a year-long training program open to county public housing residents to prepare them for landscape business development and employment. The project is improving the quality of life for public housing residents by providing strong job training and educational opportunities that lead to self-sufficiency. Since the program's inception in April 1996, one-third of the resident trainees have moved out of public housing and into private residences. Clearly, the Growing Experience is proof that a chronically unemployed community can transform itself into a community that embraces work.

I am proud to announce that the Growing Experience, a program of the Los Angeles County Community Development Commission, was named a semifinalist in the Ford Foundation's 1997 Innovations in American Government Awards competition. One of the Nation's most prestigious public-service prizes, the Innovations Awards recognize governmental initiatives that provide creative solutions to social and economic problems. Being named a semifinalist in this competition underlines what those of us in Los Angeles County have known for the last year—that Carmelitos is a pioneer in helping people to help themselves.

I congratulate the Carmelitos housing development and the Los Angeles Community Development Commission for its recognition in this national competition. Carmelitos is a prime example of defining a program's success by how many people graduate to self-sufficiency and no longer need its assistance.

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PERSONAL EXPLANATION

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BONO. Mr. Speaker, I am writing to clarify my position regarding the Employment, Training, and Literacy Enhancement Act of 1997, H.R. 1385. Regrettably, on May 16, 1997, my vote on final passage of this legislation was improperly recorded, rollcall vote No. 138. Let the record show that it was my intent to vote "nay" on final passage in accord with my position opposing this bill. While I appreciate the efforts of my colleagues in this endeavor, I deeply feel this is a wrong direction for us to turn. Thank you for recognizing my position regarding these important matters.

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PERSONAL EXPLANATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. LoBIONDO. Mr. Speaker, I seek recognition to speak out of order. Mr. Speaker, last Friday, May 16, my wife fulfilled a lifelong dream. Having stayed at home to raise our two children, my wife had recently returned to school to get her degree in education. Last Friday, she achieved that goal in a commencement ceremony at Rowan University in my district. I could not be more proud of her.

Needless to say, because I attended my wife's commencement I was unable to attend Friday's session and was therefore forced to miss votes that day. However, I wish to submit for the record that had I been present, I would have voted "no" on the Owens amendment, and "yes" on final passage of the bill H.R. 1385.

CONGRATULATIONS TO RON MOLENDYK

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. CALVERT. Mr. Speaker, I am here today to acknowledge the outstanding career of Ron Molendyk. Mr. Molendyk, who has announced his retirement, serves as the city manager for the city of Lake Elsinore, CA. Having worked with Mr. Molendyk for many years, I am truly sorry to hear this pillar of the community say goodbye. However, I am extremely pleased to see a long life of hard work be rewarded with the celebration of retirement.

Mr. Molendyk has served in municipal government for 35 years and he has been dedicated to the city of Lake Elsinore for 13 years. He began his career as the recreation leader for the city of Buena Park. He then moved on to become area supervisor for the recreations and parks department for the city of Long Beach, director of recreation and parks for the city of Bell, director of community services for the city of Brea and the traffic commissioner for the city of Placentia. Drive, determination, and many years of experience paid off for Mr. Molendyk when he was hired as the city manager/city clerk for the city of Rolling Hills and then, later, as the city manager for the city of Lake Elsinore.

The position of city manager incorporates all of the requirements of a corporate administrator, as well as the responsibility of providing leadership and representation to the community on behalf of the city council and staff. As city manager, Mr. Molendyk has served as the negotiator to bring commercial and residential development to the city of Lake Elsinore. To emphasize the priceless asset of the city, the lake, Mr. Molendyk has been a leader in the development of recreation and tourism.

He has also been the key contact for relations between the city and other levels of government. On many occasions, Mr. Molendyk has been the liaison for my office when addressing city issues affected by the Federal Government, such as flood control, transportation, and the environment. His knowledge of and passion for the city of Lake Elsinore has been a vital asset to me during my first two terms as the congressional representative for the Elsinore Valley.

Mr. Molendyk received his bachelor of arts in recreation and master of science in administration from California State University, Long Beach. He is a member of the International City Managers' Association, Inland Empire City Managers' Association, California Parks and Recreation Society, Rotary International, Lambda Alpha and Community Redevelopment Association.

I would like to take the opportunity to say thank you to Mr. Molendyk for his dedication, influence and involvement in our community. He has served as a fine representative of municipal government. It is a great pleasure for me to congratulate Mr. Ron Molendyk on his outstanding career and offer my best wishes for continued success in his future endeavors.

HAPPY 50TH ANNIVERSARY TO WNAM–AM

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to honor broadcasting excellence and the 50th anniversary of WNAM–AM in Neenah, WI.

Friday, May 23, 1997, will mark 50 years that WNAM has provided information and entertainment to residents of the Fox Valley, an invaluable public service. WNAM Radio, whose call letters reflect Neenah and Menasha, is one of the oldest radio voices in northeast Wisconsin. As such, it has provided a continuous record of the history of radio as it emerged across the Nation. From the old days of network radio soap operas to the veteran broadcasting personality Ron Ross, who holds forth every morning on the air, WNAM has been a constant radio companion to thousands of listeners at 1280 on their AM radio dial.

Every day, listeners tune in to WNAM to hear hourly local, regional, State, and national news. And, of course, it is the place to hear Frank Sinatra, Nat King Cole, the McGuire and Andrews Sisters, and many other popular entertainers.

As a former broadcaster myself and as someone who knows the hard work and dedication it takes to operate, maintain, and continue great programming on a radio station, I want to thank WNAM for their service to Wisconsin and I wish them many more years of excellence on the radio.

Mr. Speaker, I ask my colleagues to help me honor WNAM and wish them a hearty happy 50th anniversary.

CONGRATULATIONS TO MR. NATHANIEL MORRELL AND THE STUDENTS OF E.W. CLARK HIGH SCHOOL

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. ENSIGN. Mr. Speaker, I would like to bring my colleagues' attention to the tremendous accomplishments of an outstanding teacher, Mr. Nathaniel Morrell, and group of young students from E.W. Clark High School in Las Vegas, NV.

Recently, Mr. Morrell's class won the Nevada State competition sponsored by the Center for Civic Education. The competition tested students on their knowledge of the Constitution. For their efforts, Mr. Morrell's class represented the State of Nevada at the national finals which were held in Washington, DC. At the national finals, Mr. Morrell's class was further distinguished when they were recognized as the best nonfinalist team from the Western States region.

Through this competition, each student demonstrated his or her knowledge of the Constitution before simulated congressional committees made of constitutional scholars, lawyers, journalists, and government leaders. Unfortunately, for too many Americans understanding the Constitution and appreciating the protection of liberty it affords us is a duty left unrealized. However, with the example of young students devoting their free time to participate in a scholarly competition, I am confident that our Nation will have the leadership to take us into the 21st century and increase our collective knowledge of one of the most revolutionary documents in human history.

I would like to offer my congratulations to Mr. Morrell, Scott Bernth, William Britton, Dana Buck, Scott Collins, Marci Conant, Jill Conk, Gina Eusanio, Desiree Evans, Brenna Flood, Neeloufar Gharavi, Michael Grizzaffi, April Jones, Parminder Kang, Sioh Lee, Cassie Martin, Jesseca Master, Andreas Mauer, Chairat Meevsin, Nicholas North, Jennifer Patterson, Charles Posnecker, Scott Pringle, Yoan Rodriguez, Jeffrey Sherman, David Simpson, Michael Sweker, Jack Tomassian, Benjamin Tripoli, Brianna Winters, Michael Wucinich, and Kate Raby. Nevadans are very proud of their achievement.

Mr. Speaker, I applaud these young Americans and the Center for Civic Education for their months of hard work. Mr. Morrell and his class will undoubtedly treasure this experience for a lifetime.

H.R. 1702, THE COMMERCIAL SPACE ACT OF 1997

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SENSENBRENNER. Mr. Speaker, the United States is a country built by the sweat, ingenuity, successes, and failure of its people, not its Government. Our history was written well outside of Washington, before the beltway was ever constructed. The American model of progress is one that draws on the skills, energy, and honest work of our citizens. It is a model in which Government ultimately plays a subordinate role.

Sometimes we forget that when it comes to outer space. Because the Government put a man on the Moon, some supporters of space development have thought that only Government was capable of developing this newest frontier. But this is the wrong mindset to have in a country that does not revolve around Washington and whose energies must not be trapped by the gravity well of Federal deficits. If we expect, or accept, that Government will do for us in space what the American people did for themselves in developing this country, then we will have lost the vision of our Founding Fathers. We will have ceased to be American.

Fortunately, the can-do attitude that built this country still exists beyond the beltway, and even in many corners of Washington. There are legions of citizens who don't work for the Government or a government contractor, but who are opening our next frontier in outer space. They're using their own sweat, their own creativity, their own insight, and their own money to create one of the fastest growing areas of commercial activity in this country: commercial space. In 1995, the commercial space industry generated $7.5 billion in revenue. For the last decade, it has been one of our fastest growing industries and has proven relatively recession-proof.

Today, commercial space businesses are employing thousands of people in various commercial activities, including communications, space launch, remote sensing applications, and navigation. The services are growing by leaps and bounds, as is U.S. employment in the industry. We use communication satellites launched on commercial rockets to make international calls for a fraction of the cost we paid decades ago. We have a commercial sector investing in new rockets to lower the costs of getting to space. We have companies investing in new space instruments to do the kind of research that pays immeasurable returns in the outyears. We have remote sensing applications companies using space imagery to better understand flooding and more realistically estimate damage.

Tomorrow, we can look forward to an explosion in remote sensing after the first privately financed satellites are launched this year. We can look forward to an explosion in communication services, as companies fill low- and medium-Earth orbits with constellations of communication satellites. We can look forward to cheap access to space that is an order of magnitude less costly and more reliable than today's ballistic vehicles. We may even look forward to space tourism, which NASA is already studying in a joint venture with industry.

The American people have spoken on this issue. We value commercial space. We want it to succeed. We want to participate in opening the space frontier. Over the past decade, the Science Committee had led the way under Republican and Democratic management to pass the legislation necessary to enable these industries to succeed, with bills ranging from the original Commercial Space Launch Act of 1984 to the Land Remote Sensing Policy Act of 1992. Over the past decade, the office of the President—whether it was held by Republicans or Democrats—has developed and imposed policies intended to expand the ability of the commercial sector to lead this country in space. None of these initiatives required a new government program. Instead of spending money, we've saved it by expanding the technical and industrial base for space. We've saved money by reducing the amount of overhead that Government has to pay on its own. We've saved money by creating new jobs, new technologies, new expertise, and new capabilities that tax dollars didn't have to pay for. These benefits are so simple, and so direct, that America's elected officials have supported them regardless of party, whether they are in the White House or in the Congress. We've done, in legislation, the things that the American people have asked for, we're moving Government out of the way.

But the job is not done. We've heard it from constituents and we've experienced it ourselves: The Federal bureaucracy does not always apply law or policy in the manner that the Congress and the White House intend. Instead of serving the Nation's interest in promoting commercial space, bureaucracies serve their self-interest in expanding turf, accreting regulatory power, and stifling creativity. The bill I am introducing today reverses the increasing bureaucratization of commercial space and the tendency by the Government to grow and stifle this industry. The Commercial Space Act of 1997 levers the legislative and regulatory process for space launch, space reentry, and remote sensing back to the track it was meant to be on when Congress enacted and the White House approved commercial space legislation.

We designed this bill around the Clinton administration's space policies, in particular, as they relate to remote sensing, space transportation, and navigation from space. We designed this bill around those policies because they are good policies. They strike an appropriate balance among our Nation's interest in promoting commercial space activity, creating high-tech jobs, protecting our national security, preserving the public safety, and increasing our technical competitiveness. We've insisted that Federal agencies and departments do the things they are obligated to do. We've strengthened some of the policies and set specific limits on the power and authority of the Federal Government. By taking these steps, we're creating a stable business environment in which the commercial sector can raise capital, develop a business plan, hire employees, and offer a space good or service with the expectation that the Government won't keep changing the rules.

The bill does several things, but let me limit my comments to the highlights.

First, we direct NASA to study the prospects for commercial development, augmentation, or servicing of the international space station, including the funds that we might save through greater commercial involvement.

Second, we amend the Commercial Space Launch Act to give the commercial sector the legal ability to reenter Earth's atmosphere and return space payloads to Earth. This is a vital portion of the bill, as a handful of companies are building commercial reusable launch vehicles which will need to reenter Earth's atmosphere and land after delivering their payloads to orbit. NASA's own X–33 program is leading technology in this direction, so Congress and the White House must act soon to make commercial reentry from space legal.

Third, the bill confirms and supports the President's policies on the global positioning system [GPS]. GPS is a space-based system that people can use to determine their precise position on Earth. Although it is a military system, the Reagan administration decided a decade ago that its signal would be available to civilian users. Since then, the civil and commercial uses of GPS have exploded. According to a RAND Corp. study, the global market for nonmilitary GPS goods and services could reach $8.47 billion by the year 2000. Other governments are considering entering this area of space activity. Because our national security and economic interests are better served if the U.S. system becomes the world standard, the bill encourages the President to enter into regional agreements with foreign governments to secure the U.S. GPS as the world's standard. This encouragement will strengthen the administration's negotiating position by presenting a united front overseas without tying its hands to reach the best agreement.

Fourth, the bill streamlines the process of obtaining a license to operate a commercial remote sensing satellite. The Government has issued seven licenses to the industry to image the Earth from space, enabling our commercial sector to compete with a host of corporate, government, and quasi-private entities from other countries seeking to dominate global remote sensing markets. U.S. leadership of this industry is crucial if we are to ensure that its benefits accrue to Americans and that the global industry remains under the control of the United States. If we allow foreign entities to lead the industry, then we will lose insight into and control over the use of high-resolution remote sensing imagery during times of crisis. This bill lays the foundation to ensure that American industry can set the pace of technical change in the industry so that we do not cede control over it to another country.

Fifth, the bill requires the Government to procure commercial space transportation services, instead of buying rockets. When the aviation industry began in this country, the Government procured air mail services from the commercial sector, allowing the market to determine the pace of innovation in the industry. The results of this decision made America's aeronautics industry the world's leader in just a few decades. We need to do the same thing for space and bring market mechanisms into the process of launching Government payloads. The bill does make appropriate exceptions, including giving the Defense Department considerable discretion in areas of national security.

This bill is based on legislation, H.R. 3936, that the House passed under suspension last year. That bill had broad bipartisan support and we worked very closely with the administration to ensure that it was consistent with President Clinton's objectives. After all, the President's policies help achieve our goals. This is one area where there is very little political disagreement. In the end, a Republican Congress and a Democratic White House can look back on a spirit of cooperation among the Nation's elected officials last year. The bill didn't become law because it was sent to the Senate in the waning days of the 104th Congress. By sending this bill to the Senate during the first session of the 105th Congress, we will be giving the Senators enough time to review and pass the bill. I hope that we can maintain the same level of cooperation and compromise as we experienced last year. Just as we worked on a bipartisan basis in the House last year, and just as we worked with the administration to move the bill forward, I am looking forward to working with the bill's supporters in the Senate this Congress.

As important as this bill is, it is not the last and final word on commercial space development or Government's role in it. It takes several very solid, but incremental steps down the path the American people have said they want to go. The changes we are making here are vital to providing the stable business environment that any young and growing industry needs to expand. To paraphrase Neil Armstrong as he leapt to the lunar surface 28 years ago, these small steps add up to one giant leap.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

SPEECH OF

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 84) establishing the Congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, and 2002.

Mr. CAPPS. Mr. Chairman, I rise today in support of the budget resolution. Though I have strong doubts about some of its provisions and fully oppose others, I am confident that this budget is, on balance, in the best interest of my constituents and the country.

This budget is a victory for fiscal responsibility. It offers sensible tax relief while increasing our commitment to education, health and environmental protection—all while achieving a balanced budget by 2002.

The capital gains tax reductions will help small businesses, family farms and high-tech companies throughout this country. Lower interest rates will free up capital, allow greater expansion for growing sectors of our economy, and reward risk-taking entrepreneurs. The likely $500,000 exemption of profits from home sales will encourage home ownership and give many taxpayers flexibility with their largest financial asset.

I am particularly pleased that the new budget proposal calls for the strongest Federal support of education in 30 years. It strengthens the Head Start program to include an additional 200,000 young children by 2002 and provides for 1 million tutors for older students who need help catching up. The expansion of the Pell Grant programs and $35 billion in education tax credits will increase access for working families and their children to help them help themselves through the wonders of higher education.

I believe in welfare reform, but I opposed the rank unfairness in last year's bill that sought to end all benefits to legal immigrants. The provisions to restore benefits to elderly disabled legal immigrants will help impart some fairness to welfare reform. I also support the tax incentives for businesses to help increase welfare-to-work opportunities.

This budget also restores health insurance for half of our Nation's 10 million uninsured children. While this is a good start, we must do more. No child in this country should be without health insurance. We should see this provision as a start in addressing this critical need throughout our country.

As the Representatives of one of the most beautiful districts in the Nation, I am pleased that the agreement also provides funding to double the pace of cleanup at Superfund toxic waste sites; increases funding for community redevelopment of contaminated urban areas (so called "brown fields"); and increases funding for ensuring the beauty of our National Parks.

But like many of my colleagues here today, I am concerned about the amount of savings—$155 billion—to the Medicare program. These cuts will force a rise in seniors' premiums of perhaps more than $5 per month by the year 2002 and put additional financial burdens on physicians and hospitals. I fear that such deep cuts could do serious damage to the quality of health care provided to seniors and I hope that we can work together here in the House to ensure that these cuts are done as responsibly as possible.

In addition, there are many wasteful Government programs that were not included in the agreement that could save billions of taxpayer dollars and lessen the cuts to important programs like Medicare.

For example, mining laws are still governed by a law written in 1872, which gives away billions of dollars in mineral rights on taxpayer land for almost nothing. The Congressional Budget Office estimates that updating this law would save $1.5 billion over 5 years and protect the environment. We also continue to subsidize the building of roads in our national forests and to sell taxpayer-owned timber at below market rates, at a cost of $300 million annually. Subsidies for the cotton and sugar programs cost taxpayers billions each year.

I also have questions about the Pentagon's budget. While I am a strong supporter of our armed services, we must subject the Pentagon's $263 billion annual budget to the same scrutiny at the rest of the Federal Government.

As with any major piece of Federal legislation that covers such a broad range of issues, there is a lot to like and dislike about the proposed budget agreement. But we must not succumb to the temptation to abandon the process because there may be particular provisions with which we disagree.

I believe that we must return a measure of civility to our public discourse. We mustn't fall into the abyss that the last Congress found itself in. Only by speaking with one another in a civil and honorable fashion can we hope to accomplish what the people of all our districts have sent us here to do.

Republicans and Democrats will not work in a bipartisan fashion on every issue, nor do I believe that they should. While there are distinct differences between our two parties, these disagreements should be seen as an illustration of the strength of our democracy. But we cannot let these differences stand in the way of making compromises that move our country forward, and Congress should not return to the frustrating and unproductive days of the recent past.

This budget resolution breaks the choke hold of partisan rancor that has been squeezing civility from our political life. This agreement is clear evidence that only by working together in a bipartisan fashion can we bring about solutions to very complex issues.

I urge my colleagues to support this budget resolution.

TRIBUTE TO THE STEPHANOPOULOS FAMILY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mrs. MALONEY. Mr. Speaker, I rise today in honor of a family that has demonstrated an unfaltering commitment to community service. Tonight, the annual Neighborhood Coalition for Shelter [NCS] will honor the Stephanopoulos family at a Greek festival benefit in Manhattan.

Rev. Dr. Robert Stephanopoulos, a priest of the Greek Orthodox Archdiocese of America for 38 years, has been dean of the Creek Orthodox Archdiocesan Cathedral of the Holy Trinity since 1982. He is renowned ecumenist, theologian, lecturer, and pastor and has developed innovative social outreach programs in the greater Catholic community.

Nikki Stephanopoulos has dedicated much of her life to volunteer service. As a founding member of NCS, she has served on its board for 10 years; she is also the news and information officer of the Greek Orthodox Archdiocese.

Father Robert and Nikk's children are just as dedicated to social causes as their parents. Anastasia spent a year in Santiago, Chile, as a housemother for orphans and assisting in the administration of a school for children under the aegis of a Orthodox convent. Anastasia is now a nun at Convent of St. May Magdalene, situated in the slope of the Mount of Olives in the Garden of Gethsemene.

George, former senior advisor to President Clinton, is now a professor at Columbia University, an ABC news analyst and a Newsweek contributing columnist. He has spent two 6 week period working at refugee camps in the Sudan. Since his undergraduate days at Columbia University, George has participated in the Big Brother Program and other philanthropic efforts in New York and Washington.

Marguarite is an active member of Sts. Constantine and Helen Cathedral in Cleveland, OH, where she served for many years on the board of trustees and for 5 years, chaired their 3-day Greek festival which attracted thousands of visitors every year. Marguarite recently became the office manager for an orthopedic surgeon at Lenox Hill Hospital in Manhattan.

Andrew, who is currently vice president/A&R for the Track Factory, was very involved in the Rock The Vote campaign during the first Clinton campaign. During the campaign, he assisted in providing music for college events; following the election, he attended the signing of the motor-voter bill at the White House.

Mr. Speaker, I ask my colleagues to rise with me in this tribute to the Stephanopoulos family. The Neighborhood Coalition for Shelter, whose benefit theme is "One Caring Family Can Make A Difference," has chosen an exemplary family to illustrate how one family can have an extraordinary impact on the lives of people in need. Thank you.

SPORTSMEN'S BILL OF RIGHTS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Sportsmen's Bill of Rights. I am joined today by Representatives JOHN TANNER (TN), DON YOUNG (AK), SAXBY CHAMBLISS (GA), COLLIN PETERSON (MN), BOB SMITH (OR), RICHARD POMBO (CA), VIRGIL GOODE (VA), RICK HILL (MT), JAMES BARCIA (MI), and CHRIS JOHN (LA).

THE SPORTSMEN'S BILL OF RIGHTS

The Sportsmen's Bill of Rights is intended to provide a clear policy for Federal agencies to follow in their administration and management of our Federal public lands. This policy is for Federal agencies, within the limits of the statutes that they administer, to allow access to the Federal public lands under their jurisdiction for the purpose of fishing and hunting. The policy also requires that in the administration of their authorities, the Federal agencies act so as to improve and enhance the quality of fishing and hunting opportunities on the Federal public lands.

The bill contains several exceptions and exclusions to take into account emergency situations, national security concerns, public safety, and accepted management practices. In particular, the bill cannot be used to force the opening of national parks and monuments administered by the National Park Service to fishing or hunting. Nor can it be used to force Federal agencies to change management mandates and priorities established by statute. Its intent is to guide the Federal land managing agencies in those areas where the basic authorizing legislation for management of a particular unit leaves room for discretion and judgment by the agency.

The policy established by this bill is driven by the recognition of the important role fishing and hunting play in America. Both are recreational activities for millions of Americans. They are also the driving forces in fish and wildlife conservation. With the growing urbanization that our country has gone through in the 20th century, Americans have separated from our connection with and understanding of the fishing and hunting activities of our great pioneers and settlers. But fishing and hunting are important recreational activities for almost 75 million people. Sportsmen spend more than $48 billion every year on their outdoor recreation, supporting more than 1.3 million U.S. jobs. In addition, the enthusiasm of anglers and hunters for preserving their outdoor heritage was tapped 60 years ago to create a system for wildlife conservation recognized worldwide for its success at bringing back many species that were decimated during the 19th century.

Over 60 million Americans go fishing each year. Fishing activities range from the excitement of opening day in lakes and trout streams to the regular jaunts of parent and child to their favorite fishing hole, where they can relax and get away from the pace of modern life. Hunting is done by 14 million Americans, who take to the woods in the autumn to put venison in the larder or call the elusive turkey gobbler in the spring. For the individual, fishing and hunting bring out the qualities of independence and self-reliance that were so important to our forefathers. In their modern versions, fishing and hunting also require participants to be law-abiding and ethical good citizens of their communities. These are important values to retain and to inoculate in our children.

To a great extent, fishing and hunting are pursued by so many people because of their outdoors aspects. Since most people live in an urban or suburban environment, a visit to the woods, the fields or fishing streams is an important contact with the land. Fishing and hunting carries this contact a step further than other outdoor activities, because in addition to knowing how to get along in the outdoors, fisherman and hunters must have a knowledge of the fish and wildlife they pursue and their place in the environment. Together, the love of the outdoors and the understanding of fish, wildlife, and the environment make anglers and hunters important advocates for conservation. It is their critical interests that are affected whenever something threatens our fish and wildlife resources or the habitats in which they depend.

PITTMAN-ROBERTSON FUNDING

Most people are aware that President Teddy Roosevelt, an avid hunter and fisherman, launched America on its road to modern conservation. But not many people are aware that this year is the 60th anniversary of the most important piece of legislation in wildlife conservation in the world, the Pittman-Robertson Act.

Pittman-Robertson, or P-R, was sponsored and endorsed by anglers and hunters to assure funding for fish and wildlife management by the States. It came at a time when America was still recovering from the Depression. For that reason alone, P-R was a remarkable act of sacrifice in the recovery and conservation of fish and wildlife. But what is most remarkable about P-R is its record of accomplishment. The partnership between the capabilities of the State fish and wildlife agencies and the funds provided by P-R, are clearly responsible for bringing back many species that were on their way to extinction. For example, at the beginning of the century, the white-tailed deer was nearly extinct in most places. Today it is so numerous in some parts of the country that it is considered a problem. The wild turkey, beaver, black bear, elk, pronghorn antelope, and many other species have also been brought back to healthy levels thanks to the Federal-State partnership through P-R.

The role of anglers and hunters in making P-R worked was twofold. First, anglers and hunters joined the manufacturers who supply them with equipment to develop, sponsor, and support this revolutionary legislation. Second, and most important, anglers and hunters willingly pay the excise taxes created by P-R. These taxes, in conjunction with the taxes paid by later laws modeled on P-R—the Dingell-Johnson Act and the Wallop-Breaux Act—today raise $357 million annually for wildlife restoration.

This tax money is held in a special fund and is apportioned to the States each year on the basis of approved projects that contain matching State funds. Sports men and women have jealously guarded these funds to assure that the money goes to the conservation of fish and wildlife. As a result, the United States is a world leader in conservation. This industrialized Nation has managed to restore much of its abundant original heritage of fish and wildlife. The United States has both a large human population, world class industrial base, and a wide diversity of healthy fish and wildlife populations and conserved and nurtured habitats.

REVIEW OF FEDERAL PUBLIC LANDS

The United States contains approximately 2.3 billion acres of land. Westward expansion brought the Federal Government ownership of over 80 percent of that land area. But over the years, more than 1.1 billion acres were given to the States and private sector. The following is a brief review of the agencies, authorities, and purpose of our Federal public lands:

The Bureau of Land Management [BLM], under the U.S. Department of the Interior, administers nearly 268 million acres—41 percent—of Federal lands. These lands are primarily managed under the Federal Land Policy and Management Act of 1976 [FLPMA] and the Public Rangelands Improvement Act of 1978 [PRIA]. Overall the BLM administers 521 recreation areas, 589 acres of critical environmental concern—9.5 million acres—99 research natural areas, 9 national conservation areas, and cooperates with the National Park Service in managing 43 national natural landmarks. the BLM mission is to manage the public lands primarily under a multiple-use regime on the basis of a sustained yield. BLM is also endowed to protect a variety of aspects of its lands, provide food and habitat for fish, wildlife, and domestic animals, and provide for outdoor recreation and human occupation and use.

The Forest Service, under the U.S. Department of Agriculture, administers nearly 192 million acres—29 percent—of the Federal lands in the National Forest System. These lands are primarily managed under the Forest and Rangeland Renewable Resources Planning Act of 1974 [RPA], as amended by the National Forest Management Act of 1976 [NFMA] and the Multiple-use Sustained-Yield Act of 1960. Overall the Forest Service administers 155 national forests, 20 national grasslands, and 103 other units such as land utilization projects, purchase units, and research and experimental area. There are also special congressional designated areas, including 13 national recreation areas, 2 national monuments, national volcanic monuments in Washington and Oregon, 15 wildlife preserves or game refuges, and numerous other sites. The Forest Service mission is to manage the public lands primarily on a multiple use, sustained yield basis, for outdoor recreation, range, timber, watershed and wildlife and fish purpose.

The U.S. Fish and Wildlife Service [FWS], under the U.S. Department of the Interior, administers nearly 92 million acres—13 percent—of the Federal lands in the National Wildlife Refuge System. These lands are primarily managed under the National Wildlife Refuge System Administration Act of 1966 and the Fish and Wildlife Act of 1956. Overall the FWS administers 511 national wildlife refuges, 174 waterfowl production areas, and 51 wildlife coordination units. Outside the National Wildlife Refuge System, the FWS also administers 24,000 acres in 23 research centers, 37 administrative sites and 84 fish hatcheries. The FWS manages most of the units with the primary purpose of wildlife and plant conservation, the specific purposes often are described in the status of executive orders which established individual refuges. Other uses such as fishing, hunting, grazing, timber or mineral use are allowed if comparable with the primary purpose of the refuge.

The National Park Service [NPS], under the Department of the Interior, administers nearly 78 million acres—12 percent—of the Federal lands in the 368 units of the National Parks System. These lands are managed primarily under the individual authorizing legislative enactments, including the Alaska National Interest Land Conservation Act of 1980 and the California Desert Protection Act of 1993, and the National Parks Organic Act of 1916, which established the National Park Service. The NPS specifically manages 55 units which are national parks. The remainder of the lands are scattered across 21 other kinds of designations, including national monuments, national recreation areas, national seashores, national lakeshores, national historic sites and national battlefields. The NPS primary purpose is to conserve, preserve, protect and interpret natural, cultural and historic resources for the public.

In addition, several Federal land designations are administered by more than one of the four major agencies. These are the National Wilderness Preservation System [NWPS], the National Trails Systems, the National Wild and Scenic Rivers System and the National Monuments.

The NWPS was established by the Wilderness Act of 1964, which designated 9.1 million acres administered by the Forest Service as wilderness. It also directed the Federal land managing agencies to study the lands under their jurisdiction and recommend lands to be set aside as wilderness. In 1980, the size of the wilderness system was tripled by lands designated under the Alaska National Interest Lands Conservation Act. In 1984, another 8.6 million acres were added with the designation of 21 wilderness areas administered by the Forest Service. The BLM set aside 26 million acres for review, and has recommended 10 million of those acres for designation as wilderness. The FWS administers 81 designated wilderness areas within 64 National Wildlife Refuges. In addition, the National Park Service has an additional 29 million acres being reviewed for wilderness status. Together the entire Wilderness System now has 104 million acres. Wilderness areas are kept in an undisturbed status with primitive recreation—unaided by motorized equipment—are the only allowed use.

The Sportmen's Bill of Rights will provide a uniform policy for management of this vast array of Federal public lands. I invite my colleagues to join me by cosponsoring this important legislation.

THE INTRODUCTION OF THE SPORTSMEN'S BILL OF RIGHTS

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. PETERSON of Minnesota. Mr. Speaker, I strongly support the Sportsmen's Bill of Rights. As an avid hunter and fisherman, I believe that the hunting and angling community serve as the backbone for the preservation, enhancement, and protection of natural and wildlife resources, Hunters and anglers are the foremost supporters of sound wildlife management and conservation practices in Minnesota and the rest of the United States. Funds raised through license, permit, and stamp purchases, as well as excise taxes on goods used by hunters and anglers have generated over $6,000,000,000 for wildlife research and management. Many wildlife opportunities would not exist today if these conservation efforts had not been created by hunters and anglers.

The right to hunt and fish is increasingly coming under attack. We are seeing broad based challenges to hunting and fishing, and hopefully this bill will set the standards for such challenges much higher. Traditional rights of hunters and anglers are continually attacked by various organizations whose sole aim it to outlaw these outdoor activities. This legislation is necessary to fend off opponents of hunting and fishing.

Minnesota has about 450,000 deer hunters—probably the largest per capita in the Nation, 100,000 small game and waterfowl, grouse and pheasant hunters, and 1.6 million licensed anglers in the State each year. Thus, hunting and fishing is a significant part of both the Minnesota tradition and this Nation's tradition.

This type of legislation is also being proposed and advocated in many States. For example, in 1996, the Minnesota State Senate approved a proposed amendment to the State constitution giving Minnesota residents a constitutional right to hunt and fish in the State.

Hunter-funded land acquisition efforts of State wildlife agencies support a broad spectrum of public recreation. With fishing and hunting generated moneys. States have secured millions of acres of land for wildlife conservation. Fishing and hunting expenditures in Minnesota alone generate millions of dollars toward conservation efforts.

Hunting also provides a mechanism to control wildlife in areas where human tolerance is limited, regarding damage to agricultural crops and vegetation, nuisance problems, and vehicle collisions. Wildlife-caused environmental problems and human conflicts can be decreased with animal damage management techniques subsidized by hunters and anglers.

The economic value of hunting and angling is indispensable in Minnesota, as well as other State's economies. Fishing and hunting expenditures in Minnesota total over $1.3 billion. Furthermore, close to half a million jobs are directly and indirectly supported by hunting.

The purpose of this legislation is to leave a legacy for future generations to enjoy the same rights to hunt and fish that the current generation enjoys today. With the trend towards increased urbanization, there is less and less access for people to really enjoy the outdoors. Recreational hunting and fishing strengthens family bonds and personal relationships. These sporting activities often bring parents and children together. The Sportsmen's Bill of Rights Act is crucial to ensure future generations of sportsmen, women, and children the opportunity to enjoy the same wildlife benefits and educational opportunities that have previously been enjoyed.

IN CELEBRATION OF THE DOW CHEMICAL CO'S CENTENNIAL ANNIVERSARY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. CAMP. Mr. Speaker, on Sunday the Dow Chemical Co. will be a century old. That historic occasion will be celebrated with a reception at the Midland Center for the Arts called A Century of Progress: 1897–1997.

This celebration takes place thanks to the efforts of more than 300 volunteers, and support from local businesses and individuals who donated generously for a citywide recognition of Dow and its contributions to mid-Michigan's working families and communities. I believe that Dow and the surrounding communities will continue to gain from the mutually beneficial relationship that has grown from 100 years of shared history and experience. I look forward to another 100 years of success and progress for the Dow Chemical Co. and the working people who have made that company and our community great.

I would like to share with my colleagues three articles from the May 20 special edition of the Midland Daily News with contributions from the Saginaw News and Bay City Times that describe the importance Dow's centennial anniversary is to our mid-Michigan communities.

[From the Midland Daily News, May 20, 1997]

(By Virginia Florey)

On Sunday, The Dow Chemical Co. will be a century old. That historic occasion will be celebrated with a reception at the Midland Center for the Arts and will be called, appropriately enough "A Century of Progress: 1897–1997."

On May 18, 1897, The Dow Chemical Co. came into existence when Herbert Henry Dow persuaded 57 investors to put up $200,000 to start the new business. The purpose of the new company was to make bleach from chlorine. From that small beginning The Dow Chemical Co. has grown into the global giant it is today. This is the story of the man who created the company and in doing so, also created the city of Midland.

Herbert Henry Dow was born on Feb. 26, 1866, in Belleville, Ontario, Canada, where his dad had been sent temporarily to work out some mechanical problems at a sewing-machine factory. Joseph and Sarah Dow soon returned to Bermingham (now called Derby), Conn., with their young son and continued to live in Bermingham until Herbert was 12 years old. While in Bermingham, two daughters, Mary and Helen, were born.

Joseph Dow was transferred to Cleveland, Ohio, to work for the Derby Shovel Co. in 1878. Herbert graduated from high school there and that fall entered a new school called Case School of Applied Science, located in Cleveland. Herbert wanted to be an architect but the Dow family didn't have the money to send him away to school. Dow graduated from Case in 1888 and made his first trip to Midland, Mich., to take samples from the brine sea that was beneath the flatlands of this small village on the banks of the Tittabawassee River. In August of 1888, he began working at Huron Hospital College in Cleveland and used the lab there to continue his experiments with brine.

The next few years were filled with failure and successes. In 1889, The Canton Chemical Co. was formed to make bromine but by April 25, 1890, the company was dissolved. On Aug. 12, 1890, the Midland Chemical Co. was formed to make ferric bromide from brine. A new process, invented by young H.H. Dow, was to be used. On Aug. 14, 1890, Dow stepped off the train at the Ann Street Depot in Midland and began looking for a place to test his theory that bromine could be separated from brine by electrolysis.

With little capital and no electricity (Midland didn't get electricity until 1894) to conduct his experiments, Dow rented a barn on West Main Street near the Upper Bridge and bought brine and power from the adjacent Evens Flour Mill. On Sept. 29, 1891, Dow got the patent for the process of extracting bromine from brine by electrolysis.

Dow met and married a local girl, Grace Ball, who taught school not far from where he was working. In 1893 he made his first sale of potassium bromide crystals after his new bride and he spent two days picking out the "spots" of foreign matter in the crystals. But his persistence paid off and soon the Midland Chemical Co. was making money.

Now that he had proven his theory on brine, Dow turned to what he felt was an "enormously greater field"—the extraction of chlorine from the waste products of the brine. In 1894, he built an electrolytic plant to extract chlorine but the plant exploded in its first hour of operation. The directors of the Midland Chemical Co. felt that the explosion proved the chlorine idea was too risky and they decided to stay with the production of bromine.

Dow left Midland for Canton, Ohio, with his wife Grace and baby daughter Helen. He continued experimenting with the chlorine idea and in six months was back in Midland to build a pilot bleach and chlorine plant. He found some investors and The Dow Process Co. was born in 1895. A second daughter, Ruth Alden, was born on Nov. 16, 1895, to Herbert and Grace.

The year 1897 was a banner year for Dow. On Jan. 4 his first son, Willard Henry, was born and on May 18, 1897, The Dow Chemical Co. was incorporated to make bleach, taking over the assets of the Dow Process Co. On Jan. 5, 1898, the company sold its first bleach and The Dow Chemical Co. was on its way. By 1899, the new plant was making a profit and Dow built a home for his family on West Main Street in Midland—the only home he ever owned.

A second son, Osborne Curtiss, was born in 1899, followed by another son Alden in 1905. Margaret Grace Dow was born in 1907, and Dorothy Darling Dow was born on Jan. 2, 1908. Along with the success in his professional life, Dow experienced some wrenching tragedies in his personal life. In 1901, his father Joseph Dow died from tuberculosis in Alma and on Oct. 3, 1902, his infant son Osborne Curtiss died. He lost both a sister and a daughter during the flue epidemic of 1918 in Midland.

Dow's genius wasn't directed solely toward his new chemical plant; community involvement was a passion with him. Because of that, Midland became a uniquely endowed town because of his philanthropy and widespread concerns and interests. He established a garden and an orchard famous enough that he was sought after as a speaker and writer on the subject of gardening. His love of growing things also led him to become a pioneer in the field of agricultural chemicals.

In 1914, he began his yearly practice of donating to every church in Midland. In 1919 he was the impetus behind the building of the Community Center located then on Townsend between Main and Larkin. In 1924 and 1925, he devoted time, money and men for the construction of the new Midland court house on West Main. Streets were paved. A new water filtration system was initiated.

Those of us who were born and raised in Midland grew up taking the advantages of living in Midland for granted. The "plant" as everyone called it provided an economic base for the entire town. Good schools, beautiful churches, tree-lined streets were a part of our heritage. In the 1930s, Midland had more millionaires per capita than any city in the world. Later this changed to having more Ph.D.s than any city in the world. The best and the brightest came to Midland to work and live here.

In 1930, Herbert Henry Dow died but his wife Grace and his children continued the "giving" to the city of Midland. there are few places that don't bear the mark of the Dow family in one form or another. The Midland Country Club as well as numerous churches in Midland were designed by Dow's son Alden. The Grace A. Dow Memorial Library is a hub of activity seven days a week. The Midland Center for the Arts and the Dow Gardens are famous the world over. Eighty-three years after Herbert Henry Dow began the practice, churches still continue to receive money each year from a foundation set up for just such a purpose. Schools receive money from a similar source.

On May 16, a new science exhibit "Chemistry Is Electric!" will open in the Carriage House of the Bradley Home Museum in Midland, at 3200 Cook Road. On May 18, "A Century of Progress 1897–1997" will open at the Midland Center for the Arts at 1801 West St. Andrews. On May 20, "A Perspective on Knighton-Hammond" will be presented at the MCFTA with a free public reception at Arts Midland Galleries at 8 p.m. Arthur Henry Knighton-Hammond did a series of paintings and drawings for Dr. Dow in the 1920s.

In Shakespeare's "Richard the Second", John of Gaunt speaks of England calling it "This other Eden, demiparadise. . . ." Each person has his or her own perspective, of course, but for one who grew up in Midland as I did, John of Gaunt's description could apply to the village that became a city because of Dr. Herbert Henry Dow. His death in 1930 has not diminished the work he accomplished and Midland is all the richer because he lived here.

[From the Bay City Times, May 16, 1997]

Dow Honors Jennison Partnership

(By Kelly Adrian Frick)

MIDLAND.—David Jennison Lowrie grew up hearing stories about how his grandfather helped get the Dow Chemical Co. started.

Everyone associated with the Jennison Hardware Co, knew that his grandfather William Jennison had sold Herbert H. Dow—the founder of Dow Chemical—some shovels in 1897. They were sold on credit.

"It's a nice story," Lowrie said. "Dow has been a customer ever since."

Thursday, Lowrie, the chairman of Jennison Hardware Co.'s board of directors got a chance to make his own history.

Lowrie was recognized at Dow Chemical Co.'s 100th stockholders meeting, where people and businesses that helped shape the Midland-based company during its 100 years in operation were honored. The event was held at the Midland Center for the Arts.

The story goes that Dow eventually paid the $75 back to Jennison.

Had H.H. Dow paid his bill in Dow stock rather than cash, the shovel deal would be worth $5 million today, said Dan Fellner, a spokesman for Dow Chemical.

Lowrie received a shovel engraved with a thank-you note on its handle from Dow Chemical President William E. Stavropoulos during a press conference after the stockholders meeting.

"We'll probably hang it up in the office," and Lowrie, who lives in Birmingham.

Jennison Hardware Co., which operates from 1200 Woodside Ave. now, started almost 50 years before H.H. Dow arrived in Midland to start a chemical company. The hardware supply business was well established when Dow became a customer, Lowrie said.

As the story goes, Lowrie said, the shovel deal wasn't the only time Dow needed some time paying a bill. Several years later, according to Lowrie, Dow asked a Jennison salesman if he would accept some Dow stock instead of cash. The Jennison brothers, one being Lowrie's grandfather, took the stock and put their own cash into the Jennison company's cash register.

"That's how I became a Dow stockholder," Lowrie said of the tale. "I inherited some of that stock."

The Jennison Hardware Co. operated out of the five-story building at the corner of Fifth and Water streets at the time. Each floor was filled with hardware and building supplies. A slide that wound down from the top floor helped to fill orders, Lowrie remembered.

Today, the building is being turned into expensive condominiums and is called Jennison Place. "I'm glad that the project will keep the Jennison name," Lowrie said. "It keeps a little of that history intact."

[From the Midland Daily News, May 18, 1997]

Midland Is Grateful for the Giant That Stuck Around

(By Geri Rudolf of the Saginaw News)

They called him "Crazy" Dow.

As Herbert H. Dow poked holes in the ground in search of brine in 1897, some folks scoffed openly about his chances for success.

Today, those who work and play here have a different impression of the dreamer who dared to start a chemical company in a nowhere place in the middle of Michigan.

Midland is grateful—and showing it.

The community, not the company, is throwing the birthday bash for The Dow Chemical Co.

The "Celebration of the Century" lasts more than a week and features activities for people of all ages and interests. It includes art, music and theater productions and ends with a family-oriented Field Day on Memorial Day, May 26.

Many believe the tribute is appropriate based on Dow's century-long commitment and contributions.

"Midland is a dot on the map that had every right to be the size of West Branch, but it is the head of a multinational corporation," said David E. Fry, president of Midland-based Northwood University.

"When a milestone comes, you should celebrate it."

From its humble start in an old mill, Dow Chemical has grown to 94 manufacturing sites and 188 sales offices and service centers in 30 countries. It sells $20 billion worth of products a year.

Despite its international scope, Dow has never budged from Midland. Instead, it has enriched the city with contributions for education, health care and the arts.

"It is really the foundation of the town," Fry said, noting that company dollars helped build parks, recreation centers and the Midland Center for the Arts.

Even its critics acknowledge Dow's generosity.

"Dow has done a lot of things in Midland," said Mary P. Sinclair, a Midland resident who has long voiced concern about Dow's impact on the environment.

"There is no question that they made contributions to the community. The Dow family made an investment here and it has continued."

Dow's presence also has brought cultural diversity to Midland, Fry said.

"We have all types of people from all over the world," he said. "Kids from 50 countries are in our schools."

Having such a mix in a small community is rare, experts say.

Although many companies have manufacturing plants in small towns, few keep their headquarters in the little cities where they started, said Andrew J. Such, executive director of the Michigan Chemical Council on Lansing.

"Dow is unusual, but I think they are very proud of where they came from," he said.

"It's unique to have a world headquarters in a city the size of Midland."

John N. Bartos, a longtime Midland engineer and developer, is among the leading organizers of the centennial celebration.

He was at a Dow-sponsored community information panel meeting in May 1995 when a company public relations person sought opinions about events the company was considering hosting.

Bartos responded that he shoulder the celebration.

"If you pay for your own birthday party, it doesn't say much," Bartos said.

He discovered that others felt the same way. Volunteers surfaced by the dozens and ideas flowed.

Dow staff quietly backed off their plans and let the community take charge of the party.

"We hoped that we didn't interfere too much with what they wanted to do, but we felt strongly that it had to be something the community gave to them," Bartos said.

About 60 core volunteers brainstormed in late 1995 and came up with some 50 ideas for the "Celebration of the Century."

"We voted, and seven of them really rose to the top," he said.

More than 300 volunteers helped coordinate events, said Caludia A. Wallin, manager of community and employee programs at the Midland Cogeneration Venture.

Field Day alone needed 15 subcommittees to organize, said Wallin, the day's overall coordinator.

While neither Bartos nor Wallin would reveal how much the party is costing, they call it a "significant amount." All funds were donated.

Dow officials say they are touched by all the work.

"We at Dow feel quite humbled by the efforts of the community organizers and volunteers working on the Celebration of the Century," said Rick Gross, vice president and director of Michigan Operations and global core technologies research and development.

"I am so impressed by the organizing group and I am very proud to have these people as my Midland neighbors."

THE SPORTSMEN'S BILL OF RIGHTS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. TANNER. Mr. Speaker, today, my colleagues and I are introducing the Sportsmen's Bill of Rights in the House of Representatives. Our goal is to assure the same kind of access to Federal public lands and waters for tomorrow's hunters and anglers, that present and past generations of hunters and anglers have known.

Over the past 200 years, fishing and hunting have become intertwined in America's culture and should be protected where the activities are compatible with other uses. Fishing and hunting are part of a traditional way of life that has been preserved for present generations and we want to make sure these activities are preserved for future generations. America's 37 million anglers and 15 million hunters represent the largest single group of contributors to the conservation of our fisheries and wildlife species and continue to play a critical role in the sound management of them. And they spend billions every year that create thousands of jobs for our citizens. Indeed, through two trust funds known as Pittman-Robertson and Wallop-Breaux, America's sports men and women and the relevant manufacturers have contributed $6 billion to conservation and education initiatives over the past 60 years.

No where is that more important than where I was raised. In Tennessee and, indeed, across the South, angling and hunting is a way of life. It's a part of our culture. Last year's BASS Anglers Classic held in North Carolina drew 28,000 people demonstrating the popularity of angling. Because of our sports men and women and the work of people like Gary Myers of the Tennessee Wildlife Resources Agency, white-tailed deer populations as well as turkey populations, migratory waterfowl, and many other wildlife species, are strong in large measure because of hunters who value the resource. In Tennessee, alone hunters, anglers, and boaters, spend nearly $1 billion a year on their sports, and some have estimated that economic activity is responsible for at least 26,000 jobs across the State.

Considering all of that, it is important to protect the kind of access present and past generations have had to hunt and fish on Federal public lands and waters for our children and the generations that follow them. I look forward to passing these traditions to my grandchildren. That is the overarching goal of this legislation and as a cochairman of the Congressional Sportsmen's Caucus I believe that is a positive thing.

The bill would preserve access to Federal public lands for hunting and fishing, but also leaves intact the authority of Federal agencies managing those lands to prohibit these and other activities where they are not compatible with public safety, national security, or other ongoing activities on a particular section of land or water. The bill is narrowly focused to address land and water owned and managed by the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the Bureau of Land Management.

The bill is supported in principle by the International Association of Fish and Wildlife Agencies. It also has the support of organizations including the Delta Wildlife Foundation, Safari Club International, Quail Unlimited, the Wildlife Legislative Fund of America, and the National Rifle Association.

A companion bill has been introduced in the U.S. Senate by Senator RICHARD SHELBY of Alabama, and we look forward to moving the measure through the legislative process in a bipartisan fashion.

COMMEMORATING DAY OF PORTUGAL

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, today, I rise to recognize the Day of Portugal celebrations taking place in the First Congressional District of Connecticut and throughout the world.

Every year on June 10, the date of the birth of Portugal's greatest poet, Luis de Camoes, who lived from 1524 to 1580, people of Portuguese descent around the world honor their heritage on Day of Portugal. It is a time to pause and reflect on the many achievements of that great nation over the centuries and to celebrate the strong friendship between the United States and Portugal.

Thousands of Connecticut residents are proud of their Portuguese heritage and share their cultural traditions with their neighbors and communities in which they live. The example of family unity, pursuit of education and respect for the elderly set by the Portuguese are profound lessons for all of us. Many Portuguese-Americans have contributed significantly to the development of the United States, including Supreme Court Justice Benjamin Cardozo, navigator Pedro Cabrillo, and Marine Corp band director John Philip Sousa.

As one of the founding members of NATO, Portugal is a highly valued ally and close friend. Portugal is a vital link of security for Europe and the Mediterranean Sea, and a longtime host of the United States Air Force base on Lajes, Terceira, and Azores. Additionally, trade between our two nations is active and continues to grow.

I congratulate the organizations from the First Congressional District that are dedicated to promoting Portuguese cultural heritage and expanding educational opportunities throughout the State of Connecticut: the Holy Ghost Portuguese Society, Our Lady of Fatima Church and School, the Portuguese Club of

Hartford, and the Portuguese Foundation of Connecticut. I support the efforts to expand the opportunities for cultural and trade exchanges between the United States and Portugual and the continuation of this historical relationship.

SENSE OF THE HOUSE RESOLUTION SUPPORTING THE JUMP$TART COALITION FOR PERSONAL FINANCIAL LITERACY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. DRIER. Mr. Speaker, we all know the statistics on the general state of educational achievement among high school graduates in America. Poor school performance and student achievement are leaving young adults ill-equipped to function in today's increasingly competitive world. This is particularly true when it comes to basic financial management skills. Increasingly, the lack of basic money management skills among young adults is a major cause of consumer bankruptcies and family crises.

To reverse this trend and help students to become financially competent upon graduation from high school, a group of business associations, government agencies, and universities have formed a partnership known as the Jump$tart Coalition for Personal Financial Literacy. The goal of the Jump$tart Coalition is to provide every student with the skills to be financially competent upon graduation from high school. By dramatically improving the ability of adults to manage their finances, the Coalition hopes to bring about a reduction in credit card delinquencies and bankruptcy filings which undermine the health and welfare of families.

To accomplish these goals, Jump$tart is establishing major initiatives to evaluate the current and future levels of financial literacy of young adults, disseminate teaching guidelines for grades K–12; and operate a national clearinghouse to serve as a one-stop information source for high-quality teaching materials.

Given the current concern over the state of education in America, we need to promote more public-private partnerships dedicated to high academic standards, improved school performance and greater student achievement. That is why today, I have introduced House Resolution 658. It expresses the sense of the House of Representatives that the goal of having young adults who can enter the mainstream of an increasingly complex financial world with confidence and prudence is one which can be advanced through coordinated efforts such as the Jump$tart Coalition for Personal Financial Literacy.

I urge my colleagues to join me in support of the Jump$tart Coalition and its efforts to promote personal finance education by cosponsoring this resolution. The following is the text of the resolution, a fact sheet on the Jump$tart Coalition and the summary of a summary of a recent financial survey of high school seniors.

H. RES. 158

Whereas at a time when more consumers are using credit than ever before, the financial skills of young adults are not adequate to cope with the rapid, technologically driven development of new financial products and new ways to deliver those products;

Whereas lack of financial management skills is a major cause of rising consumer bankruptcies and family crises, and generally impairs the health and welfare of the general public;

Whereas it is critical that students and young adults develop functional skills in money management, including basic budgeting, savings, investing, spending, and income;

Whereas the House of Representatives commends the Jump$tart Coalition for Personal Financial Literacy for its effort to promote personal financial literacy; and

Whereas the House of Representatives supports the Coalition's objective of promoting education to ensure that basic personal management skills are attained during the kindergarten through 12th grade educational experience: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the goal of having young adults who can enter the mainstream of an increasingly complex financial world with confidence and prudence is one which can be advanced through coordinated efforts such as the Jump$tart Coalition for Personal Financial Literacy.

JUMP$TART COALITION FOR PERSONAL FINANCIAL LITERACY FACT SHEET

ABOUT JUMP$TART

Q. What is the Jump$tart Coalition for Personal Financial Literacy?

A. The Jump$tart Coalition consists of a wide range of organizations, including federal agencies, universities and non-profit associations which have formed a partnership to launch a national effort geared toward improving personal finance literacy among young adults.

The newly formed coalition, a non-profit based in Washington, D.C., currently has about 20 members and expects to add more over time.

Q. What does the coalition want to see happen?

A. In ten years (by the year 2007), Jump$tart would like to see every student have skills to be financially competent upon graduation from high school. Specifically, these young adults will have an understanding of a wide range of skills and concepts falling within four core areas: income; money management; saving and investment; and spending.

The coalition also wants to increase public awareness that personal finance management—like reading, math or driver education—is a fundamental life skill which needs to be taught to the nation's 50 million students in grades K–12 to give them a“jumpstart” on their future.

Ultimately, what the coalition wants to see happen is a dramatic improvement in adults' ability to manage their finances. The impact will likely be a reduction in credit card delinquencies and bankruptcy filings.

Q. How does the Coalition plan to achieve these goals?

A. Jump$tart's major initiatives fall into three broad categories:

(1) Evaluation of the current and future levels of financial literacy of young adults. The survey results released today provide a baseline measurement by which to gauge progress toward the coalition's goal of financial competency among 12th graders by the year 2007. Jump$tart plans to conduct such measurement surveys on a two-year basis over the next ten years.

(2) Dissemination of teaching guidelines for grades K–12. Jump$tart's educator guidelines—which received input from a panel of elementary, secondary and high school teachers as well as numerous other educators throughout the country—provide a recommended scope of personal finance topics and concepts to be taught in the nation's classrooms. The coalition will seek the support of state and local officials in adopting these guidelines for use within their own jurisdictions.

Dissemination of these guidelines to the education community will take place through a variety of methods: for example, the coalition's home page on the internet, educator networks available through individual members of Jump$tart and presentations at appropriate conferences.

(3) Operation of a national clearinghouse. Jump$tart's clearinghouse will serve as a one-stop information source for high-quality teaching materials that help educators teach the competencies covered by the coalition's guidelines.

More details about the survey and guidelines follow in this fact sheet.

Q. What makes the coalition think there's a problem in the first place?

A. The survey results released today show a lack of personal finance knowledge among high school seniors that is very disturbing. On average, survey participants answered 57.9% of the questions correctly—a failing grade based upon the typical grade scale used by schools (90–100%=A, 80–89%=B, etc.)

For another indicator, just take a look at today's adult consumers. Recent measures of financial distress indicate that many of them lack the financial literacy skills to make informed decisions. Rising consumer credit delinquencies, sharp increases in personal bankruptices, and inadequate saving for retirement during a period of general economic prosperity lead to this conclusion. We need to increase understanding of personal finance issues to prevent these problems in the next generation.

ABOUT THE SURVEY

Q. Why did Jump$tart conduct this survey?

A. To provide a benchmark on the existing level of personal finance knowledge among America's youth. Now that these national survey results are available, the coalition and the country have a basis to measure progress in this area.

Q. What criteria did you use to determine which questions to include in the survey?

A. Most of the survey's questions related to four areas identified by the coalition's guidelines as key components for personal finance literacy: income, money management, saving and investment; and spending. The survey examined the respondents' present knowledge level in these areas, as well as their ability to apply this knowledge, solve problems, define basic terms and understand basic financial relationships—for example, how taxes affect disposable income; how lifestyle and career choices affect future financial goals.

Q. What about the survey's design?

A. The survey, conducted by Lewis Mandell, Ph.D., an economist and researcher who is Dean of Business at Marquette University, consisted of a written 40-minute examination administered to 1,509 12th graders. The survey's sample consisted of 149 high schools, out of which 64 (43%) actually participated. The schools were representative of geographic region and size of school, guaranteeing the inclusion of schools within each region from central cities, suburbs and rural areas. The survey took place in March and April, 1997.

ABOUT THE GUIDELINES

Q. How were the coalition's personal finance teaching guidelines developed?

A. The guidelines underwent a rigorous development and review process to ensure a high-level of credibility, based on input from the education community. Written input was sought from over 20 representatives from elementary schools, middle schools, business education, family and consumer science and several other relevant areas. In addition, a panel of five teachers from across the U.S. met with Jump$tart representatives for a two-day session, during which the teachers provided additional input for the guidelines based upon their classroom experiences.

Q. What types of personal finance topics are covered by the guidelines?

A. The guidelines cover four key areas: income; money management; saving and investment; and spending. Within each area are specific skills and concepts that the coalition believes students should be taught before their graduation from high school. For example, under "money management," the guidelines call for students being able to develop, analyze and revise a budget and to know how to use checking and savings accounts.

Q. Aren't Jump$tart's guidelines already covered by other existing standards?

A. Some aspects of personal finance are covered within existing standards. But no set has focused on personal finance in a comprehensive and exclusive manner.

OTHER QUESTIONS

Q. What about Jump$tart's clearinghouse?

A. While still in the developmental stages, the clearinghouse should be up and running during the 1997–98 school year.

The primary vehicle for dissemination of information is expected to be the World Wide Web. For users who may not have access to the Web, print copies of the resource list will be available via traditional distribution channels, including mail, telephone and direct contact at exhibits, seminars and conferences.

Q. How will Jump$tart measure the success of its efforts?

A. Jump$tart plans to conduct surveys every two years to determine if students' knowledge levels of personal finance are increasing. The ultimate indicator, however, will be if adult consumers' management of their finances improves.

Q. Many organizations have been in the business of personal finance education for years. How is your work different, and what makes you think you'll make an impact?

A. Perhaps the two things that set Jump$tart apart are timing and the urgent need for this information. As we approach the year 2000, education reform is on the minds of many; consumers are being offered an array of revolutionary new financial services products; and economic indicators point to an inability among households to manage their finances.

Our belief is that the current "social mood" will manifest itself into strong support—from the public, Washington policy makers, the education community and parents—for the coalition's initiatives.

1997 PERSONAL FINANCIAL SURVEY OF HIGH SCHOOL SENIORS EXECUTIVE—SUMMARY

America's young adults are leaving schools without the ability to make critical decisions affecting their lives. This finding, from an historic benchmark study of graduating high school seniors, may help explain a number of distressing recent phenomena including record numbers of personal bankruptcies. Moreover, those high school seniors with lower income and educational aspirations know substantially less than the dismal amount known by their college-bound counterparts.

These findings come from the 1997 Personal Financial Survey which was administered to 1509 high school seniors from 64 high schools throughout the United States. Overall students averaged 57 percent on the 31 question multiple choice examination which was designed by a team of educators to test basic financial survival skills. Since there were just 4 multiple choice answers to each question, random responses would have yielded a score of 25 percent.

The fact that students were able to choose correct answers, on average, more than half the time was due in large part to a number of questions that tested terminology rather than reasoning ability. For example, 88.7% knew that salaries, wages and tips constituted primary sources of income for most people age 20–35, but fewer than half suspected that if a person's income doubled (from $12,000 to $24,000 per year) income taxes would double, at least. The inability to apply the concept of income tax progressivity hinders the decision making ability of young labor force entrants who may tend to overextend themselves in terms of consumption and debt in anticipation of inflated future take home pay.

The decision to test high school seniors was made because many graduates do not go on to college and formal education ends for them in the 12th grade. In addition, relatively few college students study personal finances, making primary and secondary schools the only place where the vast majority of young Americans can acquire financial survival skills. However, according the survey results, fewer than 11 percent of students replied that they learned about managing money primarily at school and their average score was 54.7% compared to the majority of students who learned most at home from their families and who had a higher average score (57.5%). This implies that the schools that are teaching tools of money management may need some strengthening of their curricula.

Questions were divided into four categories: income, money management, savings and investment, and spending. By far the weakest area of knowledge was savings and investment where students answered only 47.3 percent of questions correctly. For example, only 14.4% of students felt that stocks would have a higher rate of growth over 18 years than savings accounts, checking accounts or U.S. Government savings bonds. In addition, 51 percent said that a certificate of deposit at the bank is not protected against loss by the Federal Government. Finally, fewer than a third knew that interest earned on a bank savings account may be taxable if total income is high enough.

Women, on average, scored slightly more than men (57.8% compared to 56.6%) although differences in knowledge were far more pronounced among the male respondents. For example, 30.2 percent of men scored in the top quartile as compared with 26 percent of women while 33.2 percent of men scored in the bottom profile in contrast to just 26.4 percent of women.

Differences also existed for students of different racial backgrounds. The study was carefully designed to reflect the diversity of American 12th graders and, in fact, only 60 percent of the sample were whites who answered, on average, 60.7 percent of the questions correctly. Native Americans averaged 48.8, African Americans 50.3, Hispanic Americans 55.1 and Asian-Americans 55.7.

Contrary to expectations, differences in scores were not very dependent upon family income. Students with family incomes below $20,000 per year averaged 55.2% in contrast to the 58.6% of families in the over $80,000 bracket. In fact, average scores were slightly lower for students in the top income bracket than for those in the bracket below ($40,000 to $79,999) indicating, perhaps, that more affluent, college-bound students were not as concerned than their less affluent counterparts with personal survival skills. However, the 2 percent of students who planned no education beyond high school did nakedly worse on the exam (43.8%) than did others.

Students were asked to name the most difficult money management problems faced by people their age and also by adults who have families. The most frequently mentioned problem for their age cohort was spending on things that they really didn't need. This was followed by the problems of being able to save, particularly for college. For adults, problems of paying bills, budgeting and supporting children were identified as being most severe.

The magnitude of the problems of financial literacy uncovered by this study greatly understates the true extent of the problem nationally for two reasons. First, the sample included only high school seniors who will shortly become high school graduates and did not include those who dropped out. Second, even among high school seniors, the sample picked up only 2 percent who planned no additional education. This may relate to the request that high schools administer the test to 12th grade classes in English or social studies other than economics to avoid biasing study results. Since students who were not college bound did substantially worse than the others, the study may have omitted as many as a third of all 18 year olds who will not graduate from high school or who plan no additional education and who would have caused a substantial decrease in the overall results. For this reason, the plan of the Jump$tart Coalition to encourage the teaching of financial literacy in all grade levels is critical.

SAMPLE QUESTIONS

1. Retirement income received from a company is called

(a) Social Security.
(b) pension.
(c) 401k plan.
(d) rents and profits.

2. Ralph worked his way through college earning $12,000 per year. After graduation, his first job pays $24,000. The total dollar amount Ralph will have to pay in federal income taxes in his new job will

(a) be lower than when he was in college.
(b) stay the same as when he was in college.
(c) go up a little from when he was in college.
(d) double, at least, from when he was in college.

3. Many young people receive health insurance benefits through their parents. Which of the following statements is true about health insurance coverage:

(a) You are covered by your parents' insurance until you marry, regardless of your age.
(b) You continue to be covered by your parents' insurance as long as you live at home, regardless of your age.

(c) If your parents become unemployed, your insurance coverage must stop, regardless of your age.

(d) Young people don't need health insurance because they are so healthy.

4. Paulo and Susanna just had a baby. They received money as baby gifts and want to put it away for the baby's education. Which of the following is likely to have the highest growth over the next 18 months:

(a) A savings account.

(b) A checking account.

(c) A U.S. government bond.

(d) Stocks.

5. If your credit card is stolen and the thief runs up a total of $1,000, you will be responsible for the following amount after notifying the credit card issuers:

(a) None.

(b) $500.

(c) $1,000.

(d) $50.

Answers: 1. (b); 2. (d), 3. (c); 4. (d) and 5. (d).

HONORING WAKE EDEN COMMUNITY BAPTIST CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. ENGEL. Mr. Speaker, I speak today to honor the Wake Eden Community Baptist Church which is celebrating its 25th anniversary as a center of worship in the northeast Bronx.

The establishing of a mission in the community was borne out of an idea by the Rev. Dr. Samuel G. Simpson who, when driving through the area, saw the closed church. Instead of driving on, he wondered why, when he felt that the neighborhood needed a mission. That was in 1969. Three years later, on the second Sunday of May, 1972, an inaugural service was held. Present at the service were representatives of the Bronx Baptist Church and the Greenwich Baptist Church, two churches whose contributions made Wake Eden possible. Also at that historic service were local and denominational leaders as well as civic and community representatives.

In the 25 years that followed, many programs were established to bring the ministry of the church into the neighborhood. A Sunday school and a youth group were established to teach and minister to the youth of the area, a medical fellowship composed of hospital workers makes their services available to the needy, a prison ministry carries the word to the imprisoned with a follow up for released inmates, the summer day camp and vacation Bible school cater to scores of community children, and the Wake-Eden Christian Academy, which started with 5 students, now has more than 80.

These are a few of the programs with which Wake-Eden makes its community a better place. I congratulate the Rev. Dr. Simpson and his church for their continuing good works.

IN MEMORY OF OFFICER HERNAN SABATH

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. PORTMAN. Mr. Speaker, I was deeply saddened to hear about the unfortunate death of Officer Hernan Sabath in an automobile accident on Monday. Officer Sabath leaves his wife, Norah, and two children. I had the privilege of becoming acquainted with Officer Sabath through his service as a desk officer at one of the entrances to the Cannon House Office Building. He was unfailingly courteous, professional, and good humored—not only in his interactions with Members of Congress but, from my observations, with all visitors to the Capitol.

I will personally miss his presence here at the Capitol and the many opportunities we had to converse in Spanish. He was a patient teacher who always endured my less than polished accent and poor vocabulary with a smile.

Much more important, though, he'll be sorely missed by his family and many friends in the Capitol Police. He served honorably as an officer in the Capitol Police for almost 11 years, and touched the lives of so many members of the Capitol Hill community. We all offer our prayers and condolences to his family. Officer Sabath will be greatly missed.

THE CHURCH INSURANCE PROTECTION ACT OF 1997—NOT ALL THREATS HAVE BEEN EXTINGUISHED

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. FILNER. Mr. Speaker, I rise today with Congresswoman CYNTHIA MCKINNEY of Georgia in defense of our Nation's sacred houses of worship to reintroduce the Church Insurance Protection Act [CIPA].

In the 104th Congress, the gentlelady from Georgia, Ms. MCKINNEY and I first introduced this legislation, H.R. 3830, to prohibit insurance companies from canceling, over-pricing, or refusing to renew fire insurance policies for any house of worship.

We introduced this legislation in the spirit of H.R. 3525, the Church Arson Prevention Act of 1996, which passed the House of Representatives in a rare unanimous vote. It was our obligation to deter the flames of bigotry and ignorance which set these churches ablaze, and the House's efforts served to deter the epidemic assault on our Nation's houses of worship.

However, while the embers of the destroyed churches were still smoldering, certain unscrupulous insurers were threatening to cancel or not renew the fire insurance policies of some churches simply because of the perceived "increased risk" of arson.

One year later little has changed, and our churches continue to face the real threat of losing their fire insurance policies.

While we must continue our efforts to prevent future arson fires and to rebuild the churches destroyed by the fires, we must also be certain to protect their ability to insure themselves against this violence in the future. We cannot allow the insurer's fear of a claim to remove a congregation's ability to adequately protect its house of worship and support buildings. Our churches must be held harmless and not subject to punitive measures from the insurance companies.

By prohibiting policy cancellations, the Church Insurance Protection Act will extinguish the final smoldering ember that continues to threaten our churches long after the fires were put out.

We are currently joined in our efforts by 18 of our colleagues and we are confident that this number will grow as more become familiar with the continued need for this important legislation. We urge our colleagues to act promptly to bring this important legislation to the full House for consideration.

America's houses of prayer are sacred places, and they deserve this protection.

A TRIBUTE TO MY GOOD FRIEND LARRY CHANEY, FAREWELL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. POSHARD. Mr. Speaker, April 20, 1997, marked a sad day in the history of southern Illinois. A good man, who served as mayor of Pana, IL, and my good friend, Larry Chaney passed away from an unexpected heart attack.

Larry was just recently reelected mayor and he was a man most comfortable serving his constituents. During his early tenure in office, he brought a new water treatment plant and convinced two businesses to relocate in Pana's Industrial Park, stirring new business and encouraging new economic growth in the area. Larry also helped developed this beautiful region of Illinois with a bicycle-hiking trail along an old railroad pass between Pana and Taylorville. Before he was mayor he served 10 years as alderman in Pana's Second Ward.

Larry's success can be attributed to his dedication and hard work, as well as the support he received from his family. They were the backbone to his career and his family's togetherness is an inspiration to all of us in southern Illinois. He is survived by his wife, Janet Koontz; son, Larry Sean Chaney; daughter, Michelle Lebon; grandchildren, Adam, Amy, Chelsy, Brittany, and Zachary; and two sisters, Marilyn Uteg and Shirley Campbell. Mr. Speaker, southern Illinois is mourning a great loss. No one could ever replace Larry Chaney. I wish to express my condolences to the family—we know that his predecessor has big shoes to fill. It has been an honor to represent Larry and the city of Pana in the U.S. Congress.

GOVERNOR'S ART MEDALLION FOR ART SCHOLARS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor an exceptional group of young individuals from my community who are being awarded the Governors Arts Scholars Medallion. This is the highest distinction awarded to high school students for their work in the arts. Receipt of this award represents a culmination of years of dedication, hard work, and a love of the arts.

The young artists receiving this award are students in the California State School for the Arts. This school is made up of 500 students recommended by their schools and selected from a rigorous competition. The school represents a unique blend of the private and public sectors working together and the results over the last decade have been fantastic. Through this school's programs, student's natural artistic gifts are cultivated by experts in fields ranging from sculpture to dance. Students come from across the State and for the month, they study together, all geographic, economic, and social barriers are brought down and replaced by a mutual love of the arts.

I would like to recognize the students from my district, Steven Goldin, Sharon Fatoorechi, Tiffany Braun, Destiny Wood, Adriana McPhee, Sarah Nehamen, Julia Katz, Victoria Keen, Andrasta VanGaea, Kendelle Hoyer, Kiwana Johnston, Gena Rabinowitz, Janelle Sutherland, Karen Velas, Maureen Shampine, David Guillen, and Javier Serrato. I look forward to meeting these young men and women, and enjoying the fruit of their talents for years to come.

The California Summer School for the Arts is an exceptional program bringing together professional artists and talented young people into a synergistic relationship. The importance of maintaining a thriving legacy of art can not be undervalued, as Henry James wrote, "It is art that makes life, makes interest, makes importance, for our consideration and application of these things, and I know of no substitute whatever for the force and beauty of its process."

Mr. Speaker, I am privileged to represent such outstanding young people, as they are truly the future of this great nation.

INTRODUCTION OF LEGISLATION TO INCREASE THE STANDARD MILEAGE RATE DEDUCTION FOR CHARITABLE USE OF AUTOMOBILES

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mrs. KELLY. Mr. Speaker, because voluntarism plays so important a role in this country, I rise today to introduce legislation that will, in a small way, assist people who give their time and efforts to charitable organizations.

Americans are a giving people, Mr. Speaker. Whether volunteering at a veterans nursing home, helping to deliver meals to the homebound elderly, helping a child learn to read, or helping entire nations ravaged by famine or strife, I think it speaks well of our society that we are so readily willing and able to help our neighbors in need.

There are ways in which the Federal Government can help promote voluntarism, including the use of the Tax Code. In 1984, Congress passed legislation that set a standard mileage deduction rate of 12 cents per mile for persons who use their own automobiles in the course of supporting the work of charitable organizations. This was an important step to offset the out-of-pocket costs of those who use their cars for volunteer work.

Over a decade later, however, the mileage deduction rate remains at 12 cents per mile, despite the fact that the deductibility of mileage expenses for the business use of automobiles has risen over the years to 31.5 cents per mile. The legislation that I introduce today corrects this oversight and raises the deduction for volunteers to 18 cents per mile, the same ratio between the charitable and business deductions which existed in 1984. My bill also takes the next step by giving the Secretary of the Treasury the authority to adjust the deduction for volunteers each year to reflect changes in costs, authority which is lacking under current law.

Mr. Speaker, it should be the policy of our Government to support and promote voluntarism, and this legislation does just that. I urge my colleagues to join me in support of this important legislation.

HONORING WAKEFIELD GRACE UNITED METHODIST CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. ENGEL. Mr. Speaker, it is well known that churches are often not only the spiritual centers of communities but also the centers of gravity which hold them together. For 110 years the Wakefield Grace United Methodist Church has been such a center for the Wakefield section of the Bronx.

The church was founded in 1875 when that small community was known as Washingtonville. The neighborhood worshippers decided that the only Methodist churches in the area were too far away to walk to with children and started to meet in the first floor of a dwelling at 241st Street and Richardson Avenue. When the Sunday school reached an enrollment of 91 it was decided to erect a building for the church.

The pragmatism of the neighborhood showed itself again when they disassembled a church building in Mount Vernon, where that congregation was building a new church, and reassembled it on land donated for their worship. And in 1887 the cornerstone of the rebuilt church was laid.

The present parsonage was built in 1911 and 2 years later a neighboring building was bought and turned into the social hall. The church has also had adversity; one tower was struck by lightning in 1927, setting it on fire, and in 1989, only 2 days before Christmas, a fire destroyed the stained glass windows and the organ. Despite this, the church has served as an anchor to the people of the area.

The church today, under the guidance of Bishop Ernest S. Lyght and the Rev. Allen N. Pinckney, Pastor, continues to serve as a beacon to the area, allowing the spiritual and temporal values of the neighborhood to grow and prosper.

INTRODUCTION OF H.R. 1703, DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION PREVENTION ACT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. EVANS. Mr. Speaker, as you know, the problem of sexual harassment is not new to our society, let alone our Federal work force. It has been only in the past decade or so, however, that we in Congress have begun to truly recognize the depths of the problem and attempted to eliminate if from the workplace—even if such harassment comes from the highest levels of management.

As recent testimony before the House Veterans Affairs Subcommittee on Oversight and Investigations has revealed, sexual harassment has been no stranger to the Department of Veterans Affairs [VA] over the past few years. Despite what I consider the sincere efforts of VA Secretary Jesse Brown, the VA's zero tolerance policy against sexual harassment has failed.

In one highly publicized case brought to light during hearings last month, several VA employees had the courage to raise serious, substantiated allegations of sexual harassment against their boss, the Director of the Fayettesville, NC, facility. One employee was demoted after she rejected the Director's advances. When the filed charges of harassment with her immediate supervisor she was told she had little chance of succeeding on her claim because the accused was a powerful hospital director. In open testimony before our committee, she testified under oath that life had become so difficult for her at the facility that she was literally afraid to go to work each day, and ultimately transferred at her own expense to another VA hospital to get away from the Fayetteville Director.

Other employees testified that the same Director commonly made references to various parts of their female anatomy, commonly used profanity, and made sexually suggestive comments toward them, and in one case grabbed an employee's breasts at a Christmas party. Still, when some of these women attempted to file charges of harassment against the Director, local and regional VA counsels discouraged them from pursuing such claims and provided incorrect information concerning how and when to file discrimination charges.

Even amidst substantiated allegations of harassment and abusive treatment of women in the Fayetteville, NC, facility, the VA's solution was to transfer the Fayetteville Director to sunny Bay Pines, FL—the Director's planned retirement destination—with a pay increase and lessened responsibilities. The VA also paid his moving expenses, and specifically allowed him to be considered for a return to the Senior Executive Service [SES] in 3 years. The female victims of the Director's abuse, meanwhile, continue to suffer the lingering traumatic effects of his harassment.

Unfortunately, little has changed in the VA workplace since 1992, when I first chaired oversight subcommittee hearings on this issue. At that time, we heard equally compelling testimony from a legion of women who also were subjected to abusive and hostile treatment by senior level managers in the VA workplace. Incredibly, one woman who testified during the 1992 hearing presently remains on disability leave from the VA, still unable to return to work because of the emotional trauma she suffered at the hands of her senior level VA harasser.

That is why today I am pleased to join as an original cosponsor of the Department of Veterans Affairs Employment Discrimination Prevention Act. This bipartisan legislation, introduced today in the House, revamps the way VA investigates internal allegations of sexual harassment by, and against, its own employees and seeks to bring confidence and trust to the EEO process at the VA.

Boiled down to its essence, this legislation changes the way charges of harassment and other discrimination claims are handled within the VA; instead of allowing claims to be investigated by poorly trained collateral duty employees at the very facility where the harassment or discrimination is said to exist, our bill requires that all such claims be investigated and reviewed by well-trained central office employment law experts with no direct ties to the VA facility where the discrimination has allegedly occurred. In addition, the bill calls for the final agency determination to be made by independent administrative law judges [ALJ's] rather than VA bureaucrats.

This bill will help ensure that well-trained specialists investigate such claims, and will directly address the all-too-familiar scenario where a poorly trained, lower level VA employee is asked to investigate harassment or discrimination charges against a senior official who may have everything to say about his or her continued employment with the agency.

I sponsored a nearly identical version of this legislation which overwhelmingly passed the House in the 103d Congress, but was never acted on in the Senate. At that time, the VA believed that a proposed Government-wide reform of the equal employment opportunity [EEO] processes at all Federal agencies would occur. The VA opposed the legislation on that basis, and also indicated that many of the changes called for in the bill could be made administratively.

Nearly 5 years later there has been no Government-wide reform of the EEO process, there has been no major overhaul of the VA EEO administrative process, and the VA's well-intentioned zero tolerance policy has proven to be ineffective.

We cannot be expected to wait any longer for meaningful reform of the VA EEO process to occur. More importantly, this Nation's veterans and the VA employees dedicated to serving them cannot be expected to wait any longer for meaningful action and honest reform.

By enacting this legislation, we in Congress can help put the VA back on the path toward eradicating discrimination at the work place. Our veterans and VA employees deserve no less.

FIFTH AND SIXTH GRADERS SPEAK OUT—IT'S TIME FOR A NATIONAL HOLIDAY TO HONOR WOMEN'S ACHIEVEMENTS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise to give voice to the views of Sheila LeCompte's fifth and sixth grade students at Clear View Charter School in Chula Vista, CA, who have argued forcefully for a national holiday to honor 1 of 10 women whom they believe are worthy of this recognition.

One of the students, Diana Camacho, has it right when she says: "Not one woman has been celebrated with a holiday, even when they have accomplished just as much as the men. Considering that now we are all treated equal, I believe famous women who changed the world need credit."

Diana suggests that Marie Curie should be honored with a holiday: "She changed the world dramatically through her medical discoveries. She was the first person to win two Nobel prizes."

The 11- to 12-year-old children's nominations for a national holiday run from the well-known to more obscure, but nevertheless very deserving, women. Former First Lady Eleanor Roosevelt was picked by Taylor Barnes and Paul Hernandez. Ernest Joseph Z. Castillo nominated Susan B. Anthony who fought for woman's right to vote.

Brian P. Trick suggests that the "mother of modern computers," Grace Hopper, be nominated. He feels strongly about a honor: "Women are important in making our society a better place for many generations to come. . . She was the one that said that computers could understand English and worked to prove it. Because of her work, we are able to have personal computers and other tools without special training."

Jean-Marc Apalategui and Alen Cabandong nominate 19th Century suffragist, anti-slavery activist, and former slave Sojourner Truth for a national holiday.

Christopher Del Rio would like Harriet Tubman's birthday to be declared a national holiday. He called her the "mother of the civil rights movement."

Singer Ella Fitzgerald gets Reuben Felizardo's vote, and Juliette Lowe, the founder of the Girl Scouts of America, is Andy Castiglione's nomination. Aviator Amelia Earhart was the pick of Kevin Han and Jennifer Olsen.

These women are all worthy role models and national heroes.

I agree with these students. A national holiday for one of this Nation's outstanding women will motivate girls and young women. They can stand on the shoulders of these great women. Mr. Speaker and colleagues, listen again to Diana Camacho's convincing reasons to honor Madam Curie—her choice for a national holiday: "When I read about her, I got inspired to do better in everything I do. So with a holiday, just think of the influence it could have on young girls who learned about her! If we did this, it would change the way people look at women, because it would send the message that women can do great things just like men can—and be noticed. It would change the world just like Marie Curie did."

It's time for a national holiday to honor one of our women of achievement.

A SPECIAL TRIBUTE TO THE LATE GOVERNOR PETER TALI COLEMAN OF AMERICAN SAMOA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to honor the memory of a distinguished Pacific leader, the late Uifa'atali Peter Coleman, former Governor of American Samoa, who passed away last month after a long battle with cancer. A dedicated public servant with more than 50 years of public service, Governor Coleman was our first American Samoan statesman, a Pacific American with a truly regional vision. It is that vision for which he will always be remembered by our people.

He was someone important for whom I had tremendous respect. Governor Coleman was always cordial and courteous to me and always extended the hand of friendship. Although we disagreed on certain issues, we agreed on many others, and among them the importance of a strong American presence in the Pacific region.

I learned from him how to handle the stress of political life, how to take the storms in stride and never make a disagreement into a personal matter. He was the kind of individual of whom political opponents like former Governor A.P. Lutali could say, "Uifa'atali and I may have been adversaries in politics, but in life we were always friends."

Mr. Speaker, Governor Coleman exemplified all the traits of a true Samoan leader. He was a soldier and a warrior, a pioneer and a man of vision, a statesman and a man of wisdom. He possessed that quality which Samoans value most in our leaders, that of tofa mamao, which denotes a leader with a sense of vision or understanding and anticipating future events. Above all, Governor Coleman was a humble person who thought less of how he would be remembered in the future than of what he could accomplish today.

Uifaatali Peter Coleman was born on December 8, 1919, in Pago Pago, American Samoa. He received his elementary school education in Tutuila and graduated from St. Louis High School in Honolulu, where he joined the National Guard and enlisted in the U.S. Army at the beginning of World War II. Assigned to the Pacific theater, he was stationed in the Solomon Islands, Vanuatu and

Hawaii. By the end of the war, he had risen to the rank of captain. In 1982, for his military service, he was inducted into the U.S. Army Officers' Candidate School Hall of Fame in Fort Benning, GA.

After the war, Governor Coleman enrolled in Georgetown University, and in 1949 he received a bachelor of science degree in economics from that institution. While in college he worked as a staff secretary to a Member of Congress, became a member of the U.S. Capitol Police Force and in what was then the Office of Territories at the U.S. Department of the Interior. He became the first Samoan to my knowledge to receive a law degree from a major U.S. university. After that, he returned to American Samoa, where he became the first Samoan to serve as public defender and later became attorney general.

In 1956, he was appointed Governor of American Samoa by President Eisenhower, one of the first Pacific Islanders to serve as governor in the Pacific. he held that position until 1961.

During those years he chaired the Convention which drafted American Samoa's Constitution and his administration laid the foundation for what has later become known as the American Samoa Government. To properly understand his achievements, Mr. Speaker, we must remember that at that time he had limited resources and hardly any staff to speak of—i.e., there were no younger, educated American Samoans to fill the positions in government. All that came later.

From 1961 until 1965, Governor Coleman served as Administrator of what is now the Republic of the Marshall Islands. So great was the regard in which he was held that he became, by special act of the Nitijela (the Marshallese Parliament) the first U.S. citizen ever accorded an honorary Marshall Islands citizenship.

During his subsequent 17 years in the northern Pacific, Governor Coleman served as Deputy High Commissioner of the U.S. Trust Territory of the Pacific Islands and, subsequently, as Acting High Commissioner, which position he held until 1977. His performance firmly established him as a regional statesman.

When American Samoa held its first gubernatorial election in 1977, he ran for office and became the first elected Governor, a position which he held three times. During his elected years in office, he continued to forge close ties between the territory government and Washington DC and with Federal and State agencies and institutions. He was responsible for American Samoa's membership in both the National Governors Association and the Regional Western Governors Association. In 1980 he became the first territorial Governor to serve as chairman of the Western Governors Conference. He was elected a member of the executive committee of the NGA in 1990.

As a regional leader, Mr. Speaker, Governor Coleman's record is equally distinguished. He co-founded the Pacific Basin Development Council in 1980 and was its first elected President in 1982. In 1982 he hosted and chaired the South Pacific Commission's annual conference in Pago Pago, American Samoa. At a special SPC meeting in 1983 and later in a conference in Saipan, he argued Strenuously for equal membership in SPC for Pacific territories. This he ultimately was successful in obtaining for the territories.

He was two times a member of the standing committee of the Pacific Islands Conference of Leaders. He was on the founding board of the Pan-Pacific Alliance for Trade and Development and a founding member of the Offshore Governor's Forum, which he chaired from 1992 to 1993.

Governor Coleman was loved and respected by the people he served—both in American Samoa and in the region. I know that everyone who ever had the privilege of working with him had tremendous respect for his common sense, his intelligence, and his decency.

His generosity of spirit was well-known. He was a role model and a mentor to many young people, myself included. As he gained political stature, he helped younger aspiring leaders—he opened up windows of opportunity and it is as a mentor that many of us will remember him best. From the "teaching stories" he shared to the examples of achievement which his own life offered, he inspired many of us to consider public service. As my distinguished colleague from Guam, Congressman ROBERT UNDERWOOD, has said, "He accurately saw himself as a developer of indigenous governments, bringing Pacific islanders to full recognition of their right to self-government and their capacity to implement the same."

His regional stature was widely acknowledged, Mr. Speaker. In 1970 he was granted an honorary degree by the University of Guam, who cited him as a "Man of the Pacific." In 1978, he received an honorary doctorate from Chaminade College in Hawaii, Pacific Magazine called him, "a man who is probably on a first name basis with everybody from the heart of the Pacific islands to their most distant corners."

This stature as a regional leader led to a number of special assignments. He was a member of numerous U.S. delegations to treaty negotiations, observances and regional conferences, among them the U.S. delegation which negotiated the 1981 Treaties of Friendship with Kiribati, Tuvalu, Tokelau and the Cook Islands, the second Pacific Islands Conference of Leaders in Rarotonga in 1985, the Pacific Democrat Union Conference in Fiji in 1987, the centenary observance of the U.S. Tonga Treaty of Friendship in 1988, and the American Samoa delegation to the Wellington Conference which banned driftnet fishing in the South Pacific in 1989.

In the words of his longtime political rival, former Governor A.P. Lutali, "I am proud that my friend Uifa'atali earned a place in history for his devotion and service to our people and the peoples of the Pacific." Whether we remember the dedicated public servant, the leader, the regional statesman, the role model for Pacific youth, the good friend whose personal warmth was always evident—or any of his other remarkable aspects, we all mourn his loss.

What stands out in my mind is Governor Coleman's regional stature. Here was a man, a Pacific islander, who saw beyond the shores of his own island—a man who clearly saw the link between the welfare of American Samoan and the welfare of other Pacific islanders. He fought for a responsible U.S. presence in the region, he cofounded, encouraged, and nurtured regional organizations and he inspired a whole generation of young Pacific islanders to strive to better themselves by following his example and his vision.

Mr. Speaker, I recently attended the funeral services which were held for Governor Coleman in Honolulu, HI. I am very glad to also note that our Governor Tauese P. Sunia and his lovely wife, Faga, were in attendance at the services. Additionally, the President of the Senate, High Chief Lutu Tenari Fuimaono and his wife Sinira, the Speaker of the House, High Chief Mailo Sao Nua, the Commissioner of Public Safety, High Chief Te'o Fuavai, plus a special honor guard from the Department of Public Safety in American Samoa were present.

In closing, Mr. Speaker, I would like to offer my condolences to Governor Coleman's wife, Nora, and his children and grandchildren. I am sure that the proud legacy which he left them will live on in their hearts and in the hearts of all the people of the Pacific.

Mr. Speaker, I recently attended the funeral services which were held for Governor Coleman in Hawaii. I am very glad to note that our Governor Tauese P. Sunia and his lovely wife Faga were in attendance at the services. Additionally, the President of the Senate, High Chief Lutu Tenari Fuimaono and his wife Sinira, the Speaker of the House, High Chief Mailo Sao Nua.

In closing, Mr. Speaker, I would like to offer my condolences to Governor Coleman's dear wife Nora and his children. I am sure that the proud legacy which he left them will live on in their hearts and in the hearts of all the peoples of the Pacific.

PROCLAMATION

Pursuant to the authority vested in the Governor of American Samoa, under the flag code prescribed by the Congress of the United States of America shall be flown at half staff as a mark of respect and a tribute to the memory of Uifatali Peter Coleman, former Governor of American Samoa, and one of the fathers of the government and the territory of American Samoa from April 28, 1997, until May 28, 1997.

Furthermore, by the authority vested in me by the constitution and laws of American Samoa, as executive head of this territory, I hereby order the flag of American Samoa to be flown also at half staff. I would also like to ask all the departments, agencies, and offices of the American Samoa to observe in the most appropriate manner and custom befitting the occasion of the passing of this great leader.

In witness whereof I set my hand and seal on the 28th day of April, 1997, at Utulei, American Samoa.

TAUESE P.F. SUNIA,
Governor of American Samoa.

[From the Hawaii Star-Bulletin, Apr. 29, 1997]

PETER COLEMAN, "MAN OF THE PACIFIC"

(By Mary Adamski)

HONOLULU.—Peter Tali Coleman was called "a man of the Pacific" in one of the many honorary degrees he was awarded, but that was not a fanciful title. It would serve as a summary of his life.

He was the first Samoan to be appointed governor of American Samoa, a US territory and later the first elected governor there.

His service as governor bridged five decades, first from the appointment in 1956–61, to three elected terms, the most recent ending in 1993.

He spent nearly 17 years as an American appointee in administrative roles in the former U.N. Trust Territories of Micronesia. Then he served as an advisor to the government and the emerging Western Pacific nations as they gained independence. He founded PTC Inc., a government relations firm specializing in Pacific island matters, was the Republican national committeeman from American Samoa, and an attorney.

Coleman, 77 died yesterday (Monday) at his Honolulu home after a two-year struggle with cancer.

"He was early recognized as a leader and will be remembered as one of the forerunners in the Pacific among native-born leaders who helped their nations chart their own destinies," said Hawaiian Governor Ben Cayetano.

"His contribution will be long and recalled with respect and affection."

Governor Tauese P.F. Sunia of American Samoa ordered the United States and American Samoa flags to be flown at half-staff for 30 days in Coleman's home islands. Sunia will attend services in Honolulu next week, according to his Chief of Staff.

"There is no question of Peter Coleman's place in history, not only in American Samoa, but throughout the Pacific," said Sunia in a message to the Coleman family "I am proud to say I knew him, that I worked for and with him, and that I witnessed the progress and change he brought to American Samoa."

Kitty Simonds, Executive director of the Western Pacific Regional Fisheries Management said: "He really knew the heart of the Pacific people." She recalled Coleman's effort to affirm native islanders' fishing rights, a move not popular with the American fishing industry or the tuna packing firms in Pago Pago.

City Councilman Mufi Hannerman said: "He was definitely a role model for many Samoans. Through his example, he embodied the best ideals and value of a public statesman."

D.E. "Rags" Scanlan, president of Royal Guard Security, said Coleman was "distinguished by his work for the betterment of all in the South Pacific." Scanlan whom Coleman tapped to coordinate relief efforts after a 1981 hurricane devastated Samoa, said the man was "very unpolitical. He was in politics but wasn't a politician, he worked behind the scenes."

J.E. Tihati Thompson of Tihati Productions said: "I will always respect him for the assistance he gave not only to the people of Samoa, but also to the Tokelau people of Swains Island Atoll while in office. He grew into a very gracious statesman who many would consult for political advice."

[From the Samoa News, May 15, 1997]

A EULOGY IN MEMORY OF PETER TALI COLEMAN

(The following eulogy was presented by William Patrick "Dyke" Coleman at the recent funeral of his father, former Governor Peter Tali Coleman. Dyke was Governor Coleman's chief of staff in his most recent administration (1989–1993).)

Dad introduced as to Samoa during the summer of 1952 when we first arrived in Pago Pago Harbor on board the Navy transport vessel the USS Jackson. We kids were just overwhelmed and excited by the beauty of the Harbor and the majesty of the surrounding mountains on that July morning.

Grandma Amata had accompanied us on the trip from Honolulu and Chief Tali, Aunty Mabel and Snookie and other family members were there to welcome us.

The living quarters we were assigned to was the old nurses' quarters at Malaloa, the house was spacious, wide open and structurally sound and we kids loved it. Mom and Dad learned later that these quarters had been condemned but that really never bothered us because we didn't know what that meant and didn't care anyway.

To Dad, as long as the family's safety and health were not being compromised, the label was of no consequence and the condemned house he viewed as a minor, temporary inconvenience that was not worth complaining about.

The house, for now, served our purposes. He adapted and taught us to do the same. Don't get hung up on the minor things. He never lost focus of his larger destiny.

Things that would bother many of us never seemed to bother him. He handled criticism the same way. Those who knew him well can attest to that. He reserved his energies for life's larger problems.

Only he knew that, very soon thereafter, he would occupy the best house on the island, the governor's mansion. Occupying the governor's house itself was not the goal. He aspired to lead his people and never lost focus of that objective.

Dad practiced law during these early days and his clients would often instead of cash pay him with live chickens and pigs. The house was the perfect place in which to learn and develop responsibility to raise and care for them.

Of course some of these animals soon became pets. We had a pet pig named Porky that we let into the house all the time, and Grandma Amata would get angry and chase the pig out with a broom. On school days Porky would always greet us when we got home. One day Porky didn't meet us. We combed the entire area around the house and the mountainside. We couldn't find him.

Dad had now become Attorney General and we kids had become so upset and distraught that Dad called the police force to help look for our pig. We never found Porky. We knew he ended up in someone else's umu. It took a long time for us to get over that loss.

Dad used to cut our hair, even after he became Governor. His haircuts made us very sad and we cried every time we had to get one. We wanted to look like Elvis but ended up looking like Fred Flintstone. The hairline was almost always uneven and so we would get teased and slapped in the head by the other kids.

One time my brother Milton ran away from home because he didn't want his hair cut. Anyway he finally returned home when he got too hungry. And of course the rest of us promptly reported him to Dad. Misery loves company. Milton got his spanking, which made us gleeful and after his haircut, lost his appetite.

As kids we didn't fully appreciate that those haircuts showed Dad to be a true visionary. Today these haircuts are considered fashionable and quite stylish with the younger crowd. Dad was ahead of his time.

Mom was always behind the scene, providing her strengths to support Dad and the family. For all this intelligence, strength of character and self-discipline, his sense of humor was how he kept life in perspective, everything in balance.

He used humor to fend off criticism, to laugh with others, to tolerate the inflated egos his line of work brought, and even to laugh at himself. His sense of humor was his way of remaining within himself.

One day when he was still at Queen's Hospital I went to visit with him. He had just awakened and I sat there making loose talk and joking with him. I told him casually that Amata had called earlier from Washington.

He asked what she had wanted. I told him she asked how he was doing and that he should start thinking about the governor's race for the year 2000. He laughed so hard he cried.

God bless you.

A TRIBUTE TO SHIMON EREM

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SHERMAN. Mr. Speaker, it is an honor to rise today to recognize Shimon Erem as the recipient of the Lawrence J. Weinberg Distinguished Service Award. This award recognizes Shimon for his outstanding grassroots political service which has helped to strengthen relations between the United States and Israel.

Shimon Erem has been a tireless leader of our community and our Nation recognizing the necessity of open dialog, particularly over difficult issues which jeopardize freedom and peace. He has personally arranged meetings among the leaders of France, Norway, Poland, Israel, and the United States, as well as conferences between Christian and Jewish pastors to better Judo-Christian relations.

In addition to his national leadership Shimon has served our local community by participating in California statewide politics, while personally forging relationships between State officials and party activists. Shimon is a true champion of democracy locally in California and throughout the world.

Shimon understands the basis of democracy and the need for strong leadership. He has headed several organizations including B'nai B'rith, the World Alliance of Christians and Jews, Center for Strategic Studies in Los Angeles, and countless others. The Los Angeles community and I thank Shimon for his exceptional service and dedication to the preservation of democracy throughout the world.

Alexis de Tocqueville once said that:

> A people among whom individuals lost the power of achieving great things single-handed would soon relapse into barbarism.

Tocqueville meant that democracy would not survive without people like Shimon sacrificing time and energy for the benefit of this Nation. I honor Shimon Erem for his work toward peace and congratulate him as the recipient of the Lawrence J. Weinberg Distinguished Service Award.

THE INTRODUCTION OF THE CONGRESSIONAL OFFICE OF REGULATORY ANALYSIS CREATION ACT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mrs. KELLY. Mr. Speaker, I am introducing legislation that will greatly assist this body in obtaining information that it can use to fulfill its responsibilities under the Congressional Review Act. My legislation would create a Congressional Office of Regulatory Analysis, or CORA, whose sole purpose would be to provide Congress substantive information on the potential impact of new regulations on our Nation's small business.

In March 1996, the Small Business Regulatory Enforcement Fairness Act [SBREFA] was enacted. Contained within this legislation is an often overlooked, but nevertheless significant, provision that gives Congress the authority to prevent new Federal regulations from taking effect. This new regulatory disapproval authority is designed to allow Congress to become a more active participant in the regulatory process.

Members of Congress have often protested that Federal agencies routinely promulgate regulations that exceed their legal authority. Given these complaints, and the fact that the regulatory burden has become unbearably large, one would expect that Congress would be vigorously employing its powers under the Congressional Review Act. However, in practice, the exact opposite is true. As of May 21, 1997, roughly 14 months after the Congressional Review Act became effective, 4,574 nonmajor final rules have been submitted to GAO and Congress, and 72 major rules, on which GAO is required to submit a statement to Congress, have been issued. Yet, not a single resolution of disapproval has been passed. The House of Representatives has failed even to consider one such resolution.

In my opinion, this is not how the Congressional Review Act was designed to operate. Congress must use its authority to exercise stronger oversight of the regulatory state. Before I describe the responsibilities of CORA, however, I would like to make one point very clear: this initiative is not based on the assumption that all regulations are bad. Some regulations have been instrumental in protecting our environment and ensuring the safety of millions of American workers. These efforts should not be weakened, and it is not the intent of this legislation to do so.

Having said that, let me explain more fully what CORA is designed to do. Under my bill, a new legislative support office, called the Congressional Office of Regulatory Analysis, would be created. Why is such an office needed? As discussed above, the Congressional Review Act is simply not being implemented. The executive branch continues to churn out new regulations at a staggering pace. In most cases, the only information that Members of Congress have available to them regarding a regulation is that which is provided by the promulgating agency. As we all know, Federal agencies are required to complete a number of reports and analyses on rules that they are promulgating. A problem exists, however, because agencies often ignore these requirements, or fail to thoroughly comply with them. Aside from what an agency may provide, there is no other source of information that Congress can rely upon. CORA's sole purpose would be to analyze new agency regulations to help Congress determine whether the use of its disapproval authority under the Congressional Review Act would be warranted.

How would the Office operate? Under current law, virtually all new regulations are required to be filed with Comptroller General of the General Accounting Office and each House of Congress. The Comptroller General has unique responsibilities if these regulations are determined to be major. A major rule, whose determination is made by the Administrator of the Office of Information and Regulatory Affairs, is defined as a rule that will likely have an annual effect on the economy of $100 million or more. In these instances, GAO is required to submit a report to the committees of jurisdiction by the end of 15 calendar days containing an assessment of the agency's compliance with the procedural steps required by various statutes and executive orders relating to the regulatory process. The usefulness of these reports, however, is minimal because they simply assess procedural steps taken by an agency, and do not at all address the substance of the regulation. As a result, they do little to assist Members of Congress determine the merits of the rule itself.

This would change under my legislation. Initially, the functions now designated to the General Accounting Office would be transferred to CORA. In addition to the report on an agency's compliance with procedural steps, CORA would also perform its own regulatory impact analysis of major rules. Such an analysis would provide a second opinion on the agency's actions and provide Members with a substantive assessment of the impact the regulation is likely to have. This information could then be used to facilitate use of the Congressional Review Act.

In addition, CORA could also conduct regulatory impact analyses of nonmajor rules. Currently, there is no type of review of these regulations by GAO or anyone else. CORA would undertake these analyses at the request of a committee or individual Member, based on a priority system established within the legislation and the discretion of the Director of the Office. Under such a system, CORA could analyze important nonmajor rules using limited budgetary resources.

Under the Unfunded Mandates Reform Act, the Congressional Budget Office also has certain regulatory analysis functions. CBO is required to estimate the costs of regulations that may be needed to implement a particular piece of legislation. Upon request, CBO is also required to compare its estimate with that of the agency promulgating the rule. Because CORA would be the repository of regulatory information for Congress, it would be appropriate for CORA to assume this function.

Mr. Speaker, Congress needs accurate, reliable, nonpartisan information that it can use to assess new regulations. A source for such information does not currently exist. My legislation would create a small, inexpensive, and focused office within the legislative branch that could provide such information. It would consolidate and centralize such a function, and greatly facilitate effective implementation of the Congressional Review Act. With the annual cost to our economy of Federal regulations estimated at roughly $700 billion and growing, how can we afford not to have such an office?

Thank you, Mr. Speaker.

HONORING LINDA VISTA SCHOOL

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. KIM. Mr. Speaker, I am honored to rise today and salute Principal Schara and the teachers and students of Linda Vista Elementary School in Yorba Linda, CA for having been awarded the Blue Ribbon School Award by the U.S. Secretary of Education. I am proud to represent such a fine institution in Congress.

Blue Ribbon awards honor 263 secondary, middle and junior high schools around the country for showing exceptional dedication to providing a top notch education to its students and preparing them for the next century. Linda Vista was the only school in the 41st District to receive this highly sought-after award. Blue Ribbon schools must show strong leadership, a clear vision, and sense of mission that is shared by all connected with the school, high quality teaching, a challenging up-to-date curriculum, policies, and practices that ensure a safe environment conducive to learning, a solid commitment to parental involvement and evidence that the school helps all students achieve high standards.

Linda Vista School was selected through a highly competitive process in which state education departments, the Department of Defense dependent schools, the Bureau of Indian Affairs, and the Council for American Private Education nominate schools which best meet the superior standards of the award. The selected schools are then visited and reviewed by a panel of 100 outstanding members of the education community. This panel then makes final recommendations to the U.S. Secretary of Education.

Linda Vista will be honored next fall at a national ceremony in Washington DC where the school will be given a plaque and a special flag to fly.

Mr. Speaker, I ask my colleagues to join me in commending Linda Vista School for its dedication to preparing its students for the challenges they will face growing up in and around Orange County. Behind this Blue Ribbon school is a dedicated group of faculty, students, and staff whose commitment to education is an example for schools around the country to follow.

TAIWAN'S PRESIDENT LEE DESERVES PRAISE FOR SUCCESS DURING HIS FIRST YEAR

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. JEFFERSON. Mr. Speaker, I rise today to note that Monday, May 20, 1997, marked the first anniversary of the administration of President Lee Teng-hui and Vice President Lien Chen of Taiwan.

A few weeks ago, several Members of Congress and I stopped briefly, too briefly, in Taipei on our return to the United States from a congressional trade development trip to Asia and the Pacific rim.

During our stopover, we had the opportunity to visit with President Lee and Vice President Lien. President Lee impressed me, and I believe other members of the delegation, with his commitment to instituting full democracy in Taiwan. I was equally impressed by President Lee's commitment to provide a higher standard of living in Taiwan and to improve relations with both the United States and China.

The first-year record of President Lee and Vice President Chen offers promise for future progress. Taiwan has maintained a steady economic growth with a per capita income of $13,000—U.S.—that is equivalent of many Western European countries. Taiwan has expanded relations with several countries and has sought a continuing dialog with the People's Republic of China about eventual unification with a more democratic and open government in China.

Finally, Mr. Speaker, President Lee deserves congratulations on the many accomplishments during his first year in office and best wishes for continued success and progress. I hope that I will be able to visit Taiwan again and to stay longer than just a few hours.

ARTHRITIS AWARENESS MONTH

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. JONES. Mr. Speaker, I come before this body today in honor of Arthritis Awareness Month. This month is set aside to increase the public's knowledge about arthritis, and the many related diseases which affect the joints, bones, muscles, skin, and other connective tissues.

Arthritis and its related diseases are among the most common causes of chronic pain, disability, and disfigurement in Americans today. These diseases occur at all ages, impair the quality of life, and many require medical care and attention over long periods of time.

Health experts estimate that by the year 2020, when the Baby Boom generation approaches the prime years for the onset of chronic illnesses, 60 million Americans will have arthritis, a 50 percent increase over today's estimate.

Currently, the combined cost to society of medical care and lost wages for arthritis and related diseases is estimated to be at least $143 billion a year.

Arthritis is the No. 1 cause of disability in America. It can limit everyday activities, such as dressing, climbing stairs, and getting in and out of bed, for approximately 7 million Americans. This figure is expected to increase to 12 million by the year 2020.

Though these figures are astounding, they do not truly make an impact until arthritis touches your family. That is what has happened to me. In early 1990, my wife of 31 years, Joe Anne, was experiencing pain in her hands.

After repeated visits to our family doctor, we discovered she has arthritis in her hands. My wife is a very active, determined, and energetic woman. For example, when she was pregnant with our daughter Ashley, Joe Anne delivered calves on her father's farm. For years she was a high school teacher in our hometown. Now she devotes her time and energy to the horses she has bred and trained for years.

Though she has not allowed her arthritis to stop her activities, she is in constant pain and has difficulty doing some things that many of us take for granted.

Joe Anne and I are fortunate enough to reside in the great State of North Carolina. Our State's many opportunities have attracted some of the best and brightest minds in the medical field. In fact, there is a research center in my home State that is one of the leaders in the fight against arthritis.

The Thurston Arthritis Research Center at the University of North Carolina at Chapel Hill has joined the National Institute of Arthritis, the Centers for Disease Control, and the Arthritis Foundation to bring together a superior medical research team. They have dedicated their facilities to achieve their mission: to eradicate arthritis and ease the suffering of arthritis victims.

The work these facilities have already done speaks to their skill and determination. Their recent breakthroughs are bringing us closer to preventing—and curing—some of the most crippling and costly diseases that affect our Nation.

For example, researchers believe that treatments involving adequate calcium and nutrients, coupled with an exercise program, may provide the most practical approach to the prevention of osteoporosis.

There is also an exciting new avenue of research which indicates that lupus may involve abnormalities in the body's ability to eliminate unnecessary, damaged, or potentially harmful cells. This process is known as programmed cell death. A better understanding of programmed cell death may lead to new treatments for arthritis.

In addition, the studies currently being conducted which examine the causes of cartilage breakdown, and ways to stimulate growth of cartilage, will lead to new treatments in osteoarthritis.

I support the ongoing search for a cure to arthritis. As we work on the fiscal year 1998 budget, I urge my colleagues in the House to consider the thousands of people, present and future, who suffer from arthritis and related disorders.

The Thurston Arthritis Research Center and organizations like it are very close to a breakthrough in their research. Please join me in lending these researchers all the support you can. Your health, or the health of someone you love, could depend on it.

TRIBUTE TO BRUCE A. SEYMORE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BONIOR. Mr. Speaker, today I would like to congratulate Mr. Bruce Seymore as he retires after thirty-one years of service with the city of Port Huron as the director of finance. His colleagues will be honoring him with a dinner on June 27, 1997.

Mr. Seymore began his career with the city of Port Huron in 1966 as director of finance. Under his leadership and guidance, for twenty-one years, the department received the Certificate for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada. The department has received this distinction longer than any other unit of government in Michigan.

Along side his success with the city of Port Huron, Mr. Seymore has been an incredible asset to his community. Throughout the years, Mr. Seymore has served on the Michigan Waterways Council of Girl Scouts Board and as president of Goodwill Industries. His compassion and devotion to those in need prompted the board of directors at Goodwill to give Mr. Seymore the Scotty Hanton Award in 1979. The Scotty Hanton Award is granted yearly to a person who personifies the essence of Goodwill. The nominees are picked based on their time of service, time investment, personal contributions, and spirit.

I would like to congratulate Bruce Seymore as he retires and wish him and his family all the best.

WALTER CAPPS "IN OUR HEARTS" MEMORIAL DAY SPEECH

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. EVANS. Mr. Speaker, this Monday is Memorial Day. Members of Congress will be home in joining with our constituents at many important ceremonies honoring the memory of those who sacrificed their life in the service of our Nation.

Mr. Speaker, one of our new Members, WALTER CAPPS, of California, will be giving the keynote address as a major Memorial Day gathering in Los Osos, CA. Congressman CAPPS is a true friend of those currently serving in the military and a staunch advocate on behalf of our veterans and their families.

Representative CAPPS has shared his planned remarks with me. I am pleased to submit a copy of Representative CAPPS' remarks into the CONGRESSIONAL RECORD moving speech and I urge my colleagues to read and reflect on his remarks.

IN OUR HEARTS

(By Walter Capps)

Corporal Haley, Father Kozanecki, Master Sergeant Martin, Supervisor Laurent, Reverend Ford, esteemed Veterans, ladies, and gentlemen.

It is a humbling and awesome task to stand before 1,000 people this morning in this breathtaking location to help observe Memorial Day.

Today, all over this great nation, Americans from every walk of life are taking time to honor the memory and reflect on the sacrifices of those who gave their lives so that we can live our lives in peace and freedom. Today more than any day, they are in our hearts.

And just as importantly, we pay tribute to those—like the hundreds in this gathering today—who served in our military forces. You may not have given your lives, but you certainly gave of your bodies and souls in defense of your country and the cherished principles which make our nation so great. You too are in our hearts.

From the first shot fired of the Revolutionary War to the scud missile casualties in the Persian Gulf, nearly 1.2 million Americans have been killed at war.

This statistic is staggering. Simply uttering it and moving on threatens to obscure the individuality of each fallen man or woman, and to dim the historic lessons of each American conflict.

The first Memorial Day was observed on May 30, 1868, three years after the Civil War set our nation against itself and claimed the lives of half a million people from the Union and the Confederacy.

Nearly 130 years later, these deaths must remind us of the urgency to settle our own differences under the rule of law and with the decency of a civil society. We must never resort to the internal warfare that has killed countless people across the globe—from Zaire to Chechnya—even this year. And the lesson of the Civil War about the cruelties and degradation of racial bigotry are sadly those that still have not been fully realized by our society.

Many of you fought in World War II. In fact, some have made their home in this beautiful county because you trained here before shipping out overseas.

To you, and your 400,000 comrades in arms who perished in Europe and in the Pacific, the world will forever owe a priceless debt of gratitude for vanquishing tyrants who committed unspeakable crimes against innocent people and who threatened the very existence of civilized life on earth. The lessons of World War II, of course, are that we can never tolerate the unchecked genocidal passions of ruthless dictators and expansionist military campaigns which threaten fellow democracies and even our own shores.

I see many Vietnam vets here today. I have known and worked with some of you since I first came to California 32 years ago and began teaching a university course on the Vietnam War.

The lessons of the Vietnam war are profound. From this war, we learned that we must never blame the war on the warriors. The sad fact that more Vietnam vets have killed themselves than died on the battlefield teaches us that when we send soldiers to war, we must, as a nation, support them when they return.

And from the Vietnam war, we must resolve only to send U.S. troops into harm's way when critical American strategic or moral interests demand our engagement, and never make this decision out of a sense of ideological zealotry.

Those who join us today who served in World War I, Korea, the Gulf War, and other conflicts and peacekeeping missions have, of course, made their own special contributions in defense of American security and values.

My friends, I have participated in Memorial Day exercises for many years, but this is the first year that I have been honored to do so as your Congressman.

It is an unparalleled honor and high privilege to represent our communities and its people in our nation's capital. And as your Representative, I have new challenges and responsibilities.

As a Congressman, I have no higher duty than to preserve the security of our nation by ensuring that our military remains the best trained, best equipped, and most prepared in the world. Yes, even in the age of budget cuts and downsizing, we can and must maintain an efficient and cost-effective military skilled not only in conventional warfare, but at combating the new enemies of terrorism, drug trafficking and organized crime.

As a Congressman, and a Member of the International Relations Committee, I am doing all I can to rid the world of the most horrifying weaponry of past and potential wars. I am active in the efforts to ban antipersonnel land mines and am pushing for swift action on the critical chemical weapons treaty.

As a Congressman, I am committed to maintaining the highest level of Federal benefits for our veterans and their families. In this effort, I will continue my previous work as a private citizen, when I helped bring the first ever Vet Center to Santa Barbara.

I am, for example, cosponsoring legislation to ensure that veterans receive substantial health benefits and that they are never shortchanged on retirement pay. And I am proud to say that my office has been able to help a number of veterans secure medals to which they were entitled but never received.

As a Congressman, I will keep pushing our government and the governments of Vietnam and other former adversaries to leave no stone unturned in our sacred battle to determine the final status of all the brave combatants who are still missing in action.

And as a Congressman, I will honor the memory of those who died in service of our nation by trying to preserve the unique American values for which they fought. Today is the day when all of us should pledge to redouble our fight to ensure that the basic rights we all enjoy—freedom of speech, freedom of religion, freedom of the press, and the freedoms afforded by our democratic political system are never, ever, diminished.

My friends, some of you know that I was born in Omaha, Nebraska. That's why I'm particularly proud to quote the inscription that many of you have read for yourselves at the Omaha Beach Cemetery in Normandy:

> "To these we owe our highest resolve, that the cause for which they died shall live."

Freedom, peace, justice, dignity, and prosperity. These are the qualities of life all of us here on the Central Coast and across America enjoy. We must never take them for granted. And we must forever remember and honor those who fought and died for the cherished causes that will endure for generations to come.

Today, and every day, they are in our hearts.

TRIBUTE TO MAJ. HAL GEER—MILITARY ORDER OF THE WORLD WARS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SHERMAN. Mr. Speaker, it is a great privilege for me today to rise and pay tribute to an exemplary American, Maj. Hal Geer, who is being honored by his peers with the Military Order of the World Wars for his extraordinary devotion to our country. The order symbolizes distinguished service within the Armed Forces and is awarded to one who embodies the highest degree of honor, duty, and patriotism.

Hal's life story exemplifies those virtues that make a true hero. The tenderfoot oath that he swore when he was 12—"On my Honor I will do my best to do my duty to God and my Country,"—became the creed by which he lived his life. Just 1 week after the tragedy of Pearl Harbor, Hal heeded the call of duty to his country and voluntarily enlisted in the Army, leaving behind his wife, to fight for democracy abroad. Hal also passed up officer candidate school to become a combat photographer and he actively sought front-line assignments.

Gen. George Patton once said, "Wars may be fought with weapons, but they are won by men." We can stand here free today because of men like Hal Geer who went beyond the call of duty.

Hal's courage and valor place him among the pantheon of true American heroes. He flew more than 85 air combat missions in China, risking his own life to show the American people the courage of our troops in action. Hal later volunteered to work behind enemy lines in China where he stood under constant fire. That heroism has brought Major Geer countless decorations and commendations, and has made him World War II's most highly decorated combat photographer.

However, Hal showed his devotion not just in war but also in peace time. In addition to serving as president of the Congregational Church of North Hollywood, he has also devoted countless hours to teaching religious education classes. Furthermore, Hal has produced Memorial Day services to ensure that those who died for our country are never forgotten, and that we never forget that the price for democracy is eternal vigilance.

Today, I join those who have devoted their lives to defending our country in honoring Maj. Hal Geer with the Military Order of the World Wars.

HONORING GILBERT AND SALLY KERLIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. ENGEL. Mr. Speaker, I speak today in praise of two people who for more than 50 years have worked in environmental and community causes. Gil and Sally Kerlin have both been important elements in the cultural and social life of Riverdale.

As a volunteer Gil Kerlin led the Riverdale Community Planning Association in the early 1950's to propel the rezoning of the northwest Bronx and spearhead the creation of the Natural Area District. He was a founder of Wave Hill, a prototype of preservation in the New York City area and chairman of its board until 1991. He was active in establishing the Riverdale Historic District and has chaired the Riverdale Nature Preservancy which is dedicated to preserving and enhancing the quality of life in Riverdale.

Mr. Kerlin is a graduate of Harvard University, Trinity College in Cambridge, England, and Harvard Law School. Sally Kerlin is a graduate of Radcliffe College and attended the Bank Street College of Education. She is a member of the Society of Women Geographers and created a series of maps used in teaching the relationships between the U.S. topography and man's use of it. She also worked on the creation of Wave Hill.

Mr. and Mrs. Kerlin are being honored by the Riverdale Senior Services, an organization dedicated to working with seniors and celebrating its 23d anniversary. This wonderful organization and this marvelous couple epitomize the contribution of caring people for their neighborhood. They deserve our praise for all the good work they have done to improve life in their community.

A TRIBUTE TO MY GOOD FRIENDS TINA AND GARTH COONCE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. POSHARD. Mr. Speaker, I rise today to honor an outstanding couple from my hometown, Marion, IL. Tina and Garth Coonce are wonderful people who are working in the service of the Lord. They are the founders and president of the Tri-State Christian Television Broadcast station, and this year they are celebrating their 20th anniversary on the air.

I have had the pleasure of being a guest on their show from time to time and have enjoyed sharing with many viewers the role of spirituality in the public arena. I was able to share the lessons I have learned as an elected official and as a cofounder of a group known as Faith in Politics.

The good Lord has given Garth many talents. the is an excellent writer and is the renowned author of "How To Keep Your Life in Focus." Garth also is quite a scholar and has earned a bachelor of science in business administration, a masters of business administration, a doctorate in humanities, and an honorary doctorate of divinity. To say the least, Garth is a learned man.

Mr. Speaker, Garth's past corporate experience has helped him run the hugely successful Christian Radio Broadcast Flagship. He has a marketing background and has managed an accounting practice, in addition to serving on the International Task Force for Artificial Sweeteners, the National Association of Accountants, the Chemical Management Advisory Board, and the National Religious Broadcasters. He is also a U.S. Air Force veteran and an multiengine pilot with instrument rating.

Garth's family has always been this backbone. His wife, Christina, an integral part of Garth's ministry, has been this partner through every endeavor and also ministers as a noted Christian leader herself. Garth has been known to say, "One of my great sources of joy is the tremendous family God has given me." His eldest daughter, Victoria, and son-in-law, Curt Clark, are both proud alumni of Oral Roberts University. Victoria now is an instructor of communications, while Curt is a successful executive with Pepsi Corp. His younger daughter, Julie, also a graduate of Oral Roberts University, married Thomas Connor Nolan III, who is now executive director of the Tri-State Christian Television Broadcast station.

Mr. Speaker, the Coonce's are an inspiration. They are a rare family that does not feel ashamed to show their faith to others and to witness the good news of Christ. Through their Christian Television Broadcast station they have touched thousands of viewers who are in need of the Gospel, and I applaud them for their outstanding efforts. God speed.

IN HONOR OF THE FRITZ REUTER ALTENHEIM LIFE CARE COMMUNITY: CELEBRATING 100 YEARS OF SERVICE TO THE RESIDENTS OF THE NORTH JERSEY AREA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to the Fritz Reuter Altenheim Life Care Community on the occasion of its centennial anniversary. For 100 years, this organization has been committed to the notion that our aged population deserves the help of our whole community. This momentous occasion will be celebrated at a gala dinner dance on Sunday June 1, 1997, in the grand ballroom of Schuetzen Park, in North Bergen, NJ.

Founded in 1897 as a continuous care retirement community, the Fritz Reuter Altenheim home has impacted the lives of many. Originally designed to accommodate aging German immigrants, the home contained a chapel. furnished living quarters, a dining room, and a kitchen. The cornerstone of the Fritz Reuter Altenheim home was laid in 1898 and 1 year later, on June 15, 1889, the first occupants moved in.

Due to dedicated and caring individuals, the Fritz Reuter Altenheim home has expanded tremendously, now housing a fully staffed nursing unit, a residential facility, as well as independent living apartments, with all facilities open to all seniors.

Since its incorporation as a nonprofit organization in 1897, it has been funded in large part by donations, voluntary efforts, and bequests. It is kindness and selflessness that keeps this home alive and enables it to grow.

I ask that my colleagues join me in recognizing the Fritz Reuter Altenheim Life Care Community for its outstanding work and commitment. I applaud their expansion of care to the seniors in my district. I expect that the Fritz Reuter Altenheim staff and administrators will continue to serve the community in the same noble fashion for another 100 years.

TRIBUTE TO AL GRIMSON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BONIOR. Mr. Speaker, today I would like to congratulate Mr. Al Grimson as he retires from his job as accounting manager from the Macomb County Finance Department. His colleagues will honor him with a dinner and reception at the end of this month.

For 23 years, Al has been a dedicated and committed accountant for Macomb County. In 1974, Al began working as an auditor for Macomb County Community Mental Health. Al later went on to serve Macomb County in a variety of positions. He became the administrative assistant for the budget and finance department, an audit officer for the internal audit department before becoming the accounting manager. His participation in accounting associations, his background, and experience, made him a valuable member and leader in the financial departments within Macomb County.

In an era when community service has become so important, Al is a shining example of a dedicated volunteer. As a Berville Lion and a member of the Elks Club, Al has been committed to improving the lives of people throughout the community. He has also been on the Selfridge base community council, Fraternal Order of Police, and a marine safety officer. As a father, he also knows how important children are and became a football and little league coach. Al has touched the lives of many people in the community through his participation in so many activities.

Over the years, Al's experience, leadership, and knowledge have made him an incredible asset to Macomb County and Macomb County's Finance Department. I would like to thank Al for all of his contributions and wish him and his family all of the best.

THE MEDICAL DEVICE REGULATORY MODERNIZATION ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Ms. ESHOO. Mr. Speaker, I'm pleased to join with my colleague from Texas, Mr. BARTON, to introduce the Medical Device Regulatory Modernization Act of 1997.

Since coming to Congress over 4 years ago, I have heard a consistent message from medical device companies in my district—the Food and Drug Administration is not keeping up with innovation. Companies were asking for congressional action to help modernize FDA's regulatory process.

The bipartisan legislation we are introducing today accomplishes that goal.

We've had testimony before the Commerce Committee that the agency lacks the resources to keep up with its workload and as a result reviews were taking too long.

The Barton/Eshoo bill frees up FDA resources by allowing for independent review for class I and class II devices that are not implantable or likely to cause serious harm if they fail. Class I and class II devices are relatively less complex, ranging from surgical gloves and syringes to MRI machines. By increasing the use of third parties for lower risk devices, the agency will be able to focus their attention on higher risk, more complicated products that demand greater resources and time.

We were told that a chasm of communication exists between medical device companies and the FDA.

Under our legislation, FDA will be required to meet with applicants at their request both during the investigational device exemption phase and early on in the product review stage. It is hoped that through this increased communication, there will be a greater understanding on the part of the applicant as to what the agency will require for approval, and a greater understanding by the agency of the technology being employed by the applicant.

We heard that the FDA needs to recognize national and international performance standards to cut down on paperwork and redundant reporting requirements.

The bill allows the FDA to recognize national and international standards and allows companies to self-certify to these standards. There are penalties for the falsification of data and all certification information is available at FDA's request.

Last, companies have raised concerns that in reviewing applications, FDA has, in the past, required information from companies that is outside the scope of the application.

The bill makes clear that it is FDA's job to review applications for substantial equivalence, for lower risk devices, or safety and effectiveness, for higher risk devices. The agency is not charged with reviewing relative effectiveness, which should be determined by the marketplace, or for reviewing items outside the proposed intent of the device; as long as the public health is not at risk.

These are some of the key provisions of the legislation, but they are by no means the only important provisions in this bill. There are 22 sections to the legislation that address issues including cost market surveillance, dispute resolution, humanitarian use of devices, device tracking and regulatory harmonization to name a few. It is a comprehensive approach to modernizing the way the FDA regulates medical devices.

Representative BARTON and I have worked very hard to ensure that this bill moves the agency forward. It's a positive blueprint to strengthen the FDA's oversight of the public health. I believe it will help the agency review products more efficiently and improve communications between FDA and industry, brining new products to market and to the patients that urgently need them.

I urge my colleagues to support it.

IN MEMORY OF HAZEL SCHWEIRKING GRAFFEO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a remarkable woman from my district. Hazel Schweirking Graffeo of Oregon, OH passed away on Tuesday, April 29, 1997. Mrs. Graffeo fought a very courageous 8 year battle with cancer. Although that battle cost her dearly, she never lost her spirit.

Mrs. Graffeo was devoted to her husband and family, and enjoyed cooking for them. She also loved entertaining for others. She was a fan of big band music and enjoyed dancing. She loved reunions and other family activities.

Mrs. Graffeo's generous heart extended beyond her family and friends. She was an active member in the Alba Club, the Oregon Democratic Club, St. Charles Hospital Auxiliary, VFW Post 9816, and St. John Lutheran Church in Williston, OH. Everywhere, she exuded good cheer, strong values, and made others feel welcome.

Mrs. Graffeo is survived by her husband Joe and daughters Sharon, Janet, Janice, and Carolyn, as well as 12 grandchildren and 12 great-grandchildren. Our sympathies and prayers are with them, but we know that the memory and example set by Hazel Graffeo will give them a measure of comfort. Even as they mourn their loss, may they celebrate her life.

SUPPORT FOR THE DRUG FREE COMMUNITIES ACT OF 1997

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SANDERS. Mr. Speaker, I rise today in support of the Drug Free Communities Act of 1997, legislation which supports communities across the Nation in their efforts to reduce rising teenage drug abuse. Studies show that teenage use of marijuana, inhalants, cocaine, methamphetamine, LSD, heroine, and other drugs is on the increase—and it is among children that we are seeing the greatest increase in use. The Drug Free Communities Act of 1997 is an important step toward empowering communities to fight the growing phenomenon of drug abuse among our Nation's youth.

I would like to add that I very much appreciate that the original cosponsors of this bill, Mr. PORTMAN, Subcommittee Chairman HASTERT, Mr. LEVIN, and Mr. RANGEL, as well as the subcommittee ranking member, Mr. BARRETT, were very willing to work with me to mold this legislation so that rural communities, as well as urban communities, are given the same chance to benefit from this Federal program. Because of our discussions, this bill now provides that antidrug coalitions in rural communities, communities under 30,000 people, will be given the opportunity to receive up to $100,000 in Federal matching funds. This puts rural communities at the same level as urban communities for receiving Federal matching funds.

Mr. Speaker, let me emphasize that drug abuse is not only an urban problem, but is also a problem in the rural communities of this country. Drug pushers find a market for their drugs, not only in the schools of urban areas, but also in the schools of our rural areas. We are beginning to see gang activity in our rural communities and these gangs are largely centered around drug use. Presently, it is our rural areas which are ill-equipped to handle an influx of drugs because rural areas do not have access to the local resources which urban areas enjoy. Because of bipartisan cooperation which has taken place, rural antidrug coalitions will be better able to deal with drug abuse problems.

Again, I thank the gentlemen for their cooperation and willingness to accept my input on this bill, and I urge passage of this important legislation.

SMALL BUSINESS REMEDIATION ACT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BARTON of Texas. Mr. Speaker, I rise today to introduce a bill which will help improve the environment while protecting small businesses. This bill, the Small Business Remediation Act, will enable the Nation's 30,000 dry cleaners, their employees, neighbors, and customers to improve the local environment while preserving the dry cleaners' ability to preserve businesses and remain vital contributors to their communities. The bill has bipartisan support in Congress and tremendous nationwide support from the dry cleaning industry, and I urge the House to pass the legislation.

For the last few years dry cleaners, one of the largest groups of small businesspeople in America, have faced substantial potential liability associated with the remediation of soil surrounding some dry cleaning businesses. This potential liability has resulted in the small business owners in the industry having trouble obtaining or renewing leases and borrowing money, or even risk bankruptcy.

This potential liability is being greatly compounded by the misapplication of the Federal drinking water standard to soil remediation projects. This makes no sense, of course, but this standard is being used by States which are overseeing the remediation of some dry cleaning sites mostly because there is no other standard readily available.

The Federal drinking water standard for the relevant compound—perchlorethylene or perc—is set at 5 parts per billion. Unfortunately, while that level might be appropriate for drinking water, it can hardly be considered necessary for protection from perchlorethylene in dirt.

As a result of the arbitrary, illogical situation of applying the drinking water standard in other cases, dry cleaners increasingly face clean-ups requiring staggering sums of money. In many cases, the dry cleaner may simply be forced to declare bankruptcy and walk away penniless. In such cases, the soil is not remediated, the environment is not improved, and the community is weakened.

Last fall, the House Commerce Committee, Subcommittee on Oversight and Investigations, which I chair, held hearings on this issue. We heard witnesses who testified that they had lost businesses built over a lifetime, suffered terrible emotional distress, spent millions of dollars chasing illusory risks, and been prevented from expanding their businesses because of this mismatched regulatory approach. Most disturbing, we repeatedly heard that many dry cleaners fear to pass their business along to their children, all because of the possibility of being caught in this bureaucratic web. This is not healthy for our communities or our environment.

To remedy this problem, the Small Business Remediation Act would like the soil remediation standard for perc to the Occupational Safety and Health Administration standard, which is currently set at 100 parts per million. This is the standard which OSHA has found to be protective of workers who are exposed to perc in the workplace everyday for their entire working lives.

The bill I am introducing today would set the remediation standard 10 times stricter than the OSHA standard. If OSHA strengthened its standard in the future, the soil remediation standard would be strengthened automatically. Therefore, it does not freeze science, and allows changes in new evidence dictates.

The bill does not change the Federal drinking water standard and does not prevent States or EPA from cleaning up dry cleaning sites.

Our approach will provide certainty to dry cleaners, their neighbors, surrounding businesses, banks, and the entire community. At the same time, by setting an achievable goal, the Small Business Remediation Act will lead to more efficient and timely improvements of the environment. By providing certainty, it will help focus resources on clean-ups, not lawyers.

Mr. Speaker, I encourage all Members to join us in this commonsense approach to a problem that affects all American communities. By supporting the Small Business Remediation Act, Members can help improve the environment, strengthen small business, and promote the prosperity of our neighborhoods and towns.

THE MANAGED CARE PLAN ACCOUNTABILITY ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. STARK. Mr. Speaker, together with Mr. KILDEE, Mrs. LOWEY, Mr. MILLER of California, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. SANDERS, Mr. TIERNEY, Mr. FROST, Mr. DELLUMS, Ms. CHRISTIAN-GREEN, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. WAXMAN, Mr. RANGEL, Mr. KLECZKA, Mr. BERMAN, Mr. KENNEDY of Rhode Island, Ms. RIVERS, Mr. MCGOVERN, Mr. KUCINICH, and Ms. TAUSCHER, I am proud to introduce the Managed Care Plan Accountability Act of 1997, a bill which amends ERISA to provide equality and fairness to the millions of Americans whose health benefits are regulated by the Federal Government.

ERISA was enacted in 1974 to uniformly govern employee benefit plans. To this end, ERISA includes a wide-ranging preemption provision that supersedes any and all State laws insofar as they relate to an employee benefit plan, including health insurance.

Under current law, ERISA managed care plans are often completely exempt from liability for any medical decision made as a result of plan policy. If a patient is injured as a direct result of a plan's cost-containment policy, for example, the patient is entitled to sue only for the value of the denied treatment. Patients in ERISA plans are not entitled to other compensation, such as lost wages or pain and suffering, as is currently available to patients in non-ERISA plans.

For example, Newsweek magazine recently reported a case in which a managed care plan denied a heart attack victim's request for surgery because the only hospital qualified to perform the needed procedure was located outside of the plan's service area. By the time the patient appealed the decision and received the necessary approval, it was too late. The patient's heart was damaged beyond repair, and he died shortly thereafter while awaiting a heart transplant. In this case, the patient's health insurance was part of an employer-sponsored benefits package and therefore, regulated by ERISA.

Under current law, the family was entitled only to the cost of the denied procedure. In other words, the most damaging thing that could happen to the HMO responsible for the loss of their loved one is the cost of the procedure that could have saved the person's life.

While a price tag should never be put on a human life, there should be some reasonable compensation paid to patients and their families who are victims of medical malpractice. This is especially true when victims suffer life-altering, if not fatal injuries due directly to the negligence of a plan executive attempting to save money.

Imagine if your child died of leukemia because your HMO would not authorize an early blood test. The twisted irony is that you could recover no more than approximately $130—the cost of the test. A child's life is surely worth more than $130. This is a travesty.

This bill would create a new cause of action under ERISA which would allow consumers to seek additional damages from employer-sponsored health plans. The new cause of action would have concurrent jurisdiction, allowing the action to be brought either in Federal or State court. Additionally, this legislation would protect physicians from unfair lawsuits by making the health plan responsible for constraints they place on providers.

Our legislation is fair and long overdue. Plans that actively manage the care of their enrollees must be held accountable for their decisions. Employees of ERISA-regulated health plans deserve the same rights and protections as people in non-ERISA plans.

HONORING DEWITT CLINTON HIGH SCHOOL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. ENGEL. Mr. Speaker, DeWitt Clinton High School, in my congressional district, opened its doors for the first time in 1897 with about 500 boys and 21 faculty assembled to hear from the principal. Since that time the school has moved several times and its enrollment has grown to 3,850.

The school has also grown in stature and this year it was named one of the five most improved high schools in the United States. DeWitt Clinton was also praised because of its outstanding peer mediation and negotiation program.

The school meets or exceeds all of the chancellor's standards. Its college admission rate was 91.1 percent last June while its dropout rate was only 2.8 percent. Its attendance rate is 90.8 percent. The students have also shown consistent improvement in the State regents exams over the past 4 years. Perhaps most significantly, it is one of only 11 New York City high schools, out of 136, given the highest 5-star rating by the New York Times.

A measure of a school's success is a list of its graduates and DeWitt Clinton's is most impressive with such alumni as James Baldwin, Burt Lancaster, Richard Rodgers, Neil Simon, A.M. Rosenthal, Paddy Chayefsky, Daniel Schorr, Arthur Gelb, Fats Waller, Jan Peerce, Nate Archibald, Bernard Kalb, and Stan Lee. These are people who have given to the country and to the world. The students at DeWitt Clinton have a strong tradition to uphold and show every indication of doing it.

I join my colleagues in congratulating the school, its faculty, its students, and their parents as representatives of a century of higher education.

TRIBUTE TO AARON HENRY

HON. SANDER M. LEVIN

OF MICHIGAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. LEVIN. Mr. Speaker, on, May 19 a wonderful human being and a truly great American passed away in Clarksdale, MS—Aaron Henry.

I mention first his human qualities because of the unusual warmth of his personality and capacity for friendship. Had he only been a friend, as he was for so many of us from many walks of life, he would remain indelibly etched in our thoughts and memories. Of course, his life went far beyond private relationships and friendships. He dedicated so much of his time to the public arena, pursuing the American Dream of equal opportunity for all Americans.

He started in this pursuit, in the Army during World War II where he fought for integration and next as he obtained a degree in pharmacy under the GI bill. He then set up shop on Fourth Street in Clarksdale, which became his source of livelihood and a major hub for those working with him to bring equal opportunity and justice to Mississippi. I first saw Aaron Henry in action at the 1964 Democratic Convention. The Michigan delegation was seated near that of Mississippi, and we witnessed his valiant efforts with Fannie Lou Hamer and others to end segregation in the Democratic Party of his home State.

He failed then, but never lost hope. A few years later I saw that first hand when I spent a week with Aaron Henry and his coworkers in Clarksdale in a project—the Mississippi-Michigan Alliance—which he and I had set up to obtain help in efforts to register voters in his hometown. It was a grassroot endeavor, succeeding in registering hundreds of new voters though failing to break down other barriers. There was an election held while I was there and I remember visiting one precinct where there were no minority voters and a minority candidate for the State legislature did not receive a single vote from that particular precinct. I had never before visited a precinct in a contested election where a unanimous vote had been cast for one of the candidates, whatever the nature of the contest.

But though personally involved in the election, Aaron Henry refused to give up or lose hope. Indeed, one reason he was such a great American was because he believed America's greatness would ultimately lead to the realization of the dreams of all of its people. So I left Clarksdale a few pounds heavier from all of the ice cream consumed at the old-fashioned soda fountain in his Fourth Street Pharmacy but also many degrees uplifted by the spirit and determination of Aaron Henry. As we met and talked now and then over the years, none of this ever ebbed.

Aaron Henry's death will be deeply mourned by the many of us privileged to be his friend and blessed by his example of fighting hard, with good will. Hopefully, his native State will mourn him across its cities and farms. He was born in its rural land, toiled in one of its important towns and journeyed it throughout, from border to border. His legacy is his hopefulness. The task now of his beloved State, of his beloved Nation and of all of us who loved him is to keep his faith and continue his battle.

TRIBUTE TO SGT. JOEL R. PRICE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SHERMAN. Mr. Speaker, it is a great honor for me today to rise and pay tribute to police officer, Joel R. Price, who has dedicated the last 20 years to serving our community and helping others. This esteemed officer and citizen truly embodies exceptional qualities of duty, sacrifice, and dedication, making him a model for fellow officers and the people of Los Angeles. For these reasons, Joel R. Price is being honored by the Reseda Chamber of Commerce as the 1997 Police Officer of the Year.

This award was achieved by Joel's long, distinguished career which he began by serving our community in 1977 as a station officer for the city of Los Angeles. His commitment and hard work quickly found an even higher calling after he graduated from the Police Academy and began working in the southwest and Van Nuys areas as a detective. His perseverance and distinguished service enabled him to rise quickly through the ranks. Joel put in long hours as a detective where his reputation as a dedicated and skilled member of the force were quickly recognized.

Additionally, Joel patrolled Los Angeles during the 1984 Olympic games to ensure the safety of the participants. Thanks to people like Joel the games were a success.

An important aspect of our community is bridging racial gaps. Through his bilingual abilities, Joel has reached out to the Spanish-speaking community to ensure all Americans have an equal voice.

Joel remains ever vigilant in trying to help the youth in our community. He has worked extensively on antigang task forces to bring those who have committed crimes to justice and sought to provide a positive role for those young people at risk everyday.

Here Sergeant Price's activities transcend mere prevention. He has provided our young people in California an alternative to the violence which plagues our streets. Joel has also been a role model to the community, devoting countless hours to the Police Athletic League and the West Valley youth Center. Additionally, Joel took it upon himself to help the less fortunate during the holidays by collecting food during Thanksgiving and toys during the Christmas season for the police department's giveaway.

I am proud to honor Joel R. Price as Police Officer of the Year and thank him for his outstanding contributions both on the force and to our community.

TRIBUTE TO BOB LENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BONIOR. Mr. Speaker, I take great pride in rising today to ask my colleagues to join me in recognizing Bob Lent, UAW Region 1 director, who will be honored by UAW Local 909 on June 29, 1997.

Through the years, Bob Lent has been a fighter. His tireless efforts have improved the lives of the working families throughout southeastern Michigan. Bob is a man who has dedicated his life to securing dignity and respect for all people. He has been a champion of civil rights and civil liberties, and has helped create a stronger, more united community.

In 1949, Bob Lent began a career with the UAW that has spanned 48 years. He started as a spray painter at the Dodge main plant of Local 3 in Hamtramck, MI. After serving his country as an Army paratrooper from 1951 to 1953, Bob returned to Michigan to become a millwright apprentice and a skilled tradesman at the Chrysler 9-Mile Road Press Plant, Local 869.

While at UAW Local 869, Bob's strong leadership and vision were recognized and he was chosen by his colleagues to serve in a distinguished list of appointed and elected positions. He was an alternate chief steward, trustee chairman, vice president, president, education representative, and assistant director. His vast knowledge and experience made him a logical choice for director.

Bob was first elected to the UAW executive board as a regional director at the UAW's 27th Constitutional Convention in May 1983, at Dallas, TX. After his re-election to a third term, Bob was elected director of UAW Region 1 which covers Detroit's East Side, Pontiac, Macomb, and St. Clair Counties and part of the "Thumb" area of southeastern Michigan, and including Canada.

Bob is not only an active union leader, but a community leader as well. He served on the labor advisory committee at both Oakland and Wayne State University. He has been a Democratic precinct delegate. He is a lifetime member of the NAACP. He also serves on the board of directors of the United Way of Pontiac-Oakland County and Detroit Area United Foundation.

Few people have given to their community with the vision and commitment that Bob Lent has given to his. He is a person who has inspired the admiration of many. I am honored to call him a friend. I want to congratulate Bob on his very distinguished career and I wish him and his family all of the best.

A TRIBUTE TO REV. FREDERICK EID: 50 YEARS OF SERVICE AS A MISSIONARY OF CHANGE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a truly exceptional gentleman, Rev. Frederick Eid, on the 50th anniversary of his ordination to the priesthood. This momentous occasion will be recognized during a mass to be celebrated on May 31, 1997 at Our Lady of Grace Church in Hoboken, NJ.

The story of Father Eid began 80 years ago on May 23, 1917, in my hometown of Union City, NJ. It was here that his desire to educate others was born. He was educated at local Catholic schools and subsequently attended Seton Hall University, after which he entered Holy Name Seminary. Father Eid was joyfully ordained into the priesthood on May 31, 1947.

Father Eid began his life's journey of service to others while on a mission to Latin America. He started out in Mexico and traveled to El Salvador and Honduras, where he ministered to the local communities. Father Eid gained his deep appreciation of Hispanic culture and learned to speak Spanish. Upon his return to the United States, Father Eid expanded his focus with both an African-American mission in Essex County and St. Mary's Parish in Jersey City.

The lives of the residents of Hoboken took a fortunate turn with Father Eid's arrival at Our Lady of Grace Church in December 1968. During his tenure at Our Lady of Grace

Church, Father Eid has become a member of many families in the area. He has had a special affinity for those less fortunate than himself. Father Eid has worked tirelessly with the local court system, and the Division of Youth and Family Services in particular, to care for the needs of the children in the area. Additionally, Father Eid serves as chaplain to those charged with protecting and saving lives: the Hoboken Ambulance, Police, and Fire Departments.

It is an honor to have such a caring and dedicated individual work on behalf of the residents of my district. Father Frederick Eid's extraordinary efforts will be remembered for many generations. I ask that my colleagues rise with me and applaud this remarkable missionary of change.

HONORING FALLEN VOLUNTEER FIREMEN AT THE ELWOOD CITY VOLUNTEER FIRE DEPARTMENT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. KLINK. Mr. Speaker, I rise today to commend the efforts of volunteer firefighters across the country and to pay special tribute to two courageous members of the Ellwood City Volunteer Fire Department, Paul K. Frederick and David E. Martino, who lost their lives in a tragic blaze 8 years ago.

Volunteer firefighters bring peace of mind to the communities they protect. These courageous, civic-minded individuals have recognized a need and have pledged to serve. They risk their own lives to protect our communities from the devastation and destruction that fire causes.

Paul Frederick and David Martino were two individuals who risked their lives and expected nothing in return. While their passing devastated Ellwood City, it united a small town and allowed their family, friends, and loved ones to reflect upon the lives of these fallen heroes.

Emergency personnel volunteers provide an invaluable service. No price can be put upon the feeling of security that accompanies their presence. We honor men such as Paul Frederick and David Martino for the glory they achieved, but did not seek. We remember those who have sacrificed their lives to save others.

And so, Mr. Speaker, I urge you and all my colleagues in the House of Representatives to rise and pay tribute to the memory of Paul K. Frederick and David E. Martino. Furthermore, I commend the Ellwood City Volunteer and Auxiliary Fire Department for their bravery, dedication, and commitment to their community.

IN MEMORY OF MSGR. JEROME E. SCHMIT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Ms. KAPTUR. Mr. Speaker, the people of northwest Ohio lost a great man, a giant oak, this past week. Msgr. Jerome E. Schmit, who passed away on Thursday, April 10, 1997. Monsignor was born on December 4, 1910, the youngest of five children. He graduated from St. John's High School in Toledo in 1982, St. John's College in 1932, and attended the Pontifical Josephinium in Worthington, OH, where he studied theology and the Scriptures. He received his masters in social work degree from Catholic University of America in 1941.

Overcoming prejudice about a congenital disability which impaired his speaking ability, Monsignor Schmit overcame his cross and was finally ordained a Catholic priest on June 7, 1941. He received his ordination from Bishop Karl J. Alter and, over the years, gained not only the respect but love of his flock.

Early in his career, Monsignor was appointed to Catholic Charities in Toledo, and it was there that he truly made his mark—ministering to the legion of children of our community. Guiding the CYO [Catholic Youth Organization] program, Monsignor Schmit developed an entire youth program under which Boy Scouts, Girl Scouts, and 600 basketball teams flourished. His leadership made the CYO program a proud institution of the Toledo Catholic Diocese. Property was purchased and developed, programs were expanded ever further, and thousands upon thousands of children have now been served by his ministry. He became the cherished relative to every family whose lives he touched.

In 1942, Monsignor Schmit was asked to take over the Catholic Club, a recreational facility, and was soon named director of Catholic Charities and director of the diocesan youth department. He served the Catholic Club until retiring from the position in 1980.

Not content to limit development of local youth sports and recreation, Monsignor Schmit was a part of the Lucas County rec committee which developed the Lucas County Rec Center. Through the committee's work, the recreation center added baseball diamonds and a pool. During the 1950's, a baseball franchise was purchased, and Monsignor Schmit became the secretary-treasurer of the Toledo Mud Hens Triple A baseball team. Until his death, he was secretary-treasurer of the Lucas County Rec Center.

Elevated to papal chamberlain, he was entitled to the title Monsignor in 1954. In 1963, he was elevated to domestic prelate. Associate pastor at St. Patrick's Historic Church from 1951 until 1968, Monsignor Schmit was named the church's pastor in 1968. He retired—but only officially—from those duties in 1981.

Monsignor Schmit's achievements and recognitions are too numerous to mention. In addition to those described above, a few of these include: founder of the council of Catholic men in 1945; awarded the city of Toledo Recreation Award in 1954 for his outstanding contributions to amateur athletics; awarded the Silver Beaver Award from the Boy Scouts of America, whom he served as chaplain, in 1952; member of the Old Newsboys Goodfellows; receipt of the American Red Cross Distinguished Service Award in 1963; St. John's Alumni 1975 Man of the Year; awarded outstanding service as chaplain of the Toledo police department for 25 years in 1980; induction into the Toledo City Athletic League Hall of Fame in 1984; board member of the Toledo Legal Aid Society; founder of the Baseball Hall of Fame in Maumee, OH; founder of the Shoe Bowl football competition; charter member of the Catholic Better Community Development Corp. which provides housing for elderly, disabled, and low-income people; and chaplain of the Catholic War Vet's Logsdon Walla Post.

A man of quiet dignity yet truly profound inspiration and with a wry sense of humor, Monsignor Schmit will be greatly missed. He left our community a magnificent legacy, perhaps best described in his obituary; "Monsignor Schmit's energy, inventiveness, and dedication to the ideal of service has touched virtually every facet of our community's life." He "inspired hundreds of young people to lead wholesome, Christian lives."

Monsignor Schmit was preceded in death by his family: parents Henry and Minnie Schmit; brothers Rev. John Schmit, Rev. George Schmit, and Dr. Bernard Schmit; and sister Ursula Schmit. However, he leaves behind the family of our community, and we will miss his effervescence, his devout faithfulness, his humble manner. Monsignor Schmit epitomized a life well-spent. Godspeed, good and faithful servant.

IN HONOR OF WAYNE STATE UNIVERSITY'S PRESIDENT, DAVID ADAMANY

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Ms. KILPATRICK. Mr. Speaker, I rise today in tribute, honor, and dedication to the work and devotion of Dr. David Adamany, of Wayne State University. Wayne State University, located in the city of Detroit, MI, and in the 15th Congressional District, has produced many illustrious graduates serving our Nation in all aspects, large and small. Dr. Adamany will soon retire as president of Wayne State University. I wanted to take this opportunity to let my colleagues, the people of the great State of Michigan and the citizens of our country, to know of but a few of the stellar advances that Wayne State University have made under the skilled leadership of Dr. Adamany. Dr. Adamany has devoted 15 years of his life serving as president of Wayne State University—the longest serving president at Wayne State University. His retirement will be a significant loss to the university.

Under Dr. Adamany's leadership, Wayne State University joined the ranks of the Carnegie Foundation's top rank of national research universities. At the same time, Wayne State University remained committed to promoting racial equality, ranking with nine historically black colleges and universities among the 10 institutions that award the largest number of bachelor's degrees to African-Americans. Such achievements were largely made possible by the dedication of President Adamany. He is a person of diverse talents, extraordinary intelligence, profound vision, and boundless energy for turning that vision into reality. That reality is embodied in Wayne State University—a university that has succeeded in providing quality education at an affordable price to women and men of every class, station, race, religion, nationality, age, and personal lifestyle who would otherwise have no such opportunity. This commitment to providing the greatest possible access to all individuals seeking higher learning has been driven by Dr. Adamany's deeply held belief in opportunity and democracy.

In addition to his leadership in academic excellence, he has established Wayne State University as an important contributor to the economic revitalization of the city of Detroit and its residents. Indeed, with over $62 million in service programs and over $250 million in campus development, Dr. Adamany has led Wayne State University in pursuing policies that have served broader community interests as well as the university's own interests.

It is my honor and privilege to congratulate Dr. David Adamany, president of Wayne State University, for his tremendous accomplishments and many years of dedicated service, both to Wayne State University and to the larger community. I wish him much good fortune in his future endeavors, and hope that Wayne State University may find a new president who can build upon the legacy that David Adamany leaves behind.

A TRIBUTE TO DENTON WAITE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Denton Waite for his extraordinary bravery and distinguished service to our community. It is a great honor to recognize him as the Fire Fighter of the Year.

Denton comes from a family of firefighters where saving lives is a honor-held tradition passed down from generation to generation. Every day for the last 16 years Denton has gone into our community fighting fires from South Central Los Angeles to the San Fernando Valley, mastering high-rise fires and brush fires alike, at times putting himself at risk. It is for these selfless acts that our community comes together to honor Denton Waite.

In addition to excelling as an apparatus operator, Denton recognizes when it is necessary to go beyond the call of duty to control dangerous situations. During the 1992 Los Angeles riots he earned the Medal of Valor for his quick thinking and selfless actions extinguishing a major fire before it blew out of control.

It is because of Denton's heroic performances that the younger members of the department look up to him as a mentor. Denton utilizes his experience to teach other firefighters to react calmly to emergency situations so that they will nct unnecessarily put their lives in danger. His experience combined with his well-crafted sense of teamwork undoubtedly influences younger firefighters and ultimately reflects well upon the Los Angeles Fire Department.

Today I join Denton's friends, family, and the city of Reseda in honoring him as the Fire Fighter of the Year.

TRIBUTE TO THE 1997 GRADUATES RECOGNIZED BY THE CHALDEAN FEDERATION OF AMERICA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BONIOR. Mr. Speaker, I rise today to congratulate all the students being recognized by the Chaldean Federation of America at their annual commencement and scholarship program. The program will be held June 10 at the Mother of God Chaldean Church in Southfield, MI.

An umbrella organization of Chaldean churches and civic organizations, the Chaldean Federation of America devotes the majority of its efforts to education. The federation encourages Chaldean youth not only to remain in school, but to strive for academic excellence and achievement. Almost 400 Chaldean students graduating from southeast Michigan high schools or colleges and universities will be recognized.

Individual success and the prosperity of America depend on education. It is truly encouraging to know that so many of these students, who in many case are first generation Americans, are learning this lesson early. Because of their success, the Chaldean community, Michigan and the United States will all benefit.

I commend the graduating class of 1997 and encourage all the individuals involved to remain students for life. I wish all the graduates—our future leaders—continued success.

INTRODUCTION OF THE WELFARE FLEXIBILITY ACT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. ARCHER. Mr. Speaker, today I along with several of my colleagues are introducing the Welfare Flexibility Act.

During the 104th Congress, we passed and the President signed legislation "ending welfare as we know it." The principle of this legislation is to enable States to offer creative and innovative means for providing aid to citizens in need. Unfortunately, the President has blocked Texas' efforts to move forward with their reform proposal. A proposal that Deputy Secretary-Designate of Health and Human Services Kevin Thurme called innovative.

Therefore, I have introduced legislation that will permit any State to privately contract for the delivery of welfare benefits. In Texas, this legislation will have dramatic implications. Instead of beneficiaries traveling from agency to agency to enroll in various programs, they will now be able to "one-stop-shop" for all benefits.

Additionally, it is my understanding from Governor Bush that the Texas welfare proposal will save the State nearly $10 million a month by eliminating unneeded and duplicative services. The Governor has committed these funds for providing health care to poor children; a goal I'm certain we all recognize as commendable.

I also believe that this legislation will benefit many other States that are seeking the opportunity to design a welfare system that will best serve their needs. Among them, Florida, Arizona, and Wisconsin are all attempting to move forward with innovative proposals. This legislation will give them the foundation they need to help their citizens in need.

In closing, I am disappointed that statutory change is required to give these States the ability to implement what I thought was the intent of the last Congress' actions. However, I am certain that we will be successful in passing this important bill and I look forward to having my colleagues, on both sides of the aisle, join me in support.

This legislation has been scored by the Congressional Budget Office as revenue neutral, and I submit a letter from CBO Director June E. O'Neill for the RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 22, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At your request, CBO has reviewed a draft bill that would allow any state to use nongovernmental personnel in the determination of eligibility under the Medicaid, Food Stamp, and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) programs. Although the bill could either increase or decrease spending for these programs, CBO estimates that it would have no net effect on federal spending compared with current law.

Sincerely,

JUNE E. O'NEILL.

CONGRATULATING KENNETH BURROUGH ON HIS INDUCTION INTO THE SOUTHWESTERN ATHLETIC CONFERENCE HALL OF FAME

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Ms. BROWN of Florida. Mr. Speaker, I would like to congratulate Mr. Kenneth Burrough, who will be inducted tomorrow into the Southwestern Athletic Conference [SWAC] Hall of Fame.

A native of Jacksonville, FL, Kenny graduated from William Raines High School in 1966. In every sport he participated, he excelled. In his senior year alone, Kenny received All-State honors in every sport and received 85 4-year college scholarships in football, basketball, and track. His teachers also remember him as a successful and hard working student. Kenny was a true student-athlete.

In the Fall of 1966, Kenny travelled to Houston, TX, to attend Texas Southern University [TSU] on scholarships for football and track and field. Playing for the Tiger football team, Kenny—also known as double zero ["00"]—won the team's most valuable freshman award.

His skill and talent as a wide receiver earned him the all-SWAC outstanding back and all-SWAC football awards as a sophomore as he led the conference in receptions and receiving yards. Later that same year, Kenny won all-conference honors in track and field as a member of the 440-meter relay team and the 100-meter dash.

In 1968, Kenny was honored as Texas Southern University's most valuable player by leading the football conference again in receptions and receiving yards and winning all-SWAC honors in the 440-meter relay and 100-meter dash. For his outstanding track and field efforts, Kenny received an invitation to the 1968 U.S. Track and Field Olympic Trials.

By Kenny's senior year, he was voted TSU's most valuable player, had earned All-SWAC honors, and received the All-American Award by the Sporting News and the Pittsburgh Courier. To finish off his incredible college career, Kenny played in the senior bowl and in the all-stars game against the Super Bowl Champion Kansas City Chiefs.

By 1970, Kenny had become one of the most coveted football players in America. Later that year, Kenny was selected by the New Orleans Saints as one of National Football League's first round drafts picks. After 1 year with the Saints and being selected to the all rookie team, Kenny was traded to the Houston Oilers in exchange for 5 players.

While in Houston, he left the league in receptions for 7 years and yards gained for 5. As he concluded his 13-year NFL career, Kenny's success with Houston had earned him four trips to the Pro Bowl.

Currently, Mr. Burroughs lives in the Houston, TX area where he works as a motivational speaker with an emphasis on public relations and sales. In his spare time, Mr. Burroughs speaks at local schools and recruits major corporations to sponsor community development programs.

It is a true honor for Mr. Burroughs to be one of nine former collegiate and professional stars inducted. Mr. Burroughs' accomplishments, present and past, clearly demonstrate why he is so special and deserves to be a member of the Southwestern Athletic Conference Hall of Fame. Congratulations to Mr. Burroughs and to his family on this most special of occasions.

HONORING THE TRUE VINE BAPTIST CHURCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the True Vine Baptist Church of Houston, as they celebrate their 58th anniversary. This church has dedicated itself not only to the enlightenment of its parishioners, but to providing guidance and leadership to the young people of our community.

The True Vine Baptist Church has for years drawn parishioners from across the State with inspired sermons, but is now recognized also for its dedication to providing discipline and support for our young people. Pastors Jesse Johnson, Jr. and Harry Jackson well know how simple instruction and guidance from the church can make a huge difference in young people's lives. Mr. Johnson likes to tell the story of a young boy who told him of his dream to become a doctor. When pastor Johnson asked what field he wanted to study, the boy was unsure. Johnson told the young boy that vagueness and lack of direction would not get him far in the field of medicine. Only with focus and sense of purpose can you achieve success in life.

Pastors Johnson, Jackson, and the people of the True Vine Baptist Church are building a better future for Houston because they are instilling in these young people a sense of purpose and duty to their community. The church works with those who fear they cannot make anything of their lives and gives them a better sense of self and a stake in the future of their community. Pastors Johnson and Jackson use their hands-on approach to build a congregation of good citizens, one parishioner at a time.

Pastors Johnson and Jackson know it is not enough just to talk to young people and tell them to feel better about themselves. To build a sense of self-worth and duty, they know that opportunities and activities must be available to our young people, to keep them off the streets. To this end, they hope to purchase property adjoining their church to build a gymnasium so that they can sponsor more activities for the neighborhood and provide more kids with a place to enjoy themselves in safety. They hope to establish a true vine scholarship program to give more youth the opportunity to get the education they need to succeed in life. By working so hard to build a brighter future of young people, the True Vine Baptist Church is showing us all what it takes to build better communities.

Mr. Speaker, I congratulate the True Vine Baptist Church as they celebrate their 58th anniversary. I wish them further success in providing the young people of Houston the leadership and spiritual guidance they need to build a better future.

SISTER VIANNEY RETIRING

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a beloved educator and religious leader from my district in Pennsylvania, Sister M. Vianney, O.S.F. Sister Vianney is retiring from her position as principal of Holy Rosary School in Duryea, PA. Sister Vianney has served in this position for almost half of her religious life.

A native of Altoona, PA, Sister Vianney began her career as a first-grade teacher. Before coming to Holy Rosary she worked in several other schools in the Northeast. Of all the schools, she considers the staff and children of the Holy Rosary School her family. Beloved by all, Sister Vianney can frequently be found tossing a ball in the playground or engaging in a game of jump rope with the students.

Along with being a friend and role model to the students Sister Vianney has led the school through two major expansion projects in 1989 and 1991 to accommodate preschoolers and a kindergarten.

Mr. Speaker, Sister Vianney has made caring a concern and quality education a tradition at Holy Rosary. We all know how important the role of a good teacher is in providing a strong education to our children. Sister Vianney personifies these important core values. When area residents offer praise to a well-mannered child, they often say "Oh you are so good, you must go to Holy Rosary."

Mr. Speaker, I am pleased and proud to join with her many friends, colleagues and the children and parents of Holy Rosary in thanking Sister Vianney for her years of service and congratulating her on a job well done. I wish her continued success in her retirement.

BEST WISHES TO TAIWAN PRESIDENT LEE TENG-HUI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. TOWNS. Mr. Speaker, on May 20, 1997, the people of Taiwan celebrated President Lee Teng-hui's first anniversary in office.

Lee Teng-hui, the ninth President of the Republic of China on Taiwan, is a Cornell-educated statesman, who strongly believes in economic and political growth. During his years in office, first as the appointed President and later as the first elected President in the history of the Republic of China, he has given the people of Taiwan confidence in themselves and the hope of an even better tomorrow.

President Lee is a leader with vision. Thanks to him, the people of Taiwan are able to enjoy high standards of living and personal freedoms, privileges unknown to their brethren on the Chinese mainland.

Congratulations to the people of Taiwan.

IN HONOR OF FATHER LEO L. MARCIL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity to pay tribute to a great man and a great community leader, Father Leo L. Marcil, who will have served in the priesthood for an incredible 50 years this May 31, 1997. Father Marcil will be celebrating his years of service at a public ceremony on Sunday, June 1, 1997, in Hudson Falls, NY, of my congressional district.

Mr. Speaker, Rev. Leo Marcil is a product of beautiful upstate New York where he has resided virtually his entire life. From his birth in Cohoes, to his being ordained by the revered Bishop Edmund Gibbons in Albany, to his first assignment in June 1947 at St. Alphonsus Church in my hometown of Glens Falls, NY, where he served until 1963, to his amazing 28 years of service at St. Paul's in Hudson Falls, Father Marcil has been a mainstay in each and every community. Currently, Father Marcil makes his home at the now joint St. Mary's/St. Paul's rectory in Hudson Falls where he continues his activities on behalf of that community and nearby Glens Falls even after his retirement in 1992. And I use the word retirement loosely, Mr. Speaker. That's because the good Father can't help but keep a busy schedule, celebrating daily mass, twice on Tuesday, visiting the Glens Falls Hospital twice a week, and delivering communion to the home bound.

Mr. Speaker, that's what makes Father Marcil so special to those whose lives he has touched over his 50 years in the cloth. And believe me, he has impacted countless people in those times and does to this very day. People who go out of their way to share a kind word, flash a loving smile, and help those without expecting anything in return always do make a lasting impression. That's why I have always admired people like Father Leo Marcil who offer their services to neighbors in the community, especially to those who may not have the privilege of hearing his words of wisdom regularly.

Actions like these are what makes Father Marcil a pillar of the Hudson Falls and Glens Falls communities. We would all do well to emulate his brand of respect for one another and public service. On that note, Mr. Speaker, I ask that you and all Members of the House rise and join me in tribute to Father Marcil's living legacy and in wishing him many more years of happiness and success.

TRIBUTE TO CAPT. JERRY LINENGER

HON. SANDER M. LEVIN

OF MICHIGAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. LEVIN. Mr. Speaker, on January 12, Capt. Jerry Linenger flew into orbit on the space shuttle *Atlantis* to begin a 5-month stay aboard the Russian Space Station Mir. This weekend, more than 130 days later, *Atlantis* is bringing Jerry Linenger home.

It is with no small amount of hometown pride that we note that Captain Linenger was born and raised in Eastpointe, MI, which is split between our two congressional districts. He attended East Detroit High School and went on to receive a bachelor's degree from the U.S. Naval Academy. Thereafter, he earned a number of advanced degrees, including a doctorate in medicine from Wayne State University in Detroit. He joined NASA in 1992 and flew a mission on the space shuttle *Discovery* 2 years later.

Captain Linenger is the fourth U.S. astronaut to live aboard the Mir station. All of these missions are important, both in terms of their contributions to science as well as to the advancement of United States/Russian cooperation in space. This particular mission has resonated with many people because of a series of letters Captain Lingenger wrote to his 1-year-old son John, for him to read when he's older. Some of these letters have been published on NASA's Internet site with Captain Linenger's permission so the public could get a feel for his experience.

These letters describe Captain Linenger's day-to-day activities aboard Mir, his early memories of his grandparents and his own experience growing up in Michigan, his fondness for geography, and his enthusiasm concerning the exploration of space. The constant theme through all these letters is his affection for his wife and son. We would like to highlight one of these letters:

> DEAR JOHN: Just received a note from Mommy—who said you've really been a great little boy lately. Says that you are at the age where you try to mimic everything anyone does. And that you're laughing lots. And everyone thinks you are so cute. Mommy agrees. Me too. You're the best, John.
>
> But the big news was that you had [your] first trip to the corner park. Mommy says that the rocking horse was your favorite, but you also did okay on your first swing ride.
>
> Alright, John. I can help you some on this. Some tips from your Dad.
>
> Never get on a teeter totter with someone bigger than you.
>
> No matter how hard you try, you will never succeed at doing a loop-the-loop on the swing.
>
> For added speed down the slide, find an old waxed potato chip bag lying around (they are always blown against the fence nearby), sit on the bag, and then slide down. After a few times you'll really be moving, and all the girls will hold you in awe.
>
> And talk about speed—your Daddy was really flying today! Whizzed across Isla de Chiloe, the crest of the Ande (three or four of the taller peaks still snowcapped), across Patagonia and out Golfo San Jorge in two minutes flat. Del Fuego in the distance. Clear. Spectacular.
>
> Maybe someday you'll be a geography nut like your father. For now, just make sure you can find your way home from the park.
>
> And John, pay serious attention to those books Mommy always reads you at night. Keep those eyes open—don't go fading off half way through the story like you usually do. If some day you go on a trip like I'm on, you'll be trying to draw on every bit of information, every bit of training, every morsel of practical stuff you've ever learned in your whole life in order to succeed.
>
> Now that I think about it, they don't make waxed potato chip bags anymore. Scratch that idea, John. Maybe it'll be better to start off slowly and savor the ride all the way down. . . .
>
> Love you John. Tell Mommy that Daddy sure was happy to get her note. And that I'm just fine.
>
> DAD.

The last 5 months have been eventful and challenging ones for the crew of Mir as they have confronted a series of equipment breakdowns aboard the space station, including a fire, high temperatures due to a carbon dioxide removal system that overheated, leaking fumes, and broken oxygen generators. Even so, from these letters, there is little doubt that the biggest challenge Captain Linenger faced was being absent from his 14-month-old son.

We want to congratulate Captain Linenger on the successful completion of his mission and express our best wishes to him and his family.

THE CHINA MARKET ACCESS AND EXPORT OPPORTUNITIES ACT

HON. DOUG BEREUTER

OF NEBRASKA

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BEREUTER. Mr. Speaker, this legislation is a combination of legislation individually sponsored by myself (H.R. 35, the Fair Trade Opportunities Act) and Representative EWING (H.R. 941).

Removes China from the annual Most-Favored Nation [MFN] process when that country accedes to the World Trade Organization under an accession process that is supported by the United States.

After China's accession to the World Trade Organization, the President would no longer have to waive or certify that China meet Jackson-Vanik requirements. China would receive normal tariff status routinely unless either the Congress or the President used other existing authority to raise tariffs on China's goods.

Requires the President to utilize a strategic and flexible "snap-back" tariff if China either denies United States adequate trade benefits or fails to take adequate steps to become a member of the WTO.

On a one-time basis and within 6-months of the enactment of the legislation, the President would be required to determine if China is "not according adequate trade benefits"—defined in existing law—to the United States or if China is not taking adequate steps to become a WTO member. If the President makes such a finding, then the President shall impose snap-back tariffs on China 6-months after that determination. In imposing snap-back tariffs, the President has wide discretion to determine both the amount of the tariff and on which categories of products the snap-back tariffs will be imposed. However, under no circumstances can the President exceed the legislation's snap-back tariff ceiling which is the pre-Uruguay round MFN tariff rates, for example, the column No. 1 tariff rates in effect on December 31, 1994.

A study by the Congressional Research Service estimates that if the President were to utilize his full snap-back authority, for example, on the top 25 Chinese exports to the United States—based on 1995 figures—an additional $325 million in tariff revenue would be generated for the United States Treasury.—This estimate is not adjusted to reflect any downward demand for the product due to the increased tariff.

The President would be required to terminate the imposed snap-back tariffs on China on the date China becomes a WTO member or on the date the President determines that China is according adequate trade benefits to the United States or making taking significant steps to become a WTO member, whichever is earlier. The President would also be able to modify the snap-back tariffs for any reason as long as the appropriate congressional committees are notified.

INTRODUCTION OF TWO ENVIRONMENTAL INITIATIVES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. KILDEE. Mr. Speaker, today, I rise to introduce two bills, the Land and Water Conservation Fund Accessibility Act of 1997 and a proposal to establish the St. Helena Island National Scenic Area.

It was President John F. Kennedy who had the infinite wisdom to propose legislation to create a land and water conservation fund. In 1964, Congress established, with bipartisan support, the land and water conservation fund [LWCF] for public acquisition of park and recreation lands for recreation planning, acquisition and development.

To assure that the LWCF received sufficient funds to carry out the original intent of the law, in 1968, Congress decided to set aside the revenue received from oil and gas leasing on the outer continental shelf [OCS] to fund conservation efforts. The idea was simple. One resource, oil and gas, would be exploited, but the revenues generated would be invested in another resource, the purchase of lands and waters. Up to $900 million is collected for the use of the LWCF each year but Congress must first appropriate the money before it can be spent. Funds appropriated for the LWCF have been declining rapidly in recent years, with only $138 million being spent for the program last year. The State grant portion of the LWCF was not funded at all in fiscal year 1996 or 1997. Furthermore, the House Budget Committee in the last Congress proposed a 5-year moratorium on land acquisition and a phase out of the entire LWCF program.

My legislation, the Land and Water Conservation Fund Accessibility Act, would remedy the funding problem by taking the entire LWCF off-budget thus ensuring that its funds will be spent for the purpose it was created. By doing this, the Federal land agencies would have more funds to better manage fragile habitat and endangered lands. This would also provide funds for States to improve parks for inter-cities, and other vital recreational areas. Furthermore, I want to point out that this bill leaves intact the current authority of Congress to make funding decisions about LWCF projects, as part of the annual Interior appropriations bill.

Because the appropriations have been dwindling, it has been debated whether the funds from LWCF should be taken from Federal projects and moved to State initiatives. If my bill were passed, we would not have this decade. The LWCF affects every geographic region in America, from a small park or bike trail in Flint, MI, to a wilderness area in northern Michigan. Like myself, the National Audubon Society, the Nation Recreation and Park Association, the Natural Resources Defense Council, the Wilderness Society, the Defenders of Wildlife, the Trust for Public Land, the National Parks and Conservation Association, the National Association of State Outdoor Recreation Liaison Officers, the National Wildlife Federation, the Sierra Club and many more organizations who represent various interests across our country agree that the real issue here is that we are not spending enough money on the State and Federal level to conserve our Nation's heritage. As the population increases, land is quickly being developed. We must have the foresight, as our predecessors did in 1964, to realize that we must act now so that future generations will also have the opportunity to enjoy our precious public resources.

Mr. Speaker, the second bill I am introducing is the establishment of the St. Helena Island Scenic Area. St. Helena Island is a 241-acre island located in Lake Michigan about 6 miles west of the Mackinac Bridge. The island has been put up for sale by private landowners who are willing to sell it to the Federal Government. The island is contiguous to the Hiawatha National Forest.

For the last 10 years, the Michigan Lighthouse Association and the Boy Scouts of America have been restoring a lighthouse on the island that was originally built in 1873. This beautiful lighthouse and its grounds are the only development on the entire island.

St. Helena Island provides habitat for several endangered plants and animals, including the Pileated Woodpecker and the Bald Eagle. At the western end of the island, there is a 17-acre Great Blue Heron rookery which has been designated by the Michigan Department of Natural Resources as a refuge.

In designating this island as a National Scenic Area, we will ensure that it is given permanent protection for the enjoyment of future generations. I urge my colleagues to join me in supporting the passage of these environmental initiatives.

MISSING AND EXPLOITED CHILDREN'S CAUCUS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. FROST. Mr. Speaker, I rise in support of the newly formed Missing and Exploited Children's Caucus of which I am a founding member. This caucus was formed in response to the rise of kidnaping and murder of young children in this country. Each year hundreds of thousands of American families are confronted with this unique tragedy—a missing child. In the last 30 days in Texas alone, four children have been abducted and brutally murdered. This caucus has been organized to increase the awareness of these tragic occurrences and to introduce legislation to combat these heinous crimes.

I became painfully aware of the problem of repeat sex offenders who target children when a tragic situation occurred in Arlington, TX, which is part of my congressional district. On January 13, 1996, little Amber Hagerman, an innocent 9-year-old girl, was abducted and murdered. Amber was bright and pretty and was riding her bike on January 13 when someone came along and took her away.

We don't know who took her, but we do know that a little girl, just a child, was brutally murdered and her body left to be found. This case occurred in my congressional district, but I am sure that events like this have happened—sadly—in every corner of our country, in our cities, and in the heartlands.

Whoever took Amber didn't know and didn't care that she was an honor student who made all A's and B's. They didn't care that she was a Brownie who had lots of friends and who loved her little brother dearly. They didn't care that her whole life was ahead of her and that her parents wanted to watch her grow into the lovely young woman she promised to be.

This tragedy has focused public attention on the need to toughen laws for sex offenders, particularly offenders who victimize young children.

In response to this tragedy, I introduced the Amber Hagerman Protection Act and portions of this bill were attached to the Omnibus Appropriations Act, which was signed into law on September 30, 1996. The Amber Hagerman Child Protection Act expands Federal court jurisdiction over repeat child sex molesters who cross State lines and creates a two-strikes law which mandates life in prison after a second offense. The act also expands the death penalty. Prior to the enactment of the Amber Hagerman Act, Federal law provided for the death penalty on the first offense when a child is killed on Federal property or is kidnaped and taken across State lines. The Amber bill adds the death penalty when the person who murders the child has cross State lines with the intent of committing a sex offense.

I was very pleased that portions of this bill were signed into law last year; however, this is just the beginning. Clearly, the safety of our neighborhoods requires that additional laws be passed by Congress to keep sex offenders off the streets and it is my hope that this new caucus will learn what we can do on a legislative level.

As a caucus, we need to look at where the Justice Department is in terms of implementing a national registry system for sex offenders. Local enforcement agencies tell me that the best help they could get from the Federal Government is a national registry system for sex offenders, and we ought to make sure that this system is up and running in the near future.

Last year, the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 was signed into law. This bill establishes, by law, a national registry system and will improve the minimum system the FBI is now establishing under the President's order. Prior or the passage of the Pam Lychner Act, the President directed the Justice Department to develop within 60 days a plan for a national sex offender registry. It's imperative that an interim system be operational in the near future in order to assist the local law enforcement agencies.

This coming Sunday, May 25, is National Missing Children's Day. Back in 1983, President Ronald Reagan proclaimed May 25 National Missing Children's Day. And today, all across the country, groups will be holding candlelight vigils, memorials, and other events to increase public understanding and awareness of this national tragedy. We all need to get involved—parents, relatives, politicians, police, and other enforcement agencies—to direct attention to the problem of missing children.

It is my hope, Mr. Speaker, that someday we will not need a National Missing Children's Day or caucus in Congress to combat he growing epidemic of missing and exploited children. It is my hope that someday every child in America will feel safe. It is my hope that someday every child will feel secure while riding his or her bicycle in the neighborhood. It is my hope that someday no parent will ever have to face the tragedy that Amber Hagerman's parents had to face last year. But until that day comes, we need to work together to protect this country's greatest asset—our children.

THE CRISPELL MIDDLE SCHOOL PAYS TRIBUTE AT THE TOMB OF THE UNKNOWN SOLDIER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. GILMAN. Mr. Speaker, next week about 50 students from the Crispell Middle School in Pine Bush, NY, will be touring our Nation's Capital. The high point of their visit will be a wreath-laying at the Tomb of the Unknown Soldier in Arlington National Cemetery. The three students who will be presenting the wreath were chosen by means of an essay contest.

I found these essays to be so inspirational and informative for all of us that I ask that they be inserted in their entirety at this point in the CONGRESSIONAL RECORD.

THE TOMB OF THE UNKNOWN SOLDIER

(By Cass Bazelow)

"My only goal is when you leave for the highschool, you can pat yourself on the back and say your proud to be in the United States", a teacher said the first day of 8th grade. It totally slipped my mind until The Vietnam War was being discussed and it was said how many men and women gave their lives, for their country. A team. We are all a team and each give our part; some greater then others but all involved, to make us the great nation that we are. Giving one's life is the greatest contribution to any team and it deserves to be honored.

He was young, 18 to 19 years of age. He just got a girl-friend and a car and was planning what to do with the rest of his life. The political parties and situations in Vietnam were of no concern to him. That was the biggest mistake in his life because a few days later, he was drafted to save a country he didn't even live in—South Vietnam. The boy couldn't even vote on righteous things in his own country, let alone stop communism in another but he went willingly because he believed what his country believed. All this came in an insane package at one time and his life was havoc. He went, for his country, and fought, for his country, and died, for his country.

The Tomb of the Unknown Soldier is important to this nation not because of the name or the location but because of the honor and symbolism. Some may think that it is such a trifling way to give thanks to those who gave their lives to this country. It's not the tomb that gives thanks but the people who visit it and the honor one feels as they place a wreath at the foot of the monument because of what it stands for. The people visiting it is more of an honor then any marker could be. Our country is made up of symbols and monuments of freedom and love. The tomb is a symbol of life, not death, because the people who visit it keep the memory, of ones who died, alive.

I believe I should present the wreath at The Tomb of the Unknown Soldier to honor that young boy 18 to 19 years of age. To honor all the people in situations different or similar as this. They went, for their country, and fought, for their country, and died, for their country. I go, for their honor, and cry, for their honor, and remember, for their honor.

When June rolls around, I will thank that boy. Who is this boy? It doesn't matter who this boy is, if he is from rural America or Urban America, from mountains or sea. It matters not if he was a farmer or an iron worker; He is our nation's son. That boy made me realize what a great country we live in. The USA is not the country because of the land; the people make the country. When I leave, I will pat myself on the back and be proud because of that boy.

TOMB ESSAY

(By Athanasia A. Anagnostou)

Why is it that I'd like to lay a wreath down at the Tomb of the Unknown Soldier? Truthfully, I'm not sure. It may possibly be the chill which runs down my spine when I contemplate about how many citizens of America have lost their lives, fighting for what they believe in. Laying a wreath at the Tomb is an important way to commemorate them, no matter how small it may seem.

Even though my parents weren't born here, they came to America for the same reasons as everyone else—to live a better life. America, "The melting pot, land of opportunity" is what it's called. And why? Because we fought to make America into a symbol for all of these things. From the Revolutionary war to Vietnam, soldiers have all lost their lives for the "American Dream." Since I've had family members fighting in American Wars, I've often wondered how they and others summoned up the courage to risk their lives so that things may be better for everyone. I've imagined how crushing it must have been for parents to bid their beloved children farewell when they went off to battle, never to see them again. However, I've also pondered about the amount of lives that inevitably will be lost in the future wars with people still striving to make this country fit for the "Life, liberty, and pursuit of happiness" of its citizens.

So in conclusion, I say that it is not important as to who lays down the wreath at the Tomb of the Unknown Soldier, but that deceased soldiers are commemorated by all of us, even if only in our hearts and minds.

TOMB ESSAY

(By Michael Nickerson, Jr.)

The Tomb of the Unknown Soldier represents patriots who fought bravely for this country and their bodies were never found. It would be a great honor to place the wreath on the Tomb of the Unknown Soldier. This tomb honors the thousands of people, who fought bravely and died to preserve the rights of the next generations, but their bodies were never found or identified.

My father fought in the Vietnam War. This was never declared a war, and many of the soldiers that returned were shunned by their fellow country men, and even their own country. Many of the Vietnam vets didn't receive the same privileges as other war veterans. My dad doesn't talk a lot about the war. I know the memories bother him. He was one of the lucky ones that made it home with only a leg wound. Every now and then he mentions some of his friends that never made it home. It makes it even harder for friends and families when their loved one's are MIA's, POW's, or their bodies have never been identified or returned. The Vietnam Wall and The Tomb of the Unknown Soldier helped heal some of my father's wounds.

I would love the opportunity to place the wreath on the tomb site of these brave and unidentified soldiers. I would be saying goodbye and thank you, not only to my dad's friends, but to all the men and women who died from my freedom. I would also be honoring all the men and the women who fought for this country.

THE MEDICAL DEVICE REGULATORY MODERNIZATION ACT OF 1997

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BARTON of Texas. Mr. Speaker, I rise today to introduce the Medical Device Regulatory Modernization Act of 1997, along with my colleague, Congresswoman ANNA ESHOO. This legislation will improve and streamline the Food and Drug Administration's [FDA] regulation of medical devices. This is a bipartisan initiative to provide additional resources to the FDA for reviewing innovative devices and modernizing FDA regulation of the device industry.

Currently, the FDA limits choice, access, and opportunities for patients. As the rest of the country moves into the 21st century, we must make sure the FDA moves with us. When the lives of millions of people are hanging in the balance, inefficiency doesn't cut it. For example, if the FDA had approved the drug interleukin-2 as quickly as it had been approved in Europe, the lives of 3,500 kidney cancer patients might have been saved. If the FDA had approved the drug misoprostal, which helps to treat gastric ulcers, up to 15,000 deaths might have been prevented.

The Medical Device Regulatory Modernization Act of 1997 sets forth a formal mission statement to provide reasonable assurance of safety and effectiveness and to review devices in a manner that does not unduly impede innovation or product availability. In regards to investigational device exemptions [IDE's], the bill would require that the FDA set clear terms under which doctors could use devices in clinical trials for other compassionate purposes. It will require FDA officials to meet with medical device applicants early in the IDE process to clarify company goals and agency expectations.

This legislation would also allow the FDA to recognize national and international performance standards by publishing them in the Federal Register and allowing companies to self-certify to the standards. Penalties would be levied for falsification of data, and certification data would be available for FDA inspection.

Under our bill, the uses of a device specified by the FDA during clinical trials must be consistent with FDA expectations of uses during the premarket approval [PMA] process, unless the agency determines there could be harm to public health.

The bill also calls for independent review for most class I and II devices, except for permanently implantable or life-sustaining products. This frees FDA resources from reviewing less complex new devices so these products could reach consumers sooner, allowing the FDA to devote more personnel to reviewing cutting-edge technologies and get those devices to the market quicker.

The FDA was formed in 1927 to enforce the 1906 Pure Food and Drug Act. Safety was important then and is just as important today. But delay does not mean safety. The current practices of the agency do not enable the FDA to benefit patients and consumers because decisions simply take too long. Congress needs to act, and as a result patients will receive much needed medication and medical devices more quickly.

Mr. Speaker, I urge the Members of this body to join Congresswoman ESHOO and I in supporting this important piece of legislation to streamline and improve the Food and Drug Administration's regulation of medical devices.

IN RECOGNITION OF THE NEW YORK UNIVERSITY WOMEN'S BASKETBALL NATIONAL CHAMPIONSHIP

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. NADLER. Mr. Speaker, I rise today to recognize the outstanding performance of New York University's 1997 National Champion women's basketball team. After compiling an incredible record of 29 wins and 1 loss, New York University went on to a heart-stopping, last-minute victory over Wisconsin-Eau Claire in the Division III National Championship game.

Led by Head Coach Janice Quinn, the winningest coach in New York University's women's basketball history, and team captains Jen Krolikowski and Marsha Harris, the Violets brought N.Y.U. its first basketball national championship ever. Marsha Harris' last-second layup to seal the Violets' come-from-behind victory also brought the city of New York its first basketball national champion in almost 20 years.

The players, coaches, and athletic staff were rewarded for their hard work and dedication with a momentous achievement. The Violets' championship is a great accomplishment for New York University athletics, the university itself, and the entire community. I am proud to have New York University within my district.

CONGRATULATIONS TO AMA PRESIDENT DR. DAN "STORMY" JOHNSON

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. LAMPSON. Mr. Speaker, I rise today to congratulate Dr. Dan "Stormy" Johnson who is currently serving as president of the American Medical Association. Dr. Johnson is only the fourth native Texan to hold this national position, and the first from my district. He is being honored tomorrow night at a recognition dinner in Port Arthur, TX. Dr. Johnson was born in Port Arthur and received his M.D. degree from the University of Texas at Galveston. He has been active in organized medicine for many years, and prior to his service as president of the AMA, Dr. Johnson served both as speaker and vice speaker of the AMA House of Delegates. It is a true honor to have such an outstanding individual and medical leader come from Port Arthur, TX, in my district.

Dr. Johnson's commitment to the medical field is legendary and his pursuits within this profession leave him worthy of our recognition. He was cofounder and president of the American Society of Head and Neck Radiology and he is also a past president and past chair of the board of the New Orleans Radiology Society. Dr. Johnson has also served in his community for many years on the boards of the Louisiana State Museum and its support group, the Friends of the Cabildo. He has lectured extensively throughout the United States on many issues of health care reform, most notably on financing the delivery of health care. Some of Dr. Johnson's ideas to improve the cost effectiveness of our health care system include using the concepts of pluralism and patient choice. These innovative ideas have helped in the debate on the importance of health care reform.

I applaud Dr. Johnson for his dedication to the medical profession and I send him my sincere congratulations for his achievements within this field. I look forward to attending the recognition dinner in his honor so that I may personally be able to congratulate Dr. Johnson on his special day.

THE PUBLIC HAS A RIGHT TO KNOW WHO'S MONEY IS BEHIND A CANDIDATE—THE CAMPAIGNS IN THE SUNSHINE ACT WILL SOLVE THAT PROBLEM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. HORN. Mr. Speaker, today I add one more piece to the pile of legislative proposals related to reform of our campaign finance laws. In doing so, I recognize that this is the issue most frequently mentioned and, so far, least frequently addressed in this Congress. This seems to reflect the public's attitude that this is the one problem we most need to solve and that we are least likely to tackle.

My own views and my legislative efforts on campaign finance cover the proverbial waterfront. I support proposals ranging from immediate action under the Shays-Meehan comprehensive reform bill to the more protracted steps called for in the bipartisan blue ribbon commission bill. In short, I believe we here in Congress should overhaul a campaign finance system that has been riddled with loopholes from Supreme Court rulings and the ingenious schemes of legions of lawyers and consultants. But I am aware of the substantial and probably well-founded view that we will not do so.

There is, in fact, reasonable cause to think we should not take this job because there simply are too many agendas, too many self-interests, too many conflicts of interest when those of us who hold public office attempt to write rules for how others can unseat us. The popular view is that having politicians write campaign finance laws is like having sharks organize a swim meet. For that reason, I support the bipartisan bill to create a nonpartisan commission on this issue. The goal of this approach is to allow nonpoliticians with no specific, personal axes to grind to take a good look at this issue and try to come to practical, sound steps that will provide a level playing field for our election campaigns.

But I am aware that the commission approach also faces many objections and may never move from proposal to reality. For that reason, I am introducing a third approach that will allow us to immediately address what I believe to be the most serious problem in the campaign finance arena while we work out further steps toward comprehensive action. I would like to believe this bill will not face any opposition from any quarter—though on campaign finance I have learned that opposition needs no cause to exist.

The bill I am introducing today is the most basic step possible in campaign finance reform. This bill simply requires full disclosure of all sources of all campaign funds. That is all. It does not stop so-called soft money from being raised or spent. It simply requires that all soft money be identified by source. This bill does not ban or limit so-called independent expenditures which we all know are seldom independent in any real sense and which I believe are the most damaging and dangerous development in our political system in many years. Even so, I do not try to outlaw these expenditures. My bill simply requires that the sources of funds for the expenditure must be identified in the same way that we require disclosure by every candidate committee.

In short, Mr. Speaker, this bill is a straightforward statement that anyone can become involved in our campaigns, but everyone must come out into the sunshine and reveal their identities. In doing so, everyone is subject to the same scrutiny by the media and the voters as to their agenda and goals, their tactics and rhetoric and their influence on our elections.

Mr. Speaker, there has been great and legitimate concern about reports that some foreign governments may have secretly influenced last year's Presidential or congressional campaigns through covert campaign contributions to candidates. Our Committee on Government Reform and Oversight, on which I serve, has begun investigating these reports, as we should.

However, I would note the real impact of foreign money may never be known and can never be learned. The simple reality is that these activities could well be cloaked behind so-called "independent expenditures" by some innocuous sounding organization like the Committee for Something or Other. Pick any name, pour any amount of money into it from any source on Earth and it can become a major player in our political campaigns. Our current campaign finance laws have no real prohibition on this kind of activity, no real way of policing such activity and no serious way to enforce any sanction we might want to impose for such activity. In short, the current laws are a joke, brought to us by a Supreme Court that seems convinced that freedom of speech can and should be equated with the ability to spend.

At a minimum, Mr. Speaker, at the absolute minimum, we must pass the kind of disclosure bill I am introducing today. At the very least, the people of this country deserve to know who is spending money to influence their vote. At the very least, our system must be protected from secret persuaders, whether foreign or domestic, who want to play the game but do not want to follow even the simplest rules of fair play and open debate.

Democracy rests on the firm foundation of open and free debate, where every viewpoint can be presented and every cause can be examined. To allow secret causes to be cloaked in anonymity is to allow democracy to be subverted from the shadows. That is the reality of our current laws and that is what we must change this year. It is time to enact legislation that creates campaigns where the identity of the attacker is revealed, where the merits of the attack can be examined and where the ability of the voters to decide for themselves is protected.

It is time to reverse the steady unraveling of our laws on campaign activity and to stop absurd and dangerous practices that destroy public trust and undermine democracy itself. It is time to require that our campaigns be conducted in the sunshine where the disinfectant of full disclosure can work its wonder.

Mr. Speaker, I thank Mrs. JOHNSON of Connecticut, Mrs. MALONEY of New York, and many other colleagues for joining in sponsoring this legislation and I commend these proposals to all Members of the House as a bill well deserving of their support.

We need to pass this legislation because the average voting citizens has a right to know what interests, if any, relate to a candidate for public office. Attached is the bill and its original cosponsors.

H.R. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campaigns in the Sunshine Act of 1997."

SEC. 2. APPLICATION OF REPORTING REQUIREMENTS UNDER FEDERAL ELECTION CAMPAIGN ACT OF 1971 TO CERTAIN EXPENDITURES.

(a) SOFT MONEY EXPENDITURES OF POLITICAL PARTIES.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) in the case of a reporting committee which is a political party committee, any information which would otherwise be required to be reported under this subsection if the term 'expenditure' included any amount expended by the committee for the purpose of influencing an election for Federal office.".

(b) INDEPENDENT EXPENDITURES.—

(1) ADDITIONAL REPORT FOR PERSONS FIRST MAKING EXPENDITURES AFTER DEADLINE FOR PRE-ELECTION REPORT.—Section 304(c) of such Act (2 U.S.C. 434(c)) is amended—

(A) in paragraph (2), by striking "Statements" and inserting "Except as provided in paragraph (4), statements"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to any statements required to be filed in accordance with subsection (a)(2), any person who first makes independent expenditures with respect to an election in an aggregate amount or value in excess of $1,000 after the deadline for filing a pre-election report under subparagraph (A)(i) of such subsection shall file a statement containing the information described in paragraph (2) at the time the person makes independent expenditures in such aggregate amount or value.".

(2) EXPANDING SCOPE OF EXPENDITURES SUBJECT TO REPORTING.—Section 304(c) of such Act (2 U.S.C. 434(c)), as amended by paragraph (1), is further amended by adding at the end the following new paragraph:

"(5) For purposes of this subsection, the term 'independent expenditure' means—

"(A) an independent expenditure described in section 301(17); or

"(B) any other payment (without regard to whether the payment is otherwise treated as an expenditure under this title) which is used to produce or distribute any broadcast material, newspaper, magazine, billboard, direct mail, phone bank operation, or similar type of public communication or political advertising which refers to a clearly identified candidate or political party, which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate (other than any payment which would be described in clause (i), (iii), or (v) of section 301(9)(B) if the payment were an expenditure under such section).".

(3) CLARIFICATION OF REQUIREMENT TO REPORT PERSONS MAKING CONTRIBUTIONS FOR CERTAIN INDEPENDENT EXPENDITURES.—The second sentence of paragraph (2) of section 304(c) of such Act (2 U.S.C. 434(c)) is amended by striking the period at the end and inserting the following: ", together with the information described in subparagraph (C) of the previous sentence.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to expenditures made on or after the date of the enactment of this Act.

PEOPLE'S RIGHT TO ACCESS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. HOYER. Mr. Speaker, I rise today to let the American people know about a growing concern with the public's access to Government information. Throughout our country's great history, the Government Printing Office has been the source of all printing done by all Federal agencies. Under title 44 of the United States Code, all agencies are required to use the Government Printing Office for their printing needs. However, over the years, more and more of the executive branch agencies have been doing their own in-house printing, circumventing the system and neglecting to make all Government documents available to the Depository Library System and thus breaking the channel of information to the American people.

At a recent hearing of the Senate Rules and Administration Committee, it was stated that more than half of all Government documents printed by executive agencies were never sent to depository libraries. Well over 50,000 documents have not been made available in the public domain.

It is important that people know just how serious this problem is. The Office of the Superintendent of Documents at the Government Printing Office recently issued a report on the extent of the problem which I am placing in the CONGRESSIONAL RECORD for all to read. We must not allow this loss of public information to continue and must get all Government documents to our Depository Library System.

FUGITIVE DOCUMENTS: SCOPE AND SOLUTIONS

THE SCOPE OF THE PROBLEM

According to 44 U.S.C. Sec. 1902, "Government publications, except for those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information." Depository libraries make these publications available for free use by the public. Traditionally, most Government publications of general interest, including legislative, regulatory, business, and consumer titles, as well as many scientific and technical reports and studies, have been distributed through the GPO's Federal Depository Library Program (FDLP).

Many publications produced by the Government fail to be included in the FDLP. Documents that belong in the Program, but which are excluded, are known as fugitive documents. Their absence from depository library collections impairs effective public access to Government information.

Although no study has resulted in a definitive answer, we estimate that more than 50 percent of all tangible Government information products are not being made available to the Federal Depository Library Program (FDLP). Of these, we estimate that there are about 55,000 scientific and technical documents and reports which are neither printed through GPO nor furnished by the issuing agencies to the FDLP as required by law.

The issuing agencies do, however, provide either a printed copy or an electronic image file of each of these documents to the National Technical Information Service (NTIS).

In FY 1996, NTIS took in about 160,000 scientific, technical, and business-related titles, most but not all of which were published by the Government. We estimate that about 70 percent, or 112,000, of NTIS's total intake belongs in the Program. Compared with the 57,000 titles in the FDLP in FY 1996, this leaves at least 55,000 fugitive titles which should have been provided to GPO by the publishing agencies. NTIS provides bibliographic access to the publications it takes in through its abstracting and indexing activities. This makes them available to the public and to depository libraries on an on-demand basis from NTIS, but at a significant cost.

In addition, there is an unknown number of fugitives which are primarily general, public interest materials produced by agencies using avenues other than GPO. It is virtually impossible to estimate the total number of these titles, but they may well number in the thousands and include, but are not limited to, the publications of Federal District Courts and Courts of Appeal, Federal Election Commission financial disclosure statements, and Library of Congress Congressional Research Service reports.

Recently, four major factors have contributed to increasing losses of key general interest publications to the FDLP. These are: (1) electronic information dissemination via agency Web sites without notification to the FDLP; (2) the decreasing compliance with statutory requirements for agencies to print through GPO or to provide copies of publications not printed through GPO to the FDLP; (3) the increasing trend for agencies to establish exclusive arrangements with private sector entities that place copyright or copyright-like restrictions on the products involved in such agreements; and (4) increasing use by agencies of language in 44 U.S.C. Sec. 1903 that permits publications to be excluded if they are "so-called cooperative publications which must necessarily be sold in order to be self-sustaining."

Even in cases where the FDLP learns about such fugitive general interest publications, extensive negotiations and even Congressional intervention have proved necessary to ensure compliance with the depository library provisions of Title 44. The following list includes some particularly egregious examples of failure to comply with statutory requirements. It should be noted that OMB's Office of Information and Regulatory Affairs (OIRA) has not provided any significant assistance to GPO in detecting or resolving these problems.

U.S. INTERNATIONAL AIR TRAVEL STATISTICS

U.S. International Air Travel Statistics was published by the Department of Transportation using data derived from the Immigration and Naturalization Service and distributed to the FDLP. In FY 1996, Congress transferred the collection and dissemination of this data to the Department of Commerce's International Trade Administration (ITA). According to ITA, this publication is available for sale from ITA's Tourism Industries office, is a self-sustaining publication not fully funded by Federal monies, and is exempt from distribution to the FDLP.

HANDBOOK OF INTERNATIONAL ECONOMIC STATISTICS

For many years, this publications was printed and published by the CIA as the Handbook of Economic Statistics, sold by the Superintendent of Documents Sales Program and distributed to the FDLP. After 1992, the CIA no longer made it available to the sales or depository programs. It is now sold by NTIS and paper copies are not being offered to the FDLP. The 1996 edition of the CIA's World Factbook CD-ROM includes an electronic version of the Handbook, but for such standard reference works, the preferred format for depository distribution is paper.

PRECURSOR SYSTEMS ANALYSES OF AUTOMATED HIGHWAY SYSTEMS

This CD-ROM product is being sold by the Department of Transportation and is not being provided to the FDLP. Although the FDLP may be receiving some of the printed reports that form the basis of the CD-ROM, it is probably not receiving all of the data included.

ORDER NOW CD-ROM

This NTIS CD-ROM product includes two years' worth of abstracts and indexes not available elsewhere. NTIS has expressed a willingness to make the CD-ROM available as a benefit to the public and as a promotional tool for their sales program, provided GPO paid the retrieval software fees, but has stated that "[a]t no time did we consider this to be a question of compliance with Title 44," apparently based on the fact that the publication in question is electronic rather than print.

TOXIC SUBSTANCE ACT CHEMICAL SUBSTANCE INVENTORY

The last material associated with this EPA product that was received by the Depository Program was the 1990 Supplement to the 1985 edition. It is now available exclusively through NTIS. When contacted, EPA said that it supplied data to NTIS, not a finished product, and for this reason was not responsible for depository copies. NTIS has not furnished copies for the Depository Library Program.

CREATING A GOVERNMENT THAT WORKS BETTER BUT COSTS LESS: STATUS REPORT CD-ROM

This series has been distributed by the Sales and Depository Programs in print but the CD-ROM, which includes additional information, is available only from NTIS. NTIS has not responded to requests for depository copies.

EXPORT ADMINISTRATION REGULATIONS

Despite a request in writing to the Bureau of Export Administration requesting a copy of this database for mounting on GPO Access, the agency has not responded. The agency has, however, entered into an exclusive distribution agreement for both print and electronic versions of the EAR with NTIS, and has paid NTIS to mount the database. A year ago, the Superintendent of Documents wrote to Bruce McConnell of OIRA to request an OMB review of the agreement between NTIS and the Office of Export Administration but did not receive a response. Several months of discussion with NTIS, as well as intervention by the Joint Committee on Printing, were required before NTIS agreed to provide print copies of this product.

BIG EMERGING MARKETS

Developed by the International Trade Administration and printed by a private firm in a joint venture with NTIS, this product was originally offered to the FDLP in microfiche format. This was unsuitable due to the presence of color charts in the product. Only after several months of discussion and Congressional pressure did NTIS provide print copies.

JOURNAL OF THE NATIONAL CANCER INSTITUTE

This periodical is now published by Oxford University Press under the terms of a Cooperative Research and Development Agreement (CRDA) with the National Cancer Institute (NCI). Initially the FDLP was told by NCI that this arrangement rendered the Journal a non-Government product, even though editorial work is still being performed by NCI employees. After NCI officials discussed the matter with the Joint Committee on Printing, Oxford University Press agreed to furnish depository copies. NCI has not, however, returned calls made by FDLP for the purpose of setting up a mechanism to accomplish this.

HISPANICS-LATINOS; DIVERSE PEOPLE IN A MULTICULTURAL SOCIETY

This title was first published by a private sector trade association based in Washington, DC. Although the data was gathered and prepared at public expense it was provided to this private group, which then copyrighted the publication and sold it for $10 per copy. Because Hispanics-Latinos was not printed through GPO, it was not initially available to the Depository Program. When this situation was brought to the attention of the Census Bureau through Senate Rules Committee hearings, the Bureau reprinted the book through GPO so depository copies would be available.

A NATION OF OPPORTUNITY/KICKSTART INITIATIVE

The United States Advisory Council on the National Information Infrastructure issued two reports that were initially published by West Publishing, a major private sector seller of legal publications and databases, although they were prepared by the Commission at public expense. Initially these publications were not made available to either the Superintendent of Documents Sales or Depository Programs.

Once the Joint Committee on Printing was apprised of this situation it contacted the Commission. As a result, the National Telecommunications and Information Administration of the Department of Commerce reprinted the publications through GPO in a much less elaborate black-and-white format and both the Sales and Depository Programs acquired copies.

POPULATION OF STATES AND COUNTIES OF THE UNITED STATES: 1790–1990

This Census publication was printed by NTIS rather than through GPO. Through what was described by Census as a "handshake agreement," NTIS asked that Census not make this publication available to either the Depository or Sales Programs for the first six months so as not to hurt its exclusive sale by NTIS. As a result of Senate Rules Committee hearings, GPO obtained a copy from Census shortly after its publication by NTIS. The Depository Program printed copies for its use and Sales acquired copies for sale to the public.

SOLUTIONS TO THE FUGITIVE DOCUMENTS PROBLEM

Since nearly all fugitives involve titles not printed or procured through GPO, the simplest and most cost-effective solution would be for agencies to obtain all of their tangible information products through GPO. This would afford the FDLP the opportunity to ride for depository copies. Any agencies not obtaining their information products through GPO would be in compliance with Sec. 1903 if:

The agency provides the requisite depository copies to the FDLP, free of any encumbrances such as software licensing fees or copyright-like restrictions

In the case of online services, the agency provides no-fee access to the FDLP

THE COSTS OF COMPLIANCE

If delivered to the Superintendent of Documents (SoD) in print format, these formerly fugitive titles would represent a significant new workload that neither the SoD or the libraries in the FDLP have adequate resources to handle. We estimate that, based on the current mix of paper, microfiche, and electronic formats being disseminated by the FDLP, providing these fugitives in a similar mix would increase costs by approximately $8 million. This, however, is an unlikely scenario.

In our view, it is more plausible that the migration of printing of electronic publishing already in evidence will continue to grow. This scenario provides a unique opportunity to bring additional information into the FDLP for no-fee public use. When the source information is in electronic format, the agency can either make it available on their own Internet Web site, or can ask GPO to make it available via the GPO Access service. Either of these approaches would enable the FDLP to provide more information to the public, while limiting the increased costs to the Government. In this scenario, the projected decline in the amount of printed material would gradually reduce the costs to the Program.

When an agency publishes via the Web, the major SoD cost increases are for the provision of cataloging and locator services so users can find the information; and for permanent access services to ensure that the electronic content is maintained for use in the future. We believe that these costs should be funded out of the SoD appropriation. If an agency provides electronic content for disseminating via GPO Access, there will be costs associated with processing that information and mounting it on the system. These "developmental" costs may be borne by the originating agency, by the SoD, or by a combination of the parties. In any case, we would expect some cost savings to the Government and the SoD from this electronic approach when compared to the all-print scenario.

A low-cost solution for the FDLP may be at hand which would make the scientific and technical information held by NTIS available on a no-fee basis to depository libraries through the use of electronic imaging technology. We are presently participating in a pilot project whereby NTIS will provide depository libraries access to these image files at no cost. At issue that still needs to be resolved is that NTIS is considering restrictions on the redissemination of these files by depository libraries to prevent any adverse effect on NTIS sales. Before the NTIS solution can be viewed as a workable approach for large quantities of fugitive information, NTIS' copyright-like restriction on redissemination of the electronic version of the information must be eliminated.

In addition, it is critical that any revision of Title 44 make clear that an agency's obligation to provide their information to the FDLP is not overtaken by other requirements, including any mandate to operate on a self-sustaining or cost-recovery basis. For example, when an agency charges users for access to Government information at its Web site, there needs to be statutory language that clearly directs the agency to provide no-fee depository access.

Revisions to Chapter 19 of Title 44 must also provide for advance notification of the FDLP by agencies when information products are initiated, modified, or terminated on agency Web sites, define Government information products so as to include in the FDLP any publications produced under agreements with private sector entities, and delete the current exemption for "cooperative publications."

DEFANGING THE ESTATE TAX EMPIRE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. GINGRICH. Mr. Speaker, I would like to bring my colleagues' attention to the attached Washington Times editorial from May 19, 1997—"Defanging the Estate Tax Vampire." This piece thoughtfully lays out the arguments for repealing the death tax.

As I often say, I do not believe that Americans should have to visit the IRS at the same time they must see the undertaker. Abolishing the death tax is one of the most important actions we can take on behalf of America's family owned businesses and farms.

Building a successful business to pass onto children and grandchildren is a part of the American dream that we should lift up—not squelch. It is vital that we use examples such as this piece to make our case and build support everywhere in America for abolishing the death tax.

[From the Washington Times, May 19, 1997]

DEFANGING THE ESTATE TAX VAMPIRE

(By Bruce Bartlett)

There is a growing support on Capitol Hill for abolishing the estate tax, which has been part of the federal tax system since 1916. A number of bills that would do so have been introduced, including H.R. 902 and S. 29, sponsored by Rep. Chris Cox and Sen. Richard Lugar, respectively. Hearings have already been held in both the House Ways and Means Committee and Senate Finance Committee.

One of the strongest arguments for repeal is that the estate tax is disproportionately burdensome relative to the revenue it raises. In no country is the estate tax a significant source of revenue. Even egalitarian Sweden raises just 0.1 percent of its revenue this way. And the average for all members of the Organization for Economic Cooperation and Development, the association of Western industrialized countries, is just 0.4 percent. In the United States, the estate tax raises about 1.1 percent of total revenue, which puts us at the upper end of the list.

With the estate tax raising such a small percentage of revenue, it would not be difficult to find alternative revenue sources that would raise the same amount. For example, taxing capital gains at death would raise as much revenue as the estate tax far more simply and at a lower rate. (Under current law, heirs pay capital gains tax only on the increase from the time of inheritance. Thus the estate itself pays no capital gains tax at all, no matter how much the assets may have appreciated.)

Supporters of repeal often point to Canada and Australia as examples of countries that have abolished their estate taxes in recent years. However, the number of countries with no estate tax is actually much longer. A review of Coopers & Lybrand's latest international tax guide found at least 46 countries with no estate or inheritance taxes. Although some are small countries known for being tax havens, many are not. These include Israel, Mexico, New Zealand and Switzerland, among others.

To be sure, the absence of an estate tax does not mean wealth transfers are entirely free of tax. Canada, Australia and Israel tax capital gains at death. Some countries treat inheritances as ordinary income for tax purposes, while others impose stamp duties and transfers. New Zealand and India tax gifts even though there is no tax on estates. And while Switzerland has no federal estate tax, 25 of the 26 canons (states) impose such a tax. Nevertheless, this review shows that should the United States choose to eliminate its death taxes, we would have a good deal of company.

HEALTHSOURCE SAGINAW: CARING FOR THE COMMUNITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BARCIA. Mr. Speaker, my colleague [Mr. CAMP] and I, rise today to recognize a facility that serves both of our districts, providing some of the best health care that people can find anywhere: HealthSource Saginaw. This facility has been in operation since 1930, when it was first known as Saginaw Community Hospital, and continues to be a vital provider of ongoing and emergency care in the Saginaw area.

The facility describes its mission as being "to restore persons we serve to meaningful lifestyles by providing select, innovative, efficient services in a coordinated continuum of care." From its Saginaw Township location, it offers behavioral medicine services, rehabilitation services, and subacute and extended care.

Mr. Speaker, an institution is only as good as its personnel, and it is our view that the 512 employees of HealthSource Saginaw are among the best. Their caring attitude conveyed to patients each and every day help this hospital to retain its reputation as a sought-after facility.

As we continue to expect our health care providers to use the best available technology, maintain the highest level of proficiency individually, and hold costs to reasonable levels, we believe that facilities like HealthSource Saginaw merit recognition. We urge all of our colleagues to join us in offering our thanks for, and recognition of, HealthSource Saginaw.

HEALTHSOURCE SAGINAW: CARING FOR THE COMMUNITY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. CAMP. Mr. Speaker, we have both worked closely with the leadership of this 319-bed facility on a range of issues vital to the people who depend upon HealthSource for their medical care. Lester Heyboer, the president and CEO of the facility, has done an outstanding job in leading this facility at a time when competition among care givers, including among nonprofit facilities, is intense and challenging. I am particularly supportive of the employees who have contributed so much to the success of the hospital. I am particularly proud of the quality of care provided to all patients and the compassionate and successful treatment of those residing in the psychiatric unit. HealthSource Saginaw's employees are of the highest caliber and deserve to be commended for their work.

NEW LIFE FOR PLANT AND EQUIPMENT LOANS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to extend the life of the certified development company or 504 loan program. It is this guarantee program, operated by the Small Business Administration [SBA], which provides a major source of capital for small businesses which need long-term financing for plant and equipment purposes.

Mr. Speaker, I am very proud to be able to claim authorship of this program. It is a direct descendent of legislation I introduced and which was enacted into law in 1980.

The development company program matches financing from a private lender for one-half of the project, with the owner providing 10 to 20 percent and private investors providing the balance with a guarantee from SBA.

It clearly is an example of encouraging privatization. During the initial years of the program, the Treasury provided the matching funds. But 1987 legislation changed the source of this portion of the funds from the U.S. Treasury to private investors, with an SBA guarantee. The program has operated superbly since then.

Since Wall Street Investors have become involved, the program has provided $8.5 billion in SBA guarantees to 26,000 small firms.

Private lenders more than doubled the amount of this funding with their share of the project cost.

The result has been tremendous, both for the small firms and also for the Government. This funding has resulted in the creation of more than 338,000 jobs by these small business borrowers, along with the preservation of additional hundreds of thousands of private sector jobs.

Possibly of equal importance to those of us in Congress is that the program has been operating for the past several years at a zero subsidy rate. It pays for itself by user fees; no appropriated funds are needed to pay anticipated losses in the event a loan defaults.

But there is cause for alarm. The user fees paid under this program are sunset September 30. If they are not extended, the program will terminate October 1.

This should not be permitted to happen.

I urge my chairman, JIM TALENT, and his Senate counterpart, CHRISTOPHER BOND, to rectify this immediately and to move the necessary legislation through the legislative process without additonal delay.

My bill is available as the vehicle or can be used as a guideline for the development of other legislation.

The legislation I have introduced provides the requisite extension of user fees for 3 years, although I would hope that we would seek another way to fund the program.

It also provides program authorizations for the same time-frame and makes changes in the authorizing legislation. These changes allow us to take advantage of the expertise which exists in the personnel employed by the certified development companies which deliver and act as loan servicing agents for the SBA in regard to loan approval and liquidation actions.

I believe that we need to expand the services these companies deliver. This will reduce the program cost and hopefully will allow us to reduce user fees reflecting these cost savings.

I urge favorable consideration of my proposal.

A detailed summary of my proposal, the Certified Development Company Enhancement and Improvement Act of 1997, is attached.

SUMMARY OF CERTIFIED DEVELOPMENT COMPANY ENHANCEMENT & IMPROVEMENT ACT

1. AUTHORIZATION LEVELS

The bill would authorize continuation of the certified development company program for three years at the following levels:

1998: $3.0 billion;
1999: $3.5 billion;
2000: $4.5 billion.

For comparison purposes, the 1997 appropriation level is $2.6 billion, although usage is not expected to exceed $2 billion.

2. FEES

1996 legislation increased fees under this program in order to reduce the subsidy rate of the program to zero:

.9375% or 15/16 of 1% payable annually by the small business borrower;

.125% or 1/8 of 1% payable annually by the certified development company; and

.50% or 1/2 of 1% payable by the first mortgage lender on the amount of its loan.

These fees are sunset September 30, 1997.

The bill would extend these fees for three additional years, but would expressly limit the amount to the amount necessary to continue the program at a zero subsidy level. If the subsidy rate declined in the future, SBA would be required to reduce the fee.

3. PREMIER CERTIFIED LENDERS PROGRAM

1994 legislation authorized SBA to establish a premier certified lenders program consisting of up to 15 certified development companies which would receive delegated authority from SBA to approve debentures on behalf of the Agency. In return, the CDC would agree to establish a loss reserve and be responsible for re-paying SBA for up to 10% of any loss on such debentures. The program was sunset September 30, 1997.

The bill would make this a permanent program and eliminate the ceiling on the number of participants. It would also modify the program by:

tightening eligibility standards by requiring that CDC applicants demonstrate their proficiency in closing and servicing loans over at least the last two years;

delegating authority to the CDC to liquidate loans which default;

allow the CDC to fund its reserve fund by deposits in a Federally insured institution or by an irrevocable letter of credit; and

Limit the amount of the required reserve fund to 10% of the CDC's exposure, but specifically require the CDC to replenish the reserve fund within 30 days of the payment of any loss or pay the loss from separate funds; and allow the CDC to withdraw the applicable deposit from the reserve fund when the loan is re-paid.

It also would direct SBA to separately determine both the default rate and the recovery rate on liquidated loans for premier CDCs and to compare it to the default and recovery rates on CDC loans by nonpremier companies. This data would be used to evaluate the adequacy of the reserve fund and to permit reductions, if appropriate.

4. MULTIPLE BORROWERS IN ONE PROJECT

The existing statute references SBA authority to a "small business concern" (singular), which SBA interprets as precluding several small businesses obtaining financing to participate and locate their businesses in one facility.

The bill would clarify that multiple small businesses can seek funding to participate in one project site (similar to the authority for multiple borrowers under the 7(a) program).

5. PARTIAL LEASES OF PROJECT PREMISES

Under current statute, a borrower cannot buy or construct the property unless the borrower will use all of the property (i.e., he cannot lease the property to another except partially for a limited time and only upon a showing of the need for future expansion). This is basically a reflection of policy that SBA does not make loans to landlords. It does, however, prohibit a growing legitimate business concept—lease of part of the property for an unrelated purpose, e.g., a mini-mart as part of a gasoline service station.

The bill would authorize a borrower to lease not more than 25% of the property.

6. PROJECT FINANCING AND COLLATERAL

1996 legislation is being interpreted to preclude the seller of property from providing the 15–20% down payment mandated to be made by the borrower/purchaser. Seller financing of the requisite amount, either solely or in combination with the buyer/borrower, would provide the same safety to the SBA funding.

The bill would permit seller financing to provide the requisite down payment.

The bill would also specify that collateral be valued at the estimated sale price between a willing buyer and seller and that any decision to require the borrower to provide non-project property as collateral for the loan may be made only on a case by case basis.

ON THE OCCASION OF THE DEATH OF JAMES M. FOX

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SESSIONS. Mr. Speaker, I come to the floor today with deep regret, to talk about the death of one of America's finest public servants. James M. Fox, the former Deputy Director of the FBI with the responsibility for the New York office, died on the morning of Friday, May 15.

James Fox was a dedicated agent of the FBI, serving a distinguished career of 31 years. He served in Bureau offices in New Haven, Chicago, San Francisco, Los Angeles, and in FBI headquarters in Washington, DC. He concluded his successful career heading up the FBI office in New York City.

As a renowned expert in terrorism, espionage, and organized crime, Mr. Fox played major roles in the investigation of the bombing of the World Trade Center and the conviction of Mafia boss, John Gotti.

Mr. Fox received a Man of the Year/Distinguished Public Service award from the Police Department's Finest Foundation, St. John's University, John Jay College, the Professional Investigators' Association, Detective Endowment's Association, National Father's Day Committee, and the Ellis Island Medal of Honor Society. In November 1992, New York Governor Mario Cuomo awarded Mr. Fox the State's Law Enforcement Executive of the Year award. Clearly, Mr. Fox contributed significantly to law enforcement throughout this Nation.

Mr. Fox was a consultant on terrorism matters for CBS news, and was frequently seen on network TV regarding espionage and organized crime, his other areas of expertise during his 31 years at the FBI. In further service to his community, Mr. Fox served on the board of directors for the National Center for Missing and Exploited Children, the New York City Police Foundation, and the New York Citizens Crime Commission.

I want to send my condolences to the Fox family, including his widow, Elaine, and his two daughters. Mr. Fox exemplified the very best in public service, and did so much to ensure the safety and security of the citizens of this great Nation. He was dedicated to law enforcement, the Bureau, and the American people. We owe him and his family a debt of gratitude, and I urge my colleagues to join me in sending his family our best wishes.

MAINE LEGISLATURE SPEAKS ON A GLOBAL LANDMINE BAN

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. ALLEN. Mr. Speaker, I would like to share with my colleagues a resolution passed by the Maine State Legislature last month on the subject of landmines. I am informed that this is the first time any State legislature in the country has gone on record calling for the elimination of antipersonnel landmines. The resolution calls on the President to negotiate an international ban on the production, use, and stockpiling of antipersonnel landmines, and to pursue an international treaty through the Ottawa process by this December. It also asks State agencies to help, as far as practicable, in the rehabilitation of landmine victims living in Maine.

I am pleased that the legislature from my State has sent this message, and I hope that it will encourage legislatures in other States to adopt similar measures. The U.S. Campaign to Ban Land Mines, a coalition of over 200 nongovernmental organizations, is taking this approach to generate attention at the State and local level for a global landmine ban. I appreciate the work of the mid-coast chapter of the American Red Cross, and Julie Groom-Thompson, director of the Brunswick office, in helping the effort to get the resolution through the legislature in Augusta.

An antipersonnel landmine ban is an urgent need. Each year, as many as 26,000 people are killed or maimed by these hidden weapons in the ground, and most are innocent civilians who stumble upon the mines as they are plowing a field or walking along a road, often many years after the mine was planted. This means one victim every 22 minutes. The numbers are astounding—Cambodia has some 10 million still in the ground; Angola, 15 million; and Bosnia, 3 to 6 million. While each small, plastic landmine costs only a few dollars to produce, each costs thousands of dollars to remove. The removal costs are daunting, but the related economic costs, in lost productivity and human lives—are incalculable.

Recognizing the scourge of landmines, several governments, along with diverse nongovernmental organizations in many countries, have mobilized to institute a global ban on the production and use of antipersonnel landmines. In May 1996, President Clinton announced his commitment to lead a global effort to ban landmines. Later in the year, the governments of 50 countries met in Ottawa to draft a plan to outlaw landmines through an international treaty, which would be ready for signature in December, 1997. This past January, the administration announced it would not support the Ottawa process, and instead decided to pursue a ban through the United Nations Conference on Disarmament. While the U.N. process is an appropriate international forum for this issue, the practical result of this option is to delay indefinitely an international agreement on a landmine, since recalcitrant countries like China are able to block action.

The resolution passed by the Maine Legislature calls on the President to endorse the Ottawa process, and I believe this is the right approach. We cannot afford to wait while dozens of innocent civilians are killed or injured each day. I commend the Senator PAT LEAHY and Representative LANE EVANS for their leadership in advocating for a landmine ban, building support in Congress, and seeking funding for humanitarian aid and landmine clearance activities. I support their efforts. Again, I applaud the message sent by the legislature in my State, and hope those in other States can do the same.

I ask that a copy of the resolution be printed in the RECORD.

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO NEGOTIATE A BAN ON ANTIPERSONNEL LAND MINES

We, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the President of the United States, as follows:

Whereas, antipersonnel land mines are munitions placed by hand under, on or near the ground or other surface area or delivered by artillery, rocket, mortar or similar means or dropped from an aircraft and that are designed, constructed or adapted to be detonated or exploded by the presence, proximity or contact of a person; and

Whereas, an average of 71 people, the overwhelming majority of whom are civilians, are killed or maimed every day by antipersonnel land mines; and

Whereas, the estimated 80,000,000 to 110,000,000 antipersonnel land mines strewn across at least 64 countries cause havoc in the economies of developing nations: refugees can not return home, farmers can not till the fields, relief shipments can not be delivered, herd animals can not approach water holes, health care systems are overwhelmed by land mine victims and clearance costs are extraordinary; and

Whereas, the ecological and economic impact of antipersonnel land mines has yet to be fully calculated as they render arable land useless and contribute to over-farming of suitable land; and

Whereas, the United States has been a major producer and exporter of antipersonnel land mines for most of the past 25 years; and

Whereas, the cost, to the American taxpayers of salaries, equipment, transportation and other needs, of removing antipersonnel land mines was approximately $17,000,000 from 1989 to 1996 and will continue to adversely affect the civilian sector of the United States economy; and

Whereas, despite international momentum for a global ban on antipersonnel land mines, a recent United Nations conference failed to negotiate a ban; and

Whereas, at the Ottawa International Strategy Conference in Ottawa, Canada in October 1996, the governments of 50 nations adopted the "Ottawa process" recognizing the urgent need for a ban on antipersonnel land mines and outlined actions for reaching a ban rapidly in the hope of signing a treaty to ban antipersonnel land mines in Ottawa in December 1997; and

Whereas, in Cambodia, approximately one of every 236 people is an amputee from a land mine injury and there are approximately 7,000,000 to 9,000,000 uncleared land mines or approximately one for each citizen of the country; and

Whereas, Maine is home to refugees from Southeast Asia, Afghanistan, Africa, Central America, Bosnia-Herzegovina, Croatia and elsewhere whose lives have been and continue to be directly affected by loss of life, maiming and economic havoc caused by antipersonnel land mines, including those that the United States implanted during warfare in Southeast Asia or exported to other countries; now, therefore, be it

Resolved: That We, your Memorialists, urge the President of the United States to fulfill his commitment to negotiate an international ban on the manufacture, stockpiling, transfer and use of antipersonnel land mines, with a view to completing the negotiations as soon as possible, by active participation in the Ottawa process by which an international treaty banning antipersonnel land mines will be ready for signing in December 1997; and be it further

Resolved: That the appropriate bureaus, departments or agencies of the State of Maine coordinate with and assist, as far as practicable, community-based organizations or groups with rehabilitating victims of land mines who reside in Maine; and be it further

Resolved: That a suitable copy of this resolution be prepared and presented by the Secretary of State to the Honorable William J. Clinton, President of the United States, each member of the Maine Congressional Delegation and United States Secretary of Defense, William S. Cohen.

IN HONOR AND REMEMBRANCE ON MEMORIAL DAY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, on Memorial Day, we remember those who died for our country.

There is something both haunting and mysterious about Memorial Day that makes it a special day every year. At the first commemoration of Memorial Day, May 30, 1868, Senator James Garfield delivered an oration at Arlington National Cemetery in which he said: "I am oppressed with a sense of impropriety of uttering words on this occasion. If silence is ever golden, it must be here, beside the graves of 15 thousand men whose lives were more significant than a speech."

Our forefathers chose this day wisely knowing that during this time of year, we say goodbye to the spring season, as we embrace summer: the warm weather, the green grass and leaves of the trees, the freshness of the air and abundance of flowers, the crack of bats, the inevitable fireflies, the conclusion of the school year and the commencement of so many young people into new phases of their lives.

In fact, those high school seniors turning tassels best represent the youth of the heroes we remember today. When I reflect on wartime, the thing I most remember was that everyone who served with me was so incredibly young. Too often, we forget that wars are fought by the young—men and women in the prime of their lives—18-, 19-, 20-years-old.

Our fallen heroes were young men and women just embarking on life's journey, with dreams of becoming doctors, lawyers, teachers, and owners of small businesses. They look risks. They played ball and danced until dawn. They were strong and seemingly immune to danger. But when their country called them, they went without question and without delay.

And they soon discovered, like many before them and after, that there is nothing glorious about war. Nothing is glorious about leaving a husband or wife to answer the call to serve one's country. There is no glory in a young child crying out for their mother or father who is serving in a faraway land. And it is real pain and sorrow—not glory—that parents feel when they say their final farewells to their children at military funerals.

The glory of youth has been cut short by many wars. Cut short by wars fought in places we had never heard of and surely against people we had never met. And sometimes for reasons we did not fully understand. But we supported them then and remember them now. And we must not become complacent in remembering the great cause for which they fought. These true patriots were our country's best and brightest and they deserve much more than a single holiday in spring.

There is glory in remembering their service, but it is their disappearance through death that forever changes our own lives and those that loved them. For families of those who've fallen, it may be an empty room at home, a faded family portrait, grandchildren never coming to visit, or a vacation never shared.

And so as we remember these blessed names on our memorials, admire the presentation of colors, recite the Pledge of Allegiance, sing our national anthem, and pray together, let us listen deeply to the playing of Taps and remember those men and women who died in service to our country.

At the end of World War I, John McCrae wrote a now-famous poem called In Flanders Field that manifests the challenge we have before us as we remember those who died for our freedom.

In Flanders Field the poppies blow
Between the crosses, row on row,
That mark our place; And in the sky,
The larks, still bravely singing, fly
Scarce heard amid the guns below
We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders Field
Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders Field.

Let us all remember our brave warriors and hold their torch high. Thank you, God Bless You, and God Bless America.

SENATE—*Friday, May 23, 1997*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God almighty! Heaven and Earth are filled with Your glory. Praise and honor be to You, Lord most high. Lord of all creation, re-create our hearts to love You above all. Ruler of the universe, rule in us. Lord of our Nation, we invite You to live in us as our personal Lord. Architect of history, guide the vital page in history that will be written today.

As we prepare for the Memorial Day recess and, at the same time, seek to complete all of the votes on the budget resolution, we realize how closely these two things are intertwined. Help us to see the implications of honoring those who gave their lives in just wars, and the arduous task of honing the budget further to enable Your priorities for our Nation. Sovereign Lord, reign in this Chamber and in our hearts and minds today so that what is decided will reflect Your will and how we work together will reflect Your presence. Grant the Senators renewed strength and resilient determination to finish well. May the shortness of life here on Earth and the length of eternity free them to do their best today as an expression of love to You and gratitude to those who paid the supreme price that this Senate could fulfill its calling of leading this Nation for which they died. Lord God of Hosts, be with us yet, lest we forget, lest we forget. In the name of the Resurrection and Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. DOMENICI. Thank you very much, Mr. President. I hope you are feeling well this morning, Mr. President.

The PRESIDENT pro tempore. Fine.

Mr. DOMENICI. I am feeling well also because we are getting close to completion. If we could finish by 12:30 or so, I will feel even better.

The PRESIDENT pro tempore. You are doing a good job.

Mr. DOMENICI. None of that is supposed to occur in the Senate, but isn't that nice, that we could do that.

SCHEDULE

Mr. DOMENICI. For the information of all Senators, today the Senate will immediately resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution. Under the previous order, all time is expired and the Senate will begin a lengthy series of rollcall votes on or in relation to the remaining pending amendments that are in order to the resolution. Therefore, Senators can expect to begin voting on numerous stacked votes momentarily. Senators are asked to remain in the Chamber and in their seats, if possible, to expedite this process.

Again, all Members should be on the floor to begin this series of votes. After final passage of the budget resolution, it is the intention of the majority leader that the Senate consider the CWC implementation bill under the previous order, the supplemental appropriation bill, if the House completes action, and any nominations that have been cleared for action.

I thank my colleagues for their attention.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that all remaining votes in the stacked sequence after the first amendment, the McCain amendment, be limited to 10 minutes each; and, further, there be 2 minutes of debate, equally divided in the usual form, for each vote.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. The Senate will now resume consideration of Senate concurrent resolution, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, and 2001.

The Senate resumed consideration of the concurrent resolution.

Pending:

Kerry amendment No. 309, to allocate funds for early childhood development programs for children ages zero to six.

Dorgan amendment No. 310, to express the sense of the Senate that the Congress should continue efforts to reduce the on-budget deficit without counting Social Security surpluses.

Wellstone modified amendment No. 313, to provide for increases in funding for Headstart and Earlystart, child nutrition programs, and school construction, which will be paid for by reducing tax benefits to the top 2 percent of income earners in the United States as well as by reducing tax benefits that are characterized as corporate welfare or tax loopholes.

Wellstone amendment No. 314, to provide that Pell Grants for needy students should be increased.

Abraham amendment No. 316, to express the sense of the Senate that, to the extent that future revenues exceed the revenue aggregates, those additional revenues should be reserved for deficit reduction and tax cuts only.

Gramm amendment No. 319, to ensure that the discretionary limits provided in the budget resolution shall apply in all years.

McCain-Hollings amendment No. 326, to express the sense of the Senate that the Congress shall take such steps as necessary to reconcile the difference between actual revenues raised and estimates made and shall reduce spending accordingly if Spectrum Auctions raise less revenue than projected.

McCain-Mack amendment No. 327, to express the sense of the Senate with respect to certain highway demonstration projects.

Lautenberg (for Moseley-Braun) amendment No. 333, to express the sense of the Senate regarding the use of budget savings.

Lautenberg (for Moseley-Braun) amendment No. 334, to express the sense of the Senate regarding the value of the Social Security system for future retirees.

Specter amendment No. 338, to provide for a reduction in mandatory spending and an increase in discretionary spending relating to children's health.

Specter amendment No. 339, to provide for a reduction in mandatory spending and an increase in discretionary spending relating to children's health.

Specter amendment No. 340, to restore funding within the discretionary health function to maintain progress in medical research, offset by reductions in Federal agency administrative costs.

Domenici (for Grams) amendment No. 346, to require that the $225 billion CBO revenue receipt windfall be used for deficit reduction and tax relief, and that non-defense discretionary spending be kept at a freeze baseline level.

Domenici (for Coverdell) amendment No. 347, to provide for parental involvement in prevention of drug use by children.

Domenici (for Snowe-Coverdell) amendment No. 349, to express the sense of the Senate relative to higher education tax relief and higher education expenses.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, would the Senator from Arizona yield for one moment? There are 11 first-degree amendments, 1 motion to waive a point of order, and possible second-degree amendments and final passage votes that could occur today. If everybody asks for a vote, that means we

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

could have 15 votes, Senator MCCAIN. At an average of 15 minutes a vote, even though we said 10, it would be at least 4 hours of voting.

I think we can do better. I think at least half of these amendments can be voice-voted, cutting the 4 hours to 2. We will try our best to see if the proponents will accept voice votes. I hope we can encourage Senators not to demand a vote.

I thank Senator MCCAIN, who I am just told will take a voice vote on amendment No. 327. During this first vote, staff will try to determine which ones can be voice-voted.

I yield the floor to Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 326

Mr. McCAIN. I call up amendment No. 326, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN], for himself and Mr. HOLLINGS, proposes an amendment numbered 326.

(The text of the amendment is printed in the RECORD of May 21, 1997)

Mr. McCAIN. I yield 10 seconds to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 seconds.

Mr. BURNS. Madam President, on this amendment, I am heartily supporting this, especially because not supporting the amendment would be irrational, knowing that the blueprint is in front of us that spectrum does not have the value that is put into this bill. So, if we have a track record that proves that it does not, it is outrageous that we would accept the figures in this budget.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, it is important, as the Senator from Montana said, that we be on record on this issue because there are three pertinent facts that we cannot forget here. Over $26 billion is assumed to be raised from the spectrum auction in the budget. Both the ranking member of the Commerce Committee, Senator HOLLINGS, and myself seriously question whether raising that much money is possible.

Unlike fees or taxes, as we all know, spectrum auctions are a function of the free market, and its value is determined solely by supply and demand. Due to the volatility of this market, as we have seen recently, it is virtually impossible to accurately know what spectrum is worth and, since it is planned to be auctioned 5 years from now, what it will be worth. Even the expert agencies, CBO and FCC, have not been able to accurately gauge spectrum value.

I understand the task of the budgeteers here on this issue, but it is very, very questionable, these figures.

This amendment has been offered by both myself and my good friend, the ranking member and former chairman of the Commerce Committee, Mr. HOLLINGS. Simply, this amendment expresses the sense of the Senate that if the estimates regarding spectrum auctions contained in this resolution prove not be accurate that spending will be adjusted accordingly.

The budget agreement before the Senate relies heavily on spectrum revenues, particularly spectrum auctions, to reduce the deficit and achieve balance by the year 2002. If this resolution passes as currently drafted, the Commerce Committee will be asked to raise between $26 to $28 billion. With the exception of some ancillary fees, the bulk of what the Commerce Committee will be asked to raise is assumed to come from spectrum.

Of the total $26.3 billion in estimated spectrum revenues, about 95 percent, or $24.3 billion, would be derived specifically from spectrum auctions.

The problem is this: experience demonstrates that it's very difficult to reliably estimate what a given block of spectrum is likely to bring at auction. And therefore, as the chairman of the Commerce Committee, I am very concerned that the assumptions contained in the budget resolution will not actually raise the money needed.

In a letter to me last February 26, FCC Chairman Reed Hundt, a staunch proponent of spectrum auctions, said this about predicting spectrum auction values:

> Determining the value of spectrum in advance of an auction is very difficult, and not something the Commission ordinarily does.
>
> One of the benefits of the auction is that the value of spectrum is not determined by government, but by a marketplace in which businesses have actual plans to develop and use spectrum. The value of any block of spectrum in the market thus depends on a number of factors, [including] the location of the spectrum, its technical characteristics, the amount of spectrum to be assigned with each license, the availability of technology suitable for a given band, the amount of spectrum already available for provision of similar services, the number of incumbents presently occupying the spectrum, and whether incumbents will remain licensed in that spectrum or will be relocated to other spectrum.

Not surprisingly, therefore, auction estimates have been inaccurate on both the high side, as well as the low side, ever since the FCC was given spectrum auction authority in the Omnibus Budget Reconciliation Act of 1993.

For example, the very first estimates of the revenue spectrum auctions would generate were very low. At that time Congress predicted that spectrum auctions would generate approximately $10 billion over 5 years. The actual amount generated was over $22 billion in 3 years.

Similarly, the auction of digital broadcast satellite spectrum was estimated to raise less than $40 million. That auction raised $683 million.

Other spectrum auction estimates, however, have been very high. The recent auction of wireless communications spectrum, which we estimated in August of 1996 would generate $3 billion, raised only $14 million.

All these estimates were based on information provided by a cross-section of experts, including telecom providers, the financial community, and the FCC and NTIA—the expert agencies in this area. I don't fault their expertise, nor am I suggesting that spectrum isn't a valuable commodity and shouldn't be auctioned. To the contrary, it is an extremely valuable natural resource, owned by the public, and allocation should occur by auction.

What I am saying, however, is that just because auctions assign spectrum efficiently to its most valued use does not mean that they can be guaranteed to produce a certain dollar figure. They are not, and were never intended to be, the functional equivalent of cash machines. They function as a component of the free market and therefore are subject to great highs and lows.

As Chairman Hundt recognizes, it is impossible, even for experts, to reliably predict the value that a given block of spectrum is likely to bring at auction. Despite this fact, however, this budget places substantial reliance on these inherently unreliable predictions of spectrum auction revenues to balance the budget.

Here are my specific concerns with the spectrum auction budget assumptions:

First, revenues from auctioning 100 MHz of spectrum formerly used by broadcasters for electronic news gathering are estimated to total $9.7 billion between 1998 and 2002. This estimate is based on the spectrum being roughly comparable in potential usefulness to the lucrative PCS spectrum. Now, however, FCC and NTIA say that this spectrum is not comparable to PCS spectrum because it's already occupied and not suitable for a wide range of potential uses. Thus, a critical element in estimating the spectrum's $9.7 billion value is not accurate.

Second, another $6 billion is estimated to come from the auction of spectrum left over from the reallocation ordered in 1993, plus the auction of new spectrum at now-available higher frequencies. The problems here are that the leftover 1993 spectrum, standing alone, isn't expected to generate all that much, and nobody yet knows precisely what the new high-frequency spectrum is usable for. Thus, what anybody might realistically be expected to bid for it is, at best, a guess. Technology may prove us wrong. But no companies, based on current technology—are clambering for this spectrum.

Third, $5.4 billion more is estimated to come from the auction of analog broadcast channels in the year 2002—

even though most of these channels won't even be available for use until 2006. That's tantamount to speculating in spectrum futures.

Moreover, given the broadcasters' vehement objections to being required to give the channels back by 2006 or any other date, we simply cannot be sure when—if ever—these channels will actually be freed up. As Chairman Hundt correctly noted in his February 26 letter,

> When incumbent licensees are present, these licensees often have incentives to oppose the use of auctions to assign licenses in that band.

Thus, the value to bidders of essentially nonexistent channels has got to be seriously questioned.

Fourth, even the projections surrounding the comparatively modest $700 million estimated to come from auctioning so-called 888 telephone numbers are flawed. The $700 million estimate was made before these numbers began being handed out for free some time ago. Based on the quantity of numbers left to auction now, however, the probable revenue would be perhaps half the original $700 million estimate.

Fifth, the impact of these potentially flawed estimates is made worse by the large proportion of spectrum auction revenues that this budget scores in 2001 and 2002. Altogether 70 percent of the total spectrum auction revenues are called for to be generated during these 2 years. However, it is during these outyears that the most spectrum can be expected to be on the market, and the more spectrum you put on the market, the less you are likely to get for it—simple supply and demand.

Finally, there's also a potential problem with the $2 billion lump sum tied to broadcasters' use of their digital TV channels for non-HDTV uses. This $2 billion represents about a 7-percent hit on the $30 billion television broadcast industry. I am not one to protect the broadcast industry, but I am concerned about this fee. In the past, Senator Dole and I had advocated auctioning the digital spectrum before it was given to the broadcasters. That auction alone is estimated to have raised between $20 to $70 billion. However, we were unsuccessful and that spectrum was given free of charge to the broadcasters.

Madam President, balancing the budget is critically important to the future of our country's economy, and spectrum auction revenues have been made critically important to balancing the budget. We must therefore be extremely concerned about the considerable uncertainty inherent in accurately predicting the amount of money spectrum auctions will generate, and we must have an insurance policy against the very real likelihood that these estimates will turn out to be too high.

Madam President, I hope this amendment will pass. Voting for it does not mean that Senators oppose the budget resolution itself. However, supporting this amendment does recognize that the auction numbers assumed in this resolution are subject may not produce the revenue noted and that therefore, the Congress may need to act on this matter in the future.

Mr. HOLLINGS. Madam President, I rise in support of the sense-of-the-Senate resolution. The resolution points out the unreliability of the budget resolution's assumptions about future spectrum auctions. At issue here is the credibility of the entire budget itself. The budget assumes $26.3 billion from spectrum auctions by the year 2002. Such assumptions are not supported by the record. The only explanation is that the Budget Committee and the administration have crafted these assumptions out of thin air.

We are told by CBO that our budget problems can be solved by auctioning the spectrum. People around here continue to think spectrum is a canned good sitting on a shelf at the FCC. These budget numbers are absolutely irresponsible and CBO knows there is no justification for these estimations. Just look at the most recent auction that was held last month. Last fall, the budget negotiators fell short in their offsets and decided to auction a specific 30 MHz of spectrum. CBO told us the auction would yield $2.9 billion. The auction only yielded $13.1 million. Is this how you balance a budget?

I must remind the budget negotiators that the law requires the FCC to assign licenses to use the spectrum by auction and that the assignments shall not be based on revenue considerations. Every time the Congress mandates an auction as a budget offset we are violating our own law. And every time we mandate a specific frequency to be auctioned, we are micromanaging in an area we have no expertise in. The spectrum simply is not a canned good sitting on a shelf. Management of the public's spectrum should not be determined on budget numbers.

Just look at the status of the market for start-up wireless companies. Wall Street is saying there is a glut in the marketplace. There is no financing available for the recent "C" block licensees. How can CBO possibly justify $26.3 billion when you look at the April auction in combination with the problems in the "C" block?

The FCC recently suspended the interest payments for several of the "C" block licensees because they were unable to meet their obligations to the Treasury. How can CBO justify $26.3 billion when "C" block licensees are going into bankruptcy and being bailed out by the FCC. The Treasury is not receiving any moneys from these auctions. Even the licensees, such as Nextwave, that violated the law are not being required to make payments. This is a complete disregard for the law. This is nothing more than an effort to prop up this charade that auctions are good.

Look at the case of Nextwave. This company bid several billions of dollars for licenses nationwide. When it came time to file complete documentation of their financial backing, the FCC found that this company was in violation of the foreign ownership limits of the Communications Act. To its credit, the FCC issued an order requiring Nextwave to divest itself of certain foreign financial commitments and come into compliance with the law. Now, several months later, Wall Street is still showing no confidence in these wireless ventures, so Nextwave has been unable to raise any capital.

So, what does the FCC do? The FCC could not afford another embarrassment on the heels of the April fiasco. So the FCC simply waves its previous order and says, don't worry Nextwave, you are in violation of the law but there are more important issues involved here—we must continue the charade that the auctions are working. How can an agency of this Government be so cavalier in its execution of the law is beyond me. Clearly, it pays to be perceived as being too big a player that the FCC cannot let the company go under.

Tell that to Rocky Mountain Solutions and Carolina PCS. Where was the FCC's consistency in applying the law here? Rocky Mountain Solutions and Carolina PCS had difficulty in raising capital just as the other licensees. Were they in violation of the foreign ownership limits of the law. The answer is "no." Were they a small company and not perceived as a big player? The answer is "yes." Where's the consistency? The FCC held to a strict interpretation of their own auction rules—there was no statutory violation—in denying Rocky Mountain Solutions and Carolina PCS request for more time. When a large company violates the law, there is always a creative interpretation of the law in order to keep up the charade.

How can we have any confidence in the results of these auctions? News reports also indicate that the Department of Justice is investigating collusion and illegal bidding practices in some of the auctions. Obviously, some of the potential bidders think the auctions can be fixed as easily as the budget assumptions.

The Treasury is not going to get the money CBO had projected. The budget cannot be balanced in this way. Why does the Budget Committee and CBO continue to keep their heads stuck in the sand. How can CBO justify not $26.3 billion in light of these recent events? The auctions are not the solution the rhetoric holds them out to be. Clearly the Budget Committee and CBO must have budget blinders on. Their denial of these recent events is further evidence that there is no integrity to these numbers.

Just look at a breakdown of the budget assumptions and the problems with each item.

Auction of the returned analog spectrum: The budget proposal requires an auction of 78 MHz of analog spectrum in 2002 with a mandatory return of the analog spectrum in 2006. CBO scores the analog auction at $5.4 billion. There are many practical problems involved here. First, will there really be an interest in this auction when the winning bidders will not have access to the spectrum for at least 4 years? What about possible delays that may occur from zoning ordinances and tower construction problems? In addition, there remains the question of whether there will be widespread demand for digital TV.

Auction of 36 MHz of spectrum from CH.60–69: This spectrum was originally set aside for the transition to HDTV. No one knows if the FCC plan will actually work. All we have if a computer model from the FCC. All indications are that the FCC'S table of allocations will be challenged at the FCC and possibly in the courts. The budget deal will enshrine the FCC'S plan before we know its implications and possibly foreclose revisions to the FCC'S plan. Such a result would be unacceptably shortsighted. It is highly unlikely this proposal will result in a free and clear nationwide block of spectrum by 2002.

Spectrum penalty: The Budget Committee Assumes $2 billion from a penalty fee that would be levied against those entities who received "free" spectrum for advanced, advertiser-based television services, but failed to utilize it fully. This is the most incredulous proposal of all. The Telecommunications Act of 1996 authorized the FCC to assess fees on a broadcaster's flexible use of the spectrum—if the broadcaster elects to offer additional services in addition to its free over-the-air programming. CBO staff has no basis to score this provision. There is no evidence in the record to assume the broadcasters will be capable of offering a subscription-based service by 2002.

Auction of additional 120 MHz: CBO assumes $9.7 billion but where's the spectrum coming from? How can they justify it when the recent auction raised only $13 million when CBO had scored it at $2.9 billion?

Auction 800 and 888 numbers: Here's a small business tax if you ever saw one. The administration's proposal is simply unrealistic. Large companies will simply outbid all the small players and warehouse popular numbers. Furthermore, the FCC does not have sole jurisdiction of toll free numbers. The United States participates with Canada in the North American numbering plan.

Mr. REID. Madam President, there are going to be high priority projects in the transportation bill that passes the Congress this year.

As long as there has been a U.S. House of Representatives, there have always been demonstration projects. The House is showing no signs of giving them up this year.

There is no chance that the House will pass a transportation bill without earmarks for individual Members' projects.

Given that knowledge, do we, as the Members of the Senate, really want to unilaterally disarm? If there are going to be demonstration projects, are we merely going to defer to the House?

Rather than slipping projects into the final bill during the conference, wouldn't it be better to have an open discussion of the relative merits of these projects in committee than on the floor?

At least give the House credit for having a process. The House committee of jurisdiction required that a 14-point check list be filled out for each demonstration project this year. Only a very few projects from that list will be selected for funding.

If the original ISTEA legislation is an indication, well under 10 percent of the final dollar amount will be earmarked for demonstration projects. The original ISTEA bill provided $6.5 billion for demonstration projects out of a total authorization of $155 billion.

I dispute the Senator's notion that all demonstration projects are merely glorified pork. In my home State of Nevada, one of the fastest growing areas in the Nation, we have used earmarks to keep up with the explosion in transportation needs.

The I–15/U.S. 95 Spaghetti Bowl Interchange in Las Vegas, one of the busiest interchanges in one of the fastest growing cities in the United States was built with earmarked funding far more quickly than if it needed to go through a traditional funding process.

Nevada's capital, Carson City, remains one of a handful of State capitals in the United States that is not linked to the Interstate System. An earmark in the original ISTEA funded the first leg of this critical link.

Mr. McCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Madam President, I have a minute to respond. I don't think I will use that. But I want to ask Senator McCAIN, in the interest of helping us with the management here, could we now set this amendment aside and do his amendment we are going to accept?

Mr. McCAIN. Yes, sir.

Mr. DOMENICI. Madam President, I ask consent the pending McCain amendment be temporary set aside so Senator McCAIN can offer his second amendment, which will be determined by a voice vote.

The PRESIDING OFFICER. It is so ordered.

AMENDMENT NO. 327

Mr. McCAIN. Madam President, I ask to call up amendment No. 327.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. MACK, proposes an amendment numbered 327.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. McCAIN. Madam President, the amendment is very simple. It just says we will not have highway demonstration projects. The Senate is on record. I wanted to get the Senate on record again, and I will before we take up ISTEA. We have seen this very unseemly situation over in the other body, where tens of billions of dollars are special projects called highway demonstration projects, which are really only gauged by the influence of the Members of Congress as opposed to merit. I am very pleased that this body is opposed to highway demonstration projects, and I want the Senate on record as reflecting that deal.

The amendment I offer today is cosponsored by Senator MACK. My resolution states that Congress should not divert limited highway trust fund resources away from State transportation priorities by authorizing new highway projects and Congress should not authorize any new demonstration projects or other similarly-titled projects.

Its a simple proposal, embodying a principle endorsed by three-quarters of the Senate less than 2 years ago. The principle is elementary, fair, and sound. The principle is—No new highway demonstration projects.

Why is this amendment necessary? It is necessary because the largest domestic public works program, the Intermodal Surface Transportation and Efficiency Act [ISTEA], must be reauthorized this year. As my colleagues know, the lion's share of Federal highway and transit funding comes under the ISTEA umbrella. Through a Byzantine set of formula calculations, Federal gas taxes are collected by our States, sent into Federal coffers, and then are redistributed to the States.

Some of us question the necessity of requiring State-collected gas taxes to be sent to Washington. I am one of those individuals. But that is an issue for another debate. Today, I want to focus on a clear abuse in the current highway funding distribution process.

ISTEA funds are governed by a statutory distribution formula with a few limited exceptions. One major exception is funding for highway demonstration projects. It is this exception my amendment seeks to eliminate. This exception is neither necessary nor fair.

What has been said about highway demonstration projects? Let me highlight a few comments.

Secretary of Transportation, Rodney Slater, had this to say during his confirmation hearing before the Senate Committee on Commerce, Science, and Transportation in February:

> The administration has taken a firm position in opposition to demonstration projects * * * [they] take resources from the [highway] trust fund.

He further remarked that ending highway demonstration projects would "result in greater investment of resources * * * for general distribution based on formula."

Let me reiterate. The highway allocation process is policy driven. But as the Secretary said, highway demonstration projects are not. The Congressional Research Service [CRS] states:

> The demonstration project approach is often constituent-driven and focuses on increasing Federal outlays allocated to a particular State or district * * * When earmarking occurs, allocation stems less from concerns over marginal social and economic benefits, and more from marginal political benefit.

The Heritage Foundation is strongly against highway demonstration projects. In its "Balancing America's Budget, Ending the Era of Big Government," the Heritage Foundation says:

> Projects earmarked by Congress are classic examples of political favoritism obtained by powerful Senators and Representatives for public works spending in their states and districts. Federal "demonstration projects" are even more questionable . . . purely local projects funded by the federal government cannot be justified as being in the national interest.

These are not new sentiments—they have been voiced for years. In fact 2 years ago, the President's budget submission called for the cancellation of some demonstration projects stating:

> Such projects have been earmarked in congressional authorization and appropriations laws. These projects limit the ability of the States to make choices on how to best use limited dollars to respond to their highest priorities.

Pork-barrel highway demonstration projects were discussed in Vice President GORE's Reinventing Government report. It states:

> GAO also discovered that 10 projects—worth $31 million in demonstration funds—were for local roads not even entitled to receive Federal highway funding. In other words, many highway demonstration projects are little more than Federal pork. Looking specifically at the $1.3 billion authorized to fund 152 projects under the 1987 Surface Transportation and Uniform Relocation and Assistance Act, GAO found that "most of the projects . . . did not respond to States' and regions' most Federal aid needs.

One might have hoped that Federal budget constraints would curb highway pork barreling. But it has not.

In 1982, 10 demonstration projects totaling $362 million were listed for special line-item funding in the Surface Transportation Assistance Act of 1982. The 1982 Federal Budget deficit was $127 billion, and it jumped to $221 billion by 1986.

In 1987, 152 demonstration projects totaling $1.4 billion were named in the Surface Transportation and Uniform Relocation Assistance Act of 1987. The 1987 Federal budget deficit was $149 billion, but it jumped to $269 billion in 1991.

Then in 1991, the mother lode of all demo project bills was signed into law: 538 location-specific projects totaling $6.23 billion were included in the Intermodal Surface Transportation Efficiency Act of 1991.

If the budget deficit has not curbed demonstration projects, maybe fairness will.

It is 1997 and time once again to authorize funding for our Nation's transportation infrastructure. Funding for highway, bridge, and transit needs remain great. Congress should give States the maximum amount of flexibility available to spend their highway dollars in whatever manner best meets their critical transportation needs. The States do not need Congress to micromanage the transportation planning process. And the traveling public certainly is not well served when Washington forces limited funding to be spent on unnecessary road projects.

Two years ago, the Senate adopted my amendment to prohibit the funding for future demonstration projects. That amendment was cosponsored by Senators FEINGOLD and SMITH. It passed by a vote of 75 to 21.

We need to reaffirm Senate opposition to new demonstration projects. There are reports that more than 400 Members in the other Chamber submitted requests to the Committee on Transportation and Infrastructure for highway, bridge, or transit projects. I am informed these requests include more than 1,000 projects. These requests could total hundreds of billions of dollars, hundreds of billions of dollars that would be siphoned away from formula-driven allocations, and poured into individually designated State or local projects.

Past highway demonstration projects took almost $8 billion away from formula-driven allocations to the States. While we can't recapture this $8 billion, we can end the practice. My amendment states that "Congress should not divert limited highway trust fund resources away from State transportation priorities by authorizing new highway projects and Congress should not authorize any new demonstration projects or other similarly titled projects."

Mr. President, most Senators want to raise the amount of highway funding for our States and to assure an equitable distribution of that funding. One way to provide more money is to end the practice of designating highway demonstration projects or innovative projects, or any other creative description of pork-barrel projects.

I urge my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, this sense-of-the-Senate amendment provides the Senate shall not authorize any new highway demonstration projects during the reauthorization of the Intermodal Surface Transportation Efficiency Act.

We have no objection to the amendment. We are willing to accept it.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, we tried to expedite things and it turned out we did not. What I would like to do now is ask unanimous consent that we return to the first McCain amendment on which the yeas and nays have been ordered, and that immediately thereafter we return to the second McCain amendment. We will have further discussion on that during the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 326

The PRESIDING OFFICER. The question occurs on amendment No. 326, offered by the Senator from Arizona.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

The PRESIDING OFFICER. (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 84, nays 15, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—84

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hollings
Hutchinson
Hutchison
Inhofe

Inouye
Jeffords
Kempthorne
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—15

Boxer
Bumpers
Byrd
Cleland
Durbin
Harkin
Hatch
Johnson
Kerry
Murray
Reed
Rockefeller
Sarbanes
Torricelli
Wellstone

NOT VOTING—1

Dorgan

The amendment (No. 326) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 327

Mr. DOMENICI. Madam President, I believe we are going to be able to avoid a rollcall vote on the second McCain amendment, No. 327, if Senator REID is permitted to speak for one moment indicating his opposition. I ask unanimous consent that that be the case, after which time we will return to the amendment, and there will not be a rollcall vote on it.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. There will be demonstration projects in the transportation bill that passes Congress this year. As long as there has been a House of Representatives and we have had highways, there have been demonstration projects. The House is showing no signs of giving them up this year. There is no chance—no chance—that the House will pass a transportation bill without earmarks for individual Member projects.

Given that knowledge, do we, as Members of the Senate, really want to unilaterally disarm? There are going to be demonstration projects, which there will be. Are we merely going to defer to the House? Wouldn't it be better, rather than slipping projects into the final bill going to conference, that we have an open discussion of the merits here on the floor?

At least the House—we should give them credit for having a process. The House committee of jurisdiction required that a 14-point checklist be filled out for each demonstration project this year. If you do not meet all 14, you do not get your project.

Only a few projects from the list will be selected for this funding. In the original ISTEA legislation, under 10 percent of the projects had earmarks. So $6.5 billion for demonstration projects out of the total authorization of about $160 billion.

I dispute the notion of the Senator from Arizona that all demonstration projects are glorified pork. That is not true in rapidly growing areas. It is very important to the State of Nevada. We should oppose this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, this is a sense-of-the-Senate resolution that we should not have any special projects. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 327.

The amendment (No. 327) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. If Senators will just bear with me. There is a lot of agreement now on amendments. So I am going to get rid of some of them before we take the next vote, thus eliminating a lot of votes we might have had to have.

AMENDMENT NO. 347, AS MODIFIED

Mr. DOMENICI. Madam President, I send to the desk Senator COVERDELL's amendment No. 347, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 347), as modified, is as follows:

At the end of title II, add the following:

SEC. . SENSE OF CONGRESS REGARDING PARENTAL INVOLVEMENT IN PREVENTION OF DRUG USE BY CHILDREN.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that, from resources available in this budget resolution, a portion should be set aside for a national grassroots volunteer effort to encourage parental education and involvement in youth drug prevention and to create a drug-intolerant culture for our children.

Mr. DOMENICI. It has been cleared on the other side. We accept it.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. DOMENICI. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 347), as modified, was agreed to.

AMENDMENT NO. 333

Mr. DOMENICI. We have also worked out Senator MOSELEY-BRAUN's amendment No. 333.

This amendment is a sense of the Senate that entitlement savings in the budget resolution should be used to protect the long-term future of Social Security and Medicare and maintain Federal discipline.

This is also a sense of the Senate. We urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 333.

The amendment (No. 333) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 334

Mr. DOMENICI. I call up Moseley-Braun amendment No. 334.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 334.

Mr. DOMENICI. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. DOMENICI. Madam President, this amendment is also a sense of the Senate that no change in Social Security should be made to reduce the value of the Social Security system for future generations. It is a sense of the Senate. I urge its adoption.

Ms. MOSELEY-BRAUN. Madam President, I rise to make brief statements concerning two of my amendments to the congressional budget resolution that the Members on both sides of the aisle have agreed to support.

These two amendments are of vital importance. They concern the value of the Social Security program and the use of budget savings in the mandatory spending areas. These are vitally important amendments because they relate to that important issue of retirement security that should be a part of any discussions about the Federal budget.

The first amendment, which is amendment No. 333, expresses a sense of the Senate that the budget savings in the mandatory spending areas contained in this budget resolution should be used:

> to protect and enhance the retirement security of the American people by ensuring the long-term future of the social security system;
>
> to protect and enhance the health care security of senior citizens by ensuring the long-term future of the Medicare program and,
>
> to restore and maintain Federal budget discipline to ensure that the level of private investment necessary for long-term economic growth and prosperity is available.

Mr. President, this amendment is important because:

> twenty-two percent of every dollar spent by the federal government goes to the social security program,
>
> another eleven percent of every dollar spent by the federal government goes to the Medicare program,
>
> currently, spending on the elderly accounts for a third of the federal budget, and

> while the federal budget deficit has dropped for the fourth straight year to $67 billion in 1997, measures need to be taken to ensure that this trend continues.

I am pleased that my colleagues have accepted this amendment and once again, reaffirmed our commitment to protecting Americans' retirement security and also reducing the deficit.

My second amendment, which is amendment No. 334, is one about which I know many Members of this body are also concerned. It has to do with the value of the Social Security program. I have begun to hold forums in my State as a means of starting the dialog with my constituents about the future of Social Security. I know that other Members have held similar forums in their States as well.

The amendment simply expresses the sense of the Senate that the budget resolution does not assume any legislative changes that would reduce the value of the Social Security program for future generations of retired citizens. This is an important amendment because we have an obligation to ensure that this program which has allowed a generation of Americans to retire with dignity must be preserved.

Madam President, a few facts will highlight the importance of the Social Security program to Americans.

First, 13 percent of the population is over age 65 and that percentage will increase to over 20 percent of the population by 2030;

Social Security provides over 80 percent of retirement income for 60 percent of seniors;

More than half of all senior citizens do not receive any private pension income;

Poverty rates among the elderly are at the lowest levels since we began collecting the data due in a large part to Social Security; and

Finally, the average Americans retiring in 2015 will have paid $250,000 in payroll taxes during their working career.

There is no question that current retirees rely heavily upon Social Security and future retirees expect the value of the program not to be diminished when they need it. Therefore, I am again happy that my colleagues support this amendment. I think we can all agree that we must protect the value of the Social Security program for future generations of Americans.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 334) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I believe Senator GRAMM of Texas is going to make a point of order.

MOTION TO WAIVE THE BUDGET ACT

Mr. GRAMM. Madam President, under section 601(b) of the Congressional Budget Act, I raise a point of order against the pending budget resolution, as it violates the discretionary spending caps for fiscal year 1998 as previously set in the 1993 budget resolution and reconciliation bill.

The PRESIDING OFFICER. Under the previous order, the Senator has 2 minutes to speak on his point of order.

Mr. GRAMM. Madam President, I think this is a defining moment for the Congress. I think it is a defining moment for those who believe in less Government and more freedom. I think it is a defining moment for people who are concerned about spending.

In 1993, on the floor of the Senate, on a straight party-line vote, with a Democrat majority in both Houses of Congress, and a Democrat President, we set out spending totals, including a cap on spending for fiscal year 1998.

Today, in this budget, we are going to bust that spending total by $8.795 billion. As far as I am aware, this will be the first time ever that a Democrat Congress has set a spending cap that a Republican Congress has come along and waived and violated, in this case by almost $9 billion.

I think that nothing could say more clearly what the problem is with this budget than the fact that we, as the first act in this budget, will be busting a spending cap and setting it aside, violating the rules of the budget in order to bring to the floor a new budget that spends more than the budget it seeks to replace.

I think it tells you something about our commitment to enforcing these numbers that our first act in adopting this budget is going to be to break the very caps that we claim will enforce the new budget.

So I simply want to ask my colleagues to remember, in 1993, when we had another budget on the floor, when it was adopted, we set out a procedure to enforce that budget by setting a cap on spending. Today, we are going to vote, on this vote, whether we are going to waive that spending cap or whether we are going to live up to it.

I hope my colleagues will vote against the motion to waive this budget point of order.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is it in order for me now to move to waive the point of order?

The PRESIDING OFFICER. The Senator may make the motion to waive.

Mr. DOMENICI. Madam President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 601(b) of the Budget Act, and pursuant to section 24(b) of House Concurrent Resolution 218, fiscal year 1995 budget resolution, I move to waive section 24(a) of House Concurrent Resolution 218 for the consideration of this concurrent budget resolution for fiscal year 1998 as reported, any amendment to the House companion, and any conference report thereon.

Madam President, do I have 2 minutes to argue my case?

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr DOMENICI. When the 2 minutes is up, we vote?

The PRESIDING OFFICER. The Chair advises the Senator that the yeas and nays have not yet been ordered.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. The first thing you have to understand is that if this point of order is not waived the budget resolution that we propose for the next 5 years falls. It is gone. For those who would like it to disappear and we would have no budget resolution, we can start over, then vote for Senator GRAMM.

Actually, the problem we are confronted with is not one of overspending. It is one of technical estimating, nothing more. Two-thirds of this overage is because we underestimated the outlays—CBO did—the outlays of the expenditures on the Defense Department. Actually, there is no question that we have been operating under a very tight lid, and I do not believe we should be held responsible for a technical error made in the estimating of the costs of the Defense Department.

I believe we should waive this. As one who has been working on budgets, I put it this way. I do not waive the budget easily but the better thing to do is to get this 5-year budget rather than to kill it over a point of order that, to me, makes little or no sense in the context of the next 5 years.

Whatever time I have remaining I yield back.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the motion of the Senator from New Mexico [Mr. DOMENICI] to waive section 24(a) of the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 33, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—66

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Roberts
Rockefeller
Roth
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Wellstone
Wyden

NAYS—33

Abraham
Allard
Ashcroft
Brownback
Bumpers
Burns
Conrad
Craig
Enzi
Faircloth
Frist
Gramm
Grams
Gregg
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Leahy
McCain
McConnell
Nickles
Robb
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Warner

NOT VOTING—1

Dorgan

The PRESIDING OFFICER (Ms. COLLINS). Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The point of order falls.

The Senator from New Mexico.

AMENDMENT NO. 316

Mr. DOMENICI. I would like to proceed to Senator ABRAHAM's amendment next, please.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Madam President. I will be very brief. This amendment is great straightforward. It is a sense-of-the-Senate amendment that says that if during the next 5 years the money sent to Washington by our taxpayers back home exceed the projections which we have made in this budget resolution—and I believe they might—that those excess additional revenues may only be spent for tax cuts or to reduce the deficit and cannot be used for more Federal spending.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, we are opposed to this amendment. It says that if the current balance results in better than expected economic growth that we ought to go back to the lopsided approach advocated by the majority. I, frankly, think it is illogical. Tax cuts and deficit reductions are not the only policies that can benefit the Nation. And unexpected tax revenue may well be put to good use funding essential Government programs. I don't think that we ought to get locked in at this juncture to insist that any excess revenues would go to tax cuts or deficit reduction. I think we ought to make our judgment at the time that these things occur.

ECONOMIC GROWTH DIVIDEND PROTECTION ACT OF 1997

Mr. ABRAHAM. Madam President, let me begin by praising Senator DOMENICI and the other negotiators for their hard work and diligence. They have worked for almost 4 months to put this resolution together and end the 18-month stalemate between the President and Congress over spending and taxes. Given these circumstances, I believe this agreement is a step in the right direction and I look forward to seeing many of its provisions enacted into law. On the other hand, while I intend support this budget resolution as a whole, I want to express reservations regarding some of its specifics.

First, I consider this resolution to be just a down-payment—not a solution—to the entitlement reforms that will be necessary to ensure the Federal Government's solvency going into the next century. As we all know, the baby boom generation will soon begin to retire, which will place enormous pressure on our Federal entitlement programs. According to the CBO, ". . . outlays for government programs that aid the elderly (Social Security, Medicare, and Medicaid) will burgeon as the number of people eligible to receive benefits from these programs shoots up."

Medicare is the first program to experience this problem and this resolution allows for important reforms to extend its solvency. That said, I believe these reforms neither go far enough nor call for the kinds of fundamental changes that will help Medicare stay solvent past the 10 years targeted by this resolution. I encourage the Finance Committee to embrace reforms like MSA's, Medicare Choice, HMO's, and PPO's as options that will increase patient options even as they hold down costs.

I am also concerned that Congress' historical bias toward ever-increasing spending is once again on display. While Senator DOMENICI and others have worked hard to reject the myriad of new spending proposals requested by the administration, the bottom line is 5-year spending under this resolution will increase by 17 percent between today and 2002. That increase is faster than the rate of inflation, and well above the growth rates encompassed in the past two budget resolutions.

By creating new Federal entitlements, this resolution opens the door for huge, unexpected spending increases down the road. I applaud efforts to improve the health of this Nation's children, but I believe the provision to make such funding mandatory is conterproductive to our efforts to restrain the growth of government spending. For that reason, I support efforts to make this funding discretionary.

Finally, I am concerned that the tax cuts called for in this resolution are so modest, especially in comparison to the spending increases included. In particular, I am concerned that, where, according to a USA Today poll from this March, 70 percent of the American people believe that they need a tax cut, under this resolution, Federal spending will grow 17 percent over 5 years while the net tax cuts are less than 1 percent of the total tax burden. Balancing the budget is one of my top priorities, but reducing the burden of government on Americans is my ultimate goal.

Why do Americans need a tax cut? According to the President's own economists, the tax burden on Americans is the highest ever—31.7 percent. According to the National Taxpayer Union, the average American family now pays almost 40 percent of their income in State, local, and Federal taxes. For all the talk about the "end of big government," the tax burden today is the highest ever. And while we address that burden in a small, incremental way with this budget resolution, we are also creating the possibility for ever-more spending later on.

I believe we need to tilt the playing field away from more spending and toward more tax reduction. Toward that end, I have offered amendment number 316 along with Senators BROWNBACK, COVERDELL, KYL, ASHCROFT, SESSIONS, ALLARD, HUTCHINSON, and FAIRCLOTH in order to focus the attention of the Senate on the plight of American taxpayers. I am also introducing legislation today which would codify this rule change into law.

Madam President, as we all know, on May 2d the Congressional Budget Office provided budget negotiators with a gift of sorts. In a letter to Senator DOMENICI, the CBO report that for this year, the deficit would be $45 billion less than previously reported. Instead of $112 billion, the deficit this year would be closer to $67 billion.

Moreover, the CBO suggested that this $45 billion windfall would extend over the next 5 years, so that the total devicit over that time would be reduced by $225 billion.

From my perspective, Madam President, this windfall can be viewed as a mixed-blessing. On the one hand, the continued strong performance of the economy means more jobs and opportunity for Americans—as well as additional revenues to the Government.

On the other, coming as it did at literally the last possible moment in the budget negotiations, the windfall resulted in opening up opportunties for the administration to demand even higher levels of spending in 1998 and beyond. It is my understanding that all sorts of spending issues that had previously been closed were reopened following the CBO's surprise announcement.

One area that remained closed, however, was the issue of tax cuts. While the last 2 weeks have been filled with one announcement after another about increases in this program, and new funding for that program, the net tax cut number has remained stubbornly fixed at $85 billion.

I am going to support this resolution because I believe its net effect will be to reduce both the size and scope of the Federal Government. I am also going to support this resolution because, according to all accounts, the tax cuts incorporated in the plan will include significant incentives for economic growth and job creation—incentives like reducing the rate on which we tax capital gains and increasing the allowable contributions to IRA's.

These incentives will, I believe, result in higher economic growth over the next 5 years and increase—not decrease—revenues to the Federal Treasury.

Which brings me to my amendment.

What I am proposing is that, to the extent that tax revenues under this budget agreement—tax cuts and all—exceed the projections by the Joint Committee on Taxation, that extra revenue should be reserved for tax cuts and/or deficit reduction—not additional Government spending.

This is not an idle proposition—history shows that pro-growth tax cuts like cutting the capital gains tax rate result in large bonuses for the Treasury. Between 1978 and 1985, while the top marginal rate on capital gains was cut almost in half—from 35 to 20 percent—total annual Federal receipts from the tax almost tripled. They rose from $9.1 billion annually to $26.5 billion annually.

Conversely, when Congress raised the rate in 1986, revenues actually fell well below what was anticipated. Capital gains revenues actually fell following the Tax Reform Act of 1986. Economists across the board predict that cutting the capital gains rate will result in a revenue windfall for the Treasury. These windfalls should be given back to the taxpayers.

In pursuit of that goal, I am offering today, a sense-of-the-Senate amendment which in support of future tax cuts. It says, "To the extent that actual revenues exceed the revenues projected under this resolution, that revenue windfall should be reserved exclusively for additional tax cuts and deficit reduction."

Madam President, 2 years ago, a Readers Digest poll asked Americans: "What is the highest percentage of income that is fair for a family of four making $200,000 to pay in all taxes?" The median response, regardless of whether the respondent was rich or poor, black or white, was 25 percent.

A similar Grassroots Research poll last March discovered that a majority of Americans would favor a constitutional amendment that would prohibit Federal, State, and local taxes from taking "a combined total of more than 25 percent of anyone's income in taxes."

Yet, the Tax Foundation tells us that a dual-income family today pays an average 38.4 percent of their income in taxes to State, local, and Federal Governments.

This budget starts us down the long road toward reducing the tax burden on American families—but it is just the beginning. I intend to continue that fight. I hope my colleagues will support my amendment.

Mr. ABRAHAM. Madam President, I just seek unanimous consent to add Senators FAIRCLOTH, ALLARD, and HUTCHISON of Texas as additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. I don't believe I have any time.

The PRESIDING OFFICER. Does the Senator from Michigan yield back the remainder of his time?

Mr. ABRAHAM. I yield the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The amendment (No. 316) was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order. The Senator from New Mexico is recognized.

AMENDMENT NO. 313

Mr. DOMENICI. Madam President, I believe we are ready to go to Senator WELLSTONE's amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President. May I have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. Madam President, the budget——

Mr. DOMENICI. The Senate is not in order. We have to hear.

The PRESIDING OFFICER. The Senate will be in order. Senators desiring to converse will retire to their cloakrooms. Senators will take their seats. The Senator from Minnesota.

Mr. WELLSTONE. Madam President and Senators, the budget is all about priorities. This amendment speaks to priorities. This amendment says that we invest in crumbling schools all across our country $5 billion, that we should do that now. This amendment says that, while we have made progress with Head Start in this budget agreement, still only half the children, if you consider early Head Start, are covered and we should cover more of these children. This amendment says that last year we made cuts in the school breakfast program, we made cuts in the child nutrition programs for Family Head Start Centers, and therefore we ought to restore that nutritional funding for poor children in America.

Madam President, altogether this amendment says we make investments in these areas to the tune of about $20 billion over the next half decade, and the offset is to make sure that the cuts in taxes are targeted to middle income and small business, not the top 2 percent of the economic profile in the country, and that we look at all of these loopholes and deductions in corporate welfare.

The PRESIDING OFFICER. The time of the Senator has expired.

It is the Chair's understanding that the Senator is calling up amendment No. 313?

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Mexico.

Mr. DOMENICI. Madam President, this amendment would reduce tax relief contained in the resolution by $16 billion in order to increase spending in programs that the Senator would like to see increased. It happens, in the programs that he would like to see increased, such as Head Start, this budget resolution has an increase of $2.7 billion. It makes it a priority program, so it will most probably be funded at that extraordinarily high level. That was agreed upon. But sometimes, no matter how much you do, it is not enough. In this case, the President brags about the fact that Head Start is going up and going up appreciably, $2.7 billion, yet the Senator would reduce our tax cut for the American people in order to add yet more to that program.

I do not believe that is what we ought to do. I yield back any time I have. Does the Senator from any time remaining?

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

AMENDMENT NO. 357 TO AMENDMENT NO. 313

(Purpose: To provide children who have been victims of violent crime the ability to transfer to another school by allowing States and local educational agencies to use Federal education funds in the jurisdiction of the Labor Committee to assist such victims in attending any other school of their choice, whether public, private, or sectarian)

Mr. DOMENICI. On behalf of Senator COVERDELL, I submit a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. COVERDELL, proposes an amendment numbered 357 to amendment No. 313.

On page 3, line 3, increase the amount by 0.

On page 3, line 4, increase the amount by 0.

On page 3, line 5, increase the amount by 0.

On page 3, line 6, increase the amount by 0.

On page 3, line 7, increase the amount by 0.

On page 3, line 11, increase the amount by 0.

On page 3, line 12, increase the amount by 0.

On page 3, line 13, increase the amount by 0.

On page 3, line 14, increase the amount by 0.

On page 3, line 15, increase the amount by 0.

On page 4, line 4, increase the amount by 0.

On page 4, line 5, increase the amount by 0.

On page 4, line 6, increase the amount by 2,539,000,000.

On page 4, line 7, increase the amount by 0.

On page 4, line 8, increase the amount by 0.

On page 4, line 12, increase the amount by 0.

On page 4, line 13, increase the amount by 0.

On page 4, line 14, increase the amount by 0.

On page 4, line 15, increase the amount by 0.

On page 4, line 16, increase the amount by 0.

On page 21, line 25, increase the amount by 0.

On page 22, line 1, increase the amount by 0.

On page 22, line 8, increase the amount by 2,539,000,000.

On page 22, line 9, increase the amount by 0.

On page 22, line 16, increase the amount by 0.

On page 22, line 17, increase the amount by 0.

On page 22, line 24, increase the amount by 0.

On page 22, line 25, increase the amount by 0.

On page 26, line 6, increase the amount by 0.

On page 26, line 7, increase the amount by 0.

On page 26, line 14, increase the amount by 0.

On page 26, line 15, increase the amount by 0.

On page 26, line 22, increase the amount by 0.

On page 26, line 23, increase the amount by 0.

On page 27, line 5, increase the amount by 0.

On page 27, line 6, increase the amount by 0.

On page 27, line 13, increase the amount by 0.

On page 27, line 14, increase the amount by 0.

On page 38, line 14, increase the amount by 0.

On page 38, line 15, increase the amount by 0.

On page 40, line 17, decrease the amount by 0.

On page 41, line 7, decrease the amount by 0.

On page 41, line 8, decrease the amount by 0.

On page 43, line 21, increase the amount by 0.

On page 43, line 22, increase the amount by 0.

On page 43, line 24, increase the amount by 0.

On page 43, line 25, increase the amount by 0.

On page 44, line 2, increase the amount by 0.

On page 44, line 3, increase the amount by 0.

On page 44, line 5, increase the amount by 0.

On page 44, line 6, increase the amount by 0.

Mr. DOMENICI. I yield my time to the Senator from Georgia.

Mr. COVERDELL. Madam President, the issue embraced by this amendment is simple but important. In too many schools across our Nation the focus for our children is not on education but survival. Just 2 days ago, as I read from the Washington papers, four teenagers were arrested and charged with gang raping a 14-year-old girl last month by luring her from a cafeteria at a public high school in Queens to an unused classroom to carry out the attack, the authorities said yesterday. This amendment would allow local school districts, agencies, the right to use a voucher system to allow a victim of a crime to escape this kind of environment.

Madam President, I yield my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, my colleagues on the other side do not want to have an up-or-down vote on whether or not they are willing to invest in child nutrition programs and whether or not they are willing to invest in rotting schools. Instead of this increased investment, they want to now vote on the proposition that we have funds that go in an unlimited, unconditional way through a private voucher plan. That is what this vote is all about.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, we are talking now about a whole different program outside the budget resolution. Vouchers —vouchers do not deserve to be debated in this context. We ought to absolutely oppose it. I hope we will find some of our friends on the Republican side who will also oppose the notion of transferring these funds into school vouchers.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back all their time? All time is yielded.

The question is on agreeing to the second-degree amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 51, nays 49, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

The amendment (No. 357) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 313

The PRESIDING OFFICER. The question recurs on the Wellstone No. 313, as amended.

The question is on agreeing to the amendment.

The amendment (No. 313), as amended, was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I believe Senator GRAMS has an amendment. He is going to call it up.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 346

Mr. GRAMS. Mr. President, I call up amendment No. 346.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS] proposes an amendment numbered 346.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAMS. Thank you, Mr. President. I will be brief, but I will try to talk loudly.

This is a simple and straightforward amendment, and it will address just two of the weaknesses of the budget agreement; namely, big spending for the Government and small tax relief for working Americans.

All it does is to require that we use half of the $225 billion of the CBO revenue windfall for tax relief and half for deficit reduction and keep nondefense discretionary spending at the cap freeze baseline level.

If the $225 billion in extra money is, indeed, real, it did not fall mysteriously from the sky. It is money that belongs, first and foremost, to the American taxpayers, and it should be put to proper use. Keeping nondefense spending at freeze baseline levels would reduce total spending by only 1.5 percent over the next 5 years. If American workers are working harder and producing more, they should be able to keep it, not send it to Washington.

So I urge my colleagues to support this amendment, and I thank you very much, Mr. President.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who seeks time? The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, it is with regret that I have to oppose this amendment. Essentially, this would totally break the budget agreement. We would be back at ground zero. This would propose to take another $134 billion in cuts out of the domestic programs beyond that which we did in this budget, another $134 billion cut off the discretionary programs that are only growing at half a percent.

I also must tell you the so-called windfall was used in the following manner: Only $30 billion of it was used for spending over the 5 years, and that went for defense, transportation, and dropping the per capita cap on Medicare.

I believe that we had to do that. I believe it was in everybody's interest that we do that. That is where it went, and that is what we did. So if time has expired, I move to table the amendment.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment No. 346.

Mr. MACK. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 27, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—73

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—27

Allard
Ashcroft
Brownback
Coats
Coverdell
Enzi
Faircloth
Gramm
Grams
Grassley
Gregg
Helms
Hutchinson
Hutchison
Inhofe
Kyl
McCain
McConnell
Nickles
Roth
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Thurmond
Warner

The motion to lay on the table the amendment (No. 346) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you, Mr. President.

Mr. President, might I say to the Senate, in terms of the budget resolution, unless something untoward occurs, we have no more than three votes remaining. So we ought to be finished in reasonably short order; although I want to remind everyone that in the morning announcement the leader said we might have votes in the remainder of the day on judges and a treaty. So before you assume there will be no additional votes, you better check with the hot line or with the leadership office.

Mr. DOMENICI. The next amendment is Wellstone amendment No. 314.

I yield the floor.

AMENDMENT NO. 314

Mr. WELLSTONE. I call up amendment No. 314.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. REED, Mr. BINGAMAN, and Mr. MOYNIHAN, proposes amendment numbered 314.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I proposed the amendment with Senator REED, and also as cosponsors are Senator BINGAMAN and Senator MOYNIHAN.

This amendment, I say to my colleagues, expands the Pell grant program. It takes it up to $3,500. It is authorized up to $4,500 right now. It is a commitment of about $6 billion over 5 years. This will help thousands of families.

This will make a huge difference, especially to families with incomes of about $25,000 to $30,000 who, more or less, fall between the cracks on some of the other assistance that we are giving. So it is very targeted. It is very effective. The money comes from loopholes and deductions.

We could be talking about tens of billions, if not hundreds of billions of dollars, in that. Just invest a little more in the Pell grant program. This is extremely important to working families in our country.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

I ask the Senator, do you yield back your time?

Mr. WELLSTONE. Senator REED was going to speak.

The PRESIDING OFFICER. The Senator has 4 seconds remaining under his time.

Mr. WELLSTONE. I thought we had 2 minutes.

Mr. FORD. Equally divided.

The PRESIDING OFFICER. The Chair reminds the Senator that there was 1 minute for each side.

Mr. WELLSTONE. Mr. President, it was my mistake, I say to my colleagues.

I ask unanimous consent that Senator REED have 30 seconds to speak.

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. REED. I thank the Chair. I will make two very brief points.

First, in 1972, we passed the Pell grant. If we simply indexed that grant for inflation, the maximum Pell grant today would be $4,300. We are asking for an increase from $3,000 in this budget to $3,500. Second, back in 1980, the maximum Pell grant covered 72 percent of the cost of a 4-year public college. Now it covers roughly 20 percent. We need more. That is what the Wellstone-Reed amendment asks us to do.

Mr. WELLSTONE. I ask unanimous consent that Senator MOSELEY-BRAUN be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment should be defeated. The budget resolution before the Senate increases Pell grants from $2,700 to $3,000. Even the President of the United States says that is adequate. This will be a very healthy increase. We have already done that. I do not believe we ought to add further moneys to the Pell grants and take it away from the taxpayers of this country. It is that simple. There is adequate funding already in this bill.

I yield back the balance of my time.

AMENDMENT NO. 358 TO AMENDMENT NO. 314

(Purpose: To ensure that the provisions of this resolution assume that any higher education tax relief are consistent with the objectives set forth in this resolution and shall include provisions that encourage parents and students to save for higher education expenses and that provide relief from the debt burden associated with borrowing to pay for a postsecondary education)

Mr. DOMENICI. Mr. President, I send a second-degree amendment to the desk on behalf of Senator SNOWE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Ms. SNOWE, for herself and Mr. COVERDELL, proposes an amendment numbered 358.

Mr. DOMENICI. Mr. President, I ask unanimous-consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 4, increase the amount by 0.

On page 3, line 5, increase the amount by 0.

On page 3, line 6, increase the amount by 0.

On page 3, line 7, increase the amount by 0.

On page 3, line 12, increase the amount by 0.

On page 3, line 13, increase the amount by 0.

On page 3, line 14, increase the amount by 0.

On page 3, line 15, increase the amount by 0.

On page 4, line 5, increase the amount by 0.

On page 4, line 6, increase the amount by 0.

On page 4, line 7, increase the amount by 0.

On page 4, line 8, increase the amount by 0.

On page 4, line 13, increase the amount by 0.

On page 4, line 14, increase the amount by 0.

On page 4, line 15, increase the amount by 0.

On page 4, line 16, increase the amount by 0.

On page 21, line 25, increase the amount by 0.

On page 22, line 1, increase the amount by 0.

On page 22, line 8, increase the amount by 0.

On page 22, line 9, increase the amount by 0.

On page 22, line 16, increase the amount by 0.

On page 22, line 17, increase the amount by 0.

On page 22, line 24, increase the amount by 0.

On page 22, line 25, increase the amount by 0.

On page 43, line 21, increase the amount by 0.

On page 43, line 22, increase the amount by 0.

On page 43, line 24, increase the amount by 0.

On page 43, line 25, increase the amount by 0.

On page 44, line 2, increase the amount by 0.

On page 44, line 3, increase the amount by 0.

On page 44, line 5, increase the amount by 0.

On page 44, line 6, increase the amount by 0.

Ms. SNOWE. I thank Senator DOMENICI.

I understand the intent of the amendment offered by the Senator from Minnesota in terms of expanding the Pell Grant Program, and I am pleased the budget agreement includes increasing the maximum grant by $300.

Unfortunately, the Senator's amendment is in violation of the budget agreement, so I am offering an amendment that says we shall include two types of tax cut proposals in the $35 billion postsecondary educational tax cut package in this budget agreement. One proposal would provide incentives for parents and students to save for a postsecondary education. The other proposal would be to try to offset the debt that is incurred by students as a result of borrowing to attend college.

My amendment is consistent with the objectives that were put forward in the budget agreement, as agreed to by President Clinton and the negotiators, and I urge its adoption.

Mr. President, as we all know, the budget resolution provides for $85 billion in net tax relief over the coming 5 years. In a May 15, 1997, letter to President Clinton, the Speaker of the House and the Senate majority leader agreed that the tax package "must include tax relief of roughly $35 billion over 5 years for postsecondary education, including a deduction and a tax credit." The letter further stipulated that this package of postsecondary education tax cuts "should be consistent with the objectives put forward in the HOPE scholarship and tuition tax proposals contained in the administration's fiscal year 1998 budget."

Now, even before that letter was crafted, there had been concerns about the inclusion of any type of education tax cuts in the balanced budget plan. For some, the inclusion of such targeted tax cuts would undermine the overall effort to provide broad-based tax relief for as many Americans as possible. For others, the postsecondary tax cut proposals put forward by President Clinton were viewed as potentially counter-productive because they might actually encourage tuition increases or grade inflation.

Regardless of how one feels about educational tax cuts in general—or President Clinton's postsecondary education tax cut proposals specifically—I think we can all agree that the objective of the $35 billion education tax cut package in this resolution, and President Clinton's fiscal year 1998 educational tax cut proposals, are clear: Postsecondary educational tax cuts must promote access to a higher education while addressing the needs of parents and students.

And the amendment I am offering today would encourage that we do both. It is an amendment stating that our $35 billion postsecondary tax cut package shall provide tax incentives that encourage students and parents to save for a postsecondary education, and provide relief from the debt burden associated with borrowing to pay for a postsecondary education. These two proposals—and my amendment—are not only consistent with the objectives laid out by President Clinton in his own budget proposal, but also with the objectives outlined in the May 15 letter from the Speaker of the House and our majority leader.

Mr. President, a strong commitment to education is included in this budget agreement because of a recognition that education is the great equalizer in our society that can give every citizen of our Nation—regardless of race, income, or geographic background—the same opportunity to succeed in the global economy of the 21st century. It's the same reason I decided to make education a priority during the 1995 and 1996 balanced budget debate, and fought to preserve funding for the Student Loan Program—a program that ensures access to higher education for lower-income students. A bipartisan majority of the Senate shared that commitment, and we now have the opportunity to further strengthen access to higher education through the crafting of sound tax proposals within this balanced budget package.

As we seek to identify proposals that would improve access to a higher education, it is critical that we first recognize the primary barrier that stands between a student and a postsecondary education: rising costs. According to the Institute of Higher Education Policy, students at the undergraduate level have seen tuition increases outpace inflation for more than a decade. As a result of these increasing costs, an estimated 7.6 million students will require and receive aid in 1997—and this number is expected to increase to 8.1 million in 1998. Similarly, due to the significant costs of graduate and professional school training, borrowing by these students is increasing even faster than the record rate of increase in total student loan borrowing overall.

How much money is borrowed by students to meet these rising costs? According to a 1996 analysis by USA Group Loan Services, the typical student loan borrower—including undergraduate, graduate, and doctoral students—now accumulates more than $10,000 in educational debt. By the same token, the interest paid on this borrowing is enormous. In Maine alone, students pay $25 million in interest on their student loan debts every year. Clearly, these rising costs and accumulating debts place the future of our children and our Nation at stake. Many students may wonder if they will ever be able to pay off the debt burden they will absorb if they go to college—and others will simply drop the idea of pursuing a higher education altogether in light of these numbers.

Mr. President, Congress must remain committed to ensuring that every individual has the opportunity to pursue a higher education while adopting policies that ensure students are not dissuaded from attending a post-secondary institution for financial reasons. While no tax cut can completely remove financial barriers to a higher education, we can certainly endorse sound policies as part of this resolution that adhere to the agreement reached with the White House and move us in the right direction. I believe that providing incentives for parents and students to save for a higher education, and providing tax relief for the debt accumulated by those who need to borrow, is among the policies we should adopt to move us in that direction.

While the amendment I am offering today does not endorse any specific bill or plan, I would like to note that I offered legislation on May 1 that would accomplish both of these goals. S. 680, the "Go to College!" Tax Incentives Act, would promote savings by young Americans and their parents to prepare for the rising cost of a higher education, and ensure that students are not discouraged from applying for students loans simply because of the debt burden they would incur in seeking a higher education.

First, the legislation provides an incentive for parents and children to put aside as much as $1,000 per child annually in an education savings account that would be allowed to grow tax free. Planning for the future is critical when one considers the rising cost of tuition, and my incentive to save would make such planning less difficult. Second, the legislation provides a tax credit of $1,500 for the interest paid on student loans, thereby encouraging students to borrow as necessary to go to college—not balk at the cost of a higher education and the related debt they need to incur.

Many Members of this body have supported restoring the deduction for interest paid on student loans—as evidenced in both of the Republican and Democratic leader bills, S. 1 and S. 12 respectively. While I, too, have long supported the restoration of this deduction, the credit I am proposing in S. 680 would be even more beneficial. Simply put, a tax deduction lowers a student's gross income on the Federal income tax form—but a tax credit actually reduces the tax liability of a student. Although this provision would not benefit students immediately, they would be assured of substantial tax relief once they begin to pay off the student loan debt they accumulated when they chose "go to college" in the first place.

Again, the amendment I am offering today does not call for the adoption of the "Go to College!" Tax Incentives Act—rather, I mention my bill only to show that there are proposals on the table that would achieve the objectives sought by President Clinton, and that can be further reviewed during budget reconciliation. Ultimately, any number of these proposals could effectively meet the objectives set forth by President Clinton and the majority leader, and I am hopeful that we will adopt the best such approaches during the reconciliation process. Therefore, although the amendment I am offering today does not endorse a specific bill, it ensures that we at least adopt two types of proposals that will move us in the right direction.

Mr. President, we must ensure that our nation's students do not turn away from pursuing a higher education due to rising costs and increasing debt burdens. This amendment would ensure that we address these issues during the ongoing reconciliation process, while remaining consistent with the objectives laid out in this balanced budget agreement, and I urge its adoption. Thank you, Mr. President.

Mr. WELLSTONE. Mr. President, we will agree to a voice vote on this amendment.

With all due respect to my colleague, whom I greatly respect, No. 1, this second-degree amendment strikes out all the investment, so as opposed to plugging some of the loopholes in corporate welfare we make no investment in the expansion of Pell grants. That is what this vote is about.

No. 2, you can talk about savings. Families with incomes under $20,000 a year—since 1979, 8 percent of them, women and men from those families, have been able to graduate from college. Do you not think we ought to make sure they get assistance?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, no one objects to Pell grants. This should be a vote about expanding the Pell grants so we can change the reality that faces working families in this country.

In 1975, 80 percent of Federal financial assistance was in the form of grants and 20 percent in loans. Today, those numbers are reversed. I believe we should expand the Pell grants along the lines of the Wellstone-Reed amendment.

I hope we can do that sometime.

The PRESIDING OFFICER. All time has expired. The question now is on agreeing to the second-degree amendment of the Senator from Maine.

The amendment (No. 358) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 314

The PRESIDING OFFICER (Mr. THOMAS). The question now occurs on the amendment of the Senator from Minnesota, as amended.

The amendment (No. 314), as amended, was agreed to.

Mr. DOMENICI. Senator SPECTER has an amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 340

Mr. SPECTER. Mr. President, I call for a vote on amendment No. 340.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 340.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this is a very important amendment because it will determine whether we will have an increase in NIH grants and, in fact, whether we will have NIH grants at their current level.

Night before last, by a vote of 98 to 0, this body passed a sense-of-the-Senate resolution which increased NIH grants by $2 billion. But the fact is that the 550 account on health is cut by $100 million. This amendment asks the Senate to put its money where its mouth is. If the sense of the Senate which passed two nights ago is to have any sense, this amendment has to be agreed to.

I understand that the leadership is opposed to this amendment. I understand that there is an argument that nothing we do here on this budget resolution amounts to anything; that it is all up to the appropriators. In a sense, that is correct. But I believe the appropriators will be influenced by a positive vote here, especially when the leadership is going to try to defeat this amendment.

If this amendment is defeated, I can explain to the constituency groups who come to me as chairman of the subcommittee that there was no money. But if this sense-of-the-Senate resolution for $2 billion is to be understood, this amendment has to pass.

I thank the Chair.

Mr. DOMENICI. I yield time in opposition to the chairman of the Appropriations Committee.

Mr. STEVENS. Mr. President, I ask Senators to do something irregular—that is, pick up the bill and look at what this amendment does to the Appropriations Committee. On page 23, you will see on line 9 an increase of $137.8 billion for health. If you look at page 35 where this amendment touches, it has "new budget authority for allowances"—no new budget, no outlays.

What it means is we would have to go into every other account and pull out money to put it in this one account, an account that is already increased under this budget by $137.8 billion.

The Senator came to me and asked me if I would be bound by this. I checked with Senator BYRD. We cannot be bound by this. Some of those accounts—by the way, this is an absolute across-the-board cut—cannot take that.

For those of you in agriculture, agriculture has already been cut. Space and technology has already been cut. We have to go in and cut those further in order to put this money into an account that has already a $137.8 billion increase under this budget.

I urge you to vote against it, because we do not want to have to go against the sense of the Senate. But we would have to under this because we cannot comply with this.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—63

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Conrad
Coverdell
Craig
Daschle
Domenici
Dorgan
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kempthorne
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Reid
Roberts
Rockefeller
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—37

Akaka
Baucus
Bingaman
Boxer
Brownback
Collins
D'Amato
DeWine
Dodd
Durbin
Feingold
Feinstein
Glenn
Graham
Grassley
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Levin
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Santorum
Sarbanes
Snowe
Specter
Wellstone
Wyden

The motion to table the amendment (No. 340) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, if I could have the attention of the Senate, everybody is asking where we are on this.

The PRESIDING OFFICER. May we have order? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to Senators I have about five cleanup matters and one amendment we are going to accept, and then we go right to final passage. That should not be longer than 3 or 4 minutes.

AMENDMENT NO. 359

(Purpose: To make technical corrections)

Mr. DOMENICI. Mr. President, I send a managers' technical corrections amendment to the desk. It has been approved by both sides. It is nothing but numbers, number changes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. LAUTENBERG, proposes an amendment numbered 359.

On page 4, increase the amount on line 4 by $1,800,000,000.

On page 4, decrease the amount on line 5 by $100,000,000.

On page 4, decrease the amount on line 7 by $200,000,000.

On page 4, decrease the amount on line 8 by $300,000,000.

On page 4, decrease the amount on line 13 by $200,000,000.

On page 4, decrease the amount on line 14 by $100,000,000.

On page 4, decrease the amount on line 15 by $200,000,000.

On page 4, decrease the amount on line 16 by $400,000,000.

On page 4, decrease the amount on line 20 by −$200,000,000.

On page 4, decrease the amount on line 21 by −$100,000,000.

On page 4, decrease the amount on line 22 by −$200,000,000.

On page 4, decrease the amount on line 23 by −$400,000,000.

On page 5, increase the amount on line 2 by $4,800,000,000.

On page 5, increase the amount on line 3 by $6,200,000,000.

On page 5, increase the amount on line 4 by $6,100,000,000.

On page 5, increase the amount on line 5 by $7,700,000,000.

On page 18, increase the amount on line 8 by $1,800,000,000.

On page 23, increase the amount on line 15 by $100,000,000.

On page 23, increase the amount on line 22 by $100,000,000.

On page 24, increase the amount on line 12 by $100,000,000.

On page 29, decrease the amount on line 18 by $200,000,000.

On page 29, decrease the amount on line 19 by $200,000,000.

On page 30, decrease the amount on line 2 by $300,000,000.

On page 30, decrease the amount on line 3 by $300,000,000.

On page 30, decrease the amount on line 10 by $300,000,000.

On page 30, decrease the amount on line 11 by $300,000,000.

On page 30, decrease the amount on line 18 by $300,000,000.

On page 30, decrease the amount on line 19 by $300,000,000.

On page 39, line 1, strike beginning with the word "provide" through line 4, the word "outlays", and insert "reduce the deficit".

On page 39, decrease the amount on line 22 by $35,000,000.

On page 39, decrease the amount on line 23 by $75,000,000.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 359) was agreed to.

AMENDMENT NO. 309

Mr. DOMENICI. Mr. President, I call up amendment 309. This amendment creates a reserve fund with no money in it for childhood education. I urge we adopt it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. KERRY, for himself, proposes an amendment numbered 309.

(The text of the amendment is printed in the RECORD of May 21, 1997)

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 309) was agreed to.

AMENDMENT NO. 319 WITHDRAWN

Mr. DOMENICI. I understand, Senator GRAMM, you withdraw amendment 319?

Mr. GRAMM. I do.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

The amendment (No. 319) was withdrawn.

Mr. LAUTENBERG. Mr. President, I would like to engage in a colloquy with Senator DOMENICI regarding the investment in transportation that is included in this budget agreement.

Mr. President, as most of my colleagues know, I am a strong believer in increasing investment in transportation, whether for roads, bridges, rail systems, aviation, or mass transit. All modes of transportation are important, and all need to be supported.

We have been working hard in the negotiations to increase total investment in transportation, and we have had some success. We have increased total transportation outlays over the President's request by more than $8 billion over the next 5 years. That is not as much as I would like, but it is a start.

I would like to clarify one element of the budget agreement as it relates to spending the estimated revenues of the highway trust fund over the next 5 years. That is a goal with which I agree. In an ideal world, I would support even higher spending levels from the highway trust fund.

However, it is important to clarify that, while this agreement includes an assumption that we will spend from the highway trust fund the amounts equivalent to receipts currently estimated to come into the trust fund, the possibility that receipts will grow beyond the levels currently estimated could endanger our ability to comply with other equally important assumptions in this agreement including increased spending for mass transit and Amtrak.

In the end, the Appropriations Committee will have to set ceilings for individual subcommittees and funding levels for specific transportation programs, and I want to clarify that increases in highway trust fund spending will not negatively impact other modes of transportation, especially mass transit and Amtrak.

I therefore would ask my good friend, the chairman of the Budget Committee, do you agree that nothing in this agreement, nor in the budget resolution, requires the Senate to spend all gas tax revenues without regard for the potentially negative impact on other modes of transportation?

Mr. DOMENICI. Senator LAUTENBERG is correct.

The budget resolution contains an assumption that the Appropriations Committee will provide adequate funding to spend all gas tax revenues into the highway trust fund. In addition, the budget resolution also contains an assumption which provides increased funding for mass transit and Amtrak, in addition to the increase in highway trust fund spending. Therefore, I am optimistic that this agreement provides enough funding to accomplish our mutual goals of spending all trust fund revenues while maintaining our commitments to other modes of transportation, including increased funding for mass transit and Amtrak.

Mr. McCAIN. Mr. President, I rise for the purpose of entering into a short colloquy with the distinguished chairman of the Budget Committee. Mr. DOMENICI, I understand that the budget resolution assumes reinstatement of the aviation excise taxes, which fund important aviation safety and security programs, and include the 10 percent tax on the price of domestic airline tickets.

Mr. DOMENICI. That is correct.

Mr. McCAIN. As you know, the National Civil Aviation Review Commission has undertaken a review of the appropriate funding structure for the national aviation system, and is scheduled to report its legislative recommendations at the end of this summer. The commission may develop an acceptable alternative to the traditional aviation excise tax system. Am I correct in assuming that the budget resolution does not preclude substituting an alternative funding mechanism for the current aviation excise taxes?

Mr. DOMENICI. That is my understanding, as well. The budget resolution assumes reinstatement of the aviation excise taxes. This assumption should not be read to preclude replacement of the taxes with an alternative means of funding the national aviation system, as long as that alternative is consistent with the budget resolution.

Ms. SNOWE. Mr. President, when it comes to our budget deliberations, the temptation of politics has often made our search for a balanced budget a difficult one. For a long time, I think all Members of this body would agree that too much time was spent aggressively defending narrow or partisan interests. Personal political interests were sometimes placed above pressing national interests. And common, bipartisan objectives were too seldom charted or pursued. The result for our Nation is now as widely known as it was troublesome: Spending kept expanding. Deficits kept rising. And confidence in Government kept diminishing.

But here today, Mr. President, with a balanced budget plan before us for the first time in 28 years, it's encouraging to think that we may be reaching a new beginning. Much of the credit for bringing us to this point belongs to the chairman of the Budget Committee, PETE DOMENICI. The chairman has demonstrated his unwavering commitment to a balanced budget during his years of service on the Budget Committee, and, ultimately, it was his leadership that brought both sides to the table and made this day possible. For his ongoing efforts, I believe that the chairman is deserving of our thanks—and the thanks of generations of Americans to come.

Let me also thank our majority leader, TRENT LOTT, for his effort and commitment to making this agreement possible, and the President of the United States for his willingness to negotiate and compromise. I know that it is the hope and expectation of most Americans that President Clinton will continue to stay focused on the balanced budget goal and see this plan through to fruition.

And, finally, we should also recognize the other leaders of the House and the Senate who were engaged in this process. They, too, pursued this resolution with determination and vigor—and forged consensus on some very divisive issues. We would not be here today without their leadership.

But Mr. President, we have also reached this encouraging point in our budget deliberations because—at last—there is a widespread recognition that deficits threaten this Nation in unacceptable ways—and that decisive action is needed now to ward off economic crisis. The numbers speak for themselves. According to estimates from the President's own Office of Management and Budget, if we do nothing, the deficit will double in 15 years, then double again every 5 years thereafter. Left unchecked, according to OMB, the deficit would reach $2 trillion by 2025.

We also know that such a scenario would prove intolerably costly to this Nation. OMB forecasts that if we fail to reign in the deficit now, future generations will suffer an 82-percent tax rate and a 50-percent reduction in benefits in order to pay the bills we are leaving them today. And the Congressional Budget Office has issued a similarly grave warning, arguing a year ago that: "* * * current U.S. budget policies cannot be sustained without risking substantial economic damage."

Eighty-two-percent tax rates. Fifty-percent reductions in benefits. Substantial economic damage. This is not some futuristic nightmare, Mr. President. This is the economy that lies ahead for America unless we act now, unless we lay the groundwork for long-term deficit elimination by adopting this resolution.

Mr. President, this agreement provides us with an historic opportunity to place our country back on the right fiscal path. But it also provides the American people some assurance that our political process can work. After more than 2 years of competing proposals, acrimonious debates, and fruitless negotiations, many Americans have become understandably cynical of our ability and even willingness to ever agree on a plan to balance the budget. But this agreement should give us some hope. It proves that we can compromise on specifics without compromising on principle—that when an agreement indisputably benefits the American people, we can set aside partisanship and get the job done.

Of course, while the resolution before us today is an encouraging one and should be celebrated, we should also recognize what it is not. This is only a first step, Mr. President, and no Member of this body can say with certainty that this resolution signals a conclusive end to the failed budget politics of old. Indeed, I believe that only a balanced budget amendment to the Constitution can ensure that fiscal prudence and responsibility will be exercised indefinitely into the future.

And let me be clear about another matter. The budget resolution before us is not perfect. Are there flaws in it? Yes, Mr. President, I think there are. In fact, I suspect that every Member of this body could find aspects that trouble them in this resolution—aspects that they may have written in a slightly or even greatly different manner.

For instance, some may criticize this resolution because it expands new entitlements or does too little to reform existing entitlements before the baby boom generation begins to retire. In fact, it is with the latter concern in mind that I am particularly troubled by the assumption of home health care being shifted from part A to part B of Medicare. I fear that this shift may actually imperil this vital program even as it masks the true problems of the Medicare trust fund, which must be addressed if we are to preserve and protect the Medicare Program for senior citizens in the future. Still others may criticize this plan as being insufficient in terms of deficit reduction because it would cut the deficit by only 1 percent of today's GDP over the next 5 years, or because it provides what they consider to be too much of an increase in discretionary spending. To put these types of concerns in the words of one analyst from the CATO Institute: "On balance, this is a bad deal. Republicans should just say no."

Conversely, there are those who may see the cuts quite differently and argue that this agreement goes too far in cutting certain programs and does too little to fund new initiatives. Still others do not support the tax relief included in this resolution, or argue that the package of tax cuts being discussed would disproportionately benefit higher income individuals or families.

But Mr. President, after 28 years of deficit spending, we can no longer let the perfect be the enemy of the good. We can no longer let politics drive our budget decisions because for 2 years—2 years, Mr. President—Republicans and Democrats have squared-off over a variety of issues, while offering competing plans. And the result has been wholly unimpressive. There has been no agreement. No plan for a balanced budget. And I think it's worth noting that the only reason that we have this resolution before us today is that competing budget plans were unsuccessful. It is compromise that offers us this chance to reach agreement and lay the groundwork for long-term balance. But if each Member of this body rejects such compromise and demands instead that the plan do exactly what he or she would want in the ideal world, then only one thing is for sure: This plan will be derailed—and our historic opportunity will be lost.

And lest we focus only on those parts of the budget that are less than perfect, let's not overlook the incredibly positive aspects of this plan. For instance, not only will this plan balance the budget in the year 2002, if its policies are continued, OMB tells us that it will lead to a surplus of $34 billion in the year 2007. And while many have cited the fact that the total deficit reduction in this plan will be only $204 billion over the next 5 years, they fail to mention that there will be more than $700 billion in additional savings during the 5 years thereafter. Consider for a moment the two dramatically different futures that potentially lie ahead for this Nation: If we reject this plan and continue with the status quo, we will add another $1.1 trillion to the national debt over the next 10 years. On the other hand, if we use the 2002 to 2007 surpluses to buy-down the debt, this plan will ensure that more than $800 billion would be available for useful investments, and not eaten up by the national debt.

Perhaps most importantly, by putting us on a course to balance the budget in 5 short years, this plan will also allow us to address the significant long-term threats described by OMB and CBO because we will have laid the groundwork for even larger reforms in the coming years. And it will also hold future Congresses accountable to maintain this same level of fiscal responsibility.

And let's not forget the important impact that a balanced budget will have on economic growth. I know that there are those who say that our economy is doing well. They point to the growth rate for the last economic quarter and the fact that we now have had continuous growth for 6 straight years, and they say things could not be rosier. And it's at least partly true, Mr. President. We are now approaching the post-World War II record for the longest period of growth without a recession. But no one is projecting that the economy will maintain this pace, and the average annual rate of growth during the current 6-year streak has been an unimpressive 2.5 percent—the lowest level of growth during a recovery in this century.

But, tragically, even this lethargic annual rate of growth is not predicted to last—and cannot last—unless we tackle the deficit now. Look out to future years and we see that the economy is anticipated to grow at even more anemic rates; 2.0 percent in 1998; 2.1 in 2000. The numbers are not impressive. However, with the enactment of a balanced budget plan, CBO tells us that potential growth will be enhanced because resources now devoted to consumption can instead be used for investment. So, Mr. President, this resolution presents us with our most direct and tangible means of stimulating economic growth in the short-term, even as we seek to extend our current economic expansion for another 5 years.

And, finally, to those concerned with various details of the plan, let's remember this: Within the framework of this resolution, there are specific levels of savings in various programs, specific levels of tax cuts and the resolution even includes some of the policies that should be used to achieve these targets. But, appropriately, this resolution does not spell out all of the details, and it leaves opportunities for the authorizing and appropriating Committees to fulfill the parameters and benchmarks that have been set. So let's remember that the goal of this resolution—a balanced budget in 2002—is in ink, but some of the details are still in pencil. And that's OK. The administration will continue to have the opportunity to encourage specific spending priorities, and Members of this body will also have their opportunity to influence and mold these decisions.

Now, Mr. President, let me address one final question. Whenever there is a political initiative as significant as the one before us, pundits begin to ask: "Who is the political winner in this agreement? Is it Republicans? Or is it Democrats?" Well, let me suggest an answer: The winner in this resolution is our Nation and its people. Deficits have damaged this Nation and its citizens for 28 years and set us on an inevitable economic crash course. But today, with this resolution, we have an opportunity to avert this crash by ending these deficits in the short-term, which lays the groundwork for eliminating them completely in the long-term. What lies before us is a framework for achieving a balanced budget by 2002 and holding off the pending disaster that inaction invites.

So I think our goal could not be more clear: We cannot let this opportunity slip through our hands. We must begin anew—never again permitting our Nation to be recklessly endangered by deficits and deficit spending. We must move forward with a recognition that our budget belongs to the people—and, as such, it must always be handled carefully and responsibly. These are our challenges—and, together, we can and must meet them.

Mr. President, "a journey of a thousand miles begins with the first step." I am reminded of this Chinese proverb today because this resolution represents such a monumental first step in our journey to a balanced budget. To be sure, our journey is not complete. And it will not be complete unless Members of this body, the House of Representatives, and the President maintain a strong commitment in the coming years to follow through and make this balanced budget goal a reality. We cannot falter in these coming challenges. But, in the meantime, we should celebrate today for all that it represents. Mr. President, this resolution places our Nation on the right path and, against a future of uncontrolled deficits and all that the dangers and problems that these deficits entail, this resolution gives us hope for a new beginning of fiscal sanity, economic growth, and prosperity.

So I think our choice should be clear. We need to take this path—and we need to adopt this resolution. The benefit of doing so, Mr. President, is too great. The cost of failing to do so, conversely, is simply too severe.

Mr. REED. Mr. President, like many I recognize that this budget agreement is a good faith effort. It shows a recognition by Republicans that their past plans were extreme and unpopular. Indeed, the agreement acknowledges, to a degree, that Americans want us to invest in priorities.

However, for all its positive steps, I do not believe it is the right budget outline for our future. I support a balanced budget plan, but I cannot support a resolution which sets in motion a questionable package of unfair tax cuts and other misguided priorities.

The agreement contains a number of laudable elements. The welfare act's excesses are curbed. It takes a small first step toward health care coverage for children, and important education tax credits are provided. And it does purport to continue the march toward a balanced budget.

Indeed, we would not be able to consider this agreement without the 1993 budget agreement. With only Democratic votes, that package has cut the deficit for 4 years in a row and brought the deficit to its lowest point as a percentage of the Gross Domestic Product [GDP] since 1974. Ironically, my colleagues on the other side of the aisle predicted the 1993 budget would cause economic collapse and ruin. Yet, today, the economic growth generated, in part, by the 1993 budget has brought us to the point where it is conceivable to reach budget balance. Today's national economy is a marvel of low inflation, low unemployment, and strong revenues, which is good news for many although it has yet to reach some in my State of Rhode Island.

Again, there are sound elements of this plan, but I would caution that a budget resolution is short on specifics, long on figures, and tends to obscure the magnitude of what is under consideration. While the budget resolution is nonbinding, it imposes an austere procedural and fiscal discipline on what the Senate can and cannot do. Certainly the defeat of the Hatch-Kennedy amendment showed that this budget resolution can, and could continue to be, used to thwart efforts to meet even the health care needs of America's children.

Mr. President, for all its effort, I believe this agreement falls short in a number of key areas.

First, the deal's economic assumptions are optimistic, and are based on a $225 billion midnight revenue windfall estimate from the Congressional Budget Office. Sadly, the accuracy of these estimates is not guaranteed. Since 1980, CBO's revenue estimates have been wrong 11 times, and, on several occasions, these estimates have been off by more than $50 billion. I would also add that try as the Senate might, the business cycle cannot be legislated out of existence. My sincerest hope is that the current economic growth continues, however, history shows that what goes up usually comes down. If we experience a downturn, this agreement could need massive retuning, which would probably not include the elimination of tax breaks for the well-to-do, but would mean pain for society's most vulnerable.

Second, and, most important, I believe the agreement's nontargeted tax breaks are the wrong direction for an agreement which claims to balance the budget. When we are engaged in the task of trying to balance the budget, we should not make the job more difficult by enacting questionable tax breaks for those individuals who are already benefiting handsomely from the current economic growth.

This agreement calls for tax cuts totaling $250 billion over 10 years. When it comes to taxes, what starts small, explodes later. Indeed, 44 percent of the cost of the agreement's tax breaks are packed into the years 2005, 2006, and 2007. Indeed, the cost of these tax cuts grows 32 percent in the final 2 years of the deal. What does this portend for the second 10 years of the agreement? According to the nonpartisan Center on Budget and Policy Priorities, the revenue loss could reach up to $650 billion from 2008 to 2017. I would hasten to remind my colleagues that this is the time when the baby boom retirees will begin to place enormous pressure on already strained entitlement programs.

In contrast, targeted, middle-class tax breaks, like the Hope Scholarship, are supportable because they help working families afford college and prepare their children for the competitive international economy. Unfortunately, the agreement lacks even the attractiveness of closing corporate welfare loopholes that subsidize the shipment of jobs overseas and other questionable business activities to pay for tax breaks.

Mr. President, the specifics of the tax bill this agreement calls for are questionable to say the least. As the resolution's year-by-year revenue loss tables show, there is plenty of budgetary room for time bombs and gimmicks. Indeed, after the revenue loss from the tax breaks doubles between 1999 and 2000, it falls in 2001 and 2002, but it keeps rising and explodes after 2007. As others have pointed out, the pattern is not accidental. Instead, it is designed to permit a number of questionable tax gimmicks to give the appearance of fairness and fiscal propriety. One such revenue trick is to phase in the capital gains indexation which conveniently hides the first 5 year revenue loss and assumes more revenue early on in the second 5 years as investors rush to cash in on capital gains indexing. According to experts, capital gains indexing will cost three times as much in the second 5 years as in the first 5 years of the budget deal.

Some may argue that if gimmicks are employed and subsequently wreak havoc on deficit reduction, Senators will do the right thing and repeal these taxes. Mr. President, I am not so sure that you can put the tax cut genie back in the bottle. This agreement contains no commitment to control a revenue loss explosion. Indeed, all of the President's requests for such assurances were rejected by Republicans. The word "permanent" is used to describe the capital gains tax cuts, but not the President's education tax incentives. I would also add that it is very difficult to repeal taxes both politically and practically. For example, phased-in capital gains indexing and other revenue games are hard to repeal or modify because taxpayers will have accepted the Government's tax cut offer on which the Senate would be hard pressed to renege.

But, I am not simply concerned with revenue loss and tax cut chicanery. I believe that many of the tax cuts called for in this agreement are of dubious merit and value. The best example of this fact is an across the board capital gains tax cut. Such a proposal is not investment oriented. There will be no holding period or connection to investments in small businesses. As Paul Volker, former head of the Federal Reserve said before the Senate Finance Committee:

> ". . . a near-term reduction in the capital gains tax rate from present levels does not strike me as a pressing matter, especially given the current performance of the economy and the medium and longer-term budgetary prospects . . . [A] very large across the

> board reduction of capital gains taxes poses serious problems of equity and complexity, of revenue loss and of distortion of decision making.
>
> If public policy is to make a serious effort to raise the level of savings and investment, and do so equitably, the priorities seem to me clear. We should move as fast as we can toward a surplus in the Federal budget."

There are those who would argue that a capital gains cut would help millions of Americans. However, the typical beneficiary of a capital gains cut is not a middle-income family. Indeed, households with incomes over $100,000 receive about three-quarters of all capital gains income, and as the Joint Tax Committee reported—JCS-4-97:

> ". . . [W]hile many taxpayers may benefit from an exclusion or indexing for capital gains, the bulk of the dollar value of any tax reduction will go to those taxpayers who realize the bulk of the dollar value of gains."

In other words a capital gains tax cut benefits the wealthy who actually have capital gains.

There are other questionable tax cuts in this plan, such as the estate tax cut which would only benefit the top 1.2 percent of estates and the backloaded IRA proposal which aims to increase savings for retirement, but causes a revenue loss explosion when the pressure on entitlements is most acute due to the baby boomers. Again, the President had tax proposals which were better and helped family business owners without significantly adding to the deficit.

Third, while the agreement correctly focuses on education through a $35 billion targeted tax incentives for college costs, a commitment to increase the Pell grant for fiscal year 1998, a commitment to technology in the classroom, and a minimal commitment to improving literacy, the need may exceed what this plan allows due to its 10 percent reduction in domestic investment in real terms. Groups like the Committee for Education Funding are greatly concerned about the restrictive discretionary spending caps in the agreement which could severely thwart efforts to invest in our education needs. The agreement contains no school construction funds and little room in budget caps for such an initiative. There is no room for further Pell grant increases, as the defeat of my amendment to increase Pell grant funding demonstrates. There are scarce resources for the estimated $4.8 billion price tag to reform schools as suggested by the National Commission on Teaching and America's Future. Moreover, there is no commitment to fund Goals 2000, School to Work, national service, or the burgeoning need for research into early childhood development

Fourth, the agreement makes very modest room for health care needs, and, as I have stated there was no room in this agreement for a more robust children's health care program paid for with a tax on tobacco. I am also concerned that there are limited resources available for the National Institutes of Health's fight against cancer and HIV.

Fifth, I am concerned that the $115 billion in Medicare cuts called for in the agreement may exceed what is absolutely needed to preserve Medicare. Indeed, the level of cuts in the years 2001 and 2002 total $69 billion. I am also disturbed that no solid estimates are available for the premium increases that many seniors face. The agreement also ignores the long-term-solvency issues of the Medicare program and may leave some with the mistaken impression that Medicare is guaranteed to be there for them. There are even those in the other body who would like to add the dubious concept of medical savings accounts to this plan.

Sixth, the agreement ignores our investment deficit, and even its new initiatives lose ground due to inflation and in relation to the growing tax cuts. Specifically, infrastructure investment is frozen at a time when the U.S. Department of Transportation estimates we need $50 billion each year just to properly maintain our transportation system. Last week, a Rhode Island television station ran a series on the poor road conditions of my State, but sadly this agreement provides only minimal assistance to fix Rhode Island's roads. In the area of housing, the agreement notably extends essential section 8 contracts for senior housing, but leaves little for other affordable housing programs. Last, my colleagues should ask themselves whether the budget caps employed to offset the cost of unsound tax cuts will crowd out important programs and hamstring the Senate's ability to respond to the needs of all Americans in an increasingly competitive world?

The agreement does not continue the path of deficit reduction begun by the 1993 budget agreement. Indeed, the deficit actually increases in each of the next 3 years from $67 billion this year to $90 billion in 1998 to $90 billion in 1999 to $83 billion in 2000. Then miraculously, the deficit falls as the Congress starts to cut $69 billion from Medicare, $49.7 billion from domestic investments, $46 billion from defense, and $10 billion from Medicaid. All these reductions fall in just 2 years, leaving little margin for unsound budget estimates or exploding tax cuts.

Mr. President, on balance there is much in this agreement that should be applauded, and the bipartisanship it displays is laudable. It acknowledges that the Contract With America embodied the wrong policies and priorities for our future. It provides for some investments in health care and education. It restores some benefits for legal immigrants hurt by last year's welfare act, and it builds on the success of the 1993 deficit reduction package.

However, the fundamental question is, Does this agreement meet the challenges of the future? Will it allow us to truly reform education? Will it help more working families afford college? Will it rebuild our roads, bridges, and rails? Will it provide opportunities for those making the transition from welfare to work? Most important, is this agreement fair or does it ask too much of those who can least afford it?

Mr. President, this budget resolution is not the plan for our future. It is too generous where fiscal discipline is required and too tight-fisted where investment is direly needed. And, sadly, it fails to meet the test of fairness and honesty we owe hard working American families.

Mr. President, as the specific legislation to implement this agreement is developed, I am hopeful that its excesses can be curbed, and I would urge my colleagues to accept amendments which would make this plan worthy of greater support.

Mr. LEVIN. Mr. President, the revenue provisions in the budget resolution which is before the Senate reflects the bipartisan budget agreement entered into by the President and the congressional leadership. I quote from the Budget Committee's report accompanying this resolution:

> The Bipartisan Agreement assumes the net tax cut shall be $85 billion over the next five years and not more than $250 billion over the next ten years, to provide tax relief to American families. Under the Agreement, revenues would continue to grow, from $1554.9 billion in 1997 to $1890.4 billion in 2002, an increase of $335.5 billion over the five year period.
>
> As always, the Ways and Means Committee in the House and the Finance Committee in the Senate will determine the specific amounts and structure of the tax relief package. The tax-writing committees will be required to balance the interests and desires of many parties (while protecting the interests of taxpayers generally) in crafting the tax cut within the context of the goals adopted by the Bipartisan Budget Agreement.

I also want to read those guidelines from the letter sent to the President on May 15, 1997, from the Speaker of the House and the Senate majority leader:

> It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007. We believe these levels provide enough room for important reforms, including broad-based permanent capital gains tax reductions, significant death tax relief, $500 per child tax credit, and expansion of IRAs.
>
> In the course of drafting the legislation to implement the balanced budget plan, there are some additional areas that we want to be sure the committees of jurisdiction consider. Specifically, it was agreed that the package must include tax relief of roughly $35 billion over five years for post-secondary education, including a deduction and a tax credit.

Would the distinguished ranking member of the Budget Committee agree that this agreement and this budget resolution leave great flexibility for the Congress to shape the tax reconciliation bill?

Mr. LAUTENBERG. I do agree with the Senator from Michigan.

Mr. LEVIN. Does the Senator agree that within the parameters of an $85 billion net tax cut through the year 2002 and no more than $250 million over the next 10 years, including $35 billion in tax relief over 5 years for post-secondary education, including a deduction and a tax credit, there is significant flexibility in the size and the targeting of a permanent capital gains tax reduction and in the size and the specifics of death tax relief included in the package?

Mr. LAUTENBERG. Again, the Senator is correct.

Mr. LEVIN. Does the Senator agree that the term "broad-based" as applied to permanent capital gains reductions as in the agreement letter, and in the committee report is subject to a reasonable debate as to its interpretation?

Mr. LAUTENBERG. I agree with the Senator.

Mr. LEVIN. And does the Senator agree that the term "significant" as it is applied to estate tax relief in that same letter and in the report is subject to reasonable interpretation as to the size and specific provisions of any change in the estate tax?

Mr. LAUTENBERG. I do agree.

Mr. LEVIN. As I read the table summarizing the agreement, entitled "Long Range Summary, 1997-2007," on page 77 of the committee print, there is an agreement regarding net tax figures for the years 1997 through 2002. The word "agreement" appears above the columns for those years. The word "projections" appears above the columns for the years 2003 through 2007. Am I correct then that the net tax cut figures for the years 2003 through 2007 are not agreements on specific numbers, but the numbers in those years are simply OMB projections?

Mr. LAUTENBERG. The Senator from Michigan is correct.

Mr. LEVIN. I thank the distinguished ranking member of the Budget Committee. I ask these questions to reflect my concern that any tax bill produced pursuant to the budget agreement and this budget resolution not set in motion tax policies which will create large deficits in the next decade. Also, I strongly believe we must carefully study the effect of any tax provisions which we include in the revenue reconciliation legislation to assure that it is fair, and not weighted to benefit principally those who need it least.

Mr. KENNEDY. Mr. President, with reluctance, I oppose this budget resolution. It has many worthwhile features, and I am hopeful that as the process continues, it can be significantly improved. In its current version, it has too many obvious defects.

It contains excessive tax cuts that are likely to balloon in the future and lead to massive new deficits that make the pledge of a genuinely balanced budget a hollow promise. It fails to ask the rich to make a fair contribution to reducing the deficit, and rewards them with massive tax breaks instead. It threatens the system that delivers health care to the elderly. It contains excessive reductions in the needed level of public investment. And it does not do enough to provide health insurance coverage to the 10 million children without such coverage today.

The last time a budget promised balance and large, ballooning tax cuts at the same time was the Reagan budget of 1981. And the tax cuts in this budget do balloon in the future. As a May 21 study by the Center on Budget and Policy Priorities shows, the tax cuts in the budget are growing at a rate of 32 percent in the final 2 years of the first 10-year period. That study also indicated that the tax cuts are likely to cost about $650 billion, nearly two-thirds of a trillion dollars in the second 10-year period, from 2008 through 2017.

The budget also asks too little sacrifice from corporate tax subsidies.

Our recent budget history should teach us that we only have so much money for tax cuts. We should target those scarce tax cut dollars to working families and the middle class. But too many of the tax cuts that the Republican majority brags about in this budget would benefit the very wealthiest individuals and corporations.

As part of the bipartisan budget agreement, Speaker GINGRICH and Senator LOTT wrote to the President, "We believe these levels provide enough room for * * * broad-based permanent capital gains reductions, significant death tax relief, * * * and expansion of IRAs." President Clinton will be hard-pressed to preserve his important tax cuts for education if the Republican majority in Congress holds to its present course.

The capital gains tax cuts in S. 2, the Republican leadership tax bill, would cost $33 billion in the first 5 years and fully $96 billion in the second 5 years. More than 85 percent of its benefits would go to those with incomes greater than $100,000 a year, according to an analysis by Citizens for Tax Justice. Fully two-thirds of the benefits from lowering the capital gains tax rate would go to the top 1 percent of taxpayers—those with incomes above $241,000. This wealthy elite would get an average tax cut of about $6,800 from the capital gains tax cut, while families in the middle fifth of the population would get an average tax cut of $4.

The estate tax cuts in S. 2, the Republican leadership tax bill, would cost $18 billion in the first 5 years and $48 billion in the second 5 years. All of the benefits of these tax cuts would go to the 1 percent of estates larger than $600,000 in value.

A 1989 Joint Tax Committee analysis of an IRA provision similar to that in the Republican leadership tax bill found that 95 percent of the benefits went to the top fifth of taxpayers.

Reasonable restrictions on the tax cuts for capital gains and estate tax relief place much less of a burden on the deficit. The Democratic leader, for example, has introduced targeted capital gains tax cuts that cost $4.5 billion, and estate tax cuts that cost $3 billion over the next 5 years.

In addition, this budget takes only modest steps to control the massive subsidies that the tax laws now bestow on the wealthy. It has been estimated that over four-fifths of tax subsidies go to the richest fifth of the population. At a time when billions of dollars of budget cuts are being proposed in health benefits for the elderly, it makes no sense to provide tax breaks to billionaires who renounce their citizenship.

The tax expenditures listed in a December 1996 Senate Budget Committee report add up to more than $2.7 trillion over the next 5 years. That's more than 30 percent of the cost of running the entire Federal Government over the same time period. These tax entitlements represent a larger share of the Federal budget than Social Security, Medicare, Medicaid, or any spending program.

Together with Senator JOHN MCCAIN and other Senators, I have joined in a bipartisan effort to reduce corporate subsidies using a base-closing type Federal commission. Cutting corporate subsidies would introduce a needed element of fairness in the budget. When so many individuals and families are being asked to bear a heavy burden of budget cuts, there should be no free rides for special interest groups and their cozy subsidies.

Medicare cuts, at $115 billion, make up nearly two-fifths of the total spending cuts in this budget. These Medicare cuts grow to $155 billion over 6 years, and $215 billion over 7 years. Even though this budget does not ask as much of beneficiaries as did the Republican budgets of the last 2 years, cuts of this size raise serious questions about the continued willingness of Medicare providers to participate in the system.

Defense did not sacrifice to make its contribution. The levels in the budget are essentially the higher of either the President's or the Republicans' proposals. The Republicans' levels were higher in the short run, and the President's levels were higher in the long run.

Domestic appropriations contribute $61 billion over 5 years and are assumed to contribute $273 billion over 10 years to keep the budget in balance. Coming after the 1990 budget, which essentially froze total appropriations, these cuts seriously reduce the pool of money from which education, research, and other needed investments are made to ensure the future growth of the economy.

The budget does make a worthwhile start for children's health, by allotting $16 billion—$3.2 billion a year on average—over the next 5 years. But the budget also takes $14 billion out of Medicaid at the same time, leaving doubts about how much net funding will actually reach children in need.

We should be realistic about what $3.2 billion a year can and cannot do. According to the Congressional Budget Office, the Federal cost of providing Medicaid coverage to one child in 1997 will be $860. At $860 per child, $3.2 billion dollars a year will cover about 3.7 million children. This level is only one-third of the number of uninsured, just enough to cover those children below poverty with a little left over. If we stop at the $16 billion in the budget agreement, we will be leaving out almost 7 million children in working families who earn too much for Medicaid but not enough to buy the health insurance their children need.

The $20 billion over the next five years in the Hatch-Kennedy CHILD amendment was designed to help these families, and I regret that it was narrowly defeated. Senator HATCH and I continue to believe that is should be included in the budget, and we intend to offer it as part of the reconciliation bill later this year.

The debates ahead will offer realistic opportunities to improve the budget package in all of these areas and eliminate its worst provisions. I look forward to working with my colleagues to enact a balanced budget that truly reflects the Nation's needs and priorities.

Mr. KEMPTHORNE. Mr. President, I rise today in support of Senate Concurrent Resolution 27, the Concurrent Budget Resolution for fiscal year 1998. This resolution charts the course to achieve the goal that the people of America and Idaho want and deserve—a balanced budget. With the spending targets set forth in this resolution Congress will balance the federal budget for the first time in nearly 30 years.

This accomplishment has a very personal perspective for me because the last we had a balanced budget, in 1969, I was a junior in high school. Now, almost 30 years later, as we are on the verge of balancing the budget again, I have two children in high school who have never seen a balanced budget. An entire generation of Americans has lived their entire lives under the burden of a national debt that is now almost $20,000 for every man, woman and child in this country. Our children deserve a better future than having to pay the interest on a $5 trillion debt. This budget resolution offers them hope for a better tomorrow.

Mr. President, I am proud to support this monumental budget resolution not only because it achieves a balanced budget and eliminates the national debt, but because it accomplishes these goals while providing significant tax relief to working American families. This resolution confirms that the money in the Federal budget belongs to the taxpayers of this country, not the government, and it s about time we start leaving more of it where it belongs, in the taxpayers pocket.

This resolution provides families with a $500 per child tax credit, cuts the estate tax, provides a capital gains tax reduction and allows tax relief for education costs. And the resolution provides for these tax cuts while reducing Federal spending more than one trillion dollars over the next decade.

This resolution doesn't forget our commitment to the elderly. We accomplish these tax cuts and spending reductions without making any legislative changes to Social Security, and we shouldn't, Social Security is not the problem. This budget also insures the solvency of Medicare by simply slowing the rate of growth while still allowing spending to increase 28 percent, more than twice the rate of inflation. This is an increase from $209 billion this year up to $280 billion in 2002. Without this reform the Medicare Trustee s report estimated that the Medicare Part A trust fund would be bankrupt by 2001.

Mr. President, the budget resolution before us is a strong plan for reversing the decades old Washington habit of spend, spend, and spend some more. It won't be easy to stop this out of control deficit train and turn it around, but Republicans are determined to get the job done, and we will.

I am proud to vote for this resolution and with it a brighter tomorrow for our children. I ask my colleagues to join me in supporting Senate Concurrent Resolution 27.

I yield the floor.

Mr. GLENN. Mr. President, I rise to comment on the important resolution before us today, the concurrent budget resolution. This is truly a remarkable occasion. We are considering the outlines of a plan that will balance the budget over the next 5 years.

This bipartisan proposal achieves a number of important accomplishments. The most significant of course is balancing the budget by 2002. I believe that the Budget Committee Chairman DOMENICI and ranking member LAUTENBERG have done an outstanding job in their work to bring this agreement to the floor of the Senate.

Without a constitutional amendment, this agreement will balance a budget that has been the focal point of national debate and a goal supported by most every candidate for President and Senator for at least as long as I have been in office.

Four years ago we proposed cutting the budget deficit in half. After many difficult and contentious votes, Senate Democrats along with a tie breaking vote from Vice-President GORE helped enact a program that set us on a course of real deficit reduction. Many criticized that effort and predicted economic disaster. But now after 4 years of economic growth and reduced deficits we are in a position to finish the job. After 4 years, our deficit has been reduced from $290 billion down to $67 billion.

This proposal outlines a plan to extend the solvency of the Medicare trust fund for at least a decade. It will expand beneficiaries' choice of private health plans by allowing preferred provider plans and provider sponsored plans to compete in the managed care programs in Medicare. Additional preventive health benefits are provided and beneficiary copayments for outpatient services are limited. Part B premiums are maintained at 25 percent of program costs and any increases necessary for home health care benefits are phased in over 7 years. Low income seniors are protected from any potential home health premium increases.

In order to ensure that important areas of service are adequately protected this agreement identifies priorities such as education reform, Pell grants, child literacy, and Head Start.

Two very important initiatives are anticipated in this agreement. The first provides $16 billion to expand health coverage to up to 5 million children who do not now have health insurance. The second revises last year's welfare reform to restore necessary benefits to disabled immigrants. I believe that the President's initiatives on these issues are commendable.

Although important progress is made in this agreement, I want to make clear that I have a number of concerns.

I have worked on and voted on budget agreements before and I recognize some of the pitfalls. My first concern is the question of tax cuts. If the first priority of this agreement is to balance the budget, I do not believe that we should make that job any harder. This agreement calls for a net tax cut of $85 billion over 5 years. Why can't we eliminate these cuts and balance the budget sooner? Why can't we apply those funds to establish a budget surplus and apply it to debt reduction?. Or at least, why can't we wait to determine if this agreement and its underlying assumptions prove successful? What happens to our deficit reduction and balanced budget efforts in the event of an economic downturn? There is no assurance that this agreement will be as successful as the one 4 years ago.

I recognize that tax incentives have historically been employed to stimulate a sluggish economy. Although some may argue our economic growth could be even higher, last quarter's 5.6 percent growth is the highest in 10 years. The stock market is at record highs, a core inflation rate of 2.5 percent in the last year is the best in 30 years, the monthly unemployment rate of 4.9 percent is at a 25 year low. I am not convinced that this is time to use tax cuts to stimulate the economy. I believe that deficits should be reduced in good economic times. If tax cuts are to be used in good economic times what tools will we have in a less favorable economy?

The tax cuts anticipated in this resolution are calculated to cost a net $85 billion over 5 years. I am concerned, however, that beyond the scope of the 5 year resolution the cost of these tax cuts will go even higher. Indeed the agreement expects that the 10 year cost will rise to $250 billion.

Even though this agreement provides for a balanced budget in 2002, entitlement spending is expected to soar beyond the turn of the century. Yes, we improve the solvency of Medicare in this budget and put it on a firm footing for 10 years, but beyond that time frame Medicare costs will rise. This agreement continues to use the surplus provided by the Social Security system to reach a balance. Beyond the turn of the century the surpluses will provide retirements benefits for baby boomers. I am concerned that again we are putting off finding a solution to these problems when relatively small steps taken now can avoid much larger steps that will undoubtedly need to be taken later.

During the consideration of the resolution I supported efforts to provide additional support for children without health insurance, additional support for early childhood development, and additional support to rebuild crumbling schools. Although we were unsuccessful on these amendments, this will not be the end of the work. Those battles will continue throughout the reconciliation and appropriations process and I am hopeful that we will have some success.

Let me say further that I recognize that just because this agreement does not solve each and every problem is no reason to oppose it. The perfect then becomes the enemy of the good. Important progress is made here and although not perfect I intend to vote for the good.

GROWTH WINS

Mr. ROTH. Mr President, it is no coincidence that the first balanced budget agreement in a generation has come about at a time when the economy is red hot and when joblessness has dropped below 4.9 percent. The expanding economy has been shrinking the deficit as well as the gulf between both sides of the budget debate.

Any lingering distance between Congress and the administration was swept away on the eve of the budget agreement when the Congressional Budget Office predicted that a tidal wave of new money would flood the treasury in the next 5 years.

These new CBO estimates project that even without a budget agreement, increased revenues and decreased outlays would shrink the deficit an additional $225 billion.

Perhaps even more important than the first balanced budget in a generation, this tidal wave of new money has washed away the ground underneath opponents of growth. Nothing signified the victory of growth over zero-sum, class-warfare politics more clearly than the words of President Clinton's former Labor Secretary Robert Reich when he told the New York Times a few weeks ago, "The fact is, a lot of the deficit solved itself. It was the one solution that no one thought of."

Actually, it was the guiding philosophy of the Kemp-Roth tax cut. If I may quote Jack Kemp, "Even with spending restraint, we cannot balance the budget consistently without economic growth."

Mr President, on this point the record is quite clear. Following the tax cuts in the early eighties the economy did soar. But so did the deficit. The problem was, while revenues to the Federal Government doubled during the decade, spending more than doubled.

In short, growth did its job—we just asked too much of it. The amount of wealth produced by our country was astounding and continues to be astounding. However, it is not limitless. So neither can our spending be limitless.

We can protect the elderly and offer a helping hand to the poor, but only with solid growth in the economy. Without growth, the poor and elderly are pitted against each other in competition for meager resources, while the rich are vilified for their success. Left unchecked, these battles corrode the American dream.

Mr President, I believe this budget represents a new coalition, bound by the common objective of higher growth. Because growth is the key to funding worthwhile social programs without unfairly burdening middle-class families. It is the key to providing a strong defense and a clean environment. It is the key to rebuilding the American dream.

Growth has won the debate because it has proven itself. Even the more ardent opponents of growth oriented policies must realize that to raise $225 billion from taxpayers would require a typical middle-class family to pony up an additional $450 per year

Some will argue that the huge Clinton tax increase of 1993 is responsible for the low deficit, high growth, low unemployment economy we now enjoy. But that ignores the fact that this economic expansion began during the Bush administration. Others say it is the information age, along with deregulation and corporate restructuring that strengthened our economy.

Regardless of who is right, and I do have some thoughts on the subject, I relish such a debate about the connection between taxes and growth. What is no longer debatable is that growth is the key to higher income for all Americans as well as higher revenues for the Federal Government.

Look how far we have come in just 5 years. When President Clinton took office, he offered a $19 billion dollar stimulus package predicated on the notation that private enterprise could not produce the jobs our country needed. We no longer harbor fears about the ability of America to produce for her citizens.

Some make the point that this budget will only be balanced for 5 years. And this is true. It is also true that we face additional challenges beyond 2002 in both Social Security and Medicare, especially when the baby boom begins to retire. But the seeds of a solution to these long-term problems can also be found in this budget. Explicitly it restrains spending. Implicitly, it acknowledges that growth is the key to finding revenue for popular programs.

Both sides of the American political conversation are now committed to playing within the bounds of fiscal restraint, while searching for ways to promote growth. This formula has served us well in the past and it will serve us well in the future.

The old bromide is true. A rising tide does lift all boats. And the same tidal wave that has lifted millions of Americans to unprecedented new heights of prosperity in the past 6 years has also finally sunk that leaky old boat, class warfare.

There are only two roads we can travel. One is to downsize the American dream and learn to live in a slow growth world; the other is to grow the economy up to level that makes the American dream possible. With this budget agreement, Congress and the President have decided its better to grow up.

Ms. MIKULSKI. Mr. President, I rise in support of the budget resolution. I support this resolution for two reasons. First, it continues the progress we have made since 1993 in moving toward a balanced budget. Second, it protects priorities which are vital to our Nation's future.

It is not a perfect plan. There are parts of it that give me serious pause. I am especially concerned by the deep cuts in Medicare. I know that this budget resolution only provides a blueprint for other committees to follow. So, I reserve the right to vote against the final Medicare package if the cuts threaten health care for our senior citizens.

With this resolution, we are finally taking the historic step of balancing the Federal budget for the first time since 1969. In 1993, I was proud to support President Clinton's economic plan. Since that plan was enacted, our deficit has been reduced from $290 billion to less than $70 billion.

The 1993 vote was strong medicine. But it was the right medicine for our economy. Today, we have an opportunity to finish the job we began in 1993. We can adopt this resolution which will bring us to a balanced budget by the year 2002.

But, unlike previous attempts to balance the budget, this resolution protects crucial investments in our future. Balancing the budget must be based on principles. First and foremost, it must meet families' day-to-day needs.

I believe this resolution succeeds in putting families and children first. It makes major investments in education—from adding 1 million children to the Head Start Program to making it possible for millions of students to receive a college education.

This resolution expands health care coverage to 5 million uninsured children. I want to do more. This resolution still leaves another 5 million children with no health insurance. I am supporting the Kennedy-Hatch CHILD bill which would make sure that every child has access to immunizations, early detection screening, and basic health care. I view the commitment made in this budget resolution to children's health as a downpayment on the job. I hope we will finish the job by enacting the CHILD bill later this year.

The bill before us will continue our progress in making our neighborhoods safe. It ensures that the programs of the 1994 crime bill, which have been so effective in bring down crime rates, will be continued.

I am particularly pleased that the budget resolution protects the violent crime reduction trust fund, including the community policing or COPS Program. The COPS Program has already put over 1,200 new police officers on the streets in my State of Maryland.

Under this budget agreement, environmental protection will also be strengthened. It ensures that another 500 Superfund sites can be cleaned up by the end of 2000, and provides funding to help communities clean up brownfield areas so that they can be redeveloped.

Under this balanced budget agreement, we will also be taking important steps to move people from welfare to work and to provide tax relief for working families. It will enable us to provide help for those who practice self help.

As the Finance Committee begins putting together the tax component outlined in this budget agreement, I hope they make tax relief for middle income families their priority. I want to enact capital gains relief. I think we owe it to those who have invested in their community through purchasing and maintaining a home. They should be able to realize the full gain on their investment, and not have it taken away through capital gains taxes.

I hope we can do something to provide capital gains relief for other types of investments as well. I believe that the longer you hold an investment, the less you should pay in capital gains. That rewards those who invest in our economy for the long run, without rewarding those who are just out to make a fast buck.

I want us to have estate tax relief, so that a car dealer in Frederick can pass on the business to the next generation, or a small family farm in western Maryland or the Eastern Shore can stay in the family.

I hope the Finance Committee will put together a tax package that puts families first. If the tax package is unfairly tilted toward the well-to-do, I will oppose it.

Although I will support this budget resolution, I must be clear that there are parts of it that give me great pause. I am particularly troubled by the $115 billion in cuts in the Medicare Program. If we were given the opportunity to vote separately on each of the major components of this package, I would oppose the Medicare component.

In the last Congress, when the majority party was attempting to push through $270 billion in cuts to the Medicare Program to provide tax cuts for the wealthy, I opposed them. I said at the time that we did not have a $270 billion solvency problem in the Medicare Program, rather we had a $89 billion solvency problem. I was joined by the majority of my Democratic colleagues in that point.

So to see a resolution which calls for $115 billion in cuts to Medicare is of deep concern to me. I acknowledge this is much better than plans that were before us over the last 2 years. However, I am still concerned about the impact on seniors and on health care providers of this magnitude of cuts.

I realize that the budget resolution does not cut a single dollar from the Medicare Program. It only provides a guideline for the authorizing committee to follow. We are a long way from making any actual changes in Medicare. So I hope that the Finance Committee will exercise extreme care in crafting the Medicare piece of the budget reconciliation bill. I believe we can ensure the solvency of Medicare without creating a financial burden for seniors or providers.

Let me acknowledge one final area of concern. America owes a special debt to our veterans. We have a sacred commitment to honor all of our promises to them. I want to ensure that we provide adequately for veterans' health care.

I am pleased that we passed an amendment to express the sense of the Senate that we must provide sufficient funding for veterans programs and benefits. This amendment includes language to urge that third party payments—that is, payments from private insurers—be used only to supplement, not supplant veterans health care funding. It makes clear that the Senate intends to keep our faith with America's veterans. I won't stand for anything less than that.

Despite these reservations, I will support this resolution. It plots our course toward a balanced budget and puts families and children first. I believe this budget resolution will make a real difference in the lives of working Americans, and I will support it as a framework for future action.

Mr. ENZI. Mr. President, I rise in opposition to Senate Concurrent Resolution 27, the Budget resolution. The budget resolution before us has gone through an incredible amount of negotiating to get to this point. I commend the Budget Committee chairman and the ranking member for working so diligently on this budget.

As we began our work on the blueprint for our Nation's future, I had certain criteria in mind the budget resolution had to meet in order for me to support it. Unfortunately, this budget does not meet enough of my criteria to justify my support.

I would like to take this opportunity to explain my position and those provisions which I feel leaves this agreement short of the mark.

I feel that a good budget agreement should balance the budget before the year 2002. The Congressional Budget Office estimates a $225 billion windfall of unexpected revenues over the next 5 years. We should be giving this unexpected revenue back to the American people and use it to reduce the deficit.

It also concerns me that there are no enforcement measures in place to ensure that the budget will remain in balance after the year 2002, let alone before that.

Finally, the spending cuts are back loaded in the last 2 years of the agreement, and will take place after President Clinton leaves office. That isn't right. I believe the American working families expect action from us today—not promises for a better tomorrow.

I voted for amendments that I felt would make the budget more enforceable and realistic. Without these meaningful amendments, the resolution does not go far enough. The amendments would ensure that the debt limit would not be increased, and that these additional unexpected Federal revenues and the projected $225 billion revenue windfall would go toward tax cuts and deficit reduction.

If we don't produce a balanced budget, we lose, and generations to come will lose right along with us. A balanced budget only gets more difficult to achieve the longer we wait.

If we are genuinely concerned about the welfare of our children, we should first look at balancing the budget while it is still realistic and possible for us to do so. The longer we wait the more we turn our children's dreams and hopes for a brighter future into a terrible nightmare. They look to us for leadership. They look to us to pass a budget that actually balances, and continues to balance the budget every year. I have no intention of letting them down.

I yield the floor.

Mr. LEVIN. Mr. President, the budget resolution which the Senate is now considering represents the next step forward in a process begun in 1993. It reflects a considerable bipartisan accomplishment of the congressional leadership and the President. While I don't agree with it in every specific, it represents the best opportunity to reach a balanced budget by the year 2002, in a way which protects Medicare, Medicaid, funding for education and environmental protection.

In 1992, the deficit in the Federal budget was $290 billion which represented 4.7 percent of the gross domestic product. The most recent estimate of the deficit for fiscal year 1997 is $67 billion, approximately eight-tenths of one percent of the gross domestic product.

Over the 5 years from 1993 to 1998, the deficit has been reduced by about 1 trillion dollars from the deficit for those 5 years projected at the time. This remarkable progress has come about in large part as a result of the deficit reduction package which President Clinton presented in 1993, and which this Senate passed, without a single Republican vote, by a margin of one vote, the Vice-President's.

The economy has responded to the steady reduction of the deficit. The economy grew for the first quarter of 1997 at a 5.6 percent rate, with an inflation rate of 2.7 percent. The unemployment rate is now 4.9 percent, the lowest in 24 years. This compares to an unemployment rate in 1992 of 7.5 percent. More than 12 million new jobs have been created since President Clinton took office. Now, this budget agreement, reflected in the budget resolution before us, holds the promise of bringing us even closer to finishing the job.

This budget gets many of the nation's priorities right. It protects Medicare and Medicaid—while assuring the solvency of the Medicare trust fund for another decade—it includes an important new initiative for children's health insurance, assures necessary funding for the protection of our natural environment, and perhaps most importantly, it includes the largest increase in investment in the education of our children in over 30 years. The agreement includes the commitment to pass $35 billion of postsecondary education tax cuts and funding for the President's initiatives in child literacy, school technology, Head Start, and an increase in the maximum Pell Grant to $3,000. Overall, this represents a 13 percent increase over the five years of the budget, and a 36 percent increase in education and training from last year's budget resolution.

Mr. President, the resolution before us also makes room in the budget for $250 billion in net tax cuts over the next 10 years, and $85 billion in net tax cuts over the next 5 years. This could provide an opportunity, within the confines of a budget which balances in 2002, to provide investment in our Nation's future growth and tax relief to middle income families. This will require, however, that the Congress show the discipline and the determination to shape the tax legislation which this budget resolution will make possible in such a way as to meet these objectives.

Toward that end, providing they are part of a real package that gets us to a zero deficit by 2002, I intend to support the education tax cuts which the President has proposed, a $500-per-child tax credit adequate to provide tax relief to middle income families with children, and capital gains relief for homeowners. Also, I believe that, if consistent with the deficit reduction goals laid out in the resolution, that targeted capital gains relief for long-term investments and an incremental approach to estate tax relief should be used.

We must be careful, as we stand on the threshold of a balanced budget, not to set in motion tax policies which will create large deficits in the next decade. For that reason, I hope that the tax-writing committees will consider tying tax reductions to actually accomplished milestones of deficit reduction.

Second, we must carefully study the effect of any tax provisions which we include in the final tax reconciliation legislation to assure that it is fair, and not weighted to benefit those who need it least. Many of the capital gains and estate tax proposals which we have seen proposed over the last several years would clearly have mostly benefited the top 10% of income earners.

The budget resolution before us leaves great flexibility to the tax-writing committees, and ultimately to the House and Senate to fashion an equitable tax bill that provides not only tax relief, but investment in our nation's future, particularly through education. Also, and very importantly, the resolution provides for the tax provisions to be considered separately in a reconciliation bill after the other elements of the balanced budget have been enacted. This will provide the Senate with the opportunity to reject a tax bill which is inconsistent with balancing the budget and keeping it balanced in the years beyond 2002, and/or a tax bill which does not focus its relief on middle-income families and investment in education. It will also provide the President with the opportunity to veto such legislation. While I hope that course will prove unnecessary, it does provide greater assurance that the budget agreement that we will soon ratify in this budget resolution will produce an outcome of which we can be truly proud.

Mr. President, I want to commend all of those who worked to produce this bipartisan budget resolution. It is with hope that we are finally approaching a balanced budget which protects the nation's priorities that I will support this resolution.

Mr. FRIST. Mr. President, I rise today in support of Senate Concurrent Resolution 27, the 1998 concurrent budget resolution, which outlines the bipartisan budget agreement between the President and the Congress. While I acknowledge the legislation's shortcomings, I support the overall agreement because it is a step in the right direction for our country.

Before I begin, I want to commend Senator DOMENICI and the other negotiators for their tireless and unwavering commitment to reaching this agreement. Their leadership serves the American people well.

Today, this bipartisan balanced budget resolution fulfills a series of promises that we made to the American people. We promised to pass a balanced budget by 2002—reflecting our commitment to economic growth, fiscal responsibility, and the simple principle that our Government should live within its means. Today, the plan before us will achieve that goal. We promised to strengthen Medicare—reflecting our commitment to the health care of senior citizens. Today, the plan before us will extend the solvency of Medicare's part A hospital insurance trust fund for 10 years and make structural reforms that will preserve the program in the future.

We promised tax relief to help families and promote economic growth—reflecting our belief that the American people, rather than the Federal Government, should make decisions about how to spend, save, or invest their hard-earned income. Today, the agreement before us includes $250 billion in permanent tax cuts over 10 years including a $500-per-child tax credit, capital gains relief, death tax reform, expanded individual retirement accounts [IRA's], and education tax incentives. For every $1 in new spending, we cut taxes $3.50.

We also promised to reduce the size and scope of the Federal Government. Today, the agreement before us reduces total Government spending $320 billion over 5 years and more than $1 trillion over 10 years. That's savings of $1,200 over 5 years and $3,800 over 10 years for each man, woman, and child in America. In fact, for every new $1 added to this budget, we reduce spending $15.

In constructing this budget, we promised to reject gimmicks and rosy economic scenarios in our assumptions. Unlike the President's past two budgets, the agreement before us does not include mechanisms that automatically and arbitrarily impose one-time spending cuts or tax increases to eliminate budget shortfalls. It is also based on the conservative economic assumptions of the Congressional Budget Office [CBO], which forecasts economic growth even more conservatively than most private economists at about 2.1 percent annually over the next 5 years. We chose these assumptions so we could err on the side of caution.

However, even the most conservative assumptions involve a considerable degree of uncertainty. Forecasting the performance of a multi-trillion-dollar economy is far from an exact science. I believe we have done the best we could with the information we have available. But if the agreement does not produce the expected results due to unforeseen circumstances, I will not be discouraged as long as we maintain our focus on a balanced budget and fiscal responsibility.

Finally, we promised to reject rhetoric and partisan rancor to work together—Republicans and Democrats alike—to achieve results for the American people. In this spirit, we have worked to accommodate the President's priorities, and he has worked to accommodate ours. Today, the agreement before us is the product of countless hours of negotiations between a Democratic President and a Republican Congress. I hope we can continue working in a bipartisan manner.

Mr. President, I cannot express my support without also outlining my concerns in four particular areas. First, this agreement does not adequately restrain long-term entitlement spending growth to prepare for the Baby Boomers' retirement just over a decade away. In fairness, the authors of this agreement do not claim that it does. But as we approach this new demographic era, we must be acutely aware of this situation.

Today, 200,000 Americans turn 65 every year. By 2011, 1.5 million Americans will turn 65 every year, a trend that will continue for 20 years. As the elderly population increases, our younger working population will shrink. Today, there are 4.9 workers paying for every retiree's benefits in programs like Social Security and Medicare. In 2030, when we will have many more retirees to support, there will only be 2.8 workers to support each beneficiary.

This dramatic demographic shift will bring significant economic, political, social, and cultural changes that will transform our society. If we continued on our current spending course, entitlements—our automatic spending programs—and interest on the debt would consume all federal revenues in just 15 years—leaving not a single dollar for roads, education, national parks, medical research, defense, or other basic government functions. I believe this agreement will help ease this demographic pressure, but more work lies ahead. We must begin sooner rather than later to deal with these problems fairly and effectively.

This week, I joined with Senator KERREY in offering a Sense of the Senate amendment on the need for entitlement reform. Specifically, it encouraged Congress and the President to work to enact structural reforms in entitlement spending in 1997 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare trust funds, and to avoid crowding out funding for basic government functions, and that every effort should be made to hold mandatory spending to no more than 70 percent of the Federal budget. I am pleased that the Senate adopted this amendment unanimously. While a Sense of the Senate amendment is not binding, I believe it will help lay the foundation for more substantive reforms in the future.

Medicare is my second concern. As the second largest entitlement in the budget serving more than 38 million seniors, Medicare will have a profound impact on our long-term fiscal health. When we consider that the average two-earner couple receives $117,000 more in benefits than they paid in taxes and premiums and factor in that Medicare is projected to be bankrupt before the baby boomers retire, we see the urgent nature of this problem. While I am encouraged by the bipartisan attempt to modestly restrain Medicare growth, we must redouble our efforts to save and strengthen this vital program through true structural reform.

In addition to the demographic pressures outlined earlier, Medicare also faces the challenge of delivering 21st century health care through a bureaucratic 1960's delivery system. Clearly, piecing together fair and balanced policy options that achieve the required $115 billion in savings should not be our only goal. Working within the framework of this budget agreement, Congress should adopt structural reforms that tailor the program specifically to seniors' needs.

These reforms should give beneficiaries more choices among competing health plans—similar to the ChoiceCare proposal introduced by Senator GREGG and my Provider Sponsored Organizations [PSO] bill—while retaining the current fee-for-service option for any senior who wants it. With these options, seniors could choose a plan that covers prescription drugs, a benefit not available under the current program. We also need to educate our young people about the benefits of long-term-care insurance. By changing the structural dynamics of the system, we truly can prepare Medicare for the challenges that await us.

My third concern involves our investment in research and development. Advances in technology have been responsible for one-third to one-half of our long-term economic growth through improved capital and labor productivity and the creation of new products and services. Despite this important relationship, our Federal investment in research and development has been falling as a percent of our gross national product [GNP] compared to other advanced nations. Unfortunately, this budget agreement does not reverse this troubling trend.

While some research and development investments such as the National Institutes of Health [NIH] and the National Science Foundation [NSF] are protected, many others are cut. Total Federal research and development funding could fall up to 14 percent over the next 5 years. As a percentage of GNP, it will have dropped more than 30 percent from 1994 to 2002. As a research scientist and chairman of the Commerce Science, Technology, and Space Subcommittee, I believe that underfunding research and development risks our national security and our economic competitiveness. If this trend continues, we will be retreating from investments with a proven record of returns that have made us healthier, wealthier, more productive, and more secure than almost any civilization in world history.

Finally, my fourth concern is education. Time after time in this Chamber, we have stressed the importance of a balanced budget to our children. With a balanced budget, they can leave the deficit spending of the past behind and look forward to a future of better economic opportunities. To take advantage of these opportunities, our children will need a quality education. I am pleased that education is a priority in this agreement. However, we are not targeting our resources where they are needed most—elementary and secondary education.

In the President's budget, about 85 percent of the new education spending and tax initiatives are directed toward higher education. This budget agreement is structured in a similar way. These facts are troubling when you consider that only 28 percent of fourth graders are proficient in reading, only 21 percent of eighth graders are proficient in math, and about 30 percent of college freshman must take remedial coursework.

Our higher education institutions are the envy of the world, but without a stronger K–12 education system, this academic superstructure rests on a foundation of quicksand. I am concerned that our academic success will not last if we do not target our resources where there is the greatest need and greatest potential. Ultimately, we should consider targeting at least 50 percent of new education resources toward elementary and secondary education in the future. I urge my colleagues to focus more on this problem.

Mr. President, as I have mentioned, my vote today is not the final solution to our budget problems. My vote today is merely a down payment on a long-term commitment to my constituents in Tennessee and to all Americans—a commitment to fiscal responsibility.

The issues raised by this agreement will not disappear if this resolution passes. In fact, we will debate them again and again this year as we implement the agreement in the appropriations and reconciliation process. However, we can build on the momentum of this agreement to recommit ourselves to the discipline and diligence necessary to free our children from debt and unlock the doors of economic opportunity for our future. I look forward to meeting this challenge.

Ms. MOSELEY-BRAUN. Mr. President, today the Senate will vote on the blueprint our nation will follow to reach fiscal balance by the year 2002. I commend the efforts of the President and the Congressional leadership to reach this agreement. It is clear that unless we get our deficit under control, we will be leaving our children—and our children's children—a legacy of debt that will make it impossible for them to achieve the American Dream.

This budget resolution reflects public opinion. This is a bipartisan agreement because of clear public opposition to continued deficit spending.

Although the deficit has been reduced in the past few years, our Nation's debt still obscures our ability to focus on the issues that most impact Americans' daily lives. The deficit under President Carter was $73.8 billion when he left office. Under President Reagan it ballooned to $221 billion, and reached $290 under President Bush. When President Clinton took office, he inherited a $290 billion deficit. The national family was in debt $4.4 trillion.

Under President Clinton's leadership, however, the deficit has been reduced to $67 billion, the lowest nominal level since 1981. During the Bush administration, private sector growth averaged 1.3 percent annually, but under President Clinton, growth has averaged 3.5% per year. Furthermore, last year's deficit was 1.4 percent of the size of our economy, well below the deficits of other major economies, and the smallest level since 1974. This year, it will fall to about 1 percent of the economy.

President Clinton's 1993 economic budget plan gave the signal to the world's financial markets that Democrats were committed to fiscal responsibility and that we would put our country on a glide path to balance. Our Nation is now in our 6th straight year of economic growth. Unemployment was 7.5 percent in 1992. Last month it fell to 4.9 percent, the lowest level in a quarter century.

During the first quarter of this year, the economy grew at an annual rate of 5.6 percent, the best in a decade. And since President Clinton took office, more than 12 million new jobs have been created.

The best news about this resolution is that it continues the trend begun in 1993: this budget makes strides toward balance. Balance was a precondition of this agreement. While I regret that we did not pass a balanced budget amendment to the Constitution, the proof of the pudding is in the eating: the President and congressional leaders have reached a consensus and agreed that this budget should reach balance in the year 2002. And this budget has achieved that.

Mr. President, an area where the nation has reached a consensus is tax cuts. Everybody likes tax cuts. Public opinion is always in favor of tax cuts and this budget resolution provides for a net tax cut of $85 billion over 5 years.

The tax cuts include: a child tax cut; about $35 billion in higher education tax cuts; a capital gains tax cut; a cut in the estate tax; and a variety of other tax proposals included in the President's budget, including the welfare-to-work tax credit.

But this budget resolution only outlines the overall framework of the budget. The tax cuts that were agreed upon must be finalized in reconciliation in the Finance Committee. But these are the likely ones.

While I support the concept of these proposals, I would have preferred to finish balancing the budget first.

Mr. President, the budget resolution also reflects the popular support for health care and Medicare. And the changes contained in the Medicare Program will not hurt seniors.

The agreement calls for $115 billion in Medicare savings, keeping the Medicare trust fund secure for another decade. It expands seniors' choices of private health plans by allowing preferred provider organizations and provider-sponsored plans to compete in Medicare's managed care program.

Furthermore, this agreement will make some fixes to the Medicaid Program. While the resolution does not contain a per-capita cap, which would have hurt Illinois, it calls for $13.6 billion in net Medicaid savings. It restores Medicaid coverage for certain legal immigrants. It provides food stamps to individuals subject to last year's welfare reform bill time limits, who are seeking work but have not been able to find a job. And it provides a welfare-to-work initiative.

The other good news is that this budget also provides for: expansion of the funding for Superfund hazardous waste cleanups; help up for to five million children, who currently lack health insurance, receive health insurance coverage by 2002; and it provides for the largest increase in education spending in 30 years.

This budget resolution does however, contain a few disappointments. It does not come to grips with the fundamental challenges our Nation faces in the coming years. Instead of confronting these challenges and taking steps to meet them, it is the budgetary equivalent of the scene from "Casablanca" when Claude Rains says "Round up the usual suspects." In this case, the "usual suspects" are domestic discretionary spending and cuts in reimbursements for Medicare and Medicaid health providers.

Like Captain Renault, this agreement is more concerned with the appearance of action than with actually achieving something. And unlike the situation in "Casablanca", where the captain's inaction produced a good result, the failure to address our fundamental retirement security and investment challenges now, makes the future more difficult for all of us.

Since 1991, discretionary spending has remained relatively flat. While the President has resisted deeper cuts this year, this budget resolution nonetheless short-changes domestic spending. The agreement cuts investments in non-defense discretionary programs by at least $61 billion below the level needed to maintain the current level of services. This agreement represents roughly a 10 percent cut in real terms in non-defense discretionary programs. This translates into less money for cops on the streets, less money for sewers, and less money for our highways—fundamental public investments needed to keep our country strong.

The squeeze is being put on discretionary funding to pay for tax cuts. Furthermore, nothing is being done to address entitlement spending. This budget resolution does nothing to address the ominous long-term issue facing our country: changing demographics and its effect on our ability to maintain retirement security for future generations.

I was a member of the Bipartisan Commission on Entitlement and Tax Reform. The Commission made it clear that unless we get the deficit under control, by the year 2003, mandatory spending—most of which goes to Medicare and Social Security—plus interest on the national debt, will account for fully 73 percent of the total Federal budget.

Though the current economic news is generally good, and the economy continues to expand, this trend may not continue. The Congressional Budget Office's report entitled "The Economic and Budget Outlook: Fiscal Years 1998–2007," points out that "Despite the improved outlook through 2007 . . . the budget situation will start to deteriorate rapidly only a few years later with the retirement of the first baby boomers and the continued growth of per-person health care costs."

By the year 2012, the Social Security trust fund will begin spending more than it takes in. And by the year 2029, the trust fund will have exhausted all of its resources. After 2012, when there are no more surpluses, Federal deficits will really begin to explode, an explosion fueled by the looming retirement of the baby boom generation.

The fact that for the next 15 years Social Security will be running a surplus, works to disguise the extent of the problem, as does the fact that the retirement security budget is currently roughly in balance. Social Security and Medicare payroll taxes, Medicare part B premiums, and interest earned by the Social Security and Medicare trust funds roughly equal the spending by those two programs, at least for the moment.

The long-term prognosis, however is nowhere near as favorable and the problem with this budget resolution is that it does nothing to address these problems now, while there is still time. Granted, the proposed set of Medicare reductions will extend the solvency of the trust fund until 2008. There are also some true systematic reforms to the Medicare Program that will move many of the program features toward prospective payment systems.

However, this is not nearly enough. This budget resolution does not even extend the Medicare Program solvency to the year 2010 when the baby-boom generation begins to retire. Think about this: Currently, 13 percent of the population is over age 65, and that number will double by the year 2030. The problem of fixing Medicare for the long run is only going to get more difficult. If we wait until the next millennium to deal with Medicare, it is going to take a lot more than $115 billion over five years to fix the problem. If we want Medicare to exist for our children and for many of us, we have to seize this opportunity to overhaul the program in a long-lasting way.

Equally depressing is our complete ignoring of needed Social Security reform. There has been a lot of talk over the last few years about tax cuts and the need to give Americans some relief from the burden of excess taxation. As you may know, 70 percent of Americans pay more in payroll taxes than income taxes. The average worker retiring in 2015 will pay $250,000 in payroll taxes over her working career.

People pay these taxes into a system that they believe will provide them with some measure of retirement security. They expect Medicare to be there to cover health care costs and they expect Social Security to be around to provide a measure of income support. Eighty percent of Americans get more than 50 percent of their retirement income from Social Security.

The Social Security system, just like Medicare, is not prepared for our future changes in demographics. Current retirees can expect to get back in benefits what they paid in taxes plus interest within eight years.

For the vast majority of past and current retirees, Social Security has been a great value. They paid into the system with the promise that when it was their turn to retire, Social Security would be there. Well, the outlook is not as good for future generations of retirees. Already, the probability of getting back what they will pay into the system is diminishing. In the year 2015, it will take the average worker 13 years to recover what he pays in payroll taxes.

This already eroding value of Social Security is compounded by the facts that we are planning to reduce the consumer price index which will lengthen the time it takes to recoup taxes and even more problematic, the trust fund is expected to become insolvent in 2029.

A lot of work has been left undone by this budget resolution. This resolution does not even begin to make the reforms necessary to ensure that the next generations of Americans can retire with the same dignity as their grandparents and parents. Cutting $115 billion from Medicare is simply a quick fix to get past the initial 2001 exhaustion date. Future seniors should not have to worry about whether Medicare will pay their doctor's bill or whether their Social Security check will arrive on time.

Mr. President, I was particularly disappointed that this proposal did not invest in education infrastructure. It is a sad fact of life that in thousands upon thousands of classrooms all across the country, our schools are not physically up to the task of educating all Americans for the 21st century. Too many of our schools are literally falling down around our children.

Too many of our schools are overcrowded to the point where students cannot learn effectively. Too many of our schools do not have the physical infrastructure necessary to support the integration of computers into classrooms.

According to the U.S. General Accounting Office, which at my request conducted an intensive, 2-year study of the condition of America's schools, 14 million children attend schools in such poor condition they need major renovations or outright replacement; 7 million children attend schools with life-threatening safety code violations; and it will cost $112 billion just to bring schools up to what the GAO calls good, overall condition—in other words—up to code. This budget resolution does nothing to address these concerns.

Mr. President, education does not just provide benefits to individuals. Education benefits the public. Every single American benefits from improvements to our elementary and secondary education system.

It is unfortunate, then, that we continue to pay for our education system as though its benefits were individual and local in nature. In order to remain the world's economic leader, we must reform our education funding system that was designed to meet the needs of yesterday's economy.

Our reliance on local property taxes to pay for elementary and secondary education causes wide disparities in the abilities of school districts to adequately fund education. Under our current system, wealthy communities with low tax rates can often generate sufficient revenues to build the finest facilities, while poor communities with very high tax rates often cannot raise enough to support even mediocre schools. While many poor districts try their hardest, and have the highest tax rates, the system works against them.

According to the U.S. General Accounting Office, poor and middle-class school districts in 35 States make a greater local tax effort than wealthy districts. In my home State of Illinois, the poorest districts tax themselves at an average rate of 43 percent higher than the wealthiest districts. This phenomenon is our school finance system's greatest irony: the lowest-income areas often have the highest property tax rates and the schools with the fewest resources.

The GAO found that although most states make some attempt to supplement local funding in poor districts, wealthy school districts in 37 states have more total funding per pupil than poor districts. These disparities exist even after adjusting for differences in geographic and student need-related educational costs. In Illinois, the wealthiest 20 percent of districts have almost two-thirds as much to spend per pupil than the other 80 percent.

Because we rely on the local property tax to fund education, the opportunities available to our children are subject to the vagaries and disparities of local property wealth. Children in wealthy communities are able to attend the best schools and have the most opportunities, while children in poor and middle-class communities often have access to second-rate facilities and lesser opportunities. This budget resolution does nothing to reverse these trends.

In conclusion, I believe that our Nation's budget, reduced to its essentials, is very much like the budget of any family. It should balance revenues and spending, it should address the needs and priorities of the various family members, it should be fair in the apportionment of spending and sacrifice, and it should lay a foundation for the future well-being of its members.

It should address the looming needs of the American family, especially in regards to health care and retirement security, as well as reinvestment in the infrastructure which is in progressively worse shape.

The agreement reached can be thought of as a decision to pay off some, but not all, of the old bills, to give more support to a variety of family activities, and to give up a part time job. Because the economy is so robust, those decisions represent the cashing in of a prosperity dividend.

Mr. President, Congress must not only look at the 5 and 10 year effect of the policies we enact. We need to look at how the policies we change today affect the future. It is true that long-term economic estimates are notoriously unreliable, but having said that, long-term budget problems are in no small part related to long-term demographic trends. And long-term demographic trends are reliable.

Our actions now will impact future generations, our grandchildren. For example, if Social Security were examined under the requirements of private pension funds, you would find that it is underfunded by hundreds of billions of dollars. Congress should look outside the budget horizon, particularly at the long-term budgetary consequences of tax cuts. Tax cuts are back-loaded in this resolution.

Mr. President, in Alice in Wonderland, Alice asked the Cheshire Cat, "Which way should I go?" And the Cheshire Cat responded "It depends on where you want to go." Congress must decide which way to go. Mr. President, this budget resolution will balance the budget. But more work needs to be done to meet our obligations to future generations of Americans, to invest in people and to protect their retirement security. Every generation of Americans has addressed and resolved challenges unique to their time. That is what makes our country great. Now is the time to take steps toward ensuring that our generation will honestly address its needs so that future generations will have at least the same opportunity.

Our generation should leave no less than we inherited.

Mr. SMITH of New Hampshire. Mr. President, I rise to voice my concerns about the budget resolution we debate here today. Since the announcement of a budget deal earlier this month, I have carefully examined the plan, contemplated its effect on our economy and the future of our children, and pondered the advice of many. I have also observed the floor debate and statements of my colleagues, and have heard the views of many of my constituents in New Hampshire. After much deliberation, I must oppose this budget.

While I do not support the resolution, I would like to commend my colleagues who have worked so hard to try to craft a good plan. I appreciate their efforts and the difficult discussions they have endured. Most importantly, I realize that negotiating with the White House is no easy task. However, my concerns about the deficit, the exploding growth of entitlements, and the huge tax burden on Americans, far outweigh the temptation of a politically appealing agreement with the President. History has taught us that the most politically expedient solution is not always good for Americans.

What happened to the Republican Congress that came into town in 1995, ready to attack the problems in our economy that had been ignored for decades? Where is the spirit of dedication that accompanied our success and the commitment to our principles that led to our win? Where are those voices that denounced Washington's business as usual? I cannot answer these questions, but I do know that we should not disappoint the voters who trusted us.

For a minute, allow me to set aside the rhetoric that surrounds this debate and look at the facts. Fact 1: Under the plan, the era of big government is not over. This budget deal proposes to spend $5 billion more than even President Clinton requested for fiscal year 1998. In fact, spending for 1998 increases about $70 billion from 1997—a bigger increase than any budget passed by Democrat-controlled Congresses in recent years. Over 5 years, this plan spends $189 billion more than Congress proposed in last year's budget resolution. The so-called savings that have been celebrated by proponents are just reductions from the inflation-adjusted baseline that rises each year.

Fact 2: All the pain is in the out-years. Since Congress revisits the budget resolution every year, we cannot count on anything past 1998 and we have no assurance that the cuts in spending will ever be achieved in 2001 and 2002. At the very least, we must cease the fairy tale rhetoric about savings that will be achieved over the next decade.

Fact 3: The deficit goes up! While the deficit for this year is projected to be $67 billion, under this plan, it is estimated to grow to $90 billion for the next 2 years and then drop slightly to $83 billion in 2000. Not until 2001, does the deficit drop to below today's level. If we can reduce the deficit from $53 billion in 2001 to 0 in 2002, why can't we reduce it by $53 billion this year? Furthermore, the deficit reduction is due, in large part, to suspicious economic assumptions. Overnight, the Congressional Budget Office discovered a $225 billion "fiscal dividend" of new tax revenues that may or may not be realized in the out-years.

Fact 4: The tax cuts will not provide noticeable relief. While we must vote on the spending increases now, we have but a skeleton of a commitment on tax relief for Americans—legislation which won't be discussed until next month. Since we have already promised away $35 billion for the President's education credit, the tax writing committees are left with very little room to accommodate the equally important capital gains tax reductions, death tax reform, the $500 per child tax credit, expansion of individual retirement accounts [IRA's] and other relief provisions. For instance, $100 billion would not even cover the full $500 credit. These restrictions will produce scaled-down, phased-in, and barely noticeable adjustments.

Fact 5: The proposal contains no real entitlement reform. This budget proposes $115 billion in Medicare savings, but does absolutely nothing to fundamentally restructure the ailing program. In fact, the biggest reform is an accounting change that we condemned as a "gimmick" just last year—and rightly so. Worse yet, the plan wipes out many of the real reforms we enacted in last year's welfare reform legislation by restoring welfare payments to legal immigrants and expanding Food Stamp work slots.

Fact 6: The budget deal protects additional money for Presidential priorities, but no programs are terminated. While the resolution guarantees that spending will go up for programs such as Head Start and bilingual education, there is not one word about reforming or eliminating arts funding, AmeriCorps, or corporate welfare programs. Since total discretionary spending increases in this legislation, I hold out little hope that wasteful spending programs will be tackled this year.

A legitimate balanced budget plan should shrink the size of Government, reduce the deficit, and reform entitlement programs. The budget must be accompanied by a credible tax package that includes complete repeal of the estate tax; a 50-percent cut in the capital gains tax rate; an immediate $500 per child tax credit available to all, regardless of income; and creation of an "IRA-Plus" plan. These tax cuts should be financed by reducing spending, not increasing other taxes.

Although this plan contains many serious flaws, it is my hope that we can renegotiate a plan that meets but one condition: it must be a good deal for Americans. In its current form, I cannot, in good conscience, support this budget resolution.

Mr. JOHNSON. Mr. President, I rise in support of Senate Concurrent Resolution 27, the fiscal year 1998 budget resolution.

Mr. President, this bipartisan budget agreement represents a hard-fought achievement for our Nation. It is neither the perfect plan, nor is it the plan that I would write if I were solely responsible for this enormous task. What this plan does represent, however, is a compromise between two parties, a compromise between Congress and the administration, and a delicate balance of important national investment and tax priorities. Under the circumstances, no plan could be perfect. This plan, nevertheless, is a good plan.

Mr. President, this plan is the culmination of more than 2 years of debate. During the course of this debate we have witnessed several critical events: the shutdown of the Federal Government, the death of the so-called Contract With America, and the emergence of a group of centrists committed to a sensible approach to balancing the Federal budget.

In order to understand this agreement in its proper context, we should take a moment to remember that this agreement today would not be possible without tough votes cast by Democrats on the Omnibus Reconciliation Act of 1993. The success of that deficit reduction package is indisputable. When President Clinton took office in January 1993, the Federal budget deficit stood at $290 billion. Experts are now projecting a deficit for this year in the range of $67 billion. We have seen, for the first time in a century, declining deficits for 5 years in a row, and the deficit as a percentage of the size of the economy is at its lowest in decades. Not a single Republican supported the 1993 deficit reduction bill. Not one. Yet, without this enormous achievement, we could not be finishing the job today.

It is also vitally important that we remember the great battle over the shape of Government that has taken place over the past 2 years. At the beginning of the 104th Congress, we heard talk of a revolution. We were told that we needed to cut Medicare by $270 billion over 7 years. We were told that Medicaid should be reduced by $170 billion, and that Federal Government would no longer guarantee health care coverage for the poorest Americans. And we were told that the earned income tax credit—a program that reduces the tax burden on low- to moderate-income working families—should be cut by $32 billion. Speaker GINGRICH's revolution also called for massive reductions in discretionary spending, leading to cuts in critical education programs, veterans' programs, and environmental protection.

These large-scale reductions would be necessary because Speaker GINGRICH's plan contained a massive tax cut of $280 billion over 7 years. The majority of the tax cuts would be of little benefit to typical American families. In fact, with the cuts in the EITC, many families needing the most help would have paid higher taxes.

Democrats knew that there was a better way. We said that we could balance the budget by 2002, but we had to do it with the right priorities. We said that we could balance the budget while enacting a modest package of tax cuts that would be targeted to typical American families. We said that we could preserve Medicare, invest in education, and balance the budget. This budget agreement proves that we were right.

With a better-targeted tax cut package, this agreement allows us to balance the budget while making investments in critical priorities. The agreement provides $35 billion in tax cuts for education, funding for the child tax credit, and still leaves room for relief in estate and capital gains taxes.

The agreement would increase funding for Pell grants by $8.6 billion over 5 years. This funding boost would increase the maximum Pell grant to $3,000—which is a $300 increase—and it would expand eligibility so that more students can be provided assistance.

The agreement will provide $16 billion over 5 years for innovative new programs to provide health care coverage for 5 million children who have no health insurance. This achievement stands in stark contrast to proposals in the Contract With America that would have removed the Federal guarantee of health care coverage under Medicaid.

The bipartisan agreement allows for the largest expansion of education programs since the time that Lyndon Johnson was President. Head Start will be expanded by $2.7 billion, allowing for 1 million children to be enrolled in this critical program by 2002. This is a vast improvement over the Contract With America, which called for the elimination of the Department of Education, cuts in student loans, and reductions in Head Start.

The agreement provides for growth in Federal student loan programs, increasing student loan volume by $7 billion by the year 2002. In contrast, the Contract With America would have added to student debt burdens by charging interest while the students were still in school.

The agreement will reform Medicare to extend the life of the Medicare trust fund for 10 years. Rather than receive benefit reductions, Medicare beneficiaries will be eligible for new preventive care benefits, such as mammography coverage, other cancer screening, and diabetes management.

The agreement will implement President Clinton's proposed budget for the National Park Service, producing an increase of $57 million over current budget levels.

The budget plan provides key funding for crop insurance programs, allocating $200 million necessary from discretionary funds to reimburse crop insurance agents for the cost of administering the program.

The agreement will fund the President's budget request for tribal priority allocations, which pay for law enforcement, child protection, education, and road maintenance on our Nation's reservations. This provision will boost funding by $200 million for the next fiscal year, and by $800 million over 5 years.

I do want to take a moment, however, to express my concern that the tax-writing committees in both the House and the Senate take considerable care as they fill in the details of the agreement to reduce taxes by a net $85 billion over 5 years and $250 billion over 10 years. There may be great temptation to structure these tax cuts so that their full cost to the Treasury is not felt until the years beyond the 10-year path laid out by this agreement. It would be a grave mistake, and highly irresponsible, to pass into law a tax cut package that could not be sustained over the long term. Our goal should be to keep this budget in balance for good. Accordingly, I urge my colleagues on these committees to keep long-term fiscal considerations in mind.

Mr. President, I want to thank all those on both sides of the aisle that spent countless hours negotiating this agreement. We have not yet finished the job, but the passage of this resolution is a crucial step down the road to balanced budget.

Mr. FAIRCLOTH. Mr. President, I reluctantly have to rise in opposition to this balanced budget agreement.

Mr. President, this agreement will balance the budget in 5 years. But, we are already $5 trillion in debt. We can't wait 5 years. We can't go deeper into debt, just to spend more on domestic programs.

In the last 40 years, the Government has grown too big—it is time for our national debt to get smaller. In fact, this budget could actually be balanced by the year 2000 rather than 2002, and still provide tax relief for working families, were it not for the first 3 years of higher spending which the President insisted upon. I want to commend my colleagues who negotiated with the President, and I have no doubt it was difficult to persuade the President to agree to a budget that ever achieves balance. But I simply cannot support the spending increases and tax increases in this budget.

If this budget resolution is enacted, spending will grow—that's right, grow—by $267 billion over 5 years, rising from $1.622 trillion this year to $1.692 trillion in 1998, $1.753 trillion in 1999, $1.809 trillion in 2001, and $1.889 trillion in 2002. Under this budget deal, deficits will grow next year alone by 35 percent, from $67.2 billion to $90.4 billion. In fact, deficits will be above this year's level for each of the next 3 years. This budget deal allows spending to balloon over the next 3 years, and it does not begin to control spending until the year 2001, which of course will be after the end of the President's second term.

In fact this agreement will actually produce the largest increase in social spending in the last 15 years.

While we're spending at records levels, the agreement gives little in the way of tax relief. And much of the tax relief that is provided is really robbing Peter to pay Paul. The agreement includes a gross tax cut of $135 billion, but let's take another look at that so-called tax cut. If you look elsewhere in the agreement, you'll see that it actually includes $50 billion in new tax increases, including $34 billion in tax increases from the airport and airway trust fund tax.

In addition, the Bureau of Labor Statistics will adjust the Consumer Price Index downward by 0.25 percent. That's another $6 billion in tax increases. In other words we are cutting taxes with one hand, and raising them with another, so the Government can keep spending and deficits can keep growing.

Most of the deficit reduction in this bill comes not from tough choices and policy changes that control Government spending, but from rosey-scenario assumptions made by economists. We are assuming that economic growth will be strong enough, and inflation will be low enough that all the hard choices will be taken care off for us. In fact, 99 cents out of every dollar of deficit reduction in this bill is simply assumed. As my good friend, Senator GRAMM has noted, only 1 cent out of every dollar, or $3 billion out of $350 billion, comes from changes in public policy.

Congress and the President should tell the American people the hard truth about the Nation's deficit. A balanced budget requires hard choices. It cannot be achieved simply by wishing it away.

Even though I cannot support this budget agreement, I must note that this is perhaps the best agreement that could be achieved, considering that we have been negotiating with a President who is dedicated to increasing the size of the Federal Government.

In fact, I find it very instructive to compare this budget agreement with the budget produced in 1993, when the President and a Democratic Congress unveiled their own budget plan. That 1993 budget raised taxes by $241 billion, provided absolutely no net tax relief, and never achieved balance, but continued deficit spending as far as the eye could see. The Clinton budget of 1993 provided spending reductions of $193 billion, as against a net total of $241 billion of tax increases. The current balanced budget agreement of 1997 provides $320 billion of spending reductions, and gives the American people a net total of $85 billion in tax relief.

Without the current balanced budget agreement, it is likely that the Federal Government would face another Government shutdown. This agreement should prevent that from happening.

Is this a perfect agreement? No, it is not. Unfortunately, no agreement which attempts to reconcile a philosophy of tax and spend Government growth with one of tax relief and fiscal restraint is likely to be perfect. Perhaps it is the best that can be achieved under this President.

Although it is perhaps the best that Congress can get from this President, the Nation deserves much better, and for that reason I plan to vote against the budget agreement. With that, Mr. President, I yield the floor.

Mr. KYL. Mr. President, Gen. George S. Patton once said, "if everybody is thinking alike, then somebody isn't thinking."

Mr. President, I have no doubt that this budget is going to pass. There appears to be a lot of sentiment on both sides of the aisle that the deal must be approved even though it is flawed in many respects. But, like General Patton, I hope each of us and every American will actually evaluate the budget agreement on its merits before deciding whether or not to go along. I, for one, have concluded that the deal—on its merits—should not be supported, and there are several reasons why.

First, consider the deficits that are projected under the budget agreement. The deficit this year is expected to total $67 billion. We are trying to get a zero deficit—to balance—by the year 2002. But under this budget, the deficit goes up, not down. It climbs 34 percent—to $90 billion next year—and then remains in that range for 2 more years. Only in the final 2 years of the 5-year plan—in 2001 and 2002—would the deficit drop dramatically.

Think about that. We are at a $67 billion deficit now, and we are trying to get to balance in 5 years. This budget lets Congress and the President go on a spending binge for 3 years, and then requires us to eliminate a $90 billion deficit in just 2 years. It cannot be done.

It is as if you decided to go on a diet and lose 20 pounds by the Fourth of July. But instead of losing the weight gradually, you decided to put on 10 more pounds and then started the diet in earnest on July 1. You would fail to achieve your goal. The same is the case regarding deficit reduction. If it is going to take 5 years to eliminate a $67 billion deficit, how can we possibly eliminate a $90 billion deficit in just 2 years? The answer is that we will not.

Second, consider tax relief. Of course, the budget itself does not include a family tax credit, capital gains relief, relief from death taxes, on an education tax credit. It merely establishes the overall size of the tax cut that will be written later. But the amount of tax relief we will be able to provide is very small: a net total of $85 billion over 5 years—about 1 percent of the $8.6 trillion in tax revenue that will be collected over that time period. A tax cut of 1 percent. It is minuscule.

It is going to be impossible to provide all of the tax cuts that we have promised within that small amount.

Mr. President, the tax relief we promised to working families—to help small businesses create jobs and provide better wages—will total $188 billion alone. President Clinton's education credit will cost another $35 billion. And there are a variety of other tax cuts as well.

What that means is that a single mother probably cannot count on a full $500-per-child tax credit. It probably will be something less, phased in over a period of time. And maybe only some parents will qualify.

It means that small businesses, including those started by women and minorities, cannot count on the tax relief that would enable them to expand, hire new people, pay better wages, and do the things necessary to become more competitive.

It certainly will not be significant enough to prolong the economic expansion, which is already reaching historic lengths. That means the economy will probably slow, and people would be hurt be recession. We can prevent that by providing the economy with the shot in the arm that it needs to keep on growing. But that will require a larger, more meaningful tax cut.

Third, consider whether or not this budget preserves Medicare for our seniors today and for those who will count on it in the future. Instead of going bankrupt in 2 years, this budget lets Medicare go bankrupt in less than 10 years. We need to make sure Medicare is safe and solvent for the long haul, particularly when the first wave of the Baby Boom generations begins to retire in 2010. This budget does nothing to protect Medicare for the next generation.

It merely delays insolvency, mainly by reducing provider reimbursements, which will either diminish the quality of care provided to today's generation of older Americans or drive more doctors and hospitals out of the Medicare Program altogether, leaving seniors with limited health-care choices.

It shifts the costs of home health care from part A to part B—a gimmick that we roundly denounced when the President proposed it before.

Fourth, consider whether or not this budget makes good on the President's pledge that "the era of big government is over." It does not. In fact, there are 13 new mandatory and entitlement programs in this agreement. And their costs will explode early in the next century.

Fifth, and this may be the most telling of all, to pass this budget agreement we will first have to waive the discretionary spending caps for fiscal year 1998 that were established by the Democrat Congress and the Democrat President in 1993. Outlays will actually exceed the statutory cap by about $7 billion. In other words, the Republican majority, which was sent to Washington to try to curb spending, will allow spending to grow even more than the free-spending Congress of the early 1990's.

Mr. President, this budget will not produce the intended results. It merely postpones all of the tough decisions until a new President and a new Congress are elected early in the next century. It is, as Yogi Beara once said, deja vu all over again—a remake of the 1990 and 1993 budget deals that simply yielded more spending, bigger government, and more taxes.

I intend to vote "no."

Mr. BYRD. Mr. President, the Budget Resolution before us today is nothing more than a blueprint that, if implemented in its entirety through subsequent reconciliation and tax legislation, purports to balance the federal budget by 2002. Whether or not a balanced budget will actually be achieved in five years, Heaven only knows. Having said that, this agreement must nevertheless be recognized as the byproduct of a reasonable compromise between a Democratic President and a Republican Congress. Such bipartisan cooperation has not been witnessed in recent years, when two government shutdowns have highlighted the paucity of compromise in our federal government.

Mr. President, I would like to commend the leaders from both parties who have worked hard to forge a balanced-budget agreement that will likely pass both houses of Congress. However, I also want to remind all Senators that most of us did not sign the Bipartisan Budget Agreement announced by the President and the Congressional leadership on May 2, 1997, and we are not thereby bound to its individual components. As much as we want to jump on this budgetary bandwagon, we must be careful not to subject this Budget Resolution to any less scrutiny than would be applied to a strictly partisan budget proposal.

Mr. President, the Budget Resolution before us today purports to achieve a budget surplus of $1 billion in FY 2002. To accomplish this task, discretionary spending will be cut by a total of $138 billion over five years, Medicare and Medicaid will be cut by $129 billion, and other mandatory programs will be reduced by approximately $40 billion. In addition, the proposal would amend budget rules to extend the statutory caps for discretionary spending and the pay-as-you-go requirements for mandatory spending through 2002. While I am concerned about the depth of the spending cuts targeted towards discretionary spending, which has been declining sharply as a percentage of the federal budget since the 1960's, I cannot ignore the substantial improvement in discretionary funding that this Budget Resolution achieves over its immediate predecessors. Furthermore, this plan places spending priorities on many needed investments in transportation infrastructure, educational assistance, environmental protection, and crime-prevention programs.

Mr. President, if the Budget Resolution included only the aforementioned spending reductions, I would likely be standing on the floor today declaring my unequivocal support for its passage. However, the Budget Resolution before us also includes certain provisions that have nothing to do with balancing the budget. In fact, these provisions—namely, the $85 billion in net tax cuts included in Senate Concurrent Resolution 27—take us in the opposite direction and make it more difficult to balance the budget. In essence, Mr. President, if we approve these tax cuts, we are with one hand digging deeper the very hole our other hand is trying so hard to fill. Such ambidexterity should not be relied upon to balance the budget. We should eschew all tax cuts until after we firmly erase the budget deficits that have so plagued our nation in recent years. Tax cuts were, after all, the primary culprit for the rapid escalation in the federal budget deficit in the 1980's. It is all too easy to enact tax cuts and save the pain for later. We have done it before, and the lessons learned from that exercise should instruct us not to do it again.

Mr. President, some may guarantee that the Budget Resolution before us today will balance the budget in five years and still provide such tax relief. If the economy continues to perform at close to its current pace, that very well may be true. However, if the economy turns sour in the next five years, the tenuous $1 billion surplus projected for FY 2002 under this Budget Resolution may be worth less than the paper on which it is printed here today. We may never see that surplus, or anything close to it, if we combine the contradictory goals of tax cutting and budget balancing in this resolution. Suppose, for example, that we provide these tax cuts today and then find ourselves in the year 2000 well above the deficit targets proposed by this resolution. Will we be able to repeal these foolhardy tax cuts to bring us closer to balance? Will we be able to tell those beneficiaries of these tax cuts to give them up? I have served in this body long enough to recognize that tax cuts such as the ones included in this Budget Resolution are virtually a one-way street; there is no turning back. We should steer clear of this diversion and stay focused on the course of balancing the budget.

Mr. President, before I conclude my remarks, I want to remind all Senators of the actions that have helped to bring us to this point, where balancing the federal budget is well within our reach. According to the Congressional Budget Office, the FY 1997 budget deficit will be approximately $67 billion, or less than one percent of Gross Domestic Product (GDP). Just five years ago, many Senators will remember that we were facing a budget deficit of $290 billion, or about 4.7 percent of GDP. This considerable improvement in the fiscal order of our nation did not occur by accident. Rather, it can be traced directly to the passage in 1993 of the Omnibus Budget and Reconciliation Act (OBRA–93) by the 103rd Congress, with the support of President Clinton. That landmark legislation combined responsible spending cuts and revenue increases to begin the painful—but necessary—process of eliminating the deficit. There can be no doubt of the success of OBRA–93 in bringing down the deficits and stimulating economic growth. We are currently in our sixth consecutive year of economic growth, unemployment has dipped below five percent, and inflation has remained in check. The Budget Resolution before us today continues the task of balancing the budget from the propitious starting point made possible by OBRA–93, and it relies on projections of similar economic conditions in the future. Mr. President, it is safe to say that, were it not for OBRA–93, the task of balancing the budget by FY 2002 would be substantially more difficult, and the Budget Resolution before us today would not come close to balance.

After discussing what actions have made this Budget Resolution possible, however, I believe it is also important to focus on what actions were not needed. Specifically, I am referring to the proposed constitutional amendment to balance the budget, which was again defeated earlier this year. Without constitutionally tying the hands of this and future Congresses, the leaders of the Congress and the President have come together to forge a balanced-budget plan. The plan is not perfect, by any means, but it must serve as a reminder that, in order to balance the budget, it takes only the courage to stand in the well of this chamber and cast our vote for a specific plan to eliminate the deficit. There is no substitute for courage that can be drawn from such an ill-conceived constitutional amendment.

In conclusion, Mr. President, let me announce my intention to support final passage of S. Con. Res. 27.

I commend the members of the majority and minority leadership, and the Budget Committee, who have come together with equanimity to work out a bipartisan budget agreement with the White House. Compromise is never easy to achieve, but its results may well be worth our efforts. After all, let us not forget that the Senate itself was, according to "The Federalist Papers," the "result of compromise between the opposite pretensions of the large and the small States." Similar conflicting "pretensions" have helped mold the bipartisan budget agreement before this body into a reasonable approach to balance the budget.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, I rise in support of Senate Concurrent Resolution 27, the bipartisan budget agreement as amended during the debate of the past few days. Mr. President, I believe that the Budget Resolution represents an important victory for this body and for the American people in that we can finally look forward to a balanced budget by 2002. Priorities like Medicare, Medicaid, education and the environment have been protected. This agreement, the first true balanced budget in 28 years, delivers on a personal promise of mine to work to strengthen the economy, balance the budget and put families first.

Mr. President, I salute the work of both parties as the primary reason this agreement was reached. Each side had to give and take to get us to this point. I commend the President and the congressional leadership, particularly Senator DOMENICI and Senator LAUTENBERG, for their responsible conduct throughout this entire process. We are in their debt.

Mr. President, the budget agreement puts more resources into educating America's children—from Head Start to college—than the Federal government has done in 30 years. It secures Medicare's solvency for a decade, cleans up poisonous waste sites and will help move millions of Americans from welfare to work. Just as important, it accomplishes all this and gives needed tax relief to hard-working families and small businesses through capital gains and estate tax cuts and a $500 per child tax credit.

Mr. President, this agreement only begins our work, it doesn't end it. I will go forward with my colleagues fighting for families—to strengthen our investment in children by repairing their crumbling schools, extending medical coverage to more children, and cutting juvenile crime—and to strengthen Social Security and make retirement secure for every working American.

Mr. KERRY. The Senate shortly will be taking a very momentous step. We will be acting on a budget resolution designed to eliminate the federal budget deficit by 2002. This has been an objective many of us have fervently sought for many years. It has been my objective since I came to the Senate in 1985.

The Federal Government has run a deficit continuously for more than 30 years, but it soared to what were then almost inconceivable heights in the 1980s during the Reagan and Bush Administrations. As a result of those stratospheric deficits, the national debt has multiplied several times, exacting a toll from our economy, increasing interest rates, and making debt service one of the largest expenditures in the Federal budget.

I would like nothing more than to vote for a solid budget resolution that would achieve balance while allocating resources in a way most likely to meet our most pressing national needs. Because of the strength of my desire to achieve balance and eliminate the deficit, I am tempted to vote for the resolution that the Senate is considering today. It does, of course, project balance in 2002.

Mr. President, I know how difficult it is to achieve a budget compromise, which entails bridging the great differences among elected officials—the President and his Administration and both Democrats and Republicans in the Congress. President Clinton and his senior advisers, the Senate and House Republican leadership, and the chairmen and ranking members of the House and Senate Budget Committees have labored mightily for many weeks to try to devise the plan on which we will be voting today. Given those differences they had to bridge, I think they are to be commended for what they accomplished.

But above all the applause for the deal they struck, and the bipartisan congratulatory cheers simply for laying aside the usual bickering and sticking with the plan they have prepared, I hear my conscience saying it is wrong to ignore my core set of values and what I believe should be the priorities for our Nation.

This budget deal, Mr. President, may be historic. I strongly support the fact that it achieves balance in 5 years, and if that balance actually is achieved, it surely will be historic. But that is far from the only measure that should be applied to a budget. Deficit elimination is a vital objective, but it is neither an economic policy nor a statement of priorities for our Nation or its Government.

Said another way, it matters, and matters greatly, how we achieve balance, not just that we achieve it.

Mr. President, despite the fact it achieves balance, and despite the fact that one can imagine many budgets that would be worse for our Nation—indeed, one need look no further than the draconian budget the congressional Republicans tried to force down our throats as recently as 2 years ago—this budget does not meet America's needs as I believe they can and must be met while achieving budget balance. It fails this test in two ways—one of those consists of vital activities it fails to include, and the other consists of the detrimental effects of its contents.

The foremost deficiency of this budget is that it has no vision for America's children. To partially address this deficiency, I offered an amendment to enable the Senate to consider legislation later this year to meet the critical early developmental needs of children from birth to age 6. I applaud the managers for accepting this amendment. But earlier, the Senate rejected a bipartisan amendment that would have provided the budgetary room needed to enact a program providing health insurance to the millions of children who do not now have it.

We were presented with a deal that gives lip service to some of our critical domestic needs by providing limited room for so-called Presidential initiatives. These include $16 billion over 5 years to provide health insurance to children who do not now have it; an increase in Pell grants; and increased funding for bilingual and immigrant education, child literacy initiatives, Head Start, and Environmental Protection Agency and National Park Service operations. But the allocations for these categories fall far short of the additional investments that are needed in these and other critical areas.

The share of our gross domestic product invested in education, training, infrastructure, and civilian research and development will continue to decline for the next 5 years under this budget blueprint. Many Senators—on both sides of the aisle—pointed this out during the debate and each one in turn was rebuffed.

Look at the amendment by my great friend and colleague, the senior Senator from Massachusetts, Senator KENNEDY, and the chairman of the Judiciary Committee, Senator HATCH. The amendment they offered would enable an expansion of health coverage to all uninsured American children. But their amendment was defeated—shot down for the sake of the deal. Look at the amendment by my able friend, the senior Senator from Illinois. Senator MOSELEY-BRAUN attempted to set aside $5 billion for school construction. Of the schools in Massachusetts, 92 percent are in disrepair, and this money would have been a downpayment on our obligation to allow these children and all American children to have at a minimum a proper setting in which to learn. But Senator MOSELEY-BRAUN's amendment was rejected. And, why? Because it purportedly would have busted the deal.

The Senator from Minnesota, Senator WELLSTONE, sought to increase funding for Head Start, school lunches, and school construction. Republicans cynically demolished that amendment by passing a substitute amendment calling for a school voucher program.

At the head of the list of the harmful features of the bill can be placed the effects of its tax cuts. I support and believe the Nation can benefit greatly from the President's initiatives to provide assistance through the Tax Code to American families and individuals to help them meet the costs of higher and continuing education. But this budget resolution includes tax cuts that are sufficiently large that the result inescapably will be to increase the deficit—yes, I said increase the deficit—for at least the next 2 years.

Considerably more potentially destructive, despite a fuzzy commitment by the deal cutters that the tax cuts will not be backloaded—that is, they will not result in mushrooming revenue loss in the future, the revenue losses will significantly increase in the outyears. The net revenue loss over 5 years will be $85 billion; the net loss over 10 years is projected to be $250 billion.

Mr. President, while President Clinton did win some less-than-ironclad assurances that the Republican-controlled Finance and Ways and Means Committees will include some of his tax cut priorities regarding education tax deductions and credits and a child tax credit, the Republicans insist on including sweeping, broad-based, across-the-board capital gains and estate tax reductions among a host of tax cuts. These cuts will have a dramatically skewed distribution, providing the greatest portion of their benefits to taxpayers with annual incomes placing them among the top 5 percent of the Nation.

It is instructive to look at two proposals. Reducing capital gains taxation from 28 percent to 19.6 percent will yield 85 percent of the benefit to the top 5 percent of taxpayers, all with incomes exceeding $100,000. Reducing the estate tax by increasing the exemption from $600,000 to $1 million will benefit only the wealthiest 1 percent of households. Under current law, 98 percent of Americans who die leave estates wholly exempt from estate taxes. Such proposals can only be viewed as Republican "welfare-for-the-rich" at its worst.

Mr. President, while non-defense discretionary accounts are squeezed harder as we approach the magical balance to occur in 2002, and while most Americans have worked hard and sacrificed for the past 5 years to keep our economy booming and slash the deficit more than $200 billion and will be required to tighten their belts further by this resolution, the richest Americans and American corporations are absolved from contributing to the final push to 2002. The deal virtually ignores corporate welfare—both that which exists among discretionary spending programs and the far larger amount which exists in the Internal Revenue Code.

At a time when beneficiaries of spending programs—especially lower-income beneficiaries—have been subjected to significant reductions in those benefits they have received, corporate beneficiaries are asked to bear virtually none of the cost of achieving budget balance, much less paying for the investments in people and infrastructure that are so badly needed.

As my distinguished friend, the eternally junior Senator from South Carolina, Senator HOLLINGS, said on the floor on Tuesday evening, there is a scarcity of discipline in this budget and even less willingness to take less-than-pleasant budget medicine now in order to experience economic and budgetary order in later years. Instead, even that limited budgetary reckoning the deal entails is largely postponed until the final 2 years of the deal. Because of this, the national debt will increase significantly in the next several years, resulting in ever-higher debt service costs which must be borne by the budget until that debt is reduced.

I reiterate that I staunchly support balancing the Federal budget. But I do not believe in balancing the budget in just any way. One roadmap for achieving balance is not the same as every other roadmap for achieving balance. There unquestionably is a difference. Indeed, I have worked on and voted for balanced budget plans over the years with colleagues on both sides of the aisle. But, I cannot vote for this one. It is a Wizard of Oz budget deal—no home, no heart, no brain, and no courage.

If this budget passes and becomes the operative structure for fiscal decision making by the Congress, as I expect it may, I will work diligently to do everything possible to meet the needs of America's children, and other pressing needs, within its constraints, and to alter those constraints where it is possible to do so.

But, with no joy, I will vote no on final passage, greatly disappointed and saddened that the Senate has not taken the steps and provided the opportunities that are so badly needed to fairly confront and meet our Nation's most critical needs while achieving a balanced budget.

Mr. DASCHLE. Mr. President, this is an historic occasion. This budget outline is the first plan Congress has produced in 28 years to balance the budget.

I want to thank all of those who worked so hard to get us to this point, including the President and Vice President, Erskine Bowles, Frank Raines, John Hilley and others at the White House, Senators FRANK LAUTENBERG, ranking member of the Senate Budget Committee, House minority leader DICK GEPHARDT and JOHN SPRATT.

I also want to thank our partners across the aisle: Senate majority leader LOTT, Senator PETE DOMENICI, chairman of the Senate Budget Committee, Speaker GINGRICH and Congressman JOHN KASICH.

And all the staff, in both houses, the administration and including my own, who have worked so diligently to complete this agreement.

Finally, I want to thank two former colleagues, Senators Jim Sasser and Harris Wofford, who were defeated for re-election in 1994—in no small part because they supported the 1993 deficit reduction plan. Without that plan we would not be here today. Because of that plan, we've been able to cut the budget deficit by 75 percent. In less than 5 years, we've gone from a $280 billion deficit to a $67 billion deficit.

The U.S. economy has added more than 12.5 million new jobs, and 3 million small businesses. Our economy is now growing at a virtually unparalleled rate of 3.5 percent a year. Unemployment is at its lowest level in 24 years. Young people graduating from college this month are entering one of the best job markets in years. That's a remarkable record of progress.

I support this budget resolution because it builds on that progress. Make no mistake: This budget plan is not the culmination of the Contract With America. It is, in some fundamental ways, a repudiation of that contract.

Where the contract targeted tax relief to those who needed it least, this budget agreement targets it to those who need it most. Where the contract would have left Medicare to wither on the vine, this agreement extends the solvency of the Medicare trust funds for a decade. Where the contract represented a declaration of war, this resolution is instead a declaration of principles.

There is a difference between a budget that slashes and burns to get to zero, and a budget that is truly balanced. This resolution—if we adhere to it—will result in a balanced budget that addresses not only our financial deficit, but our investment deficit as well. This budget plan sets aside $35 billion in education tax relief, to help working families pay for college and job training. This plan will provide health insurance for 5 million children—half of the uninsured children in America. This plan extends the life of Superfund, so we can clean up the environmental mistakes of our past, and it invests in environmental safeguards, so we can avoid mistakes in the future. This budget keeps Medicare solvent for another decade—without gouging senior citizens who depend on the program.

It is a good deal. But it is not a done deal. We still have a long way to go before this declaration of principles is translated into an actual budget—13 individual appropriations bills, plus a reconciliation bill.

We know full well, from the last Congress, how difficult these next steps can be. It is my hope that we will also remember the painful consequences of refusing to take those steps. As long as the commitments we have received now in writing are honored, we will proceed in good faith toward reconciliation.

That does not mean, however, that we will be passive observers of this process. Any attempt to undermine our agreement and skew the tax relief to benefit disproportionately those who need tax relief the least will be met with forceful opposition. So will any effort to shortchange our agreement on education tax credits and children's health insurance.

The time for negotiations on these priorities is over. There is more than enough money, and flexibility, in this budget plan to honor these important commitments. There is also enough room in this framework to accommodate our proposal to help communities rebuild crumbling schools, and replace obsolete schools. According to the Government Accounting Office, one-third of all schools—serving 14 million children—require extensive repair or replacement. Almost 60 percent of schools have at least one major structural problem, from sagging roofs to cracked foundations. About half have unhealthy environmental conditions, such as poor ventilation or inadequate heating. Half lack the basic electrical wiring needed to connect them to the information superhighway.

It is wrong for us to hobble future generations with the debts of this generation; that is why we are taking these steps to eliminate the deficit. But it is equally wrong to deny future generations the basic tools they will need to make a life for themselves and their own families. Education is the most important of those tools, and that includes safe, adequate schools.

It is our hope that we can have a truly balanced budget on its way to the President's desk before the August recess. Then we need to turn our attention to other concerns, including juvenile drug abuse and crime, pension reform and, yes, campaign finance reform. Bipartisanship does not come easy to this Congress. But this budget outline proves it is not impossible.

It is my hope that we will be able to work together to make sure this balanced budget framework is not the only bipartisan victory of this Congress, but merely the first. There is much more we need to do.

AMENDMENTS NOS. 310, 338, 339, 349 WITHDRAWN

Mr. DOMENICI. Mr. President, I ask unanimous consent that any amendments that were pending at the desk and have not been called up be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Amendments Nos. 310, 338, 339, 349 were withdrawn.

The PRESIDING OFFICER. Under the previous order, the clerk will report House Concurrent Resolution 84.

The assistant legislative clerk read as follows:

A Concurrent Resolution (H. Con. Res. 84) establishing the Congressional Budget for fiscal years 1998 through 2002.

The PRESIDING OFFICER. All after the resolving clause is stricken, and the text of Senate Concurrent Resolution 27 will be inserted in lieu thereof.

The question now occurs on agreeing to the concurrent resolution, House Concurrent Resolution 84, as amended.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is a request for a second.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to House Concurrent Resolution 84, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 78, nays 22, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—78

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thurmond
Torricelli
Warner
Wyden

NAYS—22

Allard
Ashcroft
Bumpers
Coats
Enzi
Faircloth
Gramm
Grams
Helms
Hollings
Inhofe
Kennedy
Kerry
Kyl
Moynihan
Reed
Sarbanes
Smith (NH)
Specter
Thomas
Thompson
Wellstone

The concurrent resolution (H. Con. Res. 84), as amended, was agreed to, as follows:

Resolved, That the resolution from the House of Representatives (H. Con. Res. 84) entitled "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.", do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1998 including the appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 as required by section 301 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1998.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Discretionary spending limits.
Sec. 202. Allowance in the Senate.
Sec. 203. Allowance in the Senate for section 8 housing assistance.
Sec. 204. Environmental reserve.
Sec. 205. Priority Federal land acquisitions and exchanges.
Sec. 206. Allowance in the Senate for arrearages.
Sec. 207. Intercity passenger rail reserve fund for fiscal years 1998–2002.
Sec. 208. Mass transit reserve fund for fiscal years 1998–2002.
Sec. 209. Highway reserve fund for fiscal years 1998–2002.
Sec. 210. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE

Sec. 301. Sense of the Senate on long term entitlement reforms, including accuracy in determining changes in the cost of living.
Sec. 302. Sense of the Senate on tactical fighter aircraft programs.
Sec. 303. Sense of the Senate regarding children's health coverage.
Sec. 304. Sense of the Senate on a medicaid per capita cap.
Sec. 305. Sense of the Senate that added savings go to deficit reduction.
Sec. 306. Sense of the Senate on fairness in medicare.
Sec. 307. Sense of the Senate regarding assistance to Lithuania and Latvia.
Sec. 308. Sense of the Senate regarding a national commission on higher education.
Sec. 309. Sense of the Senate on lockbox.
Sec. 310. Sense of the Senate on the earned income credit.
Sec. 311. Sense of the Senate on repayment of the Federal debt.
Sec. 312. Sense of the Senate supporting long-term entitlement reforms.
Sec. 313. Sense of the Senate on disaster assistance funding.
Sec. 314. Sense of the Senate on enforcement of bipartisan budget agreement.
Sec. 315. Sense of the Senate regarding the National Institutes of Health.
Sec. 316. Sense of the Senate regarding certain elderly legal aliens.
Sec. 317. Sense of the Senate regarding retroactive taxes.
Sec. 318. Sense of the Senate on social security and balancing the budget
Sec. 319. Sense of the Senate supporting sufficient funding for veterans programs and benefits.
Sec. 320. Sense of Congress on family violence option clarifying amendment.
Sec. 321. Sense of the Senate on tax cuts.
Sec. 322. Sense of the Senate regarding assistance to Amtrak.
Sec. 323. Sense of the Senate regarding the protection of children's health.
Sec. 324. Deposit of all Federal gasoline taxes into the Highway Trust Fund.
Sec. 325. Sense of the Senate early childhood education.
Sec. 326. Highway Trust Fund not taken into account for deficit purposes.
Sec. 327. Airport and Airway Trust Fund not taken into account for deficit purposes.
Sec. 328. Military Retirement Trust Funds not taken into account for deficit purposes.
Sec. 329. Civil Service Retirement Trust Funds not taken into account for deficit purposes.
Sec. 330. Unemployment Compensation Trust Fund not taken into account for deficit purposes.
Sec. 331. Sense of the Senate concerning Highway Trust Fund.
Sec. 332. Sense of the Senate concerning tax incentives for the cost of post-secondary education.
Sec. 333. Sense of the Senate on additional tax cuts.
Sec. 334. Sense of the Senate regarding truth in budgeting and spectrum auctions
Sec. 335. Highway demonstration projects.

Sec. 336. Sense of the Senate regarding the use of budget savings.
Sec. 337. Sense of the Senate regarding the value of the social security system for future retirees.
Sec. 338. Sense of the Senate on economic growth dividend protection.
Sec. 339. Deficit-neutral reserve fund in the Senate.
Sec. 340. Support for Federal, State, and local law enforcement officers.
Sec. 341. Sense of Congress regarding parental involvement in prevention of drug use by children.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,199,000,000,000.
Fiscal year 1999: $1,241,900,000,000.
Fiscal year 2000: $1,285,600,000,000.
Fiscal year 2001: $1,343,600,000,000.
Fiscal year 2002: $1,407,600,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $−7,400,000,000.
Fiscal year 1999: $−11,100,000,000.
Fiscal year 2000: $−22,000,000,000.
Fiscal year 2001: $−22,800,000,000.
Fiscal year 2002: $−19,900,000,000.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1998: $113,500,000,000.
Fiscal year 1999: $119,100,000,000.
Fiscal year 2000: $125,100,000,000.
Fiscal year 2001: $130,700,000,000.
Fiscal year 2002: $136,800,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,386,700,000,000.
Fiscal year 1999: $1,440,100,000,000.
Fiscal year 2000: $1,488,939,000,000.
Fiscal year 2001: $1,520,200,000,000.
Fiscal year 2002: $1,551,600,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,372,000,000,000.
Fiscal year 1999: $1,424,100,000,000.
Fiscal year 2000: $1,468,800,000,000.
Fiscal year 2001: $1,500,700,000,000.
Fiscal year 2002: $1,515,900,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $−173,000,000,000.
Fiscal year 1999: $−182,200,000,000.
Fiscal year 2000: $−183,200,000,000.
Fiscal year 2001: $−157,100,000,000.
Fiscal year 2002: $−108,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,593,500,000,000.
Fiscal year 1999: $5,841,000,000,000.
Fiscal year 2000: $6,088,600,000,000.
Fiscal year 2001: $6,307,300,000,000.
Fiscal year 2002: $6,481,200,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $34,000,000,000.
Fiscal year 1999: $33,400,000,000.
Fiscal year 2000: $34,900,000,000.
Fiscal year 2001: $36,100,000,000.
Fiscal year 2002: $37,400,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,700,000,000.
Fiscal year 1999: $324,900,000,000.
Fiscal year 2000: $328,200,000,000.
Fiscal year 2001: $332,200,000,000.
Fiscal year 2002: $335,300,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $402,800,000,000.
Fiscal year 1999: $422,300,000,000.
Fiscal year 2000: $442,600,000,000.
Fiscal year 2001: $461,600,000,000.
Fiscal year 2002: $482,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $317,600,000,000.
Fiscal year 1999: $330,600,000,000.
Fiscal year 2000: $343,600,000,000.
Fiscal year 2001: $358,100,000,000.
Fiscal year 2002: $372,500,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:
(A) New budget authority, $268,200,000,000.
(B) Outlays, $266,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $600,000,000.

Fiscal year 1999:
(A) New budget authority, $270,800,000,000.
(B) Outlays, $265,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $800,000,000.

Fiscal year 2000:
(A) New budget authority, $274,800,000,000.
(B) Outlays, $268,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 2001:
(A) New budget authority, $281,300,000,000.
(B) Outlays, $270,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 2002:
(A) New budget authority, $289,100,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,100,000,000.

(2) International Affairs (150):

Fiscal year 1998:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $14,600,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $12,800,000,000.

Fiscal year 1999:
(A) New budget authority, $14,900,000,000.
(B) Outlays, $14,600,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $13,100,000,000.

Fiscal year 2000:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,000,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $13,400,000,000.

Fiscal year 2001:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $14,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $13,800,000,000.

Fiscal year 2002:
(A) New budget authority, $16,400,000,000.
(B) Outlays, $14,800,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $14,200,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $15,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:
(A) New budget authority, $3,100,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $3,500,000,000.
(B) Outlays, $2,400,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $3,200,000,000.
(B) Outlays, $2,300,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $2,900,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:
(A) New budget authority, $2,800,000,000.
(B) Outlays, $1,900,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:
(A) New budget authority, $23,900,000,000.

(B) Outlays, $22,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,200,000,000.

(B) Outlays, $22,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $22,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $22,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $9,600,000,000.

(D) New primary loan guarantee commitments, $6,400,000,000.

Fiscal year 1999:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $11,300,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,400,000,000.

Fiscal year 2000:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $10,700,000,000.

(C) New direct loan obligations, $11,100,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

Fiscal year 2001:

(A) New budget authority, $11,000,000,000.

(B) Outlays, $9,500,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

Fiscal year 2002:

(A) New budget authority, $10,700,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,700,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,600,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $4,700,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,100,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $253,500,000,000.

Fiscal year 2000:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $9,800,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $258,000,000,000.

Fiscal year 2002:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $259,900,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,400,000,000.

(B) Outlays, $40,900,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,100,000,000.

(B) Outlays, $41,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,100,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,200,000,000.

(B) Outlays, $41,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,800,000,000.

(B) Outlays, $10,400,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1999:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $10,900,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 2000:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 2001:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 2002:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $8,400,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,000,000,000.

(B) Outlays, $56,100,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $20,700,000,000.

Fiscal year 1999:

(A) New budget authority, $60,500,000,000.

(B) Outlays, $59,300,000,000.

(C) New direct loan obligations, $13,100,000,000.

(D) New primary loan guarantee commitments, $21,900,000,000.

Fiscal year 2000:

(A) New budget authority, $64,239,000,000.

(B) Outlays, $60,700,000,000.

(C) New direct loan obligations, $13,900,000,000.

(D) New primary loan guarantee commitments, $23,300,000,000.

Fiscal year 2001:

(A) New budget authority, $63,000,000,000.

(B) Outlays, $61,900,000,000.

(C) New direct loan obligations, $14,700,000,000.

(D) New primary loan guarantee commitments, $24,500,000,000.

Fiscal year 2002:

(A) New budget authority, $63,300,000,000.

(B) Outlays, $62,300,000,000.

(C) New direct loan obligations, $15,400,000,000.

(D) New primary loan guarantee commitments, $25,700,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,800,000,000.

(B) Outlays, $137,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $145,000,000,000.

(B) Outlays, $144,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $154,100,000,000.

(B) Outlays, $153,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $163,400,000,000.

(B) Outlays, $163,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $172,200,000,000.

(B) Outlays, $171,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,600,000,000.

(B) Outlays, $201,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $212,100,000,000.

(B) Outlays, $211,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $225,500,000,000.

(B) Outlays, $225,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,600,000,000.

(B) Outlays, $238,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $251,500,000,000.

(B) Outlays, $250,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $239,000,000,000.

(B) Outlays, $247,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $254,100,000,000.

(B) Outlays, $258,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 2000:

(A) New budget authority, $269,600,000,000.

(B) Outlays, $268,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 2001:

(A) New budget authority, $275,100,000,000.

(B) Outlays, $277,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 2002:

(A) New budget authority, $286,900,000,000.

(B) Outlays, $285,200,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,400,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,400,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,500,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $27,100,000,000.

Fiscal year 1999:

(A) New budget authority, $41,500,000,000.

(B) Outlays, $41,700,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $26,700,000,000.

Fiscal year 2000:

(A) New budget authority, $41,700,000,000.

(B) Outlays, $41,900,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $26,200,000,000.

Fiscal year 2001:

(A) New budget authority, $42,100,000,000.

(B) Outlays, $42,200,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 2002:

(A) New budget authority, $42,300,000,000.

(B) Outlays, $42,400,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $25,100,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,800,000,000.

(B) Outlays, $22,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,100,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $24,200,000,000.

(B) Outlays, $25,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $24,400,000,000.

(B) Outlays, $25,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $24,900,000,000.

(B) Outlays, $24,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,400,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $14,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,500,000,000.

(B) Outlays, $296,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,600,000,000.

(B) Outlays, $304,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $304,900,000,000.

(B) Outlays, $304,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $303,700,000,000.

(B) Outlays, $303,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,800,000,000.

(B) Outlays, $303,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,800,000,000.

(B) Outlays, −$41,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$36,900,000,000.

(B) Outlays, −$36,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,900,000,000.

(B) Outlays, −$36,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$39,200,000,000.

(B) Outlays, −$39,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$51,100,000,000.

(B) Outlays, −$51,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 104. RECONCILIATION.

(a) RECONCILIATION OF SPENDING REDUCTIONS.—Not later than June 20, 1997, the committees named in this subsection shall submit

their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that increase outlays by $300,000,000 in fiscal year 2002 and $1,500,000,000 for the period of fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that reduce the deficit $434,000,000 in fiscal year 2002 and $1,590,000,000 for the period of fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that reduce the deficit $14,849,000,000 in fiscal year 2002 and $26,496,000,000 for the period of fiscal years 1998 through 2002.

(4) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $6,000,000 in fiscal year 2002 and $13,000,000 for the period of fiscal years 1998 through 2002.

(5) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report to the Senate changes in laws within its jurisdiction—

(A) that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $40,911,000,000 in fiscal year 2002 and $100,646,000,000 for the period of fiscal years 1998 through 2002; and

(B) to increase the statutory limit on the public debt to not more than $5,950,000,000,000.

(6) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that reduce the deficit $1,769,000,000 in fiscal year 2002 and $5,467,000,000 for the period of fiscal years 1998 through 2002.

(7) COMMITTEE ON LABOR AND HUMAN RESOURCES.—The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $1,057,000,000 in fiscal year 2002 and $1,792,000,000 for the period of fiscal years 1998 through 2002.

(8) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $681,000,000 in fiscal year 2002 and $2,733,000,000 for the period of fiscal years 1998 through 2002.

(b) RECONCILIATION OF REVENUE REDUCTIONS.—Not later than June 27, 1997, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $20,500,000,000 in fiscal year 2002 and $85,000,000,000 for the period of fiscal years 1998 through 2002 and $250,000,000,000 for the period of fiscal years 1998 through 2007.

(c) TREATMENT OF CONGRESSIONAL PAY-AS-YOU-GO.—For purposes of section 202 of House Concurrent Resolution 67 (104th Congress), legislation which reduces revenues pursuant to a reconciliation instruction contained in subsection (b) shall be taken together with all other legislation enacted pursuant to the reconciliation instructions contained in this resolution when determining the deficit effect of such legislation.

(d) ADJUSTMENTS.—

(1) DEFICIT NEUTRAL ADJUSTMENTS.—Upon the reporting of reconciliation legislation pursuant to subsection (a), or upon the submission of a conference report thereon, and if the Committee on Finance reduces the deficit by an amount equal to or greater than the outlay reduction that would be achieved pursuant to subsection (a)(5)(A), the Chairman of the Committee on the Budget, with the concurrence and agreement of the ranking minority member, may submit appropriately revised reconciliation instructions to the Committee on Finance to reduce the deficit, allocations, limits, and aggregates if such revisions do not cause an increase in the deficit for fiscal year 1998 and for the period of fiscal years 1998 through 2002.

(2) FLEXIBILITY ON ADJUSTMENTS.—

(A) IN GENERAL.—If the adjustments authorized by paragraph (1) involve a reduction in the revenue aggregates set forth in this resolution, in lieu of revenue reductions, the Chairman of the Committee on the Budget may make upward adjustments to the discretionary spending limits in this resolution, or any combination thereof.

(B) LIMIT.—The adjustments made pursuant to this subsection shall not exceed $2,300,000,000 in fiscal year 1998 and $16,000,000,000 for the period of fiscal years 1998 through 2002.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY LIMITS.—In this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) or 602(a) of the Congressional Budget Act of 1974, the term "discretionary spending limit" means—

(1) with respect to fiscal year 1998—

(A) for the defense category $269,000,000,000 in new budget authority and $266,823,000,000 in outlays; and

(B) for the nondefense category $257,857,000,000 in new budget authority and $286,445,000,000 in outlays;

(2) with respect to fiscal year 1999—

(A) for the defense category $271,500,000,000 in new budget authority and $266,518,000,000 in outlays; and

(B) for the nondefense category $261,499,000,000 in new budget authority and $292,803,000,000 in outlays;

(3) with respect to fiscal year 2000, for the discretionary category $537,193,000,000 in new budget authority and $564,265,000,000 in outlays;

(4) with respect to fiscal year 2001, for the discretionary category $542,032,000,000 in new budget authority and $564,396,000,000 in outlays; and

(5) with respect to fiscal year 2002, for the discretionary category $551,074,000,000 in new budget authority and $560,799,000,000 in outlays;

as adjusted for changes in concepts and definitions and emergency appropriations.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, and 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1998, 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 602(b) of the Congressional Budget Act of 1974) to be exceeded.

(2) EXCEPTION.—

(A) IN GENERAL.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(B) ENFORCEMENT OF DISCRETIONARY LIMITS IN FY 1998.—Until the enactment of reconciliation legislation pursuant to subsections (a) and (b) of section 104 of this resolution—

(i) subparagraph (A) of paragraph (1) shall not apply; and

(ii) subparagraph (B) of paragraph (1) shall apply only with respect to fiscal year 1998.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 202. ALLOWANCE IN THE SENATE.

(a) ADJUSTMENTS.—In the Senate, for fiscal year 1998, 1999, 2000, 2001, or 2002, upon the reporting of an appropriations measure (or the submission of a conference report thereon) that includes an appropriation with respect to paragraph (1) or (2), the Chairman of the Committee on the Budget shall increase the appropriate allocations, budgetary aggregates, and discretionary limits by the amount of budget authority in that measure that is the dollar equivalent, in terms of Special Drawing Rights, of—

(1) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); or

(2) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 17 of the Bretton Woods Agreement Act, as amended from time to time (New Arrangements to Borrow).

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 203. ALLOWANCE IN THE SENATE FOR SECTION 8 HOUSING ASSISTANCE.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—In the Senate, for fiscal year 1998, upon the reporting of an appropriations measure (or upon the submission of a conference report thereon) that includes an appropriation for Section 8 Housing Assistance which fully funds all contract renewal obligations during that fiscal year, the Chairman of the Committee on the Budget may increase the appropriate allocations in this resolution by an amount that does not exceed $9,200,000,000 in budget authority and the amount of outlays flowing from such budget authority.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the

Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 204. ENVIRONMENTAL RESERVE.

(a) ADJUSTMENTS FOR MANDATORY SPENDING.—

(1) ALLOCATIONS.—In the Senate, upon the reporting of legislation (or upon the submission of a conference report thereon) pursuant to subsection (b), the Chairman of the Committee on the Budget may increase the allocation pursuant to sections 302(a) and 602(a) of the Congressional Budget Act of 1974 to the Committee on Environment and Public Works by an amount that does not exceed—

(A) $200,000,000 in budget authority and $200,000,000 in outlays for fiscal year 1998; and

(B) $1,000,000,000 in budget authority and $1,000,000,000 in outlays for the period of fiscal years 1998 through 2002.

(2) PRIOR SURPLUS.—For the purposes of section 202 of House Concurrent Resolution 67 (104th Congress), legislation reported (or the submission of a conference report thereon) pursuant to paragraph (1) shall be taken together with all other legislation enacted pursuant to section 104 of this resolution.

(b) LIMITATIONS.—The adjustments made pursuant to this section shall only be made for legislation that provides funding to reform the Superfund program to facilitate the cleanup of hazardous waste sites.

SEC. 205. PRIORITY FEDERAL LAND ACQUISITIONS AND EXCHANGES.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—In the Senate, for fiscal year 1998, upon the reporting of an appropriations measure (or upon the submission of a conference report thereon) that includes an appropriation for the National Park Service's Land Acquisition and State Assistance account at the fiscal year 1998 request level (as submitted on February 6, 1997) and up to an additional $700,000,000 in budget authority for priority Federal land acquisitions and exchanges during that fiscal year, the Chairman of the Committee on the Budget may increase the appropriate allocations by an amount that does not exceed $700,000,000 in budget authority and the amount of outlays flowing from such budget authority.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 206. ALLOWANCE IN THE SENATE FOR ARREARAGES.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—In the Senate, for fiscal year 1998, 1999, and 2000, upon the reporting of an appropriations measure (or upon the submission of a conference report thereon) that includes an appropriation for arrearages for international organizations, international peacekeeping, and multilateral development banks during that fiscal year, the Chairman of the Committee on the Budget may increase the appropriate allocations, aggregates, and discretionary spending limits in this resolution by an amount that does not exceed—

(1) $415,000,000 in budget authority and the amount of outlays flowing from such budget authority for fiscal year 1998;

(2) $1,227,000,000 in budget authority and the amount of outlays flowing from such budget authority for fiscal year 1999; and

(3) $242,000,000 in budget authority and the amount of outlays flowing from such budget authority for fiscal year 2000.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 207. INTERCITY PASSENGER RAIL RESERVE FUND FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—If legislation is enacted which generates revenue increases or direct spending reductions to finance an intercity passenger rail fund and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—Upon the submission of such revisions, the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (c).

(c) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—Upon either—

(A) the reporting of an appropriations measure, or when a conference committee submits a conference report thereon, that appropriates funds for the National Railroad Passenger Corporation and funds from the intercity passenger rail fund; or

(B) the reporting of an appropriations measure, or when a conference committee submits a conference report thereon, that appropriates funds from the intercity passenger rail fund (funds having previously been appropriated for the National Railroad Passenger Corporation for that same fiscal year),

the Chairman of the Budget Committee shall submit increased budget authority allocations, aggregates, and discretionary limits for the amount appropriated for authorized expenditures from the intercity passenger rail fund and the outlays flowing from such budget authority.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(d) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (b) shall not be made—

(A) with respect to direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under sections 302(a) and 602(a) of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (b)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (b)).

(2) BUDGET AUTHORITY.—The budget authority adjustments made pursuant to subsection (c) shall not exceed the amounts specified in subsection (b)(2) for a fiscal year.

SEC. 208. MASS TRANSIT RESERVE FUND FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—If legislation is enacted which generates revenue increases or direct spending reductions to finance mass transit and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—Upon the submission of such revisions, the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (c).

(c) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—Upon the reporting of an appropriations measure, or when a conference committee submits a conference report thereon, that appropriates funds for mass transit, the Chairman of the Budget Committee shall submit increased budget authority allocations, aggregates, and discretionary limits for the amount appropriated for authorized expenditures from the mass transit fund and the outlays flowing from such budget authority.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(d) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (b) shall not be made—

(A) with respect to direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under sections 302(a) and 602(a) of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (b)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (b)).

(2) BUDGET AUTHORITY.—The budget authority adjustments made pursuant to subsection (c) shall not exceed the amounts specified in subsection (b)(2) for a fiscal year.

SEC. 209. HIGHWAY RESERVE FUND FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance highways and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ADJUSTMENTS FOR BUDGET AUTHORITY.—Upon the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces direct non-highway spending or increases revenues for a fiscal year or years, the Chairman of the Committee on the Budget shall submit revised budget authority allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct non-highway spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—Upon the submission of such revisions, the Chairman of the Committee on the Budget shall also submit the amount of revenue

increases or direct non-highway spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—Upon the reporting of an appropriations measure, or when a conference committee submits a conference report thereon, that appropriates funds for highways, the Chairman of the Committee on the Budget shall submit increased outlay allocations, aggregates, and discretionary limits for the amount of outlays flowing from the additional obligational authority provided in such bill.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(e) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (c) shall not be made—

(A) with respect to direct non-highway spending reductions, unless the committee that generates the direct spending reductions is within its allocations under section 302(a) and 602(a) of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (c)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (c)).

(2) OUTLAYS.—The outlay adjustments made pursuant to subsection (d) shall not exceed the amounts specified in subsection (c)(2) for a fiscal year.

SEC. 210. EXERCISE OF RULEMAKING POWERS.

The Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE

SEC. 301. SENSE OF THE SENATE ON LONG TERM ENTITLEMENT REFORMS, INCLUDING ACCURACY IN DETERMINING CHANGES IN THE COST OF LIVING.

(a) FINDINGS.—

(1) ENTITLEMENT REFORMS.—The Senate finds that with respect to long term entitlement reforms—

(A) entitlement spending continues to grow dramatically as a percent of total Federal spending, rising from fifty-six percent of the budget in 1987 to an estimated seventy-three percent of the budget in 2007;

(B) this growth in mandatory spending poses a long-term threat to the United States economy because it crowds out spending for investments in education, infrastructure, defense, law enforcement and other programs that enhance economic growth;

(C) in 1994, the Bipartisan Commission on Entitlement and Tax Reform concluded that if no changes are made to current entitlement laws, all Federal revenues will be spent on entitlement programs and interest on the debt by the year 2012;

(D) the Congressional Budget Office has also recently issued a report that found that pressure on the budget from demographics and rising health care costs will increase dramatically after 2002; and

(E) making significant entitlement changes will significantly benefit the economy, and will forestall the need for more drastic tax and spending decisions in future years.

(2) CPI.—The Senate finds that with respect to accuracy in determining changes in the cost of living—

(A) the Final Report of the Senate Finance Committee's Advisory Commission to study the CPI has concluded that the Consumer Price Index overstates the cost of living in the United States by 1.1 percentage points;

(B) the overstatement of the cost of living by the Consumer Price Index has been recognized by economists since at least 1961, when a report noting the existence of the overstatement was issued by a National Bureau of Economic Research Committee, chaired by Professor George J. Stigler;

(C) Congress and the President, through the indexing of Federal tax brackets, social security benefits, and other Federal program benefits, have undertaken to protect taxpayers and beneficiaries of such programs from the erosion of purchasing power due to inflation; and

(D) the overstatement of the cost of living increases the deficit and undermines the equitable administration of Federal benefits and tax policies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this resolution assume that—

(1) Congress and the President should continue working to enact structural entitlement reforms in the 1997 budget agreement and in subsequent legislation;

(2) Congress and the President must find the most accurate measure of the change in the cost of living in the United States, and should work in a bipartisan manner to implement any changes that are necessary to achieve an accurate measure; and

(3) Congress and the President must work to ensure that the 1997 budget agreement not only keeps the unified budget in balance after 2002, but that additional measures should be taken to begin to achieve substantial surpluses which will improve the economy and allow our nation to be ready for the retirement of the baby boom generation in the year 2012.

SEC. 302. SENSE OF THE SENATE ON TACTICAL FIGHTER AIRCRAFT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the Department of Defense has proposed to modernize the United States tactical fighter aircraft force through three tactical fighter procurement programs, including the F/A–18 E/F aircraft program of the Navy, the F–22 aircraft program of the Air Force, and the Joint Strike Fighter aircraft program for the Navy, Air Force, and Marine Corps;

(2) the General Accounting Office, the Congressional Budget Office, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Acquisition and Technology, and several Members of Congress have publicly stated that, given the current Department of Defense budget for procurement, the Department of Defense's original plan to buy over 4,400 F/A–18 E/F aircraft, F–22 aircraft, and Joint Strike Fighter aircraft at a total program cost in excess of $350,000,000,000 was not affordable;

(3) the F/A–18 E/F, F–22, and the Joint Strike Fighter tactical fighter programs will be competing for a limited amount of procurement funding with numerous other aircraft acquisition programs, including the Comanche helicopter program, the V–22 Osprey aircraft program, and the C–17 aircraft program, as well as for the necessary replacement of other aging aircraft such as the KC–135, the C–5A, the F–117, and the EA–6B aircraft; and

(4) the 1997 Department of Defense Quadrennial Defense Review has recommended reducing the F/A–18 E/F program buy from 1,000 aircraft to 548, and reducing the F–22 program buy from 438 to 339.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that, within 30 days, the Department of Defense should transmit to Congress detailed information pertaining to the implementation of this revised acquisition strategy so that the Congress can adequately evaluate the extent to which the revised acquisition strategy is tenable and affordable given the projected spending levels contained in this budget resolution.

SEC. 303. SENSE OF THE SENATE REGARDING CHILDREN'S HEALTH COVERAGE.

(a) FINDINGS.—The Senate finds that—

(1) of the estimated 10 million uninsured children in the United States, over 1.3 million have at least one parent who is self-employed and all other uninsured children are dependents of persons who are employed by another, or unemployed;

(2) these 1.3 million uninsured kids comprise approximately 22 percent of all children with self-employed parents, and they are a significant 13 percent of all uninsured children;

(3) the remaining uninsured children are in families where neither parent is self-employed and comprise 13 percent of all children in families where neither parent is self-employed;

(4) children in families with a self-employed parent are therefore more likely to be uninsured than children in families where neither parent is self-employed; and

(5) the current disparity in the tax law reduces the affordability of health insurance for the self-employed and their families, hindering the ability of children to receive essential primary and preventive care services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that from resources available in this budget resolution, a portion should be set aside for an immediate 100 percent deductibility of health insurance costs for the self-employed. Full-deductibility of health expenses for the self-employed would make health insurance more attractive and affordable, resulting in more dependents being covered. The government should not encourage parents to forgo private insurance for a government-run program.

SEC. 304. SENSE OF THE SENATE ON A MEDICAID PER CAPITA CAP.

It is the sense of the Senate that in order to meet deficit reduction targets in this resolution with respect to medicaid—

(1) the per capita cap will not be used as a method for meeting spending targets; and

(2) the per capita cap represents a significant structural change that could jeopardize the quality of care for children, the disabled, and senior citizens.

SEC. 305. SENSE OF THE SENATE THAT ADDED SAVINGS GO TO DEFICIT REDUCTION.

(a) FINDINGS.—The Congress finds that—

(1) balancing the budget will bring numerous economic benefits for the United States economy and American workers and families, including improved economic growth and lower interest rates;

(2) the fiscal year 1998 budget resolution crafted pursuant to an agreement reached between the Congress and the Administration purports to achieve balance in the year 2002;

(3) the deficit estimates contained in this resolution may not conform to the actual deficits in subsequent years, which make it imperative that any additional savings are realized be devoted to deficit reduction;

(4) the Senate's "pay-as-you-go" point of order prohibits crediting savings from updated

economic or technical data as an offset for legislation that increases the deficit, and ensures these savings are devoted to deficit reduction; and

(5) Congress and the Administration must ensure that the deficit levels contained in this budget are met and, if actual deficits prove to be lower than projected, the additional savings are used to balance the budget on or before the year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) legislation enacted pursuant to this resolution must ensure that the goal of a balanced budget is achieved on or before fiscal year 2002; and

(2) if the actual deficit is lower than the projected deficit in any upcoming fiscal year, the added savings should be devoted to further deficit reduction.

SEC. 306. SENSE OF THE SENATE ON FAIRNESS IN MEDICARE.

(a) FINDINGS.—The Congress finds that—

(1) the Trustees of the Medicare Trust Funds recently announced that medicare's Hospital Insurance (HI) Trust Fund is headed for bankruptcy in 2001, and in 1997, HI will run a deficit of $26,000,000,000 and add $56,000,000,000 annually to the Federal deficit by 2001;

(2) the Trustees also project that Supplementary Medical Insurance (SMI), will grow twice as fast as the economy and the taxpayers' subsidy to keep the SMI from bankruptcy will grow from $58,000,000,000 to $89,000,000,000 annually from 1997 through 2001;

(3) the Congressional Budget Office reports that when the baby-boom generation begins to receive social security benefits and is eligible for medicare in 2008, the Federal budget will face intense pressure, resulting in mounting deficits and erosion of future economic growth;

(4) long-term solutions to address the financial and demographic problems of medicare are urgently needed to preserve and protect the medicare trust funds;

(5) these solutions to address the financial and demographic problems of medicare are urgently needed to preserve and protect the medicare trust funds;

(6) reform of the medicare program should ensure equity and fairness for all medicare beneficiaries, and offer beneficiaries more choice of private health plans, to promote efficiency and enhance the quality of health care;

(7) all Americans pay the same payroll tax of 2.9 percent to the medicare trust funds, and they deserve the same choices and services regardless of where they retire;

(8) however, under the currently adjusted-average-per-capita cost (AAPCC), some counties receive 2.5 times more in medicare reimbursements than others;

(9) this inequity in medicare reimbursement jeopardizes the quality of medicare services of rural beneficiaries and penalizes the most efficient and effective medicare service providers;

(10) in some states, the result has been the absence of health care choices beyond traditional, fee-for-service medicine for medicare beneficiaries, which in other counties and states plan providers may be significantly over-compensated, adding to medicare's fiscal instability; and

(11) ending the practice of basing payments to risk contract plans on local fee-for-service medical costs will help correct these inequities, mitigate unnecessary cost in the program, and begin the serious, long-term restructuring of medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Finance Committee should strongly consider the following elements for medicare reform—

(1) any medicare reform package should include measures to address the inequity in medicare reimbursement to risk contract plans;

(2) medicare should use a national update framework rather than local fee-for-service spending increases to determine the annual changes in risk plan payment rates;

(3) an adequate minimum payment rate should be provided for health plans participating in medicare risk contract programs;

(4) the geographic variation in medicare payment rates must be reduced over time to raise the lower payment areas closer to the average while taking into account actual differences in input costs that exist from region to regional;

(5) medicare managers in consultation with plan providers and patient advocates should pursue competitive bidding programs in communities where data indicate risk contract payments are substantially excessive and when plan choices would not diminish by such a bidding process; and

(6) medicare should phase in the use of risk adjusters which take account of health status so as to address overpayment to some plans.

SEC. 307. SENSE OF THE SENATE REGARDING ASSISTANCE TO LITHUANIA AND LATVIA.

(a) FINDINGS.—The Senate finds that—

(1) Lithuania and Latvia reestablished democracy and free market economies when they regained their freedom from the Soviet Union;

(2) Lithuania and Latvia, which have made significant progress since regaining their freedom, are still struggling to recover from the devastation of 50 years of communist domination;

(3) the United States, which never recognized the illegal incorporation of Lithuania and Latvia into the Soviet Union, has provided assistance to strengthen democratic institutions and free market reforms in Lithuania and Latvia since 1991;

(4) the people of the United States enjoy close and friendly relations with the people of Lithuania and Latvia;

(5) the success of democracy and free market reform in Lithuania and Latvia is important to the security and economic progress of the United States; and

(6) the United States as well as Lithuania and Latvia would benefit from the continuation of assistance which helps Lithuania and Latvia to implement commercial and trade law reform, sustain private sector development, and establish well-trained judiciaries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) adequate assistance should be provided to Lithuania and Latvia in fiscal year 1998 to continue the progress they have made; and

(2) assistance to Lithuania and Latvia should be continued beyond fiscal year 1998 as they continue to build democratic and free market institutions.

SEC. 308. SENSE OF THE SENATE REGARDING A NATIONAL COMMISSION ON HIGHER EDUCATION.

It is the sense of the Senate that the provisions of this resolution assure that a national commission should be established to study and make specific recommendations regarding the extent to which increases in student financial aid, and the extent to which Federal, State, and local laws and regulations, contribute to increases in college and university tuition.

SEC. 309. SENSE OF THE SENATE ON LOCKBOX.

It is the Sense of the Senate that the provisions of this resolution assume that to ensure all savings from medicare reform are used to keep the medicare program solvent, the Treasury Secretary should credit the Medicare Hospital Insurance Trust Fund (Part A) with government securities equal to any savings from Medicare Supplemental Medical Insurance (Part B) reforms enacted pursuant to the reconciliation instructions contained in this budget resolution.

SEC. 310. SENSE OF THE SENATE ON THE EARNED INCOME CREDIT.

(a) FINDINGS.—The Senate finds that—

(1) an April 1997 study by the Internal Revenue Service of Earned Income Credit (EIC) filers for tax year 1994 revealed that over $4,000,000,000 of the $17,000,000,000 spent on the EIC for that year was erroneously claimed and paid by the IRS, resulting in a fraud and error rate of 25.8 percent;

(2) the IRS study further concluded that EIC reforms enacted by the One Hundred Fourth Congress will only lower the fraud error rate to 20.7 percent, meaning over $23,000,000,000 will be wasted over the next five years; and

(3) the President's recent proposals to combat EIC fraud and error contained within this budget resolution are estimated to save $124,000,000 in scoreable savings over the next five years and additional savings from deterrent effects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the President should propose and Congress should enact additional programmatic changes sufficient to ensure that the primary purpose of the EIC to encourage work over welfare is achieved without wasting billions of taxpayer dollars on fraud and error.

SEC. 311. SENSE OF THE SENATE ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Senate finds that—

(1) Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including money borrowed from the Social Security Trust Fund;

(2) the Congress and the President should enact a law that creates a regimen for paying off the Federal debt within 30 years; and

(3) if spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the President's annual budget submission to Congress should include a plan for repayment of the Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund; and

(2) the plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

SEC. 312. SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) FINDINGS.—The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years;

(2) in 1963, mandatory spending (i.e., entitlement spending and interest on the debt) made up 29.6 percent of the budget, this figure rose to 61.4 percent by 1993 and is expected to reach 70 percent shortly after the year 2000;

(3) this mandatory spending is crowding out spending for the traditional "discretionary" functions of Government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending;

(4) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this budget resolution assume that Congress and the President

should work to enact structural reforms in entitlement spending in 1997 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic Government functions and that every effort should be made to hold mandatory spending to no more than 70 percent of the budget.

SEC. 313. SENSE OF THE SENATE ON DISASTER ASSISTANCE FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) emergency spending adds to the deficit and total spending;

(2) the Budget Enforcement Act of 1990 exempts emergency spending from the discretionary spending caps and pay-go requirements;

(3) the Budget Enforcement Act of 1990 expires in 1998 and needs to be extended;

(4) since the enactment of the Budget Enforcement Act, Congress and the President have approved an average of $5,800,000,000 per year in emergency spending;

(5) a natural disaster in any particular State is unpredictable, by the United States is likely to experience a natural disaster almost every year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that the Congress should consider in the extension of the Budget Enforcement Act and in appropriations Acts—

(1) provisions that budget for emergencies or that require emergency spending to be offset;

(2) provisions that provide flexibility to meet emergency funding requirements associated with natural disasters;

(3) Congress and the President should consider appropriating at least $5,000,000,000 every year within discretionary limits to provide natural disaster relief;

(4) Congress and the President should not designate any emergency spending for natural disaster relief until such amounts provided in regular appropriations are exhausted.

SEC. 314. SENSE OF THE SENATE ON ENFORCEMENT OF BIPARTISAN BUDGET AGREEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the bipartisan budget agreement is contingent upon—

(A) favorable economic conditions for the next 5 years; and

(B) accurate estimates of the fiscal impacts of assumptions in this resolution; and

(C) enactment of legislation to reduce the deficit;

(2) if either of the conditions in paragraph (1) are not met, our ability to achieve a balanced budget by 2002 will be jeopardized.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and limits in this resolution assume that—

(1) reconciliation legislation should include legislation to enforce the targets set forth in the budget process description included in the agreement and to ensure the balanced budget goal is met; and

(2) such legislation shall—

(A) establish procedures to ensure those targets are met every year;

(B) require that the President's annual budget and annual Congressional concurrent resolutions on the budget comply with those targets every year;

(C) consider provisions which provide that if the deficit is below or the surplus is above the deficits projected in the agreement in any year, such savings are locked in for deficit and debt reduction; and

(D) consider provisions which include a provision to budget for and control emergency spending in order to prevent the use of emergencies to evade the budget targets.

SEC. 315. SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Resolution assumes that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years; and

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in fiscal year 1998 over the amount appropriated in fiscal year 1997.

SEC. 316. SENSE OF THE SENATE REGARDING CERTAIN ELDERLY LEGAL ALIENS.

It is the sense of the Senate that the provisions of this resolution assume that—

(1) the Committee on Finance will include in its recommendations to the Committee on the Budget of the Senate changes in laws within the jurisdiction of the Committee on Finance that allow certain elderly, legal immigrants who will cease to receive benefits under the supplemental security income program as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) to continue to receive benefits during a redetermination or reapplication period to determine if such aliens would qualify for such benefits on the basis of being disabled; and

(2) the Committee on Finance in developing these recommendations should offset the additional cost of this proposal out of other programs within the jurisdiction of the Committee on Finance.

SEC. 317. SENSE OF THE SENATE REGARDING RETROACTIVE TAXES.

(a) FINDINGS.—The Senate finds that—

(1) in general, the practice of increasing a tax retroactively is fundamentally unfair to taxpayers; and

(2) retroactive taxation is disruptive to families and small business in their ability to plan and budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that—

(1) except for closing tax loopholes, no revenues should be generated from any retroactively increased tax; and

(2) the Congress and the President should work together to ensure that any revenue generating proposal contained within reconciliation legislation pursuant to this concurrent resolution proposal, except those proposals closing tax loopholes, should take effect prospectively.

SEC. 318. SENSE OF THE SENATE ON SOCIAL SECURITY AND BALANCING THE BUDGET.

(a) FINDINGS.—The Senate finds that—

(1) this budget resolution is projected to balance the unified budget of the United States in fiscal year 2002;

(2) section 13301 of the Budget Enforcement Act of 1990 requires that the deficit be computed without counting the annual surpluses of the Social Security Trust Funds; and

(3) if the deficit were calculated according to the requirements of section 13301, this budget resolution would be projected to result in a deficit of $108,700,000,000 in fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that after balancing the unified Federal budget, the Congress should continue efforts to reduce the on-budget deficit, so that the Federal budget will be balanced without counting social security surpluses.

SEC. 319. SENSE OF THE SENATE SUPPORTING SUFFICIENT FUNDING FOR VETERANS PROGRAMS AND BENEFITS.

(a) FINDINGS.—The Senate finds that—

(1) veterans and their families represent approximately 27 percent of the United States population;

(2) more than 20 million of our 26 million living veterans served during wartime, sacrificing their freedom so that we may have ours; and

(3) veterans have earned the benefits promised to them.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the assumptions underlying this Budget Resolution assume that the 602(b) allocation to the Department of Veterans Affairs will be sufficient in fiscal year 1998 to fully fund all discretionary veterans programs, including medical care; and

(2) funds collected from legislation to improve the Department of Veterans Affairs' ability to collect and retain reimbursement from third-party payers ought to be used to supplement, not supplant, an adequate appropriation for medical care.

SEC. 320. SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—Congress finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that ¼ of battered women surveyed had lost a job

partly because of being abused and that over ½ of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over ½ of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the Committee on the Budget of the Senate in considering the 1997 Resolution on the budget of the United States unanimously adopted a sense of the Congress amendment concerning domestic violence and Federal assistance. Subsequently, Congress adopted the family violence option amendment as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing that it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this Resolution assume that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers under section 402(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii)) to individuals receiving assistance, for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individual who is granted a domestic violence good cause waiver by a State shall not be included in the States' 20 percent hardship exemption under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

SEC. 321. SENSE OF THE SENATE ON TAX CUTS.

It is the sense of the Senate that the Concurrent Resolution on the Budget assumes that—

(1) a substantial majority of the tax cut benefits provided in the tax reconciliation bill will go to middle class working families earning less than approximately $100,000 per year; and

(2) the tax cuts in the tax reconciliation bill will not cause revenue losses to increase significantly in years after 2007.

SEC. 322. SENSE OF THE SENATE REGARDING ASSISTANCE TO AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) Amtrak is in a financial crisis, with growing and substantial debt obligations approaching $2,000,000,000;

(2) Amtrak has not been authorized since 1994;

(3) the Senate Committee on Commerce, Science, and Transportation favorably reported legislation to reform Amtrak during the last two Congresses, but no legislation was enacted;

(4) the Finance Committee favorably reported legislation in the last Congress that created a dedicated trust fund for Amtrak, but no legislation was enacted;

(5) in 1997 Amtrak testified before the Congress that it cannot survive beyond 1998 without comprehensive legislative reforms and a dedicated source of capital funding; and

(6) Congress is obligated to invest Federal tax dollars responsibly and to reduce waste and inefficiency in Federal programs, including Amtrak.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that:

(1) Legislative reform is urgently needed to address Amtrak's financial and operational problems.

(2) It is fiscally irresponsible for Congress to allocate additional Federal dollars to Amtrak, and to distribute money from a new trust fund, without providing reforms requested by Amtrak to address its precarious financial situation.

(3) The distribution of money from any new fund to finance an intercity rail passenger fund should be implemented in conjunction with legislation to reauthorize and reform the National Rail Passenger Corporation.

SEC. 323. SENSE OF THE SENATE REGARDING THE PROTECTION OF CHILDREN'S HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today's children and the next generation of children are the prime beneficiaries of a balanced Federal budget. Without a balanced budget, today's children will bear the increasing burden of the Federal debt. Continued deficit spending would doom future generations to slower economic growth, higher taxes, and lower living standards.

(2) The health of children is essential to the future economic and social well-being of the Nation.

(3) The medicaid program provides health coverage for over 17,000,000 children, or 1 out of every 4 children.

(4) While children represent ½ of all individuals eligible for medicaid, children account for less than 25 percent of expenditures under the medicaid program.

(5) Disproportionate share hospital (DSH) funding under the medicaid program has allowed States to provide health care services to thousands of uninsured pregnant women and children. DSH funding under the medicaid program is critical for these populations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the health care needs of low-income pregnant women and children should be a top priority. Careful study must be made of the impact of medicaid disproportionate share hospital (DSH) reform proposals on children's health and on vital sources of care, including children's hospitals. Any restrictions on DSH funding under the medicaid program should not harm State medicaid coverage of children and pregnant women.

SEC. 324. DEPOSIT OF ALL FEDERAL GASOLINE TAXES INTO THE HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since 1956, Federal gasoline excise tax revenues have generally been deposited in the Highway Trust Fund and reserved for transportation uses.

(2) In 1993, Congress and the President enacted the first permanent increase in the Federal gasoline excise tax which was dedicated to general revenues, not the Highway Trust Fund.

(3) Over the next five years, approximately $7,000,000,000 per year in Federal gasoline excise tax revenues will be deposited in the general fund of the Treasury, rather than the Highway Trust Fund.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this resolution assume that Congress should in the extension of the Budget Enforcement Act, ISTEA reauthorization, appropriations Acts, and in any revenue bills, that all revenues from Federal gasoline excise taxes, including amounts dedicated to general revenues in 1993, should be dedicated to the Highway Trust Fund so that such taxes may be used for the purpose to which they have historically been dedicated, promoting transportation infrastructure and building roads.

SEC. 325. SENSE OF THE SENATE EARLY CHILDHOOD EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) Scientific research on the development of the brain has confirmed that the early childhood years, particularly from birth to the age of 3, are critical to children's development.

(2) Studies repeatedly have shown that good quality child care helps children develop well, enter school ready to succeed, improve their skills, cognitive abilities and socioemotional development, improve classroom learning behavior, and stay safe while their parents work. Further, quality early childhood programs can positively affect children's long-term success in school achievement, higher earnings as adults, decrease reliance on public assistance and decrease involvement with the criminal justice system.

(3) The first of the National Education Goals, endorsed by the Nation's governors, passed by Congress and signed into law by President Bush, stated that by the year 2000, every child should enter school ready to learn and that access to a high quality early childhood education program was integral to meeting this goal.

(4) According to data compiled by the RAND Corporation, while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children. A vast majority of public spending on children occurs after the brain has gone through its most dramatic changes, often to correct problems that should have been addressed during early childhood development.

(5) According to the Department of Education, of $29,400,000,000 in current estimated education expenditures, only $1,500,000,000, or 5 percent, is spent on children from birth to age 5. The vast majority is spent on children over age 5.

(6) A new commitment to quality child care and early childhood education is a necessary response to the fact that children from birth to the age of 3 are spending more time in care away from their homes. Almost 60 percent of women in the workforce have children under the age of 3 requiring care.

(7) Many States and communities are currently experimenting with innovative programs directed at early childhood care and education in a variety of care settings, including the home. States and local communities are best able to deliver efficient, cost-effective services, but while such programs are long on demand, they are short on resources. Additional Federal resources should not create new bureaucracy, but build on successful locally driven efforts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget totals and levels in

this resolution assume that funds ought to be directed toward increasing the supply of quality child care, early childhood education, and teacher and parent training for children from birth through age 3.

SEC. 326. HIGHWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the Highway Trust Fund from the totals of the Budget of the United States Government.

SEC. 327. AIRPORT AND AIRWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying the budget resolution that the Congress should consider legislation to exclude the receipts and disbursements of the Airport and Airway Trust Fund from the totals of the Budget of the United States Government.

SEC. 328. MILITARY RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the retirement and disability trust funds for members of the Armed Forces of the United States from the totals of the Budget of the United States Government.

SEC. 329. CIVIL SERVICE RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the retirement and disability trust funds for civilian employees of the United States from the totals of the Budget of the United States Government.

SEC. 330. UNEMPLOYMENT COMPENSATION TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the Federal Unemployment Compensation Trust Fund from the totals of the Budget of the United States Government.

SEC. 331. SENSE OF THE SENATE CONCERNING HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate finds that—

(1) there is no direct linkage between the fuel taxes deposited in the Highway Trust Fund and the transportation spending from the Highway Trust Fund;

(2) the Federal budget process has severed this linkage by dividing revenues and spending into separate budget categories with—

(A) fuel taxes deposited in the Highway Trust Fund as revenues; and

(B) most spending from the Highway Trust Fund in the discretionary category;

(3) each budget category referred to in paragraph (2) has its own rules and procedures; and

(4) under budget rules in effect prior to the date of adoption of this resolution, an increase in fuel taxes permits increased spending to be included in the budget, but not for increased Highway Trust Fund spending.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in this session of Congress, Congress should, within a unified budget, change the Federal budget process to establish a linkage between the fuel taxes deposited in the Highway Trust Fund, including any fuel tax increases that may be enacted into law after the date of adoption of this resolution, and the spending from the Highway Trust Fund; and

(2) changes to the budgetary treatment of the Highway Trust Fund should not result in total program levels for highways or mass transit that is inconsistent with those assumed under the resolution.

SEC. 332. SENSE OF THE SENATE CONCERNING TAX INCENTIVES FOR THE COST OF POST-SECONDARY EDUCATION.

It is the sense of the Senate that the provisions of this resolution assume that any revenue reconciliation bill should include tax incentives for the cost of post-secondary education, including expenses of workforce education and training at vocational schools and community colleges.

SEC. 333. SENSE OF THE SENATE ON ADDITIONAL TAX CUTS.

It is the sense of the Senate that nothing in this resolution shall be construed as prohibiting Congress in future years from providing additional tax relief if the cost of such tax relief is offset by reductions in discretionary or mandatory spending, or increases in revenue from alternative sources.

SEC. 334. SENSE OF THE SENATE REGARDING TRUTH IN BUDGETING AND SPECTRUM AUCTIONS.

(a) The Senate finds that—

(1) the electromagnetic spectrum is the property of the American people and is managed on their behalf by the Federal Government;

(2) the spectrum is a highly valuable and limited natural resource;

(3) the auctioning of spectrum has raised billions of dollars for the Treasury;

(4) the estimates made regarding the value of spectrum in the past have proven unreliable, having previously understated and now overstating its worth;

(5) because estimates of spectrum value depend on a number of technological, economic, market forces, and other variables that cannot be predicted or completely controlled, it is not possible to reliably estimate the value of a given segment of spectrum; therefore,

(b) It is the Sense of the Senate that as auctions occur as assumed by this Resolution, the Congress shall take such steps as necessary to reconcile the difference between actual revenues raised and estimates made and shall reduce spending accordingly if such auctions raise less revenue than projected.

SEC. 335. HIGHWAY DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Senate finds that—

(1) 10 demonstration projects totaling $362,000,000 were listed for special line-item funding in the Surface Transportation Assistance Act of 1982;

(2) 152 demonstration projects totaling $1,400,000,000 were named in the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(3) 64 percent of the funding for the 152 projects had not been obligated after 5 years and State transportation officials determined the projects added little, if any, to meeting their transportation infrastructure priorities;

(4) 538 location specific projects totaling $6,230,000,000 were included in the Intermodal Surface Transportation Efficiency Act of 1991;

(5) more than $3,300,000,000 of the funds authorized for the 538 location-specific projects remained unobligated as of January 31, 1997;

(6) the General Accounting Office determined that 31 States plus the District of Columbia and Puerto Rico would have received more funding if the Intermodal Surface Transportation Efficiency Act location-specific project funds were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process and under the Intermodal Surface Transportation and Efficiency Act of 1991;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use of Federal Highway Trust Fund money for future demonstration projects;

(9) the Intermodal Surface Transportation and Efficiency Act of 1991 expires at the end of fiscal year 1997; and

(10) hundreds of funding requests for specific transportation projects in Congressional Districts have been submitted in the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) notwithstanding different views on existing Highway Trust Fund distribution formulas, funding for demonstration projects or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) States are best able to determine the priorities for allocating Federal-Aid-To-Highway monies within their jurisdiction;

(3) Congress should not divert limited Highway Trust Fund resources away from State transportation priorities by authorizing new highway projects; and

(4) Congress should not authorize any new demonstration projects or other similarly-titled projects.

SEC. 336. SENSE OF THE SENATE REGARDING THE USE OF BUDGET SAVINGS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Poverty rates among the elderly are at the lowest level since our Nation began to keep poverty statistics, due in large part to the social security system and the medicare program.

(2) Twenty-two percent of every dollar spent by the Federal Government goes to the social security system.

(3) Eleven percent of every dollar spent by the Federal Government goes to the medicare program.

(4) Currently, spending on the elderly accounts for 1/3 of the Federal budget and more than 1/2 of all domestic spending other than interest on the national debt.

(5) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(6) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(7) The accumulated balance in the Federal Hospital Insurance Trust Fund is estimated to fall to zero by 2001.

(8) While the Federal budget deficit has shrunk for the fourth straight year to $67,000,000,000 in 1997, measures need to be taken to ensure that that trend continues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that budget savings in the mandatory spending area should be used—

(1) to protect and enhance the retirement security of the American people by ensuring the long-term future of the social security system;

(2) to protect and enhance the health care security of senior citizens by ensuring the long-term future of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(3) to restore and maintain Federal budget discipline to ensure that the level of private investment necessary for long-term economic growth and prosperity is available.

SEC. 337. SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) Seventy-eight percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of his or her working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

SEC. 338. SENSE OF SENATE ON ECONOMIC GROWTH DIVIDEND PROTECTION.

(a) FINDINGS.—The Senate finds that with respect to the revenue levels established under this resolution:

(1) According to the President's own economists, the tax burden on Americans is the highest ever at 31.7 percent.

(2) According to the National Taxpayers Union, the average American family now pays almost 40 percent of their income in State, local, and Federal taxes.

(3) Between 1978 and 1985, while the top marginal rate on capital gains was cut almost in half—from 35 to 20 percent—total annual Federal receipts from the tax almost tripled from $9,100,000,000 annually to $26,500,000,000 annually.

(4) Conversely, when Congress raised the rate in 1986, revenues actually fell well below what was anticipated.

(5) Economists across-the-board predict that cutting the capital gains rate will result in a revenue windfall for the Treasury.

(6) While a USA Today poll from this March found 70 percent of the American people believe that they need a tax cut, under this resolution Federal spending will grow 17 percent over five years while the net tax cuts are less than 1 percent of the total tax burden.

(b) SENSE OF SENATE.—It is the sense of the Senate that with respect to the revenue levels established under this resolution, to the extent that actual revenues exceed the revenues projected under this resolution due to higher than anticipated economic growth, that revenue windfall should be reserved exclusively for additional tax cuts and/or deficit reduction.

SEC. 339. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be changed and allocations may be revised for legislation that provides funding for early childhood development programs for children ages zero to six provided that the legislation which changes revenues or changes spending will not increase the deficit for—

(1) fiscal year 1998;

(2) the period of fiscal years 1998 through 2002; or

(3) the period of fiscal years 2002 through 2007.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the chairman of the Committee on the Budget submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a) upon the offering of an amendment to that legislation that would necessitate such a submission, the chairman shall submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committee shall report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 340. SUPPORT FOR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedoms and security, and with the support of Federal assistance, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, as illustrated by a murder rate in 1996 that is projected to be the lowest since 1971 and a violent crime total in 1996 that is the lowest since 1990.

(2) Through a comprehensive effort to attack violence against women mounted by State and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling, and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives, and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995.

(3) Federal, State, and local law enforcement efforts need continued financial commitment from the Federal Government for funding and financial assistance to continue their efforts to combat violent crime and violence against women.

(4) Federal, State and local law enforcement also face other challenges which require continued financial commitment from the Federal Government, including regaining control over the Southwest Border, where drug trafficking and illegal immigration continue to threaten public safety and menace residents on the border and throughout the Nation.

(5) The Violent Crime Reduction Trust Fund established in section 310001 the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) fully funds the Violent Crime Control and Law Enforcement Act of 1994, including the Violence Against Women Act, without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume that—

(1) the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, will be maintained; and

(2) funding for the Violent Crime Reduction Trust Fund will continue in its current form at least through fiscal year 2002.

SEC. 341. SENSE OF CONGRESS REGARDING PARENTAL INVOLVEMENT IN PREVENTION OF DRUG USE BY CHILDREN.

It is the sense of the Congress that the provisions of this resolution assume that, from resources available in this budget resolution, a portion should be set aside for a national grassroots volunteer effort to encourage parental education and involvement in youth drug prevention and to create a drug-intolerant culture for our children.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

[Applause.]

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House and is authorized to appoint conferees.

The majority leader.

Mr. LOTT. Mr. President, I have a couple unanimous consent requests that I think Members will be very interested in. First, let me take a moment to comment on the cooperation and the significance of that vote.

It truly was a bipartisan effort. It was cooperation between the Congress and the President. I think we should be proud of it, and it is an example of what I hope we can do more of in the future.

I thank the Democratic leader for his efforts, his willingness to be on the floor and work with us on some of these votes. We had a couple of bumpy spots along the way, but I think the result was a good one.

I particularly thank the chairman of the committee. I know he feels a rush of emotion right now. He has been working on trying to get us to this type of budget resolution for 25 years. I think he has done a great job. I commend him and thank him for the great work he has done.

[Applause, Senators rising.]

Mr. LOTT. Also, the Senator from New Jersey stood right there with him.

They worked together. He kept his word, and we got a tremendous result here of 78 to 22, overwhelming. Without that type of cooperation across the aisle from the Budget Committee, it could not have been achieved. So I thank one and all for what has been achieved today.

[Applause, Senators rising.]

Mr. DASCHLE. If the majority leader will yield for just a moment, I know people are waiting for the vote on the judges, so we need to be expeditious. I, too, commend the distinguished Budget Committee chairman and the ranking member for the extraordinary demonstration of leadership. This vote would not have been possible were it not for the way they worked with the White House, with us, in coming to the vote we have today.

This is a historic moment. We will balance the budget as a result of this resolution. Democrats and Republicans alike can take credit and can take a great deal of pride in what we have done today. So I commend them and appreciate very much their leadership today.

Mr. DOMENICI. Mr. President, will the leader yield for 1 minute?

Mr. LOTT. Mr. President, I say to the chairman, I will yield to him. He has earned the time.

Mr. DOMENICI. I don't want to start thanking people, because there are so many who did so much. I do want to say, from my standpoint, that my highest, highest thanks go to our majority leader. He has not been a majority leader for a long time, and this is a very, very difficult undertaking. There were a lot of potential pitfalls.

Frankly, I commend him for being a very, very courageous majority leader. He has a lot of courage. When something has to be done and he agrees to do it, it is like you have a great army with you; we just move. If he wasn't in the lead, I was, and we took turns and we got this done.

I also want to say that this is a bipartisan effort. I say to Senator DASCHLE, thank you. When we had trouble, we would call on him.

Last but not least, I always knew FRANK LAUTENBERG, but I didn't know we were really friends. I think I can say we have a bond between us now that came about because we worked on a very, very difficult set of issues for a long time. I thank him and his staff for their cooperation, and close by saying to all the Senators, thanks for the way you conducted yourselves. This is a complicated, messy process, but I think we did the Senate well, which I always want to do.

I will close by saying that the one staff person I must always recognize, and I think the White House at one point suggested without Bill Hoagland we couldn't put this together. I thank him publicly.

Frank, it is good to be your friend.

Mr. LAUTENBERG. If I may, Mr. President, I too, want to say that my work with Pete DOMENICI was illuminating, a learning experience at times. His smile sometimes was beguiling, but the steel nerves always showed through. It was a good experience.

I noted with one of our colleagues over there, Senator NICKLES—and I am sure that he does not mind my quoting him here—he said that this markup in the budget was the least acrimonious that he had seen in his 17 years on the Budget Committee. I, too, in the 14 years I have been on the Budget Committee.

We had plenty of differences. Do not let anybody think it was smooth going all the way. But there was a determination to get the job done. It was largely PETE's leadership and our willingness to just put aside some differences.

My leader, TOM DASCHLE, was always there to encourage me and the team.

Senator LOTT, too, you know how to push at times and how to pull at other times. You still got us going in the same direction. I don't get it. But it was a pleasure working with the majority leader.

My team, John Cahill, Bruce King, Sander Lurie, Marty Morris, Sue Nelson, Mitch Warren, and the others whom I was fortunate enough to inherit from the experienced days of Senator Exon and Senator Sasser, Amy Abraham, Matt Greenwald, Phil Karsting, Jim Klumpner, Nell Mays, and Jon Rosenwasser, everybody helped enormously. I want to say Bill Hoagland and the majority leader's team were cooperative. They tried to always make sure we understood exactly what was going to be in there. There was no attempt to deceive or fool.

Thus, we have an agreement that we can all be proud of. The American people should be proud of it. They saw us cooperating, as the majority leader said. And here we saw a vote of 78 to 22. That is pretty darn good.

Thank you very much. I yield the floor.

Mr. LOTT. I thank the Senator.

I do have a couple unanimous-consent requests to make. I think Members will be very interested in this. Then we can go on with some closing statements and some wrapup information.

We have some other matters that we are going to try to work through in the afternoon. But if we can get these two agreements, then we could announce there would be no further votes today. I think that would be very important.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nominations: No. 73, Donald Middlebrooks; No. 74, Jeffrey Miller; No. 75, Robert Pratt. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, statements relating to any of these nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, Mr. President, we are now at the end of May. We have confirmed a grand total of two judges in this session. If we confirm these, it will make five, one a month, which is zero population growth in the Federal judiciary.

I will not ask for a rollcall, but we have been told over and over again these were all being held up so we could have rollcalls on them. I suspect we will not have them because it will be embarrassing to see that three excellent, well-qualified judges, held up all this time, then would get voted on virtually unanimously.

I will also note Margaret Morrow, the one woman who was on the panel on this, still is not before the Senate and still is being held for mysterious holds on the Republican side.

I urge my good friend, the majority leader—and he is my good friend—I urge him to do this. I have been here 22 years with outstanding majority leaders, Republicans and Democrats, with Senator Mansfield, Senator BYRD, Senator Baker, Senator Dole, and Senator Mitchell as majority leaders. And now I have the opportunity to serve with the distinguished Senator from Mississippi as the majority leader.

No majority leader has ever allowed the Senate before to do what is happening to the Federal judiciary now. I urge my friend from Mississippi not to allow this Senate to be the first Senate that acts toward the Federal judiciary or diminishes the integrity and the independence of our Federal judiciary, the integrity and independence recognized and commended and praised throughout the world, to let it be diminished here.

I urge the distinguished majority leader to work with the distinguished Democratic leader, the distinguished chairman of the Judiciary Committee, Mr. HATCH, and myself and others, to move these judges. We have 100 vacancies. We have 25 to 28 sitting before the committee that could go immediately, or nearly immediately. We have to do this and stop—stop—the belittling and diminishing of our Federal judiciary. It is part of what makes this a great democracy. We should not allow it to happen.

I will not object to the request of the distinguished majority leader.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

The Judiciary

Donald M. Middlebrooks, of Florida, to be United States District Judge for the Southern District of Florida.

Jeffrey T. Miller, of California, to be United States District Judge for the Southern District of California.

Robert W. Pratt, of Iowa, to be United States District Judge for the Southern District of Iowa.

STATEMENT ON THE NOMINATION OF ROBERT W. PRATT

Mr. LEAHY. Mr. President, I am delighted that the majority leader has decided to take up the nomination of Robert W. Pratt to be a U.S. District Judge for the Southern District of Iowa. Mr. Pratt is a well-qualified nominee.

We first received Robert Pratt's nomination in August 1996. He was not accorded a hearing last Congress and the President renominated him on the first day of this Congress for the same vacancy on the District Court for the Southern District of Iowa. He had a confirmation hearing on March 18 where he was supported by Senator HARKIN and Senator GRASSLEY and was reported to the Senate by the Judiciary Committee on April 17, more than 4 weeks ago.

With this confirmation the Senate has confirmed five Federal judges in five months—one Federal judge a month. Even with the three judicial confirmation votes today, there are still almost 100 judicial vacancies in the Federal courts. Since this session began, vacancies on the Federal bench have increased from 87 to 103 and we have proceeded to confirm only five nominees. After these three confirmations, after more than doubling our confirmation output for the entire year in this one afternoon, we still face 98 current vacancies today and that number is continuing to grow. At this rate, we are falling farther and farther behind and more and more vacancies are continuing to mount over longer and longer times to the detriment of more Americans and the national cause of prompt justice.

Mr. President, I ask unanimous consent to have printed in the RECORD recent articles on the crisis caused by the vacancies in the Federal courts.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Time, May 26, 1997]

EMPTY-BENCH SYNDROME—CONGRESSIONAL REPUBLICANS ARE DETERMINED TO PUT CLINTON'S JUDICIAL NOMINEES ON HOLD

(By Viveca Novak)

The wanted posters tacked to the walls of courthouses around the country normally depict carjackers, kidnappers and other scruffy lawbreakers on the lam. But these days the flyers might just as well feature distinguished men and women in long dark robes beneath the headline "Help Wanted." As of this week, 100 seats on the 844-person federal bench are vacant. Case loads are creeping out of control, and sitting judges are crying for help.

The situation is urgent, says Procter Hug Jr., chief judge of the Ninth Circuit Court of Appeals, which covers California and eight other Western states. Hug says that with a third of its 28 seats vacant, the court has had to cancel hearings for about 600 cases this year. Criminal cases take precedence by law, so at both the trial and appellate levels, it is civil cases that have been crowded out. Civil rights cases, shareholder lawsuits, product-liability actions, medical-malpractice claims and so forth are being pushed to the back of the line, however urgent the complaints. Chief Judge J. Phil Gilbert of the southern district of Illinois went an entire year without hearing a single civil case, so overwhelmed was he by the criminal load in a jurisdiction down to two judges out of four. "It's litigants who end up paying the price for the delays," says A. Leo Levin, a professor at the University of Pennsylvania Law School.

Things won't improve any time soon. Democratic Senators have been slow in recommending names to the White House, which in turn has dragged its feet in forwarding those recommendations to the Senate for confirmation. At a private meeting with federal judges last week, Clinton promised to send close to two dozen new names to Capitol Hill by July 4. But once they get there, they face new hurdles. Last year the Senate confirmed only 17 federal district-court judges and none for the appeals courts. This year looks even worse, with only two confirmations thus far. The number of days from nomination to confirmation is at a record high of 183, and 24 seats have been vacant more than 18 months, qualifying them as judicial emergencies.

This slowdown in judicial confirmations is not due to congressional lethargy. Just the opposite. With Republicans firmly in control of the Senate, many of the party's theorists feel they have the power—and the rightful mandate—to implement the ideals of a conservative revolution that lost its focus in recent years. So they have been not so quietly pursuing a historic change in the ambiguous "advise and consent" role the Constitution gives the Senate in the selection of federal judges. The successful assault by Democrats on Ronald Reagan's nomination of Robert Bork for the Supreme Court helped open the way for what has become a more partisan and ideological examination of all judicial nominees.

Some Republicans have as much as declared war on Clinton's choices, parsing every phrase they've written for evidence of what they call judicial activism. That label has long been applied to judges who come up with imaginative new legal principles in their decisions rather than simply following the letter of the law or the Constitution. Lately the term has been tossed around like insults at a brawl. "The Republicans define 'activist' according to their political agenda," says a federal judge. "It's O.K. to be an activist if you're striking down affirmative action and gun-free school laws. It's not if you're overturning abortions restrictions and the line-item veto."

Meanwhile, nominees are left adrift. The federal bench's poster child of the moment is Margaret Morrow. Nominated in May 1996 with broad bipartisan support, Morrow was the first woman president of the California Bar Association, has had a distinguished career in private practice and could fill a trophy case with her awards and citations. She cleared the judiciary committee unanimously but got stuck in last year's G.O.P. freeze-out on the Senate floor. Clinton sent her name back up this year, but in the meantime, conservatives began raising questions about some of her writings the committee hadn't seen. After another hearing, she received a letter from Republican Senator Charles Grassley asking her position on every ballot initiative that's come up in California over the past decade, in effect asking which levers she pulled in the voting booth. Morrow's nomination still isn't scheduled for a vote, and she isn't even the longest-suffering nominee. That distinction belongs to William Fletcher, named by Clinton to the Ninth Circuit in April 1995.

Orrin Hatch, chairman of the Senate Judiciary Committee, says he would like to clear the backlog. "Playing politics with judges is unfair, and I am sick of it," he said in March. But those close to him say he's feeling pressure from the right, and indeed his remarks have become more combative. Last week he told a group of judges that he would refuse "to stand by to see judicial activists named to the federal bench."

Republicans are also aiming rocket launchers at those lucky enough to have already been issued their robes. Proposals range from having three-judge panels, rather than a single judge, hear challenges to ballot initiatives to radical notions like amending the Constitution to eliminate lifetime tenure. Lawmakers have taken to threatening impeachment proceedings against judges whose rulings they dislike. House majority whip Tom DeLay of Texas, a chief proponent of using the impeachment process much more freely than it is now, says he wants "to make an example" of someone this year. Some candidates they're considering: Judge Thelton Henderson in California, who struck down a voter-approved referendum ending state affirmative-action programs (he has since been reversed); Judge John Nixon in Tennessee, who has reversed several death-penalty convictions; and Judge Fred Biery in Texas, who has refused to seat a Republican sheriff and county commissioner because of a pending lawsuit challenging some absentee ballots. Not mentioned are judges like New York's John Sprizzo, who freed two men who had blocked access to an abortion clinic because they acted on religious grounds.

So far, the Republicans see no real downside to picking on the third branch of government. "Some of these rulings have inflamed mainstream America," says Clint Bolick of the conservative Institute for Justice. "So when the GOP elevates this issue, it is seen as a winner.

It's ironic that these fusillades should be coming now, when even activists like Bolick concede that Clinton's nominees have been mostly moderate, and liberals are moaning that the President hasn't done enough to counteract the effect of 12 straight years of Republican court choices. But what it adds up to is "probably the most intense attack on the judiciary as an institution ever," says Robert Katzmann, a lawyer and political scientist who has written a book on Congress and the courts. "The framers of the Constitution tried to create a system in which judges would feel insulated from political retribution. That's being undermined."

[From U.S. News, May 26, 1997]

THE GOP'S JUDICIAL FREEZE—A FIGHT TO SEE WHO RULES OVER THE LAW

(By Ted Gest and Lewis Lord)

When Bill Clinton was first elected, liberals thought they would finally get a chance to rectify what they saw as a great injustice. For 12 years, Ronald Reagan and George Bush had packed the judiciary with conservative judges. And their rulings were shifting power toward police and corporations and away from criminal suspects, environmentalists, and trade unions. Clinton, it seemed, would be able to shift the balance of power back.

Well into Clinton's second term, the judiciary's composition has barely changed, thanks to an aggressive Republican strategy of thwarting Clinton's nomineees—and a remarkable timidity on the president's part. During his first term, when Democrats controlled the Senate for two years, 202 of his nominations were confirmed. But in the past 16 months, with the GOP firmly in control, the Senate has approved the nominations of only 18 district judges and one circuit court of appeals judge. Roughly 100 judgeships—12 percent of the judiciary—are vacant, including a record 24 "judicial emergencies," seats that have been open for at least 18 months. Judges are working nights and weekends on the stacks of new cases that keep piling up. Countless civil disputes involving businesses and families—whether a worker should get a disability benefit, whether a loss is covered by insurance, whether an alien should be deported—are being held up for months.

Congress has insisted on playing an unprecedented role. In the past, the Senate paid close attention to a president's Supreme Court nominees but usually gave him a free hand in selecting other federal judges. Now, the Republican Senate is demanding—and often getting—a voice in whom Clinton appoints to the district courts, where judges and juries make basic rulings involving federal law, and to the appeals courts, which decide most constitutional and other big issues. "It's a scandalous and stunningly irresponsible misuse of the Senate's authority," says law professor Geoffrey Stone, the provost at the University of Chicago.

AUTHORITY CHALLENGED

The slowdown could become a constitutional showdown. "In all of American history there has never been a situation where a newly elected president has faced this of challenge to his judicial nominations," says Sheldon Goldman, author of the upcoming book *Picking Federal Judges: Lower Court Selections From Roosevelt to Reagan*. "The gauntlet has been thrown down to President Clinton. And now we will see if he is going to fight or if he's going to back off."

Last week, Chief Justice William Rehnquist, a conservative, chastised the White House and the Senate for leaving so many vacancies. "Unless the executive and the legislative branches change their ways," Rehnquist told the Federal Judges Association, "the future for judicial appointments is bleak." He urged judges to meet with senators from their areas. One judge who recently did is Procter Hug Jr. of Reno, Nev., chief of the nation's busiest court—the nine-Western-state 9th U.S. Circuit Court of Appeals, which has lost nine of its 28 judges to retirement. Hug asked Sen. Orrin Hatch, chairman of the Senate Judiciary Committee, for action, and Hatch replied that he would hold one judicial nomination hearing each month. "Nationally, there are 25 circuit-judge vacancies," said Hug. "The have *got* to hold more than one a month."

Republicans are resisting Clinton nominees aggressively in part because they had to fight so long to get the judiciary to their liking. The Reagan White House shrewdly decided not to rely solely on GOP senators, who might have picked judges mainly because of connections instead of ideology. Instead, Reagan created the Federal Judicial Selection Committee, which sought judges willing to reject affirmative action, give police more authority, allow restrictions on abortions, and permit voluntary school prayer.

The emphasis on ideology stirred a hostile Democratic reaction. Democrats in 1987 successfully blocked the nomination to the Supreme Court of Robert Bork, which increased Republican determination to protect their gains. And they have. Reagan's appointees and those of Bush are now considered the most conservative since the judges whom Franklin Roosevelt assailed 60 years ago for curbing his New Deal, and they make up more than half the federal judiciary.

FAILURE TO FIGHT

Liberals had hoped that Clinton would pull the courts back from the right and, by the year 2000, establish a majority of left-leaning judges. But he hasn't. For one thing, he has been slow to send up nominees, partly because the Senate has been reluctant to move those already pending. Clinton has nominated candidates for fewer than one third of the vacancies. More important, he has shown an aversion to fighting for controversial nominees. One prominent example involved an old friend, Georgetown University law professor Peter Edelman. Clinton decided in 1995 not to nominate Edelman for a seat on the appeals court in Washington, DC, after conservatives served notice they would mount a Bork-like challenge, citing Edelman's writings as "too liberal."

In essence, Clinton rejects the liberal view that he should counter the Reagan-Bush emphasis on conservative views. "He doesn't want to make a federal bench in his image," House counsel, Abner Mikva. "What he really wants is a high-quality bench that will do the right thing regardless of ideology." Other insiders say that when the White House sets legislative priorities, it is more interested in winning votes from key senators on policy issues than in pressing them to support judicial nominees.

This has left liberal activists bitterly disappointed. "He has an enormous opportunity to reshape the federal bench," says Nan Aron of the Alliance for Justice, an umbrella organization of public-interest law groups, "but rather than hit the ground running, he has silently tolerated an unprecedented number of attacks on the federal judiciary."

Liberals like Aron are doubly disappointed because those nominations Clinton has pushed have not been particularly liberal. His trial judges, according to one study, seem closer in ideology to Gerald Ford's judges than they do to those of Jimmy Carter, who are considered the most liberal of current judges.

To the extent Clinton has had a broad agenda for the judiciary, the guiding principle has been not philosophy but race and gender. "Clinton's first term," says Goldman, who teaches political science at the University of Massachusetts—Amherst, "was the first ever in which most of a president's appointments went to women or minorities."

NOT MAINSTREAM?

Republicans argue that they have no choice but to hold up Clinton's nominees because many are "judicial activists" far out of the mainstream. One would-be district judge tarred as an activist is Margaret Morrow of Los Angeles, a former state bar president who was first nominated to the bench more than a year ago. In 1988, Morrow wrote an article suggesting that California might be putting too many questions to a vote in citizens' referendums. Senators now are demanding to know her positions on many referendum issues.

"Judicial activists do not abide by the law," says Hatch, who defines a judicial activist as "someone who makes law as a superlegislator and usurps power from two other co-equal branches." Mikva, who was a longtime judge before working at the White House, offers a different view: "An activist judge is a judge who makes a decision you don't like."

This month, Hatch did remind his GOP colleagues that Clinton had won and thus was entitled to make nominations. "He deserves respect and support for his nominees as long as they are qualified," the senator said. But he also has said that judicial activists are not qualified.

The Clinton administration insists that it has a grip on the problem. "We are doing as much bipartisan consultation as we can . . . to see how Republican senators' views can be absorbed into the system," says White House Counsel Charles Ruff. That approach fails to placate Clint Bolick of the Institute for Justice, a libertarian group. When Clinton was re-elected, he said, "the stakes doubled," and the prospect of a Democrat appointing a majority of judges became a "very real concern, not an abstract concern." Bolick's goal is to thwart any Clinton choice who doesn't meet his sharply conservative standards. He expects that in the coming months his fellow conservatives will go after even more Clinton nominees.

Mr. HARKIN. Mr. President, it is a privilege for me to speak today in behalf of Robert Pratt, to serve on the U.S. District Court for the Southern District of Iowa.

I have known Bob and his wonderful family for almost 25 years. I met him when we were both fresh out of law school. We landed jobs at the Polk County Legal Aid Society. And it was this experience that made a permanent impression on me.

Since that time, Bob has dedicated his life to using the law to improve people's lives, their communities and their future. He is currently in private practice in Des Moines and continues to devote his practice to the legal needs of lower income and economically disadvantaged Iowans.

Bob Pratt is, quite simply, one of the best public interest lawyers in the country. And his respect for the rule of the law and his faith in our country's system of justice is truly inspiring.

I believe that Bob possesses all of the qualifications necessary to assume the very serious responsibilities carried out by any Federal judge. He has the temperament, the intellectual rigor, the compassion, and the ability to be fair and impartial.

I am also proud to say that Bob enjoys bipartisan support from the Iowa legal community. Robert Downer, former President of the Iowa State Bar Association, and a Republican, states:

"It has been my privilege to be acquainted with Mr. Pratt for some time, and I regard him very highly both personally and professionally. With the heavy caseload in the Southern District of Iowa it will be of great benefit to litigants in that court if he can be confirmed without delay."

Mr. President, I am proud to continue Iowa's fine tradition of judicial selection based upon merit. I believe Bob Pratt reflects very proudly on all of us who have chosen to be public servants. And I have no doubt that he will make an excellent U.S. District judge for the Southern District of Iowa.

STATEMENTS ON THE NOMINATION

Mr. LEAHY. Mr. President, I am delighted that the majority leader has decided to take up the nomination of Donald M. Middlebrooks to be a U.S. District Judge for the southern district of Florida. Mr. Middlebrooks is a well-qualified nominee.

The Judiciary Committee unanimously reported his judicial nomination to the full Senate more than 4 weeks ago. The southern district of Florida desperately needs him to manage is growing backlog of cases.

We first received Donald Middlebrooks' nomination in September 1996. He was not accorded a hearing last Congress and the President renominated him on the first day of this Congress for the same vacancy on the district court for the southern district of Florida, which vacancy has existed since October 1992. This is another of the judicial emergency vacancies that we did not fill last year. It has been vacant for more than 4½ years. He has the support of both Senator GRAHAM and Senator MACK and was reported by the Judiciary Committee to the Senate on April 17.

With this confirmation, the Senate has confirmed three Federal judges this year—the same amount of times we have gone on vacation in 1997. At this rate, we are falling farther and farther behind and more and more vacancies are continuing to mount over longer and longer times to the detriment of more Americans and the national cause of prompt justice. We must do better.

Mr. President, I look forward to working with the chairman and other members of the Judiciary Committee and the full Senate to move the nominations process forward so that the Senate confirms the judges that the Federal courts need to ensure the prompt administration of justice.

Mr. GRAHAM. Mr. President, I join all those in America who are concerned about filling judicial vacancies in expressing gratitude to Senators HATCH and LEAHY for bringing judicial nominations to the floor for our timely consideration.

Florida, with some of the busiest districts in the Nation, has three Federal judicial vacancies. With our action today, one of those vacancies is no more, and the people of Florida's southern district will soon be served by an outstanding and experienced member of both the legal and larger south Florida community—Mr. Don Middlebrooks.

I look forward to working with my colleagues to fill all of the judicial vacancies in Florida. But today's action is a very positive step forward.

Mr. President, the people served by the jurists we confirm have a right to expect judges who bring unquestioned competence, strong integrity, devotion to duty, and diversity of experience with them to the Federal bench.

Throughout his career—as an undergraduate and law student at the University of Florida, a public servant, and a distinguished member of the south Florida legal community—Don Middlebrooks has met—and exceeded—this standard of excellence time and time again.

Mr. Middlebrooks started his career in the public service at the University of Florida, where his fellow undergraduates elected him president of the student body.

That excellence in student government was followed by distinction at the University of Florida Law School and, eventually, outstanding service in the Florida State government.

In 1974, Don Middlebrooks was asked to serve the people of Florida as assistant general counsel to then-Governor Reubin Askew. He served with such distinction that Governor Askew ultimately elevated him to the post of general counsel.

Three years later, as Governor Askew's second and final term was coming to a close, Mr. Middlebrooks left Tallahassee and joined the south Florida offices of Steel, Hector, & Davis, one of our State's oldest and largest law firms.

His 20 years of experience with highly complex legal issues makes him especially well-prepared for the cases that he will see as a Federal district court judge in south Florida.

But the fact that Don Middlebrooks has spent the last two decades in the private sector does not mean that he has neglected his commitment to public service.

In addition to handling numerous pro bono cases himself, Mr. Middlebrooks was chairman of Steel, Hector, & Davis' public service committee when the firm received the American Bar Association pro bono award and the Florida Supreme Court chief justice's law firm commendation.

He has also been a civic leader. The list of his involvements is long and distinguished—chairman of the Palm Beach County Criminal Justice Commission, president of the Florida Bar Association, member of the Florida Ethics Commission.

Perhaps Don Middlebrooks' most important civic contribution has been his tireless commitment to the welfare of Florida's youngest generation—its children.

In addition to being the father of 11-year-old Amanda and 9-year-old Jack, Mr. Middlebrooks has served as chairman of the Palm Beach County Children's Services Council, chairman of the Florida Bar Commission for Children, and a member of the Florida Commission on Child Welfare.

Mr. Chairman, throughout his life, Don Middlebrooks has been respected by his peers, hailed for his outstanding service to the people of Florida, honored for his civic involvements, and praised for his skill and competence in the legal arena.

I have no doubt that this pattern of distinction and outstanding service will continue once he is invested as a Federal judge in the southern district of Florida.

STATEMENTS ON THE NOMINATION OF JEFFREY T. MILLER

Mr. LEAHY. Mr. President, I am delighted that the majority leader has decided to take up the nomination of Jeffrey T. Miller to be a U.S. district court judge for the southern district of California. Judge Miller is a well-qualified nominee.

The Judiciary Committee unanimously reported his nomination to the Senate more than 4 weeks ago. The southern district of California desperately needs Judge Miller to help manage its growing backlog of cases.

We first received Judge Jeffrey Miller's nomination in July 1996. He was not accorded a hearing last Congress and the President renominated him on the first day of this Congress for the same vacancy on the district court for the southern district of California, which vacancy has existed since December 1994. This is one of the judicial emergency vacancies that we should have filled last year. This vacancy has persisted for 2½ years. He has the support of both Senators from California. He had a confirmation hearing on March 18 and his nomination was considered and reported to the Senate by the Judiciary Committee on April 17.

With this confirmation, the Senate has confirmed four Federal judges this year—the same number as the number of amendments to the Constitution that have been considered and defeated by the House of Representatives and the Senate. At this rate, we are falling farther and farther behind and more and more vacancies are continuing to mount over longer and longer times to the detriment of more Americans and the national cause of prompt justice. We must do better.

Mrs. FEINSTEIN. Mr. President, I want to thank the majority leader for calling up these judicial nominations for votes by the Senate, and in particular for calling up Judge Jeffrey Miller, who has been nominated to the U.S. district court for the southern district of California in San Diego.

It was my distinct pleasure to recommend Judge Jeffrey Miller to the President. I feel strongly he is extremely well qualified for the position.

Judge Miller has been serving for 10 years as a superior court judge in San Diego, having been appointed by a Republican Governor, George Deukmejian, in 1987.

Judge Miller previously spent 19 years with the State attorney general's office.

He earned both his undergraduate and law degree from the University of California at Los Angeles in the 1960's. He first devoted himself to public service by working in the Peace Corps for a year.

During his experience in the Los Angeles attorney general's office from 1968 to 1974, he briefed approximately 60 cases on behalf of the people, urging affirmation of trial court convictions before the court of appeals in more than half of those cases.

Of those cases, published opinions were issued in 13, all but 1 affirming trial court convictions.

From 1974 to 1987, Judge Miller supervised attorneys and carried his own caseload in the tort and condemnation section of the attorney general's office, which oversaw the San Diego, Orange, San Bernardino, and Riverside areas. Here he represented the State in matters ranging from class action lawsuits to California Highway Patrol officers sued for false arrest.

Judge Miller has argued two cases before the U.S. Supreme Court. Both cases were argued successfully on behalf of the State.

His lengthy and distinguished experience as a prosecutor prepared him well for his appointment in 1987 as a superior court judge.

Since then, he has handled many sensitive high-profile criminal and civil cases including two murder cases where the juries rendered convictions with full sentences.

This has prepared him extremely well for the criminal and civil caseload facing the southern district judges.

Simply put, Judge Miller is one of the most respected and trusted judicial figures in the San Diego area. He is both fair minded and thoughtful, yet remains tough and decisive.

His bipartisan support and solid judicial background make him a strong nominee for confirmation. Among those who have endorsed Judge Miller's nomination are those who know the judge's work best:

Presiding Judge James R. Milliken of the superior court described Judge Miller as "a superb judge" and "a fine, insightful person. He understands legal issues and problems and does an absolutely wonderful job in the courtroom."

Judge Anthony Joseph, a colleague on the San Diego Superior Court, wrote: "His positive outlook and pragmatic approach are essential in this era."

Judge Daniel Kremer of the U.S. court of appeals noted that Judge Miller "is particularly well known for his ability to handle complex cases efficiently and fairly."

Retired Justice Charles Froehlich, Jr., of the court of appeals said: "He is a person of very high ethical standards. He would indeed be a credit to the local district court bench."

Judge Judith Haller of the court of appeals wrote: "Judge Miller would be an outstanding selection and one which would be extremely well received by members of our legal community. He is one of those rare individuals who receives unanimous praise from all who have worked with him professionally or who know him personally."

Judge Miller is an active member of the California Judges Association.

He has been elected to the executive committee and served on that committee as supervising judge of the north county branch of the San Diego Superior Court. He has also chaired the joint jury committee and the rules committee.

Let me conclude by saying how important it is to fill the vacancies on the southern district bench. Presiding Judge Judith Keep has provided some startling information about workload in the southern district, which I would like to submit for the RECORD.

There are currently two vacancies on the southern district bench. The six judges now serving in the southern district faced a caseload of 5,674 cases in 1996. Five years earlier, the total filings in this district were 2,914. That represents a 95-percent increase in the workload from 1991 to 1996 for the southern district judges.

In addition, the vacancy Judge Miller would fill has been vacant since December 28, 1994—more than 26 months. Judge Gordon Thompson took senior status on December 28, 1994.

This vacancy has only made the workload on the southern district more intense.

So I urge my colleagues to address the workload problem by confirming this eminently qualified candidate, Judge Jeffrey Miller.

I thank the Chair, and I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LOTT. Mr. President, we will have just some response from the chairman in a moment. But let me proceed to the next unanimous-consent request.

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 60, S. 610.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 610) to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as "the Chemical Weapons Convention" and opened for signature and signed by the United States on January 13, 1993 which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical Weapons Convention Implementation Act of 1997".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—GENERAL PROVISIONS

Sec. 101. Designation of United States National Authority.
Sec. 102. No abridgement of constitutional rights.
Sec. 103. Civil liability of the United States.

TITLE II—PENALTIES FOR UNLAWFUL ACTIVITIES SUBJECT TO THE JURISDICTION OF THE UNITED STATES

Subtitle A—Criminal and Civil Penalties

Sec. 201. Criminal and civil provisions.

Subtitle B—Revocations of Export Privileges

Sec. 211. Revocations of export privileges.

TITLE III—INSPECTIONS

Sec. 301. Definitions in the title.
Sec. 302. Facility agreements.
Sec. 303. Authority to conduct inspections.
Sec. 304. Procedures for inspections.
Sec. 305. Warrants.
Sec. 306. Prohibited acts relating to inspections.
Sec. 307. National security exception.
Sec. 308. Protection of constitutional rights of contractors.
Sec. 309. Annual report on inspections.
Sec. 310. United States assistance in inspections at private facilities.

TITLE IV—REPORTS

Sec. 401. Reports required by the United States National Authority.
Sec. 402. Prohibition relating to low concentrations of schedule 2 and 3 chemicals.
Sec. 403. Prohibition relating to unscheduled discrete organic chemicals and coincidental byproducts in waste streams.
Sec. 404. Confidentiality of information.
Sec. 405. Recordkeeping violations.

TITLE V—ENFORCEMENT

Sec. 501. Penalties.
Sec. 502. Specific enforcement.
Sec. 503. Expedited judicial review.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Repeal.
Sec. 602. Prohibition.
Sec. 603. Bankruptcy actions.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHEMICAL WEAPON.—The term "chemical weapon" means the following, together or separately:

(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this Act as long as the type and quantity is consistent with such a purpose.

(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A) which would be released as a result of the employment of such munition or device.

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

(2) CHEMICAL WEAPONS CONVENTION; CONVENTION.—The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.—The term "key component of a binary or multicomponent chemical system" means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

(4) NATIONAL OF THE UNITED STATES.—The term "national of the United States" has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(5) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons.

(6) PERSON.—The term "person", except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(7) PRECURSOR.—

(A) IN GENERAL.—The term "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

(B) LIST OF PRECURSORS.—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(8) PURPOSES NOT PROHIBITED BY THIS ACT.—The term "purposes not prohibited by this Act" means the following:

(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon and that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

(9) TECHNICAL SECRETARIAT.—The term "Technical Secretariat" means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

(10) SCHEDULE 1 CHEMICAL AGENT.—The term "Schedule 1 chemical agent" means any of the following, together or separately:

(A) O-Alkyl ($\leq C_{10}$*, incl. cycloalkyl) alkyl*

(Me, Et, n-Pr or i-Pr)-phosphonofluoridates

(e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate).

(B) O-Alkyl ($\leq C_{10}$*, incl. cycloalkyl) N,N-dialkyl*

(Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates

(e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate).

(C) O-Alkyl (H or $\leq C_{10}$*, incl. cycloalkyl) S-2-dialkyl*

(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl

(Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts

(e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphono- thiolate).

(D) Sulfur mustards:

2-Chloroethylchloromethylsulfide

Mustard gas: Bis(2-chloroethyl)sulfide

Bis(2-chloroethylthio)methane

Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane

1,3-Bis(2-chloroethylthio)-n-propane

1,4-Bis(2-chloroethylthio)-n-butane

1,5-Bis(2-chloroethylthio)-n-pentane

Bis(2-chloroethylthiomethyl)ether

O-Mustard: Bis(2-chloroethylthioethyl)ether.

(E) Lewisites:

Lewisite 1: 2-Chlorovinyldichloroarsine

Lewisite 2: Bis(2-chlorovinyl)chloroarsine

Lewisite 3: Tris (2-clorovinyl)arsine.

(F) Nitrogen mustards:

HN1: Bis(2-chloroethyl)ethylamine

HN2: Bis(2-chloroethyl)methylamine

HN3: Tris(2-chloroethyl)amine.

(G) Saxitoxin.

(H) Ricin.

(I) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides

e.g. DF: Methylphosphonyldifluoride.

(J) O-Alkyl (H or $\leq C_{10}$*, incl. cycloalkyl)O-2-dialkyl*

(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl

(Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts

e.g. QL: O-Ethyl O-2-diisopropyl- aminoethyl methylphosphonite.

(K) Chlorosarin: O-Isopropyl methylphosphonochloridate.

(L) Chlorosoman: O-Pinacolyl methylphosphonochloridate.

(11) SCHEDULE 2 CHEMICAL AGENT.—The term "Schedule 2 chemical agent" means the following, together or separately:

(A) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts.

(B) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene.

(C) BZ: 3-Quinuclidinyl benzilate

(D) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,

e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate

Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate.

(E) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides.

(F) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates.

(G) arsenic trichloride.

(H) 2,2-Diphenyl-2-hydroxyacetic acid.

(I) Quinuclidine-3-ol.

(J) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts.

(K) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts

Exemptions: N,N-Dimethylaminoeth- anol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts.

(L) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts.

(M) Thiodiglycol: Bis(2-hydroxyethyl)sulfide.

(N) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol.

(12) SCHEDULE 3 CHEMICAL AGENT.—The term "Schedule 3 chemical agent" means any the following, together or separately:

(A) Phosgene: carbonyl dichloride.

(B) Cyanogen chloride.

(C) Hydrogen cyanide.

(D) Chloropicrin: trichloronitromethane.

(E) Phosphorous oxychloride.

(F) Phosphorous trichloride.

(G) Phosphorous pentachloride.

(H) Trimethyl phosphite.

(I) Triethyl phosphite.

(J) Dimethyl phosphite.

(K) Diethyl phosphite.

(L) Sulfur monochloride.

(M) Sulfur dichloride.

(N) Thionyl chloride.

(O) Ethyldiethanolamine.

(P) Methyldiethanolamine.

(O) Triethanolamine.

(13) TOXIC CHEMICAL.—

(A) IN GENERAL.—The term "toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(B) LIST OF TOXIC CHEMICALS.—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(14) UNITED STATES.—The term "United States" means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49, United States Code;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37), respectively, of section 40102 of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C., App. sec. 1903(b)).

(15) UNSCHEDULED DISCRETE ORGANIC CHEMICAL.—The term "unscheduled discrete organic chemical" means any chemical not listed on any schedule contained in the Annex on Chemicals of the Convention that belongs to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides, and metal carbonates.

TITLE I—GENERAL PROVISIONS

SEC. 101. DESIGNATION OF UNITED STATES NATIONAL AUTHORITY.

(a) DESIGNATION.—Pursuant to paragraph 4 of Article VII of the Chemical Weapons Convention, the President shall designate the Department of State to be the United States National Authority.

(b) PURPOSES.—The United States National Authority shall—

(1) serve as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons and other States Parties to the Convention; and

(2) implement the provisions of this Act in coordination with an interagency group designated by the President consisting of the Secretary of Commerce, Secretary of Defense, Secretary of Energy, the Attorney General, and the heads of agencies considered necessary or advisable by the President.

(c) DIRECTOR.—The Secretary of State shall serve as the Director of the United States National Authority.

(d) POWERS.—The Director may utilize the administrative authorities otherwise available to the Secretary of State in carrying out the responsibilities of the Director set forth in this Act.

(e) IMPLEMENTATION.—The President is authorized to implement and carry out the provisions of this Act and the Convention and shall designate through Executive order which agencies of the United States shall issue, amend, or revise the regulations in order to implement this Act and the provisions of the Convention. The Director of the United States National Authority shall report to the Congress on the regulations that have been issued, implemented, or revised pursuant to this section.

SEC. 102. NO ABRIDGEMENT OF CONSTITUTIONAL RIGHTS.

No person may be required, as a condition for entering into a contract with the United States or as a condition for receiving any benefit from the United States, to waive any right under the Constitution for any purpose related to this Act or the Convention.

SEC. 103. CIVIL LIABILITY OF THE UNITED STATES.

(a) CLAIMS FOR TAKING OF PROPERTY.—

(1) JURISDICTION OF COURTS OF THE UNITED STATES.—

(A) UNITED STATES COURT OF FEDERAL CLAIMS.—The United States Court of Federal Claims shall, subject to subparagraph (B), have jurisdiction of any civil action or claim against the United States for any taking of property without just compensation that occurs by reason of the action of any officer or employee of the Organization for the Prohibition of Chemical Weapons, including any member of an inspection team of the Technical Secretariat, or by reason of the action of any officer or employee of the United States pursuant to this Act or the Convention. For purposes of this subsection, action taken pursuant to or under the color of this Act or the Convention shall be deemed to be action taken by the United States for a public purpose.

(B) DISTRICT COURTS.—The district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any civil action or claim described in subparagraph (A) that does not exceed $10,000.

(2) NOTIFICATION.—Any person intending to bring a civil action pursuant to paragraph (1) shall notify the United States National Authority of that intent at least one year before filing the claim in the United States Court of Federal Claims. Action on any claim filed during that one-year period shall be stayed. The one-year period following the notification shall not be counted for purposes of any law limiting the period within which the civil action may be commenced.

(3) INITIAL STEPS BY UNITED STATES GOVERNMENT TO SEEK REMEDIES.—During the period between a notification pursuant to paragraph (2) and the filing of a claim covered by the notification in the United States Court of Federal Claims, the United States National Authority shall pursue all diplomatic and other remedies that the United States National Authority considers necessary and appropriate to seek redress for the claim including, but not limited to, the remedies provided for in the Convention and under this Act.

(4) BURDEN OF PROOF.—In any civil action under paragraph (1), the plaintiff shall have the burden to establish a prima facie case that, due to acts or omissions of any official of the Organization or any member of an inspection team of the Technical Secretariat taken under the color of the Convention, proprietary information of the plaintiff has been divulged or taken without authorization. If the United States Court of Federal Claims finds that the plaintiff has demonstrated such a prima facie case, the burden shall shift to the United States to disprove the plaintiff's claim. In deciding whether the plaintiff has carried its burden, the United States Court of Federal Claims shall consider, among other things—

(A) the value of proprietary information;

(B) the availability of the proprietary information;

(C) the extent to which the proprietary information is based on patents, trade secrets, or other protected intellectual property;

(D) the significance of proprietary information; and

(E) the emergence of technology elsewhere a reasonable time after the inspection.

(b) TORT LIABILITY.—The district courts of the United States shall have exclusive jurisdiction of civil actions for money damages for any tort under the Constitution or any Federal or State law arising from the acts or omissions of any officer or employee of the United States or the Organization, including any member of an inspection team of the Technical Secretariat, taken pursuant to or under color of the Convention or this Act.

(c) WAIVER OF SOVEREIGN IMMUNITY OF THE UNITED STATES.—In any action under subsection (a) or (b), the United States may not raise sovereign immunity as a defense.

(d) AUTHORITY FOR CAUSE OF ACTION.—

(1) UNITED STATES ACTIONS IN UNITED STATES DISTRICT COURT.—Notwithstanding any other law, the Attorney General of the United States is authorized to bring an action in the United States District Court for the District of Columbia against any foreign nation for money damages resulting from that nation's refusal to provide indemnification to the United States for any liability imposed on the United States by virtue of the actions of an inspector of the Technical Secretariat who is a national of that foreign nation acting at the direction or the behest of that foreign nation.

(2) UNITED STATES ACTIONS IN COURTS OUTSIDE THE UNITED STATES.—The Attorney General is authorized to seek any and all available redress in any international tribunal for indemnification to the United States for any liability imposed on the United States by virtue of the actions of an inspector of the Technical Secretariat, and to seek such redress in the courts of the foreign nation from which the inspector is a national.

(3) ACTIONS BROUGHT BY INDIVIDUALS AND BUSINESSES.—Notwithstanding any other law, any national of the United States, or any business entity organized and operating under the laws of the United States, may bring a civil action in a United States District Court for money damages against any foreign national or any business entity organized and operating under the laws of a foreign nation for an unauthorized or unlawful acquisition, receipt, transmission, or use of property by or on behalf of such foreign national or business entity as a result of any tort under the Constitution or any Federal or State law arising from acts or omissions by any officer or employee of the United States or any member of an inspection team of the Technical Secretariat taken pursuant to or under the color of the Convention or this Act.

(e) RECOUPMENT.—

(1) POLICY.—It is the policy of the United States to recoup all funds withdrawn from the Treasury of the United States in payment for any tort under Federal or State law or taking under the Constitution arising from the acts or omissions of any foreign person, officer, or employee of the Organization, including any member of an inspection team of the Technical Secretariat, taken under color of the Chemical Weapons Convention or this Act.

(2) SANCTIONS ON FOREIGN COMPANIES.—

(A) IMPOSITION OF SANCTIONS.—The sanctions provided in subparagraph (B) shall be imposed for a period of not less than ten years upon—

(i) any foreign person, officer, or employee of the Organization, including any member of an inspection team of the Technical Secretariat, for whose actions or omissions the United States has been held liable for a tort or taking pursuant to this Act; and

(ii) any foreign person or business entity organized and operating under the laws of a foreign nation which knowingly assisted, encouraged or induced, in any way, a foreign person described in clause (i) to publish, divulge, disclose, or make known in any manner or to any extent not authorized by the Convention any United States confidential business information.

(B) SANCTIONS.—

(i) ARMS EXPORT TRANSACTIONS.—The United States Government shall not sell to a person described in subparagraph (A) any item on the United States Munitions List and shall terminate sales of any defense articles, defense services, or design and construction services to a person described in paragraph (2) under the Arms Export Control Act.

(ii) SANCTIONS UNDER EXPORT ADMINISTRATION ACT OF 1979.—The authorities under section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to a person described in subparagraph (A).

(iii) INTERNATIONAL FINANCIAL ASSISTANCE.—The United States shall oppose any loan or financial or technical assistance by international financial institutions in accordance with section 701 of the International Financial Institutions Act to a person described in subparagraph (A).

(iv) EXPORT-IMPORT BANK TRANSACTIONS.—The United States shall not give approval to guarantee, insure, or extend credit, or to participate in the extension of credit to a person described in subparagraph (A) through the Export-Import Bank of the United States.

(v) PRIVATE BANK TRANSACTIONS.—Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to a person described in subparagraph (A).

(vi) BLOCKING OF ASSETS.—The President shall take all steps necessary to block any transactions in any property subject to the jurisdiction of the United States in which a person described in subparagraph (A) has any interest whatsoever, for the purpose of recouping funds in accordance with the policy in paragraph (1).

(vii) DENIAL OF LANDING RIGHTS.—Landing rights in the United States shall be denied to any private aircraft or air carrier owned by a person described in subparagraph (A) except as necessary to provide for emergencies in which the safety of the aircraft or its crew or passengers is threatened.

(3) SANCTIONS ON FOREIGN GOVERNMENTS.—

(A) IMPOSITION OF SANCTIONS.—Whenever the President determines that persuasive information is available indicating that a foreign country has knowingly assisted, encouraged or induced, in any way, a person described in paragraph (2)(A) to publish, divulge, disclose, or make known in any manner or to any extent not authorized by the Convention any United States confidential business information, the President shall, within 30 days after the receipt of such information by the executive branch of Government, notify the Congress in writing of such determination and, subject to the requirements of paragraphs (4) and (5), impose the sanctions provided under subparagraph (B) for a period of not less than five years.

(B) SANCTIONS.—

(i) ARMS EXPORT TRANSACTIONS.—The United States Government shall not sell a country described in subparagraph (A) any item on the United States Munitions List, shall terminate sales of any defense articles, defense services, or design and construction services to that country under the Arms Export Control Act, and shall terminate all foreign military financing for that country under the Arms Export Control Act.

(ii) DENIAL OF CERTAIN LICENSES.—Licenses shall not be issued for the export to the sanctioned country of any item on the United States Munitions List or commercial satellites.

(iii) DENIAL OF ASSISTANCE.—No appropriated funds may be used for the purpose of providing economic assistance, providing military assistance or grant military education and training, or extending military credits or making guarantees to a country described in subparagraph (A).

(iv) SANCTIONS UNDER EXPORT ADMINISTRATION ACT OF 1979.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to a country described in subparagraph (A).

(v) INTERNATIONAL FINANCIAL ASSISTANCE.—The United States shall oppose any loan or financial or technical assistance by international financial institutions in accordance with section 701 of the International Financial Institutions Act to a country described in subparagraph (A).

(vi) TERMINATION OF ASSISTANCE UNDER FOREIGN ASSISTANCE ACT OF 1961.—The United States shall terminate all assistance to a country described in subparagraph (A) under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance.

(vii) PRIVATE BANK TRANSACTIONS.—The United States shall not give approval to guarantee, insure, or extend credit, or participate in the extension of credit through the Export-Import Bank of the United States to a country described in subparagraph (A).

(viii) PRIVATE BANK TRANSACTIONS.—Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to a country described in subparagraph (A).

(ix) DENIAL OF LANDING RIGHTS.—Landing rights in the United States shall be denied to any air carrier owned by a country described in subparagraph (A), except as necessary to provide for emergencies in which the safety of the aircraft or its crew or passengers is threatened.

(4) SUSPENSION OF SANCTIONS UPON RECOUPMENT BY PAYMENT.—Sanctions imposed under paragraph (2) or (3) may be suspended if the sanctioned person, business entity, or country, within the period specified in that paragraph, provides full and complete compensation to the United States Government, in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, in satisfaction of a tort or taking for which the United States has been held liable pursuant to this Act.

(5) WAIVER OF SANCTIONS ON FOREIGN COUNTRIES.—The President may waive some or all of the sanctions provided under paragraph (3) in a particular case if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is necessary to protect the national security interests of the United States. The certification shall set forth the reasons supporting the determination and shall take effect on the date on which the certification is received by the Congress.

(6) NOTIFICATION TO CONGRESS.—Not later than five days after sanctions become effective against a foreign person pursuant to this Act, the President shall transmit written notification of the imposition of sanctions against that foreign person to the chairmen and ranking members of the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(f) SANCTIONS FOR UNAUTHORIZED DISCLOSURE OF UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States any alien who, after the date of enactment of this Act—

(1) is, or previously served as, an officer or employee of the Organization and who has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States confidential business information coming to him in the course of his employment or official duties, or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, such practice or disclosure having resulted in financial loses or damages to a United States person and for which actions or omissions the United States has been found liable of a tort or taking pursuant to this Act;

(2) traffics in United States confidential business information, a proven claim to which is owned by a United States national;

(3) is a corporate officer, principal, shareholder with a controlling interest of an entity which has been involved in the unauthorized disclosure of United States confidential business information, a proven claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(g) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION DEFINED.—In this section, the term "United States confidential business information" means any trade secrets or commercial or financial information that is privileged and confidential—

(1) including—

(A) data described in section 304(e)(2) of this Act,

(B) any chemical structure,

(C) any plant design process, technology, or operating method,

(D) any operating requirement, input, or result that identifies any type or quantity of chemicals used, processed, or produced, or

(E) any commercial sale, shipment, or use of a chemical, or

(2) as described in section 552(b)(4) of title 5, United States Code,

and that is obtained—

(i) from a United States person; or

(ii) through the United States Government or the conduct of an inspection on United States territory under the Convention.

TITLE II—PENALTIES FOR UNLAWFUL ACTIVITIES SUBJECT TO THE JURISDICTION OF THE UNITED STATES

Subtitle A—Criminal and Civil Penalties

SEC. 201. CRIMINAL AND CIVIL PROVISIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 11A the following new chapter:

"CHAPTER 11B—CHEMICAL WEAPONS

"Sec.
"229. Prohibited activities.
"229A. Penalties.
"229B. Criminal forfeitures; destruction of weapons.
"229C. Individual self-defense devices.
"229D. Injunctions.
"229E. Requests for military assistance to enforce prohibition in certain emergencies.
"229F. Definitions.

"§229. Prohibited activities

"(a) UNLAWFUL CONDUCT.—Except as provided in subsection (b), it shall be unlawful for any person knowingly—

"(1) to develop, produce, otherwise acquire, transfer directly or indirectly, receive, stockpile, retain, own, possess, or use, or threaten to use, any chemical weapon; or

"(2) to assist or induce, in any way, any person to violate paragraph (1), or to attempt or conspire to violate paragraph (1).

"(b) EXEMPTED AGENCIES AND PERSONS.—

"(1) IN GENERAL.—Subsection (a) does not apply to the retention, ownership, possession, transfer, or receipt of a chemical weapon by a department, agency, or other entity of the United States, or by a person described in paragraph (2), pending destruction of the weapon.

"(2) EXEMPTED PERSONS.—A person referred to in paragraph (1) is—

"(A) any person, including a member of the Armed Forces of the United States, who is authorized by law or by an appropriate officer of the United States to retain, own, possess, transfer, or receive the chemical weapon; or

"(B) in an emergency situation, any otherwise nonculpable person if the person is attempting to destroy or seize the weapon.

"(c) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if the prohibited conduct—

"(1) takes place in the United States;

"(2) takes place outside of the United States and is committed by a national of the United States;

"(3) is committed against a national of the United States while the national is outside the United States; or

"(4) is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States.

"§229A. Penalties

"(a) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any person who violates section 229 of this title shall be fined under this title, or imprisoned for any term of years, or both.

"(2) DEATH PENALTY.—Any person who violates section 229 of this title and by whose action the death of another person is the result shall be punished by death or imprisoned for life.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any person who violates section 229 of this title and, upon proof of such violation by a preponderance of the evidence, such person shall be subject to pay a civil penalty in an amount not to exceed $100,000 for each such violation.

"(2) RELATION TO OTHER PROCEEDINGS.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(c) REIMBURSEMENT OF COSTS.—The court shall order any person convicted of an offense *under subsection (a) to reimburse the United States for any expenses incurred by the United States incident to the seizure, storage, handling, transportation, and destruction or other disposition of any property that was seized in connection with an investigation of the commission of the offense by that person. A person ordered to reimburse the United States for expenses under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses.*

"§229B. Criminal forfeitures; destruction of weapons

"(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Any person convicted under section 229A(a) shall forfeit to the United States irrespective of any provision of State law—

"(1) any property, real or personal, owned, possessed, or used by a person involved in the offense;

"(2) any property constituting, or derived from, and proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(3) any of the property used in any manner or part, to commit, or to facilitate the commission of, such violation.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to section 229A(a), that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by section 229A(a), a defendant who derived profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

"(b) PROCEDURES.—

"(1) GENERAL.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (b) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except that any reference under those subsections to—

"(A) 'this subchapter or subchapter II' shall be deemed to be a reference to section 229A(a); and

"(B) 'subsection (a)' shall be deemed to be a reference to subsection (a) of this section.

"(2) TEMPORARY RESTRAINING ORDERS.—

"(A) IN GENERAL.—For the purposes of forfeiture proceedings under this section, a temporary restraining order may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if, in addition to the circumstances described in section 413(e)(2) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e)(2)), the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and exigent circumstances exist that place the life or health of any person in danger.

"(B) WARRANT OF SEIZURE.—If the court enters a temporary restraining order under this paragraph, it shall also issue a warrant authorizing the seizure of such property.

"(C) APPLICABLE PROCEDURES.—The procedures and time limits applicable to temporary restraining orders under section 413(e) (2) and (3) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e) (2) and (3)) shall apply to temporary restraining orders under this paragraph.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (b) that the property—

"(1) is for a purpose not prohibited under the Chemical Weapons Convention; and

"(2) is of a type and quantity that under the circumstances is consistent with that purpose.

"(d) DESTRUCTION OR OTHER DISPOSITION.—The Attorney General shall provide for the destruction or other appropriate disposition of any chemical weapon seized and forfeited pursuant to this section.

"(e) ASSISTANCE.—The Attorney General may request the head of any agency of the United States to assist in the handling, storage, transportation, or destruction of property seized under this section.

"(f) OWNER LIABILITY.—The owner or possessor of any property seized under this section shall be liable to the United States for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized property.

"§229C. Individual self-defense devices

"Nothing in this chapter shall be construed to prohibit any individual self-defense device, including those using a pepper spray or chemical mace.

"§229D. Injunctions

"The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 229 or 229C of this title; or

"(2) the preparation or solicitation to engage in conduct prohibited under section 229 or 229D of this title.

"§229E. Requests for military assistance to enforce prohibition in certain emergencies

"The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 229 of this title in an emergency situation involving a chemical weapon. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.

"§229F. Definitions

"In this chapter:

"(1) CHEMICAL WEAPON.—The term 'chemical weapon' means the following, together or separately:

"(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this chapter as long as the type and quantity is consistent with such a purpose.

"(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

"(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

"(2) CHEMICAL WEAPONS CONVENTION; CONVENTION.—The terms 'Chemical Weapons Convention' and 'Convention' mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

"(3) KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.—The term 'key component of a binary or multicomponent chemical system' means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

"(4) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(5) PERSON.—The term 'person', except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

"(6) PRECURSOR.—

"(A) IN GENERAL.—The term 'precursor' means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

"(B) LIST OF PRECURSORS.—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

"(7) PURPOSES NOT PROHIBITED BY THIS CHAPTER.—The term 'purposes not prohibited by this chapter' means the following:

"(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

"(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

"(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

"(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

"(8) TOXIC CHEMICAL.—

"(A) IN GENERAL.—The term 'toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

"(B) LIST OF TOXIC CHEMICALS.—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

"(9) UNITED STATES.—The term 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

"(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49, United States Code;

"(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37), respectively, of section 40102 of title 49, United States Code; and

"(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C., App. sec. 1903(b)).".

(b) CONFORMING AMENDMENTS.—

(1) WEAPONS OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

*(A) by striking "**§2332a. Use of weapons of mass destruction**" and inserting "**§2332a. Use of certain weapons of mass destruction**";*

(B) in subsection (a), by inserting "(other than a chemical weapon as that term is defined in section 229F)" after "weapon of mass destruction"; and

(C) in subsection (b), by inserting "(other than a chemical weapon (as that term is defined in section 229F))" after "weapon of mass destruction".

(2) TABLE OF CHAPTERS.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 11A the following new item:

"11B. Chemical Weapons .... 229".

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2332c of title 18, United States Code, relating to chemical weapons.

(2) In the table of sections for chapter 113B of title 18, United States Code, the item relating to section 2332c.

Subtitle B—Revocations of Export Privileges

SEC. 211. REVOCATIONS OF EXPORT PRIVILEGES.

If the President determines, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that any person within the United States, or any national of the United States located outside the United States, has committed any violation of section 229 of title 18, United States Code, the President may issue an order for the suspension or revocation of the authority of the person to export from the United States any goods or technology (as such terms are defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)).

TITLE III—INSPECTIONS

SEC. 301. DEFINITIONS IN THE TITLE.

(a) IN GENERAL.—In this title, the terms "challenge inspection", "plant site", "plant", "facility agreement", "inspection team", and "requesting state party" have the meanings given those terms in Part I of the Annex on Implementation and Verification of the Chemical Weapons Convention. The term "routine inspection" means an inspection, other than an "initial inspection", undertaken pursuant to Article VI of the Convention.

(b) DEFINITION OF JUDGE OF THE UNITED STATES.—In this title, the term "judge of the United States" means a judge or magistrate judge of a district court of the United States.

SEC. 302. FACILITY AGREEMENTS.

(a) AUTHORIZATION OF INSPECTIONS.—Inspections by the Technical Secretariat of plants, plant sites, or other facilities or locations for which the United States has a facility agreement with the Organization shall be conducted in accordance with the facility agreement. Any such facility agreement may not in any way limit the right of the owner or operator of the facility to withhold consent to an inspection request.

(b) TYPES OF FACILITY AGREEMENTS.—

(1) SCHEDULE TWO FACILITIES.—The United States National Authority shall ensure that facility agreements for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 4 of Article VI of the Convention are concluded unless the owner, operator, occupant, or agent in charge of the facility and the Technical Secretariat agree that such an agreement is not necessary.

(2) SCHEDULE THREE FACILITIES.—The United States National Authority shall ensure that facility agreements are concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 5 or 6 of Article VI of the Convention if so requested by the owner, operator, occupant, or agent in charge of the facility.

(c) NOTIFICATION REQUIREMENTS.—The United States National Authority shall ensure that the owner, operator, occupant, or agent in charge of a facility prior to the development of the agreement relating to that facility is notified and, if the person notified so requests, the person may participate in the preparations for the negotiation of such an agreement. To the maximum extent practicable consistent with the Convention, the owner and the operator, occupant or agent in charge of a facility may observe negotiations of the agreement between the United States and the Organization concerning that facility.

(d) CONTENT OF FACILITY AGREEMENTS.—Facility agreements shall—

(1) identify the areas, equipment, computers, records, data, and samples subject to inspection;

(2) describe the procedures for providing notice of an inspection to the owner, occupant, operator, or agent in charge of a facility;

(3) describe the timeframes for inspections; and

(4) detail the areas, equipment, computers, records, data, and samples that are not subject to inspection.

SEC. 303. AUTHORITY TO CONDUCT INSPECTIONS.

(a) PROHIBITION.—No inspection of a plant, plant site, or other facility or location in the United States shall take place under the Convention without the authorization of the United States National Authority in accordance with the requirements of this title.

(b) AUTHORITY.—

(1) TECHNICAL SECRETARIAT INSPECTION TEAMS.—Any duly designated member of an inspection team of the Technical Secretariat may inspect any plant, plant site, or other facility or location in the United States subject to inspection pursuant to the Convention.

(2) UNITED STATES GOVERNMENT REPRESENTATIVES.—The United States National Authority shall coordinate the designation of employees of the Federal Government to accompany members of an inspection team of the Technical Secretariat and, in doing so, shall ensure that—

(A) a special agent of the Federal Bureau of Investigation, as designated by the Federal Bureau of Investigation, accompanies each inspection team visit pursuant to paragraph (1);

(B) no employee of the Environmental Protection Agency or the Occupational Safety and Health Administration accompanies any inspection team visit conducted pursuant to paragraph (1); and

(C) the number of duly designated representatives shall be kept to the minimum necessary.

(3) OBJECTIONS TO INDIVIDUALS SERVING AS INSPECTORS.—

(A) IN GENERAL.—In deciding whether to exercise the right of the United States under the Convention to object to an individual serving as an inspector, the President shall give great weight to his reasonable belief that—

(i) such individual is or has been a member of, or a participant in, any group or organization that has engaged in, or attempted or conspired to engage in, or aided or abetted in the commission of, any terrorist act or activity;

(ii) such individual has committed any act or activity which would be a felony under the laws of the United States; or

(iii) the participation of such individual as a member of an inspection team would pose a risk to the national security or economic well-being of the United States.

(B) NOT SUBJECT TO JUDICIAL REVIEW.—Any objection by the President to an individual serving as an inspector, whether made pursuant to this section or otherwise, shall not be reviewable in any court.

SEC. 304. PROCEDURES FOR INSPECTIONS.

(a) TYPES OF INSPECTIONS.—Each inspection of a plant, plant site, or other facility or location in the United States under the Convention shall be conducted in accordance with this section and section 305, except where other procedures are provided in a facility agreement entered into under section 302.

(b) NOTICE.—

(1) IN GENERAL.—An inspection referred to in subsection (a) may be made only upon issuance of an actual written notice by the United States National Authority to the owner and to the operator, occupant, or agent in charge of the premises to be inspected.

(2) TIME OF NOTIFICATION.—The notice for a routine inspection shall be submitted to the owner and to the operator, occupant, or agent in charge within six hours of receiving the notification of the inspection from the Technical Secretariat or as soon as possible thereafter. Notice for a challenge inspection shall be provided at any appropriate time determined by the United States National Authority. Notices may be posted prominently at the plant, plant site, or other facility or location if the United States is unable to provide actual written notice to the owner, operator, or agent in charge of the premises.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice under paragraph (1) shall include all appropriate information supplied by the Technical Secretariat to the United States National Authority concerning—

(i) the type of inspection;

(ii) the basis for the selection of the plant, plant site, or other facility or location for the type of inspection sought;

(iii) the time and date that the inspection will begin and the period covered by the inspection; and

(iv) the names and titles of the inspectors.

(B) SPECIAL RULE FOR CHALLENGE INSPECTIONS.—In the case of a challenge inspection pursuant to Article IX of the Convention, the notice shall also include all appropriate evidence or reasons provided by the requesting state party to the Convention for seeking the inspection.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided for each inspection, except that a notice shall not be required for each entry made during the period covered by the inspection.

(c) CREDENTIALS.—The head of the inspection team of the Technical Secretariat and the accompanying employees of the Federal government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the premises before the inspection is commenced.

(d) TIMEFRAME FOR INSPECTIONS.—Consistent with the provisions of the Convention, each inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner.

(e) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 305 or a facility agreement entered into under section 302, an inspection conducted under this title may extend to all things within the premises inspected (including records, files, papers, processes, controls, structures and vehicles) related to whether the requirements of the Convention applicable to such premises have been complied with.

(2) EXCEPTION.—Unless required by the Convention, no inspection under this title shall extend to—

(A) financial data;

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) research data;

(F) patent data;

(G) data maintained for compliance with environmental or occupational health and safety regulations; or

(H) personnel and vehicles entering and personnel and personal passenger vehicles exiting the facility.

(f) SAMPLING AND SAFETY.—

(1) IN GENERAL.—The Director of the United States National Authority is authorized to require the provision of samples to a member of the inspection team of the Technical Secretariat in accordance with the provisions of the Convention. The owner or the operator, occupant or agent in charge of the premises to be inspected shall determine whether the sample shall be taken by representatives of the premises or the inspection team or other individuals present. No sample collected in the United States pursuant to an inspection permitted by this Act may be transferred for analysis to any laboratory outside the territory of the United States.

(2) COMPLIANCE WITH REGULATIONS.—In carrying out their activities, members of the inspection team of the Technical Secretariat and representatives of agencies or departments accompanying the inspection team shall observe safety regulations established at the premises to be inspected, including those for protection of controlled environments within a facility and for personal safety.

(g) COORDINATION.—The appropriate representatives of the United States, as designated, if present, shall assist the owner and the operator, occupant or agent in charge of the premises to be inspected in interacting with the members of the inspection team of the Technical Secretariat.

SEC. 305. WARRANTS.

(a) IN GENERAL.—The United States Government shall seek the consent of the owner or the operator, occupant, or agent in charge of the premises to be inspected prior to any inspection referred to in section 304(a). If consent is obtained, a warrant is not required for the inspection. The owner or the operator, occupant, or agent in charge of the premises to be inspected may withhold consent for any reason or no reason. After providing notification pursuant to subsection (b), the United States Government may seek a search warrant from a United States magistrate judge. Proceedings regarding the issuance of a search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(b) ROUTINE INSPECTIONS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For any routine inspection conducted on the territory of the United States pursuant to Article VI of the Convention, where consent has been withheld, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to the judge of the United States all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought. The United States Government shall also provide any other appropriate information available to it relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—The judge of the United States shall promptly issue a warrant authorizing the requested inspection upon an affidavit submitted by the United States Government showing that—

(A) the Chemical Weapons Convention is in force for the United States;

(B) the plant site, plant, or other facility or location sought to be inspected is required to report data under title IV of this Act and is subject to routine inspection under the Convention;

(C) the purpose of the inspection is—

(i) in the case of any facility owned or operated by a non-Government entity related to Schedule 1 chemical agents, to verify that the facility is not used to produce any Schedule 1 chemical agent except for declared chemicals; quantities of Schedule 1 chemicals produced, processed, or consumed are correctly declared and consistent with needs for the declared purpose; and Schedule 1 chemicals are not diverted or used for other purposes;

(ii) in the case of any facility related to Schedule 2 chemical agents, to verify that activities are in accordance with obligations under the Convention and consistent with the information provided in data declarations; and

(iii) in the case of any facility related to Schedule 3 chemical agents and any other chemical production facility, to verify that the activities of the facility are consistent with the information provided in data declarations;

(D) the items, documents, and areas to be searched and seized;

(E) in the case of a facility related to Schedule 2 or Schedule 3 chemical agents or unscheduled discrete organic chemicals, the plant site has not been subject to more than 1 routine inspection in the current calendar year, and, in the case of facilities related to Schedule 3 chemical agents or unscheduled discrete organic chemicals, the inspection will not cause the number of routine inspections in the United States to exceed 20 in a calendar year;

(F) the selection of the site was made in accordance with procedures established under the Convention and, in particular—

(i) in the case of any facility owned or operated by a non-Government entity related to Schedule 1 chemical agents, the intensity, duration, timing, and mode of the requested inspection is based on the risk to the object and purpose of the Convention by the quantities of chemical produced, the characteristics of the facility and the nature of activities carried out at the facility, and the requested inspection, when considered with previous such inspections of the facility undertaken in the current calendar year, shall not exceed the number reasonably required based on the risk to the object and purpose of the Convention as described above;

(ii) in the case of any facility related to Schedule 2 chemical agents, the Technical Secretariat gave due consideration to the risk to the object and purpose of the Convention posed by the relevant chemical, the characteristics of the plant site and the nature of activities carried out there, taking into account the respective facility agreement as well as the results of the initial inspections and subsequent inspections; and

(iii) in the case of any facility related to Schedule 3 chemical agents or unscheduled discrete organic chemicals, the facility was selected randomly by the Technical Secretariat using appropriate mechanisms, such as specifically designed computer software, on the basis of two weighting factors: (I) equitable geographical distribution of inspections; and (II) the information on the declared sites available to the Technical Secretariat, related to the relevant chemical, the characteristics of the plant site, and the nature of activities carried out there;

(G) the earliest commencement and latest closing dates and times of the inspection; and

(H) the duration of inspection will not exceed time limits specified in the Convention unless agreed by the owner, operator, or agent in charge of the plant.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition to the requirements for a warrant issued under this paragraph, each warrant shall contain, if known, the identities of the representatives of the Technical Secretariat conducting the inspection and the observers of the inspection and, if applicable, the identities of the representatives of agencies or departments of the United States accompanying those representatives.

(4) CHALLENGE INSPECTIONS.—

(A) CRIMINAL SEARCH WARRANT.—For any challenge inspection conducted on the territory of the United States pursuant to Article IX of the Chemical Weapons Convention, where consent has been withheld, the United States Government shall first obtain from a judge of the United States a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the person or things to be seized.

(B) INFORMATION PROVIDED.—The United States Government shall provide to the judge of the United States—

(i) all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought;

(ii) any other appropriate information relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection;

(iii) information concerning—

(I) the duration and scope of the inspection;

(II) areas to be inspected;

(III) records and data to be reviewed; and

(IV) samples to be taken;

(iv) appropriate evidence or reasons provided by the requesting state party for the inspection;

(v) any other evidence showing probable cause to believe that a violation of this Act has occurred or is occurring; and

(vi) the identities of the representatives of the Technical Secretariat on the inspection team and the Federal Government employees accompanying the inspection team.

(C) CONTENT OF WARRANT.—The warrant shall specify—

(i) the type of inspection authorized;

(ii) the purpose of the inspection;

(iii) the type of plant site, plant, or other facility or location to be inspected;

(iv) the areas of the plant site, plant, or other facility or location to be inspected;

(v) the items, documents, data, equipment, and computers that may be inspected or seized;

(vi) samples that may be taken;

(vii) the earliest commencement and latest concluding dates and times of the inspection; and

(viii) the identities of the representatives of the Technical Secretariat on the inspection teams and the Federal Government employees accompanying the inspection team.

SEC. 306. PROHIBITED ACTS RELATING TO INSPECTIONS.

It shall be unlawful for any person willfully to fail or refuse to permit entry or inspection, or to disrupt, delay, or otherwise impede an inspection, authorized by this Act.

SEC. 307. NATIONAL SECURITY EXCEPTION.

Consistent with the objective of eliminating chemical weapons, the President may deny a request to inspect any facility in the United States in cases where the President determines that the inspection may pose a threat to the national security interests of the United States.

SEC. 308. PROTECTION OF CONSTITUTIONAL RIGHTS OF CONTRACTORS.

(a) The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following:

"SEC. 39. PROTECTION OF CONSTITUTIONAL RIGHTS OF CONTRACTORS.

"(a) PROHIBITION.—A contractor may not be required, as a condition for entering into a contract with the Federal Government, to waive any right under the Constitution for any purpose related to Chemical Weapons Convention

Implementation Act of 1997 or the Chemical Weapons Convention (as defined in section 3 of such Act.)

"(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to prohibit an executive agency from including in a contract a clause that requires the contractor to permit inspections for the purpose of ensuring that the contractor is performing the contract in accordance with the provisions of the contract.".

(b) The table of contents in section 1(b) of such Act is amended by adding at the end the following:

"Sec. 39. Protection of constitutional rights of contractors.".

SEC. 309. ANNUAL REPORT ON INSPECTIONS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, and annually thereafter, the President shall submit a report in classified and unclassified form to the appropriate congressional committees on inspections made under the Convention during the preceding year.

(b) CONTENT OF REPORTS.—Each report shall contain the following information for the reporting period:

(1) The name of each company or entity subject to the jurisdiction of the United States reporting data pursuant to title IV of this Act.

(2) The number of inspections under the Convention conducted on the territory of the United States.

(3) The number and identity of inspectors conducting any inspection described in paragraph (2) and the number of inspectors barred from inspection by the United States.

(4) The cost to the United States for each inspection described in paragraph (2).

(5) The total costs borne by United States business firms in the course of inspections described in paragraph (2).

(6) A description of the circumstances surrounding inspections described in paragraph (2), including instances of possible industrial espionage and misconduct of inspectors.

(7) The identity of parties claiming loss of trade secrets, the circumstances surrounding those losses, and the efforts taken by the United States Government to redress those losses.

(8) A description of instances where inspections under the Convention outside the United States have been disrupted or delayed.

(c) DEFINITION.—The term "appropriate congressional committees" means the Committee on the Judiciary, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 310. UNITED STATES ASSISTANCE IN INSPECTIONS AT PRIVATE FACILITIES.

(a) ASSISTANCE IN PREPARATION FOR INSPECTIONS.—At the request of an owner of a facility not owned or operated by the United States Government, or contracted for use by or for the United States Government, the Secretary of Defense may assist the facility to prepare the facility for possible inspections pursuant to the Convention.

(b) REIMBURSEMENT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the owner of a facility provided assistance under subsection (a) shall reimburse the Secretary for the costs incurred by the Secretary in providing the assistance.

(2) EXCEPTION.—In the case of assistance provided under subsection (a) to a facility owned by a person described in subsection (c), the United States National Authority shall reimburse the Secretary for the costs incurred by the Secretary in providing the assistance.

(c) OWNERS COVERED BY UNITED STATES NATIONAL AUTHORITY REIMBURSEMENTS.—Subsection (b)(2) applies in the case of assistance provided to the following:

(1) SMALL BUSINESS CONCERNS.—A small business concern as defined in section 3 of the Small Business Act.

(2) DOMESTIC PRODUCERS OF SCHEDULE 3 OR UNSCHEDULED DISCRETE ORGANIC CHEMICALS.—Any person located in the United States that—

(A) does not possess, produce, process, consume, import, or export any Schedule 1 or Schedule 2 chemical; and

(B) in the calendar year preceding the year in which the assistance is to be provided, produced—

(i) more than 30 metric tons of Schedule 3 or unscheduled discrete organic chemicals that contain phosphorous, sulfur, or fluorine; or

(ii) more than 200 metric tons of unscheduled discrete organic chemicals.

TITLE IV—REPORTS

SEC. 401. REPORTS REQUIRED BY THE UNITED STATES NATIONAL AUTHORITY.

(a) REGULATIONS ON RECORDKEEPING.—

(1) REQUIREMENTS.—The United States National Authority shall ensure that regulations are prescribed that require each person located in the United States who produces, processes, consumes, exports, or imports, or proposes to produce, process, consume, export, or import, a chemical substance that is subject to the Convention to—

(A) maintain and permit access to records related to that production, processing, consumption, export, or import of such substance; and

(B) submit to the Director of the United States National Authority such reports as the United States National Authority may reasonably require to provide to the Organization, pursuant to subparagraph 1(a) of the Annex on Confidentiality of the Convention, the minimum amount of information and data necessary for the timely and efficient conduct by the Organization of its responsibilities under the Convention.

(2) RULEMAKING.—The Director of the United States National Authority shall ensure that regulations pursuant to this section are prescribed expeditiously.

(b) COORDINATION.—

(1) AVOIDANCE OF DUPLICATION.—To the extent feasible, the United States Government shall not require the submission of any report that is unnecessary or duplicative of any report required by or under any other law. The head of each Federal agency shall coordinate the actions of that agency with the heads of the other Federal agencies in order to avoid the imposition of duplicative reporting requirements under this Act or any other law.

(2) DEFINITION.—As used in paragraph (1), the term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

SEC. 402. PROHIBITION RELATING TO LOW CONCENTRATIONS OF SCHEDULE 2 AND 3 CHEMICALS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no person located in the United States shall be required to report on, or to submit to, any routine inspection conducted for the purpose of verifying the production, possession, consumption, exportation, importation, or proposed production, possession, consumption, exportation, or importation of any substance that contains less than—

(1) 10 percent concentration of a Schedule 2 chemical; or

(2) 80 percent concentration of a Schedule 3 chemical.

(b) STANDARD FOR MEASUREMENT OF CONCENTRATION.—The percent concentration of a chemical in a substance shall be measured on the basis of volume or total weight, which measurement yields the lesser percent.

SEC. 403. PROHIBITION RELATING TO UNSCHEDULED DISCRETE ORGANIC CHEMICALS AND COINCIDENTAL BYPRODUCTS IN WASTE STREAMS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no person located in the United States shall be required to report on, or to submit to, any routine inspection conducted for the purpose of verifying the production, possession, consumption, exportation, importation, or proposed production, possession, consumption, exportation, or importation of any substance that is—

(1) an unscheduled discrete organic chemical; and

(2) a coincidental byproduct of a manufacturing or production process that is not isolated or captured for use or sale during the process and is routed to, or escapes, from the waste stream of a stack, incinerator, or wastewater treatment system or any other waste stream.

SEC. 404. CONFIDENTIALITY OF INFORMATION.

(a) FREEDOM OF INFORMATION ACT EXEMPTION FOR CERTAIN CONVENTION INFORMATION.—Except as provided in subsection (b) or (c), any confidential business information, as defined in section 103(g), reported to, or otherwise acquired by, the United States Government under this Act or under the Convention shall not be disclosed under section 552(a) of title 5, United States Code.

(b) EXCEPTIONS.—

(1) INFORMATION FOR THE TECHNICAL SECRETARIAT.—Information shall be disclosed or otherwise provided to the Technical Secretariat or other states parties to the Chemical Weapons Convention in accordance with the Convention, in particular, the provisions of the Annex on the Protection of Confidential Information.

(2) INFORMATION FOR CONGRESS.—Information shall be made available to any committee or subcommittee of Congress with appropriate jurisdiction upon the written request of the chairman or ranking minority member of such committee or subcommittee, except that no such committee or subcommittee, and no member and no staff member of such committee or subcommittee, shall disclose such information or material except as otherwise required or authorized by law.

(3) INFORMATION FOR ENFORCEMENT ACTIONS.—Information shall be disclosed to other Federal agencies for enforcement of this Act or any other law, and shall be disclosed or otherwise provided when relevant in any proceeding under this Act or any other law, except that disclosure or provision in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

(c) INFORMATION DISCLOSED IN THE NATIONAL INTEREST.—

(1) AUTHORITY.—The United States Government shall disclose any information reported to, or otherwise required by the United States Government under this Act or the Convention, including categories of such information, that it determines is in the national interest to disclose and may specify the form in which such information is to be disclosed.

(2) NOTICE OF DISCLOSURE.—

(A) REQUIREMENT.—If any Department or agency of the United States Government proposes pursuant to paragraph (1) to publish or disclose or otherwise provide information exempt from disclosure under subsection (a), the United States National Authority shall, unless contrary to national security or law enforcement needs, provide notice of intent to disclose the information—

(i) to the person that submitted such information; and

(ii) in the case of information about a person received from another source, to the person to whom that information pertains.

The information may not be disclosed until the expiration of 30 days after notice under this paragraph has been provided.

(B) PROCEEDINGS ON OBJECTIONS.—In the event that the person to which the information pertains objects to the disclosure, the agency shall promptly review the grounds for each objection of the person and shall afford the objecting person a hearing for the purpose of presenting the objections to the disclosure. Not later than 10 days before the scheduled or rescheduled date for the disclosure, the United States National Authority shall notify such person regarding whether such disclosure will occur notwithstanding the objections.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—Any officer or employee of the United States, and any former officer or employee of the United States, who by reason of such employment or official position has obtained possession of, or has access to, information the disclosure or other provision of which is prohibited by subsection (a), and who, knowing that disclosure or provision of such information is prohibited by such subsection, willfully discloses or otherwise provides the information in any manner to any person (including any person located outside the territory of the United States) not authorized to receive it, shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

(e) CRIMINAL FORFEITURE.—The property of any person who violates subsection (d) shall be subject to forfeiture to the United States in the same manner and to the same extent as is provided in section 229C of title 18, United States Code, as added by this Act.

(f) INTERNATIONAL INSPECTORS.—The provisions of this section shall also apply to employees of the Technical Secretariat.

SEC. 405. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by this Act or any regulation prescribed under this Act;

(2) to submit any report, notice, or other information to the United States Government in accordance with this Act or any regulation prescribed under this Act; or

(3) to permit access to or copying of any record that is exempt from disclosure under this Act or any regulation prescribed under this Act.

TITLE V—ENFORCEMENT

SEC. 501. PENALTIES.

(a) CIVIL.—

(1) PENALTY AMOUNTS.—

(A) PROHIBITED ACTS RELATING TO INSPECTIONS.—Any person that is determined, in accordance with paragraph (2), to have violated section 306 of this Act shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each such violation. For purposes of this paragraph, each day such a violation of section 306 continues shall constitute a separate violation of that section.

(B) RECORDKEEPING VIOLATIONS.—Any person that is determined, in accordance with paragraph (2), to have violated section 405 of this Act shall be required by order to pay a civil penalty in an amount not to exceed $5,000 for each such violation.

(2) HEARING.—

(A) IN GENERAL.—Before imposing an order described in paragraph (1) against a person under this subsection for a violation of section 306 or 405, the Secretary of State shall provide the person or entity with notice and, upon request made within 15 days of the date of the notice, a hearing respecting the violation.

(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the Secretary of State's imposition of the order shall constitute a final and unappealable order.

(C) ISSUANCE OF ORDERS.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated section 306 or 405, the administrative law judge shall state his findings of fact and issue and cause to be served on such person or entity an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative law judge shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the head of the United States National Authority unless, within 30 days, the head of the United States National Authority modifies or vacates the decision and order, with or without conditions, in which case the decision and order of the head of the United States National Authority shall become a final order under this subsection.

(4) OFFSETS.—The amount of the civil penalty under a final order of the United States National Authority may be deducted from any sums owed by the United States to the person.

(5) JUDICIAL REVIEW.—A person adversely affected by a final order respecting an assessment may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business.

(6) ENFORCEMENT OF ORDERS.—If a person fails to comply with a final order issued under this subsection against the person or entity—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (5), or

(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the United States National Authority,

the Secretary of State shall file a suit to seek compliance with the order in any appropriate district court of the United States, plus interest at currently prevailing rates calculated from the date of expiration of the 30-day period referred to in paragraph (5) or the date of such final judgment, as the case may be. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly violates any provision of section 306 or 405 of this Act, shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than one year, or both.

SEC. 502. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions to—

(1) restrain any violation of section 306 or 405 of this Act; and

(2) compel the taking of any action required by or under this Act or the Convention.

(b) CIVIL ACTIONS.—

(1) IN GENERAL.—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in subsection (a)(1), in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 306 or 405 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in subsection (a)(2), in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) SERVICE OF PROCESS.—In any such civil action process may be served on a defendant wherever the defendant may reside or may be found, whether the defendant resides or may be found within the United States or elsewhere.

SEC. 503. EXPEDITED JUDICIAL REVIEW.

(a) CIVIL ACTION.—Any person or entity subject to a search under this Act may file a civil action challenging the constitutionality of any provision of this Act. Notwithstanding any other provision of law, during the full calendar year of, and the two full calendar years following, the enactment of this Act, the district court shall accord such a case a priority in its disposition ahead of all other civil actions except for actions challenging the legality and conditions of confinement.

(b) EN BANC REVIEW.—Notwithstanding any other provision of law, during the full calendar year of, and the two full calendar years following, the enactment of this Act, any appeal from a final order entered by a district court in an action brought under subsection (a) shall be heard promptly by the full Court of Appeals sitting en banc.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. REPEAL.

Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520; relating to the use of human subjects for the testing of chemical or biological agents) is repealed.

SEC. 602. PROHIBITION.

(a) IN GENERAL.—Neither the Secretary of Defense nor any other officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) use human subjects for the testing of chemical or biological agents.

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit actions carried out for purposes not prohibited by this Act (as defined in section 3(8)).

(c) BIOLOGICAL AGENT DEFINED.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiae or protozoa), pathogen, or infectious substance, or any naturally occurring, bio-engineered or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

SEC. 603. BANKRUPTCY ACTIONS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraphs (4) and (5); and

(2) by inserting after paragraph (3) the following:

"(4) under paragraph (1), (2), (3), or (6) of subsection (a) of this section, of the commencement or continuation of an action or proceeding by a governmental unit or any organization exercising authority under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993, to enforce such governmental

unit's or organization's police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit's or organization's police or regulatory power;''.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. For the information of all Senators, so they will understand, this is the Chemical Weapons Convention implementing legislation.

I ask unanimous consent that the previous order with respect to the bill be vitiated and, further, the committee substitute amendment be agreed to.

The committee substitute amendment was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, during the debate on ratification of the Chemical Weapons Convention, I said that I expected that both the President and the Congress must be wholly dedicated to implement this treaty in a way that advances U.S. national security interests and that protects the constitutional rights of American citizens. Today, we will consider a bill to implement the Chemical Weapons Convention. In my view, this bill accomplishes both of those objectives.

The bill before us today is the product of negotiation with the administration and with my colleagues on the other side of the aisle. Although this bill differs, in several respects, from the version of S. 610 that was introduced in the Congress, I believe that we have achieved a bill that comprehensively implements the treaty, while also protecting the constitutional rights of Americans. Let me explain briefly why that is true:

First, our bill provides for civil liability of the United States for the loss of property resulting from inspection procedures under the treaty.

Second, the Chemical Weapons Convention authorizes a team of international officials to inspect the facilities of private American businesses. Our bill protects the constitutional rights of American citizens through the warrant requirement that must be satisfied for all inspections.

Third, the bill protects confidential business information that, according to the treaty, must be reported to the U.S. National Authority. The bill also provides aggressive penalties for the person disclosing the information, as well as for those benefiting from the information.

In sum, the Chemical Weapons Convention Implementation Act of 1997 is a reasonable effort to protect the constitutional rights of our citizens against unlawful inspections under the treaty.

We have worked exceedingly hard with the Administration and with Members on the other side of the aisle to craft this bill. In particular, I want to thank Senators LUGAR, KYL, LEAHY, and BIDEN, as well as their staff, for their tremendous efforts in this regard, done under serious time constraints. I want to thank, in particular, David Stephens, Randy Schueneman, Marshall Billingslea, Ken Meyers, Beryl Howell, Ed Levine, David Schanzer, Stephen Schlesinger, Jennifer Carrico, and Paul Larkin.

Mr. BIDEN. Mr. President, I want to compliment my esteemed chairman, Senator HATCH, for forging a consensus on this complex issue. As my colleagues know, I was engaged in negotiations on the Chemical Weapons convention resolution of ratification for months, and I know first hand how many deeply held views this treaty implicates and how difficult it is to bring the parties together.

But we succeeded on the treaty and now, with the help of many Senators on both sides of the aisle, have succeeded on the implementing legislation.

I supported this compromise measure in committee and will do so again now because it takes the important steps necessary to implement the Chemical Weapons Convention.

As required by the convention, this bill will enact tough criminal sanctions for possessing, stockpiling, transferring, and using chemical weapons. It will also require U.S. companies to report on their production and use of potentially dangerous chemicals and submit to inspections of their facilities.

Taking these steps will demonstrate to the rest of the world that the United States is committed to continuing its leadership role in arms control and other issues of global importance.

I want to make clear, however, that I do not support some of the provisions in this bill and have very serious concerns about their impact on the convention.

In particular, I do not believe we should be granting the President discretionary authority to deny a CWC inspection based on national security grounds, as would be done by section 401. By signing and ratifying this treaty, the United States—with the advice and consent of 74 Members of this body, given less than a month ago—agreed to allow certain inspections, subject to our constitutional requirements. With few exceptions, denial of a duly authorized inspection would violate the convention.

Even if the President never exercises this authority, the mere inclusion of this provision in the legislation will encourage other countries to deny inspections on national security grounds. If we should enact to so-called national security exception, we can be sure that the Chinese will seize upon the precedent we set and use it to undermine the effectiveness of the entire certification regime.

I have similar concerns regarding section 403, which would exempt from reporting and routine inspection requirements unscheduled discrete organic chemicals that are coincidental byproducts and are not isolated or captured for use or sale. While waste streams are not, in themselves, a threat to the object and purposes of the CWC regime, monitoring of such streams does afford one of the most convenient and nonintrusive means of determining whether a facility is worthy of concern in the first place.

The drafters of this provision are concerned that CWC implementation would otherwise require paper manufacturers to undertake costly monitoring of their waste streams, and that is an understandable concern. There is no need, however, to grant such a broad exemption as is currently contained in this section.

I am also troubled by:

The broad compensation scheme in section 103 that does not even require a plaintiff to prove its case by a preponderance of the evidence to receive taxpayer funded compensation for the loss of trade secrets; and

The limitation in sections 102 and 308 on the Government's power to require contractors to submit to CWC inspections.

I hope to work with other Senators and the administration to ameliorate these concerns prior to enactment of this measure. Treaties are solemn obligations, and the Chemical Weapons Convention, with all its faults, is our best hope for exposing violators and mobilizing the world so as to put a stop to chemical weapons. We must resist the urge, therefore, to enact provisions that could conflict with our treaty obligations and do damage to the effectiveness of the treaty regime.

Mr. LEAHY. Mr. President, the Chemical Weapons Convention was initiated by President Reagan, negotiated by President Bush and ratified on behalf of the United States by President Clinton. The ratification of this convention was a major achievement that consumed a great deal of the time and attention of the Senate.

When the Senate gave its advise and consent to ratification of the Chemical Weapons Convention, the administration told us it was imperative that we act on implementing legislation as quickly as possible. The Judiciary Committee had the task of reporting back to the Senate with implementing legislation in time for Senate consideration before our Memorial Day recess.

The implementing legislation considered by the Senate today is where the rubber meets the road. It will define precisely how the general obligations of the international treaty will affect American citizens and American chemical companies.

A significant principle of the convention is set forth in article VII regarding "National Implementation Measures." This principle makes clear that each state party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this convention. My objective when I began work on this legislation was to make sure that it reflected our constitutional principles and sound public policy, while fulfilling our obligations under the convention.

Over the last few weeks, the Judiciary Committee held a hearing, solicited the advice of experts from both the administration and in the private sector, and worked to craft legislation we could report to the Senate in a very short timeframe. I commend my colleagues on the Judiciary Committee, and especially Chairman HATCH, Senator BIDEN, and Senator KYL, for their diligence and efforts in fulfilling this committee's responsibilities. Senator LUGAR deserves enormous credit for his constructive and helpful work in reaching the compromises necessary to get this legislation done.

I also thank Ivo Spalatin, Dave Barton, and Bernie Sewart, from the Arms Control and Disarmament Agency; Bill Danvers and Gordy Bendick, from the National Security Council; Steven Goldman and Ann Connaughton from the Department of Commerce; Eileen Gillio from the Department of Defense; and Craig Iscoe from the Department of Justice. These dedicated employees from Federal agencies and the White House spent hours, even late into the night, to share their expertise with the committee. We appreciate their hard work.

The hearing we held on May 13, 1997, regarding the administration's implementing legislation, S. 610, raised a number of issues that needed to be addressed. For example, one aspect of S.610 that required our attention was its blanket exception from the Freedom of Information Act for all information reported to, or otherwise obtained by any of the agencies involved in implementing the convention.

Even a witness from the Department of Justice admitted that this provision was not intended, for example, to limit public access to records concerning the number of inspections conducted under the convention, even if that information was reported to, or otherwise obtained by the U.S. National Authority from the Technical Secretariat. He agreed that this provision could be clarified.

The committee amendment to S.610 substantially improves this aspect of the legislation by removing the blanket exception under the Freedom of Information Act contained in the original bill. The substitute retains protection for trade secrets and other proprietary business information provided under the act and the convention, but the operations of the Federal agencies in implementing this act will not be cloaked in secrecy. They will be fully subject to the FOIA—as they should be.

Yet another provision in S.610, as introduced, could have been construed to penalize a person for refusing to consent to an entry or inspection required under the convention. A Justice Department witness testified at the Judiciary Committee hearing that this section is inelegant and fails to account for the process agreed to in the conditions of ratification. The implementing legislation reported by the committee clarifies this provision, and affirms the constitutional right of every American to refuse to give their consent to a search and the requirement that the Government obtain a warrant.

We also heard from several witnesses about including in the implementing legislation a mechanism to compensate those companies that suffer a loss of trade secrets or other confidential or proprietary information due to their compliance with the convention. The implementing legislation we reported out of the Judiciary Committee provides a compensation scheme that I sincerely hope will not become a surer bet than the lottery for a payout to companys subject to the convention. This scheme will, after the plaintiff establishes a prima facie case, shift the burden to the Government to prove that any loss did not arise from the company's compliance with the convention. Proving a negative will be no easy task for the Government, which may legitimately decide simply to settle such claims, despite their lack of merit. We may have to revisit this scheme if it proves to be authorization for a legal holdup of the U.S. Treasury.

Other provisions in this implementing legislation also give me pause. It does not reflect all the changes each of us would like in the exact form we would like them. But it certainly reflects good faith compromises on both sides.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the compromise reached on S. 610, the legislation to implement the Chemical Weapons Convention. I believe it is very much in our national interests to pass this implementation legislation just as we ratified the CWC.

Let me first express my respect and appreciation for the distinguished Ranking Member of the Foreign Relations Committee, Senator BIDEN and the distinguished ranking member of the Judiciary Committee, Senator LEAHY. They and their staff have really done the heavy lifting in getting this implementing language to the floor.

I also want to express my respect for the opponents of this treaty, including the distinguished chairman of the Foreign Relations Committee and the Senator from Arizona, Senator KYL. I have worked well with Senator KYL on many issues, including, at the moment, our strong effort to pass a Crime Victims' Rights Amendment to the Constitution.

I know that in this debate these Senators are motivated by their genuine and deeply felt concern for America's national security. However, I must disagree with the view that we would be better off without this treaty, or by passing implementation language that renders the treaty meaningless.

Mr. President, the threat of chemical weapons falling into the hands of terrorists, or being used as a weapon of war by a rogue state, has increased dramatically in recent years.

One need only reflect on the dangers faced by our military by Iraq's incipient chemical weapons program during the gulf war, or the tragedies our nation has suffered with the bombing of the World Trade Center, the Federal building in Oklahoma City, and the Olympic Park in Atlanta, to fully appreciate the dangers posed by the proliferation of chemical weapons. In each of these cases, the tragedy and loss of life could have been magnified significantly had chemical weapons been used.

Chemical weapons are among the most barbaric of mankind's inventions. They are so awful, that the United States, by act of Congress, has decided to eliminate our own stocks of these weapons by 2004. They are designed to kill and incapacitate by causing such effects as skin blistering, blindness, lung damage, choking, nervous system disruption, paralysis, or oxygen starvation. Because of the ease of their dispersal over a wide area, chemical weapons are especially useful for targeting civilian populations.

The Chemical Weapons Convention is the most far-reaching attempt ever by the international community to control the spread of chemical weapons. It bans for the first time the development, production, and possession of chemical weapons and reinforces the international norm against their use. Since we are destroying our own chemical weapons, it only makes sense that we should want other nations to do so as well.

The convention requires all signatory states to declare and destroy any chemical weapons and the facilities used to produce them. It requires member states to submit annual reports on the production and use of certain sensitive chemicals. This information, combined with our own intelligence resources, will significantly improve our ability to monitor and prevent illegal transfers and uses of such chemicals.

Once the CWC takes effect, it will make it much harder and more costly for proliferators and terrorists to acquire chemical weapons. An intrusive verification system will be set up to detect violations. Sanctions will be imposed against nations that refuse to participate, making it more difficult for them to acquire precursor chemicals for poison gas and easier to monitor their efforts to do so.

The intelligence-sharing and global verification network that will result from this treaty will increase the chances that terrorist attacks involving chemical weapons can be prevented before they ever occur—a net gain in the security of our troops and our citizens.

We must start with the proposition that no arms control agreement is 100 percent verifiable. But with the CWC, we will know far more about who is trying to develop chemical weapons, where, and how than we would without the treaty. That is why the intelligence community has consistently testified that, while the treaty is not completely verifiable, they regard it as a highly desirable tool that will enhance our knowledge of chemical weapons programs and our ability to stop them.

The CWC's verification regime requires routine inspections of all declared facilities working with significant amounts of chemicals listed by the treaty. In addition, any site, declared or not, may be subject to short-notice challenge inspections if there are suspicions that it is being used to produce or store banned chemicals.

The CWC also establishes significant trade restrictions on precursor chemicals. These restrictions will make it more difficult for nations who are not parties to the treaty to acquire these chemicals, and will provide us with much more information than we currently have about who is seeking to import such chemicals, and in what amounts.

So the concern about verification, while valid, I believe has been more than adequately addressed. We must go into this treaty with our eyes open, aware that it will not detect every violation. But why would we deprive ourselves of the extremely useful tools and information this treaty would provide on the grounds that they are not foolproof? It would be incredibly shortsighted to do so.

Another concern that has been raised involves the potential theft of commercial or trade secrets. Nothing in the CWC or its implementation language require the United States, or any U.S. company, to provide any confidential business information to any foreign party.

I am concerned about how this issue has been addressed in this implementation legislation. Under this bill, the American taxpayer must pay for the theft of confidential business information by foreign industrial spies.

I think the better course is for the injured business to first take reasonable steps to seek compensation from the spy who stole the information or from the foreign company which used the stolen information to gain a competitive advantage, before going after the U.S. Treasury. I am hopeful that this issue can be addressed in the conference on this legislation, and I appreciate the commitment of the Senator from Arizona to continue to work with me on this.

Mr. President, I think this debate really comes down to whether or not one supports international arms control agreements. Many of the criticisms of the CWC and implementation legislation were levied against all previous successful arms control treaties, such as the Nuclear Non-Proliferation Treaty, and the START Treaty.

Those who worry that the United States will weaken its vigilance in our efforts to guard against the threat of chemical weapons have actually done us a service. I believe the intensity of this debate has helped to ensure that we will never allow ourselves to believe that the treaty by itself is enough. We will follow the course that President Reagan did—a strong national defense and arms control agreements with verification.

The CWC is not a panacea, and none of its proponents believes it is. It will not by itself banish chemical weapons from the earth, but it would result in the destruction of much of the world's chemical weapons stocks, and provide us with a valuable set of tools that would significantly strengthen our ability to monitor and defend against the threat of chemical weapons.

I am very pleased that both sides of this debate were able to work together and come to what I feel is, overall, a good agreement. I urge my colleagues to vote for the CWC Implementation Legislation.

Thank you, Mr. President. I yield the floor.

Mr. DOMENICI. Mr. President, the Chemical Weapons Convention Implementation Act of 1997, S. 610, adequately serves to implement the obligations of the Nation under the Chemical Weapons Convention that we ratified a few weeks ago. S. 610 reinforces the concerns expressed in the ratification conditions that constitutional protections for U.S. citizens must be maintained during the intrusive inspection regime required by the CWC. S. 610 protects both private companies and Federal installations from frivolous challenge inspections by demanding that probable cause be demonstrated in order to obtain a search warrant.

S. 610 implements procedures for taking samples and maintains the requirement in the Senate's ratification conditions that these samples will stay within the country. To the extent possible, I would encourage the U.S. National Authority to work with the Organization for the Prohibition of Chemical Weapons to move toward inspection techniques that avoid all concerns with loss of proprietary chemical information from the acquisition and analysis of samples. Measurement techniques, using acoustic signatures for example, have been developed at Los Alamos that can identify whether the contents of a container are a known chemical weapon agent or precursor, without resorting to actual chemical analysis.

During the ratification process for the CWC, I was concerned with protection of business interests of U.S. companies, and was particularly concerned that small businesses might be adversely impacted by challenge inspections directed against their property. S. 610 now allows any company to request federal assistance in preparing for an inspection and provides that a small business shall receive such assistance without cost. That's a good step for further protecting the interests of our small businesses.

With passage of S. 610, the United States will move ahead to implement the Chemical Weapons Convention in concert with the International Organization for the Prohibition of Chemical Weapons. Unfortunately, the international community involved in the CWC now does not include Russia since they failed to ratify the convention. To realize the full global benefits of the CWC, more nations need to accept the convention's conditions—and I hope that Russia will lead the way among the nations that still have not ratified the convention.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill (S. 610), as amended, was deemed read the third time and passed.

The title was amended so as to read:

A bill to implement the obligations of the United States under the Chemical Weapons Convention.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, with these agreements we did pass the three judges by voice vote, the Chemical Weapons Convention implementation bill by voice vote. Therefore, there will be no further votes today.

We will therefore not have another vote before 5 p.m. on Tuesday, June 2. We will announce the details of the first 2 days we are back later on this afternoon.

I yield the floor, Mr. President.

Mr. LEAHY. Will the Senator from Mississippi yield in regard to the Chemical Weapons Convention?

I do want to compliment the majority leader.

Mr. LOTT. On that basis, I would be happy to yield.

Mr. LEAHY. I want to compliment him, the Democratic leader, the chairman of the committee, Senator BIDEN, Senator KYL, and their staffs, who worked with me and my staff and others throughout this week, sometimes until 1 or 2 o'clock in the morning, to get this agreement together.

I think it shows the kind of bipartisan cooperation we should have.

Mr. LOTT. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I also would like to take this occasion to thank Senators HELMS, LUGAR, KYL, LEAHY, and BIDEN for their work on the Chemical Weapons Convention. I think that went very well. We put it out through the Judiciary Committee yesterday, and we passed it here today. So I am very proud of that.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LARRY HARRISON

Mr. LOTT. Mr. President, I want to take a few moments to recognize the dedication of a gentleman who has long been a part of the Senate. Larry Harrison, Senate Chamber attendant, is retiring after over 36 years of Federal service.

Larry began his long Government career in the U.S. Army in 1942. Those who have been around the Hill for a while may have known him in various capacities as he worked for the Architect of the Capitol and in the Senate's Environmental Services operation.

As a Chamber attendant for the past 10 years, Larry frequently was here before we arrived and remained after we left, opening the Chamber in the morning and locking it again after the day's business was completed. He has greeted us each day with a smile and a friendly word. We will all miss Larry around here.

Larry's retirement will allow him to do something that makes us all a bit envious—and I'm not talking about playing golf, though I'm sure he'll be doing plenty of that, too. He will be spending more time with his wife, Jean, and sons, Michael Henry, Albert Philips, and Kevin Harrison.

I want to express my personal appreciation to Larry and his family, and I'm certain my colleagues share my sentiments. Our best thoughts and wishes are with him.

LARRY HARRISON: THREE DECADES OF OUTSTANDING SERVICE

Mr. DASCHLE. Mr. President, at the end of this month one of the Senate's finest employees, Larry Harrison, will retire. He will be sorely missed. Larry has served his Nation for most of his life and worked in the Capitol for over 36 years—longer than most of my colleagues and I have been in Washington. He served in the U.S. Army during World War II, participating in the D-day invasion at Normandy, and following the war worked for the Architect of the Capitol for 5 years. Larry returned to the Capitol to work for the Sergeant at Arms in 1967, and has been with us ever since. Throughout his long years of service, his dedication to his work has been extraordinary.

One of the great joys of working in the Capitol is the magnificent beauty of this building. For this, we owe a large debt to Larry. It is his job to maintain the President's Room, the Cloakroom, and the Senate Chamber, and the pride he takes in this work is well evident. Thanks to his careful attention to detail, these historic rooms are kept in pristine condition. In addition, he operates a shoe shine station in the Senators' bathroom. As my colleagues will attest, he never fails to have a kind word and a smile for everyone.

Larry is known and loved by staff and Senators alike for his good humor. Indeed, his friendly nature has been contagious. An avid golfer, he is singlehandedly responsible for the creation of the Cloakroom Invitational—an annual golf tournament involving the Cloakroom staff of both parties. More than just a day to relax on the golf course, it is an opportunity for staff from both sides of the aisle to get to know each other. It is safe to say that thanks to Larry Harrison, the Senate runs with a greater deal of friendship, respect and trust than would otherwise be the case. All this from a man whose first game of golf took place in a cornfield with a branch as a club and a crumpled ball of tape as a golf ball.

I wish Larry all the best as he begins his retirement, and thank him for his years of service. As he leaves, our thoughts and prayers go with him. I hope he will enjoy the best of health, and have many years of happy retirement with his wife Jean and their three sons.

LOUISIANA CONTESTED ELECTION

Mr. WARNER. Mr. President, periodically I report to the Senate on the progress being made on the Louisiana investigation. On May 8, I advised the Senate that the Committee on Rules and Administration was working on a bipartisan investigation into allegations that fraud, irregularities, and other errors affected the outcome of the 1996 election for U.S. Senator from Louisiana—the first such Senate investigation into alleged vote fraud since the early 1950's, almost 45 years ago.

Since that time, the committee has secured appropriate office space in New Orleans to meet the needs of the investigation. Our committee counsel, majority and minority together, have also been to Baton Rouge, where they were joined by our investigative teams, headed by Richard Cullen and George Terwilliger from the law firm of McGuire, Woods, Battle & Boothe, and Robert Bauer and John Hume of the law firm of Perkins Coie.

While in Baton Rouge our teams met with Gov. Mike Foster—a Republican, the President of the Senate Randy Ewing, and the Speaker of the House "H.B." Hunt Downer, Jr.—both Democrats, each of whom expressed their full cooperation in the conduct of the Senate's investigation.

Meetings were also held with the Secretary of State Fox McKeithan, the Commissioner of Elections Jerry Fowler, and others, and again full cooperation and assistance as needed were offered.

Senator FORD and I have requested the assistance of the Federal Bureau of Investigation in the form of a detail of investigative agents. I ask unanimous consent that our letter to the Attorney General of the United States, Janet Reno, and to the Director of the Federal Bureau of Investigation, Louis Freeh, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
RULES AND ADMINISTRATION,
Washington, DC, May 14, 1997.

Hon. JANET RENO,
The Attorney General, Department of Justice, Washington, DC.

Hon. LOUIS J. FREEH,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR MADAM ATTORNEY GENERAL AND DIRECTOR FREEH: As you are aware, the Committee on Rules and Administration is conducting a preliminary investigation into allegations of fraud and other irregularities which reportedly occurred in the 1996 U.S. Senate race in Louisiana. The Committee anticipates that this investigation will last approximately 45 days.

The Committee has hired outside counsel to advise the Committee and direct this investigation. It is their strong recommendation that the Committee augment our resources with professional investigators. In order to expedite and facilitate this investigation, and ensure the level of investigative professionalism required in such a case, the Committee respectfully requests the assistance of detailees from the Federal Bureau of Investigation.

The Committee has identified an immediate need for two detailees, preferably with a familiarity with Louisiana, and the New Orleans area specifically. As the investigation progresses, the Committee anticipates a need for at least two additional detailees. We ask that these detailees be provided to the Committee on a non-reimbursable basis, with the Committee bearing the associated travel expenses for these detailees, pursuant to Senate rules.

The Committee has secured space in the Hale Boggs Federal Building in New Orleans for the duration of this investigation with the expectation that attorneys for the Committee will begin occupying that space by early next week. Due to the timeliness of this investigation, we would hope that two detailees could be made available to the Committee at the same time so that the Committee investigation could begin promptly.

It is important to the Committee that this investigation be conducted with the utmost professionalism and respect for the individuals involved, in particular, the elected officials and citizenry of Louisiana. The reputation and integrity of the Bureau make it the most appropriate source for such assistance. We anticipate that a memorandum of understanding regarding the deployment of these detailees will need to be signed between your office(s) and the Committee. We are prepared to execute that document immediately.

We greatly appreciate your assistance in this regard.

Sincerely,

JOHN WARNER,
Chairman.
WENDELL H. FORD,
Ranking Member.

Mr. WARNER. Mr. President, this past Wednesday, May 21, I met with the Deputy Attorney General, Seth Waxman, and the Deputy Director of the FBI, William Esposito, and later spoke by telephone with the Director, Louis Freeh. The Deputy Attorney General has advised me this morning that our request for FBI investigators has been approved.

The arrangements between the Rules Committee and the Department of Justice parallel those between the Justice Department and the Governmental Affairs Committee. As detailees, the FBI investigators will report jointly, through Committee staff, to myself and the ranking member.

In addition, two accounting specialists, including a Certified Public Accountant, will be detailed to the Committee from the General Accounting Office to assist in the review and assessment of a considerable volume of election documents. This important phase of the investigation will begin next week.

Finally, Senator FORD and I have agreed on the issuance of the first round of subpoenas to State officials for numerous election documents.

I close this sequential report to the Senate with the same two statements I have made in the past. First, there has been no allegation, thus far, in this case of any illegal actions on the part of Senator LANDRIEU.

Second, the goal of this investigation is to fulfill the Senate's duty under the U.S. Constitution, article I, section 5. Pursuant to this duty the Senate Committee on Rules and Administration authorized this investigation to: determine the existence or absence of a body of fact that would justify the Senate in making the determination that fraud, irregularities, or other errors, in the aggregate, affected the outcome of the election for U.S. Senator in the State of Louisiana in 1996.

As developments occur, of such significance as to inform Senators, I will promptly speak on the floor.

CAMPAIGN FINANCE HEARINGS

Mr. WARNER. Mr. President, I am pleased to announce today that the Committee on Rules and Administration will be holding two additional hearings on the issue of campaign finance reform after the short recess.

On June 18, we will be honored to have as witnesses two of our former colleagues, Vice-President Walter Mondale and Senator Nancy Kassebaum-Baker. They will be speaking on their work as cochairs of a committee formed by President Clinton to generate public support for campaign finance reform. We anticipate that the other witnesses will concentrate on the difficult legal and policy issues involved with regulation of issue advocacy and independent expenditures. These two phenomena grew sharply in importance in 1996 and deserve a thorough review by the Committee.

The other hearing, scheduled for June 25, will address the issue of whether certain campaign contributions are indeed voluntary. I plan to focus on union dues and Senator NICKLES' Paycheck Protection Act, which would require a union member to affirmatively give the union permission to use his or her dues' money for partisan political activity and would make sure that no person is compelled to contribute to a campaign without their consent.

It is my understanding that Senator FORD, the ranking minority member, will invite witnesses to discuss political activity by corporations and tax-exempt organizations, and the effect of such activity on the shareholders and donors to these organizations.

VIRGINIA CHAMBER OF COMMERCE BI-ANNUAL DINNER

Mr. WARNER. Mr. President, the Congress, being an integral part of the greater metropolitan Washington area, will soon enact legislation impacting this area, from law enforcement to economic growth. Through my years in the Senate I have worked with community leaders from Virginia as well as Maryland and the District of Columbia.

John "Till" Hazel, Jr., is one with whom I have had a long personal friendship—as did our fathers, both medical doctors.

But transcending friendship, we have had our full measure of agreements, and disagreements, on issues affecting this area.

This month the State of Virginia Chamber of Commerce honored "Till" Hazel by inviting him to give his report on the State of the Union of this greater metropolitan area.

I was present as the audience received with great respect his strong, outspoken, message.

Since it bears on our present and future responsibility as an integral part, and voice, of this area, I ask unanimous consent that his statement be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY JOHN T. HAZEL, JR., VIRGINIA CHAMBER OF COMMERCE CONGRESSIONAL DINNER, MAY 8, 1997

It is a personal privilege and great honor to address this distinguished gathering of political and business leaders and, particularly, to share with you observations and concerns regarding Virginia's position in the national and international economy as we hurtle toward the 21st century.

Virginians are a proud people, we have a wonderful geographic location, and a history and tradition of conservative and prudent leadership commitment to our citizens. However, that tradition cannot allow complacency which is at times the excuse for lack of vision and often the enemy of prosperity.

My focus today is upon the future of Virginia and what we must do to assure a high level of prosperity in a knowledge driven economy. Change, at the pace we are experiencing it, challenges us all with deciding what to keep and what to discard. We face great opportunities if we choose wisely and great hazards if we do not.

Reference to history and tradition is for the purpose of perspective. We cannot prosper if we live in the past. It is the future to which we must look. No day is complete without reference in print or electronic media of economic competition on a global basis. No state nor locality is isolated from economic competition. We must develop a realistic data base and an exciting vision for the future with an emphasis upon growth and prosperity. Current data is not encouraging.

Despite vigorous efforts by Governor Allen and development agencies, net job growth in the first six years of the 90s has been only half of net job growth in the 80s. Projections regarding the future do not suggest a return to the robust job growth of the 80s without vigorous new efforts. Indeed, if the technology sector largely based in Northern Virginia is removed from the data, job growth in Virginia thus far in the 90s is zero or perhaps negative.

The lack of robust job growth is particularly troubling since the population of Virginia has increased by more than one million people since 1980. Measured against the national average, Virginia is no better than average in the United States in job growth and, indeed, for the past several years has been below the national average—ranking 33rd in the nation. Personal income growth has tracked job growth causing the income of the average Virginia family to be only approximately equal to the national average with personal income growth ranking only 29th in the nation.

EDS, a major national corporation with heavy employment in Virginia, represents that lack of skilled workers has affected its employment base and economic health. There are many other similar examples. Eighteen thousand technology-based jobs are unfilled in Virginia while employment in absolute terms is only at or below the national average.

Virginia no longer competes for job growth simply with its sister states. A recent conversation with the CEO of a concern with global operations suggests that Ph.Ds in Pacific Rim countries can be found for a lifetime training cost of $100,000 versus $1,000,000 in the United States, and engineers can be hired who do very satisfactory work which is then exported to the United States from Bangladesh at 20% of the cost of an engineer in the United States.

Certainly, we as Virginians do and must aspire to be the best. It is abundantly clear that we are barely average in the critical areas of job growth and individual income. We, as business and political leaders, cannot fail to lead our citizens to achieve the very best.

Where must we look to correct this mediocre or less than mediocre performance? The answer is investment and reinvestment in essential infrastructure. Education, transportation and our financial base.

Education today is best described as K–L. L does not refer to law school but to K thru Life. To compete successfully at the national and international level, education must never end. Training and retraining are the keys to our economic future. With 18,000 technology jobs in Virginia unfilled because of lack of trained employees, the problem is immediate, clear and compelling.

But when we review the commitment of Virginia to education, we find that legislative studies have identified a $6.2 billion immediate need to enhance local schools. A need without suggested solution. Virginia ranks only 43rd in higher education support, and simply to equal the southern states average will require a commitment of an additional $200 million per year indefinitely for operating requirements only. Virginia had achieved in the 80s a slow and steady pace toward a modest level of quality and funding in its institutions of higher education. Unfortunately, the depression of the early 90s and the requirements of a balanced budget caused the political system to withdraw in excess of $100 million per year from higher education with an invitation to the individual institutions to increase tuition in lieu of an increase in state taxes. This was done and the budget successfully balanced from the pocketbook of students and their parents without an increase in taxes. The predictable result in Virginia public tuition is among the very highest in the nation.

As the economic crisis ended, funding for higher education in Virginia continued to be restricted. The average investment per thousand dollars of individual income dropped from $12 in 1979 to $6.76 today—a drop of 44% in funding. This decrease means that Virginia's record for financial support for higher education is one of the worst in the nation. The results are evident in every direction. The belt tightening of the universities, despite serious restructuring efforts, has reached harmful proportions.

The president of one of Virginia's leading institutions recently testified that in offering faculty positions to sustain excellence in a core discipline, 11 of 12 offers were rejected on the basis of inadequate compensation. The same is not true with priorities elsewhere. Indeed, we seem to have no limit to what we are willing to pay for athletic excellence, but payment for academic excellence is demeaned and ignored.

Technology is much talked about and little funded.

The community college system—a cornerstone of work force training and retraining—has been forced to reduce worker access and increase tuition for programs which are fundamental to preparation for skilled jobs.

In recent years, capital improvements have been paid for largely by debt. Now debt increases are frozen to sustain Virginia's bond rating and no provision made for critical capital improvements.

In Virginia, a state with a proud heritage from the days of the Founding Fathers, support of higher education now ranks at the low end of the nation. Thomas Jefferson believed that higher education should be available "within a day's ride of all Virginians" and founded a university of which we are all proud, but today, with the demand for quality education perhaps more critical to the prosperity of Virginians than ever before, political and business leadership refuses to recognize effectively the need. As the economy of Virginia converts from mining, manufacturing and agriculture, the principal asset of the citizens of Virginia is their intellectual power and skill. Intellectual skill must be enhanced and nurtured. As Governors Godwin, Holton and Baliles made clear in their landmark statement of January 1995:

"Now is the time to make critical key investments in Virginia's future. We believe the place to start is by reaffirming public support for our unique system of higher education. . . ."

The transportation infrastructure of Virginia continues to service more citizens with vastly more miles of travel than ever before without recognition of additional funding requirements. As gas mileage increases, highway revenues by mile decrease.

Principal deficiencies impact the entire state. Hampton Roads has identified approximately $20 billion in transportation improvements necessary. Bridges and tunnels are very expensive, but the need cannot be denied.

Virginia requires an upgrade of I–81 now carrying three times the truck traffic for which it was designed and without any financial plan for improvement. Roanoke and Richmond have demonstrated needs of several billion dollars each if their commerce is to continue to move freely.

Northern Virginia shares with the Washington region national recognition as the second worst gridlock in the nation. There are clearly demonstrated multi-billion dollar requirements. The total of state transportation requirements over the next twenty years is an absolute minimum of $35 billion and could range upward to over $50 billion by Virginia Department of Highway estimates. Despite these needs, the Highway Department can only identify $12 billion of likely available funds and that number is seriously suspect as maintenance requirements erode construction funds.

Traffic gridlock is frequently equaled only by political gridlock in resolving problems. Within a few miles of this hall, we endure an infamous example of political gridlock. In 1945, the US Army Corps of Engineers constructed a dozen bridges across the Rhine River under hostile fire. The political system at Federal and State levels has been gridlocked in discussions regarding replacement of the Woodrow Wilson bridge for ten years already and is still without an action plan for construction. Some years ago the life of the bridge was determined to be 9 years. By my calculations we have 7 years, 4 months and 20 minutes before it collapses into the River. But have no fear, further down the River even the downsized Army Corps of Engineers at Ft. Belvoir should be able to erect a pontoon crossing to save us from the fruits of political gridlock.

Finally, in reviewing the infrastructure in Virginia, we must look to the fiscal situation, and it is grim. Philosophically, Virginia was a few short years ago a no debt state—one of the few in the nation. How different today. The fastest growing item in the Virginia budget is debt service.

During the 90s to balance the budget, a series of emergency measures were utilized. There was a pledge to citizens who voted for the lottery that proceeds would be only for capital construction. Yet now lottery proceeds exceeding $300 million annually are a vital part of the general fund despite that commitment. In addition to the transfer of lottery funds to the general fund, a series of single shot annual measures have been utilized to balance the budget. The most onerous being increased tuition.

Perhaps the most dramatic example of the current problem was the recent discussion of what new lottery game could be adopted to provide additional revenue for the general fund without encouraging addictive gambling. I never knew until the General Assembly discussion that some lottery games were addictive and some were not. In any event, a new lottery game and the fortuitous settlement of the litigation allowed the state to eke out a balanced budget last Session.

Virginia has a serious structural deficit in state finances. General fund revenues do not cover expenses. It is politically convenient to ignore the deficit, and it is policy apparently on a non-partisan basis to continue to promise no tax increases and talk tax cuts without reference to financing commitments, expenditures, income and investment in our future.

Where is Virginia as we look forward to the future—a future which should be founded upon optimism, enthusiasm and strength? The people of Virginia are intelligent, committed, and have high level of work ethic an integrity. Mr. Jefferson, as did other Founding Fathers, believed that an informed public was fundamental to prosperity, health and enjoyment in the democratic system.

Unfortunately, the difficulty in today's world is in assuring an informed public. Virginians have indicated in overwhelming numbers at all levels an awareness that higher education is the key to individual prosperity and a desire to have a transportation system that functions. Yet we are, at the political level, unwilling to make it clear what the needs are and how they will be paid for. Business has failed to demand political accountability and politicians have failed to inform.

We are in the early stages of yet another political campaign in which the prevailing political wisdom apparently is directed at ignoring needs and, thus, the costs.

In higher education, there is a determined effort to reduce costs by reducing the number of students to be educated which is simply to deny access to education to a significant number of citizens. There are those who sponsor denying education to those who are "below average"—a shocking thought when contemplated seriously. There is a suggestion that faculties are commodities and quality in a faculty is not related to quality in the educational product.

There is a complete denial essentially by silence of the urgent and compelling needs of transportation.

Business leadership must demand that candidates for any office be required to address in specifics what programs they intend to dismantle, and what new commitments they are unwilling to make. Thus far, we have been treated to denial. The people of Virginia deserve better. We need leadership which will understand the need for reinvestment and new investment in Virginia's future—who will understand that we are part of an international economy in a knowledge driven world of technology and that the only competitive edge we have is our infrastructure.

While my comments have focused principally on higher education, transportation and fiscal needs which are the fundamentals, if other areas of the infrastructure are not enhanced the capability of Virginia to compete is further weakened.

Without investment and reinvestment, we cannot expect to be competitive as we enter the next century. No business leader can fail to invest in the future. Why should our great state be denied investment in the future? We cannot allow Virginia to be weakened at this time of intense global competition by denial of problems and refusal to debate the issues because the solutions may be politically uncomfortable. Virginia has the capacity for investment. We lack the political will.

The citizens of Virginia are entitled to be informed and to decide whether we should settle for mediocrity in job growth, in education,in transportation and in our financial base. We cannot accept a political leadership which denies Virginians the tools necessary for future prosperity.

Our goals must be a system of higher education among the best in the country. Not a quibble over 43rd or 44th. A K–12 system which prepares graduates for accelerated learning and successful participation in the workplace, a first class system of transportation, and a financial structure with bi-partisan support that addresses with political honesty funding requirements.

Virginia must create a competitive position in global markets in the new century with an unrestricted commitment to excellence in providing our citizens with the tools of prosperity in a world of intense competition.

JUDICIARY VACANCIES

Mr. HATCH. Mr. President, I wish to take just a few minutes on judges, because I want to make two basically important points on judges.

At the outset, first, the current vacancy levels are not the product of some alleged Republican stall on judges.

Second, the Senate's constitutional advise-and-consent responsibility should not be reduced to a mere numbers game.

At the end of the last session, we had 65 judge vacancies. Last year, we had 21 judges nominated. We put through 17. We would have put through four more except for Democratic objections to their own judges—not to the judges, but to putting them forward, because one Democrat was not getting the judges that he wanted.

Let me just elaborate for a minute or two on those two points.

Mr. President, this is not a numbers game. Let me make an important point, which is this. Federal judges should not be confirmed as part of a numbers game or to reduce the vacancy rate to a particular level.

While I plan to oversee a fair and principled confirmation process, as I always have, I want to emphasize that the primary criteria in this process is not how many vacancies need to be filled, but whether President Clinton's, or whoever the President is, whether their nominees are qualified to serve on the bench and will not, upon receiving their judicial commission, spend a lifetime, a career, rendering politically motivated activist decisions.

The Senate has an obligation to the American people to thoroughly review the records of all nominees it receives to ensure that they are capable and qualified to serve as Federal judges. These are lifetime appointments with lifetime full benefits after they retire. Frankly, the record of activism demonstrated by so many of the Clinton judges and nominees calls for more vigilance in reviewing these nominees.

The current vacancies are not the result of a Republican stall. I think that is another point that has been widely distorted in recent weeks. The argument is that the Republicans are somehow stalling these judges. The facts show rather clearly that the current vacancies are not the result of Republican stall tactics.

First of all, at the end of the last Congress there were 65 vacancies. Today there are 100, 74 of which have not even had a recommended nominee. I have been here a long time, but I have never heard we had to confirm people who were not even nominated.

There are 26; and we now have put through 5. We have four more that we put out of the committee yesterday, who I believe will go through quite soon. And we will have another markup of judges perhaps a week after we get back.

Let me just make this point so that we can resolve some of these problems.

These vacancies were caused by a record level of resignations in the past few months.

During President Clinton's first 4 years, we confirmed 202 judges. That is a near record high and nearly one-quarter of the entire Federal bench.

By the close of last Congress, there were only 65 vacancies. This is virtually identical to the number of vacancies under the Democratic chairman in the previous Congress. The Department of Justice itself stated that this level of vacancies represents virtual full employment in the Federal courts. So last Congress we were more than fair to President Clinton in his judicial nominees. We reduced the vacancy level to the level which the Justice Department itself considers virtual full employment.

But since the election last fall, 35 judges have either resigned or taken senior status. That is a dramatic number in such a short period, which has led to the current level of 100 vacancies.

Now, current vacancy rates are not an unprecedented crisis. Let me just point that out by saying there has only been a 5 percent increase in the vacancy rate. Keep in mind that 63 vacancies, a vacancy rate just over 7 percent, is considered virtual full employment, and 100 vacancies is a vacancy rate just over 12 percent. How can a 5 percent rise in the vacancy rate convert "full employment" into a "crisis."

The Democratic Senate left a much higher vacancy rate under President Bush. But compare today's 100 vacancies to that under a Democratic Senate during President Bush's Presidency.

In May 1991—the same time we are at right now—there were 148 vacancies. That is during President Bush's tenure. In May of 1992, again in President Bush's tenure, there were 117 vacancies. So that 148 and 117, respectively, is more than we have right now.

Now, I find it interesting that at that time I do not recall reading a single article or watching a single interview on judicial vacancies. So, in short, I think it is quite unfair and, frankly, inaccurate to report that the Republican Congress has created a vacancy crisis in the courts.

Now, I might add that judicial emergencies simply mean that the seat has been unfilled for a certain period of time. In reality, though, many of them are far from emergencies. Indeed, of the 24 alleged judicial emergencies, the administration has not even put up a nominee for 11 of those seats. How do you blame the Congress for that? As for the others, I think you will find a number of the relevant districts do not, in fact, have an overburdensome caseload, and, in fact, some of the senior judges are suggesting that we reexamine the number of judges in their area and reduce them because they do not need them. It costs at least $1 million a year for every judge in this country, and there are well over 800.

All of this being said, I feel very strongly we must do our best to reduce the vacancies in the Federal courts. Frankly, there are limits to what we can do, especially with what the administration has done so far. The fact of the matter is that, excluding two brand new nominees whose paperwork we have not yet received and cannot process because we have not yet received it, there are only 26 nominees for these 100 vacancies, meaning 74 vacancies are without nominees. Of these 26, 8 have already had hearings and are either on the Senate floor or about to be reported out of committee. So we are moving on nominees, and we will continue to move.

The problem, however, is that many of the remaining 18 nominees who have not yet had committee action are in one way or another problematic or controversial. All but a few of them were carried over from the last Congress, and I can assure you that there is a reason why the Senate confirmed 202 other nominees but not them. If and when the administration sends us qualified, noncontroversial nominees, they will be processed fairly and promptly, and I am trying to process these controversial nominees to the extent that we can and certainly am trying to do so fairly and promptly.

Take Mr. Alan Gold from Florida, for example. He was nominated in February of this year. We completed his paperwork and review in March and April. He had a hearing 2 weeks ago and was reported out of the committee yesterday, just to give an illustration.

When the administration sends us problematic nominees, it takes much more time and it is much more difficult to process them, and the administration knows this. I think my colleagues on the other side know this. If all we are left with are judges whom we are not ready to move, I will not compromise our advise-and-consent constitutional function, I will not compromise it simply because the White House has not sent up qualified nominees. As I said at the outset, the Senate's advise-and-consent function should not be reduced to a mere numbers game. The confirmation of an individual to serve for life as a Federal judge is a very serious matter and it should be treated as such.

Now, we have had a lot of complaining and yelling and screaming about this, but to be honest with you, we are much better than a number of prior Congresses where Democrats had control of the Judiciary Committee and when they had control of the floor as well. President Clinton has not been mistreated. He has not been treated unfairly, and his nominees have not been mistreated or treated unfairly. In fact, we have yet to have a nominee who has been rejected on the floor during the Clinton administration, although I felt that at least two of them should have been.

Mr. LEAHY. Mr. President, I hope the distinguished chairman of the Senate Judiciary Committee can stay on the floor just for a moment because I intend to refer to some of the things he has said.

To begin with, the distinguished chairman is a close personal friend of mine, not the least of which I find that, as a Grateful Dead fan of long standing, I enjoy his gospel music. So we do have some areas that join us.

I must take exception to some of the remarks he has made about Federal judges. He mentioned that none had been rejected on the floor. Well, of course they have. We have had the average of one a month. At this rate, with 100 vacancies, it is zero population growth in the Federal judiciary. President Clinton will not be in office long enough nor will the next two Presidents, to see all these vacancies filled—not if you do one a month.

When he says none have been rejected on the floor, that is because these are extraordinarily well-qualified people and they are going to be voted for on this floor. In fact, even Merrick Garland they held up for so long. When Judge Garland came here, some people—for whatever reasons, ideological or whatever—voted against him, but not one person suggested he was not extraordinarily well qualified; in fact, one of the best qualified judges we have seen in years. In fact, even some who voted against him commended his qualifications. So it became just a political, partisan thing.

I suspect that the 27 judges that are being held in limbo or in the prison of the Senate Judiciary Committee, if they had a fair vote on this floor, would all be confirmed overwhelmingly because Senators would not want to have to go back to their State and try to explain to people why, other than for purely partisan motives, they voted against some of these judges.

So, how do you defeat the judges? You make sure they never come forward. I will give you an example—Margaret Morrow. Margaret Morrow came before our committee last year. She had to go through all the usual and appropriate confirmation hearings, and she was voted out of the committee unanimously, but somehow they made sure she never came to the floor for a vote.

So this year Margaret Morrow was brought back again and told she was going to be put in her place. All the men who were candidates for the Federal judiciary were brought up first and she was told to sit there—although she had been here once before and unanimously confirmed, she was told to sit there in the back of the room waiting for the others to be confirmed or to be heard.

Now, I keep bringing this issue up at the Judiciary Committee meeting, and I am told there are no objections to her, but somehow she is never brought forward to be voted on. I keep saying, if Senators want to vote against her, stand up, have the guts to stand up in the bright sunshine and say how they would vote on her, but nobody does, nobody does.

She was asked such questions as how she votes. There were over 100 initial questions before it became too embarrassing, and then how did she vote on initiatives in California. I raise the question, and I hope that all Senators, Republicans and Democrats, would agree with me on this, that the Senate demeans itself if it starts asking people how they voted in the secrecy of the voting booth. I would never allow somebody to ask me how I voted unless I really wanted to tell how I voted in the secrecy of the voting booth. The distinguished Senator from West Virginia would not allow that. The distinguished Senator from Utah would not allow that. And I suspect the Senator who asked the question would not allow it of himself. She is supported by the Republican mayor of Los Angeles. She is supported by significant Republicans and Democrats in California. She was the president of the California Bar Association, the first woman ever elected to that position—the president of the Los Angeles Bar Association—but somehow she does not come on to the floor.

I suspect that if she was brought for a vote, she would win overwhelmingly. She would win with 90 votes in the Senate, at least, but apparently she loses with one vote of an anonymous Senator who hides behind a veil of secrecy and will not tell us why he or she is holding her up.

Now, is this full employment of the Federal judiciary? Not according to the Chief Justice of the United States, William Rehnquist. Chief Justice Rehnquist says the situation is bleak —not full employment, but bleak.

We have emergencies existing. The ninth circuit has a quarter to a third of all judges missing. Will the White House have more judges coming up? Of course they will. But do not blame the White House; blame the U.S. Senate. We have had more vacations and recesses in the Senate than we have had judges. We ought to at least do the job we are paid to do.

Of course, I agree with the distinguished Senator from Utah that we should scrutinize all judges. We can do that, but do it, and then get on with our work. We get paid plenty. We ought to do it.

What I see happening, Mr. President, when you have a Congressman from Texas who says that judges should be impeached because he, the Congressman, happens to disagree with their decisions—Mr. President, I read the Constitution. I have my own copy, supplied to me by the distinguished senior Senator from West Virginia, and I say to my friend from West Virginia that I looked through that copy and I found grounds of impeachment—high crimes and misdemeanors. I did not find grounds of impeachment that you annoyed a Congressman from Texas or anywhere else.

I do not think that was ever contemplated by the Founders, I say to my good friend. But this is the kind of ridiculous thing we have, all of which is aimed at going against the independence of the Federal judiciary.

We had somebody else who proposed the Congress have the ability to stand up and vote to override any judicial decision. What does that do to the independence and what does it have to do with our workload? Here it is May 23, and we are finally passing the budget that the law requires us to pass on April 15. Can you imagine if we had to then vote on several thousand judicial decisions each year? This is what we are hearing. Again, a conservative Republican Justice, Justice Scalia, says this is going too far. I agree with him.

As I said earlier to the distinguished Republican leader—I was on the floor—I hope that he would work to see this does not continue. Majority leaders of the Senate, the 22 years I have been here, Senators Mansfield, BYRD, Baker, Dole and Mitchell, all great leaders, all leaders who said there are certain things where partisanship has to end. The President of the United States has the authority under the Constitution to appoint judges. We advise and consent. We are not the appointers of judges. He is. We can recommend, we can advise and we can consent. But once he has appointed them, then if we do not like them, vote them down. But do not take on the pride of 100 Senators around here.

I suspect, regarding the press accounts, that the distinguished Senator from Utah has certain restraints from within his own caucus. I understand that. But I urge this. We are going to go out of session now for 10 days or so, a week, whatever it is. I urge, as I have before, that the distinguished majority leader, the distinguished Democratic leader, the distinguished Senator from Utah and I sit down and try to find if there is a way to start moving these judges from the Senate, and from the Senate end how we can move faster. If people do not like them, vote against them, but do not hold them in limbo; and then I suggest we meet with the President of the United States.

Mr. HATCH. Mr. President, let me say that the Senator from Vermont is a dear friend of mine. There is no question about that. We enjoy working together.

But I think the points that I have made are very valid points. The administration has taken up to 618 days to name each nominee. That is really twice the time that historically it has taken in prior administrations in the White House. At an average of 618 days for each vacancy President Clinton has taken to fill, according to my calculations—I could be wrong—but it would take more than 125 years to fill all 74 vacancies.

So, you can play this numbers game. All I am saying is I dedicate myself to try to do the best I can to get these judges through. I appreciate the help my colleague gives me in that regard. I think, as we get more of these nominees up here, we will get more of them to the floor.

But I appreciate his remarks. I just do not quite agree with them, that is all.

With that, I yield the floor.

Mr. LEAHY. Mr. President, I will continue to work with my good friend from Utah. In the meantime, I will send him my Grateful Dead tapes, and I will listen to his music and we will both be in a better mood.

Thank you.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent to proceed for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRUSTING AMERICANS SUBJECT TO EMERGING SECURITIES FRAUD

Ms. COLLINS. Mr. President, as the chairman of the Permanent Subcommittee on Investigations, I want to take this opportunity to highlight a growing problem with securities fraud in this country—a problem which affects thousands of American families who are now investing their hard earned savings in a booming stock market. The problem involves the fraudulent manipulation of the stocks of small companies in scams which can literally wipe out investors who place their trust in unscrupulous brokers and stock promoters.

Fraud in the sale of small company stocks has been increasing at an alarming rate. In the typical case, unscrupulous brokerage firms, often operating through intermediaries, purchase large positions in a company which is worthless or of very limited value and then drive its price higher through manipulation. They do this by aggressively cold calling thousands of unsuspecting individuals, often inexperienced in investing, and persuading them to purchase the company's stock by greatly exaggerating its financial prospects. The inevitable effect of this massive sales campaign is to push the price higher, at which point the brokerage firm dumps its shares, leaving the public holding investments which rapidly become worthless.

According to published reports and court proceedings, these schemes often utilize other illegal or unethical practices, including: The dissemination of false information on which investors rely, the employment by brokerage firms of persons with criminal records, as well as the use of unlicensed individuals whose only activity is ostensibly to prospect for customers but who often participate in making sales for which they are paid under the table; and the bribing of brokers to assist in the manipulation by recommending the stock to their trusting customers.

These securities fraud schemes have been uncovered in recent prosecutions and criminal investigations. At least four grand juries around the country are investigating small-stock manipulation—what may be the financial crime of the 1990's, just as insider trading was the financial crime of the 1980's. Indeed, according to published articles, a Federal grand jury in Los Angeles has even investigated a Federal prosecutor suspected of engaging in securities fraud. And last year, an FBI sting operation in New York City resulted in the arrest of 46 individuals for this type of activity.

In recent years, the soaring stock market has attracted millions of new investors, many of them hard working families trying to save for the future or elderly Americans trying to expand their retirement savings. it is understandable that these individuals, confronted with the prospect of astronomical tuition bills for their children or escalating medical costs for themselves, fall prey to sales pitches promising high returns in what are supposed to be the glamour companies of the future.

Overall, it is estimated that one in three American households have some of their assets invested in the stock market. Most do not have the time or the resources to carefully scrutinize stock offerings to determine which ones are fraudulent, instead putting their faith in brokers, who, because they are licensed by the Government, the public believes it has reason to trust.

Mr. President, some years ago I served as the State of Maine's Commissioner of the Department of Professional and Financial Regulation, and one of the responsibilities of my department was the protection of investors in my State. While that experience taught me that America has the most dynamic and healthiest capital markets in the world, it also taught me that there is no shortage of con artists and fraudulent schemes. What was true then unfortunately appears to be true today, and regrettably, there is evidence that the problem may be more widespread.

While the vast majority of those who work in our securities industry are honest, we must be continually vigilant in safeguarding the integrity of our markets. We must remain committed to combating what appears to be a new wave of securities fraud, involving the intense marketing and subsequent manipulation of the stock offerings of small companies, many with high-tech sounding names. These offerings—when pushed by overly aggressive and fraudulent marketing pitches to average American families and the elderly—present a ripe opportunity to lull the investing public into believing the stock is about to take off. Too often, these stocks do not soar to the heavens but rather fail to the ground.

This fraud must be fought on a variety of fronts. The regulators must continue to enforce existing regulations and to watch for illegal activity. The public must be more careful in investing in the stock market. And the Congress must—and will—closely investigate this growing problem of securities fraud.

As chairman of the Senate Permanent Subcommittee on Investigations.

Mr. President. I am concerned about this fraud in the micro-capital markets—about this manipulation of small company stocks by Wall Street bandits. The subcommittee has a long and proud tradition of investigating schemes which rip off innocent consumers and taint the reputations of those who play by the rules. This investigative tradition will continue under my leadership. With more and more Americans entering the stock market each year, the Permanent Subcommittee on Investigations will be looking closely at these matters, investigating how these stock manipulation schemes victimize American investors and how we can arrest this emerging securities fraud.

I look forward to working with my colleagues on the Governmental Affairs Committee and in the Senate to protect the public from unscrupulous operators who would prey on hard working Americans seeking to participate in the American Dream through investment in the stock market. The expanding economic opportunities presented by a booming stock market should not benefit just the most wealthy Americans, but should benefit average American families as well.

As the chairman of the Permanent Subcommittee on Investigations, I promise you that we will vigorously investigate those who abuse the trust of their fellow citizens seeking to invest their hard earned savings. I further pledge that we will be especially relentless in our efforts to expose schemes which exploit the elderly. During my tenure, the subcommittee will use its investigative authority to shine the light of truth on those who operate in the shadowy fringes of America's capital markets.

I thank the Senate for its attention.

I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 802 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

THE CONCURRENT BUDGET RESOLUTION

Mr. ROBB. Mr. President, earlier today I supported and the Senate passed a budget resolution negotiated primarily by the leadership of the legislative and executive branches of our Government.

I supported this budget resolution, notwithstanding some major disappointments with both the process and the result.

I qualify my support for the final agreement because I believe it falls well short of the goals that we should have for a responsible fiscal policy to guide our Nation over the next 5 years and beyond.

But in the end, I recognize that this is probably the best product the congressional leadership and this administration could agree on, and that we're much better off doing something than doing nothing.

And reaching this general consensus will free the Congress to get on with many of the important matters that continuing gridlock would have postponed.

The commitment to reach a balanced budget early in the next century can trace its roots to the hard work done by the President in 1993 and the insistence last Congress, by the new congressional majority, that we set 2002 as a "date certain" to actually reach balance.

And I think its fair to add that I doubt this agreement would have been possible without the bipartisan groundwork laid by the Centrist Coalition, a group of 22 Senators evenly divided between both sides of the aisle.

Our budget was the only balanced budget plan introduced last year which received bipartisan support.

Since passing the administration's deficit reduction package in 1993, we have brought the deficit down from $290 billion to what most forecasters expect will be a $67 billion deficit this year.

With the aid of lower deficits, low interest rates, and low inflation, the economy continues to expand, bringing unemployment down to 4.9 percent and filling the Federal Treasury with unexpected receipts.

These fundamentals, which I believe were set in motion with the passage of the 1993 plan, have now put a balanced budget within our grasp, even if we're relying on some optimistic assumptions about revenues on future Congresses making tougher decisions than we are making in this budget, and on the Social Security surplus to reach that future balance.

This is not an insignificant event. The last time the Federal Government submitted a balanced budget was in 1968—for fiscal year 1969—and the surplus that year was only $3.2 billion.

As one who came to the Senate in January 1989 pledging to do all I could to eliminate persistent budget deficits, the prospect of actually reaching our goal, even 5 years down the road, is certainly a welcome milestone.

As I have already noted, however, this agreement is not all I had hoped it would be.

First, I'm very concerned about the assumptions which underlie the plan.

Less than 3 weeks ago, negotiators were putting the finishing touches on this same basic budget outline, with a deficit of approximately $50 billion in 2002.

It was only after the Congressional Budget Office revised its revenue forecasts that negotiations were able to claim a balanced budget.

To fully understand the impact of the CBO revision, the deficit projections for the next 5 years are now a total of $250 billion less than what CBO projected in January.

If we want to increase the likelihood that we will actually achieve balance, it seems to me that we would want to use the most conservative economic forecast that we have.

If we err in our projections, I would rather err on the side of doing more deficit reduction than less than what is needed to do the job.

But even if the more optimistic assumptions come true and we do balance the unified budget in 2002, this plan does little to address the long-term fiscal challenges we face, and in some ways may exacerbate them.

While the budget calls for some modest steps to restrain the growth of entitlement spending, in the areas of Medicare and Medicaid, these modest steps do not prevent entitlement spending from taking a larger share of the budget.

Mandatory spending, in the form of entitlements and interest on the debt, will consume over 70 percent of the budget by 2002.

This represents a complete reversal from 30 years ago when 70 percent of the budget went for defense and other discretionary investments.

And as mandatory spending takes up a greater share of the budget, that leaves less room for investments in human and physical capital that enhance future productivity and economic growth.

Not only does this budget not call for significant entitlement reform, the inclusion of tax cuts with large out-year costs also exacerbates our long-term fiscal problems.

As all of us know, we face a demographic wave, called the baby boom generation, that will double the number of people eligible for Social Security, and Medicare, between now and 2030.

By not addressing the long-term costs of Medicare and Social Security, and by failing to adopt an accurate measure of cost-of-living changes, entitlements will continue to grow at an unsustainable pace. That is at the same time, the tax cuts in this budget plan will take away the revenue needed to finance these expenditures.

The most likely result of this scenario is the continued cutbacks on defense and other discretionary priorities in the future or even larger budget deficits than what we have faced in the past.

As a result, I view this budget as more of a missed opportunity to address our long-term fiscal challenges rather than the budget balancing achievement that many are celebrating.

Notwithstanding my reservations about this agreement, however, and my disappointment in some of its elements, I applaud the President and the congressional leadership for their efforts to end the gridlock and reach a compromise that both sides could live with, even though the deal closers were more spending to satisfy Democrats and more tax cuts to satisfy Republicans—tax cuts I might add that are made with borrowed money. Less of each would have eased the debt burden we are passing on to future generations, and I will work with my colleagues to make it a more fiscally responsible plan along the way.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Michigan.

Mr. ABRAHAM. Mr. President, in order to accommodate several Senators who wish to speak, I now ask unanimous consent that the following Senators be recognized to speak in the morning period in the order in which they are listed: Senator ABRAHAM for 15 minutes, Senator BYRD, and then Senator GRAMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

MR. ABRAHAM. I thank the Chair.

(The remarks of Mr. ABRAHAM pertaining to the introduction of S. 810 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ABRAHAM. I thank the Chair and other Members for their courtesy today. With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I have been asked by Mr. DORGAN to ask unanimous consent that following the order recognizing Mr. GRAMS, which has already been entered, that he, Mr. DORGAN, be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have been asked to also ask unanimous consent that following Mr. DORGAN, Mr. GORTON be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIONS BETWEEN THE SEXES IN THE MILITARY

Mr. BYRD. Mr. President, the case of Air Force 1st Lt. Kelly Flinn has highlighted the need for an independent review of gender relations in the services. First, I think the publicity about this case has served as an understandable impetus for all of us to speak our minds on this issue. That is, I think, useful, in that relations among the sexes in the military obviously need a thorough, independent review in light of the scandals that have emerged in recent months.

It is imperative though, that as we review the rules regarding gender relations in the military, we keep our eye on the ball. The ball is that the goal should always be the most effective, combat-ready, disciplined, tough fighting force that the Nation can field. Effectiveness, discipline, unit cohesion and morale cannot ever take a second place to any other value, since the premier responsibility of the military is the national security of our Nation. If gender relations must take a back seat to that goal, that is as it should be.

In the case of Lieutenant Flinn, the military justice system has tried to do its work, in spite of all the comment and publicity attendant to this case. There is a question about whether the Secretary of the Air Force should have granted Lieutenant Flinn a general discharge in lieu of a court-martial. We all, I am sure, have opinions about that. I personally feel that the charges of lying and disobeying the order of a superior officer, never mind the charge of adultery, which, of course, no one condones, merit a disciplinary decision, and that the Secretary should not have granted her a general discharge in light of those charges. That is my opinion. Other Senators may have other views. However, I believe that the larger issue and perhaps the root of the problem in this much publicized case may lie in the military rules of fraternization. When it is permissible for members of the opposite sex to socialize, live together, or otherwise fraternize, varies considerably among the different services. The standards are seriously inconsistent. I have indicated that I intend to offer an amendment to the upcoming fiscal year 1998 defense authorization measure which would, if enacted, establish an independent outside review commission to review the question of the appropriateness of gender integrated recruit training in the services. I think such a commission could review, as well, the rules of fraternization with the goal of recommending a single consistent fraternization standard for conduct among enlisted people, between enlisted people and officers, and among officers, which spans all the services. What is appropriate for a soldier in the Army should also be appropriate for a sailor or an airman or a marine.

Mr. President, clearly we are in the middle of a national debate on gender relations and on general conduct in the services, and the work of an independent commission to review the many issues which have arisen seems urgent, needed and very useful. In the meantime, I believe that we politicians should refrain from urging particular decisions in specific cases, and let the system work in the best way that it can until an opportunity has been had to systematically review the rules regarding gender relations and conduct in all of the services.

FALLEN HEROS

Mr. BYRD. Mr. President, as the traditional start of the summer outdoor season approaches, advertisers are busily reminding us that we have only three days to ready our big yards for summer, or that hooray, we have an extra day to spend on outdoor chores—using their newest tools, gadgets, and products, of course. Well, Mr. President, most of us will enjoy an extra day this weekend. That is cause for celebration. However, the purpose is to celebrate our fallen heros, not to celebrate another opportunity to spend money.

Memorial Day is set aside to remember the final sacrifice made by many brave men and women in the defense of our Nation and our ideals of liberty and justice. Though in many cases, years have passed since they laid down their lives for us, the memory of these fallen heros should not fade from our hearts, drowned out by the din of advertising or buried beneath a tide of sales circulars. I urge my colleagues, and the American public, to pause for a moment this weekend, that they fly their flags, pause to set aside their dirt-covered gloves, to brush the grass clippings from their pants legs, and to sit for a moment in the sun-dappled shade of an ancient tree, and thank these men and women who have—to paraphrase the preamble to our mighty Constitution—provided for the common defense, promoted the general welfare, and secured the blessings of liberty to ourselves and our posterity.

In the United States, our fallen soldiers have been honored and remembered on Memorial Day since the time of the Civil War. That tragic conflict spawned so many spontaneous gestures of remembrance in our country that the location and the date of the first Memorial Day or Decoration Day—Decoration Day, as it was called—Ceremony is disputed.

One of the most moving and famous of the early Memorial Day tributes occurred in Columbus, Mississippi. On April 26, 1866, the women of Columbus gathered to decorate the graves of their husbands, brothers, lovers and friends who had been buried four years earlier after the Battle of Shiloh in a plot now known as Friendship Cemetery. The plot contained the remains of 1500 confederate soldiers, but it also was the final resting place for 100 fallen federal troops.

The time was reconstruction. In 1866, much of the South was under military occupation and was impoverished. Resentment and hatred still ran high on both sides of the Mason Dixon line.

But, to these war-weary women, the time for hostilities was over. After scattering flowers on the graves of their own men, they decorated the graves of the union men with magnolia blossoms.

But, like so many of our religious and secular days of remembrance, the origin and purpose of Memorial Day have become at least partially obscured by the more immediate pleasures of a day off, the flash and danger of a car race or the anticipation of good food at a picnic.

Let me quote from a book, The Good War, an oral history of World War II by Studs Terkel. In 1982, a woman of thirty told Terkel: "I can't relate to World War II. It's in schoolbook texts, that's all. Battles that were won, battles that were lost. Or costume dramas you see on TV. It's just a story in the past. It's so distant, so abstract. I don't get myself up in a bunch about it."

Without a continued awareness of the real significance of this national day of remembrance, we may eventually also largely forget the difficult and invaluable lessons of the human cost and the ultimate tragedy of all warfare. Particularly today, when armed conflicts such as Desert Storm may seem glamorous, even entertaining and almost antiseptic in their efficiency, we must not forget as a nation that war always means death, destruction, broken homes, broken families, twisted and maimed bodies and devastation.

While this Nation must never shrink from armed conflict if that is the course we must take to protect our freedoms, we must also never forget nor minimize the horror of war, else we may someday risk its grisly consequences too easily.

So it is my hope, that on this coming Memorial Day, all Americans will take a few moments to remember the brave men and women who have fought and died to preserve this great nation and its principles of liberty and freedom. The personal suffering and sacrifice endured by our fallen soldiers and their families for the sake of our country must not go without a measure of recognition by each of us on this most solemn of days. These were real people, not just statistics in a history book or names chiseled on stone. These were young men and women with sisters, brothers, mothers, fathers, hopes, dreams, aspirations and fears just like the rest of us. At some future time, God forbid, the names of our own sons, daughters and grandchildren could very well be among those that are read at a ceremony honoring our fallen soldiers.

Nothing confronts us with our common humanity—with our shared responsibilities as citizens and with a renewed appreciation for the worth of our sacred and fragile freedoms like a contemplation of our national conflicts, and the sorrow, heroism, death and sacrifice that has accompanied each of them.

This weekend thousands of American families will visit cemeteries around the nation to remember husbands, wives, sons, daughters, grandfathers, great grandfathers and friends who paid the ultimate price in this nation's conflict. All of us need to take time to show our solidarity with their grief and their sacrifice; to fly the flags at our homes, schools, cemeteries and public places; to walk the eerie quiet of Antietam or Bull Run; visit the local veterans' cemeteries; lay some flowers on the tomb of a fallen soldier; spend a quiet moment at the monuments to our honored war dead; take our children in tow and teach them about all the brave young men and women who have paid so dearly in the past so that future generations can be free; and through that conscious effort and those small individual acts put a very human face on Memorial Day. Remember, spontaneous acts of remembrance such as these were what spawned Memorial Day in the first place. And they will always be the most meaningful tributes of all.

In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.
We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.
Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

FISCAL YEAR 1998 BUDGET RESOLUTION

Mr. GRAMS. Mr. President, I should like to talk a little bit about today's budget vote and some reasons why I had to anguish over it and vote no on this budget, a budget that I hoped we could all be proud of and we could go home and really tell our constituents we had done the best job we could and we were providing an honest budget that was going to provide the things we had talked about—smaller Government, less taxes, et cetera.

But, Mr. President, there is an old saying that if something seems too good to be true, then it probably is. In Washington, that scene can be taken one step further. If something seems too good to be true, then it probably is and the taxpayers are somehow going to get stuck paying for it.

Such is the case with the budget resolution passed by the Senate earlier today. On paper, the plan purports to eliminate the deficit by the year 2002 by reining in Federal spending while providing significant tax relief for America's working families.

I appreciate all the efforts that were made to try to reach a good budget agreement I hoped I could support, and I know how hard Senators DOMENICI and LAUTENBERG and the leadership on both sides of the aisle worked to bang out this budget. But in reality, this budget will ultimately create bigger Government, a budget that is going to demand more dollars from the taxpayers rather than giving them most of the tax relief they have been promised.

It is, in other words, a deal between politicians here in Washington, not between the taxpayers and the people they elected to represent them.

I have made the pursuit of a balanced budget my top priority here in the Congress, and I have always said I would support a budget plan which meets just three basic specific criteria. First, it must shrink the size and scope of Government and return money and the power that those dollars represent to the tax people. It must balance the budget by the year 2002 with steadily declining deficits each year and without the use of rosy economic scenarios. And it must provide meaningful and broadbased tax relief to working families.

Now, while I would like to join the bandwagon in supporting the budget resolution, this Washington budget does not meet those protaxpayer standards.

First, shrink Government and return power to the taxpayers. Balancing the budget by the year 2002 is a responsibility we must meet, but it is simply the beginning. If we intend to reduce the $5.3 trillion national debt that will remain even after the deficit is eliminated, and take power from Washington and return it to the taxpayers, we must do more than simply balance the budget. We were not elected to serve as the Nation's accountants, simply trying to make sure the numbers all add up on paper. We were elected to be policymakers—and balancing the budget is just one of these policies.

We cannot lose sight of the overall goal of shrinking the size of the Washington bureaucracy and sending those dollars back to the taxpayers. Yet, this budget plan does just the opposite. It increases the size of Government by giving President Clinton even more money for pet projects than he originally requested—$74 billion more than he requested in his budget just last year, and $5 billion more than the budget he put forward in February of this year.

Mr. President, instead of eliminating wasteful programs to reduce the Federal deficit, this budget plan actually creates numerous new programs, including $34 billion in new entitlement programs that will cost billions of the taxpayers hard-earned dollars.

Now, if some of these new programs have merit, they should be authorized and appropriated through open hearings and through normal committee process. Total spending in this budget plan for all programs is $18 billion higher than President Clinton's budget request for the next 5 years. So where is that in shrinking the size of Government? It is increasing the size of Government. The discretionary spending for the next year alone will be $6.3 billion more than even what the President had requested back in February.

Compared to the budget resolution we passed last year, this budget plan has significantly increased discretionary spending. In fiscal year 1998, discretionary spending will be $26 billion higher, $26 billion more than last year's budget, while the total discretionary spending for the next 5 years will be $194 billion higher than last year's budget request.

I do not believe this is what the taxpayers had in mind when they heard the President declare that the era of big Government is over. During the last 5 years, Congress spent an additional $240 billion raising the size of Government that much over the years, but over the next 5 years we are going to increase the size of the Government another $270 billion. Again, plus the $34 billion in new spending initiatives, not just fattening some of the old programs but actually creating, giving birth to $34 billion in new programs that will have to be supported even more in the outyears.

By increasing discretionary spending and creating new entitlement programs, this budget plan would ensure that big Government is not only here to stay, but that it will grow even bigger, and it will ultimately mean higher taxes in the future. In the continuing struggle between taxpayers and big Government, this budget deal takes the wrong side, and I cannot be a part of it.

Second, the claim of balancing the budget with steadily declining deficits, not through rosy scenarios. One of the dirtiest little secrets in Washington is the economic hocus-pocus that goes on in the budgeting process. The Washington folks seem to believe that as long as they have a balanced budget on paper, however they can reshape the numbers to fit their goals, it does not matter how they got there because the end will justify the means. But, as everyone knows, you can't write a household budget with inflated numbers or unrealistic assumptions, and you should not be able to write a Federal budget that way as well.

Any honest budget plan must reach balance through steadily declining deficits every year. The deficit must be lower each year than the preceding one. But this year's 5-year budget agreement actually increases the deficits for the first 2 years, then projects enough of a reduction in the final 2 years to reach balance. So, in other words, let's spend more now and then we will cut later. In other words, this President will be out of office, this Congress will have many new faces, probably, but they are going to let the next President and the next Congresses make the tough decisions that this Congress has turned its back on making.

Mr. President, James Glassman wrote on this subject in Tuesday's Washington Post, and I found this observation to be most appropriate. He said:

> The way to get to smaller government is by spending less money. In fact, federal spending will rise sharply in fiscal year 1998—that's the year that starts on October 1, 1997, and the only budget year that has any real significance.

Why? Because "all the other numbers for all the other years are sheer fantasy. As anyone who runs a business knows, the only figure you can possibly control is next year's spending."

Let me say when the budget deal was struck here in 1990 that raised taxes, part of the agreement was we will put a cap on future spending. We will not spend over this limit. In 1993, a new tax increase came into being, and along with that new tax increase came the removal of those old caps, and new caps on spending were put at a higher level. They said, all right, we will not spend over this level if you give us these tax increases now.

Now, in 1997, for the 1998 budget year, the first thing that has to be done in this budget, we have to bust those spending caps again because this budget can't live within those promises, and it extends the level ever higher.

What does that mean? Where does the revenue come from? It is taken from the taxpayers and the hard workers of this country. Budget proponents are claiming to balance the budget by immediately increasing the deficit by at least $23 billion, or an increase of 34 percent, and then finding the savings to eliminate the deficit in the preceding years for the following years.

If this does not make sense to the American taxpayers, that is because it does not make sense at all. It is just another example of the budget tomfoolery that is going around in Washington. A budget plan must also be based on real numbers and not the inflated budget estimates that have been used in the past to justify more spending and higher taxes. Somehow the new revenues, the increased dollars that come to Washington, can never be put into the category of reducing the deficit or returning some of it in tax relief. It always goes on the other side of more spending.

This budget agreement fails on that score as well as by continuing to use the inflated budget estimates of the past to mask the spending increases it contains. I cannot support a budget that uses such gimmicks simply to make the numbers add up on paper.

There are two other weaknesses of the agreement I would like to point out. For quite some time we have been told repeatedly by the CBO that we needed at least $500 billion in spending cuts to achieve a balanced budget. It will take hard choices to accomplish that. However, the need to make some of the most difficult choices supposedly vanished recently when we were told that we can spend more while balancing the budget at the same time because somehow the CBO discovered $225 billion in extra money. This cannot be true. It contradicts the CBO's own recently completed study that examined the potential impact of a recession on budget projections and the goal of a balanced budget by the year 2002.

In this study, the CBO examined two possible recessions, one possibly in 1998, another in the year 2000, and it concluded in both cases GDP would fall 3.7 percent below potential and would add about $100 billion to the deficit. That would make the goal of achieving a balanced budget in the year 2002 very difficult.

Again, if the $225 billion in "extra money" is indeed real, it did not fall mysteriously from the sky. It is money that belongs first and foremost to the American taxpayers, and it should be put to proper use. The right way would be to return it to the taxpayers as tax relief and/or designated for deficit reduction. The wrong way is to spend all that. Unfortunately, this budget resolution takes the wrong way.

Now, there are some who said on the floor today only $30 billion of that $225 billion was spent. If that is true, where is the rest of it? Where did it go? If it is still there, let's put it to tax relief. But the secret is that it has been put into spending.

I introduced an amendment earlier today that would have required that we use the $225 billion of the CBO revenue windfall as assumed under this budget for tax relief and deficit reduction, and to keep nondefense discretionary spending at the current freeze baseline level. My amendment called for giving back half of the $225 billion windfall to the taxpayers and then devoting the other half for deficit reduction. Again, the question is, where did that money go?

Another element of my amendment called for keeping nondefense spending at a freeze baseline level. Now, baseline budgeting has been the subject of great debates, many debates, and I will not repeat the arguments today, but let me tell you briefly why this is so important. For years, Republicans criticized the use of inflated baseline budgeting because it did not reflect the actual spending levels in terms of an increase or a cut in a program's funding. By that, they always project next year's spending to already be higher so they set a new baseline. So if we were going to spend $100 this year, the new baseline next year would be $105, so that is what they work off. If we only spend $104, the claim would be we cut the budget by $1, when actually we spent $4 more.

Now, there are claims in this budget that we will save $1 trillion in spending for the American taxpayer over the next 10 years. Now, that sounds great, doesn't it? If you go by the baseline budgeting, what they are really saying is, if we froze spending today, over the next 10 years we would spend about $16.2 trillion, but under the baseline budgeting, we are going to only spend $19.2, but we could have spent $20 trillion, so we are saving you $1 trillion. We could have spent $20 trillion, but by the baseline we will cut back.

The difference is, we are not saving $1 trillion in spending for the taxpayers. We are adding $3 trillion in new spending over the same 10 years.

It was Lee Iacocca who said if American businesses used baseline budgeting the way Congress does, "They would throw us in jail." Many of us share Iacocca's views and believe inflated baseline budgeting is a fraud and it should be ended.

During the past 2 years we have been telling the American people we would guarantee an honest accounting of our Federal budget by implementing zero-baseline budgeting. In other words, be honest. This is what we spend this year. This is what we propose to spend next year, not the baseline that we could have spent, but we are not going to spend quite that much, so we will save you money. That is like going to a sale and saying I am going to spend $100 to save $4.

We adopted zero-baseline budgeting, and Congress has produced two balanced budgets by using the freeze baseline. But the fiscal year 1998 budget resolution abandoned this policy that we had used over the last 2 years of honest accounting by reverting to inflated baseline budgeting. In my view, this is a shift, again, in the wrong direction.

Returning to the inflated baseline not only again breaks a promise to the American people but also ensures, ensures that big government will live on by allowing Washington to avoid the hard choices that it must make to eliminate wasteful programs and address our long-term fiscal imbalances. We could have met the problem head on this year. They were negotiating the budget and could have finally had to face those problems, but somehow, at the last minute, the White Knight, the CBO, with $225 billion in new projections, rode in for the rescue and Congress did not have to make any choices. They went ahead and spent all the money.

Mr. President, my amendment, as you know, was defeated by the Senate this morning. But this issue is not one that is going to go away. We must be honest with the American people, and we must, again, use zero-baseline budgeting as we promised, so we can rebuild the American people's confidence in the Government and make Congress accountable to the taxpayers.

No. 3, meaningful broad-based tax relief for working families. I have been the Senate's leading advocate of what we call meaningful broad-based tax relief for working families through an important measure such as the $500-per-child tax credit.

Rhetorically, everyone from colleagues in Congress and the President has joined me in calling for such tax relief. Once again, a closer look at this budget agreement reveals that reality does not match the rhetoric.

What does this Washington deal mean for the millions of families who would benefit from a broad-based tax cut? Proponents of the budget agreement argue that since $135 billion has been set aside on paper for tax relief, that it is good. I beg to differ, because, as with all things in Washington, there is more, or, in this case, there is less than meets the eye.

For example, when they say there is $135 billion available for tax relief, they are ignoring the fact that $50 billion of this pool will be raised through higher taxes, so, in other words, to give a tax break to some we will have to raise taxes on others. We are going to have to borrow from Peter to pay Paul. So that leaves us a net tax cut of $85 billion and someone will have to pay for the $50 billion. You can bet that someone will not be Uncle Sam.

Also consider the fact that $35 billion has already been promised away to the President for his narrowly targeted college education tax plan.

Now, as the Senate author of the broad-based tax relief for working families represented by the $500-per-child tax credit, I am deeply troubled that this Washington budget agreement dedicates too much money for narrowly targeted tax relief at the expense of broad-based tax relief. The debate over targeted versus broad-based tax relief raises the single most important question for us today, and that is the question of who decides. Targeted tax relief says Washington will decide who is going to get a tax break, how they are going to get it, and what they have to do to get that tax break. If you, as a taxpayer, want to cut, you have to do what Washington tells you to do, whereas broad-based tax relief says taxpayers can decide. If you want to use your tax cut for higher education, go ahead, for housing, go ahead, for health care, go ahead, but tax relief should not be narrowly tailored to fit the priorities set by Washington or used as a tool for social engineering purposes.

Tax relief should be as broad based as possible leaving the decisionmaking on how best to use that to the taxpayer themselves. Every household is different. Washington cannot decide.

Now, while all of us support the use of tax relief for higher education expenses, we must recognize that there are many other needs faced by working families every day that can be best met by a tax cut, and it should not be up to Washington to make those decisions. But that is what this budget agreement does by reserving $35 billion from the President's college tax deduction which benefits a few. This Washington deal takes away tax relief dollars from the child tax credit which benefits the many.

Finally, there are many other claims to those dollars remaining in the tax relief pool, including a capital gains tax cut, estate tax relief, IRA's and a host of other tax proposals. But if you start out with $135, you take away $50 in tax increases, you have $85 net. From those $85 million, the President has targeted tax relief of $35 billion, which leaves a pool of $50 billion.

To go through some of this other child tax relief, if you are going to get the full-blown tax relief you have been promised, it would be $104 billion. If you are going to get tax gains, tax reduction, it would be $24 billion; estate tax, $18 billion; IRAs, about $11 billion. What we have is about $170 billion of tax cuts promised that somehow we are going to squeeze out of a box of $50 billion. So, in other words, somebody is going to get something, but it will be a shadow. While all these ideas have merit, the competition for this ever-shrinking pool means more bad news for those of us who care about getting tax relief.

Again, we have promised working families a $500-per-child tax credit, but once you factor in all the tax hikes, special interest tax cuts, and deals that have been made a part of the budget agreement, it is easy to see that this $500-per-child tax credit could end up being nothing more than a token gesture, a promise of meaningful broad-based tax relief for working families without the dollars to back it up.

In other words, working families will be squeezed out again, a broken promise, and that is something that I cannot support.

Contrary to the claims of its proponents, this Washington budget deal is a retreat from the promises we made to the taxpayers for meaningful tax relief. As I have argued, the figures set-aside for tax relief are wholly inadequate to keep the promises we made to take from Washington and give back to the taxpayers—a fatal flaw in this budget agreement and another brush-off to the working families we are supposed to represent.

In its analysis of the budget, the Heritage Foundation concluded that "a credible plan to balance the Federal budget must result in a smaller Government that costs less and leaves much more money in the pockets of working Americans. The current budget deal not only fails these important tests, but in many cases would implement policies that are worse than taking no action at all."

The medical profession is guided by the doctrine of "First, do no harm." The American people should demand the same of their Government as it establishes the Nation's spending and tax priorities through the budget process. A budget that fails to meet even the most basic tests of honesty and common sense—and that may actually leave the Nation in a fiscal situation more perilous than the one we face today—is a budget the American taxpayers will not support. Congress and the President can, and must, do better.

In closing, let me add a final thought about this so-called balanced budget resolution.

As I stand here in this Chamber, on a day when I should be proudly telling the taxpayers of Minnesota that Congress has finally heard their pleas and produced an honest budget that reduces the size of government and offers meaningful tax relief, I am saddened and angry that I cannot.

The budget resolution passed by the Senate today is not the budget I was elected to carry out. It is not the budget a great many of my colleagues were elected to carry out. It is a budget built of concession, not of compromise, of illusion, not of reality, of whispers, not of boldness. It is a budget built like a house of cards, without a foundation, and held together by nothing but wishes and assumptions. This may be a so-called agreement between the Republicans and Democrats in Washington, but it is not the budget agreement we promised the taxpayers. It is a budget Congress hopes America will like. As you see more of the details, it will be one they don't. For this reason, it is a budget I deeply regret I cannot in good conscience support.

TRIBUTE TO JONNA LYNNE CULLEN

Mr. LOTT. Mr. President, this has been an extremely busy week for the Senate and a historic week, capped off by our work on the landmark budget resolution.

Before we finish today, and before Members return home to observe Memorial Day, I want to join my colleague, Senator COCHRAN, from Mississippi, and others who are interested in paying special tribute to a special lady. I thank my colleagues that do have time reserved to speak for giving us these few minutes to say to our good friend, and, in my case, a former colleague when I was a staff member, Jonna Lynne Cullen, and thank her for a lot of great memories and for a lot of great work and for all that she has done for our country.

I think it is appropriate that we do this at the end of this week when we have done something good for this country by passing a budget resolution that will, at last, ensure a balanced budget for the American people. It is appropriate because most of Jonna Lynne Cullen's life has been devoted to good things for her country.

She first came to Capitol Hill as a young woman. I got to know her in 1959 as a college freshman at the University of Mississippi. We were friends then. A few years later, then, in 1967, when she came to Capitol Hill, she went to work for the Rules Committee with the legendary chairman, William Colmer of Mississippi.

One year later, I joined the Congressman's staff as his administrative assistant, beginning a close working relationship with Jonna Lynne—or J.L., as we all affectionately call her—and that relationship grew as we worked on bills before the Rules Committee and we spent time in the presence of Chairman Colmer and as she worked in the Reagan administration. Through the years, our relationship and friendship has continued to grow.

Over the course of 30 years in the Nation's Capitol, J.L. has remained much as she was when we first met. Without dealing in stereotypes, it's true that she is very much a southern woman:

Gracious even in the face of rudeness, generous to a fault, ready to make others feel at ease and at home, tolerant of other's opinions but quite sure of her own, soft of heart and tough of spirit.

Last week, many Members of the House of Representatives took to the floor of the House to recount their own memories of J.L. And the recurrent theme of their recollections was how much she has helped them, in one way or another.

I remember when she worked on the Rules Committee staff. She would come back to the rail, and they would have a rule up, and she would not only watch the rule, but she worked with many of us who had various and sundry problems to try to help us get through a legislative problem or to deal with a family problem. She was sort of the mother hen in the House back in those days in the early 1970's. Senator COCHRAN and I enjoyed her friendship so much.

I can't think of a better tribute to any person than to be known by how much she helped others. And certainly that is true with J.L.

The reason she could help so many is because she really was so able. She is a master of the House rules. She not only knows every in and out of the legislative process, but she knows the people involved as well to help you get the results you are looking for. She has always had their trust, and her word was good. She has never been a part of the deplorable side of Washington that thrives on leaks or negative information or self-promotion. It is just not her style. Indeed, she represents an older tradition—maybe one she learned from Chairman Colmer in the behind-the-scenes service in which the good of the Congress and the good of the country that it leads to by its actions must come before any personal considerations, which helps to explain why she has friendships across the partisan aisle, too. She worked both sides of the aisle. She can fight someone on policy and yet respect them on principle. She has always been a winner who understands how to win the right way.

It was little wonder, then, that in January 1981 when President Ronald Reagan came into office, Jonna Lynne was asked to take charge of the Congressional Affairs Office at the Office of Management and Budget to work with then head of OMB, David Stockman, a Congressman from Michigan at that time.

That has always been an important job. But it was at a particularly critical juncture at that time, which was an extraordinary period of active legislative involvement by the President—changes in a number of laws, major tax cuts, some restraint on the budget—that really made a difference.

The President-elect and his inner circle knew they were facing a national crisis. At that time we had a sinking economy with worse ahead, raging inflation, regulatory strangulation, the Iranian hostage situation, a hollow military force, Soviet proxy aggression on three continents, and on Capitol Hill, deeply entrenched majorities from the other party with a minority in the House and the Senate—or in the House at least—of the President's party.

Today, we tend to forget just how bad things really were then or just how gloomy the future might have appeared to us at that time. The President-elect and most of his key aides were strangers to Capitol Hill. But OMB was to be the vanguard, the spearhead actually, of what we needed to accomplish. We had Jonna Lynne Cullen working at OMB, working with the House and with the Congress that she knew so well.

So to OMB she went working around the clock to help forge a governing coalition in the House.

In those days we couldn't get a majority on any vote if we didn't get around 50 Democrats. We had 180 or so Republicans—I think there were about 186—and in some instances every one of the Republicans and we had to get something over 50 Democrats to be able to win any votes. Time after time after time we won by one vote, two votes, six votes. It was scary. It was tedious. But Jonna Lynne was there helping us work both sides of the aisle to get the victories for the American people.

Much later, when the fruits of her labors came to harvest in the historic economic package that set the stage for the longest sustained economic recovery in our Nation's history, there were plenty of people around to take credit.

But Jonna Lynne is not that type. She continued to be the ultimate insider, shy of the news media but bold in her commitment to what will forever more be known as the Reagan revolution.

Even after she left the administration, she was always on call for a good cause. She handled congressional relations for Reagan's bipartisan commission on Central America— an interesting commission. Henry Kissinger was involved in that, Jack Kemp, and I think even Alan Greenspan—quite a group—Jonna Lynne, and Democrats and Republicans. They went to Central America and did a great job.

She helped develop a policy consensus that turned the tide against the Soviet and Cuban meddling in this hemisphere.

Devoted as she has always been in public service, J.L. has still a remarkable private life. Professionally, she has not only been a lobbyist but, as businesswoman, very successful with culinary skills that have led to the Pesto Plus line of food products.

Somehow she found time to paint along with her Pesto Plus products. Her botanical water colors outshine their real life subjects. With flowers, as with people, J.L. is able to look beneath the surface to bring out the hidden beauty.

It must be said that J.L. came up through the ranks of the congressional staff from the lowest entry level at a time when it was very difficult for women. Not all doors were open to them. But she opened them, not by confrontation or argument but by excellence and by hard work.

I doubt if she ever considered herself a pioneer, but, in fact, she has led the way for others, getting ahead the old-fashioned way—with strength of conviction and hard work.

Characteristically, she has translated her commitment in that area to the advancement of women in Government, and especially within the Republican Party, into positive action. She has pulled together women Members of Congress, of the media, and others to better understand and assist one another.

Of course, bringing people together like that and finding common ground on which to make progress has always been J.L.'s trademark.

A few years ago, when many of us joined together to help celebrate a milestone birthday for J.L., the walls were decorated with large blowups of photos from her childhood days and her days in college. I remembered some of them, actually. Needless to say, there had been certain changes along the way. But you could see the same openness, frankness, and sparkle, and the same zest for life in Jonna Lynne every day as in those childhood days and those pictures, too.

When illness struck J.L. several years ago, she turned even that into an opportunity for service. She gave her time and energy to fighting against cancer while waging her own individual battle in that regard. According to Senate procedure, we are not supposed to address individuals here on the Senate floor but, Mr. President, if Jonna Lynne were here with us, I would tell her what all of her many friends are trying to tell her in many different ways, and that is simply this: Thank you, J.L., for all that you have done for us and for our country. And though you are not with us in the Capitol, you will always be in our hearts.

God bless you and thank you.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I congratulate and commend my friend and colleague from Mississippi for his wonderfully eloquent statement, and for taking time, today, to pay tribute to a very special friend. Twenty-five years ago, Jonna Lynne Cullen came to my office in Jackson, MS, to congratulate me on my election to the Congress. She and my wife, Rose, along with my distinguished colleague the majority leader, were classmates at the University of Mississippi just 13 years before that. She told me, when she came to the office, all about the process of organizing the House of Representatives and offered to assist me and my staff as I began my job as the new U.S. Congressman from the Fourth Congressional District of Mississippi. Her advice and counsel to me were very helpful, and I gained more respect for her, for her insight and her knowledge, as time went on.

As a member of the staff of the House Rules Committee, she was where the action was. She was where you knew what legislation was coming up and what the process was. And she was a great source of information and encouragement for me, as someone who had never worked as a member of the staff or had been closely involved in the workings of the Congress before my election in 1972.

Her appreciation of the Congress was contagious, and so was her enthusiasm. Everyone I knew liked her. In time, her capabilities and dedication were rewarded with an offer to work at the White House. At the Office of Management and Budget, she helped guide to passage some of the most important budget reforms ever adopted. During her career as a member of the staff of the House, and in the Executive Office of the President, she was one of the most dependable, conscientious, and effective employees who has ever worked at either place.

Since then, she has been involved in a wide range of activities, most of which have been related to business or Government. She began her own business, J.L. Gourmand, Inc., to manufacture and market her Pesto Plus products. She organized women's groups to support other entrepreneurs and professional women here and around the world. She traveled to other countries to help explain to those with new democracies how best to guarantee the blessings of self-government. And she developed her considerable talent with water colors as a painter of flowers, which are collected and appreciated throughout the National Capital area and in the houses of her friends and admirers all across the country. And that is a lot of houses, because she has many friends and admirers.

All of her friends, and I am so pleased and privileged to have been one of her close friends for the past 25 years, wish we could see a modern miracle make her well because nobody could be a better or more unselfish friend than Jonna Lynne Cullen.

With our good wishes we also send to her our thanks for all she has done and all she has given to make the Congress and the country so much better off, because of her good work and her well-lived life.

Ms. SNOWE. Mr. President, I rise to join with the majority leader in paying tribute to an extraordinary woman, J.L. Cullen.

It would be accurate to say that J.L. worked for the House Rules Committee, but that wouldn't begin to capture the spirit of this wonderful person. Yes, she was an outstanding and dedicated staffer, but for those of us who have served in the House—especially women—she was so much more. She was our friend.

From my first days in the House I was privileged to know J.L. and our relationship grew from there. Her wonderful sense of humor, her warmth and her intellect made an impression on all of us, as our distinguished majority leader can attest from his days in the House.

As an unofficial morale officer, J.L. brought together women of the House of Representatives, on a number of occasions hosting my female colleagues and me for dinner at her home. I will always fondly remember dinners with J.L., NANCY JOHNSON, and Lynn Martin—for both the company and the cooking! J.L. knew her way around a kitchen as well as she knew her way around House procedure, and in fact ultimately opened up her own business selling pesto.

No matter what she did, J.L. was always gracious, always hospitable. And in the House, she quietly but effectively fostered unity and camaraderie among Members. She was there through dark days as well as the bright ones, and she was a tremendous resource for us.

When I last had the pleasure of seeing J.L. at a reception recently, despite her illness, she greeted me with her usual good cheer and humor. She is truly a remarkable person and the way in which she has handled her illness with strength and dignity is inspirational to me. J.L. is one of those rare people who lends perspective to what we do here in Washington and brings into sharp focus the things that are truly important in life.

I hope J.L. is watching us today, to see and hear our comments, Mr. President. Because I want her to know how deeply she has touched the lives of those with whom she worked. J.L. may not be a Member of Congress, but she is as much a credit to this institution as any of its finest elected officials. And she is as much a part of this Congress as any one of us who are Members.

So often, one hears of the unelected staff. For so many, they are the nameless faceless people who work in the shadow of the dome—out of the glare of public attention usually reserved for those elected to the House or Senate. J.L. Cullen is among the finest of those people. Uninterested in the spotlight, she measures her contributions solely by the lives she touches or the results she achieves.

But today, I want the public to know her name. I want them to know that she is a person without whom the people's business—the work of this institution, indeed the work of this Nation—would not have been done. And I want America to know that she has been a public servant in the very finest sense of the word.

J.L., if you're watching, please know that you are in my heart and in my prayers. You helped make this native-born Mainer feel at home in Washington, you helped me to do my job better, and you helped me to laugh along the way, too. I will forever cherish your caring and friendship, and remember your exemplary service to Congress and the Nation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am recognized for 20 minutes, is that correct?

The PRESIDING OFFICER. Under the previous order, that's correct.

Mr. DORGAN. Mr. President, I listened to my colleagues describe Jonna Lynne Cullen, and while I did not and do not know her, the description given by my two colleagues makes me, and I am sure other colleagues here in the Congress, wish we knew her. She is undoubtedly like friends that all of us have around this country, who represent the very small part of our population that gets involved and makes things happen, and truly demonstrate what good citizenship is all about.

So, while I don't know Jonna Lynne Cullen, I commend my two colleagues from Mississippi. I also wish her well because she represents what is best of America.

THE DISASTER IN NORTH DAKOTA

Mr. DORGAN. Mr. President, I want to speak just for a moment about what is happening in North Dakota, my home State, the disaster that occurred there and my disappointment, my profound disappointment that it appears that Congress will leave for the Memorial Day recess without having addressed that issue.

First, a number of us think there are important things we do from time to time. Today was important for a couple of reasons. My daughter Haley, age 7, last evening, when I arrived home at 10 o'clock, because the Congress is going late every day, asked me if I was going to be able to come to her second grade puppet show this morning. And I said of course, I wouldn't miss her second grade puppet show, because she has been talking about it for a month. So I missed the first votes this morning to go to my daughter's puppet show. While I regret I missed votes, I think I did what was most important.

Some of these choices that we make about what we must do to meet certain obligations sometimes are difficult—that is not a difficult one—because the schedule here in the Senate is kind of a difficult schedule. As the presiding officer knows, the difficulty in balancing our obligations sometimes presents significant obstacles for us. Almost every night this week we have worked very late. I have been a conferee on the supplemental appropriations bill as a Member of the Senate Appropriations Committee. We have been working day after day on that piece of legislation. We have also been working on the budget agreement.

While one of the important things I did this morning was to attend a second grade puppet show for a young girl I am enormously proud of, another important thing I did today was to cast a vote in support of a budget proposal that I think is important for this country. I have cast previous votes just like that. In 1993 I cast a vote for a budget agreement that was a tough vote. It only prevailed by one vote; one vote. The Vice President had to come to this Chamber and cast the tie-breaking vote, the deciding vote. It cut spending, increased some taxes, and people said, "If you do it, you are going to cause a depression in this country and put this country in a tailspin."

We said, I said, the President said, and those of us who voted for it said: It is important for us to do what's necessary to get this Federal deficit under control, and if the medicine is tough medicine, so be it. We are willing to support it. I voted for it and I am glad I did.

Since that time, since 1993, we have had steady economic growth. We have had lower inflation—down, down, and down for 4 years; unemployment has dropped, down, down, and down for 4 years. We have an economy that is in good shape—low unemployment, low inflation, good economic growth, and the Federal deficits have come down 75-percent since 1993. There has been a 75-percent reduction in the Federal deficit because, in 1993, we did what was the right thing to do.

My political party paid an awful price for that, as a matter of fact. Some of my colleagues who were willing to vote for that are not in this Chamber any longer. But it was the right thing to do. And now the Congress takes the second step. This one, I am pleased to say, is bipartisan. The previous one, we did not get any votes from that side of the aisle—not one. And we prevailed by one vote. Today, I am pleased to say—and I hope the American people feel some comfort—that it is a bipartisan effort. The second step is bipartisan and that makes a great deal more sense in our country, for us to be working together. Instead of trying to figure out how do you get the worst of each, maybe we ought to spend time trying to figure out how to get the best of both: How do you work together, not how do you fight each other. And this budget agreement is an agreement hammered out by the White House and by Republican and Democratic leaders in the Congress.

Is it perfect? No. Would I have done it differently, had I written it myself? Yes. Is there more to do? Sure. But is it the right thing for this country, to be saying to the American people on a bipartisan basis that fiscal responsibility is important; that your comfort about the future of this country can increase because the Congress is not going to continue to spend money it doesn't have on things it doesn't need; is not going to continue to charge what it now consumes to our kids and grandkids? That is important. And that is the second thing I did today that was important. And I am pleased I cast that vote and I expect I will remain satisfied over the years that I was a part of that effort.

But not every day has moments that are satisfying. We each make of our individual days what we choose to make of them. You can get up and have a bad attitude and be in a bad mood all day long, if you like. The one thing we are in charge of is our attitude. You can decide you are going to make something of yourself, do something good for the country; you are going to do something worthwhile for your families. Well, all of us have different ways of dealing with the days. I mentioned a couple of ways that satisfy me today, a second grade puppet show and a budget deal that I think makes sense for this country.

Let me also, if I might, describe something that causes me enormous heartache today. I have worked for weeks with colleagues here in the Senate on a disaster appropriations bill. My colleagues in the Senate, from Senator STEVENS, the chairman of that committee, to Senator BYRD, the ranking member of the committee, and so many others on the Senate Appropriations Committee have done a remarkable job, a wonderful job of creating a disaster bill that says to the people who suffer in our region of the country: We want to help you. You are not alone.

We worked day and night and one would have hoped that a bill providing disaster relief would have been enacted before the Congress takes a recess for Memorial Day. But, guess what, last evening we were told that the other body had decided it cannot provide a disaster relief bill. All of the provisions of the disaster relief in the supplemental appropriations bill are largely agreed to. They are not in controversy. There is no disagreement. So the money is agreed to. Yet, this bill that contains other issues, some of them totally unrelated to the disaster, and some of them very controversial—those are the provisions, incidentally, that have held up the bill and derailed the bill—we are told, because of those other provisions, it cannot be done. The House of Representatives, the other body, says it just will not do it.

Let me tell you why this is important and why I think it is an enormous setback for the people who are out there, waiting for disaster aid. If some do not now know, and I expect all Americans do, having watched television, about what my constituents have faced, and the constituents in Minnesota and South Dakota have faced, let me describe it again briefly: 3 years worth of snow in 3 months in North Dakota, seven to eight major blizzards closing down virtually all of the roads in the State. The last blizzard put nearly 2 feet of snow across the State of North Dakota; tens of thousands, over 100,000 head of livestock dead, 1.7 million acres of farmland inundated by water; a river not 100 yards wide becomes a lake 150 miles by 20 and 30 miles.

As that river is channeled through our cities, it reaches Grand Forks, ND, and East Grand Forks, MN, and it reaches a record level never before reached on the Red River in those two cities. And then the dike breaks in the middle of the night and the dike begins failing all across the town and the residents of East Grand Forks, MN, and Grand Forks, ND, had to flee for their lives. Many of them rushed down the street to get on a National Guard truck, with only the clothes on their back, having left everything behind in their homes. They have left their vehicles. They have left all their personal goods, and they get on a truck, or some other device, and they flee the community. In East Grand Forks, MN, 9,000 people were evacuated. The entire town was evacuated. In Grand Forks, ND, 50,000 population, 90 percent of the town evacuated.

When you tour the town next, a day or two after the dike broke, you tour it with a Coast Guard boat and the cars that were on Main Street could not be seen because the water was well above the level of those automobiles. There was nobody in town of a town of 50,000 people or a town of 9,000 people—totally evacuated.

Then a fire starts and destroys parts of several downtown blocks. One entire block is devastated, 11 major buildings in the historic district of downtown Grand Forks are destroyed and firefighters, fighting a fire chest-deep in ice cold water, suffering hypothermia, were fighting a fire in a flood, trying to get in front of a fire that destroyed part of the downtown of a city. Meantime, 4,000 people are out in an aircraft hangar at the Grand Forks Air Force Base leaving their homes now to sleep on a cot.

So we went to the Air Force base. Vice President GORE came to North Dakota. President Clinton came to North Dakota. And you see men and women and families, children out in these airplane hangars sleeping on cots, living in hangars because there was nowhere to go.

Today, weeks later, there are somewhere between 10,000 and 15,000 people in Grand Forks, ND, and East Grand Forks, MN, who are not yet back in their homes. So this morning, they woke up in a strange place. Tonight, they will go to bed in a strange place, and what of Members of Congress? They recessed for Memorial Day. It was time to go home. Oh, they had some unfinished business. One piece of unfinished business was to say to the people in Grand Forks and East Grand Forks and people in South Dakota and Minnesota that "you are not alone; here is a helping hand." We just passed a disaster bill, but the people in the other body didn't have time for that. Do you know why they didn't have time for it? They said to us yesterday, "If we had taken the disaster portions out of the supplemental appropriations bill and passed them alone, we would have lost our leverage."

What kind of leverage is it that they are talking about, do you think? The leverage to pass an amendment that they have stuck on that bill which has nothing to do with the disaster. It has to do with Government shutdowns—very controversial amendment—and has no relationship to a disaster bill. But they stuck it on there knowing they could hold hostage thousands of victims of these floods, and that is exactly what happened.

We have come to the end of this week, and the other body decided it doesn't have time; they were unwilling to pass a disaster bill.

I have been around this institution for some long while, first in the House of Representatives and now in the Senate. There is not a precedent for this. Nowhere that I know of is there a precedent for a disaster bill, when people have suffered in a region of this country, for someone else to say, "Oh, by the way, I know this is a disaster, so I am going to stick this on my agenda, and either you pass it that way or it doesn't get passed." At no time that I know of has someone in Congress said to those who suffered earthquakes in California or floods along the Mississippi in 1993 or tornadoes or fires, never have I heard the Congress say, "And, by the way, yes, we're in the business of disaster relief, but we want to stick extraneous amendments on which are controversial, and we are willing to play with the threat of a veto by a President because we're not so concerned about the victims of a disaster."

Some have said, "Well, it's not urgent; it can wait a couple of weeks." Let me describe for my colleagues why it is urgent and why what the House has done, if it continues to do it—and it looks like it will—why it is significant to the people of our region.

The money in this bill, $500 million for Community Development Block Grants, which is the most flexible money available to help rebuild and recover, cannot be made available, cannot be obligated and cannot be committed by these cities to say to those folks who lost everything, and lost their homes especially, that "here is our new floodplain, here is where we are going to buy out the homes, here is a commitment we will buy out your home, and now you can start building anew." This delays that. It delays recovery. It delays rebuilding. It delays repair. And delay is critical in our part of the country.

We have a very short construction season. This 2-week delay, 4-week delay, or 6-week delay, whatever it turns out to be, is a devastating delay to people who are not in their homes and who are awaiting answers from local officials about what will happen to the home that is already destroyed.

So, Mr. President, there is no excuse for what has happened. I want to make it clear that the Senate Appropriations Committee created a disaster portion of this bill that is a wonderful, wonderful response to the people of our region.

I commend Senator STEVENS and Senator BYRD and all of the people who worked together to do that. That is not where the problem is. They are to be complimented. The problem exists because we had some folks on the other side of the Capitol who said, "We don't care. We're leaving. We've got a plane ticket and a ride out of town."

I ask those who are now on their way, if they have the time in the next week when the Congress is on recess, to stop by Grand Forks, ND. I just finished talking to the mayor. There is a line of people outside the civic center, and every single one of them is asking, "What is happening to the funding? Do you have the ability to commit so we know if there is going to be a buyout of our house? Do you have some commitment to rebuild?" Every one of them is asking, "When will we know?"

To those who believe it is important to go on recess and ignore the needs of people in a disaster, I say, "Stop by Grand Forks and explain to those folks why that was their priority."

This disaster portion of this bill is a good portion of the bill. The Senator from Washington is here. He serves on the Senate Appropriations Committee with me. All of it with respect to disaster is now agreed to—all of it. I compliment every member of that committee because they have done a wonderful job. It simply could have been lifted out and passed so at least the disaster portion is available, because we did it and did it right. Republicans and Democrats working together did it right.

But what happened was, last evening, some folks on the other side said, "We're sorry, we're just not going to do that, we're going home." And if I sound a little angry—I guess that is probably an appropriate word to describe it. I don't think that I ought to stand here and say, "Well, that's the way the system works." I represent thousands of people who don't have a home, thousands of people who don't have much hope, thousands of people who are asking for help. And I think it is unconscionable that anyone on that side of the Capitol believes it is appropriate to leave those people high and dry without an answer, without hope, and without help.

Oh, yes, it is going to come, and when it comes, I am going to be thankful that it is there. But, between now and then, it is delayed—delay of recovery, delay of rebuilding and delay of providing hope that we should well provide to the people of that region. There hasn't been one instance since I have been in Congress that I have not been the first to say, "Sign me up" when there is an earthquake in California that devastates that region. I say it is our job, yes, our job as North Dakota taxpayers to say to them, "We want to help you."

The same is true of every region of the country that has suffered disaster. It is important for us to reach out and help, and it is especially important now when we need help for the rest of the country to do that. The Senate Appropriations Committee was prepared to do it and had written a piece to do it. Regrettably, it is Friday afternoon, and it now looks like there will be a recess without disaster aid going to people who will not be sleeping in their bed—not a hundred of them, not a thousand of them, but thousands and thousands—who the mayors of these cities say await word of when this help is coming.

I don't know if there is going to be other news today on this subject, but I hope some way is found and that this will not be the final message as this Congress leaves for the Memorial Day recess. If it is, I pledge to be on the floor the first time this Congress reconvenes to say to my colleagues that now is the time to at least pass the disaster portion of this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. LEVIN. I wonder if the Senator from Washington will yield for an inquiry as to how long he expects to be.

Mr. GORTON. The Senator from Washington will take somewhere between 10 and 15 minutes.

Mr. LEVIN. I thank the Senator.

BUDGET RESOLUTION

Mr. GORTON. Mr. President, the budget resolution which has just been adopted by this body is a remarkable achievement. It is a remarkable achievement partly because, for the first time in decades, it was adopted by a large bipartisan majority rather than as a simple partisan document. It is a remarkable achievement as well, I believe, because each of the 78 Members of this body who voted for it did so with serious reservations about substantial portions of that budget resolution. Yes, it meets the primary objective of the President and of the vast majority of Members in Congress in that it establishes policies under which the budget will, in fact, come into balance shortly after the turn of the century.

Yes, it does, in fact, limit spending and the growth of Government to a slower rate at least than would take place were we on automatic pilot.

Yes, it meets some but by no means all of the President's priorities as he outlined them in his State of the Union Address.

And, yes, it provides very real tax relief for the American people, most particularly for working American parents and their children. But those of us for whom tax relief was a major goal are unhappy because it is insufficient and because there are too many new spending programs, and those relatively indifferent to tax relief but in favor of all of the President's priorities, and more, are unhappy because there is not enough spending included in this resolution.

In the long run, however, Mr. President, I believe that it represents a triumph, or rather the culmination of a set of conflicting ideas which somehow or another have joined together to make a real success.

In 1993, along with every one of my colleagues on this side of the aisle, I opposed President Clinton's first budget in the firm belief that it would result in harm to our economy. Now, in a very real sense, we were wrong. For a group of reasons, the budget deficit did, indeed, decline and economic opportunity did, indeed, increase.

In 1995, as a part of a majority, we proposed a dramatic change in direction, a real balanced budget for the first time, genuine tax relief for the first time and major reforms in entitlement programs designed not only to help the taxpayers' pocket, but to save the future of Medicaid and of Medicare.

That resolution never became law because of the President's veto, but it did have one tremendously positive impact. For the first time, the President and a majority of his party dedicated themselves actually to balancing the budget. During the entire year during which that 1995 budget was debated, interest rates declined, it became easier and easier for the people of the United States to purchase homes, purchase automobiles, start new businesses, provide job opportunities. Only when the promise began to fail did interest rates, once again, increase.

The promise was renewed early this year, and a few short weeks ago met fruition in an agreement between the Republican leadership of both Houses and the President of the United States.

Since even the commitment to a balanced budget paid dramatic dividends in increased economic opportunity, lower unemployment and lower interest rates, the accomplishment of a balanced budget, I am convinced, Mr. President, will bring even more rewards to the American people in lower interest rates and greater opportunity, and for the first time in decades meeting our responsibility not to spend money today while sending the bills to our children and to our grandchildren.

I am convinced, in spite of my own disagreement with some of the policies in this proposal, that it will have nothing but good results with respect to the economy of the United States. Yet, Mr. President, I am convinced there are still very real troubles ahead, very real rough spots in the road.

I note that while only eight Members of the Democratic Party voted against the budget resolution, the vast majority of them voted for amendment after amendment during the course of the last 3 days that would have increased taxes and increased spending, by my own total for the amendments, by $88 billion in higher taxes and almost that amount in greater spending—direct violations of the agreement that they and the President have made with the Republican leadership.

As a consequence, I am convinced that it is important for all of us on both sides of the aisle to remember that we made a commitment to the American people in this agreement, one that was almost instantly approved by the vast majority of our citizens, and keep not just those parts of the agreement with which we agree, but those with which we disagree.

I am the chairman, Mr. President, of a subcommittee of the Appropriations Committee. The agreement includes a number of Presidential priorities that can only be funded through my subcommittee. Several of those priorities are ones with which I disagree. I think the money could be spent elsewhere better. But I do feel committed to keep those unpleasant parts of the agreement in order to reach the overall more important goals that are a part of a historic budget resolution.

So, in one sense, Mr. President, the vote a few hours ago was the culmination of a process and of a debate which has lasted for many, many years. In another sense, it is only the beginning. And unless it is taken seriously by those who support it, we still face the prospect of failing.

I am an optimist. I think that this is a new beginning, more than an ending to a long period of arid political exchanges. I look forward to working with all of my colleagues in order to make it happen.

(The remarks of Mr. GORTON pertaining to the submission of Senate Concurrent Resolution 29 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from South Carolina.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 813 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD SENATE SERVICE

Mr. DASCHLE. Mr. President, I commend the President pro tempore, the distinguished Senator from South Carolina, [Mr. THURMOND]. As we will note when we come back, the distinguished Senator from South Carolina will mark a very important day on Sunday. That day will represent the first day he will have exceeded the time that anyone has had the good fortune to serve in the Senate. He will go down in history as having served longer than any other Senator, Democratic or Republican or, for that matter, any other party that has existed in our Nation's 220-year past. I congratulate and commend him. I look forward to having more of an opportunity when we return to call attention to his remarkable record and the success he has enjoyed. It has been my good fortune to work with him. While we differ on many issues, I certainly admire the extraordinary service he has provided this country. I congratulate him and his family on this remarkable achievement this weekend.

MARY NIEDRINGHAUS: BRANDON VALLEY TEACHER OF THE YEAR

Mr. DASCHLE. Mr. President, it is my privilege today to honor Mary Niedringhaus of Brandon Valley, SD. Mary has been selected as Teacher of the Year in the Brandon Valley School District in recognition of two decades of outstanding teaching, guidance, and care that she has given the children of the community. I can think of few individuals more deserving of this prestigious award.

A fifth grade teacher at Brandon Elementary, Mary's gift is her ability to recognize and meet the needs of each of her students. She conveys an excitement for learning that her students find infectious. Whether bright or struggling, students excel in Mary's class because she genuinely believes in each of them and draws out their best efforts. After hearing Mary's lesson on importance of ladybugs to people, one little girl was so excited that later in the day she rushed to Mary and presented her with a ladybug. As she explained breathlessly, she had just rescued it from being flushed down the toilet in the girls' bathroom.

Mary holds herself and her students to the highest standards. Parents in Brandon seek to place their children in her classroom because they know that she will give them the finest education possible. Once, when planning a unit on South Dakota history for her students, Mary discovered that no good textbooks existed on the subject for grade school students. Undaunted, she developed her own curriculum based on materials she gathered on her own. Mary's curriculum is now the model used by all teachers in the Brandon Valley school district.

No remarks about Mary would be complete without mention of the deep empathy she has for others. Brandon Elementary School Principal Marv Sharkey noted that Mary, "has the knack of making parents feel like their child is the best kid in the world." Mary genuinely loves her students; I believe that this is the true source of her success as a teacher.

Finally, it seems that Mary has done as a good of job raising her children as she has teaching her students. Her daughter, Nancy Erickson, is a longtime, invaluable senior member of my staff. Mary should be deeply proud of her.

Mr. President, I commend Mary Niedringhaus for her exceptional work. Along with other district winners, she will now be considered at the State level for the South Dakota Teacher of the Year award. I wish her the best of luck as this process continues.

SUPPLEMENTAL APPROPRIATIONS

Mr. DASCHLE. Mr. President, I was not able to come to the floor as the Senator from North Dakota was expressing himself with regard to the disaster, and I know that the Presiding Officer, the Senator from Minnesota, [Mr. GRAMS], has worked long and hard to work with all of us as we have made the effort to address the extraordinary concerns, the extraordinary difficulties, and the extraordinary pain that people in Minnesota and the Dakotas have faced now for the better part of 6 months. First, the harsh winter months, cold and snow and ice in many cases precluded farmers from feeding their livestock, and in many cases caused the death of hundreds of thousands of livestock, only to be followed by floods and other spring disasters that have left many thousands of people homeless in all three States.

After visits which the President, the Vice President, the Speaker, the House majority leader and others, there was a national commitment to address this problem and to find ways in which to help these people as quickly as we possibly could. There were editorials written about the great bipartisan effort that was made in order to do all we could to address the matter in an expeditious and comprehensive manner.

I am very saddened by what has happened in the last 48 hours. I am troubled by the fact that there are those who still wish to use the effort to provide this assistance to people who need it so badly as the vehicle for an agenda that has nothing to do with the disaster, as a vehicle to address other needs, other concerns that may or may not be legitimate but have absolutely no reason for being associated with this bill, have absolutely no reason for being attached to this legislation.

I am troubled that anybody would use the kind of cynical approach to hinder our efforts to find ways with which to address this problem as quickly and as seriously as we possibly could. We have no business leaving the Senate and leaving the House under these circumstances.

I give great credit to the majority leader as he comes to the floor, because I do believe he made every effort to try to address this problem as successfully as he could. I know he has attempted to find ways in which to extract those problematic provisions from the bill. I know of his efforts yesterday. I am very disappointed that even with his efforts we failed. I also applaud the distinguished chairman of the Appropriations Committee. Senator STEVENS has done great work in attempting to find ways with which to address this problem.

So I must say, Mr. President, on a bipartisan basis I believe our body has done a great deal in attempting to avert the extraordinary calamitous circumstances that we are facing right now. It is going to be very difficult to go home, as I will, to speak to the people of Watertown, SD, not only on Memorial Day but at their high school commencement this year and explain what happened, explain why this Congress has left town without completing its work on this very important matter.

Mr. President, there are no words to describe how badly some of us feel, how frustrated, exasperated, and angered we are at these circumstances. We can only hope that upon our return, these political games and these ploys that have nothing to do with this legislation can be averted and we can deal with them far more effectively and address it in a comprehensive way. At that time, we will still, as late as it will be, give people hope that we understand their pain, that we understand their circumstance, and that we will respond as we best know how to do. It is only that hope that allows me with a very heavy heart to leave this town with our work incomplete.

Mr. President, I hope all of us will redouble our efforts as soon as we return. Let us get the job done. Let us do it right. Let us do it understanding completely how difficult a circumstance people in our States and States around the country must now face.

I yield the floor.

Mr. LOTT. Mr. President, I do have some unanimous-consent requests to make and an Executive Calendar list. First I want to say to the distinguished Democratic leader I understand his feelings and appreciate his comments. We did work to try to get through all the legislative hurdles in moving the supplemental and resolving the problems attached to it. We ran into some procedural limitations there at the end that made it impossible for us to complete it, but we need to get it done. We are going to get it done. We are going to make sure the people of the States that have had disasters are going to get the aid they need.

I have already sent a letter urging everything be done to make sure the funds continue to flow through FEMA and any other agency that has a role in providing disaster assistance, whether it is in South Dakota, North Dakota, Kentucky, or Minnesota.

When we come back, it is going to be one of the two first orders of priority. One, we have to do the budget conference report, which I think will be done very quickly, and then we can really focus on getting the supplemental completed and resolving some of the issues that are critical issues attached to it so that we can come up with a solution everybody can live with on the census question and address the roads problem and also find a way to deal with avoiding Government shutdowns in the future.

I think we can do all of those once we make up our minds to focus on it and get our minds committed to working on that effort.

EXPLANATION OF SELECTED VOTES TO THE SENATE BUDGET RESOLUTION

Mr. ABRAHAM. Mr. President, now that the budget resolution has been adopted, I wanted to take a few moments to discuss several of the more important votes that took place.

The first of these was the Hatch-Kennedy amendment. This amendment was characterized as an effort to raise cigarette excise taxes in order to provide health care for low- and moderate-income children. I take exception to that description. There was nothing in the Hatch-Kennedy amendment to ensure that the new taxes would be imposed upon cigarettes or that the additional revenues would be spent on children's health. The net effect of this amendment would have been to raise taxes by $30 billion and spending by $20 billion, period. I have several reasons for opposing an amendment of this sort.

First, I am not opposed to taxing cigarettes in order to either reduce taxes elsewhere or fund important programs, and this vote should not be interpreted as such. The net effect of this amendment, however, would be to reduce the net tax cut contained within this resolution—tax cuts targeted at families, education, and pro-growth policies—by $30 billion. The tax cut contained in this resolution is already less than 1 percent of the total Federal tax burden over the next 5 years, barely adequate to provided badly needed tax relief to families and small businesses. I believe that level is already too low, and I certainly do not support making it smaller.

Furthermore, nothing prevents Senator HATCH, as a member of the Finance Committee, from offering his proposal as part of the reconciliation process. An amendment offered in the Finance Committee to increase tobacco taxes in order to provide additional Medicaid funding for children's health insurance would be in order. I might support it. The amendment considered by the Senate Wednesday, however, does nothing to further the prospects of such an effort.

On the other hand, this amendment does expand the reconciliation instructions of the Labor Committee, where Senator KENNEDY is the ranking member. This amendment would provide the Finance Committee an additional $2 billion and the Committee on Labor a whopping $18 billion. Not withstanding the debate over taxes or children's health, there is no disagreement that both these issues belong in the Finance Committee—not Labor. The construction of this amendment appears motivated more by the jurisdictional concerns of Senator KENNEDY than a concern for children's health.

Finally, Mr. President, this amendment ignores the $16 billion already provided by the resolution for children's health insurance. Neither Senator KENNEDY nor Senator HATCH adequately explained why it was necessary to spend $36 billion for a problem the President had agreed could be addressed with $16 billion or why undermining an agreement that already addresses this problem is superior to working through the usual committee process. As was made clear during the debate, the $16 billion provided by the budget is more than enough to provide children's health insurance as requested by the President.

In summary, Mr. President, this amendment does nothing to further the cause of providing health care to America's children. It reduces the tax cuts for families and small businesses by 35 percent, it does nothing to assist the Finance Committee in its work to address this issue, and it endangers the $16 billion already provided for children's health.

I would also take this opportunity to speak about the Gramm amendment to reduce discretionary spending by $76 billion and increase the net tax cut in the resolution by a like amount. Mr. President, the Federal deficit this year will be below $70 billion for the first time in almost 20 years, largely because Congress over the past 2 years held the line on Government spending and taxation. We resisted efforts to raise spending above reasonable levels and we opposed efforts to raise the already record tax burden on American families. And while I intend to support this resolution because I believe, on balance, that it will result in a smaller, more efficient Government, I am concerned that the spending proposed by this agreement is too high, and that it plants the seeds for ever-expanding Government down the road.

How much spending does this resolution contain? For discretionary spending, this resolution spends $212 billion more than the 1995 budget resolution, $189 billion more than last year's budget resolution, $75 billion more than the moderate group's budget alternative last year, and just $16 billion less than the President's budget this year—without the triggered cuts he proposed to ensure his budget gets to balance. With regard to the Gramm amendment, the underlying resolution spends $76 billion more than the President proposed just last year. Hence, the Gramm amendment to reduce overall spending levels by $76 billion and to target that savings toward tax reduction.

Mr. President, last Congress I collaborated with a group of Senators and

Representatives to make the Federal more efficient by eliminating wasteful programs and consolidating duplicative agencies. In our work, we proposed to eliminate three Cabinet-level agencies—HUD, Commerce, and Energy. Moreover, we advocated targeting both spending and tax provisions which provided unwarranted benefits to corporations, so-called corporate welfare. The point of this effort, Mr. President, was to make the Federal bureaucracy more rational and efficient and to reduce the burden of government on Americans.

Mr. President, I believe the Gramm amendment is in line with our on-going efforts to streamline the Government and make it more responsive to Americans. The discretionary spending levels it provides—the same spending levels as supported by the President last year—are sufficient to increase funding for important programs like health research, transportation infrastructure, and insuring children while forcing Congress to turn a critical eye towards the waste and inefficiency prevalent in the Federal bureaucracy. Through my work at eliminating wasteful Government agencies, I am convinced that we can save $76 billion over 5 years by targeting corporate welfare without harming important Federal programs.

Just as important, the Gramm amendment provides significant tax relief for American families and businesses. As I said previously, the tax relief contained in the underlying budget resolution is less than 1 percent of the total Federal tax burden over the next 5 years. It is barely sufficient to provide families with a pared-down $500-per-child tax credit, a reduction on the capital gains tax rate, estate tax reform, and an expansion of IRA's.

Mr. President, the tax burden is at its highest level in American history, with the typical American family paying almost 40 percent of their income to State, local and Federal governments—more than they spend on food, clothing, and housing combined. With the Gramm amendment, the tax relief contained in this resolution would still be modest—less than 2 percent of the total tax burden—but it would allow us to fully fund the $500-per-child tax credit, cut the capital gains rate in half, provide relief from the onerous estate tax, and expand eligibility for IRA's. These are important reforms that I have been working on for my entire tenure in the Senate, and I will continue to work to provide meaningful tax relief to American families beyond the tax cuts included in this resolution.

I yield the floor.

CONCURRENT RESOLUTION ON THE BUDGET

Mr. MOYNIHAN. Mr. President, as we were voting on various matters this morning, leading to passage of the concurrent resolution on the budget for the fiscal year 1998, which I voted against, I found myself musing of the very different time just 4 years ago when a starkly divided Senate passed a far more stentorian measure than that before us today. In an interval between votes, I wrote to the members of the Finance Committee of that time:

> As we close out this embarrassing budget season, cutting taxes, increasing some spending, promising a balanced budget somewhere in the next century, it might restore a measure of self respect to recollect a not distant time when we knew better and did differently.
>
> 1993. Democrats had won the Presidency and held the Congress. The world was tranquil enough, but our finances were seemingly a wreck. In the twelve previous years the debt had quadrupled and there was no money for anything. On another occasion we can discuss how this came about: I am concerned here with what we did. The Finance Committee (with some help from others) put together and passed, in committee, on the floor, the largest package of tax increases and spending cuts in history. Our purpose was direct and avowed. To show we could govern. The more conservative our critics, the more apocalyptic the pronouncements. Ruin all round was surely at hand.
>
> In the event, we succeeded beyond imagining. The latest Monthly Treasury Statement shows a booming economy throwing off unexampled revenue. (Recall, a fortnight ago the Congressional Budget Office discovered an additional $225 billion in anticipated revenues for the next five years. Fortuitous, perhaps, but not fake.) A nice detail? Last month the Treasury paid off $65 billion in debt, the largest repayment ever.
>
> It was all done by the narrowest of margins. Bob Kerrey at the very last moment—he had wanted an even sterner measure. But we did do it. I would like to think it will not now be undone. This is not yet clear.

The contrast between the Omnibus Budget Reconciliation Act of 1993 and this legislation is illuminated by an important article that appeared in yesterday's Wall Street Journal under this headline:

> TAX ON WEALTHY IS BOOSTING U.S. REVENUE TREASURY SAYS 1993 INCREASE IS HELPING CUT THE DEFICIT

The article, by Michael M. Phillips, reports that the cataclysmic predictions of so many Republicans about the economic effects of the 1993 legislation have not been borne out. To the contrary, as a result of the 1993 act, the deficit as a percentage of GDP is at its lowest level in a quarter century, and the expansion is in its 74th month, with full unemployment and little or no inflation. The Treasury is awash with revenue. As Mr. Phillips writes:

> The inflow provides persuasive, if not conclusive, evidence in the continuing debate over the economic impact of the 1993 tax increases, which raised marginal income-tax rates to 35% from 31% on taxable incomes between $140,000 and $250,000, and to 39.6% on incomes above $250,000.

Which leads to another important point, about which I will again quote the Wall Street Journal:

> The recent flood of revenue pouring into Treasury coffers—enough to push the federal budget to a record $93.94 billion surplus for the month of April—appears to have come mostly from the nation's biggest earners, indicating that the controversial tax increase may indeed be taking from the rich.

How do we know this? Because the unexpectedly high revenue inflows have come from taxes other than those withheld by employers. These "nonwithheld" taxes are mainly paid by wealthier taxpayers, who owe taxes on other income such as stock options, bonuses, and the like. In April, according to the Monthly Treasury Statement, the Treasury took in $110.8 billion in nonwithheld revenues, almost twice what it received in 1992, before enactment of the 1993 legislation.

It fell to the Finance Committee to assemble the package of spending cuts and, yes, tax increases that would pass the Senate. It was not easy. In the end, we put the bill through without a single Republican vote. One Republican Senator declared on this floor:

> We are buying a one way ticket to a recession * * * When all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

It was not pleasant. But we were clear. On June 23, 1993, as the Senate debate on the bill was coming to a close, I put it this way:

> Why do we have to do it, Mr. President? Because after 12 years of mounting deficits and devastatingly increased debt, we are sending a message to the financial markets of the United States and of the world, which now have as much effect on our affairs in a manner never before known because of the debt we have incurred, that we are going to stop it.

We made the tough choices in 1993, and they have paid off handsomely in economic and fiscal dividends.

Now compare 1993 with what we are doing today. By failing to address the overstatement of the cost of living by the Consumer Price Index, this budget misses a historic opportunity. An accurate cost-of-living index, as recommended by the Advisory Commission to Study the Consumer Price Index appointed by the Finance Committee—the Boskin Commission—would have saved $1 trillion in 12 years, freeing us from the protracted fiscal crisis of the last two decades. Had we seized the opportunity, we could now be taking on big issues, such as the future of Medicare and Social Security. Instead, the all-consuming quest to reach balance—if only for a moment—in the year 2002 has reduced this to a series of small debates over often derisory sums.

This budget also fails to address the demographic problems facing our two biggest Federal entitlement programs, Social Security and Medicare. These are the serious issues in Federal budgeting, yet this resolution postpones the day when Congress must, inevitably, confront them. Even so, it should be recorded that a correction of 1.1 percentage points in the measurement of the cost of living would in an instant have kept Social Security in actuarial balance until the year 2052.

This resolution unwisely calls for net tax cuts of $250 billion over 10 years. Coupled with this budget's failure to address long-term entitlement spending, these tax cuts will lead us right back to giant deficits in the outyears. Preliminary estimates, which are just beginning to come in, indicate that in the second 10 years, 2008–2017, the proposed tax cuts could lose in excess of half of $1 trillion.

Even if one believes, as some do in good faith, that tax cuts are necessary and appropriate at this point, the particular tax cuts agreed to by the White House and the Republican leadership will make for poor tax policy. It is beyond any serious dispute that the proposed reductions in the rate of tax on capital gains will disproportionately go to the very wealthiest taxpayers. Likewise the estate tax relief called for in this budget will benefit a tiny fraction—less than 1.5 percent—of estates. And the proposed tax cuts for education, most thoughtful observers agree, could be better spent in ways that would demonstrably help students and their families, such as making permanent the provisions for employer-provided educational assistance.

Nor does this budget follow the spirit of the 1993 legislation in the area of deficit reduction. The provisions of the 1993 act were initially estimated to reduce the deficit by $500 billion over 5 years; in fact it reduced the deficit by nearly twice that amount. The deficit reduction in the budget before us is questionable; its balance in the year 2002 will be momentary at best. And it makes only feeble, shortsighted choices in tax and entitlement policy.

In sum, Mr. President, I voted "no" because this budget is an unworthy successor to the Omnibus Budget Reconciliation Act of 1993, which was perhaps the most consequential legislation of this decade. I ask unanimous consent that the article from the Wall Street Journal of May 22, 1997, be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX ON WEALTHY IS BOOSTING U.S. REVENUE

TREASURY SAYS 1993 INCREASE IS HELPING CUT THE DEFICIT

(By Michael M. Phillips)

WASHINGTON.—President Clinton sold the 1993 income-tax increase as a way to shrink the budget deficit at the expense of the rich.

Republican adversaries predicted it wouldn't generate much revenue because the rich would work less and take bigger deductions: Now there's growing, if still tentative, evidence that Mr. Clinton may have been right after all.

The recent flood of revenue pouring into Treasury coffers—enough to push the federal budget to a record $93.94 billion surplus for the month of April—appears to have come mostly from the nation's biggest earners, indicating that the controversial tax increase may indeed be taking from the rich. "The available data suggest the surge in tax collections has come from the taxpayers with high incomes, who were the only ones affected by the 1993 changes," says Deputy Treasury Secretary Lawrence Summers.

Corporate taxes, which were increased modestly under the 1993 law, also have brought in more revenue, but at about the level the Treasury had been predicting.

Treasury officials had expected healthy revenue growth from the tax changes all along. After all, the economy has been expanding at a steady clip and unemployment stands at 4.9% of the work force, meaning more people are taking home paychecks, making money on stock options, raking in bonuses—and giving the government its cut.

SURPRISING AMOUNTS

But the dimensions of the inflows caught officials by surprise. Individual income-tax liabilities rose about 11% in the fiscal year ended Sept. 30, 1995, and a further 12% in fiscal 1996. Data aren't yet available to prove whether those sudden increases came from the poor, the rich or those in between. Treasury officials see convincing signs, however, that upper-income Americans are behind the revenue surge.

Lower- and middle-income workers usually have their taxes withheld by their employers. Upper-income taxpayers are much more likely to receive year-end bonuses or income from exercising stock options, so they are also more likely to have to send in checks with their returns.

This year, revenues from those non-withheld taxes are running many billions of dollars above the Treasury's expectations. In April, when individual returns were due, the Treasury took in $110.8 billion in nonwithheld tax revenues, up from $89 billion in April 1996 and nearly twice the $57 billion it received in April 1992, before the tax increase took effect.

"It turned out we got more revenues than were anticipated and also more revenues than could be explained by the growth of the economy," says Eric J. Toder, an economic consultant and Mr. Clinton's former deputy assistant secretary of the Treasury for tax analysis.

BIG DEBT PAYMENT

Some of the revenue growth could be coming from individuals who are cashing in stock options. And some companies are no doubt deducting those costs from their own taxes. But, on balance, the government is taking in billions more than it had expected, and most of that is in the form of nonwithheld individual income taxes. In fact, revenues have been running so high even conservative budget watchers have reduced their five-year deficit projections by $225 billion. And last month, the Treasury announced the government would pay off $65 billion of the federal debt—the largest such payback ever and $50 billion more than officials had planned just a few months earlier.

The inflow provides persuasive, if not conclusive, evidence in the continuing debate over the economic impact of the 1993 tax increases, which raised marginal income-tax rates to 36% from 31% on taxable incomes between $140,000 and $250,000, and to 39.6% on incomes above $250,000. The law also effectively boosted Medicare taxes on high-income individuals and implemented other changes.

The package, part of the 1993 budget agreement, drew harsh criticism from the right. Texas GOP Rep. Dick Armey, who is now the House majority leader, predicted dire results. "Who can blame many second-earner families for deciding that the sacrifice of a second job is no longer worth it?" he wrote. Then-Sen. Robert Packwood, an Oregon Republican and chairman of the Senate Finance Committee, made this forecast: "I will make you this bet. I am willing to risk the mortgage on it. . . . The deficit will be up; unemployment will be up in my judgment, inflation will be up."

ARMEY PRAISES CONGRESS

Mr. Packwood later acknowledged that his prediction was wrong. A spokeswoman for Mr. Armey credits the Republican-dominated Congress, not the tax increase, for sparking economic growth and higher tax revenues.

Other doomsayers, in the face of a booming economy, have softened their predictions. But Martin Feldstein, a Harvard economist and chairman of President Reagan's Council of Economic Advisers, took a more academic approach to analyzing the tax increase he labeled "a bad mistake."

In a 1995 study, Prof. Feldstein, who counts Mr. Summers among his former students, and co-author Daniel Feenberg argued the increase had produced disappointingly little revenue—just $9 billion in 1993—while encouraging the rich to work less, deduct more and generally change their behavior to avoid paying more money to the government. In particular, couples with joint incomes of $140,000 to $180,000 were more inclined to seek larger mortgages, take more time off instead of working extra hours or otherwise reduce the amount of income they would have to report as taxable, Prof. Feldstein says.

Even now, with the Treasury flush, Prof. Feldstein contents that the tax increase has proved to be an unjustified drain on the U.S. economy. The unexpected revenue surge could be due in part to the spectacular performance of the stock market—and executives' stock options—in recent years, he says. Besides, he adds, the budget situation would have been even better without the tax boost.

That what-if question is a thorny one. Hard data aren't yet available to show whether in fact the tax increase led high-income Americans so reduce their taxable income in 1995 and 1996.

But present and former Treasury officials say the recent revenue flood has tilted the debate against Prof. Feldstein and indicates that the tax boost is probably raising large sums from the wealthy.

"The basic fact is that people looked at the 1993 budget agreement and said there'd be a recession, the deficit would go way up and that tax collections would go way down," says Mr. Summers. "What has happened is there has been a boom, the deficit has gone way down and tax collections have gone way up."

FISCAL YEAR 1998 BUDGET RESOLUTION

Mr. McCAIN. Mr. President, today I voted with the majority of my colleagues in supporting the bipartisan budget agreement embodied in the fiscal year 1998 budget resolution. While I have serious concerns about several aspects of this agreement, I am hopeful that time will prove me wrong and the American people will actually reap the benefits of permanent tax relief and deficit reduction that are promised in this agreement.

First, I want to thank my colleague, Senator DOMENICI, for his hard work and excellent management of this difficult bill. In particular, I am grateful for his cooperation and support for my amendment regarding concerns about overly optimistic estimates of revenue from the future auction of broadcast spectrum. I am committed to enacting legislation to mandate these auctions over the next 5 years, but I am very concerned that this budget assumes much greater revenues from spectrum sales than can reasonably be anticipated at this time.

Both Senator DOMENICI and I agree that spectrum auctions will raise a considerable amount of revenue for the Treasury. However, we also share the common concern that auctions depend on supply and demand, and therefore, the revenue received will undoubtedly fluctuate from today's estimates.

The amendment that Senator HOLLINGS and I offered simply states, that if the revenue from future sales falls short of the estimates in the resolution, deficit reduction targets will not be met. In that event, my amendment would require the Senate to find other savings or revenue to ensure that we stay on track in eliminating annual budget deficits by 2002. Senator DOMENICI's support for this amendment was critical to its adoption by a vote of 84 to 15. I am counting on him to work with Senator HOLLINGS and me to identify spending cuts in the event spectrum sales fall short of the revenue estimates in the resolution.

Mr. President, I have listened carefully to my colleagues who have discussed problems with the economic estimates underlying this plan. I, too, was disturbed when the Congressional Budget Office released a new estimate of future tax revenue just hours before the President and the Congressional negotiators on this balanced budget deal announced a final deal. While time may validate CBO's more optimistic estimates, the sudden announcement of an additional $225 billion in taxes was disconcerting, to say the least. While our economy's performance in recent months could very well justify a near-term revenue increase, I am concerned that the high rates of economic growth forecast into the next century might be too optimistic. More importantly, this tax windfall could hamper efforts in the near term to reduce both discretionary and mandatory Federal spending.

Mr. President, under the plan in this resolution, we will continue to carry an annual deficit for the next 4 years. Our Nation's burden of debt will increase to $6.5 trillion by the year 2002. Annual appropriations spending will continue to increase under the plan in this resolution. I hope the Congress will resist the temptation to spend up to the limits in this resolution, and will instead work to advance the date when our budget is in balance and we begin to whittle away at the national debt.

The most important and promising aspect of this resolution is its promise of permanent tax relief for Americans. The resolution sets up a procedure for swift enactment of a bill to provide tax relief that will create jobs and provide the fuel for even greater economic growth in our Nation.

The $500-per-child tax credit will give immediate and much-needed relief to middle- and low-income families. Capital gains and estate tax relief will spur investment in new enterprises and reinvestment in family and small businesses. Until this agreement, the President had been implacably opposed to these profamily and pro-small-business tax reforms. Early enactment of these tax relief measures should be the first order of business for the Congress under this agreement.

Mr. President, in the 15 years I have spent in the Congress, I have seen many plans and proposals to balance the budget. Yet, today, our Nation bears the financial burden of a $5.3 trillion debt. Yet, I voted for this plan because I remain hopeful that the Congress and the President are committed to both the letter and the spirit of the agreement reached just a few weeks ago. I look forward to working with my colleagues to enact the much-needed tax reform envisioned in this resolution and to ensure we carry out the terms of this agreement to achieve a balanced budget by the year 2002.

LOIS PALAGI

Mr. BAUCUS. Mr. President, I rise today to commend Mrs. Lois Palagi, a third grade teacher at West Elementary School in Butte. I want to recognize Lois because she has distinguished herself as one of the best and most beloved teachers in the community of Butte.

In Montana we pride ourselves on providing our children with a top notch education. And we do a great job. But that success doesn't happen by accident. All Montanans shoulder part of the responsibility. One key component of our success is Montana's dedicated and hard-working teachers.

Lois is a prime example of how teachers help our youth become some of the most competitive minds in the country. She has served her students for over 35 years. And in that time, she has taught her children the importance of discipline, respect, knowledge and wisdom. So many people have grown up under her watchful eyes to become responsible, hard-working adults because she led by example. And now she leaves behind a legacy of dedication, caring and love for teaching. She has brought great honor to her noble profession.

At the end of this school year, Lois will begin a new undertaking—retirement. She will be able to spend more time with her husband Larry, son Mark, and daughter-in-law Linda. And devote more of her time to her three grandchildren: Bob, Jessica, and little Andie Elizabeth. She will be dearly missed at West Elementary School. But I'm certain she will be heartily appreciated as she spends more time with her family.

Mr. President, it is impossible to count the number of lives that one person touches during his or her life. But I do know that in 35 years of teaching, that number is sure to be a mighty sum. I would just like to add my voice to all the others and say "Thank you, Lois."

And good luck in your retirement.

DISASTER ASSISTANCE APPROPRIATIONS

Mr. BYRD. Mr. President, I deeply regret that the other body has chosen to stand in recess for the Memorial Day break without having passed disaster assistance appropriations for the hundreds of thousands of victims of natural disasters in 33 states throughout the country. As all members are aware, yesterday afternoon the House of Representatives, by a vote of 278–67, rejected an adjournment resolution. Immediately following that vote, according to press accounts, the distinguished chairman of the Appropriations Committee, Mr. LIVINGSTON, sought recognition for the purpose of attempting to bring up a clean disaster assistance supplemental appropriation bill intended to provide sufficient and necessary assistance for a number of programs to ensure that there will be no delay in getting assistance to the victims of these natural disasters. As I understand it, the total amount of that proposal was approximately $1 billion. Had the House taken it up and passed this interim disaster assistance bill, I am certain the Senate could have done the same and the President had indicated that he would have signed it.

The larger disaster assistance supplemental bill that is in conference contains some very controversial and difficult issues which have nothing to do with providing the necessary funds for disaster victims, or with the nearly $2 billion contained in the bill for aid to our men and women in uniform around the world—particularly Bosnia—engaged in peacekeeping operations, or with the $750 million in funding for veterans compensation and pension. The conferees are in agreement, to a large extent, with the funding issues in the bill. But, these contentious, extraneous issues have slowed the progress of the conference despite the skillful and patient manner with which the distinguished chairman of the conference, Mr. LIVINGSTON, has conducted each meeting of the conferees. He has shown the ability to proceed as expeditiously as possible, while at the same time protecting all Members' rights to fully air their views on each matter before the conference. I have nothing but high praise for his leadership, as well as that of the distinguished ranking member, Mr. OBEY, or of our chairman, Senator STEVENS, as well as for all of the chairmen and ranking members of this conference who have worked many hours to resolve most of the differences in the bill. I would have preferred, as I am sure all of the conferees would have preferred, to be able to stand here today urging the Senate to adopt a completed conference agreement on H.R. 1469, the emergency disaster assistance supplemental appropriation bill.

Since, for the reasons I have stated, that was not possible, I express to the American people and particularly to the hundreds of thousands of disaster victims throughout the country, my deep regret that their elected representatives in Congress have chosen to recess for the Memorial Day holiday without having taken any action to address their desperate need for Federal assistance. At the same time, I urge them not to despair and pledge my efforts to do all that I can to work with the distinguished chairman of the committee, Mr. STEVENS, and the distinguished chairman and ranking member of the House Appropriations Committee, Mr. LIVINSTON, and Mr. OBEY, to complete final action on H.R. 1469 as quickly is as humanly possible when the conference next convenes, hopefully during the first week of June.

NATIONAL EMERGENCY MEDICAL SERVICES WEEK

Mr. BYRD. Mr. President, this week is National Emergency Medical Services Week. The people who work and volunteer in the emergency medical services field provide an invaluable service for all American citizens—they provide us with a safety net. This is necessary because regardless of how careful we try to be, we are all subject to the whims of fate. Common sense and practicality are often not enough to prevent accidents caused by the carelessness of ourselves or others. In these times of need, we rely on dedicated emergency medical services personnel. They take care of us when we cannot take care of ourselves.

I want to take this time to recognize the special disposition that a person must have to be an emergency medical service worker. These people all share common characteristics such as the desire to help, as well as the ability to feel empathy for, the people they assist. Of course, kindness and willingness to help alone are not enough. These workers must also possess the skills needed to do the job and to do it well. These skills can only be acquired through hard work and dedication. The working lives of emergency medical service workers are characterized by a lack of predictability in both content and scheduling. They have no routine to rely on. They truly must be ready for any thing at any time.

Although emergency medical service workers across the country have many things in common, they also face many different challenges and dangers every day. There are some who must fight traffic, some who fight long distances and bad roads, and some who are forced to face the fear and possibility of losing their lives in order to try and save ours. Despite all of the challenges and dangers faced by these dedicated workers, they continue to be efficient, to be dependable, and to be effective in saving lives day after day.

In a world which is fraught with peril, it comforts me to know that there are people that we can count on in our hour of need. And so, Mr. President, I am proud to recognize this week as National Emergency Medical Services week to acknowledge the important work and strong character of the dedicated emergency medical services personnel. We are fortunate to have this opportunity to show our appreciation for all of their tireless work on our behalf.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 22, 1997, the Federal debt stood at $5,344,819,275,286.24. (Five trillion, three hundred forty-four billion, eight hundred nineteen million, two hundred seventy-five thousand, seven hundred eighty-six dollars and twenty-four cents)

One year ago, May 22, 1996, the Federal debt stood at $5,117,440,000,000. (Five trillion, one hundred seventeen billion, four hundred forty million)

Five years ago, May 22, 1992, the Federal debt stood at $3,926,208,000,000. (Three trillion, nine hundred twenty-six billion, two hundred eight million)

Ten years ago, May 22, 1987, the Federal debt stood at $2,289,817,000,000. (Two trillion, two hundred eighty-nine billion, eight hundred seventeen million)

Twenty-five years ago, May 22, 1972, the Federal debt stood at $428,608,000,000 (Four hundred twenty-eight billion, six hundred eight million) which reflects a debt increase of nearly $5 trillion—$4,916,211,275,286.24 (Four trillion, nine hundred sixteen billion, two hundred eleven million, two hundred seventy-five thousand, two hundred eighty-six dollars and twenty-four cents) during the past 25 years.

HONORING ASTRONAUT JERRY LINENGER

Mr. LEVIN. Mr. President, tomorrow we will welcome home a true American hero, Eastpointe, MI native, astronaut Jerry Linenger. Jerry is returning to Earth this weekend aboard the space shuttle *Atlantis* after a 5-month mission on the Russian space station, *Mir*.

I am sure that Jerry expected his 5 months in space to provide him with innumerable opportunities and challenges, but the challenges he and his crewmates faced were way beyond expectations. They had to fix antifreeze fume leaks which threatened the space station's air supply. The oxygen-generating systems malfunctioned, forcing the crew to activate three backup oxygen canisters each day to provide them with the oxygen they needed to breathe. And, Jerry and his Russian fellow scientists had to extinguish the worst fire ever aboard an orbiting human spacecraft, an ordeal which captured the attention of millions of people in the United States, Russia and around the world. It seemed from this earthly vantage point that the 10 plagues of space travel were being visited on *Mir*—leaks, lack of oxygen, humidity, fire, temperature, excess CO_2, loss of power, lack of supplies and replacement parts, claustrophobia, and separation from family. When the space shuttle *Atlantis* recently linked up with the *Mir* space station to deliver much needed repair parts and to pick him up, Jerry may have made the understatement of the year when he remarked to its crew members that it was "nice to see you."

While the drama played out in space, Jerry Linenger's professionalism came to the fore. He continued his work on the scientific experiments he was scheduled to complete, including experiments on materials which may be used in future spacecraft, and tests on how living in space affected his immune system. He also brought his experiences home to Earth by posting letters to his son, John, on NASA's World Wide Web page, as well as by participating in the *Mir* international amateur Radio experiment. Using this new technology, Jerry linked up with a fifth grade class in Charlevoix, MI. In one of his messages to his son, Jerry explained one facet of life in space: "When running on the treadmill, we sweat. From our skin, the moisture evaporates in order to cool our bodies (By the way—those doggies you are so fascinated with use their tongues, panting, to 'sweat' and regulate their temperature). The sweat evaporates into the air. This water, along with all the other humidity in the air is condensed on cold coils (just like the outside of your cold bottle getting wet on a hot, humid day) and collected. Biocide is added, the condensate boiled, and we use it to drink or rehydrate our freeze-dried foods. Delicious.

We have all felt the joy which comes with returning home from a long trip, but there are few people alive who truly know the feeling Jerry Linenger will have after returning from 5 months orbiting the Earth. Jerry's wife, Kathryn, and young son, John, eagerly anticipate his return for many reasons, not the least of which is the fact that Kathryn is due to give birth to their second child in early June. It appears that Jerry will make it home in time.

I would like to express my deepest admiration for the accomplishments of Jerry Linenger. We can all benefit from his example of courage, perseverance and professionalism. Jerry has said that upon his return to Earth, he hopes to spend time with his family and dreams of "going up to Northern Michigan and finding an old timer that knows how to fish and doesn't like talking a lot . . . just sitting down by the stream and breathing fresh air in and the fresh water." I, for one, hope he gets that chance. I know my colleagues join me in welcoming Jerry Linenger back to Earth, and in congratulating him on a mission heroically accomplished.

REGARDING THE DEDICATION OF THE JACK SWIGERT MEMORIAL

Mr. CAMPBELL. Mr. President, today I take this opportunity to call my colleagues' attention to a historic event which occurred today in Statuary Hall, just down the hall from this chamber—the unveiling of Colorado's statue of Jack Swigert. I commend and applaud the efforts of all those Coloradans who helped to bring the Jack Swigert statue to Washington and Statuary Hall.

The inclusion of this statue would not be possible without the efforts of many Coloradans, who I would like to thank for their tireless efforts.

Among the individuals who worked on this project, the members of the Jack Swigert Memorial Commission should be mentioned for their dedication. Holly Coors, Marleen Fish, Don Friedman, Dennis Gallagher, Virginia Swigert, and Carl Williams all worked tirelessly under the chairmanship of Hal Shroyer. Has has spent 10 years on this project, and I am happy that he can see his goal achieved today.

The Arapahoe County Republican Men's Club also stands out for its large contribution. Members lobbied the State legislature and donated substantial amounts of time and money in an effort to commission the statue.

Of equal importance to the effort was Veterans of Foreign Wars Chapter 11229. It was commissioned soley for the purpose of persuading the State legislature to create the statue of Mr. Swigert and put the initiative on the ballot. Mr. Swigert was a lifelong member of VFW Post No. 1, which is the oldest VFW in the Nation founded after the Spanish-American War.

Due to the dedicated efforts of these individuals and the many others involved in this project, Jack Swigert will be remembered and honored as a true American hero with this statue we dedicate to him today. And, his statue will represent Colorado with honor and distinction here in the U.S. Capitol for generations to come.

I thank the Chair and I yield the floor.

OUTSTANDING NM SMALL BUSINESSES

Mr. BINGAMAN. Mr. President, I rise to honor New Mexico's outstanding small businesses and small business advocates as selected by the U.S. Small Business Administration. I will not be able to attend the awards luncheon but I do want to recognize the significant accomplishments of these New Mexican entrepreneurs.

NEW MEXICO SMALL BUSINESS PERSONS OF THE YEAR

The top SBA award this year goes to Mary Jean and Andrew Christiansen, owners of Elite Laundry Co. in Gallup, NM, who were selected as New Mexico Small Business Persons of the Year. The Christensen's are among the 53 top small businesses owners in the Nation who will be honored by the SBA in Washington, DC, later this year.

The Christiansens have created more than 70 jobs in a region of New Mexico that has one of the highest poverty rates in the nation. This family owned small business is also providing profit-sharing and retirement benefits, in a state where 71 percent of private sector employees have no pensions.

1997 EXPORTER OF THE YEAR

New Mexico recently received word from the Commerce Department that it has seen a 112 percent growth in exports, including a remarkable 256-percent increase in trade with Asia. These achievements would not have been possible without the hard work and savvy of business-owners such as Kimberly de Castro, the 1997 New Mexico Exporter of the Year.

Ms. de Castro is the owner of Wildflower International Ltd., in Santa Fe, which provides brokering services to foreign buyers. Based on buyers' initial inquiries, Wildflower International researches the marketplace and provides buyers with options that meet their requirements. The trade company currently exports to China, Israel, Italy and Egypt and is actively negotiating sales in Taiwan and several other Asian countries.

1997 ADVOCATE AWARD WINNERS

Small business owners and entrepreneurs need champions who believe in what they're doing and give them advice, encouragement and assistance.

Michael G. Murphy, the assistant business editor for the Albuquerque Journal, is the 1997 New Mexico Media Advocate of the Year and also the 1997 Region VI Media Advocate of the Year. Previously the editor of the Albuquerque Business Times, Mr. Murphy has reported on issues and initiatives that have been informative and useful to the small business community as well as governmental officials.

The New Mexico Women in Business Advocate of the Year is Jennifer A. Craig, regional manager of the Women's Economic Self Sufficiency Team Office in Las Cruces. WESST Corp. is a nonprofit business and technical assistance organization that focuses on women and minority entrepreneurs. Since the Las Cruces office opened in 1995, more than 250 women have received assistance and more than 50 have started or developed their own businesses.

Teresa O. Molina, a vice president of 1st New Mexico Bank in Deming, has been selected as the New Mexico Financial Services Advocate. Ms. Molina is active in SBA lending and through her efforts, 1st New Mexico Bank awarded the first SBA 504 loan in my home State.

The 1997 New Mexico Minority Small Business Advocate is Anna Muller, the owner of NEDA Business Consultants in Albuquerque. Ms. Muller was a national leader in the effort to preserve and improve the SBA 8(a) Minority Enterprise Development Program.

1997 SUBCONTRATOR AND CONTRACTOR OF THE YEAR

Dennis A. Reasner, president of Albuquerque's Darco Products, Inc., is the 1997 Region VI Subcontractor of the Year. Armando De La Paz, president and CEO of Vista Technologies, Inc., in Albuquerque is the 1997 Region VI Prime Contractor of the Year.

Small businesses are the engine of New Mexico's—and the Nation's—economic growth. I commend these small business owners and advocates for their desire and commitment to create new jobs and new economic opportunities in New Mexico. We must raise the standard of living in my State and one concrete way to accomplish this is by fostering the development of small businesses that provide good wages and good benefits for their employees.

ARLINGTON

Mr. BYRD. Mr. President, in early March of this year I received a letter from Charles R. Mariott, of Louisville, Tennessee, in which he enclosed a stirring poem, written by his wife Ruth and dedicated to Arlington Cemetery. The poem shows great talent and I want to bring it to the attention of my colleagues and to the audience of listeners throughout the country as we approach the Memorial Day weekend. It is a poem that exudes a spirit of patriotism which, I believe, will inspire all freedom loving Americans everywhere.

ARLINGTON

(By Ruth Mariott)

FIRST CANTO

I saw his name engraved in granite
in the shadow of the ivy covered oak—
a long time tenant in that sacred grove
The wind moves now and then through barren branches
A bird alights sometimes, as if by chance,
it chirps—and then flies on
All else is mute . . .

The marble tomb nearby where night and day
the sentries stand with steadfast vigilance
it bears no name.

During the changing of the guards—
at preset daytime hours—
upon command the sentries spring to life
and to action.

They walk with slow, precisely measured steps
clicking their heels at certain intervals
toeing the line invisible
across expanse of marbled ground
presenting arms and slapping rifle
Flawless in execution and procedures
flawless in bearing and attire
one is the prefect mirror of the other
down to the last detail: just so, no more, no less
Their buckles shine. The honor badge is gleaming
They are the heroes of the Old Guard Regiment

Instant obedience and discipline
thus manifest, are but reflections
of inner core of strength, ésprit and gallantry
submerging self for Cause and Greater Good,
(attained by very few)

The changing of the guard has been accomplished
The last command has been obeyed
The guard on duty now enters his station
stands at attention once again over the tomb
Tomb of the Unknown Soldier.

SECOND CANTO

The people come from far, here to these hallowed hills to witness and be cast in ceremony. They stand in silence and they stare with awe,
They think their solemn thoughts with somber eyes,
Transported by the mesmerizing ritual
into the Presence of a Greater Truth and Order
and brushed by gentle wings of Destiny,
they seem to hear faint echoes stirring from the vault of sky and time
evoking visions in their souls and puzzling memories of what? from where?
Thus paying tribute to the One Unknown
(and with him to the many like him
whose burial mounds and crosses are stretching far below The Tomb)
they sense that he who sacrificed his life
decades ago—nay centuries—was now exalted.
(and with him all the many like him)
exalting Gallantry and Loyalty, Honor and Valor.
Spectators in this Shifting scene on patriotic stage the people leave reluctantly, the Nation's Shrine still pondering.
They wander down the soddy path
They speak in muffled tones, shuffling their feet before they exit slowly through the Outer Arch.

THIRD CANTO

I saw his name engraved in granite
enlaced with ivy from the nearby tree
I plucked a sprig of living ivy
and took it home with me

Planted in a pot of earth
upon my window sill
the climbing vine has taken root
and it is greening still

Your body may be buried
you may be long since gone
but cherished memories of you
and your name live on.

I stepped out of my cabin door
and looked up at the sky
I saw a golden eagle soar
I heard the eagle cry.

The eagle soared into the sun and soon was lost from view
The spirit of the Unknown One and you.

FOURTH CANTO

Down through the corridor of Time
the eagle sounds its piercing cry
keening over all the fields
where the fallen warriors lie.

Their tattered uniforms and bones
have mouldered in their narrow grave
White crosses bear a name and date
so young—and all so brave.

Through countless wars in global spots
they fought in air, on land and sea
They paid the price, They gave their life
so others could be free.

They fought chaotic battles
to victory or defeat
and now they lie in long, long rows
orderly and neat . . .

A bugle in the sunset's glow
is sounding Taps from far away
Soon now the winds of night will blow
And tomorrow is another day.

EPILOGUE

The Stars and Stripes wave on the ridge
High above Arlington Bridge
in between are stretched the grounds
with all its heroes earthen mounds.
From up on high the spirits chide
Forever shall our flag abide
in Freedom—Honor—Valor!

RURAL HEALTH CARE PROTECTION ACT OF 1997

Mr. GRASSLEY. Mr. President, today I introduced S. 817, legislation designed to maintain rural communities' access to hospital care.

Today many rural Americans live in fear that they may lose access to local and regional hospital care. In these rural areas, where serious accidents, often related to farm equipment, are a constant threat. Access to an emergency care hospital within 35 miles can mean the difference between life and death. The ability to be referred to a major regional hospital for more specialized care can be of like importance. Congress must recognize the special needs of rural America and work to meet them. This bill is a step in the right direction.

The Rural Health Care Protection Act of 1997 focuses on providing support to Sole Community Hospitals and Rural Referral Centers. Sole Community Hospitals [SCH's] are hospitals located at least 35 miles from other hospitals and are often the sole source of emergency care or inpatient services in their areas. There are currently 728 SCH's in 46 States. There are 11 in my home State of Iowa. Rural Referral Centers [RRC's] are relatively large and specialized rural hospitals which receive referrals from community hospitals throughout a region. There are currently 142 RRC's in 39 States, including five in Iowa.

This legislation contains four proposals designed to help keep these care centers operating. First, the act would give SCH's the option of choosing an updated fiscal year 1994-95 base year for Medicare funding instead of the outdated base years which they must currently use. Second, the act would permanently grandfather as an RRC any hospital that has previously qualified as an RRC. Third, the act would exempt the RRC's from the statewide rural wage index threshold for geographic reclassification. Finally, the bill would allow rural hospitals that meet the reclassification criteria to be reclassified as urban hospitals for purposes of disproportionate share hospital [DSH] payment adjustments.

This bill would help ensure that rural Americans maintain access to these essential care centers. I ask my colleagues on both sides of the aisle to join me in support of this measure.

MEASURE RETURNED TO CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 27 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING PRINTING OF PUBLICATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 90 submitted earlier today by Senators BYRD, COVERDELL and CLELAND.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows.

A resolution (S. Res. 90) authorizing the printing of the publication entitled "Dedication and Unveiling of the Statue of Richard Brevard Russell, Jr."

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 90) was agreed to, as follows:

S. RES. 90

Resolved,

SECTION 1. PRINTING OF THE PUBLICATION ENTITLED "DEDICATION AND UNVEILING OF THE STATUE OF RICHARD BREVARD RUSSELL, JR.".

(a) IN GENERAL.—There shall be printed as a Senate document the publication entitled

"Dedication and Unveiling of the Statue of Richard Brevard Russell, Jr.", prepared by the office of Senate Curator under the supervision of the Secretary of the Senate, with the concurrence of the United States Senate Commission on Art.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies for the use of the Senate, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $1,200.

RELIEF FOR THE MEILI FAMILY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 768 which was reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 768) for the relief of Michael Christopher Meili, Guiseppina Meili, Mirjam Naomi Meili, and Davide Meile.

Mr. LOTT. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 768) was passed, as follows:

S. 768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The actions of Swiss banks and their relations with Nazi Germany before and during World War II and the banks' actions after the war concerning former Nazi loot and heirless assets placed in the banks before the war have been the subject of an extensive and ongoing inquiry by the Committee on Banking, Housing, and Urban Affairs of the Senate and a study by a United States interagency group.

(2) On January 8, 1997, Michel Christopher Meili, while performing his duties as a security guard at the Union Bank of Switzerland in Zurich, Switzerland, discovered that bank employees were shredding important Holocaust-era documents.

(3) Mr. Meili was able to save some of the documents from destruction and then turned them over to the Jewish community in Zurich and to the Swiss police.

(4) Following Mr. Meili's disclosure of the destruction of the Holocaust-era documents, Mr. Meili was suspended and then terminated from his job. He was also interrogated by the local Swiss authorities who tried to intimidate him by threatening prosecution for his heroic actions.

(5) Since this disclosure, Mr. Meili and his family have been threatened and harassed, and have received many death threats. Mr. Meili also received a hand-delivered note threatening the kidnapping of his children in return for the "Jewish money" he would receive for his actions, and urging him to emigrate to the United States or be killed.

(6) Because of his courageous actions, Mr. Meili and his family have suffered economic hardship, mental anguish, and have been forced to live in fear for their lives.

SEC. 2. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 3. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

COMMEMORATION OF THE BICENTENNIAL OF THE LEWIS AND CLARK EXPEDITION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 61, Senate Resolution 57.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows.

A resolution (S. Res. 57) to support the commemoration of the bicentennial of Lewis and Clark Expedition.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the resolution intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic.)

S. RES. 57

Whereas the Expedition commanded by Meriwether Lewis and William Clark, which came to be called "The Corps of Discovery", was one of the most remarkable and productive scientific and military exploring expeditions in all American history;

Whereas President Thomas Jefferson gave Lewis and Clark the mission to ". . . explore the Missouri River & such principal stream of it, as, by its course and communication with the waters of the Pacific ocean, whether the Columbia, Oregon, Colorado or any other river may offer the most direct & practicable water communication across this continent for the purposes of commerce. . .";

Whereas the Expedition, in response to President Jefferson's directive, greatly advanced our geographical knowledge of the continent and prepared the way for the extension of the American fur trade with Indian tribes throughout the area;

Whereas President Jefferson directed the explorers to take note of and carefully record the natural resources of the newly acquired territory known as Louisiana, as well as diligently report on the native inhabitants of the land;

Whereas Lewis and Clark and their companions began their historic journey to explore the uncharted wilderness west of the Mississippi River at Wood River, Illinois on May 14, 1804, and followed the Missouri River westward from its mouth on the Mississippi to its headwaters in the Rocky Mountains;

Whereas the Expedition spent its first winter at Fort Mandan, North Dakota, crossed the Rocky Mountains by horseback in August 1805, reached the Pacific Ocean at the mouth of the Columbia river in mid-November of that year, and wintered at Fort Clatsop, near the present city of Astoria, Oregon;

Whereas the Expedition returned to St. Louis, Missouri, on September 23, 1806, after a 28-month journey covering 8,000 miles during which it traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon;

Whereas the explorers faithfully followed the President's directives and dutifully recorded their observations in their detailed journals;

Whereas these journals describe many plant and animal species, some completely unknown to the world of science or never before encountered in North America, and added greatly to scientific knowledge about the flora and fauna of the United States;

Whereas accounts from the journals of Lewis and Clark and the detailed maps that were prepared by the Expedition enhanced knowledge of the western continent and routes for commerce;

Whereas the journals of Lewis and Clark documented diverse American Indian languages, customs, religious beliefs, and ceremonies; as Lewis and Clark are important figures in American history, so too are Black Buffalo, Cameahwait, **[**Sacajawea, Sheheke and Watkueis;**]** *Sacagawea, Sheheke, Watkueis, Twisted Hair, Tetoharsky, Yellept, and Comowool*;

Whereas the Expedition significantly enhanced amicable relations between the United States and the autonomous Indian nations, and the friendship and respect fostered between the Indian tribes and the Expedition represents the best of diplomacy and relationships between divergent nations and cultures;

Whereas the Native American Indian tribes of the Northern Plains and the Pacific Northwest played an essential role in the survival and the success of the Expedition;

Whereas the Lewis and Clark Expedition has been called the most perfect Expedition of its kind in the history of the world and paved the way for the United States to become a great world power;

Whereas the President and the Congress have previously recognized the importance of the Expedition by establishing a 5-year commission in 1964 to study its history and the route it followed, and again in 1978 by designating the route as the Lewis and Clark National Historic Trail administered by the Secretary of the Interior through the National Park Service; and

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups are preparing commemorative activities to celebrate the bicentennial of the Expedition beginning in 2003: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the work of [the] *the Lewis and Clark Trail Heritage Foundation, the* National Lewis and Clark Bicentennial Council and all the Federal, State, and local entities as well as other interested groups that are preparing bicentennial activities to celebrate the 200th anniversary of the Lewis and Clark Expedition during the years 2004 through 2006;

(2) expresses its support for the events to be held in observance of the Expedition at St. Louis, Missouri in 2004 and Bismarck, North Dakota in 2005, and many other cities during the bicentennial observance; and

(3) calls upon the President, the Secretary of the Interior, the Director of the National Park Service, American Indian tribes, other public officials, and the citizens of the United States to support, promote, and participate in the many bicentennial activities being planned to commemorate the Lewis and Clark Expedition.

Mr. DORGAN. Mr. President, today we are considering Senate Resolution 57, a resolution commemorating the bicentennial of the Lewis and Clark Expedition.

The resolution asks public officials and other citizens to support, promote, and participate in the many bicentennial activities celebrating the Lewis and Clark Expedition. The resolution also expresses its support for the events to be held in observance of the expedition at St. Louis, MO, in 2004, at Bismarck, ND, in 2005, in Hohenwald, TN, at the Meriwether Lewis National Monument, and in many cities during the bicentennial celebration. It further commends the work of the National Lewis and Clark Bicentennial Council, Lewis and Clark Trail Heritage Foundation, public and private groups, and individuals that are preparing bicentennial activities to celebrate the 200th anniversary of the Lewis and Clark Expedition during the years 2004 through 2006.

Senate Resolution 57 notes that the Lewis and Clark Expedition was one of the most remarkable and productive scientific and military expeditions in American history. President Thomas Jefferson directed that scientific, biological, geographic, and ethnographic information about the territory west of the Mississippi be gathered and reported. In "Undaunted Courage," Stephan E. Ambrose wrote that President Jefferson directed that the first purpose of the expedition was "to find the shortest & most convenient route of communication between the U.S. and the Pacific ocean, within the temperate latitudes."

After months of preparing for the journey into unknown territory, including learning celestial navigation, gathering equipment, and choosing men for the expedition, Meriwether Lewis and and his co-captain William Clark began their journey west of the Mississippi at Wood River, IL, on May 14, 1804. The 40-person expedition wintered near Fort Mandan, ND, reached Fort Clatsop on the Pacific Ocean near present day Astoria, OR, and returned to St. Louis, MO, on September 23, 1806. Their 28-month journey covered 8,000 miles and traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon.

The maps prepared on the expedition and the journals kept by Meriwether Lewis and William Clark carefully document their discoveries. The Lewis and Clark Expedition encountered and documented diverse American Indian people, languages, customs, religious beliefs, and ceremonies. The native American Indian tribes of the Northern Plains and the Pacific Northwest played an essential role in the survival and success of the Lewis and Clark Expedition.

On their safe return to St. Louis, Lewis and Clark reported to Jefferson:

> In obedience to your orders we have penetrated the Continent of North America to the Pacific Ocean, and sufficiently explored the interior of the country to affirm with confidence that we have discovered the most practicable rout (sic) which does exist across the continent by means of the navigable branches of the Missouri and Columbia Rivers.

The National Park Service [NPS] also observes that:

> The Lewis and Clark Expedition was one of the most dramatic and significant episodes in the history of the United States. It stands, incomparably, as our Nation's epic in documented exploration of the American West. During 1804–06, it carried the destiny, as well as the flag, of our young Nation westward from the Mississippi across thousands of miles of uncharted lands to the Pacific Ocean.

NPS goes on to say that:

> In its scope and achievements, the Expedition towers among the major explorations in the history of the world. Its findings contributed vital new knowledge concerning the resources and inhabitants of the lands west of the Mississippi River. The resulting geopolitical impact of the mission had far-reaching effects upon international boundaries and relations.

The President and the Congress have previously recognized the importance of the Lewis and Clark Expedition by establishing a 5-year commission in 1964 to study the history and route of the expedition, and again in 1978 by designating the route as the Lewis and Clark National Historic Trail administered by the Secretary of the Interior through the National Park Service.

Also, this resolution, which recognizes American heroes of the past, will help to bring history alive and enhance tourism along the Lewis and Clark trail. In North Dakota, the Lewis and Clark Visitor Center will celebrate its grand opening and dedication with activities June 6–8, 1997, in Washburn, so I appreciate that the Energy and Natural Resources Committee has advanced this resolution in a timely way.

I appreciate the support of the National Park Service and my colleagues in celebrating the bicentennial of the Lewis and Clark Expedition. I particularly appreciate as cosponsors Senators MURKOWSKI, BUMPERS, THOMAS, CRAIG, AKAKA, SMITH of Oregon, GORTON, JOHNSON, CONRAD, BURNS, REID, THOMPSON, DASCHLE, FRIST, KERREY, BOND, MURRAY, COCHRAN, MOSELEY-BRAUN, ASHCROFT, and COVERDELL.

Mr. President, I urge all members of the Senate to vote in favor of Senate Resolution 57.

Mr. LOTT. I ask unanimous consent that the committee amendments be agreed to, the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution (S. Res. 57), as amended, with its preamble, read as follows:

S. RES. 57

Whereas the Expedition commanded by Meriwether Lewis and William Clark, which came to be called "The Corps of Discovery", was one of the most remarkable and productive scientific and military exploring expeditions in all American history;

Whereas President Thomas Jefferson gave Lewis and Clark the mission to ". . . explore the Missouri River & such principal stream of it, as, by its course and communication with the waters of the Pacific ocean, whether the Columbia, Oregon, Colorado or any other river may offer the most direct & practicable water communication across this continent for the purposes of commerce . . .";

Whereas the Expedition, in response to President Jefferson's directive, greatly advanced our geographical knowledge of the continent and prepared the way for the extension of the American fur trade with Indian tribes throughout the area;

Whereas President Jefferson directed the explorers to take note of and carefully record the natural resources of the newly acquired territory known as Louisiana, as well as diligently report on the native inhabitants of the land;

Whereas Lewis and Clark and their companions began their historic journey to explore the uncharted wilderness west of the Mississippi River at Wood River, Illinois on May 14, 1804, and followed the Missouri River westward from its mouth on the Mississippi to its headwaters in the Rocky Mountains;

Whereas the Expedition spent its first winter at Fort Mandan, North Dakota, crossed the Rocky Mountains by horseback in August 1805, reached the Pacific Ocean at the mouth of the Columbia River in mid-November of that year, and wintered at Fort Clatsop, near the present city of Astoria, Oregon;

Whereas the Expedition returned to St. Louis, Missouri, on September 23, 1806, after a 28-month journey covering 8,000 miles during which it traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon;

Whereas the explorers faithfully followed the President's directives and dutifully recorded their observations in their detailed journals;

Whereas these journals describe many plant and animal species, some completely unknown to the world of science or never before encountered in North America, and added greatly to scientific knowledge about the flora and fauna of the United States;

Whereas accounts from the journals of Lewis and Clark and the detailed maps that were prepared by the Expedition enhanced knowledge of the western continent and routes for commerce;

Whereas the journals of Lewis and Clark documented diverse American Indian languages, customs, religious beliefs, and ceremonies; as Lewis and Clark are important figures in American history so too are Black Buffalo, Cameahwait, Sacagawea, Sheheke, Watkueis, Twisted Hair, Tetoharsky, Yellept, and Comowool;

Whereas the Expedition significantly enhanced amicable relations between the United States and the autonomous Indian nations, and the friendship and respect fostered between the Indian tribes and the Expedition represents the best of diplomacy and relationships between divergent nations and cultures;

Whereas the Native American Indian tribes of the Northern Plains and the Pacific Northwest played an essential role in the survival and the success of the Expedition;

Whereas the Lewis and Clark Expedition has been called the most perfect Expedition of its kind in the history of the world and paved the way for the United States to become a great world power;

Whereas the President and the Congress have previously recognized the importance of the Expedition by establishing a 5-year commission in 1964 to study its history and the route it followed, and again in 1978 by designating the route as the Lewis and Clark National Historic Trail administered by the Secretary of the Interior through the National Park Service; and

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups are preparing commemorative activities to celebrate the bicentennial of the Expedition beginning in 2003: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the work of the Lewis and Clark Trail Heritage Foundation, the National Lewis and Clark Bicentennial Council and all the Federal, State, and local entities as well as other interested groups that are preparing bicentennial activities to celebrate the 200th anniversary of the Lewis and Clark Expedition during the years 2004 through 2006;

(2) expresses its support for the events to be held in observance of the Expedition at St. Louis, Missouri in 2004 and Bismarck, North Dakota in 2005, and many other cities during the bicentennial observance; and

(3) calls upon the President, the Secretary of the Interior, the Director of the National Park Service, American Indian tribes, other public officials, and the citizens of the United States to support, promote, and participate in the many bicentennial activities being planned to commemorate the Lewis and Clark Expedition.

AUTHORIZING PRODUCTION OF DOCUMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 91 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 91) to authorize the production of records by the Select Committee on Intelligence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the Select Committee on Intelligence has received a request from the inspector general of the Department of Justice for copies of certain committee records relevant to the inspector general's pending inquiry into allegations of involvement by the Central Intelligence Agency in crack cocaine trafficking with supporters of the Nicaraguan Contras.

It is anticipated that other Senate committees may receive similar requests for documents in the future.

This resolution would authorize the chairman and vice chairman of the Intelligence Committee, acting jointly, to provide committee records in response to this request, utilizing appropriate security procedures. This resolution would also authorize the chairman and ranking member of other Senate committees, acting jointly, to provide relevant records of such committees in response to similar requests without the necessity of further Senate action.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 91

Whereas, the Office of the Inspector General of the United States Department of Justice has requested that the Select Committee on Intelligence provide it with copies of committee records relevant to the Office's pending review of matters related to allegations of Central Intelligence Agency involvement in crack cocaine trafficking with supporters of the Nicaraguan Contras;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate; Now, therefore, be it

Resolved, That the chairman and vice chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the Office of Inspector General of the United States Department of Justice or to other government investigators, under appropriate security procedures, copies of committee records related to allegations of Central Intelligence Agency involvement in crack cocaine trafficking with supporters of the Nicaraguan Contras.

SEC. 2. That the chairman and ranking minority member of any other committee of the Senate, acting jointly, are authorized to provide to the Office of Inspector General of the United States Department of Justice or to other government investigators, under appropriate security procedures, copies of records held by their committee related to allegations of Central Intelligence Agency involvement in crack cocaine trafficking with supporters of the Nicaraguan Contras.

PROCLAIMING A NATIONWIDE MOMENT OF REMEMBRANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 76 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 76) proclaiming a nationwide moment of remembrance to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 360

(Purpose: To clarify the designated time for a moment of remembrance)

Mr. LOTT. Senator THURMOND has an amendment to the resolution at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. THURMOND, proposes an amendment numbered 360:

On page 2, lines 5 and 6, strike "Standard" and insert "Daylight".

Mr. LOTT. I ask unanimous consent the amendment be agreed to, the resolution be agreed to, as amended, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 360) was agreed to.

The resolution (S. Res. 76), as amended, was agreed to, as follows:

S. RES. 76

Whereas the preservation of basic freedoms and world peace has always been a valued objective of this great country;

Whereas thousands of American men and women have selflessly given their lives in service as peacemakers and peacekeepers;

Whereas greater strides should be made to demonstrate the appreciation and gratitude these loyal Americans deserve and to commemorate the ultimate sacrifice they made;

Whereas Memorial Day is the day of the year for the Nation to appropriately remember American heroes by inviting the citizens of this Nation to respectfully honor them at a designated time; and

Whereas the playing of "Taps" symbolizes the solemn and patriotic recognition of those Americans who died in service to our Country: Now, therefore, be it

Resolved, That the Senate requests that—

(1) a nationwide moment of remembrance be observed on Memorial Day, May 26, 1997, by the simultaneous pausing of all citizens to acknowledge the playing of "Taps" at 3:00 p.m. (Eastern Standard Time) in honor of the Americans that gave their lives in the pursuit of freedom and peace; and

(2) the President issue a proclamation calling upon the departments and agencies of the United States and interested organizations, groups, and individuals to participate in and promote this nationwide tribute to the dedicated American men and women who died in the pursuit of freedom and peace.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed immediately to executive session to consider the following nominations on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Calendar 43 through 48, 50, 51, 67, 68, 71, 72, 90 through 93, 98 through 103, 105, 106, 107, 109, 110, 111, 116 through 120, and 125; and all nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Navy, and Public Health Service. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Donna Holt Cunninghame, of Maryland, to be Chief Financial Officer, Corporation for National and Community Service, (New Position), to which position she was appointed during the last recess of the Senate.

NATIONAL COUNCIL ON DISABILITY

Dave Nolan Brown, of Washington, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arthur I. Blaustein, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Lorraine Weiss Frank, of Arizona, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Susan Ford Wiltshire, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Nathan Leventhal, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

NATIONAL INSTITUTE FOR LITERACY

Jon Deveaux, of New York, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 12, 1998.

NATIONAL MEDIATION BOARD

Magdalena G. Jacobsen, of Oregon, to be a Member of the National Mediation Board for a term expiring July 1, 1999.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

Judith M. Espinosa, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of 4 years.

FARM CREDIT ADMINISTRATION

Ann Jorgenson, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 21, 2002.

Lowell Lee Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

DEPARTMENT OF COMMERCE

Andrew J. Pincus, of New York, to be General Counsel of the Department of Commerce.

DEPARTMENT OF TRANSPORTATION

Triruvarur R. Lakshmanan, of New Hampshire, to be Director of the Bureau of Transportation Statistics, Department of Transportation, for the term of 4 years.

EXECUTIVE OFFICE OF THE PRESIDENT

Jerry M. Melillo, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

Kerri-Ann Jones, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF EDUCATION

Donald Rappaport, of the District of Columbia, to be Chief Financial Officer, Department of Education.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Hans M. Mark, of Texas, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 2002.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

Anthony R. Sarmiento, of Maryland, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Susan E. Trees, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Marsha Mason, of New Mexico, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

DEPARTMENT OF EDUCATION

Gerald N. Tirozzi, of Connecticut, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

DEPARTMENT OF STATE

Stuart E. Eizenstat, of Maryland, to be an Under Secretary of State.

Thomas R. Pickering, of New Jersey, to be an Under Secretary of State.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Karen Shepherd, of Utah, to be United States Director of the European Bank for Reconstruction and Development.

DEPARTMENT OF STATE

Letitia Chambers, of the District of Columbia, to be a Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

James Catherwood Hormel, of California, to be an Alternate Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Prezell R. Robinson, of North Carolina, to be an Alternate Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

DEPARTMENT OF TRANSPORTATION

Kenneth M. Mead, of Virginia, to be Inspector General, Department of Transportation.

IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John W. Handy, 5379

IN THE ARMY

The following-named officers for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203;

To be major general

Brig. Gen. James W. Darden, 9470
Brig. Gen. Michael E. Dunlavey, 5989
Brig. Gen. Michael T. Gaw, 4600
Brig. Gen. George O. Hillard, III, 4458

To be brigadier general

Col. Richard W. Hammond, 7849
Col. John R. Tindall, Jr., 1967
Col. Gary C. Wattnem, 0832

IN THE MARINE CORPS

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Terry L. Paul, 9262

IN THE NAVY

The following-named officers for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral

Rear Adm. (lh) Joan M. Engel, 2153

Rear Adm. (lh) Jerry K. Johnson, 6030

GENERAL SERVICES ADMINISTRATION

David J. Barram, of California, to be Administrator of General Services.

IN THE AIR FORCE, ARMY, FOREIGN SERVICE, NAVY PUBLIC HEALTH SERVICE

Air Force nominations beginning Neal A Andren, and ending Randall C Zernzach, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 1997.

Army nominations beginning James A. Adkins, and ending Abraham P. Zimelman, which nominations were received by the Senate and appeared in the Congressional Record of April 25, 1997.

Foreign Service nominations beginning Kathleen Therese Austin, and ending Ronda S. Zander, which nominations were received by the Senate and appeared in the Congressional Record of February 13, 1997.

Foreign Service nominations beginning Kenton W. Keith, and ending Terrence W. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record of February 13, 1997.

Foreign Service nominations beginning Daniel B. Conable, and ending Francis J. Tarrant, which nominations were received by the Senate and appeared in the Congressional Record of February 13, 1997.

Foreign Service nominations beginning Kenneth P. Moorefield, and ending James Wilson, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 1997.

Foreign Service nominations beginning Susan B. Aramayo, and ending Robert S. Morris, which nominations were received by the Senate and appeared in the Congressional Record of April 25, 1997.

Navy nominations beginning Thomas P. Yavorski, and ending Robert J. Barton, III, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 1997.

Navy nominations beginning Craig L Herrick, and ending William F Conroy, II, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 1997.

Public Health Service nominations beginning Dan L Longo, and ending Christopher R Walsh, which nominations were received by the Senate and appeared in the Congressional Record of January 30, 1997.

Public Health Service nominations beginning Larry J Anderson, and ending John N Zey, which nominations were received by the Senate and appeared in the Congressional Record of January 30, 1997.

Mr. LOTT. I do note, Mr. President, that I have discussed this with Senator DASCHLE and this substantially cleans the Executive Calendar. There are a few remaining, but they are awaiting companion nominations or have problems that I think we may resolve soon after we get back. This is a major list of nominations that are being confirmed this afternoon. I am glad we were able to work out the difficulties.

NOMINATIONS OF ANN JORGENSEN AND LOWELL JUNKINS

Mr. LUGAR. Mr. President, I support the nomination of Ann Jorgensen to the Farm Credit Administration Board of Directors and Lowell Junkins to the Farmer Mac Board of Directors. Both nominees appeared before the Agriculture Committee on April 10 and both were favorably reported out of committee on April 15 by unanimous vote.

The Farm Credit System is an important source of agricultural credit for rural America. The system is regulated by the Farm Credit Administration, which has had a vacancy on its three-member Board since March 31, 1995. I am pleased that after that long vacancy we have a qualified nominee to complete the board. Ms. Jorgensen has a distinguished career in farming, entrepreneurship, and public service and will serve ably as an FCA board member.

Farmer Mac was created by Congress in 1988 to promote a secondary market in farm real estate loans. The Farm Credit System Reform Act of 1996 provided Farmer Mac with additional authorities to develop a successful secondary market. The future of Farmer Mac will be determined in the next 2 years. It is important that qualified individuals serve on the board to help move Farmer Mac toward a successful secondary market for agricultural loans.

Mr. Junkins has served as a recess appointee to the Farmer Mac Board of Directors since April 1996. Mr. Junkins was also spoken highly of by the distinguished ranking member of the Agriculture Committee, Senator HARKIN, Senator GRASSLEY, and Congressman BOSWELL.

Ann Jorgensen and Lowell Junkins are well qualified and should be confirmed by the Senate to the Farm Credit Administration Board and the Farmer Mac Board respectively. I urge my colleagues to vote for their nomination.

LEGISLATIVE SESSION

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1974. A communication from the Acting Chair of the Federal Subsistence Board, transmitting, pursuant to law, a rule entitled "Subsistence Management Regulations" (RIN1018–AD90) received on May 21, 1997; to the Committee on Energy and Natural Resources.

EC–1975. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Reservists' Education" (RIN2900–AI54) received on May 20, 1997; to the Committee on Veterans' Affairs.

EC–1976. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "The Forfeiture Act of 1997"; to the Committee on the Judiciary.

EC–1977. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Regulation C" received on May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1978. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, five rules including a rule entitled "Manufactured Housing" (FR–4106, 4080, 4223, 4108, 4166) received on May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 462. A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes (Rept. No. 105–21).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 507. A bill to establish the United States Patent and Trademark Organization as a Government corporation, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself and Mr. ENZI):

S. 799. A bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. KYL, Mr. BROWNBACK, Mr. ASHCROFT, Mr. SESSIONS, Mr. HUTCHINSON, Mr. FAIRCLOTH, and Mr. ALLARD):

S. 800. A bill to create a tax cut reserve fund to protect revenues generated by economic growth; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April

11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRAHAM (for himself, Mr. FAIRCLOTH, and Mr. HUTCHINSON):

S. 801. A bill to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 802. A bill to provide for the retention of the name of the mountain at the Devils Tower National Monument in Wyoming known as "Devils Tower", and for other purposes; to the Committee on Energy and Natural Resources..

By Mr. THURMOND (for himself and Mr. MURKOWSKI):

S. 803. A bill to permit the transportation of passengers between United States ports by certain foreign-flag vessels and to encourage United States-flag vessels to participate in such transportation; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. LUGAR, Mrs. FEINSTEIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. LIEBERMAN, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 804. A bill to restrict foreign assistance for countries providing sanctuary to indicted war criminals who are sought for prosecution before the International Criminal Tribunal for the former Yugoslavia; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 805. A bill to reform the information technology systems of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN (for himself and Mr. CAMPBELL):

S. 806. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Finance.

S. 807. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Finance.

S. 808. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Finance.

S. 809. A bill to amend the Internal Revenue Code of 1986 to exempt from income taxation income derived from natural resources activities by a member of an Indian tribe directly or through a qualified Indian entity; to the Committee on Finance.

By Mr. ABRAHAM (for himself and Mr. DEWINE):

S. 810. A bill to impose certain sanctions on the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

By Mr. FORD:

S. 811. A bill for the relief of David Robert Zetter, Sabina Emily Seitz, and their son, Daniel Robert Zetter; to the Committee on the Judiciary.

By Mr. KOHL:

S. 812. A bill to establish an independent commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on Rules and Administration.

By Mr. THURMOND (for himself and Mr. McCAIN):

S. 813. A bill to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries; to the Committee on Veterans Affairs.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 814. A bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GORTON, and Mrs. MURRAY):

S. 815. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Finance.

By Mr. CRAIG:

S. 816. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 817. A bill to amend title XVIII of the Social Security Act to permit classification of certain hospitals as rural referral centers, to permit reclassification of certain hospitals for disproportionate share payments, and to permit sole community hospitals to rebase Medicare payments based upon fiscal year 1994 and 1995 costs; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 818. A bill to improve the economic conditions and supply of housing in Native American communities by creating the Native American Financial Services Organization, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. COVERDELL, and Mr. CLELAND):

S. Res. 90. A resolution authorizing the printing of the publication entitled "Dedication and Unveiling of the Statue of Richard Brevard Russell, Jr."; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 91. A resolution to authorize the production of records by the Select Committee on Intelligence; considered and agreed to.

By Mr. LAUTENBERG:

S. Res. 92. A resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day"; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. Res. 93. A resolution designating the week beginning November 23, 1997, and the week beginning on November 22, 1998, as "National Family Week", and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER:

S. Res. 94. A resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health"; to the Committee on the Judiciary.

By Mr. GORTON:

S. Con. Res. 29. A concurrent resolution recommending the integration of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

By Mr. HELMS (for himself and Mr. LIEBERMAN):

S. Con. Res. 30. A concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. ENZI):

S. 799. A bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Energy and Natural Resources.

TRANSFER LEGISLATION

• Mr. THOMAS. Mr. President, I introduce legislation which would return a family farm in Big Horn County, WY, to its rightful owners. The family of Fred Steffens lost ownership of the property where they lived and prospered for almost 70 years, as a result of a misrepresentation by the original property owners. Mr. Steffens' relatives have explored every avenue to regain the title to their property, and are left with no other option than to seek congressional assistance. I stand before you today, on behalf of my constituents, to request help in providing a timely solution to this problem. It is my hope that in doing so, this wrong can be righted.

Upon the death of Fred Steffens on January 20, 1995, his sister, Marie Wambeke, was appointed personal representative of the 80-acre Steffens Estate. In February 1996, Ms. Wambeke learned from the Bureau of Land Management [BLM] that she did not have a clear title to her brother's property, and she submitted a color-of-title application. Shortly thereafter, Ms. Wambeke was informed that her brother's property was never patented, so her application was rejected.

The injustice of this situation is that when Mr. Steffens purchased this property in 1928, he did receive a Warranty

Deed with Release of Homestead from the former owners. Unfortunately, these individuals did not have a reclamation entry to assign to Mr. Steffens. In fact, 2 years before selling the property, the original owners had been informed that the land they occupied was withdrawn by the Bureau of Reclamation for the Shoshone Reclamation Project. At the same time, they were notified that they had never truly owned the property.

Unethically, this did not stop them from selling the land to Mr. Steffens in 1928. In good faith Mr. Steffens purchased the property, paid taxes on the property from the time of purchase, and is on record at the Big Horn County Assessor's office as owner of this property. Due to the dishonesty of others, his family now faces the sobering reality of losing this land unless a title transfer can be effected legislatively.

Mr. President, the legislation I am introducing today would transfer the land from Fred Steffens' estate to his sister, Marie. This property has been in their family since 1928. Through no fault of their own, these folks are being forced to relinquish rights not only to their land, but to a part of their heritage and a legacy to their future generations. I hope we can expedite this matter by turning this land over to Marie Wambeke's ownership.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF STEFFENS FAMILY PROPERTY.

Notwithstanding any other law, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall, without consideration of other reimbursement, transfer to Marie Wambeke of Big Horn County, Wyoming, personal representative of the estate of Fred Steffens, the land that was acquired by Fred Steffens under a Warranty Deed and Release of Homestead from Frank G. McKinney and Margaret W. McKinney on September 28, 1928, and thereafter occupied by Fred Steffens, known as "Farm C" in the E½NW¼ of Section 27 in Township 57 North, Range 97 West, 6th Principal Meridian, Wyoming.●

By Mr. ENZI (for himself and Mr. THOMAS):

S. 802. A bill to provide for the retention of the name of the mountain at the Devils Tower National Monument in Wyoming known as "Devils Tower", and for other purposes; to the Committee on Energy and Natural Resources.

THE DEVILS' TOWER NATIONAL MONUMENT DESIGNATION ACT OF 1997

Mr. ENZI. Mr. President, I rise to introduce a bill which will enable Devil's Tower National Monument to retain its historic and traditional name.

This, our first national monument, has been known as "Devil's Tower" for over 120 years. It is an unmistakable symbol of Wyoming and the West and is known internationally as one of the premiere crack climbing locations in the world. Consequently, Devil's Tower, and it's worldwide recognition by that name, is very important to my State, which depends so heavily on its tourism industry. And yet, there are those who would attempt to fix that which is not broken.

I am fully sensitive to the feelings of those Native Americans who would prefer to see the name of this natural wonder changed to something more acceptable to their cultural traditions. Many tribal members think of the monument as sacred. However, I believe that little would be gained from a name change, and much would be lost.

It is important to remember that there is no consensus as to which Indian name would be most appropriate. In fact, there seem to be as many proposals for new names as there are special interest groups proposing them. Among the candidates are Bear's Lodge, Grizzly Bear's Lodge, Bear's Tipi, Bear's Lair, Bear Lodge Butte, Tree Rock and several others. The only thing they seem agreed upon is what the monument should not be called: Devil's Tower.

The initiative to change the name of Devil's Tower would accomplish little more than to dredge up age-old conflicts and divisions between descendants of European settlers and the descendants of Native Americans. This would be most unfortunate and would result only in economic hardship for all the area's citizens. My legislation will prevent such hardship and will embrace the least offensive option offered so far—the preservation the traditional name of Devil's Tower. I urge my colleagues to support this measure. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DEVILS TOWER.

(a) IN GENERAL.—The mountain at the Devils Tower National Monument in Wyoming, located at 44 degrees, 42 minutes, 58 seconds north latitude, 104 degrees, 35 minutes, 32 seconds west longitude, shall be known and designated as "Devils Tower."

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the mountain referred to in subsection (a) is deemed to be a reference to "Devils Tower."

By Mr. THURMOND (for himself and Mr. MURKOWSKI):

S. 803. A bill to permit the transportation of passengers between United States ports by certain foreign-flag vessels and to encourage U.S.-flag vessels to participate in such transportation; to the Committee on Commerce, Science, and Transportation.

THE U.S. CRUISE TOURISM ACT

Mr. THURMOND. Mr. President, I rise today to introduce legislation to greatly increase the economic benefits to our Nation from cruise ship tourism. This measure, called the United States Cruise Tourism Act, will implement one of the recommendations of the White House Conference on Travel and Tourism. I am pleased to be joined by Senator MURKOWSKI in introducing this bill.

Pleasure cruises aboard ocean-going vessels represent one of the fastest growing segments of our tourism industry. Over the past 5 years, cruise ship tourism has grown by 50 percent and is expected to grow at a rate of 5½ percent annually over the next few years. When a cruise ship is in port, as much as $250,000 is spent on maintenance and supplies, and cruise passengers spend an average of $205 a day. Although 85 percent of these cruise passengers are Americans, most of the revenues now go to foreign destinations.

This export of American tourist dollars is the unintended consequence of the outdated Passenger Vessel Services Act [PSA] of 1886. This act prohibits non-U.S.-flag vessels from carrying passengers between U.S. ports. Unfortunately, since the U.S.-flag fleet is now down to one cruise ship, this restriction makes passenger cruise travel between U.S ports virtually impossible. Today, the passenger cruise industry in the United States consists primarily of foreign flag vessels which, under current law, must sail to and from foreign ports. This prevents many of our mid-coast ports such as Charleston, San Francisco, Baltimore and others from participating in the cruise industry because of their distance from foreign ports. As a result, potential cruise itineraries on the east and west coast, the gulf coast, the Great Lakes and the coast of Alaska have yet to be developed.

Mr. President, our legislation would allow our port cities and shore-based tourism businesses to take advantage of this booming area of tourism while providing incentives for the rehabilitation of the U.S.-flag cruise industry. This bill would enact a narrow waiver to the PSA to permit large, ocean-going, foreign-flag cruise ships to carry passengers between U.S. ports. Subsequently, as U.S. companies become attracted to the business, U.S.-flag ships will enter the market. When this happens, foreign vessels would be required to reduce their capacity to make room for more U.S. competitors. This provision also addresses the concern expressed by many of our shipyards. They have complained that the uncertainty over the continuation of the PSA was chilling their efforts to obtain investment in a U.S.-built cruise ship. If enacted, our bill would assure a market for the ships they build.

Finally, Mr. President, this legislation in no way affects the Jones Act. The Jones Act is an entirely separate statute enacted in 1920 to protect our cargo fleet and assure that we have a qualified merchant marine in times of war. Also, this measure does not waive the PSA for any trade where there currently exists an American competitor. U.S. ferries, river boat cruises, and cruises on the Atlantic intra-coastal waterway would not be affected.

Mr. President, our country has a beautiful coastline and Americans should not have to join the armed services or buy a yacht to see it. Moreover, our tourist industry is one of the most successful contributors to the economic growth of our Nation. We should not permit artificial barriers to inhibit the good work of the people in this industry. This legislation will remove that barrier. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Cruise Tourism Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) It is in the interest of the United States to maximize economic return from the growing industry of pleasure cruises—

(A) by encouraging the growth of new cruise itineraries between coastal cities in the United States, and

(B) by encouraging the use of United States goods, labor, and support services.

(2) In maximizing the economic benefits to the United States from increased cruise vessel tourism, there is a need to ensure that existing employment and economic activity associated with United States-flag vessels (including tour boats, river boats, intracoastal waterway cruise vessels, and ferries) are protected and to provide for the reemergence of a United States-flag cruise vessel industry.

(3) The pleasure cruise industry is one of the fastest growing segments of the tourism industry and is expected to grow at a rate of 5 percent a year over the next few years.

(4) The United States-flag ocean cruise vessel fleet consists of only a single vessel that tours the Hawaiian Islands. As a result, all the cruise vessels carrying passengers to and from United States ports are foreign-flag vessels and the United States ports served are mostly ports that are close enough to foreign ports to allow intermediate calls.

(5) Prohibiting cruises between United States ports by foreign-flag vessels results in the loss of tourist dollars and revenue for United States ports and greatly disadvantages United States ports and coastal communities.

SEC. 3. FOREIGN-FLAG CRUISE VESSELS.

(a) DEFINITIONS.—In this Act:

(1) COASTWISE TRADE.—The term "coastwise trade" means the coastwise trade provided for in section 12106 of title 46, United States Code and includes trade in the Great Lakes.

(2) CRUISE VESSEL.—The term "cruise vessel" means a vessel of greater than 4,000 gross registered tons which provides a full range of luxury accommodations, entertainment, dining, and other services for its passengers.

(3) FOREIGN-FLAG CRUISE VESSEL.—The term "foreign-flag cruise vessel" does not apply to a vessel which—

(A) provides ferry services or intracoastal waterway cruises;

(B) regularly carries for hire both passengers and vehicles or other cargo; or

(C) serves residents of the vessel's ports of call in the United States as a common or frequently used means of transportation between United States ports.

(4) REPAIR AND MAINTENANCE SERVICE.—The term "repair and maintenance service" includes alterations and upgrades.

(b) WAIVER.—Notwithstanding the provisions of section 8 of the Act of June 19, 1886 (24 Stat. 81, Chapter 421; 46 U.S.C. App. 289), or any other provision of law, and except as otherwise provided by this section, the Secretary of Transportation (in this Act referred to as the "Secretary") may approve the transportation of passengers on foreign-flag cruise vessels not otherwise qualified to engage in the coastwise trade between ports in the United States, directly or by way of a foreign port.

(c) EXCEPTIONS.—

(1) IN GENERAL.—The Secretary may not approve the transportation of passengers on a foreign-flag cruise vessel pursuant to this section with respect to any coastwise trade that is being served by a United States-flag cruise vessel.

(2) UNITED STATES-FLAG SERVICE INITIATED AFTER APPROVAL OF FOREIGN-FLAG VESSEL.—Upon a showing to the Secretary, by a United States-flag cruise vessel owner or charterer, that service aboard a cruise vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation from the Federal Maritime Commission (issued pursuant to section 3 of Public Law 89–777; 46 U.S.C. App. 817e) for service in the coastwise trade on an itinerary substantially similar to that of a foreign-flag cruise vessel transporting passengers under authority of this section, the Secretary shall, in accordance with subsection (d)(2), notify the owner or charterer of the foreign-flag cruise vessel that the Secretary will, within 3 years after the date of notification, terminate such service.

(d) TERMINATION.—

(1) IN GENERAL.—Coastwise trade privileges granted to such owner or charterer of a foreign-flag cruise vessel under this section shall expire on the date that is 3 years after the date of the Secretary's notification described in subsection (c)(2).

(2) ORDER OF TERMINATION.—Any notification issued by the Secretary under this subsection shall be issued to the owner or charterer of a foreign-flag cruise vessel—

(A) in the reverse order in which the foreign-flag cruise vessel entered service in the coastwise trade under this section, determined by the date of the vessel's first coastwise sailing; and

(B) in the minimum number necessary to ensure that the passenger-carrying capacity thereby removed from the coastwise trade service exceeds the passenger-carrying capacity of the United States-flag cruise vessel entering the service.

(3) EXCEPTION.—If, at the expiration of the 3-year period specified in paragraph (1), the United States-flag cruise vessel that has been offering or advertising service pursuant to a certificate described in subsection (c)(2) has not entered the coastwise trade described in subsection (c)(2), then the termination of service required by paragraph (1) shall not take effect until 180 days after the date of the entry into that coastwise trade service by the United States-flag cruise vessel.

(e) REQUIREMENT FOR REPAIRS IN UNITED STATES SHIPYARDS.—

(1) IN GENERAL.—The owner or charterer of a foreign-flag cruise vessel that is qualified to provide coastwise trade service under this section is required to have repair and maintenance service for the vessel performed in the United States during the period that such vessel is qualified for such coastwise trade service, except in a case in which the vessel requires repair and maintenance service while at a distant foreign port (as defined in section 4.80a(a) of title 19, Code of Federal Regulations (or any corresponding similar regulation or ruling)).

(2) ACTION IF REQUIREMENT NOT MET.—

(A) GENERAL RULE.—If the Secretary determines that the owner or charterer has not met the repair and maintenance service requirement described in paragraph (1), the Secretary shall terminate the coastwise trade privileges granted to the owner or charterer under this section.

(B) WAIVER.—The Secretary may waive the repair and maintenance service requirement if the Secretary finds that—

(i) the repair and maintenance service is not available in the United States, or

(ii) an emergency prevented the owner or charterer from obtaining the service in the United States.

(f) ALIEN CREWMEN.—Section 252 of the Immigration and Nationality Act (8 U.S.C. 1282) is amended—

(1) in subsection (a), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" immediately after "(a)";

(3) in subsection (a)(1) (as redesignated), in the second sentence, by inserting ", except as provided in paragraph (2), and" after "subsection (b),";

(4) by adding at the end of subsection (a)(1) (as redesignated), the following:

"(2) An immigration officer may extend for a period or periods of up to 6 months each a conditional permit to land that is granted under paragraph (1) to an alien crewman employed on a vessel if the owner or charterer of the vessel requests the extension and the immigration officer determines that the extension is necessary to maintain the vessel in the coastwise trade between ports in the United States, directly or by way of a foreign port."; and

(5) in subsection (b), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)".

(g) DISCLAIMER.—

(1) IN GENERAL.—Nothing in this Act shall be construed as affecting or otherwise modifying the authority contained in—

(A) Public Law 87–77 (46 U.S.C. App. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States; or

(B) Public Law 98-563 (46 U.S.C. App. 289c) permitting the transportation of passengers between Puerto Rico and other United States ports.

(2) JONES ACT.—Except as otherwise expressly provided in this Act, nothing in this Act shall be construed as affecting or modifying the provisions of the Merchant Marine Act, 1920.

Mr. MURKOWSKI. Today, Mr. President, I am very pleased to join the senior Senator from South Carolina [Mr. THURMOND] in introducing this important bill. It is intended to break down a barrier that Congress created 111 years ago, and which has long since ceased to make sense.

Opening that door will create a path to thousands of new jobs, to hundreds of millions of dollars in new economic activity and to millions in new Federal, State, and local government revenues. Furthermore, Mr. President, that door can be opened with no adverse impact on any existing U.S. industry, labor interest, or on the environment, and it will cost the government virtually nothing.

There's no magic to this; in fact, it's a very simple matter. This bill merely allows U.S. ports to compete in the business of offering homeport services to the cruise ship trade.

The bill amends the Passenger Service Act to allow foreign cruise ships to operate between U.S. ports. However, it also very carefully protects all existing U.S. passenger vessels by using a definition of cruise ship designed to exclude any foreign-flag vessels that could conceivably compete in the same market as U.S.-flag tour boats, ferries, or riverboats. Finally, it provides a mechanism to guarantee that if a U.S. vessel ever enters this trade in the future, steps will be taken to ensure an ample pool of potential passengers.

Mr. President, this is a straightforward approach to a vexing problem, and it deserves the support of this body.

As my colleagues know, this bill is very similar to S. 668, a bill I introduced just a few weeks ago. The major difference is that that bill applies only to cruise ships operating in Alaska, and this one applies nationwide. Other differences include the fact that my original bill sets a 5,000 gross deadweight ton cut-off for vessels seeking to enter the coastwise trade, and this one uses a 4,000 ton limit. This bill also requires foreign vessels operating in the U.S. trade to effect repairs in U.S. shipyards. Both of these differences are positive, in my view.

The change in tonnage will encourage U.S. ports to compete for business from some of the smaller vessels in the luxury cruise ship fleet, which continuing to protect existing U.S. tour vessels in the 100-ton class. While there are a few riverboats in the area of 3,000 tons, none of these operate in the open ocean cruise ship trade, and the bill contains other protections specifically for these U.S. vessels.

The requirement for U.S. repair will assist in creating and maintaining even more U.S. jobs. From the standpoint of the cruise ships, it simply calls for the continuation of what is already a common practice among vessels that need work while visiting a U.S. port

Mr. President, it isn't 1886 anymore, and it is time to change the current law. These days, no one is building any U.S. passenger ships of this type, and no one has built one in over 40 years. Instead of protecting U.S. jobs, the current law is a job losing proposition, as it prohibits U.S. cities from competing. That is absurd.

The cash flow generated by the cruise ship trade is enormous. Most passengers bound for my State of Alaska fly in or out of Seattle-Tacoma International Airport, but because of the law, they spend little time there. Instead, they spend their pre- and post-sailing time in a Vancouver hotel, at Vancouver restaurants, and in Vancouver gift shops. And when their vessel sails, it sails with food, fuel, general supplies, repair and maintenance needs taken care of by Vancouver vendors.

According to some estimates, the city of Vancouver receives benefits of well over $200 million per year from the cruise ship trade. Others provide more modest estimates, such as a comprehensive study by the International Council of Cruise Lines, which indicated that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of Vancouver, plus payments to Canadian vendors and employees of over $119 million.

This is a market almost entirely focused on U.S. citizens going to see one of the United State's most spectacular places, and yet we force them to go to another country to do it. We are throwing away both money and jobs—and getting nothing whatsoever in return.

Why is this allowed to happen? The answer is simple—but it is not rational. Although the current law is actually a job loser, there are those who argue that any change would weaken U.S. maritime interests. They seem to feel that amending the Passenger Service Act so that it makes sense for the United States would create a threat to Jones Act vessels hauling freight between U.S. ports. Mr. President, there simply is no connection whatsoever between the two.

Then there is the suggestion that this bill might harm smaller U.S. tour or excursion boats. Mr. President, that is also untrue. The industry featuring these smaller vessels is thriving, but it simply doesn't cater to the same client base as large cruise ships. The fact of the matter is that there is no significant competition between the two types of vessel, because the services they offer are in no way comparable. The larger vessels offer unmatched luxury and personal service, on-board shopping, entertainment, and so forth. The smaller vessels offer more flexible routes, timing, shore excursions, and other opportunities.

There is one operating U.S. vessel that doesn't fit the mold: the *Constitution*, an aging 30,000-ton vessel operating only in Hawai. This is the only ocean-capable U.S. ship that might fit the definition of cruise vessel. I have searched for other U.S. vessels that meet or exceed the tonnage limit in the bill, and the only ones I have found that even approach it are the *Delta Queen* and the *Mississippi Queen*, both of which are approximately 3,360 tons, and both of which are 19th century-style riverboats that are entirely unsuitable for any open-ocean itinerary such as the Alaska trade. Further, the bill specifically prohibits any foreign vessel from participating in the intracoastal trade served by these riverboats.

Mr. President, I will not claim that this legislation would immediately lead to increased earnings for U.S. ports. I can only say that it would allow them to compete fairly, instead of being anchored by a rule that is actively harmful to U.S. interests. That alone makes it good public policy, and I look forward to my colleagues' agreement and support.

By Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. LUGAR, Mrs. FEINSTEIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. LIEBERMAN, Mr. D'AMATO and Mr. MOYNIHAN):

S. 804. A bill to restrict foreign assistance for countries providing sanctuary to indicted war criminals who are sought for prosecution before the International Criminal Tribunal for the former Yugoslavia; to the Committee on Foreign Relations.

THE WAR CRIMES PROSECUTION FACILITATION ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation to create stronger incentives for the parties to the Dayton Peace Agreement to arrest indicted war criminals and transfer them to the International Criminal Tribunal for the former Yugoslavia [ICTY]. I am pleased that Senators LEAHY, LUGAR, FEINSTEIN, MIKULSKI, MURRAY, LIEBERMAN, D'AMATO, and MOYNIHAN are original cosponsors of this bill, which we believe will foster reconciliation in Bosnia and Herzegovina in the long run.

As a result of the horrifying extent of war crimes committed before and during the war in Bosnia, the U.N. Security Council, in May 1993, created the International Criminal Tribunal for the former Yugoslavia [ICTY]. One of only four international war crimes tribunals ever established, its mandate is to prosecute "genocide, crimes against humanity, grave breaches of the Geneva Conventions, and violations of the laws and customs of war" committed in the territory of the former Yugoslavia from January 1, 1991, until "a date to be determined after restoration of peace."

When the parties to the conflict in the former Yugoslavia signed the Dayton Peace Agreement, they recognized that reconciliation could not occur unless war criminals were brought to justice. As such, they agreed to cooperate fully with "the investigation and prosecution of war crimes and other violations of international humanitarian law." All members of the international community are required by the tribunal statute to cooperate in "the identification and location of persons," "the arrest or detention of persons," and "the surrender or the transfer of the accused" to the tribunal.

With the exception of the Bosnian Muslims, however, the parties to the Dayton Peace Agreement have failed to arrest and transfer to the tribunal the vast majority of indicted war criminals in territory within their control. Though 74 persons have been indicted by the 4-year-old tribunal, 66 of them remain at large. Let me repeat that. Of the 74 persons indicted for the most heinous crimes against humanity on European soil since World War II, 66 remain at large. Among these are the notorious Bosnian Serb leader Radovan Karadzic and Bosnian Serb Army commander Ratko Mladic, both accused of genocide and crimes against humanity.

Where are these and other war criminals finding sanctuary?

Many of the indicted war criminals have been sighted living openly and freely in Croatia, the Croat-controlled areas of the Federation of Bosnia and Herzegovina, the Republika Srpska, and the Federal Republic of Yugoslavia (Serbia-Montenegro).

Last fall, one nongovernmental organization, the Coalition for International Justice, compiled a list of all public sightings of war criminals. For example, according to the coalition's research, Dario Kordic, one of the most widely recognized war criminals in the former Yugoslavia for his role in killings in Lasva Valley, was seen visiting his parents' apartment in Zagreb, Croatia. About the same time, Ivica Rajic, another highly sought after war criminal, was reportedly seen in a hotel in Split, Croatia.

The list of public sightings of indicted war criminals goes on and on. Associated Press correspondent Liam McDowall reportedly located six Bosnian Croats indicted for war crimes living and working in the Bosnian Croat town of Vitez. And in perhaps the most egregious case to date, Boston Globe reporter Elizabeth Neuffer reportedly found Zeljko Mejakic—indicted for crimes committed as commander of Omarska camp where some 4,000 people were tortured to death and women were brutally raped—working as the deputy commander of the Prijedor police station in Republika Srpska.

This list may not be entirely up to date now, but it illustrates graphically that many of the indicted war criminals could have been arrested easily if the authorities in control of the territory where they were located had chosen to do so. I believe that is still the case today. I ask unanimous consent that a list of sightings of indicted war criminals who remain at large be included in the RECORD at the end of my remarks.

I know, Mr. President, that the act of apprehending and transferring indicted war criminals to the Hague presents a thorny problem for the United States. While some argue that American and NATO military personnel should do the job, the prevailing wisdom is that using our troops to arrest these indicted war criminals would be fraught with difficulties that could put our troops in danger. Others have raised the possibility that some type of international strike force could get the job done. Discussions about these options have been underway since NATO troops landed in the region 1½ years ago, but no action has been taken. Meanwhile war criminals continue to roam the region with impunity, and the clock ticks ever closer to the June 1998 withdrawal date for SFOR.

If the international community concludes that it cannot use force to apprehend indicted war criminals, it must try another approach. Make no mistake about it: if indicted war criminals remain at large when the SFOR's mission ends, our prestige and credibility will be severely undermined. America may be able to protect NATO troops by not involving them in a mission to arrest indicted war criminals, but we cannot protect our reputation and that of NATO as a defender of democracy and human rights if indicted war criminals roam the region with impunity when our troops withdraw.

Mr. President, since NATO is unwilling to arrest the indicted, my colleagues and I are recommending an approach which reinforces the obligation of the parties to the Dayton Agreement to arrest and transfer those indicted for genocide, rape, and other crimes against humanity to the Hague. To secure their cooperation, it imposes conditions on America's portion of the $5.1 billion in economic reconstruction funding to Bosnia and Herzegovina. Because parties to the Dayton Agreement sorely want Western assistance and the international acceptance it implies, this assistance provides us with a powerful lever. We ought to use it.

Under our legislation, until the President certifies that a majority of war criminals have been arrested and transferred to the tribunal, no assistance—with the exception of assistance for humanitarian programs, democracy programs, and certain physical infrastructure projects that cross borders—could be provided to a sanctioned country or constituent entity. Similarly, U.S. executive directors of international financial institutions could not vote for assistance until the President makes the required certification.

The President would have up to 6 months to make this certification. Once the certification is made, assistance could be provided for up to 6 months. At the end of the 6-month waiver period, no assistance could be provided unless all indicted war criminals have been arrested and turned over to the ICTY. If a country or entity arrests and transfers to the Hague a majority of the indicted war criminals in territory under its effective control immediately, and the rest of them within 6 months, assistance to that country or entity will not be affected.

In other words, this legislation recognizes that even the parties to the Dayton Agreement may find it difficult to apprehend all indicted war criminals immediately, and therefore does not require them to complete the process all at once. Once a majority of the war criminals have been arrested and turned over, they are given up to 6 months to finish the job.

Because our goal is to promote greater cooperation, democratic and humanitarian assistance will still be provided even in sanctioned countries or entities. Humanitarian assistance is defined to include food and disaster assistance and assistance for demining, refugees, education, health care, social services, and housing. Democratization assistance includes electoral assistance and assistance used in establishing the institutions of a democratic and civil society, including police training.

However, assistance for projects in communities in which local authorities are harboring criminals or preventing refugees from returning home will be strictly limited to emergency food and medical assistance and demining assistance. And absolutely no assistance—humanitarian or otherwise—can be provided to projects or organizations in which an indicted war criminal is affiliated or has a financial interest. These provisions are important to ensure that our assistance is not being used to prop up war criminals and that only communities that allow refugees to return are rewarded with assistance.

This legislation recognizes that the realities of government control in the former Yugoslavia do not always conform to the arrangements in the Dayton Agreement. Recognizing that a constituent entity of Bosnia and Herzegovina may not control all areas within its border, and that Croatia or Serbia may have effective control of territory that reaches beyond their borders, the legislation holds a government or constituent entity responsible for indicted war criminals "in territory that is under their effective control."

As such, the legislation is not meant to impose sanctions on the Muslim-Croat Federation as a whole if an indicted war criminal remains in a Croat-controlled area of the Federation. Likewise, it would allow sanctions to be imposed against a country, such as Croatia, for failing to secure the apprehension of war criminals in areas of the Federation which it effectively controls.

Mr. President, these measures are not intended to be punitive. I have made every effort to ensure that humanitarian assistance to the people in all parts of the former Yugoslavia will not be affected. I do not oppose reconstruction funding, and recognize that it is in our national interest to help rebuild this war-torn region. But I believe there is value in using bilateral and multilateral assistance as a carrot, to provide an incentive to the parties to arrest and turn war criminals over to the tribunal.

Unless war criminals are brought to justice, reconciliation in Bosnia and Herzegovnia will remain an elusive goal and refugees and displaced persons will be unable to return to their homes. Though reconstruction assistance will help to rebuild ravaged economies, reconstruction without reconciliation will not be effective in ensuring long-term stability. Until the perpetrators of genocide are held accountable, victimized communities will continue to assign collective guilt and the cycle of hatred will be perpetuated.

No infusion of money can wipe away the crimes of the past 6 years. Money alone is not enough. What is required is a genuine process of reconciliation, which can never occur unless war criminals are brought to justice.

The Washington Post, in a February 1997 editorial, said it well:

> U.S. forces [cannot] fulfill their mission—bringing peace to Bosnia—as long as war criminals remain at large. Lately, it has become popular to focus on economic reconstruction as the answer to Bosnia's troubles. But war didn't break out for economic reasons, and economic aid alone can't secure the peace. As long as alleged war criminal Radovan Karadzic and his henchmen run things from behind the scenes, economic aid actually will flow to the criminals. . . .

Mr. President, we know that the threat of sanctions can work to effect cooperation with the War Crimes Tribunal. In the last year and a half, the administration has successfully leveraged assistance to Croatia to secure the transfer of two indicted war criminals to The Hague. But the process has been too long and drawn out. One of the war criminals voluntarily agreed to be sent to The Hague, and the other was in custody for more than 10 months before the Croatian Government transferred him to the tribunal. At this rate, it would take us some 66 years to bring all the indicted war criminals to The Hague. That's just too long. Stronger action must be taken.

The World Bank is pumping hundreds of millions of dollars into Croatia and sending assessment teams to Republika Srpska. In fiscal year 1997, the Agency for International Development has set aside roughly $70 million for Republika Srpska, and it intends to do the same in fiscal year 1998. This bill requires the Administration to use these assistance programs to secure the speedy apprehension of war criminals, which is just as essential for reconciliation and long-term stability as reconstruction efforts—if not more so.

No one has articulated the need for this legislation as well as Justice Goldstone, Former Chief Prosecutor of the International Criminal Tribunals for the Former Yugoslavia and Rwanda when he spoke at the U.S. Holocaust Memorial Museum in January of 1997:

> Where there have been egregious human rights violations that have been unaccounted for, where there has been no justice, where the victims have not received any acknowledgment, where they have been forgotten, where there's been a national amnesia, the effect is a cancer in the society. It's the reason that explains . . . spirals of violence that the world has seen in the former Yugoslavia for centuries . . .

Justice Goldstone was right. What is required is a genuine process of reconciliation, which can never occur unless war criminals are brought to justice. Without reconciliation, the spiral of violence will only continue, and the military mission on which the American taxpayers have literally spent billions will be for naught.

Secretary of State Albright will be traveling to Bosnia next week. She has assured me that the issue of war criminals will be raised at every opportunity, and I am confident that she will take a very tough stand, urging the parties to the Dayton Agreement to meet their commitments. But the U.S. Government has been urging compliance for over a year now with little success, and it's clear that we need to put more teeth into our position. Our bill does just that. It clearly states that the apprehension of war criminals is critical for reconciliation. It links U.S. assistance to progress on this issue, and it provides clear deadlines for progress in arresting and transferring indicted war criminals to The Hague.

Mr. President, I urge my colleagues to cosponsor this legislation, which has been endorsed by the Coalition for International Justice, Human Rights Watch, Physicians for Human Rights, Action Council for Peace in the Balkans, and the International Human Rights Law Group. I ask unanimous consent that a copy of the legislation and a letter of endorsement from those organizations appear in the RECORD.

America stands for justice and reconciliation throughout the world. We must stand up for those principles by ensuring that the war criminals of Bosnia are apprehended and the victims are heard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "War Crimes Prosecution Facilitation Act of 1997".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In May 1993, the United Nations established the International Criminal Tribunal for the Former Yugoslavia (ICTY).

(2) The mandate of the Tribunal is to prosecute "genocide, crimes against humanity, grave breaches of the Geneva Conventions, and violations of the laws and customs of war" committed in the territory of the former Yugoslavia from January 1, 1991, until "a date to be determined after restoration of peace".

(3) Parties to the Dayton Agreement, as well as subsequent agreements, agreed to cooperate fully with the "investigation and prosecution of war crimes and other violations of international humanitarian law". All members of the international community are required by the Tribunal Statute to cooperate in "the identification and location of persons", "the arrest or detention of persons", and "the surrender or the transfer of the accused" to the Tribunal.

(4) Although 74 persons are under indictment by the Tribunal, 66 remain at large, including 53 Bosnian and Yugoslav Serbs, and 13 Bosnian and Croatian Croats.

(5) Credible reports indicate that some of the indicted war criminals are living in areas of Bosnia and Herzegovina that are under the effective control of Croatia or Serbia-Montenegro. Many of the indicted war criminals have been sighted living openly and freely in Croatia, the Croat-controlled areas of the Federation of Bosnia and Herzegovina, Republika Srpska, and Serbia-Montenegro.

(6) An estimated 2,000,000 persons have been forced from their homes by the war, many of whom remain displaced and unable to return to their homes, in violation of the Dayton Accords, because their homes are in a jurisdiction controlled by a different ethnic group.

(7) The fighting in Bosnia has ceased for more than a year, and international efforts are now focused on the economic reconstruction and implementation of the civilian aspects of the Dayton Accords.

(8) The International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development, the International Monetary Fund, and individual donor countries, including the United States, have begun disbursing funds toward meeting an identified goal of $5,100,000,000 for reconstruction of Bosnia.

SEC. 3. SENSE OF THE SENATE.

(a) It is the sense of the Senate that—

(1) reconciliation in Bosnia and Herzegovina cannot be achieved if indicted war criminals remain at large and refugees and displaced persons are unable to return to their homes;

(2) reconstruction without reconciliation will not be effective in ensuring stability in the long run because absent individual accountability, victimized communities will assign collective responsibility, thus perpetuating the cycle of hatred; and

(3) the Government of the United States should ensure that multilateral and bilateral

assistance is provided to parties to the Dayton Agreement only if doing so would promote reconciliation as well as reconstruction, including the transfer of war criminals to the Tribunal, the return of refugees and displaced persons, and freedom of movement.

(b) It is further the sense of the Senate that the Tribunal, consistent with its mandate, should continue to investigate and bring indictments against persons who have violated international humanitarian law.

SEC. 4. RESTRICTIONS ON FUNDING.

(a) BILATERAL ASSISTANCE.—

(1) IN GENERAL.—No assistance may be provided under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (d).

(2) APPLICATION TO PRIOR APPROPRIATIONS.—The prohibition on assistance contained in paragraph (1) includes the provision of assistance from funds appropriated prior to the date of enactment of this Act.

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country described in subsection (d).

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance; or

(C) assistance for physical infrastructure projects involving activities in both a sanctioned country and nonsanctioned contiguous countries, if the nonsanctioned countries are the primary beneficiaries.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available under the Foreign Assistance Act of 1961 or the Arms Export Control Act for a program, project, or activity in any country described in subsection (d) in which an indicted war criminal has any financial or material interest or through any organization in which the indicted individual is affiliated; and

(B) no assistance (other than emergency food or medical assistance or demining assistance) may be made available under the Foreign Assistance Act of 1961 or the Arms Export Control Act to any program, project, or activity in any area in any country described in subsection (d) in which local authorities are not complying with the provisions of Article IX and Annex 4, Article II of the Dayton Agreement relating to war crimes and the Tribunal, or with the provisions of Annex 7 of the Dayton Agreement relating to the rights of refugees and displaced persons to return to their homes of origin.

(d) SANCTIONED COUNTRIES.—A country described in this section is a country the authorities of which fail to apprehend and transfer to the Tribunal all persons in territory that is under their effective control who have been indicted by the Tribunal.

(e) WAIVER.—

(1) AUTHORITY.—The President may waive the application of subsection (a) or subsection (b) with respect to a country if the President determines and certifies to the appropriate committees of Congress within six months after the date of enactment of this Act that a majority of the indicted persons who are within territory that is under the effective control of the country have been arrested and transferred to the Tribunal.

(2) PERIOD OF EFFECTIVENESS.—Any waiver made pursuant to this subsection shall be effective for a period of six months.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsection (a) or subsection (b) with respect to a country shall cease to apply only if the President determines and certifies to Congress that the authorities of that country have apprehended and transferred to the Tribunal all persons in territory that is under their effective control who have been indicted by the Tribunal.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) COUNTRY.—The term "country" shall not include the state of Bosnia and Herzegovina, and the provisions of this Act shall be applied separately to its constituent entities of Republika Srpska and the Federation of Bosnia and Herzegovina.

(2) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(3) DEMOCRATIZATION ASSISTANCE.—The term "democratization assistance" includes electoral assistance and assistance used in establishing the institutions of a democratic and civil society.

(4) HUMANITARIAN ASSISTANCE.—The term "humanitarian assistance" includes disaster and food assistance and assistance for demining, refugees, housing, education, health care, and other social services.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

Indicted by the International Criminal Tribunal for the Former Yugoslavia

(List Compiled by the Coalition for International Justice)

Name	Title/Indicted for/Date	Charged with/Status
1. Zlatko Aleksovski	Croat—indicted on 11/10/95 for killing Muslims in Lasva Valley	g.v.—transferred to The Hague 4/28/97 by Croatian Government.
2. Stripo Alilovic	Croat—indicted 11/10/95 for killings in Lasva Valley	g.v.—At Large.
3. Mirko Babic	Serb—indicted 2/13/95 for crimes committed at Omarska	g.v.c.—At Large.
4. Nenad Banovic	Serb—indicted 7/21/95 for atrocities committed at Keraterm	g.v.c.—At Large.
5. Pedrag Banovic	Serb—same as N. Banovic	g.v.c.—At Large.
6. Tihomir Blaskic	Croat—Indicted 11/10/95 for killings in Lasva Valley	In custody in the Netherlands—plead not guilty—trial postponed 7—g.v.c.
7. Goran Borovinica	Serb—indicted 2/13/96 for expelling Muslims to various camps as well as killings and rapes in Omarska	g.v.c.—At Large.
8. Mario Cerkez	Croat—indicted 11/10/95 for killings in Lasva Valley	g.v.c.—At Large.
9. Ranko Cesic	Serb—indicted 7/21/95 for atrocities committed in Brcko	g.v.c.—At Large.
10. Zejnil Delalic	Muslim—indicted 3/21/96 for atrocities committed in Celebici	in custody at The Hague—joint trial with Delic, Mucic, and Landzo began in March of 1997—g.v.
11. Hazim Delic	Muslim—same as Delalic	same as Delalic—joint trial.
12. Djordje Djukic	Serb—General—indicted /29/96 for shelling Bosnian civilians	was held at The Hague but released—Deceased.
13. Damir Dosen	Serb—indicted 7/21/95 for atrocities committed at Keraterm	g.v.c.—At Large.
14. Drazen Erdemovic	Croat—indicted 5/29/96	*Sentenced to 10 years*—v.c.
15. Dragan Fustar	Serb—Keraterm	g.v.c.—At Large.
16. Dragan Gagovic	Serb—indicted 6/26/96 for crimes committed at Foca	g.v.c.—At Large.
17. Zdarvko Govedarica	Serb—indicted 2/13/95 for crimes committed at Omarska	g.v.c.—Deceased.
18. Momcilo Gruban	Serb—indicted 2/13/95 for crimes committed at Omarska	g.v.c.—At Large.
19. Gruban	Unknown—indicted for crimes at Omarska—2/13/95	g.v.c.—At Large.
20. Janko Janjic	Serb—indicted 6/26/96 for crimes at Foca	g.v.c.—At Large.
21. Nikica Janjic	Serb—indicted 7/21/95 at Keraterm & 2/13/96 at Omarska	g.v.c.—Deceased.
22. Gojko Jankovic	Serb—Indicted 6/26/96 for crimes in Foca	g.v.c.—At Large.
23. Goran Jelisic	Serb—Commander of Luka camp at Brcko—indicted 7/21/95 for Genocide	g.v. Gen. c.—At large.
24. Drago Josipovic	Croat—indicted 11/10/95 for killings in Lasva Valley	g.v.c.—At Large.
25. Marinko Katava	Serb—same as Josipovic	g.v.c.—At Large.
26. Radovan Karadzic	Serb—Party Leader—Indicted 7/25/95 and 11/16/95 for genocide in Srebrenica, and Sarajevo. Also charged with violations of laws of war and crimes against humanity.	g.v. Gen. c.—At Large..
27. Dusan Knezevic	Serb—indicted 2/13/95 for atrocities committed at Omarska 7/21/95 for crimes committed at Keraterm	g.v.c. for both indictments—At Large.
28. Dragan Kondic	Serb—indicted 7/21/95 for crimes committed at Keraterm	g.v.c.—At Large.
29. Dario Kordic	Croat—indicted 11/10/95 for killings in Lasva Valley	g.v.c.—At Large.
30. Milojica Kos	Serb—indicted 2/13/95 for atrocities committed at Omarska	g.v.c.—At Large.
31. Predrag Kostic	Serb—same as Kos	g.v.c.—At Large.
32. Radomir Kovac	Serb—indicted 6/26/96 for crimes committed at Foca	g.v.c.—At Large.
33. Dragan Kulundzija	Serb—indicted 7/21/95 for crimes committed at Keraterm	g.v.c.—At Large.
34. Dragoljub Kunarac	Serb—indicted 6/26/96 for crimes committed at Foca	g.v.c.—At Large.
35. Mirjan Kupreskic	Croat—indicted 11/10/95 for killings in Lasva Valley	g.v.—At Large.
36. Vlatko Kupreskic	Croat—Same as above	g.v.—At Large.
37. Zoran Kupreskic	Croat—Same as above	g.v.—At Large.
38. Miroslav Kvocka	Serb—indicted for Omarska	g.v.c.—At Large.
39. Goran Lajic	Serb—indicted for Keraterm 7/21/95	At Large: wrong person siezed in Germany—g.v.c.
40. Esad Landzo	Muslim—indicted 3/21/96 for crimes committed at Celebici	In custody at the Hague—joint trial (see Delalic) began 3/10/97.
41. Zoran Marinic	Croat—indicted 11/10/95 for killings in Lasva Valley	g.v.—At Large.
42. Milan Martic	Serb—rebel Krajina leader indicted 7/25/95 for ordering cluster bomb attacks on Zajreb	Rule 61 hearings have been held for Martic—v.—At Large.

Indicted by the International Criminal Tribunal for the Former Yugoslavia—Continued

(List Compiled by the Coalition for International Justice)

Name	Title/Indicted for/Date	Charged with/Status
43. Zeljko Meakic	Serb—Commander of Omarska indicted 2/13/95	At Large: wrong person seized in Germany—g.v.c.
44. Slobodan Milijkovic	Serb—indicted 7/21/95 for crimes committed at Bosanski Samac	g.v.c.—At Large.
45. Ratko Mladic	Serb—Army Commander indicted 7/25/95 and 11/16/95 for genocide in Srebrenica and Sarajevo, charged with Crimes against humanity and violations of laws of war.	g.v. Gen. c.—At Large.
46. Mile Mrksic	Serb—Yugoslavian Army—indicted 11/7/95 for killing 261 non-Serbs at Vukovar Hospital	Rule 61 hearings have been held for Mrksic—g.v.c.—At Large.
47. Zdravko Mucic	Croat—indicted 3/21/96 for crimes committed at Celebici	Joint trial (see Delalic) began in March of 1997—g.v.
48. Dragan Nikolic	Serb—Commander of Susica camp in Bosnia—indicted 11/4/94 for genocide	Rule 61 hearings have been held for Nikolic—g.v.c.—At Large.
49. Dragan Papic	Croat—indicted 11/10/95 for killings in Lasva Valley	g.v.c.—At Large.
50. Nedjeljko Paspalj	Serb—indicted 2/13/96 for atrocities committed at Omarska	g.v.c.—At Large.
51. Milan Pavlic	Serb—same as above	g.v.c.—At Large.
52. Milutin Popovic	Serb—same as above	g.v.c.—At Large.
53. Dragoljub Prcac	Serb—same as above	g.v.c.—At Large.
54. Drazenko Predojevic	Serb—same as above	g.v.c.—At Large.
55. Mladen Radic	Serb—same as above	g.v.c.—At Large.
56. Miroslav Radic	Serb—Yugoslavian Army—Indicted 11/7/95 for killing 261 non-Serbs	g.v.c.—At Large.
57. Ivica Rajic	Croat—indicted 8/29/95 for killings at Stupni Do	g.v.—At Large.
58. Ivan Santic	Croat—indicted for Lasva Valley	g.v. indicted on 11/10/95—At Large.
59. Vladimir Santic	Croat—indicted for Lasva Valley	g.v. indicted on 11/10/95—At Large.
60. Dragomir Saponja	Serb—indicted 2/13/95 for atrocities committed at Omarska also charged with Keraterm 7/21/95	g.v.c. for both indictments—At Large.
61. Zeljko Savic	Serb—indicted for Omarska	g.v.c. indicted on 2/13/95—At Large.
62. Dusko Sikirica	Serb—indicted 7/21/95 for crimes committed at Keraterm	g.v. Gen. c.—Camp Commander—At Large.
63. Blagoje Simic	Serb—indicted 7/21/95 for incidents of war crimes at Bosanski Samac	g.v.c.—At Large.
64. Milan Simic	Serb—same as above	g.v.c.—At Large.
65. Pero Skopljak	Croat—indicted for Lasva Valley	g.v.—At Large.
66. Vesselin Sljivancanin	Yugoslavian Army—indicted 11/7/95 for killings at Vukovar hospital	Rule 61 hearings have been held for Sljivancanin—g.v.c.—At Large.
67. Radovan Stankovic	Serb—indicted 6/26/96 for crimes committed at Foca	g.v.c.—At Large.
68. Dusko Tadic	Serb—indicted 2/13/95 for murder, rape and torture at Omarska	Case in deliberation at The Hague—has plead not guilty to charges—verdict will be given 5/7/97 g.v.c.
69. Miroslav Tadic	Serb—indicted 7/21/95 for crimes committed at Bosanski Samac	g.c.—At Large.
70. Nedjeljko Timarac	Serb—indicted 7/21/95 for crimes committed at Keraterm	g.v.c.—At Large.
71. Stevan Todorovic	Serb—indicted for killings at Bosanski Samac	g.v.c.—At Large.
72. Zoran Vukovic	Serb—indicted 6/26/96 for crimes committed at Foca	g.v.c.—At Large.
73. Simo Zaric	Serb—indicted 7/21/95 for crimes committed at Bosanski Samac	g.c.—At Large.
74. Dragan Zelenovic	Serb—indicted 6/26/96 for crimes committed at Foca	g.v.c.—At Large.
75. Zoran Zigic	Serb—indicted 7/21/95 for Keraterm and 2/13/95 for Omarska	g.v.c. for both indictments—At Large.

Notes—1. g.: Grave Breaches of the 1949 Geneva Convention. 2. v.: Violations of the Laws or Customs of War. 3. GEN.: Genocide. 4. c.: Crimes Against Humanity.

WAR CRIMINAL WATCH

Information on the whereabouts of 37 of the 67 people publicly indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) who are still at large:

1. Nenad Banovic—Keraterm (Bosnian Serb)—Prijedor (Bosnian Serb territory)—Frequents "Express" restaurant in Prijedor. Lives at home in Prijedor. Twin brother to Predrag Banovic (q.v.). One of the Banovic brothers was seen driving a motor scooter in Prijedor in late November 1996 (Christian Science Monitor, Nov. 28, 1996).

2. Predrag Banovic—Keraterm (Bosnian Serb)—Prijedor (Bosnian Serb territory)—Frequents "Express" restaurant in Prijedor. Lives in Prijedor. Twin brother to Nenad Banovic (q.v.). One of the Banovic brothers was seen driving a motor scooter in Prijedor in late November 1996 (Christian Science Monitor, Nov. 28, 1996).

3. Mario Cerkez—Lasva Valley (Bosnian Croat)—Vitez (Muslim-Croat Federation)—Commanded a Bosnian Croat brigade in Vitez in 1993 and is still there (Tanjug, Nov. 13, 1995).

4. Dragan Fustar—Keraterm (Bosnian Serb)—Prijedor (Bosnian Serb territory)—Residence address listed on the IFOR wanted poster was 41 First of May Street in Prijedor. A journalist found Fustar's mother and wife both living there in late November 1996. The number sign has been pulled from the house. His mother and wife say that they live at 37 First of May Street, even though the building is located between 39 and 43 First of May Street. He is now unemployed (Christian Science Monitor, Nov. 28, 1996).

5. Dragan Gagovic—Foca (Bosnian Serb)—Foca (Bosnian Serb territory)—Chief of police in Foca (Sunday Times of London, July 28, 1996).

6. Gojko Jankovic—Foca (Bosnian Serb)—Foca (Bosnian Serb territory)—Seen by a journalist at a Foca cafe while "French soldiers from IFOR * * * leant against a nearby wall smoking cigarettes and paying no attention as Jankovic, accompanied by bodyguards, casually ordered a drink." (Sunday Times of London, July 28, 1996). Tried to get on the ballot for municipal elections. OSCE spotted it and stopped him.

7. Goran Jelisic—Brcko (Bosnian Serb) indicted for Genocide—Bijeljina (Bosnian Serb territory)—Interviewed in his apartment in Bijeljina (DeVolkskrant [Amsterdam], Feb. 29, 1996). Knows the telephone number of Ratko Cesic, also indicted for Brcko (De Volkskrant [Amsterdam], Feb. 29, 1996).

8. Drago Josipovic—Lasva Valley (Bosnian Croat)—Vitez (Muslim-Croat Federation)—A chemical engineer at the local Vitezit explosives factory, he lives in his family home in the village of Santici, just east of Vitez (Associated Press, Nov. 9, 1996). Works as a chemical engineer in the Princip munitions factory. May also be found at the local Croatian Democratic Party headquarters, where his wife is president (Washington Post, Nov. 27, page A21).

9. Radovan Karadzic—Sarajevo and Srebrenica (Bosnian Serb) indicted for Genocide—Pale (Bosnian Serb territory) Banja Luka (Bosnian Serb territory)—Pale house—large house on a mountainside—pointed out to Prof. Charles Ingrao on trip to Pale (New York Times, Oct. 28, 1996). Has friend, Slavko Rogulic, who runs gas station and hotel for him in Banja Luka. Building a house in Koljani village near Banja Luka. "[M]akes little effort to conceal his daily movements" (Associated Press, Nov. 9, 1996).

10. Marinko Katava—Lasva Valley (Bosnian Croat)—Vitez (Muslim-Croat Federal)—Works as a labor inspector for the Federation government at a desk in the town hall in Vitez, and lives in a pleasant downtown apartment (Associated Press, Nov. 9, 1996). Works in the town hall in Vitez as an employment inspector. He may be at the pharmacy run by his wife. The family telephone is printed on a sign in the pharmacy window, and the Katavas live upstairs (Washington Post, Nov. 27, 1996, page A21).

11. Dragan Kondic—Keraterm (Bosnian Serb)—Prijedor (Bosnian Serb territory)—Said to have connections with special police in Ljubia. Hangs out almost every night at "The Pink" bar in Prejedor.

12. Dario Kordic—Lasva Valley (Bosnian Croat)—Zagreb, Croatia—Numerous reports have him living in Zagreb. On or about July 8, 1996, was photographed in front of an apartment in Zagreb's Tresnjevka district on the 4th floor with no name on the door; block is owned by the defense ministry (Globus [Zagreb], as quoted in Reuters, July 10, 1996). Croatian ambassador to the United States says the apartment belongs to Kordic's parents, which means the Croatian government knows where Kordic has been living (Washington Post, Nov. 11, 1996, A28).

13. Milojica Kos—Omarska (Bosnian Serb)—Omarska (Bosnian Serb territory)—His brother Zheljko Kos owns the "Europa" restaurant in Omarska, across the street from the Omarska camp buildings; Milojica Kos frequently at the restaurant. Otherwise, he is keeping a low profile in Omarska (Christian Science Monitor, Nov. 28, 1996).

14. Radomir Kovac—Foca (Bos Serb)—Foca Bosnian Serb territory)—A journalist said at the IFOR press briefing on Nov. 19, 1996, that Kovac was still working for the Foca police. IPTF spokesman Aleksandar Ivanko replied, "I heard these reports. We can't confirm them. We have to take [Bosnian Serb Interior] Minister Kijac at his word, and he says nobody who as been indicted is working as a policeman in his letter to Peter Fitzgerald, so for the time being we'll take him at his word."

15. Mirjan Kupreskic—Lasva Valley (Bosnian Croat)—Vitez (Muslim—Croat Federation)—Can be found at the grocery store he and his cousin Vlatko Kupreskic (q.v.) run; he lives in Pirici, just east of Vietz (Associated Press, Nov. 9, 1996). Runs a grocery shop

in Vitez not far from Marinko Katava's (q.v.) wife's pharmacy (Washington Post, Nov. 27, page A21).

16. Vlatko Kupreskic—Lasva Valley (Bosnian Croat)—Vitez (Muslim-Croat Federation)—Can be found at the grocery store he and his cousin Mirjan Kupreskic (q.v.) run; he lives in Pirici, just east of Vitez (Associated Press, Nov. 9, 1996).

17. Zoran Kupreskic—Lasva Valley (Bosnian Croat)—Vitez (Muslim-Croat Federation)—Can be found at the grocery store run by him, his brother Mirjan Kupreskic (q.v.) and their cousin Vlatko Kupreskic (Q.v.) (Associated Press, Nov. 9, 1996). Runs a business in Vitez, not his brother Mirjan Kupreskic's (q.v.) grocery shop. "I have been advised not to talk to the press by the guy in charge," he said. "But call my brother Mirjan. Maybe he will want to talk to you," giving the telephone number and location of his brother's shop (Washington Post, Nov. 27, page A21).

18. Miroslav Kvocka—Omarska (Bosnian Serb)—Prijedor (Bosnian Serb territory)—Works at Prijedor police station (Reuters, Oct. 29, 1996). Put on leave (ABC World News Tonight, Nov. 26, 1996). Put on one month's leave. Was the Prijedor police duty officer as recently as Oct. 23, 1996, but is on temporary leave (Christian Science Monitor, Nov. 28, 1996).

19. Milan Martic—Zagreb rocket attack (CroSerb)—Banja Luka (Bosnian Serb territory)—"[H]is place of residence has been precisely located. . . ." (Telegraf [Belgrade], Feb. 28, 1996). Believed living in Banja Luka (London Press Association, Mar. 8, 1996). Said to have regular meetings with Plavsic, et al. Attended a public event near Banja Luka in July also attended by IFOR personnel (Human Rights Watch press release, Nov. 8, 1996). Seen in Banja Luka on Nov. 5, 1996. Lives less than 100 meters from IFOR civilian affairs center in Banja Luka (Human Rights Watch press release, Nov. 8, 1996). Gave a videotape interview from his office in Banja Luka (ABC World News Tonight, Nov. 26, 1996).

20. Zeljko Meakic [also spelled "Mejakic"]—Omarska (Bosnian Serb) indicted for Genocide—Omarska (Bosnian Serb territory)—Deputy commander of Omarska police station (Boston Globe, Oct. 31, 1996, page a6). Put on leave (ABC World News Tonight, Nov. 26, 1996). Put on one month's leave. On duty as recently as Oct. 20 (Christian Science Monitor, Nov. 28, 1996).

21. Slobodan Milijkovic—Bosanski Samac (Bosnian Serb)—Kragujevac, Serbia—Kragujevac is 60 miles southeast of Belgrade (Time magazine, May 13, 1996).

22. Ratko Mladic—Sarajevo and Srebrenica (Bosnian Serb) indicted for Genocide—Han Pijesak (Bosnian Serb territory)—Belgrade, Serbia—Lives inside his headquarters (numerous sources). Maintains an apartment in Belgrade.

23. Milan Mrksic—Vukovar (Serb)—Banja Luka (Bosnian Serb territory)—General in the JNA at the time of Vukovar; then went to work for the Krajina Serbs. Reported to have been in Banja Luka (New York Times, Jan. 5, 1996). Later, reported to have retired and now living a solitary life in Belgrade (Vreme, Apr. 6, 1996).

24. Dragan Nikolic—Susica (Bosnian Serb)—Vlasenica (Bosnian Serb territory)—Either in the Bosnian Serb Army or the Bosnian Serb civilian government (Reuter, Feb. 16, 1996).

25. Miroslav Radic—Vukovar (Serb)—In the Serbian "provinces"—Operates a private company "in the provinces" of Serbia (Vreme, Apr. 6, 1996).

26. Mladen Radic—Omarska (Bosnian Serb)—Prijedor (Bosnian Serb territory)—Works at Prijedor police station (Reuters, Oct. 29, 1996). Put on leave (ABC World News Tonight, Nov. 26, 1996). Put on one month's leave.

27. Ivica Rajic—Stupni Do (Bosnian Croat)—Split, Croatia—Lived in a Croatian-government owned hotel, believed to be the Zagreb Hotel, but has since reportedly left Split (Globus [Zagreb]; reported by Reuter, Oct. 23 and 24, 1996).

28. Ivan Santic—Lasva Valley (Bosnian Croat)—territory unknown—Santic was described as an engineer, the director of the Sintevit plant in Vitez, and, at the time the crimes occurred, the mayor of Vitez (Tanjug, Nov. 13, 1995). Interviewed by Inter Press Service (Inter Press Service, Dec. 14, 1995). In 1994–95 (at least), Santic was Deputy Minister of Industry and Energy in the Federation (Vjesnik [Zagreb], June 20, 1994, and Vecernji List [Zagreb], Nov. 20, 1995). Federation officials should know his address.

29. Dusko Sikirica—Keraterm (Bosnian Serb) indicted for Genodice—territory unknown—Tried to get on the ballot for municipal elections. OSCE spotted it and stopped him. OSCE should know his address.

30. Blagoje Simic—Bosanski Samac (Bosnian Serb)—Bosanski Samac (Bosnian Serb territory)—Highest-ranking public official in Bosanski Samac, with an office in the town hall (Boston Globe, Nov. 1, 1996, page a1).

31. Pero Skopljak—Lasva Valley (Bosnian Croat)—Vitez (Muslim-Croat Federation)—An official in the Bosnian Croat Presidency (Tanjug, Nov. 13, 1995). "Still lives in Vitez, where he runs a print shop" (Inter Press Service, Dec. 14, 1995). Now runs a local printing company from the ground floor of his spacious home in Vitez (Associated Press, Nov. 9, 1996). Still runs the printing shop, though his wife says he's rarely there (Washington Post, Nov. 27, page A21).

32. Veselin Sljivancanin—Vukovar (Serb)—Belgrade, Serbia—Reportedly had falling out with his superior, Gen. Milan MRKSIC (q.v.), also indicted for Vukovar (New York Times, Jan. 5, 1996). Promoted to full colonel and transferred to Belgrade (Agence France-Presse, Feb. 16, 1996). Now head of the Center of Advanced Military Schools in Belgrade (Svijet [Sarajevo], Apr. 25, 1996). Also referred to as an instructor at the Center of Advanced Military Schools in Belgrade (Vreme, Apr. 6, 1996).

33. Radovan Stankovic—Foca (Bosnian Serb)— Foca (Bosnian Serb territory)—Working in the Bosnian Serb police in Foca as of August, according to IPTF spokesman Aleksandar Ivanko. In August, Stankovic walked into IPTF police station near Sarajevo, but IPTF did not recognize his name. Local police stopped him, asked to see his driver's license, recognized his name, ordered him to come to a police station, whereupon he fled—later to file a complaint with the IPTF alleging that the Bosnian police fired shots at his car (Reuter, Nov. 8, 1996). In August, Stankovic filed a complaint against the Bosnian police at an IPTF office. "After being embarrassed by the fact that journalists discovered five others indicted on war-crime charges in the Serbian police force, U.N. officials reacted by forbidding their monitors to discuss the Stankovic case with reporters" (New York Times, Nov. 9, 1996).

34. Nedjeljko Timarac—Keraterm (Bosnian Serb)—Prijedor (Bosnian Serb territory)—Works at Prijedor police station (Reuters, Oct. 29, 1996). Put on leave (ABC World News Tonight, Nov. 26, 1996). Put on one month's leave.

35. Stevan Todorovic—Bosanski Samac (Bosnian Serb)—Bosanski Samac (Bosnian Serb territory)—Deputy of the local office of Republika Srpska state security in Bosanski Samac; works the night shift (7 p.m.-7 a.m.) (Boston Globe, Nov. 1, 1996, page a1). Lives in the village of Donja Slatina, a 3 minute, 30 second drive from American-staffed NATO base of Camp Colt, with 1,000 soldiers. His commuter route is routinely traveled by NATO patrols (Boston Globe, Nov. 1, 1996, page a1).

36. Dragan Zelenovic—Foca (BosSerb)—Foca (Bosnian Serb territory)—A journalist said at the IFOR press briefing on Nov. 19, 1996, that Zelenovic was still working for the Foca police. IPTF spokesman Aleksandar Ivanko replied, "I heard these reports. We can't confirm them. We have to take [Bosnian Serb Interior] Minister Kijac at his word, and he says nobody who has been indicted is working as a policeman in his letter to Peter Fitzgerald, so for the time being we'll take him at his word."

37. Zoran Zigic—Omarska and Keraterm (Bosnian Serb)—Banja Luka (Bosnian Serb territory)—Believed to be in jail in Banja Luka. Reported to be in a Bosnian Serb prison for an unrelated murder (Christan Science Monitor, Nov. 28, 1996).

Other information:

1. Nikica Janjic—Omarska and Keraterm (Bosnian Serb)—Banja Luka (Bosnian Serb territory)—According to friends and his father, he killed himself in September 1995 (Christian Science Monitor, Nov. 28, 1996).

Statistical summary:

37 out of 67: 55.2% of the 67 indicted war criminals who are still at large. 5 out of 5: 100% of war criminals who have been indicted for Genocide.—John W. Hefferman, Coalition for International Justice.

Bosnia Tolerates War Criminals

(By Liam McDowall)

Vitez, Bosnia-Herzegovina (AP).—Locating war crimes suspects in this Bosnian Croat town is easy. Finding someone prepared to arrest them is tough.

On a typical afternoon, Marinko Katava, who's wanted for murder, can be found behind his desk in the town hall. Pero Skopljak, the town's former chief of police, runs a local printing store.

The Kupreskic family—three of whose members are wanted for their role in the murderous wartime campaign against their Muslim neighbors—are usually at the grocery store they run.

All have been indicted by the U.N. war crimes tribunal in The Hague, Netherlands and listed on a widely-distributed "Wanted" poster.

The suspects aren't easy to see. A reporter who spoke by telephone with the Kupeskics was met at the grocery by a group of men who asked the reporter to leave. Skopljak's wife made the same request at the printing shop, and fellow town hall workers said Katava did not want to meet the visitor.

But none of them take any precautions to guard against arrest.

Why should they?

Nobody is looking for them. The unarmed U.N. police force has no powers of arrest and the NATO-led peace force has no mandate to hunt those indicted for their alleged roles in Bosnia's war.

Of the 74 men indicted by the tribunal—four Muslims, 16 Croats and 54 Serbs—only eight are in detention. Four Muslims, two Serbs and one Croat are in The Hague, and one Croat is being held in Croatia, pending extradition.

Just the most famous war crimes suspects follow elaborate security measures to make sure they won't be nabbed and carried off to trial. They include Radovan Karadzic, who led the Bosnian Serbs during the war, and his former military commander Gen. Ratko Mladic, who was fired Saturday by Karadzic's replacement, President Biljana Plavsic.

"Somehow the issue of detaining war criminals has fallen into an institutional black hole," said Michael Steiner, a top international peace administrator in Bosnia.

The impotence of the international community was starkly illustrated in August when an indicted Serb walked into a U.N. police station near Sarajevo to file a complaint against Bosnian police who had attempted to arrest him.

The U.N. police did not recognize him and later said they would have made no effort to detain him anyway, since it wasn't their job.

Stung by criticism, international peace administrators are now compiling a list of war crimes suspects and their whereabouts.

They're hoping that with the U.S. elections over—along with the chance that U.S. casualties could mar President Clinton's reelection—Washington may be prepared to support a new mission to go after some of the wanted men.

But up to now, officials have displayed little zeal to embroil any of the 43,000 soldiers of the NATO-led peace force in the war crimes issue, wary of possible retaliation by Bosnia's former warring parties.

The peace force claims that during the past 11 months, not one of its men has spotted a war crimes suspect. Spokesmen now even deny their troops' sightings of Karadzic, which they once confirmed.

That leaves nabbing suspects up to Bosnian Muslim, Croat and Serb authorities—and "they will not do it," Steiner said. It would be political suicide for any leader to hand over suspects to The Hague.

While the Muslim-led government in Sarajevo has in the main cooperated in arresting and extraditing suspects, Bosnia's Serbs and Croats have not.

The two Serbs in custody were arrested abroad, and the Croat in The Hague handed himself in after special conditions were agreed upon in advance. The Croat being held in Croatia was arrested by Croatian officials, not Bosnian Croats.

Karadzic, accused of genocide and crimes against humanity for the siege of Sarajevo and the presumed massacre of thousands of Muslims after the fall of Srebrenica in July 1995, still controls the Serb-controlled half of Bosnia from behind the scenes.

Ostensibly forced out of office in July under the terms of a U.S.-brokered deal, he makes little effort to conceal his daily movements in his mountain stronghold of Pale, southeast of Sarajevo. Confident of his security system and aware that nobody is going to try and grab him, he drives past the U.N. police station in Pale each day.

Mladic lives just 8 miles from a big American base in eastern Bosnia, keeping bees and goat in a heavily-guarded compound in Han Pijesak. There was no unusual movement reported around his compound on Saturday.

U.N. officials told The AP that six indicted Serbs still hold their police jobs: four in the northwestern town of Prijedor and two in the southeastern town of Foca.

Bosnian Croats are no more compliant. In Vitez, 50 miles northwest of Sarajevo, at least six of the 14 Croats indicted for their role in the expulsion and murder of Muslims from the region remain at liberty.

The Associated Press discovered that at least one of the war crimes suspects wanted for murder, Marinko Katava, continues to work as a labor inspector in the local government.

Katava—whose whereabouts, according to the tribunal and the multinational peace force, is unknown—can be found during working hours at town hall and at other times in his pleasant downtown apartment.

Mirjan Kupreskic and his cousin Vlatko Kupreskic, wanted for their alleged role in a murderous campaign against Muslim civilians, live in Pirici on Vitez's eastern flank and run a small grocery in the center of town.

Together with Zoran Kupreskic, Mirjan's brother, the three are charged on several counts of war crimes. Their victims, Muslim neighbors, included a four-month-old infant and a 75-year-old pensioner.

Pero Skopljak, whom tribunal prosecutors accuse of overseeing "the inhumane treatment" of Muslim civilians, runs a printing company from the ground floor of his spacious house in Vitez.

Drago Josipovic, indicted for his role in the execution of Muslim civilians, is a chemical engineer at the local Vitezit explosives factory. He lives in his family house in the village of Santici, just east of Vitez.

The town's deputy policy chief, Marko Dundzer, told The AP that he knew "a few" suspects remained in Vitez but didn't know any of them personally.

In spite of Bosnian Croat leaders' claims that they are cooperating fully with the tribunal, Dundzer said he would not attempt to arrest any suspect. "I have received no orders to do such a thing," he said.

[From the Boston Globe, Oct. 29, 1996]

BOSNIA'S WAR CRIMINALS ENJOY PEACETIME POWER

(By Elizabeth Neuffer)

Prijedor, Bosnia-Herzegovina—It only takes a phone call to nearby Omarska to discover the whereabouts of Zjelko Mejakic, one of the West's most wanted indicted war criminals.

"Zejelko?" says the operator at the town police station. "He's not here at the moment, but he'll definitely be here later."

Mejakic, the Bosnian Serb former commander of the notorious Omarska prison camp, is deputy police chief, despite his indictment for genocide by the International War Crimes Tribunal at the Hague. And he is not alone: Three indicated war criminals work at the Prijedor police station, according to United Nations and Bosnian Serb sources.

Nearly a year after the Dayton peace accord for Bosnia called for war criminals to be brought to justice, alleged war criminals remain at large and in positions of power, many ruling their communities as firmly in peace as they did during the war.

The net result, a Globe investigation has found, is that some alleged war criminals are flourishing in peacetime. Some are believed to have turned to organized crime, including drug trafficking, counterfeiting and extortion.

Others have kept their hold on communities, allegedly intimidating political opponents and running protection rackets, keeping their war records buried under new abuses of power. Their reach appears to stretch beyond Bosnia: Several war crimes witnesses interviewed in Germany said they have been threatened there.

"Unfortunately, Dayton is only a piece of paper," said Rev. Karlo Visaticki, a Roman Catholic priest in Serb-held Banja Luka who holds local warloads responsible for the 1995 disappearance of a local priest. "All the war criminals are still in power."

The arrest and trial of alleged war criminals is seen as a key element of peace here, allowing justice to break Balkan cycles of revenge. Yet NATO peacekeepers, whose mandate bans them from searching out war criminals, have yet to arrest any of the more than 76 men indicted. Nor have former warring parties turned over those charged.

Under the Dayton accord, indicted war criminals are banned from holding public or elective office. But in reality, many still do: most notably, Gen. Ratko Mladic heads the Bosnian Serb Army despite his indictment for overseeing the massacre of thousands of Muslims from the UN "safe haven" of Srebrenica. In fact, UN sources say Mladic has extended his power base to include police in northwest Bosnia.

Radovan Karadzic, the former Bosnian Serb leader widely viewed as a prime architect of a conflict that killed scores of thousands of people and created 2 million refugees, was forced to step down, but still dictates Bosnian Serb policies and lives in Bosnia with impunity despite his war crimes indictment.

Other less renowned indicated war criminals threaten peace by continuing to control their communities. Prijedor, in Serb-held Bosnia, and Mostar, in the Muslim-Croat Federation, are two such places.

PRIJEDOR

In 1993, Prijedor burst into the West's consciousness with news of the Serb-run detention camps of Ornarska, Keraterm and Trnopolje. Today, the camps are closed. But those who operated them, beating, torturing, raping and killing Muslim and Croat prisoners, still run Prijedor, according to Bosnian Serbs and Western officials. To some, these men are war heroes, who deserve to be in charge of the police station and newspaper. But to opposition politicians, ethnic minorities or dissidents of any kind, the presence of indicted and alleged war criminals in power means peace brings no guarantee of freedom.

"The only thing that has changed since Dayton is that there is no shooting," said one of the few remaining Muslims here, who asked not to be identified. Out of a prewar population of about 45,000 Muslims, about 450 remain. "We continue to live in fear."

Three indicted war criminals accused of genocide for "ethnic cleansing" at the Omarska camp are today Prijedor policemen: shift commander Mladen "Krkan" Radic, former camp commander Miroslav Kvocka and guard Nedjeljko Timarac.

"The worst shift in the camp was the one in which Mladen Radic was in charge," recalled camp survivor Nusret Sivac in a book about Ornarska and Trnopolje. "One day * * * they were beating and stomping over everyone, saying, 'On St. Peter's day, we'll light you as firewood, [rape] your Turkish mothers!' and they kept their promise."

With these men in power in Prijedor—and Mejakic in the police station in Ornarska—there can be no freedom of speech, local Bosnian Serbs say.

"It's a pity these killers are still free," said one Bosnian Serb from near Ornarska, who asked not to be identified. "Because it is still dangerous. Overnight, one can lose one's life."

Learning of the presence of indicted war criminals on the Prijedor force, Robert Wasserman, deputy commissioner of the UN International Police Task Force, which monitors civilian aspects of the Dayton accords, said the group would seek to have the officers removed.

"We are outraged, and we will move immediately for the removal of these people," he said. "It seriously undermines confidence in police in the country."

One alleged criminal who is still free is former Prijedor police chief Simo Drljaca, whom UN and NATO officials expect to be indicted this month for war crimes. Drljaca, sources say, determined who was sent to prison camps and how they were treated, including signing all the execution orders.

Since the war, Drljaca has run Prijedor as if it were his fiefdom. In addition to controlling officials from the mayor on down. Drljaca is alleged by residents to have demanded kickbacks for apartments and police protection of businesses. Locally, his nickname is "Mr. Ten Percent," for the rate he demands from area bars and restaurants.

Bosnian Serbs who don't toe the party line allege they had to pay the police to avoid being evicted from their apartments. Western officials say that residents who talked to them later were threatened by Drljaca, called to the police station for "informative talks."

NATO officials attempted to reduce Drljaca's power a few weeks ago, forcing Bosnian Serb authorities to remove him as police chief after he threatened NATO peacekeepers with a gun.

"He was God here," said one Western official in the region. "He controlled everything and everyone."

But last week, despite a new job as logistics adviser to the minister of interior of the Serb half of Bosnia, Drljaca was working as the Prijedor police station, still reachable via his secretary there. "Unfortunately," said one military source, "he's still pulling the strings here."

"Oh, from now on I am going to be a good boy," Drljaca said in a recent interview with the Globe, denying all allegations. "These charges are unjustified . . . but it won't affect my personal life. I have protection. Any time of day or night, I am ready to resist."

That alleged war criminals still run Prijedor is a powerful disincentive for Muslim and Croat refugees who want to return home.

"These criminals assaulted and killed and robbed us, and now they are still in power?" said Sefik Terzic, a 54–year–old Omarska survivor now in Germany. "And this is where I am supposed to return to? I'd rather kill myself than let them finish the job they began four years ago."

MOSTAR

Since the signing of the Dayton agreement last December, the city of Mostar has become Bosnia's hub for organized crime. Explosions routinely destroy cafes of owners unwilling to pay protection money. Opposition figures are openly harassed. Car theft and counterfeit rings abound. Ethnic minorities are chased from their homes. An illegal drug trade, from marijuana to cocaine, is flourishing. And lurking behind all these developments. Bosnian government and Western sources say, are two men accused of being war criminals: Mladen "Tuta" Naletilic and Vinko "Stela" Martinovic.

"It's got to be the leaders in Mostar and in Bosnia who are determined to get rid of this problem and put the scum where they belong, behind bars," Sir Martin Garrod, the European Union envoy to Mostar, told reporters in August, naming Naletilic and Martinovic.

Neither man has been indicted by the War Crimes Tribunal, although files on their wartime activities have been sent to the Hague. The Tribunal was alarmed after Nedzad Ugljen, a Bosnian agent investigating the two men and cooperating with the Tribunal, was assassinated in Sarajevo, according to sources who read a letter sent by the Tribunal to Bosnian officials.

A look at the two men's alleged wartime and peacetime careers reveals how fine a line there appears to be between war crimes and organized crime in today's Bosnia.

The old warlords have simply shifted their activities to organized crimes." said Col. Pieter Lambrechste of the European Union police in Mostar. "And in this postwar period, crime is flourishing."

So much so that FBI and Drug Enforcement Administration investigators, drawn by the boom in organized crime, recently visited Bosnia.

According to Bosnian government and Western sources. Tuta and Stela gained a stranglehold on Mostar in 1993, running antiterrorist units in the Bosnian Croatian Army that drove minorities from the city and set up local detention camps.

Tuta, a Canadian Croat who is close to Croatian Defense Minister Gojko Susak, is described as having been the brains behind the operation; Stela, who had a lengthy criminal record before the war, the front man. "Tuta gave the orders, and Stela obeyed," said one Western official here.

Officials allege that "Stela" Martinovic and his thugs—the "ATG Mrmak," identifiable by their sunglasses and shaved heads—drove out Muslims and Serbs from West Mostar, killing and raping as they went. "Our whole neighborhood was kicked out by Stela's team," said Azra Hasanbegovic, 49, now in East Mostar. "My 74-year-old mother was badly beaten with rifle butts . . . there were a lot of rapes."

Bosnian government sources allege that Tuta and Stela established a prison camp at the local helicopter base. Testimony from camp survivors, compiled by the Bosnian government and delivered to the Hague, includes accounts of people forced to eat feces, denied water under beating sun and made to watch their children raped or killed.

Even local Croats were not safe. Both Tuta and Stela reportedly levied a "war tax" on those who refused to fight the Muslims.

Today, the two men continue to exercise power with impunity. Stela prowls Mostar in his green Jaguar, Mercedes 600 or Mercedes 124; Tuta lives next door to Susak in the village of Siroki Brijeg. Bosnian government sources allege the two men are now involved in counterfeiting money, running drugs, prostitution, smuggling cigarettes and protection rackets.

Western authorities say they are aware of the allegations, but cannot prove them. But they do think the two hold sway over Bosnian Croat police, who have done nothing about 50 cases so far this year involving the expulsion of Muslims from their homes. Last week, a Muslim woman arrived home after a two-hour absence to discover a Croatian family in her apartment.

"No one Croat can survive in business or politics unless he is in agreement with Tuta," said one Bosnian government source.

In recent weeks, leading political opposition figures in Mostar have been threatened, shot at and beaten. In April, Tuta physically attacked a leading Croatian government critic, Slobodan Budak, at Zagreb's Inter-Continental Hotel.

"There is a climate of intimidation and fear in Mostar, and people are frightened to stand up and express their views as a result," said Garrod, the European Union envoy. "Unfortunately, people on all levels are not yet prepared to demand that the guilty be brought to justice."

Previous Globe coverage and links are available on Globe Online at http://www.boston.com.

The keyword is Bosnia.

Among alleged war criminals in Prijedor and Omarska.

Momcilo "Cigo" Radanovic, Prijedor deputy mayor; Former head of Bosnian Serb Army unit; allegedly extorted residents by promising freedom for cash. "The biggest crimes in Kozarac were committed . . . under the command of Momcilo (Cigo) Radanovic," charged a camp survivor, Nusret Sivac.

Ranko Mijic, new Prijedor chief of police: Omarska camp survivors say he was their chief interrogation officer.

Simo Drljaca, previous Prejidor chief of police: Now adviser to the ministry of interior. Allegedly determined who went to camps; signed orders for executions. "I became a victim of his revenge," said D.E., a Croatian sent to Keraterm. "Shoving of police clubs into the anus and sitting on broken beer bottles were only some of the maltreatments."

Mladen Radic, Prijedor police officer: Indicted by War Crimes Tribunal. "The guards formed a lane, we had to walk through it. It was later explained that if Mladen winked his eye or said, 'Not this one,' the man would walk the lane without being battered," said D.I., a former prisoner.

Miroslav Kvocka, police officer: Indicted for war crimes. Original commander of Omarska.

Nedeljko Timarac, chief of forensics, Prijedor police: Indicted for war crimes. At Omarska camp, he was "a member of the gang of Zoran Zigic, a multiple criminal. They are responsible for many murders and rapes," said Nusrat Sevic.

Zeljko Mejakic, Omarska deputy police commander: Indicted for war crimes. Commander of Omarska camp. "He interrogated me four times," said Sefik Terzie, a survivor. "He knocked me with his fist. His mates knocked my teeth out."

Slobodan Kuruzovic, Prijedor newspaper editor: Indicted in Croatia for war crimes. Was commander at Trnopoije camp.

May 6, 1997.

Hon. Frank R. Lautenberg,
Hon. Patrick J. Leahy,
Committee on Appropriations,
U.S. Senate, Washington, DC.

Dear Senator Lautenberg and Senator Leahy: We are writing to express our strong support and thanks for your legislation, the "War Crimes Prosecution Facilitation Act."

We are outraged that 66 of the 75 persons who have been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for some of the worst crimes in this half-century—including genocide, systematic rape and other crimes against humanity—remain at large. As you know, many of the indicted are living openly and comfortably in the region, continuing to wield political and economic power.

We are united in our concern that bilateral and multilateral reconstruction assistance not strengthen and enrich those indicted war criminals and the governments that are failing to assist in their apprehension and transfer to the Tribunal. It is essential to the peace process that we carefully direct aid so as to encourage compliance with the Dayton

Agreement's core elements—apprehension of indicated war criminals, freedom of movement, and return of refugees and displaced persons—rather than strengthen those who are flouting their sworn commitments to do so.

We are particularly pleased that your legislation recognizes the undeniable political realities of the region and holds each Dayton signatory country responsible for the actual extent of its authority and ability to assist the Tribunal. Specifically, Croatia and Serbia have an obligation not only to arrest indicted persons who are within their borders but also to exercise their decisive political and economic influence in the sections of Bosnia-Herzegovina they effectively control to ensure that the indicted who are there are arrested and sent to the Tribunal for trial.

The continued presence of indicted war criminals in the region and continued political and economic strength of their protectors are the major obstacles to reform and implementation of Dayton. Reconstruction will not be successful—and U.S. tax dollars and those of other donors—will be wasted unless such assistance is provided in a manner that supports reconciliation and the rule of law, rather than rewards the very people most responsible for genocide and ethnic cleansing.

Thank you very much for your leadership and concern.

Sincerely,
Coalition for International Justice.
Human Rights Watch.
Physicians for Human Rights.
Action Council for Peace in the Balkans.
International Human Rights Law Group.

Mr. LEAHY. Mr. President, I am very pleased to be an original cosponsor of Senator LAUTENBERG's legislation, the War Crimes Prosecution Facilitation Act of 1997.

Senator LAUTENBERG has consistently called for stronger action to bring war crimes in the former Yugoslavia to justice, and I appreciate his efforts and commend him for keeping the spotlight on this.

I am not going to repeat what Senator LAUTENBERG has already said about why this legislation is needed. He has discussed it in detail. It is simply outrageous that people who are believed to be responsible for some of the most heinous crimes in this century have been living and traveling freely within the former Yugoslavia, their whereabouts a matter of public knowledge.

My own view is that NATO forces, or some special contingent specifically constituted to capture war criminals, should go after these people. The longer we wait, the more powerless NATO appears, and the more convinced these people are that they have nothing to fear. But until that happens, at the very least, we should not give aid to governments that harbor war criminals, especially considering that they pledged to cooperate fully with the War Crimes Tribunal.

That is the purpose of this legislation—to deny aid to governments of the former Yugoslavia until they arrest and turn over indicted war criminals who are within territory under that control, or to projects in communities whose local authorities are protecting war criminals or preventing refugees from returning home. Frankly, that should already be U.S. Government policy. There should be no need for this legislation. Since our goal is to promote reconciliation, the bill does make appropriate exceptions for humanitarian and other limited assistance.

Mr. President, I want to again thank Senator LAUTENBERG for his leadership, I hope that the administration will respond by telling us that they are in agreement with this legislation and will conform their policy accordingly.

By Mr. LUGAR (for himself and Mr. HARKIN): S. 805. A bill to reform the information technology systems of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE DEPARTMENT OF AGRICULTURE INFORMATION REFORM ACT

Mr. LUGAR. Mr. President, I rise to introduce legislation that will help Secretary of Agriculture Dan Glickman in his efforts to make USDA a more efficient user of taxpayer money. The Department of Agriculture has a long history of wasteful spending on information technology [IT]—telecommunications and computers. Over the past 10 years, USDA invested almost $8 billion on IT purchases that were often poorly planned, incompatible, and redundant. Recently Secretary Glickman lamented the stovepipe mentality that pervades USDA planning and purchases of information technology. That is, each agency of the Department protects its own turf and budget, and is reluctant to coordinate its IT planning and purchases with other agencies.

The Secretary's observations are consistent with messages we have sent to USDA in years past. Five years ago, Senator LEAHY and I warned that "money invested by USDA in computer technology over the past several years has been spent without a clear understanding of what was being purchased or what was operationally required to increase efficiency within the Department." We asked then Secretary Madigan to curtail computer purchases until a "strategic plan or vision for Department reorganization is completed." We still await a final version of the current strategic plan.

For over a decade, audits of USDA's IT purchases have uncovered the same root problems: inadequate control, planning, and direction of IT investments. Historically, USDA's administration has failed to exercise the authority to control the IT expenditures of its 30 agencies. These agencies' independent IT purchases have led to systems that are unable to communicate across the Department. This has impeded program delivery and resulted in a labyrinth of duplicative and incompatible systems that has wasted hundreds of millions of dollars.

The 104th Congress passed the Clinger-Cohen Act, which requires performance and results-based management in IT planning and purchases throughout Government. Clinger-Cohen created the position of the Chief Information Officer [CIO], a high-level executive responsible for achieving program delivery through prudent and coordinated IT investments. The concept of CIO coordination of IT planning and purchases is already widespread in the private sector.

To be successful, the CIO must have significant legal and budgetary authorities. The CIO at USDA has neither. Individual agencies, which control their own budgets, can ignore the CIO. Currently, USDA's CIO has the responsibility to coordinate IT investments across agencies, but lacks the planning and budgeting authority to meet this responsibility. Without such authority, the problems of the past are sure to continue.

The legislation I introduce today builds on Clinger-Cohen by giving the CIO at USDA the legal and budgetary authorities necessary to manage IT across USDA's 30 agencies. This bill accomplishes three things. First, the CIO is given the legal and budget authorities necessary to sucessfully manage IT to benefit the Department as a whole. Second, the CIO is given subcabinet rank within USDA, and will report directly to the Secretary. Third, the CIO is given the authority to approve or disapprove all purchases for telecommunications and computers.

One important provision of this bill transfers to the CIO 10 percent of all USDA agencies' appropriations for salaries and expenses, to be used for IT planning and purchases. This amount can be adjusted by the Secretary. When the CIO approves an expenditure, the funds are released back to the agency. My purpose in including this provision is to provide the CIO with sufficient authority to control IT throughout USDA. I understand that Secretary Glickman may prefer alternative methods of achieving this goal. I look forward to working with him to craft the best means of accomplishing our common objective, because I genuinely intend this legislation to be helpful to his efforts and want to be supportive.

Secretary Glickman sincerely wants to change the stovepipe mentality that pervades decisionmaking among USDA's 30 agencies. The Secretary has expressed a desire to reform the planning and budgeting of IT expenditures. He has stated a desire to halt the pattern of uncoordinated planning and ill-advised purchases that has resulted in the waste of taxpayer dollars. I believe the Secretary agrees that we cannot afford the operating procedures which exist today.

However, the challenge of effecting change in the long-standing pattern of stovepipe agencies operating on their own is formidable. By introducing this bill today, I offer my assistance to the Secretary in this difficult and heretofore elusive task.

The intent of this legislation is to help the Secretary realize his vision of a common USDA spirit by allowing him to implement reforms across the entire Department of Agriculture. I look forward to working with him to increase the efficiency and effectiveness of IT purchases and in so doing improve delivery of USDA programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Agriculture Information Technology Reform Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Powers and duties of Chief Information Officer.
Sec. 5. Procurement of outside consultants.
Sec. 6. Transfer of agency information technology funds.
Sec. 7. Review by Office of Management and Budget.
Sec. 8. Technical amendment.
Sec. 9. Termination of authority.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Office of Management and Budget estimates that the Department of Agriculture will spend $1,100,000,000, $1,200,000,000, and $1,250,000,000 for fiscal years 1996, 1997, and 1998, respectively, on information technology and automated data processing equipment;

(2) according to the Department, as of October 1993, the Department had 17 major information technology systems under development with an estimated life-cycle cost of $6,300,000,000;

(3) over the past decade, committees of Congress, the General Accounting Office, the Office of Management and Budget, and private consultants have repeatedly argued that the Department's information technology decisions have been made in piecemeal fashion, on an individual agency basis, resulting in duplication, a lack of coordination, and wasted financial and technological resources by the offices or agencies of the Department and in hundreds of millions of wasted dollars over the past decade;

(4) the Department's role in agriculture in the United States was substantially altered by the FAIR Act, although the Department has yet to adequately assess fully the impact the FAIR Act will have on the services the Department provides to its customers;

(5) decentralized, uncoordinated, and wasteful purchases for information technology have continued at the Department until recently when the Secretary imposed a moratorium on purchases;

(6) strong central and independent leadership, control, and accountability is essential to coordinating planning and eliminating wasteful purchases;

(7) the Chief Information Officer should have a subcabinet rank within the Department;

(8) a single authority for Department-wide planning is needed to ensure that the information technology architecture of the Department is based on the strategic business plans, information resources, management goals, and core business process methodology of the Department;

(9) information technology is a strategic resource for the missions and program activities of the Department;

(10) consolidating the budgetary authority for information technology purchases is key to eliminating purchases that are conducted in piecemeal fashion, on an individual office or agency of the Department basis, resulting in duplication, a lack of coordination, and wasted financial and technological resources at the Department;

(11) centralizing the authority and funding for planning and investment for information technology in the Office of the Chief Information Officer will—

(A) provide the Department with strong and coordinated leadership and direction;

(B) ensure that the business architecture is based on rigorous core business process methodology;

(C) ensure that the information technology architecture of the Department is based on the strategic business plans of the offices or agencies of the Department and the missions of the Department;

(D) ensure that funds will be invested in information technology only after the Chief Information Officer has completed the planning and review of future business requirements of the offices or agencies and developed an information technology architecture that is based on the business requirements; and

(E) force the Department to act as a single enterprise with respect to information technology, thus eliminating the duplication and inefficiency associated with a single office- or agency-based approach;

(12) each office or agency of the Department should achieve at least—

(A) a 5 percent per year decrease in costs incurred for operation and maintenance of information technology; and

(B) a 5 percent per year increase in operational efficiency through improvements in information resource management; and

(13) information resource management should be supported by a senior official of the Department who is committed to using information technology as a process to facilitate the most efficient administration of the program functions of the Department by marshalling the necessary resources and the commitment of high-level managers toward that end.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY INFORMATION TECHNOLOGY FUNDS.—The term "agency information technology funds" means 10 percent of the annual fiscal year funds that are made available to each office or agency of the Department for salaries and expenses.

(2) CHIEF INFORMATION OFFICER.—The term "Chief Information Officer" means the individual appointed by the Secretary to serve as Chief Information Officer (as established by section 5125 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425)) for the Department.

(3) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(4) FAIR ACT.—The term "FAIR Act" means the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127).

(5) INFORMATION RESOURCE MANAGEMENT.—The term "information resource management" means the process of managing information resources to accomplish agency missions and to improve agency performance.

(6) INFORMATION RESOURCES.—The term "information resources" means information and related resources such as personnel, equipment, funds, and information technology systems.

(7) INFORMATION TECHNOLOGY ARCHITECTURE.—The term "information technology architecture" means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic business plans, information resources, management goals, and core business process methodology of the Department.

(8) INFORMATION TECHNOLOGY SYSTEM.—The term "information technology system" means a system of automated data processing or telecommunications equipment or software (including support services), information resource management, or business process reengineering of an office or agency of the Department.

(9) OFFICE OR AGENCY OF THE DEPARTMENT.—The term "office or agency of the Department" means, as applicable, each current or future—

(A) national, regional, county, or local office or agency of the Department;

(B) county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5));

(C) State committee, State office, or field service center of the Farm Service Agency; and

(D) a group of multiple offices and agencies of the Department that are currently, or will be, connected through common program activities and information technology systems.

(10) PERFORMANCE GOAL.—The term "performance goal" means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate.

(11) PROGRAM ACTIVITY.—The term "program activity" means a specific activity or project of a program that is carried out by 1 or more offices or agencies of the Department.

(12) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(13) TRANSFER OR OBLIGATION OF FUNDS.—The term "transfer or obligation of funds" means, as applicable—

(A) the transfer of funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation) from 1 account to another account of an office or agency of the Department for the purpose of investing in an information technology system of an office or agency of the Department that exceeds $250,000 for any 1 order, or aggregation of orders, for the same or similar items and involves planning, providing services, or leasing or purchasing of personal property (including all hardware and software) or services for an information technology system of an office or agency of the Department;

(B) the obligation of funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation) for the purpose of investing in an information technology system of an office or agency of the Department that exceeds $250,000 for any 1 order, or aggregation of orders, for the same or similar items and involves planning, providing services, or leasing or purchasing of personal property (including all hardware and software) or services for an information technology system of an office or agency of the Department; or

(C) the obligation of funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation) for the purpose of investing in an information technology system of an office or agency of the Department that exceeds $250,000 for any 1 order, or aggregation of orders, for the same or similar items and involves planning, providing services, or leasing or purchasing of personal property (including all hardware and software) or services for an information technology system of an office or agency of the Department, to be obtained through a contract with an office or agency of the Federal Government, a State, the District of Columbia, or any person in the private sector.

SEC. 4. POWERS AND DUTIES OF CHIEF INFORMATION OFFICER.

Notwithstanding any other provision of law (except the Government Performance and Results Act of 1993 (Public Law 103–62), amendments made by that Act, and the Information Technology Management Reform Act of 1996 (40 U.S.C. 1401 et seq.)), in addition to the general authorities provided to the Chief Information Officer by section 5125 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425), the Chief Information Officer shall have the following powers and duties within the Department:

(1) LEADERSHIP IN REORGANIZATION AND STREAMLINING EFFORTS.—The Chief Information Officer, in cooperation with other persons such as the Chief Financial Officer and the Executive Information Technology Investment Review Board (or its successor), shall provide the strong central leadership, planning, and accountability that is needed in light of the substantial changes created by the FAIR Act and reorganization and downsizing initiatives already commenced within the Department.

(2) INFORMATION TECHNOLOGY SYSTEMS AND INFORMATION RESOURCE MANAGEMENT.—The Chief Information Officer shall oversee the development, implementation, and maintenance of all information technology systems and information resource management in the Department.

(3) DEPARTMENT-WIDE INFORMATION TECHNOLOGY SYSTEMS.—The Chief Information Officer shall ensure that information technology systems of the Department are designed to coordinate the functions of the offices or agencies of the Department on a Department-wide basis.

(4) INFORMATION TECHNOLOGY ARCHITECTURE.—The Chief Information Officer shall establish, and exercise exclusive authority over, an information technical architecture that serves the entire Department based on the strategic business plans, information resources, management goals, and core business process methodology of the Department.

(5) COORDINATION OF INFORMATION TECHNOLOGY ARCHITECTURE AND AGENCY STRATEGIC PLANS.—

(A) IN GENERAL.—The Chief Information Officer shall ensure that the information technology architecture of the Department clearly implements the strategic business plans, and information resource management, of offices or agencies of the Department regarding the needs and goals of program activities of the Department.

(B) GOALS OF THE INFORMATION TECHNOLOGY ARCHITECTURE.—The Chief Information Officer shall design and implement an information technology architecture in a manner that ensures that—

(i) the information technology system of each office or agency of the Department maximizes the effectiveness and efficiency of mission delivery and information resource management, and supports core business processes of the Department;

(ii) the information technology system of each office or agency of the Department maximizes quality per dollar expended;

(iii) maximizes efficiency and coordination of information technology systems between offices or agencies of the Department;

(iv) planning for, leases, and purchases of the information technology system of each office or agency of the Department most efficiently satisfy the needs of the office or agency in terms of the customers served, program characteristics, and employees affected by the system; and

(v) information technology systems of the Department are designed and managed to coordinate or consolidate similar functions of the missions, and offices or agencies of the Department, on a Department-wide basis.

(6) COORDINATION AND EVALUATION OF INFORMATION TECHNOLOGY SYSTEMS OF OFFICES AND AGENCIES.—The Chief Information Officer shall—

(A) monitor the performance of the information technology system of each office or agency of the Department;

(B) evaluate the performance of the system on the basis of applicable performance measurements; and

(C) advise the head of the office or agency on whether to continue, modify, or terminate the system.

(7) ELECTRONIC FUND TRANSFERS.—The Chief Information Officer shall ensure that the information technology architecture of the Department complies with the requirement of section 3332 of title 31, United States Code, that certain current, and all future payments after January 1, 1999, be tendered through electronic fund transfer.

(8) FIELD SERVICE CENTERS.—The Chief Information Officer shall ensure that the information technology architecture of the Department provides for information technology systems that are designed for field service centers—

(A) to best facilitate the exchange of information between field service centers and other offices or agencies of the Department;

(B) that integrate the operation of all existing information technology systems of the Department to provide a single point of service for program delivery;

(C) that integrate the changed missions of the Department in light of the FAIR Act and reorganization and downsizing initiatives of the Department; and

(D) that are cost effective.

(9) INFORMATION TECHNOLOGY SYSTEM INVESTMENTS.—

(A) IN GENERAL.—The Chief Information Officer shall have the exclusive authority to approve a transfer or obligation of funds to be used for the purpose of investing in an information technology system of the Department that exceeds $250,000 and that applies to an office or agency of the Department or has a Department-wide impact.

(B) CONDITIONS ON APPROVAL OF FUNDING.—The Chief Information Officer shall not approve the transfer or obligation of funds with respect to an office or agency of the Department unless the Chief Information Officer determines that—

(i) the information technology architecture of the Department is complete;

(ii) the funds will be transferred or obligated for an information technology system that is consistent with, and maximizes the performance of, the strategic business plans of the office or agency of the Department and of the Department;

(iii) ongoing projects and other acquisitions have been reviewed to ensure that similar requirements, common elements, and economies of scale are realized; and

(iv) in coordination with the Chief Financial Officer, the strategic business plan of the office or agency is complete.

(C) CAPITAL PLANNING AND INVESTMENT CONTROL.—Before approving a transfer or obligation of funds for an investment under subparagraph (A), the Chief Information Officer shall consult with the Executive Information Technology Investment Review Board (or its successor) concerning whether the investment—

(i) meets the objectives of capital planning processes for selecting, managing, and evaluating the results of major investments in information systems; and

(ii) links the affected strategic plan with the information technology architecture of the Department.

(D) EVALUATION OF INVESTMENTS.—The Chief Information Officer shall adopt, and have exclusive authority to use, a standard set of criteria to evaluate proposals for information technology system investments that are applicable to individual offices or agencies of the Department or have a Department-wide impact. The criteria adopted shall include considerations of Department-wide or Federal Government-wide impact, visibility, cost, risk, consistency with the information technology architecture, and maximization of performance goals for program activities.

(10) USE OF BUDGET PROCESS.—

(A) IN GENERAL.—The Chief Information Officer shall develop, as part of the budget process, a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an office or agency of the Department for information systems.

(B) PROCESS.—The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments.

(C) CONTROL AND OVERSIGHT OF BUDGET.—The Chief Information Officer shall exercise exclusive control over the budget of the Office of the Chief Information Officer, including funds appropriated to the Office, and agency information technology funds that are annually transferred to the account of the Chief Information Officer under section 6(a).

(11) COMPLIANCE WITH OMB CRITERIA AND OVERSIGHT.—The Chief Information Officer shall ensure compliance with all criteria for an information technology architecture or information technology investment that are established by the Office of Management and Budget and under the Information Technology Management Reform Act of 1996 (40 U.S.C. 1401 et seq.).

(12) EVALUATION OF PROGRAMS AND INVESTMENTS.—

(A) REQUIREMENT.—The Chief Information Officer, in consultation with the Executive Information Technology Investment Review Board (or its successor), shall evaluate the information resources management practices of the offices or agencies of the Department with respect to the performance and results of the investments made by the offices or agencies in information technology.

(B) DIRECTION FOR ACTION.—The Chief Information Officer shall issue to the head of each office or agency of the Department clear and concise direction that the head of the office or agency shall—

(i) establish effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;

(ii) determine, before making an investment in a new information system—

(I) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the office or agency performing that function should be converted from a governmental organization to a private sector organization; or

(II) whether the function should be performed by the office or agency and, if so, whether the function should be performed by a private sector source under contract or by personnel of the office or agency;

(iii) analyze the missions of the office or agency and, based on the analysis, revise the office or agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and

(iv) ensure that the information security policies, procedures, and practices are adequate.

(13) REPORTING.—The Chief Information Officer shall report only to the Secretary.

SEC. 5. PROCUREMENT OF OUTSIDE CONSULTANTS.

(a) IN GENERAL.—Consistent with section 3109 of title 5, United States Code, the Chief Information Officer may procure a private consultant who is an expert in—

(1) planning and organizing information technologies in the context of a business; and

(2) coordinating information technologies with core business plans and processes.

(b) REPORT.—The Chief Information Officer shall submit the evaluation by the consultant to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 6. TRANSFER OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) IN GENERAL.—Subject to subsections (b) and (c) and notwithstanding any other provision of law, each office or agency of the Department shall annually transfer agency information technology funds to the account of the Chief Information Officer.

(b) USE AND AVAILABILITY OF FUNDS.—Agency information technology funds that are transferred to the account of the Chief Information Officer—

(1) may be used only for an activity described in section 4, 5, or 6 or the Information Technology Management Reform Act of 1996 (40 U.S.C. 1401 et seq.) that the Chief Information Officer determines will best serve the needs of the Department; and

(2) shall remain available until expended.

(c) ADJUSTMENT OF FUNDS TRANSFERRED.—The Secretary may adjust the amount of funds transferred by an office or agency under subsection (a) to reflect the actual or estimated expenditure of the office or agency for information technology systems for a fiscal year.

(d) MULTIPLE OFFICES AND AGENCIES.—An office or agency of the Department shall not be required to transfer more than 10 percent of the funds made available to the office or agency for salaries and expenses in any fiscal year to the extent that the office or agency participates in a program activity that involves more than 1 office or agency of the Department.

SEC. 7. REVIEW BY OFFICE OF MANAGEMENT AND BUDGET.

The Director of the Office of Management and Budget may review any regulation or transfer or obligation of funds involving an information technology system of the Department based on criteria for a strategic business plan, information technology architecture, or information technology investment, established by the Office of Management and Budget under the Government Performance and Results Act of 1993 (Public Law 103–62), amendments made by that Act, and the Information Technology Management Reform Act of 1996 (40 U.S.C. 1401 et seq.).

SEC. 8. TECHNICAL AMENDMENT.

Section 13 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714k) is amended in the second sentence by striking "section 5 or 11" and inserting "section 4, 5, or 11".

SEC. 9. TERMINATION OF AUTHORITY.

The authority under this Act (other than section 8) terminates on March 31, 2002.

By Mr. MCCAIN (for himself and Mr. CAMPBELL):

S. 806. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Finance.

S. 807. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Finance.

S. 808. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Finance.

S. 809. A bill to amend the Internal Revenue Code of 1986 to exempt from income taxation income derived from natural resources activities by a member of an Indian tribe directly or through a qualified Indian entity; to the Committee on Finance.

NATIVE AMERICAN TAX RELIEF LEGISLATION

Mr. MCCAIN. Mr. President, I am pleased to join my colleague, Senator BEN NIGHTHORSE CAMPBELL, chairman of the Indian Affairs Committee, in introducing a series of tax relief bills designed to encourage investment, economic development, and growth on Indian reservations and other native American communities throughout the United States. The four bills that I am introducing today would amend the Tax Code to give Indian tribes the tools with which to improve their economies.

In simple terms, native Americans as a group have experienced grinding poverty of epidemic proportions since the days when they were first uprooted from their homelands or overrun by settlers. At the end of World War II, the United States assisted in rebuilding the economies of Germany and Japan to the advancement of peace, stability, and our own prosperity. Since the time native America lost "the war," their economy has never been rebuilt. The treaties that the United States made with tribes in exchange for their land and peace have, for the most part, not been honored.

The economic conditions on Indian reservations have not improved even during those periods of economic growth that have swept much of the rest of our Nation. Instead, Indians have long suffered the indignity of promises broken and treaties discarded, and a personal hopelessness that reaches tragic dimensions. Many Indian reservations are, relatively speaking, islands of poverty in the ocean of wealth that is the rest of America.

In previous Congresses, I have offered these amendments to the Federal Tax Code to create incentives for private sector investment on Indian reservations and remove inequities in the Tax Code so that tribal governments can enjoy the same tax benefits accorded other nontaxable government entities. I have offered these provisions, not to provide an advantage to Indians, but merely to give them the same kind of tax incentives and benefits the Congress has given other economically depressed areas and other units of government. Given the extremely underdeveloped economies of native American communities, I believe we must authorize these reasonable measures to stimulate economic growth and productivity for Indians.

RESERVATION INVESTMENT TAX CREDIT

Mr. President, the first bill I am introducing today is the Indian Reservations Jobs and Investment Act of 1997. This bill would provide tax credits to otherwise taxable business enterprises if they locate certain kinds of income-producing property on Indian reservations. The bill does not provide any tax credit for reservation property used in connection with gaming activities.

I am very concerned by how little private enterprise is present on Indian reservations. Typically, the only economic activity is that generated by the Federal or tribal governments. We must begin to see private investment attracted to Indian reservations if we are to realize any significant improvement in the economies of Indian tribes.

TRIBAL UNEMPLOYMENT TAX EQUITY AND RELIEF

Mr. President, the second measure is the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1997. This bill would correct a serious oversight in the way the Internal Revenue Code treats Indian tribal governments for unemployment tax purposes under the unique, State-Federal unemployment program authorized by the Federal Unemployment Tax Act [FUTA]. It would clarify existing tax statutes so that tribal governments are treated as State and local units of governments for unemployment tax purposes.

Unless this problem is resolved, many former tribal government employees will continue to be denied benefits by State unemployment funds. I believe that Indian and nonIndian workers who are separated from tribal governmental employment should be included in our Nation's comprehensive unemployment benefit system, and this bill will go a long way toward ensuring mandatory participation by tribal governments on a fair and equitable basis in the Federal-State unemployment fund system. I can think of nothing more fair than the approach clarified in this bill.

TRIBAL TAX-EXEMPT BOND AUTHORITY

Mr. President, a third measure I am introducing is the Tribal Government Tax-Exempt Bond Authority Amendments Act of 1997. This bill would bring new investment dollars to Indian reservations where capital formation is so desperately needed. There are serious deficiencies in the basic infrastructure on Indian reservations, primarily because increasingly tight fiscal restraints have limited the ability of the United States, through direct appropriations, to fund construction and other activities. Reservations lag far behind the rest of the United States in terms of sanitation, housing, roads, basic utilities, and public service facilities necessary to support a society and a competitive economy. I believe that providing additional tax-exempt bond authority to tribal governments will go a long way toward attracting new sources of capital to Indian reservations.

TRIBAL NATURAL RESOURCE TAX RELIEF

Mr. President, finally, I am introducing the Treatment of Indian Tribal Natural Resource Income Act of 1997. This bill would extend an exemption to income derived by individual Indians from the harvest of natural resources from tribal trust land that is now extended to income derived by individual Indians from treaty-protected Indian fishing activity. In 1988 Congress amended the Internal Revenue Code to provide the treaty fishing exemption under section 7873, which serves as a model for this bill.

The bill would apply only to tribal members and only with regard to natural resources, underlying title to which is owned by the United States in trust for a tribe. It would remove the existing anomaly which allows a tribe as a whole to harvest or process such resources free of tax, but imposes an income tax on an individual tribal member of that tribe carrying out activity permitted by the tribe.

Mr. President, native Americans need to have the appropriate tools to overcome years of economic hardship and deprivation. They need to be given a full and fair opportunity to improve their quality of life today and to become more self-sufficient in the future. These bills will help to achieve these goals by spurring economic development on Indian reservations and tribal industries. I urge all of my colleagues to join in supporting early passage of these measures.

Mr. CAMPBELL. Mr. President, today I would like to co-sponsor the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1997 introduced by Senator McCAIN. The Federal Unemployment Tax Act of 1935 [FUTA] is a joint Federal-State tax system which imposes on each employer a tax on wages paid to their employees. These taxes are used to provide unemployment insurance to out-of-work citizens. The Federal portion of the tax can range up to 6.2 percent on wages paid, and the State portion ranges from near zero to 9 percent of wages paid.

Indian tribes from around the country have contacted me expressing a great deal of confusion with the FUTA tax system and the difficulties they are having in planning as a result of the varying interpretations given FUTA by the IRS and the Labor Department. This problem is national in scope and experienced by tribes in the Great Lakes region such as the Red Lake Band of Chippewa Indians and the Fond du Lac Band of Lake Superior Chippewa Indians, and by tribes in my own State of Colorado—the Ute Mountain Ute and the Souther Ute tribes.

The FUTA encourages States to undertake their own unemployment insurance programs by permitting employers to take the State unemployment insurance taxes they have paid and use them to offset their Federal unemployment insurance tax bill.

This legislation is necessary to clarify the status of tribal governments under the FUTA and the Internal Revenue Code. As independent sovereign entities, Indian tribal governments should be afforded the same tax treatment, in this instance with regard to FUTA, as other governments—Federal, State, and local. Indian tribal governments are legitimate governments and, in fact, are one in four sovereign governments mentioned in the U.S. Constitution; the others being foreign nations, the several states, and the Federal Government. This is critical because FUTA treats private, commercial employers differently than it does foreign, State and local government employers. Private employers are subject to both State and Federal unemployment insurance taxes.

In brief, the FUTA exempts foreign, Federal, State, and local government employers from the 0.8 percent Federal unemployment tax; and exempts foreign and Federal Government employers from the State unemployment insurance tax. FUTA allows State and local government employers to pay a favorable, lower State unemployment insurance taxes, and for tax purposes treats tax-exempt charitable organizations the same as State and local governments.

The problem is that the FUTA does not expressly include Indian tribal government within the "government employer" category it has created for State and local government employers. As a result tribal governments across the country have been subjected to widely differing interpretations of the FUTA statute, with inconsistent results. Some tribes's good faith interpretation of the statute led them to believe that they, as units of government, were immune from the Federal tax. These tribes face large tax liabilities as a direct result of the way the act is being applied. Other tribes, again in good faith, did not participate in State unemployment insurance programs. In these instances, employees of tribal governments, both Indian and non-Indian, have been denied unemployment insurance benefits, pointing to the lack of participation by the tribes.

Not surprisingly, the agencies charged with administering the tax and labor laws have not arrived at a consensus on the FUTA issue. For the past several years, various Internal Revenue Service field offices have interpreted the FUTA in different ways. The varying interpretations have resulted in differences in benefits availability for tribal employees, Indians as well as non-Indians, and differing degrees of tax liability for tribal governments themselves. The bottom line is that for Federal FUTA tax purposes, the treatment for tribes often depends on where they are located. Absent explicit recognition from Congress clarifying the status of tribal governments, this is a problem that will go on.

Because State governments, the IRS, and the U.S. Labor Department cannot seem to agree on the status of Indian tribal governments under the FUTA, the time is right for the Congress to act and to clarify this issue so that tribal members can secure benefits they are entitled to and the tribes will have certainty and predictability in their employment and hiring decisions.

Tribal government employers will benefit from this measure by the uniform application of the FUTA statute. The increased certainty that it will provide to tribal employers, their employees, and separated employees will enhance the tribal work environment, reduce litigation, and provide assurances to all parties involved. This bill would require that Indian tribal government employers receive the same treatment as Federal, State, and local governments and tax-exempt organizations receive for FUTA purposes.

The Joint Tax Committee has been requested to estimate the revenue impact of this measure. Similar estimates performed in 1995 indicated the impacts to be minor. The development of tribal economies is a critical element in encouraging tribal self-sufficiency and political self-determination. Increasing the ability of tribal government employers to attract and retain the best skilled employees is one of my main objectives as chairman of the Indian Affairs Committee. If the confusion and lack of certainty that has plagued tribal governments continues, employment with an Indian tribe will be increasingly unattractive, and tribes will suffer.

By providing equitable FUTA treatment to tribal government employers, this legislation will assist in the long-term growth and stability of tribal economies and tribal governments. I urge my colleagues to join in supporting this crucial measure.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOND DU LAC RESERVATION,
BUSINESS COMMITTEE,
Cloquet, MN, March 27, 1997.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

Re H.R. 294, to amend the Federal Unemployment Tax Act.

DEAR SENATOR CAMPBELL: As Chairman of the Reservation Business Committee of the Fond du Lac Band of Lake Superior Chippewa Indians, I write to request your support of H.R. 294, a bill to amend the Federal Unemployment Tax Act to clarify that Indian tribes, like state and local governments, are exempt from this tax.

State and local governments in recognition of their sovereignty, are not required to pay federal unemployment taxes. In 1987, the IRS took the same position with regard to Indian tribes. At that time, the IRS specifically advised the Fond du Lac Band that the Band was not subject to FUTA and was therefore not required to pay the federal unemployment tax. The IRS actually refunded federal taxes that the Band had previously paid. A copy the IRS letter to us is enclosed.

The IRS has since changed its mind, and has initiated an action against the Band which is now being litigated before an Administrative Law Judge. In these proceedings, the IRS seeks over $2 million in back taxes and penalties from the Band. The government's change of position on the issue is not only unfair to tribes, but has generated litigation that is expensive and inefficient for both the tribes and the federal government to pursue.

Moreover, the IRS is pursuing this matter even though the Fond du Lac Band has voluntarily participated in the State's unemployment compensation plan. The Band has done so, not because the Band is required to, but because the welfare of our employees and our former employees is of the utmost importance to us.

The legal uncertainty about the applicability of FUTA to tribes, and the IRS' inconsistent position on that question, results in a situation that should be fixed. FUTA should be amended to recognize the tribes' status as sovereigns. The Fond du Lac Band—like the State of Minnesota and the local communities within the state—is responsible for providing a myriad of services to Band members and Reservation residents. Established federal Indian policy has—for many years—been directed to encouraging tribal self-determination, and economic self-sufficiency. And numerous federal statutes—enacted to further those ends—recognize and confirm tribal status as separate sovereigns. It is inconsistent with tribal sovereignty, and the federal policy of encouraging tribal self-determination, to treat tribes differently from state and local governments, and to subject tribes to the payment of a federal tax from which state and local governments are exempt.

H.R. 294, introduced by Congressman Shadegg, would resolve this disputed question. The bill is identical to S. 1305 introduced by Senator McCain and yourself in the 104th Congress. The measure was further supported by Senator Grams. A copy of Senator Grams' letter to the Senate Finance Committee on this matter is attached. The bill strikes an appropriate balance between tribal sovereignty—in that it clarifies that tribes, like every other government in this country, are exempt from FUTA taxes—while also ensuring that tribal employees are provided unemployment benefits, by requiring tribes to either voluntarily participate in state plans, as Fond du Lac is now doing, or to reimburse the state plans for any payment made to Tribal employees.

We urge you to show your support of this measure by introducing companion legislation in the Senate. We look forward to working with you and your staff to see enactment of this important legislation and we thank you for your consideration of our request.

Very truly yours,
ROBERT B. PEACOCK,
Chairman.

UTE MOUNTAIN UTE TRIBE,
Towaoc, CO, November 14, 1996.

Re Federal Unemployment Tax Act—applicability to Indian tribes.

JOHN ECHOHAWK,
Executive Director, Native American Rights Fund, Boulder, CO.

DEAR JOHN: Please find enclosed several documents pertaining to a serious problem we are having with the federal Department of Labor and the State of Colorado concerning our status under the Federal Unemployment Tax Act (FUTA). Because the Department of Labor's enclosed Unemployment Insurance Letter (UIPL) was forwarded to all state employment security agencies, this problem will eventually effect all tribes across the nation.

The documents I am providing include; 1. The UIPL issued by Labor; 2. Letter received from the Colorado Department of Labor; 3. The draft resolution presented to NCAI; 4. The signed NCAI resolution passed at their recent Phoenix meeting[1]; 5. Copies of relevant portions of FUTA, and; 6. Copies of 26 USC §7871 concerning Indian tribe's tax status under the Internal Revenue Code.

In person, I will explain in more complete detail the chronology of this issue. Both Colorado Ute tribes thought we solved this problem several years ago. The crux of the issue is that states and their political subdivisions are exempt under FUTA. State agencies are thus charged with the responsibility of insuring their political subdivisions. Tribes were not included in the state law as political subdivisions and therefore we received no unemployment insurance benefits whatsoever.[2] Finally, the Colorado State Legislature amended state law to include the two Colorado Ute tribes as political subdivisions. We were then able to participate in the program and were given the favorable rate afforded to such entities.

Because the Colorado Department of Labor is afraid its program will be decertified per the UIPL, they are now placing us at a new employer rate and demanding back payments to January 1, 1996. *See*, enclosed letter. While they have informed us we will be considered a "continuing employer," the rate is a much higher rate than that afforded to political subdivisions.

It is our attorney's initial position the matter can be resolved by amending the federal law on Indian tribe's tax status. Simply put, this and other tribes need an amendment to 26 USC §7871 adding FUTA to the other excise taxes which tribes are considered as states for purposes of.

We would like to request the assistance of the Native American Rights Fund attorneys and policy staff on this issue. Some coordination of effort would be greatly appreciated. I firmly believe it is an issue which will affect all tribes in the very near future. The impacts of Labor's UIPL surely will negatively affect sovereignty and degrade the government-to-government relationship which President Clinton affirmed by Executive Order a few years ago.

I thank you for your consideration of this matter.

Sincerely,
JUDY KNIGHT-FRANK,
Chairman.

FOOTNOTES

[1] At the time of writing, I am still awaiting a facsimile copy of the NCAI Resolution and will forward it immediately when it is received.

[2] We did not pay our IRS FUTA tax bills since we received no benefit therefrom. A large IRS claim was dropped via federal legislation acknowledging the problem.

NATIONAL CONGRESS OF
AMERICAN INDIANS,
Washington, DC, May 22, 1997.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CAMPBELL: On behalf of the National Congress of American Indians, the oldest and largest national Indian organization, I am writing to voice the support of more than 200 tribal governments for legislation to fix the inequitable treatment of tribal governments under the Federal Unemployment Tax Act (FUTA).

Since its enactment in the 1930's, FUTA has treated foreign, federal, state and local governments employers differently from commercial business employers. FUTA also treats tax-exempt charitable organizations the same as state and local governments. It is well-settled that tribal governments are not taxable entities under the federal tax code because of their governmental status. However, because FUTA does not expressly include tribal governments within the definition of governmental employers, the Internal Revenue Service (IRS) is forcing tribal governments to pay the high tax rates that apply to commercial business employers.

To correct this situation, Representative Shadegg has introduced H.R. 294, the Indian Tribal Government Unemployment Compensation Tax Act. H.R. 294 would give tribal governments the same options that FUTA gives to all state and local governments. I have attached a resolution passed by the NCAI member tribes that supports such an amendment to FUTA.

Footnotes at end of article.

Thank you very much for your efforts to take this issue under consideration. If we can assist you in any way, please contact me or NCAI Executive Director JoAnn K. Chase at (202) 466–7767.

Sincerely,

W. RON ALLEN,
President.

RESOLUTION PHX–96–107

TITLE: FUTA

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

Whereas, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

Whereas, this exemption is based on the fact that states and their political subdivisions are immune from such taxation under the Constitution of the United States, Id., and immunity which federally recognized Indian tribes share; and

Whereas, prior to the UIPL, states could consider Tribes and their various wholly owned entities as "political subdivisions" of their state for purposes of exempting Tribes from the FUTA tax, thereby making Tribes eligible for favorable governmental unemployment tax rates as well as reimbursement status (where a Tribe would only pay for those unemployment benefits paid out) if desired; and

Whereas, if member Tribes allow the UIPL to stand and not seek to change the law to rightfully exempt them from this federal tax, they will not only be subject to a higher state program tax rate (provided they can still even participate in the program), Tribes will also be subject to an unacceptable and possibly illegal federal tax, and

Whereas, the two Colorado Ute Tribes are already faced with a seven-fold increase in their state unemployment insurance tax rate due directly to Labor's UIPL (reference attached letter from the Colorado Department of Labor); and

Whereas, it is settled law that the FUTA tax is an excise tax and this is acknowledged in Labor's own UIPL; and

Whereas, Tribes should be exempt from the FUTA tax and be allowed to participate in a state's unemployment insurance program on the same level as any political subdivision therein; and

Whereas, this exemption and fair treatment could be guaranteed by amending 26 USC* 7871(a)(2) (which treats Tribes as states for purposes of several federal taxes, including many excise taxes) to add FUTA to that list of excise taxes for which Tribes are considered as states and therefore exempt: Now therefore be it

Resolved That the National Congress of American Indians does hereby acknowledge this as a serious issue affecting nearly all member Tribes and shall immediately begin a member-wide survey to coordinate among its members the effort to amend the abovementioned law in as timely a fashion as possible.

By Mr. ABRAHAM (for himself and Mr. DEWINE):

S. 810. A bill to impose certain sanctions on the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

THE CHINA SANCTIONS AND HUMAN RIGHTS ADVANCEMENT ACT

Mr. ABRAHAM. Mr. President, I rise today to address United States policy toward China. When Ronald Reagan visited China in 1984, he declared in a speech that:

> Economic growth and human progress make their greatest strides when people are secure and free to think, speak, worship, choose their own way and reach for the stars.

While China has made great strides since Ronald Reagan spoke those words, it is clear today that the people of China are not free to think, speak, worship, or choose their own way.

The question is how the United States, a nation conceived in liberty, should respond to continuing violations of basic human rights in China and other actions of the Chinese leadership.

Religious persecution, abuses against minorities, coercive family planning, military threats, and weapons proliferation and attempts to improperly influence American elections. All of these policies have been and continue to be undertaken by the Chinese Government. And all of them must stop.

One thing is clear, Mr. President: As the world's leading democracy, the United States cannot simply look the other way, ignoring the Chinese Government's record on human rights.

And, despite the real and measurable expansion of freedom in some spheres in China, problems remain. The organization Amnesty International has stated that:

> a fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.

In addition, there have been numerous reports of religious persecution in China. These reports by Amnesty International and Human Rights Watch/Asia do not state that China has recently been targeting religious leaders for execution. But some religious leaders have been executed along with others in remote provinces. And long and arduous sentences have been handed out to certain Chinese religious leaders.

For example, Tibetan abbot, Shadrel Rimposh, was in charge of the original search in that country to find the missing child whom the Tibetans consider the reincarnation of the Pansen Lama.

The abbot was missing for more than a year, officially labeled "a criminal and a 'scum of Buddhism'" by the government. Recently the government sentenced him to 6 years in prison. Other religious leaders have been sent to labor camps.

The people of Tibet have been subject to particularly harsh abuse from the Chinese Government because their form of the Buddhist religion is so closely tied to their independence movements; movements that have met with brutal suppression.

Allow me to quote at length from a 1997 Human Rights Watch/Asia report:

> In the Tibetan Autonomous Region and Tibetan areas of Chinese provinces the effects of a July 1994 policy conference on Tibet combined with the Strike Hard campaign produced more arrests of suspected independence supporters, a stepped-up campaign to discredit the Dalai Lama as a religious leader, crackdowns in rural areas as well as towns, a major push for ridding monasteries and nunneries of nationalist sympathizers, and the closure of those that were politically active.
>
> Monks who refused to sign pledges denouncing the Dalai Lama or to accept a five-point declaration of opposition to the proindependence movement, faced expulsion from their monasteries.
>
> In May 1994, a ban on the possession and display of Dalai Lama photographs led to a bloody confrontation at Goneden and to searches of hotels, restaurants, shops, and some private homes. Over 90 monks were arrested; 53 remained in detention as of October despite Chinese official reports that none of the 61 arrested were still being held. At least one person and perhaps two others are known to have died in the melee.
>
> Chinese authorities acknowledge that they are holding Jendune Yee Kneema the child recognized by the Dalai Lama but rejected by Chinese authorities as the reincarnation of the Pansen Lama, under the protection of the government at the request of his parents.

The whereabouts of this missing child should be a major source of concern for every one who cares about religious liberty.

But Tibetan Buddhists are not the only people of faith who face persecution at the hands of the Chinese Government. Under a 1996 state security law, all religious institutions must register with the state. Those who do not so register and choose instead to operate underground face the government's wrath.

Human Rights Watch/Asia reported recently that:

> Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.
>
> From January through May, teams of officials fanned out through northern Haybay, a Catholic stronghold, to register churches and clergy and to prevent attendance at a major Marian shrine. Public security officers arrested clergy and lay Catholics alike, forced others to remain in their villages, avoid foreigners, refrain from preaching, and report

> to the police anywhere from one to eight times daily. In some villages, officials confiscated all religious medals. In others, churches and prayer houses were torn down or converted to lay use.

In addition to religious belief and practice, there are other troubling issues of moral conscience. I am referring in particular to the Chinese Government's birth control policies.

Mr. President, the Chinese Government claims that family planning is voluntary in that nation. Yet, according to Amnesty International, birth control has been compulsory since 1979. As a result:

Pregnant women with too many children have been abducted and forced to have abortions and/or undergo sterilization.

Pregnant women have been detained and threatened until they have agreed to have abortions.

Above-quota new-born babies have reportedly been killed by doctors under pressure from officials.

The homes of couples who refuse to obey the child quotas have been demolished.

Relatives of those who cannot pay fines imposed for having had too many children have been held hostage until the money was paid.

And those helping families to have above-quota children have been severely punished.

Just one example, if I may, Mr. President, this one provided by Amnesty International:

> An unmarried woman in Haybay Province who had adopted one of her brother's children was detained several times in an attempt to force her brother to pay fines for having too many children. In November 1994 she was held for 7 days with a dozen other men and women. She was reportedly blindfolded, stripped naked, tied, and beaten with an electric baton.

These stories bespeak an often brutal disregard for the rights of conscience, for the sanctity of marriage and family, and for human life itself. They are evil acts, Mr. President, nothing less than government perpetrated evil.

Let me now shift to the military sphere.

Here, Mr. President, we see Chinese Government practices that include military intimidation and the selling of advanced weaponry to rogue states.

For example, on the eve of Taiwan's 1996 elections, China engaged in threatening missile firings unnecessarily close to Taiwanese cities. The Taiwanese were not cowed, they are a brave people. But these provocations, so soon after China's 1995 military exercises and missile launches in direct proximity to Taiwanese territory, have led the Taiwanese people to consider whether they need nuclear weapons to defend their homes.

In addition, the Chinese Government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests. Most dangerous has been the Chinese willingness to supply the Iranians with the technology and basic materials for their own chemical weapons program.

Mr. President, these weapons pose a direct threat to American troops as well as stability and peace in the Middle East.

Moreover, the Chinese Government apparently does not limit itself to military means as it tries to influence the policies of other nations.

Allegations of Chinese involvement in our political system are disturbing, particularly considering the various implications that this has for our relations with that country. These allegations may involve both civil and criminal violations of our laws by individuals associated with the Chinese Government.

The press has reported serious allegations that the Government of China attempted to influence last year's Presidential election by diverting illegal campaign contributions to the Democratic National Committee.

FBI investigators have found significant evidence that the Chinese Government targeted 30 legislators, and that it funneled money through businesses it controlled in America to the DNC. If proven, these allegations would signal violations of Federal Election Commission laws regarding foreign campaign contributions by the Chinese Government.

Mr. President, this is a damning list, a list that cries out for action. As the world's sole remaining superpower and, perhaps more important, as the birth place of liberty and individual rights, we have a duty to uphold the principles of liberty wherever possible.

Liberty continues to suffer abuse from the Chinese Government. And we should do something about it.

In response to the serious problems I have raised some have called for an end to China's most-favored-nation trading status with the United States. In fact, the debate has focused almost exclusively on MFN.

I believe that is the wrong approach. I support a 1-year extension of MFN for China.

Why? First, because it is the best policy for American consumers. Those consumers will have a wider choice of affordable goods with MFN than without. To revoke MFN would be to increase tariffs on goods purchased by the American people. It would amount to a tax hike, and I am not in favor of tax hikes, particularly ones imposed on the basis of another government's behavior.

Second, I am convinced that revoking MFN would target the wrong parties for punishment. We should keep in mind, in my view, that it is not the people of China with whom we have a quarrel; it is their government.

Trade and United States investment in China have a positive effect in providing more opportunities for average Chinese citizens.

Even in the short term, we should not underestimate trade and investment's positive impact.

In China,

> employees at United States firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children,

writes China policy expert Stephen J. Yates of the Heritage Foundation.

> This real and measurable expansion of freedom does not require waiting for middle-class civil society to emerge in China; it is taking place now and should be encouraged.

Third, Mr. President, I am convinced that terminating MFN would be damaging to the people of Hong Kong, currently involved in a transfer of power from British to Chinese rule.

All of us in Congress are concerned that China may violate the 1994 Sino-British Joint Declaration and squash political and economic freedom once Hong Kong again comes under Chinese rule.

With 35,000 United States citizens and 1,000 United States firms in Hong Kong, America must be certain that China honors its agreement and we must remain watchful over the coming months and years.

However, in formulating United States policy with regard to Hong Kong we must remember that repealing MFN for China will hit Hong Kong hard, particularly because so much trade goes through there. Goods from Hong Kong would face the same steep tariff as those from other parts of China.

Hong Kong Governor, Chris Patten, has said that rescinding MFN would devastate Hong Kong's economy.

> For the people of Hong Kong there is no comfort in the proposition that if China reduces their freedoms the United States will take away their jobs.

The letter from Governor Patten also said:

> There is one particular contribution which the United States of America, and Congress in particular, can make to ensure that Hong Kong remains well-equipped to face the future. That is to grant the unconditional renewal of China's MFN trading status, on which the continued strength of Hong Kong's economy depends. * * * This is one issue on which there is complete unanimity in Hong Kong across the community, and across the political spectrum.

It is not good policy to attempt to help Hong Kong by taking an action that is opposed by the people we say we are trying to help.

Mr. President, I have another important reason for supporting a 1-year extension of MFN: American jobs.

Using the Commerce Department's rules of thumb, United States exports to China account for roughly 200,000 American jobs. Should we stop doing business with China, I have no doubt but that other nations will step in to take our place, and to take jobs now occupied by Americans both here and in China. Thus, we would not significantly punish the Chinese Government, but we would visit hardship on our own workers.

Rather than eliminate jobs and stifle growth through increased tariffs, in my view, it would be better to take actions showing our displeasure with the Chinese Government, while encouraging China to become a more free and open society.

I believe that Members of this body can agree on the need for strong American actions responding to human rights abuses in China. That is why I am introducing the China Sanctions and Human Rights Advancement Act.

And I am convinced that Members on both sides of the MFN debate can agree that the sanctions I am proposing today are necessary and justified, and that they will be effective.

The goal of these sanctions will be to show our disapproval of the actions of the Chinese Government, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

This legislation would focus on: First, who the United States allows into the country from China; second, United States taxpayer funds that subsidize China; third, United States Government votes and assistance in international bodies that provide financial assistance to China; fourth, targeted sanctions of PLA companies; and fifth, measures to promote human rights in China.

Let me be specific. Under my bill, the U.S. Government would take the following actions:

First, it would prohibit issuance of U.S. visas to human rights violators.

The bill would prohibit the granting of United States visas to Chinese Government officials who work in entities involved in the implementation and enforcement of China's law and directives on religious practices.

Specifically, this targets high-ranking officials of the state police, the Religious Affairs Bureau, and China's family planning apparatus. The same would go for all those involved in the massacre of students in Tianenman Square.

Written notice from the President to Congress explaining why the entry of such individuals overrides our concerns about China's human rights abuses would be required for such individuals to enter the United States.

Second, the bill would prohibit direct and indirect United States-taxpayer financed foreign aid for China.

We can no longer ask U.S. taxpayers to subsidize a Communist leadership and government with which we have so many serious disagreements.

Between 1985 and 1995 the United States supported 111 of 183 loans approved by the World Bank Group and 15 of 92 loans that the Asian Development Bank approved. In addition, the United States Government is providing assistance through international family planning institutions that provide money and services to support China's restrictive policies on reproduction.

Under my bill, United States representatives would be required to vote "no" on all loans to China at the World Bank, Asian Development Bank, and the International Monetary Fund.

An exception would be made in the case of humanitarian relief in the event of a natural disaster or famine.

In addition, for every dollar a multilateral development bank or international family planning organization gives to China, my bill would subtract out a dollar in United States taxpayer funding to those bodies.

Simply put, America should not be subsidizing current Chinese Government policies. If China continues its current behavior then it can fund programs by reducing the money it spends on building up its military or in propping up state enterprises. We do not want to encourage China to postpone tough decisions on moving to a free-market economy.

Though we are standing on principle, we know from past experience that these measures will be more effective with help from our allies. That is why the bill requires the President to begin consultations with these allies on enacting similar measures and for the President to report to the Congress on the progress of those consultations.

Third, the legislation includes actions targeted at companies associated with the Chinese military.

There is increasing concern in America about Chinese companies backed by the People's Liberation Army.

My bill would require the U.S. Government to publish a list of such companies operating in the United States. That would allow informed consumers and other purchasers to make a choice about whether they wish to do business with such companies.

Most troubling have been the actions of two Chinese companies—Polytechnologies Inc., known as Poly, and Norinco, the China North Industries Group.

On May 22, 1996, officials from the United States Customs Service and Bureau of Alcohol, Tobacco and Firearms arrested seven individuals and seized 2,000 Chinese-made AK-47 machine guns.

On June 4, 1996, a grand jury in the U.S. District Court for the Northern District of California indicted these seven individuals, along with seven others not in the United States, for violating 12 different sections of Federal law, including conspiracy, smuggling, and unlawful importation of defense articles.

Those indicted individuals worked for Poly and Norinco. Leading executives of the firms, as well as Chinese Government officials, were indicted.

The People's Liberation Army owns a majority share of Poly, while Norinco's operations are overseen by the State Council of the People's Republic of China.

Undercover agents were told by a representative of Poly and Norinco that Chinese-made hand-held rocket launchers, tanks, and surface-to-air missiles could also be delivered. And who were to be the ultimate purchasers of the AK-47's and other military hardware? According to Federal agents, California street gangs and other criminal groups.

This type of activity cannot be tolerated by the U.S. Congress. These companies need to be held responsible for their actions.

Under my bill, for a period of 1 year, Poly and Norinco will not be allowed to export to, or maintain a physical presence in, the United States. Senator DEWINE plans to introduce a separate bill that will target these two companies and I applaud him and Representative CHRIS COX for their leadership on this issue.

Mr. President, these tough measures are justified and necessary. But even as we implement them we should not cut off valuable interchange with China. We must always be open to more contact and exchange of ideas with the Chinese people.

That is why the legislation calls for a doubling of current United States funding for student, cultural, and legislative exchange programs between the United States and the People's Republic of China, as well as doubling the funding for Radio Free Asia and programs in China operated through the National Endowment for Democracy.

In addition, adopting a measure advocated by Representatives FRANK WOLF and CHRIS SMITH, the bill requires additional and extensive training for U.S. asylum officers in recognizing religious persecution.

The legislation would require an annual report by the President on whether there has been improvement in China's policy of religious toleration and in its overall human rights record, including during the transition in Hong Kong.

The sanctions would sunset after 1 year. This will allow Congress to evaluate the situation to determine whether and in what form sanctions should be continued.

In my judgment, the combination of these sanctions and a 1-year extension of MFN offers the best approach to change the behavior of the Chinese Government.

Mr. President, these measures will direct punishment where it belongs, with the Chinese Government, not the Chinese people.

By refusing to allow known violators of basic human rights to enter this country we can signal our revulsion at these practices.

By refusing to use taxpayer money to subsidize Chinese activities we can show our disapproval of their military actions and make them choose between prosperity and belligerence.

By banning Chinese companies from this country for attempting to sell weapons to violent street criminals we can show our willingness to defend our streets and our insistence that the Chinese Government cease its intrusive, illegal practices.

In closing, Mr. President, we should not forget the government-led massacre of students in Tianenman Square. It has been less than 10 years since the atrocity, and we should not let it slip from our minds.

Let me read you a dispatch filed from Beijing by New York Times reporter Nicholas Kristoff on June 4, 1989:

> The violence against students and workers in Tianenman Square was most obvious today, because for the most part they were the ones getting killed * * * To be an American on the square this morning was to be the object of fervent hope and inarticulate pleas for help. "We appeal to your country," a university student begged as bullets careened overhead. "Our Government is mad. We need help from abroad, especially America. There must be something that America can do."

Through this legislation, America can stand with the Chinese people, and stand by the principles of political, religious, and economic liberty on which our Nation was founded.

Let's not punish American and Chinese families by raising tariffs. Instead, let's punish specific abuses and encourage the further development of the economic and political liberties we cherish.

Mr. President, I ask unanimous consent that a summary of this bill be printed in the RECORD.

There being no objection, the summary of the bill was ordered to be printed in the RECORD, as follows:

THE CHINA SANCTIONS AND HUMAN RIGHTS ADVANCEMENT ACT—EXECUTIVE SUMMARY

AMERICAN CONCERNS WITH CHINA

The United States has serious policy disagreements with the People's Republic of China. Such differences in the way China treats its own people and U.S. interests requires appropriate action by the United States Congress. Unfortunately, Administration policy in this area has been lacking. That is why the China Sanctions and Human Rights Advancement Act will enable America to respond in a manner consistent with our values and interests as a nation.

As the world's leading democracy, the United Stats cannot simply look the other way at the Chinese government's record on human rights and religious persecution. "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt," reports Amnesty International. "Human rights violations continue on a massive scale." What is the best response to Chinese government repression of its citizens, including increased repression of religious believers? The status quo, it appears, is not the answer.

China's willingness to abide by international agreements is already being tested in Hong Kong. The 1994 Sino-British Joint Declaration is an international agreement registered with the United Nations. In it, China promises that the people of Hong Kong will rule Hong Kong with autonomy, except in the areas of defense and foreign affairs. With 35,000 U.S. citizens and 1,000 U.S. firms in Hong Kong America must be certain that China honors its agreement.

China's attempt to intimidate Taiwan and the activities of its military, the People's Liberation Army (PLA), both in the United States and abroad, are of major concern. In addition, the efforts of two Chinese companies, NORINCO and POLY, deserve special rebuke for their involvement in the sale of AK-47 machine guns to California street gangs. Finally, there are numerous press reports of Chinese government efforts to influence the course of U.S. elections through political donations.

THE LARGER PICTURE

Trade, investment, and people-to-people exchanges must be a part of America's relationship with China. Countries the size of China and the United States will always trade with each other, the debate over MFN is the terms of that trade. Yet those who disagree on MFN should be able to unite behind measures that, for example, end subsidies for China, yet seek to promote democratic values and human rights in China. There is no doubt that trade and U.S. investment in China has a positive effect in providing more opportunities for average Chinese citizens. Even in short term, we should not underestimate trade and investment's positive impact. "Employees at U.S. firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children," writes China policy expert Stephen J. Yates. "This real and measurable expansion of freedom does not require waiting for middle-class civil society to emerge in China; it is taking place now and should be encouraged."

SUMMARY OF LEGISLATION

The time has come to take steps that would signal to Chinese leaders that their current behavior is unacceptable to the American people and the American Congress. In crafting the best response to Chinese government policy we must be careful not to punish the innocent with the guilty. Our quarrel is with the Chinese political leadership, not with the Chinese and American peoples.

The Abraham "China Sanctions and Human Rights Advancement Act" takes aim at U.S.-China government-to-government programs and contacts. It is time for Congress to end U.S. taxpayer subsidies and other foreign aid to China and to set more appropriate limits on who we allow into this country from the Chinese government.

The legislation focuses on (1) who the United States allows into the country from China; (2) U.S. taxpayer funds that subsidize China; (3) U.S. government votes and assistance in international bodies that provide financial assistance to China; (4) targeted sanctions of PLA companies; and (5) measures to promote human rights in China.

Contents of China sanctions and human rights advancement act

Under the legislation, the U.S. government will take the following actions:

No U.S. visas for human rights violators

Prohibit the granting of U.S. visas to Chinese government officials who work in entities involved in the implementation and enforcement of China's laws and directives on religious practices and coercive family planning. This measure would deny visas to high ranking officials who are employed by the Public Security Bureau (the state police), the Religious Affairs Bureau, and China's family planning apparatus. An exception is made in the case of individuals whose presence in the United States is deemed necessary for an ongoing criminal investigation or judicial proceedings as determined by the Attorney General.

Prohibit the granting of U.S. visas to Chinese government officials found to be materially involved in the ordering or carrying out of the massacre of Chinese students in Tiananmen Square.

The President of the United States must provide written notification to Congress each time a proscribed individual is to enter this country that explains why awarding such visas is in the national interest of the United States and overrides U.S. concerns about China's human rights practices past and present.

The legislation also mandates additional and extensive training for U.S. asylum officers in recognizing religious persecution.

No U.S. taxpayer subsidies for China

Require U.S. representatives to vote "no" on all loans to China at the World Bank. Between 1985 and 1995 the United States supported 111 of 183 loans approved by the World Bank Group and 15 of 92 loans that the Asian Development Bank approved. An exception in the legislation is provided for human needs arising from a natural disaster or famine.

Require U.S. representatives to vote "no" on all loans to China at the Asian Development Bank.

Require U.S. representatives to vote "no" on all loans to China at the International Monetary Fund.

Reduce U.S. contributions to multilateral development banks (World Bank, etc.) by the amount of the loan commitments made to China in the coming year. Stipulate the Secretary of Treasury shall reduce the amount the World Bank can borrow in U.S. capital markets to no more than 82% of what the World Bank borrowed in the United States in the previous year.

Require the Secretary of Treasury to oppose and instruct the U.S. executive director of the World Bank to oppose any change in the World Bank's rules that limit the total share of the bank's lending that can be made in any one country.

Require the President to begin consultations with major U.S. allies and trading partners to encourage them to adopt similar measures contained in this bill and to lobby our allies to vote against loans for China at multilateral development banks. Within 60 days of a G-7 meeting, the President shall submit a report to Congress on the progress of this effort.

Reduce annually U.S. financial assistance to international bodies and organizations that provide family planning assistance to China by the amount of such annual assistance and services made by such institutions to China in the prior fiscal year. This would include funding provided to U.N. agencies and affiliates.

PLA companies: targeted sanctions and more public information

On an annual basis, the U.S. Government shall publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the P.R.C. who export to, or have an office in, the United States.

For a period of one year, China North Industries Group (NORINCO) and the PLA-owned company China Poly Group (POLY) will not be allowed to export to, nor maintain a physical presence in, the United States. The attempted illegal sale of AK-47 machine guns to street gangs in California warrant these targeted sanctions against these firms.

Promoting Democratic Values in China

The U.S. government shall double the U.S. funding available to existing students, cultural, and legislative exchange programs between the United States and the People's Republic of China.

The U.S. government shall double the authorization of funds available to Radio Free Asia.

The U.S. government shall double the funding available to the National Endowment for Democracy's programs in China.

IN ONE YEAR: AN OPPORTUNITY TO DISCONTINUE, MAINTAIN OR ADD NEW SANCTIONS

The legislation requires an annual report by the President on whether there has been improvement in China's policy of religious toleration and in its overall human rights record, including during the transition in Hong Kong. The sanctions sunset after one year, allowing Congress an opportunity to evaluate the situation and determine whether and in what form sanctions should continue.

CONCLUSION

The legislation emphasizes appropriate limits on U.S. and Chinese government-to-government contacts and U.S. taxpayer subsidies, while seeking to promote greater freedom in China. These measures would signal to China's leadership that it cannot simply be business as usual with the U.S. government so long as it mistreats its citizens and tramples on their fundamental right to practice the religion of their choice. It also applies appropriate measures with regard to PLA companies. The United States must stay engaged with China, and trade and investment is a valuable avenue for that engagement, but there is no reason the U.S. government should be subsidizing a government with whom we have so many serious and fundamental disagreements. This approach is designed to signal our displeasure with China's policies, encourage its leaders to improve the treatment of its citizens, and to end U.S. taxpayer subsidies for a repressive regime while expanding basic interaction between the American and Chinese people.

By Mr. KOHL:

S. 812. A bill to establish an independent commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE REFORM COMMISSION ACT OF 1997

Mr. KOHL. Mr. President, I rise today to discuss an important issue before the Senate—campaign finance reform. First, let me state that I am a cosponsor of S. 25, Senators JOHN MCCAIN and RUSS FEINGOLD's Senate Campaign Finance Reform Act of 1997. I cosponsored S. 25 because I feel it is the best legislation moving through the Congress to reform our campaign finance system. My Wisconsin colleague, Senator FEINGOLD and Senator MCCAIN deserve our gratitude and praise for keeping this issue alive. It's been nearly 20 years since Congress enacted meaningful campaign finance reform, and they have come closer than anyone at passing a bipartisan plan.

We are at a crossroads in this debate. America's campaign finance laws have not been significantly altered since the 1970's. Since that time we've seen an explosion in the costs of running campaigns and a growing public perception that special interests are far too influential in the electoral process. The last election cycle saw the problems in our system grow to new proportions, and we are now witnessing two congressional investigations and a Justice Department investigation into alleged illegalities and improprieties. Despite these widely agreed-upon problems, Congress and the President seem incapable of enacting a campaign finance reform bill.

We have seen initiatives by Democratic and Republican Presidents. Democratic and Republican Congresses, even widely hailed bipartisan approaches all fail. One can easily conclude that this issue is so mired in partisan politics, trapped in a quagmire of self-interest and special interest, that Congress will not be able to craft a comprehensive reform bill. S. 25 is the best legislation to be proposed in two decades, and yet, when we voted on the measure in the last Congress, we could not get 60 Senators to support it, and the House of Representatives leadership wouldn't even bring it up for a vote.

Mr. President, I am very concerned that this important piece of legislation may face the same fate this year. I support S. 25, and will continue to strongly support it until we have a clear vote on the measure this year. However, I do not believe it would be in the country's best interest to let another campaign cycle go by without the Congress taking clear action to reform our campaign finance system.

Therefore, I am introducing today the Campaign Finance Reform Commission Act of 1997. Let me be clear from the outset: I would prefer to pass a bill such as S. 25, and I desperately hope that we do. But, in the case that we do not, Congress needs to be ready with legislation that moves us toward a better system.

The Campaign Finance Reform Commission is modeled on the successful Base Realignment and Closure Commissions. The legislation would establish a balanced, bipartisan commission, appointed by Senate leaders, House leaders, and the President to propose comprehensive campaign finance reform. Like the BRAC Commissions, the proposals of the Campaign Finance Reform Commission would be subject to congressional approval or disapproval, but no amendments would be permitted. The Commission would have a limited duration—1 year after its creation. And Congress would have a limited time to consider the Commission's proposals.

Mr. President, there are many who will object to this plan and argue that, through the creation of a commission, the Congress is conceding that it cannot solve this problem on its own. To the contrary, the creation of a Campaign Finance Reform Commission would be a concrete sign to the American public that Congress is serious about reforming our election laws. We have seen the success of the BRAC Commissions in removing political influences from the decision-making process. This same formula could be used for our campaign finance reform laws.

When Congress enacted the first BRAC Commission law, it was argued that a nonpartisan commission was required because the closure of military bases was so politically sensitive, Congress could not be expected to make the tough choices of closing bases. Well, Mr. President, if closing military bases is considered tough, altering the campaign laws that literally determine whether Members could retain their jobs must be just as politically sensitive, if not more so.

Again, I wish to praise the efforts of Senators FEINGOLD, MCCAIN, and the broad coalition of grassroots organizations which have kept the campaign finance issue in front of the American public and the Congress. I hope that they succeed in their efforts with their bill and we can present the American public with a new campaign system before the 1998 election. I offer this bill today only as an alternative to be considered, if, and only if, we cannot pass S. 25 this year.

Mr. President, like all commonsense ideas, the idea of a Campaign Finance Reform Commission did not spring from a text book but came from a simpler setting. Two years ago President Clinton and House Speaker NEWT GINGRICH held an historic conversation at a New Hampshire meeting. The first question came from a retiree, Mr. Frank McConnell, Jr. Mr. McConnell had a simple, commonsense idea—form a commission like the one that closed the military bases to reform our election system, so, in Mr. McConnell's words, "it would be out of the political scene." The time for Mr. McConnell's idea has come.

I am pleased to put Mr. McConnell's idea into legislative form. If S. 25 fails this year, this Commission could give us the reform we all demand. And, it would give the American public a restored faith that their democratic institutions have responded to their cry for change in our electoral system.

Mr. President, I ask unanimous consent that the entire text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campaign Finance Reform Commission Act of 1997".

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission to be known as the "Federal Election Law Reform Commission" (referred to in this Act as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be comprised of 8 qualified members, who shall be appointed not later than the date that is 30 days after the date of enactment of this Act as follows:

(A) APPOINTMENTS BY MAJORITY LEADER AND SPEAKER.—The Majority Leader of the Senate and the Speaker of the House of Representatives shall jointly appoint to the Commission—

(i) 1 member who is a retired Federal judge as of the date on which the appointment is made;

(ii) 1 member who is a former Member of Congress as of the date on which the appointment is made; and

(iii) 1 member who is from the academic community.

(B) APPOINTMENTS BY MINORITY LEADERS.—The Minority Leader of the Senate and the Minority Leader of the House of Representatives shall jointly appoint to the Commission—

(i) 1 member who is a retired Federal judge as of the date on which the appointment is made; and

(ii) 1 member who is a former Member of Congress as of the date on which the appointment is made.

(C) APPOINTMENT BY PRESIDENT.—The President shall appoint to the Commission 1 member who is from the academic community.

(D) APPOINTMENTS BY COMMISSION MEMBERS.—The members appointed under subparagraphs (A), (B), and (C) shall jointly appoint 2 members to the Commission, neither of whom shall have held any elected or appointed public or political party office, including any position with an election campaign for Federal office, during the 10 years preceding the date on which the appointment is made.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—A person shall not be qualified for an appointment under this subsection if the person, during the 10-year period preceding the date on which the appointment is made—

(i) held a position under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations;

(ii) was an employee of the legislative branch of the Federal Government, not including any service as a Member of Congress; or

(iii) was required to register under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) or derived a significant income from influencing, or attempting to influence, members or employees of the executive branch or legislative branch of the Federal Government.

(B) PARTY AFFILIATIONS.—Not more than 4 members of the Commission shall be members of, or associated with, the same political party (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)).

(3) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) DESIGNATION BY COMMISSION MEMBERS.—The members of the Commission shall designate a chairperson and a vice chairperson from among the members of the Commission.

(B) PARTY AFFILIATIONS.—The chairperson shall be a member of, or associated with, a political party other than the political party of the vice chairperson.

(4) FINANCIAL DISCLOSURE.—Not later than 60 days after appointment to the Commission, a member of the Commission shall file with the Secretary of the Senate, the Office of the Clerk of the House of Representatives, and the Federal Election Commission a report containing the information required by section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) PERIOD OF APPOINTMENT; VACANCIES.—

(A) PERIOD OF APPOINTMENT.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCY.—Any vacancy in the Commission shall—

(i) not affect the powers of the Commission; and

(ii) be filled in the same manner as the original appointment.

(6) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 1 year after the date of enactment of this Act.

(c) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Federal department or agency any information that the Commission considers necessary to carry out this Act.

(B) REQUEST OF THE CHAIRPERSON.—On request of the chairperson of the Commission, the head of a Federal department or agency shall furnish the requested information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

(d) PAY AND TRAVEL EXPENSES.—

(1) MEMBERS.—Each member of the Commission, other than the chairperson, shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIRPERSON.—The chairperson shall be paid for each day referred to in paragraph (1) at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code.

(e) STAFF.—

(1) EXECUTIVE DIRECTOR.—The chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director of the Commission, who shall be paid at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) OTHER PERSONNEL.—

(A) APPOINTMENT AND PAY.—Subject to subparagraph (B), the executive director may, without regard to the civil service laws (including regulations), appoint and fix the pay of additional personnel as may be necessary to enable the Commission to perform the duties of the Commission.

(B) MAXIMUM RATE OF PAY.—The pay of any individual appointed under this paragraph shall be not more than the maximum annual rate of basic pay prescribed for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(3) DETAIL OF FEDERAL EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 3. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) identify the appropriate goals and values for Federal election campaign finance laws;

(2) evaluate the extent to which the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) has promoted or hindered the attainment of the goals identified under paragraph (1); and

(3) make recommendations to Congress for the achievement of those goals, taking into consideration the impact of the Federal Election Campaign Act of 1971.

(b) CONSIDERATIONS.—In making recommendations under subsection (a)(3), the Commission shall consider with respect to election campaigns for Federal office—

(1) whether campaign spending levels should be limited, and, if so, to what extent;

(2) the role of interest groups and whether that role should be limited or regulated;

(3) the role of other funding sources, including political parties, candidates, and individuals from inside and outside the State in which the contribution is made;

(4) public financing and benefits; and

(5) problems in existing election campaign finance law, such as soft money, bundling, and independent expenditures.

(c) REPORT AND RECOMMENDATIONS.—Not later than the date that is 1 year after the date of enactment of this Act, the Commission shall submit to Congress—

(1) a report on the activities of the Commission; and

(2) a draft of legislation (including technical and conforming provisions) recommended by the Commission to amend the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) and any other law relating to elections for Federal office.

SEC. 4. FAST-TRACK PROCEDURES.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and of the Senate, respectively, and as such it shall be considered as part of the rules of each House, respectively, or of the House to which it specifically applies, and the rules shall supersede other rules only to the extent that they are inconsistent; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to that

House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) DEFINITIONS.—In this section, the term "Federal election bill" means only a bill of either House of Congress that is introduced as provided in subsection (c) to carry out the recommendations of the Commission as set forth in the draft legislation submitted under section 5(c)(2).

(c) INTRODUCTION AND REFERRAL.—Not later than 3 days after the Commission submits draft legislation under section 5(c)(2), a Federal election bill shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, shall be introduced (by request) in the Senate by the Majority Leader of the Senate, and shall be referred to the appropriate committee.

(d) AMENDMENTS PROHIBITED.—No amendment to a Federal election bill shall be in order in either the House of Representatives or the Senate, no motion to suspend the application of this subsection shall be in order in either House, and it shall not be in order in either House to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) AUTOMATIC DISCHARGE.—If the committee of either House to which a Federal election bill is referred has not reported the bill by the close of the 30th day after introduction, the committee shall be automatically discharged from further consideration of the bill, and the bill shall be placed on the appropriate calendar.

(2) PROCEDURE WHEN THERE IS PRIOR PASSAGE OF BILL BY OTHER HOUSE.—If, prior to the passage by 1 House of a Federal election bill of that House, that House receives the same Federal election bill from the other House—

(A) the procedure in that House shall be the same as if no Federal election bill had been received from the other House; but

(B) the vote on final passage shall be on the Federal election bill of the other House.

(3) COMPUTATION.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded the days on which that House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.

(f) FLOOR CONSIDERATION IN THE HOUSE.—

(1) MOTION TO PROCEED TO CONSIDER.—

(A) PRIVILEGE.—A motion in the House of Representatives to proceed to the consideration of a Federal election bill shall be highly privileged and not debatable, except that a motion to proceed to consider may be made only on the 2d legislative day after the calendar day on which the Member making the motion announces to the House the Member's intention to do so.

(B) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE.—

(A) TIME.—Consideration of a Federal election bill in the House of Representatives shall be in the House, with debate limited to not more than 10 hours, which shall be divided equally between the proponents and opponents of the bill.

(B) NO INTERVENING MOTION.—The previous question on the Federal election bill shall be considered as ordered to final passage without intervening motion.

(C) MOTION TO RECONSIDER NOT IN ORDER.—It shall not be in order to move to reconsider the vote by which a Federal election bill is agreed to or disagreed to.

(3) APPEALS FROM DECISION OF CHAIR.—All appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a Federal election bill shall be decided without debate.

(g) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION TO PROCEED TO CONSIDERATION.—

(A) PRIVILEGE.—A motion in the Senate to proceed to the consideration of a Federal election bill shall be privileged and not debatable.

(B) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE OF BILL.—

(A) TIME.—Debate in the Senate on a Federal election bill, and all debatable motions and appeals in connection with the bill, shall be limited to not more than 10 hours.

(B) DIVISION OF TIME.—The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) DEBATE OF MOTION OR APPEAL.—

(A) TIME.—Debate in the Senate on any debatable motion or appeal in connection with a Federal election bill shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the proponent of the motion and the manager of the bill, except that if the manager of the bill is in favor of the motion or appeal, the time in opposition to the motion or appeal, shall be controlled by the Minority Leader or a designee of the Minority Leader.

(B) ALLOTMENT OF ADDITIONAL TIME.—The leaders under subparagraph (A), or either of them, may, from time under their control on the passage of a Federal election bill, allot additional time to a Senator during the consideration of a debatable motion or appeal.

(4) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate is not debatable.

(5) MOTION TO RECOMMIT NOT IN ORDER.—A motion to recommit a Federal election bill is not in order.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out the duties of the Commission under this Act.

By Mr. THURMOND (for himself and Mr. MCCAIN):

S. 813. A bill to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries; to the Committee on Veterans' Affairs.

THE VETERANS' CEMETERY PROTECTION ACT OF 1997

Mr. THURMOND. Mr. President, this coming Monday, May 26, our Nation will observe Memorial Day. For some Americans, Memorial Day is simply the opening of the summer vacation season. However, for millions of patriotic Americans this day is much more. To us, Memorial Day is the day we pay tribute to those who made the ultimate sacrifice in defending this Nation and our freedoms.

Honoring those who died in war is a practice and custom of many cultures and countries. In the United States, tributes to fallen soldiers took place in many locations during the War Between the States. An early observance occurred on May 30, 1865, in Charleston, SC, when a group of school children scattered flowers over trenches in which the remains of several hundred Union soldiers had been interred. Another commemoration occurred in Columbus, MS, on April 25, 1866, when a group of women visited a cemetery to decorate the graves of Confederate soldiers who had fallen in battle at Shiloh. Flowers were placed on the nearby bare and neglected graves of Union soldiers as well. Throughout the North and South, this practice of decorating graves became more widespread.

On May 5, 1868, Gen. John A. Logan issued a general order that designated the 30th day of May, 1868, as a day for decorating the graves of comrades who died in defense of their country. Decoration Day, as it came to be celebrated, was first observed that day at Arlington National Cemetery, which held the remains of 20,000 Union dead and several hundred Confederate dead. By the end of the 19th century, Memorial Day, or Decoration Day ceremonies were being held throughout the Nation. In 1971 Memorial Day was declared a national holiday, and was placed on the last Monday in May.

Mr. President, Memorial Day services will be held throughout the Nation next Monday, in our national cemeteries, where thousands of war dead are buried. A national service will be held at Arlington Cemetery. Local traditions will be included in ceremonies at the Punchbowl Center in Hawaii. Decorations will be placed in the 114 national cemeteries operated by the Department of Veterans Affairs National Cemetery System. A few other national cemeteries are under the jurisdiction of the Department of Defense and the Department of Interior. I encourage my colleagues, and all citizens of this Nation, to visit these cemeteries and pay respect to those who have given their life for their country.

Mr. President, unfortunately not all activities at our national cemeteries have honored the dead. There have been, unfortunately, instances of vandalism and theft at our national cemeteries. Last month, the Punchbowl in Hawaii, the National Memorial Cemetery of the Pacific, was desecrated by vandals. Vandals caused over $20,000 in damage by spray painting racial epithets and obscenities on graves, marble memorials, and other parts of the cemetery. Other cemeteries, private and State, were also damaged that same weekend. Last year, at the Riverside National Cemetery in California, engraved grave markers were stolen from 128 graves. Months before that incident, over 500 markers were stolen from a storage facility.

The time has come to demand a stop to this type of insulting behavior. That is why I am introducing the Veterans' Cemetery Protection Act of 1997. This bill is a companion bill to one introduced in the House, H.R. 1532. This bill imposes criminal penalties for vandalism and theft at national cemeteries operated by the VA, the Department of Defense, and the Department of Interior. Penalties for vandalism and theft, are consistent with similar crimes against other Federal property. In addition, the bill establishes penalties for attempted vandalism and theft. I am delighted that Senator McCAIN, a fellow veteran and true national hero, joins me in introducing this bill.

Mr. President, as we pause to remember our fallen comrades, it is appropriate that we protect their final resting places. I invite may colleagues to join Senator McCAIN and me in supporting this legislation.

Mr. McCAIN. Mr. President, I rise today to cosponsor the Veterans' Cemetery Protection Act of 1997, sponsored by my colleague and distinguished veteran, Senator STROM THURMOND.

There is nothing more egregious than the desecration of our Nation's veterans' cemeteries. These men and women gave their lives to defend the United States and freedom throughout the world. This act will propose a penalty for theft or destruction of any property of a national cemetery. This is a simple piece of legislation and I hope my colleagues in the Senate will give their full support to this critical measure.

By Mr. BAUCUS (for himself, Mr. GORTON, and Mrs. MURRAY):

S. 815. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Finance.

THE INVESTMENT COMPETITIVENESS ACT OF 1997

Mr. BAUCUS. Mr President, the U.S. mutual fund industry has become a dominant force in developing, marketing, and managing assets for American investors. Since 1990, assets under management by U.S. mutual funds have grown from $1 trillion to about $3.5 trillion today. Yet, while direct foreign investment in U.S. securities is strong, foreign investment in U.S. mutual funds has remained relatively flat.

Mr President, today I am introducing, along with Senators GORTON and MURRAY, the Investment Competitiveness Act of 1997. This legislation, which I have had the honor of cosponsoring in each of the last three Congresses, would eliminate a major barrier to attracting foreign capital into the United States while improving the competitiveness of the U.S. mutual fund industry.

This legislation would remove a barrier to the sale and distribution of U.S. mutual funds outside the United States. The bill would change the Internal Revenue Code to provide that foreign investors in U.S. mutual funds be accorded the same tax treatment as if they had made their investments directly in U.S. stocks or shares of a foreign mutual fund.

Under current law, most kinds of interest and short-term capital gains received directly by an investor outside the United States or received through a foreign mutual fund are not subject to the 30-percent withholding tax on investment income. However, interest and short-term capital gain income received by a foreign investor through a U.S. mutual fund are subject to the withholding tax. This result occurs because current law characterizes interest income as short-term capital gain distributed by a U.S. mutual fund to a foreign investor as a dividend subject to withholding.

The Investment Competitiveness Act would correct this inequity and put U.S. mutual funds on a competitive footing with foreign funds. The bill would correctly permit interest income and short-term capital gain to retain their character upon distribution.

Current law acts as a prohibitive export tax on foreign investors who choose to invest in U.S. funds. That is why the amount of foreign investment in U.S. mutual funds is small.

Mr President, it is time to dismantle the unfair and unwanted tax barrier to foreign investment in U.S. mutual funds. The American economy will benefit from exporting U.S. mutual funds, creating an additional inflow of investment into U.S. securities markets without a dilution of U.S. control of American business that occurs through direct foreign investment in U.S. companies. Moreover, the legislation will support job creation among ancillary fund service providers located in the United States, rather than in offshore service facilities.

Mr President, I very much appreciate the efforts of Senators GORTON and MURRAY in cosponsoring this legislation and I urge my colleagues to support this bill.

By Mr. CRAIG:

S. 816. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

THE PERSONAL SAFETY AND COMMUNITY PROTECTION ACT

Mr. CRAIG. Mr. President, I rise to introduce the Personal Safety and Community Protection Act.

In recent years, a movement has swept the Nation to enable individuals to carry concealed firearms for their protection. Forty-two of the fifty States have some right-to-carry permit mechanism in place, and they are finding these laws make a significant impact on crime.

The benefits of right-to-carry laws were verified by a landmark study released late last year. Following a comprehensive analysis of annual FBI crime statistics from all the Nation's counties, over 15 years, the authors concluded:

> [a]llowing citizens to carry concealed weapons deters violent crimes and it appears to produce no increase in accidental death or suicides. If those states who did not have right-to-carry concealed gun provisions had adopted them in 1992, approximately 1,800 murders and over 3,000 rapes would have been avoided yearly . . .

The primary author of the study, John R. Lott Jr. of the University of Chicago Law School, has pointed out that the benefits of concealed-carry laws are not limited to those who carry the weapons but extend to their fellow citizens, as well. The drop in crime is not necessarily the result of using firearms in self-defense, but of criminals changing their behavior to avoid coming into direct contact with a person who might have a gun—which in a concealed-carry State could extend to a wide cross-section of the public.

The legislation I am introducing today builds on the experience of the States. It is designed to protect the rights of citizens no matter where they may travel in the United States, and to enhance the protection of our communities.

This bill applies to any person holding a valid concealed firearm carrying permit or license issued by a State, and who is not prohibited from carrying a firearm under Federal law.

In States that issue concealed carry permits, the individual would be able to carry a concealed firearm in accordance with State laws. In States that do not have right-to-carry laws, the bill sets a reasonable, bright-line Federal standard that would permit carrying except in certain designated places, such as police stations; courthouses; public polling places; meetings of State, county, or municipal governing bodies; schools; passenger areas of airports.

The second part of the bill provides an exemption for certain qualified current and former law enforcement officers, who bear valid written identification of their status, from laws prohibiting the carrying of concealed firearms. The bill does not override any existing training requirements or restrictions on gun ownership or use by current or former law enforcement officers. The individuals covered by this section of the bill have proven records of responsible, lawful gun use in defense of their fellow citizens and communities.

Again, Mr. President, this portion of the bill takes a practical, experience-based approach to self defense and community protection.

I'm pleased to note that my bill is a companion to H.R. 339, introduced in the House of Representatives by Congressman CLIFF STEARNS and cosponsored by more than 40 Members from nearly half the States.

I urge all my colleagues to join us in protecting the rights of your constituents and enhancing the protection of your communities by supporting the Personal Safety and Community Protection Act.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL STANDARD FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS BY NONRESIDENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§926B. National standard for the carrying of certain concealed firearms by nonresidents

"(a) IN GENERAL.—Notwithstanding any provision of the law of any State or political subdivision thereof, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a valid license or permit that is issued by a State and that permits the person to carry a concealed firearm (other than a machinegun or destructive device), may carry in another State a concealed firearm (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in accordance with subsection (b).

"(b) CONDITIONS.—

"(1) STATES ISSUING CONCEALED WEAPONS PERMITS.—For purposes of subsection (a), if such other State issues licenses or permits to carry concealed firearms, the person may carry a concealed firearm in the State under the same restrictions that apply to the carrying of a concealed firearm by a person to whom the State has issued such a license or permit.

"(2) OTHER STATES.—For purposes of subsection (a), if such other State does not issue licenses or permits to carry concealed firearms, except to the extent expressly permitted by State law, the person may not, in the State, carry a concealed firearm—

"(A) in a police station;

"(B) in a public detention facility;

"(C) in a courthouse;

"(D) in a public polling place;

"(E) at a meeting of a State, county, or municipal governing body;

"(F) in a school;

"(G) at a professional or school athletic event not related to firearms;

"(H) in a portion of an establishment licensed by the State to dispense alcoholic beverages for consumption on the premises; or

"(I) inside the sterile or passenger area of an airport.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926A the following:

"926B. National standard for the carrying of certain concealed firearms by nonresidents.".

SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED HANDGUNS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926B (as added by section 1(a) of this Act) the following:

"§926C. Carrying of concealed handguns by qualified current and former law enforcement officers

"(a) IN GENERAL.—Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer or a qualified former law enforcement officer and who is carrying appropriate written identification of that status may carry a concealed handgun.

"(b) DEFINITIONS.—In this section:

"(1) APPROPRIATE WRITTEN IDENTIFICATION.—The term 'appropriate written identification' means, with respect to an individual, a document which—

"(A) was issued to the individual by the public agency with which the individual serves or served as a law enforcement officer; and

"(B) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

"(2) LAW ENFORCEMENT OFFICER.—The term 'law enforcement officer' means an individual authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, and includes corrections, probation, parole, and judicial officers.

"(3) QUALIFIED FORMER LAW ENFORCEMENT OFFICER.—The term 'qualified former law enforcement officer' means an individual who—

"(A) retired from service with a public agency as a law enforcement officer, other than for reasons of mental disability;

"(B) immediately before such retirement, was a qualified law enforcement officer;

"(C) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(D) meets such requirements as have been established by the State in which the individual resides with respect to training in the use of firearms; and

"(E) is not prohibited by Federal law from receiving a firearm.

"(4) QUALIFIED LAW ENFORCEMENT OFFICER.—The term 'qualified law enforcement officer' means an officer, agent, or employee of a public agency who—

"(A) is a law enforcement officer;

"(B) is authorized by the agency to carry a firearm in the course of duty;

"(C) is not the subject of any disciplinary action by the agency; and

"(D) meets such requirements as have been established by the agency with respect to firearms.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926B (as added by section 1(b) of this Act) the following:

"926C. Carrying of concealed handguns by qualified current and former law enforcement officers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 818. A bill to improve the economic conditions and supply of housing in native American communities by creating the Native American Financial Services Organization, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION ACT OF 1997

Mr. CAMPBELL. Mr. President, today I introduce the Native American Financial Services Organization Act of 1996 [NAFSO]. This bill, based on a similar measure I introduced in the last Congress, seeks to provide new opportunity and hope for native American families by addressing the serious lack of private capital on Indian reservations.

Having access to banking services is more than just a convenience. It means being able to get a loan to fix a leaky roof. It means getting the money to buy computers to start a small business. It means having enough money to send your son or daughter to college. It means buying your own home.

Too often, these dreams never become a reality for Indian families. Many opportunities and services most of America takes for granted are not available in Indian country. Native Americans can't simply walk into a local bank to open a checking account or get a loan for a new house because for the most part, these institutions are nowhere near Indian reservations.

NAFSO is not about new Government programs or bureaucracy. NAFSO is about supporting private banks that will not only provide basic services, but take the time to educate people, to bring them into the mainstream of financial services and give them a chance to build a home or start a business.

NAFSO gives native Americans the same kind of access to banking services that other Americans enjoy. By eliminating provisions dealing with the secondary mortgage market, this version of NAFSO allows the organization to focus where the rubber meets the road. Working in conjunction with the community development financial institutions fund, NAFSO's primary role is to expand the availability of basic banking services through the creation and support of Native American Financial Institutions [NAFI's]. This provides the services that families need the most—checking accounts, mortgages, and other basic banking services.

NAFSO will also play a crucial role in assisting NAFI's by providing them with much-needed technical assistance and developing specialized assistance to overcome barriers to lending on reservations. The organization will also work with the secondary market and other important financial mechanisms to identify barriers to private lending and make recommendations about how banks, Tribes, and government can do more to help this process.

NAFSO does more than support new lending institutions or existing Indian-oriented banks and begins to address the historical barriers to private banking in Indian country. The trust status of reservation land and the inability to transfer title are serious concerns of bankers that need to be overcome and understood. Equally as challenging is the need to overcome stereotypes about Indian families and their social or economic condition. Often, banks decide Indians are not a good credit risk without ever having gone to the reservation.

By providing information and interested in becoming more involved in Indian country, NAFSO can foster a new understanding of the real challenges we face. It can eliminate some of these misconceptions and myths and bring the private market and Indian communities together in ways never thought possible before.

I had hoped that we would be assisted in this process by a report by the community development financial institutions fund at the Department of Treasury on Indian banking issues. Regrettably, work on that report, which was due almost 9 months ago, has not yet begun. Nevertheless, I feel that we should not delay our work. We need to concentrate now on finding real solutions to the economic, social and cultural challenges facing tribes and native American families.

Mr. President, most people agree that Government cannot be the solution to all of this great Nation's problems. We can fix the Government programs, we can make them more efficient, but now we need to get the private sector involved in the challenges facing Indian country. The road to economic independence for all native American communities is a long one, but this bill is a big step in the right direction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Native American Financial Services Organization Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Policy.
Sec. 4. Purposes.
Sec. 5. Definitions.

TITLE I—NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION

Sec. 101. Establishment of the Organization.
Sec. 102. Authorized assistance and service functions.
Sec. 103. Native American lending services grant.
Sec. 104. Audits.
Sec. 105. Annual housing and economic development reports.
Sec. 106. Advisory Council.

TITLE II—CAPITALIZATION OF ORGANIZATION

Sec. 201. Capitalization of the Organization.

TITLE III—REGULATION, EXAMINATION, AND REPORTS

Sec. 301. Regulation, examination, and reports.
Sec. 302. Authority of the Secretary of Housing and Urban Development.

TITLE IV—FORMATION OF NEW CORPORATION

Sec. 401. Formation of new corporation.
Sec. 402. Adoption and approval of merger plan.
Sec. 403. Consummation of merger.
Sec. 404. Transition.
Sec. 405. Effect of merger.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 501. Authorization of appropriations for Native American Financial Institutions.
Sec. 502. Authorization of appropriations for Organization.

SEC. 2. FINDINGS.

Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) Congress has carried the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(3) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, American Indians, Alaska Natives, and Native Hawaiians suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills to a greater degree than any other group in the United States;

(4) the economic success and material well-being of American Indian, Alaska Native, and Native Hawaiian communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(5) the lack of employment opportunities and affordable homes in the communities referred to in paragraph (4) is grounded in the almost complete absence of available private capital and private capital institutions to serve those communities;

(6) the lack of capital referred to in paragraph (5) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability;

(7) a review of the history of the United States bears out the fact that solutions to social and economic problems that have been crafted by the Federal Government without the active involvement of local communities and the private sector fail at unacceptably high rates; and

(8) the twin goals of economic self-sufficiency and political self-determination for American Indians, Alaska Natives, and Native Hawaiians can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

SEC. 3. POLICY.

(a) IN GENERAL.—Based upon the findings and recommendations of the Commission on American Indian, Alaska Native and Native Hawaiian Housing established by the Department of Housing and Urban Development Reform Act of 1989, Congress has determined that—

(1) housing shortages and deplorable living conditions are at crisis proportions in Native American communities throughout the United States; and

(2) the lack of private capital to finance housing and economic development for Native Americans and Native American communities seriously exacerbates these housing shortages and poor living conditions.

(b) POLICY OF THE UNITED STATES TO ADDRESS NATIVE AMERICAN HOUSING SHORTAGE.—It is the policy of the United States to improve the economic conditions and supply of housing in Native American communities throughout the United States by creating the Native American Financial Services Organization to address the housing shortages and poor living conditions described in subsection (a).

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to help serve the mortgage and other lending needs of Native Americans by assisting in the establishment and organization of Native American Financial Institutions, developing and providing financial expertise and technical assistance to Native American Financial Institutions, including assistance concerning overcoming—

(A) barriers to lending with respect to Native American lands; and

(B) the past and present impact of discrimination;

(2) to promote access to mortgage credit in Native American communities in the United States by increasing the liquidity of financing for housing and improving the distribution of investment capital available for such financing, primarily through Native American Financial Institutions; and

(3) to promote the infusion of public capital into Native American communities throughout the United States and to direct sources of public and private capital into housing and economic development for Native American individuals and families, primarily through Native American Financial Institutions.

SEC. 5. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" by section 3(b) of the Alaska Native Claims Settlement Act.

(2) BOARD.—The term "Board" means the Board of Directors of the Organization established under section 101(a)(2).

(3) CHAIRPERSON.—The term "Chairperson" means the chairperson of the Board.

(4) COUNCIL.—The term "Council" means the Advisory Council established under section 106.

(5) DESIGNATED MERGER DATE.—The term "designated merger date" means the specific calendar date and time of day designated by the Board under section 402(b).

(6) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term "Department of Hawaiian

Home Lands" means the agency that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

(7) FUND.—The term "Fund" means the Community Development Financial Institutions Fund established under section 104 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703).

(8) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act that is recognized as eligible for the special programs and services provided by the Federal Government to Indians because of their status as Indians.

(9) MERGER PLAN.—The term "merger plan" means the plan of merger adopted by the Board under section 402(a).

(10) NATIVE AMERICAN.—The term "Native American" means any member of an Indian tribe or a Native Hawaiian.

(11) NATIVE AMERICAN FINANCIAL INSTITUTION.—The term "Native American Financial Institution" means a person (other than an individual) that—

(A) qualifies as a community development financial institution under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702);

(B) satisfies the requirements established by subtitle A of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) and the Fund for applicants for assistance from the Fund;

(C) demonstrates a special interest and expertise in serving the primary economic development and mortgage lending needs of the Native American community; and

(D) demonstrates that the person has the endorsement of the Native American community that the person intends to serve.

(12) NATIVE AMERICAN LENDER.—The term "Native American lender" means a Native American governing body, Native American housing authority, or other Native American Financial Institution that acts as a primary mortgage or economic development lender in a Native American community.

(13) NATIVE HAWAIIAN.—The term "Native Hawaiian" has the meaning given that term in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

(14) NEW CORPORATION.—The term "new corporation" means the corporation formed in accordance with title IV.

(15) ORGANIZATION.—The term "Organization" means the Native American Financial Services Organization established under section 101.

(16) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(17) TRANSITION PERIOD.—The term "transition period" means the period beginning on the date on which the merger plan is approved by the Secretary and ending on the designated merger date.

TITLE I—NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION

SEC. 101. ESTABLISHMENT OF THE ORGANIZATION.

(a) CREATION; BOARD OF DIRECTORS; POLICIES; PRINCIPAL OFFICE; MEMBERSHIP; VACANCIES.—

(1) CREATION.—

(A) IN GENERAL.—There is established and chartered a corporation to be known as the Native American Financial Services Organization.

(B) PERIOD OF TIME.—The Organization shall be a congressionally chartered body corporate until the earlier of—

(i) the designated merger date; or

(ii) the date on which the charter is surrendered by the Organization.

(C) CHANGES TO CHARTER.—The right to revise, amend, or modify the Organization charter is specifically and exclusively reserved to Congress.

(2) BOARD OF DIRECTORS; PRINCIPAL OFFICE.—

(A) BOARD.—The powers of the Organization shall be vested in a Board of Directors. The Board shall determine the policies that govern the operations and management of the Organization.

(B) PRINCIPAL OFFICE; RESIDENCY.—The principal office of the Organization shall be in the District of Columbia. For purposes of venue, the Organization shall be considered to be a resident of the District of Columbia.

(3) MEMBERSHIP.—

(A) IN GENERAL.—

(i) NINE MEMBERS.—Except as provided in clause (ii), the Board shall consist of 9 members, 3 of whom shall be appointed by the President and 6 of whom shall be elected by the class A stockholders, in accordance with the bylaws of the Organization.

(ii) THIRTEEN MEMBERS.—If class B stock is issued under section 201(b), the Board shall consist of 13 members, 9 of whom shall be appointed and elected in accordance with clause (i) and 4 of whom shall be elected by the class B stockholders, in accordance with the bylaws of the Organization.

(B) TERMS.—Each member of the Board shall be elected or appointed for a 4-year term, except that the members of the initial Board shall be elected or appointed for the following terms:

(i) Of the 3 members appointed by the President—

(I) 1 member shall be appointed for a 2-year term;

(II) 1 member shall be appointed for a 3-year term; and

(III) 1 member shall be appointed for a 4-year term;

as designated by the President at the time of the appointments.

(ii) Of the 6 members elected by the class A stockholders—

(I) 2 members shall each be elected for a 2-year term;

(II) 2 members shall each be elected for a 3-year term; and

(III) 2 members shall each be elected for a 4-year term.

(iii) If class B stock is issued and 4 additional members are elected by the class B stockholders—

(I) 1 member shall be elected for a 2-year term;

(II) 1 member shall be elected for a 3-year term; and

(III) 2 members shall each be elected for a 4-year term.

(C) QUALIFICATIONS.—Each member appointed by the President shall have expertise in 1 or more of the following areas:

(i) Native American housing and economic development programs.

(ii) Financing in Native American communities.

(iii) Native American governing bodies and court systems.

(iv) Restricted and trust land issues, economic development, and small consumer loans.

(D) MEMBERS OF INDIAN TRIBES.—Not less than 2 of the members appointed by the President shall each be an member of an Indian tribe who is enrolled in accordance with the applicable requirements of that Indian tribe.

(E) CHAIRPERSON.—The Board shall select a Chairperson from among its members, except that the initial Chairperson shall be selected from among the members of the initial Board who have been appointed or elected to serve for a 4-year term.

(F) VACANCIES.—

(i) APPOINTED MEMBERS.—Any vacancy in the appointed membership of the Board shall be filled by appointment by the President, but only for the unexpired portion of the term.

(ii) ELECTED MEMBERS.—Any vacancy in the elected membership of the Board shall be filled by appointment by the Board, but only for the unexpired portion of the term.

(G) TRANSITIONS.—Any member of the Board may continue to serve after the expiration of the term for which the member was appointed or elected until a qualified successor has been appointed or elected.

(b) POWERS OF THE ORGANIZATION.—The Organization—

(1) shall adopt bylaws, consistent with this Act, regulating, among other things, the manner in which—

(A) the business of the Organization shall be conducted;

(B) the elected members of the Board shall be elected;

(C) the stock of the Organization shall be issued, held, and disposed of;

(D) the property of the Organization shall be disposed of; and

(E) the powers and privileges granted to the Organization by this Act and other law shall be exercised;

(2) may make and perform contracts, agreements, and commitments, including entering into a cooperative agreement with the Secretary;

(3) may prescribe and impose fees and charges for services provided by the Organization;

(4) may, if such settlement, adjustment, compromise, release, or waiver is not adverse to the interests of the United States—

(A) settle, adjust, and compromise; and

(B) with or without consideration or benefit to the Organization, release or waive in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Organization;

(5) may sue and be sued, complain and defend, in any tribal, Federal, State, or other court;

(6) may acquire, take, hold, and own, and to deal with and dispose of any property;

(7) may determine the necessary expenditures of the Organization and the manner in which such expenditures shall be incurred, allowed, and paid, and appoint, employ, and fix and provide for the compensation and benefits of officers, employees, attorneys, and agents as the Board determines reasonable and not inconsistent with this section;

(8) may incorporate a new corporation under State, District of Columbia, or tribal law, as provided in section 401;

(9) may adopt a plan of merger, as provided in section 402;

(10) may consummate the merger of the Organization into the new corporation, as provided in section 403; and

(11) may have succession until the designated merger date or any earlier date on which the Organization surrenders its Federal charter.

(c) Investment of Funds; Designation as Depositary, Custodian, or Agent.—

(1) Investment of funds.—Funds of the Organization that are not required to meet current operating expenses shall be invested in obligations of, or obligations guaranteed by, the United States or any agency thereof, or in obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

(2) Designation as depositary, custodian, or agent.—Any Federal Reserve bank or Federal home loan bank, or any bank as to which at the time of its designation by the Organization there is outstanding a designation by the Secretary of the Treasury as a general or other depositary of public money, may—

(A) be designated by the Organization as a depositary or custodian or as a fiscal or other agent of the Organization; and

(B) act as such depositary, custodian, or agent.

(d) Actions By and Against the Organization.—Notwithstanding section 1349 of title 28, United States Code, or any other provision of law—

(1) the Organization shall be deemed to be an agency covered under sections 1345 and 1442 of title 28, United States Code;

(2) any civil action to which the Organization is a party shall be deemed to arise under the laws of the United States, and the appropriate district court of the United States shall have original jurisdiction over any such action, without regard to amount or value; and

(3) in any case in which all remedies have been exhausted in accordance with the applicable ordinances of an Indian tribe, in any civil or other action, case, or controversy in a tribal court, court of a State, or in any court other than a district court of the United States, to which the Organization is a party, may at any time before the commencement of the trial be removed by the Organization, without the giving of any bond or security and by following any procedure for removal of causes in effect at the time of the removal—

(A) to the district court of the United States for the district and division in which the action is pending; or

(B) if there is no such district court, to the district court of the United States for the District of Columbia.

SEC. 102. AUTHORIZED ASSISTANCE AND SERVICE FUNCTIONS.

The Organization may—

(1) assist in the planning establishment and organization of Native American Financial Institutions;

(2) develop and provide financial expertise and technical assistance to Native American Financial Institutions, including methods of underwriting, securing, servicing, packaging, and selling mortgage and small commercial and consumer loans;

(3) develop and provide specialized technical assistance on overcoming barriers to primary mortgage lending on Native American lands, including issues related to trust lands, discrimination, high operating costs, and inapplicability of standard underwriting criteria;

(4) provide mortgage underwriting assistance (but not in originating loans) under contract to Native American Financial Institutions;

(5) work with the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and other participants in the secondary market for home mortgage instruments in identifying and eliminating barriers to the purchase of Native American mortgage loans originated by Native American Financial Institutions and other lenders in Native American communities;

(6) obtain capital investments in the Organization from Indian tribes, Native American organizations, and other entities;

(7) act as an information clearinghouse by providing information on financial practices to Native American Financial Institutions;

(8) monitor and report to Congress on the performance of Native American Financial Institutions in meeting the economic development and housing credit needs of Native Americans; and

(9) provide any of the services described in this section directly, or under a contract authorizing another national or regional Native American financial services provider to assist the Organization in carrying out the purposes of this Act.

SEC. 103. NATIVE AMERICAN LENDING SERVICES GRANT.

(a) Initial Grant Payment.—If the Secretary and the Organization enter into a cooperative agreement for the Organization to provide technical assistance and other services to Native American Financial Institutions, such agreement shall, to the extent that funds are available as provided in section 502, provide that the initial grant payment, anticipated to be $5,000,000, shall be made when all members of the initial Board have been appointed under section 101.

(b) Payment of Grant Balance.—The payment of the grant balance of $5,000,000 shall be made to the Organization not later than 1 year after the date on which the initial grant payment is made under subsection (a).

SEC. 104. AUDITS.

(a) Independent Audits.—

(1) In general.—The Organization shall have an annual independent audit made of its financial statements by an independent public accountant in accordance with generally accepted auditing standards.

(2) Determinations.—In conducting an audit under this subsection, the independent public accountant shall determine and report on whether the financial statements of the Organization—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) to the extent determined necessary by the Secretary, comply with any disclosure requirements imposed under section 301.

(b) GAO Audits.—

(1) In general.—Beginning after the first 2 years of the operation of the Organization, unless an earlier date is required by any other statute, grant, or agreement, the programs, activities, receipts, expenditures, and financial transactions of the Organization shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) Access.—To carry out this subsection, the representatives of the General Accounting Office shall—

(A) have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Organization and necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians; and

(C) have access, upon request to the Organization or any auditor for an audit of the Organization under subsection (a), to any books, accounts, financial records, reports, files, or other papers, or property belonging to or in use by the Organization and used in any such audit and to any papers, records, files, and reports of the auditor used in such an audit.

(3) Reports.—The Comptroller General of the United States shall submit to Congress a report on each audit conducted under this subsection.

(4) Reimbursement.—The Organization shall reimburse the General Accounting Office for the full cost of any audit conducted under this subsection.

SEC. 105. ANNUAL HOUSING AND ECONOMIC DEVELOPMENT REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Organization shall collect, maintain, and provide to the Secretary, in a form determined by the Secretary, such data as the Secretary determines to be appropriate with respect to the activities of the Organization relating to economic development.

SEC. 106. ADVISORY COUNCIL.

(a) Establishment.—The Board shall establish an Advisory Council in accordance with this section.

(b) Membership.—

(1) In general.—The Council shall consist of 13 members, who shall be appointed by the Board, including 1 representative from each of the 12 districts established by the Bureau of Indian Affairs and 1 representative from the State of Hawaii.

(2) Qualifications.—Not less than 6 of the members of the Council shall have financial expertise, and not less than 9 members of the Council shall be Native Americans.

(3) Terms.—Each member of the Council shall be appointed for a 4-year term, except that the initial Council shall be appointed, as designated by the Board at the time of appointment, as follows:

(A) Four members shall each be appointed for a 2-year term.

(B) Four members shall each be appointed for a 3-year term.

(C) Five members shall each be appointed for a 4-year term.

(c) Duties.—The Council shall advise the Board on all policy matters of the Organization. Through the regional representation of its members, the Council shall provide information to the Board from all sectors of the Native American community.

TITLE II—CAPITALIZATION OF ORGANIZATION

SEC. 201. CAPITALIZATION OF THE ORGANIZATION.

(a) Class A Stock.—The class A stock of the Organization shall—

(1) be issued only to Indian tribes and the Department of Hawaiian Home Lands;

(2) be allocated—

(A) with respect to Indian tribes, on the basis of Indian tribe population, as determined by the Secretary in consultation with the Secretary of the Interior, in such manner as to issue 1 share for each member of an Indian tribe; and

(B) with respect to the Department of Hawaiian Home Lands, on the basis of the number of current leases at the time of allocation;

(3) have such par value and other characteristics as the Organization shall provide;

(4) be issued in such manner as voting rights may only be vested upon purchase of those rights from the Organization by an Indian tribe or the Department of Hawaiian Home Lands, each share being entitled to 1 vote; and

(5) be nontransferable.

(b) CLASS B STOCK.—

(1) IN GENERAL.—The Organization may issue class B stock evidencing capital contributions in the manner and amount, and subject to any limitations on concentration of ownership, as may be established by the Organization.

(2) CHARACTERISTICS.—Any class B stock issued under paragraph (1) shall—

(A) be available for purchase by investors;

(B) be entitled to such dividends as may be declared by the Board in accordance with subsection (c);

(C) have such par value and other characteristics as the Organization shall provide;

(D) be vested with voting rights, each share being entitled to 1 vote; and

(E) be transferable only on the books of the Organization.

(c) CHARGES AND FEES; EARNINGS.—

(1) CHARGES AND FEES.—The Organization may impose charges or fees, which may be regarded as elements of pricing, with the objectives that—

(A) all costs and expenses of the operations of the Organization should be within the income of the Organization derived from such operations; and

(B) such operations would be fully self-supporting.

(2) EARNINGS.—All earnings from the operations of the Organization shall be annually transferred to the general surplus account of the Organization. At any time, funds in the general surplus account may, in the discretion of the Board, be transferred to the reserves of the Organization.

(d) CAPITAL DISTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Organization may make such capital distributions (as such term is defined in section 1303 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) as may be declared by the Board. All capital distributions shall be charged against the general surplus account of the Organization.

(2) RESTRICTION.—The Organization may not make any capital distribution that would decrease the total capital (as such term is defined in section 1303 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) of the Organization to an amount less than the capital level for the Organization established under section 301, without prior written approval of the distribution by the Secretary.

TITLE III—REGULATION, EXAMINATION, AND REPORTS

SEC. 301. REGULATION, EXAMINATION, AND REPORTS.

(a) IN GENERAL.—The Organization shall be subject to the regulatory authority of the Department of Housing and Urban Development with respect to all matters relating to the financial safety and soundness of the Organization.

(b) DUTY OF SECRETARY.—The Secretary shall ensure that the Organization is adequately capitalized and operating safely as a congressionally chartered body corporate.

(c) REPORTS TO SECRETARY.—

(1) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Organization shall submit to the Secretary a report describing the financial condition and operations of the Organization. The report shall be in such form, contain such information, and be submitted on such date as the Secretary shall require.

(2) CONTENTS OF REPORTS.—Each report submitted under this subsection shall contain a declaration by the president, vice president, treasurer, or any other officer of the Organization designated by the Board to make such declaration, that the report is true and correct to the best of the knowledge and belief of that officer.

SEC. 302. AUTHORITY OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

The Secretary shall—

(1) have general regulatory power over the Organization; and

(2) issue such rules and regulations applicable to the Organization as the Secretary determines to be necessary or appropriate to ensure that the purposes specified in section 4 are accomplished.

TITLE IV—FORMATION OF NEW CORPORATION

SEC. 401. FORMATION OF NEW CORPORATION.

(a) IN GENERAL.—In order to continue the accomplishment of the purposes specified in section 3 beyond the terms of the charter of the Organization, the Board shall, not later than 10 years after the date of enactment of this Act, cause the formation of a new corporation under the laws of any tribe, any State, or the District of Columbia.

(b) POWERS OF NEW CORPORATION NOT PRESCRIBED.—Except as provided in this section, the new corporation may have any corporate powers and attributes permitted under the laws of the jurisdiction of its incorporation which the Board shall determine, in its business judgment, to be appropriate.

(c) USE OF NAFSO NAME PROHIBITED.—The new corporation may not use in any manner the name "Native American Financial Services Organization" or "NAFSO" or any variation thereof.

SEC. 402. ADOPTION AND APPROVAL OF MERGER PLAN.

(a) IN GENERAL.—Not later than 10 years after the date of enactment of this Act and after consultation with the Indian tribes that are stockholders of class A stock referred to in section 201(a), the Board shall prepare, adopt, and submit to the Secretary for approval, a plan for merging the Organization into the new corporation.

(b) DESIGNATED MERGER DATE.—

(1) IN GENERAL.—The Board shall establish the designated merger date in the merger plan as a specific calendar date on which, and time of day at which, the merger of the Organization into the new corporation shall take effect.

(2) CHANGES.—The Board may change the designated merger date in the merger plan by adopting an amended plan of merger.

(3) RESTRICTION.—Except as provided in paragraph (4), the designated merger date in the merger plan or any amended merger plan shall not be later than 11 years after the date of enactment of this Act.

(4) EXCEPTION.—Subject to the restriction contained in paragraph (5), the Board may adopt an amended plan of merger that designates a date later than 11 years after the date of enactment of this Act if the Board submits to the Secretary a report—

(A) stating that an orderly merger of the Organization into the new corporation is not feasible before the latest date designated by the Board;

(B) explaining why an orderly merger of the Organization into the new corporation is not feasible before the latest date designated by the Board;

(C) describing the steps that have been taken to consummate an orderly merger of the Organization into the new corporation not later than 11 years after the date of enactment of this Act; and

(D) describing the steps that will be taken to consummate an orderly and timely merger of the Organization into the new corporation.

(5) LIMITATION.—The date designated by the Board in an amended merger plan shall not be later than 12 years after the date of enactment of this Act.

(6) CONSUMMATION OF MERGER.—The consummation of an orderly and timely merger of the Organization into the new corporation shall not occur later than 13 years after the date of enactment of this Act.

(c) GOVERNMENTAL APPROVALS OF MERGER PLAN REQUIRED.—The merger plan or any amended merger plan shall take effect on the date on which the plan is approved by the Secretary.

(d) REVISION OF DISAPPROVED MERGER PLAN REQUIRED.—If the Secretary disapproves the merger plan or any amended merger plan—

(1) the Secretary shall—

(A) notify the Organization of such disapproval; and

(B) indicate the reasons for the disapproval; and

(2) not later than 30 days after the date of notification of disapproval under paragraph (1), the Organization shall submit to the Secretary for approval, an amended merger plan responsive to the reasons for the disapproval indicated in that notification.

(e) NO STOCKHOLDER APPROVAL OF MERGER PLAN REQUIRED.—The approval or consent of the stockholders of the Organization shall not be required to accomplish the merger of the Organization into the new corporation.

SEC. 403. CONSUMMATION OF MERGER.

The Board shall ensure that the merger of the Organization into the new corporation is accomplished in accordance with—

(1) a merger plan approved by the Secretary under section 402; and

(2) all applicable laws of the jurisdiction in which the new corporation is incorporated.

SEC. 404. TRANSITION.

Except as provided in this section, the Organization shall, during the transition period, continue to have all of the rights, privileges, duties, and obligations, and shall be subject to all of the limitations and restrictions, set forth in this Act.

SEC. 405. EFFECT OF MERGER.

(a) TRANSFER OF ASSETS AND LIABILITIES.—On the designated merger date, all property, real, personal, and mixed, all debts due on any account, and any other interest, of or belonging to or due to the Organization, shall be transferred to and vested in the new corporation without further act or deed, and title to any property, whether real, personal, or mixed, shall not in any way be impaired by reason of the merger.

(b) TERMINATION OF THE ORGANIZATION AND ITS FEDERAL CHARTER.—On the designated merger date—

(1) the surviving corporation of the merger shall be the new corporation;

(2) the Federal charter of the Organization shall terminate; and

(3) the separate existence of the Organization shall terminate.

(c) REFERENCES TO THE ORGANIZATION IN LAW.—After the designated merger date, any reference to the Organization in any law or regulation shall be deemed to refer to the new corporation.

(d) SAVINGS CLAUSE.—

(1) PROCEEDINGS.—The merger of the Organization into the new corporation shall not abate any proceeding commenced by or against the Organization before the designated merger date, except that the new corporation shall be substituted for the Organization as a party to any such proceeding as of the designated merger date.

(2) CONTRACTS AND AGREEMENTS.—All contracts and agreements to which the Organization is a party and which are in effect on the day before the designated merger date shall continue in effect according to their terms, except that the new corporation shall be substituted for the Organization as a party to those contracts and agreements as of the designated merger date.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR NATIVE AMERICAN FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Fund, without fiscal year limitation, $20,000,000 to provide financial assistance to Native American Financial Institutions.

(b) NOT MATCHING FUNDS.—To the extent that a Native American Financial Institution receives a portion of an appropriation made under subsection (a), such funds shall not be considered to be matching funds required of the Native American Financial Institution under section 108(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4707(e)).

SEC. 502. AUTHORIZATION OF APPROPRIATIONS FOR ORGANIZATION.

The Secretary may, subject to the availability of appropriations, provide not more than $10,000,000 for the funding of a cooperative agreement to be entered into by the Secretary and the Organization for technical assistance and other services to be provided by the Organization to Native American Financial Institutions.

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. BREAUX, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 394

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 415

At the request of Mr. BAUCUS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 415, a bill to amend the medicare program under title XVIII of the Social Security Act to improve rural health services, and for other purposes.

S. 428

At the request of Mr. KOHL, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 567

At the request of Mr. SMITH, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 567, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 623

At the request of Mr. INOUYE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philipines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 711

At the request of Mr. BREAUX, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 711, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 716

At the request of Mr. CRAIG, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 716, a bill to establish a Joint United States-Canada Commission on Cattle and Beef to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the countries with respect to the production, processing, and sale of cattle and beef, and for other purposes.

S. 732

At the request of Mr. FAIRCLOTH, the names of the Senator from Arizona [Mr. KYL], the Senator from Oklahoma [Mr. NICKLES], the Senator from Utah [Mr. HATCH], the Senator from Tennessee [Mr. THOMPSON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alaska [Mr. STEVENS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 732, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons] as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

S. 797

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 797, a bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE RESOLUTION 57

At the request of Mr. DORGAN, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of Senate Resolution 57, a resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

SENATE RESOLUTION 82

At the request of Mr. BENNETT, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Tennessee [Mr. THOMPSON], the Senator from Ohio [Mr. DEWINE], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Resolution 82, a resolution expressing the sense of the Senate to urge the Clinton administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 cruise missiles.

AMENDMENT NO. 314

At the request of Mr. WELLSTONE the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of amendment No. 314 proposed to Senate Concurrent Resolution 27, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 316

At the request of Mr. ABRAHAM the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Colorado [Mr. ALLARD], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of amendment No. 316 proposed to Senate Concurrent Resolution 27, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

SENATE CONCURRENT RESOLUTION 29—RELATIVE TO ESTONIA, LATVIA, AND LITHUANIA

Mr. GORTON submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 29

Whereas the Baltic countries of Estonia, Latvia, and Lithuania are undergoing a historic process of democratic and free market transformation after emerging from decades of brutal Soviet occupation;

Whereas each of the Baltic countries has conducted peaceful transfers of political power since 1991;

Whereas the governments of the Baltic countries have been exemplary in their respect for human rights and civil liberties and have made great strides toward establishing the rule of law;

Whereas the governments of the Baltic countries have made consistent progress toward establishing civilian control of their military forces and, through active participation in the Partnership for Peace and the peace support operations of the North Atlantic Treaty Organization (in this resolution referred to as "NATO"), have clearly demonstrated their ability and willingness to operate with the forces of NATO nations and under NATO standards;

Whereas each of the Baltic countries has made progress toward implementing a free market system which has and will continue to foster the economic advancement of the people of the Baltic region;

Whereas the Baltic region has often been a battleground for the competing territorial designs of nearby imperial powers which, along with other factors, has contributed to a history of insecurity and instability in the region;

Whereas NATO has been a force for stability, freedom, and peace in Europe since 1949;

Whereas NATO has indicated it will begin to invite new members in 1997; and

Whereas Estonia, Latvia, and Lithuania, exercising their inherent right as participating states in the Organization for Security and Cooperation in Europe, have voluntarily applied for membership in NATO: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) Estonia, Latvia, and Lithuania are to be commended for their progress toward political and economic liberty and meeting the guidelines for prospective NATO members set out in chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Estonia, Latvia, and Lithuania would make an outstanding contribution to NATO if they become members;

(3) eventual extension of full NATO membership to Estonia, Latvia, and Lithuania would make a singular and lasting contribution toward stability, freedom, and peace in the Baltic region;

(4) upon satisfying the criteria for NATO membership, Estonia, Latvia, and Lithuania should be invited to become full members of NATO at the earliest possible date; and

(5) Estonia, Latvia, and Lithuania should be invited to attend the NATO summit in Madrid on July 8 and 9, 1997.

Mr. GORTON. Mr. President, Estonia, Latvia, and Lithuania lie on the northwestern border of Russia. These three tiny Baltic nations have historically served as a crossroads as bargaining chips between great powers. As a result, they have been invaded and dominated by foreign countries throughout their history. The Baltics were occupied and oppressed by the Soviet Union during all of the cold war, but are now on a quick path to full democracy and free market economies.

As we meet in Madrid this July with our NATO partners to discuss expansion of the alliance, we should also consider extending an invitation to our friends in the Baltics. Estonia, Latvia, and Lithuania have all made significant progress toward the NATO requirements of irreversible democracy, free market economies, and civilian-controlled militaries. They have participated in NATO's Partnership for Peace initiative by supplying troops to NATO peacekeeping efforts. The Baltic nations have requested, and deserve, consideration for full NATO membership. That is why I am introducing legislation today recommending the integration of Estonia, Lativa, and Lithuania into NATO at the earliest possible date.

Having traveled to Estonia recently, I have a very personal interest in its entry into NATO. Estonia is a beautiful nation on the Baltic Sea, inhabited by brave men and women dedicated to democracy and freedom from foreign domination. The people of Estonia have been under foreign rule throughout almost their entire history. They were ruled by Germans in the 13th century, Swedes in the 16th and 17th centuries, and by Tsarist Russia in the 19th century. Finally, after World War I, Estonia fought for independence for 2 years and won. The people of Estonia established a parliamentary democracy and their republic flourished for nearly two decades until the Soviet Union, and then Nazi Germany invaded during World War II. With the end of Soviet domination, Estonia and their Baltic neighbors look to the West for protection of their right to independence.

Unfortunately, the subject of NATO expansion to Estonia, Latvia, and Lithuania has become taboo. Many in the U.S. national security community believe the Baltics, lying so close to Russia and within the area Yaltsin considers to be Russia's sphere of influence, should not be considered for NATO membership. In fact, in February, Russian President Boris Yeltsin stated that Baltic membership in NATO would have an "extremely negative impact" on stability in the region and that the preservation of the Baltic nations' status outside blocs could dispel "still lingering fears for their security." We should not allow these threatening comments to influence our efforts to expand NATO.

Out of fear of isolating Russia, the United States and our European allies may forsake three tiny nations that did so much to promote the collapse of the Soviet Union and the eradication of communism throughout Eastern Europe.

Cold war history is replete with tragedy. The expansion of the Soviet Union across Eastern Europe is one of history's darkest moments. Estonia, Latvia, and Lithuania, all independent nations since 1918, fell victim to secret negotiations between Hitler and Stalin during World War II. Under the auspices of the Molotove-Ribbentrop Pact of 1939, the Soviet Union laid claim to the Baltics, invaded, and ruled them with an iron fist from 1945 until 1991. Now it is time for NATO to take decisive action to rectify the past and protect the nations of Eastern Europe and the former Soviet Union from any future foreign irredentism.

Future NATO membership for Estonia, Latvia, and Lithuania is essential to their safety and prosperity. Democracy and economic reform and expansion may be at risk to security if the Baltics continue to exist, unprotected, in the shadow of an increasingly nationalistic Russia. The United States must ensure that the Baltic nations are invited to the NATO summit in Madrid and must work toward eventual membership in our security alliance for Estonia, Latvia, and Lithuania.

I urge my colleagues to support this legislation and thank Senators D'AMATO and DURBIN for joining me as a original cosponsors.

SENATE CONCURRENT RESOLUTION 30—RELATIVE TO THE REPUBLIC OF CHINA ON TAIWAN

Mr. HELMS (for himself and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Whereas the Republic of China on Taiwan (hereafter referred to as "Taiwan") possesses a free economy with the 19th largest gross domestic product in the world;

Whereas Taiwan has the 14th largest trading economy in the world and the 7th largest amount of foreign investment in the world and holds one of the largest amounts of foreign exchange reserves in the world;

Whereas Taiwan is a democracy committed to the economic and political norms of the international community;

Whereas the purpose of the International Monetary Fund (hereafter referred to as "IMF") is to promote exchange stability, to establish a multilateral system of payments, to facilitate the expansion of world trade, and to provide capital to assist developing nations;

Whereas the membership of Taiwan in the IMF would benefit the world economy, especially those developing countries in need of capital, and would contribute to the purposes of the IMF;

Whereas the IMF aims to further economic liberalization and globalization and conducts conferences, exchanges, and training programs in international monetary management which would be beneficial to Taiwan;

Whereas the IMF aims to further worldwide economic relationships and is not a political entity, as evidenced by the fact that Taiwan remained a member of the IMF from 1972 until 1980 after it had been forced to give up its membership in the United Nations; and

Whereas membership in the IMF is a prerequisite for accession to the International Bank for Reconstruction and Development and to regional banks in which the membership of Taiwan would be beneficial and fully justified: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Senate (the House of Representatives concurring) that it should be United States policy to support—

(1) the admission of the Republic of China on Taiwan (hereafter referred to as "Taiwan") to membership in the International Monetary Fund;

(2) the admission of Taiwan to membership in the International Bank for Reconstruction and Development; and

(3) the admission of Taiwan to membership in all appropriate regional multilateral economic institutions.

Mr. HELMS. Mr. President, Senator LIEBERMAN and I are submitting today a Senate concurrent resolution in support of Taiwan's admission to the International Monetary Fund and the World Bank.

There is simply no reason that Taiwan should be excluded from these multilateral economic institutions. Taiwan has one of the largest trading economies in the world. In fact, in the time it took me to draft this concurrent resolution, Taiwan went from the 20th largest gross domestic product, to the 19th largest.

Moreover, Taiwan is a democracy and a responsible member of the international community. This is more than one can say about many other nations who are currently members of these multilateral institutions.

Mr. President, the purpose of this resolution is straightforward. It expresses the sense of the Senate that Taiwan deserves to belong to these organizations. This resolution is not directed against any other nation. It simply puts the Senate on record in favor of justice for Taiwan.

SENATE RESOLUTION 90—AUTHORIZING THE PRINTING OF A PUBLICATION

Mr. BYRD (for himself, Mr. COVERDELL, and Mr. CLELAND) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Resolved,

SECTION 1. PRINTING OF THE PUBLICATION ENTITLED "DEDICATION AND UNVEILING OF THE STATUE OF RICHARD BREVARD RUSSELL, JR.".

(a) IN GENERAL.—There shall be printed as a Senate document the publication entitled "Dedication and Unveiling of the Statue of Richard Brevard Russell, Jr.", prepared by the Office of Senate Curator under the supervision of the Secretary of the Senate, with the concurrence of the United States Senate Commission on Art.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies for the use of the Senate, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $1,200.

SENATE RESOLUTION 91—TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 91

Whereas, the Office of the Inspector General of the United States Department of Justice has requested that the Select Committee on Intelligence provide it with copies of committee records relevant to the Office's pending review of matters related to allegations of Central Intelligence Agency involvement in crack cocaine trafficking with supporters of the Nicaraguan Contras;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, we authorized to provide to the Office of Inspector General of the United States Department of Justice or to other government investigators, under appropriate security procedures, copies of committee records related to allegations of Central Intelligence Agency involvement in crack cocaine trafficking with supporters of the Nicaraguan Contras.

SEC. 2. That the Chairman and Ranking Minority Member of any other committee of the Senate, acting jointly, are authorized to provide to the Office of Inspector General of the United States Department of Justice or to other government investigators, under appropriate security procedures, copies of records held by their committee related to allegations of Central Intelligence Agency involvement in crack cocaine trafficking with supporters of the Nicaraguan Contras.

SENATE RESOLUTION 92—RELATIVE TO NATIONAL LITERACY DAY

Mr. LAUTENBERG submitted a resolution; which was referred to the Committee on the Judiciary:

S. RES. 92

Whereas 44,000,000 United States citizens today read at a level that is less than the level necessary for full survival needs;

Whereas there are 40,000,000 adults in the United States who cannot read, whose resources are left untapped, and who are unable to make a full contribution to society;

Whereas illiteracy is growing rapidly, as 2,500,000 persons, including as many as 1,300,000 immigrants, 1,500,000 high school dropouts, and 100,000 refugees, are added to the pool of illiterate persons annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $230,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults who are unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterate persons in proportion to population percentage is higher for African Americans and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the highest concentration of adult illiteracy;

Whereas 1,000,000 children in the United States between the ages of 12 and 17 years old cannot read above a third grade level, 13 percent of all 17-year-olds are functionally illiterate, and 15 percent of graduates of urban high schools read at less than a sixth grade level;

Whereas 85 percent of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 percent illiteracy rate among African American youths is expected to increase;

Whereas ½ of all heads of households cannot read above an eighth grade level and ⅓ of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves due to the lack of support the children receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have been able to reach only 5 percent of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the illiteracy problem and the detrimental effects of illiteracy on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterate persons in need of assistance: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 2, 1997, and July 2, 1998, as "National Literacy Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe "National Literacy Day" with appropriate ceremonies and activities.

Mr. LAUTENBERG. Mr. President, today I rise to submit a resolution establishing July 2 of this year and the next as National Literacy Day.

Mr. President, the ability to read is something most of us often take for granted. For most of us, it is difficult to imagine not being able to read a menu, street sign, magazine or phone book. But for many of our citizens, these seemingly simple activities are impossible. This is so because they are illiterate. I am submitting this resolution to draw attention to the issue of illiteracy by establishing July 2, 1997 and the following year as National Literacy Day. I hope my colleagues will cosponsor this resolution.

All of us should be more aware of the problem of illiteracy. A recent study found that over 44 million adults cannot read. An additional 35 million read below the level needed to function successfully in society. These numbers alone are alarming and warrant our special attention. But even more disturbing are the personal hardships people must face each day due to their inability to read. The embarrassment parents face when they cannot read to their children. The discouragement able workers feel when they cannot fill out a basic job application. The disappointment we all endure as the ranks of the illiterate grow annually by over 2 million adults.

Mr. President, the 18th Century writer, Joseph Addison, once wrote "Reading is to the mind what exercise is to the body." I could not agree more. Reading enriches our lives in countless ways. But there are far too many of our citizens who cannot read the instructions on a doctor's prescription bottle, let alone share the experience of reading one of Addison's great poems. This needs to change.

Therefore, we must focus our attention on the problem of illiteracy. All of us should make sure we do our part to ensure that citizens who need help know where services are available. We need to recognize the detrimental effects illiteracy has on our society. Most important, more of us need to enlist in the battle to close the book on illiteracy.

Mr. President, for these reasons, I am submitting a resolution to designate July 2, 1997 and July, 2, 1998 as National Literacy Day. I urge my colleagues to support this resolution.

SENATE RESOLUTION 93—RELATIVE TO NATIONAL FAMILY WEEK

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 93

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family unit as essential to the continued wellbeing of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved, That the Senate designates the week beginning on November 23, 1997 and the week beginning on November 24, 1997, as "National Family Week". The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.

Mr. GRASSLEY. Mr. President, I come before you today to submit a resolution which would designate the week beginning November 23, 1997, and the week beginning November 22, 1998, as "National Family Week." This legislation has been passed in each Congress and signed into public law every year since 1976. I am pleased to be able to contribute to this longstanding tradition, of recognizing the importance of family, by again introducing this legislation.

As we all know, the family is the most basic element of our society, and the tie that binds us to one another. It is the strength of any free and orderly society and it is appropriate to honor this unit as being essential to the wellbeing of the United States.

Since Thanksgiving falls during both of these weeks, we will be paying homage to what we as a nation already know—the strength of the family provides the support through which we as individuals and a nation thrive. Therefore it is particularly suitable to pause during this special week in recognition of the celebrations and activities of the family which bring us closer together. I hope my colleagues will join me in this effort.

SENATE RESOLUTION 94—COMMENDING THE AMERICAN MEDICAL ASSOCIATION

Mr. WARNER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 94

Whereas the American Medical Association's history is a story of America's best medicine, hope, hard work, and triumph;

Whereas the American Medical Association is dedicated to maintaining the sanctity of the patient-physician relationship and upholding ethical standards within the medical profession to lead to a better, stronger house of medicine;

Whereas the American Medical Association promotes its principles through medical school accreditation programs designed to elevate the standard of medical education in the United States through outreach, training seminars, and curriculum development in order to instill core ethical values and beliefs in the physicians of the future; and

Whereas the future of the American Medical Association relies not only on its past accomplishments, but on the physicians who will journey together for another 150 years and beyond of caring for the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the American Medical Association is commended for its advancement of high ethical standards among physicians in the United States and setting the standards for physicians throughout the world;

(2) all physicians and Americans are encouraged to join in the celebration of the 150th birthday of the American Medical Association and rejoice in 150 years of caring for the United States; and

(3) the American Medical Association is encouraged to continue into the next millennium to represent and promote the goals of the organization in the physician community, and to continue organizing and fostering high quality patient-physician relationships across the United States.

Mr. WARNER. Mr. President, I rise today to pay tribute to The American Medical Association [AMA] and to submit a resolution to commemorate its 150th Anniversary.

The American Medical Association was founded by Nathan Smith Davis, M.D., in 1847 when he was 30-years-old. At that time, the field of medicine was still based on apprenticeship programs and very little education was required to become a physician. Nathan Davis recognized the need to establish a code of educational principles to elevate the standard of medicine by eliminating quackery and other nonscientific forms of medicine. Through standardized medical education, students trained in the field of medicine now have unified course work and training. The accreditation process also guides curriculum development in order to ensure that core ethical values and beliefs are instilled in the physicians of the future.

Today, the American Medical Association continues to hold high its standards and remains dedicated to maintaining the sanctity of the patient-physician relationship, upholding the ethical standards within the medical profession that lead to a better, stronger, house of medicine.

Mr. President, the American Medical Association's contribution to the health of our country has been a fixture of American culture. Indeed, even their symbol has long served as a sign of high quality health care materials. We have come to expect quality in every endeavor from the American Medical Association as they have built a 150-year reputation of caring for our country.

For example, the American Medical Association's Journal of the American Medical Association [JAMA] has long contributed to the positive reputation of the association through the distribution of peer reviewed health information. Another example of caring for our country, JAMA, founded in 1880, expanded the dissemination of scientific data and health policy information among physicians and other health professionals. JAMA serves as a respected voice in the areas of clinical science and disease prevention. In addition, JAMA has contributed a great deal to the area of public health, an area in which the AMA continues to be vitally involved, as it strives to prepare patients and physicians for the 21st century by promoting the science and art of medicine.

Mr. President, I would like to congratulate the American Medical Association on its 150th anniversary and all its accomplishments and I encourage the AMA to continue caring for our country into the next millennium.

On a personal note, I wish to acknowledge the lifelong contribution of my late father, Dr. John W. Warner 1883–1946, to this organization. Starting his career as a frontline, decorated combat surgeon in the U.S. Army during World War I, he served the needs of the greater Washington metropolitan area as an attending physician until his death in 1946.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET

COVERDELL AMENDMENT NO. 357

Mr. DOMENICI (for Mr. COVERDELL) proposed an amendment to amendment No. 313 proposed by Mr. WELLSTONE to the concurrent resolution (S. Con. Res. 27) setting forth the congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002; as follows:

On page 3, line 3, increase the amount by 0.

On page 3, line 4, increase the amount by 0.

On page 3, line 5, increase the amount by 0.

On page 3, line 6, increase the amount by 0.

On page 3, line 7, increase the amount by 0.

On page 3, line 11, increase the amount by 0.

On page 3, line 12, increase the amount by 0.

On page 3, line 13, increase the amount by 0.

On page 3, line 14, increase the amount by 0.

On page 3, line 15, increase the amount by 0.

On page 4, line 4, increase the amount by 0.

On page 4, line 5, increase the amount by 0.

On page 4, line 6, increase the amount by 2,539,000,000.

On page 4, line 7, increase the amount by 0.

On page 4, line 8, increase the amount by 0.

On page 4, line 12, increase the amount by 0.

On page 4, line 13, increase the amount by 0.

On page 4, line 14, increase the amount by 0.

On page 4, line 15, increase the amount by 0.

On page 4, line 16, increase the amount by 0.

On page 21, line 25, increase the amount by 0.

On page 22, line 1, increase the amount by 0.

On page 22, line 8, increase the amount by 2,539,000,000.

On page 22, line 9, increase the amount by 0.

On page 22, line 16, increase the amount by 0.

On page 22, line 17, increase the amount by 0.

On page 22, line 24, increase the amount by 0.

On page 22, line 25, increase the amount by 0.

On page 26, line 6, increase the amount by 0.

On page 26, line 7, increase the amount by 0.

On page 26, line 14, increase the amount by 0.

On page 26, line 15, increase the amount by 0.

On page 26, line 22, increase the amount by 0.

On page 26, line 23, increase the amount by 0.

On page 27, line 5, increase the amount by 0.

On page 27, line 6, increase the amount by 0.

On page 27, line 13, increase the amount by 0.

On page 27, line 14, increase the amount by 0.

On page 38, line 14, increase the amount by 0.

On page 38, line 15, increase the amount by 0.

On page 40, line 17, decrease the amount by 0.

On page 41, line 7, decrease the amount by 0.

On page 41, line 8, decrease the amount by 0.

On page 43, line 21, increase the amount by 0.

On page 43, line 22, increase the amount by 0.

On page 43, line 24, increase the amount by 0.

On page 43, line 25, increase the amount by 0.

On page 44, line 2, increase the amount by 0.

On page 44, line 3, increase the amount by 0.

On page 44, line 5, increase the amount by 0.

On page 44, line 6, increase the amount by 0.

SNOWE (AND COVERDELL) AMENDMENT NO. 358

Mr. DOMENICI (for Ms. SNOWE for herself and Mr. COVERDELL) proposed an amendment to amendment No. 314 proposed by Mr. WELLSTONE to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 3, line 4, increase the amount by 0.

On page 3, line 5, increase the amount by 0.

On page 3, line 6, increase the amount by 0.

On page 3, line 7, increase the amount by 0.

On page 3, line 12, increase the amount by 0.

On page 3, line 13, increase the amount by 0.

On page 3, line 14, increase the amount by 0.

On page 3, line 15, increase the amount by 0.

On page 4, line 5, increase the amount by 0.

On page 4, line 6, increase the amount by 0.

On page 4, line 7, increase the amount by 0.

On page 4, line 8, increase the amount by 0.

On page 4, line 13, increase the amount by 0.

On page 4, line 14, increase the amount by 0.

On page 4, line 15, increase the amount by 0.

On page 4, line 16, increase the amount by 0.

On page 21, line 25, increase the amount by 0.

On page 22, line 1, increase the amount by 0.

On page 22, line 8, increase the amount by 0.

On page 22, line 9, increase the amount by 0.

On page 22, line 16, increase the amount by 0.

On page 22, line 17, increase the amount by 0.

On page 22, line 24, increase the amount by 0.

On page 22, line 25, increase the amount by 0.

On page 43, line 21, increase the amount by 0.

On page 43, line 22, increase the amount by 0.

On page 43, line 24, increase the amount by 0.

On page 43, line 25, increase the amount by 0.

On page 44, line 2, increase the amount by 0.

On page 44, line 3, increase the amount by 0.

On page 44, line 5, increase the amount by 0.

On page 44, line 6, increase the amount by 0.

DOMENICI (AND LAUTENBERG) AMENDMENT NO. 359

Mr. DOMENICI (for himself and Mr. LAUTENBERG) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 4, increase the amount on line 4 by $1,800,000,000.

On page 4, decrease the amount on line 5 by $100,000,000.

On page 4, decrease the amount on line 7 by $200,000,000.

On page 4, decrease the amount on line 8 by $300,000,000.

On page 4, decrease the amount on line 13 by $200,000,000.

On page 4, decrease the amount on line 14 by $100,000,000.

On page 4, decrease the amount on line 15 by $200,000,000.

On page 4, decrease the amount on line 16 by $400,000,000.

On page 4, decrease the amount on line 20 by −$200,000,000.

On page 4, decrease the amount on line 21 by −$100,000,000.

On page 4, decrease the amount on line 22 by −$200,000,000.

On page 4, decrease the amount on line 23 by −$400,000,000.

On page 5, increase the amount on line 2 by $4,800,000,000.

On page 5, increase the amount on line 3 by $6,200,000,000.

On page 5, increase the amount on line 4 by $6,100,000,000.

On page 5, increase the amount on line 5 by $7,700,000,000.

On page 18, increase the amount on line 8 by $1,800,000,000.

On page 23, increase the amount on line 15 by $100,000,000.

On page 23, increase the amount on line 22 by $100,000,000.

On page 24, increase the amount on line 12 by $100,000,000.

On page 29, decrease the amount on line 18 by $200,000,000.

On page 29, decrease the amount on line 19 by $200,000,000.

On page 30, decrease the amount on line 2 by $300,000,000.

On page 30, decrease the amount on line 3 by $300,000,000.

On page 30, decrease the amount on line 10 by $300,000,000.

On page 30, decrease the amount on line 11 by $300,000,000.

On page 30, decrease the amount on line 18 by $300,000,000.

On page 30, decrease the amount on line 19 by $300,000,000.

On page 39, line 1, strike beginning with the word "provide" through line 4, the word "outlays", and insert "reduce the deficit".

On page 39, decrease the amount on line 22 by $35,000,000.

On page 39, decrease the amount on line 23 by $75,000,000.

MEMORIAL DAY RESOLUTION

THURMOND AMENDMENT NO. 360

Mr. LOTT (for Mr. THURMOND) proposed an amendment to the resolution (S. Res. 76) proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace of liberty around the world; as follows:

On page 2, lines 5 and 6, strike "Standard" and insert "Daylight".

ADDITIONAL STATEMENTS

A MEMORIAL DAY TRIBUTE

● Mr. SESSIONS. Mr. President, I rise today to recognize the sacrifices made by the millions of men and women who have served in the Armed Forces of the United States.

While Members of this body have perhaps thousands of constituent service men and women on the rolls from their State, men and women who have served and are serving be they active duty, Reserve, National Guard, or retired, I want to draw special attention to one story in particular, an uncommon story of valor and courage, that is truly representative of the thousands of veterans in Alabama and all over these United States.

Mr. President, I want to speak today about the supreme sacrifice many Americans made for our country as prisoners of war. Mr. Hubert Davis, of Tuscaloosa, AL, is one such hero. As a B–17 fighter tail gunner in World War II, Mr. Davis' plane was hit while approaching a bombing target over Schweinfurt, Germany, on April 13, 1944. After his B–17 became engulfed in flames, Mr. Davis struggled with an awkward British parachute as the plane capsized, like a ship caught in a terrible storm at sea and crashed to the ground. Mr. Davis barely managed to escape from the B–17 and immediately pulled his ripcord. He parachuted to the ground and was captured by the German forces. As the D-day invasion was still some weeks away there was no hope of escaping to Allied lines in Europe. During his prison experience, Mr. Davis was subsequently moved from prison camp to prison camp while suffering from injuries sustained in the rough parachute landing. He was subjected to interrogations in which life and limb was threatened—all for our freedom.

Mr. Davis' family received a telegram notifying them that their son was lost-in-action and a second telegram 10 days later announcing that he was killed-in-action. Eventually, however, Mr. Davis was liberated by the 13th Armored Division of Patton's 3d Army and now resides in Tuscaloosa, AL.

Mr. President, Mr. Davis was prepared to pay the ultimate price for his country. While I have highlighted the odyssey of one tailgunner, and one ex-POW from World War II, Mr. Davis is emblematic of the thousands of men and women who dedicated the very fabric of their being for the greatest democracy known to history. From the Revolutionary War to the Persian Gulf, we have been blessed by an exemplary group of patriots who have served their country admirably and with distinction. Since our country has enjoyed many years of relative peace as a result of the heroic efforts of men and women like Hubert Davis, I hope his story reminds each of us of the trials and tribulations our forebears have endured to preserve the precious freedom we all so deeply enjoy today.

Mr. President, to further recognize the valor of our many veterans, I ask to have printed in the RECORD along with my brief remarks Gen. Douglas MacArthur's farewell speech to the cadets at West Point, May 12, 1962. Since its delivery, this speech has been known as MacArthur's "Duty, Honor, Country Speech." It is plain spoken and on the day when we reflect on those who have given so much, it serves to remind us all what it means to be an American. God bless the United States.

The remarks follow:

GEN. DOUGLAS MACARTHUR: DUTY, HONOR, COUNTRY; MAY 12, 1962, U.S. MILITARY ACADEMY, WEST POINT, NY

No human being could fail to be deeply moved by such a tribute as this [Thayer Award], coming from a profession I have served so long and a people I have loved so well. It fills me with an emotion I cannot express. But this award is not intended primarily to honor a personality, but to symbolize a great moral code—a code of conduct and chivalry of those who guard this beloved land of culture and ancient descent. For all hours and for all time, it is an expression of the ethics of the American soldier. That I should be integrated in this way with so noble an ideal arouses a sense of pride, and yet of humility, which will be with me always.

"Duty," "honor", "country"—those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn.

Unhappily, I possess neither that eloquence of diction, that poetry of imagination, nor that brilliance of metaphor to tell you all that they mean.

The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every pedant, every demagogue, every cynic, every hypocrite, every troublemaker, and, I am sorry to say, some others of an entirely different character, will try to downgrade them even to the extent of mockery and ridicule.

But these are some of the things they do. They build your basic character. They mold you for your future roles as the custodians of the Nation's defense. They make you strong enough to know when you are weak, and brave enough to face yourself when you are afraid.

WHAT THE WORDS TEACH

They teach you to be proud and unbending in honest failure, but humble and gentle in success; not to substitute words for actions, not to seek the path of comfort, but to face the stress and spur of0difficulty and challenge; to learn to stand up in the storm, but to have compassion on those who fall; to master yourself before you seek to master others; to have a heart that is clean, a goal that is high; to learn to laugh, yet never forget how to weep; to reach into the future, yet never neglect the past; to be serious, yet never to take yourself too seriously; to be modest so that you will remember the simplicity of true greatness, the open mind of true wisdom, the meekness of true strength.

They give you a temperate will, a quality of the imagination, a vigor of the emotions, a freshness of the deep springs of life, a temperamental predominance of courage over timidity, of an appetite for adventure over love of ease.

They create in you heart the sense of wonder, the unfailing hope of what next, and joy and inspiration of life. They teach you in this way to be an officer and a gentleman.

And what sort of soldiers are those you are to lead? Are they reliable? Are they brave? Are they capable of victory?

Their story is known to all of you. It is the story of the American man-at-arms. My estimate of him was formed on the battlefield many, many years ago, and has never changed. I regarded him then, as I regard him now, as one of the world's noblest figures; not only as one of the finest military characters, but also as one of the most stainless.

His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty, he gave all that mortality can give. He needs no eulogy from me; or from any other man. He has written his own history and written it in red on his enemy's breast.

But when I think of his patience in adversity of his courage under fire and of his modesty in victory, I am filled with an emotion of admiration I cannot put into words. He belongs to history as furnishing one of the greatest examples of successful patriotism. He belongs to posterity as the instructor of future generations in the principles of liberty and freedom. He belongs to the present, to us, by his virtues and by his achievements.

WITNESS TO THE FORTITUDE

In 20 campaigns, on a hundred battlefields, around a thousand camp fires, I have witnessed that enduring fortitude, that patriotic self-abnegation, and that invincible determination which have carved his statue in the hearts of his people.

From one end of the world to the other, he has drained deep the chalice of courage. As I listened to those songs [of the glee club], in memory's eye I could see those staggering columns of the first World War, bending under soggy packs on many a weary match, from dripping dusk to drizzling dawn, slogging ankle deep through the mire of shell-pocked roads to form grimly for the attack, blue-lipped, covered with sludge and mud, chilled by the wind and rain, driving home to their objective, and for many to the judgment seat of God.

I do not know the dignity of their birth, but I do know the glory of their death. They died, unquestioning, uncomplaining, with faith in their hearts, and on their lips the hope that we would go on to victory.

Always for them: Duty, honor, country. Always their blood, and sweat, and tears, as we sought the way and the light and the truth. And 20 years after, on the other side of the globe, again the filth of murky foxholes, the stench of ghostly trenches, the slime of dripping dugouts, those boiling suns of relentless heat, those torrential rains of devastating storms, the loneliness and utter desolation of jungle trails, the bitterness of long separation from those they loved and cherished, the deadly pestilence of tropical disease, the horror of stricken areas of war.

SWIFT AND SURE ATTACK

Their resolute and determined defense, their swift and sure attack, their indomitable purpose, their complete and decisive victory—always through the bloody haze of their last reverberating shot, the vision of gaunt, ghastly men, reverently following your password of duty, honor, country.

The code which those words perpetuate embraces the highest moral law and will stand the test of any ethics or philosophies ever promulgated for the things that are right and its restraints are from the things that are wrong. The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice. In battle, and in the face of danger and death, he discloses those divine attributes which his Maker gave when He created man in His own image. No physical courage and no greater strength can take the place of the divine help which alone can sustain him. However hard the incidents of war may be, the soldier who is called upon to offer and to give his life for his country is the noblest development of mankind.

You now face a new world, a world of change. the thrust into outer space of the satellite, spheres, and missiles marks a beginning of another epoch in the long story of mankind. In the five or more billions of years the scientists tell us it has taken to form the earth, in the three or more billion years of development of the human race, there has never been a more abrupt or staggering evolution.

We deal now, not with things of this world alone, but with illimitable distances and as yet unfathomed mysteries of the universe. We are reaching out for a new and boundless frontier. We speak in strange terms of harnessing the cosmic energy, of making winds and tides work for us, of creating unheard of synthetic materials to supplement or even replace our old standard basics; to purify sea water for our drink; of mining ocean floors for new fields of wealth and food; of disease preventatives to expand life into the hundreds of years; of controlling the weather for a more equitable distribution of heat and cold, of rain and shine; of spaceships to the moon; of the primary target in war, no longer limited to the armed forces of an enemy, but instead to include his civil populations; of ultimate conflict between a united human race and the sinister forces of some other planetary galaxy; of such dreams and fantasies as to make life the most exciting of all times.

And through all this welter of change and development your mission remains fixed, determined, inviolable. It is to win our wars. Everything else in your professional career is but corollary to this vital dedication. All other public purposes, all other public projects, all other public needs, great or small, will find others for their accomplishments; but you are the ones who are trained to fight.

THE PROFESSION OF ARMS

Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, that if you lose, the Nation will be destroyed, that the very obsession of your public service must be duty, honor, country.

Others will debate the controversial issues, national and international, which divide men's minds. But serene, calm, aloof, you stand as the Nation's war guardian, as its lifeguard from the raging tides of international conflict, as its gladiator in the arena of battle. For a century and a half you have defended, guarded, and protected its hallowed traditions of liberty and freedom, of right and justice.

Let civilian voices argue the merits or demerits of our processes of government: Whether our strength is being sapped by deficit financing indulged in too long, by Federal paternalism grown too mighty, by power groups grown too arrogant, by politics grown too corrupt, by crime grown too rampant, by morals grown too low, by taxes grown too high, by extremists grown too violent; whether our personal liberties are as thorough and complete as they should be.

These great national problems are not for your professional participation or military solution. Your guidepost stands out like a ten-fold beacon in the night: Duty, honor, country.

You are the leaven which binds together the entire fabric of our national system of defense. From your ranks come the great captains who hold the Nation's destiny in their hands the moment the war tocsin sounds.

The long, gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses, thundering those magic words: Duty, honor, country.

PRAYS FOR PEACE

This does not mean that you are warmongers. On the contrary, the soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war. But always in our ears ring the ominous words of Plato, that wisest of all philosophers: "Only the dead have seen the end of war."

The shadows are lengthening for me. The twilight is here. My days of old have vanished—tone and tint. They have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty, watered by tears and coaxed and caressed by the smiles of yesterday. I listen vainly, but with thirsty ear, for the witching melody of faint bugles blowing reveille, of far drums beating the long roll.

In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield. But in the evening of my memory always I come back to West Point. Always there echoes and re-echoes: Duty, honor, country.

Today marks my final roll call with you. But I want you to know that when I cross the river, my last conscious thoughts will be of the corps, and the corps, and the corps.

I bid you farewell.•

MEMORIAL DAY

• Mr. LEVIN. Mr. President, Memorial Day is a time for Americans to stop and think about those who have given their lives for our Nation's freedom.

This week, the Senate passed a resolution commemorating the 15th Anniversary of the construction and dedication of the Vietnam Veterans Memorial. I was proud to be included as an original cosponsor of this important resolution. The resolution encourages Americans to remember the sacrifices of our Nation's veterans and extends the Senate's sympathies to those who suffered the loss of family and friends in Vietnam. Since its dedication 15 years ago, the Vietnam Veterans Memorial has been a sanctuary where survivors and families have mourned, where soldiers have reflected on the past, and where youth have explored our history.

Memorial Day serves as a strong reminder of the effects of war. The Vietnam Veterans Memorial contains the names of more than 58,000 men and women who lost their lives from 1957 to 1975 in the Vietnam combat area or who are still missing in action. No person is able to walk along the wall without being moved by its simple message of loss.

Of the many names which mark "the wall," 2,660 are from Michigan. One Michigan Vietnam veteran whose name is on the wall is Capt. James L. Huard of Dearborn, MI. Captain Huard disappeared on July 12, 1972 while flying his F-4 Phantom over North Vietnam. For nearly 25 years, Captain Huard was missing-in-action. In 1988, the Vietnamese government turned over what were believed to be the remains of a number of United States servicemen. After many years of forensics work, Huard's remains were identified and returned to his family on January 29, 1997. On May 1, Capt. James L. Huard was given an official burial at Arlington National Cemetery.

In 1989, the Dearborn City Council passed a resolution which ordered the POW/MIA flag to fly above City Hall until "Huard is returned home." On Memorial Day, the flag will be lowered as a final most appropriate and moving tribute to Captain Huard.

I know my Senate colleagues join me in honoring Capt. James L. Huard and the many men and women who have given their lives in the service of our Nation.•

TRIBUTE TO DAVID CARTER FOR HIS SUCCESSFUL CLIMB TO THE SUMMIT OF MOUNT EVEREST

● Mr. LUGAR. Mr. President, it is with great admiration that I rise today to recognize David Carter, a citizen of Indianapolis and a close family friend, for his achievement in reaching the peak of Mount Everest.

David's successful ascent to the summit of Mount Everest bordering Nepal and Tibet is the realization of a boyhood dream. This achievement exemplifies his extraordinary determination and courage.

On this, his second attempt to reach the peak, David approached the mountain's difficult conditions with bravery and extremely careful preparation. Through high winds and extremely cold temperatures, his expedition met the challenge.

In explaining what drew him back for a second try, David simply answered: unfinished business.

I ask that my colleagues join me in congratulating David Carter on the day of this signal victory which brings special pride to all Hoosiers.●

JOSEPH ENGELBERGER AND HELPMATE ROBOTICS, INC.

● Mr. LIEBERMAN. Mr. President, I would like to take a few moments and draw attention to a remarkable example of a Federal investment in science and technology that is producing a return to the benefit of society. In this case, it was the vision of an individual, combined with technical knowledge derived from space research, which has created an exciting new industry. Back in 1984, the inventor's idea was to design a robot that could be used in hospitals and eventually homes. Today, robots manufactured by HelpMate Robotics, Inc., of Danbury, CT, roam hospital hallways, delivering medications, meals, x-rays, and patients' records. Handling these errands allows orderlies and nurses more time to concentrate on patient care.

Central to the story of the hospital robots is the 72-year-old founder of HelpMate Robotics, Dr. Joseph Engelberger. Dr. Engelberger is widely acknowledged as the father of the industrial robot, an idea he had much more success selling to Japan's auto industry than in America. As a consequence, Japan grew to dominate the world robotic market and this was one of the factors that for many years enabled it to retain a competitive advantage over American automakers. Not content with having helped start one revolution, Engelberger founded HelpMate Robotics with the idea to use hospital robots as a step in the process toward design of machines that would be useful in personal homes.

I am especially pleased to report that many of the achievements of Dr. Engelberger and HelpMate Robotics were made possible through close cooperation with the National Aeronautics and Space Administration. The new technologies necessary in the design of a robot that is capable of avoiding people in busy hospital hallways, summoning elevators, and recognizing familiar territory, were derived from research already underway at NASA. HelpMate has won several NASA SBIR [Small Business Innovative Research] awards, which were established to stimulate conversion of Government-funded R&D into commercial applications. Transfer of knowledge and expertise has also flowed from the company back to NASA. Late last year, the space agency awarded an SBIR grant to HelpMate for development of a prototype robot for terrestrial experiments that anticipate space utilization of robotics. The space robot will begin to pave the way for the next step in Dr. Engelberger's dream—a robot capable of helping the elderly stay at home by performing the myriad number of tasks that become difficult later in life. Also helpful in the commercialization of NASA technology was a unique program developed by the National Technology Transfer Center in Wheeling, WV, and Unisphere Institute in Washington, DC.

The story of Dr. Engelberger and HelpMate Robotics is an example of the way that a patient Federal investment in science and technology can lead to new products that employ Americans and make for a better quality of life. It is also the story of one man's creative genius and untiring devotion in making a dream become reality. I salute Dr. Engelberger for his accomplishments with HelpMate and upon his receipt of the prestigious Japan Prize.●

TRIBUTE TO SIX GIRL SCOUT GOLD AWARD RECIPIENTS

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to six outstanding young women who are being presented with the Girl Scout Gold Award by the Vermont Girl Scout Council. They are Melissa Jones and Tina Newell of Vergennes, Kathleen Lomedico of Colchester as well as Jennifer Tobin, Vincenza Tortolano, and Lori Brown of Rutland. They are being honored on May 29, 1997 for earning the highest achievement award in U.S. Girl Scouting.

The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14–17, or in grades 9–12. To receive the award, these Girl Scouts first earned four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Senior Girl Scout Challenge as well as designing and implementing a Girl Scout Gold Award project to meet a special need in their communities.

As members of the Vermont Girl Scout Council, Melissa and Tina first earned badges in understanding yourself and others, child care, games, creative writing, and reading. The girls then combined their efforts in a project to combat illiteracy. They designed a series of three workshops for young children about the magic of books which they put on at their local town library. The workshops featured a magician, hired with money the girls raised themselves, magic tricks and crafts taught by the girls, and wonderful stories featuring magic. They attracted a large number of youngsters. The girls reported "everything we did interested and excited the children; they wanted to read more books and they now know the library and are planning to come to their future children's programs".

Jennifer and Vincenza put their efforts into making a special place for some elderly members of their community. The girls designed and established a conversation garden to give nursing home residents and their guests access to sidewalks, shade, and beauty, putting in two settees and planting bulbs and a flowering crabapple tree, all financed by the girls' sale of handmade cookbooks. To quote the nursing home administrator, "these two young people have earned the respect and appreciation of 125 nursing home residents and 160 employees of Eden Park".

As a member of the Vermont Girl Scout Council, Lori first earned badges in child care, reading, music, games, well being and understanding yourself and others. She then used these skills to design and implement a series of Lenten workshops for the younger children in her parish church. Kathleen earned badges in artistic crafts and exploration among others. After learning leadership skills through Girl Scouting, she served as the editor of her high school yearbook. As her Girl Scout Gold Award project she spent the last year organizing and leading a youth group for teens which meets every other week and a youth band which plays every Sunday for her church parish. Kathleen wanted the young people in her parish to "feel a sense of home in the church." Both girls used the skills they learned in Girl Scouting to help the church of their faith.

These six Senior Girl Scouts have earned my respect and admiration. I believe all the girls should receive the public recognition due them for such significant services to their communities and their country.●

TRIBUTE TO EDWARD P. SCOTT

● Mr. AKAKA. Mr. President, it is with great regret that I rise today to note the impending retirement of Edward P. Scott, Assistant Secretary for Congressional Affairs with the Department of Veterans Affairs [VA]. Ed has served in this position since his confirmation by the Senate in May 1993, after being nominated by President Clinton.

As a member of the Veterans' Affairs Committee, I have greatly appreciated Ed's successful efforts to maintain close relations with legislators and keep Congress apprised of VA operations, programs, and policies. During his tenure, VA confronted the impact of judicial review on veterans' claims; addressed the health care, research, and compensation needs of Persian Gulf veterans suffering from undiagnosed illnesses; and, in the face of unprecedented fiscal pressures, began the most comprehensive restructuring of its health care and benefits administrations in history. Ed has played a critical role in developing and implementing VA's response to each of these challenges, while keeping Congress fully informed of, and involved in, major developments.

Mr. President, prior to his administration appointment, Ed enjoyed a long and varied career in public service. After graduating cum laude from the University of Pennsylvania Law School in 1963, where he was Law Review editor, he clerked for New Jersey Supreme Court Associate Justice Nathan Jacobs. He then joined the Air Force for 3 years, working as an assistant staff judge advocate at Keesler Air Force Base before retiring in the rank of captain. Soon after, he joined the Peace Corps, serving as deputy director and, later, country director, in Korea. Returning to the United States, he signed on as a staff attorney to the Mental Health Law Project in Washington, DC. In 1977, he joined the staff of the Veterans' Affairs Committee, thus embarking on a long and distinguished career in the veterans arena. In the 16 years he was employed on the committee staff, he alternately served as majority and minority general counsel and, ultimately, staff director and chief counsel.

As a committee staffer, Ed was instrumental in creating the Vet Center Program, enacting the Montgomery GI bill, elevating VA to Cabinet rank, and establishing the U.S. Court of Veterans Appeals. During the 102d Congress, one of the most productive legislative periods in the committee's history, he helped revamp VA physician pay, improve homeless veterans programs, create a fairer system of compensation for survivors of disabled veterans, bring educational benefits in line with inflation, heighten concern for minority veterans, and establish a program to help treat women who were sexually abused in the military. In addition, under the leadership of my distinguished colleagues, Senator DASCHLE and Senator ROCKEFELLER, respectively, he helped resolve controversial matters relating to agent orange exposure and VA drug pricing.

Mr. President, I should also note that Ed played an important role in improving health care benefits and services for Hawaii's 120,000 veterans. Ed had an opportunity to visit Hawaii, gaining firsthand an appreciation of the unique needs of our multiethnic veterans population as well as of the special problems that confront the community as a consequence of Hawaii's insular geography and isolation from the mainland. He materially supported the Hawaii Delegation's efforts, initiated by my late predecessor, Senator Spark Matsunaga, to establish a VA medical center on Oahu; triple the size of the Honolulu VA outpatient clinic; and, establish vet centers, primary care clinics, and a residential post-traumatic stress disorder treatment center in the neighbor islands.

Mr. President, however extensive Ed's achievements, what is most remarkable about this good man is the grace and sense of balance he has brought to public service. In dealing with many different organizations and personalities, each with a separate agenda, often on extremely contentious issues, he brought calm to rough waters and comfort to bruised egos. His willingness to consider every side to an issue, his ability to rise above partisan and personal concerns, truly elevated the level of debate on veterans issues. By his example, he constantly reminded us of our primary obligation, which is to promote the welfare of veterans.

Thank you, Mr. President. Ed's departure from public service is a loss to all who care about good government. I offer him and his wife, Jane, my best wishes as they embark on a new, and I hope rewarding, phase of life.•

NATIONAL STROKE AWARENESS MONTH

• Mr. DOMENICI. Mr. President, I rise today to take a few minutes to discuss National Stroke Awareness Month.

Every year in our country, approximately 28 out of every 100,000 people will suffer from a stroke. In fact, the third leading cause of death in the United States is a stroke. However, advances in medical technology and better control of high blood pressure have greatly reduced the number of strokes per year.

The number of strokes can be reduced even further if just a few preventive steps are taken. Periodic medical checkups and being on the look out for warning signs like high blood pressure, heart disease, age, and heredity are several basic ones.

A stroke occurs when blood vessels carrying oxygen and nutrients to the brain either become clogged or burst. The result is that the brain does not receive the flow of blood it requires and brain cells become deprived and start to die. Stroke victims often suffer from changes to their senses, ability to understand speech, behavioral and thought patterns, and memory. Additionally, stroke victims may cry easily, laugh inappropriately, or become easily irritated.

Luckily, Mr. President, advances in treatment and rehabilitation allow many stroke victims to return to an active lifestyle. Even though recovery is very possible, these stroke victims must often learn a whole new set of skills because old ones were lost and new skills are required.

Another result of a stroke may be aphasia. Aphasia is the total or partial loss of the ability to speak and understand speech and in approximately 20 percent of strokes a serious loss of speech occurs. This change in speech may turn into an extremely frustrating experience because both speech and hearing are extremely important components within our society.

People with aphasia may use unusual words or sounds when expressing themselves. Consequently, slurred speech may often result and thus, the appearance of being drunk. People recovering from a stroke may also become isolated from others because they cannot communicate. As a result, the person may become depressed and indifferent to rehabilitation, judgment may become impaired, and memory lapses may occur.

Mr. President, I believe it is extremely important that we as a society take steps to become more aware of a stroke's effects. Charles Huston of Albuquerque, NM, has done just that for the past 30 years. Charles suffered a stroke in 1963 and ever since he has dedicated his life to making others aware of the effects of a stroke.

Charles has specifically involved himself with the issue of aphasia. In fact the stroke he suffered left him with aphasia. As a result, Charles spent many years just relearning how to speak, painstakingly relearning individual words, one at a time. The hard work and determination paid off because Charles has led a highly successful personal life.

In particular, Charles has focused on the misperception that people suffering from aphasia are merely drunk. He has tirelessly promoted a document known as the Aphasic Patient's Bill of Rights. The document explains the difficulties a person with aphasia may face and also states that people with aphasia have the right for others to treat them with dignity and consideration in all situations.

As part of Charles' work to make others aware of the effects of aphasia, he has focused on educating the New Mexico State Police. Within just the past year, he presented the State police with 13 copies of the Aphasic Patient's Bill of Rights and the State police will hang one of the documents in each of the Department's 13 district offices.

I think Charles Huston has set an example for all of us to follow. He has shown a remarkable amount of determination and resiliency in not allowing the stroke he suffered over 30 years ago to defeat him. Additionally, Charles has applied that same amount of determination to educating people about the effects of aphasia. I think we would all do well to take a little time and educate ourselves about the issues Charles Huston has been advocating for so many years.•

RECOGNITION OF WORLD WAR II EXERCISE TIGER OPERATION

• Mr. BOND. Mr. President, this past April 28, 1997, the Missouri and New Jersey Exercise Tiger Associations, in conjunction with Veterans of Foreign War Post 280 of Columbia, MO, recognized a group of heroic men. Until recently, few people knew of the secret operation code named "Exercise Tiger," because the details of the tragedy were not disclosed until after the Battle of Normandy and even then proper recognition was not given.

In December 1943, several training operations began in order to prepare for the Battle of Normandy. These operations, organized by the United States Army, were undertaken off a beach in Devon, England. It was known by all participating parties the dangers they could encounter. At the time, several German ships patrolled this stretch of water looking for American and English ships. One such evening during practice operations, with only one English ship to guard, there was a surprise attack on the American ships.

On April 28, 1944, the German Navy "E" boats, patrolling the English Channel, attacked the Eight American tank landing ships who became aware of the attack only after the U.S.S. *LST-507* was struck by an incoming torpedo. Next, the U.S.S. *LST-531* was attacked and sunk in a matter of minutes. The convoy returned fire and the last ship to be torpedoed, the U.S.S. *LST-289*, valiantly struggled to reach Dartmouth Harbor.

Even after this frightening turn of events, to its credit, Exercise Tiger continued operations and remained on schedule. Normandy was attacked as planned and the D-day invasion was a success.

Information of the fatalities was not released until after the D-day invasion due to the secrecy of the mission and in order to keep the Germans from becoming aware of the impending strike. It took many years, and the passage of the Freedom of Information Act, to learn of the significance of these missions. I feel now is the time for these courageous men to get the long-awaited recognition they deserve.

Four thousand men participated in this operation and of those, nearly a quarter were killed in action. Records from the Department of Defense estimate 749 men died consisting of 551 Army and 198 Navy casualties. Of Tiger's death toll, 201 men were from the 3206th quartermaster company in my home State of Missouri.

This Memorial Day weekend commemorates the heroic actions of the men who participated in Exercise Tiger and particularly the ones who lost their lives in this crucial preparation for the D-day invasion. The Exercise Tiger Associations and VFW Post 280 have the great privilege of being first in the State of Missouri to recognize these brave individuals.

In the words of Gen. Douglas MacArthur, "Old soldiers never die, they just fade away * * *." I hope that through this long delayed acknowledgment of these fine soldiers, their memory will not fade away, but will remain in our minds and hearts for years to come. These men were an example for all American soldiers to live by and a credit to the United States as it remains the free and great country that it is today.•

EDUCATIONAL OPPORTUNITY TAX CREDIT BILL

• Mr. BURNS. Mr. President, I am pleased to join Senator FAIRCLOTH, along with Senators CRAIG, REID, JEFFORDS, LOTT, MACK, and HUTCHINSON, as a co-sponsor of S. 50, the Educational Opportunity Tax Credit Bill.

S. 50 will help thousands of folks earn a 2-year college degree without creating a new Federal program. S. 50 is simple: it provides for a non-refundable tax credit of up to $1,500, depending on the cost of attendance, for students attending a 2-year school, full-time or part-time. To receive the tax credit students must maintain a minimum grade point average as determined by the college.

Mr. President, this morning I read an Associated Press article with a Great Falls byline entitled "Regents OK $7.6 million increase in college tuition, fees." The AP reports that tuition rates at 2-year and 4-year schools in Montana will rise an average of 6.5 percent, climbing to 7.5 percent when student fees are factored in. At Montana's colleges of technology, whose students this bill will help, the new tuition and fees vary from $1,871 to $2,121, an increase as high as 11.3 percent. The education and training two-year schools provide is more important for our workforce than it has ever been, but it is also more expensive than it's ever been. A tax credit is a simple way to put a degree within reach of thousands of students.

There are numerous tax credit proposals out there for 4-year schools, and I support some of these proposals. But it is vital that Montanans have the specialized training demanded by employers in the technology sector—one of the fastest growing sectors in our entire labor force—and it is our 2-year schools that provide much of that training. This tax credit is a jobs credit: a well-trained workforce not only benefits existing businesses, but will attract new businesses to Montana as well.

During the just-concluded debate on the fiscal year 1998 budget resolution, I was pleased to support a sense of the Senate resolution offered by Senator FAIRCLOTH which puts the Senate on record as supporting a tax credit for the expenses of two-year colleges. As debate on the budget continues, I look forward to working with my colleagues on enacting this measure.•

S. 625, THE AUTO CHOICE REFORM ACT OF 1997

• Mr. MOYNIHAN. On April 22, 1997, I introduced S. 625, the Auto Choice Reform Act of 1997, along with Senators JOE LIEBERMAN, MITCH MCCONNELL, SLADE GORTON, and ROD GRAMS. S. 625 is designed to reform the Nation's auto-insurance system by giving motorists a low-cost alternative for bodily injury coverage that provides quicker, more comprehensive recovery of economic losses.

The Auto Choice Reform Act would remove many incentives for fraud, which is endemic to the current auto-insurance system. On Wednesday, May 21, 1997, for instance the Nassau County District Attorney's office arrested 20 people involved in a massive insurance fraud scam. Those arrested by operation backbone included lawyers, chiropractors, and a doctor. Our bill would eliminate many of the incentives that promote this kind of abuse.

I ask that the Newsday article, "Real Charges: Fake Injuries Lead to 20 Arrests in Insurance Scams," be printed in the RECORD.

The article follows:

[From Newsday, Thursday, May 22, 1997]

REAL CHARGES

(By Pete Bowles)

After prepping a "patient" for four minutes on how to fake injuries during a medical exam—including a demonstration on moaning "ooh and aah"—Hempstead chiropractor Martin Drasin said his client was ready for an award-winning performance, according to a videotape made by an undercover investigator.

"I know how they are going to try to trick you up," Drasin told the agent, who carried a hidden video recorder. Drasin advised the man on what to do when asked to move his legs up and down at the exam. "Give an ooh and an aah and say, 'I can't do that,'" he said, and added: "Move slow. You'll get the Oscar here."

Drasin, 42, whose video performance was played by Nassau District Attorney Denis Dillon at a news conference, was among 20 people—including 12 chiropractors, four attorneys and an orthopedist—charged yesterday with submitting fraudulent claims for automobile no-fault insurance, disability and workers' compensation insurance.

Dillon said the 20 were nabbed during a two-year investigation called Operation

Backbone, in which law-enforcement agents posing as accident victims sought legal and medical assistance from attorneys and chiropractors. The targets had been selected by insurance companies who suspected skullduggery.

All the meetings were recorded, Dillon said. Playing the part of accident victims were undercover operatives from the DA's office, the Nassau County Police Department, the National Insurance Crime Bureau and the U.S. Postal Inspection Service.

All but one of the suspects were arrested yesterday on a variety of charges, including insurance fraud, grand larceny, scheming to defraud and falsifying business records.

Freeport attorney Alvin Dorfman, 62, a former Democratic committeeman who challenged Dillon for the Democratic designation for district attorney in 1974, was said to be in Israel on vacation and is expected to surrender next week for arraignment in U.S. District Court in Uniondale. He was charged with mail fraud and conspiracy to commit mail fraud.

"Both my clients maintain they are completely innocent," said Dorfman's attorney, Stephen Scaring, who also represents Garden City attorney Gerard McLoughlin, 49, who was charged with insurance fraud and attempted grand larceny. "We are somewhat shocked that this kind of undercover operation would occur, and we are confident that the tapes themselves will likely establish the innocence of each of these defendants."

Seventeen defendants pleaded innocent in First District Court in Hempstead and were released. They face up to 7 years in prison if convicted. Two others, Dorfman's legal assistant, Mariela Brito, 33, and Woodbury chiropractor Jonathan Tepper, were arraigned in federal court in Uniondale on mail fraud and conspiracy charges and ordered held on $50,000 bond each. They face up to 5 years' imprisonment if convicted.

Calls left at the offices of the 20 were not returned.

At a news conference with local and federal law-enforcement officials, Dillon said the medical providers billed insurance companies for services not rendered and gave undercover agents letters stating they were disabled and unable to work because of injuries suffered in accidents. He said the accidents were on "paper only" and were filed with police as a ruse.

In some instances, Dillon said, the agents received chiropractic treatment fewer than 12 times but the chiropractors billed insurance companies for more than 100 visits.

He charged that chiropractor George Mitzman, 41, of Westbury, treated one agent 11 times and billed the insurance company for 150 visits. Another defendant, chiropractor Michael Roth, 29, with offices in Bellmore and Syosset, treated an agent once but billed for 90 visits, Dillon said.

Dillon said the four attorneys assisted the purported accident victims in fabricating phony lost-wages claims, while in fact the victims said they were working, and submitted falsified documents supporting the claims. He said the attorneys also referred victims to medical providers to obtain disability letters and advised them how to exaggerate injuries.

In one case cited by Dillon, Hempstead attorney Mitchell Rachlin, 47, was charged with collecting more than $626,000 from his insurance carrier for a phony disability claim he filed in 1990 for injuries he sustained in an accident.

Rachlin, who claimed to be totally disabled, was shown on a videotape walking around his law office as he advised an undercover agent on how to file a claim for lost wages for a traffic accident.

On another videotape played by Dillon, Dr. Martin Lehman, 64, a Wantagh orthopedist, is shown meeting with an undercover operative who tells Lehman she was working despite being injured in an accident. "You are not working as far as insurance is concerned," Lehman is heard telling the woman. Without performing a physical examination, Lehman gave the woman a disability form, Dillon said.

Also charged were: chiropractors Robert Moore, 43, and Jay Levine, 44, with offices in Franklin Square, and their receptionist, Maureen MacPherson, 30; Rockville Centre chiropractor Joseph Huseman III, 39; Franklin Square attorney Scott Garil, 29; North Bellmore chiropractor Susan Schulman, 36; Plainview chiropractor Christopher Haas, 32; Oceanside chiropractor Jeffrey Finkelstein, 41; Lynbrook chiropractor Steven Angel, 40; Port Washington, chiropractor Charles Schnier, 45; and Robert Cannon, 59, of Massapequa, a medical-supply distributor.•

TRIBUTE TO DONALD HALL FOR RECEIVING THE PLYMOUTH STATE COLLEGE'S ROBERT FROST CONTEMPORARY AMERICAN AWARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Donald Hall, poet, essayist, and playwright, for being the 16th recipient of Plymouth State College Robert Frost Contemporary American Award. I commend his outstanding achievement and compliment him on this well-deserved honor.

Donald is internationally known for his poetry and prose. He and his wife Jane, a late poet, too, moved to Wilmot in 1975. Their family homestead, Eagle Pond Farm, has provided him much inspiration for many of his works.

Donald was a Guggenheim fellow in 1963–1964 and 1972–1973, and poet laureate of New Hampshire from 1984 to 1989. He was elected to the National Institute and the American Academy of Arts and Letters in 1989. His book of poetry, "The One Day," won the National Book Critics Circle Award and the Los Angeles Times Book Award the same year. In 1994, Donald received the Ruth Lilly Poetry Prize.

His first book of poems, "Exiles and Marriages," was written in 1955. Among other prose works are "String Too Short To Be Saved," "Henry Moore," "Writing Well," "Their Ancient Glittering Eyes," and "Ox Cart Man." His recent works include "Old and New Poems", which was published in 1990 and "The Old Life" published in 1996.

The Frost award is given in honor of Robert Frost, a late poet laureate who taught at Plymouth Normal School in 1911–1912. The Plymouth State Alumni Association inaugurated the award in 1970 to recognize northern New Englanders who exemplified Frost's traits of individuality, hard work, humanitarianism, and devotion to the Granite State.

Mr. President, I want to congratulate Donald for his outstanding accomplishment. I am proud to represent him in the U.S. Senate.•

JUMPSTART THE URBAN CLASSROOM NETWORKS

• Mr. ROCKEFELLER. Mr. President, I would like to share with my colleagues an opinion piece from Eric Behnamou, chairman and CEO of 3Com Corp., regarding the Federal Communications Commission's [FCC] May 7th decision regarding universal service and the Snowe-Rockefeller-Exon-Kerrey amendment.

While this op-ed piece speaks for itself, I think it is good to note the interest and support of business leaders for education technology and the specific initiative to link classrooms and libraries to the information superhighway. Thoughtful business leaders understand the importance of computer literacy. A California study estimated that 60 percent of the new jobs by the year 2000 will require skills possessed by only 22 percent of workers—clearly we must do better. I believe that linking up our classrooms will help a great deal.

I ask that the article from the May 7, 1997, Los Angeles Times be reprinted in the RECORD.

The article follows:

[From the Los Angeles Times, May 7, 1997]

JUMP-START THE URBAN CLASSROOM NETWORKS

(By Eric A. Benhamou)

Just as cars aren't particularly useful without roads and freeways, the same is true of an information highway without well-planned onramps and offramps. This is particularly evident in our schools.

While classroom connectivity increased from 6% to 14% between 1994 and 1996, most of these networks are low-speed analog connections, the computer equivalent of unpaved roads.

President Clinton advocates connecting all classrooms to the Internet, and this message has been heard by principals, administrators and school boards anxious to have their students log on. However, this presidential mandate has been largely unfunded, with private money/state projects and volunteer efforts substituting for systemic programs. Poor schools have suffered or been relegated efforts substituting for systemic programs. Poor schools have suffered or been relegated to the slow lane or no lane.

The Snowe-Rockefeller amendment to the Telecommunications Act of 1996 corrected this deficiency by funding the necessary telecommunications infrastructure. But the Federal Communications Commission must still approve it.

This is critical if we're going to solve the problem of getting all U.S. classrooms hooked up by 2000. The amendment's plan to provide the largest hookup discounts for "have-not" schools will help jump-start connectively. Today, 47% of schools with more than 70% of their students qualifying for federal lunch subsidies have no Internet access; only 22% of the schools where less than 11% qualify for free lunches are not hooked up. This gap must be closed.

Studies from pilot programs show higher test scores in English and math from Internet-enabled classrooms. More important, technology raises test scores more for underprivileged kids than for wealthy kids, more for kids who have interactive hands-on experience (e.g. the Internet) and more where schools invest in teacher training. Unfortunately, only 7% of urban schools mandate advanced telecommunications and networking skills training for teachers.

President Eisenhower's conception and subsequent implementation of the U.S. highway system fostered our mobile society, creating industries and jobs. President Clinton's vision of a nation of learners benfiting from the Internet offers similar return. Companies like Netscape and America OnLine are already providing jobs for American youth.

The amendment isn't perfect, but it provides for much broader and systematic introduction of networking into our schools. It earmarks $2.25 billion annually for communications and networking equipment. The FCC commissioners should make the tough trade-offs and approve this highway construction project.●

ACTIONS BY THE PALESTINIAN

● Mr. BOND. Mr President, during the past few weeks we have all heard disturbing news coming forth from the territories under Palestinian Authority control.

The idea that Chairman Arafat even hinted of his support much less, his embrace of a policy to sanction the assassination of his own people for selling real estate to Jews is abhorrent and beyond the pale.

That individuals were actually murdered because of this policy should serve as a wake-up notice to those who attempt to push the principals into agreements before they are ready.

We also have been appraised of the situation facing Mr. Daoud Kuttab, a United States citizen, who during the exercise of his right under Palestinian Authority rule, was arrested for complaining about the jamming of his radio station which was broadcasting the legislative council session of the Palestinian Authority. This activity, much like C–SPAN, I believe, is a core freedom of a democratic government. An American citizen, holding a Jerusalem identity card, as Mr. Kuttab does, is exempted from jurisdiction of the PA.

The road to democracy is not an easy one. It is filled with what may seem to be impossible impasses, but they are not. The right of a free press to operate and the right of free speech and the right of an individual to dispose of his own property in a free and legitimate manner are core to a democratic state.

I call upon the President of the United States to reiterate to Mr. Arafat, our Nation's commitment to those freedoms and our inability to accept anything less than a full compliance with those freedoms or face the withdrawal of our continued support. I also call upon the President to voice through appropriate channels, our condemnation of the policies and resulting actions which we have seen occur in the recent weeks in the areas under Palestinian Authority jurisdiction.

While I am firmly committed to the principle that the United States remain a neutral and honest mediator, I must speak up when those very principles for which we stand and for which the parties claim to be attempting to achieve are ignored and violated flagrantly.

I hope that President Clinton will be forthcoming with some initiative to address these and other issues such as the revocation of the clauses calling for the destruction of Israel within its charter, and that we hold the Palestinian Authority responsible for implementing democratic ideals which will be critical to a strong and vibrant Palestinian Government.●

TRIBUTE TO FRANKLIN S. BILLINGS, JR.

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Franklin "Bill" Billings on the occasion of his 75th birthday. In addition, I would like to take this opportunity and commemorate his distinguished service as a Federal judge.

Bill's career has been dedicated to serving the people of Vermont in a wide array of positions. He first served the Green Mountain State as assistant secretary of the Senate from 1949 to 1953. He was later selected to represent the Woodstock area as a member of the Vermont House. During his tenure, Bill was elected speaker of the Vermont General Assembly in 1963 and 1965, which were tumultuous reapportionment years for the State. In 1975, he was appointed to the Vermont Supreme Court and subsequently chosen to serve as chief justice. He concluded his career as the U.S. district court judge for the district of Vermont.

Throughout his efforts, Bill has remained consistently committed to standards of professionalism above reproach as well as an unwavering respect and dedication to ethics. His uncanny ability to see beyond the surface, while considering some of the most complicated legal matters, is testimony to a keen intellect.

Once again, I would like to extend my best wishes and congratulations to Judge Bill Billings. He has set an example which we should all strive to emulate.●

MEMORIAL DAY

● Mr. DOMENICI. Mr. President and fellow Senators, on Monday May 26, our Nation observes Memorial Day; a day of remembrance for all the members of our Armed Forces who gave their lives so that our Nation could be free. Sometimes it seems as if, in our haste to address the issues of the day, we forget that the freedom we enjoy—the freedom we take for granted—was not free. Countless American soldiers, seamen, marines, and pilots paid for our freedom with their lives. On the last Monday of May each year we honor our veterans, fly the flag at half-staff, and pause to remember their sacrifice.

It is unfortunate that if you look in the newspapers or watch the ads on TV, you might think that the only purpose Memorial Day serves is to announce the beginning of another summer season or the start of a new sales drive. But if you spend some time talking with veterans like those who returned from Europe, Korea, or Vietnam; if you talk with those who landed at Normandy or those who survived the Bataan Death March, you learn the real purpose of Memorial Day—to honor the men and women who gave their lives, most at a very young age—in defense of our Nation.

Today the United States stands alone as the world's only superpower. Today, more often than not our foreign policy debates concern trade, rather than war; economic issues rather than military issues. It is at times like this, times of peace, that we should pay extra attention to the true purpose of Memorial Day.

The good news is that American citizens understand and respect the role veterans have played in our Nation's history. If you look at the size of the crowds that visit the Korean War Memorial and the Vietnam War Memorial here in DC you get a sense of how Americans feel about their veterans. The same scene is duplicated time and time again at veterans' memorials all across the country. Recently I had the honor of participating in a ceremony marking the progress of the new Veterans' Memorial Park being built in Albuquerque. It is with the creation of special places like this park that our Nation continues to honor the service and sacrifice of all our veterans.

Mr. President, we set aside one day each year to officially honor those who died for our freedom. For all that our military veterans have done for us, it is the least we could do. To all the veterans, thank you.●

MEMORIAL DAY REMEMBRANCE

● Mr. BOND. Mr. President, it is easy to take for granted the freedom we have here, in the United States, and too often we lose sight of that and resort to complaining about one thing or another, but the fact is, we live in the most blessed Nation in the world, we enjoy the greatest freedom of choice, we enjoy so much, but those freedoms were purchased and protected at a very high cost.

As we prepare to celebrate Memorial Day this year, I call upon my fellow Missourians and all Americans to pause and remember the sacrifice of our soldiers, sailors, Marines, and air men and women stationed around the world today protecting us with a blanket weaved with the battle flags from places with names like Lexington, Concord, Gettysburg, Belleau Wood, Pearl Harbor, Coral Sea, Iwo Jima, Saint Lo, Bastogne, Chosin Reservoir, Khe Sahn, Beirut, Wadi Al-Batin, and Medina Ridge in Iraq and most recently, those taken from us in Somalia and by the brutal and cowardly bombing of Kobart Towers.

We must remember the sacrifices of those who came before us, and those whom we most recently lost—the fathers, mothers, sons, and daughters who gave their most precious of gifts, their lives, that we might continue to enjoy the freedoms we hold so dear.

We must remember them so we will focus our determination, as a nation, that we never, ever, waste a life because it is too hard or too expensive to do the right thing. We must take this opportunity to re-dedicate ourselves to make that effort and to ensure that our military personnel are the best trained, equipped and prepared in the world, because we ask so much of them.●

ORDERS FOR MAY 27, MAY 30, JUNE 2, AND JUNE 3, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock on Tuesday, May 27, for a pro forma session only and immediately following the prayer, the Senate stand in adjournment until 11 a.m., Friday, May 30, for a pro forma session only. I further ask unanimous consent that immediately following the prayer on Friday, May 30, the Senate stand in adjournment until 12 noon on Monday, June 2, and further that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to a period of morning business until 1 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that at 9:30 a.m. on Tuesday, June 3, the Senate proceed to 3 hours of tributes to honor our most distinguished President pro tempore, who will break the all-time Senate record on Sunday, May 25, for the longest Senate service. I know all of our colleagues will want to participate in this worthy tribute to the distinguished Senator from South Carolina, Senator THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent on Monday, June 2, at 1 p.m. the Senate resume consideration of S. 4, the comptime-flextime bill which would guarantee a family friendly workplace. Amendments are expected to be offered. However, votes will not occur prior to the hour of 5 p.m.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. LOTT. I further ask unanimous consent that committees have between 10 a.m. and 3 p.m. on Wednesday, May 28, to file reports to accompany legislative or executive items.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, it is the hope of the leadership that the budget conference report will be available for Senate consideration on Tuesday, June 3. Therefore, all Senators can expect a rollcall vote on passage of the budget conference report on Tuesday, June 3, hopefully, early in the evening rather than going late into the night.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator CRAIG of Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the majority leader for allowing me this time, and I also want to recognize his leadership in the efforts we have just concluded in bringing about a budget and a budget resolution. I think our majority leader, TRENT LOTT, is to be congratulated for a very positive and gallant effort.

TRIBUTE TO NORMAN G. ARSENEAULT

Mr. CRAIG. Mr. President, I would like to take a few moments to recognize a member of my staff who will be retiring next Friday after many years of service to me, the State of Idaho, the Senate, and the Nation.

Norman G. Arseneault came to my office as an American Political Science Association fellow from the Forest Service, USDA more than 6 years ago. He served with distinction in that fellowship program, taking on numerous natural resources problems facing the State of Idaho and working diligently to find solutions. When he completed the fellowship, he returned to the Forest Service to resume what I am sure would have been a distinguished career.

Shortly after he had returned to the Forest Service, it became clear to me that solutions to the natural resources problems we faced—the wilderness debate in my State, endangered species listing, and a host of others—would benefit from Norm's skills. I offered him a permanent staff position, and, fortunately for Idaho, he accepted.

Since then, all in my office have benefited from Norm Arseneault's professionalism, good humor, and integrity. He has developed a reputation on the Hill and in the State of Idaho for honesty, straightforwardness, fairness, and competence. It has been my good fortune to have been among those who have known and worked with him on a day-to-day basis.

As Norm moves on to a new phase in his life, I know the traits that have made him so effective in my office over the past 6 years will service him well in his future endeavors. I am proud to know Norm Arseneault and to have called him friend. I speak for all in my office when I say he will be dearly missed. We wish him the best and God speed.

MEMORIAL DAY, 1997

Mr. CRAIG. Mr. President, on Monday, many of us will be about the land, speaking to veterans on Memorial Day. Throughout this Nation's history and throughout the world's history valiant soldiers have struggled, distinguished themselves, advanced their cause, and fallen in battle. Yet a Memorial Day commemorating America's brave heroes was a long time in coming.

A national memorial occasion was observed for the first time in 1886. It began with the Grand Army of the Republic, the organization of Union Army veterans. They started, on a nationwide scale, what some southern women in several Dixie cities had been doing as a local spring ceremony—remembering the Civil War dead by placing flowers on their graves.

Since then, all too many generations have confronted the savagery of war and added their own list to the role of the fallen heroes. What began as a memorial to casualties of one war is now our day to honor those from all of our wars.

In the beginning, Memorial Day was more popularly known as Decoration Day. I grew up, as probably the President did, knowing it as Decoration Day. I remember my folks saying now we have to go to the graves and to the cemetery to honor our dead In our family on Decoration Day. It was observed by decorating the graves with flowers and flags. That tradition is still a strong one and many thousands of Americans will go to the graves of their loved ones and to veterans and veterans' graves and memorials on Monday to recognize our veterans.

Our emphasis today should be to remember the supreme sacrifice so many made to protect our great Nation and secure the freedoms we enjoy.

Gen. John A. Logan, the commander of the Grand Army of the Republic, called for the observance of Memorial Day in 1886. Today, his words are still eloquent and meaningful, and it is fitting that we recall them. He said, "Let no ravages of time testify to coming generations that we have forgotten as a people the cost of a free and undivided Republic."

On this Memorial Day, 1997, that we are soon to celebrate, let us acknowledge the terrible cost and honor the fallen heroes who paid for it have made, by rededicating ourselves to their cause. Let us concentrate on preserving our Nation and honoring our cherished freedoms by recognizing those who preserve them for us.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M., TUESDAY, MAY 27, 1997

The PRESIDING OFFICER. Under a previous order, the Senate now stands in recess until 10 a.m., Tuesday, May 27, 1997.

Thereupon, the Senate, at 3:40 p.m., adjourned until Tuesday, May 27, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 1997:

DEPARTMENT OF STATE

JAMES P. RUBIN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE, VICE THOMAS E. DONILON.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be major general

BRIG. GEN. PHILLIP R. ANDERSON, 3613.
BRIG. GEN. BURWELL B. BELL III, 7158.
BRIG. GEN. BRYAN D. BROWN, 2565.
BRIG. GEN. JULIAN H. BURNS, JR., 6198.
BRIG. GEN. MICHAEL T. BYRNES, 3271.
BRIG. GEN. JOHN S. CALDWELL, JR., 8372.
BRIG. GEN. REGINAL G. CLEMMONS, 8649.
BRIG. GEN. GEORGE F. CLOSE, JR., 3767.
BRIG. GEN. CARL H. FREEMAN, 0411.
BRIG. GEN. JOSEPH R. INGE, 8482.
BRIG. GEN. PHILIP R. KENSINGER, JR., 0022.
BRIG. GEN. DONALD L. KERRICK, 7369.
BRIG. GEN. LARRY J. LUST, 3201.
BRIG. GEN. JOHN J. MARCELLO, 0589.
BRIG. GEN. TIMOTHY J. MAUDE, 3591.
BRIG. GEN. DAN K. MCNEILL, 4203.
BRIG. GEN. PAUL T. MIKOLASHEK, 2507.
BRIG. GEN. MARY E. MORGAN, 3594.
BRIG. GEN. BRUCE K. SCOTT, 8736.
BRIG. GEN. JERRY L. SINN, 7044.
BRIG. GEN. JAMES R. SNIDER, 6531.
BRIG. GEN. EDWARD SORIANO, 3068.
BRIG. GEN. JULIAN A. SULLIVAN, JR., 0245.
BRIG. GEN. JOHN D. THOMAS, JR., 4220.
BRIG. GEN. HOWARD J. VON KAENEL, 8603.
BRIG. GEN. WILLIAM S. WALLACE, 1708.
BRIG. GEN. WILLIAM E. WARD, 9000.
BRIG. GEN. DAVID S. WEISMAN, 2064.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ANTHONY C. ZINNI, 7104.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

PAUL SIMON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998, VICE SHARON DARLING, TERM EXPIRED.

FEDERAL COMMUNICATIONS COMMISSION

HAROLD W. FURCHTGOTT-ROTH, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1995, VICE ANDREW CAMP BARRETT, RESIGNED.

WILLIAM E. KENNARD, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1996, VICE JAMES H. QUELLO, TERM EXPIRED.

DEPARTMENT OF STATE

BONNIE R. COHEN, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE, VICE RICHARD MENIFEE MOOSE.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 23, 1997:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DONNA HOLT CUNNINGHAME, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

NATIONAL COUNCIL ON DISABILITY

DAVE NOLAN BROWN, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARTHUR I. BLAUSTEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002.

LORRAINE WEISS FRANK, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002.

SUSAN FORD WILTSHIRE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002.

NATHAN LEVENTHAL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002.

NATIONAL INSTITUTE FOR LITERACY

JON DEVEAUX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998.

NATIONAL MEDIATION BOARD

MAGDALENA G. JACOBSEN, OF OREGON, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1999.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR TERM EXPIRING OCTOBER 6, 2002.

JUDITH M. ESPINOSA, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM OF FOUR YEARS.

FARM CREDIT ADMINISTRATION

ANN JORGENSON, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2002.

LOWELL LEE JUNKINS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

DEPARTMENT OF COMMERCE

ANDREW J. PINCUS, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

DEPARTMENT OF TRANSPORTATION

TRITRUVARUR R. LAKSHMANAN, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS, DEPARTMENT OF TRANSPORTATION, FOR THE TERM OF FOUR YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

JERRY M. MELILLO, OF MASSACHUSETTS, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

KERRI-ANN JONES, OF MARYLAND, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF EDUCATION

DONALD RAPPAPORT, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FUND

HANS M. MARK, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2002.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

ANTHONY R. SARMIENTO, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUSAN E. TREES, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002.

MARSHA MASON, OF NEW MEXICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002.

DEPARTMENT OF EDUCATION

GERALD N. TIROZZI, OF CONNECTICUT, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

DEPARTMENT OF STATE

STUART E. EIZENSTAT, OF MARYLAND, TO BE AN UNDER SECRETARY OF STATE.

THOMAS R. PICKERING, OF NEW JERSEY, TO BE AN UNDER SECRETARY OF STATE.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

KAREN SHEPHERD, OF UTAH, TO BE U.S. DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

DEPARTMENT OF STATE

LETITIA CHAMBERS, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAMES CATHERWOOD HORMEL, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PREZELL R. ROBINSON, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DEPARTMENT OF TRANSPORTATION

KENNETH M. MEAD, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF TRANSPORTATION.

GENERAL SERVICES ADMINISTRATION

DAVID J. BARRAM, OF CALIFORNIA, TO BE ADMINISTRATOR OF GENERAL SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

DONALD M. MIDDLEBROOKS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

JEFFREY T. MILLER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

ROBERT W. PRATT, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. HANDY, 5379.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. JAMES W. DARDEN, 9470.
BRIG. GEN. MICHAEL E. DUNLAVEY, 5989.
BRIG. GEN. MICHAEL T. GAW, 4600.
BRIG. GEN. GEORGE O. HILLARD, III, 4458.

To be brigadier general

COL. RICHARD W. HAMMOND, 7849.
COL. JOHN R. TINDALL, JR., 1967.
COL. GARY C. WATTNEM, 0832.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. TERRY L. PAUL, 9262.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be rear admiral

REAR ADM. (LH) JOAN M. ENGEL, 2153.
REAR ADM. (LH) JERRY K. JOHNSON, 6030.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING NEAL A ANDREN, AND ENDING RANDALL C ZERNZACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 1997.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JAMES A. ADKINS, AND ENDING ABRAHAM P. ZIMELMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 1997.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING KATHLEEN THERESE AUSTIN, AND ENDING RONDA S. ZANDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 1997.

FOREIGN SERVICE NOMINATIONS BEGINNING KENTON W. KEITH, AND ENDING TERRENCE W. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 1997.

FOREIGN SERVICE NOMINATIONS BEGINNING DANIEL B. CONABLE, AND ENDING FRANCIS J. TARRANT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 1997.

FOREIGN SERVICE NOMINATIONS BEGINNING KENNETH P. MOOREFIELD, AND ENDING JAMES WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 1997.

FOREIGN SERVICE NOMINATIONS BEGINNING SUSAN B. ARAMAYO, AND ENDING ROBERT S. MORRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 1997.

IN THE NAVY

NAVY NOMINATIONS BEGINNING THOMAS P. YAVORSKI, AND ENDING ROBERT J. BARTON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 1997.

NAVY NOMINATIONS BEGINNING CRAIG L HERRICK, AND ENDING WILLIAM F CONROY II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 1997.

IN THE PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING DAN L LONGO, AND ENDING CHRISTOPHER R WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 30, 1997.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING LARRY J ANDERSON, AND ENDING JOHN N ZEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 30, 1997.

EXTENSIONS OF REMARKS

PRIVATIZE THE U.S. POSTAL SERVICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. CRANE. Mr. Speaker, remember that old excuse "the check is in the mail"? In days gone by, that excuse could be used more easily than today because no other options were available to pay bills or to send written messages. With the telecommunications, computer, and information technology revolution, however, there are a variety of options at the public's fingertips to send documents and payments, such as e-mail, electronic financial transfers, and facsimile transmissions. As these technological advancements are used more routinely in everyday life, it is putting increased downward pressure on the U.S. Postal Service's [USPS] revenue stream. Unless we take action to unleash the Postal Service from its current restraints, it is likely to become, to the 21st century, what the horse drawn carriage became to the 20th century.

It is clear that we live in a rapidly changing world. In recent years, we have witnessed an explosion of technological innovations that have enabled people to do much more at home and at work faster than they ever could before. In today's highly competitive global economy, those who can do more, faster, have an edge over their competition. And so, market forces drive the computer and information technology revolution to continue to surpass previous limitations and speeds. As the world continues to seek ways of getting the job done more efficiently, traditional mailbox delivery service is being left behind. In fact, in a 1995 speech, Postmaster General Marvin Runyon said that the legislative framework governing the USPS is no longer in tune with the Nation's long-term postal needs. A major reason cited by the Postmaster General was the competition the USPS is facing from e-mail, electronic financial transfers, and fax machines. He went on to point out that the USPS had already lost 35 percent of its financial mail in the previous 5 years and 33 percent of its business mail to alternative forms of communication and transmission.

Even the Federal Government has recognized the advantages of alternative methods of making payments and issuing benefits. By the end of 1999, the U.S. Department of the Treasury plans to collect $1 trillion in tax payments via computers. Already, the Treasury Department says that 55 percent of all payments made by the Federal Government are now sent electronically. In less than 2 years, all current and future Social Security beneficiaries will have their money directly deposited into their bank accounts. The savings to the taxpayers from these electronic transfers become apparent when you consider that it costs the Government 43 cents to send a payment by check versus 2 cents per payment to send funds electronically. In the economy overall, a recent study, by Arthur D. Little, forecast that by the year 2000, electronic correspondence and transactions may overtake traditional mail in market share. Clearly, fundamental change is necessary to enable the USPS to adapt and compete in a rapidly changing environment.

Generally speaking, I am convinced that the vast majority of USPS employees are conscientious, hard-working individuals, who want to provide competitive, top notch service. For the most part, the problem is not so much with them as it is with the system in which they have to work. Put simply, the system lacks the incentives necessary to bring about the gains in productivity and customer service that are essential for the USPS to live up to the public's expectations and needs. For one thing, the USPS is insulated against competition in the delivery of first-class mail, which means customers need not be won over, but can be taken for granted. For another, it is subsidized by the Federal Government, through its ability to borrow from the Federal Treasury when it loses money and the fact that it does not have to pay taxes, which means there is less pressure to be efficient. A third reason lies in the fact that the USPS does not have to operate under any bottom-line incentives, such as a profit motive, which serve as the underlining motivator in making private companies so productive.

For this reason, I am reintroducing legislation today which would convert the USPS into a totally private corporation owned by postal employees. My bill calls for this transition to be implemented over a 5-year period, after which the USPS' current monopoly over the delivery of first class mail would end. To make the prospects for success of the new private corporation even more likely and attractive, my legislation calls for the cost-free transfer of the assets held by the USPS to the employee-owned corporation. Not only would a privatized Postal Service inherit a tremendous infrastructure advantage to assist in this transition, it would be free to develop entirely new products and services quickly to respond to market needs and demands. Moreover, as owners of the Postal Service, the employees would benefit from having a stake in the corporations success and profitability.

In the past, the major objection that the USPS has raised to privatization and the repeal of its monopoly has been that it would result, allegedly, in cream skimming by USPS competitors of metropolitan areas, leaving the USPS with the financially troublesome prospect of being left with only rural and bulk mail to deliver. However, the logic behind such an argument overlooks the significance of the telecommunications and computer revolution underway. With the rapid growth in the use of facsimile machines, modems, internet, electronic mail, the truth is the USPS is more likely to be left with rural and bulk mail to deliver if it does not privatize than if it does. For this reason, I hope that the fine men and women of the USPS might seriously consider this proposal and examine its merits. I hope, too, that my colleagues might join me in this effort because only by keeping up with the times and the competition can the USPS hope to thrive in the future.

BUDGET DEAL BAD FOR EVERYONE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. McCOLLUM. Mr. Speaker, with all due respect to the Republican leadership and many of my colleagues who earnestly and sincerely worked on and believe in the recently passed budget bill, I voted against it because as a conservative Republican I believe it is a terribly flawed product.

Incredibly, this budget will produce for fiscal year 1998 a $70 billion, or 4.3-percent spending increase from 1997, which is a bigger increase than Democratic Congresses passed in fiscal years 1993, 1994, or 1995. It is $5 billion more than even President Clinton requested.

As for the long haul in getting to balance by the year 2002, spending will rise from $1.6 trillion to $1.9 trillion. The assumption of this budget is that Federal tax receipts will rise from $1.5 trillion in 1997 to $1.9 trillion in 2002. Sure enough, this would make a balanced budget, but it would be a budget balanced by a huge increase in spending and an even bigger increase in taxes taken from the American people. I am for a balanced budget, but how it's balanced is as important as getting to balance.

The accompanying May 22, 1997, editorial of the Wall Street Journal and the op-ed piece by James K. Glassman that I am entering into the RECORD show in great detail just how bad this budget is. The Journal editorial points out that the budget dealmakers have agreed to continue through 2002 the rule that requires any tax cuts be offset by either tax increases or cuts in entitlements; they can't be offset by cuts in discretionary spending. As the Journal states: "the practical effect of this is to make future tax cuts all but impossible as a political matter."

Considered in this light, the minor tax adjustments that have been called cuts in this budget are simply not worth the price being paid. Congress should be eliminating the tax on capital gains and the estate taxes altogether. Because of the practical difficulty of doing this in the immediate future, prior to this budget deal Republicans had called for a reduction in the capital gains tax rate to a level

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of about 20 percent, an increase in the estate tax exemption from $600,000 to $1.2 million, and a $500 per child tax credit. It appears highly unlikely that anything approaching these adjustments can be made under the budget deal, and even if it were, the price being paid is still too high.

When it was first announced, the Republican leadership's principle selling point was that over 10 years this budget would save the taxpayers about $950 billion. By the time the debate on the floor took place, that figure was down to a little over $600 billion. The fact is there are baseline savings, that is, actual spending will increase a lot every single year for the next 10 years but not by as much as it might otherwise, and this is labeled a spending reduction. It sounds good, but the truth is spending will continue to increase big time. And the proponents extrapolated 5 years beyond the budget deal to make the claimed savings sound better. Historically the only thing you can count on in a budget deal is the first year, because Congress passes a new budget every year and changes the mix.

The other point the budget dealmakers have tried to sell is that this budget has finally gotten control of runaway Medicare spending. That is where all the savings are supposed to come from. But the Medicare proposal is very flawed too. It assumes a shift of the cost of home health care from Medicare part A (the trust fund financed by the payroll tax) into Medicare part B (financed by general revenues and with high deductibles by patients).

This will postpone the day of reckoning of the solvency of the trust fund of Medicare part A, but does nothing to solve the underlying problems of Medicare. Fundamental reforms of Medicare—that promote more competition among HMO's, offer recipients new options, and create medical savings accounts which permit retirees to purchase low cost, high deductible catastrophic health insurance policies with Medicare contributing annually into the individual's savings account to cover the deductible—were not only omitted from this budget deal, but made less likely in the foreseeable future.

Furthermore, the budget deal will force unspecified price controls on the Health Care Financing Administration that will result in more irrational cutbacks in services through regulations such as the ones that now deny reimbursement for routine preventive checkup tests. Cutting Medicare spending without fundamental reform is bound to reduce benefits and make Medicare worse.

For all of these reasons and more, as the Washington Post headline on James K. Glassman's column said, the budget deal I voted against is bad for everyone. I wish it weren't so, but that's the way I see it.

[From the Washington Post]

BAD FOR EVERYONE

(By James K. Glassman)

Let's not kid ourselves. The budget that Congress is set to pass this week may succeed in showing a zero deficit on paper in the year 2002, but it fails miserably in its most important function—holding down federal spending.

In the latest Washington orgy of self-congratulation, Rep. John Kasich (R-Ohio), the House Budget chairman, proclaimed, "Cooperation between Congress and the president is resulting in smaller government."

No, it's not. The way to get smaller government is by spending less money. In fact, federal spending will rise sharply in fiscal year 1998—that's the year that starts on Oct. 1, 1997, and the only budget year that has any real significance. All the other numbers for all the other years are sheer fantasy. As anyone who runs a business knows, the only figure you can possibly control is next year's spending.

Also, when the government spends (whether it gets its funds through borrowing or taxing), it is extracting money from the private sector, money that could be used for capital investment, for creating new businesses and better jobs.

To paraphrase James Carville: It's the spending, stupid—not the deficit.

And how much will federal spending increase next year? That's a question that I have been asking the House Budget Committee since May 2, when the original deal was announced. Finally, I've managed to get the answer (from other high-level GOP sources). For fiscal 1998, spending will be $1.692 trillion. For this year, spending is estimated at $1.622 trillion, so the government will be spending $70 billion more—an increase of 4.32 percent.

How big is that increase?

—It's the largest since Bill Clinton became president, larger even than in the years when the Democrats controlled Congress.

—It's $5 billion more than Clinton asked for in the budget he submitted in February. (By the way, the new budget also calls for spending of $1.889 trillion in 2002; Clinton sought only $1.880 trillion.)

—It's well ahead of inflation, which is estimated for 1998 at between 2.7 percent and 2.9 percent. This increase is about 1.5 percentage points (or half again) higher.

These are hard facts. What you hear from politicians simply tries to obscure them. For instance, Kasich bragged last week, "Over the next 10 years, passage of this plan will save taxpayers over $950 billion."

What he means is that the government is now planning to spend about $1 trillion less in the next decade (out of a total of about $20 trillion) than it was planning to spend the last time it made plans. That earlier plan is called the "baseline," and it's a device that both Congress and the president use to make it seem that they're accomplishing more than they really are.

Many conservatives—including Kasich—used to criticize the use of the baseline as a deception. Indeed, they once proposed legislation to outlaw its use. Now they use it themselves, with trumpets.

The reason that the federal deficit is projected at zero under the new budget is not that government will be smaller, but that revenues from the taxpayers will be larger—much larger. According to the president's February budget, the Treasury was expected to collect $1.5 trillion from citizens and businesses in 1997. According to the new bipartisan budget, that figure will rise to $1.9 trillion in 2002. Meanwhile, spending will rise from $1.6 trillion to $1.9 trillion. And there you have it; a balanced budget.

But here's another idea. Why don't we simply increase spending from $1.5 trillion to $1.8 trillion, and taxes from $1.6 trillion to $1.8 trillion? Again, the deficit would be zero, but the economy—and individual Americans—would be big winners.

Instead, Congress is choosing a more familiar route—spend more and tax a *lot* more, and hope the two come out even.

This is the same route we have been traveling for the past four years, despite all the jabbering about "smaller government." In a January report, the Congressional Budget Office looked at the dramatic decline in the deficit—from $290 billion in 1992 to $107 billion in 1996—and asked, "How did this happen?"

The answer wasn't reduced spending. In fact, spending rose 13 percent, roughly the rate of inflation. Instead, the deficit fell because of higher revenues—a phenomenal increase of 33 percent.

Yes, the budget does call for tax cuts, but they are minuscule—and, again, the word "cut" is wildly misleading. All it means is that the Treasury will collect $85 billion less over five years than it expected to collect with the original baseline. That's $85 billion out of total tax collections of more than $9 trillion, or less than one percent.

But far worse is that the new budget calls for an acceleration in spending—well beyond inflation. It includes $32 billion in new initiatives demanded by Clinton, including health coverage for children in low-income (but not "poor," since they're already covered by Medicaid) families, restoration of welfare benefits for legal immigrants and more Medicare subsidies for seniors.

Republicans have agreed to protect increased spending for Head Start, the Job Corps, child literacy, etc., etc. As for actually reducing government programs, don't hold your breath. There is no mention in the budget of killing Amtrak or the National Endowment for the Arts or the Advanced Technology Program, which provides $225 million annually to huge corporations such as IBM to conduct research that they would undoubtedly fund on their own.

But to cut spending is hard. To collect more taxes that are the fruit of the sacrifices and genius of individual American managers and workers—that's easy. It's disappointing, but hardly a surprise, that this Congress has chosen the easy way.

[From the Wall Street Journal, May 22, 1997]

WILLIAM JEFFERSON KASICH

Anyone who doubts that the Republican revolution is moribund on Capitol Hill should consider that its leadership has just told the Heritage Foundation, the Cato Institute and Citizens for a Sound Economy to get lost. They were barred from GOP councils this week for daring to question the wisdom of the "bipartisan budget agreement" now being sold in Washington.

These outfits are three of the country's more prominent conservative activist groups, which means they care about policy. But the budget deal is mainly about politics, i.e., political survival, so Republicans don't want anyone rudely telling the truth about their transformation into Democrats. Newt Gingrich, John Kasich and company have become Clintonian in their ability to call a square a circle.

Mr. Kasich, the House budget chairman and likely Presidential candidate in 2000, once railed about such Beltway deceptions as phony "cuts" proposed against imaginary budget "baselines." But now he's invoking them himself. "Over the next 10 years, passage of this plan will save taxpayers over $950 billion," Mr. Kasich said the other day.

The only problem with that sentence is that none of it means anything at all. The 10-year period is fanciful, since as countless budget deals have taught us the only year that really matters is the current one, in this case Fiscal Year 1998. The 10-year boast allows politicians to claim fiscal austerity, while putting off all the spending cuts for some future Congress.

The "save taxpayers" lingo is also worthy of our current President. Mr. Kasich's "savings" are nothing more than reductions against the automatic spending increases included in a "baseline" that rises each year. This is an invention of Democratic Congresses that designed it to more easily grow the government; they knew they would be able to denounce any reductions from the baseline as "cuts." Republicans only last year griped about this when Democrats used it to deplore their Medicare "cuts," but now Mr. Kasich is playing the same game.

This is no doubt because it lets him avoid talking about the real budget issue, which is spending. The bipartisan deal proposes to spend $1,692 trillion in 1998, or $5 billion more than even President Clinton requested. That's a $70 billion, or 4.3%, increase from 1997, a bigger increase than Democratic Congresses passed in fiscal years 1993, 1994 or 1995. This is compromise?

Republicans are even agreeing to bust the caps on non-defense discretionary spending that George Mitchell, Dick Gephardt and President Clinton were forced to agree to in 1993. And one more thing: Mr. Kasich and friends have agreed to continue, through 2002, the rule that requires that any tax cuts be offset either by tax increases or cuts in entitlements. They can't be offset merely by cuts in "discretionary" spending accounts such as arts funding or legal services.

The practical effect of this is to make future tax cuts all but impossible as a political matter. Republicans will never try to cut taxes by cutting entitlements, or at least they'll never see it through if they try. It also makes discretionary cuts that much more difficult to pass, because it means such cuts can't be used to return money to taxpayers. Instead, if Congress ever does zero out, say, the National Endowment for the Arts, the money will merely get absorbed back into the broader budget. So why should Congress bother to cut any spending, since all of the political pressure will come from those who oppose the cuts?

As for entitlements, we've already written about the lack of any real Medicare reform. But we can't let pass without notice that Republicans have agreed to accept the same Trust Fund sleight of hand they denounced when the President proposed it in February. This is the transfer of fast-growing home health care costs away from the Trust Fund (financed by the payroll tax) onto the general revenue budget. This ruse allows the pols to claim the trust fund is "secure for 10 years" when all they've done is reshuffle the accounts and put the financial burden onto all taxpayers.

And, lest we forget, Mr. Kasich and friends are hailing the budget deal's $85 billion in "badly needed tax relief." But that number is so small, in comparison with $8 trillion in federal revenue over five years, that Republicans will have a hard time satisfying all of their constituents. Mr. Gingrich has been privately promising "historically accurate" scoring for the tax cuts, which would mean that a capital gains cut would arise more revenue than it lost. But we'll believe that when we see Republicans finally show the guts to do it.

Here and there a few Republicans are stepping up to speak honestly about all of this. David McIntosh, a sophomore from Indiana, was planning to offer an amendment on the House floor last night to spend less on discretionary accounts in return for larger tax cuts. And Phil Gramm of Texas may offer something similar in the Senate today. But with the Clintonized GOP leadership massed against it, neither effort can do much more than educate the country about what is really going on here.

The political truth about this budget is that Republicans are selling out their agenda in return for President Clinton's blessing. They want cover against Dick Gephardt and AFL–CIO attacks in 1998. And we can even understand their reluctance to fight Bill Clinton. But do they also have to emulate him?

TRIBUTE TO M. SGT. MICHAEL G. HEISER

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mrs. FOWLER. Mr. Speaker, I ask my colleagues to join me today in honoring the memory of M. Sgt. Michael G. Heiser, USAF, who died serving his country on June 25, 1996, in the bombing of the Khobar Towers complex in Dhahran, Saudi Arabia.

Master Sergeant Heiser entered the Air Force in 1979 and was a member of the Air Force Academy class of 1984. He traveled extensively in his Air Force career; he accompanied then-Chancellor Helmut Kohl to Berlin in November of 1989 when the Wall came down, and he was on the first United States plane escorted and allowed to land in free Russia. Master Sergeant Heiser was awarded the Academic Achievement Award and the Distinguished Graduate Award in 1993 at Kiesling NCO Academy and in 1995 he was selected as the Aircrew Member of the Year in Europe. After he reentered the Air Force enlisted ranks, he became one of the most decorated enlisted men in the Air Force.

Master Sergeant Heiser flew more than 10,000 hours in 9 years while he was based in Europe, and in 1996 was assigned to Patrick Air Force Base in Florida. Shortly afterwards, he was sent to Saudi Arabia with his squadron, whose motto is "So Others May Live."

Master Sergeant Heiser was killed in the line of duty in Dhahran, Saudi Arabia, serving his country with honor and distinction. He was awarded the Purple Heart posthumously on June 30, 1996, which was accepted on behalf of their only child by his loving parents Fran and Gary Heiser, my constituents in Palm Coast, FL.

Next week, we will observe Memorial Day—the day our Nation sets aside for honoring our fallen heroes. In anticipation of that hallowed day, this week Mr. and Mrs. Heiser were presented with a Fallen Friend medallion in Palm Coast, FL. I ask all of my colleagues in the Congress to join me this Memorial Day in paying tribute to the ultimate sacrifice made by Michael and each of his brothers-in-arms who gave their lives at Dhahran in defense of our Nation's vital interests.

HONORING CAPT. LEROY A. FARR, A LEADER WITH FEW EQUALS, A GREAT AMERICAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor a very special friend and a true military leader, an all-American hero, U.S. Navy Capt. Leroy Farr.

Captain Farr is retiring from the Navy after 30 years of outstanding service to our country. He will be missed.

Mr. Speaker, I have deep respect and admiration for Captain Farr's character, commitment, and dedication. He's a doer, highly competent, yet modest. With his easy going manner, you just can't help liking the guy.

Capt. Leroy Farr has a diverse background in naval aviation and a distinguished one. Test pilot; landing signal officer; operations and maintenance officer; squadron commanding officer; air boss; program manger, and inspector general are some of the positions he has held. The veteran aviator graduated from the U.S. Naval Academy in 1967. He majored in mathematics and aeronautical engineering. Ensign Farr attended North Carolina State University, receiving his master's degree in mechanical engineering in 1968. In April 1969, he earned the coveted naval aviation wings and entered the Light Attack community flying the A–7B. Lieutenant Farr served with VA–46, deploying twice with U.S.S. *John F. Kennedy* (CV–67).

In 1972, he was selected to attend the U.S. Air Force Test Pilot School at Edwards AFB, CA. In 1976, Lieutenant Farr attended the Armed Forces Staff College, Norfolk, VA. He went on to serve as project test pilot at the Pacific Missile Test Center, Point Mugu, CA. He returned to the A–7 Light Attack community for a tour with VA–83 at NAS Cecil Field, FL where he deployed with U.S.S. *Forrestal* (CV–59). In 1979, Lieutenant Commander Farr returned to shore duty with VA–174, the A–7 Fleet Training Squadron.

In 1980 Commander Farr went back to sea as executive officer and commanding officer of VA–37 flying the A–7E and deployed on both U.S.S. *Saratoga* (CV–60) and U.S.S. *John F. Kennedy* (CV–67). He began his air boss tour in 1983 on board U.S.S. *John F. Kennedy* (CV–67).

Commander Farr was assigned to Naval Air Systems Command headquarters in Washington, DC in 1985. There he served as a branch head in the Test and Evaluation Division, then as the unmanned air vehicle class desk officer in Weapons Engineering Division.

From 1987 through 1990, Captain Farr commanded the Naval Weapons Evaluation Facility in Albuquerque, NM. He was again assigned to Naval Air Systems Command Headquarters, first in the Inspector General's Office, then as head of the Ship and Shore Installations Division. In July 1992, Captain Farr was named program manager for the new established Aircraft Launch and Recovery Equipment Program (PMA251).

He became commanding officer of the Naval Air Warfare Center Aircraft Division

Lakehurst, June 1993. I am especially grateful for the critical role he played in saving Lakehurst from closing.

Lakehurst, Mr. Speaker, is the heart of naval aviation. It is a unique, one-of-its-kind, world-class facility whose primary function is to ensure that aircraft safely launch and recover from the deck of a carrier or other platform, and that support equipment assist in the service of planes, parts, and ordinance at sea. The safety and success of every single naval aircraft depends on the work and skill housed at Navy Lakehurst.

Despite it's military value, the Department of Defense erroneously targeted Navy Lakehurst for closure—and then for a radical realignment. As part of the realignment scenario, the critical manufacturing, design, and research that goes on at Lakehurst was to be split apart and relocated at other bases.

As commanding officer of Lakehurst, Captain Farr was undoubtedly between a rock and a hard place. He knew the facts. But as a Navy officer, Captain Farr could not and would not violate his chain of command. At the same time, as a captain, a pilot, a former air boss and the current commanding officer of Navy Lakehurst, Captain Farr knew better than anyone just how devastating the close Lakehurst scenario would be for national security and pilot safety.

It was an unusual situation where one's own military command was supporting a plan not in the best interest of American security. A predicament in which a man of less character, less courage, less fortitude, and less grit might decide to look the other way—and let the chips fall where they may. But not Leroy Farr.

Captain Farr simply did what was right.

I remember his wife, Barbara, telling me just how much he grieved for the future of Navy Lakehurst and the future of any pilot who might fly off an aircraft carrier without the support of the skilled workers and artisans at Navy Lakehurst.

I had the good fortune of sitting in on Captain Farr's many briefings when BRAC officials would come to the base to see for themselves what went on at Navy Lakehurst. It was in these skillful presentations that Captain Farr laid the ground work for the ultimate reversal of the close Lakehurst scenario. Captain Farr was informed, clear, concise, fair, direct, honest, sincere, and effective.

It has been my distinct honor and privilege to have worked with Captain Farr and I know I speak not only for myself but for all who support Navy Lakehurst and are dedicated to a strong, capable military defense when I say that we will sincerely miss him.

I wish nothing but the best for Captain Farr because he, his wife, Barbara, and his family are the best of the best.

TRIBUTE TO GREENWOOD COUNTY IN HONOR OF THEIR CENTENNIAL CELEBRATION

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. GRAHAM. Mr. Speaker, I rise today to congratulate Greenwood County, of the Third Congressional District in South Carolina, on their 100th anniversary. Founded in 1897, Greenwood County began when over 1,100 residents petitioned South Carolina Governor W.H. Ellerbe requesting a special election for the formation of a new county. Now, a hundred years later, over 59,000 Greenwood County citizens anxiously await their County's birthday to celebrate its proud past and bright future.

Through the years, the citizens of Greenwood County have had the foresight and vision to facilitate growth throughout the County. Now, Greenwood County is home to many thriving businesses, cutting-edge industries, and close-knit families who represent a wholesome all-American way of life. These outstanding citizens characterize their proud past and their overwhelming confidence in the future.

Greenwood County residents have become active participants in commemorating this special event. The month-long-celebration festivities include essays, exhibits, lectures, and old photos to be enjoyed by the young and old, native and transplant. In addition to various planned activities, a special song to commemorate the Greenwood County Centennial was written.

As a successful and eventful chapter closes in the history of Greenwood County, I send my best wishes for a flourishing and thriving future. It is an honor and privilege for me to represent Greenwood County and their interests in the U.S. House of Representatives. I look forward to watching the growth and development of Greenwood County over the next 100 years.

SURFACE TRANSPORTATION SAFETY ACT OF 1997

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. DINGELL. Mr. Speaker, today the distinguished ranking member of the Committee on Transportation and Infrastructure, Mr. OBERSTAR, and I are introducing, at the request of the President, the Surface Transportation Safety Act of 1997. This legislation, which complements the national Economic Crossroads Transportation Efficiency Act of 1997, is designed to improve safety in a variety of transportation areas. In some cases, the provisions make important improvements in existing safety programs. In other cases, new approaches are taken. Other provisions make technical changes to reduce paperwork burdens on industries and Government. Introducing this bill by request, I do not necessarily endorse each provision, but I believe that this comprehensive bill is a serious effort to save lives in the transportation field. I would encourage the appropriate committees of the House to give these provisions the attention they deserve.

As is the case in any comprehensive bill, the provisions fall into a variety of committee jurisdictions. Various committees may wish to move certain sections or titles separately as they see fit to expedite consideration. As I briefly describe the provisions of the bill, I will also indicate the committees of jurisdiction for each provision, based upon consultations with the Office of the Parliamentarian.

As a second part of NEXTEA, the bill begins with title IX, which makes a number of amendments to our traffic safety laws. Perhaps the most important change is found in section 9001, dealing with primary safety belt use. The provision, within the jurisdiction of the Committee on Transportation and Infrastructure, would transfer certain highway funds to occupant protection programs in any State which failed to enact a law requiring the use of safety belts. The connection between traffic safety and seat belt use is clear and convincing. No other engineering feat can match the safety provided by seat belts. The Department of Transportation estimates that over 75,000 lives were saved by safety belts between 1982 and 1995.

A study by the National Highway Traffic Safety Administration in 1995 found that in States with a primary enforcement law, seat belt use increased by about 15 percent. This increase translates to a 5.9-percent decline in fatalities. For example, in California and Louisiana, States that recently upgraded their laws to provide for primary enforcement, safety belt use increased by 13 and 17 percentage points respectively.

Sections 9002 through 9005, within the jurisdiction of the Commerce Committee, would make a variety of minor changes to various auto safety laws. One of the provisions would allow an expansion of a program to allow manufacturers to seek waivers of various safety standards to adopt more innovative safety approaches that would provide greater safety protection.

Section 9006, primarily within the jurisdiction of the Commerce Committee, with jurisdiction also in the Judiciary Committee, seeks to improve standardization in State titling requirements to alert consumers when they are buying severely damaged vehicles. Many damaged vehicles are rebuilt for sale, but they continue to pose a serious safety risk.

Title X of the bill would reauthorize hazardous materials programs within the jurisdiction of the Transportation and Infrastructure Committee.

Title XI of the bill, within the jurisdiction of the Committee on Transportation and Infrastructure and the Committee on Commerce, would upgrade programs to prevent excavator damage to underground utilities, such as natural gas pipelines. In the past decade, 98 people have lost their lives and 425 others were injured from accidents to pipelines caused by excavation. The bill would seek to reduce these accidents by enhancing one-call programs at the State level. One-call programs provide excavators a simple and effective way of avoiding pipelines.

Title XII, would clarify and reallocate responsibilities for ensuring food transportation safety among the Departments of Health and Human Services, Transportation and Agriculture. The provision, within the jurisdiction of the Committee on Commerce and the Committee on Transportation and Infrastructure, seeks to improve food safety by giving a primary role to the Department of Health and Human Services.

Title XIII, within the jurisdiction of the Judiciary Committee, would create criminal sanctions for violent attacks against railroads similar to the sanctions against attacks against airlines. Unfortunately, we have seen increased terrorist attacks against railroads, such as the attacks on Amtrak passenger trains near Santa Fe in 1996, near Hyder, AZ in 1995, near Opa-Locka, FL in 1993, and at Newport News, VA in 1992. The new provisions would make these intentional attacks on trains a Federal crime subject to penalties associated with attacks on airlines.

Title XIV, within the jurisdiction of the Committee on Transportation and Infrastructure, would amend certain rail and mass transportation programs to require certain safety considerations to be made in grants.

In summary, Mr. Speaker, this bill represents a comprehensive approach to transportation safety that will undoubtedly save many lives and prevent tragic injuries. The provisions deserve careful consideration by this Congress.

CHARLTON, NY, FIRE DEPARTMENT NO. 1 CELEBRATES 75TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SOLOMON. Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. That's why I travel home to my congressional district every weekend, to see the picturesque towns and scenery that marks the 22d District of New York. The town of Charlton is certainly no different.

The traits which make me most fond of such communities is the undeniable camaraderie which exists among neighbors. Looking out for one another and the needs of the community make such places great places to live and raise a family. This concept of community service is exemplified by the devoted service of the Charlton Volunteer Fire Department 1. For 75 years now, this organization has provided critical services for the citizens on a volunteer basis. As a former volunteer fireman myself, I understand and appreciate, the commitment required to perform such vital public duties.

It has become all too seldom that you see fellow citizens put themselves in harms way for the sake of another. While almost all things have changed over the years, thankfully, for the residents of Charlton, the members of their volunteer fire department continue to selflessly perform their duty without remiss. I can't say enough about the countless lives and millions of dollars in property they have saved by doing so over the course of their 75-year history.

That's why I am so glad to have this opportunity to pay tribute to them today. And for that matter, the residents of their community will have the opportunity to show their appreciation at their Founder's Day Parade marking this momentous occasion on Sunday, June 1, 1997.

Mr. Speaker, I have always been one to judge people by how much they give back to their community. On that scale, the members of this fire company, both past and present, are truly great Americans. I am proud of this organization because it typifies the spirit of voluntarism which has been such a central part of American life. We would all do well to emulate the service of the men and women who comprise Fire Department No. 1 in Charlton. To that end, it is with a sense of pride, Mr. Speaker, that I ask all Members to join me in paying tribute to them on the occasion of their 75th anniversary.

TRIBUTE TO THE ELDRIDGE SALMON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. SESSIONS. Mr. Speaker, on November 29, 1996, Texas lost a distinguished businessman and philanthropist, C. Eldridge Salmon, at the age of 73. He was born in the community of Salmon on September 26, 1923, to G.C. and Arbell Garrison Salmon, and though he moved to Houston as a child, he maintained an abiding commitment to the east Texas community throughout his lifetime.

A University of Houston graduate, Mr. Salmon was employed for more than 20 years as an auditor with Texaco Oil Co., during which time he earned the respect and admiration of his colleagues for his expertise, hard work, and dedication.

This esteemed gentleman amassed an extensive collection of artwork during his lifetime, and he generously donated many of his holdings to institutions in east Texas to enable others to enjoy fine art. He gave 176 pieces to the library at Palestine High School, and his altruism further benefited Sam Houston State University, Grapeland High School, and public libraries in a number of communities in the area as well.

Eldridge Salmon left an indelible mark on the east Texas community during his lifetime, and though he is gone from us now, his memory will long endure in the many contributions he has left behind.

On behalf of all Texans, I pay tribute to the life of C. Eldridge Salmon and extend sincere sympathy to the members of his family, Dorothy Ernestine Salmon Baker of Houston, Cleon Salmon of Grapeland, and H.L. Garrison of Palestine, and to the many other friends and relatives of his distinguished gentleman.

GLOBAL CLIMATE CHANGE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. FAZIO. Mr. Speaker, complex issues take not only courage but discipline and foresight to address. Global climate change is such an issue. While no one knows the precise answers, we do know the fragility of the environment around us and the importance of embarking on the journey to find those answers. It is in that spirit that the chief executive of British Petroleum, E. John Browne addressed global climate change in a speech this week at Stanford University in California.

Mr. Browne took a bold step in asserting that because the possibility that a link exists between human activity and climate change, that in fact we need to consider solutions now—while we have time to responsibly act. Mr. Browne's speech is grounded in reason. It provides a framework for moving forward in a constructive fashion on global climate change. His is a refreshing approach to a sometimes politically contentious, sometimes emotional, but always a fundamentally serious topic that affects humankind.

I commend Mr. Browne's speech to my colleagues in the U.S. Congress.

CLIMATE CHANGE

Dean Spence, Ladies and Gentlemen, good morning.

It is always marvelous to come back to Stanford . . . and it is a pleasure . . . and a privilege to be here to speak to you today on a subject which I believe is of the utmost importance.

I can't think of anywhere better than Stanford to discuss in a calm and rational way a subject which raises great emotion and which requires both analysis and action.

I think it's right to start by setting my comments in context.

Following the collapse of Communism in Europe and the fall of the Soviet Empire at the end of the 1980s, two alternative views of the consequences for the rest of the world were put forward.

Francis Fukuyama wrote a book with the ironic title "The End of History". Jacques Delors, then President of the European Commission, talked about the "Acceleration of History".

In the event, history has neither accelerated nor stopped. But it has changed.

The world in which we now live is one no longer defined by ideology. Of course, the old spectrums are still with us . . . of left to right . . . of radical to conservative, but ideology is no longer the ultimate arbiter of analysis and action,.

Governments, corporations and individual citizens have all had to redefine their roles in a society no longer divided by an Iron Curtain separating Capitalism from Communism.

A new age demands a fresh perspective of the nature of society and responsibility.

The passing of some of the old divisions reminds us we are all citizens of one world, and we must take shared responsibility for its future, and for its sustainable development.

We must do that in all our various roles . . . as students and teachers, as business people with capital to invest, as legislators with the power to make law . . . as individual citizens with the right to vote . . . and as consumers with the power of choice.

These roles overlap, of course. The people who work in BP are certainly business people, but they're also people with beliefs and convictions . . . individuals concerned with the quality of life for themselves and for their children.

When they come through the door into work every morning they don't leave behind their convictions and their sense of responsibility.

And the same applies to our consumers. Their choices determine our success as a company. And they too have beliefs and convictions.

Now that brings us to my subject today—the global environment.

That is a subject which concerns us all—in all our various roles and capacities.

I believe we've now come to an important moment in our consideration of the environment.

It is a moment when because of the shared interest I talked about, we need to go beyond analysis to seek solutions and to take action. It is a moment for change and for a rethinking of corporate responsibility.

A year ago, the Second Report of the Inter-Governmental Panel on Climate Change was published. That report and the discussion which has continued since its publication, shows that there is mounting concern about two stark facts.

The concentration of carbon dioxide in the atmosphere is rising, and the temperature of the earth's surface is increasing.

Karl Popper once described all science as being provisional. What he meant by that was that all science is open to refutation, to amendment and to development.

That view is certainly confirmed by the debate around climate change.

There's a lot of noise in the data. It is hard to isolate cause and effect. But there is now an effective consensus among the world's leading scientists and serious and well informed people outside the scientific community that there is a discernible human influence on the climate, and a link between the concentration of carbon dioxide and the increase in temperature.

The prediction of the IPCC is that over the next century temperatures might rise by a further 1 to 3.5 degrees centigrade, and that sea levels might rise by between 15 and 95 centimeters. Some of that impact is probably unavoidable, because it results from current emissions.

Those are wide margins of error, and there remain large elements of uncertainty—about cause and effect . . . and even more importantly about the consequences.

But it would be unwise and potentially dangerous to ignore the mounting concern.

The time to consider the policy dimensions of climate change is not when the link between greenhouse gases and climate change is conclusively proven . . . but when the possibility cannot be discounted and is taken seriously by the society of which we are part.

We in BP have reached that point.

It is an important moment for us. A moment when analysis demonstrates the need for action and solutions.

To be absolutely clear—we must now focus on what can and what should be done, not because we can be certain climate change is happening, but because the possibility can't be ignored.

If we are all to take responsibility for the future of our planet, then it falls to us to begin to take precautionary action now.

But what sort of action? How should we respond to this mixture of concern and uncertainty?

I think the right metaphor for the process is a journey.

Governments have started on that journey. The Rio Conference marked an important point on that journey. So was the Berlin review meeting. The Kyoto Conference scheduled for the end of this year marks another staging post.

It will be a long journey because the responsibilities faced by governments are complex, and the interests of their economies and peoples are diverse, and sometimes contradictory. But the journey has begun, and has to continue.

The private sector has also embarked upon the journey . . . but now that involvement needs to be accelerated.

This too will be long and complex, with different people taking different approaches. But it is a journey that must proceed.

As I see it, there are two kinds of actions that can be taken in response to the challenge of climate change.

The first kind of action would be dramatic, sudden and surely wrong. Actions which sought, at a stroke, drastically to restrict carbon emissions or even to ban the use of fossil fuels would be unsustainable because they would crash into the realities of economic growth. They would also be seen as discriminatory above all in the developing world.

The second kind of action is that of a journey taken in partnership by all those involved. A step by step process involving both action to develop solutions and continuing research that will build knowledge through experience.

BP is committed to this second approach, which matches the agreement reached at Rio based on a balance between the needs of development and environmental protection. The Rio agreements recognise the need for economic development in the developing world. We believe we can contribute to achievement of the right balance by ensuring that we apply the technical innovations we're making on a common basis—everywhere in the world.

What we propose to do is sustantial, real and measurable. I believe it will make a difference.

Before defining that action I think it is worth establishing a factual basis from which we can work.

Of the world's total carbon dioxide emissions only a small fraction comes from the activities of human beings, but it is that small fraction which might threaten the equilibrium between the much greater flows.

You could think of it as the impact of placing even a small weight on a weighscale which is precisely balanced.

But in preserving the balance we have to be clear where the problem actually lies.

Of the total carbon dioxide emissions caused by burning fossil fuels only 20% comes from transportation.

80% comes from static uses of energy—the energy used in our homes, in industry and in power generation. Of the total 43 per cent comes from petroleum.

We've looked carefully using the best available data at the precise impact of our own activities.

Our operations—in exploration and in refining—produce around 8 megatonnes of carbon.

On top of that a further 1 megatonne is produced by our Chemical operations. If you add to that the carbon produced by the consumption of the products we produce—the total goes up to around 95 megatonnes.

That is just one per cent of the total carbon dioxide emissions which come from all human activity.

Let me put that another way—to be clear. Human activity accounts for a small part of the total volume of emissions of carbon—but it is that part which cold cause disequilibrium.

Only a fraction of the total emissions come from the transportation sector—so that problem is not just caused by vehicles. Any response which is going to have a real impact has to look at all the sources.

As a company, our contribution is small, and our actions alone could not resolve the problem.

But that does not mean we should do nothing.

We have to look at both the way we use energy . . . to ensure we are working with maximum efficiency . . . and at how our products are used.

That means ensuring or own house is in order. It also means contributing to the wider analysis of the problem—through research, technology and through engagement in the search for the best public policy mechanisms—the actions which can produce the right solutions for the long term common interest.

We have a responsibility to act, and I hope that through our actions we can contribute to the much wider process which is desirable and necessary.

BP accepts that responsibility and we're therefore taking some specifics steps. To control our own emissions. To fund continuing scientific research. To take initiatives for joint implementation. To develop alternative fuels for the long term. And to contribute to the public policy debate in search of the wider global answers to the problem.

First we will monitor and control or our own carbon dioxide emissions.

This follows the commitment we've made in relation to other environmental issues. Our overall goal is to do no harm or damage to the natural environment. That's an ambitious goal which we approach systematically.

Nobody can do everything at once. Companies work by prioritizing what they do. They take the easiest steps first—picking the low hanging fruit—and then they move on to tackle the more difficult and complex problems. That is the natural business process.

Our method has been to focus on one item at a time, to identify what can be delivered, and to establish monitoring processes and targets as part of our internal management system and to put in place an external confirmation of delivery.

In most cases the approach has meant that we've been able to go well beyond the regulatory requirements.

That's what we've done with emissions to water and to air.

In the North Sea, for instance, we've gone well beyond the legal requirements in reducing oil discharges to the sea.

And now at our crude oil export terminal in Scotland—at Hound Point—which handles 10% of Europe's oil supplies—we're investing $100 m to eliminate emissions of volatile organic compounds.

These VOCs would themselves produce carbon dioxide by oxidation in the atmosphere.

No legislation has compelled us to take that step—we're doing it because we believe it is the right thing to do.

Now, as well as continuing our efforts in relation to the other greenhouse gases, it is time to establish a similar process for carbon dioxide.

Our carbon dioxide emissions result from burning hydrocarbon fuels to produce heat and power, from flaring feed and product gases, and directly from the process of separation or transformation.

So far our approach to carbon dioxide has been indirect and has mainly come through improvements in the energy efficiency of our production processes. Over the last decade, efficiency in our major manufacturing activities has improved by 20 percent.

Now we want to go further.

We have to continue to improve the efficiency with which we use energy.

And in addition we need a better understanding of how our own emissions of carbon can be monitored and controlled, using a variety of measures including sequestration. It is a very simple business lesson that what gets measured gets managed.

It is a learning process—just as it has been with the other emissions we've targeted but the learning is cumulative and I think it will have a substantial impact.

We have already taken some steps in the right direction.

In Norway, for example, we've reduced flaring to less than 20 percent of 1991 levels, primarily as a result of very simple, low cost measures.

The operation there is now close to the technical minimum flare rate which is dictated by safety considerations.

Our experience in Norway is being transferred elsewhere—starting with fields in the UK sector of the North Sea and that should produce further progressive reductions in emissions.

Our goal is to eliminate flaring except in emergencies.

That is one specific goal within the set of targets which we will establish.

Some are straightforward matters of efficient operation—such as the reduction of flaring and venting.

Others require the use of advanced technology in the form of improved manufacturing and separation processes that produce less waste and demand less energy.

Other steps will require investment to make existing facilities more energy efficient. For instance we're researching ways in which we can remove the carbon dioxide from large compressors and reinject it to improve oil recovery. That would bring a double benefit—a cut in emissions and an improvement in production efficiency.

The task is particularly challenging in the refining sector where the production of cleaner products require more extensive processing and a higher energy demand for each unit of output.

That means that to make gasoline cleaner, with lower sulfur levels, takes more energy at the manufacturing stage. That's the trade off.

In each case our aim will be to establish a data base, including benchmark data; to create a monitoring process, and the to develop targets for improvements through operational line management.

Monitoring and controlling emissions is one step.

The second is to increase the level of support we give to the continuing scientific work which is necessary.

As I said a few moments ago, there are still areas of significant uncertainty around the subject of climate change. Those who tell you they know all the answers are fools or knaves.

More research is needed—on the detail of cause and effect; on the consequences of what appears to be happening, and on the effectiveness of the various actions which can be taken.

We will increase our support for that work.

That support will be focused on finding solutions and will be directed to work of high quality which we believe can address the key outstanding questions.

Specifically, we've joined a partnership to design the right technology strategy to deal with climate change. That partnership which will work through the Batelle Institute includes the Electric Power Research Institute and the U.S. Department of Energy. We're also supporting work being done at MIT in Cambridge and through the Royal Society in London.

We're also joining the Greenhouse gas programme of the International Energy Agency which is analysing technologies for reducing and offsetting greenhouse gas emissions from fossil fuels.

The third area is the transfer of technology and the process of joint implementation which is the technical term for projects which bring different parties together to limit and reduce net emission levels of greenhouse gases.

Joint implementation is only in its infancy, but we believe it has great potential to contribute to the resolution of the climate change problem. It can increase the impact of reduction technology by lowering the overall cost of abatement actions.

We need to experiment and to learn . . . and we'd welcome further partners in the process. The aim of the learning process must be to make joint implementation a viable and legally creditable concept that can be included in international commitments.

We've begun by entering into some specific programmes of reforestation and forest conservation programmes in Turkey and now in Bolivia, and we're in discussion on a number of other technology based joint implementation projects.

The Bolivian example I think shows what can be done.

It's a programme to conserve 1.5 million hectares of forests in the province of Santa Cruz. It is sponsored by the Nature Conservancy and American Electric Power and sanctioned by the U.S. Government.

We're delighted to be involved, and to have the chance to transfer the learning from this project to others in which we are involved. Forest conservation projects are not easy or simple, and that learning process is very important.

Technology transfer is part of the joint implementation process but it should go wider and we're prepared to engage in an open dialogue with all the parties who are seeking answers to the climate change problem.

So those are three steps we can take—monitoring and controlling our own emissions, supporting the existing scientific work and encouraging new work, and developing experiments in joint implementation and technology transfer.

Why are we doing all those things? Simply because the oil industry is going to remain the world's predominant supplier of energy for the foreseeable future.

Given that role we have to play a positive and responsible part in identifying solutions to a problem which is potentially very serious.

The fourth step—the development of altenative energy—is related but distinct.

Looking ahead it seems clear that the combination of markets and technology will shift the energy mix.

The world's population is growing by 100 million every year. By 10,000 just since I started speaking.

Prosperity is spreading. By the end of the century 60 per cent of the world's economic activity will be taking place in the South—in areas which ten years ago we thought of as Third World countries.

Both these factors will shape a growing level of demand for energy.

At the same time technology moves on.

The sort of changes we've seen in computing—with continuing expansion of semiconductor capacity is exceptional but not unique.

I think it is a reasonable assumption that the technology of alternative energy supplies will also continue to move forward.

One or more of those alternatives will take a greater share of the energy market as we go into the next century.

But let me be clear. That is not instead of oil and gas. It is additional.

We've been looking at alternative energies for a long time, and our conclusion is that one source which is likely to make a significant contribution is solar power.

At the moment solar is not commercially viable for either peak or base load power generation. The best technology produces electricity at something like double the cost of conventional sources for peak demand.

But technology is advancing, and with appropriate public support and investment I'm convinced that we can make solar competitive in supplying peak electricity demand within the next 10 years. That means, taking the whole period from the time we began research work, that 25 to 30 years will have elapsed.

For this industry that is the appropriate timescale on which to work.

We explore for oil and gas in a number of areas where production today wouldn't be commercially viable at the moment.

Thirty years ago we did that in Alaska.

We take that approach because we believe that markets and technology do move, and that the frontier of commercial viability is always changing.

We've been in solar power for a number of years and we have a 10 per cent share of the world market.

The business operates across the world—with operations in 16 countries.

Our aim now is to extend that reach—not least in the developing world, where energy demand is growing rapidly.

We also want to transfer our distinctive technologies into production, to increase manufacturing capacity and to position the business to reach $1bn in sales over the next decade.

I am happy to report that there will be significant investment in the USA and we'll be commissioning a new solar manufacturing facility here in California before the end of this year.

The result of all is that gradually but progressively solar will make a contribution to the resolution of the problem of carbon dioxide emissions and climate change.

So a series of steps on the journey. These are the initial steps. We're examining what else we should do, and I hope to be able to announce some further steps later in the year.

Of course, as I said at the beginning, nothing we can do alone will resolve the concern about climate change. We can contribute, and over time we can move towards the elimination of emissions from our own operations and a substantial reduction in the emissions which come from the use of our products.

The subject of climate change, however, is a matter of wider public policy.

We believe that policy debate is important. We support that debate, and we're engaged in it, through the World Business Council on Sustainable Development . . . through the President's own Council here in the United States . . . and in the UK where the Government is committed to making significant progress on the subject.

Knowledge is this area is not proprietary, and we will share our expertise openly and freely.

Our instinct is that once clear objectives have been agreed, market based solutions are more likely to produce innovative and creative responses than an approach based on regulation alone.

Those market based solutions need to be as wide ranging in scope as possible because this is a global problem which has to be resolved without discrimination and without denying the peoples of the developing world the right to improve their living standards.

To try to do that would be arrogant and untenable—what we need are solutions which are inclusive, and which work through cooperation across national and industry boundaries.

There have been a number of experiments—all of them partial, but many of them interesting because they show the way in which effective markets can change behaviour.

We're working, for instance, with the Environmental Defence Fund to develop a voluntary emissions trading system for greenhouse gases, modelled on the system already in place in respect of sulphur.

Of course, a system which just operates here in the United States is only a part of the solution. Ideally such structures should be much wider.

But change begins with the first step and the development of successful systems here will set a standard which will spread.

Ladies and Gentlemen, I began with the issue of corporate responsibility. The need for rethinking in a new context.

No company can be really successful unless it is sustainable, unless it has capacity to keep using its skills and to keep growing its business.

Of course, that requires a competitive financial performance.

But it does require something more, perhaps particularly in the oil industry.

The whole industry is growing because world demand is growing. The world now uses almost 73 million barrels of oil a day—16% more than it did 10 years ago.

In another ten years because of the growth of population and prosperity that figure is likely to be over 85 mbd, and that is a cautious estimate. Some people say it will be more.

For efficient, competitive companies that growth will be very profitable.

But sustainability is about more than profits. High profitability is necessary but not sufficient.

Real sustainability is about simultaneously being profitable and responding to the reality and the concerns of the world in which you operate. We're not separate from the world. It's our world as well.

I disagree with some members of the environmental movement who say we have to abandon the use of oil and gas. They think it is the oil and gas industry which has reached the end of history.

I disagree because I think that view underestimates the potential for creative and positive action.

But that disagreement doesn't mean that we can ignore the mounting evidence about climate change and the growing concern.

As businessmen, when our customers are concerned, we'd better take notice.

To be sustainable, companies need a sustainable world. That means a world where the environmental equilibrium is maintained but also a world whose population can all enjoy the heat, light and mobility which we take for granted and which the oil industry helps to provide.

I don't believe those are incompatible goals.

Everything I've said today—all the actions we're taking and will take are directed to ensuring that they are not incompatible.

There are no easy answers. No silver bullets. Just steps on a journey which we should take together because we all have a vital interest in finding the answers.

The cultures of politics . . . and of science . . . and of enterprise, must work together if we are to match and master the challenges we all face.

I started by talking about the end of history. Of course it hasn't ended. It's moved on.

Francis Fukuyama who coined that phrase describes the future in terms of the need for a social order—a network of interdependence which goes beyond the contractual. An order driven by the sense of common human interest. Where that exists, societies thrive.

Nowhere is the need for that sort of social order—at the global level—more important than in this area.

The achievement of that has to be our common goal.

Thank you very much.

WORK OPPORTUNITY TAX CREDIT RENEWAL AND MODIFICATION

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleague, Mr. RANGEL, in introducing legislation to renew the Work Opportunity Tax Credit [WOTC]. This program was first enacted last year after extensive consultations between the Congress and administration. It replaces the old targeted jobs tax credit and is designed to address the major criticism raised against that program by requiring employers to prescreen for eligibility based predominantly upon participation in means tested public assistance programs. The WOTC helps provide transitional assistance for those going from welfare to work by giving businesses incentives to offset the added costs of hiring them.

Unfortunately, the participation and outreach by employers has not reached the level we anticipated, and falls far short of what is needed if we are to achieve the goal of moving millions of Americans from welfare dependency to self-sufficiency. Many companies are fast concluding that the hiring and training costs are too high, and the risks of working with those on public assistance too great, to justify their participation in WOTC.

After nearly 6 months the business community has told us that there is good news and bad news. The good news is that under WOTC nearly two-thirds of those hired come from welfare—under TJTC nearly 60 percent were youth and only 20 percent were from the welfare rolls. The bad news is that the new rules we adopted last year are too restrictive and need to be modified if WOTC is to be effective in achieving the goals of welfare to work. The legislation we are introducing today addresses these concerns.

Many people want to know why we need to pay companies to do their part for welfare reform. To answer that question, we have only to look at the challenges faced by employers who hire public assistance recipients. These individuals often lack a work ethic and basic job skills; they cost more to train; and, because of low self-esteem, they see failure in the work place as a viable and even likely option. Additionally, businesses that hire public assistance recipients have to assume indirect costs such as accommodation of complex work schedules, child care, transportation needs, and contact with multiple social service agencies. Any business, especially one that is willing to assume the additional costs of hiring and training welfare recipients, must remain profitable if they are to play a role in welfare reform.

To respond to the real world concerns expressed to us, Mr. RANGEL and I propose the following modifications to WOTC which will improve its effectiveness and viability.

First, our bill would modify the minimum number of hours of work required for WOTC eligibility. Currently, those eligible for WOTC must complete 400 hours of work in order for the employer to receive any tax credit. However, since many entry level workers tend to switch jobs voluntarily as they seek their place in the work force, they do not meet the 400-hour requirement. In those cases, employers never see a tax credit to offset the costs that they incurred in hiring and training these workers. A more equitable sharing of the costs must be developed, or the pool of employers willing to take this risk will continue to decline.

The current tax credit provided to employers for hiring those eligible is 35 percent of the first $6,000 in wages, but only when the employee completes 400 hours of work. Those who qualify include persons on AFDC for 9 consecutive months out of the previous 18 months; 18- to 24-year-olds who live in empowerment zones [EZ] or enterprise community [EC]; 18- to 24-year-olds who are members of families on food stamps for the last 6 months; veterans on food stamps; vocational rehabilitation referrals; low-income felons; and 16- and 17-year-olds in EZ's and EC's are eligible for summer employment.

We propose to create a two-tiered credit: 25 percent of the wages earned from the date of hire for those who work between 120 hours and 399 hours, and 40 percent of wages earned from the date of hire for those who work at least 400 hours. This would result in a more equitable distribution of the risk due to the fact quite often entry level employees use the training and experience by their first employer to advance into jobs that are better paying, provide longer hours, or which are more conveniently located.

The second change to WOTC that this legislation provides would be to redefine the period during which a person must be receiving public assistance in order to qualify. The current interpretation requires an employee to have spent 9 consecutive months out of the last 18 months on welfare in order for a business to receive the hiring tax credit. We propose to change that requirement to any 9 of the previous 18 months. Such a change would allow for the short periods of time off welfare or food stamps which often results from a failure to comply with regulations such as filing updated paperwork or appearing for an interview. It makes no sense to deny employers willing to hire those on public assistance a tax incentive merely because the job applicant was off welfare for a short period of time.

The third and final change we propose is a 3-year extension of the WOTC Program. This will provide employers with the continuity they need to justify the investment of time and resources necessary to have a successful welfare to work WOTC Program.

These changes, taken together, should help to level the playing field which is currently so tilted against those on welfare that most employers are unwilling even to consider hiring them because of the extra costs and difficulties involved. Without a strong public-private partnership built on an improved WOTC Program, employers will be inclined to stand on the sidelines and leave the welfare to work challenge to others.

TRIBUTE TO SILVIO CONTE

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. LIVINGSTON. Mr. Speaker, I rise today to pay tribute to the memory of our former colleague, the late Representative Silvio Conte of Massachusetts, in the hope that his spirit of fellowship will serve as a lesson to us all. In that spirit I would like to submit this article, which appeared in the April 4, 1997, edition of Roll Call into the RECORD. In this day of partisan rancor and personality bashing, I suggest that we all could learn something about civility from the career of Sil Conte.

It is said that no Member of the House, perhaps in this century, brought as much enthusiasm and joy to this job than Sil Conte.

While Sil Conte was a fierce partisan on the floor, that's where it began and ended. Sil Conte did not look at his political opponents as enemies. He simply viewed them as people of good will with different ideas. And he viewed them as friends.

Sil Conte loved his job. He loved debating issues and ideas. He liked to joke and he took everything with a grain of salt. He had fun. Most of all, he loved the institution of Congress.

To quote the article:

> Maybe the answer is for Members not to take themselves so seriously. Silvio Conte never did. And he actually liked his job. He didn't revile serving in Congress, and he certainly didn't detest members on the other side of the aisle because their party designation was different from his.

So, Mr. Speaker, I submit this article into the RECORD in the hopes that it will promote among the Members not just an air of civility, but that it will foster a love of this greatest of democratic institutions, this people's House, this Congress. Maybe then, we will feel Sil Conte's joy of politics.

[From the Roll Call, Apr. 14, 1997]

JOY IN MUDVILLE

In honor of the late, great Rep. Silvio Conte (R.-Mass), they call it the "joy of politics" award. Conte was a man who relished a good joke, who loved to win but never bashed his opponents in the face to do so, and who cherished the institution of Congress above all. And you can see from the photographs on page three of today's Roll Call that Members of Congress from both parties last week were having a blast at the fun—and eminently civil—event celebrating Conte's legacy. Civility doesn't mean boring, and it also doesn't mean an end to the partisan clashes that liven up the otherwise humdrum Congressional business of passing the nation's laws and overseeing their implementation.

But instead of joy, there is much rancor these days on the House floor—as a very unConte-like event last week demonstrated yet again. The finger-pointing, epithet-throwing fracas between Majority Whip Tom DeLay (R-Texas) and Appropriations ranking member David Obey (D-Wis) demoralized Members just back from Easter recess, making the much-ballyhooed bipartisan retreat to Hershey, Pa., last month seem like just another empty feel-good session. These are senior Members of Congress, leaders in their respective parties. If they can't get along, who can?

The truth is: There's no joy in Mudville. Civility has struck out. Deadly serious disdain for the other party is the prevailing emotion, and total, no-holds-barred, take-no-prisoners warfare is the mode of combat encouraged, at least tacitly, by leaders in both parties. The crusade of Democratic Whip David Bonior (Mich) against Speaker Newt Gingrich (R-Ga), Ginrich's own history as a backbench guerrilla warrior, and the revolutionary fervor of the GOP class of 1994 all contribute to this toxic atmosphere. It's no wonder that the recommended reading in the House Republican Conference these days is the Army's field manual.

It's also no wonder, then, that DeLay and Obey won't even apologize to each other for the incident—the most they say is that they regret it occurred. More regretful than the combatants themselves are many other Members in both paties who have tried to launch a grassroots civility movement inside the House. The Hersheyites, led by Reps. Ray LaHood (R-Ill) and David Skaggs (D-Colo), are trying to put the contretemps behind them with a full schedule of meetings, briefings for other Members, and reform proposals in the works. To that end, Rep. David Dreier (R-Calif) will even host a hearing next week on whether changes in the House schedule—such as moving highly partisan one-minute speeches to the end of the day—can improve the 105th Congress's civility quotient.

But the civility hounds face daunting obstacles that we're not sure scheduling changes can fix. Members who so obviously detest each other will continue to do so—whether they spar on the House floor at 10 a.m. or 10 p.m. Hearings into Clinton White House fundraising this summer will raise the decibel level. Budget posturing will bring extremists from both parties into a pitch of rhetorical excess. And the list of challenges to civility goes on.

Maybe the answer is for Members not to take themselves so seriously. Silvio Conte never did. And he actually liked his job. He didn't revile serving in Congress, and he certainly didn't detest Members on the other side of the aisle because their party designation was different from his. Conte's secret was that he had fun on Capitol Hill. It's time to put the joy back into politics.

TRIBUTE TO THE RETIREMENT OF JOHN T. WILLIAMS

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. BRYANT. Mr. Speaker, according to Patricia Pair of The Shelby Sun Times, one of Germantown, Tennessee's newspapers, John T. Williams "has had a full, interesting life." Friends and colleagues call him John T., which is to say he's called nothing but John T.

John T. became a public figure when he served as mayor for the town of Trezevant, TN. There, he chartered the town's first Boy Scout Troop. After a few years, John T. moved his family to Paris, TN, where he helped charter the community's first Chamber of Commerce. In fact, John T. served as the Paris Chamber of Commerce's first president, and is one of two living charter members of that organization.

In 1953, John T. sold his insurance business and moved his family to Jackson, TN. During that period, John T. was appointed by then President Dwight Eisenhower to serve as a U.S. marshal for the western district of Tennessee, serving from 1955 to 1960 with distinction and honor.

But serving as U.S. marshal was not to be John T.'s last task in government service. He ran for Congress, hiring as his campaign manager someone whom we all know as a U.S. Senator but in those days was still a little-known FRED THOMPSON. After his congressional bid and tutelage of young THOMPSON, John T. served on the civil service commission for the city of Memphis, and would go on to lend his vast skills and services to former Congressmen Robin Beard and Don Sundquist, as well as myself.

John T. has been an institution in numerous communities across west Tennessee. His record of public service stands as an impeccable example for all public servants. Along with those who have had the opportunity and pleasure of working and associating with John T., it has been an honor to have had him as one of my employees. John T., though we'll always have with us your many feats of volunteerism and helping hands, enjoy your retirement. You certainly have earned it.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

SPEECH OF

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

Mr. PETERSON of Minnesota. Mr. Chairman, I support the Balanced Budget Agreement of 1997. I want to commend the chairman of the Budget Committee, Mr. KASICH, and the ranking member, Mr. SPRATT, Members on both sides of the aisle for their hard work in putting together this bipartisan agreement, and especially my "Blue Dog" colleagues in the coalition. Most everyone around here knows that this legislation couldn't have been developed without the centrist foundation we provided in the Blue Dogs' commonsense balanced budget plan.

Mr. Chairman, the American people want this to get done, and I intend to lend my support to passing this resolution through the process. A balanced budget is long overdue. I'm not happy with all of the details, but the moment is at hand and we need to pass this now.

I would rather be supporting the Blue Dog budget, but nobody got everything they wanted in this process, and I understand that. However, I am very disappointed by the Republican leadership's refusal to allow the coalition Democrats to offer the alternative resolution we wanted to offer, which was the Republican bill plus strong budget enforcement language. As it is, I am concerned that this resolution lacks the strong budget enforcement language necessary to ensure that the spending caps and deficit targets are met and that we do in fact reach balance by the year 2002. It's one thing to say you will balance the budget by 2002—it is clearly another thing to actually do it. A strong enforcement mechanism is necessary to require the Congress and the President to take action if this plan goes off course, and the budget fails to meet its targets for spending and revenues. We should have had the opportunity to strengthen the enforcement provisions of the resolution we are now supporting. I am sure a majority of Members would have voted for stronger enforcement if they had been given the chance. Hopefully, this shortcoming can be remedied by the conference committee.

Two years ago when the Blue Dogs first offered their own alternative budget, I told people it was the sensible, middle ground and the foundation for a bipartisan agreement. Two years later, after a lot of hard work by all the Blue Dogs, as well as other Members and the President, we have essentially arrived right were the Blue Dogs started—on the sensible, middle ground, where compromise and bipartisanship have finally delivered what the American people have wanted for a long time—a balanced Federal budget.

Again, I wish this Congress was going to get a chance to vote on the Blue Dog budget, but I recognize that democracy requires compromise, and that's what it will take from all of us to keep this process moving in the right direction.

This budget resolution is only a broad outline, and I know the Blue Dogs will continue working with Members on both sides of the aisle when the real work begins on a Medicare bill, a Medicaid bill, a tax bill, a possible budget reconciliation bill, and all of the 13 appropriations bills.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

SPEECH OF

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

Mr. HALL of Texas. Mr. Chairman, I have had the privilege of serving in this body since 1981, and one of the first bills that I supported 16 years ago was a balanced budget. This is a goal that I have worked for year after year—and it is a goal that has eluded us until now. So I am gratified that the Congress has taken a dramatic first step this week toward achieving that goal by passing the budget resolution.

It has taken us years to come this far—and it is a testament to the hard work and dedication of many current and former Members of Congress that this goal is finally within our grasp. We have a chance to return fiscal accountability and responsibility to the Federal Government and set a course that will ensure our Nation's well-being into the 21st century. We have a chance to preserve the American dream for our children and grandchildren and help ensure that their future is as bright with promise as was ours.

I thank all my colleagues who have worked so hard to achieve this goal, and I command the coalition leadership which has played an important role in this endeavor in both the 104th and 105th Congresses. But we must be careful that what we do in the final analysis will be fair to all Americans, will be equitable, and will be enforceable. The tough choices lie ahead in the coming weeks, so we have much work yet to do. This week marks an important beginning—but a beginning that has an achievable end in sight.

Mr. Speaker, I want to commend my colleagues for their commitment to balancing the budget and their work thus far, and I want to urge continued bipartisan support as we try to make the right choices in the coming weeks and choose the best means to accomplish that goal.

TRIBUTE TO AN ELOQUENT AND REASONED VOICE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. DREIER. Mr. Speaker, on Monday, May 19, the San Gabriel Valley lost one of its most eloquent and reasoned voices when longtime resident and business leader F. Al Totter passed away. Following is an article from the San Gabriel Valley Tribune, where Al Totter served as publisher for nearly 24 years:

F. Al Totter, who served as publisher of the San Gabriel Valley Tribune for nearly 24 years and led the development of a major suburban newspaper group, died Monday of complications from pneumonia at the Citrus Valley Medical Center, Queen of the Valley campus. He was 66.

Totter, who started working at the Tribune as a classified ads manager on its first day of publication in 1955, served as publisher from 1968 to 1992. The Tribune's success—and that of its now sister papers the Pasadena Star-News and the Whittier Daily News, along with small community papers—reflected the residential and industrial boom of the region that it served.

"More than any other person, Al Totter was responsible for the strength and the growth of this newspaper group, especially of the San Gabriel Valley Tribune," said Ike Massey, publisher and chief executive officer of the San Gabriel Valley Newspaper Group. "I know he will be missed by many in the community."

Rep. David Dreier, R–San Dimas, a longtime Totter friend, said the region had lost its most eloquent and reasoned voice.

"He was the conscience of the Valley, and that really does describe him. He was an individual who cared deeply about the San Gabriel Valley, who cared deeply about his newspaper and the newspaper industry," Dreier said.

In 1982, Totter helped arrange the purchase of the Whittier Daily News by Thomson Newspapers, which had purchased the Tribune in 1968. Totter helped arrange Thomson's 1990 purchase of the Pasadena Star-News from William Dean Singleton, who had earlier purchased the paper from Knight-Ridder Co. He was president of the newspaper group when he retired in 1992.

Since 1996, all three newspapers have been part of the San Gabriel Valley Newspaper Group, owned by Denver-based MediaNews Group Inc., of which Singleton is president and CEO.

Dreier said he maintained contact with the publisher through the years, and had called him Monday after hearing from Totter's son-in-law that he was not in good health.

"I am just stunned in light of the fact I just called him this afternoon," Dreier said.

Steve Cox, Totter's son-in-law and the family spokesman, called him a "special husband and father."

"His guidance to his daughter, his son-in-law, and to his grandchildren will be remembered for their lifetimes," Cox said. "He was an extra special person and very dedicated to the family."

Born Sept. 4, 1930 in Joliet, Ill., Totter worked as a department store clothing salesman and a truck driver to pay his way through college, where he studied journalism and advertising.

He got his start in the newspaper industry in 1951 selling advertising for the Herald News in Joliet, then moved to California with his wife Shirley, who survives him.

Totter enlisted in the Air Fore and served at Edwards Air Force Base during the Korean War. After his military discharge, he moved to Fullerton and worked as classified ads manager for the Daily News Tribune. He joined the newly established San Gabriel Valley Tribune in 1955 in the same capacity.

At the time, the San Bernardino (10) Freeway had just opened, paving the way for rapid growth in the San Gabriel Valley. Totter was one of a group of newspaper professionals who brought together several east Valley weekly papers to create the daily Tribune.

Totter was named business manager and vice president in 1961, when the paper was sold to Brush-Moore Newspapers centered in Canton, Ohio.

He served as general manager until 1968, when Brush-Moore Newspapers was purchased by Toronto-based Thomson Newspapers. Thomson named Totter publisher, a position he held until retirement in January 1992.

Totter helped lead Thomson's acquisition of many newspapers, including the Whittier Daily News. The company owned more than 160 daily newspapers in North America during the 1970s and '80s. He also served as an officer in the California Newspaper Publishers Association and California-Nevada Associated Press Association.

"He was very well respected in the journalism community in California and certainly played a major role in the growth and evolution of the Thomson newspapers in California," said Andy Lippman, chief of The Associated Press Los Angeles bureau.

He was a cost-conscious newspaper executive who knew how to turn a profit even during recessions.

Dick Terrill, who was circulation director and advertising manager under Totter, called the late publisher an "icon." Under Totter's direction, the Tribune and Whittier Daily News were the most profitable newspapers in the Thomson chain, he said.

"He was a very good businessman, and the papers did very well," said Terrill, now with the San Gabriel Valley Newspaper Group's Specialty Division.

Both the region and newspaper industry went through enormous changes during Totter's tenure as publisher.

"I have had the privilege of watching the newspaper industry move from the hot metal (Linotype-produced metal type) to computers and modern offset presses," Totter said upon his 1992 retirement. "It was an honor to be able to say that I started with this newspaper and to see it grow and find an important place in the San Gabriel Valley."

Totter was also known throughout the industry as a tough negotiator in contract talks with old newspaper labor unions. He was also a tough boss with only one speed: fast.

"He walked fast, he thought fast, he talked fast and to most of his employees he was a very intimidating, imposing figure," said Bill Bell, editor of the Whittier Daily News. "I have interviewed many highly placed people in my 40 years in journalism and believe Al Totter is the most intimidating man I ever met. But, he could smile, joke, laugh and be quite charming when he wanted."

Pat Pahel, who served as Totter's secretary for his last five years, said the late publisher also had a compassionate side for employees, recalling a time when Totter helped one employee find proper medical care for a gravely ill child.

"He always knew who to get in touch with," Pahel said.

Totter was a leader in the San Gabriel Valley community, participating in such organizations as the West Covina Rotary and the South Hills Country Club.

Totter also was credited with playing a key role in the growth of the life-Savers, a foundation that started in 1988 when a Covina doctor could not find a suitable bone marrow donor for his leukemia-stricken wife.

That prompted Dr. Rudolf Brutoco to organize Life-Savers and start a drive recruiting donors for people suffering with blood diseases. It grew into a national movement.

"He understood his readers and he wanted his paper to reflect that, but he also wanted to reach out to them and challenge them and I think he did that with the Life-Savers story," Brutoco said. "I give him credit for getting Life-Savers off the ground."

Totter's concern extended to his wallet. In October 1990, he donated $15,000 to the organization from advertising placed in a special supplement. Brutoco said Totter's concern even continued in retirement.

"He contacted me a year or two ago and asked if there was anything else he could do to further the cause," Brutoco said. "He did that even in his retirement."

He was also supportive of Republican politicians, such as Dreier, Los Angeles County Supervisor Mike Antonovich, who represents a portion of the San Gabriel Valley, and former West Covina mayor and City Councilman Forest Tennant.

Antonovich, who said he met Totter around the time the supervisor first ran for county office in 1980, said the two held the same philosophical views.

"He was a fiscal conservative who espoused family values . . . He did not apologize for his views," Antonovich said.

But Totter never hesitated to let his political friends know when he disagreed with them and definitely knew his facts. Tennant recalled when the two clashed over a plan to install waste-burning, energy-producing facility in Irwindale during the mid-1980s.

"He not only called me up and told me I was wrong—and dead wrong—he convinced me that I was going to head the committee to oppose it, which I did," said Tennant, chuckling at the memory.

San Gabriel Valley Newspaper Group Editorial Page Editor Steve Scauzillo recalled that Totter hired him as an environmental writer when such beats were still rare in newsrooms.

"Very few newspaper publishers supported a full time environment writer in the 1980s like he did. He supported environmental coverage," said Scauzillo, whom Totter hired exactly 11 years ago Monday to cover the environment.

Totter is survived by his wife, Shirley; daughter Cheri Cox; son-in-law Steve Cox; grandsons Bret and Chad; brother George Totter of Joliet, Ill.; and sister Audrey Totter Fred of Westwood.

Funeral arrangements are pending. In lieu of flowers, the Totter family requests that contributions be sent to donors' favorite charity.

A LIFE IN NEWSPAPERS

The following shows highlights in the newspaper career of Al Totter:

1951.—Started selling advertising for The (Joliet) Herald News. The Korean War intervened and Totter joined the Air Force and was stationed at Edwards Air Force Base.

1953.—Discharged from the service and joined the Daily News Tribune in Fullerton as classified manager.

1955.—Helped organize merger of three weekly newspapers into The Tribune and joined new company as classified ads manager.

1959.—Appointed president of the Southern California Classified Managers Association.

1961.—Appointed business manager and elected vice president of The Tribune when it is sold to Brush-Moore Newspapers, based in Canton, Ohio.

1968.—Appointed publisher upon The Tribune's sale to Canada's Thomson Newspapers, which grew to become one of the world's largest newspaper companies.

1971.—Named president of the California-Nevada Associated Press Association.

1977.—Elected president of Western Newspaper Industrial Relations Bureau.

1982.—Helped arrange the purchase of the Whittier Daily News.

1988.—Elected to board of the California Newspaper Publishers Association.

1990.—Helped arrange Thomson's purchase of the Pasadena Star-News.

1992.—Retired.

TRIBUTE TO DR. RICARDO M. KHAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. PAYNE. Mr. Speaker, I am pleased to bring to the attention of my colleagues in the House of Representatives notice that Rutgers, the State University of New Jersey will on this day confer on Mr. Ricardo Khan the honorary degree of Doctor of Fine Arts.

Ricardo Khan is the co-founder and artistic director of Crossroads Theatre Co. Founded in October 1978, the company has been propelled by a mission to promote and develop African American theater for its artistic and social value. Crossroads has emerged as a World Theater that, in the words of one critic, "sets out, consciously and consistently, to engage and illuminate the wider world."

Crossroads, which is approaching its 20th season next year, was established in a century-old former garment factory in New Brunswick, NJ. Audiences climbed up steep, narrow stairs to a small second-floor theater space where some nights there were more actors on the stage than patrons in the seats. Mr. Khan kept his vision and developed through the years a close connection to his community-based audience while continuing to present exciting and inspiring dramas, comedies and musicals. During the 1991–92 season, the company entered a new era when it moved from the factory to a new, $4 million, 264-seat facility in downtown New Brunswick.

While managing the artistic and business challenges of a burgeoning professional theater company, Mr. Khan provided opportunities to a new generation of theater artists who work in front of and behind the scenes, from directors, actors, and choreographers to designers of sets, lighting, sound, and costumes.

Productions from Crossroads have been seen in theaters across the country and in many foreign lands. "Sheila's Day" was presented in London, in South Africa and in New York City and toured the U.S. Following a production of Leslie Lee's "Black Eagles" at the Ford's Theater here in Washington, the members of the cast and artistic team of the show were invited to the White House where they were publicly congratulated by then-President George Bush and Chairman of the Joint Chiefs of Staff General Colin Powell. "Black Eagles" is a dramatization of the heroic exploits of the African-American pilots who fought during World War II.

Mr. Khan's vision has become a showcase for plays by young playwrights as well as for the critically acclaimed productions of works by Pulitzer Prizewinner August Wilson, former U.S. poet laureate Rita Dove, Leslie Lee, Pearl Cleage, Ruby Dee, Ossie Davis, and many other prominent American playwrights.

In addition, Mr. Khan has always remembered his own dreams as a young graduate of the Mason Gross School of the Arts at Rutgers and is committed to providing opportunities to aspiring students of theater. Through the African American College Initiative Program [AACIP] which connects Crossroads to the theater programs at many prominent colleges and universities, each year several students are awarded internships to learn from their practical experience at Crossroads.

Mr. Khan is an educator who has taught acting at Rutgers University and has been a guest lecturer for the American Theater Association, Actors' Equity Association, the League of Chicago Theaters, Harvard University, University of Massachusetts, the Tisch School of the Arts at NYU, Brown University, and at Wayne State University.

Mr. Khan is also a prominent spokesperson on the issues current in American theater. He has served as co-chair of the Theatre Advisory Panel of the National Endowment of the Arts. Currently, he serves as president of the Theater Communications Group, the national organization of the American theater. He is also a member of Actors Equity Association, Screen Actors Guild, American Federation of Television and Radio Artists, and the Society of Stage Directors and Choreographers.

Though Dr. Khan's motivation in establishing Crossroads Theatre Co. may have been to create a forum for the creation and nurturing of dramatic expressions of the African-American experience, he has accomplished much more. Crossroads has become a holy place in the struggle among the races; at Crossroads, people of all races are as one, sharing the human experience through dramatic expression.

I'm sure my colleagues in the House of Representatives join me in extending both congratulations and thanks to Dr. Ricardo M. Khan.

MFN TRADE STATUS IS OUR BEST TOOL FOR IMPROVING HUMAN RIGHTS IN CHINA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. CRANE. Mr. Speaker, the President recently announced his intention to recommend the extension of most favored nation [MFN] trade status for China, a decision which I strongly support. A failure on America's part to extend MFN would be a grave error which would harm Chinese citizens, the very people MFN opponents want to help. The United States has numerous areas of conflict and disagreement with the Chinese Government, but all of these issues will be addressed more effectively in the context of maintaining normal trade relations. It is important for us to remember that, in the last 15 years, China has witnessed a dramatic improvement in its standard of living. Such improvement is due in no small part to the free-market economic reforms which are supported by our expanding trade relationship.

As the House begins the annual debate on China's MFN status, I want to call Members' attention to an excellent article by Congressman DAVID DREIER, Vice Chairman of the Rules Committee and a leader on trade matters in the House. Congressman DREIER makes a strong case in favor of promoting normal trade relations with China. The article, which was published in the May 19 issue of Insight magazine, discusses the benefits that economic reform has brought to the Chinese people and illustrates the dire need for this reform to continue.

[From Insight, May 19, 1997]

SANCTIONS WOULD UNDERMINE THE MARKET REFORMS THAT HAVE INITIATED POSITIVE CHANGE

(By David Dreier)

Fostering freedom and human rights around the world is a universal foreign-policy goal in Congress. That was the case in 1989, when I joined nearly a dozen of my colleagues, Democrats and Republicans, in a march to the front door of the Chinese Embassy to protest the brutal massacre of student protesters in Beijing's Tiananmen Square. It remains a bipartisan priority today because support for freedom and democracy is part and parcel of what it means to be American.

The current debate in Congress is not about the goal of ending human-rights abuses in China but about the effectiveness of economic sanctions as a means to achieve that goal. It would be a mistake for China's leaders to interpret this debate as a weakening of our resolve.

In looking at conditions in China during the last 20 years, the path to democracy of numerous countries around the globe and the effectiveness of unilateral economic sanctions to improve human rights for people living under the boot of other repressive regimes, it becomes unmistakably clear that such sanctions will not improve human rights in China. If anything, economic sanctions will set back the cause of freedom.

Achieving greater human freedom in China is an important priority if for no other reason than the fact that one-fifth of the human race lives in that vast country. Today, the Chinese people lack individual rights, political freedom and freedom of speech, religion, association and the press. Even the most basic human freedom of childbearing is regulated by the authoritarian national government.

When looking at repression in China, however, I am reminded of the ancient saying that, in the land of the blind, the one-eyed man is king. It does no good to evaluate progress toward freedom in China by comparing it with the United States or any other democracy. Instead, a historical perspective is needed.

While China offers a 4,000-year story of political repression, some of its bleakest days have come in the last generation. More than 60 million Chinese starved to death during Mao Tse-tung's disastrous Great Leap Forward, and another million were murdered by the Communists during the international isolation of Mao's Cultural Revolution. The Chinese were scarred by those brutal events, and no one wants to return to the terror of economic calamity and starvation.

Stapelton Roy, the former American ambassador to China, put the current conditions in China in the following perspective: "If you look at the 150 years of modern Chinese history . . . you can't avoid the conclusion that the last 15 years are the best 15 years in China's modern history. And of those 15 years, the last two years are the best in terms of prosperity, individual choice, access to outside information, freedom of movement within the country and stable domestic conditions."

Today, the Chinese economy is the fastest growing in the world. While many Chinese remain poor peasants, few go hungry, and hundreds of millions of Chinese have seen their lives substantially improved through economic reform. Many enjoy greater material wealth and a greater degree of personal economic freedom. Market reform is the single most powerful force for positive change in China in this century and possibly in the country's long history. The recent economic progress, which significantly has improved living conditions in China, is a profound moral victory. Fostering further positive change is a moral imperative as well.

As reported in the March 4 New York Times, Zhu Wenjun, a woman living outside Shanghai, has seen her life improve dramatically due to economic reform. Zhu, 45, quit a teaching job that paid $25 a month to work for a company that exports toys and garments that pays $360 a month. "It used to be that when you became a teacher, you were a teacher for life," Zhu was quoted as saying. "Now you can switch jobs. Now I am talking with people overseas and thinking about economic issues."

Economic reform in China has helped to lift hundreds of millions of hardworking people from desperate poverty, giving them choices and opportunities never available before. Hundreds of millions of Chinese have access to information and contact with Western values through technologies spreading across the country, thanks to economic reform and the growth it created. This is a tremendous victory for human freedom.

Americans are justified in their outrage about the Chinese government's policy methods of population control. This has led many Chinese families to abort female babies with the hope of having a son. Here again, moral outrage and economic sanctions will not be enough to end this violation of basic human rights.

The New York Times reported another encouraging story from inside China that shows how economic reform undermines repression, including China's one-child policy. Ye Xiuying is a 26-year-old woman who runs a small clock shop in Dongguan, a small town in Guangdong province. Through her own entrepreneurial spirit and energy, she rose from a $35-per-month factory worker to running her own business and earning up to $1,200 a month. Along with buying a home and looking forward to traveling to the United States, Ye used $1,800 to pay the one-time government fine so she could have a second child.

The hopeful stories of Zhu and Ye have been repeated many, many times across China during the last 15 years. That is why Nicholas Kristoff, former New York Times Beijing bureau chief, said, "Talk to Chinese peasants, workers and intellectuals and on one subject you get virtual unanimity: 'Don't curb trade.'"

The Chinese are learning firsthand one of the great truths of the late 20th century: Market-oriented reforms promote private enterprise, which encourages trade, which creates wealth, which improves living standards, which undermines political repression.

While full political freedom for the Chinese may be decades away, other hopeful signs of change exist. Today, 500 million Chinese farmers experience local democracy, voting in competitive village elections in which winners are not Communist candidates. The

Chinese government also is recognizing that the rule of law is a necessary underpinning of a true market economy. Furthermore, the Chinese media, while strictly censored, increasingly are outside the control of the party and the state. In particular, the spread of communications technology throughout China, including telephones, fax machines, computers, the Internet, satellites and television, is weakening the state's grip on information.

The evidence that market reforms are the main engine driving improved human rights in China is mirrored around the globe. South Korea, Taiwan, Chile and Argentina all broke the chains of authoritarian dictatorship and political repression during the last 25 years primarily because their respective governments adopted market-based economic reforms. As a result, each country grew wealthier and more open and each eventually evolved into democracies.

The cause of human freedom advanced in those instances in which the United States did not employ economic sanctions against dictatorships. In contrast, decades of American economic sanctions against Iran, Iraq, Libya and Cuba, while merited on national-security grounds, only have led to greater economic and political repression.

The real-world failure of economic sanctions to result in human-rights gains has left proponents of sanctions groping for new arguments. The argument du jour is that China is our next Cold War adversary, and since the United States used trade sanctions against the Soviet Union in a successful Cold War campaign, the same strategy should be applied to China.

This line of thinking is fundamentally flawed. A Cold War with China is unthinkable absent the support of our international allies, and the simple reality is that a Cold War strategy would garner no support. During the Cold War with the Soviet Union, the world's democracies by and large saw an aggressive military opponent bent on undermining democracy around the world. Today, China is not viewed as a similar threat to democracy nor to international peace and security. China's neighbors, while concerned with that country's evolution as a major economic and political power, do not advocate Cold War-style confrontation. The United States' closest allies in Asia—Japan, Korea, Australia and Thailand—strongly oppose economic warfare with China. They see economic reform as a condition of peace and security in the region.

The unwillingness of our allies to join us in a crusade against China largely is based on the fact that China has not earned international enmity. The Soviet Union conquered its neighbors in Eastern Europe and imposed puppet regimes on previously independent countries. They invaded Afghanistan and instigated violent insurrections throughout Africa, Latin America and Asia. The Soviet Union earned the Ronald Reagan label, "evil empire." Chinese foreign policy, even with its distressing proliferation policies, is in a different league altogether.

The national-security rationale for anti-China sanctions is as weak as the human-rights arguments. Just as economic engagement consistently has proved to be the best human-rights policy, Cold War-style economic sanctions are national-security fool's gold. Imposing economic sanctions on China would throw away the real progress of the last 15 years and send 1.2 billion people to the darkest days of Maoism. When Reagan called on Mikhail Gorbachev to "tear down this wall," he demanded freedom for Eastern Europeans to mingle with the West—just the opposite of the spirit of trade sanctions against China, which attempt to erect new walls around the Chinese people.

Economic sanctions, especially when imposed unilaterally, are not an effective tool to promote human rights. Economic sanctions against China would undermine the market reforms that have been the single most powerful force for positive change in that country. They could shatter the hopes and dreams of 20 percent of the human race seeking to rise above the poverty and oppression that have been staples of Chinese history.

THE BENEFITS OF VOCATIONAL AND TECHNICAL EDUCATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to ask Americans to give our children a choice of educational opportunities. I am a strong supporter of college education, but our children should have a wider range of post-high school educational choices in addition to college education. We should include the trade and technical school education as one of our national education priorities.

With the growth of technology and our commitment to international commerce trade and technical training education is vital to our society. This type of specific vocational/technical education is indispensable to the expansion of career opportunities in the United States. While college and post-graduate programs are appropriate avenues for many students, many other students would benefit greatly from the opportunity to orient their education toward acquiring specialized technical or trade skills (e.g., electrician, computer programming and repair, graphic arts). Technical and vocational careers are just as important—and in some instances vital—to the welfare of our society as are professional, white-collar careers. Technical and vocational careers pay well.

I urge all of us to recognize the need for technical education in high school curricula and for more colleges to have courses of study related to technological and trade school career choice. Our education agenda should include vocational education as an alternative to high school students.

I believe that three points need to be implemented in order for students to receive this opportunity:

First, encouraging schools to build partnerships with the private sector in order to prepare trade school-oriented students for alternative career opportunities. The formation of school to job co-ops is beneficial because it will allow students to incorporate their technical training with real work experience.

Second, the name vocational should be replaced by a more positive name in order to dispel the negativity usually associated with vocational education (e.g., technological/trade education). Vocational education is technical/trade education which focuses on the development of specific hands-on skills.

Third, creating a positive awareness within the general public and among educators of technology and trade education. Our society needs to recognize trade education as a necessary component of our educational system.

In closing, I urge all of my colleagues to consider trade and technological education as a priority in our national education agenda. Our children need this choice, because only by giving them these opportunities will they be able to empower themselves.

UNITED STATES-CHINA RELATIONS IN THE PACIFIC CENTURY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, it is indeed an honor to speak before you during this month celebrating the rich and diverse heritage of Asian-Pacific Americans.

I am very proud of the deep and enduring contributions of my fellow Americans—those whose roots extend from the soil of nations in Asia and the Pacific islands.

I have served on the House Committee dealing with Foreign Affairs for 8 years, and as a member of its Asia-Pacific Affairs Subcommittee have long argued that U.S. foreign policy has been overly preoccupied with Europe and the Middle East—to the neglect of the Asia-Pacific region. With two-thirds of the world's population and gross domestic product originating from the Asia-Pacific, America cannot afford to neglect its interests in this important part of the globe.

Looking at the Asia-Pacific region today, perhaps no country figures to have a greater impact on the United States than the People's Republic of China. The emergence of China as a major world power is one of the historic events of the late 20th century. As we enter the 21st century, the Pacific century, China is projected to become a true great power. Thus, it is fitting that we take this occasion to examine the very complex subject of Sino-American relations. I would like to share with you my thoughts on the major issues affecting our relationship.

While not so long ago Asia-Pacific issues were being given shortshrift, now, the region is buffeted by a whirlwind of attention from Washington. At the center of the vortex is China, where suddenly all roads seem to lead. Vice President Gore recently traveled to China, the first visit of an American President or Vice President since 1989. Last month, the highest ranking official in the House of Representatives, Speaker NEWT GINGRICH, lead a congressional delegation to China. Preceding their visits was that of Secretary of State Albright. And President Clinton will also visit China, shortly after his summit meeting with Chinese President Jiang Zemin in Washington later this year.

All of this attention on China is well-founded. With 1.3 billion people, China is the most populous nation and the most promising market on the planet. With the world's third largest economy and dynamic growth over 10 percent for several years running, China's possesses foreign exchange reserves exceeding $100 billion—second only to Japan. With the world's largest military, over 3.2 million strong, which is undergoing modernization and has nuclear arms, China is a force not to be taken lightly. All of these factors underscore why America's relationship with China is one of the most crucial in the world, and why it is growing in importance.

CHINA ENGAGEMENT

I have long been a supporter of maintaining broad and comprehensive ties with the People's Republic of China. This policy of China engagement has been upheld in a bipartisan fashion by five previous administrations and I support President Clinton in his efforts now for comprehensive engagement with China. We cannot allow America's board-ranging, multifaceted relationship with China to be held hostage to my particular issue or interest.

As for those that advocate a policy of China containment, I believe that this is dangerous and shortsighted. China is not what the former Soviet Union was—an ideological and military expansionist threat to democracies around the world, that was also closed to external trade. United States attempts to isolate China will not be supported by our allies and will only result in friction with our trading partners. Moreover, a containment policy would result in China responding with hostility and noncooperation directly targeted toward the United States. Our World War II ally, China, is not our enemy and we should not force China into responding like one to protect itself. The quickest way to transform China from friend to foe would be adoption of a containment policy.

It is in America's national interest to have a productive relationship with a China that is strong, stable, open, and prosperous—a China that is increasingly integrated into the international community and global marketplace as a responsible and accountable partner.

Since China opened her doors to the West in the 1970's with President Nixon's initiative, we have seen tremendous strides forward on several fronts. Business, social, and political ties with the west have blossomed, allowing a torrent of information, technology, and Western values to stream into China. This has resulted in a profound improvement of life for the Chinese people, giving them new-found freedoms in employment, travel, and housing, with expanded access to information and democratic participation in village elections. Over the past two decades, political and individual freedoms, along with an increased standard of living, have significantly changed for the better for the average Chinese.

While in our eyes much remains to be done for human rights, we should not forget that it was not so long ago—during Mao's rule and the cultural revolution—that hundreds of thousands of Chinese were murdered or imprisoned from political persecution; while untold numbers fought starvation, sometimes through desperate acts of cannabilism.

The progress from the China of Mao Tsetung, yesterday, to the China of President Jiang Zemin, today, is, indeed remarkable. China may be the first example of a Communist system that will succeed in meeting the long-term economic needs of her people. Feeding China's 1.3 billion hungry people—five times more than all the people in America—has by itself been a monumental accomplishment. In a nation of such huge size, which adds 12 million new mouths each year, I can understand why some say that providing food and shelter and stability may be preservation of the most basic yet important of human rights, particularly at this stage of China's development.

Clearly, America's engagement with China has played an invaluable role in this transition. It has been a long road from the 1950's and 1960's, when China opposed virtually all United States foreign policy goals. Then, China supported North Korea's attack on the south and ultimately entered the conflict to fight against us. It fired artillery at Taiwan on its islands of Quemoy and Matsu. China fought border wars with India and the Soviet Union. And it attempted to subvert nations friendly to us by sponsoring revolutionary movements in Africa, Thailand, Indonesia, Malaysia, and the Philippines.

Today, the picture is very different. In Korea, China has played a crucial role in providing stability on the Peninsula, including assistance to stop North Korea's nuclear weapons program and diplomatic efforts to prevent the outbreak of a war between the Koreas. Far from subverting its neighbors, China now seeks investment from their business leaders. Rather than oppose our foreign policy goals, it has acceded to the nuclear nonproliferation treaty, signed onto the comprehensive test ban treaty, taken part in the security dialogue at the ASEAN regional forum, worked toward international environmental protection accords and cooperated with us at the U.N. Security Council. With strong ties to the West, China is evolving into a more open society with a government that is increasingly sensitive to international opinion and willing to work with fellow nations and the United States.

HONG KONG

One of the most important issues to soon test United States-Sino relations is the transfer of Hong Kong from Britain to China this July 1.

America has substantial interests in Hong Kong, including $14 billion in United States investment and two-way trade exceeding $24 billion. Some 37,000 Americans reside in Hong Kong, with United States Navy ships making 60–80 port calls a year. The Government of Hong Kong works closely with the United States to combat narcotics trafficking, alien smuggling, and organized crime.

Under the joint declaration signed in 1984, Britain and China agreed for Hong Kong's reversion to China and the orderly transfer of power. The agreement holds that for 50 years China will extend Hong Kong a high degree of autonomy to control its own affairs, except in the areas of national defense and foreign relations. China's policy has been dubbed the "one country, two systems" approach. It is designed to preserve the unique economic environment that has made Hong Kong a capitalistic success story, and permits activities and freedoms in Hong Kong that are not allowed in the rest of China.

While some in Washington bemoan the reversion of Hong Kong to Chinese control and predict Hong Kong's demise, I am not one of those. I view the return of Hong Kong to China as just, proper, and long overdue. It is the end to a long period of national humiliation for China.

For 157 years, the British have ruled over the Chinese People of Hong Kong as a colony of imperialism. It began in the 1840's, when China resisted Britian's efforts to sell China opium. Rebuffed, England started a war, called the opium war, which China lost and for which Britain took Hong Kong Island as a Prize. Twenty years later, England initiated another conflict, the arrow war, and defeated China again. Its prize this time was Kowloon, the mainland part of Hong Kong. In 1898, Britain gained another large amount of land by 99-year lease, the new territories, which is vital to Hong Kong's operations. With the expiration of that lease this July, the British had no choice legally but to return Hong Kong to its rightful owners, China.

While China is undergoing accusations of undermining democracy in Hong Kong, I find it ironic that no one said anything during the 150 years of British Imperial rule when democracy never existed in Hong Kong. The Governor of Hong Kong, always British, was appointed by London, without an election nor the input of the citizens of Hong Kong. There was no democratically elected legislative council. All of the top civil servants were British. And the major companies in Hong Kong were kept in English hands. The British were the elite, and the native Chinese were second-class citizens in their own homeland.

It was not until recently in 1990, at the 11th hour before Hong Kong's return to China, that Britain took steps to turn Hong Kong into a democracy. After a century-and-a-half of colonial rule and imperialism, I find it hypocritical that Britain is preaching to China about preserving democracy. While some have argued that these late democratic reforms were in response to the Tiananmen Square tragedy, others in Hong Kong feel that they were undertaken solely to dress up Britain's legacy in Hong Kong; to make Britain look good in history after being forced to leave its colony—a practice repeated with its other former colonies.

The Western media have focused on the disbanding of the existing elected legislative council for a provisional legislature and the effort to retract the 1992 civil rights ordinances as signaling Hong Kong's looming problems. What is often not mentioned, however, is that Britain unilaterally undertook election reforms and legislative changes in violation of the 1984 joint declaration with China, which held Hong Kong's legal system in existence then was not to be changed. Britain's unilateral action was perceived as an arrogant insult to China, reopening wounds on an already sensitive matter. In rolling back these legal changes, China is merely holding Britain to its commitment to retain British laws followed for decades in Hong Kong.

While the media portrays dark storm clouds gathering over Hong Kong, I see rays of light. The appointment of C.H. Tung as chief executive of the new Hong Kong Government has been widely applauded, as he is a man of integrity that commands great respect not only in Hong Kong and Beijing but in Washington and throughout the international community. Another very positive sign is that Mr. Tung has retained the senior leadership of the civil service and the Hong Kong Administration. He has also made clear that the provisional legislature's term shall be brief, as he will secure the election of a new legislative council soon after his government is in place.

Public confidence in Hong Kong about the transition is high, with recent polls showing that almost two-thirds of Hong Kong residents would voluntarily choose to join China if the decision were up to them. This confidence is reflected in the real estate market, where within the past year residential property prices have increased 20 to 40 percent and luxury homes have doubled in price. Hong Kong's stock exchange has also reflected this confidence, achieving several record highs in recent months and increasing in value by 34 percent over the year prior.

I believe that there is reason for optimism that the transition will go well. China, more than any other country, has the greatest stakes to lose if Hong Kong's autonomy is threatened and its economy strangled. First, Hong Kong is the central engine that drives 60 percent of foreign trade and investment in China, fueling China's economic reform process which is vital to its stability. Half of China's exports, over $140 billion, go through Hong Kong, with Chinese investments there exceeding $50 billion. Quite simply, undermining international confidence in Hong Kong will deal a fatal blow to China's own economic development. Second, China knows the world is watching and it needs Hong Kong to succeed to gain legitimacy as a responsible and mature nation in the eyes of the international community. A smooth transition will immeasurably enhance China's credibility and that of its Communist Government's ability to govern. Last, as Beijing is well aware, Hong Kong is a test case for Taiwan. The failure of the "one country, two systems" approach with Hong Kong would spell doom for peaceful reunification with Taiwan. Moreover, a crackdown on Hong Kong could result in international support for Taiwan's independence. China's highest priority has always been to reunite with Taiwan and I do not believe it will jeopardize reunification by a failure to handle Hong Kong properly. In short, I don't think we'll be seeing anytime soon Chinese PLA troops on the streets of Hong Kong beating demonstrators.

Congress passed the Hong Kong Policy Act in 1992 and the Hong Kong Reversion Act just months ago. They send the message to China that the United States is concerned about Hong Kong's freedoms, that we are monitoring the transition, and will take steps to terminate our relationship with Hong Kong if it is no longer autonomous. While I supported these bills, we must be careful not to intervene too much in Hong Kong, a matter that is totally within China's sovereign right. Micromanagement of the transition process may prove to be counterproductive.

At this point, I think we need to step back and give China and the new Hong Kong Government of Chief Executive Tung room to breathe. Certainly, Mr. Tung deserves the opportunity to show that he can effectively lead Hong Kong and China must be given the chance to demonstrate that it will keep its promises.

IN HONOR OF ASIAN-PACIFIC AMERICANS

While China may be the magnet in the Asia-Pacific region attracting much of United States foreign policy attention today, China along with the other nations of the Asia-Pacific have played another role by contributing offspring to the rich ethnic diversity of the United States.

Americans of Asian-Pacific descent, almost 10 million strong, are the fastest growing demographic group in the United States today. Over the last decade, the Asian-Pacific American community has more than doubled and this rapid growth is expected to continue well into the next century.

As many of you are aware, immigrants from the Asia-Pacific region are amongst the newest wave to arrive in the United States in recent years. However, they are merely the latest chapter in the long history of Asian-Pacific Americans in our Nation.

During this month for celebration, it is only fitting that we honor our fellow citizens of Asian-Pacific descent—both from the past and the present—that have blessed and enriched our Nation. I submit that Asian-Pacific Americans have certainly been an asset to our country's development, and it is most appropriate that our President and Congress have proclaimed May as Asian-Pacific heritage month.

The people of the Asia-Pacific have contributed much to America's development in the sciences and medicine. Nothing exemplifies this more than Time magazine's selection of a Chinese-American, Dr. David Ho, head of the prestigious Aaron Diamond Aids Research Center, as its "1996 Man of the Year." Dr. Ho's journey from being a 12-year-old immigrant to being honored as "Man of the Year" for giving hope to millions of people affected with the HIV virus is a testament to the significant contributions that Asian-Pacific American immigrants have made in America.

Dr. David Ho, scientific director and chief executive officer of the Aaron Diamond Aids Research Center at New York University Medical School, is one of the foremost aids scientists in the world. While unraveling how the aids virus causes death after infection, Dr. Ho pioneered a treatment for HIV infection that has shown promise in beating back the deadly disease. In focusing treatment research on the early stages of infection, using cocktails of antiviral drugs to combat the aids-causing virus, HIV, Dr. Ho has fundamentally changed the approach to combating aids, stated Time magazine. Dr. Ho's accomplishments are a credit to the Asian-Pacific American community and more importantly give renewed hope to millions of patients around the world suffering from the HIV virus.

Dr. Ho's scientific advances continue a long record of service by Asian-Pacific Americans. In 1899, a Japanese immigrant arrived on the shores of this Nation. After years of study and work, this man, Dr. Hideyo Noguchi, isolated the syphilis germ, leading to a cure for the deadly, wide-spread disease. For decades, Dr. Makio Murayama conducted vital research in the United States that laid the groundwork for combatting sickle-cell anemia. In 1973, Dr. Leo Easki, an Asian immigrant to our country, was awarded the Nobel Prize in physics for his electron tunneling theories. and, in engineering, few have matched the architectural masterpieces created by the genius of Chinese-American, I.M. Pei.

Major contributions to U.S. business and industry have also been made by Asian-Pacific Americans. Wang laboratories, the innovative business enterprise in computer research and development, was founded in 1955 by Chinese-American, An Wang. This Nation's largest tungsten refinery was built in 1953 by industrialist K.C. Li and his company, the Wah Chang Corp. And, in 1964, an immigrant from Shanghai, China, Gerald Tsai, started from scratch an investment firm, the Manhattan Fund, which today has well over $270 million in assets.

In the entertainment and sports fields, American Martial Arts Expert Bruce Lee entertained the movie audiences of this Nation, while destroying the stereotype of the passive, quiet Asian male. World-class Conductor Seiji Ozawa has lead the San Francisco Symphony through brilliant performances over the years.

A native-Hawaiian named Duke Kahanamoku shocked the world by winning the Olympic Gold Medal in swimming seven decades ago; followed by Dr. Sammy Lee, a Korean-American who won the Olympic Gold Medal in high diving. Then there was Tommy Kono of Hawaii, also an Olympic Gold medalist in weightlifting. And, yes, perhaps the greatest Olympic diver ever known to the world, a Samoan-American by the name of Greg Louganis—whose record in gold medals and national championships will be in the books for a long time. Japanese-American Kristi Yamaguichi's enthralling gold medal ice-skating performance at the Winter Olympics continues the legacy of milestone achievements by Asian-Pacific Americans.

In professional sports, of course, we have Michael Chang blazing new paths in tennis, Pacific-Islanders Brian Williams and Michael Jones of world rugby, and the tens of dozens of Polynesian-Americans—like All-Pro Samoan Linebacker, Junior Seau, and Jesse Sapolu of the San Francisco Forty-Niners—who have made their mark as players in the National Football league.

We also have Asian-Pacific Americans who are making their mark on history, not in our country, but in the Far East. Samoan-American Salevaa Atisanoe is a 578-pound Sumo wrestler in Japan who goes by the name of Konishiki. Salevaa, or Konishiki, incidentally, also happens to be a relative of mine. Konishiki was the first foreigner in Japan's centuries-old sport to break through to the rarified air of Sumo's second-highest rank. Another Somoan/Tongan-American, Leitani Peitani—known in Japan as Musashimaru—has also gained prominence as a Sumo wrestler.

Native-Hawaiian Chad Rowen, or Akebono as he is known in Japan, has scaled even greater heights by attaining the exalted status of Yokozuna or grand champion. Until this Polynisian-American arrived on the scene, no foreigner had ever been permitted to fill this sacred position, as the Japanese associate the Yokozuna with the essence of Shinto's guardian spirits. The ascendancy to grand champion status goes to the heart of the Japanese religion and culture.

In honoring Asian-Pacific Americans that have served to enrich our country, I would be remiss, as a Vietnam veteran, if I did not honor the contributions of the Japanese-Americans who served in the United States Army's 100th Battalion and 442d Infantry Combat Group. History speaks for itself in documenting that none have shed their blood more valiantly for America than the Japanese-American that served in these units while fighting enemy forces in Europe during World War II.

The records of the 100th Battalion and 442d Infantry are without equal. These Japanese-American units suffered an unprecedented casualty rate of 314 percent, and received over 18,000 individual decorations, many posthumously awarded, for valor in battle.

With the tremendous sacrifice of lives, a high number of medals were given the unit. I find it unusual, however, that only one medal of honor was awarded, while 52 Distinguished Service Crosses, 560 Silver Stars, and 9,480 Purple Hearts were given. The great number of Japanese-American lives lost should have resulted in more of these ultimate symbols of sacrifice being awarded. Nonetheless, the 442d Combat Group emerged as the most decorated combat unit of its size in the history of the U.S. Army. President Truman was so moved by their bravery in the field of battle, as well as that of black American soldiers During World War II, that he issued an executive order to desegregate the armed services.

I am proud to say that we can count the honorable DANIEL K. INOUYE and the late, highly-respected Senator, Spark Matsunaga, both from Hawaii, as Members from Congress that distinguished themselves in battle as soldiers with the 100th Battalion and 442d Infantry. It was while fighting in Europe that Senator INOUYE lost his arm and was awarded the Distinguished Service Cross, the second highest medal for bravery.

These Japanese-Americans paid their dues in blood to protect our Nation from its enemies. It is a shameful black mark on the history of our country that when the patriotic survivors of the 100th Battalion and 442d Infantry returned to the United States, many were reunited with families that were locked up behind barbed-wire fences, living in concentration camps. You might be interested to know, my colleagues on the Hill, Congressman ROBERT MATSUI and former Representative Norman Mineta, were children of the concentration camps.

The wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese-Americans will forever serve as a reminder and testament that this must never be allowed to occur again. When the miscarriage of justice unfolded during World War II, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare the incident as an example of outright racism and bigotry in its ugliest form. After viewing the Holocaust Museum in Washington, I understand better why the genocide of 6 million Jews has prompted the cry, '"never again." Likewise, I sincerely hope that mass internments on the basis of race will never again darken the history of our great Nation.

To those that say, well that occurred decades ago, I say we must continue to be vigilant in guarding against such evil today.

Not long ago we had the case of Bruce Yamashita, a Japanese-American from Hawaii who was discharged from the Marine Crops in an ugly display of racial discrimination. Marine Corps superiors taunted Yamashita with ethnic slurs and told him, "We don't want your kind around here. Go back to your own country." After years of perseverance and appeals, Mr. Yamashita was vindicated after proving he was the target of vicious racial harassment during his officer training program. The Secretary of the Navy's investigation into whether minorities were deliberately being discouraged from becoming officers resulted in Bruce Yamashita receiving his commission as a captain in the Marine Corps.

I am also greatly disturbed by recent events involving campaign funding, where the integrity of the Asian-Pacific American community has been unfairly tarnished by the transgressions of a few. With the intensity of a witchhunt, the national media have obsessively fixated on political contributions from Americans of Asian-Pacific descent. This singling out of one ethnic group has led to the unfair characterization that all Asian-Pacific American political contributors are "Asian foreigners buying up America."

I find this racial scapegoating to be repugnant and morally objectionable. Playing up fears of the "Asian connection" serves to alienate Asian-Pacific Americans from participating in our political process. Moreover, this negative reporting acts to marginalize Asian-Pacific Americans political empowerment at a time when we are coming of age in American politics. Lost in the barrage of hysteria has been the fact that our community has 75,000 newly registered voters, greater numbers of immigrants becoming citizens, and more Asian-Pacific Americans candidates running for political office than ever before—culminating with the first Asian-American Governor elected in the continental United States, Gary Locke of Washington State.

Perhaps these attacks are a convenient way to ostracize a growing American political force. When Caucasians raise money from Caucasians, it is called gaining political power, but when Asian-Pacific Americans begin to participate, we are accused of being foreigners trying to infiltrate U.S. policymaking. Now that Asian-Pacific Americans are finally at the table and our opinions heard, we are once again being cast as outsiders and not as true Americans.

This is nothing new. One need only look at the history of this country to see that the scapegoating of Asian-Pacific Americans as foreigners has been used as an excuse to burn down our communities in the 1880's, deny us the right to own land, marry our own kind and practice many professions in the early 1900's, and put us in concentration camps in 1942. To protect America's greatness, we should all be sensitive to the fact that democratic participation by people of all races and backgrounds, including Asian-Pacific Americans, is crucial to our Nation's health and vitality.

In concluding, I think Bruce Yamashita's case and the hysteria surrounding Asian-Pacific Americans political contributions bear implications not just for the military and the media but for our society as a whole. It asks the question, how long do we have to endure the attitude of those who consider Asian-Pacific Americans and other minorities as lesser Americans?

I applaud Captain Yamashita and others like him who have spoken out to ensure that racial discrimination is not tolerated. During this month as we recognize the diverse experiences and contributions of the Asian-Pacific Americans community to our great Nation, I would hope that we all take inspiration from his example.

With that in mind, I would like to close my remarks by asking what is America all about? I think it could not have been said better than on the steps of the Lincoln Memorial when Martin Luther King said, "I have a dream. My dream is that one day my children will be judged not by the color of their skin but by the content of their character."

That is what America is all about, and Asian-Pacific Americans wish to find a just and equitable place in our society that will allow them—like all Americans—to grow, succeed achieve, and contribute to the advancement of this great Nation as we enter the "Pacific century."

SENATE—*Tuesday, May 27, 1997*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

ADJOURNMENT UNTIL 11 A.M., FRIDAY, MAY 30, 1997

The PRESIDENT pro tempore. Under the previous order, the Senate will stand adjourned until 11 a.m., Friday, May 30, 1997.

Thereupon, the Senate, at 10 o'clock and 30 seconds a.m., adjourned until Friday, May 30, 1997, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, May 27, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. UPTON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 27, 1997.

I hereby designate the Honorable FRED UPTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 100:

Make a joyful noise to the Lord, all the lands. Serve the Lord with gladness. Come into His presence with singing.

Know that the Lord is God. It is He that made us, and we are His people, and the sheep of His pasture.

Enter His gates with thanksgiving and His courts with praise. Give thanks to Him, bless His name.

For the Lord is good; His steadfast love endures forever, and his faithfulness to all generations. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM LEGISLATIVE DIRECTOR OF HON. C.W. BILL YOUNG OF FLORIDA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Gregory M. Lankler, legislative director of Hon. C.W. BILL YOUNG of Florida, Member of Congress.

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
May 16, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued by the United States District Court for the Middle District of Florida.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges and rights of the House.

Sincerely,

GREGORY M. LANKLER.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the Chair declares the House adjourned.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Friday, May 30, 1997, at 10 a.m.

SENATE—*Friday, May 30, 1997*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

ADJOURNMENT UNTIL 11 A.M. MONDAY, JUNE 2, 1997

The PRESIDENT pro tempore. Under the previous order, the Senate now stands adjourned until 12 noon, Monday, June 2, 1997.

Thereupon, the Senate, at 11 o'clock and 14 seconds a.m., adjourned until Monday, June 2, 1997, at 12 noon.

HOUSE OF REPRESENTATIVES—*Friday, May 30, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. DAVIS of Virginia].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 30, 1997.

I hereby designate the Honorable THOMAS M. DAVIS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray.

When we meditate on what You would have us be, O gracious God, and where our heart and mind ought focus, we become aware that our most noble self is achieved when we are filled with the spirit of thanksgiving and gratitude for Your wonderful gifts to us. You have given us the marvelous blessings of our lives, and in spite of the difficulties or discouragements that inevitably crowd about, yet You inspire us to lift our voices and our very beings in a spirit of praise to You for Your faith and hope and love. No matter how engaged we become in the necessary tasks of the day, may we ever experience the wonder and awe that comes when we reflect on Your mighty acts of creative love.

This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 610. An act to implement the obligations of the United States under the Chemical Weapons Convention; and

S. 768. An act for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Utah [Mr. HATCH] as a member of the Senate delegation to the North Atlantic Assembly during the 1st Session of the 105th Congress, to be held in Luxembourg, May 28–June 1, 1997.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware [Mr. BIDEN] as vice chairman of the Senate delegation to the North Atlantic Assembly during the 105th Congress.

APPOINTMENT TO COMMISSION TO ASSESS THE ORGANIZATION OF THE FEDERAL GOVERNMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 711(b) of Public Law 104–293, the Chair announces the Speaker's appointment of Mr. Henry F. Cooper of Virginia to the Commission To Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction on the part of the House.

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES FOR THE JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 114(b) of Public Law 100–458 (2 U.S.C. 1103), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development to fill the existing vacancy thereon: Mrs. FOWLER of Florida.

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN THE CONGRESSIONAL RECORD TODAY

The SPEAKER pro tempore. Without objection, on this day all Members are permitted to extend their remarks and to included extraneous material in that section of the RECORD entitled "Extension of Remarks."

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 28, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on May 28, 1997 at 11:00 a.m. and said to contain a message from the President whereby he notifies the Congress of the continuation of the national emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND THE BOSNIAN SERBS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–87)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), as expanded to address the actions and policies of the Bosnian Serb forces and the authorities in the territory that they control within the Republic of Bosnia and Herzegovina, is to continue in effect beyond May 30, 1997.

On December 27, 1995, I issued Presidential Determination No. 96–7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law. In the last year, substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. Elections occurred in the Republic of Bosnia and Herzegovina, as provided for in the Peace Agreement, and the Bosnian Serb forces have continued to respect the zones of separation as provided in the Peace Agreement. The ultimate disposition of the various remaining categories of blocked assets are now being addressed, beginning with the unblocking of five Yugoslav vessels located in various United States ports effective May 19, 1997.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 28, 1997*.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 29, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on May 29, 1997 at 4:00 p.m. and said to contain a message from the President whereby he notifies the Congress of the continuation of the waiver currently in effect for the People's Republic of China under the Trade Act of 1974, as amended, for a further 12-month period.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

EXTENSION OF WAIVER AUTHORITY FOR THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–86)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the People's Republic of China. This document constitutes my recommendations to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 29, 1997*.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 768. An act for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, June 3, 1997, for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 6 minutes a.m.), under its previous order, the House adjourned until Tuesday, June 3, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3418. A letter from the Secretary of Agriculture, transmitting the annual animal welfare enforcement report for fiscal year 1997, pursuant to 7 U.S.C. 2155; to the Committee on Agriculture.

3419. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in all Counties in Oregon, Except Malheur County; Define Fiscal Period and Decrease Assessment Rate [Docket No. FV97–947–1 IFR] received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3420. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Central Arizona Marketing Area; Suspension of Certain Provision of the Order [DA–97–01] received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3421. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Regulations Issued Under the Export Grape and Plum Act; Exemption From Size Regulations for Black Corinth Grapes [Docket No. FV–96–35–1 FIR] received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3422. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Interstate Movement of Livestock; Approved Livestock Facilities, Hog Cholera Provision, and Livestock Identification [Docket No. 96–041–2] received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3423. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyclanilide; Pesticide Tolerances [OPP–300496; FRL–5719–8] (RIN: 2070–AB78) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3424. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pelargonic Acid; Exemption from the Requirement of a Tolerance [OPP–300488/PP–6F04625; FRL–5716–9] (RIN: 2070–AB78) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3425. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin; Pesticide Tolerance for Emergency Exemption [OPP–300493; FRL–5718–5] (RIN: 2070–AB78) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3426. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting its annual report for calendar year 1996, pursuant to 12 U.S.C. 2277a—13; to the Committee on Agriculture.

3427. A letter from the Secretary of Defense, transmitting the Secretary's report entitled "Live Fire Test and Evaluation Plan for the V–22 Aircraft," pursuant to 10 U.S.C. 2366(c)(1); to the Committee on National Security.

3428. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled the "NATO Joint Surveillance/Target Attack Radar System"; to the Committee on National Security.

3429. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation that addresses several management concerns of the Department of Defense; to the Committee on National Security.

3430. A letter from the Director, Office of Small and Disadvantaged Business Utilization, Department of Defense, transmitting the Department's report in response to 10 U.S.C. 2323(i); to the Committee on National Security.

3431. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled "Suspension of Mobilization Income Insurance Program"; to the Committee on National Security.

3432. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Selected Reserve Dental Program [DoD 6010.8–R] (RIN: 0720–AA40) received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3433. A letter from the Secretary of Defense, transmitting the Department's report entitled "Nuclear Weapon Systems Sustainment Programs," May 1997; to the Committee on National Security.

3434. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Home Mortgage Disclosure [Regulation C; Docket No. R–0951] received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3435. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Approval of Lending Institutions and Mortgagees Streamlining [Docket No. FR–4106–F–01] (RIN: 2502–AG78) received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3436. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Optional Earned Income Exclusions [Docket No. FR–4080–F–02] (RIN: 2577–AB66) received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3437. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Manufactured Housing; Statement of Policy 1997–1, State and Local Zoning Determinations Involving HUD-Code [Docket No. FR–4223–N–01] received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3438. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Loan Guarantee Recovery Fund; Technical Amendment to Final Rule [Docket No. FR–4108–C–06] (RIN: 2506–AB87) received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3439. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Admission Preferences, Public Housing Development, and Public Housing Modernization Regulations: Technical Amendments [Docket No. FR–4166–F–01] (RIN: 2501–AC38) received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3440. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3441. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1997 report required by section 918 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

3442. A letter from the Secretary of the Treasury, transmitting an addendum to the October 1996 "Audit Plan of the Secretary of the Treasury on the Uses and Counterfeiting of U.S. Currency in Foreign Countries," printed in the Congressional Record dated January 9, 1997, and numbered EC878; to the Committee on Banking and Financial Services.

3443. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 502 of title V of the Housing Act of 1949, to allow the refinancing of direct loans using guaranteed funds; to the Committee on Banking and Financial Services.

3444. A letter from the Secretary of Education, transmitting Final Regulations——General Provisions, Elementary and Secondary Education Act, Title XIV, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3445. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on General Provisions, Elementary and Secondary Education Act, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3446. A letter from the Administrator, Energy Information Administration, transmitting the Energy Information Administration's "International Energy Outlook 1997," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

3447. A letter from the Secretary of the Commission, Consumer Product Safety Commission, transmitting the Commission's final rule—Requirements for Child-Resistant Packaging; Packages Containing More Than 50 mg of Ketoprofen [16 CFR Part 1700] received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3448. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Board of Contract Appeals; Contract Appeals [10 CFR Parts 703 and 1023] (RIN: 1901–AA30) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3449. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 118] (RIN: 2127–AG75) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3450. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 117] (RIN: 2127–AG80) received May 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3451. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Extension of Attainment Date for Ozone Nonattainment Area; Ohio; Kentucky [OH107–1a; KY94–9717a; FRL–5830–5] received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3452. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Extension of Temporary Section 182 (f) and Section 182 (b) Exemption to the Nitrogen Oxides (NOx) Control Requirements for the Houston/Galveston and Beaumont/Port Arthur Ozone Nonattainment Areas; Texas [TX76–1–7330; FRL–5828–3] received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3453. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Section 182(f) Exemption to the Nitrogen Oxides (NOx) Control Requirements for the Lake Charles Ozone Non-attainment Area; Louisiana [LA–21–1–7318; FRL–5832–5] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3454. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 10 of the Cable Television Consumer Protection and Competition Act of 1992: Indecent Programming and Other Types of Materials on Cable Access Channels [MM Docket No. 92–258] received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3455. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Colstrip, Montana) [MM Docket No. 97–74, RM–9011] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3456. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Strasburg, Colorado) [MM Docket No. 96–175, RM–8850] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3457. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pangburn, Arkansas) [MM Docket No. 96–247, RM–8914] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3458. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pocatello, Idaho) [MM Docket No. 97–30, RM–8922] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3459. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Salida, Colorado) [MM Docket No. 96–246, RM–8904] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3460. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pinconning, Michigan) [MM Docket No. 97–43, RM–8986] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3461. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Glen Arbor, Michigan) [MM Docket No. 97–41, RM–8985] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3462. A letter from the AMD—Peformance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avra Valley, Comobabi, Florence, Oracle, Oro Valley, and San Carlos, Arizona) [MM Docket No. 95–127, RM–8676, RM–8726] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3463. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dededo, Guam) [MM Docket No. 96–214, RM–8886] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3464. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Twin Falls, Idaho) [MM Docket No. 97–28, RM–8917, RM–9066] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3465. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ruidoso and Cloudcroft, New Mexico) [MM Docket No. 96–54, RM–8769, RM–8809] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3466. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Harrietta, Michigan) [MM Docket No. 96–239, RM–8939] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3467. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Belgrade, Montana) [MM Docket No. 97–85, RM–9026] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3468. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Textile Fiber Products Identification Act [16 CFR Part 303] received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3469. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Reports of Corrections and Removals [Docket No. 91N–0396] received May 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3470. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule—Revision of Fee Schedule; 100% Fee Recovery, FY 1997 [10 CFR Parts 170 and 171] (RIN: 3150–AF55) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3471. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Revised Contents of the Monthly Operating Report [NRC Generic Letter 97–02] received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3472. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations [10 CFR Parts 30, 34, 71 and 150] (RIN: 3150–AE07) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3473. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Rules Implementing Amendments to the Investment Advisers Act of 1940 (Rule 203A–2 (adopted)) (RIN: 3235–AH07.1); and 19 non-major final rules—Definition of "Client" of an Investment Adviser (Rule 203(b)(3)–1 (amended)) (RIN:3235–AH07.2, Eligibility for Commission Registration (Rule 203A–1 (adopted)) (RIN: 3235–AH07.3), Definitions (Rule 203A–3 (adopted)) (RIN: 3235–AH07.4), Investment Advisers Registered with a State Securities Commission (Rule 203A–4 (adopted)) (RIN: 3235–AH07.5), Transition Rules (Rule 203A–5 (adopted)) (RIN: 3235–AH07.6), Amendments to Application for Registration (Rule 204–1 (amended)) (RIN: 3235–AH07.7), Books and Records to be Maintained by Investment Advisers (Rule 204–2 (amended)) (RIN: 3235–AH07.8), Exemption from the Compensation Prohibition of Section 205(a)(1) for Registered Investment Advisers (Rule 205–3 (amended)) (RIN: 3235–AH07.9), Agency Cross Transactions for Advisory Clients (Rule 206(3)–2 (amended)) (RIN: 3235–AH07.10), Advertisements by Investment Advisers (Rule 206(4)–1 (amended)) (RIN: 3235–AH07.11), Custody or Possession of Funds or Securities of Clients (Rule 206(4)–2 (amended)) (RIN: 3235–AH07.12), Cash Payments for Client Solicitations (Rule 206(4)–3 (amended)) (RIN: 3235–AH07.13), Financial and Disciplinary Information that Investment Advisers Must Disclose to Clients (Rule 206(4)–4 (amended)) (RIN: 3235–AH07.14), Definitions (Rule 222–1 (adopted)) (RIN: 3235–AH07.15), Definition of "Client" for Purposes of the National De Minimis Standard (Rule 222–2 (adopted)) (RIN: 3235–AH07.16), Form ADV–S, Annual Report of Registered Advisers (Rule 279.3 (amended)) (RIN: 3235–AH07.17), Application for Registration as an Investment Adviser or to Amend Such an Application; Schedule I (Schedule for Declaring Eligibility for SEC Registration) (Form ADV (amended)) (RIN: 3235–AH07.18), Annual Supplement for Investment Advisers Registered Under the Investment Advisers Act of 1940 (Form ADV–S (rescinded)) (RIN: 3235–AH07.19), Form for Declaring Eligibility for SEC Registration (Form ADV–T (adopted)) (RIN: 3235–AH07.20), Received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce. May 30, 1997.

3474. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 06–97 regarding a U.S./Netherlands Technical Research Development Projects (TRDP) Memorandum of Understanding (MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3475. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 07–97 for a Memorandum of Understanding (MOU) for cooperative production and support of the Evolved Seasparrow Missile (ESSM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3476. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office (TECRO) in the United States for defense articles and services (Transmittal No. 97–20), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3477. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to France for defense articles and services (Transmittal No. 97–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3478. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Germany (Transmittal No. DTC–60–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3479. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on Turkey's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797b—1; to the Committee on International Relations.

3480. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the sixteenth report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning United States Government participation in that organization, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on International Relations.

3481. A letter from the Secretary of Defense, transmitting the Semi-Annual Report on Program Activities to Facilitate Weapons Destruction and Nonproliferation in the former Soviet Union, October 1, 1995 through March 31, 1996, pursuant to 22 U.S.C. 5956; to the Committee on International Relations.

3482. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting information concerning the unauthorized transfer of U.S.-origin defense articles, pursuant to 22 U.S.C. 2753(e); to the Committee on International Relations.

3483. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97-22: Bosnian Compliance on Withdrawal of Foreign Forces and Terminating Intelligence Cooperation with Iran, pursuant to Public Law 104—208; to the Committee on International Relations.

3484. A letter from the Secretary of Transportation, transmitting the semiannual report of the Inspector General for the period October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3485. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of Certain Expenditures and Events in the Executive Office of the Mayor for the Period October 1, 1995 through January 31, 1997," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

3486. A letter from the Acting Comptroller General of the U.S., General Accounting Office, transmitting a list of all reports issued or released in April 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

3487. A letter from the Director, Administrative Office of the United States Courts, transmitting the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

3488. A letter from the Chairman, Appraisal Subcommittee, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

3489. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [I.D. No. 97-011] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3490. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3491. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3492. A letter from the Chairman, National Labor Relations Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3493. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Release of Official Information, and Testimony by OMB Personnel as Witness, In Litigation [5 CFR Part 1305] (RIN: 0348-AB35) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3494. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 1996 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform and Oversight.

3495. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled the "Federal Employees Health Benefits Provider Integrity Amendments of 1997"; to the Committee on Government Reform and Oversight.

3496. A letter from the Director, Office of Personnel Management, transmitting notification of an approved proposal for a personnel management demonstration project for the Department of Commerce, pursuant to 5 U.S.C. 4703(b)(4)(B); to the Committee on Government Reform and Oversight.

3497. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Holidays and Premium Pay [5 CFR Parts 532, 550, 551, and 610] (RIN: 3206-AH86) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3498. A letter from the Public Printer, U.S. Government Printing Office, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3499. A letter from the President, U.S. Institute of Peace, transmitting the FY 1996 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3500. A letter from the The Librarian of Congress, Library of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1996, pursuant to 2 U.S.C. 139; to the Committee on House Oversight.

3501. A letter from the Director, Financial Services, The Library of Congress, transmitting a copy of the financial statements of the Capitol Preservation Fund for the first six months of fiscal year 1997 which ended on March 31, 1997, and comparable data for the same period of the previous fiscal year; to the Committee on House Oversight.

3502. A letter from the Commissioner, Bureau of Reclamation, transmitting a watershed plan and environmental impact statement for McKay Dam, Umatilla Project, Oregon, pursuant to 42 U.S.C. 4332(2)(c); to the Committee on Resources.

3503. A letter from the Acting Chair, Federal Subsistence Board, transmitting the Board's final rule—Subsistence Management Regulations for the Public Lands in Alaska, Subpart C and Subpart D—1997—1998; Subsistence Taking of Fish and Wildlife Regulations [50 CFR Part 100] (RIN: 1018-AD90) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3504. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Helianthus eggertii (Eggert's Sunflower) [50 CFR Part 17] (RIN: 1018-AC74) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3505. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 1997 Harvest Guideline [Docket No. 970512113-7113-01; I.D. 042297D] (RIN: 0648-AJ56) received May 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3506. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bycatch Limitation Zone 1 [Docket No. 961107312-7021-02; I.D. 051397A] received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3507. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Foreign Fishing Vessels in Internal Waters: Reporting Requirements [Docket No. 970304043-7105-02; I.D. 021997D] (RIN: 0648-AJ59) received May 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3508. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Allocation Among Nontribal Sectors [Docket No. 970403076-7114-02; I.D. 030397B] (RIN: 0648-AI80) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3509. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Regulatory Amendment to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Commercial Quota Harvested for Delaware and New Hampshire [Docket No. 960805216-7111-06; I.D. 121796B] (RIN: 0648-AH06) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3510. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Technical Amendment [Docket

No. 960614176–7112–03; I.D. 041797B] (RIN: 0648–AI19) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3511. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries; Resubmitted Measures [Docket No. 951208293–7055–04; I.D. 110796F] (RIN: 0648–AF01) received May 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3512. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Colorado Regulatory Program [SPATS No. CO–034–FOR] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3513. A letter from the Secretary of Commerce, transmitting the Department's report entitled "Methods For Salmonid Stock-Specific Identification In Ocean Fisheries," pursuant to section 209 of the Sustainable Fisheries Act; to the Committee on Resources.

3514. A letter from the Executive Director, American Chemical Society, transmitting the Society's annual report for the calendar year 1996 and the comprehensive report to the Board of Directors of the American Chemical Society on the examination of their books and records for the year ending December 31, 1996, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

3515. A letter from the Director, Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Transfer of Offenders to or from Foreign Countries (Bureau of Prisons) [BOP–1065–F] (RIN: 1120–AA60) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3516. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's report regarding the Debt Collection Improvement Act of 1996 (DCIA); to the Committee on the Judiciary.

3517. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Adjustment of Status for Certain Polish and Hungarian Parolees [Docket No.: INS No. 1825–97] (Rin: 1115–AE25) received May 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3518. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1996, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

3519. A letter from the Clerk, U.S. Court of Appeals for the District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit, No. 96–3084—*United States of America* v. *Mary Rose Oakar and Joseph DeMio* (April 18, 1997); to the Committee on the Judiciary.

3520. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Department of Transportation Acquisition Regulations (RIN: 2105–ZZ01) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3521. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: *USS Wasp*, Fleet Week 1997, Port of New York and New Jersey (U.S. Coast Guard) [CGD01–97–026] (RIN: 2115–AA97) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3522. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Pedro Bay, CA, Cerritos Channel (U.S. Coast Guard) [COTP Los Angeles-Long Beach, CA; 97–002] (RIN: 2115–AA97) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3523. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Virginia is for Lovers Cup Unlimited Hydroplane Races, Willoughby Bay, Norfolk, Virginia (U.S. Coast Guard) [CGD 05–97–020] (RIN: 2115–AE46) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3524. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 and 412EP Helicopters (Federal Aviation Administration) [Docket No. 94–SW–20–AD; Amdt. 39–10033; AD 97–11–04] (RIN: 2120–AA64) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3525. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Spearfish, SD, Black Hills—Clyde Ice Field (Federal Aviation Administration) [Airspace Docket No. 97–AGL–6] (RIN: 2120–AA66) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3526. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Storm Lake, IA (Federal Aviation Administration) [Docket No. 97–ACE–8] (RIN: 2120–AA66) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3527. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification and Renaming of Enroute Domestic Airspace; AK (Federal Aviation Administration) [Airspace Docket No. 97–AAL–1] (RIN: 2120–AA66) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3528. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D Airspace; Shreveport Downtown Airport, LA (Federal Aviation Administration) [Airspace Docket No. 97–ASW–01] (RIN: 2120–AA66) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3529. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bishop, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–11] (RIN: 2120–AA66) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3530. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision to Minimum Altitudes for the Use of an Autopilot (Federal Aviation Administration) [Docket No. 27987; Amdt. No. 121–265, 125–29, 135–68] (RIN: 2120–AF19) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3531. A letter from the Acting General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled the "Water Service Modernization Streamlining Act of 1997"; to the Committee on Science.

3532. A letter from the Director, National Science Foundation, transmitting the Foundation's report entitled "Polar Research and Policy Study"; to the Committee on Science.

3533. A letter from the Administrator, Small Business Administration, transmitting notification that the Administration has established a pilot program that improves access to Federal contract opportunities for very small business concerns, pursuant to section 304(h) of Public Law 103—403; to the Committee on Small Business.

3534. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Generation-Skipping Transfer Tax Regulations Under the Tax Reform Act of 1986 [Treasury Regulation 26.2652–1(a)] received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3535. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in *Duncan* v. *United States*, Docket No. 95–228 (E.D. Ky. Oct. 31, 1996), 96–2— received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3536. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in *Xerox Corporation* v. *United States*, 41 F.3d 647 (Fed. Cir. 1994), reh. denied (February 7, 1995), cert. denied, 116 S.Ct. 72 (1995)—received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3537. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in *Buckeye Countrymark* v. *Commissioner*, 103 T.C. 547 (1994)—received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3538. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in *Robert B. and Eleanor Risman* v. *Commissioner*, 100 T.C. 191 (1993)—received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3539. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in *Hurt* v. *United States*, 70 F.3d 1261 (4th Cir. 1995), aff'g 72 AFTR2d 93–5379 (S.D.W.V. 1993)—received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3540. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in *United States* v. *Kao*, 81 F.3d 114 (9th Cir. 1996)—received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3541. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Rev. Proc. 97–28] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3542. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled the "Military Commissary Act of 1997"; jointly to the Committees on National Security and Government Reform and Oversight.

3543. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of additional program proposals for purposes of Non-Proliferation and Disarmament Fund (NDF) activities, pursuant to 22 U.S.C. 5852; jointly to the Committees on International Relations and Appropriations.

3544. A letter from the Director, Office of Management and Budget, transmitting the Office's report entitled "The Government Performance and Results Act," report to the President and the Congress from the Director of the Office of Management and Budget; jointly to the Committees on Government Reform and Oversight and the Budget.

3545. A letter from the Secretary of Energy, transmitting a draft of proposed legislation entitled the "Department of Energy National Security Programs Authorization Act for Fiscal Years 1998 and 1999"; jointly to the Committees on National Security, Commerce, and Resources.

3546. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Commerce, transmitting a draft of proposed legislation entitled the "NOAA Corps Disestablishment Act"; jointly to the Committees on Resources, Government Reform and Oversight, and National Security.

3547. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the "Medicare and Medicaid Fraud, Abuse, and Waste Prevention Amendments of 1997"; jointly to the Committees on Ways and Means, Commerce, and the Judiciary.

3548. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation that addresses several management concerns of the Department of Defense; jointly to the Committees on International Relations, Transportation and Infrastructure, Government Reform and Oversight, and the Judiciary.

3549. A letter from the Assistant Attorney General of the U.S., transmitting a draft of proposed legislation entitled the "Forfeiture Act of 1997"; jointly to the Committees on the Judiciary, Ways and Means, Commerce, Agriculture, Resources, and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of May 22, 1997]

Mr. COBLE: Committee on the Judiciary. H.R. 695. A bill to amend title 18, United States Code, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryption; with an amendment (Rept. 105–108 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

[Omitted from the Record of May 22, 1997]

H.R. 695. Referral to the Committee on International Relations extended for a period ending not later than July 11, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted May 27, 1997]

By Mr. HULSHOF:

H.R. 1751. A bill to amend the Internal Revenue Code of 1986 to provide that gifts for which the statute of limitations has expired for gift tax purposes may not be revalued for purposes of determining the estate tax; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself, Mr. STENHOLM, Mr. CRAPO, Mr. SMITH of Oregon, Mr. ENGLISH of Pennsylvania, Mr. BARRETT of Nebraska, Mrs. EMERSON, Mr. HERGER, Mrs. THURMAN, Mr. COMBEST, Mr. MINGE, Mr. SENSENBRENNER, Mr. CANADY of Florida, Mr. LAHOOD, and Mr. EWING):

H.R. 1752. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on sale of stock to certain farmers' cooperatives; to the Committee on Ways and Means.

[Submitted May 30, 1997]

By Mr. HYDE (for himself and Mr. BARRETT of Wisconsin):

H.R. 1753. A bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

104. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 231, urging the President of the United States to nominate and the United States Senate to confirm at least one qualified resident from the State of Hawaii to serve as an active judge on the United States Court of Appeals for the Ninth Circuit; to the Committee on the Judiciary.

105. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 257, urging the President of the United States to nominate and the United States Senate to confirm at least one qualified resident from the State of Hawaii to serve as an active judge on the United States Ninth Circuit Court of Appeals; to the Committee on the Judiciary.

106. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution No. 97–1003, urging the Congress of the United States to consider the proposals in this resolution as the "Intermodal Surface Transportation Efficiency Act of 1991" [ISTEA] comes under scrutiny for reauthorization; to the Committee on Transportation and Infrastructure.

107. Also, a memorial of the General Assembly of the State of Indiana, relative to urging the Congress of the United States to pass the "STEP 21 Program"; to the Committee on Transportation and Infrastructure.

108. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 97–1027, urging the Congress of the United States to amend or repeal those specific provisions of the Federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" set forth in this resolution that place undue burden and expense upon the several States in the establishment, modification, and enforcement of child support obligations, or that unjustifiably intrude into the personal lives of the law-abiding citizens of the United States of to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Submitted May 27, 1997]

H.R. 690: Mr. LIPINSKI.

H.R. 805: Mr. DEAL of Georgia.

H.R. 1428: Mr. WICKER and Mr. GOODLATTE.

H.R. 1515: Mr. GIBBONS, Mr. SMITH of Oregon, Mrs. KELLY, Mr. WOLF, Mr. EVERETT, and Mr. WYNN.

H.R. 1539: Mr. GRAHAM, Mr. RYUN, Mr. WEYGAND, and Mr. BUYER.

[Submitted May 30, 1997]

H.R. 145: Mr. DEAL of Georgia and Mr. KLECZKA.

H.R. 165: Ms. WATERS, Mr. ABERCROMBIE, Mr. UNDERWOOD, Mr. BAKER, Mr. CLEMENT, Mr. DIAZ-BALART, and Mrs. MINK of Hawaii.

H.R. 493: Mr. WEXLER.

H.R. 650: Mr. LUCAS of Oklahoma.

H.R. 662: Mr. FILNER and Mr. BLAGOJEVICH.

H.R. 663: Mr. HILLIARD, Ms. DEGETTE, Ms. KAPTUR, and Ms. LOFGREN.

H.R. 778: Mr. DELLUMS and Mr. LAFALCE.

H.R. 779: Mr. DELLUMS and Mr. LAFALCE.

H.R. 780: Mr. DELLUMS and Mr. LAFALCE.

H.R. 805: Mr. WELDON of Florida.

H.R. 1050: Mr. LEWIS of Georgia.

H.R. 1073: Mr. OWENS, Ms. KILPATRICK, Ms. CHRISTIAN-GREEN, and Mr. THOMPSON.

H.R. 1111: Mr. THOMPSON, Mr. WYNN, and Mr. BARRETT of Wisconsin.

H.R. 1126: Mr. DIXON.

H.R. 1178: Mr. LANTOS.

H.R. 1425: Mr. MARTINEZ and Mr. BONIOR.

H.R. 1531: Mr. TOWNS and Mr. MILLER of Florida.

H.R. 1537: Mr. FROST and Ms. CHRISTIAN-GREEN.

H.R. 1660: Mr. DREIER.

H.J. Res. 66: Mrs. LOWEY, Mr. HORN, Mr. HINCHEY, Mr. PALLONE, Mr. BISHOP, Ms. MCKINNEY, Mr. DEUTSCH, Ms. KAPTUR, Mr. BARRETT of Wisconsin, Mr. MORAN of Virginia, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. TIERNEY, Mr. GUTIERREZ, Mr. BLUMENAUER, Ms. PELOSI, Mr. ABERCROMBIE, Mr. WATT of North Carolina, Mr. HASTINGS of Florida, Mr. THOMPSON, Ms. SANCHEZ, and Ms. CARSON.

H. Res. 138: Ms. JACKSON-LEE and Mr. NEAL of Massachusetts.

PETITIONS, ETC.

Under clause 1 of rule XXII,

15. The SPEAKER presented a petition of the Detroit City Council, Detroit, MI, relative to supporting the "Jobs Creation and Infrastructure Restoration Act"; which was referred jointly to the Committees on Transportation and Infrastructure and Education and the Workforce.

EXTENSIONS OF REMARKS

U.S. WINS IN THE WTO AGAINST EUROPEAN UNION IMPORT RESTRICTIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. CRANE. Mr. Speaker, I rise today to congratulate the Office of the United States Trade Representative [USTR] for its success in the World Trade Organization [WTO] case against the European Union's [EU] banana regime. Ruling in favor of the United States, a WTO panel recently found that numerous aspects of the EU import licensing system are squarely in violation of WTO provisions. As an institution, the new WTO offers the United States enhanced opportunities to break open foreign markets which are unfairly closed to U.S. companies. Through skilled use of the WTO dispute settlement system, Ambassador Barshefsky and her negotiators have secured a more level-playing field for U.S. businesses in the EU market.

I want my colleagues to be aware that this decision against EU licensing procedures represents a big win for U.S. trade objectives. First, it will help demonstrate that trade agreements can serve as an effective means of resolving trade disputes. And, by doing so, it underscores the value of pushing ahead with new trade negotiations. The banana case represents the first U.S. victory against the EU in the WTO, and should provide renewed hope for resolving numerous contentious disputes, particularly those we have which concern protectionist EU agricultural policies. Also, in her statement yesterday announcing the decision, Ambassador Barshefsky mentioned that the report does not find that duty-free preferences for Caribbean imports are inconsistent with WTO obligations, and she pledged to support future economic diversification in the Caribbean.

Finally, by giving life to some of the new WTO agreements—such as the General Agreement on Trade in Services and the Licensing Agreement—the panel outcome will contribute to international trade rules which will be of benefit to a wide range of U.S. trade interests in many WTO disputes to come.

Again, I congratulate Ambassador Barshefsky and request that my colleagues join me in calling on the EU to step up to the plate and support the new multilateral system by expeditiously bringing its unfair practices into conformity with the WTO ruling.

THE 180TH ANNIVERSARY OF ST. PAUL'S EPISCOPAL CHURCH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 180th anniversary of St. Paul's Episcopal Church of Paterson, N.J.

As one of the oldest parishes in Paterson, St. Paul's was founded in 1817 by newly arrived English immigrants Mr. and Mrs. Mark W. Collet who missed the Anglican worship services they had enjoyed so much in their homeland. The church's first formal service was the baptism of the Collet's infant son, performed by a clergyman traveling to Paterson from Burlington and the congregation's first members consisted of friends and neighbors who attended the christening.

Over the past 180 years, north Jersey residents have been able to practice their Episcopal faith in Paterson and have done so under three different roofs. The first services were held in the old Dutch Reformed Church of Totowa on Water Street and the old Paterson Academy Building on Market Street. Following its incorporation as St. Paul's Episcopal Church in 1825, the church acquired 13,000 square feet of land at Hamilton Square (Market and Colt Streets) gratis from Roswell Colt, head of the Society of Establishing Useful Manufacturers. A few months later, members of the congregation began constructing a church of their own, a simple wood edifice with a square belfry, and worshipped there until June 28, 1848, when the building was destroyed by a horrendous fire that erupted at a nearby machine shop.

One parishioner, Robert Johnson, lost his life when he rushed into the sanctuary to save the church's organ, which had been played every Sunday by Mrs. Collet, the parish's founder and first organist. While parishioners were devastated, they did not lose hope or faith. While holding worship services at Odd Fellow's Hall on Main Street, they immediately began making plans for a new church at the site of the original structure.

On a bright, cold January day in 1851, members happily gathered at their new Gothic-style limestone church for dedication services. A year later, a gallery was installed to accommodate an overflow of worshipers. A house on Church Street was acquired for a rectory.

When membership continued to increase, the church purchased land to construct a larger building on the fashionable "Eastside," on Broadway and East 18th Street.

Ground was broken October 9, 1893 and the cornerstone was laid on May 10, 1895. Designed by William Halsey Wood of Newark, the new church, styled after Durham Cathedral of England. Wood left no stone unturned in creating his masterpiece. A stickler for detail, he outfitted the building with strong, lofty towers with slitted windows like those Anglicans historically installed in their churches to withstand assaults by mighty armies. The interior of the parish was designed by Louis Comfort Tiffany, who complimented the congregation's handsome mosaic and marble alter with nine magnificent Tiffany windows.

As membership in the congregation grew, St. Paul's took on many new ventures in the community. In addition to serving as a house of worship, it became a pacesetter for innovative, humanitarian programs. In so doing, it has continued to practice teachings of the Bible and serve the entire community as a 20th century Good Samaritan.

Mr. Speaker, I would like for you to join me, our colleagues, the congregation of St. Paul's Episcopal Church and the city of Paterson in recognizing the momentous occasion of the 180th anniversary of St. Paul's Episcopal Church and in celebrating the church's survival and importance in the community.

MAY IS PHYSICAL FITNESS AND SPORTS MONTH

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. WICKER. Mr. Speaker, May is National Physical Fitness and Sports Month, conducted by the President's Council on Physical Fitness and Sports. This observance is important because it focuses attention on the health benefits of physical activity in the daily lives of all Americans. The 1996 Surgeon General's Report on Physical Activity and Health revealed that more than 60 percent of adults do not achieve the recommended amount of physical activity. The report brought together, for the first time, what has been learned about physical activity and health. The report found that people who are usually inactive can improve their health by becoming even moderately active on a regular basis. In addition, the report shows that physical activity does not have to be strenuous to achieve health benefits.

In March, voluntary health organizations and State health groups briefed Members of Congress and their staff members on the importance of physical activity and health. I attended this briefing and heard from one of my fellow Mississippians, Dr. Ed Thompson. He noted that even slight increases in daily exercise would greatly reduce the number of premature deaths due to heart disease, stroke, and diabetes. Dr. Thompson urged Mississippians, as well as all Americans, to follow the recommendations of the Surgeon General's report and to get physically active.

One organization dedicated to helping motivate more Americans to be physically active is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the National Coalition for Promoting Physical Activity. This organization represents over 100 groups which have identified physical activity and health as their primary mission. The NCPPA will use its nationwide network to provide leadership to State and Federal policymakers as they work to increase the understanding, communication, and promotion of physical activity and health.

I encourage all Americans to look for ways to incorporate physical activity into their daily routine by taking the stairs, working in the garden, walking the dog, or biking to work. It takes only 30 minutes of physical activity per day to make a difference.

I encourage all Americans to paricipate in the Physical Fitness and Sports Month by developing a daily physical activity routine.

TRIBUTE TO THOMAS CLIFTON, CHIEF OF POLICE, BOROUGH OF TOTOWA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Thomas Clifton, chief of police for the Borough of Totowa in New Jersey, who has retired after 39 years of service to the community.

Chief Clifton is a dedicated officer who has served Totowa well throughout the years and is respected by his peers throughout the State as an outstanding law enforcement official.

Thomas Clifton rose through the ranks of the police department. In 1980, he became deputy chief of police of the detective bureau and held this challenging post for 10 years. In March 1990, Thomas Clifton was promoted to the rank of chief and has served in that capacity with distinction.

In 1993, Chief Clifton was instrumental in renovating the borough's headquarters, purchasing a new communications system, and in computerizing the department's records. Under his leadership, the department has been readied for the 21st century and made law enforcement in Totowa smarter and more efficient.

Chief Clifton has been a vital and effective force in the growth of law enforcement not only in Totowa, but in the entire area. His innovation and leadership will set the standard throughout the Totowa Police Department for years to come. We are grateful as a community for Chief Clifton's lifelong dedication to insuring our safety and the security of the Borough of Totowa.

Mr. Speaker, I ask that you join me, our colleagues, Chief Clifton's family and friends, the Totowa Police Department, and the Borough of Totowa in recognizing the 39 years of outstanding service to public safety of Chief Thomas Clifton and wishing him continued health and happiness in his retirement.

TRIBUTE TO THE CROATIAN SONS LODGE NO. 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge No. 170 of the Croatian Fraternal Union on the festive occasion of its 90th anniversary and golden member banquet on Sunday, June 1, 1997.

This year, the Croatian Fraternal Union will hold this gala event at the beautifully renovated Croatian Center in Merrillville, IN. Traditionally, the anniversary celebration entails a formal recognition of the union's golden members, those who have achieved 50 years of membership. Honorees who have pledged their allegiance for 50 years include: Frank Boskovich, Mary D. Cost, Olga J. Curley, Lillian Damjanovich, Violet Evans, Eleanor Fischer, Adolph Kurpis, Joseph J. Labas, Annebelle Mazlack, Robert D. Medved, Henry Mikulich, Elizabeth Morgavan, Helen Mrak, Vincent R. Mrzlak, Rosemary Muick, Mary Pastuovic, Mary Pintar, Frances Sasak, Abert P. Seibal, Frederick J. Simunic, Donald R. Starkey, Jack Tomlin, and Marion A. Youngerman.

These loyal and dedicated individuals share this prestigious honor with approximately 280 additional lodge members who have attained this status.

This memorable day will begin with a mass at St. Joseph the Worker Catholic Church in Gary, IN, which will be officiated by the Reverend Father Benedict Benakovich. Following dinner, there will be a program featuring guest speaker, Mr. Bernard M. Luketich, national president of the Croatian Fraternal Union. The festivities will be culturally enriched by the performance of several Croatian entertainment groups. The Croatian Glee Club, "Preradovic," directed by Brother Dennis Barunica, and the Hoosier Hrvati Adult Tamburitza Orchestra, directed by Ed Sinndicih, will both perform at the anniversary celebration. The Croatian Strings and Junior Dancers, and the Adult Kolo Group, under the direction of Elizabeth Kyriakides, will provide additional entertainment for those in attendance.

I am proud to commend lodge president, Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge No. 170, for their loyalty and radiant display of passion for their ethnicity. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

THE 12TH ANNUAL SALUTE TO THE PASSAIC SEMI-PRO BASEBALL LEAGUE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the Passaic Semi-Pro Baseball League, as they celebrate their 12th annual salute to Passaic semi-pro baseball reunion dinner, in honor of the baseball greats who left behind a legacy of greatness and fond memories in the sport of baseball.

This year's event is truly a special occasion as the careers of four great men are highlighted in recognition of their outstanding and invaluable contributions they have made not only to the Passaic Semi-Pro Baseball League, but also to themselves, their family, and friends, and their teammates. The distinguished group of honorees includes Al Ianuzzi, Emil Majka, John Kopec, Jr., and Ed Szerencsits. Although a tribute to the Passaic Semi-Pro Baseball League, I feel that is only fitting and proper that the careers of these four gentlemen are equally recognized for their proud accomplishments.

Al Ianuzzi, born 1923, began his distinguished baseball career when he played varsity baseball at East Rutherford High School as a first-baseman. In his senior year, Al's contributions helped lead the Wildcats to the group 2 State championship and earned him a place on the Passaic Valley Conference All-Star Team. He continued to play even when in the U.S. Army, and after he was discharged, Al played semi-pro baseball with great area teams, such as the Carlstadt Cubs and the Carlstadt Pros. He finished his outstanding career with the Passaic Demuro Comets.

Emil Majka, born 1926, began his distinguished baseball career when, as a young teenager, he played for several years with the Passaic Industrials. A well-rounded player, Emil served the Industrials as a second- and third-baseman, and also at shortstop. He also played second base with the Holy Rosary St. Stan's in the Clifton Recreational League, eventually helping the team to a first-place finish. Later, Emil played Legion baseball, playing third base for Passaic Memorial Post No. 200 and batting over .400. An integral part of the team, he contributed significantly to the Post's Legion championship and played an outstanding game in the State championship in Trenton where he batted over .500. During this time, he also played shortstop for the All-Passaics. Upon entering service with the U.S. Air Force in 1944, Emil played third-base with his squadron's softball team and after being discharged, played third-base for the Okonite Co. of Passaic, of which he was also an employee. Emil is currently retired and lives in Garfield with his wife Anne, and has two sons.

John Kopec, Jr., born 1931, began his distinguished baseball career early on, playing at Pulaski Park—South Field, mostly with the Bisons. He also played shortstop for the American Legion Rosoc-Duc Post No. 359 and the Passaic High School Indians as a second-baseman. John's superb playing contributed to the Indians 1948 Valley Conference cochampionship and their 1949 championship. In 1949, John made first-team All-Valley Conference as a second-baseman. His semi-pro activities include stints with the Bisons, the Maple Leafs, the Comets, and the Clifton Dodgers.

Ed Szerencsits, born 1937, began his distinguished baseball career as a pitcher at Pope Pius XII High School in Passaic from 1953 to 1955. He went undefeated in high school and led the team to the parochial group B north Jersey sectional championship. During this time, Ed made first- and second-team all-State for private schools. His semi-pro career began in 1955 playing for teams such as the Demuro Comets, under Ted Lublanecki, the Granatell Indians, under Milt Stein, and the Clifton Dodgers, under Ray Mastrobert. Ed also had pitched for Seton Hall University under coach Ownie Carroll, taking the Pirates to the metropolitan collegiate baseball title in 1959. He was 22d in the Nation E.R.A. in 1958 and 10th in the Nation E.R.A. in 1959. In 1959, Ed was signed to a professional contract with the Milwaukee Braves by Honey Russell and the current manager of the New York Yankees, Joe Torre but was released by current Chicago White Sox manager, Roland Hemond, after spring training.

Mr. Speaker, I ask that you join me, our colleagues, Al's, Emil's, John's and Ed's family and friends, and the people of north Jersey in recognizing the outstanding and invaluable contributions to the sport of baseball, made by these four gentlemen, during the 12th annual salute to the Passaic Semi-Pro Baseball League.

IN HONOR OF NANCY J. WEISGERBER

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise and pay tribute to Nancy Weisgerber, who has served the Fairfax County public schools system for the past 26 years as a teacher, counselor, and principal. June 3, 1997 marks the retirement of this exceptional member of our local community, who has dedicated years of service to Fairfax County, and its students.

After receiving her bachelors degree from Muskingum College in 1964, Nancy began her long and distinguished career in Fairfax County, as a health and physical education teacher at Falls Church High School. She received her masters of education from the University of Virginia in 1971, and became a counselor at Falls Church High School. In 1976 she was appointed an assistant principal at Falls Church. In 1989, she was appointed to her current position as principal of J.E.B. Stuart High School, a high school noted for its ethnic diversity and innovative programming. In 1995, Nancy was recognized for her priceless knowledge and skills by her election by her peers to the position of president of the Fairfax County High School Principals.

Nancy's numerous, notable accomplishments with the Fairfax County Public Schools has helped mold the future of the school system. Her participation in numerous conferences and seminars such as the NASSP Assessment Center Seminar, Family Life Education Advisory Committee and the Marketing Education Advisory Board has shaped the educational curriculum in our community. In particular, Nancy recently participated in the Workforce 2000 Advocacy Council to determine how best to equip our students for their future in our changing economy.

Nancy's membership in the Phi Delta Kappa Educational Fraternity, the National Association of Secondary School Principals, the Association for Supervision of Curriculum & Development, and the Northern Virginia Secondary School Administrators Association has given her valuable knowledge and insight into the changing nature of education today.

Nancy has enriched our community through the many presentations she has given, and her team building skills, bringing business partnerships to her school and bringing an ethnically diverse community together. Nancy has offered a wide variety of material on counseling, the international baccalaureate, block scheduling and on the role of a principal. In particular, her seminar on violence prevention instructed schools on how to provide a safe and drug-free environment for learning.

Mr. Speaker, I know that my colleagues will join me in applauding Nancy Weisgerber for her extraordinary efforts to provide the citizens of Fairfax County a school system which brings quality education to our children. Although her presence will be sorely missed, we wish her great success in her future endeavors.

HONORING SUSAN AMIRIAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Susan Amirian of Clifton, NJ, who is being honored tonight by the Clifton Optimist Club in recognition of her outstanding community service to the city of Clifton. Susan began the fundraising efforts to obtain high-tech infrared imaging fire helmets for the Clifton Fire Department which cost $25,000 each and thanks to her extraordinary efforts, Clifton firefighters are now able to see through smoke, observe body heat from victims, notice heat behind walls, floors and ceilings and move swiftly through unfamiliar surroundings. In recognition of her accomplishments, Susan has received numerous awards statewide and was Citizen of the Year for the New Jersey Firefighters Association.

Susan is a native of New York State and received a citation from the mayor of New York and the New York Police Department for volunteer work at the 72d Precinct in Brooklyn. She obtained her bachelor of fine arts from the Pratt Institute in Brooklyn and received her master's degree from the New School for Social Research. She was also a regional finalist in the White House Fellowship Program during the administration of President Ronald Reagan.

Always eager to serve the community, Susan served on the Crop Walk committee this past fall to raise funds for the hungry. She also conducts workshops on recycled materials at the Hackensack Meadowlands Environment Center and takes part in first night activities in Montclair. Susan is also on the board of Clifton Hospice and is a Sunday school teacher and church council member at the First Lutheran Church. Currently, she is assistant director of the office of publications at Montclair State University and is responsible for the production of catalogs, manuals, brochures, newsletters, and posters for the university.

Susan and her husband, Armen, an electronics shop worker at the Metropolitan Opera Co. and freelance writer, are the proud parents of their 10-year-old son, Gáren.

Mr. Speaker, I would like for you to join me, our colleagues, Susan's family and friends and the city of Clifton in recognizing Susan Amirian's outstanding and invaluable service to the community as she is presented with the Clifton Optimist Club's Judge Joseph J. Salerno Award.

AN AWARD FOR NATURAL SOCIAL WORKERS FROM THE UNIVERSITY OF PENNSYLVANIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. FATTAH. Mr. Speaker, I rise today to honor the recipients of the first Crystal Stair Award from the University of Pennsylvania School of Social Work. This award is given to natural social workers—those volunteers and professionals from any discipline who have worked passionately for social justice and the elimination of prejudice and oppression.

The four recipients include Marian Wright Edelman, a nationally known advocate for children, C.B. Kimmins, an activist from a drug ridden Philadelphia neighborhood, and Jeffrey Lobach and Craig Trebilcock, two attorneys whose pro bono work assisted Chinese refugees.

Marian Wright Edelman is founder and president of the Children's Defense Fund [CDF], based in Washington, DC. She has been an advocate for disadvantaged Americans her entire professional career, which began as the first black woman admitted to the Mississippi Bar. Ms. Edelman founded the Washington Research Project, a public interest law firm and the parent organization of the Children's Defense Fund, which under her leadership has become a strong national voice for children and families.

C.B. Kimmins, is executive director and chief of staff of Mantua Against Drugs, Inc., and chief executive officer and president of C.B.'s Role Models, both based in Philadelphia. Mr. Kimmins has become a Philadelphia institution, who has made Mantua Against Drugs, Inc., well known beyond these city limits through his efforts to bring diverse elements of the community together to work with law enforcement to wage the war on drugs. Mr. Kimmins has the ability to empower neighborhoods to take back their communities.

Jeffrey D. Lobach and Craig T. Trebilcock are attorneys from York, PA, who have provided pro bono advocacy for years on behalf of Chinese refugees from the freighter *Golden Venture*, who were detained in York County prison. During Mr. Lobach's presidency of the York County Bar Association, Mr. Trebilcock chaired its pro bono committee on Chinese refugees. Mr. Lobach is a 1981 graduate of the law school at Penn.

Each of these recipients worked tirelessly against significant odds for the benefit of others. They have demonstrated extraordinary leadership in moving us forward collectively as a society. In doing so, they have touched all our lives and exemplified the spirit of the Langston Hughes poem "Mother to Son" from which the award derives its name.

In his poem, Hughes writes of a mother's encouragement to her son: In a world where "life ain't been no crystal stair," a natural social worker struggles unremittingly to bring light from darkness and create a crystal staircase, one stair at a time. It is this quality of determination and commitment that the Crystal Stair Award recognizes.

The award, given April 16, 1997, highlights the University of Pennsylvania School of Social Work and the profession of social work, encouraging and inspiring others to join this effort. The award's benefits go well beyond the important work of calling attention to the selfless efforts of these recipients. Funds for scholarships and research will also be generated because of this award to further the objectives of Penn's School of Social Work.

I hope that all Members will take time to learn more about this important award and encourage its recognition as our Nation moves forward in its effort to mobilize citizens to volunteer time to their communities.

TRIBUTE TO THE JOHN RAAD POST NO. 438 OF THE AMERICAN LEGION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the John Raad Post No. 438 of the American Legion as it celebrates its 50th anniversary.

The John Raad Post elected its first slate of officers on February 9, 1947 and was granted its American Legion charter No. 438, on December 7, 1947.

Since that time, the Post has been a tremendous resource to its members and to the community. As a former mayor and south Paterson native, I am aware firsthand of the contributions of the John Raad Post. It has been the center of civic and social activity in south Paterson for many years. The Post has been a place for veterans to congregate and for members of the community, including the variety of new immigrant groups who settled in Paterson, to use for social gatherings.

The members of the Post themselves have been active. Members of the Legion not only take care of veterans by visiting them in hospitals and sponsoring recreation activities, but they care for the community. They and their auxiliary sponsor boys and girls to participate in Boys' Town and Girls' Town. They give donations to charity and their concerns for the welfare of our children, Americanism and the world around them are evident.

The Post has 25 members who were original with the Post when it was first conceived 50 years ago.

Mr. Speaker, I therefore ask that you join me, our colleagues, the members of the John Raad Post, and members of the entire community, as we recognize the invaluable services of this American Legion Post on its 50th anniversary.

TRIBUTE TO WILLIAM MORTIMER

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. WEYGAND. Mr. Speaker, it gives me great pleasure to pay tribute to an exceptional young man, Mr. P. William Mortimer, who has devoted much hard earned effort to achieving the Boy Scout's highest rank of Eagle Scout. This award reflects great initiative, determination and hard work.

Bill currently serves as junior assistant Scoutmaster of Boy Scout Troop 7 of Warwick, RI. By coördinating a horticulture project at Meadowbrook Terrace, a senior citizen retirement community, Bill demonstrated organizational and leadership abilities that have enabled him to achieve his goal of becoming an Eagle Scout. He not only oversaw the entire cultivation process of planting beautiful flowers for the senior community, but he also managed more than 30 other Boy Scouts and parents during the day of planting. His efforts to improve the quality of life for others should be commended.

The 16-year-old son of Paul and Mary Ellen Mortimer and a 1996 recipient of the Who's Who in American High Schools, Bill resides in Warwick, RI, where he is a student at Warwick Veterans Memorial High School. I am sure his parents are extremely proud of their son's numerous awards and achievements. As an active member of the Warwick Police Department's cadets program, Bill will continue to serve the public to pursue his dream of working for the FBI.

I have confidence that the Boy Scouts have prepared him to face life's challenges with great determination and character. Bill is an example of the best of America's youth, those dedicated to improving life in their community and who strive to reach their highest potential. On behalf of the people of Rhode Island, I would like to thank Bill for his service to the community and wish him great success in the future.

TRIBUTE TO HARRY "SKIP" GOULD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Harry "Skip" Gould of Nutley, NJ who is being presented this evening with the 1997 Dr. Virginius D. Mattia Service Award in recognition of his 36 years of community service to the Township of Nutley.

Skip serves the community in a volunteer capacity and remains an active member of the Nutley Volunteer Emergency and Rescue Squad. Considering the average volunteer emergency medical technicians active participation is between 4 to 6 years, Skip's dedication is truly outstanding and noteworthy.

Throughout his 36 years of service, Skip has compiled an impressive record. His volunteer hours are estimated to be over 75,000 and he has answered well over 5,100 calls for assistance. He has devoted thousands of hours to receiving training and providing training to other members. Skip has served eight terms as captain of the Nutley Volunteer Emergency and Rescue Squad and two terms as its president.

In addition, Skip is also the mechanic who ensures that when someone needs emergency medical care, the ambulances and equipment are functioning at peak performance. All vehicles and equipment are maintained at the squad's headquarters by Skip, which eliminates a very substantial cost to the squad. He also leads the squad in the maintenance of the headquarter's building.

Skip is looked upon throughout the State of New Jersey as a volunteer EMT [Emergency Medical Technician] with significant expertise in the emergency medical field. His vast knowledge has enabled new volunteers to learn from him and to develop their skills under his direction. He demands excellence in everything he does and the squad's ability to render the best possible care to the community is a direct result of his leadership.

Mr. Speaker, I would like for you to join me, our colleagues, Skip's family and friends, and the Township of Nutley in recognizing the 36 years of outstanding dedication and leadership of Harry "Skip" Gould to the community.

TRIBUTE TO ATIM ENEIDA GEORGE OGUNBA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to commend a talented and committed public servant, Atim Eneida George Ogunba, the principal officer of the United States Consulate in Matamoros, Mexico, the sister city of Brownsville, TX, on the international border.

Consul Ogunba was made principal officer in Matamoros in 1994 and has proven herself an outstanding diplomat in the south Texas-Northern Mexico region. She is a wealth of information to area business people and tourists who wish to come to the United States.

My office has numerous dealings with the consulate on a weekly basis. Any time we have asked Consul Ogunba for assistance, she has always been willing to go the extra mile and help. She is an eloquent advocate for the Consulate and has developed a reputation in the State Department, south Texas, and Northern Mexico for fairness, a valuable attribute for a diplomat.

Consul Ogunba was an enormous help to me in 1995, when the U.S. Consulate in Matamoros was targeted for closure by the budget cutters at the State Department and in Congress. She worked closely with me on this issue, and we were ultimately successful in persuading the State Department to remove the U.S. Consulate in Matamoros from their list of recommended closures.

Ms. Ogunba joined the U.S. Foreign Service in 1982, serving in Tijuana, Mexico, the Dominican Republic, Washington, DC, Nicaragua, and Costa Rica. She is a highly decorated consul officer. She was honored with the Harriman Award for her "extraordinary contributions to the practice of diplomacy, intellectual courage and a wazzu zeal for creative accomplishment" in 1994. That same year, she won a State Department Meritorious Honor Award for her service in Costa Rica.

As a result of her efforts to spare the consulate in Matamoros from closure, in 1996 she was recognized with the State Department Superior Honor Award for "creative and inspired leadership as Principal Officer in Matamoros during a difficult period when post faced prospect of closing."

Her next posting will be South Africa, an experience which will be both challenging and rewarding for her. She studied Africa extensively, both in Nairobi, Kenya, and at Rutgers University here in the United States. I ask my colleagues to join me in offering her best wishes and thanks for outstanding public service.

TRIBUTE TO CARLOS A. NEYRA ESTENS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Dr. Carlos A. Neyra Estens, associate professor in the department of plant sciences at Cook College, Rutgers University.

Dr. Estens was recently awarded two patents for the discovery of a novel *Bacillus licheniformis* strain that produces a lipopeptide antibiotic which is effective against fungal pathogens that affect corn, turfgrasses and vegetable crops.

In addition, Dr. Estens was a key speaker at the "NATO Advanced Workshop on Azospirillim and Related Bacteria" in Sarvar, Hungary, the "Mediterranean Colloquium on Protected Cultivation" in Agadir, Morocco, and more than 100 symposiums and international conferences. He has written three books and over 100 articles in scientific publications. Dr. Estens is also a consultant for the U.S. Department of Agriculture, the National Academy of Sciences and other organizations.

Dr. Estens was born on October 4, 1940 and earned his bachelor of science in agronomy at the University of Tucuman, Argentina in 1965. He earned his Ph.D. in biology at the University of Illinois in 1974. Dr. Estens' postdoctoral fellowship was conducted at EMBRAPA, Rio de Janeiro, Brazil with Dr. Johanna Dobereiner, sponsored by the Brazilian Research Council/USA National Academy of Sciences.

For over 30 years, Dr. Estens has taught at numerous universities including the Universidad Nacional de Tucuman (Argentina), the Universidad Agraria, La Molina (Lima, Peru), the Universidad Rural de Rio de Janeiro (Brazil), the University of Chihuahua (Mexico). Since 1977, Rutgers University has been fortunate to benefit from his vast experience.

In addition to his involvement in the scientific community, Dr. Estens has been very active in the Peruvian community. He served as past president of the Union Peruvian Lions Club and was recently honored by this fine organization. Dr. Estens has been a role model and great praise must be extended for all his worthy achievements.

Mr. Speaker, I would like for you to join me, our colleagues, Dr. Estens' family and friends, and the scientific community in recognizing the outstanding and invaluable lifelong contributions Dr. Carlos A. Neyra Estens has made to plant biology and to our society.

A TRIBUTE TO NICHOLAS VECCHIO: ORANGE-WEST ORANGE UNICO MAN OF THE YEAR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Nicholas Vecchio of West Orange, NJ who is being honored by the Orange-West Orange Chapter of UNICO as their Man of the Year.

A member in good standing of the Orange-West Orange Chapter for more than 23 years, Nick has faithfully served UNICO as treasurer, vice-president and president, 1979–80. He has also served as a delegate to UNICO's national convention for 9 years and was a member of the board of directors of district XI, New Jersey for as many years.

His personal successes have been followed by tremendous generosity. Nick has donated Toys for UNICO; is a major contributor to the Orange-West Orange Sports Breakfast; is a frequent contributor to the Sisters of St. Lucy Filippini Mother House, Villa Walsh, Morristown; and is a supporter of A.C.T. Now, Abolish Cancer Today, affiliate of Memorial-Sloan Kettering Service Center.

Through his outstanding and invaluable contributions, Nick has aided many people, using his personal funds to assist them in their time of need. He has been and still is instrumental in raising thousands of dollars for various organizations where he is a member, among them: the Pack 3 Boy Scouts of America, the West Orange American Cancer Society, and the West Orange Cerebral Palsy Campaign.

Nick is happily married for 45 years to Camille, and is the proud father of five children: Beth, Andrea, Lisa, Camille, and Anthony. He is also the proud grandfather of nine grandchildren. Nick is a graduate of Rutgers University and attended Rutgers Law School. Currently he serves as a member of Rutgers' Committee on Academic Excellence.

Mr. Speaker, I ask that you join me, our colleagues, Nick's family and friends, and the members of the Orange-West Orange Chapter of UNICO in recognizing the exceptional dedication and service to the community of Nicholas Vecchio, Orange-West Orange UNICO's Man of the Year.

TRIBUTE TO ADOLPH J. GALLUCCIO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of one of my closest friends, Adolph J. Galluccio of Wyckoff, NJ. Adolph is being honored tonight as Man of the Year by the House of Compassion. It is only fitting that the House of Compassion honor Adolph, for he epitomizes caring and generosity of spirit.

He was born and raised in Paterson and still considers it home. Adolph practices law in Paterson, is involved in charitable organizations in Paterson, and he has given his heart and soul to Paterson.

Adolph continually touches the lives of others. Whether he is performing stand-up comedy to benefit charity or giving turkeys he personally buys for the needy, Adolph unceasingly and enthusiastically keeps giving to his community.

Adolph has been a parishioner of Blessed Sacrament R.C. Church in Paterson for more than 40 years. He has been a member on the original board of directors for Eva's Kitchen and has served on the board of trustees for Paterson Catholic High School.

Professionally, Adolph Galluccio is well-respected as one of the best criminal attorneys in New Jersey. He graduated from Seton Hall Law School in 1964 and received the Bureau of National Affairs award. He is admitted to the New Jersey, U.S. District, and U.S. Supreme Court.

Adolph continues to emphasize the importance of education and serves as a resource for the next generation. He is a regular Career Day speaker and occasional guest lecturer at both Paterson Catholic High School and Ramapo High School.

Adolph and his wife Dorothy have four children, Michael, Terry Lynne, Karen, and Mark, and seven grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Adolph's family and friends in recognizing the outstanding and invaluable service to the community of Adolph J. Galluccio.

THE 20TH ANNIVERSARY OF THE PREPARATORY CENTER FOR THE ARTS AT MONTCLAIR STATE UNIVERSITY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 20th anniversary of the Preparatory Center for the Arts at Montclair State University. This occasion will be celebrated on Saturday, May 3, 1997 with a concert showcasing the winning compositions from the Music Division Composition contest in which some 250 scores from composers in seven countries were entered.

In 1976, Dr. Ruth Rendleman, professor of music at Montclair State University, was the driving force behind what was then called the Music Preparatory Division. The division was created by the Department of Music to seek out, encourage, and develop the talents of qualified music students of all ages from the State of New Jersey and adjacent areas.

The Preparatory Division officially opened its doors in September 1976, with an enrollment of 54 students. It offered courses in private instrumental instruction, class piano, music theory, and chamber ensembles. Today, the Music Preparatory Division has evolved into the Preparatory Center for the Arts. Three hundred and twenty students participate in similar music courses as those offered 20 years ago, and can also be involved in large ensembles such as orchestra and choir. They can also take classes in jazz, dalcroze and eurythmics, traditional and electronic music composition, and introductory music history.

In addition to its curriculum, the Preparatory Center for the Arts now offers classes in ballet and tap dancing. It further has inaugurated its Theatre Kids program of drama classes for children, ages 5 through 10.

The scholarship program, for which students and faculty perform a few benefit performances each year, allows Montclair State University to offer both talent- and need-based scholarships to many deserving students. This year, the center will be hosting their fifth summer music camp at the New Jersey School of Conservation at Stokes Forest. This camp is a 2-week extension of the 30-week academic year program in which students from various parts of the country can come to study music and the environment. The Preparatory Center clearly has come a long way since its inception.

Mr. Speaker, I ask that you join me, our colleagues, the students and faculty of the Preparatory Center for the Arts, and all of Montclair State University in recognizing the outstanding and invaluable service to musical development Montclair State University has made on the occasion of the 20th anniversary of the Preparatory Center for the Arts at Montclair State University.

MRS. ANNA CRINCOLI: 1997 MOTHER OF THE YEAR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Mrs. Anna Crincoli who is being honored by the Italian Tribune News as the 1997 Mother of the Year.

Anna was born on August 29, 1907 at 37 Hayes Street in Newark. She attended Newton Street School. When she was 10 years old, Anna and her family moved to 383 South 9th Street in Newark where she attended the 14th Avenue School.

Anna managed to complete the seventh grade in a time when daughters were not encouraged to stay in school and receive an education. At the age of 13, she was forced to leave school and go to work. There were 10 children in her family and she and her older sister had to work in a local tailor shop. She worked on a sewing machine all week and attended the continuation school 1 day each week so that she could receive her working papers.

When Anna was 21 years old, she married Angelo Crincoli. She and Angelo worked in a small grocery store. Anna was relieved to work in a grocery store because she would never again have to worry about food. She knew there would always be plenty to eat.

Anna has two sons, Anthony and Dominick, seven grandchildren and eight great-grandchildren who are the joy of her life. She fondly remembers her mother who lived to be 96 years of age and would share with Anna many stories of Italy. She also remains close to her four sisters and five brothers. Always active in the community, Anna belongs to the Rosary Altar Society in St. Rocco's Church in Newark, the Belleville Club on Mill Street and the Friday Club in Bloomfield.

Mr. Speaker, I ask that you join me, our colleagues, and Anna's family and friends in recognizing the outstanding achievement of Anna Crincoli as the 1997 Mother of the Year.

THE 75TH ANNIVERSARY OF THE ROTARY CLUB OF BELLEVILLE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 75th anniversary of the Rotary Club of Belleville.

The Rotary Club of Belleville received its charter from the Rotary International on April 22, 1992. The club counts among its members this community's leaders in business, the professions, and trades.

The club enriches our community by observing the Rotary mottos, "Service Above Self," and "He Profits Most Who Serves Best." It has sponsored projects to aid the aged, youth, the ill, the poor, and the illiterate. The Belleville Rotary continually works to provide services to those in need.

The club is generous to the community. Whether they give funds directly, provide food, endow scholarships to Belleville high school students, or donate to the Student Exchange Program with Japan, the Belleville Rotarians epitomize the spirit of giving. The club is particularly proud of its ability to give to the Gift of Life Program for children of the world. This program provides doctor and hospital services to children in need of heart operations who would not have had the benefit of the treatment.

The club contributes to and supports the Rotary International's PolioPlus Program to eradicate polio in developing countries and regions worldwide.

The club will officially observe its anniversary with a musical program at the Belleville Public Library and Information Center on May 7, 1997 and a dinner dance to be held on June 26, 1997 in Belleville. These events will be attended by the club's members, guests, and dignitaries from the Rotary, the town, and the State.

Mr. Speaker, I ask that you join me, our colleagues, members of the Rotary Club of Belleville, and the township of Belleville in recognizing the momentous occasion of the 75th anniversary of its Rotary Club and to commend the organization for its outstanding and invaluable service to the community.

TRIBUTE TO RONALD S. FAVA, PASSAIC COUNTY PROSECUTOR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Ronald S. Fava, prosecutor of the County of Passaic, NJ, in honor of National Police Week.

Ron was born on March 14, 1949. A lifelong resident of Paterson, he attended Paterson public schools and is a graduate of Paterson Central High School. In 1969, Ronald graduated from Fairleigh Dickinson University, Rutherford campus with a bachelor of arts degree. He earned his juris in doctore in 1972 from Seton Hall Law School, Newark.

Ronald was admitted to the New Jersey Bar in November 1972. He was an assistant county prosecutor with the Passaic County Prosecutor's Office from 1973 to 1974 and a municipal prosecutor for the city of Paterson from 1974 to 1978. Elected in 1975, Ron also served one term as an assemblyman for New Jersey's 35th Legislative District. He was the second youngest member of the assembly at the time.

In April 1980, Ron became municipal court judge for the city of Paterson and was a full-time presiding judge of the Paterson Municipal Court from October 1981 to June 1988. He was appointed as the Passaic County prosecutor on June 7, 1988 and was reappointed on June 30, 1995.

Ron has been active in many civic and professional associations. He has served as vice-chairman and chairman of the Boy Scouts of America, Passaic Valley Council, north valley district. He has also led the County Prosecutors Association of New Jersey as its president from 1992 to 1993 and has become the chair of the County Prosecutors Association's Legislative Committee from 1995 to 1996. Ron is currently a member of Passaic County Bar Association, the National District Attorneys Association, the Supreme Court Committees on Criminal Practice and on Municipal Courts, and the New Jersey Sentencing Policy Study Commission. He has been appointed by Governor Whitman as a member of the Study Commission on Parole and is a trustee of the New Jersey Bar Association, Criminal Law Section.

Ronald and his wife Gloria are the proud parents of two children, daughter, Valerie and son, Stephen Ronald.

Mr. Speaker, I would like for you to join me, our colleagues, Ronald's family and friends, and the County of Passaic in recognizing the outstanding and invaluable service to law enforcement of Ronald S. Fava, prosecutor of Passaic County.

SENATE—*Monday, June 2, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, the Rock of Ages who gives us an unchanging source of stability and strength, You are our security in the ups and downs of life. You have placed a homing spirit in us that makes us restless to return to You in prayer. You are everything to us: Light in the darkness of our doubts, nourishment for our spiritual hungers, peace in our pressures, guidance in our confusion, hope when we feel helpless, healing of the hurts of our lives.

Lord, we are moved by Your majesty and motivated by the magnitude of the responsibilities You have entrusted to us. We often express our trust in You, but today we are stunned by the trust You express in us. It is awesome to realize the confidence You put in the women and men of this Senate and those who work with them. May their humility match Your willingness to help, their dependence equal Your dynamic power.

Lord, we return to the work of this Senate creatively carefree. You have called us, You have promised to give us wisdom, and You have assured us that You will never let us down or never leave us; that You will never give us more to do than we can do with Your power. So we commit to You all that we have and are to realize Your very best for this Nation. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

Thank you, Chaplain, for your wonderful opening prayer. We appreciate it, as always.

CONGRATULATIONS TO SENATOR THURMOND

Mr. LOTT. Mr. President, since this is the first time I have seen the distinguished Senator from South Carolina since it has been official, I want to congratulate him, as all Americans do, on the record you have set. We are very proud of you. And I want to say that I enjoyed seeing you on television when we were home, too.

It is a magnificent record, and you are a magnificent human being.

We look forward to commending you further later on this week, Mr. President.

The PRESIDENT pro tempore. Thank you for your kind remarks.

Mr. LOTT. Thank you, Mr. President.

WELCOME BACK

Mr. LOTT. Welcome back, all of you. I hope that you are all rested and recharged physically and in spirit because we do have a little work that we need to get done this week.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in session today for a period of morning business to give Senators an opportunity to speak.

At 2:30 the Senate will resume consideration of S. 4, the Family Friendly Workplace Act. I encourage any Senator who intends to offer an amendment to this legislation to be prepared to offer the amendment during today's session. Any votes ordered on amendments offered today will be set aside with the possibility of votes occurring on those amendments after 5 p.m. today.

In addition, a cloture motion on S. 4 will be filed today. Therefore, the Senate can expect a vote on cloture on S. 4 to occur on Wednesday morning.

As a reminder to all Senators, tomorrow from 9:30 until 12:30 a.m. the Senate will honor the services of our President pro tempore, Senator THURMOND, the longest serving Member of the Senate. I encourage all Senators to participate in this important tribute on Tuesday morning.

For the remainder of the week Senators can anticipate Senate action on the concurrent budget resolution, the supplemental appropriations conference report, and possibly the adoption of legislation.

As Members are aware, this is the first week of a 4-week legislative period prior to the Fourth of July recess. The Senate has a number of important issues which need to be considered prior to that next recess. We anticipate action on the budget reconciliation bills, both on the spending side and the tax cut bill.

The DOD authorization should be ready, and the chairman of the committee has asked that we try to reserve time in the latter part of June to do that, if at all possible.

Product liability legislation is pending, as well as various appropriations bills, including the legislative branch, foreign ops, and Treasury-Postal Service as they become available.

So we are looking at those three appropriations bills that we would like to be able to finish in the Senate before we go out for the Fourth of July recess.

As all Members know, this is not an exclusive list that the Senate may consider. There are other issues that are pending legislatively and executive matters as they are cleared. For instance, I understand the national missile defense legislation has cleared the Armed Services Committee. That is an issue that we may be able to take up before the Fourth of July period.

Therefore, I encourage all Members to adjust their schedules for a busy month of Senate work. That could very well include some votes on Monday afternoons late and evenings on Friday. But later on this week, probably tomorrow, we will try to give Senators some clear idea of what Mondays and Fridays they should expect to be in session. At a minimum, the Friday that we are scheduled to go out for the Fourth of July recess—that would be Friday, June 27—is clearly one that we will likely have to be in session to complete our work on reconciliation bills.

MEASURE READ FOR THE FIRST TIME—H.R. 867

Mr. LOTT. Mr. President, I understand that H.R. 867 has arrived from the House.

I ask for its first reading.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 867) to promote the adoption of children in foster care.

Mr. LOTT. I now ask for its second reading and will object to my own request in behalf of the other side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BILL SHIELDS OF THE NATIONAL PARK SERVICE

Mr. KENNEDY. Mr. President, it is privilege to take this opportunity to commend Superintendent Bill Shields for his 32 years of distinguished leadership in the National Park Service. His service has been renowned in many different aspects of the park system, and every region of the country is in his debt.

One of the biggest challenges Bill has faced has been managing national parks in urban settings. In fact, Bill spent the majority of his career in urban park environments, and he has met special needs of these parks with great skill, wisdom, and understanding. As superintendent of Rock Creek Park, he had jurisdiction over 95 separate local parks which are prized by communities throughout the Washington area. He has skillfully balanced the needs of the parks with the needs of the general public and park neighborhoods. With parks such as Meridian Hill and Montrose and Dumbarton Oaks, he has dealt with many complex issues with diplomacy and exceptional judgment.

Bill Shield's retirement after 32 years with the Park Service will be a great loss. But because of his guidance and leadership, many parks in the Nation, and especially in the Nation's Capital, will be enhanced and preserved for future generations.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that morning business be extended until 2:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I have no further requests at this time.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until 2:30 p.m.

There being no objection, the Senate, at 12:48 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I am pleased to have the opportunity to stand and speak on behalf of the Family Friendly Workplace Act. It is a way of helping people resolve tensions that exist between the home place and the workplace. Most American families encounter two basic tensions. One is the tension that is financial, that drives both adults in the family, if there are two adults in the family, into the workplace; certainly if there is only one adult in the family, that one adult has tremendous pressure to be in the workplace. The other pressure which exists for most American families is the social pressure that comes when you have all of the adults in the family in the workplace. You have tension between the workplace and the home place.

How in the world are we going to be able to meet the needs of the home, when people are not at home when they are needed the most—particularly when there are times when their presence is very, very important. For example, when someone is getting an award, or when someone needs to speak to the counselor or with a teacher at school, or when someone needs to go to the doctor. Most families understand that when you have this kind of a need you should have the opportunity to be away from work. If both adults in the family are involved in the workplace it makes it very tough to do.

There are times when certain conditions will justify the use of what is known as family and medical leave. The Family and Medical Leave Act was passed by the U.S. Congress and it allows people to take time off without pay. But I have found in my family, and I am sure most Americans have found as well that when you take your child to the doctor, that is not a time when you can go without pay. That is a time when you actually need all the resources you can get. To put people in the position of having to take a pay cut in order to go see the teacher about a problem at school or to watch the student get an award at school or to be able to take a child to the doctor—to ask a parent to take a pay cut in a setting like that is to make a parent make a choice that we should not be asking a parent to make.

Fortunately, there already exists in this culture a clear model of a system that can work, that works effectively and works very well. It is in the Federal Government. Legally, all Federal employees have the ability to have what is called flexible working arrangements. They can take time off with pay later if they have earned that time off by working more hours earlier. They can arrange their schedule to work a couple hours extra one week and take a couple hours off the next week. As a matter of fact, Federal workers have the ability to take advantage of the scheduling option which allows them to work 45 hours one week, 35 hours the next week. That way they have every other Friday off. Of course, that is really a tremendous boon to people who need to be able to do things during the normal working hours, whether it is to go to the motor vehicle registration place to get the car plates renewed or to take a child to a doctor or go see a child get an award or confer with a teacher at the high school—those kinds of days that can be scheduled flexibly for Federal employees have worked well to solve problems for Federal employees.

Unfortunately, what is standard operating procedure for people who work for the Federal Government turns out to be outright illegal for people in the private setting. Let me give an example. If you work for a Federal agency and you want to go see your daughter get an award on Monday afternoon next week you can say to the boss this Friday, "I would like to work a couple extra hours and then I can take off early next Monday." Now, your boss can let you work 2 hours this week and you can take the 2 hours off next week, that is fine, you can see your daughter get the award. For a private employer to do that is violating the law. It is against the law for a private employer to be able to cooperate with his or her employee in such a setting.

Now that really shocks most of us to think it is against the law for an employer to help an employee in that respect, but it is the truth. Similarly, if the private employer says if you would really like every other Friday off we will let you work 5 days at 9 hours a day, that would be 45 hours one week, and then the next week you only have to work 35 hours and you can do that by working 4 days, take the fifth day off the second week, that private employer, to pay a person the standard wages for doing that, is in violation of the law. Now you might add, "Gee, this is astounding. That should not be against the law." It is against the law in the private sector. It is not against the law for Federal Government employees.

What is interesting is when you talk to Federal Government employees, they endorse this system overwhelmingly. The General Accounting Office, which is the Office which makes assessments about how well Government is functioning and what works and what does not work—too often they find out what does not work—they made a study of this particular proposal and the way this works in the Federal Government. It was amazing that at a 10-to-1 ratio, Federal Government employees said this is something that really helps, this is something we like. This is something we want. This works. Not only did the employees say it was something that helped, that they wanted, that worked, the employees also were found by the General Accounting

Office to be more productive, their morale was higher, and, obviously, those are the kinds of things we would like to extend all across our economy.

Now, private, hourly paid workers in America are deprived of these benefits. It is just that simple. It is against the law. People say, how in the world did we get a law that would make it against the law for an employee and an employer to cooperate in this way? Well, back in the 1930's on the heel of the Great Depression, when only 2 out of every 12 mothers of school-age children were in the work force, a law was created that set up the Fair Labor Standards Act. This act gave some important protections to American workers. However, it also made these kinds of adjustments, this kind of workplace flexibility illegal. The world is so different now than it was then, it is almost impossible to imagine. Instead of 2 out of 12 mothers of school-age children being in the workplace, it is 9 out of 12 mothers of school-age children being in the workplace. So we flipped the statistics totally but we are still operating with the same approach—not totally operating that way. We changed it for Government workers.

Of course, Government workers are not the only people that have flexible schedules. The people in the boardrooms have flexible schedules. The boss never seems to have trouble with his salary if he takes time off to play golf, let alone to see a child at school. People on salary, the managers and the supervisors—as a matter of fact, the majority of American citizens—have flexible scheduling. It is estimated about 66 million people have flexible scheduling and only 59 million who are the hourly paid working people of America do not have the ability for flexible schedule. It is no wonder that the Pugh Foundation said that 81 percent of the working mothers said, "We need flexible working arrangements for the private sector." Obviously, that would be a great help to them.

It would be a great help, they believed, because they think that is what would help them. When you look at Federal workers who have had this plan—now, for well into the 1970's—the 1980's and the 1990's, they say at a 10 to 1 ratio, "This is the best thing since sliced bread. This is something that is very important to us."

So, we are talking about a proposal which would extend to workers and working families the capacity to harmonize these competing demands between the workplace on the one hand and the home place on the other hand. I might add that I believe we are going to continue to have lots of people working outside the home in America. As a matter of fact, I do not know that America could be very competitive in the world economy if we did not. These two-parent families where both parents are working outside the home and the single-parent family where the only parent is working outside of the home are part of the muscle and fiber of the American economy. We cannot do without them. The truth of the matter is we need to find ways to help them harmonize the competing demands. They need more time and more flexibility.

What is interesting about the Federal system is that it allows you to earn your time off by earning a little bit at one time and taking it off at another time. These flexible working arrangements give workers the ability to take time off without having to take a pay cut. Now the family and medical leave provisions are good, they are fine, they are part of the law right now, but if you take time off under the family and medical leave provisions you lose pay, and when you lose pay that way it is not only not good for you, it is not good for the country.

Let me just talk to you about what happens in the family and medical leave situations where they have taken time off. Now, the family and medical leave Commission stated that the method that hourly employees used to recover lost wages when taking family and medical leave is that 28.1 percent borrowed money. So, families had to go in debt to meet their needs. And 10.4 percent, 1 out of every 10 hourly workers who took time off under family and medical leave had to go on welfare because of the money they lost. 41.9 percent, almost 42 percent, 4 out of every 10 people, deferred paying their bills. Now, most Americans do not like not paying their bills. People would rather have the flexibility of keeping their payments on time and on schedule. It is cheaper when it comes to the interest you are paying, finance charges, and the like. Yet we put people in a situation where 41 percent put off paying their bills, over 10 percent went on welfare, and another nearly 30 percent had to borrow money. I think it is far preferable to be in a situation where we allow people to have the flexibility of taking time off with pay instead of taking time off without pay.

Now, there seems to be some developing consensus about the idea that there should be some capacity for comptime. Comptime is one of the items in this bill. It merely is the right to say to your employer, "I would rather be given some time off with pay later on than be paid for overtime." We know that the law requires that you be paid for overtime at time and a half. This bill would allow a person to say, "I would like to take time and a half off with pay later on, instead of being paid time and a half for the overtime." People are shocked to learn it is against the law now to say I would like to have some time off later on instead of being paid time and a half now—time off with pay later on.

Interestingly enough, the comptime part of this bill only addresses a pretty narrow group of American citizens because the number of people who get regular overtime in our culture is pretty low. As a matter of fact, in the 1996 Current Population Survey, women who work on an hourly basis—and there are 28.9 million women who are paid on an hourly basis in this country—only 4.5 percent of them said they get overtime work in a typical work period. Even if you multiply that by five times, say you get up to 20 percent, you are dealing only with one out of every five women in the work force who would qualify for using comptime as a way of assuaging some of these tensions.

Since this system is a voluntary system for both employers and employees, it is very easy to say that we will just move ourselves beyond comptime—not to say it is not valuable, that it wouldn't be important, that it wouldn't be wonderful to have. But if we give ourselves the capacity for flexible working arrangements, where especially people could schedule over a 2-week period instead of a 1-week period to average out the 40-hour week, indeed, people do have some of these benefits who are not traditionally the recipients of overtime.

Another thing that stuns me is the fact that most of the people who get overtime are men. Overtime typically focuses on industries that are male dominated. There are about two men getting overtime for every woman that is getting overtime. So even if you are talking about the fact that overall, on balance, you might be entitled to a third of all the hourly workers who get some type of regular overtime, or enough of it to make a difference to help compensate meeting the demands of their family and the home place and the workplace, one-third really is really not addressing the problem of what we ought to address. We need to address this problem in a way which is comprehensive.

So having flexible working arrangements for the entire population, and not just focusing the opportunity to assuage attention on those individuals who are regularly recipients of the opportunity for overtime, is very important. That is why the flextime part of this bill is important. If we really want this bill to address the needs of women, of which only 4.5 percent get overtime in any typical workweek, according to the 1996 Current Population Survey, we really ought to make sure that we do more than just have comptime legislation, that we have flextime legislation as well.

President Clinton and many Democrat Senators have voiced support for flextime, the central idea within the Family Friendly Workplace Act. Polls show that the vast majority of Americans favor flexible work schedules. They want legislation that would give them parity with Federal Government workers.

Incidentally, comptime is available to every State local government worker. The Federal law makes it available as well.

People would like to have legislation that would give them the opportunity to choose scheduling options that would help their families.

Penn and Schoen, the President's own pollsters, have reported that 75 percent of America wants the choice of comptime.

Last month's Money magazine published a poll revealing that 64 percent of the public overall, and 68 percent of the women, would occasionally prefer time off in lieu of overtime if they have a choice.

Nothing in this bill would make someone forever choose that it had to be one way or another. You could maintain the opportunity to have overtime pay most of the time when you had overtime, but you could on occasion say, "I would really prefer to take this time and a half off later than to have the time and a half in pay."

From the remarks we hear from the Democrats, I think they say they want the same thing. I believe they do have an appreciation for the need of workers in this setting.

If this is really the case, if everybody wants flextime, some have specific difficulties with this bill, I hope that Senators would come down and offer amendments. We are at a point where we need to begin to work out, fine tune, and develop a bill which will result in the workers of this country having the benefits which all of us believe they need and want.

According to all the accounts I have heard, people want this bill on both sides of the aisle. The President has been heralding the benefits of flextime for the last 2 years. In his State of the Union Address, as part of his campaign, and as recently as the last several weeks, he spoke very favorably, saying that flexible working arrangements are very important. Mrs. Clinton has made statements on national television over and over again.

Now we have a situation where we have gridlock in the Nation's Capital. I think it is time for us to break that impasse. I think it is time to work out this measure. It is time for individuals who say they have objections to the bill to come to the floor and offer those kinds of compromises that would adjust the bill so as to make it acceptable.

We want a bill. The Democrats have said they want a bill. I think it is time to work together and to work out Senators' concerns here on the Senate floor in the process in which the Senate is best served to undertake, and where the Senate works at its best, it works to the benefit of the American people.

So let's work together and hammer out our concerns on the Senate floor. If Senators dislike specific provisions or language in the bill, I say come down and offer your suggestions, your amendments. Let's make sure that we don't allow this bill to be one which fails to move because none of us is willing to consider change. Let's try to say that since we all want this, let's move it forward, place it before the Senate, and ask the Senate to act in its wisdom on proposals and amendments so that the will of the Senate might work out the will of the people.

This particular opportunity we have is a good one. It is one which I believe can really benefit the working people of this country and will help us as a nation as we move into the next century.

If the studies of the GAO were correct, and 10-to-1 people think that this is a good system when they have had a chance to live under it, and the morale goes up and the productivity goes up, this is a policy that is a win-win situation and should be extended to all workers. It is a policy change which should be considered high on the agenda of the Senate, not on one party or the other, but high on the agenda of the American people and should, therefore, be high on the agenda of the Senate.

Let's work together. Let's come to the floor. Let's make proposals for amendments. Let's work out our differences so that we can respond to the President, who said he wants to have a measure that addresses this issue, and let's find a way to do it in a way which will benefit the people of this country.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I would like to talk for 5 to 7 minutes just to augment the remarks of my colleague, the Senator from Missouri, who has done yeoman's service on this issue.

Senator ASHCROFT has worked on this issue for probably 6 months now, trying to educate people on the importance of allowing this stress relief valve to be passed into law in America. I commend him for it. What he said was very, very important because, in fact, the question I get asked when I am home and talking about this bill is, "Why is it necessary to have a law? Why can't people go in and ask their boss to take time off on Friday afternoon to see their children's soccer game and make it up on Monday?"

Most people in this country believe that you can do this already. The biggest surprise is that 60 million hourly workers in this country do not have this option. They do not have this option because the U.S. Congress in 1938 passed a law when only 10 percent of the women, the mothers in this country, worked. It said you have a 40-hour workweek, and employers and hourly employees cannot violate the 40-hour workweek unless you pay time and a half for overtime work. Federal employees have the ability to go in and say, "I would like to work 38 hours this week and 42 hours next week." Salaried employees have the same option. But 60 million hourly employees—the ones who need flexibility the most—are not able to do it because of a law passed in 1938 when 10 percent of the mothers in this country worked. Today, two-thirds of the working women in this country have school-age children.

When I talk to my friends who still have school-age children, they say what they need more than anything else is time. They need time more than they need money. They need time with their children more than anything else. The stress of not being able to go to the football game or the soccer game is what hurts them the most.

So why wouldn't we give them the ability to go in and talk to their employer and have the flextime or the comptime that was described so ably by the Senator from Missouri? Why wouldn't we do that? It is just good, old-fashioned, common horse sense. That is what it is. The people out in the country know that. They can't even believe we are talking about it. Only inside the beltway in Washington, DC, would it be a question that two adults would be able to sit down and say, "I would like to work 38 hours this week and 42 hours next week, or I would love the ability to work 2 extra hours 4 days a week and take Friday off," as Federal employees are able to do. People want the ability to manage their own time without taking a pay cut.

You know when the President talks about flextime, he is talking about nonpaid time. We don't want a person to have to forego the mortgage payment or the car payment. We want people to be able to budget, to know, "This is what I am going to have for spending, this is what I am going to have to spend, this is my budget, and I do not want to give up the 2 hours of pay. But if I can keep on an even keel with my budget and be able to have the flexibility in time, that is what I need most in the world right now."

Mr. President, the Senator from Missouri and the Senator from Texas are going to try to make sure that the 60 million employees in this country who are not now able to sit down with their employer and ask for their flextime or this comptime do, in fact, have that ability. That is what this is about.

The Senator from Missouri came up with the idea that we should finally, once and for all, since 1938, come into the real world. And the real world is that two-thirds of the working women in this country have children in school. They need relief.

So the Senator from Missouri and I are going to try to give it to them by enacting flextime and comptime so people can work their normal hours or have the flexibility to change their hours but keep their salaries constant. And it is always at the option of the employee to say, "I would rather have time or I would rather have money."

That is something that the Senator from Missouri was very careful to make sure in his bill that be protected. That is the right of the employee to say, "No, I do not want time-and-a-half time; I want time-and-a-half money." That should be the right of the employee. But if the employee says, "Oh, thank goodness. What I really want to do is to go to my child's soccer game on Friday afternoon, and now I can go and ask my employer for that time off and make it up next week and not have to worry about the car payment," that is what we are trying to do. That is the simple fact. It is why this bill is necessary. And I commend the Senator from Missouri for working to make this happen.

Why we are having so much trouble getting this bill on the floor for debate is because it is being filibustered on the other side, which I don't understand. I don't know why the unions would be against it. This doesn't interfere with union contracts. If there is a closed shop, a contract shop, a union shop, then this law isn't in effect. The union is able to do the negotiating.

But if there isn't a union, why should Government be in the way of allowing people the ability to have that time with their child at their soccer game or their football game or their Little League Baseball game? Big brother Federal Government should not be in the way, nor should big brother unions be in the way, because this does not affect union contracts. But there are a lot of people in those 60 million hourly employees who do not have a union contract that also are precluded by law from this flexibility. And, Mr. President, we don't think it is right. We want to do something about it.

That is what the Ashcroft bill does for the working people of this country.

I hope that our colleagues on the other side of the aisle will allow us to get this bill on the floor. Stop filibustering it. Stop stonewalling. Let us get this bill on the floor. Let us have the debate. Let us have the amendments. Whatever is appropriate we will work with if we can just get it on the floor. Right now, for the last 4 weeks, 5 weeks, we have just been trying to get the Democrats to agree to let us bring it up. It is being filibustered. The time has come for everybody to stand up and say, OK, I will put my amendments out there. We will vote them up or down. But let us let the working people of America, the 60 million hourly employees, have the same opportunities as Federal employees, State employees, and salaried employees to be able to take off 2 hours on Friday afternoon and make it up on Monday.

That is what this bill is about, and I hope that our colleagues will allow us to debate it and pass it and give this stress relief valve to the working people of America.

Thank you, Mr. President. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as we start off today on this issue, I remind our colleagues and friends, there was really no effort on anyone's part to delay the consideration of this legislation. If you go back and review the amount of time we have taken on the legislation, you will find no more than 4 or 6 hours of debate in total on the Senate floor.

We are being faced now with the bill is being brought up this afternoon with a cloture motion. We have already been notified there will be no time tomorrow morning as the Senate will pause to pay tribute to an outstanding Senator, our good friend and colleague, Senator THURMOND, who has had a long record in the Senate. We also know that we will be displaced tomorrow afternoon should the budget report come back before the Senate.

So we are in a situation where this legislation is put in the Chamber, pulled back, put in, pulled back, put in, and then a cloture petition is filed. We had a series of amendments that were offered in the Labor Committee. These amendments have been filed on the floor as well. I will address the purposes of these amendments later. We voted on this bill in the committee, and there was no effort to delay. There were only, I believe, six or eight amendments, and I think there have been just about that number that Senators on this side of the aisle have filed on the legislation. So we should be under no illusion that there is any interest in undue delay on the measure.

Madam President, it is very difficult to disagree with the needs of the parents in the situations described by my good friend and colleague from Texas, Mrs. HUTCHISON, or my friend from Missouri, Senator ASHCROFT. They discuss cases where the parent needs a little extra time for the meeting with the schoolteachers or for the dental appointment or for other kinds of activities. We are all in agreement on the importance of those needs.

But that is not what this bill is all about. That is what the Federal employees protections are all about, which we support, but that is not what this legislation is all about. I will just take a few minutes to review what this bill provides.

I would think reasonable people could say that we should not abolish the 40-hour workweek, which has been in effect for nearly 60 years to protect workers from exploitation—that is why it was put into effect. We all understand the need to look at the new global economy and consider new programs, but I do not think we ought to get away from old values. The old values were that 40 hours of hard work for men and women in this country is enough over the course of the week if workers are going to have any time at all for their families. If employees need to work overtime, they should be compensated at time-and-a-half in order to provide additional income for the family, particularly because they are going to be denied the opportunity to be with that family.

So, if we are going to abolish the 40-hour workweek, I think we need to understand where we are going. That has been a protection for many, many years. If we are going to abolish overtime pay in a 2-week period, as this bill does, I think we ought to be able to discuss that. I think it is fair to review once again who really has the whip hand in deciding whether that worker is going to be able to get time off to participate in that teacher conference or see that school play. Is it the employee? Or can the employer just say, no, you are not going to be able to do that. Then what recourse is available to that employee? You would think that two people sitting down would be able to work out an accommodation so that one person would be able to go to that teacher conference, but if the employer is able to say, no, you cannot go, how does that benefit the employee? There is virtually no hindrance to that employer simply saying, well, you are just not getting off next week or the week after for that basketball game or for that teacher conference. There is no remedy. If the employee had the decision, then we would be talking about an entirely different bill.

That is not what is before us in S.4. That is not what is before us. That is why I think we ought to be cautious when we talk about ending the 40-hour workweek, when we talk about ending any premium pay for overtime with the flexible credit hours in this legislation, and when we skew the decisionmaking process in favor of the employer rather than the employee. It seems to me that we ought to examine this and try to address it. That is what I want to speak about this afternoon, about the different amendments that have been advanced and which I hope will be included in the bill. Then I hope the legislation will move forward. I would like just to mention those this afternoon to the Senate.

Prior to the recess, the sponsors of S. 4 attempted to invoke cloture, and they failed badly, not by one or two votes but by seven votes. Every Democrat opposed cloture because the provisions of S. 4 are clearly hostile to working men and women. Two courageous Republicans broke with their party and joined with us in opposing cloture. That vote should have sent a strong signal to the Republican leadership that their bill contains provisions which are unacceptable to a great many Senators.

Those 47 Senators who opposed cloture will not allow the advocates of S. 4 to eliminate the 40-hour workweek. Those Senators will not allow the sponsors of S. 4 to impose a pay cut on American workers, and that is what this legislation is really all about. Those Senators will insist upon a comptime bill which is fair to working men and women, one which allows employees—employees—to make the real decisions and choices.

Whether we take 1 more cloture vote or 10 more cloture votes, the result, I believe, will be the same. It should be clear to all Senators that the extreme provisions of S. 4 will never be approved by the Senate and they will never become law.

That is why many of us had hoped by now the advocates of S. 4 would have moved away from their extreme position toward a more moderate, reasonable comptime proposal.

The real debate in the Senate has never been about whether workers needed more flexible schedules. All 100 Senators could concur in that goal. What this debate has been about is how best to provide that flexibility, how to design a system which genuinely empowers workers rather than enhancing the control of their bosses. It is time to turn to the real issues. What are the standards by which we should evaluate a comptime proposal? I think it would be useful if we could establish fairness as the criterion and then make the decision as to what legislation advances that goal. I believe there are certain basic questions of fairness which should be asked about each of the pending comptime proposals. Does the proposal prevent an employer from discriminating in allocating overtime work between those workers who choose time off and those who choose overtime pay? Will it reduce the pay of employees who are currently working overtime and want to continue to receive overtime pay? Is the proposal designed to ensure that those workers who choose comptime actually get a net increase in time off to spend with their families? Does the plan protect employees who use comptime from any reduction in their health or retirement benefits? Does the legislation contain strong penalties to deter employer misconduct in the operation of the comptime program? Is the value of an employee's accrued comptime protected if the employer should become insolvent?

The answers to these questions will tell us whether a particular version of comptime will truly empower workers. The Republican bill flunks this simple test. S. 4 does not give the workers real choices. It gives the employer the final say on when employees can use their accrued comptime. It will result in a pay cut, and it jeopardizes the health and retirement benefits of many workers. It will not even guarantee that those who use comptime get a net increase in the amount of time off they have to spend with their families. And the Ashcroft bill would abolish the 40-hour workweek, one of the most fundamental principles of American labor law for nearly 60 years.

Fortunately for American working men and women, there is a comptime proposal which passes this fairness test. The Democratic comptime proposal offered by Senator BAUCUS, Senator KERREY, and Senator LANDRIEU guarantees the genuine employee choice, which the Republican bill fails to provide.

The substitute corrects the most serious defects in the Ashcroft bill. It incorporates many of the ideas proposed by the Democratic members of the Labor Committee as amendments during the markup. Unfortunately, each was rejected on a party line vote. Let me highlight the key improvements.

First, the 40-hour week is preserved. This bedrock principle would be eliminated by the Republican bill. The Democratic alternative preserves the 40-hour workweek and ensures that every hourly employee who works more than 40 hours will receive time-and-a-half in either pay or comptime. If the real purpose of comptime legislation is to provide employees with the option of additional time off in lieu of extra pay, it should not reduce the historic standard of compensation for overtime worked. The Republican bill would result in both lower pay and less time off for workers than the Democratic alternative. It is easy to see which piece of legislation is truly family friendly.

Second, the Democratic proposal makes it illegal for employers to discriminate in allocating overtime work. Employers would have to make overtime work equally available to those employees who want to receive overtime pay and those who want to receive comptime. This is an essential protection for workers who have been receiving overtime pay and need the money. Nearly half of the hourly workers earn $16,000 a year or less; 80 percent of them earn less than $28,000. Overtime pay on average constitutes 10 or 15 percent of their annual income. Their families need those dollars to make ends meet. The Republican bill would allow an employer to offer all the overtime work to those employees who choose comptime and none to those who choose extra pay. In many businesses, S. 4 would mean the end of overtime pay. Such discrimination is terribly wrong, yet the Ashcroft bill would allow it. The Democratic alternative makes this discrimination illegal, and it is easy to see which legislation is truly family friendly.

On that point, we offered an amendment in the committee to try to address that issue and it was rejected on a straight party line vote.

(Mrs. HUTCHISON assumed the Chair.)

Mr. KENNEDY. Madam President, thirdly, any creditable proposal to deal with employees' desire for more time off to spend with their families must ensure the employee can take the time when he or she needs it most. A working mother needs a particular day off so she can accompany her child to a school event or doctor's appointment, not a day when it is convenient for her boss. Nothing in the Republican proposal requires the employer to give her the day she requests. He can deny her request and she has no effective recourse. The Democratic alternative provides for real employee choice in using accrued comptime.

If the time off is needed to care for a sick child or other family member, the employee has an absolute right to take the time. When the time is being used for other reasons, the employee can take the time if he or she has given 2 weeks notice and the absence will not cause substantial and grievous injury to the business. The difference between the Democratic and the Republican positions on this crucial issue is dramatic. Under the Democratic plan, employees can take the time when they need the time, and it is easy to see which proposal is truly family friendly.

We saw the resistance of our Republican friends to the very modest amendment of our friend and colleague, Senator MURRAY from the State of Washington, that said let's just have a 24-hour guarantee that a mother or father who is working would be able to take up to 24 hours to go to a parent-teacher conference or go to a school event—just 24 hours. That was rejected. And why? The reason it was rejected, I believe, is because it provided for the employees' protection.

You can say all you want that this legislation leaves it up to the employee, but the fact is, it does not. If those who support S. 4 say that it does, we have the clarifying language to make sure it does do that. But they resisted that in the markup; they resisted the very reasonable proposal of the Senator from Washington for a 24-hour period over the course of a year. That would have given the discretion to the employee. Republicans resisted it because, under their proposal, the employer is going to be the one who makes that decision. That, I believe, is a very important and significant difference.

Fourth, if employees are really going to be able to increase the amount of time spent with their families, comptime hours must count as hours worked. The way the Ashcroft bill is drafted, if an employee uses earned comptime to take Monday off, she can still be required to work 40 hours during that week. The boss can require her to work on Saturday and not even have it count as overtime.

I want my colleagues to understand that the boss can say, "OK, you can take comptime off on Monday," and then can say, "Well, you will work on Saturday," and not even have it count as overtime pay. That can be 48 hours during that one week. Of course, the bill eliminates the 40-hour workweek in any event, so there are any number of hours that employees can be forced to work. Or, the employer can require the employee to work 10 hours a day Tuesday through Friday and not have it count as overtime. Thus, under the Republican comptime scheme, she would not even gain extra time to be with her child. The hours gained on Monday would be lost by Saturday. There would be no net benefit in time off to the employee. This absurd result is due to the fact that the authors of S. 4 have refused to count hours of comptime as hours worked. That little change, comptime as hours worked, would avoid that. We offered that as an amendment. It was rejected. My Republican colleagues rejected an amendment to give the employees the ability to make the decision about the time off. My colleagues on the other side of the aisle rejected our amendment to count comptime hours when used as hours worked, which would provide that protection from exploitation. That was rejected by the supporters of S. 4. Thus, the employees using the comptime will enjoy no increase in their free time. Our Democratic alternative provides that protection. Again, it is easy to see which proposal is truly family friendly.

The Baucus-Kerrey-Landrieu legislation corrects a number of other flaws in S. 4 as well. It shows how hollow the promise of the Ashcroft bill really is. This debate has never been about whether employees needed the option of more time off. We all agree, as I mentioned earlier, that they deserve more time to spend with their families. The debate has always been about how to make that opportunity real. It is about how to truly empower workers, not how to give increased control to their bosses. The Democratic alternative achieves the goal of empowering workers; the Republican bill falls dramatically short.

Madam President, with those kinds of alterations or changes, we would have legislation that would be out of here in very short order. It seems to me that if we are going to do what is the stated purpose of this legislation—to give the employees the power to be able to make those decisions, to make sure they are protected in terms of hourly pay—then we need to provide those protections. We need to prevent discrimination against workers where the employer says, "I'm always going to give overtime work to Jimmy here because he always takes the comptime, and I'm not going to give any to Sally because she always takes the overtime and I don't want to pay that out." We just need to provide some protection so we don't have that kind of discrimination.

These are basic elements of protection for employees. Every one of these proposals that I have mentioned provides additional power to the employee. As I understand it, having listened to the debate, giving employees some power is the primary reason at least some say they support this legislation.

I think it is important to emphasize the extent of flexibility in the 40-hour workweek at the present time. If employers—and this is today—genuinely want to provide family friendly arrangements, they can do so under current law. The key is the 40-hour week. Normally, employees work five 8-hour days a week, but more flexible arrangements are possible. Employers can schedule workers for four 10-hour days a week with the 5th day off and pay them the regular hourly rate for each hour. No time-and-a-half is required. They can arrange a work schedule of four 9-hour days plus a 4-hour day on the 5th day so they can have Friday afternoons off, again without paying a dime of overtime. That can be worked out today without a dime of overtime.

Under the current law, some employees can even vary their hours enough to have a 3-day weekend every other week. Once again, the employer does not have to pay a dime of overtime. That flexibility is totally legal under current law.

Employers can also offer genuine flextime. This allows employers to schedule an 8-hour day around core hours of, say, from 10 to 3. Let employees decide whether they want to work from 7 a.m. to 3 p.m. or from 10 a.m. to 6 p.m. This is a very popular option for Federal employees. This, too, costs employers not a penny more. But only a tiny fraction of employers use these or many other flexible arrangements available under the current law. The Bureau of Labor Statistics found that only 10 percent of hourly employees are allowed to use these or other flexible schedules. Only 10 percent. We hear S. 4's proponents say, "Let's give them half the day off on Friday, let's give them more flexibility during the course of the week, let's let them have an extra day off every other week"—all that is possible today, without a dime of overtime. You know something? Only 10 percent of employees are permitted to do that at the present time. Current law offers a host of family friendly flexible schedules, yet virtually no employers provide them.

Madam President, this bill has a different purpose, and that, I suggest, is to cut workers' wages. Employer groups unanimously support it. Obviously, it is not just the small businesses which wish to cut pay and substitute some less expensive benefit instead. I have here, which I will have printed in the RECORD, a letter signed by 9 to 5, National Association of Working Women; American Nurses Association; Business and Professional Women; National Council of Jewish Women; National Women's Law Center; and the Women's Legal Defense Fund. These have been the organizations, during the time I have been in the Senate, that have fought for gender equity, gender fairness, pay equity, nondiscrimination against women. They have been the ones who have fought for the increase in the minimum wage, day care programs, expansion of Head Start—the whole range of different family friendly programs. They are on record in each and every one of them. This is their conclusion in reviewing this legislation:

> We believe that passage of S. 4, the Family Friendly Workplace Act, fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers * * *
>
> Nearly half of the workforce is women and the number of women working multiple jobs has increased more than four fold in the last 20 years. S. 4 would affect hourly workers and most hourly workers are women. The majority of minimum wage workers are women. Many of these women depend on overtime pay. Many of them want more control of their schedules, not less. Without strong protections for workers, the comp time bill will cut women's options and women's pay. For example:
>
> Someone pressured into taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut.

That is the example I used earlier.

> Supporters argue S. 4 is voluntary and the employees have a "choice," yet working women, who for decades faced subtle (and not-so-subtle) forms of discrimination, are all too familiar with the potential consequences of not going along with the employers' wishes: isolation, intimidation and even retaliation;

As I mentioned in our earlier debate on this bill, in 1996 more than 170,000 workers received backpay because their employers failed to pay overtime—in violation of Federal law. Those employees received over $100 million for those violations, in the last year alone. That is what is really happening in the workplace.

> Because employees do not control when and if they use their comp time, they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay * * *
>
> Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40-hour work week.

Madam President, I ask unanimous consent to have printed in the RECORD this letter I just referred to.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN NURSES ASSOCIATION,
Washington, DC, May 30, 1997.
Hon. TRENT LOTT,
Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: The undersigned national organizations represent many of the working women of today. We believe passage of S. 4, the Family Friendly Workplace Act, fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employees. We urge you to delay consideration until a real solution can be found which truly meets the needs of working women and families.

Nearly half of the workforce is women and the number of women working multiple jobs has increased more than four fold in the last 20 years. S. 4 would affect hourly workers, and most hourly workers are women. The majority of minimum wage workers are women. Many of these women depend on overtime pay. Many of them want more control of their schedules, not less. Without strong protections for workers, the comp time bill will cut women's options and women's pay. For example: someone pressured into taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut; supporters argue that S. 4 is voluntary and the employees have a "choice," yet working women, who have for decades faced subtle (and not-so-subtle) forms of discrimination, are all too familiar with the potential consequences of not going along with the employers' wishes: isolation, intimidation and even retaliation; and because employees do not control when or if they can use their comp time, they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

S. 4 must be defeated. Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40 hour work week.

Sincerely,

9 TO 5, NATIONAL
ASSOCIATION OF WORKING
WOMEN,
AMERICAN NURSES
ASSOCIATION,
BUSINESS AND
PROFESSIONAL WOMEN,
NATIONAL COUNCIL OF
JEWISH WOMEN,
NATIONAL WOMEN'S LAW
CENTER,
WOMEN'S LEGAL DEFENSE
FUND.

Mr. KENNEDY. Madam President, this isn't just my own conclusion. The observations made today reflect a wide range of different groups, those groups primarily that have been fighting for the working men and women of this country. The groups opposing this bill include not only the League of Women Voters, but the National Women's Political Caucus, the National Council of Senior Citizens, the National Council of Churches, and the Disability Rights Education and Defense Fund. The list goes on and on, for these reasons: this bill, S. 4, gives the ultimate decision to the employer rather than the employee.

This isn't Federal employees where the employee has the right to take the time off. This is a different arrangement which, under any fair reading, would give the employer the control. Without the protections that I have mentioned, this would be the result.

We have to ask today whether we want to risk abolishing the 40-hour workweek, effectively abolishing overtime pay for workers who are on the lower rungs of the economic ladder. Some 60 percent of those workers earn $16,000 a year; 65 percent of them have no college education. In so many instances, they are working not just one job but two or three jobs in order to make ends meet. Those are people who are struggling at the bottom rung of the ladder and depend upon the overtime just to get those resources to be able to try to bring up a family. Sure, they would like to spend more time with their family and, sure, they ought to have some opportunity to do that. We support that. But we are going to make sure that when that judgment is made, that that employee is the one who is going to make the judgment, not the employer because they want to see a pay cut for hard-working Americans.

That is basically what the issue is before us in the U.S. Senate. Without these kinds of protections that we have talked about today, that would be the result, a significant pay cut for those that are working on the bottom economic rungs of the ladder. That is wrong. That is unfair.

The measure that has been introduced by the Democrats as a substitute provides protections to deal with those issues. But we have been unable to be able to get acceptance of that proposal. Therefore, we stand in opposition to S. 4.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Madam President, it is with a great deal of enthusiasm that I rise to voice support for S. 4, I think the aptly named "Family Friendly Workplace Act." I think that is exactly what this bill does. It provides some friendliness in the Fair Labor Standards Act for the employees, for the workers in this Nation.

I want to compliment and commend the Senator from Missouri for his leadership on this issue. I know of no one in this body more committed and more dedicated to the American family than the Senator from Missouri. And he demonstrated that I believe in his sponsorship and his championing of this cause and this bill.

This bill will give American workers the flexibility to take paid time off for any reason by simply working those hours in advance, paid time off. I know there are many in this body who have worked hard for family and medical leave. That is unpaid family medical leave. Most in the U.S. Senate voted for the Family and Medical Leave Act, the unpaid Family and Medical Leave Act. Therefore, it puzzles me that so many of those who championed family and medical leave on a voluntary and unpaid basis will now oppose this legislation which will provide workers paid time off for any reason by simply working those hours in advance.

It would make it possible, this bill, for modern families to harmonize the ever-increasing demands of family life and the workplace. Many employers have done their best to try to build some flexibility under the current law. And they have found themselves repeatedly in a virtual straitjacket.

This legislation will provide them that much-needed flexibility to work with and on behalf of those whom it is their best interest to help, their employees, their own workers. This is an issue which has been recognized by those on both sides of the aisle as being crucial to the future of the American family in this country. Mothers need to be able to leave work early to attend parent-teacher conferences or whatever else may be important to the welfare of their families. Fathers need to be able to take off work early to go coach their children's Little League team or some other worthy activity that will benefit their families.

S. 4 amends the Fair Labor Standards Act that applies to private-sector employees. That is those employees currently not eligible for comptime or flexible work programs. The individuals that I am referring to hold hourly positions such as clerical workers, mechanics, other low- or mid-level jobs that provide the backbone of our work force. The very individuals who need flexibility the most are those who currently are denied it under the current law.

The Labor Department recently concluded a report to the Nation and to President Clinton entitled "Working Women Count." Hundreds of thousands of working women were surveyed and the results speak volumes about the priorities of these women in the work force today. The No. 1 issue for these women was how difficult it is to balance work and family obligations.

Their concerns are exactly what S. 4 is designed to address, how to continue meeting their responsibilities at work while also meeting their responsibilities at home to their families.

Why do we need a bill like the Family Friendly Workplace Act? The current laws dealing with the workplace were developed in the 1930's. There are some who feel content. They feel that those 1930 laws, as well-intended as they were, should be set in concrete forever, never amended, never changed except to make periodic changes in the minimum wage.

But the fact is, life in America has changed dramatically in the last 60 years. The structure and the composition of the typical American family has changed dramatically in the last 60 years. And it is time that we reflected those changes in the Fair Labor Standards Act.

In 1940, just 2 years after the passage of the Fair Labor Standards Act, 67 percent of all American families were comprised of a husband that worked outside the home and a wife that did not. More than two-thirds of American families fit that basic model in 1940, just 2 years after the passage of the Fair Labor Standards Act, and only 9 percent of families had two working spouses. Today that is no longer the case. Not only is it no longer the case it is just about the reverse, it is just about the opposite of that.

By 1995, only 17 percent of families had husbands that worked while the wife stayed at home. In 1995, only 17 percent had that kind of classic Ozzie and Harriet household. Only 17 percent fit that model 2 years ago. In addition, almost 70 percent of single women headed families with children.

So again, I point out, Madam President, the Department of Labor's own study revealed that the No. 1 issue women wanted to bring to the President's attention is the difficulty of balancing work and family obligations.

Recent polling data reflects that 81 percent of women support flextime proposals, and 31 percent of women who work full time say the ability to work flexible hours is the single most important policy reform that could be instituted in the workplace to ease this dilemma, this struggle of balancing a family and work pressures, to reduce stress, and to increase productivity.

So, 8 out of 10 women support the concept of this bill championed by Senator ASHCROFT of Missouri. Nearly one out of three put flextime at the very top of the list of workplace reforms that will provide help to the family.

I know I have been talking mostly about how this bill will benefit women in the work force. But it is not just women who feel so strongly about this issue. A poll conducted by Penn & Schoen Associates showed that most Americans prefer options in compensation for working overtime. They want options, they want more flexibility.

In fact, 75 percent favor allowing employees the choice of getting time and a half either in wages or as time off, 75 percent favor that. Madam President, 57 percent would take time off instead of being paid if that option were made available to them. Not by coercion. I heard that word. Not by pressure. I heard that word. But they voluntarily desire that option and would take it were it made available to them.

Then Money magazine recently conducted a poll which concluded that 64 percent of Americans and 68 percent of women would rather have their overtime in the form of time off rather than cash wages. Madam President, the evidence is overwhelming, the American people want more flexibility in their work schedules.

This bill provides it. The Family Friendly Workplace Act guarantees all Americans the right to have this flexibility. Unfortunately, many misconceptions have been perpetrated about what this bill actually does.

Let me just set the record straight on what I believe are some gross mischaracterizations of this legislation. The single most important thing that the American worker needs to know about the Family Friendly Workplace Act is that its provisions are completely—completely—voluntary.

As I was listening to debate here on the Senate floor I was turning through the bill. It is always helpful to read the bill. I believe the language is very plain and unequivocal:

> An employer that provides compensatory time off under paragraph 2 to an employee shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten or coerce any employee.

So the most important thing to remember is that the provisions of this bill are entirely completely voluntary. No employer can force a worker to take time off rather than overtime pay. In fact, S. 4 imposes criminal and civil penalties on employers who attempt to coerce or intimidate their employees into taking time off in lieu of overtime pay. Those penalties are increased. Flexible time can only be initiated at the employee's request. So worker protections would really be greater under this legislation than under current law. And it is, I say again, totally—totally—voluntary.

Another misconception is that workers would only be able to take the time off at the discretion of their employers. S. 4 allows an employee to take time off within a reasonable period after making the request as long as their absence would not unduly disrupt the employer's operations.

This standard has been used since 1985 for Government employees. It has resulted in very few disputes, and most notably has won rave reviews from these Federal workers who have had this option made available to them. They have not seen themselves as the pawns of management. They have not seen themselves abused, but rather they have seen this as an option that they wanted to take advantage of. They have approved of it. It has worked admirably. It has won rave reviews.

It is interesting to note that Federal employees have enjoyed a compensatory time-off option since 1945, and flexible work schedules since 1978, while private-sector employees must still operate under the rules established almost 60 years ago.

Furthermore, the comptime and flextime provisions of the bill are completely voluntary and do not affect collective bargaining agreements.

Some would like to portray this bill as a coercive attempt to undermine the unions. Nothing could be further from the truth. S. 4 is a bill that recognizes the importance of one particular union, and that is the union of family, a mother, a father, children, and the relationship that they have to their employer. And this bill will enhance that contractual agreement. It will enhance that union that exists within family. It will put a modicum of flexibility and reasonableness into labor law and into workplace management.

So let me just say, in concluding my remarks, there are two things I think are absolutely essential to remember. No. 1, it is voluntary. I am so tired of hearing the words "pressure" and "intimidation" and "coercion" because the language of this bill is absolutely plain and clear that that is not only not tolerated, it is illegal, whether it is implied or otherwise, and the sanctions and the penalties are actually enhanced over current law.

The second thing that I urge my colleagues to remember is not only is it voluntary, but it is tried and it is proved and has been successful. Federal employees have enjoyed this, and it is high time that we gave the workers of America the same benefits that Federal employees have enjoyed for years. And it is voluntary. You cannot coerce it. It is absolutely and totally voluntary and it has been proven it works. It is time we extend those benefits to others.

This bill takes a giant step in altering the all-too-obvious dilemma American workers presently face in trying to balance family and work responsibilities. I urge my colleagues to put families first and support S. 4.

Madam President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I was very interested in the comments that the good Senator was making, saying this is a completely voluntary provision. Let me point this out. If an individual worker says, "Well, if I'm going to work overtime, I want my time and a half. And, therefore, since the system is completely voluntary, I'm not going to sign up for the comptime. I'm not going to sign up for flextime. I'm going to maintain the 40-hour week, and anybody who thinks that this is going to allow discrimination just doesn't understand it because I'm going to be able to maintain my rights."

Well, that is a wonderful rhetorical statement, but it just does not take into account what is happening out in the workplace. Because you have Johnny over here who says, "I'm going to maintain my rights, I'm not going to let the employer decide when I can take comptime or flextime. I'm going to take the overtime pay after 40 hours a week." The employer says, "OK, if you do that, I'm going to give the work to Bill and Harry over here. So you, Johnny, you're not going to get any overtime work because Bill and Harry are going to take comptime and they're going to take flextime. So you'll never get overtime work as you get today."

That is the reality of the workplace. You can stand up here all day long—and I have heard Senators say, "This is completely voluntary, because if I don't want to participate I don't have to. I'll be protected by the 40-hour week. I'll be able to get my overtime." But that does not reflect what is happening out there in the workplace today.

You have the three workers. He says, "I'm going to stick with the 40-hour week. And I want my overtime pay." The others say, "I'll do the flextime. I will not take the overtime," The flexible credit hour provision provides what they call straight time, which means they will work overtime but they will still get paid the same amount they got for the first 40 hours. That is in the bill. Or the next one says, "I will take that in comptime and I will take that time off next week."

Now, who is the employer going to choose when it comes to awarding overtime work? What the Democrats said is, "OK, if you are going for these programs, we want a provision in there that you will not discriminate against that person who needs the overtime pay." Were the Republicans willing to take that? Absolutely not. Absolutely not. The Republicans claim that workers are going to be able to make a decision on their own, without coercion. But the fact is that they are going to be discriminated against in the workplace because they are not going along. When we tried to remedy that situation with an amendment, the Republicans said no.

Now, I find it difficult to believe that this is really voluntary and it really will not affect those workers who do not want to participate. Of course it will affect those workers. They will have their pay cut because they will never get the overtime work. Those who need the overtime pay the most will never be assigned overtime work again. They will be hurt the worst.

That is why we are trying to bring in that provision, so we will not discriminate. This bill allows that. I think it demonstrates what the bill's real purpose is.

This is, basically, Madam President, about reducing overtime pay. That is the testimony we had before the committee. The National Federation of Independent Business, one of the prime organizations that supports this told our committee that "Small businesses can't afford to pay overtime." That was the National Federation of Independent Businesses's explanation of why they support this bill.

Who are the people affected by this legislation? To understand the real-world impact of the bill, you have to look at the workers currently depending on overtime pay to make ends meet. Forty-four percent of those who depend on overtime earn $16,000 a year or less. More than 80 percent have annual earnings of less than $28,000 a year. That is, 80 percent of them earn less than $28,000 a year. A single mom with two children, $28,000 a year. That is at the top level of those who are working overtime. These are people who need every dollar they can earn just to make ends meet, men and women supporting families.

If this bill passes, many will lose the overtime dollars they need so badly. Employers will give all the work to the employees who agree to take the comptime. There will not be overtime work for those who insist on being paid.

Under the Ashcroft bill, discrimination in awarding overtime work will be perfectly legal. Does anyone honestly believe it will not happen? Does anyone honestly believe if the employer has the choice between paying someone 1½ times or paying someone in flexible credit hours, which is straight time, does anybody believe the employer will not choose the less expensive option?

Mr. ASHCROFT. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mr. ASHCROFT. If you mean for the question to be totally rhetorical, I would not. But I believe there are reasons in the bill which indicate that such coercion would not exist. First, I do not think it is automatic that it costs an employer less to have an employee to accept comptime and have to maintain books for the compensatory time and also have the cash available for an employee to be paid the compensatory time at the worker's option.

If you look at the bill on page 15, it says, "Prohibition of Coercion," and it says, "shall not directly or indirectly intimidate, threaten, coerce or attempt to do so," and again on page 39, "an employer shall not directly or indirectly intimidate, threaten, coerce or attempt to do so."

Mr. KENNEDY. If I could, please tell me where coercion is defined in the bill. I would be interested.

Mr. ASHCROFT. Page 40—thank you for asking—definition: "The terms intimidate, threaten or coercion include promising to confer or conferring any benefit, such as an appointment, promotion, or compensation, or affecting or threatening to affect any reprisal such as deprivation of appointment, promotion, or compensation." It seems to me that is exactly what you are talking about.

Mr. KENNEDY. No, it is not. Are you are saying that the definition of coercion includes discrimination in the award of overtime work, or are you saying that the issue of coercion is different from the issue of discrimination?

Mr. ASHCROFT. No, what I am saying——

Mr. KENNEDY. Do you agree that you can have discrimination without coercion?

Mr. ASHCROFT. Not under the bill.

Mr. KENNEDY. Then why do you not add the word "discrimination"? If you added that this afternoon, that would be real progress. I think there is a difference between coercion and discrimination. Without coercing somebody, I can say I will not give overtime work to that person. That is not coercing that person, as I interpret it. That is discriminating against that person because they will not take comptime or they will not go along with the flexible credit hours, which is straight time. I call that discrimination, not coercion.

Mr. ASHCROFT. Will the Senator yield?

Mr. KENNEDY. Sure.

Mr. ASHCROFT. This defines intimidation, and it says it includes "promising to confer or conferring any benefit such as appointment," which means to appoint the person to do the overtime, or promotion, or compensation, to give a person a benefit, which the overtime is clearly a benefit. That is the whole thrust of your argument.

If you do that, your discrimination qualifies as intimidation under the definition on page 40. But maybe we can clarify this with an amendment. That is one of the reasons I have said I would welcome Members to come to the floor.

Mr. KENNEDY. I would be more than glad to offer that amendment this afternoon to make that clear, and we could accept that this afternoon and move ahead. I would consider that very important.

With all respect to the Senator, I find an important difference in the definitions of coercion and discrimination. If the Senator believes that other parts of the bill's definition of coercion somehow prohibit discrimination, and therefore employers cannot discriminate, perhaps we could clarify that issue by using those words, discrimination. If we could achieve that, we would have made very important progress. I offered an amendment to accomplish precisely this. My amendment made it unlawful for an employer "to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for acceptance of compensatory time off in lieu of monetary overtime pay." So if you are willing to include those words, I think we would have made some very important progress. That is one of the important improvements that we are trying to achieve.

Mr. ASHCROFT. I am happy to try to work together with our staffs to see if we can meet a mutual understanding of language. It is not my intent to draft a measure that would allow the employer to withhold the benefit of additional overtime or opportunities from an individual based upon their commitment to take either comptime as opposed to paid time or paid time as opposed to comptime. The decision should be neutral.

Mr. KENNEDY. I appreciate the Senator's position on that. I do feel that has to be spelled out in the legislation because of the types of industries that we have been talking about here, for those individuals working in those industries have been subject to a great deal of exploitation, as the Senator knows—I will not take the time now, because I mentioned it earlier—both in terms of meeting minimum wage standards and also in terms of overtime standards. We are talking about hundreds of thousands of workers every single year.

I certainly appreciate what the Senator says about his desire to make sure that the legislation is not going to lend itself to exploitation. It is my own experience, and I think the experience of many others, particularly those people who are working in those working conditions, that there would be, in too many instances, a contrary result. I am sure there will be many employers who would not abuse this system, but I think we need to provide those kinds of protections. We will welcome the chance to work on this.

I was addressing, Madam President, the overtime provisions. I will not be long. It does reflect the vulnerability of these individuals in the work force. We are talking about these individuals who do not have the protection of any of the unions and are subject to, in too many instances, harsh working conditions.

As I mentioned, the people who will be hurt the most are the most vulnerable workers. Fifty-six percent have only a high school diploma or less. You know how hard it is to get ahead, no matter how hard you work, without more education. Millions who rely on overtime earn only the minimum wage. Sixty percent of them are women. One-third of them are the sole breadwinner in their families, and 2.3 million children rely on parents who earn the minimum wage, parents who hope their children will not get sick because they cannot afford a doctor and cannot afford the health insurance.

Interviews conducted by the Women's Legal Defense Fund demonstrate the sacrifice American women make in support of corporate flexibility, such as a waitress who is involuntarily changed to a night shift despite the fact she has no child care for evening hours. One working mom says, "My life feels I am wearing shoes two sizes too small." Thousands of these workers already work two jobs to make ends meet, and they need to work every hour they can.

Let me give a few examples of these people: 400,000, half of them women, work two jobs in the food service industry; 200,000 are cleaning and building maintenance workers. These are classic low-wage jobs. These employees really need the money they earn from overtime.

We discussed in our committee how the new economy, Madam President, was creating two categories of workers. The highly educated people are doing well, but those with limited education are struggling, and it is increasingly difficult for them to earn a good living. They depend on overtime. Their jobs are hard, but they perform them with dignity and commitment. They are doing their best to provide for their families. We cannot pass a bill to allow employers to cut the pay those workers receive now.

Madam President, I think if we were to go across the face of this country, we would find that most workers feel they are working longer hours. They are working longer hours than they were 20 years ago, about 200 hours a year more than they were working 20 years ago. Most of them feel they are working longer, they are working harder, and they are not making much progress toward reaching the American dream.

I saw the National Association of Business Economists was talking about poll results that for the first time found that more than half of the American people believe that the future for their children is not going to be as good as their own standard of living. We have always, as a country and a society, believed that future generations were going to have better opportunities for success, and there are a variety of measures that impact the well-being of those workers. Obviously, there are wages, the key element; the education of their children; decent health care; whether they will have any kind of pension system down the road. Of course, very, very few of these workers, ever have any kind of pension. That does not exist for the kind of workers we are talking about here today. The challenges they are facing in terms of inner cities, of rural communities, in terms of safety and security, wondering about the air they breathe, the water they drink, all of those issues are out there. They are facing an extraordinarily challenging time for themselves and for their families, working harder and not getting very far ahead.

Now we are asking them to roll the dice on legislation. Will we offer them legislation that will abolish what protection those workers have under the 40-hour week, and allow employers to tell them they will work 60 hours 1 week and 20 hours the next? Or will we give workers the right to decide whether they want to work longer and maybe get that additional money, maybe not see their children as much, but at the least offer their children a better quality of life? Sixty hours of work in one week—where are workers going to get the day care under such a schedule? Where are they going to be during that week if their child gets sick? How does it help them to work 20 hours the next week?

The key to this legislation is very clear. What is the power of the employee? Is the employee going to be making the judgment, as provided in the Democratic alternative bill, as to when that time can be taken off? Or is it going to be the employer who will choose, as S. 4 provides? The Ashcroft bill says that, when an employee has accrued the comp time and wants to use it, the employee "shall be permitted by the employer of the employee to use it within a reasonable period of time."

Does that mean workers are going to be guaranteed the ability to go to that school meeting next Monday afternoon, or go to the dentist a week from Wednesday, or go to that school play, or go to that athletic event in the middle of next week? It says, "shall be permitted by the employer of the employee to use such time within a reasonable period after making the request, if the use of the time does not unduly disrupt." What is unduly disrupt? The employer says, "I have to get those products out to the market. We can't have you leaving in the middle of next week." That is the end of the story. Is there any opportunity for this employee to say, "Wait a minute; let someone else, a neutral person, make a decision on this?" Absolutely not. The employer makes that judgment. It is stated here.

If the employer makes that judgment that the employee's use of comptime will unduly disrupt, he will give the time off 3 weeks from now rather than the time when that individual wants and needs it. Those are the provisions of the legislation. It does not give the choice to the employee.

That is the dramatic difference between this bill and the bill that has been proposed by the Democrats. The Democratic alternative would provide for the employee to be able to take that time. It would guarantee that workers could take that time if they needed it to take care of a sick child or a family member. That is an absolute right. And when the time is being used for the other reasons; that is, the ball game, the parent-teacher conference, the employee can take the time off if she has given at least 2 weeks notice and the use of the time will not cause grievous injury to the business. That is the difference.

Are we going to risk abolishing the 40-hour week, or are we willing to give the employee greater flexibility to be able to do the kinds of things that have been identified which parents want to do and need to do for their children's upbringing? That is the basic question.

I think we ought to at least be able to consider the Democratic alternative before we obtain cloture. I understand that we would not be able to consider the Democratic alternative prior to cloture.

It is my understanding that we will be having a cloture motion filed this afternoon.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, we may or may not be able to have the cloture motion filed this afternoon. But to make a difference in terms of working out some of these measures, I would be pleased to see the cloture motion held over until Tuesday so that the cloture vote could be held until Thursday.

I think it is important for us to get together and work on this measure. It is important for us to understand that we agree that families need more time. I believe we have an agreement that we want workers to have a real choice and a choice that is meaningful to workers.

That is one of the reasons we put the second level of choice into the bill. We allow a worker to choose to say, "I would like to have this as comptime instead of overtime pay." But we put a second choice into the bill that says any time after the worker has said that they want it as comptime and not as pay later, the worker can say, "I change my mind. I will take that as pay." That is to avoid any potential coercion or abuse.

But the idea that an employer might say we are only going to let overtime go to people who will choose compensatory time, or even to say we are only going to let overtime go to employees who are going to choose to be paid because they don't want to mess with the hassle of keeping the overtime—if the employer wants to participate at all, the employer shouldn't be able to intimidate the employee's choice in this matter.

One of the things that I think I would like to point out that the Senator from Massachusetts has raised is that he wants this to be something that helps families. He talks about the need to help families. But the kinds of items that they are proposing that deal only with comp time and don't deal with flexible working arrangements like the Federal employees have or don't deal with anything like the Federal employees have, maybe we will address the needs of at best maybe a third of the employees. I think we are forgetting the data from the 1996 current population survey, which indicated that only 4.5 percent—that is one out of every 25 women—who work by the hour have overtime in a typical workweek. That means, yes, in a typical work period and in a week's time. But say you get four times or five times that 4.5 percent that get it over the course of time so that they would be able to build up some comptime, they are still talking about 20 percent of the women in the culture who are working in those hourly jobs.

If you have 28.8 million women working in hourly jobs and you are only going to help 5 to 6 million of them, we have not done much in this bill. We need to address the problems that inure to the families of all of the workers, not just the ones that get regular overtime. The men are in a little bit better shape in our culture. They get more of the overtime than the women do. There are about two men getting overtime for every woman getting overtime.

But if we do nothing more than pass the comptime part of this bill, we are going to leave behind too many men and too many women. We need to have flexible working arrangements on a broader level to meet the needs of the families, the families with children, that do not have regular overtime. They get sick. Children in families that do not have regular overtime get awards—they have parent-teacher conferences.

Of course, in one respect it is important to say that, if you have comptime or flextime under this bill, you don't even have to have children to benefit. If you want to go fishing and your boss can agree that it does not unduly disrupt the business' purposes, you can swap the time off, and especially if you schedule to take every other Friday off.

The Senator from Massachusetts talked about the fact that there are certain ways in which flexible benefits can inure under the current situation. He says that only a tiny fraction of the employers provide flexible work schedules. That is because they are unworkable. It is a simple matter of fact.

The flexibility outside of S. 4 is limited to arranging 40 hours of work in a 7-day period. Exchanging hours from week to week is not permitted, even if the employee requests such an arrangement. For example, an employee who wants to work 45 hours in one week in exchange for only working 35 in another in order to attend a child's soccer game or to take the child to a doctor or to go fishing makes the employer agree to pay 5 hours of overtime for the longer workweek. Most employers can't do that.

Sally Larson, a human resource professional at TRW, tesified before the Employment and Job Training Subcommittee that her company instituted a program where hourly workers would take every other Friday off. She also stated it took a team of lawyers a year to change over their payroll systems and to make sure that the program complied with Federal law.

Most hourly workers aren't working in settings like that where they work for an employer who can have a team of lawyers that go through that kind of enterprise. Small businesses—or any business, for that matter—should not have to hire a team of lawyers in order to cooperate.

The point is that current law is unworkable. It is obviously not in broad utilization. It doesn't happen. We need something better.

The fact is that the system which we are promoting, the system which we are offering to the American public, is not an untried system. It is a system that has been place in the Federal Government since 1978. Through the last years of the 1970's, all through the decade of the 1980's, now well through the 1990's, we have had the system in place.

I have been in the Senate now going on 3 years. I have yet to have a single Federal employee come and complain to me about this system. There is no bill pending in the U.S. Congress that would change this system. This is a benefit. It is a clear, unmistakable benefit. It is something that workers use. They subscribed to the flexible working arrangements benefits so aggressively early on that it has provided some difficulty in getting people to work on Friday. It has taken cooperation and some scheduling. But that has happened.

There is much talk about the fact of the suggestion that we are without protections in this bill. But the bill which I have proposed for private industry has many protections which are not included in the bill which relates to the public. What I find amusing is that many of the people who are most aggressive in their opposition to this bill for private industry were sponsors of the bill which does not have the protections for people who work for the Government.

Look at this.

"Workers can be required to participate in compensatory time as a condition of employment." This goes to the comptime bill for State and local workers. "Can be required to participate." Under my bill it is strictly voluntary, and cannot be required.

The very sponsors of the bill which are complaining, saying there is not enough volunteer choice here, cosponsored the bill for State and local employees which allows them to be required to participate as a condition of employment. Under the State and local law, which was sponsored by the same opponents of the bill currently, "management can decide whether a worker must use comp time." Not so. "Workers cannot be coerced into using their comp time. Penalties are doubled for direct or indirect coercion" under our bill.

It is important that people have choice. If someone were to try to coerce a worker into using comptime, the worker would have to do but one thing: Say, "I want the money," because we allow for that second choice. Until you actually use comptime under S. 4, you have the right to cash that time in at any time.

So you want the money? Just say you want the money. This is a structural opportunity. This structural capacity to take the money mitigates against coercion.

"Comptime is paid in cash only when a worker leaves the job." Under Senate 1570, Public Law 99–150, you have to quit if you are a State government employee in order to get your pay in cash. We didn't think that was enough protection. We thought that workers ought to have a different protection than that. "Comptime must be cashed out on the request of the employee," and "must be cashed out at the end of the year."

I just raise these issues as a means of saying that our effort is to make this measure one which will provide a basis upon which people can spend time with their families, can arrange their work schedules, can meet these competing demands of the workplace and the home place. And we have sought to place not only legal inhibitors to coercion in the bill, we have also sought to put structural things in the bill—the right of the worker to cash out, just to say I want the money; I am entitled to it; give me the time-and-a-half, I want to take my money instead of leaving the hours in the bank. That right is there all the time. It never is extinguished.

The only way the right of the worker—there are two ways the right of the worker to get that money out is extinguished. Two ways. The first is if the worker takes time off with pay. You would not expect to take time off with pay and get paid time and a half for overtime. You cannot have your cake and eat it.

The second way you do not have a right to cash out your employment is if you are going to get cashed out at the end of every year. At the end of every year the employer must give out the money. He cannot carry it over as comptime. So if the worker cannot be forced to take it as comptime and at the end of the year the employer must give it out as cash, then the employer does not have any real incentive to try to get people to work without, by saying they will take comptime instead of paying them overtime. A business is going to have to hold the cash ready to pay it out at the end of the year, hold it ready to pay it out at the employee's request, at any time the worker says I have decided I want the money instead of cash.

As I said to the Senator from Massachusetts, Mr. President, I hope we will be able to work to provide further assurance that we do not intend for employers to be able to coerce or intimidate. This is a measure which I think would really affect people where they live. I have been getting lots of letters from people around the country. This one says:

> I'm writing this letter in regard to S. 4, the Family Friendly Workplace Act. I ask that you support the bill as I think it would be of great benefit to all the citizens of this country. Time and again parents relate to me—

And this comes from a public school principal—

> parents relate to me that they cannot come to school for conferences or other meetings because they have to work. This bill would seem to allow some flexibility in the workplace.

The principal knows the value of parents being able to come and participate in the child's education.

She also goes on to say:

> I'm also the child of an elderly parent who needs constant care. Many of my baby boomer friends are in the same situation of caring for parents. A family friendly workplace would relieve some of the worry and frustration of this situation. Thank you for your time.

Here is a letter from a 25-year-old single mother of twin 2-year-old daughters—A 25-year-old single mother of twin 2-year-old daughters. Now, this is the definition of having your hands full.

> Recently I heard of your Family Friendly Workplace Act. My employer, located in Carthage, MO, does not allow a flexible work schedule or overtime. My understanding of this act is that I would be able to have flexibility in my work schedule, giving me the opportunity to make up work hours lost because of illness in the family and doctor appointments.

She is right there. The employer would have the option of doing that.

> As a 25-year-old single mother of twin 2-year-old daughters, the Family Friendly Workplace Act would be extremely beneficial to my situation.

Listen to her situation.

> My children were born with a congenital heart disease and they need to attend checkup appointments on a 3-month basis with a cardiologist. These appointments have to allow a full day since our specialist is in Springfield, MO, and especially because both of my children attend the appointments. Also, since my children have a heart disease, they need special attention if they are ill. As a single mother, it's very difficult to lose any days financially.

Let me read that again.

> As a single mother, it is very difficult to lose any days financially.

Let me interrupt this letter for a moment. Now, you might say, well, this woman can take time from Family and Medical Leave. I think she could qualify for the serious medical problems that Family and Medical Leave may cover. But Family and Medical Leave makes you take the time off without pay. So here is this single mother, with twin 2-year-old daughters with congenital heart disease, having to make regular doctor appointments and having to take a pay cut in order to take her kids to the doctor, and she says:

> My understanding of this act is that I will be able to have the flexibility in my work schedule giving me the opportunity to make up work hours lost because of illness in the family and doctor appointments.

I can understand her desire to make those things up.

> As a single mother—

She goes on to say—

> it's very difficult to lose any days financially. The opportunity to make up lost workdays would be incredibly helpful. The Family Friendly Workplace Act would give me the opportunity to take time off from work without the loss of pay because of those days my children are ill or need to attend a doctor's appointment.
>
> Thank you for taking time to read my letter and your consideration of the many working parents who would appreciate such an act. Please go forward with the Family Friendly Workplace Act.

Absent the Family Friendly Workplace Act, people like that have to take family and medical leave, which is time off without pay.

Now, before the current occupant of the Chair came in, I went to the Report of the Commission on Family and Medical Leave. The Commission report stated in order to make up for the pay cuts that people have to endure because they are not allowed to make up their salaries, they are not allowed to bank flextime and they are not allowed to have banked comptime—here is how they make up for those losses—28 percent have to borrow money; over 10 percent went on welfare when they took family and medical leave; 42 percent put off paying bills.

Do you know what putting off paying your bills does for you? It increases your payments. The interest goes up. You are paying for a longer period of time. And it just occurs to me that we should not put people in the position of having to take a pay cut in order to be a good mom or dad in America. We should have a situation where we can give people the option of working some time in advance and then using that time, or when they have overtime required of them, putting that time in a bank so they can take time and a half off at some later date. It seems to me that makes a lot of sense.

Now, I do not understand how it is that those who oppose this bill say this is a bill for a pay cut. This is not a pay cut. This is a way for you to work time in advance so that when you need to take time off later, you do not have to have a pay cut. You do not have to take Family and Medical Leave time, which is unpaid leave. You can take flextime off or comptime off, or you could just cash in your flextime or comptime and have the money that you had earned earlier there to sustain you when you would be gone.

So the suggestion that this is a bill which provides for pay cuts I think ignores the real facts of life. The real fact of life is that when you have your 25-year-old mother, single mother of twins going to the doctor under Family and Medical Leave, she takes a pay cut. And that pay cut is never restored. But if she had the ability to have flexible working arrangements, that would be a pay cut which she would not have to endure.

I believe we do have a lot of agreement here. We agree that American families need the opportunity for flexible working arrangements. S. 4 provides the potential of flexible working arrangements to all the workers in the culture.

Because the suggestions from the other side only address people who traditionally work overtime, you are only talking about a third of the people in the culture there. I think we ought to find a way to help all Americans balance the needs that they have between their families and the workplace, and we ought to look very carefully at the data from the 1996 Current Population Survey which indicates that only 4.5 percent, 4.5 percent of the private sector working working women report getting regular overtime. Even if you multiply it 4 or 5 times, get it up to 20 percent, get it up to 25 percent, multiply it by seven times or eight times, get it up to 32 percent, you are still ignoring two-thirds of the individuals in that population.

I think it is time for us to provide a way to accommodate the needs of families that respects all of the families in the United States of America and does so without requiring them to take a pay cut, because, in my judgment, we should not be asking people to take pay cuts. We should be providing people with ways that they can sustain their income and sustain their families in the same situation.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I listened with great interest to my friend and colleague. I will be glad over the evening to examine further that 4 percent of the workers, if I quote the Senator right, who regularly get overtime and are women. We debated the increase in the minimum wage last year going from $4.25 an hour up to $5.15 an hour, and we found out that two-thirds of them were women. I cannot believe that these are not individuals who are working the overtime. Maybe we have a semantic disagreement, but it is difficult for me to believe at this time that only 4 percent of the overtime is being made by women in this country.

Mr. ASHCROFT. Will the Senator yield?

Mr. KENNEDY. I yield for that.

Mr. ASHCROFT. The data which I cite was that only 4.5 percent of the working women reported that they get overtime in a regular work period. That is the data in the Current Population Survey.

Mr. KENNEDY. I have heard that and I will try to review over the evening what we have in terms of those regularly working overtime, how those matters are defined, because it is virtually impossible for me to believe that the majority of the hourly workers are not women in our society. It is just very, very difficult. And that the majority of overtime hours worked is not worked by women.

Now, Mr. President, I am someone who was here strongly in support of the Family and Medical Leave Act. I supported the leadership that was provided by my friend and colleague from Connecticut, Senator DODD, who is the real leader on this issue. When we proposed that legislation, we tried to start out with a limited program that provided pay for people who used family and medical leave. Every other industrialized country in the world provides paid leave. We were absolutely stopped in our tracks by Republican opposition. Now we hear on the floor this afternoon, can you imagine, that someone who uses family and medical leave is going to have to go on welfare to use it. I wish we did provide some financial help when workers use leave for the type of family emergency that the Senator has pointed out. Every other industrialized society provides that kind of reimbursement. But we met total Republican opposition to that proposal. And American workers do not get paid family and medical leave.

It is difficult for me to understand, with all respect to my colleague, why it is worth more to that worker to work for compensatory time so that they will be able to take the time off, should they be given the chance to use it, in looking after a sick child rather than getting time and a half and putting the money in their pocket and having it in their pocket when that medical emergency happens. It seems to me that ought to be the choice that people would want to have. The Senator is saying, well, we are giving them a new opportunity. They can work and not even put that money in their pocket. I don't find that very convincing.

Mr. President, as the Senator has pointed out, we have mentioned Federal employees a number of times. I will just read the statute governing Federal employees. In this instance, the statute refers to flexible credit hours. In the Federal program, "Credit hours means flexible schedule which are in excess of the employee's basic . . . and which the employee elects to work." The employee elects to work.

In the Senator's bill, it is the employer and the employee who jointly designate hours. That is a big difference. I am all for Federal employees making the decision, but I am not for S. 4, which provides that the time off shall be permitted by the employer instead of the employee. That is what it says. Time off shall be permitted by the employer instead of the employee, for the employee to use within a reasonable period of time after making the request. The example that was given by Senator ASHCROFT is actually protected by the Democratic substitute bill.

In the substitute bill, it provides that if the time off is needed to care for a sick child or other family member, the employee has an absolute right to take the time. Put that in your bill, I say to the Senator; put that in your bill. Put it in this afternoon; put it in right now. We just heard that story. Put it in right now. Put in the other provision on nondiscrimination that you mentioned. Discrimination, is it the same as coercion? Yes, it is; no, it isn't. Put in those words. Put in now just what I read here from my amendment; put that right in. If the time off is needed to care for a sick child or other family member, the employee has an absolute right to take the time. That is not in the Ashcroft bill. That is not in the Ashcroft bill, and he cannot stand up on the floor of the U.S. Senate this afternoon and say it is.

So that parent out there who may be listening to this debate, read what is in the bill. You don't have the guarantee under his bill to use the time for your desperately ill children. You do under the Democratic alternative. It is written right in there. If the time off is needed to care for a sick child or other family member, the employee has an absolute right to take the time. When the time is being used for other reasons, the employee can take the time if he or she has given 2 weeks advance notice and the absence will not cause grievous injury to the business. The presumption is in favor of the employee. That is not in the Ashcroft bill.

That is the essence of this, after all is said and done, Mr. President. Those are really essential parts: whether we are going to risk abolishing the 40-hour week, and the dangers that will take place without specifying that the employer cannot discriminate against those workers who refuse to play ball with the employer, and that makes the decision primarily a decision to be made by the employer. I think that is really the essence of the difference in our approaches.

I commend my colleagues on our side for studying this issue, for providing the protection for all employees, giving the employee the kind of protections that they need to assure that comp time hours when used will be considered hours worked so they are not going to be shortchanged at the end of the week. These are the kind of protections that exist for Federal employees. That protection was in our amendment. That was rejected. That was rejected by our Republican friends in the markup. We have offered it. We will offer it again. We will have a chance to do that.

Mr. President, I appreciate the chance for this debate and discussion.

The conditions affecting working families in this country are enormously important. We have seen the assaults that have been made on the earned-income tax credit.

We have seen the assaults that have been made with regard to increasing the minimum wage.

We have seen assaults made in terms of some of the education programs in the last Congress.

And we have seen the assaults made in terms of the pay that goes to those who work in the construction trades, who average $28,000 a year, protections in terms of the prevailing wage not being undermined.

These are all working families in this country. It doesn't seem they have too much protection. They have, in many instances, too little. I believe that this proposal will substantially reduce the amount of overtime that is paid to workers who are willing to work hard, play by the rules, and try to make that little extra money to be able to provide for their families.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, first of all, I thank my colleague from Massachusetts for engaging in this debate. I think it is important to do that, to refine what we are talking about, to learn what works and what won't work and learn where we might need to modify what we are doing. I am eager to have amendments offered by those individuals who want to change this proposal, and I think we will be getting to that very shortly, and I am grateful.

I just point out that he indicated that the situation with the mother of twin 2-year-old daughters would be covered under the Democratic proposal. Her company doesn't provide for overtime. Her company just doesn't ask people to work overtime, and the Democratic proposal simply doesn't address the needs of the vast majority of individuals in the country who don't get overtime. I think we need to do that. There are lots of companies who just don't do it. They can't afford for their labor costs to go up by 50 percent by having overtime, so they hire enough workers, schedule enough people, pay enough benefits.

But this young mother says, "My company doesn't schedule overtime." So the only way for her to have the capacity to develop the ability to serve her daughters without taking a pay cut would be if we had some kind of flextime proposal similar to the one offered in the U.S. Government to Federal employees. It has worked well here. As a matter of fact, 10 to 1 the workers say it is very, very good. The General Accounting Office, which assesses whether things work or don't work in the Federal Government, indicate because people have the kind of flexibility they need, these workers in the Federal Government are more productive and their morale is better. I think that would be the same kind of thing in which private employers would want to engage. They would want to help their workers be more productive, have better morale, and extend to them the same kind of benefits that are available to Federal employees.

You may just say all the various things you want to say about this, but there are a couple key facts. It is totally voluntary, and not only do you have your first choice, but you have your second choice. If you choose to bank some hours and then you choose to cash them in later, you can cash them in. So your first choice is whether or not to put hours in the bank instead of taking the pay. But any time later, before you take the hours off, you can cash them in. That is choice No. 2. This isn't a plan that is just characterized by choice, this is a plan characterized by choice squared. This is two choices, and I believe in this case two choices are better than one because they provide insurance.

Second, it is a plan which would give people an opportunity to take time off without taking a pay cut, and that is something that we need. It is a plan that would deal with all the work force in the country, not just the few who regularly get, or with some frequency get, overtime pay. In my judgment, those are very important components, and I think given the fact there is substantial agreement about the needs—and I don't think anybody will come to us and really say the needs are focused only on people who get overtime in their work—it is pretty clear that people who don't get overtime, their kids have problems, they have the needs for the parent-teacher conferences, just like other folks, and I think it is time now to work together.

I hope the amendments will begin to be brought to the floor, and we will vote on these amendments. I am not in favor of curtailing the amount of time available to this bill. I think we ought to run this through the series of proposals, and the Senator has been kind enough to mention a number of them, that apparently will be coming forth. Frankly, we are going to be working this evening and into the day tomorrow to try and make sure if there are misunderstandings or clarifications that can be the basis for agreements, that we will provide those. I thank the Chair.

Mr. KENNEDY. Mr. President, before yielding the floor, I thank my colleague for a very positive and constructive approach on this legislation. We certainly want to try and find out what possibilities there are, but he certainly has indicated a willingness to consider different alternatives, and I thank him very much for the interesting debate and for his willingness to try and find common ground. I yield the floor.

Mr. CRAIG. Mr. President, I rise in support of S. 4, the Family Friendly Workplace Act. I was proud to be an original cosponsor of this bill when it was introduced. I commend Senator ASHCROFT, for his leadership as the principal author of the bill, and Chairman JEFFORDS, for guiding it through the Labor and Human Resources Committee.

In a word, this bill is about freedom. Mothers, and fathers and their families, need more freedom in the workplace—more flexibility in balancing the demands of work and family.

What has the Federal Government all too often given them instead?

Rules and regulations that are rigid, arbitrary, and one-size-fits all.

Increasingly over the last 60 years, Federal employment law has reflected the paternalistic attitude of a government that thinks it knows more about work-and-family needs than do the families and workers themselves.

The apologists of the failed regulatory state will argue that freedom is something granted to the people by the Government; and that freedom is a zero-sum game. For instance, you can't give employees more flexibility without creating an entitlement at the expense of the employer.

They will offer amendments to this bill next week, asking us to impose more legal straitjackets on workers and employers. We should reject those amendments and opt, instead, for freedom for our workers and their families.

This bill shows how Government, in its zeal to regulate, has failed our families; and how maintaining basic labor standards, while adding a little dose of freedom and flexibility, will create a win-win situation for employees and employers.

This bill does not create a right or grant an entitlement. It does not take away from a single worker or employer. It simply removes an obvious example of overkill—of the Government acting as the national nanny. It gives back to workers and their families some of the freedom that was taken away when an earlier Congress went too far in regulating the workplace.

This bill restores employee choice in an area where, for most private sector workers, the Government had taken it away from them. It allows the employee to arrange flexible work schedules to meet important family needs. It allows the employee the choice between one kind of overtime compensation or another. The employee will still receive time-and-a-half compensation for overtime. Only now the employee will have the freedom to negotiate when and how.

The apologists of the regulatory state want to expand Federal control over the lives of workers and their families:

They want the Federal Government, increasingly, to become the personnel manager for every workplace, and the collective bargaining agent for every worker.

They want the Federal Government to decide a family's priorities for taking time off. But what qualifies Washington, DC, to choose a parent-teacher conference, yes; but the school science fair, no? Dentist appointment, yes; but going to the DMV, no? Some kinds of elder care, yes; versus other kinds, no?

And you have to take a pay cut if you take their Government-approved leave, because the entitlement mandated under the Family and Medical Leave Act is unpaid leave.

They want Congress to say to employers with 25 to 49 workers: In 1993 we thought you were a small business. In 1993 we said you didn't have the economies for scale to afford federally mandated leave. Now we think you're a big business and we want to run your employees' benefit package.

Public employees have the freedom and flexibility that this bill would extend to private sector workers. Flextime and comptime have worked for public employees. These arrangements are overwhelmingly popular with the workers who have been eligible for them.

Now is the time to pull back a little on the long arm of big brother. Now is the time to give back some of the workplace freedom that previous Congresses took away.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER RELIEF

Mr. DORGAN. Mr. President, I was interested in listening to the debate of my colleagues, and this is, indeed, an important issue and it is very important to understand what are the facts, what precisely is being proposed and how exactly will it affect workers in our country. I expect in the coming days that we will hear a great deal more about this, see amendments and have votes. We already had one cloture vote on this issue as the Presiding Officer knows. I came to the floor, however, just to visit a few moments about the disaster relief bill, the supplemental appropriations bill that we will be dealing with this week in Congress.

As my colleagues know, the Congress left for a Memorial Day recess, which was all of last week, without having passed the supplemental appropriations bill or the disaster bill, as we refer to it, because the legislation contains a substantial amount of money to respond to the disasters that occurred in our part of the country; namely, the blizzards and the flooding and the fires that occurred in North and South Dakota and Minnesota.

Mr. President, I spent all of last week in North Dakota. Most Americans, having watched for a couple of weeks the disaster that occurred, especially along the Red River Valley and most especially in Grand Forks, ND, and East Grand Forks, MN, remember the images of the massive flooding that occurred that caused the evacuation of a city of 50,000 people on the North Dakota side of the border and the evacuation of 9,000 people from East Grand Forks on the Minnesota side of the border.

The American people saw this flood that consumed the Red River Valley, a small red river which flows north became a lake 150 miles long by nearly 20 and 30 miles wide in parts of it. Of course, channeling it through the communities of Wahpeton, Fargo, and eventually Grand Forks was successful until it got to Grand Forks, and then the dikes breached and the town of Grand Forks and East Grand Forks became almost totally flooded and both communities were totally evacuated.

In the middle of that evacuation, a fire broke out in downtown Grand Forks and destroyed 11 of the larger buildings in downtown Grand Forks, ND. Firefighters were fighting fire in water that was terribly cold, water up to their chest, standing in the streets, trying to fight fires in nearly three city blocks in downtown Grand Forks, ND.

The story is well known that the folks in Grand Forks and East Grand Forks left town, many of them with only the shirts on their backs. They were housed in aircraft hangars at the Grand Forks Air Force Base, 4,000 people originally sleeping on cots and hangars at the Air Force base, and people all around the region taking families in, living with relatives, doing all the things necessary because they have lost their homes and had to find somewhere to go.

That occurred weeks ago, and the Congress began working on a disaster relief bill. President Clinton went to Grand Forks and East Grand Forks in the middle of the flooding. I went with President Clinton on that visit. He proposed $100 million in community development block grants and other substantial aid through FEMA and other Federal agencies. We added to that.

And my colleagues here in the Senate, on a bipartisan basis, constructed a disaster relief bill that was very significant and very important for the recovery of that region. Regrettably, the Congress was not able to agree on the bill and left for the Memorial Day recess.

Among the areas in this legislation that caused some difficulty is an amendment dealing with a Government shutdown issue that has nothing to do with this bill but nonetheless will engender a Presidential veto. The President has already indicated he could not sign a bill even a disaster bill if it included a controversial amendment like this. So, that is where we left it as we left town about a week and a half ago.

I was in Grand Forks, ND, last week. And here is an editorial from the Minot Daily News that describes what I saw as well. It talks about the biggest mess in history in North Dakota.

Garbage is almost everywhere—talking about Grand Forks—thousands of piles several feet high—crumbled drywall and brickwork, water-damaged appliances and furniture and anything else that could be hauled out to the curb and beyond. Streets that were once wide enough to accommodate two-way traffic and a row of parked cars are now so narrow as to permit only one vehicle at a time.

What I saw in Grand Forks, which is a very pretty city, was every single street of that community lined with garbage, having been pulled out of all of these homes that were inundated, basements, first floors, and in some cases the entire homes inundated by flood water. And now it is all taken out to the curb as they are starting to try to clean up.

I was down in one part of Grand Forks where I had previously traveled by Coast Guard boat where the homes were totally submerged in water. And our boat was going at the top of the home level on water. I was back there last week, and the water is gone and these homes are totally destroyed—600 of them in this area, 600 homes totally destroyed having been totally under water and the homes were picked up off their foundation and set back. I saw a home sitting on top of a car, a home taken completely off its foundation by the flood water, and then put back down on top of an old Ford car.

But you go up and down the street, and what you saw was carnage, homes completely destroyed. And the folks who lived there are folks who, in many cases, have lived there many years and are now wondering what to do.

There was a man and his wife in their seventies standing in the front yard surveying this home they lived in. And I walked across the street and visited with them a bit and asked, "How long had you lived in this home?" "Forty-three years," they told me. And the woman said, "In 43 years we never even had a drop of water in our basement." And now of course the home is totally destroyed. "What will you do?" I asked her. "We are living in a little recreation vehicle, one of these little travel trailers that has been provided, but we have no idea what we will do next—no idea. No idea where we will live."

They have no idea when their house will be bought out to be part of the flood line, the new floodway that is being created in Grand Forks; they have no idea what will be paid for this house in order to create the floodway. "We don't know what our future is going to be." But interestingly enough, these folks still had that spirit I guess that exists up in the Scandinavian areas of North Dakota.

I put my arm around the shoulders of this wonderful woman and finally said at the end, "How are you doing?" She said, "Oh, pretty good, pretty good." They lost their home of 43 years, but she said she's doing "pretty good". Well, I know they are going through a lot of difficulty, as are most families, thousands and thousands of families in Grand Forks and East Grand Forks.

Alice Hoglo owned a home on Dike Street in East Grand Forks for 56 years. She is now living with relatives waiting to see what is going to happen to her home. And her home is nearly completely destroyed.

And 90-year-old Ann Sticklemyer, she has said she is now going to be a renter. She has not rented for decades, but of course now she has lost her home and is going to have to find a place to rent. But there is nowhere to rent. There are no homes available to rent, no apartments to rent, nothing available for housing in Grand Forks.

The list goes on, and it is endless of the families and the people who are struggling now to try to figure out: What do you do after the flood has come and gone? Where do we live? What do we do? I mean, when I was there on a boat in downtown Grand Forks surveying the damage in Grand Forks, that was one thing because the water then was so high that you could not possibly walk in it, but now the water is gone and all you have is this wreckage—hundreds and hundreds of homes totally and completely destroyed and families who previously lived in those homes now have nowhere to live. Oh, some are living with relatives, some are 100 miles or 200 miles away living in a motel. Some are living with strangers who invited them in. But they have nowhere to live.

And so the city of Grand Forks and the city of East Grand Forks struggle now to try to figure out, how do you put all this back together? How do you restart a business community that is shut down? How do you build a new downtown when the new floodway will probably take several critical blocks of your downtown area? How do you do all of that?

Well, you do it with the resources that were in this disaster bill, the hundreds of millions of dollars of community development block grants and other things that will allow people to get back on their feet and allow cities to begin planning to buy out homes in the floodway, to help provide some grants, yes, to homeowners to fix up their homes and to restart their business.

When Congress left without passing the disaster bill, some said it did not matter. But the folks in Grand Forks were very upset. And here is a Grand Forks editorial. Every day the top of their editorial page has this: "8 Days Since Congress Let Us Down." How much longer will it be before Congress gets to work and passes a disaster bill? The next day: "9 Days Since Congress Let Us Down."

Congress is not going to let Grand Forks and East Grand Forks down. These resources are going to be made available. But it is urgent they be made available now. It is urgent that Wednesday, when we go to conference, that we strip out the controversial provisions of this legislation and that we pass the legislation, pass the emergency portion of the legislation, at least, clean and get it to the President for signature so the help can be flowing to people who need it.

Another headline in the Grand Forks Herald, "Along the Dikes Lives are Still on Hold." And it talks about these folks who have no idea what their tomorrow is going to be because the resources that are needed in order to make the buyouts and to develop the new floodways and so on are not available at this point because the legislation has not yet been passed.

I just hope that on Wednesday when the conference committee convenes, that the conference committee and all of the conferees will decide that we ought not in any way impede, delay, or derail the disaster bill. We have not in the past, and we should not now.

I wish the disaster bill had been enacted by Congress before Congress broke for the Memorial Day weekend and the week that we took off. That was not possible regrettably. I think the decision to go home without passing the disaster portion of that bill was a mistake. But those who made that decision apparently felt comfortable with it. I do hope now that this Wednesday when the conference committee reconvenes that it will decide to enact this legislation, do it cleanly, do it without adding additional burdens to it that would engender a Presidential veto, and then make that critically needed relief available to the people who so desperately need it.

While I am on this subject, let me end with one other point. In the Senate, on a bipartisan basis, we have had enormously helpful support from Senator STEVENS, Senator BYRD, Senator LOTT, Senator DASCHLE, on a bipartisan basis. We have had strong support and unwavering support from virtually all of the subcommittee chairs and the ranking members of the Appropriations Committee. And for that we are most appreciative. We know that we cannot do in alone.

North Dakotans, who were dealt a very severe blow by having nearly 3 years worth of snow fall in 3 months on North Dakota, causing a massive amount of flooding, a 500-year flood on the Red River, and causing the complete evacuation of very large cities, we know that we cannot solve these problems alone. And we are very thankful for the bipartisan support we have had in the Senate to address these issues.

I again urge all of those who come to conference in the middle of this week to join us in and pass this bill and do it cleanly and quickly so that the people of Grand Forks are able to rely on the resources in this legislation.

THE OKLAHOMA CITY TRIAL AND THE JUDICIAL SYSTEM

Mr. DORGAN. Mr. President, let me make one additional comment on another matter. I notice the Senator from Idaho is waiting for the floor. I will not be lengthy, but I do want to make a comment on another unrelated issue.

I and the American people have learned this afternoon that the trial in Denver, CO, the Oklahoma City bombing trial, has concluded apparently with a guilty verdict on all counts, having been brought against Timothy McVeigh. There are many in this country, myself included, who from time to time have been critical of the judicial process feeling that in one case or another or in one circumstance or another the judicial system has let us down.

In fact, I think most Americans probably felt that way following the O.J. Simpson trial, that somehow the judicial system did not work quite right, and understand why people feel that way and, as I said, I have from time to time joined them thinking that some things just do not seem right in the judicial system.

But it seems to me that the decision in the Denver courtroom today should say to all of us that the judicial system in this country does work, the message today in that courtroom was a message that seems to me that those who commit heinous acts of terror will be brought to justice in this country. And I wanted to simply say, having heard of this verdict as most Americans have today, that I would credit and compliment the men and women who most Americans will never know who undoubtedly spent a lot of time and energy and effort and hours working on this case, to bring this case to a courtroom that results in a guilty verdict.

I can recall the day that I heard of this bombing. I was walking into a school in Minot, ND, to speak to a convocation at the school, and I have heard the reports of the bulletins on the radio that there had been this bombing at the courthouse in Oklahoma City. And I did not know until later the full consequence of it. But I will never, I suspect, in my lifetime, forget the picture of the fireman cradling the lifeless body of that young child, a victim of that disaster, that heinous act of terror, a disaster, but also obviously a deliberate heinous act committed against innocent civilians. And I felt the same rage I suppose most Americans do and did about that kind of senseless killing.

I hope that the verdict today in that courtroom in Denver is a verdict that says to all those in this country who believe they are above the law, who believe that acts of terror somehow will work, that this country will not countenance terror, this country will hunt down and prosecute vigorously those who commit terror against Americans and against all citizens.

I did want to simply take this moment to say that I suspect that there was an enormous amount of effort and work expended by a lot of folks to bring this trial to a successful conclusion and I, as one Senator, say thank you to the law enforcement community, and thank you to all of those who participated in restoring the faith of the American people in the justice system.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me associate myself with the remarks of the Senator from North Dakota who I think said it so well just a few moments ago as it relates to the outcome of the court actions in the Presiding Officer's home State and the city of Denver.

What it says about our society is so very clear, that we gave and we give and we protect the rights of our citizens to speak openly and freely in protest against their Government, to express themselves and their opinions without fear that somehow the heavy hand of Government might sweep down on them, but if they use violence as an expression, a political expression, that then they fall within the act of a terrorist, and if so proven to be such, the kind of action or the kind of verdict that came about in Denver is the consequence.

And that of course is what has marked the civility of our country well over 200 years now. And thank goodness our system still proves, as it apparently has expressed its will in Denver this afternoon, that it does work and it does work effectively.

So I appreciate the remarks of the Senator from North Dakota in making those statements.

CLOTURE MOTION

Mr. CRAIG. Mr. President, I now send a cloture motion to the desk to the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to Calendar No. 32, S. 4, the Family Friendly Workplace Act of 1997:

> Trent Lott, James M. Jeffords, Sam Brownback, Susan M. Collins, Fred Thompson, Gordon Smith, Judd Gregg, Jesse Helms, John Ashcroft, Jon Kyl, Paul Coverdell, William V. Roth, Jr., Conrad R. Burns, Richard G. Lugar, Phil Gramm, Bob Smith.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. For the information of all Senators, this cloture vote would occur on Wednesday, June 4. The majority leader will consult with the Democrat leader with respect to the exact time of the cloture vote.

However, at this time the majority leader asks unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CONTINUATION WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND THE BOSNIAN SERBS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM-39

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 28, 1997, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), as expanded to address the actions and policies of the Bosnian Serb forces and the authorities in the territory that they control within the Republic of Bosnia and Herzegovina, is to continue in effect beyond May 30, 1997.

On December 27, 1995, I issued Presidential Determination No. 96–7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law. In the last year, substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. Elections occurred in the Republic of Bosnia and Herzegovina, as provided for in the Peace Agreement, and the Bosnian Serb forces have continued to respect the zones of separation as provided in the Peace Agreement. The ultimate disposition of the various remaining categories of blocked assets are now being addressed, beginning with the unblocking of five Yugoslav vessels located in various United States ports effective May 19, 1997.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 28, 1997*.

REPORT CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM-40

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 29, 1997, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the People's Republic of China. This document constitutes my recommendations to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 29, 1997*.

REPORT CONCERNING THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 41

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 30, 1997, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other transactions with the Republic of Yugoslavia (Serbia and Montenegro) by Executive Orders 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively.

On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)"), and prohibiting trade-related transactions by United States persons involving those areas of the Republic of Bosnia and Herzegovina controlled by the Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 24, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuance of Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they control within the Republic of Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On November 22, 1995, the United Nations Security Council passed ("Resolution 1022"), immediately and indefinitely suspending economic sanctions against the FRY (S&M). Sanctions were subsequently lifted by the United Nations Security Council pursuant to Resolution 1074 on October 1, 1996. Resolution 1022, however, continues to provide for the release of funds and assets previously blocked pursuant to sanctions against the FRY (S&M), provided that such funds and assets that are subject to claims and encumbrances, or that are the property of persons deemed insolvent, remain blocked until "released in accordance with applicable law." This provision was implemented in the United States on December 27, 1995, by Presidential Determination No. 96-7. The Determination, in conformity with Resolution 1022, directed the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) pursuant to the above-referenced Executive orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995 (the "Peace Agreement") and signed in Paris on December 14, 1995. The sanctions imposed on the FRY (S&M) and on the United Nations Protected Areas in the Republic of Croatia were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, in conformity with UNSCR 1022. On October 1, 1996, the United Nations passed UNSCR 1074, terminating U.N. sanctions against the FRY (S&M) and the Bosnian Serbs in light of the elections that took place in Bosnia and Herzegovina on September 14, 1996. UNSCR 1074, however, reaffirms the provisions of UNSCR 1022 with respect to the release of blocked assets, as set forth above.

The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and covers the period from November 30, 1996, through May 29, 1997. It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order 12808 as expanded with respect to the Bosnian Serbs in Executive Order 12934, and against the FRY (S&M) contained in Executive Orders 12810, 12831, and 12846.

1. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that national emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

2. The Office of Foreign Assets Control (OFAC), acting under authority delegated by the Secretary of the

Treasury, implemented the sanctions imposed under the foregoing statutes in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 C.F.R. Part 585 (the "Regulations"). To implement Presidential Determination No. 967, the Regulations were amended to authorize prospectively all transactions with respect to the FRY (S&M) otherwise prohibited (61 FR 1282, January 19, 1996). Property and interests in property of the FRY (S&M) previously blocked within the jurisdiction of the United States remain blocked, in conformity with the Peace Agreement and UNSCR 1022, until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia.

On May 10, 1996, OFAC amended the Regulations to authorize prospectively all transactions with respect to the Bosnian Serbs otherwise prohibited, except with respect to property previously blocked (61 FR 24696, May 16, 1996). On December 4, 1996, OFAC amended Appendices A and B to 31 C.F.R. chapter V, containing the names of entities and individuals in alphabetical order and by location that are subject to the various economic sanctions programs administered by OFAC, to remove the entries for individuals and entities that were determined to be acting for or on behalf of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). These assets were blocked on the basis of these persons' activities in support of the FRY (S&M)—activities no longer prohibited—not because the Government of the FRY (S&M) or entities located in or controlled from the FRY (S&M) had any interest in those assets (61 FR 64289, December 4, 1996). A copy of the amendment is attached to this report.

On April 18, 1997, the Regulations were amended by adding a new section 585.528, authorizing all transactions after 30 days with respect to the following vessels that remained blocked pursuant to the Regulations, effective at 10:00 a.m. local time in the location of the vessel on May 19, 1997: the M/V MOSLAVINA, M/V ZETA, M/V LOVCEN, M/V DURMITOR and M/V BAR (a/k/a M/V INVIKEN) (62 FR 19672, April 23, 1997). During the 30-day period, United States persons were authorized to negotiate settlements of their outstanding claims with respect to the vessels with the vessels' owners or agents and were generally licensed to seek and obtain judicial warrants of maritime arrest. If claims remained unresolved 10 days prior to the vessels' unblocking (May 8, 1997), service of the warrants could be effected at that time through the United States Marshal's Office in the district where the vessel was located to ensure that United States creditors of a vessel had the opportunity to assert their claims. Appendix C to 31 CFR, chapter V, containing the names of vessels blocked pursuant to the various economic sanctions programs administered by OFAC (61 FR 32936, June 26, 1996), was also amended to remove these vessels from the list effective May 19, 1997. A copy of the amendment is attached to this report.

3. Over the past year, the Departments of State and the Treasury have worked closely with European Union member states and other U.N. member nations to implement the provisions of UNSCR 1022. In the United States, retention of blocking authority pursuant to the extension of a national emergency provides a framework for administration of an orderly claims settlement. This accords with past policy and practice with respect to the suspension of sanctions regimes.

4. During this reporting period, OFAC issued seven specific licenses regarding transactions pertaining to the FRY (S&M) or assets it owns or controls. Specific licenses have been issued (1) to authorize the unblocking of certain funds and other financial assets previously blocked; (2) for the payment of crews' wages, vessel maintenance, and emergency supplies for FRY (S&M)—controlled ships blocked in the United States; and (3) to authorize performance of certain transactions under presanctions contracts.

During the past 6 months, OFAC has continued to oversee the maintenance of blocked accounts and records with respect to: (1) liquidated tangible assets and personality of the 15 blocked United States subsidiaries of entities organized in the (S&M); (2) the blocked personality, files, and records of the two Serbian banking institutions in New York previously placed in secure storage; (3) remaining tangible property, including real estate; and (4) the 5 Yugoslav-owned vessels recently unblocked in the United States.

5. Despite the prospective authorization of transactions with the FRY (S&M), OFAC has continued to work closely with the United States Customs Service and other cooperating agencies to investigate alleged violations that occurred while sanctions were in force.

Since my last report, OFAC has collected six civil monetary penalties totaling nearly $39,000 for violations of the sanctions. These violations included prohibited imports, exports, contract dealings, and payments to the Government of the FRY (S&M), persons in the FRY (S&M), or to blocked entities owned or controlled by the FRY (S&M).

6. The expenses incurred by the Federal Government in the 6-month period from November 30, 1996, through May 29, 1997, that are directly attributable to the declaration of a national emergency with respect to the FRY (S&M) and the Bosnian Serb forces and authorities are estimated at approximately $400,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in OFAC and its Chief Counsel's Office, and the United States Customs Service), the Department of State, the National Security Council, and the Department of Commerce.

7. In the last year and a half, substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. UNSCR 1074 terminates sanctions in view of the first free and fair elections to occur in the Republic of Bosnia and Herzegovina, as provided for in the Peace Agreement. In reaffirming Resolution 1022, however, UNSCR 1074 contemplates the continued blocking of assets potentially subject to conflicting claims and encumbrances until provision is made to address them under applicable law, including claims of the other successor states of the former Yugoslavia.

The resolution of the crisis and conflict in the former Yugoslavia that has resulted from the actions and policies of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and of the Bosnian Serb forces and the authorities in the territory that they control, will not be complete until such time as the Peace Agreement is implemented and the terms of UNSCR 1022 have been met. Therefore, I have continued for another year the national emergency declared on May 30, 1992, as expanded in scope on October 25, 1994, and will continue to enforce the measures adopted pursuant thereto.

I shall continue to exercise the powers at my disposal with respect to the measures against the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 30, 1997.*

REPORT CONCERNING THE GENERAL SYSTEM OF PREFERENCE (GSP) FOR CAMBODIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM-42

Under the authority of the order of the Senate January 7, 1997, the Secretary of the Senate, on May 30, 1997, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Cambodia should be designated as a least developed beneficiary developing country under the GSP program because it has taken steps to improve worker rights and the protection of intellectual property. I have also determined, as a result of the 1995 Annual Review of petitions for changes that three products should be added to the GSP list of eligible products and that the competitive need limits on 22 products should be waived. As a result of a review of 1996 imports of GSP products, I have determined that de minimis limits on 79 products be waived and 11 products, whose imports no longer exceed the program's competitive need limits, should be redesignated as GSP eligible. Finally as a result of certain provisions of the legislation enacted in August 1996 reauthorizing GSP, I am granting GSP eligibility to an additional 1,783 articles not previously included under GSP, provided that they are imported directly from the least developed beneficiary developing countries.

This notice is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 30, 1997.*

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee: Mr. EWING.

The message further announced that pursuant to the provisions of section 2501 of title 44, United States Code, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Records Commission: Mr. BLUNT.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 867. An act to promote the adoption of children in foster care.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1979. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1980. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Visa" received on May 16, 1997; to the Committee on Foreign Relations.

EC–1981. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a memorandum of justification relative to the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC–1982. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the Federation of Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–1983. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "The Department of Energy National Security Programs Authorization Act for Fiscal Years 1998 and 1999"; to the Committee on Armed Services.

EC–1984. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC–1985. A communication from the Secretary of Defense, transmitting, pursuant to law, the DOD Weapon Systems Sustainment Programs report for fiscal year 1997; to the Committee on Armed Services.

EC–1986. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The NATO Joint Surveillance/Target Attack Radar System Act of 1997"; to the Committee on Armed Services.

EC–1987. A communication from the General Counsel of the Department of Defense, transmitting, three drafts of proposed legislation; to the Committee on Armed Services.

EC–1988. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Suspension of the Mobilization Income Insurance Program"; to the Committee on Armed Services.

EC–1989. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Military Commissary Act of 1997"; to the Committee on Armed Services.

EC–1990. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "International Energy Outlook 1997"; to the Committee on Energy and Natural Resources.

EC–1991. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the Youth Conservation Corps for calendar year 1996; to the Committee on Energy and Natural Resources.

EC–1992. A communication from the Chairperson of the Klamath River Compact Commission, transmitting, pursuant to law, a report on Compact activities; to the Committee on Energy and Natural Resources.

EC–1993. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1994. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule entitled "Pipeline Right-Of-Way Applications" (RIN1010–AC04) received on May 16, 1997; to the Committee on Energy and Natural Resources.

EC–1995. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the McKay Dam, Umatilla Project, Oregon; to the Committee on Energy and Natural Resources.

EC–1996. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Holidays and Premium Pay" (RIN3206–AH86) received on May 22, 1997; to the Committee on Governmental Affairs.

EC–1997. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report entitled "Human Resource Management: The District Needs A Strategic Approach"; to the Committee on Governmental Affairs.

EC–1998. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Congressional Award Foundation for fiscal years 1995 and 1996; to the Committee on Governmental Affairs.

EC–1999. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Census of Agriculture Act of 1997"; to the Committee on Governmental Affairs.

EC–2000. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2001. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–2002. A committee from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on May 9, 1997; to the Committee on Governmental Affairs.

EC–2003. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Audit of Certain Expenditures and Events in the Executive Office of the Mayor for the Period October 1, 1995 through January 31, 1997"; to the Committee on Governmental Affairs.

EC–2004. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report on the Federal Equal Opportunity Recruitment Program for fiscal year 1996; to the Committee on Governmental Affairs.

EC–2005. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a report relative to a personnel management demonstration project; to the Committee on Governmental Affairs.

EC–2006. A communication from the Director of the U.S. Office of Personnel Management, transmitting, a draft of proposed legislation entitled "The Federal Employees Health Benefits Provider Integrity Amendments of 1997"; to the Committee on Governmental Affairs.

EC–2007. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–2008. A communication from the Archivist of the United States, transmitting, pursuant to law, a report of the proposed George Bush Presidential Library; to the Committee on Governmental Affairs.

EC–2009. A communication from the Chairman of the Board of Contract Appeals, transmitting, pursuant to law, the report of three rules including a rule entitled "Rules of Procedure for Transportation Rate Cases" (RIN3090–AG05, AG06, AG29) received on May 7, 1997; to the Committee on Governmental Affairs.

EC–2010. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, actuarial reports for the plan year ending September 30, 1995; to the Committee on Governmental Affairs.

EC–2011. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2012. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2013. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2014. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of an action on decision; to the Committee on Finance.

EC–2015. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports relative to Notices 97–27 and 97–30; to the Committee on Finance.

EC–2016. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports relative to Revenue Rulings 97–23 and 97–24; to the Committee on Finance.

EC–2017. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of five Treasury regulations including a rule entitled "Endangered and Threatened Wildlife and Plants" (RIN1018–AC74, 1545–AU41, 1545–AV19, 1545–AS49, 1545–AU14); to the Committee on Finance.

EC–2018. A communication from the Chair of the Physician Payment Review Commission, transmitting, pursuant to law, a report entitled "Issues For Improving the Volume Performance Standard System;"; to the Committee on Finance.

EC–2019. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, a report relative to payment cycling; to the Committee on Finance.

EC–2020. A communication from the Secretary of Defense, transmitting, a draft of proposed legislation to provide tax incentives to employers of members of Reserve components; to the Committee on Finance.

EC–2021. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the report of the trade and employment effects of the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC–2022. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Medicare and Medicaid Fraud, Abuse, and Waste Prevention Amendments of 1997"; to the Committee on Finance.

EC–2023. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "The Housing 2020: Multifamily Management Reform Act"; to the Committee on Finance.

EC–2024. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the annual report for 1997; to the Committee on Finance.

EC–2025. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the annual report for 1997; to the Committee on Finance.

EC–2026. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, sixty-four rules including a rule entitled "Depower Exclusions from Requirements for Vehicles" (RIN2127–AG80, 2127–AG14, 2105–AC51, 2105–AC57); to the Committee on Commerce, Science, and Transportation.

EC–2027. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Methods For Salmonid Stock-Specific Identification In Ocean Fisheries"; to the Committee on Commerce, Science, and Transportation.

EC–2028. A communication from the Acting General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation entitled "The Weather Service Modernization Streamlining Act of 1997"; to the Committee on Commerce, Science, and Transportation.

EC–2029. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, four rules including a rule entitled "Fisheries in the Exclusive Economic Zone Off Alaska" (RIN0648–AH06); to the Committee on Commerce, Science, and Transportation.

EC–2030. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled "Magnuson-Stevens Act Provisions" (RIN0648–AJ59, AI13, AI19); to the Committee on Commerce, Science, and Transportation.

EC–2031. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska"; to the Committee on Commerce, Science, and Transportation.

EC–2032. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, two rules including a rule entitled "Fisheries of the Northeastern United States" (RIN0648–AH06, AI80); to the Committee on Commerce, Science, and Transportation.

EC–2033. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a certification regarding the incidental capture of sea turtles; to the Committee on Commerce, Science, and Transportation.

EC–2034. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, two rules including a rule concerning disclosures regarding energy consumption; to the Committee on Commerce, Science, and Transportation.

EC–2035. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a rule received on May 21, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2036. A communication from the Acting Managing Director (Performance Evaluation and Records Management), Federal Communications Commission, transmitting, pursuant to law, a rule received on May 14, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2037. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the period January 1 through March 31, 1997; to the Committee on Environment and Public Works.

EC–2038. A communication from the Chair of the Good Neighbor Environmental Board, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Environment and Public Works.

EC–2039. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a project for flood control; to the Committee on Environment and Public Works.

EC–2040. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a project for flood damage reduction; to the Committee on Environment and Public Works.

EC–2041. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule to list the Barton Springs Salamander as endangered (RIN1018–AC22) received on May 1, 1997; to the Committee on Environment and Public Works.

EC–2042. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to regulations concerning oils; to the Committee on Environment and Public Works.

EC–2043. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on May 16, 1997; to the Committee on Environment and Public Works.

EC–2044. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on May 19, 1997; to the Committee on Environment and Public Works.

EC–2045. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on May 21, 1997; to the Committee on Environment and Public Works.

EC–2046. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on May 22, 1997; to the Committee on Environment and Public Works.

EC–2047. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on May 1, 1997; to the Committee on Environment and Public Works.

EC–2048. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on May 1, 1997; to the Committee on Environment and Public Works.

EC–2049. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on May 6, 1997; to the Committee on Environment and Public Works.

EC–2050. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, fourteen rules received on May 8, 1997; to the Committee on Environment and Public Works.

EC–2051. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on May 12, 1997; to the Committee on Environment and Public Works.

EC–2052. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on May 14, 1997; to the Committee on Environment and Public Works.

EC–2053. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on May 14, 1997; to the Committee on Environment and Public Works.

EC–2054. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, nine rules received on May 14, 1997; to the Committee on Environment and Public Works.

EC–2055. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on May 19, 1997; to the Committee on Environment and Public Works.

EC–2056. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, one rule received on May 20, 1997; to the Committee on Environment and Public Works.

EC–2057. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules received on May 21, 1997; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–52. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT MEMORIAL 2005

Whereas, agriculture in the State of Arizona represents a $6.2 billion industry; and

Whereas, wheat production, a $90 million industry in Arizona, plays an important role in maintaining the fertility and efficiency of Arizona's soils; and

Whereas, Arizona wheat producers have developed a $35 million durum wheat seed industry that supplies customers around the world; and

Whereas, the discovery of the Karnal bunt fungus in Arizona in March 1996 has affected not only Arizona's wheat industry but all of the state's related agricultural commodities, including livestock and dairy; and

Whereas, while Karnal bunt affects grain quality, it does not present a direct risk to human health or livestock; and

Whereas, the United States Department of Agriculture has implemented a quarantine on the state of Arizona, restricting the interstate movement not only of wheat but also of other regulated articles such as wheat conveyors, grain elevators and related equipment; and

Whereas, nine other states have discovered Karnal bunt spores in their wheat and have not been quarantined to the extent that Arizona has been; and

Whereas, the American Phytopathological Society has stated its opposition to a "zero tolerance" requirement for Karnal bunt seed spores, suggesting that Karnal bunt is a minor disease that can be effectively managed without the use of quarantines. The Society believes that this and similar diseases can be satisfactorily controlled by seed-treatment chemicals, resistant varieties and the use of cultural practices; and

Whereas, the United States cannot declare itself as free of Karnal bunt for international trading purposes as long as even a single state reports the presence of this disease. A finding of Karnal bunt in any state could unfairly result in the restriction of all wheat from the United States, even that produced and imported from an unaffected area of the nation.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States instruct the United States Department of Agriculture to establish reasonable, science-based standards by which wheat growers in the United States can market wheat and other grain products that contain Karnal bunt.

2. That the United States Department of Agriculture sponsor an international meeting of scientists to evaluate the management of Karnal bunt and other fungi and to reevaluate international policies on the use of quarantine that inhibit free trade.

3. That the Secretary of State of the State of Arizona transmit copies of this memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the United States Department of Agriculture and each Member of the Arizona Congressional Delegation.

POM–53. A joint resolution adopted by legislators of the State of Wyoming; to the Committee on Agriculture, Nutrition, and Forestry.

Whereas, the market concentration of the top three (3) beef packing processing companies has increased dramatically from just thirty-three percent (33%) of the market in 1978 to over eighty percent (80%) of the market in 1996, which has resulted in record low prices for Wyoming cattle producers while consumer prices have steadily increased in relation to the quality of product available; and

Whereas, over time this situation has continued to intensity resulting in an alarming loss of input to the overall economy of Wyoming of over two million eight hundred thousand dollars ($2,800,000.00) per day; and

Whereas, this trend towards concentration and vertical integration of the livestock industry threatens free enterprise and the independence of Wyoming's and the nation's livestock producers, as well as the economic vitality of the communities and states dependent upon the livestock industry; and

Whereas, federal antitrust law is founded on economic principles of preserving competitive markets and a social policy that small business should be preserved; and

Whereas, federal antitrust laws, if enforced, ensure that individual businesses do not dominate shares of individual markets to the point of harming the public, including consumers, producers and workers; and

Whereas, free competitive markets foster innovation and efficiency, promote free enterprise and public confidence, and are beneficial not only to the general population but to the security of the nation as well: Now, therefore be it *Resolved* that:

Section 1.

(a) That Congress direct the Federal Trade Commission, the Packers and Stockyards Administration of the United States Department of Agriculture (U.S.D.A.), the Commodity Futures Trading Commission and the United States Attorney General to enforce existing law to:

(i) Prohibit packing processing firms from owning or controlling their live animal inventory needs beyond seven (7) days prior to pickup or delivery; and

(ii) Require packing processing firms to report daily the quantity of animals purchased, the kind, quality and respective purchase prices; and

(iii) Require packing and processing firms to report weekly the quantity of all products sold as to kind, quality and respective price received for each market category, carcass, boxed, restaurant, export, byproduct, pharmaceuticals, etc.; and

(iv) Require meat wholesalers and distributors to report weekly the quantity of product sold, the kind, quality and respective price received for each market category, carcass, boxed, restaurant, export, tripe, byproduct, etc.; and

(v) Prohibit packing and processing firms from speculative "short" selling of commodity future contracts; and

(vi) Require packing processing firms to divest themselves of producing capacity exceeding twenty percent (20%) of total production share; and

(vii) Initiative monthly reporting by the U.S.D.A. of the retail value of all meat and meat products and market categories, grocery sales, governmental and institutional sales, catering and restaurant sales, export sales, etc.; and

(viii) Lift the federal ban on federal equivalent state inspected meats for interstate commerce; and

(ix) Require meat and meat products to have country of origin and processor identification labels; and

(x) Require permanent country of origin identification of imported livestock; and

(xi) Require all imported or domestic meat, poultry and seafood products subject to the same inspection, testing and labeling process and standards; and

(xii) Research for implementation of a value based pricing structure for the live cattle that reflects the premium obtained by the packer processors from the high quality meat products demanded by the consumer in today's market.

Section 2.

(a) That the legislature hereby formally requests Wyoming's Congressional Delegation to:

(i) Take whatever measures are needed to ensure implementation, enactment and enforcement of the items listed in section 1 of this act, and help to coordinate and facilitate the efforts among relevant federal agencies, including the U.S.D.A., the United States Department of Justice, the Federal Trade Commission and the Commodity Futures Trading Commission; and

(ii) Introduce and support federal legislation which would protect producers from retaliation by packing processing firms on account of any statement made by producers to USDA officials or to law enforcement agencies or in a public forum regarding practices or actions of the packing processing firms; and

(iii) Instigate full scale investigations at the federal level of activities and practices within the USDA and other responsible agencies concerning the gathering, reporting and interpreting of agricultural commodities supply data, and what effects these reports historically have had upon the cash and commodities futures markets.

Section 3. That the Secretary of State of Wyoming send copies of this resolution to the President of the United States, the President of the Senate and Speaker of the House of Representatives of the United States Congress, each member of the Wyoming Congressional Delegation, the Secretary of the United States Department of Agriculture and the Federal Trade Commission, the United States Department of Justice and the Commodity Futures Trading Commission.

POM-54. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, The unprecedented flooding across California has caused the loss of life, destruction of homes, and an unprecedented disruption in the web of neighbors, transportation, commerce, services, and communications that bind communities together; and

Whereas, Forty-eight counties in California have qualified for federal disaster relief because of damage caused by the recent flooding; and

Whereas, The State of California is entitled to $100 million in federal emergency relief funds for transportation infrastructure repair for this disaster; and

Whereas, California state agencies have already identified well over $300 million worth of flood-caused transportation damages that are eligible for state and federal funding for urgently needed repairs; and

Whereas, California has already requested the release of the $100 million in federal transportation disaster relief funds of which only $50 million have been received to date; and

Whereas, These moneys are urgently needed to rebuild the lands, lives, and livelihood of thousands of Californians; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California strongly urges the Federal Highway Administrator to immediately released all of the requested transportation funds for which California is eligible, so that the flood-ravaged people of California may more speedily recover from their plight; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the Federal Highway Administrator.

POM-55. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations.

LEGISLATIVE RESOLVE NO. 71

Whereas the Alaska National Guard Youth Corps Challenge Program has provided nearly three hundred 16 to 18 year old graduates of the program with critically needed academic, vocational, and life skills education and training; and

Whereas the Challenge Program, through its military discipline and structure, has instilled in its graduates self-confidence, self-esteem, and good citizenship skills; and

Whereas the Challenge Program provides Alaska's at-risk youth with an opportunity to become successful, productive citizens of the state and the nation; and

Whereas the Challenge Program is an important crime and poverty prevention program worthy of continued support by the government of the Unites States; and

Whereas 85 percent of the graduates of the Challenge Program are either employed or in school; and

Whereas federal funding for the Challenge Program is scheduled to end in September 1997;

Be it resolved, That the Alaska State Legislature supports continued funding for the Alaska National Guard Youth Corps Challenge Program; and be it

Further resolved, That the Alaska State Legislature urges the United States Congress to continue funding for the Alaska National Guard Youth Corps Challenge Program and urges the President of the United States to support the funding.

POM-56. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Appropriations.

HOUSE CONCURRENT MEMORIAL 2002

The state of Arizona and the state of Sonora should adopt resolutions encouraging their respective congresses to allocate more federal monies for:

1. Implementation of recommendations resulting from the Nogales unified port management and expedited processing at international crossings pilot projects.

2. Highway projects that enhance the linkage of the CANAMEX corridor.

3. Port facilities and supporting infrastructure projects that are necessary to improve traffic flow across the border between Arizona and Mexico.

4. Binational transportation planning activities; and

Whereas, four hundred twenty-four thousand eighty-three commercial vehicles crossed the border between Arizona and Mexico from January 1995 through December 1996 and commercial vehicle traffic is conservatively estimated to increase by ten per cent annually over the next few years with further implementation of the North America Free Trade Agreement; and

Whereas, the December 1993 Arizona border infrastructure needs assessment conducted by the Arizona department of transportation estimates that eight hundred fifty million dollars are needed to fund intermodal transportation projects over the next ten years to handle increased commercial traffic as a result of the North American Free Trade Agreement; and

Whereas, a 1996 port facilities needs assessment study conducted by the Arizona department of transportation identified three million five hundred thousand dollars in short-term and eighteen million dollars in long-term port facilities projects that are needed to keep pace with the increase in commercial and pedestrian traffic at ports of entry along the border between Arizona and Mexico; and

Whereas, during the winter season eighty per cent of the agricultural products coming into the United States are brought through Nogales, Arizona ports of entry; and

Whereas, in support of the federal unified port management pilot project, the Arizona legislature appropriated seven hundred fifty thousand dollars to fund a state unified port management project at the Nogales, Arizona port entry that is schedule for completion by July 1, 1997; and

Whereas, an expedited processing at international crossings pilot project is being implemented at the Nogales, Arizona port of entry to expedite commercial traffic utilizing state-of-the-art electronic technology and computer systems and is scheduled for completion by November 1997; and

Whereas, the three million dollars that the Arizona department of transportation receives each year in federal monies does not adequately cover the department's cost in conducting its required state transportation planning and research activities or the increased demand on the department to fund binational planning activities that are needed to develop a cohesive and coordinated transportation system between Arizona and the border states of Mexico.

Whereas, your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States in the next surface transportation act provides more money to states located in the high priority corridors that were identified in the National Highway System Designation Act of 1995.

2. That the Congress of the United States approves legislation that makes more federal monies available for port facility projects and supporting border transportation infrastructure projects.

3. That the Congress of the United States earmarks future federal monies to assist border states in implementing the findings and recommendation of the unified port management pilot projects now underway at the port of entry in Nogales, Arizona and the port of entry in Buffalo, New York.

4. That the Congress of the United States earmarks future federal monies to assist border states in implementing the findings and recommendations of the expedited processing at international crossings pilot project now underway at the port of entry in Nogales, Arizona.

5. That the Congress of the United States provides additional monies as part of a new federal highway reauthorization act to border states that are being required to participate in and fund more binational transportation planning activities.

6. That the Congress of the United States provided additional monies to increase the number of federal and state enforcement officers at ports of entry along the border between Arizona and Mexico in order to take advantage of recent and future port facility and transportation infrastructure improvements and the implementation of a new unified port management procedures.

7. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Speaker of the United States House of Representatives and to the President of the United States Senate.

POM–57. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Appropriations.

Whereas, Interstate 95 ends at Houlton, Maine, 99 miles from the end of U.S. Route 1 in Fort Kent, Maine, which parallels the international border in northern Maine between the United States and Canada; and

Whereas, the structural and functional condition of the U.S. Route 1 corridor from Houlton to Fort Kent is such that substantial upgrades or reconstruction of the Route 1 corridor or alternative routes is necessary for the economic growth and vitality of northern Maine; and

Whereas, northern Maine is critical as an economic connector to Canada and the Atlantic Rim; and

Whereas, various alternative improvements for the U.S. Route 1 corridor have been studied and it has been concluded that these improvements would not only enhance mobility and accessibility, but would spur the economic development of northern Maine; and

Whereas, the improvements would provide the type of high quality north-south transportation envisioned by the "20-Year Statewide Transportation Plan" called for by the Intermodal Surface Transportation Efficiency Act of 1991; and

Whereas, federal, state, local and private support and innovative financing are critical to fund any of several proposed alternative improvements and financing of those improvements would range from $290,000,000 to $476,000,000, the least costly alternative being nearly 6 times the Maine Department of Transportation's biennial budget of Interstate and National Highway System funds; now, therefore, be it

Resolved, That We, your Memorialists, request the United States Congress and the President of the United States to provide essential financial assistance to address the need for substantial highway improvements in this economically depressed, yet strategically located, section of the United States; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

POM–58. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

House Resolution No. 93

Whereas, macular degeneration is the most frequent cause of legal blindness in the United States; and

Whereas, over 13 million American citizens suffer from macular degeneration; and

Whereas, there are currently no identifiable causes for this disease; and

Whereas, macular degeneration develops gradually and painlessly, resulting from blood vessels leaking onto the macular region between the retain and its supporting layer of choroid tissue in the eye; and

Whereas, macular degeneration, unless detected early, produces considerable impairment of central vision; and

Whereas, the only treatment for macular degeneration is laser therapy to coagulate abnormal blood vessels to prevent or slow further loss of vision; and

Whereas, this treatment is useful during the early stages of the disease; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to fund research studies which examine the causes of this devastating and debilitating disease; and be it further

Resolved, That the House of Representatives request Congress to fund research studies which examine possible cures of this disease; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–59. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

House Resolution No. 137

Whereas, the Gettysburg National Military Park, located in Gettysburg, is the scene where an epic, three-day battle occurred during July 1863; and

Whereas, in the battle of Gettysburg approximately 51,000 men were killed, wounded or captured in order to secure the sanctity of the Union and freedom for all people; and

Whereas, the Gettysburg National Military Park is the largest and most visited of the nation's 24 Civil War parks; and

Whereas, there are 1,300 monuments and statues and 400 cannons scattered about the 5,900 acres of the Gettysburg National Military Park; and

Whereas, over 1.7 million people visit the Gettysburg National Military Park annually; and

Whereas, the Gettysburg National Military Park is deteriorating due to lack of funds, and the deterioration of the park is a national disgrace that wants, needs and demands congressional action; and

Whereas, funds are needed to preserve and protect the Gettysburg National Military Park; and

Whereas, the people of the United States of America must protect this important landmark of our Civil War heritage; therefore be it

Resolved, that the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to provide an appropriation to preserve and protect the Gettysburg National Military Park; and be it further

Resolved, that the Chief Clerk of the House of Representatives transmit a copy of this resolution to each member of Congress.

POM–60. A joint resolution adopted by legislators of the State of Wyoming; to the Committee on Appropriations.

Whereas, the people of Wyoming have benefited from the development of stronger and more accessible arts activity in every county of the state because of the assistance provided by the Wyoming Arts Council with support from the National Endowment for the Arts; and

Whereas, Arts Endowment funding of $422,800 in FY 96 combined with $331,000 provided by the State help generate $12.3 million in cash from local Wyoming communities; and

Whereas, the annual audience for arts activities in Wyoming exceeds 2,900,000 citizens and tourists; and

Whereas, lifelong education in the arts is a primary goal for the Arts Endowment and the Wyoming Arts Council and helps our children develop higher-order thinking, creativity, and problem solving skills that carry over into all areas of study and are crucial for an educated populace; and

Whereas, funding by the National Endowment for the Arts through the Wyoming Arts Council helps our state's artists and arts institutions gain regional and national recognition, contributing to Wyoming's growing recognition as a state that takes its arts seriously; and

Whereas, National Endowment for the Arts funding in Wyoming and throughout the United States has enabled arts organizations to win matching support from private sources; and

Whereas, all great nations support the arts knowing that the arts are vital to a society's well-being and linchpin for the creative thinking needed for the work force of the next millennium.

Now, therefore, be it resolved by the undersigned legislators of the State of Wyoming that:

The Congress of the United States of America is hereby encouraged to endorse the President's request for $136 million in funding for the National Endowment for the Arts.

It is further resolved, That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–61. A resolution adopted by the Legislature of the State of Washington; to the Committee on Armed Services.

SENATE JOINT MEMORIAL 8008

Whereas, the Battleship U.S.S. Missouri (BB 63) is the solitary identifiable symbol of the end of World War II for both the servicemen and women who served overseas during that period and the millions of home front defense workers; and

Whereas, this intrinsic historical vessel is presently moored on the mainland of the contiguous states of the union where the majority of veterans and home front defense workers and their descendants reside and are economically able to visit and observe the significance of the U.S.S. Missouri's involvement in ending the most important event of the 20th century; and

Whereas, the youth of the United States of America, the future leaders of this republic, will learn from and appreciate the sacrifices for freedom which the U.S.S. Missouri represents; and

Whereas, the Missouri on the Mainland Committee (MOM) has been duly organized and proposes that the Battleship U.S.S. Missouri (BB 63) be moored at a suitable location on the mainland to provide accessibility for the majority of the American public to savor a taste of freedom and their heritage; and

Whereas, the Washington State legislature supports the actions and the proposal of the Missouri on the Mainland Committee (MOM);

Now, therefore, your Memorialists respectfully pray that the Congress of the United States of America enact appropriate legislation to retain the Battleship U.S.S. Missouri (BB 63) at a selected site on the mainland.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–62. A resolution adopted by the Board of Commissioners of the Metropolitan Knoxville (Tennessee) Airport Authority relative to the formation of the Safe Skies Alliance; to the Committee on Commerce, Science, and Transportation.

POM–63. A resolution adopted by the Board of Mayor and Alderman of the City of Kingsport, Tennessee relative to the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

POM–64. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 12

Whereas, the Federal Aviation Administration is scheduled to close the flight-service station at the Arcata-Eureka Airport in McKinleyville, Humboldt County; and

Whereas, all onsite personnel will be eliminated and the airport will be operated as an automatic flight-service center, served by an air traffic controller located in Oakland, California; and

Whereas, the FAA plan eliminates all air traffic personnel between McMinville, Oregon, and Oakland, California, and this same geographic discrepancy on the east coast of the United States would be similar to eliminating all air traffic controllers between Portland, Maine and Richmond, Virginia; and

Whereas, the Arcata-Eureka Airport flight-service center has provided daily services for commercial, corporate, and general aviation traffic for over four decades; and

Whereas, it serves the region's smaller airports, which include Brookings, Oregon, and Crescent City, Fortuna, Shelter Cove, Willow Creek, and Hoopa, California, and averages 150 to 300 contacts and a traffic flow of 40 to 100 airplanes daily; and

Whereas, there are unique weather and geographic factors to be considered such as that the airport was constructed overlooking the Pacific Ocean by the Navy during World War II to test military defogging equipment, as it is believed to be the foggiest stretch of coastline in the western United States; and

Whereas, on average, Instrument Flight Rules (IFR) must be filed 265 days per year due to fog and inclement weather, and station personnel must utilize a wide array of tools to ensure air traffic safety, including radio frequencies, the telephone, a direction finder, and on-the-ground view of the runway; and

Whereas, the closure of the station would put the safety of air travelers on the north coast of California at risk, air traffic will experience greater delays and flight cancellations, and local efforts to improve the regional economy through tourism and commerce will be adversely affected: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature memorializes Congress to oppose the closure of the air flight-service center at the Arcata-Eureka Airport, in Humboldt County, California, and to direct the Federal Aviation Administration to act accordingly: And be it further

Resolved, that the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the Federal Aviation Administration.

POM–65. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY RESOLUTION NO. 9

Whereas; recent tragic events have reemphasized the importance of keeping our nation's airports secure, and the Assembly Transportation and Communications Committee held a public hearing on airport security matters which highlighted several areas where action should be taken to improve airport security; and

Whereas; although the Federal Aviation Administration (FAA) is responsible for overseeing all security-related matters at this country's airports, responsibility for implementing airport security is fragmented among airline carriers, airport owners and operators and local police leading to a lack of uniform security procedures; and

Whereas; airline carriers are responsible for developing and implementing security procedures and protocols such as passenger and baggage screening, employment standards for screening personnel, controlling access to airplanes, ensuring integrity of cargo and baggage, and performing security inspections of aircraft; and

Whereas; the FAA should require criminal background checks and fingerprint records for all airport and airline employees who have access to secure areas and Congress should enact legislation to provide airports and airlines with the necessary authority to conduct such background checks where airports and airlines do not currently have the authority to do so; and

Whereas; since airport employees are critical to the effort of ensuring safer air travel, there should be uniform training requirements for all baggage handlers and security officers employed at airports, regardless of who employs them; and

Whereas; aggressive, proactive testing of existing security systems and proactive security measures must be implemented at all airports to guard against lapses and complacency that could lead to tragedy; and

Whereas; although the Gore Commission has recommended expanded use of bomb-sniffing dogs and the federal government has made some funds available for that purpose, that funding is so inadequate that it will provide only four bomb-sniffing dogs for the three major airports operated by the Port Authority of New York and New Jersey and funding for this program must be increased; and

Whereas, the FAA is developing other security measures such as better screening of cargo and mail and blast-resistant containers for cargo, which measures must be implemented as soon as possible; and

Whereas, it is altogether fitting and proper and in the public interest for this House to call upon Congress and the FAA to take immediate action to improve airport security; now, therefore,

Be it resolved by the General Assembly of the State of New Jersey:

1. The United States Congress and the Federal Aviation Administration are urged to take immediate action to increase airport security, including: placing responsibility for development and implementation of airport security under one agency to provide for a uniform system of airport security; requiring criminal background checks and fingerprint records for all airport and airline employees who have access to secure areas; implementing uniform training requirements for all baggage handlers and security officers employed at airports, regardless of who employs them; implementing aggressive, proactive testing of existing security systems and proactive security measures; increased funding for the bomb-sniffing dog program; and speeding development and implementation of other security measures such as better screening of cargo and mail and blast-resistant containers for cargo.

2. duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the presiding officers of the United States Senate and House of Representatives, each member of Congress elected thereto from New jersey and the Administrator of the Federal Aviation Administration.

POM–66. A resolution adopted by the Loudon County (Tennessee) Visitors Bureau relative to the Chickamauga Lock; to the Committee on Energy and Natural Resources.

POM–67. A resolution adopted by the Legislature of the Commonwealth of the Northern Marianas relative to Guam; to the Committee on Energy and Natural Resources.

POM–68. A resolution adopted by the Board of County Commissioners, Park County, Wymoning relative to the Bureau of Land Management; to the Committee on Energy and Natural Resources.

POM–69. A resolution adopted by the Board of Campbell County Commissioners, Campbell County, Wyoming relative to the Bureau of Land Management; to the Committee on Energy and Natural Resources.

POM–70. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 3

Whereas, in sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain of the Arctic National Wildlife Refuge, Alaska; and

Whereas the oil industry, the state, and the United States Department of the Interior consider the coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,000,000,000 barrels of recoverable oil; and

Whereas the residents of the North Slope Borough, within which the coastal plain is located, are supportive of development in the "1002 study area"; and

Whereas oil and gas exploration and development of the coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

Whereas the state will ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; be it

Resolved by the Alaska State Legislature, That the Congress of the United States is urged to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production; and be it further

Resolved That that activity be conducted in a manner that protects the environment and uses the state's work force to the maximum extent possible.

POM–71. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT MEMORIAL 1001

Whereas, the Antiquities Act of 1906 (16 United States Code sections 431, 432 and 433) grants authority to the President of the United States to establish national monuments; and

Whereas, the Antiquities Act was intended to preserve only historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest; and

Whereas, the Antiquities Act has been misused repeatedly to set aside enormous parcels of real property; and

Whereas, the establishment in 1996 of the Grand Staircase-Escalante National Monument in southern Utah set aside 1.7 million acres of land despite the objections of public officials in the State of Utah, making it the largest national monument in the continental United States; and

Whereas, this designation clearly violates the spirit and letter of the Antiquities Act, which requires monument lands to "be confined to the smallest area" necessary to preserve and protect historical areas or objects; and

Whereas, the creation of the Grand Staircase-Escalante National Monument has resulted in the loss of significant economic resources for the public schools and the taxpayers of the State of Utah; and

Whereas, the power to establish national monuments can be checked only in limited circumstances; and

Whereas, in 1950, the State of Wyoming obtained statutory relief from the further establishment of national monuments without the express authorization of Congress (16 United States Code section 431a).

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the 105th Congress of the United States enacts legislation prohibiting the President of the United States from further extending or establishing national monuments without the express authorization of Congress.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, to each Member of the Senate of the United States and to each presiding officer of both houses of the legislature of each state in the union.

POM–72. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2003

Whereas, the bureau of land management (BLM) has the authority to impose appropriate criminal penalties for activities occurring on BLM land; and

Whereas, BLM has proposed rules set forth in the Federal Register dated November 7, 1996 at pages 57615 through 57621 to expand its authority; and

Whereas, the proposed BLM rules would increase the amount of fines for certain criminal acts that occur on federal lands from one thousand dollars to five hundred thousand dollars; and

Whereas, pursuant to the same proposed rules BLM seeks to increase the prison sentence for persons who commit certain criminal acts from one year to five years; and

Whereas, under the proposed rules BLM would expand its authority beyond activities occurring on federal land to activities having a potential danger to affect water bodies on or adjacent to BLM lands. Thus, BLM would have law enforcement authority for activities on private lands adjacent to and upstream from BLM lands; and

Whereas, the proposed rules would give BLM authority to preempt state laws over motor vehicles on BLM lands when the state laws are less restrictive than the proposed rules or when a state does not have laws covering the areas included in the BLM proposed rules; and

Whereas, the rules would prohibit the diversion, transport or removal of any water resources that are owned or reserved by the United States and administered by BLM unless BLM gave prior authorization. This would prohibit states that own water that is reserved to the federal government and administered by BLM from constructing dams, transporting water or removing water resources.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That Congress and the President of the United States prevent BLM from adopting the proposed rules.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation.

POM–73. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL 4005

Whereas, The area south of the Saddle Mountains in Grant, Franklin, and Adams counties, Washington, known as the Wahluke Slope, is one of the most productive argricultural areas in the Pacific Northwest; and

Whereas, the need for a large security and control zone around the Department of Energy's Hanford control zone on Wahluke Slope caused the forced relocation of citizens of Hanford, White Bluff, Wahluke, and the surrounding agricultural lands that had been settled prior to 1900; and

Whereas, Due to the decommissioning of all the production reactors along the Hanford Reach opposite the Wahluke Slope, and with the overall change of the Department of Energy's Hanford mission from plutonium production to environmental restoration, the need for a large security and control zone no longer exists; and

Whereas, The Wahluke Slope's topography and its proximity to the Columbia River make the area unique in terms of the economic feasibility or irrigation development; and

Whereas, Prior to its inclusion in the Hanford control zone, the Bureau of Reclamation purchased over twenty-seven thousand acres of the Wahluke Slope with the intent of future development in the Columbia Basin Project; and

Whereas, The balanced development of this land would achieve the long-awaited completion of irrigation on the Wahluke Slope and improved wildlife and recreational opportunities; and

Whereas, Based on current land prices, the sale of land to private owners could potentially cover a great deal of the cost of constructing water delivery systems, due to the suitability of topography and nearby water supply; and

Whereas, Resulting property tax and income tax revenues from this new farm land would be an immediate and significant benefit; and

Whereas, Farmland development would result in millions of dollars in capital investment for farm equipment of all kinds, the great majority of its manufactured in the United States by American workers; and

Whereas, The vast majority of crops presently raised on the Wahluke Slope have potential for export to the Pacific Rim and other nations; and

Whereas, Other than small grains, the crops grown on the Wahluke Slope are completely driven by the free-market economy and are not subsidized or supported by the federal government; and

Whereas, Broad support exists for the preservation of the natural beauty and topography of the Hanford Reach, including protecting the White Bluffs from sloughing into the Columbia River, prohibiting dredging and damming, and providing for a one-quarter mile buffer zone on both sides of the river including even wider zones depending on the terrain; and

Whereas, The Wahluke Slope contains significant areas of land not suitable for farming, but that are ideally suited for wildlife habitat and recreational uses; and

Whereas, The United States can no longer afford to hold idle public lands of this potential;

Now, Therefore, Your Memorialists respectfully pray that, except for needed buffer zones, the present boundaries of the Department of Energy's Hanford control zone on the Wahluke Slope be reduced to the area south of the Columbia River and that the

Wahluke Slope presently under the custody and control of the Department of Energy be transferred in total to the counties of Grant, Franklin, and Adams for the purpose of returning the land to its former agricultural use, as well as for wildlife and recreational areas along the Hanford Reach.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Director of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–74. A resolution adopted by the Senate of the General Assembly of the State of Connecticut; to the Committee on Energy and Natural Resources.

Whereas, the Nuclear Waste Policy Act established a federal program within the United States Department of Energy for managing and disposing of spent nuclear fuel; and

Whereas, the Department has agreed to begin accepting spent fuel by January 31, 1998; and

Whereas, the Department has not made significant progress in meeting its obligation to take title to and remove spent fuel; and

Whereas, the Department has now stated that it will not have a permanent repository in operation earlier than 2010 and has no obligation to begin accepting spent nuclear fuel in 1998; and

Whereas, nuclear power generating facilities are facing a serious depletion of spent fuel storage space; and

Whereas, Connecticut must address the prospect of storing spent fuel from decommissioned nuclear power generating facilities; and

Whereas, the Act requires customers who benefit from electricity generated by nuclear power generating facilities to pay a fee of one-tenth of a cent per kilowatt hour of electricity, said fee to fund the Program in its entirety; and

Whereas, this fee generates approximately $600 million annually, and since its inception, Connecticut consumers have paid nearly $200 million into the Fund; and

Whereas, moneys received by the Fund have been relied upon to offset shortfalls in the federal budget.

Now, therefore, be it resolved, That the Senate calls upon the United States Congress to address the programmatic and budgetary shortfalls that have plagued the Nuclear Waste Program and to address, through legislation, the Department's responsibility to accept and remove spent fuel from reactor sites, the establishment of an interim spent fuel storage site, the siting and licensing process for a permanent repository and usage of the unobligated balance of the Fund available for nuclear waste program activities; and

Be it further resolved, That the clerk of the Senate cause a copy of this resolution to be sent to the presiding officer of each house of Congress and to each member of the Connecticut congressional delegation.

POM–75. A resolution adopted by the Hudson County (New Jersey) Board of Chosen Freeholders relative to the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Environment and Public Works.

POM–76. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 2

Whereas, approximately 87 percent of the land in Nevada is owned by the Federal Government; and

Whereas, Nevada has experienced a dramatic increase in its population during the last two decades; and

Whereas, the rate of increase in the population of Nevada is one of the highest in the nation; and

Whereas, as of the last census, Nevada has approximately 95,000 families of low income who are in need of affordable housing; and

Whereas, the shortage of affordable housing has forced some families of low income with children to occupy motels that have few or no facilities for the preparation and storage of food and that serve as an inadequate substitution for providing housing for children; and

Whereas, several thousand senior citizens in Nevada are also unable to find affordable housing that is safe and sanitary; and

Whereas, the current shortage of affordable housing in Nevada is directly related to the high cost of available land in the state; and

Whereas, Congress controls a considerable amount of Federal land in Nevada that may be used to provide affordable housing for persons of low income; and

Whereas, during the 104th session of Congress, United States Senator Richard Bryan proposed an amendment to the Recreation and Public Purposes Act (43 U.S.C. §§869 et seq.) which, if it had been enacted, would have included affordable housing as a public purpose for which public lands may be disposed of in any manner to governmental bodies and to nonprofit corporations; and

Whereas, during the 104th session of Congress, Representative John Ensign joined Senator Bryan in introducing the Southern Nevada Public Land Management Act of 1996, which, if it had been enacted, might have provided additional opportunities for the acquisition of land in the Las Vegas Valley to be used to provide additional sites for affordable housing; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature supports the efforts of Senator Bryan and Representative Ensign in this regard and urges the Nevada Congressional Delegation to continue to bring this issue before Congress; and be it further

Resolved, That the Congress of the United States is hereby urged to adopt an amendment to the Recreation and Public Purposes Act which would include affordable housing as a public purpose for which public lands may be disposed of in any manner to governmental bodies and to nonprofit corporations; and be it further

Resolved, That if Congress does not adopt such an amendment to the Recreation and Public Purposes Act, that Congress is hereby urged to enact legislation that would allow the sale of public lands to local governments and to nonprofit corporations at a price that is less than the fair market value of the land so that affordable housing projects may be developed; and be it further.

Resolved, That the chief clerk of the assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–79. A joint resolution adopted by the Legislature of the State of New Mexico; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL 26

Whereas, New Mexico has a unique History in the acquisition of Land Ownership due to the substantial number of Spanish and Mexican Land Grants that were an integral part of the Colonization and growth of this Area of the Country; and

Whereas, various provisions of the Treaties signed under prior Sovereigns have not yet been fully implemented in the Spirit of Article VI of the Constitution of the United States; and

Whereas, Congress did establish an Indian Claims Commission, which successfully adjudicated hundreds of disputed Land Possessions quietly; and

Whereas, there still exist serious questions about prior Ownership, particularly about certain Public Lands; and

Whereas, Congressman Bill Richardson introduced House Resolution 260 in January 1997 to create a Presidential Commission to determine the validity of certain Land Claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving Persons who were Mexican Citizens at the time of the Treaty;

Now, Therefore, Be It Resolved by the Legislature of the State of New Mexico that the Congress of the United States be respectfully requested and urged to support this important piece of legislation to adjudicate and make conclusive determinations, including possible restitution of Public Lands, on unresolved provisions of the various Treaties affected by the Treaty of Guadalupe-Hidalgo; and

Be It Further Resolved that copies of this Memorial be sent to the New Mexico Congressional Delegation and to the Presiding Officers of each House of Congress.

POM–78. A joint resolution adopted by legislators of the State of Wyoming; to the Committee on Energy and Natural Resources.

A JOINT RESOLUTION

Whereas, the prevailing land status pattern in Wyoming and the west has complicated rather than encouraged good land management, land ownership being divided among private parties and government entities, each with often mutually exclusive management philosophies and objectives, in a checkerboard and scattered parcel configuration; and

Whereas, this situation has resulted in private landowners having difficulty in achieving profitability and manageability goals and public entities have likewise experienced frustration in achieving improvements to land access and habitats for wildlife; and

Whereas, this land status pattern causes confrontation among private landowners, public resource managers and users, confounds good faith attempts at proper resource management and, in the extreme, risks distress sale of lands thus threatening the rural agricultural character of Wyoming; and

Whereas, Congress, with passage of the Federal Land Exchange Facilitation Act (FLEFA), has presented an opportunity to resolve this situation through the exchange of lands of equal value between private interests and the federal government, consolidating lands in logical and manageable parcels under one (1) ownership; and

Whereas, land exchanges conducted under FLEFA can be concluded in a fraction of the time necessary otherwise with a minimum of administrative and bureaucratic delay; and

Whereas, the Bureau of Land Management in Wyoming has a demonstrated commitment to FLEFA exchanges and has identified candidate acreage for exchange with private landowners; and

Whereas, resolving difficult natural resource management conflict through exchanges under FLEFA is clearly in the best interest of the people of the state of Wyoming.

Now, Therefore, Be it resolved by the undersigned Legislators of the State of Wyoming That:

Section 1. That the legislature endorses the land exchange process authorized under FLEFA.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of the Interior and to the Wyoming Congressional Delegation.

POM–79. A joint resolution adopted by legislators of the State of Wyoming; to the Committee on Energy and Natural Resources.

A JOINT RESOLUTION

FIFTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING

Whereas, on November 7, 1996, the proposed rule on Bureau of Land Management (BLM) criminal law enforcement was published in the Federal Register pages 57615–57621; and

Whereas, the BLM intends to apply this new rule on the public domain within the several western states including Wyoming; and

Whereas, the attempted enforcement of this rule on any public land that lies within Wyoming would violate;

(a) The equal protection afforded Wyoming citizens under the 14th amendment of the United States Constitution;

(b) The procedure for acquiring criminal enforcement jurisdiction outlined in article I, section 8, clause 17 of the United States Constitution as it applies to an established state;

(c) The separation of powers between the judicial, executive and legislative branches of the United States Government;

(d) Federalism as established between the several states and the federal government;

(e) The authority granted to the BLM under applicable enabling statutes; and

(f) A host of other statutory and constitutional protections to be further listed both at national and state levels.

Whereas, the BLM is required, as are all federal agencies, to properly utilize federal acts and executive orders in preparing any proposed rules; and

Whereas, the BLM has not evaluated the existing regulations for possible deletion should they historically have proven to be unwarranted; and

Whereas, the following acts and executive orders, listed in section IV, procedural matters, page 57607, all require federal agencies to evaluate regulations for removing rules as well as consolidating rules:

(a) The National Environmental Policy Act (NEPA);

(b) Regulatory Flexibility Act;

(c) Executive Order 12612 (Federalism);

(d) Executive Order 12866 (Regulatory Planning and Review).

Now, Therefore, Be It Resolved by the Undersigned Legislators of the State of Wyoming That:

Section 1.

(a) The citizens of Wyoming shall not be subjected to this proposed or final rule which dramatically expands the scope of federal enforcement authority.

(b) The state of Wyoming shall take every measure possible to ensure that this proposal, which is a transparent effort to eliminate multiple uses of public land, be thwarted at its inception.

(c) No federal agent shall enforce this proposed rule outside of lawful geographic areas.

(d) The state attorney general shall consult with one (1) or more attorneys with expertise in constitutional law and determine the legality of the proposed rule not later than ten (10) days after this resolution is approved.

Section 2. The legislature hereby formally requests Wyoming Congressional Delegation to hold a hearing on the BLM's proposed rule on Criminal Law Enforcement as published in the November 7, 1996, Federal Register, pages 57615–57621.

Section 3. That the Secretary of State shall forward copies of this resolution to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, each member of the Wyoming Congressional Delegation, the Secretary of Interior, Director of Bureau of Land Management and the State Director of Bureau of Land Management.

POM–80. A resolution adopted by the Board of Mayor and Alderman of the City of Kingsport, Tennessee relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

POM–81. A resolution adopted by the Board of Mayor and Alderman of the City of Kingsport, Tennessee relative to air quality standards; to the Committee on Environment and Public Works.

POM–82. A resolution adopted by the Board of County Commissioners of Broward County, Florida relative to shore protection projects; to the Committee on Environment and Public Works.

POM–83. A resolution adopted by the Board of Commissioners of the Borough of Avon-By-The-Sea, New Jersey relative to the Mud Dump Site; to the Committee on Environment and Public Works.

POM–84. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 17

Whereas, one of the most vexing environmental problems is the disposal of solid waste. Enormous energy and expense are directed to finding means to reduce the volume of solid waste, to utilize limited landfill space safely and efficiently, and to incorporate other means of disposing of waste without endangering air, soil, or water. In spite of great progress, there remain serious long-term unresolved issues involving solid waste; and

Whereas, since there are limited disposal options, there is considerably demand for landfill space and other disposal facilities. In response to this situation, solid waste is often transported across local, state, and even international boundaries for storage or disposal away from where the solid waste is generated. Communities in Michigan are dealing with this reality today; and

Whereas, the potential problems of imported solid waste are many. Even areas with ample storage capacity or facilities now will face shortages in the future, leaving a local problem of how to handle solid waste. Eventual problems with a landfill site or other facility will not be handled by an out-of-state or out-of-country party. The burdens will be borne by those in the area importing solid wastes. Given the nature of our delicate environment, especially in Michigan, the ultimate risks are not restricted to the specific local unit of government; and

Whereas, since states will bear the responsibility and face the consequences when and if solid waste landfills or other facilities encounter problems, it is essential that states be empowered to regulate this activity. Measures in Congress have proposed extending authority to the states to deal with this issue, an approach that is long overdue; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to authorize states to regulate the flow of solid waste from other states or another country; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Michigan congressional delegation.

POM–85. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), signed into law by the President in December 1991, is a six year program authorized to provide a total of $155 billion for highway and mass transportation purposes; and

Whereas, ISTEA has provided significant, annual federal funds to New Jersey and all other states to help develop a strong, globally-competitive economy and to improve the mobility, safety and well-being of our nation's residents; and

Whereas, our state, regional and national transportation systems still face growing travel demand, inadequate capacity, "bottlenecks," and awkward connections between different forms of transportation; and

Whereas, the need to continue and accelerate improvements to our transportation systems is absolutely vital for economic growth, to address safety and environmental concerns, and to reduce the costs and disruptions that an inefficient transportation system imposes on our residents; and

Whereas, a federal role of providing leadership and long-term funding remains essential if a smooth, seamless highway and mass transportation system is to be achieved and then maintained; and

Whereas, a direct federal role is also especially important to the viability of AMTRAK, and an annual, financial commitment acknowledging such federal role must be reemphasized by the President and Congress if our national railroad is to reach the status, importance, and efficiency of national railroads in other competitive, economically developed countries; now, therefore,

Be it resolved by the General Assembly of the State of New Jersey:

1. The President and the Congress of the United States are urged to reauthorize [ISTEA] the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), prior to its expiration in October 1997, for a period of time and a level of funding that are no less than current ISTEA authorization levels and providing that New Jersey's share of that funding is no less than its current ISTEA share. Timely reauthorization of ISTEA is paramount if states are

to continue, without interruption, their efforts to improve and enhance the effectiveness of our nation's state, regional, and national transportation systems. Additionally, the federal government must continue to acknowledge its role relative to AMTRAK and provide the financial assistance needed by AMTRAK to ensure the long-term viability of our national railroad passenger corporation.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the President and the Vice President of the United States, members of Congress, and the President of AMTRAK.

POM–86. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Montana's economy and the quality of life of its citizens benefit greatly from federal transportation and highway infrastructure investments; and

Whereas, the nation's highways are a linked, interconnected system, with the nation as a whole benefiting from federal highway infrastructure investments in rural western states, such as Montana, where our Interstate and National Highway Systems provide a bridge for the safe and efficient movement of people and goods across this vast region; and

Whereas, the benefits to the nation and the states from the Federal-Aid Highway Program investments include:

(1) Improved mobility to support our economy and our competitive international position;

(2) access to the nation's agricultural production, its manufactured goods, and its national parks and monuments;

(3) access and mobility for our national and civil defense forces; and

(4) social progress and quality of life for our citizens; and

Whereas, federal highway investments are supported entirely by the fees assessed every day on the users of the nation's highways; and

Whereas, the Federal Highway Trust Fund could substantially increase investments in highway infrastructure without any increase in fees to the users of the highway system; and

Whereas, to continue the benefits of transportation and highway infrastructure investments, the Federal Surface Transportation Program must be reauthorized by the United States Congress before the program expires on October 1, 1997: Now, therefore,

Be it resolved by the Senate and the House of Representatives of the State of Montana:

That the United States Congress is urged to act promptly to reauthorize the Federal Surface Transportation Program and that this reauthorization should include:

(1) full investment of all Federal Highway Trust Fund balances, interest, and revenue in much-needed transportation and highway infrastructure;

(2) a high level of support for the nation's most important highways, our Interstate System and National Highway System routes;

(3) fair treatment of western, rural states in the distribution of Federal-Aid Highway Program funds between states, including recognition that the western states have vast highway systems that benefit the entire nation and few people to support them;

(4) regulatory reduction and program streamlining to improve the timeliness and cost-effectiveness of highway project delivery; and

(5) respect for the uniqueness of each state's approach to managing its transportation system. Solutions in small, densely populated eastern states may not make sense in the west. One size does not fit all, so the federal government should refrain from mandating solutions.

Be it further resolved, That the Secretary of State send a copy of this resolution to the Director of the Montana Department of Transportation, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Montana Congressional Delegation.

POM–87. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on the Environment and Public Works.

Whereas, The United States Supreme Court has issued a series of decisions holding that the Commerce Clause of the Constitution of the United States prohibits states from restricting the importation of solid waste from other states; and

Whereas, Over the past several years, owners and operators of solid waste landfills located in this Commonwealth have increased significantly the amount of solid waste that they accept from other states; and

Whereas, According to statistics compiled by the Department of Environmental Protection, the percentage of solid waste disposed of in this Commonwealth that is imported from other states has increased in each of the past six years; and

Whereas, According to statistics compiled by the Department of Environmental Protection, in 1996 imported waste made up 43% of the solid waste disposed of in landfills located in this Commonwealth; and

Whereas, New York State and New York City have announced plans to close by the year 2001 the Fresh Kills landfill located on Staten Island, which currently accepts 13,000 tons of waste per day from New York City and the city's sanitation director stated that the city would consider sending its waste to landfills in Pennsylvania, among other places; and

Whereas, Governor Tom Ridge has notified the Governor of New York that the recently released report on how New York State and New York City will handle the closure of Fresh Kills did not adequately address limiting the exportation of the waste from Fresh Kills or steps New York State will take to plan for the construction of disposal facilities; and

Whereas, The present and projected future levels of solid waste that owners and operators of landfills and incinerators located in this Commonwealth import from other states pose environmental, aesthetic and traffic problems and is unfair to citizens of this Commonwealth, particularly citizens living in areas where landfills and incinerators are located; and

Whereas, In 1988 the Commonwealth adopted a law designed to reduce the need for additional landfills and incinerators by requiring and encouraging recycling of certain materials; and

Whereas, It is within the power of Congress to delegate authority to the states to restrict the amount of solid waste they import from other states; and

Whereas, Legislation has been introduced in both Houses of Congress that would give states authority to impose reasonable restrictions on the amount of solid waste imported from other states; and

Whereas, Passage of such legislation by Congress may hinge upon the success of negotiations between certain states that import and export trash; and

Whereas, Governor Ridge and the governors of four other states wrote to the Honorable George Pataki, Governor of New York, expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

Whereas, The failure of Congress to act will harm this Commonwealth by allowing the continued unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth: Therefore be it

Resolved, That the House of Representatives memorialize the Clinton Administration and Congress to support legislation authorizing states to restrict the amount of solid waste they import from other states; and be it further

Resolved, That the House of Representatives memorialize the Governor of New York to support the legislation giving states the authority to place reasonable restrictions upon the amount of solid waste imported from other states; and be it further

Resolved, That copies of this resolution be transmitted to the Honorable William Clinton, President of the United States, the Honorable George Pataki, Governor of New York, the presiding officer of each House of Congress and to each member of Congress from Pennsylvania.

POM–88. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, the United States Supreme Court has issued a series of decisions holding that the Commerce Clause of the Constitution of the United States prohibits states from restricting the importation of solid waste from other states; and

Whereas, over the past several years owners and operators of solid waste landfills located in this Commonwealth have increased significantly the amount of solid waste that they accept from other states; and

Whereas, according to statistics compiled by the Department of Environmental Protection, the percentage of solid waste deposited in this Commonwealth that is imported from other states has increased in each of the past six years; and

Whereas, according to statistics compiled by the Department of Environmental Protection of this Commonwealth, in 1996 imported waste made up 43% of the solid waste deposited in landfills located in this Commonwealth; and

Whereas, New York State and New York City have announced plans to close by the year 2001 the Fresh Kills landfill located on Staten Island, which currently accepts 13,000 tons of waste per day from New York City, and the city's sanitation director stated that the city would consider sending its waste to landfills in Pennsylvania, among other places; and

Whereas, Governor Tom Ridge has notified the Governor of New York that the recently released report on how New York State and New York City will handle the closure of Fresh Kills did not adequately address limiting the exportation of the waste from Fresh Kills or steps New York State will take to plan for the construction of disposal facilities; and

Whereas, the present and projected future levels of solid waste that owners and operators of landfills and incinerators located in this Commonwealth import from other states pose environmental, aesthetic and traffic problems and is unfair to citizens of this Commonwealth particularly citizens living in areas where landfills and incinerators are located; and

Whereas, in 1988 the Commonwealth adopted a law designed to reduce the need for additional landfills and incinerators by requiring and encouraging recycling of certain materials; and

Whereas, it is within the power of Congress to delegate authority to the states to restrict the amount of solid waste they import from other states; and

Whereas, legislation has been introduced in both houses of Congress that would give states authority to impose reasonable restrictions on the amount of solid waste imported from other states; and

Whereas, passage of such legislation by Congress may hinge upon the success of negotiations between certain states that import and export trash; and

Whereas, Governor Ridge and the governors of four other states wrote to the Honorable George Pataki, Governor of New York, expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

Whereas, the failure of Congress to act will harm this Commonwealth by allowing the continued unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth; Therefore be it

Resolved, That the Senate memorialize the President of the United States and Congress to support legislation authorizing states to restrict the amount of solid waste being imported from other states; and be it further

Resolved, That the Senate memorialize the Governor of New York to support the legislation giving states the authority to place reasonable restrictions upon the amount of solid waste imported from other states; and be it further

Resolved, That the Senate memorialize the President of the United States and Congress to support legislation that gives communities hosting disposal facilities the right to decide by agreement whether to accept waste from other States; and be it further

Resolved, That copies of this resolution be transmitted to the Honorable William Clinton, President of the United States; the Honorable George Pataki, Governor of New York; the presiding officer of each house of Congress; and to each member of Congress from Pennsylvania.

POM–89. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION 1012

Whereas, South Dakota's economy, the quality of life and the personal mobility of its citizens benefit greatly from federal transportation and highway infrastructure investments; and

Whereas, the nation's highways are a linked, inter-connected system with the nation as a whole benefiting from federal highway infrastructure investments in rural western states, such as South Dakota, where our Interstate and National Highway Systems provide a bridge for the safe and efficient movement of people and goods across this vast region; and

Whereas, the benefits from federal highway investments to the nation and the states include: improved mobility to support out economy and competitive international position; access to the nation's natural resource and agricultural production, its manufactured goods, and our national parks and monuments; access and mobility for our national and civil defense forces; social progress and quality of life for our citizens; and

Whereas, South Dakota has an aging Interstate System which needs significant funding for pavement maintenance and replacement; and

Whereas, federal highway investments are supported entirely by the fees assessed every day on the users of the nation's highways; and

Whereas, the Federal Highway Trust Fund could support substantially increased investments in highway infrastructure without any increase in fees to the users of the highway system; and

Whereas, to continue the benefits of transportation and highway infrastructure investments, the Federal Surface Transportation Program must be reauthorized by the United States Congress before the program expires on September 30, 1997: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-second Legislature of the State of South Dakota, the Senate concurring therein, That the United States Congress is urged to act promptly to reauthorize the Federal Surface Transportation Program; and be it further

Resolved, That this reauthorization include: full investment of all Highway Trust Fund balances, interest and revenues in much needed transportation and highway infrastructure; a high level of support for the nation's most important highways; the Interstate and National Highway System routes; fair treatment of rural western states in the distribution of federal highway program funds among the states, considering the national interest in rural and intercity, as well as urban transportation, and recognizing that the rural western states have vast highway systems which benefit the entire nation and few people to support them; regulatory reduction and program streamlining to improve the timeliness and cost-effectiveness of highway project delivery; and respect for the uniqueness of each state's approach to managing its transportation system where one size does not fit all, so the federal government should refrain from mandating solutions and imposing sanctions on the states; and be it further

Resolved, That the President of the Senate and the Speaker of the House of Representatives send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the South Dakota Congressional Delegation.

POM–90. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 38

Whereas, though Texans are faced with pressing surface transportation needs that require immediate attention and revenue to remedy existing problems and to keep pace with growing demands, the state continues to lose money each year under the current federal funding formula that requires the state to contribute more to the national Highway Trust Fund than it is apportioned back; and

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) was created to sustain and enhance a strong national surface transportation network through the National Highway System and to expand other programs to ensure that states' transportation plans are intermodal, environmentally sound, and energy efficient; and

Whereas, since its passage, however, funding provisions contained in the ISTEA have traditionally benefited some states at the expense of others, inflicting a heavy penalty that, in Texas alone, has cost this state millions of dollars that could have been used to repair and augment the Texas highway system; and

Whereas, the expiration of ISTEA on September 30, 1997, and the disparity in the current apportionment of highway funds have prompted a coalition of more than 20 states, including Texas, to join together to develop the Streamlined Transportation Efficiency Program for the 21st Century (STEP 21); while acknowledging the need for a broadly focused national surface transportation policy, the program recognizes that the surface transportation needs of each and region differ greatly and promotes a simplified federal surface transportation program that would significantly benefit mobility and the national economy while giving each state more flexibility to respond to diverse local needs; and

Whereas, currently before Congress in the form of the ISTEA Integrity Restoration Act, the STEP 21 program seeks to revise the apportionment adjustment formula to ensure that all states receive at least a 95 percent return on tax payments made to the Highway Trust Fund while continuing to provide an adequate level of funding for states with special circumstances; it would further provide states with more autonomy to respond to their specific state and local transportation needs, would consolidate and streamline various federal highway programs, and would distribute new program funds using simplified, objective criteria; and

Whereas, the STEP 21 proposal would bring more Texas motor fuels tax dollars back to the state, giving state officials greater control over where available surface transportation funds should be spent and providing them with the flexibility to use funds from various sources to meet Texas' transportation needs: Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to support the passage of the Steamlined Transportation Efficiency Program for the 21st Century (STEP 21); and, be it further

Resolved, That the 75th Legislature of the State of Texas hereby encourage the members of the Texas delegation of the Congress of the United States to cosponsor the ISTEA Integrity Restoration Act; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas congressional delegation with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–91. A joint resolution adopted by the Legislature of the State of Vermont; to the

Committee on Environment and Public Works.

JOINT SENATE RESOLUTION 18

Whereas, the federal Clean Air Act requires the EPA to promulgate and revise national ambient air quality standards that provide for the level of air quality necessary to protect public health, and

Whereas, the EPA is required to undertake detailed independent scientific review of all of the available health and welfare information in setting and revising the national ambient air quality standards, and

Whereas, recent studies have linked exposure to ozone in the ambient air to increased hospital admissions for respiratory illness, increased susceptibility to respiratory infection and lung inflammation, and

Whereas, long-term exposure to ozone can cause irreversible changes in the lungs leading to chronic respiratory illnesses such as emphysema, chronic bronchitis, and/or premature aging of the lungs, and

Whereas, the current primary standard for ozone is not adequate to protect the public from adverse health effects, and

Whereas, recent studies suggest that significant health effects including premature mortality, increased hospital emissions and other respiratory illnesses result from exposure to fine particulates at concentrations below the current standards, and

Whereas, concentrations of fine particulates are also responsible for significant visibility impairment in areas of importance to Vermont's tourism industry, and

Whereas, the current primary standard for particulate matter is not adequate to protect the public from the adverse health effects attributable to exposure to fine particulates, and

Whereas, children and the elderly are particularly susceptible to the adverse health effects resulting from exposure to ozone and fine particulates, and

Whereas, comprehensive economic analysis will be done in the implementation of the regulatory process, now therefore be it

Resolved by the Senate and House of Representatives: That it is the sense of the General Assembly that the EPA should fulfill its duty under the Clean Air Act to review and revise national ambient air quality standards to levels that are necessary to protect public helath, and be it further

Resolved: That the General Assembly urges the EPA to revise the standards in accordance with recent scientific evidence connecting exposure to ozone and fine particulate to significant adverse health effects, particularly to children and the elderly, and be it further

Resolved: That the General Assembly urges the EPA to expeditiously finalize the standards for ozone and fine particulates as proposed by the EPA on November 29, 1996, and be it further

Resolved: That the Secretary of State is directed to forward a copy of this resolution to the President, Vice President, Vermont's Congressional delegation, and the Administrator of the EPA in Washington, DC.

POM-92. A joint resolution adopted by the Legislature of the State of Vermont; to the Committee on Environment and Public Works.

JOINT SENATE RESOLUTION 12

Whereas, there has been a two-to-threefold global increase in mercury in the environment since the 1850's, increases of three times have been found in wilderness areas of the United States, and much higher increases have been found in developed areas of the United States, and

Whereas, mercury is truly a state, national and international concern because mercury is atmospherically transported indiscriminately across political boundaries, and

Whereas, atmospheric deposition resulting from human activities, including area sources, waste disposal and fossil fuel burning, contributes to mercury loading in the environment, and

Whereas, mercury is a persistent bioaccumulative toxic substance that presents particular problems in aquatic systems, and

Whereas, human consumption advisories have been issued in at least 1,500 water bodies in 36 states, including Vermont, because of high levels of mercury contamination in fish, resulting in losses to tourism and fishing industries and related activities, and

Whereas, according to Environmental Protection Agency (EPA) estimates, each year in the United States between 80,000 and 85,000 pregnant women are exposed to mercury levels high enough to produce risk to their children, and

Whereas, the EPA's Mercury Report to Congress, required by the Clean Air Act to be completed by 1994, represents the best information in the world on the use, generation and disposal of mercury, and

Whereas, the EPA effectively completed the draft report in 1995, but has delayed submittal of the mercury report to Congress until 1999, and

Whereas, there are known substitutes for most mercury-containing products and devices, except for high-efficiency lighting, and

Whereas, over one-half billion mercury-containing lamps are annually generated * * *

Whereas, the EPA is simultaneously establishing achievable control technologies for mercury sources pursuant to the Clean Air Act, proposing tightening water quality criteria for mercury under the Clean Water Act, placing priority on mercury-contaminated superfund sites, but is proposing to exempt mercury-containing lamps from hazardous waste regulations, and

Whereas, the U.S. government owns in excess of 11 million pounds of mercury in Department of Defense (DOD) and Department of Energy (DOE) stockpiles, and

Whereas, the entire U.S. mercury stockpile has been declared excess to U.S. needs and has been slated for sale on the world market through the Defense National Stockpile of the DOD, and

Whereas, the State of Vermont is committed to mercury recycling and the elimination of nonessential uses of mercury as its top priority for waste management, and

Whereas, state and federal governments have taken many actions to reduce mercury in the environment, now therefore be it

Resolved by the Senate and House of Representatives: That it is the sense of the General Assembly that EPA should officially release the Mercury Report to Congress forthwith, and be it further

Resolved: That the General Assembly urges the EPA to conduct landfill air emission tests for mercury in the northeast and nationally, and be it further

Resolved: That the General Assembly urges the EPA not to exempt mercury-containing lamps from hazardous waste regulations, but instead to adopt universal waste rules that foster mercury recycling, and be it further

Resolved: That the General Assembly opposes future U.S. mercury stockpile sales, and calls for a permanent halt to sales; and be it further

Resolved: That the General Assembly urges EPA to develop permit provisions for all waste incinerators requiring the source separation of mercury-containing products and devices, and to not exempt smaller medical waste incinerators from more stringent federal pollution control rules; and be it further

Resolved: That the General Assembly urges EPA to recommend to Congress rescission of the exemption of fossil fuel burning power plants from federal pollution control rules; and be it further

Resolved: That the Secretary of State be directed to send copies of this resolution to the President, Vice President, Vermont's Congressional delegation, and the Administrator of the EPA.

POM-93. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 495

Whereas, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 expires September 30, 1997; and

Whereas, according to the Federal Highway Administration's publication *Federal Highway Statistics*, Virginia consistently receives a lower percentage of federal highway funding than its percentage share of payments into the Highway Trust Fund; and

Whereas, the proposed reauthorization of federal aid for surface transportation programs provides an ideal opportunity to ensure that future methods of apportioning federal transportation funds are equitable and fair; and

Whereas, adequate support for the National Highway System (NHS) is necessary to provide consistent mobility and economic benefits for all states and the nation, and to ensure that Virginia's citizens are able to connect with citizens throughout the nation; and

Whereas, a streamlined transportation program is needed to provide flexible funding to allow states and their local partners to respond to specific state and local needs; and

Whereas, it is in the national interest to ensure an adequate level of resources for highways in states with small populations and large land areas, as well as states with small populations and small land areas; to provide road systems necessary to facilitate the mobility of citizens across the country and economic development; and to meet the transportation needs of transit-dependent citizens; and

Whereas, multi-modal transportation systems are needed to link the nation's highway systems to the public transit systems; and

Whereas, a strong transit program contributes to national benchmarks for improved air quality by reducing pollution as defined by the Clean Air Act Amendments of 1990; and

Whereas, the Integrity Restoration Act, which embodies the principles advanced by the Surface Transportation Efficiency Program (STEP 21) Coalition, has been introduced in both the United States House of Representatives and the United States Senate; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That Congress be urged to reauthorize the federal surface transportation program by replacing outdated formulas with factors reflecting use, such as those identified in STEP 21; providing better equity in the distribution of highway funds to states; and authorizing funding for multimodal transit services and highways; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–94. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

House Joint Resolution No. 571

Memorializing the President and the Congress of the United States to provide full federal funding to replace the Woodrow Wilson Bridge, its interchanges and approaches.

Agreed to by the House of Delegates, February 20, 1997 and Agreed to by the Senate, February 19, 1997.

Whereas, the Woodrow Wilson Bridge is the major crossing of the Potomac River for the southern half of the Washington, D.C., metropolitan region; and

Whereas, the bridge carries 170,000 vehicles per day, yet was designed to carry only 75,000 vehicles per day; and

Whereas, traffic is estimated to increase to 300,000 vehicles per day by the year 2020; and

Whereas, the bridge is the only segment of the region's eight-lane capital beltway limited to six lanes; and

Whereas, the bridge is the only segment of the interstate system owned by the federal government, and

Whereas, delays by the owner in replacing the bridge facility have increased traffic congestion and the risk of vehicle accidents; and

Whereas, the bridge was not funded under the Interstate Construction Program because of federal ownership or included in the Final Interstate Cost Estimates where funding was provided in addition to the normal federal-aid apportionment and where the federal share was 90% of the cost of the project; and

Whereas, the National Highway System Designation Act recently reaffirmed the responsibility of the federal government to fund the reconstruction of the bridge; and

Whereas, the National Highway System Designation Act provides for the establishment of an interstate authority; and

Whereas, the Commonwealth of Virginia, the District of Columbia, and the State of Maryland have enacted legislation creating the Woodrow Wilson Bridge and Tunnel Authority; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the President and the Congress of the United States be urged to provide full federal funding to replace the Woodrow Wilson Bridge, its interchanges and its approaches; and, be it

Resolved further, That federal government funding and design comply with current design and engineering standards currently imposed on states for constructing bridges, and that such design enhance the capacity of the bridge and match the approaches with the new bridge configuration; and, be it

Resolved finally, That the Clerk of the House of Delegates transmit a copy of this resolution to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, and the Congressional Delegation of Virginia to apprise them of the sense of the General Assembly of Virginia in this manner.

POM–95. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

Senate Joint Resolution No. 225

Memorializing Congress to reauthorize the federal surface transportation program by replacing outdated formulas with factors reflecting use, such as those identified in STEP 21; providing better equity in the distribution of highway funds to states; and authorizing funding for multi-modal transit services and highways.

Agreed to by the Senate, February 20, 1997 and Agreed to by the House of Delegates, February 20, 1997.

Whereas, the Intermodel Surface Transportation Efficiency Act (ISTEA) of 1991 expires on September 30, 1997; and

Whereas, according to the Federal Highway Administration's publication, Federal Highway Statistics, Virginia consistently receives a lower percentage of federal highway funding than its percentage share of payments into the Highway Trust Fund; and

Whereas, the proposed reauthorization of federal aid for surface transportation programs provides an ideal opportunity to ensure that future methods of apportioning federal transportation funds are equitable and fair; and

Whereas, adequate support for the National Highway System (NHS) is necessary to provide consistent mobility and economic benefits for all states and the nation, and to ensure that Virginia's citizens are able to connect with citizens throughout the nation; and

Whereas, a streamlined transportation program is needed to provide flexible funding to allow states and their local partners to respond to specific state and local needs; and

Whereas, it is in the national interest to ensure an adequate level of resources for highways in states with small populations and large land areas, as well as states with small populations and small land areas; to provide the road systems necessary to facilitate the mobility of citizens across the country and economic development; and to meet the transportation needs of transit-dependent citizens; and

Whereas, multi-modal transportation systems are needed to link the nation's highway systems to the public transit systems; and

Whereas, a strong transit program contributes to national benchmarks for improved air quality by reducing pollution as defined by the Clean Air Act Amendments of 1990; and

Whereas, the Integrity Restoration Act, which embodies the principles advanced by the Surface Transportation Efficiency Program (STEP 21) Coalition, has been introduced in both the United States Senate and the United States House of Representatives; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to reauthorize the federal surface transportation program by replacing outdated formulas with factors reflecting use, such as those identified in STEP providing better equity in the distribution of highway funds to states; and authorizing funding for multimodal transit services and highways; and, be it

Resolved Further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia on this matter.

POM–96. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Finance.

H.R. 415

By Representatives Jeff Dolbare, James Clark and Richard Laird.

Petitioning the United States Congress to repeal estate and gift tax laws.

Whereas, working men and women of Alabama spend decades in jobs to provide a better life for themselves and their offspring; and

Whereas, Social Security and other current entitlements created by Congress may be in jeopardy in the future; and

Whereas, the savings rate in the United States is lower than in most industrialized nations; and

Whereas, the incentive to save is thwarted by the national government's tax code which takes up to 55 percent of the assets of a taxpayer upon death; and

Whereas, estates of a deceased family member, which contain, in whole or in part, closely held family businesses that owe a ludicrous amount of taxes to the federal government ranging from 37.5 to 55 percent of their fair market value, are often forced to sell or liquidate those family businesses; and

Whereas, family businesses represent the heart of the American dream and should be encouraged to continue instead of being forced into liquidation or heavy debt; and

Whereas, family farms are often forced, without leniency, to be sold in order to pay estate taxes; now therefore

Be It Resolved by the House of Representatives of the Legislature of Alabama, That the Congress of the United States is strongly urged to repeal, in their entirety, federal estate and gift tax statutes.

Be It Further Resolved, That a copy of this resolution be forwarded to the following persons:

POM–97. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance.

Whereas, in August of nineteen hundred and ninety-six, the United States Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called; and

Whereas, Congress in said act forbade use of federal funds to provide benefits for financially needy immigrants lawfully residing in the United States; and

Whereas, legal immigrants pay taxes and contribute in many ways to the productivity and vitality of our communities; and

Whereas, the United States was founded and built by immigrants; and

Whereas, because Congress has abdicated its financial responsibility, the financial burden of the action by Congress falls unfairly on the states and needy residents of the states; Now Therefore Be It

Resolved, That the Massachusetts senate respectfully requests that the President and the Congress of the United States restore to the states the authority to provide federally funded benefits to needy, lawful residents of the United States; And Be It Further

Resolved, That the Massachusetts senate respectfully requests that the United States Congress and the President restore to the commonwealth adequate federal funding to allow for the provision of benefits for financially needy immigrants lawfully residing in this commonwealth; and Be It Further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the senate to the President of the United States of America, the presiding officer of each branch of the United States Congress, and each member of the Massachusetts congressional delegation.

POM–98. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance.

Whereas, for over one hundred years, Dalton, Massachusetts has been the home of Crane and Company the producer of high quality currency paper; and

Whereas, the product manufactured at Crane and Company has been of outstanding grade, produced by an experienced work force, under the direction of a superior management and within the guidelines of the free enterprise system; and

Whereas, Crane and Company has abided by all the appropriate business practices established by the United States Bureau of Engraving and Printing; and

Whereas, U.S. Treasury officials have now proposed a procedure that encourages foreign companies to unfairly compete against Crane and Company by offering a subsidy of United States tax dollars which, if implemented, could potentially harm the economic structure of western Massachusetts; and

Whereas, Crane and Company, a family owned business, has been built by the traditional method of hard work and diligence, with private capital and investment, and has, since its inception, given generously to the community; now therefore be it

Resolved, That the Massachusetts Senate hereby calls upon the Secretary of the United States Treasury to suspend any programs or actions that promote or provide for the subsidizing of foreign industries for the purpose of manufacturing United States currency paper; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the senate to the President of the United States, the presiding officers of each branch of Congress and the Members thereof from this Commonwealth, the Secretary of the United States Treasury and the Governor of the Commonwealth of Massachusetts.

POM–99. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 365

Whereas, the states of Connecticut, New York, Indiana, and California have established public/private long-term care partnerships; and

Whereas, these partnerships encourage the purchase of approved long-term care insurance policies by offering purchasers enhanced asset protection under the Medicaid program; and

Whereas, under such a partnership program, if a policyholder requires long-term care and eventually exhausts his or her private insurance benefits, the policyholder is permitted to keep more of his or her assets while still qualifying for Medicaid coverage; and

Whereas, the 1993 Session of the General Assembly requested a study of the advantages of public/private partnerships to encourage the purchase of long-term care insurance in an attempt to formulate an innovative program to slow the growth of Medicaid funding for long-term care; and

Whereas, the Omnibus Budget Reconciliation Act of 1993 includes a provision, §13612 (a) (C), that discourages additional states from implementing such partnerships by requiring states to make recovery from the estates of persons who had enjoyed enhanced Medicaid asset protection, making the asset protection provided by such partnerships only temporary; and

Whereas, the removed of §13612 (a) (C) would allow additional states to establish asset protection programs for individuals who purchase qualified long-term care insurance policies without requiring states to recover such assets upon a beneficiary's death; and

Whereas, the removed of §13612 (a) (C) would make such partnerships much more attractive to potential participants, especially if they are motivated by a desire to pass some of their assets on to their children; and

Whereas, having long-term care insurance reduces the possibility that persons will spend down to Medicaid eligibility levels; and

Whereas, long-term care insurance, by reducing the Medicaid expenditures for policyholders, helps states control Medicaid costs; now, therefore be it

Resolved by the Senate, the House of Delegates concurring. That Congress be urged to repeal §13612 (a) (C) of the Omnibus Budget Reconciliation Act of 1993; and, be it

Resolved further, That the Clerk of the Senate transmit a copy of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–100. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 618

Whereas, in 1986, the United States Congress created the Low Income Housing Tax Credit Program to assist in the construction and rehabilitation of housing for low and moderate income persons and families at rents which would be affordable to them; and

Whereas, since the creation of the Low Income Housing Tax Credit Program, approximately $75 million worth of tax credits have been allocated in Virginia for more than 22,000 rental housing units; and

Whereas, the tax credits so allocated have generated over $350 million in private investment funds which have been leveraged with more than $1 billion in funding from other public and private sources; and

Whereas, the Low Income Housing Tax Credit Program has created a successful partnership of the public and private sectors, bringing together multiple parties and sources of funding and, in particular, has encouraged the involvement of nonprofit organizations in the ownership and operation of low and moderate income housing; and

Whereas, the administration of the Low Income Housing Tax Credit Program has been implemented by the states without any increase in the federal bureaucracy and minimal operating cost to the public; and

Whereas, the Low Income Housing Tax Credit Program is the only major federal program for the construction and rehabilitation of low and moderate income housing and should be continued in order to ensure the availability of an important source of funds for such housing; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be requested to continue the Low Income Housing Tax Credit Program; and, be it

Resolved further, That the Clerk of the House of Delegates transmit a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the Congressional Delegation of Virginia to apprise them of the sense of the General Assembly of Virginia in this matter.

POM–101. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 343

Whereas, community-based services to the frail and chronically ill, especially to that category of elderly, are often uncoordinated, fragmented, inappropriate, or insufficient to meet the needs of the frail and chronically ill who are at risk of institutionalization, often resulting in unnecessary placement in nursing homes; and

Whereas, steadily increasing health care costs for the frail, chronically ill, and especially the frail elderly provide incentives to develop programs providing quality services at reasonable costs; and

Whereas, capitated, risk-based financing provides an alternative to the traditional fee-for-service payment system by providing a fixed, per capita monthly payment for a package of health care and social services and requires the provider to assume financial responsibility for cost overruns; and

Whereas, On Lok Senior Health Services of San Francisco, California, began as a federal and state demonstration program in 1973 to test whether comprehensive community-based services could be provided to the frail elderly at no greater cost than nursing home care; and

Whereas, since 1983, On Lok Senior Health Services of San Francisco, California, has successfully provided a comprehensive package of services and operated within a cost-effective, capitated risk-based financing system; and

Whereas, recognizing On Lok's success, Congress passed legislation in 1986, 1987, and 1990 encouraging the expansion of capitated long-term care programs by permitting federal Medicare and Medicaid waivers to be granted indefinitely to On Lok and authorizing the Health Care Financing Administration to grant waivers in up to 15 new sites throughout the nation in order to replicate the On Lok model and entitled this program as Program for All Inclusive Care for the Elderly (PACE); and

Whereas, in Virginia, the intent to develop programs similar to On Lok has been established by Chapter 628 (1996), which created insurance regulatory exemptions for certain health plans, and by the Budget Bill of 1995 I–92, 396–A–B; and

Whereas, pre-PACE sites can only transition to PACE if the program receives federal approval and no federal waivers are currently available; and

Whereas, Virginia's Medicaid program is currently in a contract with Sentara to offer services to Medicaid clients; now, therefore be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to proceed immediately with an extension of waivers to the PACE program or to pass S. 999, extending provider status to the PACE program; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–102. A resolution adopted by the Senate of the Legislature of the State of Georgia; to the Committee on Finance.

RESOLUTION NO. 387

Whereas, Georgia has a rich natural resource heritage and has been blessed with bountiful forests; and

Whereas, these forests cover two-thirds of Georgia and provide many benefits and services; and

Whereas, Georgians have relied on their forest resources for hundreds of years to provide shelter, sustenance, forest products, employment, and other economic benefits; and

Whereas, Georgia's forests also significantly contribute to our quality of life by providing clean water, clean air, rich soil, wildlife, aesthetic, and recreational benefits, all of which are irreplaceable; and

Whereas, forestry is the largest single economic contributor to Georgia's thriving economy with $17.3 billion in total value added to the economy in 1996, and the forest products industry, through its own initiative, is working to sustain and enhance this contribution through the Sustainable Forestry Initiative; and

Whereas, hundreds of Georgia businesses including sawmills, other wood processing plants, independent logging contractors, and hundreds of thousands of private Georgia forest landowners have been adversely affected by imports of subsidized Canadian lumber; and

Whereas, over 170,000 Georgians are employed in forestry operations; and

Whereas, almost 70 percent of Georgia's timberland base is owned by over 600,000 private property owners; and

Whereas, in recent years, Georgia's timber resources have been able to exert their rightful place in the national and international marketplace with the shutdown of logging on federal lands in the Pacific Northwest; and

Whereas, this increase in product value has proven of immense benefit to Georgia's economy; and

Whereas, recent proposals to allow a renewal of the flood of subsidized, price depressing imports from outside the United States is a direct threat to the well-being of thousands of Georgians: Now, therefore, be it

Resolved by the Senate That the members of this body urge the United States Congress and the United States International Trade Representative not to rescind the international trade agreement limiting the amount of subsidized Canadian lumber imported into the United States duty-free, be it further

Resolved That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the United States Congress, the United States International Trade Representative, the Georgia Forestry Association, the Georgia Chapter of the Sierra Club, the Southeastern Wood Producers Association, the Georgia Agribusiness Council, the Campaign for a Prosperous Georgia, and the capitol press corps.

POM–103. A resolution adopted by Hudson County (New Jersey) Board of Chosen Freeholders relative to World Expo '98; to the Committee on Foreign Relations.

POM–104. A resolution adopted by the Village of Poland, Ohio relative to the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

POM–105. A resolution adopted by the Senate of the Legislature of the State of Georgia; to the Committee on Foreign Relations.

RESOLUTION NO. 205

Whereas, the Republic of Poland is a free, democratic, and independent nation with a long and proud history; and

Whereas, the North Atlantic Treaty Organization (NATO) is dedicated to the preservation of the freedom and security of its member nations; and

Whereas, the Republic of Poland desires to share in both the benefits and obligations of NATO in pursuing the development, growth, and promotion of democratic institutions and ensuring free market economic development; and

Whereas, the Republic of Poland recognizes its responsibilities as a democratic nation and wishes to exercise such responsibilities in concert with members of NATO; and

Whereas, the Republic of Poland desires to become part of NATO's efforts to prevent the extremes of nationalism; and

Whereas, the security of the United States is dependent upon the stability of Central Europe: Now, therefore, be it

Resolved by the Senate That the members of this body urge the President and Congress of the United States to support the Republic of Poland's petition for admission to the North Atlantic Treaty Organization and to support the establishment during 1997 of a timetable for such admission; be it further

Resolved That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the President of the United States, the presiding officer of each branch of the United States Congress, the members thereof from the State of Georgia, and Ambassador Jerzy Kozminski of the Republic of Poland.

POM–106. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Foreign Relations.

JOINT RESOLUTION

Whereas, China has been a divided nation since 1949, and the Republic of China on Taiwan and the People's Republic of China on the Chinese mainland have exercised exclusive jurisdiction over separate parts of China; and

Whereas, the Republic of China on Taiwan acknowledges that two equal and distinct political entities exist within the divided China; and

Whereas, the Republic of China on Taiwan is currently the 14th largest trading nation in the world; its gross national product is the 20th largest in the world; its annual per capita income exceeds $16,000; its foreign exchange reserves exceed $100 billion; and it has become the seventh largest outbound investor in the world; and

Whereas, the 21 million people on Taiwan enjoy a democratic form of government that includes free and open elections at the local and national levels, and the policies of the Republic of China on Taiwan conform to those of other democratic nations; and

Whereas, the Republic of China on Taiwan has joined other nations in responding to international disasters and crises, has undertaken programs of assistance for less developed nations, and has in other ways accepted regional and global responsibilities; and

Whereas, the Republic of China on Taiwan has joined several important multilateral organizations in recent years, including the Asia Pacific Economic Council and the Asian Development Bank, and its admission into these organizations has been supported by the United States; and

Whereas, the Republic of China on Taiwan has launched a campaign to pursue a seat in the United Nations without prejudice to the current position of the People's Republic of China in the United Nations; and

Whereas, membership of the Republic of China on Taiwan in the United Nations conforms to the United Nations' principle of universality and would contribute to the peace and stability of the Pacific region and, therefore, to the interests of the United States; Now, therefore, be it

Resolved by the Senate and House of Representatives of the State of Montana: That the Republic of China on Taiwan deserves to be allowed full membership in the United Nations. Be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the Governor of Montana, and the Montana Congressional Delegation.

POM–107. A joint resolution adopted by the Legislature of the State of Arizona; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 1001

Whereas, the 10th Amendment to the Constitution of the United States read as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

Whereas, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be the agent of the states; and

Whereas, in the year 1996, the states are demonstrably treated as agents of the federal government; and

Whereas, resolutions have been forwarded to the federal government by the Arizona Legislature without any reply or result from Congress or the federal government; and

Whereas, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

Whereas, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution. Therefore be it

Resolved by the Legislature of the State of Arizona: That the State of Arizona hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution and that this measure serves as notice and demand to the federal government to cease and desist, effective immediately, mandates that exceed the scope of its constitutionally delegated powers; That the Secretary of State transmit copies of the Resolution to the President and Vice-president of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, each Member of the Arizona Congressional Delegation and the Speaker of the House of Representatives and the President of the Senate of each state legislature in the United States.

POM–108. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Governmental Affairs.

Whereas, targeted business incentive programs have proliferated into a counterproductive economic War Between the

States and now form the cornerstone of State-sponsored "economic development" policies; and

Whereas, these programs fail to promote healthy and equitable statewide economic growth and, in reality, result in States engaging in economic warfare by moving businesses from one location to another both within and between States, with no significant economic benefit in the aggregate; and

Whereas, America's future in the global economy lies within its educational, industrial, technological, and research capabilities throughout the entire fifty States; and

Whereas, disarmament of wasteful programs can be achieved through a combination of new State and Federal policies; and

Whereas, States would be better off providing a less burdensome tax climate for all businesses and a quality educational system geared to providing an adequately trained and ready work force, support for research and development, and a quality transportation system, along with other high-quality traditional Government services; and

Whereas, efforts are currently under way in the United States Congress to identify and eliminate federally funded programs that are used by the States to escalate this economic warfare: Therefore be it

Resolved, That the Massachusetts House of Representatives urges the Congress of the United States to embrace and support efforts in the United States Congress such as H.R. 1842 and other legislative initiatives that will begin to mitigate this economic warfare: And be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of the Congress, and to the members thereof from this Commonwealth.

POM–109. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

HOUSE JOINT RESOLUTION NO. 415

Whereas, the federal government distributed almost $229 billion in grants to state and local governments in federal fiscal year 1995; and

Whereas, Virginia received approximately $3.5 billion in federal grants in federal fiscal year 1995; and

Whereas, Virginia's receipt of federal grants on a per-capita basis is the lowest of any state in the country and has been for five consecutive years; and

Whereas, many federal grants are awarded using mathematical formulas that may be disadvantageous to the Commonwealth; and

Whereas, the United States General Accounting Office last prepared a catalogue of federal grant formulas in 1987; and

Whereas, an updated catalogue of federal grant formulas is vital for Virginia to better understand and address its receipt of federal grant moneys: Now therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to direct the General Accounting Office to update its 1987 catalogue of federal grant-in-aid formulas as soon as possible; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Congressional Delegation of Virginia, and the Director of the Virginia Liaison Office in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–110. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION NO. 228

Whereas, the federal government was granted carefully limited powers by the states through the ratification of the Constitution of the United States; and

Whereas, the 10th Amendment to the Constitution of the United States specifies that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; and

Whereas, the framers of the Constitution recognized that the separation of powers is essential in protecting the rights of the people and extends not only to the three branches of the federal government, but also to the relationship between the federal government and state governments; and

Whereas, the three branches of the federal government have by many actions usurped powers reserved by the Constitution of the United States to the states and the people, thus severely unbalancing the relationship between the federal government and the state governments; and

Whereas, the federal judiciary has not taken any action to control these unwarranted assumptions of power by the federal government; and

Whereas, less federal preemption means states can act as true laboratories of democracy, developing novel social and economic policies without intruding into the affairs of the rest of the nation; and

Whereas, in order to restore the balance of power between the federal government and state governments as intended by the framers of the Constitution of the United States, the federal government must carefully consider, and be accountable for, the constitutional boundaries of its jurisdiction; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to enact legislation that would require Congress to cite the constitutional authority for all proposed laws; and, be it

Resolved further, That the enabling legislation enacted by Congress contain the following provisions:

1. To require Congress to state explicitly the extent to which the proposed section of any new law preempts any state, local, or tribal law, and if so, to provide the reasons for such preemptions;

2. To prohibit federal agencies from promulgating rules or regulations (i) that preempt or otherwise interfere with state and local powers without expressed statutory authority and (ii) that do not give states notice and an opportunity to be heard in the rulemaking process; and

3. If clause 3 of Section 8 of Article I of the Constitution of the United States is cited as the constitutional authority for the proposed law, to require Congress to report a list of factual findings establishing a substantial nexus between the regulatory effect of the proposed law and interstate commerce; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of May 23, 1997, the following reports of committees were submitted on May 28, 1997:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 210. A bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes (Rept. No. 105–22).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 819. A bill to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V.B. Bostetter, Jr. United States Courthouse"; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 95. A resolution designating August 16, 1997, as "National Airborne Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 819. A bill to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V.B. Bostetter, Jr. United States Courthouse"; to the Committee on Environment and Public Works.

THE MARTIN V.B. BOSTETTER, JR. UNITED STATES COURTHOUSE DESIGNATION ACT OF 1997

• Mr. WARNER. Mr. President, I am introducing a bill today to designate the U.S. Bankruptcy Courthouse, at 200 S. Washington Street in Alexandria, VA the "Martin V.B. Bostetter, Jr. United States Courthouse."

I authored previous legislation which is now law, authorizing the transfer of the Albert V. Bryan U.S. Courthouse building name from 200 S. Washington Street to the new Alexandria U.S. Courthouse. Since that time the old Albert V. Bryan Courthouse has remained nameless, while still serving the U.S. Bankruptcy Court. I can think of no better person to name the bankruptcy court after than Chief Judge Bostetter given his long service to the bankruptcy court in Alexandria.

Chief Judge Bostetter is currently the Chief Judge for the Eastern District of Virginia. He was appointed to the U.S. Bankruptcy Court in 1959, and appointed Chief Judge on February 1,

1985. He has the longest tenure on the bench of any bankruptcy judge in the country, a record he will probably hold for sometime.

Born in Baltimore, MD, on March 11, 1926, Judge Bostetter, has spent most of his life in Virginia. He attended Mount Vernon High School in Fairfax County, VA, and, after serving in the U.S. Navy during World War II, attended the University of Virginia where he obtained his B.A. Degree in 1950 and his law degree LL.B. Degree in 1952.

I might add that I attended the University of Virginia Law School entering in 1949, then serving in the Korean war and returning for completion of my degree in 1953, 1 year after Judge Bostetter.

Since 1952, Chief Judge Bostetter's entire legal career has occurred within an 8 block radius of Old Town Alexandria. He began his practice of law in the city of Alexandria, and, in 1953 he was appointed special assistant to the city attorney, serving in the capacity of city prosecutor. Judge Bostetter resigned that position in 1957 to become associate judge of the municipal court of the city of Alexandria, where he served for a period of 2 years, resigning in 1959.

In 1959, Chief Judge Bostetter set up the first Bankruptcy Court in Alexandria at 200 S. Washington St.—the very building which he now occupies as Chief Judge of the Bankruptcy Court for the Eastern District of Virginia 38 years later.

Over the last 38 years Judge Bostetter has seen the work of the Bankruptcy Court for the Eastern District of Virginia grow from 9 filings per month to more than 2,600 filings per month and its personnel requirements increase from 1 clerk to three divisions with 5 full time judges and an administrative staff of 90 employees. The Alexandria Division where Judge Bostetter serves now has 2 full time judges, 22 employees and averages 790 filings per month. During much of his career, Judge Bostetter has, by necessity, handled this increasingly heavy case load of approximately 2½ judges.

During his tenure as a bankruptcy judge, Chief Judge Bostetter has been a dedicated and loyal public servant serving the people of Virginia faithfully with honor, integrity and distinction. Chief Judge Bostetter has fulfilled his duties as a bankruptcy judge with a strong sense of fairness and pragmatism while at the same time adhering to the constraints imposed by the Bankruptcy Code and related caselaw. In addition, Chief Judge Bostetter has set very high standards for the lawyers who practice before him making those lawyers better prepared and more effective advocates for their respective clients' interests.

Mr. President, in addition to being an accomplished jurist, Judge Bostetter has also held several other distinguished positions. In 1957, he was appointed by the city of Alexandria as one of the original commissioners to serve on the Juvenile Detention Commission for Northern Virginia and served as its chairman from the inception of the commission until 1974. In 1959, the Alexandria Junior Chamber of Commerce awarded him the Distinguished Service Award as the "Outstanding Young Man of the Year 1959," and the Kiwanis Club of Alexandria designated him as an honorary member for his civic contributions to the city. In 1960, he was nominated by the Alexandria Junior Chamber of Commerce as 1 of the 10 outstanding men of the United States for his work on the Juvenile Detention Commission.

Along with his responsibilities as a bankruptcy judge, Chief Judge Bostetter served as a member of the Committee on Court Administration of the Judicial Conference of the United States from July 1, 1982, until it was dissolved by reorganization of the Judicial Conference in 1987. On October 16, 1984, he was elected by the Judicial Conference of the United States to the Board of Directors of the Federal Judicial Center, serving in that position until September 1987. He is a former member of the Transition Advisory Committee on Bankruptcy to the Director of the Administrative Office of the U.S. Courts. In 1986, he was appointed by Chief Justice Warren Burger as chairman of a committee to expand and improve the educational programs for all bankruptcy judges. Justice Rehnquist, upon assuming the position of Chief Justice of the United States, reappointed Chief Judge Bostetter to continue as chairman of that committee until his term expired in 1989. In addition, Chief Judge Bostetter was appointed to the State-Federal Judicial Relations Committee of the Commonwealth of Virginia in 1991.

In addition to his significant public service as a judge, Chief Judge Bostetter has a strong record of civic contributions as well. He has served as president of the Alexandria Bar Association, president of the Alexandria Junior Chamber of Commerce, president and chairman of the Board of the Alexandria Sertoma Club, president of Alexandria Mental Health Association, and has also served on the boards of the Alexandria Hospital Corporation, the Alexandria Mental Health Clinic, the Alexandria Community Chest, and the Alexandria Boys' Club.

Mr. President, I can think of no better tribute to Judge Bostetter than to name the U.S. Bankruptcy Court, at 200 South Washington Street, Alexandria, VA the Martin V.B. Bostetter, Jr. U.S. Bankruptcy Courthouse.•

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 220

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 220, a bill to require the United States Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to United States meat and pork exporting facilities, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act], and for other purposes.

S. 356

At the request of Mr. GRAHAM, the names of the Senator from Montana [Mr. BAUCUS], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid programs.

S. 436

At the request of Mr. ROTH, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 436, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes.

S. 531

At the request of Mr. ROTH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 531, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Georgia [Mr. CLELAND], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. WYDEN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 685

At the request of Mr. CAMPBELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 685, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for an additional fiscal year.

S. 709

At the request of Mr. HAGEL, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 709, a bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts.

S. 712

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 712, a bill to provide for a system to classify information in the interests of national security and a system to declassify such information.

S. 724

At the request of Mr. NICKLES, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 724, a bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform.

S. 779

At the request of Mr. REID, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 779, a bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes.

S. 780

At the request of Mr. REID, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 780, a bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program.

S. 789

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 789, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with additional information regarding Medicare managed care plans and Medicare select policies.

SENATE JOINT RESOLUTION 3

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 28

At the request of Mr. KOHL, his name was added as a cosponsor of Senate Concurrent Resolution 28, a concurrent resolution expressing the sense of Congress that the Administrator of the Environmental Protection Agency should take immediate steps to abate emissions of mercury and release to Congress the study of mercury required under the Clean Air Act, and for other purposes.

SENATE RESOLUTION 71

At the request of Mr. WYDEN, the names of the Senator from Rhode Island [Mr. REED], the Senator from Washington [Mrs. MURRAY], the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of Senate Resolution 71, a resolution to ensure that the Senate is in compliance with the Congressional Accountability Act with respect to permitting a disabled individual access to the Senate floor when that access is required to allow the disabled individual to discharge his or her official duties.

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

SENATE RESOLUTION 95—TO DESIGNATE NATIONAL AIRBORNE DAY

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 95

Whereas the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops;

Whereas the Parachute Test Platoon was composed of 48 volunteers who began training in July 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving from World War II until the present;

Whereas the 82d Airborne Division was the first Airborne Division that was organized following the successes of the Parachute Test Platoon and the early airborne training program and has continued in active service since its creation;

Whereas the 82d Airborne Division Association exists to continue and foster that special esprit de corps among fellow paratroopers, to perpetuate the memory of the 82d Airborne Division troopers who fought and died for our Nation, and to further the common bond among all members of the airborne community; and

Whereas the 82d Airborne Division Association, during the 52d year of existence and at the 50th Annual Convention, adopted a resolution to perpetuate the memory of the Parachute Test Platoon's "Jump Into History" on August 16, 1940: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 1997, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling upon the Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. THURMOND. Mr. President, I am pleased to submit today a Senate resolution proclaiming August 16, 1997, as "National Airborne Day."

On June 25, 1940, the War Department authorized the Parachute Test Platoon to experiment with the potential use of airborne troops. The Parachute Test Platoon, which was composed of 48 volunteers, performed the first official Army parachute jump on August 16, 1940. The success of the platoon led to the formation of a large and successful airborne contingent that has served from World War II until the present.

The 82d Airborne Division was the first airborne division to be organized. In a 2-year period during World War II, the regiments of the 82d served in Italy at Anzio, in France at Normandy—where I landed with them—and at the Battle of the Bulge. During this tumultuous period in our Nation's history, these brave soldiers served with distinction, as they have done for 55 years. It is only fitting that we honor them.

I urge you to join with me in sponsoring National Airborne Day to express our support for the members of the airborne community and also our gratitude for their tireless commitment to our Nation's defense and ideals.

ADDITIONAL STATEMENTS

TRIBUTE TO THE NEW HAMPSHIRE DELEGATES ATTENDING A NATIONAL SUMMIT ON VOLUNTEERISM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the New Hampshire delegates who represented the Granite State at the National Summit on Volunteerism in Philadelphia from April 27 through April 29. The 3-day summit focused on the challenges facing our Nation's children and youth, and encouraged Americans to dedicate their time and talents to communities and children. It was organized on the suggestion that America's young people have access to five fundamental resources. These resources include an ongoing relationship with an adult, safe places during non-school hours to learn, a healthy start, a skill through effective education, and the opportunity to give back through community service.

I would like today to honor the individuals from my State who gave their time and energy so our children can remain safe and strong. They are: Amy McGlashan of New Hampshire College and University Council, Daniel Forbes of St. Anselm College, Carlos Agudelo of the ALPHA Alliance, Regis Lemaire of the Office of Youth Services, David Fish of the United Parcel Service, Darlene E. Schmidt of CFX Bank, Joshua Morse of Southern New Hampshire Services, JoAnn St. Pierre of the Voluntary Action Center, Ann Puglielli of St. Anselm College, Richard Shannon of New Hampshire Catholic Charities, Susan Gilbert of Manchester, Suzanne Carbon of the Grafton County Family Court, Catie Doucette of the White Mountain School, Ed Farrell of the White Mountain School, Dick Fowler of the Division of Children and Youth Services, Katie Kelley of the Pathfinders Program, Theresa Kennett of Kennett High School, Bruce Labs of Woodsville High School, Sara Lang of Woodsville High School, Mike Purcell of White Mountain Mental Health, Lynn Wheeler of Nighswander, Lord and Martin, Debbie Tasker of the Dover Adult Learning Center, Bernie Mucci of Tyco International Ltd., Elise Klysa of the Timberland Corp., Ron Borelli of Aavid Thermal Technologies Inc., Karen Brown of Channel 9 News, Chris Gallagher of the Corporation for National Service, Sidney Swartz of the Timberland Corp., and Ken Freitas of the Timberland Corp.

Each and every delegate from the State of New Hampshire has achieved success in effective citizen service. They are experienced in creating opportunities for others to contribute to solutions, and have a record of getting things done. Above all, they are trusted by others in their community and for that they can be very proud.

The summit proved to be beneficial. The representatives from New Hampshire combined their efforts with delegates from Delaware. They came up with creative plans to bring adults and college students into Manchester's public schools together to help establish a mentoring program. The New Hampshire delegates will meet again in the summer to review this proposal and the other ideas they collected and decide how to use them.

I commend the New Hampshire delegates on their willingness to help make the Granite State a better place to live, and to ignite the spirit of volunteerism to provide a strong foundation for America's youth. New Hampshire is fortunate to be blessed by their leadership and dedication. I applaud them for their outstanding work, and am proud to represent all of them in the U.S. Senate.•

HEALTH CARE PROTECTION ACT OF 1997

• Mr. GRASSLEY. Mr. President, on May 23, I introduced legislation designed to maintain rural communities' access to hospital care.

Today many rural Americans live in fear that they may lose access to local and regional hospital care. In these rural areas, where serious accidents, often related to farm equipment, are a constant threat. Access to an emergency care hospital within 35 miles can mean the difference between life and death. The ability to be referred to a major regional hospital for more specialized care can be of like importance. Congress must recognize the special needs of rural America and work to meet them. This bill is a step in the right direction.

The Rural Health Care Protection Act of 1997 focuses on providing support of sole community hospitals and rural referral centers. Sole community hospitals [SCH's] are hospitals located at least 35 miles from other hospitals and are often the sole source of emergency care or impatient services in their areas. There are currently 728 SCH's in 46 States. There are 11 in my home State of Iowa. Rural referral centers [RRC's] are relatively large and specialized rural hospitals which receive referrals from community hospitals throughout a region. There are currently 142 RRC's in 39 States, including 5 in Iowa.

This legislation contains four proposals designed to help keep these care centers operating. First, the act would give SCH's the option of choosing an updated fiscal year 1994–95 base year for Medicare funding instead of the outdated based years which they must currently use. Second, the act would permanently grandfather as an RRC any hospital that has previously qualified as an RRC. Third, the act would exempt the RRC's from the statewide rural wage index threshold for geographic reclassification. Finally, the bill would allow rural hospitals that meet the reclassification criteria to be reclassified as urban hospitals for purposes of disproportionate share hospital [DSH] payment adjustments.

This bill would help ensure that rural Americans maintain access to these essential care centers. I ask my colleagues on both sides of the aisle to join me in support of this measures. •

ORDERS FOR TUESDAY, JUNE 3, 1997

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Tuesday, June 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate be in a period of morning business until the hour of 12:30 p.m. to allow Senators to pay tribute to our President pro tempore, Senator THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I ask unanimous consent that the Senate recess from the hours of 12:30 to 2:15 for the weekly party conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I further ask unanimous consent at 2:15 the Senate resume consideration of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, tomorrow from 9:30 a.m. to 12:30 p.m., the Senate will honor the service of our President pro tempore, Senator STROM THURMOND, as the longest serving Member of the U.S. Senate. By previous consent, from 12:30 p.m. to 2:15 p.m. the Senate will be in recess to allow the weekly policy luncheons to meet. At 2:15, the Senate will immediately resume consideration of S. 4, the Family Friendly Workplace Act. Members who intend to offer amendments to S. 4 should be prepared to offer those amendments during tomorrow's session. Therefore, Senators can expect rollcall votes throughout tomorrow's session of the Senate as we make progress on this important legislation.

A cloture motion was filed this evening on the pending amendment to S. 4, and therefore Members can anticipate a cloture vote on Wednesday morning. As always, Members will be notified accordingly as any votes are ordered with respect to the legislation.

Also, under the provisions of rule XXII, Senators have until the hour of 12:30 tomorrow afternoon in order to file first-degree amendments. It is the leader's hope that we can complete action on S. 4 midweek so we can continue action on the concurrent budget resolution and supplemental appropriations conference report this week. I appreciate all Members' cooperation and I thank Members for their attention.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAIG. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:04 p.m., adjourned until Tuesday, June 3, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 2, 1997:

DEPARTMENT OF STATE

JAMES FRANKLIN COLLINS, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

OFFICE OF PERSONNEL MANAGEMENT

JANICE R. LACHANCE, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE LORRAINE ALLYCE GREEN, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID K. HEEBNER, 6059

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. DARREL P. BAKER, 3645
BRIG. GEN. MURREL J. BOWEN, JR., 3419
BRIG. GEN. JOHN D. HAVENS, 8278
BRIG. GEN. EUGENE S. IMAI, 4034
BRIG. GEN. THOMAS D. KINLEY, 4548
BRIG. GEN. FEDERICO LOPEZ III, 0744
BRIG. GEN. JOEL W. NORMAN, 9456
BRIG. GEN. JOHN C. ROWLAND, 0461

To be brigadier general

COL. JOHN C. ATKINSON, 8232
COL. JOHN A. BATHKE, 6037
COL. WILLIAM H. HALL, 6256
COL. DENNIS A. KAMIMURA, 1117
COL. EUGENE P. KLYNOOT, 5848
COL. DENNIS D. KRSNAK, 8983
COL. BENNY M. PAULINO, 5606
COL. JAMES L. PRUITT, 4524
COL. EDWIN H. ROBERTS, JR., 0530
COL. CHARLES L. ROSENFELD, 2361
COL. JOHN R. SCALES, 7861
COL. JOHN A. TYMESON, 5473
COL. BRIAN D. WINTER, 0493

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID J. KELLEY, 7993

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD A. CHILCOAT, 0462

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RANDOLPH W. HOUSE, 7507

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS N. BURNETTE, JR., 2524

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL J. KERN, 5577

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK LIBUTTI, 7862

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be real admiral (lower half)

CAPT. JOSEPH W. DYER, JR., 0881

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral (lower half)

CAPT. KENNETH C. BELISLE, 8016
CAPT. JOHN G. COTTON 6982
CAPT. STEPHEN S. ISRAEL, 3464
CAPT. GERALD J. SCOTT, JR., 4136
CAPT. JOE S. THOMPSON, 2971

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral (lower half)

CAPT. HOWARD W. DAWSON, JR., 6320
CAPT. WILLIAM J. LYNCH, 1963
CAPT. ROBERT R. PERCY III, 4869

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be colonel

DAVID J. BIOW, 3447
JOHN R. BRANCH, 2651
PATRICK J. BURGER, 6665
JOHN M. CLAPP, 7793
ALLAN F. CRUZ, 3892
RICHARD M. CUSICK, 6332
DELL M. DEMPSEY, 0334
ROBERT W. FOLTYN, 2659
WILLIARD D. HALL, JR., 8976
RICHARD F. HAMILTON, 6883
KEVIN P. HART, 7581
JAMES C. HOSMER, 2947
DAVID M. JESPERSEN, 9599
JAMES A. KELLY, 7382
ROYDEN T. KOITO, 0661
MICHELE D. KRAUSE, 4692
HENRY E. MAHER, 5365
KENNETH L. MARSHBANKS, 8496
NATHANIEL T. MCCLESKEY, 0445
GARY L. MCELVAIN, 0363
DANIEL W. MCSPADDEN, 5631
ROGER K. MOORE, 1798
DANIEL A. MOROCO, JR., 7911
WILLIAM J. O'BRIEN, JR., 3176
WILLIAM F. OEHL, JR., 1953
LAWRENCE P. O'NEIL, 6591
JOHN P. PACZKOWSKI, 9524
GREGORY A. PATTERSON, 1878
KIM T. POOLE, 9236
HARRY H. PORTER, JR., 5636
ANNE E. RATHMELL, 1079
STEVEN B. RAY, 8400
NICHOLAS E. REYNOLDS, 1307
GLENN H. ROBINSON, 1698
JOHN R. RUCKRIEGEL, 7772
JOHN M. SEVOLD, 5066
ALAN R. SMITH, 9606
JAMES A. SMITH, 1469
DARRYL D. STANLEY, 7751
SUSAN M. SWIATEK, 1308
CHARLES J. TEMPLE, 2050
MARK THIFFAULT, 9998
BETTYANN P. THOMPSON, 0399
GERALD E. WEBB, 9597
THOMAS P. WILKINSON, 9293
JOHN K. YOUNG, 1616
ANDREW D. ZINN, 7138

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

JAMES P. ADAMS, 1539
MARK K. ADRICK, 1874
GREGORY J. ALLEN, 2860
MICHAEL D. ANDERSEN, 8411
ROBERT W. ANDERSEN, 4758
THOMAS J. ARMINIO, 6948
DAVID M. ARMITAGE, 9153
JEFFREY S. ASHBY, 5688
ROBIN M. BABB, 1114
RANDAL L. BAHR, 5405
DUANE M. BAKER, JR, 1448
ROBERT D. BARBAREE, JR, 7114
CLAUDE E. BARRON, 0102
WILLIAM D. BARRON, 1010
DAVID C. BEAM, 8328
THOMAS C. BENNETT, 1571
MARK M. BENSON, 5764
JOHN M. BIRD, 4297
DOUGLAS A. BLOCK, 6667
PATRICK M. BLOOMFIELD, 5873
SUSAN J. BLUNT, 7766
BROOKS O. BOATWRIGHT, JR, 3049
RICHARD L. BOOTH, 9593
BARBARA J. BOWYER, 3835
ROBERT K. BOYD, 0482
TED N. BRANCH, 6225
RONALD W. BRINKLEY, 5182
DAVID F. BRITT, 7110
JOHN M. BROWNELL, 7034
WILLIAM A. BRY, 4218
FRANK M. BUERGER, 9632
KIM S. BUIKE, 0546
WILLIAM R. BURKE, 0448
STEPHEN B. BURNETT, 4835
LARRY D. BURRILL, 0192
JOHANNA K. BURTON, 5128
DAVID H. BUSS, 3577
JAMES M. BUYSKE, 6292
THOMAS A. CAHILL, 3321
CHRIS C. CAIN, 0719
FRANCIS J. CAMELIO, 8820
JAMES J. CARDOSI, 0448
WILLIAM H. CAREY, 3333
JOSEPH CELANO, 3377
TIMOTHY J. CEPAK, 9436
ROBERT S. CHAPMAN, 7418
DAVID L. COMIS, 7079
TIMOTHY J. CONCANNON, 0687
STEPHEN A. CONN, 8952
ROBERT J. CONNELLY, 7694
STEPHEN L. CONNORS, 3052
DONALD P. COOK, 7215
PHILIP J. CORBETT, 2425
PETER A. CORNELL, 1732
GREGORY CORNISH, 7635
JOSE R. CORPUS, 5048
JOSEPH A. CORSI, JR, 3663
LAWRENCE S. COTTON, JR, 2927
DWIGHT L. COUSINS, 7819
DAVID T. CUNNINGHAM, 2932
RICHARD CURRENT, 2379
PETER H. DALY, 8726
THOMAS R. DANIEL, JR, 2664
WILLIAM D. DANIELS, 1010
GEORGE D. DAVIS III, 8042
DEBRA L. DEACON, 7329
WILEY R. DEAL, JR, 8329
CHARLES G. DEITCHMAN, 8226
THOMAS A. DELERY, 0952
DIRK P. DEVERILL, 1241
WILLIAM E. DEWES, 9884
EMMITT D. DICKENS, 2663
RYLAND T. DODGE III, 4328
GEORGE B. DOM, 0942
DANIEL R. DONOGHUE, 7534
BARRY M. DONOVAN, 2949
DAVID J. DORSETT, 6326
HENRY E. DOSKER, JR, 2909
KEVIN P. DOWLING, 8517
BRUCE L. DRAKE, 3203
JANICE M. DUNDAS, 5639
CHRISTOPHER R. EARL, 8185
ROBERT M. EICHELBERGER, 5747
DANIEL C. ELLIOTT, 8524
GARY J. ELLIS, 7547
STEPHEN A. EWELL, 0044
JOHN R. EXELL, 2488
WILLIAM R. FARAWELL, 5526
RICHARD A. FECKLER, 8975
MARK E. FERGUSON III, 0136
IAN P. FETTERMAN, 2288
DAVID J. FONTAINE, 5214
RICHARD K. FORD, 8062
GEORGE T. FOSTER, 0146
THOMAS J. FREY, 7003
MICHAEL S. FRICK, 9861
CARL T. FROEHLICH, 8288
JOHN D. FURNESS, 0061
ALBERT J. GALLARDO, JR, 9639
KURT D. GARBOW, 8288
ROBERT P. GARRETT, 5131
LOUIS J. GEANULEAS, 4314
JOSEPH T. GENGO, 4184
HENRY GONZALES, JR, 6636
DALE R. GOVAN, 5574
KENNETH A. GRABER, 6171
PHILIP W. GRANDFIELD, 9020
VICTOR GUILLORY, 1980
NORMA L. HACKNEY, 3877
DENNIS HAINES, 9998
DANIEL L. HANSEN, 9897
DAVID A. HARRINGTON, 7489
THOMAS A. HAWKINS, 2024

JOHN W. HEDLUND, 9184
KARL R. HEINZ, 5732
THOMAS A. HEJL, 4578
RONALD H. HENDERSON, JR, 8595
WILLIAM J. HENDRICKSON, 8930
VAN A. HENLEY, 7944
DONALD E. HEPFER II, 2712
MICHAEL C. HERB, 7503
LEENDERT R. HERING, 4873
RICHARD D. HIGH, 2811
ELIZABETH A. HIGHT, 7307
ALEX S. HILL, JR, 4592
RICHARD C. HILL III, 3635
MARK J. HIMLER, 0100
ALBERT HOCHEVAR, 9134
THEODORE J. HOFFMAN, 4352
ROY L. HOLBROOK III, 3750
RICHARD T. HOLDCROFT, 3042
GARY M. HOLST, 4526
DOUGLAS L. HOVLAND, 2488
MICHAEL R. HOWARD, 4458
STEPHEN R. HOWARD, 0504
MICHAEL L. HOYT, 7840
MARK A. HUGEL, 9650
RONALD D. HUGHES, 1410
PAUL J. C. HULLEY, 5889
ROBERT C. JACKSON, 7462
CHARLES JAMISON, 4719
RALPH E. JANIKOWSKY, 3653
WILLIAM E. JEZIERSKI, 2058
DOUGLAS P. JOHNSON, 2191
PHILIP N. JOHNSON, 8663
STEPHEN E. JOHNSON, 2239
SCOTT L. JONES, 7680
STEPHEN R. JONES, 2192
STEVE V. JONES, 5370
STEVEN A. JONES, 2105
EDWIN J. KANERVA, 3722
THOMAS F. KEELEY, 1326
STEPHEN W. KEITH, 1910
THOMAS S. KENNEDY, 5918
MARK W. KENNY, 5645
DONALD F. KERRIGAN, JR, 2213
DANIEL T. KEUHLEN, 8043
JONATHAN KIELL, 8827
ANTHONY L. KIGGINS, 2587
RICHARD V. KIKLA, 5157
JOSEPH F. KILKENNY, 3925
RAYMOND M. KLEIN, 5016
GARY D. KLINK, 5951
CHRISTOPHER A. KLYNE, 9945
KEITH F. KOON, 1790
KENNETH G. KRECH, 6952
MARK W. LAMBONI, 8939
DAVID R. LANDON, 9826
FREDERIC A. LANES, 5923
CRAIG E. LANGMAN, 7687
PETER J. LASZCZ, 4660
KEVIN J. LATHAM, 0469
NORMAN G. LAWS, JR., 1640
ROBERT A. LAWSON, 0487
PETER M. LEENHOUTS, 5144
MICHAEL A. LEMIEUX, 8318
JOHN T. LEWIS III, 4373
THOMAS E. LINDNER, 3757
JOHN T. LOCKS, 1077
ROBERT W. LOONEY, 8545
ROBERT A. LOPEZ, 0618
JOHN C. MACKERCHER, JR., 9634
ROBERT H. MAGEE, 7207
MANUEL A. MALAGONFAJAR, 9398
GREGORY E. MALINAK, 2270
CHESTER J. MALINS, 7407
GEORGE E. MANASKIE, 3935
R. L. MARCANTONIO, 6164
JOSEPH B. MARSHALL, JR., 8644
GERALD A. MASON, 9753
GERARD M. MAUER, JR., 9770
MARY E. MC ADAMS, 3115
DOUGLAS L. MC CLAIN, 4212
JOHN K. MC CLAIN, 9840
TIMOTHY V. MC CULLY, 3136
MICHAEL J. MC DERMOTT, 1102
BRADFORD N. MC DONALD, 8851
JAMES A. MC DONELL, 8258
JAMES W. MC GLOON, JR., 6785
JOHN T. MC MURTRIE, JR., 7424
WILLIAM H. MC RAVEN, 3730
JACK S. MENENDEZ, 4659
MICHAEL W. MENTAS, 0297
DONALD A. MEYER, 6833
JAMES R. MILLER, 4465
JOHN W. MILLER, 1380
SAMUEL C. MILLER, 6465
WILLIAM H. MILLWARD, 6018
DALE A. MILTON, 3973
ROBERT C. MOCK, 8857
DANIEL E. MOORE, JR., 2190
DAVID C. MOORE, 5053
DAVID MOREL, 6600
SHAWN MORRISSEY, 6175
JOEL S. MORROW, 9737
JOHN J. MORROW, 9509
RONAL B. MORSE, 9073
FRANK M. MUNOZ, 2185
ALLEN G. MYERS, 2554
PATRICK D. MYERS, 8861
LINDA M. NAGEL, 6817
TIMOTHY M. NAPLE, 6061
RONALD E. NASMAN, 2772
LAWRENCE A. NEWTON, 9549
STANLEY R. O'CONNOR, 1012
JOSEPH J. O'CONOR, 0632
JOSEPH W. O'DONNELL, 2353
CARL D. OLSON, 6218
MICHAEL J. O'MOORE, 6280
PETER B. OPSAL, 0188
MICHAEL H. ORFINI, 6573
MILTON A. OUTTEN, 9243
MICHAEL J. OWENS, 8759
PETER H. OZIMEK, 4421
KENNETH P. PARKS, 5072
JAMES H. PATRICK, 5172
STUART L. PAUL, 2869
GREGORY J. PITMAN, 0407
JOHN J. POLCARI, 0437
DON H. POTTER, JR., 6158
RICHARD M. PREVATT, 7348
PHILIP S. PRITULSKY, 0017
CARLTON W. PURYEAR, JR., 9748
KEVIN M. QUINN, 3457
ROBERT J. QUINN, 2168
JOHN A. READ, 5358
WILLIAM C. REED, 9404
CAROL A. RENGSTORFF, 3945
DANIEL M. RENWICK, 9824
DAVID E. RIFKIN, 6958
WILLIAM D. RODRIGUEZ, 8529
GARY L. ROEMMICH, 0061
STEVEN ROMANO, 8285
LEE H. ROSENBERG, 5465
CHRISTOPHER J. ROUM, 4285
STEVEN C. ROWLAND, 1801
RICHARD T. RUSHTON, 7357
JOHN E. RYAN, 9879
KEVIN P. RYAN, 4151
CHARLES P. SALSMAN, 0967
JAMES A. SANFORD, 2277
STEPHEN F. SANTEZ, JR., 3009
STANLEY L. SAUNDERS, 3476
STEVEN SCHLIENTZ, 4209
CAROL J. SCHMIDT, 8546
DAVID C. SCHMITZ, 1309
CHRISTOPHER P. SCHNEDAR, 9677
DAVID M. SCHUBERT, 2351
JOHN J. SCHWANZ, 4195
RICHARD N. SCHWENK, 7750
WALTER G. SCULL III, 0204
STEVE A. SEAL, 7415
JONATHAN E. SEARS, 3127
MICHAEL L. SEIFERT, 9208
ANDREW G. SEVALD, 3108
JOHN W. SHERMAN, JR., 0492
DAVID K. SHIMP, 6243
WOODY T. SHORTT, 0344
DANIEL R. SIGG, 2005
WALTER M. SKINNER, 1667
KEMP L. SKUDIN, 1121
DON E. SLATON, 2126
WAYNE D. SLAUGHTER, 2514
BRUCE E. SMITH, 4813
FRANK J. SMITH, 3746
RICHARD L. SNEAD, 7466
SCOTT A. SPENCER, 9904
EDWIN H. SROKA, 6846
LARRY J. STACK, 2539
GARY L. STARK, 9491
C. L. STATHOS, 8094
MARIANNE V. STEADLEY, 8528
JOHN G. STEELE, 3691
DENNIS W. STEVENS, 4765
JAMES W. STEVENSON, JR., 1918
DENNIS T. STOKOWSKI, 0985
DANE C. SWANSON, 5278
XZANA M. TELLIS, 0233
RICHARD L. THAYER, 3611
MARC J. THOMAS, 4614
SCOTT M. THOMAS, 2297
GRACIE L. THOMPSON, 9197
ROLLAND C. THOMPSON, 0678
RUSSELL P. TJEPKEMA, 1657
JAMES P. TOSCANO, 5184
NICHOLAS A. TRONGALE, 6207
THOMAS W. TROTTER, 8529
CRAIG W. TURLEY, 6605
DAVE J. URICH, 7071
RICHARD D. UYAK, 7807
ERNEST L. VALDES, 7127
PIETER N. A. VANDENBERGH, 9870
ALBERTO E. VASQUEZ, JR., 8889
JOHN P. VINSON, 1916
MICHAEL C. VITALE, 7437
JOHN F. VUOLO, 1487
MARK G. WAHLSTROM, 8166
DOROTHY E. WALIZER, 0429
PATRICK M. WALSH, 1107
JOHN R. WARNECKE, 6573
ROBERT S. WARNER, 4048
DANNY L. WATERMAN, 1606
MICHAEL G. WATSON, 9118
MICHAEL N. WELLMAN, 4335
TIMOTHY S. WETTER, 5418
ROBERT N. WHITKOP, 7416
LYNDEN D. WHITMER, 7695
COLUMBUS WILLIAMS, JR., 3264
THOMAS D. WILLIAMS IV, 8719
GARY L. WILLIS, 3431
ROBERT J. WINKLER, 5086
ROBERT O. WIRT, JR., 1383
JAMES P. WISECUP, 1213
RONALD J. WOJDYLA, 5058
ROBERT F. WOOD, JR., 5378
HAROLD J. WOODBURN, 4314
HUBERT F. WOODS, JR., 2302
EDMUND T. WOOLDRIDGE, 4188
RICHARD A. WRIGHT, 1037
WARDELL C. S. WRIGHT, 0686
WILLIAM E. WRIGHT, 9333
BRAD L. WROOLIE, 2792
ALBERT W. YODER, 7038
PAUL E. YOUNG, 2858
WALTER YOURSTONE, 9550
JOSEPH ZACHARZUK, JR., 7012
DAVID ZIEMBA, 9782
LEONARD A. ZINGARELLI, 4981

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 3, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 4

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.
SD–226

9:30 a.m.
Environment and Public Works
To hold hearings on the nomination of Michael J. Armstrong, of Colorado, to be an Associate Director of the Federal Emergency Management Agency.
SD–406

Small Business
To hold hearings to examine small business perspectives on mandates, paperwork, and regulation.
SR–428A

1:00 p.m.
Conferees
On H.R. 1469, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts; including those in Bosnia, for the fiscal year ending September 30, 1997.
S–05, Capitol

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on the status of bilateral aviation negotiations between the United States and the United Kingdom.
SR–253

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

JUNE 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine instances of contaminated strawberries in school lunches.
SR–332

9:30 a.m.
Armed Services
Personnel Subcommittee
To hold hearings on gender integrated training and related matters.
SH–216

Commerce, Science, and Transportation
To hold hearings to examine United States trade with Asia.
SR–253

Environment and Public Works
Business meeting, to consider pending calendar business.
SD–406

Labor and Human Resources
Children and Families Subcommittee
To hold hearings to examine policy implications of child brain development.
SD–430

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Library of Congress, General Accounting Office, and the Government Printing Office.
S–128, Capitol

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 621, to repeal the Public Utility Holding Company Act of 1935 and transfer residual regulatory authority from the Securities and Exchange Commission to the Federal Energy Regulatory Commission and State public service commissions, and to consider the nominations of James A. Harmon, of New York, to be President, and Jackie M. Clegg, of Utah, to be First Vice President, both of the Export-Import Bank of the United States.
SD–538

2:00 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine proliferation issues, focusing on Russian case studies.
SD–342

2:30 p.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine challenges of treating alzeheimer's disease, focusing on biomedical research options.
SD–430

JUNE 6

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on the replacement of the Woodrow Wilson Memorial Bridge.
SD–406

Joint Economic
To hold hearings to examine the employment-unemployment situation for May.
1334 Longworth Building

JUNE 9

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on preserving judicial resources, focusing on judicial allocations for the 5th and 11th circuits.
SD–226

JUNE 10

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on miscellaneous water and power measures, including S. 439, H.R. 651, H.R. 652, S. 725, S. 736, S. 744, and S. 538.
SD–366

Labor and Human Resources
To hold hearings on proposed legislation relating to national labor relations.
SD–430

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the offices of the Secretary of the Senate, Senate Sergeant at Arms, and the Architect of the Capitol.
S–128, Capitol

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine instances of gambling over the Internet.
SD–226

JUNE 11

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Stateside of the Land and Water Conservation Fund.
SD–366

Labor and Human Resources
Business meeting, to mark up proposed legislation to reform the Food and Drug Administration, and to consider pending nominations.
SD–430

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH–216

Small Business
To hold oversight hearings to review Small Business Administration's microloan program.
SR–428A

10:00 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on opportunity programs.
SD–430

JUNE 16

2:00 p.m.
Special on Aging
To hold hearings to examine the problem of pension miscalculations, focusing on methods for educating people on the steps they can take to protect themselves and their pension benefits.
SD–628

JUNE 17

10:00 a.m.
Labor and Human Resources
To hold hearings to examine women's health issues.
SD–430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

10:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 569 and H.R. 1082, bills to amend the Indian Child Welfare Act of 1978.
SD–106

JUNE 19

9:30 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on emergency medical services for children.
SD–430

JUNE 20

10:00 a.m.
Labor and Human Resources
To hold hearings on improving the quality of child care.
SD–430

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

JUNE 26

9:30 a.m.
Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD–430

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

CANCELLATIONS

JUNE 5

10:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA's international space station program.
SR–253

Judiciary
Business meeting, to consider pending calendar business.
SD–226

SENATE—*Tuesday, June 3, 1997*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation and Lord of our lives, in each period of our history, You have blessed us with great leaders who have exemplified love for You and dedication to our country. Today we celebrate such a man. Thank You for STROM THURMOND. By Your grace he has become a legend in his own time, not just for the quantity, but also for the quality of years of service here in the Senate. On May 25, we all were moved by the fact that this distinguished Senator became the longest serving Senator in the Nation's history. Today we join with all Americans in gratitude for 41 years, 10 months of faithful leadership. You have blessed him to be a blessing to his beloved South Carolina and to the Nation as a whole through the decades. We cherish our friendship with him and admire his patriotism. And Lord, he's pressing on with the drumbeat of Your spirit beating out the cadences of his indefatigable commitment to the American dream.

Father, we thank You for Senator THURMOND's intellect, keen grasp of issues, courage to speak his convictions, and untiring loyalty to his Senate assignments. We marvel at his health, vigor, resiliency, and stamina. But most of all, we praise You for the personal ways he has inspired each of us. He's an affirmer who spurs us on by his words of encouragement. Your spirit of caring and concern for individuals shines through this remarkable man.

Gracious God, may the love and esteem we express this morning spur on the Senator in his leadership for years to come. Through Christ our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning, until the hour of 12:30 p.m., the Senate will honor the service of our President pro tempore, Senator THURMOND, as the longest serving Member of the Senate. By previous consent, from 12:30 to 2:15 p.m., the Senate will be in recess to allow for the weekly policy luncheons to meet, and, at 2:15 p.m., the Senate will immediately resume consideration of S. 4, the Family Friendly Workplace Act, with amendments being offered throughout the day to that legislation.

Therefore, Senators can expect rollcall votes throughout today's session of the Senate as we make progress on this most important legislation.

I want to commend the Senator from Missouri for the time that he has spent on this legislation, and I look forward to further debate and amendments that may be offered.

A cloture motion was filed yesterday on the pending amendments to S. 4. So Members can anticipate a cloture vote on Wednesday morning.

As always, Members will be notified accordingly as any votes are ordered with respect to this legislation, or other legislation.

Also, under the provisions of rule XXII, Senators have until the hour of 12:30 p.m. today in order to file first-degree amendments to the substitute amendment to S. 4.

It is my hope also that the Senate will conclude action on the concurrent budget resolution and the supplemental appropriations conference report this week. We do not have an exact time yet for those two but we expect that they would come up Wednesday and Thursday, one or the other, as soon as they are available, with the budget resolution conference report being one that we will take up first—hopefully tomorrow.

I appreciate all Senators' cooperation in this.

ORDER FOR PRINTING OF SENATE DOCUMENT

Mr. LOTT. Mr. President, I ask unanimous consent that tributes to Senator THURMOND be printed as a Senate document.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 867

Mr. LOTT. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 867) to promote the adoption of children in foster care.

Mr. LOTT. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the Calendar of General Orders.

TRIBUTE TO SENATOR STROM THURMOND

Mr. LOTT. Mr. President, I would like to take this opportunity to pay tribute to the distinguished senior Senator from South Carolina.

This is a very special occasion for the Senate, as we take this time to honor the longest serving Member of this body in history.

Senator THURMOND is an institution within this institution. Among the American people, he is probably one of the best known—and most recognized—Members of the Senate, every morning opening the Senate dutifully here; almost every day when we open. On rare occasions he is not in the chair. And within this congressional family, he holds a place of respect that is truly unique. I have been honored to serve with him, privileged to learn from him, and proud to call him my friend.

If the Senate had a Mount Rushmore, STROM would be on it.

As my colleagues know, Senator THURMOND's stature in the Senate is not just a matter of longevity. It is a matter of accomplishment.

He was first elected to this body on November 2, 1954, as a write-in candidate, and remains to this day the only person elected to the Senate in that manner.

He has served here on both sides of the aisle, and in both the majority and the minority. But he will quickly tell you that the majority is better.

He has chaired both the Armed Services Committee and the Judiciary Committee, and he thereby has made an enduring contribution to both our Nation's security and our system of justice.

He has stood for causes that were popular and causes that were less so. He has been fearless in defending his views, and what may be more important, equally unafraid to change those views when convinced of the rightness of change.

I can remember some of his speeches here in the Senate. He holds the record for the longest speech in the history of the Senate. But I remember as a brand-new Senator, he was standing in this aisle here and giving the most vigorous speech in behalf of the need for a criminal law reform that I believe I have ever heard. It was magnificent.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

When STROM THURMOND came to the Senate almost 42 years ago, he brought with him enough accomplishments already for a lifetime.

He had already been a State senator and circuit judge in his native beloved South Carolina. He had been Governor of the Palmetto State and had been the States Rights candidate for the Presidency in 1948.

Most telling of all, he had landed in Normandy on D-day with the 82d Airborne. Senator THURMOND has much to be proud of in his Senate career. But I doubt that any honors bestowed on him in the course of that career can rival the decorations he won in the Normandy landing: The Legion of Merit with oak leaf cluster and the Bronze Star for Valor.

All of this, of course, is a matter of public record. But what the public generally does not know, however, is the personality and the fantastic character that Senator THURMOND brings to his work in the Senate.

I often wish I had his unfailing good humor, which, come to think of it, probably has something to do with his length of service here. He always comes in ready to go to work with a smile on his face, as he did this very morning.

We all know firsthand how strongly he can argue his point, how fiercely he can defend his values, and how firmly he can put down an opponent who does not have the facts on his side.

But we also know how courteous he is when the debate is over, how generous he is even to those who do not reciprocate that conduct sometimes, and how respectful he has always been to this institution—and to every Member of this institution.

He has been a master of the Senate's rules, for he has always understood that those rules—frustrating and bothersome as they may often seem—are what sets the Senate apart as the most extraordinary legislative body in the world.

He has given so much to his country, in so many different ways, and yet he would resist any attempt on our part to thank him for his lifetime of dedication. For in this regard, Senator THURMOND is truly of the old school: He would rather thank his country for the chance to repay the honor of being an American. After all his years, after all those decades, that is the one appellation that best describes him. Though he has been a Democrat, a Dixiecrat, and a Republican, he has ever been and always will be, most of all, STROM THURMOND, proud American.

Thank you, Senator THURMOND for what you have done for your State, for your country, and for all of us as individuals.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. for continued tributes to the distinguished President pro tempore of the Senate.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

TRIBUTE TO SENATOR STROM THURMOND

SOUTH CAROLINA'S MARBLE MAN

Mr. ASHCROFT. Mr. President, I rise to participate in this opportunity to celebrate the service of STROM THURMOND.

When Abraham Lincoln stood on the battlefield at Gettysburg to memorialize the outstanding service of those who had died there, he put it succinctly: "The world will little note, nor long remember what we say here, but it can never forget what they did here."

I do not suggest by my own remarks here this morning that my remarks are long to be remembered. But the service of STROM THURMOND is unforgettable, and is indelibly marked, not only in the history of the Senate but in the States of this great Nation as a part of the development of the character of the United States of America.

"A nation reveals itself," said John Kennedy, "not only by the men it produces but also by the men it honors, the men it remembers." And so it is fitting that we should honor the service of STROM THURMOND. For long after his time in the Senate has ended—and the new millennium has begun—STROM will be remembered; not just for the elections that he won, but for the principles upon which he stood, the State he helped to transform, the party he helped to build.

For STROM, winning elections became a habit. From the time he ran his first campaign for Edgefield County superintendent to his most recent reelection, his record of electoral accomplishment is unparalleled in our time. The punditry and political operatives have been left to search for the secret to STROM's success. The answer is really quite simple. At its most basic, it is this: His word is his bond.

Whether giving up his seat in 1956 to run for reelection without the benefit of incumbency, or switching parties in 1964 to support Barry Goldwater, STROM has been true to himself and to the people he represents. He embodies the very essence of what it means to be a leader, "decid[ing] where he wants to go, figur[ing] out how to get there, and then do[ing] it."

But STROM has done more than just win the voters' hearts. He, along with Carroll Campbell, Governor Beasley, BOB INGLIS, and others, have helped take a State of low-country planters and usher them into the information age. Today, South Carolina stands as one of America's great success stories, part of the booming South Atlantic seaboard; its factories, office buildings, and airports are at the forefront of the Nation's economic growth. And through it all, STROM has been there.

Politically, this new South Carolina has also been moving—more than any other southern State—toward the Republican Party. And if ours is a movement of many mansions, then South Carolina is the house that STROM built. Under his watchful eye, the GOP has controlled the governorship since 1986 and wrested four of the State's six House seats from Democratic rule.

Until Senator THURMOND, most would have scoffed at the suggestion that a Republican could win statewide office. But then STROM joined the GOP, and the impossible became the possible. And so today, there are elephants in the cottonfields, and we have Senator THURMOND to thank more than any other.

Mr. President, in his lifetime Senator THURMOND has seen tragedy and triumph, known both midnight and high noon. At times, he has been a solitary figure seemingly at odds with the world. More often, however, he has stood for the national interest and the Nation has stood with him. And as South Carolina has flourished, so too, has he grown, coming to see fully the diversity and richness of the American dream.

His secret is not what he gets, not what he gives, not what he consumes, but how he serves. In the end, what Douglas Southall Freeman said of Robert Lee four decades ago might also be said of Senator THURMOND today. "He [is] one of a small company of great men in whom there is no inconsistency to be explained, no enigma to be solved." What he appears, he is. Not merely a man of great faith, but a great and faithful friend.

A final thought. I often hear the pundits and the national press bemoaning what they call an absence of leadership. Where, they ask, are the Thomas Hart Bentons, the Calhouns, and the Clays? Well, let me suggest that they look to the United States Senate; and there, just beyond the camera's eye, you will find them. They go by HELMS, GRAMM, MOYNIHAN. And perhaps most of all, STROM THURMOND—the Palmetto State's marble man—a "figure lost to flesh and blood and bones, frozen into a legend out of life."

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in 1950 when William Faulkner accepted the Nobel prize for literature, he said that man would not only endure, he would prevail.

I recalled those words this morning when I was coming to the Chamber to describe my impression of Senator

STROM THURMOND. He has not only survived and set a record because of his endurance but he has prevailed and set an example that all of us can study with profit. His character, his integrity, his commitment, his energy, his enthusiasm for his work and for the Senate, his respect for our Government and our country and its people, and his devotion to duty all set him apart. So it is not just because of his tenure that I praise him this morning but it is more importantly for all of these other qualities that have made him so special and so much appreciated as a Senator.

I have felt it to be a real honor to serve in the Senate with STROM THURMOND of South Carolina. He truly is one of the most outstanding Senators who has ever served. And he has been easy to get to know and easy to like, easy to work with because of his cordiality, his warmth, and his willingness to be helpful. He can also give you good advice and be persuasive in a way that makes you want to do what he wants you to do.

I recall going to the well of the Senate to vote when he was chairman of the Judiciary Committee, and I had planned to vote against his position on an amendment. He grabbed me by the arm and began holding it with his famous firm grip, and he said, "Now, you ought to do what's right on this" and started talking to me. And in that little while I realized I was going to vote with him and not the way I had thought I was going to vote when I went to the well of the Senate. I later told somebody that I had been "Thurmonized." That's when you are talked to in a fashion that is very persuasive, very courtly and charming, very distinctively like STROM THURMOND can talk to you.

We have worked closely on agriculture matters. We have worked to ensure that the farmers of South Carolina and those involved in their specialty crops, such as the peach orchard owners, have the kind of investment in research that is necessary to maintain our technological edge, and our productivity, so that we can be competitive in the global markets. He is the farmer's friend. He has said on a number of occasions, and I have heard him say it, "We have to be sure we do right by the farmers; they're very important to this country."

He has the same kind of attitude toward those who serve in the military, and as chairman of the Armed Services Committee he has done as much as anyone, more than most, to help ensure that we have a military which is well equipped, well trained, and is second to none in the world. By reason of his own personal experiences, he knows what it takes in a time of crisis to prevail. He has been a wonderful example in so many ways. He has been devoted to his family. I can recall his talking to the then majority leader, Senator BYRD, about getting out early one night so we could go trick or treating with our children. And he was, of course, in his seventies at that time. But he wanted to be sure that family time was made available, and we got out early that night, I recall, because of the insistence of Senator THURMOND that we have time to spend with our families on Halloween night.

There are many other things that come to mind, personal recollections. I never will forget being invited by him when I was a brand new Senator, to come to Charleston, SC to address the annual dinner of the Hibernian Society. He told me all about what to expect. He said, "The main thing to remember is don't talk long." He said, "They don't want a long speech."

Well, I took that to heart. I didn't talk long. And what I really came to realize when he was introducing me was that the people there were interested in his introduction a lot more than they would be in my speech. He brought the house down. They were there to hear vintage STROM THURMOND, and he was terrific. He started describing me as he introduced me. He said, "He is the first person to ever win statewide office in the State of Mississippi on the Republican ticket." Well, they cheered. And he said, "And he thinks just like we do. He believes in balancing the budget." And they cheered and hollered. And then he said, "And he believes in a strong national defense." And they jumped up and hollered again. And after a while, I realized my speech following this was not going to be worth giving; they were being entertained, but they were also showing their respect, their love for their Senator, STROM THURMOND. I was delighted to be invited and honored to be the speaker, and I did not talk long. It was a very successful experience because of that.

It was a great pleasure working with Senator THURMOND on the Judiciary Committee during my first 2 years in the Senate, which was a very interesting time of transition. Another part of the genius of STROM THURMOND is to manage transition. The President talks about making change our friend. STROM THURMOND has been doing that for so long it is second nature. And the fact is he has been able to not only manage transitions and help ease the pain of transition for this country in so many different areas that he has been a true leader of our country in that respect. He is a wonderful example and a wonderful man, and it is a great privilege for me to be able to speak today in his honor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I literally cannot remember life without STROM THURMOND. My first awareness of STROM THURMOND was one of the first things I remember in my entire life. I was 6 years old. I was in the first grade at Athens Elementary in Athens, AL. It was 1948. One weekend we were on the porch at my grandfather's house, and I was sitting there listening to my dad and to my grandfather talk about the Presidential election of 1948.

Now, I must confess at age 6 that was not a big item in my life, but that was the first time I heard the name STROM THURMOND. My dad and my granddad talked about the election for a little while, and all I remember for sure is that they said STROM THURMOND was a fine man, they were going to vote for him for President of the United States.

The second time I remember hearing of STROM THURMOND, my family had moved from Alabama to Augusta, GA. My dad was a civilian employee for the Army after having served in World War II in the European theater, as did our fellow Senator whom we honor today. My father was working at the Savannah River plant in Aiken, SC, in 1954.

And again, at age 12, obviously politics was not something I was thinking about very often. It seems to me baseball was most in my interest at that time. But that was the year our colleague whom we honor today got elected to the United States Senate on a write-in in South Carolina. The only time that has been done in history, Mr. President—a remarkable accomplishment.

The next time I remember thinking about Senator THURMOND's distinguished career I was 22, and it was 1964 and we had moved to Kentucky by that point. I had begun to think of myself as a Republican and taken an interest in politics, and I remember the excitement, having been a son of the Deep South, when Senator THURMOND decided to become a Republican. In those days, as the occupant of the Chair certainly knows, too, there were not any Republicans in the Deep South.

I remember the story my dad told me about his father, my grandfather, sitting him down at an early age and explaining to him politics. He said, "Now, son, this won't take long, just a minute." He said, "The Republican Party is the party of the North and the Democratic Party is the party of the South." And that was the end of it. So imagine my excitement as a 22-year-old college senior to see Senator THURMOND from the Deep South, as deep as it gets, South Carolina, saying, I'm going to be a Republican as a matter of conviction. Now, that was a pretty courageous thing to do in 1964 in South Carolina even if you were a pretty established figure, as Senator THURMOND obviously already was. He didn't have to do that. It would have been easy for him to continue to be a Democrat. That was certainly what everybody was in the South in those days. But, as a matter of conviction, Senator THURMOND said, "I can't be a

Democrat anymore. This party doesn't reflect my beliefs and I am going to change." That was the beginning, in every real sense, of the growth of the Republican Party in the South—which I want to say the occupant of the Chair and myself have been substantial beneficiaries of on down in subsequent years.

The next time STROM THURMOND impacted my life was in 1969. I was a legislative assistant to a newly elected Senator from Kentucky who got assigned to the Judiciary Committee. And there was Senator THURMOND. I observed him as a staffer for the 2 years that I was here. He was invariably courteous to those who were beneath him in rank. I oftentimes think that the true test of people's worth is how they treat those people who are not on the same level of influence as they. Senator THURMOND was a favorite of the staff that worked at the Judiciary Committee because he was unfailingly courteous to all of us, and we respected him greatly.

Obviously, the next time Senator THURMOND's life and mine intersected was in 1985 when I was sworn into the Senate and became a member of the Judiciary Committee myself and Senator THURMOND was our chairman.

So, when I say I can't remember life without STROM THURMOND I do not exaggerate. He has been somebody I have heard about, observed and admired all of my life. And, as other speakers have said this morning, and I'm sure others will in the course of the morning, it is an honor for all of us to be associated with this great American. He is truly a legend in our time and a legend that goes beyond simply his longevity, his tenure. Certainly that is a remarkable record. I remember many of us were there at his 90th birthday, when Senator THURMOND looked out at the audience and said, "Now, if you'll eat right and exercise and take care of yourself, you may be here for my 100th birthday party." Obviously, that kind of optimism, the looking forward, planning ahead, thinking about what you want to achieve, that kind of uplifting optimism has been an inspiration to all of us who have had the opportunity to know and to learn from the senior Senator from South Carolina.

But, beyond the legend of tenure, there is also the question of accomplishment. There isn't anybody in the U.S. Senate who knows more about the issues that the Senate Judiciary Committee deals with than STROM THURMOND. And when it comes to national security matters, not only has STROM THURMOND been a hero on the battlefield himself, having ridden on one of those gliders in behind the lines at Normandy in 1944, not only was he a hero himself, but when it comes to the question of securing and standing up for the solid national defense of the United States, STROM THURMOND has no peer. He has been there for 40 years in the U.S. Senate seeing to it that America had a strong national defense in order to protect this country and our way of life and our interests around the world.

So, Mr. President, let me say again, the life of STROM THURMOND—which continues; he is just getting started—has been an inspiration to all of us who have had the opportunity to know him and to love him over the years.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I wanted to stop on the Senate floor today on a mission to compliment my distinguished colleague and friend, Senator STROM THURMOND. He has achieved quite a remarkable record here in the U.S. Senate. I didn't know Senator THURMOND very well except by reputation before I came to the U.S. Senate. But, as I have come to know him and his service to our country, I wanted this morning to join all of my colleagues who will come this morning and tell him thank you for his service to our country.

Senator THURMOND is serving in the U.S. Senate in 1997. He was born in the year 1902. That means that Senator THURMOND has spent a great deal of time in public service. He is a remarkable person by any measure.

When I read a piece about Senator STROM THURMOND about 4 years ago, I went up to him on the floor of Senate, after I read the piece, and told him that I learned a great deal about him I did not know.

One of the things that impressed me so much was to have read about his record in the Second World War. Senator THURMOND volunteered for service in the Second World War, I believe, when he was near 40 years of age. And when I read about what he did in the Second World War, I was really truly astounded. He received five battle stars and 18 decorations: the Legion of Merit with oak leaf cluster, the Bronze Star for valor, the Purple Heart, the Cross of Order of Crown Belgium, and so on.

But what I read about Senator THURMOND was that somewhere near the age of 40, he volunteered to go into service in the Second World War and then further volunteered on a mission, a dangerous mission, to go aloft in a glider and crash-land behind enemy lines at night during the D-day invasion.

I asked Senator THURMOND on the floor, having read about that, "Weren't you terribly afraid that evening as you boarded a glider to be sent aloft?" And we had a little visit about that. He said, no, he was not. He is a man of enormous courage. If you evaluate the record, not only his record during the Second World War, volunteering for dangerous missions and having received so many decorations for valor as a result of that, but also his record in public service following that, you cannot be anything but admiring of this remarkable and wonderful individual.

We spend our time in the Senate here, and I suppose over the couple hundred years that the Senate has been in existence, debating each other and having the give-and-take of the competition of ideas, and sometimes I suppose there might be those who watch these proceedings who think that, gee, this is quite a vigorous debate and we do not have the greatest of respect for each other. I would say to those who watch and get that misimpression that, in almost all cases in this body, those of us who come here have enormous respect for others who have been here and who have come under other circumstances.

Senator THURMOND came to the U.S. Senate, I believe, in 1954, and he has served here with great distinction and great honor. There might be times where he and I would disagree on an issue, but when we disagree we do that without being disagreeable. There have been other times when Senator THURMOND and I have worked together on amendments on the floor of the Senate, and I have been honored to do so.

No matter the circumstance, I feel privileged to have been able to serve at a time in this Senate when someone with as distinguished a record as Senator THURMOND has compiled has been here. I have said on other occasions, for example, that same feeling exists with Senator BYRD of West Virginia, who, I am sure Senator THURMOND would agree, is one of the great Senators of all times.

I, as a young boy, watching and listening and paying some attention to American politics, read about and heard about and studied the works of U.S. Senators. Most of those who I knew about when I was going to school I never had the opportunity to meet and certainly did not have the opportunity to serve with. But because of longevity and because of the length of public service given this country by the likes of Senator BYRD, and especially Senator THURMOND, I feel pleased that I have come to the Senate and had the opportunity to serve during my term with some really wonderful Senators who have contributed a great deal to this country and left this a richer place because of their public service.

Today, I simply wanted to come and say to Senator THURMOND on behalf of the constituents I represent in North

Dakota, thank you for your service to this country. This is a better country and a better place because you have served.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I am more than honored to come to the floor today to pay tribute to our senior Senator, Senator THURMOND, who has achieved such an outstanding milestone.

Last September 6, I had the privilege of being at Oriole stadium in Baltimore to watch Cal Ripken break the consecutive game record held by Lou Gehrig. It was one of the most moving tributes in sports events that I have ever witnessed or ever heard about. And yet, when I watched a replay of that just the other day and understood the significance of an individual who had, through sickness and injury and personal concerns, established that probably never-to-be-broken record, I could not help but think of a similar individual who I have had the privilege of serving with in the U.S. Senate who has established his own record. And I think that the sacrifice and the commitment and the perseverance and the dedication of Senator THURMOND really can only be compared with that of Cal Ripken—two extraordinary individuals who have set their mind to a task and not allowed anything to come in the way of performing that task and achieving the goal that they have achieved.

Of course, serving in the House of Representatives, all you really know about Senator THURMOND is the legend. You know he is a legendary figure who has provided extraordinary service to his country and serves as a distinguished Member of the U.S. Senate. So when you come to the Senate and have the opportunity to serve with Senator THURMOND, you bring with you a sense of awe, a sense of, how does this individual do this? But you also bring the perceptions that you read about in the press, "Oh, Senator THURMOND's remarkable service, but you know he's getting older and he perhaps doesn't have the stamina and the energy that he once had." Well, it does not take you long here in the U.S. Senate to realize that that perception is wrong.

The first thing you do is you meet Senator THURMOND and you have to shake his hand. And after you shake his hand, you have to take some aspirin because your hand is going to be sore for the next couple days, because Senator THURMOND has maintained a grip that few in the Senate half his age have. So my advice to any new, incoming freshmen or anybody who happens to run into Senator THURMOND in the hall or meet Senator THURMOND is, have a bottle of aspirin in your pocket because, after you shake his hand, your hand is going to be sore for a couple days.

The second thing you find out about Senator THURMOND is that, as Senator Dole says, you watch very carefully what he eats because you want to eat whatever STROM THURMOND is eating if you want to stay healthy. And so we jockey to sit near him at lunch to see what is the secret of this man's success, his longevity, his contribution.

And then, if you are like me and you are someone that enjoys going down to our small, little workout facility down in the Russell Building, you run into Senator THURMOND down there and you ask him, "Senator, how do you get to be the age you are and maintain such good physical health? How is it possible?" And he looks at you and says, "Well, I get up every morning and I do my stretching, do 20 minutes of stretching, and then I do 20 minutes on the bicycle, and then I'll do some calisthenics, and then I swim every week half a mile at a time."

Then he looks at you and says, "If you want to stay limber and you want to stay strong, you've got to pay the price." And I wonder how many of us have the will to pay the price at half his age that he pays at the age of 94.

I could go on and on with these stories. I had the privilege of coaching youth basketball here in northern Virginia, and I had the privilege of having on my team young Paul Thurmond. And so here I am in my forties—my son is on the team along with Paul Thurmond—and Paul Thurmond's father is considerably older than I am, and yet there he is in the stands right behind where I am coaching, watching those games and cheering his son on, who is a remarkable athlete, now a nationally ranked tennis player, I think, at Vanderbilt.

We won the championship of that league, and in no small part due to the terrific contributions of young Paul Thurmond, who is now quite a young man. But I think what is remarkable to me—it was not Paul's athletic prowess—is the fact that Paul's father, Senator THURMOND, was right there cheering him on and with the parents of the kids that won that championship.

I have gotten to meet the rest of his family, and I have gotten to see how Senator THURMOND handles a very, very complex and difficult job and yet cares so deeply for his children and for his family.

I know that Senator THURMOND went through probably the most difficult thing that any parent can go through, and that is the loss of a child. I know how much he grieved the loss of his daughter in that tragic accident that took place. And yet, lesser people would have been broken by that. Lesser people would not have been able to recover from that. Senator THURMOND, I think due in large part to his faith, due to his strength of will, and due to his belief that despite the tragedies in our lives, life must go on, and did go on, and did it in a spirit that is commendable to all of us, because we know how deeply that tragedy struck him.

So there are so many aspects of this extraordinary man that have left such a deep imprint on the lives of all of us here in the Senate and clearly the lives of the people he represents in South Carolina and to many people throughout the world. The impressions I have, the stories I have, the admiration I have for the remarkable person that STROM THURMOND is is really difficult to put into words.

Initially, I was going to sit down and write a speech, but I really wanted this to be from the heart. I really wanted to come over here and say to my colleagues and say to Senator THURMOND, in my lifetime, I do not know that I have ever met someone like you. I do not know if I ever met someone who showed the courage and showed the compassion and showed the loyalty and showed the commitment to the people that he knows and loves and to the people around him and to the people of this Nation.

I bet you could go back 40 years and look up the pages that have served in the Senate, and I will bet you every one of them would say the person that went out of his way to speak to me, to make me feel welcome, was Senator THURMOND. I bet you could go back and talk to staffers from over the last 40 years, or interns, who have worked for Senator THURMOND and hear such remarkable praise from them about the privilege they had of serving and working for him in the Senate. You could talk to any of us who have served with him and we talk about STROM almost in awe. How does this man keep doing it? How are we possibly going to have the energy and passion for the job when we become the age, or we hope to become the age, that Senator THURMOND has become—a unique person, a remarkable record, something that I do not think will ever be broken.

I just want to say to him today what a great privilege it has been for me to serve with STROM THURMOND, what a great example he has provided to me and to my family, how much I admire him, and how much I want to congratulate him for his remarkable service.

Now, the standing story here, and said with all seriousness, is when is STROM going to start preparing for the next election? We just had an election, but no one is about to say that STROM THURMOND is serving in his last term.

This man of such a remarkable constitution continues to give fine representation to the people that he has represented for so long.

Mr. President, I have another dozen stories illustrating the impact of this fine southern gentleman on this institution, but others will recount many of those. I just want him to know he has made a lasting and deep impression on me and it has been one of the highest honors and deepest privileges of my time in the Congress to be a friend and associated with and to work with the Senator from South Carolina, Senator THURMOND.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, I rise this morning to be one of many to pay tribute to our distinguished senior Senator from South Carolina.

Mr. President, I, like all of Senator THURMOND's colleagues, feel it is a privilege to serve with the distinguished Senator, the man whom the Almanac of American Politics calls "the most enduring figure in American politics."

As you and I both know, Mr. President, because you and I are both new Members of this body, we are quickly learning what it means to serve in the U.S. Senate. So it is with genuine respect that I reflect upon STROM THURMOND's many, many, many years of service here in this body, the votes he has cast, the issues he has debated and the people he has known, and the history that Senator THURMOND has helped shape.

STROM THURMOND was serving America for more than a decade before, you, Mr. President, were born, or before I was born. He landed at Normandy on D-Day. Many people do not know that Senator THURMOND was a legitimate hero of World War II. He was jumping out of planes not at the age of 21, but far beyond those tender young ages. He landed at Normandy on D-day. He was a State legislator, a Governor, and a candidate for President of the United States, all before he came to the U.S. Senate.

However, it has been his service in the U.S. Senate that has made STROM THURMOND's boldest and most enduring mark, service that began when I was in grade school in the sand hills of Nebraska. STROM THURMOND came to this body when there were only 48 stars on the American flag. He has served with nine Presidents of both political parties, and his leadership has spanned five decades with tremendous change in American culture, society, and government. STROM THURMOND is part of American history.

This freshman, 6-month-old, humble Senator from Nebraska, wishes to thank Senator THURMOND for the opportunity to learn from his experiences and his leadership. I wish to add my commendation to Senator THURMOND for his dedication, his commitment to our Nation. I admire the strong example he has set for all of us, especially our young people. Mr. President, in a day when we do not have enough strong role models in this country, Senator THURMOND is one. He is an example of a life well lived. He is a true American role model, an American hero.

Senator THURMOND is the highest ranking 95-year-old in the Nation, as far as I know, Mr. President. My only request is that I hope that during my time in the Senate I may conduct myself in such a way that Senator THURMOND will remember me as his colleague and friend long after I have departed this body and Senator THURMOND is still presiding.

Mr. President, I thank you for your time. I once again commend my colleague and my friend, the distinguished chairman of the Armed Services Committee and a most distinguished American.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, I would not be surprised if Senator THURMOND did not even know my name, and there is no reason that he should. He had served in this body and had run for President before I was ever born, and I want him to know that I was uncomfortable in presiding here in seeing time pass by with too few people rising to pay tribute to his name and the heritage of political service he leads to this country.

I, as a little boy, moved with my father and mother from Pendleton, OR, to Washington, DC. My dad worked for Dwight Eisenhower, and as a little boy I became interested in political affairs and public life, and for all of the memory of my life I remember hearing the name of STROM THURMOND. I remember him as a Democrat. I remember him as a Republican. I remember him always following the dictates of his conscience in pursuing issues as he saw them to be right.

I, therefore, join with all who pay tribute to STROM THURMOND. I thank him for his service to our country. I thank him for his repeated reminders to us and the Republican conference of the first constitutional responsibility that we have—to provide for the common defense. As the chairman of the Senate Armed Services Committee he does that ably, and I, for one, hear his message and am anxious to support him in providing a strong national defense.

I just had occasion to travel with the President of the United States to Europe where we witnessed the signing of the Russia-NATO agreement. I also participated in the ceremonies for the 50th anniversary of the Marshall plan. These are great contributions that America is making to world affairs and to peace. It occurs to me that none of this would have been possible absent a strong national defense. Indeed, providing for an American role in leadership, because we as Americans understand our international responsibility and understand that the world looks to us. Indeed, it looks to leaders like STROM THURMOND to support our military services in making sure that we are the leaders of peacefulness throughout this very hostile and difficult world.

Senator THURMOND, I come to the Senate today to say thank you. I never served in the military and I suppose every man would like one day to have his grandson ask him, "What did you do in the war, Grandpa," and I will not be able to say I served in battle like you did, but in a sense here in the U.S. Senate we go to war every day, but nobody dies, because we have found a way in this country, in this deliberative body, to fight without bloodshed. It will be my great pleasure that when my grandson sits on my knee and asks what did I do to contribute to the public life of this country, one of the things I will say is I served with Senator STROM THURMOND.

Thank you, sir. I salute you and I commend you and I want to say publicly it is a high honor and a great privilege to serve as your colleague in this body of the U.S. Senate.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I rise today to offer a few words of congratulations and tribute to a great man.

When the history of American politics is written, somebody needs to put in a pretty good chapter just about Senator STROM THURMOND. This gentleman has seen and lived history as very few people have. He fought on the beaches of Normandy at the age of 41.

His grandfather fought in the Civil War. And his long and dedicated service in the U.S. Senate deserves our honor today. He is both the oldest living and the longest serving Senator in U.S. history.

Like many of my colleagues, he has made a run for the Presidency. That is not so uncommon. But Senator STROM THURMOND ran against President Harry S Truman. That is a little bit different.

Senator THURMOND's life has been spent in public service. He has known every President since Franklin Roosevelt. He has been a county superintendent of education, State senator, Governor, circuit judge. He has been a schoolteacher, a coach. He has worked on a farm, and has even been a motorcycle rider, like my friend Senator CAMPBELL.

Senator THURMOND is one of South Carolina's most successful exports, and clearly their favorite son.

I think it is worth noting that as times have changed, so has Senator THURMOND. When you look back on his life, you see a pretty good reflection of the way he lives. The views of many Americans have changed in this century. I think it is a good thing to know Senator THURMOND, because his example shows us how someone who serves the public can adapt to the times while still living by his core principles.

STROM is a fair man, a kind man, who steadfastly believes in what he says. He believes in the rights of the people he represents to conduct their lives as they see fit. He has fought for that for years, and I think that is extremely noteworthy. It is among the highest obligations that elected officials can uphold.

But aside from all the history, I think what Senator THURMOND most wants to be noted for today is what he sought to do throughout his life; and that is, there is no denying that this man is unendingly thoughtful and is faithful to his friends and family and the people around him.

There aren't too many folks in South Carolina who do not have a firsthand story of Senator THURMOND picking up the phone to offer congratulations or to offer condolences, and getting a note in the mail where he expresses his concern or his interest in something that has happened in the life of a family.

I think that is the mark of the best kind of public service. You don't forget that at the end of the day what matters is the people you can count as friends. And people remember their friends. They respect a true leader who sticks by his guns. Regardless of your politics, that is the kind of respect any public servant strives for, and it is the mark of a true statesman and a true gentleman, and, in this case, a true Southern gentleman.

I have read that my colleague wants to be remembered as a man who is honest, patriotic, and helpful. I am here to tell you that he is all three.

I thank the Chair.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, today it is a great honor for me to join in this tribute to a remarkable man who has established a remarkable career, Senator STROM THURMOND.

Senator THURMOND has served America as a teacher, as an athletic coach, an attorney, a judge, an Army officer, a war hero, a State senator, a Governor, a Presidential candidate, a U.S. Senator, and, perhaps most importantly, a father and husband.

What an honor it is to serve with Senator THURMOND in the U.S. Senate.

I mentioned his role as father and husband. Mr. President, I am sure you have seen also, on those occasions when we are all together with our family members, the wonderful pride that you see in the eyes of STROM THURMOND when he introduces his children to us, when he talks about some of the great accomplishments of his children, and the twinkle in his eye when he talks about his family.

While serving, Mr. President, in a variety of these capacities, it was as a circuit judge when war with Germany broke out. As a judge, Mr. President, he was exempt from military service. But STROM THURMOND, as soon as war was declared with Germany, traded in that robe for the uniform of the U.S. military.

Recently, we celebrated the 50th anniversary of World War II. We think about all that that meant. And, for many of us, we had not even been born at that point—World War II. One of the key, key events of World War II was D-day, the invasion. And it was on that day that this former circuit court judge joined in the invasion of the occupied territory, and, in a glider, went behind enemy lines and fought for his country. Because of that, Senator THURMOND received 5 battle stars and 18 decorations, including the Purple Heart and the Bronze Star for valor. And we see that valor every day here in the U.S. Senate.

Senator THURMOND set a record for longevity of service in the U.S. Senate. But it is his record of accomplishment, not just the length of service, that makes his career legendary.

It is my distinct pleasure and honor to serve with STROM as my chairman on the Senate Armed Services Committee.

As chairman of the Senate Armed Services Committee, Senator THURMOND is a tireless advocate of a strong defense, a strong America, and the men and women who volunteer to wear the uniform of the United States, and with his distinguished, distinguished service in the military here is a man who every man and woman in uniform can look to with great pride knowing how much he cares for them and the duty that they are called upon to carry out.

My colleagues know the strength of Senator THURMOND's convictions which can be measured directly by his grip on your arm as he discusses those issues with you. Senator THURMOND has never been afraid to stand up for his principles and what he believes in, no matter how the political winds may be blowing.

In recognition of his career and his character, the people of South Carolina have elected STROM THURMOND seven times to represent them as their Senator, including the first time in 1954 as a write-in candidate.

Mr. President, when we think about this remarkable life of Senator STROM THURMOND, who was born in the year 1902, think of all of the changes that have taken place in this country of ours, all of the advances in technology, all of the changes in the progress, the achievements of this Nation, of the world, here is a man who has seen it all. Here is a man, though, who has absolutely remained current. I hope that as I continue my life I can continue to be contemporary. When STROM THURMOND goes back to the wonderful State of South Carolina, it is the young people who identify with him as well. Here is someone they admire and look to. Here is a man who because of his inquisitive mind, because of his wonderful sense of humor, his energy for life, and his unending love for his country, people of all ages admire.

We need the STROM THURMONDs of this country because it is the STROM THURMONDs of this country who are the role models for the rest of us. At some point when I conclude my career in the Senate, one of the things I will be able to look back on is that I had the great honor of serving with Senator STROM THURMOND.

Senator THURMOND, as a citizen, I thank you for all that you mean to the United States of America and God bless you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I thank you for presiding at this very important morning of celebration. We are here to talk about someone who is truly remarkable—our distinguished colleague, the President pro tempore of the Senate, the Senator from South Carolina, STROM THURMOND.

Pablo Picasso once said it takes a long time to grow young. This is one point on which STROM and Picasso would agree. Picasso was still a painter at the age of 92, and of course, we all know what STROM THURMOND is doing today. He is leading our Nation.

STROM often reminds me that Col. William Barrett Travis, the commander at the Alamo, was from STROM's home county in South Carolina. Although STROM missed the Battle of the Alamo by a few years, he has displayed the spirit of the Alamo time and time again—the sense of duty and commitment to freedom that made Colonel Travis such a hero at the Alamo.

He was commissioned in the Army in 1924, and though he didn't need to, he volunteered for service in World War II at the age of 40. He wanted to. He served in both the Pacific and the European theaters and landed in a glider on the beach at Normandy on D-day. He earned 18 decorations, including the Legion of Merit, the Purple Heart, and the Bronze Star for Valor. He remained in the Army Reserve. He retired at the rank of major general, following 36 years of active and reserve military service, nearly 40 years ago.

I remember something that made such an impression on me in 1994 when I was a new Member of the Senate. We were celebrating the 50th anniversary of the landing at Normandy in 1944. I remember hearing—in absolute awe—that one current Member of Congress who landed at Normandy, STROM THURMOND, was to be honored. He missed the anniversary, and I remember thinking to myself how extraordinary his reason was. STROM THURMOND, who volunteered at the age of 40, and who landed on a glider at D-day, missed the 50th anniversary because he had a son graduating from high school. This is an extraordinary man. He has served as a State senator, a circuit court judge, a Governor, a soldier in time of war, a Presidential candidate, and now is the oldest and longest serving Senator in our Nation's history.

It was my pleasure to serve with STROM THURMOND on the Armed Services Committee, and I can say as one who was there, he worked for only one purpose: To ensure our country's national defense remained strong. During his last campaign, Senator THURMOND asked the people of South Carolina one simple question: Who can do more to help steer the future of America toward the conservative principles we believe in? Who can best continue to diligently and effectively help all the people of South Carolina? The people of South Carolina spoke resoundingly that the person was STROM THURMOND and returned him to the U.S. Senate. We are here today to honor their choice and their confidence in this gentleman.

STROM has announced that it is, after all, a man's prerogative to change his mind. He has announced that he will no longer support continual service without term limits. So, now that he has embraced term limits, in a magnanimous gesture he has announced that he will not run for reelection in 2002. We think that really is magnanimous because there are few South Carolina politicians who would have the energy to take on the man that we have affectionately dubbed "The Thurmonater."

He began his career in public service as a coach in 1923, and 74 years later he remains a coach and teacher to all of us.

Senator THURMOND, it is a pleasure and an honor to work beside you, and I wish you continued success in a long and healthy life that I know you will have.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the celebration of the life and recordbreaking Senate career of Senator STROM THURMOND gives each of us an opportunity to underline strengths of our friend and our colleague which we should emulate. Senator THURMOND is the oldest of our colleagues, but my most vivid memories of him have often involved his interaction with young people.

During a trip to military installations early in my Senate career, I learned much about successful constituent relationships from STROM. Even while on the road, STROM THURMOND was receiving the names of South Carolinians who had recently died, were married, or enjoyed personal honors such as graduation or academic recognition. With the assistance of his able staff, STROM obtained daily lists of names and placed telephone calls, through his Washington office, to at least 2 dozen of these persons, according to my observations, leaving appropriate messages when necessary. He displayed the greatest excitement over students and could often identify their parents and their grandparents as he shared pride in the accomplishments of the entire family.

Upon arrival at one naval base that shall remain nameless, STROM demonstrated another attribute, which has been partly responsible for his longevity of Senatorial service. We were greeted by the naval captain who commanded the base and, after just a few words of conversation, STROM indicated that it was 4:30 in the afternoon, he had been traveling for hours, and he wanted to jog around the base. He invited the astonished commanding officer to join him for the run and strongly insisted that this would be an excellent opportunity. As negotiations on the running assignment proceeded, the captain successfully pled the press of urgent duties and encouraged a young ensign to suit up for running duty with Senator THURMOND. I saw this episode repeated on another occasion.

I noticed a remarkable excitement which young people enjoyed when running with STROM THURMOND. This excitement is not restricted to miscellaneous strangers that STROM met across the country. Last summer, I found that STROM's son, Paul, was a member of my fraternity, Beta Theta Pi, and that several of his fraternity brothers were interns in Senator THURMOND's office. I invited them to lunch in the Senate dining room where, midway through our meal, STROM entered with constituents from South Carolina. I was deeply touched while watching Paul greet his dad and the constituents and indicate to all the importance of the reelection campaign in which the entire family was heavily involved. Paul critiqued STROM's early morning TV appearance and the current stress of various activities, giving his dad advice. Then Paul and his fraternity brothers shared with me great stories about their experiences with STROM, including his intense interest in their daily activities.

All of us know from our daily visits with STROM THURMOND on the floor of the Senate that he greets each of us warmly. He is excited by these encounters, almost as if it were the first time in a long while that he has seen us. In visiting with these young men who were interns in his office, and later with my own son, David Lugar, who had a wonderful conversation with STROM at a fundraising reception, I found a common theme.

STROM, obviously, is invigorated by his meetings with young people, and he has much to say to them about successful patterns of living. His political instruction is surely world class, and I suspect that all of us recognize the power of a truly disciplined life that has been lived with the setting of important goals and the sustained activity necessary to achieve them.

Very fortunately, STROM has not only set a record for longevity of service in the Senate, he is still among us, giving encouragement each day and inspiring the best of our efforts. I am very grateful for the privilege of serving with him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise today to join in honoring a legend, a legend not just in the Senate but also throughout the United States of America.

I have been privileged to serve with Senator THURMOND for 21 of the last nearly 42 years that he has represented the State of South Carolina as one of the premier U.S. Senators in this body.

When I first arrived in January 1977, Senator THURMOND was my special mentor. As my senior on the Senate Judiciary Committee, he gave me my first lessons of the committee's processes. Ever since then, he has been a personal and very special friend to me.

I have admired Senator THURMOND's strong commitment to federalism and his steadfast support of the prerogatives of both State and local governments. I have admired his toughness in the matters of criminal justice. I have admired his objectivity and fairness when it comes to matters concerning the judiciary. There can be no question that Senator THURMOND has left his mark on the Senate Judiciary Committee and the laws created by it.

Nearly 42 years of distinguished service in the U.S. Senate would be a lifetime accomplishment for anybody—certainly for most people. But Senator THURMOND was just warming up when he arrived here for the first time in 1955. Before that he was county superintendent of schools, county attorney, circuit judge, D-day hero with the 82d Airborne, Governor of South Carolina, and Presidential candidate in 1948.

The problem with using the word "legend" is that many times the exploits ascribed to a legendary figure are exaggerated or apocryphal. But it is entirely safe to say that Senator THURMOND is a legend. His accomplishments and contributions both for his beloved home State and his country are very well documented. And a lot of us are very familiar with them.

I will never forget his trip to Utah in 1991 to keynote my Utah Seniors Conference. About 1,000 seniors from all over the State of Utah and the intermountain West gathered in Salt Lake City for a day of workshops and speakers on everything from retirement finances to travel bargains. Senator THURMOND is quite a role model. His enthusiasm for his work, his family, for his country, and for life itself was genuine and infectious. Our people in Utah were so impressed, that he gave them so much to live for, so much to strive for, so much to try to be, that I will never forget that appearance out there in Utah.

We have been together on so many occasions and we have done so many things together that I think I am in a special position to say how much I care for this wonderful human being and how proud I am that he has reached this milestone in the U.S. Senate. I am not sure that it will ever be broken.

Senator THURMOND is one who will leave a legacy not only of achievement but of honor and integrity to the Senate and the people of South Carolina. But, of course, it is premature to think that the latest milestone is the last milestone. I do not believe STROM THURMOND is finished yet.

I have a lot of friends in the Senate, and I care for all of them. This is a wonderful body. It is a collegial body. It is an important body, the most important legislative body in the world today. But I have no greater friend than my good friend from South Carolina, STROM THURMOND.

He has been my mentor. He has been my friend. He has been my supporter. He has been a person who has taken time to help me to know the ropes here. And he is a human being who you cannot help but respect.

I am proud that he has not lost a step. This man is as effective today as when I got here in 1977, in fact, in some ways maybe even more effective because of the additional 21 years of experience that he has been able to accumulate.

Senator THURMOND has been good to his staff. He is good to the people around the Senate. I have seen him shake hands with almost everybody who comes his way. He takes time with young people, children, older people, whoever. He stops and says hello and always has a cheery salutation for people as he serves in the Senate.

I also know that there is nobody in the Senate who knows more about his State and the people therein than STROM THURMOND. I have seen him make phone calls to his State. I have seen him worry about funerals, about deaths, about graduations, about education, about so many things that really have been important for people in his State. I think it is probably true that he has basically touched the lives and the hearts of virtually everybody in the State of South Carolina. But it is also true that he has touched the hearts of many of us throughout the rest of the country.

And I for one am a better person because of my relationship and the friendship and brotherhood that I have with STROM THURMOND of South Carolina.

He is a great man. He is a legend. And I believe that he is going to make these next number of years the most important years of his life. And if anybody can do it, it is my buddy, my friend, my mentor, STROM THURMOND.

So I would have felt badly if I had not gotten over here and at least said a few of the things that are on my mind. I could go on for hours. But this is a great man, one of the greatest that has ever lived in this country. He is a great patriot, somebody who really loves this country and has given blood for it.

I want you to know, Senator THURMOND, I appreciate you. And I know I am not supposed to refer to you in the first person on the floor, but I am going to today. I appreciate you and appreciate the kindness and the friendship you have shown me all these years. And we are going to be friends forevermore. So I am grateful to you and I am happy to see you achieve this honor. And I wish you many, many more years in the U.S. Senate. And I know that as long as you will be here, that you will give it everything you have.

Thank you, Mr. President.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, in his thought-provoking book, "The Faith We Have Not Kept," Senator STROM THURMOND writes:

> The nation that ceases to expand its consciousness begins to die at that very moment. Once a nation loses its conviction of truth, doubts, and self-doubts rob it of its will and its strength.

During his 41 years and 10 months in the U.S. Senate, Senator STROM THURMOND has certainly helped ensure that this great Nation continues to expand its consciousness and to ensure that we never lose the conviction of truth. In so doing, he has helped our Nation continue to thrive and prosper and build its will and its strength.

For these reasons, we admire as well as honor the man who this past Sunday, on May 25, became the longest serving Senator in the history of the United States.

From the start, I want to make it clear I have not always agreed with the senior Senator from South Carolina. In fact, we probably disagreed more than we have agreed.

But I also want to make clear that my disagreements with him have never once diminished my admiration for him as a man, as a lawmaker, and as an American. Never once have our differences reduced my respect for his tenacious fights for the causes in which he believes and his adherence to what he has called the bedrock for all our expectations, the Constitution of the United States.

This historic achievement is another important milestone in the life and career of a man who has become a political icon of the South—a life and a career that has included:

Being the first and only person to be elected to the U.S. Senate on a write-in ballot;

Delivering the longest speech in the history of the Senate, 24 hours, and 18 minutes; and,

Being the oldest person to have ever served here in the Senate.

One might be inclined to think that being a Federal lawmaker is all that STROM THURMOND has ever done. Actually, he has done a few other things. He has been a farmer, a lawyer, a teacher, a coach, an education administrator, a judge, a Governor, a State senator, and an author. He is a soldier—a distinguished veteran of World War II who participated in the D-day invasion and has been awarded 5 military stars and 18 decorations. He has been a Democrat, a Dixiecrat, and a Republican.

What a life.

What a career.

In addition to the skill and intellect, the doggedness and drive, and the other attributes that make for an outstanding senatorial career, Senator THURMOND's historic achievement marks the career of someone:

Born before the birth of aviation—the year before the Wright brothers took off in their plane at Kitty Hawk;

Elected to his first political office while Calvin Coolidge was President;

Who began serving in the Senate before some of its current Members, including this one, were born; and

Who has served with about one-fifth of the 1,843 men and women who have been Members of the U.S. Senate.

For his long and distinguished career, the people of South Carolina are naming much of that State in Senator THURMOND's honor. Go to almost any town in his beautiful and beloved State and you will find Strom Thurmond Street or Bridge. You will similarly find named in his honor a high school in Edgefield County, a student center at Baptist College, a dormitory at Winthrop College, a criminal justice building at the Greenville Technical College, a Federal building in Columbia, the Center for Excellence in Government at Clemson, an auditorium at the University of South Carolina School of Law, a mall in Columbia, and a vocational rehabilitation center in Aiken. You will also find Strom Thurmond Lake, Dam, and Highway in Clarks Hill, the Strom Thurmond Educational Center in Union, the Strom Thurmond Biomedical Research Center at the Medical University of South Carolina, and the Strom Thurmond Defense Finance and Accounting Building in Charleston.

His office walls are covered floor to ceiling with awards too numerous to mention. The people of South Carolina are obviously pleased and proud of their man in Washington just as we are pleased and proud to have him here with us.

It is interesting to note that the oldest and longest serving Member in Senate history has announced his support for term limits. After six decades in political office and four decades in the Senate, this may be the only way that he will ever leave the Senate.

One of his staffers aptly pointed out that "graveyards in South Carolina are filled with people waiting for STROM THURMOND to die so they could run for the Senate."

Mr. President, I congratulate Senator STROM THURMOND for his remarkable career and his historic feat, becoming the longest serving Senator in U.S. history. I thank him for his contributions to the U.S. Senate, for his contributions in making this a better country, and for being a friend and a colleague. Finally, I thank him for expanding the consciousness of this great Nation and ensuring that we never lose our conviction of truth.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I have served in the Senate for 25 years. Obviously, when compared with Senator STROM THURMOND, I do not even have any bragging rights yet.

I thought I would come down here to remark, for the Senate record and for the distinguished Senator THURMOND, on a few of my thoughts about my 25 years here, and what I remember most about Senator THURMOND. Rather than talk about legislation, I will talk about some of his qualities and characteristics that stand out most in my mind.

I guess the most immediate thought that comes to mind is that he is a real gentleman. I think when you have been such an acclaimed, esteemed political leader for as long as he has, it is a rare quality and rare compliment that you can say he has never stopped being a gentleman. By that, I mean he is considerate of everyone. He visits more people and attends more events to honor other people, than anyone I know, and he does it with great enthusiasm. He attends events, whether for the chairman of the Appropriations Committee or a brandnew Senator—he puts it on his list and he spends an hour to an hour and a half, 3 or 4 nights a week, attending events to honor or help other people. It is absolutely beyond belief how much energy and time he spends on other people.

Second—and I hope this characteristic is never passe, I hope it is always important—I believe he is about as loyal an American citizen as I have ever worked with, as I have ever exchanged views with, and that I have ever been privileged to call friend. By being a loyal American, what I mean is he is constantly asking what is good for America. When he speaks about our national defense, you just know he loves this country. That is what I mean when I say he is a true, loyal American. He is a patriot. He has served America and his constituents in his State in more capacities than anyone in this institution will ever be privileged to serve. Yet, he is always optimistic and he is always sure and certain that this country—that he loves so much—is one of the great achievements of all humankind. He speaks of it as something that we ought to be proud of, that we ought to preserve.

Mr. President, my last observation about STROM THURMOND is that he knows how to be a team player.

You know, it is entirely possible that a man of his exquisite accomplishments and seniority wouldn't have to be a team player. But I can tell you, as one who has had to manage a large number of very, very tough measures on the floor of the Senate, STROM THURMOND is one of the best team players when he believes you are trying to do is something good for the country.

There are many other characteristics that other Senators will speak of. They are all well deserved. I am here to speak of my own evaluation: a gentleman, a true and loyal American, and a team player. That is how view him. That is how I think many will view him they look at his great accomplishments and marvelous life.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise to congratulate my good friend, colleague, and neighbor, STROM THURMOND.

Mr. President, I cannot say much that has not already been said about Senator THURMOND. When I think about the life of STROM THURMOND, his life is literally a chapter of American history.

STROM was born in 1902. This was the year before the Wright brothers did their first flight. He has lived through four wars, and was a war hero in one of them—World War II. He was at Normandy in June of 1944 when we liberated Europe.

A funny and personal note, quickly: After I came to the Senate, STROM said to me on the floor one day, "What year were you born?" I told him I was born in 1928, which made me pretty old. He looked at me and said, "That was a good year. That was the year I was county superintendent of education." So I felt young again.

I congratulate him as the longest serving Senator in the history of the United States. I can think of no one more fitting than STROM THURMOND to hold this honor. He has devoted his entire adult life to serving the people of the United States and the people of South Carolina.

He first became a State senator in 1933, which was a pretty long time ago. And he served as Governor from 1947 until 1951. He ran for President, and was a lot closer to being elected than most people realized. But, more appropriately, they elected him to the Senate in 1954 as a write-in candidate—so far as I know, the only write-in candidate ever elected to the Senate. And they have reelected him ever since, as both Democrat and Republican.

As his neighbor from North Carolina, I say to all South Carolinians that they should be proud, and I know they are proud of Senator THURMOND.

Senator THURMOND is a man of deep faith, and he truly has the courage of his convictions. In his long career, I have never heard anybody question his integrity or his dedication to public service. In this day and age of attack politics, STROM THURMOND is forever the gentleman. His manner should be a role model for aspiring politicians and Senators.

Further, I can think of no one in the Senate who I would rather have as chairman of the Armed Services Committee. He is a veteran, he is a war hero, and he is a man of unwavering integrity and commitment to the causes he believes in. And one of those principal causes is a strong national defense. He is a man of principles, and one of those principles, I again repeat, is a strong national defense. It is the one identifying characteristic, if no other, of STROM THURMOND.

I know that he will not let anyone ever weaken the national defense system as long as he is chairman. And I hope he remains chairman for a long time to come.

Mr. President, I thank STROM THURMOND for his service, and as a nation we thank STROM THURMOND for his service. Our veterans and men in uniform throughout the country are aware of what he has done, what he represents, and he still has the strong support of them.

I look forward to continuing to serve with Senator THURMOND far into the future.

I thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have been an occupant of the Chair and listened to many statements now concerning my good friend from South Carolina. So I am not going to repeat some of the matters concerning Senator THURMOND's personal background. I would like to just discuss some of the memories I have of this great Senator.

It is a matter of coincidence, I guess, but Senator THURMOND came to the Senate by appointment on December 24, 1954. I came to the Senate by appointment on December 24, 1968. I thank the Parliamentarian for assisting me in finding those dates. When I came to the Senate, Senator THURMOND was 22d in seniority. It is an interesting thing that he is now the first in line, and, on our side, I am now the second.

A great many people have come to the Senate, and left, since the first day that I came to the Senate and joined Senator THURMOND. But it was with great interest that I met him because I read a great deal about the Senator from South Carolina prior to coming to the Senate.

As a matter of history, I was trained to fly gliders in World War II and firmly expected to be deployed to the European theater, when I was reassigned into the China theater, and did not ever get to tow gliders into combat. But I did train to tow them. And I was very interested to find out that Senator THURMOND was one of those who led part of our forces flying a glider into the invasion in June 1944.

You know, the whole concept of using gliders was to insert troops far beyond the shore defenses out in front. And that is, I think, what I would say about Senator THURMOND: He has always been out in front.

He has also been a leader by example. There is one thing that young Senators coming into the Senate, whether in the group that I came in 1968 or every new term that brings more Senators, soon learn. If you want to see what a Senator should act like, should be like, you should emulate the Senator from South Carolina. As a matter of fact, my brother, Bob, lives in South Carolina. When he speaks of "my Senator," he is talking about Senator THURMOND—not me—because Senator THURMOND is a real champion of the people of his State. They know him personally.

It was my privilege in one election to accompany Senator THURMOND to South Carolina and to go to campaign events with him. I want the Senate to know, if they want to learn how to campaign, that they ought to try that. Because when Senator THURMOND goes into an event—and we went to several on that trip that I made with him to South Carolina—he does not need someone standing beside him to remind him who people are. He loves campaigning. You can tell that he knows his people, and they love him because it is a reunion. Each one of his campaign events are reunions. They are not just something to go to, to try to listen to; they are supporters coming to meet their Senator. There is a great difference, Mr. President. I think we all know that.

But time passes very quickly in the Senate. It passes quickly for those who are busy. Some people come and leave very quickly because they never really become part of the Senate family. Senator THURMOND has been a leader not only in the Senate, but here on the floor and in the Senate family.

My daughter, Lily—this is Uncle STROM to her. I think for almost every one of us who have had young children here in the Senate, they have had that same relationship to Senator THURMOND. She literally lights up when she sees STROM because she is meeting a friend. He really vibrates with young people. And I like that as a father. But I also admire it greatly in terms of his qualities and the way he approaches life.

I was thinking, as I sat there in the chair, about what I would say about Senator THURMOND. My message to the Senate is, here is a man who loves life. There is a real joy to his life. He has had some sadness. But he has had the strength to overcome that. But he really enjoys life.

I remember when he used to tell me that I ought to work out more, that I ought to get more exercise. I thought I was getting a lot of exercise. But I soon found out that I needed that exercise because every time he grabbed me by the arm, I went away with a bruise. And I had to get a little bit more muscle there so I could be close enough to him so he could talk to me. You watch. He will do that when I finish. He is going to grab me by the arm and let me know there is still strength in that arm. And it is the strength of a strong heart, a heart that really loves our country, and loves the Senate, and that really has dignified the Senate in his years here.

He has been in some battles. He has been in some battles with me. But I will tell the Senate that no one in the Senate could have a better friend than STROM THURMOND. I am proud to be here today to call him my friend and to acknowledge his great leadership.

Thank you, Mr. President.

Mr. SMITH of New Hampshire. Mr. President, I rise to join my colleagues in paying tribute to the distinguished President pro tempore of the Senate, the senior Senator from South Carolina, Senator STROM THURMOND.

Senator THURMOND was born at the dawn of the 20th century, on December 5, 1902, at Edgefield, SC. He has lived nearly every day of this tumultuous century.

Mr. President, I take particular interest and pride in Senator THURMOND's early career. After graduating from Clemson University in 1923, Senator THURMOND embarked on 6 years of service as a public school teacher and athletic coach. Mr. President, that is how I began my own career after my own graduation from college.

Senator THURMOND subsequently served as his home county's superintendent of education from 1929 to 1933.

Having studied law at night under the tutelage of his father, Senator

THURMOND became a member of the South Carolina Bar in 1930. He was a city attorney and county attorney from 1930 to 1938.

In 1933, STROM THURMOND was elected State senator, an office that he held until 1938. He next served as a South Carolina circuit judge from 1938 to 1946.

It has been my honor, Mr. President, to have served on the Armed Services Committee with Senator THURMOND since I was elected to the Senate in 1990 and, for the past more than 2 years, under his able leadership as chairman. Given that connection, I want to call special attention to Senator THURMOND's heroic service in World War II.

Mr. President, in June, 1944, STROM THURMOND volunteered to participate in D-day by parachuting into France, but was told that he was too old. Instead, then-Judge THURMOND, age 41, participated in the Normandy Invasion by landing with members of the 325th Glider Infantry Regiment, 82d Airborne Division.

Ultimately, STROM THURMOND was awarded 5 battle stars and 18 decorations, medals, and awards, including the Legion of Merit with oak leaf cluster, the Bronze Star Medal with "V," the Purple Heart, the Belgian Order of the Crown, and the French Croix de Guerre.

After World War II, Mr. President, STROM THURMOND served as the Governor of South Carolina from 1947 to 1951. He was the States' rights Democratic nominee for President in 1948. He carried 4 States, receiving 39 electoral votes.

Following his service as Governor of his beloved state, STROM THURMOND practiced law in Aiken, SC, from 1951 to 1955.

Mr. President, STROM THURMOND was elected to the U.S. Senate as a write-in candidate in 1954. He resigned in 1956, in the words of his official biography, in order "to place the office in a primary, pursuant to a promise to the people during the 1954 campaign."

Subsequently, of course, Mr. President, STROM THURMOND was elected to the Senate in 1956, and reelected in 1960, 1966, 1972, 1978, 1984, 1990, and 1996. He has spoken of retirement after his current term, which will end after Senator THURMOND's 100th birthday on December 2, 2002. I am sure that I am not alone when I say that I hope that he will reconsider.

Mr. President, it has been my honor and privilege to serve in the U.S. Senate with Senator STROM THURMOND for the past more than 6 years. I respect him, I admire him, and I value his friendship. I look forward to continuing to serve with him, under his leadership as President pro tempore of the Senate and as the Chairman of the Armed Services Committee, for many years to come.

Thank you, Mr. President. I yield the floor.

Mr. GRAMM. Mr. President, last week, Senator STROM THURMOND became the longest-serving U.S. Senator in American history. That, in itself, is an amazing feat—42 years tirelessly representing his home State of South Carolina and our Nation. While this milestone rightly garnered much attention, it is because of Senator THURMOND's many accomplishments in and out of this Chamber, not simply the length of his tenure, that he will always be remembered as one of the true giants of this institution and why he will go down in history as one of the most important figures in 20th century American politics. I am proud to serve in the Senate with STROM THURMOND and glad to have this opportunity to honor him and his continuing record of achievement.

We all know of STROM THURMOND's legacy. Teacher, State senator, judge, soldier at Normandy, Governor, Presidential candidate, and U.S. Senator. Always guided by principle and a strong devotion to service, STROM THURMOND's life and career are an example to each and every one of us and are a poignant realization of the American dream.

STROM THURMOND grew up on a farm in Edgefield, SC, not far from where William Barret Travis, the heroic commander of the Alamo, was born. He began his career as a teacher and athletic coach and his strong love of education soon led him to be the youngest person ever to become superintendent of education for Edgefield County. In the ensuing years he would further serve the people of South Carolina as a State senator and a circuit court judge. When World War II came, STROM THURMOND chose to leave the State he so loved to defend democracy overseas. As a judge, he was exempt from military service, but Senator THURMOND relinquished his robe and volunteered for active duty in the military. His war record is the stuff of legend: he fought in five battles, landed by glider at Normandy on D-day and was ultimately awarded 5 battle stars and 18 decorations for his service.

After the war, STROM THURMOND came home and was elected Governor, and in 1948, he ran for President. Soon after, he was elected as a write-in candidate to the U.S. Senate, becoming the first person ever elected to the Senate by this method.

Newly-elected Senator THURMOND, drawing upon his firsthand experience in the armed services, quickly became an expert on military and defense issues, beginning a lifelong dedication to our fighting men and women and an unwavering stand in favor of a strong national defense.

Senator THURMOND began his political career as a Democrat. But when he concluded that the national Republican Party better embodied the principles and values he held and cherished, he made a bold decision to become a Republican in 1964. I know from experience that there are many pressures and difficulties you face in leaving the party you grew up in, but I know that STROM has never regretted his decision.

Throughout his historic tenure in the Senate, as chairman of the Judiciary Committee, chairman of the Armed Services Committee, and as President pro tempore, Senator STROM THURMOND has served the people of South Carolina—and America—with uncommon distinction and honor. I congratulate Senator THURMOND today. It is an honor to call him a friend and colleague, and I look forward to his continued strong leadership in the U.S. Senate.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, in 1981, the Senate Judiciary Committee had a new chairman, and a new ranking member, and there were more than a few folks who were eagerly looking forward to the fireworks. With the election of a new, conservative Republican administration and a new Republican majority in the Senate, The Judiciary Committee seemed destined to be a battleground for many of the great philosophical questions which divided us then, and which divide us now. And to many "Washington Insiders," there was little prospect that STROM THURMOND—the veteran conservative Republican chairman from South Carolina who first made his mark on national politics as a principal advocate of States rights—and JOE BIDEN—a northeastern democrat still in his thirties whose interest in politics was sparked in large part by the civil rights movement—could ever find common ground as we grappled with many of those fundamental questions.

I never shared those doubts, because by that time, Senator THURMOND and I had served together for 8 years. I knew that STROM THURMOND's personal strengths, which I admired greatly regardless of our political differences, would guide the committee toward responsible consensus rather than divisive gridlock, and establish an atmosphere of civil and constructive debate rather than divisive and meaningless partisan rhetoric.

In his 6 years as chairman, and for several years after we switched roles in 1987, Senator THURMOND exceeded my expectations in every way. While the Judiciary Committee did indeed go through some heated debates and contentious hearings—weathering the kind of controversy which I have seen poison the well for other committees for years afterward—Senator THURMOND and I worked together to ensure that the committee's business, the Nation's business, would go forward once the day was done. That would not have happened had it not been for the strength of character of our chairman.

First and foremost, STROM THURMOND is an absolute gentleman, unfailingly courteous and respectful of each individual's dignity. Throughout a lifetime spent in the political arena, he has never forgotten that those who disagree with us are nonetheless entitled to being heard out and treated with dignity. Indeed, that is an important reason that his lifetime in politics has been such a long and productive one.

Here in the Senate, and—as I have seen firsthand—back home in South Carolina, STROM THURMOND's honesty and integrity are the hallmark of his public and private reputation. His word is his bond, and each of us—even the most partisan of political opponents—knows that through the heat of political debate, regardless of the intense pressure that may be upon him, STROM THURMOND can be trusted to keep that word; not when it's politically possible or expedient, but always.

Here in the Senate, our integrity is, ultimately, our most valued possession, and Senator THURMOND is a living example of the value of personal integrity.

Throughout our service on the Judiciary Committee, "The Chairman", has distinguished himself by his commitment to absolute fairness; to Republican and Democrat, political ally and philosophical opponent, alike. During the years when I held the gavel—and STROM will always be "The Chairman" to me—I tried to match the example of fairness that he set. Indeed, it is a legacy which I hope every committee chairman—and every senator—now and in the future, can strive to follow.

Long before he was a committee chairman; indeed long before he came to the Senate so many years ago, STROM THURMOND was the consummate public servant, dedicated to the proposition that the political system is not an end in itself, but an arena for doing the public good. To that end, he has been committed to getting things done; to meeting the challenges facing our Nation and our people; and to accomplish those goals regardless of partisan politics. Though he holds the record for the Senate's longest filibuster, STROM THURMOND is a doer rather than a talker, and his long list of accomplishments here in the Senate is a testament to his determination to serve the people of South Carolina and this Nation.

"Patriotism" is a word that is used often in the course of political debate, sometimes by those seeking to further nothing more than their own personal or political agendas. But patriotism has always been at the core of STROM THURMOND's being, whether in the fields of Normandy or in the Halls of the United States Senate. Senator THURMOND has epitomized the notion that patriotism is neither an outdated value nor a term for scoring political points; but a living principle that challenges us daily and refuses to let us rest on our laurels when it comes to doing the public good.

Today, we commemorate Senator THURMOND's record-setting tenure here in this body. In recent weeks, because I am his friend in spite of our ages and differing political philosophies, I have been asked numerous times to explain the secret to his long tenure. The truth of the matter is that—in addition to the fact that he is a testament to healthy living—the secret to STROM THURMOND's political longevity lies, not with his considerable political skills or with any local anomaly in South Carolina, but deep within STROM THURMOND himself.

It lies in his strength of character, his absolute honesty and integrity, his strong sense of fairness, and his commitment to public service. None of those things are skills which you learn; they are qualities deep within you which, when people know you well, they can sense. That is the secret to STROM THURMOND's success.

STROM THURMOND's ongoing legacy is not the number of years, months, and days he has served in the U.S. Senate. Rather it is his many accomplishments and the good that he has done during those years.

I have been honored and privileged to serve with and work with Senator THURMOND for many of those years. I am proud of the work we have done together on the Senate Judiciary Committee. And I am proud to call him my friend.

Mr. President, I join my colleagues in honoring this important benchmark in Senator THURMOND's long career in public service, knowing that he still has much to give and looking forward to working with him as we confront the challenges of the 21st century.●

Mr. FRIST. Mr. President, on May 25, this Congress made history. On that day, we became the Congress to have the longest sitting Senator in the history of the United States. Our distinguished colleague and friend, the senior Senator from South Carolina—STROM THURMOND—set the Senate longevity record, serving his State and Nation for 41 years and 10 months. And like that little bunny, he just keeps going and going and going.

However, as impressive as Senator THURMOND's legacy of service are his record of successes and the example of leadership he has achieved during his tenure. Today he serves as President pro tempore—a constitutional office that places him fourth in line to the Presidency. He has served as chairman of the Senate Judiciary Committee, the senior member of the Veterans' Affairs Committee, and he now serves as chairman of our powerful Armed Services Committee.

Senator THURMOND has been elected to eight consecutive terms since winning his seat as a write-in candidate back in 1954.

We know of his breadth of experience: teacher, soldier, lawyer, judge, administrator, Governor, and even Presidential candidate; and we have been inspired by his example.

We see in his life the values and possibilities that still distinguish our great Nation. Small town virtues, selfless service, a sense of duty—roots buried deep in lifelong membership in the local Mason Lodge, the Lion's and Rotary service organizations, the community church and hometown businesses. These all give STROM an authentic quality—a richness of character—an accessibility that's felt even by those who don't know him as well as we do.

I cherish STROM's friendship. I count myself fortunate to have served the many years I have served with this great Senator, and I can say that I know of no one in this Chamber who doesn't look to him as I do—as a friend. And when you think about it, Mr. President, that's quite a remarkable thing to say about a man who started his political career when Calvin Coolidge was in the White House.

During this special time—as Senator THURMOND continues to bring distinction to himself and to the U.S. Senate through his historic service—I want to be counted among those who recognize and appreciate all that he has offered to South Carolina and to the United States of America.

Mr. KENNEDY. Mr. President, it is a privilege to join in these tributes to our distinguished colleague, Senator THURMOND and his extraordinary record of service to the people of South Carolina and the Nation.

In a very real sense, Senator THURMOND is the Cal Ripken of the Senate. He has set a record of longevity in the Senate that few if any of us ever thought would be broken. His service to the Senate extends over four decades, and we honor him today for that remarkable record of success in public service and his enduring commitment to the Nation's highest ideals.

Senator THURMOND and I have served together for many of these years on both the Judiciary Committee and the Armed Services Committee. He was chairman of the Judiciary Committee for 6 years in the 1980's and the ranking Republican on the committee for many other years, and he was always impressive and fair in dealing with all aspects of the committee's work.

Although we have often disagreed on the issues, we have also worked closely together on many important challenges. I think particularly of our decade-long effort together on the Judiciary Committee to achieve Federal criminal law reform, especially with respect to laws on bail and sentencing. Our success in that important effort is an excellent example of the ability of Democrats and Republicans to achieve common ground and deal effectively with major problems facing the Nation.

In recent years, when South Carolina bore the brunt of the tragic epidemic of church arsons, Congress enacted bipartisan legislation to deal with these shocking crimes, and Senator THURMOND played a vital role in obtaining the resources needed for an effective response.

We have also worked closely on a wide range of immigration and refugee issues on the Judiciary Committee. His leadership was indispensable for the enactment of the landmark Refugee Act of 1980—the Nation's first comprehensive refugee law. its passage would not have been possible without him.

Senator THURMOND has also dedicated his life, both in and out of the Senate, to protecting our national security, and I welcome this opportunity to pay tribute to his personal courage, heroism, and patriotism. Even though he was a sitting circuit court judge in South Carolina, he did not hesitate to enlist in the Army on the very day that the United States declared war against Germany in 1941. He served in Europe with great distinction, parachuting into Normandy with the 82d Airborne Division during the D-day invasion. He earned five battle stars and numerous other medals and awards, including the Legion of Merit, the Bronze Star, and the Purple Heart.

Like President Kennedy, he is a member of the generation that went to distant lands to preserve America's freedom in World War II, and his public service here at home has been dedicated to preserving that freedom ever since.

As a member and now chairman of the Senate Armed Services Committee, he continues to demonstrate his strong commitment to providing our Armed Forces with the equipment, training, leadership, and quality of life that they need to make the Nation's military the world's finest.

On this auspicious occasion, I commend Senator THURMOND for his leadership and statesmanship and unparalleled record of public service, and I extend my warmest congratulations to the Senator and his family. I value his friendship, and I look forward to continuing to work closely with him in the years to come.

Mr. CHAFEE. Mr. President, I am delighted to join in congratulating Senator THURMOND on attaining the distinction of being the Nation's longest serving U.S. Senator.

Since coming to the Senate a little over 20 years ago, I have respected Senator THURMOND's abilities, admired his tenacity, valued his judgment, and treasured his friendship. He is an inspiration to all of us, not only because of the length of his service, but because of the quality of his work and the depth of his commitment.

All of us marvel at the sheer duration of STROM THURMOND's tenure in the Senate—42 years. But we congratulate him today not only for his longevity, but for dedicating most of his adult life to public service. As a school teacher and a coach, as an attorney, as a soldier who participated in the D-day landing at Normandy, as a State senator, as a circuit court judge, as Governor of South Carolina, and as U.S. Senator, STROM THURMOND has repeatedly sought out opportunities to serve his community, State, and Nation.

And, due to his reputation for hard work and effective leadership, the people of South Carolina have repeatedly demonstrated their confidence in him—a degree of confidence among the voters that all of us aspire to but few achieve.

Senator THURMOND's unflagging vigor is evident to anyone who shakes his hand—his handshake is firm and formidable. All of us hope and expect that he will stay in the Senate until he reaches the age of 100 and beyond.

Mr. ROBERTS. Mr. President, it is both an honor and a personal privilege for me to join my colleagues and rise today to pay tribute to a great Senator, a great patriot, and now the longest-serving Senator in our Nation's history, the most distinguished Senator from South Carolina, STROM THURMOND.

Mr. President, the challenge for one trying to capsule this great American's service to South Carolina and our Nation is considerable. All Americans, however, should be encouraged—and I certainly encourage them to do this—to access Senator THURMOND's home page and discover the truly remarkable and unprecedented achievements of this man.

Mr. President, it has become very commonplace in public service today, especially in this city, to refer to individuals of accomplishment as "great Americans." And in some respects it is so commonplace that the term has even been overused, and sometimes even in humorous fashion. But that is not the case with Senator THURMOND who has been and is truly a great American in every sense of the word.

This man has 27 honorary degrees to go with his BS degree from his beloved Clemson University. He has been a superintendent of education, a judge, a decorated veteran and hero of World War II, and he earned 18 decorations, medals, and awards. He has been a Governor of the Palmetto State. He has been a candidate for President, the first person ever to be elected to a major office on a write-in, a leader within three—not two—three political parties. And, obviously, he is our President pro tem of this body, and continues to serve as chairman of the Armed Services Committee providing continued leadership in behalf of our military and national security and the individual freedoms we all enjoy and also take for granted.

If you think about this man's career, and as many of our colleagues across the aisle have said, regardless of issue or politics, it is unequaled, it is basically unparalleled.

Mr. President, the other challenge in paying tribute to Senator THURMOND is what to say that has not already been said by his many friends, his constituents, his family, and his colleagues.

But having said that, I do have a rather unique relationship with the Senator. I am sure that my colleagues have all heard of fathers-in-law and mothers-in-law and brothers-in-law. Well, I am proud to say that I am a Thurmond staff-in-law.

The number of South Carolinians and others who have worked for the Senator in various capacities number in the thousands. We could accurately call them "storm troops for STROM." And one of those former staff members is my wife, Franki, who worked for the Senator back when I first came to Washington as a new administrative assistant to then-Senator Frank Carlson of Kansas. As a matter of fact, it was STROM THURMOND who told me about all of the South Carolina magnolia blossoms who came north and whose charms attracted future husbands, always to return to South Carolina. Put another way, Senator THURMOND said, "You can take the girl out of the South, but not the South out of the girl." And that is what happened to me, a Capitol Hill romance if you will, a South Carolina wedding, and in our family a Kansas-South Carolina compromise, always to South Carolina.

So while many in this body have thanked the Senator for many deserving contributions and accomplishments, mine is somewhat unique.

Thank you, STROM, for introducing me to my future wife and the mother of my three children, David, Ashleigh, and Anne-Wesley. All three, by the way, are STROM THURMOND fans, having met the Senator many times and sharing occasions with his family. In that regard, my wife Franki counts Mrs. Thurmond, Nancy, as a very good and a close friend as well.

As a matter of fact, Mr. President, while I was really jotting down my remarks that I am making today, I noted with nostalgia that my Senate office overlooks the Methodist building that has served as home for many young women when they first work on Capitol Hill when they first come to Washington. When my wife, Franki, looked out that window, we both noted in some respects our family had come full circle. Her desk in my office looks out on her first home in Washington.

Again, thank you, Senator STROM THURMOND.

I might add, Mr. President, with the privilege of serving in this body I have finally achieved status in the Thurmond universe. I am now Senator ROBERTS instead of that Congressman who married Franki.

And now, Mr. President, what with all of the Senator's friends having paid tribute to him, what they really said in their many deserving tributes to Senator THURMOND is that the Strom Thurmond family has come first. Every time I see the Senator he comes up to me with that smile and that twinkle in his eye and, yes, that firm grip that many of my colleagues have described on my arm—and it is a firm grip—and he asks, "How's your family, your lovely wife and your family?" And he means it. He cares.

One of our treasured scrapbook pictures captured STROM all dressed up as Santa Claus some years back with his staff and his and their families. And there we sit in the front row with all of the kids and the proud parents. To me, that picture is STROM THURMOND, and enlarged it could just as well be a picture of his beloved South Carolina, or this great Nation, for South Carolina and America are his family as well, and he has served them well.

Senator THURMOND, a colleague, friend, patriot, and, yes, a great American, thank you for your continued service. It is a privilege to serve with you.

Mr. President, I yield the floor.

Mr. ENZI. Mr. President, as one of the newly elected freshmen it is a great honor and a privilege to have this chance to extend my congratulations and best wishes to the president of the senior class—STROM THURMOND. A term of service that began on December 24, 1954, now enters the record books as the longest, and one of the most distinguished terms of service, by any Senator.

Over the years, we have all witnessed STROM THURMOND's great successes in the Senate and back home in his beloved South Carolina. I think I have found the secret to his success, and I would like to share it with my colleagues. Simply put, STROM THURMOND listens to his constituents—otherwise known as voters—and he hears what they have to say. Then he brings that South Carolina brand of common sense back to the Senate as we tackle those thorny issues that come to our attention in committee and on the floor. STROM THURMOND has been doing that for over 40 years now, and it is clear that the people of South Carolina like his style.

Anyone who has any doubts about STROM THURMOND's popularity back home need only check the record. There is no greater gauge of the strength of anyone's support in his or her home State than to see how you fare at election time. Again, STROM THURMOND has sole possession of the record for he is the only one who has ever been elected to the Senate on a write-in vote. Simply put, the people of South Carolina love him as much as he loves them. That is why they keep sending him back.

Still, STROM THURMOND is not being celebrated and toasted by all of our colleagues because of his longevity alone. We take notice of his many years of service in the Senate, but we also make mention of our great appreciation of the wisdom, insight, and determined effort STROM THURMOND brings to the work of the Senate every day.

Oliver Wendell Holmes once wrote a letter to Julia Ward Howe on the occasion of her 70th birthday. In it he said, "To be seventy years young is sometimes far more cheerful and hopeful than to be forty years old."

As we mark STROM THURMOND's legacy of service in the Senate, I think it is clear that no one is younger in spirit, more cheerful in attitude, and more hopeful for a better future for our children and grandchildren than STROM THURMOND.

It is an honor and a pleasure, as the Senator who sits on the 100th rung on the current seniority ladder, to take this opportunity to congratulate the Senator on the top rung, STROM THURMOND, as he hits No. 1 one on the all time seniority list.

From this day forth STROM THURMOND will set a new record every day he comes to the Senate. He has been a powerful and effective voice for his constituents. May he continue to do so for many years to come.

Mr. KYL. Mr. President, today I rise to honor a great American and Senator, STROM THURMOND of South Carolina. The occasion for this tribute is STROM THURMOND's remarkable achievement of becoming the longest serving Member of Congress in history, surpassing the record held by Carl Hayden of Arizona.

This historical milestone gives each of us an opportunity to publicly applaud Senator THURMOND, but it is not the reason for our praise today. The reason I am pleased and honored to pay tribute to Senator THURMOND is that he is a great man and patriot who has served his State and his country faithfully in times of war and in times of peace.

Senator THURMOND has had a remarkable life. When I reflect on some of the positions he has held in his career, including: attorney, superintendent of education, State senator, judge, Governor, Army officer, Presidential candidate, and U.S. Senator, I marvel at the skill, determination and dedication that was required to achieve each of these goals. Most men would be satisfied with just one of these many careers. Not STROM THURMOND. He was on a mission to serve the American people. That mission kept pushing him to strive higher and farther in his lifetime of public service.

I came to know STROM THURMOND through my work on the defense committee in the House of Representatives. I know Senator THURMOND is a very capable legislator in many issue areas. I now serve with him on the Judiciary Committee, for example, and can attest that he is a most capable attorney. I also know that the people of South Carolina are enormously proud of him for all the good work he has done for their fine State. From my perspective, there is one area in which I believe Senator THURMOND has stood out and has made the greatest contribution—as an active member of the Armed Services Committee.

STROM THURMOND deeply loves his country. This is apparent in even little things such as the American flag lapel pin he often wears. Or in vivid examples like volunteering for service in World War II when he was in his forties. Today, Senator THURMOND demonstrates his strong affection for America and the men and women in uniform by having the courage to take unpopular positions to protect the defense budget and to ensure adequate training and equipment for the Armed Forces. As chairman of the Armed Services Committee he has presided over tumultuous times in the military. The end of the cold war and the social reengineering of the military have made it a challenge to preserve military readiness. But, Senator THURMOND has tried. He deserves much of the credit for preventing our Armed Forces from becoming a hollow Army. As Adlai Stevenson once said, he did this "Not [through] a short and frenzied outburst of emotion, but with the tranquil and steady dedication of a lifetime."

Upon his retirement, Carl Hayden said "I have always dreamed of power and the good I could do." STROM THURMOND, I believe, has the same motivation. He has not wanted material things or glory, but has simply done the best he could to help those who needed help. Carl Hayden could not lose his longevity record to a finer man.

I remember a recent visit to Senator THURMOND's office where I was greeted by an impressive gallery of presidential pictures, beginning with Franklin Roosevelt. He told me that these pictures are of Presidents with whom he has served. It was then that I absorbed the magnitude of the impact of the Thurmond legacy on history. STROM THURMOND has been involved in every significant event that touched Congress or the Presidency in the second half of the 20th century. Very few people can say that, Mr President.

STROM THURMOND was a good soldier and good citizen. His high standard of allegiance has enriched our national consciousness and has sustained a sense of purpose and patriotism all across America. I believe history will remember him not for his age or longevity in the Senate, but for his contributions to improve the well-being of his beloved America.

Mr. LAUTENBERG. Mr. President, it is not often during the course of our busy days here in the Senate that we take time to recognize one of our colleagues for their individual accomplishments. Today, however, we are doing so on the occasion of STROM THURMOND's history making event of having served longer in the U.S. Senate than anyone since the founding of our country. I join with my colleagues in paying special tribute to Senator THURMOND, the Senior Senator from South Carolina, on this noteworthy day.

On May 25, Senator THURMOND became the longest serving Member ever in the Senate's 208-year history by serving more than the 41 years and 10 months Senator Carl Hayden served between 1927 and 1969. Senator THURMOND's longevity in Senate service is truly remarkable because, in addition to length of service, he has been deeply commited to providing leadership in the Armed Services Committee and as the President pro tempore.

Senator THURMOND has worn many hats during his distinguished career in public service, which began well before he was first elected to the Senate in 1954. As a school teacher, State senator, judge, World War II veteran, D-day fighter, and Governor, Senator THURMOND's service to our country is very likely unparalleled. In the Senate, STROM has been an indefatigable fighter on behalf of his State of South Carolina and has demonstrated enormous tenacity in championing our national defense and veterans causes. His enthusiasm in all that he does is truly unmatched.

Mr. President, although Senator THURMOND and I may not always see eye to eye, I respect his integrity, his consideration of others, his love of country, and his deep sense of responsibility to public service. His service will have a lasting impact on this institution's history because of the policies he promoted, the high standards he set for us, and the lessons he taught so many of us about the will to carry on no matter the obstacle. He fought against the most painful of tragedies by trying to make sure others were spared the grief he endured. I look forward to continuing working alongside him for many years to come and hope to witness his service at his personal century mark.

Mr. CAMPBELL. Mr. President, today I am privileged to honor my friend and colleague, the distinguished Senator from South Carolina, STROM THURMOND. Today we salute Senator THURMOND, who becomes the Senate's longest serving Member.

It only seems fitting that I should be allowed to speak in his honor today. Several years ago our roles were reversed, and the distinguished Senator was thanking me. Now I would like to return the honor and thank him for his years of leadership. When Senator THURMOND was jostled in the subway 2 years ago, I used my years of police training to come to his aid and help the police to handcuff his assailant. Fortunately, no one was hurt. The incident led to a friendship between the Senator and me that I very much enjoy.

Now we are all here to recognize the achievements of Senator THURMOND and commend his years of dedicated leadership and service. The senior Senator from South Carolina has used his skill and knowledge to serve the Senate and provide direction for over 43 years.

Senator THURMOND has provided strong leadership in this institution, both on the floor and in committee. He has drawn from his own personal knowledge from his decorated service in World War II to contribute to and lead the Armed Services Committee and the Veterans' Affairs Committee.

In 1942, Senator THURMOND joined the U.S. Army, and was among those brave young men of the 82d Airborne Division who landed in Normandy on D-day. For this service, he was awarded 5 Battle Stars. After earning 18 decorations for outstanding service in World War II, Senator THURMOND has maintained his dedication to war veterans throughout his years in the Senate. Senator THURMOND represents a wealth of institutional knowledge and history.

Senator THURMOND's tenure has spanned a number of tumultuous decades, from the end of World War II, through the turmoil of the Vietnam war, to the end of the cold war, to this year, when the Congress finally agreed to a balanced budget. Through it all he provided the strong leadership which we are here to honor today.

It gives me great pleasure to recognize our esteemed colleague as he becomes our longest serving U.S. Senator. Congratulations, STROM THURMOND, on making history as well as being a major part of our Nation's history.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Parliamentary inquiry. I understand there is a unanimous consent that these proceedings paying our respect to the distinguished Senator from South Carolina are to continue until 12:30. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I want to defer to the Senator from Florida. But before I do, I ask unanimous consent that, notwithstanding the previous unanimous consent, when these proceedings are completed and before we recess for the policy meetings of the two parties, that I be given 10 or 12 minutes to speak on a joint resolution that I am introducing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I thank the Chair for the recognition.

I, like my colleagues, have come to the floor of the Senate today to express my fond feelings for Senator THURMOND, the Senator from South Carolina. As he is fond of saying about so many of us that he campaigns for, he is a man of character. He is a man of capacity. And I would add that he truly is a man who cares about his fellow man.

Senator STEVENS said a moment ago that Senator THURMOND is someone we can all learn from. I can tell you as a fellow who was running, campaigning for the Senate in 1988, Senator THURMOND volunteered to come to Florida to campaign for me. One of the things he said prior to making that commitment was that "if I come, I want to be busy. I do not want to come down there for just one or two events. I want to come down there, I want to be busy." We picked him up at about 5:30 in the morning and we finished that day about 10 o'clock at night. We traveled from Jacksonville, FL, down through the center part of the State, to Lakeland and Tampa, and then an event close to Winter Haven that evening, never missing a beat.

And again, I say I learned not just about campaigning but I truly learned about the heart of the man because about halfway through the day there was a press conference set up. He asked me if he could make a phone call before we did that press conference. And, of course, I said sure. And as I stood by him I realized what he was doing. He was calling a family in South Carolina that experienced the loss of a family member. Here is this man who has been elected and reelected and reelected and reelected, and loved in South Carolina in the middle of a tough day campaigning taking a moment out of that busy schedule to reach out to that family in South Carolina to say we understand your concern, the pain that you are feeling, we are concerned about you; I am concerned about you. Your family member was a great, great person; he meant so much to me.

Can you imagine the sense of love the family felt that day. If anybody ever questions why Senator THURMOND has been elected and reelected and reelected and reelected, it is because he is a man who truly cares about others, whose heart is filled with love.

I came to the Senate 9 years ago, and in a sense Senator THURMOND acts as a bridge between one generation of my family and myself. My step-grandfather retired from the Senate in December 1952, and Senator THURMOND, if I have that correct, was sworn in to the Senate in the next Congress, and so he served in that interim period of time between the time that my step-grandfather retired from the Senate and I came to the Senate.

What an inspiration he has been to me. Frankly, Senator THURMOND, you have created a new dimension of what service to this country is all about. You have created a new dimension about service to the Senate. A moment ago I heard Senator STEVENS talk about a strong heart, and it triggered in my mind that in essence, Senator THURMOND, you are a modern day brave heart, and it is has been a true honor to serve with you in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I am honored to be in this great body and particularly honored today to be able to say a few words from my heart about the Senator from South Carolina. I have no doubt really that I would not be here today if it were not for Senator THURMOND. I first met him—and this is typical of his leadership and commitment to this country—when I was a U.S. attorney in the early 1980's. I had just been appointed. There was a reception the Attorney General of the United States had. He came to that reception and stayed 30 to 40 minutes. As chairman of the Judiciary Committee, he stayed and he met every U.S. attorney in attendance that night before he left. That demonstrated to me his commitment to law and order.

Many people have talked about his leadership with regard to military matters, and they are certainly legendary and unsurpassed in this body. But in terms of law enforcement, he has been an absolutely key figure in the reform of the Federal criminal justice system in America, that makes our Federal criminal justice system today, in my opinion, superior to any State criminal justice system. He did that in many bills, but in the 1984 act he was chairman of the Judiciary Committee that eliminated parole and made every person who is sentenced in America serve the full time they are sentenced, that reformed the bail law so that people could not be out on bail for years before they were ever tried, and many other reforms—the most historic criminal justice reform bill, I am certain, in my lifetime. He was a key player and a leader.

In 1986, I had the pleasure to be a nominee for U.S. district judge. That was not an experience which worked out good for me, but Senator THURMOND believed in me. He fought for me. He stood by me day after day. He refuted the charges that were made that were not true, and he stood by me.

A number of years later, he came to Mobile as a Patriot of the Year. There were 600 people from the city of Mobile there, and he recognized me in the audience. He said good things about me. His support, his friendship, his steadfast commitment to me and to this body was important in my career and I want to say personally how much I appreciate that, Senator THURMOND. It is amazing to me that I have the honor and the privilege to be in this body and to be able to say to you how much I appreciate your support and friendship, to say how much I appreciate your service to your country, as a military leader and as a Member of this body. I know some may think it not politically correct, but I will say this. Senator THURMOND has represented his State with great fidelity and character. He has represented his region as a southerner with the highest of standards as a southern gentleman. He has reflected the qualities of courage and integrity, bravery and commitment to truth that have reflected great credit on his community, his State, his region, his Nation, and this body. I am honored to have the opportunity to say how much I appreciate that.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, it is a pleasure to join with so many of our colleagues today to honor the President pro tempore of the U.S. Senate and the chairman of the Armed Services Committee. STROM THURMOND achieved another of many historic milestones when he became the longest serving Senator in the history of this institution.

STROM THURMOND had already served on the Armed Services Committee for 20 years when I came to the Senate and joined the committee in January 1979. I knew of him as a passionate and effective advocate for a strong national defense even before I joined the committee. In the 18 years I have served on that committee, I have come to appreciate even more his commitment to the welfare of the men and women who serve and who have served in our Nation's Armed Forces, as well as their families.

It is my privilege now to serve as the ranking member of the Armed Services Committee under the chairmanship of STROM THURMOND. Over the years, one of the hallmarks of the Armed Services Committee has been that we conduct our business with a minimum of partisanship. Our former colleague and chairman, Sam Nunn, was right when he said that there was not a single national security issue facing this country that has been or could be solved by one political party. That legacy of bipartisanship on the Armed Services Committee continues under STROM THURMOND's leadership.

Mr. President, one of the reasons Senator THURMOND has been such an effective leader on national security issues is that all of his colleagues know—and the American people know—that he speaks from the heart and he speaks from personal experience. He served his country in uniform for 36 years. He was commissioned in the Army Reserve even before he began his career in politics. He served 36 years in the Reserves and on active duty before retiring as a major general in the Army Reserve.

In June 1944, Lt. Col. STROM THURMOND landed behind German lines with the rest of the 82d Airborne Division as part of the D-day invasion. As I and so many others watched the 50th anniversary of the Normandy invasion 3 years ago, we gained an even greater appreciation for the lifetime of service to this Nation by someone all of us are proud to call a friend and a colleague.

More than a half century after landing behind enemy lines on D-day, Senator THURMOND continues to carry out his responsibilities as a legislator with a skill and perseverance that are the envy of his colleagues. I recall a time several years ago when STROM THURMOND and I offered an amendment to reform lobbying fees. Our amendment prohibited lobbyists who were lobbying for contracts for their clients from getting a contingent fee. We felt it was wrong for lobbyists to be paid that way and we offered an amendment together. The manager of the bill objected to our amendment. What Senator THURMOND did was to hold back for a couple hours while he talked to all of our colleagues personally. He got 51 supporters for his amendment, and then came back to offer it. That kind of perseverance which we know in Senator THURMOND has paid off in many, many ways for this institution and for this Nation. We are proud to call him a friend and to recognize that kind of capability.

The Democratic Party lost a Senator of great ability when STROM THURMOND joined the Republican Party in 1964. I just want him to know that we would welcome him back on this side of the aisle at any time, this century or next.

Senator THURMOND cares about us as people. I cannot say how many times he has given me advice—and I know this is true of our colleagues—on exercise, on diet, and on other human conditions. I wish I had followed his advice more often.

I will never forget the time early in my Senate career when STROM and I and a few of our Armed Services Committee colleagues were out visiting at a California air base. At about 6 o'clock in the morning I was awakened by people running below. They were talking to each other as they were running. I heard this happen on a few turns of the track and woke up and then would go back to sleep. A couple of hours later when I was at breakfast I said, "Who was that out here running at 6 o'clock in the morning?" I should have known the answer. It was STROM THURMOND.

He has given us advice on how to try to achieve this kind of longevity. He gives us that advice because he cares about us. And I just want him to know that we care about him. We wish him well. It has been a real privilege to serve with him for 18 years, particularly as the ranking member of the Armed Services Committee, and I am proud to call him a friend.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Our distinguished friend and colleague from South Carolina has long been, as the saying goes, a legend in his own time. And because of his hale and hearty good health and his amazing longevity, Senator THURMOND is a legend in the time of everybody else in the Senate. I doubt that there is any one of us whose life has not been touched by the distinguished Senator from South Carolina. He has certainly touched mine time and time again, beginning with that day back in early 1972 when a very brief, speculative item appeared on page umpteen of newspapers around the country saying that a fellow named HELMS might seek the Republican nomination for the Senate from North Carolina.

Early that morning, Senator STROM THURMOND, to my utter delight, was on the telephone calling from Washington urging that I do run and assuring me that if I did and if I wanted him to, he would come to North Carolina and campaign for me. Mr. President, I did and STROM did. As a matter of fact, he did it time and time again. If I count correctly, he flew with me that year, in a very small plane, six times back and forth across North Carolina, telling the people of my State, Democrats and Republicans alike, that they ought to send JESSE HELMS to Washington. I will never forget it.

I remember one episode in particular, since we are all remembering nice things about Senator THURMOND. We were at a farm rally outside of Hickory, NC, after a grueling day of eight stops with that small plane, and he made a stemwinder speech at every one of them. I was getting more and more tired. We ended up at this farm, and there were about 400 people at that rally because they were giving away free barbecue and because STROM THURMOND was there. The barbecue caterer was late. He got lost trying to find the place. So they decided to let Senator THURMOND speak and they asked me to introduce my guest. I was a weary guy when I got up, and I introduced Senator THURMOND with such eloquence as I could muster at that time of night after such a day. Well, there came another stemwinder and the last 10 minutes of the stemwinder, we saw the barbecue truck roll in. Everybody had barbecue and then we went home.

In the car going to the motel I heard the most awful sound I ever heard in my life. He said, "JESSE, when we get to the motel, I want to call my wife. She's in a family way, you know, and I want to be sure she's all right. And, after that, I understand it's about a mile to downtown, would you want to run downtown and back with me?"

I said, "Senator, if I could crawl to the bed, that's the best I'm going to be able to do." But he did. He ran downtown and he ran back and he was up at 6 o'clock next morning.

Thanks to my dear friend, the people did send me to Washington, and I have been here for almost a quarter of a century now, watching that great man from South Carolina serve in the Senate and break record after record. I have been enormously proud of a lot of things. I guess one of the most profound things was when the Senator and Mrs. Thurmond invited me to become the godfather of that beautiful young lady, Juliana Thurmond.

So I am proud to have served with Senator THURMOND. He is a remarkable American because he has always been a hard-working, honest, and reliable Senator. His friends back home—as a matter of fact his friends all over the country—know that they can always count on STROM THURMOND to do what he says he will do. Let me tell you something, Mr. President, South Carolina is far the better off today because STROM THURMOND has been in the Senate representing the State of South Carolina. Moreover, and just as important, the U.S. Senate is better because STROM THURMOND has been here. And so is the country, better off.

Congratulations, my dear friend and Senator, you have been a good and faithful servant, and all of us are proud of you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I see my other colleagues here on the floor. I, too, wish to rise this afternoon and pay tribute to my friend and colleague from South Carolina. This past Memorial Day, we recognized the significant achievements and accomplishments of many Americans who sacrificed their lives for this country. In a matter of days, we will commemorate the 50th anniversary of the famous speech that Gen. George Marshall gave at Harvard University announcing the Marshall Plan on June 7, 1947. But this past Memorial Day, we also recognized a milestone achieved by our colleague from South Carolina, who became the longest serving Member in the history of the U.S. Senate.

I was recalling the words of another famous American given in a Memorial Day address in 1884. Chief Justice Oliver Wendell Holmes, another great American known for his longevity, said on that day, "Life is action and passion. It is required of a man that he should share the passion and action of his time at peril of being judged not to have lived."

Mr. President, whatever else may be said about our friend and colleague, STROM THURMOND, he is a man of action and passion. That has been the history of his public life. It is a distinguished career that has covered so many milestones, many of which have been mentioned here this morning.

One of his accomplishments which impressed me the most was the fact that at age 41, when a lot of people are preparing to play a round of golf, STROM THURMOND got into a glider and flew behind enemy lines on D-day as a volunteer. It was not required of him. He was not ordered to do it. But at that age he decided this is something he ought to do, to be a part of a major effort to retard one of the greatest threats in history, certainly in the history of this country, to democracy and freedom. A remarkable statement about an individual.

I am also deeply impressed by the fact that he was elected to the Senate under four different banners: as a Democrat, as a Republican, as a Dixiecrat, and, the most impressive of all, as a write-in. The fact that citizens of the State had to go and write his name in, that they had to make the conscious decision to write his name on a ballot—it wasn't just a question of going in and supporting a political party—but for people to consciously go in and write his name on the ballot was truly a remarkable achievement. It is something that I think clearly demonstrates the significance of the affection with which he is held.

Senator THURMOND has had to tolerate many things during his Senate career, not least of which, he has had to put up with two generations of my family. One of the dearest friends my father had when he served in the U.S. Senate was the Senator from South Carolina. In fact, among the dozens of pictures I have hanging in my office's conference room, I have just two pictures with colleagues of mine. One of them happens to be a photograph which I cherish of myself standing with the senior Senator from South Carolina, which he very generously inscribed to me, and he made special mention of my father and their relationship. I am deeply appreciative of the loyalty and friendship which STROM THURMOND shared with my father, who has been gone these many years now, some 27 years. He passed away that long ago. But theirs was a wonderful friendship. They didn't always agree on issues, but they did agree on some matters. They agreed about the great threat that communism and Marxism posed to this country and stood shoulder to shoulder in that regard. While they disagreed on other issues, there was still a great affection. So today I stand here, not just as a colleague from Connecticut, but on behalf of a family that deeply appreciates the loyalty and friendship that STROM THURMOND has demonstrated over these many, many years.

Let me just conclude because so many other things have already been said which I would endorse and second. STROM THURMOND and I don't always agree on the issues. We agree on some, but not many. But what I love about STROM THURMOND, and what I think America and what the people of his State love about him, is not his particular views on issues that come and go, that pass with the time; these issues that are temporal. What people love about STROM THURMOND, what his colleagues love about him, Democrat and Republican, is that he is a man who, as Oliver Wendell Holmes described, is a man of passion, action and conviction. Whether or not we agree with STROM THURMOND is really not the point. It is so refreshing, at a time when everyone seems to end up sort of muddled, that you have an individual who has deep, deep convictions and is willing to stand alone and defend them even when he is the only person in the room doing so. Even to people who disagreed with him over the years, he ought to stand, as I know he does to our colleagues, as a monument to principle, to individuality, to conviction and to that passion and action that Oliver Wendell Holmes talked about more than a century ago.

Mr. President, I am deeply honored to be able to stand here today. When STROM completes this term, he will be 100. I look forward to standing on the floor of the Senate with him sitting here, celebrating that milestone with him, I hope, as his colleague. The fact that he has been sent back here by the people of South Carolina eight times through all sorts of changes in the political climate in this country is a great tribute to the people of South Carolina. But I think all of them would agree with me when I say it is a greater tribute and higher tribute to the man who represents that State and represents America in so many different ways. I am deeply honored to stand with my colleagues to pay tribute to truly an American original, STROM THURMOND of South Carolina.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am privileged to join my colleagues. First, I ask unanimous consent a statement by the distinguished senior Senator from Maine [Ms. SNOWE] be printed in the RECORD along with these proceedings on behalf of our distinguished senior colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. WARNER, the following statement was ordered to be printed in the RECORD.)

• Ms. SNOWE. Mr. President, I rise today to recognize one of the extraordinary public figures of our time: Senator STROM THURMOND.

As we know, Senator THURMOND recently became the longest serving Senator in the history of this august institution. His record of service—over 41 years and counting—is unparalleled, and his devotion to South Carolina and the United States is unquestioned. His has been a life committed to this Nation, and a life as rich and varied as the years that have passed since his birth in the fledgling days of this century.

Indeed, the breadth and scope of Senator THURMOND's life is truly remarkable. Born just before the dawn of flight, Senator THURMOND is now chairman of a committee that oversees the world's most sophisticated air force. He has borne witness to an explosion of scientific knowledge, fundamental changes in economics and labor, and tremendous sociological transformations. Most remarkable of all, Senator THURMOND can even remember the last time the Boston Red Sox won the World Series in 1918.

Senator THURMOND has been a full participant in this century of monumental events, and in no way is this more profoundly demonstrated than with his service in World War II. As a member of the 82d Airborne Division, STROM THURMOND was part of the invasion force that stormed the beach at Normandy, France on D-day, and he will forever be a heroic part of these events that changed the course of history. For his courage and valor, he was awarded 18 decorations, medals, and awards—as well as the undying gratitude of America and free nations everywhere.

Before World War II broke out, as a State senator, STROM THURMOND had already begun what would become a lifelong dedication to public service. That commitment came to the national stage for the first time with his run for the Presidency in 1948—almost 50 years ago—when as an independent candidate he garnered the third largest independent electoral vote in U.S. history. Six years later, he became the first person ever elected as a write-in candidate for the U.S. Senate.

The rest, as they say, is history—history that is still being written every day by this remarkable and enduring man. The true iron man of the U.S. Senate, his energy, enthusiasm, and love for this institution is as inspirational to me as I know it has been for countless Members of this body—past and present. Here is a legislator whose labor of love is performed against a backdrop of institutional knowledge and historical perspectives unequaled among his 534 colleagues in Congress. One cannot place a value on such service. One can only express their respect and profound appreciation.

That is why I feel privileged to be able to join with my colleagues in recognizing the extraordinary story that continues to unfold. And why I am especially honored to serve with Senator THURMOND on the Armed Services Committee. As a new member of the committee, Senator THURMOND has made me feel most welcomed and valued, and for his wise guidance I am most grateful. After all, he has been an integral part of the committee through change and crisis, cold war and détente, conflict and peace.

The defense of this Nation and our responsibility in the world have always been of paramount importance to Senator THURMOND. He understands that we must remain vigilant even as the demise of the Soviet Union has left America as the world's last remaining superpower. Senator THURMOND has seen enough of the world to know that it remains, in many ways, a dangerous place—and that we are uniquely capable and indeed obligated to stand guard against the potential threats which still exist. And most of all, he knows first hand the importance of providing to our service men and women—people willing to put their lives at risk for this Nation—the best possible personnel, equipment, and resources so that their risk is as low as we can humanly make it.

As a member of the Judiciary Committee, he has brought his breadth of experience and his reasoned voice to bear on such issues as immigration and crime. And when it comes to the matter of ethics, Senator THURMOND has always stood strong and tall for the forces of integrity, supporting limits on how much Senators can earn outside the Senate, and bans on lobbying for foreign countries by former Federal officials to name but a few of his initiatives in this regard. His commitment to the honor of the Senate and the confidence of the American people has been unflagging for over four decades, and that is a record of which he can be proudest of all.

It is no wonder then that his Republican colleagues would elect him to be President pro tempore of the Senate. As one of only three constitutionally established officers in Congress, it is a position of tremendous respect and trust accorded only to those who have demonstrated an unwavering adherence to the finest ideals of public service and the U.S. Senate. I can think of no finer or more appropriate choice than Senator STROM THURMOND, and I am proud that he has come to embody this institution.

Throughout this storied career—whether as a superintendent of education, circuit judge, State senator, Governor, or U.S. Senator—Senator THURMOND has never forgotten the people of South Carolina. It is where his heart is, the place from which he draws his strength. And he is in turn beloved by South Carolinians—just ask the folks at the Strom Thurmond Soldier Service Center in Fort Jackson; the Strom Thurmond Educational Center in Union; the Strom Thurmond Federal Building in Columbia; or, most telling, the Strom Thurmond Center for Excellence in Government and Public Service at Clemson University. They know that the senior Senator from South Carolina has been a strong, steady, consistent voice for them. And they know he will always be so.

Senator STROM THURMOND exemplifies a life worth living: courage, enthusiasm, service to others, a willingness to learn and grow, and a deep appreciation of the opportunities this life—this country—offers. The mark that he is leaving on the U.S. Senate is a positive and enduring one, and I am proud to serve with Senator THURMOND as he continues to make history.●

Mr. WARNER. Mr. President, much has been said, and I have listened with great interest, as have others. I could summarize my brief remarks in two words: Thank you. Thank you, Senator THURMOND, for your service to this country, for your service to South Carolina, for your service to the Senate, and for the privilege, I thank you, Mr. THURMOND, of being a colleague who has served with you these 18 years.

Senator THURMOND was the first U.S. Senator to greet me when I came to the U.S. Senate. We had known each other because I had the privilege to serve for 5 years as Under Secretary and Secretary of the Navy and testified before the great Senator on many, many occasions and received his counsel and wisdom during those really tragic and difficult times of the Vietnam war, from 1969 through 1974. He encouraged me in that period of time to someday seek elective office. I counseled with him, and, indeed, I am here today in part because of his wisdom and foresight to encourage young persons like myself, men and women, to come and serve in the Congress of the United States.

Thank you, Senator. Thank you for the opportunities that you have given me, and I would like to say, and maybe selfishly, thank you for a great deal of personal attention. When I joined the Armed Services Committee in my first year in the Senate, there were four individuals on that committee referred to as the Four Horsemen. There was John Stennis, there was Scoop Jackson, there was John Tower, and there was STROM THURMOND. Those four individuals together, in many respects with others—I do not mean to slight anyone not mentioned—but those Four Horsemen struck the maximum possible bipartisan relationship because of their sincere belief that the interests, the security interests, of the Nation always came first and such partisanship as we indulge in from time to time has to be relegated to second.

It was his leadership on our side—in the committee, seniority, of course, prevailed. When it came time for the opportunity for Senator Tower to take the leadership role of the Republicans, STROM THURMOND once again yielded the seniority so that Senator Tower could have that very proper recognition and give the strong leadership that he did—followed by Senator Goldwater. Likewise, Senator THURMOND yielded the seniority that was rightfully his so that Senator Goldwater, one of his closest and best friends, could have that opportunity. Then I say quite humbly, he yielded again so the Senator from Virginia, for 6 years, could be the ranking member.

But it was always made clear to every member of that committee that, at some point in time, STROM THURMOND would cap his distinguished career by serving as chairman of the Armed Services Committee of the Senate of the United States. That he has done for these many years and given that committee the forceful leadership that it deserves.

Indeed, the last bill last year, he set a record in terms of the time to complete the committee work and to bring the bill to the floor. How well I know because it was late into the night we had the markup sessions. But he was always there, always present, and giving us his leadership.

If I may say, with the deepest of respect, I look upon him as a brother, the big brother that I never had, but he fulfilled that role in my life, not only here in the Senate, but in many ways outside of the Senate.

Today, Senators have shared personal recollections of times spent with STROM THURMOND that they remember with great fondness and respect. Mine was the 40th anniversary of the landing of our forces on Normandy Beach. Senator THURMOND was asked by President Ronald Reagan to lead a delegation from the Senate. I was privileged to be with that delegation.

I remember as if it were yesterday when we arrived in Normandy, President Reagan had helo No. 1, Senator THURMOND had helo No. 2. He sat right up there with the pilots. For 3 days we toured the entire area. I remember one afternoon the helos landed in the vicinity of Sant Mera'anglis where they reenacted that famous drop by our courageous parachutists in the history of recounting the tragedy that befell those airmen that parachuted.

But we sat there with three of the senior officers that participated in that battle. I remember one very vividly. His name was "Lightning" Joe Collins. We sat on old ammo boxes propped up and watched the drop. Senator THURMOND recalled his own recollections throughout our trip of that historic chapter in the march for freedom of the allied forces to fend off Adolph Hitler.

Senator THURMOND's helicopter, when we went back, malfunctioned and we could not take off to go to the next spot. So the President went on, and they sent in another helo. Senator Weicker, who was with us, knew a great deal about that part of the country of France because his father had been chief of the Army Air Corps intelligence. Senator Weicker said to me, "Let's not stand here and wait for this other helicopter to come in. Let's walk off into the countryside, and perhaps we can knock on the door of a French farmer and get a little cheese and a little wine." We did just that. We found in abundance the provisions among the Frenchmen. All of a sudden the Senator's helicopter arrived, and two of his party were missing. He sent out the gendarmerie to find us, and indeed they did, and they hauled us back. What a scolding he gave us for delaying his departure by some 20 minutes. But, boy, we emboldened ourselves with the finest from a French cellar of their wine and their cheese.

Those are just moments that we have shared together. And now I look forward to serving with him throughout his career here in the U.S. Senate and particularly sharing with him, as do all members of our committee, the responsibilities to keep America strong.

I close with one other recollection. That is his great fondness for children, not only his own, but he never fails to ask me about mine. As I watch him go through the Halls of Congress, there is one Senator who will stop and take whatever time is required to greet every child. His parting words are, "Someday you can be a U.S. Senator."

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I have listened to some of my senior colleagues reminisce on their relationships with our good and dear friend, Senator THURMOND from South Carolina.

As a new Senator coming into this body in 1981, I recall my first meeting with Senator THURMOND. It was in the elevator. I felt a very firm, strong grip on my upper arm. As I turned around, he said, "How you doing, Son?" I think, without exception, every time I have been in the elevator with Senator THURMOND I have had that tight squeeze—"How you doing, Son?"

So it gives me great pleasure to join my colleagues in honoring our dear friend.

May 25, 1997—the longest serving U.S. Senator in our Nation's history, a remarkable individual who has unselfishly dedicated his entire life to the service of others.

Being from Alaska, the newest State in the Union, a State that has only been around for about 39 years, I have found Senator THURMOND to be most understanding of our issues with regard to development. He comes from the school that suggests that those who are elected from their State ought to have a pretty good handle on what is in the best interest of their State. I think his logic follows that, if the folks back home think otherwise, well, they are going to get new representation. I have respected him for his support these 17 years that I have been in the Senate.

Perhaps one of the most memorable and lasting recollections I have of Senator THURMOND is during the years when I was chairman of the Senate Veterans Committee. You know Senator THURMOND, as it has been stated, landed behind enemy lines in a glider. He was a volunteer. That was the Normandy D-day invasion of the 82d Airborne Division. But he went on to earn 5 battle stars during World War II, 18 military decorations during his distinguished military career. He was made a major general of the U.S. Army Reserves. In working with him during the years on the Senate Veterans' Committee, I found him to be the most significant contributor toward the recognition that we can never do enough to meet our obligation to our veterans, those who did so much and gave so much.

But his balance was that while we can never do enough, we have to do a better job with what we have to keep up with the changing needs of the veterans and do more and get more input from the veterans' organizations and accepting the responsibilities associated with our obligation to meet our veterans' needs. He has been honored many times by various veterans groups for his contribution.

But I particularly look back to the days when we worked together in meeting our Nation's obligations to our veterans and his contribution in that regard.

I think one of the interesting things, in recognizing the contributions Senator THURMOND has made and continues to make, is his humble beginning as a teacher. He has taught us all, but he began his teaching career back in South Carolina in 1923. He wrote the South Carolina school attendance law. He worked hard to increase pay for teachers and longer school terms. I think it is noteworthy that even today he sends congratulatory certificates to every graduating South Carolina high school student.

Senator THURMOND continues to teach us today, and he will again in the next century. He has really taught us all in this institution.

I am honored to call him a friend. I am pleased to rise today in tribute to this great man, this great American, who has become synonymous with this great institution.

Senator THURMOND, we honor you, and we are particularly appreciative of your leadership and teaching which has served us all. Thank you, my friend. I look forward to our continued relationship.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to speak briefly, prior to Senator HELMS speaking, with regard to Senator THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, thank you very much.

I am happy to be here today. My plane arrived on time, which I was a little nervous about because I was afraid I would miss the opportunity to join our colleagues in talking about the great Senator from the State of South Carolina to whom we pay tribute today and whose recent accomplishment of becoming the longest serving Member of this Chamber is one we all, I think, celebrated from a distance a couple of days ago.

When I was elected to the Senate in 1994, I found myself, after the election was over, given the first chance really to reflect on what it meant to serve here and the people that I would have the chance to serve with. I think during an election campaign you only focus on the issues and the opposition and the campaign. But when it was finished, I was able to think about the remarkable chance I was going to have to come to this Chamber and be a part of a Chamber filled with so much history and have the opportunity to serve with such a distinguished Member as is the Senator from South Carolina and the Senator from North Carolina and others who have been here and who have made their marks.

No sooner did I arrive—I was listening to the Senator from Alaska describe his first meeting with Senator THURMOND. In my first meeting with him, I was amused because he came up and said he was stunned that anybody like me could get elected from the State of Michigan. I remember when he said that, I was thinking that he was taking note of the fact that I was the first member of my party to win in that State since 1972, and his recollection of how long it had been since a Michigan Senator from my party had been elected made me feel pretty pleased that I had become known to him and that he had taken note of my success.

I was then delighted when, as a consequence of the committee selection process, I was able to secure a seat on the Judiciary Committee, which gave me an opportunity to serve directly with the former chairman of that committee, who had distinguished himself in that role. Indeed, some of the former staffers of that committee now live in my State, and we have had the chance to reminisce about some of the various accomplishments that took place when Senator THURMOND chaired the Judiciary Committee.

Then, indeed, as all the Members who have already spoken have acknowledged, his leadership both in his State prior to his election to the Senate and since coming here in a variety of areas, ranging from the defense of this Nation to the role he has played in the judiciary process and in fighting to combat crime and lawlessness are all signs, of course, of somebody who has made this country stronger because of his presence in this Chamber.

I want to single out, though, one particular incident that I remember very vividly, and it showed me the other side of Senator THURMOND.

Shortly after my arrival here in 1995, we had, as many of the Members will remember, a very busy first 6 months in that year. We were here night after night after night very late, often in situations where we could not share with our families important occasions. One such occasion was coming up—in fact, it is going to be repeated again in a few weeks—which was the birthday of my twin daughters. They were born on June 22, 1993. So our family planned to have a birthday party for those twins on June 22, 1995. We had plans to take them to a restaurant and have a birthday cake. At the last minute it turned out we had votes that night. That was back when we were keeping the Senate dining room open for Members and their families on Thursday nights. And, happily, therefore, we were able to still have dinner together, although not as we had planned.

We were down in the dining room, and it was just my wife, myself, and our two kids. The folks who worked there were nice enough to prepare a birthday cake at the last minute. So we had two candles on that cake. Our little daughters, after eating a little bit of their dinner, immediately turned to the birthday cake and plowed into it with their fingers and began eating, as 2-year-olds do, in any fashion they could without using utensils. About that time Senator THURMOND appeared in the dining room and wondered what all the hubbub was over at Senator ABRAHAM's table. He came over and asked what the occasion was and we told him it was our birthday party for twin daughters. He took a lot of time and gave each of the girls a birthday hug, and as he walked away I noticed a couple of fingerprints may have adhered to the back of his coat that night from one of our little girls.

The degree to which he cares about all of us here and the affection he has for us and our families which shows a side beyond the leadership side that makes him such a special person. I just want to say, Senator, I am very proud to have been given the chance to come to the Senate, and especially proud to have had the chance to serve with you. I want to thank you on behalf of my constituents for your contributions to our Nation.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore, the senior Senator from the great State of South Carolina.

Mr. THURMOND. Mr. President, it hardly seems that almost 43 years have passed since December 24, 1954, when I first became a U.S. Senator by raising my right hand and taking the oath of office from then Vice President Richard Nixon. Though it is only 527 miles, this is certainly a long way from where I began my career in public service in 1923 as a teacher in a high school in rural McCormick, SC. I am pleased to say that it has been a rewarding and gratifying journey.

When I graduated from Clemson College and took my first job, my only ambition in life was to be able to help people. As I worked to educate my students in McCormick—and later in Ridge Spring and in Edgefield—I quickly realized that I could have a greater impact in providing for the learning needs of the children of South Carolina by shaping policy. I ran for, and was elected Edgefield County Superintendent of Education in 1928, and during my tenure in that post, I implemented many measures which raised the standards of education in that county. I also got my first taste of how much impact a person can have through elected office.

At that time, South Carolina was an economically challenged place well before the great crash of the stock market which sent the Nation plummeting into the Great Depression. Without trying to sound melodramatic, life was hard back then, the banks were failing, businesses were closing, and people were very concerned about the future. As someone who was eager to try and improve conditions in my home county, as well as throughout the Palmetto State, I declared for State Senator in 1932 and was elected to office. For 5 years, I helped shape policy that guided South Carolina out of the depths of the Depression by, among other things, strengthening education; establishing a rural electrification program; helping our farmers; and by establishing the South Carolina Public Service Authority known as Santee-Cooper.

In subsequent years I became involved in a number of different public service endeavors, some of which have been mentioned by others here today in their flattering floor statements about me. One position after another, and though I did not deliberately set out on this path, each job I had—State senator, State circuit court judge, Army officer, attorney, and Governor—seemed to be leading toward the U.S. Senate.

To those who want to dedicate a part of their lives to serving the Nation, I can think of no better place to do so than in the U.S. Senate, and my time in this institution has truly been the happiest and most rewarding in my life. Over the past four decades, I have been pleased to have been a part of hundreds, if not thousands, of worthwhile endeavors through my duties as a Senator, and my service on the Committees on the Judiciary and Armed Services and Veterans' Affairs.

I knew when I moved up here with my first wife, the late Jean Crouch Thurmond, that I would never earn wealth from my tenure in the Senate, but financial gain was never a consideration for me when I ran for this office. In fact, financial compensation is not why I or anyone else becomes involved in public service. We do it for the opportunity to help others and to give back to the Nation which has provided us with so many opportunities.

There is no other job in the world that allows us to have a more direct impact in rendering service than that of a Senator. The work we do here benefits millions of Americans, and how can one not help but take great satisfaction and pride in such important service. Through oversight, legislation, and old fashioned constituent service, each of us is able to help the citizens of our respective States, as well as build a Nation which is stronger and better for all who live here. I am very proud of the fact that over the past four decades, I have had a role in building the finest military force that history has seen. I am proud of the work we have done on the Judiciary Committee which has helped to safeguard the Constitution, keep the judicial branch independent, and provided sound policies to help make our streets safe. Most importantly, I am pleased that I have been able to use my Senate office to help hundreds of thousands of South Carolinians interact with a government bureaucracy that can sometimes be confusing, unyielding, and intimidating.

It has been a special pleasure for me to help the veterans who serve this Nation in times of war, as well as the families of those who have made the ultimate sacrifice.

As I stand here and reflect upon my career, I have nothing but positive memories. During the course of my tenure, I have had the privilege of serving with some of the truly great figures in the history of this Body. I have been fortunate to make many good friends through my service in the Senate. I am often asked how I want to be remembered, and my answer today is the same as it was in 1954, or would have been in 1923—for being an honest, patriotic, and helpful person. I would like to be remembered as one who cares; cares for his family, his friends, and cares for his Nation.

Though I look forward to completing this term, when I finally retire in 2002, I hope that if I leave any legacy, it is that answering the call of public service is an honorable and worthy vocation. It is only through the efforts of men and women, regardless of their political ideology, who believe in working for the greater good that we will be able to assure that the United States remains a bastion of freedom, justice, and hope.

In closing, I wish to thank my colleagues for their beautiful words concerning my public service. It has been a privilege to serve with such able dedicated, and wonderful people. I thank them for their many courtesies. God bless this magnificent body and the United States of America.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of Senate Joint Resolution 31 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

The PRESIDING OFFICER. The Senate will stand in recess.

Thereupon, the Senate, at 1:23 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to speak on the Baucus-Kerrey-Landrieu substitute amendment to Senator ASHCROFT's comptime bill.

The Fair Labor Standards Act is a set of laws that Congress enacted some 60 years ago to protect the American worker from abuse in the workplace. These laws do a good job to make sure that our country's greatest asset, our work force, is protected. They put a halt to child labor. They established a 40-hour workweek. And they set up the concept of pay and a half for overtime. Under these laws, our country has grown and thrived, and, by and large, our workers are protected from extravagant abuses.

However, our society has changed a great deal since Congress enacted that landmark legislation. We have more families where both parents hold down full-time jobs. We have more single-parent households. And for everyone it seems as if their dollar does not buy as much as it used to.

All that means longer hours on the job, which, in turn, leads to less time spent with the family. Today's parents find themselves caught in a tightrope act as they try to balance the needs of their families with the demands of their jobs, and that just is not fair.

I believe we are in a position to help them. That does not mean we should go about dismantling the protections on which our workers have come to rely. That is what some provisions of Senator ASHCROFT's bill will do, and I think that is the wrong path.

Instead, we must adapt our labor laws to maintain the protections that are so necessary while making it possible for our workers to have some flexibility. That is the right path. That is why my colleagues must support our substitute amendment.

In Montana, I meet a lot of hard-working people. One thing they tell me time and time again is they need more flexibility in their work schedules. They need to be able to choose between earning time-and-a-half pay for their overtime or taking that time in the form of vacation. This choice would allow workers to either put aside a little extra money or take some time to be with their families.

One area where the effects of this flexibility will be greatly felt is education. You see, in Montana, we pride ourselves on the quality education we provide our children. And we have done a pretty good job. One key to our success is parental involvement in their kids' education. That means taking time to meet with teachers, helping out on homework and participating in extracurricular activities.

The Baucus-Kerrey-Landrieu amendment will allow parents to freely choose how and when they use their overtime so that parents can again be part of their children's lives.

At the same time, I know every family is different and their needs vary greatly. Lots of folks depend on a little extra money to make ends meet. Others need time for their families. And that is why we need to make sure that every household can choose how to use their time and money.

There are three clear reasons why my colleagues should vote for the substitute amendment offered by myself, Senator KERREY from Nebraska, and Senator LANDRIEU. First, our amendment will allow employees the final choice on when and how they will use their overtime. Whether it is time or money, the worker gets the choice. That is very important.

Senator ASHCROFT's bill leaves the final decision on how you spend your time with the employer. Their bill has no protection for the worker. In fact, it would allow an employer to discriminate against a worker who chooses to take money for their overtime. That is just not fair.

The second difference is that our amendment does not tamper with the 40-hour workweek. If you work more than 40 hours in a week, you are entitled to time-and-a-half pay. That is the way it has always been under the Fair Labor Standards Act. Americans overwhelmingly support the 40-hour workweek, and we ought to preserve it.

Under Senator ASHCROFT's bill, a worker could log 60 hours in 1 week and not qualify for 1 minute of overtime. For over 60 years, we have told our employees that if they worked hard and did a good job, they would be rewarded. Under this bill, we are reneging on that promise. The result is a pay cut for America's workers.

And finally, the third reason my colleagues should support the substitute is that President Clinton has said he would sign our amendment, and he has said he would veto the other comptime bill. So if we are truly interested in giving workers flexibility in passing the comptime bill, we must support, I believe, our amendment. It is the only chance for a meaningful reform this year.

Look, I think most Senators agree we need comptime. It is a good idea whose time has come. Yet, there are two ideas of how to get it done. One would take away workers' choice, end the 40-hour workweek, and is headed toward a certain Presidential veto. The other, our substitute, lets workers decide how to use their overtime, maintains the 40-hour workweek and will become law if we pass it. Our amendment I think is the more reasonable choice.

So if you are really interested in passing a comptime bill, this is the time and our proposal is the bill. I urge my colleagues to vote in favor of the Baucus-Kerrey-Landrieu substitute amendment to the comptime bill.

Mr. President, I yield my time, and I also thank the manager of the bill for his indulgence.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask that I might be permitted to proceed for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, first of all, let me thank Senator HUTCHINSON for being so gracious in permitting me this opportunity because I know he had asked to speak earlier.

VIOLATION OF SWISS BANK SECRECY LAWS

Mr. D'AMATO. Mr. President, I rise today to discuss the case of Christoph Meili. He is a heroic young Swiss bank guard, 27 years of age, who stumbled on a situation that was rather remarkable. It was the shredding this past January of historical documents at Union Bank of Switzerland, one of Switzerland's largest, most prestigious banks. He noted that these records dated during the period of the Holocaust, prior to and during World War II, and he knew that the Government of Switzerland had just passed legislation prohibiting destruction of just these types of records. He took a handful of these records and brought them to the Jewish Cultural Society. They then passed them on to the police—never went to the media. The records were never copied. They were never in any way compromised.

For his bravery, for standing up and doing the right thing, he has been fired from his job. In his termination letter, Mr. Meile was told that although his conduct was "classified as ethical and moral in certain circles," his actions were unjustifiable from the perspective of labor law.

Can you imagine that. He saw the law being violated. He knew that these documents were of import, and he was fired. Here is a noble young man who risked everything, a humble man, a high school education, with a wife and two children. What happened? He is called a traitor to his country. His wife and children are threatened. Hundreds of letters pour in.

Let me read one letter, and it is a tough letter. And I have seen many of these:

> Meile, you bastard. The secret numbered account won't do you any good. You are a son of a bitch, a traitor to your country. It will cost you your life. Your children are in danger. We will kidnap them and make sure that you pay the ransom with your Jewish money. We'll finish you off. We're going to wipe out the entire Meile clan. Traitors like you are not wanted. If you have any courage, you'll kill yourself or emigrate into the promised land to your Jewish friends—to Israel or the U.S. You won't live much longer in Switzerland if you don't kill yourself.

That is the kind of thing he has been subjected to. This brave, courageous and righteous young man finds himself terminated from employment, blacklisted.

The chairman of the board of Union Bank, Mr. Studer says that he thinks Mr. Meili did this to get money. Now, let me say something. Mr. Meili did not go to the press. This information was released by the Union Bank and the police authorities.

I have just recently written to the local prosecutor, and in that letter of

May 15 I said, basically, are you still threatening to prosecute Mr. Meili? I ask that the full text of that letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate, Committee on Banking, Housing, and Urban Affairs,
Washington, DC, May 15, 1997.

Mr. Peter Cosandey,
District Attorney of the Canton Zurich, Zurich, Switzerland.

Dear Mr. Cosandey: This letter concerns Mr. Christoph Meili, the former bank security guard who discovered the shredding of Holocaust-era documents at the Union Bank of Switzerland in Zurich and who is currently being investigated by your office for violation of Swiss bank secrecy laws.

As you are probably aware Mr. Meili has recently testified before the Senate Banking Committee in Washington, D.C., in reference to his discovery of the shredding of valuable archival documents by the Union Bank of Switzerland. He told of his firing by his employer Wache A.G., even after I received personal assurances from Ambassador Thomas Borer that this would not take place. Mr. Meili stated that this firing has left him penniless and has placed terrible financial strains upon himself and his family. As you are undoubtedly aware Mr. Meili has a wife and two young children that he must now somehow support.

Mr. Meili also testified of his hours of intense interrogation by Swiss officials and their silence as to the status of their investigation. Mr. Meili also testified that Swiss officials have yet to provide him with copies of the archival documents that he saved from destruction. Mr. Meili also stated that he fears for his life and the life of his wife and infant children. He stated that both he and the members of his family have received numerous threats against their lives. His children have been threatened with kidnaping and he has been told that "their ransoms could be paid from monies belonging to the Jewish community." This is unconscionable.

He also feels that he has been "black-listed" by the Swiss banking community and will have great difficulty in securing gainful employment in Switzerland. Mr. Meili should be treated as a hero not as a criminal. It is within this light that I now ask you to end your harassment of Mr. Meili. You do both your office, Mr. Meili and the citizens of Switzerland a great injustice in continuing your present course of action. The Union Bank of Switzerland should be the subject of your investigation, not Mr. Meili.

In closing, I would also be most interested in finding out what action your office has taken against Mr. Erwin Hagenmuller, the Archivist for the Union Bank of Switzerland who ordered the shredding of archival documents even though recently enacted Swiss law prohibits such willful destruction. Was a report filed by the Union Bank of Switzerland in reference to Mr. Hagenmuller's actions? If so, could a copy of the report be forwarded to the Committee for review?

Respectfully,
Alfonse M. D'Amato,
Chairman.

Mr. D'AMATO. I did not receive a direct reply, but let me tell you what I did get just yesterday. I received a letter from Mr. Meile's attorney, Marcel Bosonnet.

In the letter the prosecutor says, basically, that "we intend," and I quote, "to bring a charge" against Mr. Meili. They are going to charge Mr. Meili with criminal conduct, not the bank which shredded the records. And they want Mr. Meili to come back to Switzerland for another interview. Mr. Meili's lawyer, Mr. Bosonnet, writing to a lawyer who is representing Mr. Meili because Mr. Meili is here in hiding, has advised him not to come back to Switzerland because he would face not only persecution but prosecution and harassment.

Now, Mr. President, it is one thing for the Swiss Government to say, "Do not blame us for what took place 50 years ago", and another thing to say, "Well, what we are doing today is correct." I say to the Swiss Government and to the Swiss banks, do not shred the truth. Tell the truth. Mr. Meili should not be facing criminal charges for coming forward.

Let me share with you, if I might, what I learned just before we adjourned. And, by the way, I commend my colleagues in the Senate for passing the bill which will give to Mr. Meili relief, a private relief bill which will permit him and his family to reside in this country legally and to be able to be gainfully employed. That legislation is now pending action in the House. But let me say to you that I think all of us were moved when we heard the testimony of Mr. Meili.

I said to him, "Christoph, why did you do this? Why did you take these documents and report and expose what was going on?"

Do you know what he said? He said, "Two months earlier I saw 'Schindler's List,' and I knew that I must be doing something, and I could not just stand by and let this take place."

So I say to my colleagues in the Senate and in the House, can we do anything less than to ask for speedy passage of that legislation that will give Christoph the right to work and live here in this great country, to tell him that we do appreciate his standing up for truth and justice, and also to let the Swiss Government know in the strongest terms that we are not going to stand by and do business as usual. We are not going to allow them to harass this young man, because this prosecutor is way off base. If anything, he should be investigating the destruction of those historical documents by the Union Bank, documents that existed in some cases for more than 60 years. Suddenly they say they began to destroy them by accident. I do not believe it. It also raises in this Senator's mind the question of how historical documents that have been stored in warehouses belonging to some of the banking institutions mysteriously have caught on fire. I'm talking about four different warehouses in this country, the latest being in New Jersey, concerning documents that belonged to Credit Suisse.

I wonder how it is that shredding takes place after 60 years by accident. When a young bank guard comes forward and says, "Look, this is not right," he, then, becomes the victim and becomes the criminal.

What we seek is justice and a full accounting. And certainly fair treatment of this heroic young man.

Mr. President, I yield the floor.

FAMILY FRIENDLY WORKPLACE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, are we on the legislation so I can offer an amendment?

The PRESIDING OFFICER. Yes, we are; pending is S. 4.

AMENDMENT NO. 253

(Purpose: To provide protections in bankruptcy proceedings for claims relating to compensatory time off and flexible work credit hours)

Mr. GRASSLEY. Mr. President, under the unanimous-consent agreement my amendment on bankruptcy to this legislation has been filed. I would like to take that amendment up at this point. If it is necessary to read the amendment, I would like to have it read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. Grassley] proposes an amendment numbered 253.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, after line 16, insert the following:

(d) Protections for Claims Relating to Compensatory Time Off and Flexible Credit Hours in Bankruptcy Proceedings.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$6,000";

(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13A of the Fair Labor Standards Act of 1938)".

Mr. GRASSLEY. Mr. President, I rise today to offer a bankruptcy amendment to resolve an important question which has been raised regarding S. 4. This is a bill which will provide America's working families with some much-needed relief from the demands of balancing family and work. But some have questioned whether workers' rights to be paid by companies that declare bankruptcy might inadvertently be affected by S. 4. My amendment will make sure that this will not happen and that workers will be fully protected.

S. 4 is a very important bill. We all know the story. Over the past decade or so, wages have been flat and the tax burden seems to just grow and grow. As both mothers and fathers around the country have had to work outside the home and have had to work longer and longer hours, they have less time to spend with each other and with their families. This leads to a decrease in the quality of family life.

And with all the assaults we have on families these days—increased drug use by teens, excessive violence and sex coming from Hollywood to name a few—Congress needs to give serious consideration to finding ways to protect and stabilize families. The Senator from Missouri is to be commended for taking such a progressive stance on this important issue.

S. 4 will give employers the chance to offer families the choice of working harder and earning overtime pay or getting some time off in exchange for working more. That makes good common sense and will expand the range of choices that working families can make.

Now, I chair the Subcommittee on Administrative Oversight and the Courts, which has primary responsibility for bankruptcy policy in the Senate. I am offering an amendment today to make sure that unused comptime and unused flexible credit time will be protected when an employer declares bankruptcy. Under current law, unpaid wages up to $4,000 are given a preferred status if earned within 90 days prior to a company declaring bankruptucy. Under the Bankruptcy Code, secured creditors are paid and then the costs of administering the bankruptcy estate will be paid. After that—ahead of all the other creditors—workers' wages will be paid subject to those limitations I just described.

I believe that comptime and flexible credit time should be protected in the same way as unpaid wages because unused comptime and unused flexible credit time are essentially unpaid wages.

So, my amendment does two things. First, my amendment provides that all unused comptime and unused flexible credit time will be deemed to have been earned within 90 days prior to the employer filing for bankruptcy. This will prevent a dishonest employer who wants to cheat workers from arguing that he doesn't have to pay the value of unused comptime or unused flexible credit time because they might have been earned over a period of a year or even longer. In other words, by having the law deem all unused comptime and unused flexible credit time as having been earned within 90 days prior to the employer's bankruptcy, the worker's right to be paid will be protected. That's pro-worker and pro-family and it's just plain fair.

The second thing that my amendment will do is insert comptime and flexible credit time in the list of preferred debts alongside unpaid wages. That means that unused comptime and unused flexible credit time will have the same preferred status as unpaid wages.

Mr. President, I hope that every Member of this body will support my amendment. It is pro-worker and it makes sure that the promise of comptime and flexible credit time will not turn into an empty promise. As we all know, most employers are honest and law abiding and will go into bankruptcy only as a last resort. But when a company has to go into bankruptcy, we should take extra care here in Congress to see to it that workers are treated fairly. We should also make sure that workers are protected from the small number of dishonest companies that might try to use a loophole to cheat workers out of what they've earned.

My amendment simply ensures that unused comptime and unused flexible credit time will be as protected as unpaid wages. Workers who choose to take the time to be with their families should not be disadvantaged should their company have to declare bankruptcy.

Mr. President, I hope this amendment passes overwhelmingly.

I would like to also suggest that as a concession to the Members of the other side of the aisle, I have also raised the dollar amount referred to earlier from $4,000 up to $6,000 as well.

I yield the floor.

Mr. ASHCROFT. Will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. ASHCROFT. I am very pleased to have the Senator come to the floor and offer this amendment. I would like to clarify the intent of my colleague. I think I understand it.

If the comptime accumulated earnings, which might either be paid off at the end of the year as comptime that gets cashed out or might be taken as comptime, as time off—if that is older than 90 days old, under the current law it might not have all the protections in bankruptcy that normal wages would have; is that correct?

Mr. GRASSLEY. The Senator from Missouri has the existing law correct. That is right.

Mr. ASHCROFT. So what the Senator is doing is making sure that everything that would be in a comptime or flextime bank in terms of hours would be protected at the highest level of protection as recently earned wages under the bankruptcy law?

Mr. GRASSLEY. Yes.

Mr. ASHCROFT. I think that is a clear improvement to this measure, in terms of protecting the interests of workers. I thank the Senator from Iowa for his insight and his expertise in this area, which obviously reflects his experience with the bankruptcy laws and his experience in matters of this character.

Mr. GRASSLEY. Is it appropriate to urge the adoption? It is not appropriate? We have not had the minority people speak to it yet.

I ask unanimous consent to lay this amendment aside for the consideration of a second amendment that I have already filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 256

(Purpose: To apply to Congress the same provisions relating to compensatory time off, biweekly work programs, flexible credit hour programs, and exemptions of certain professionals from the minimum wage and overtime requirements as apply to private sector employees)

Mr. GRASSLEY. This amendment is amendment 256. It has been filed.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 256.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 4. APPLICATION OF LAWS TO LEGISLATIVE BRANCH.

(a) DEFINITIONS.—In this section, the terms "Board", "covered employee", and "employing office" have the meanings given the terms in sections 101 and 203 of Public Law 104–1.

(b) BIWEEKLY WORK PROGRAMS; FLEXIBLE CREDIT HOUR PROGRAMS; EXEMPTIONS.—

(1) IN GENERAL.—The rights and protections established by sections 13(m) and 13A of the Fair Labor Standards Act of 1938, as added by section 3, shall apply to covered employees.

(2) REMEDY.—The remedy for a violation of paragraph (1) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 13A(d) of such Act), section 16(g)(1) of such Act (29 U.S.C. 216(g)(1)).

(3) ADMINISTRATION.—The Office of Compliance shall exercise the same authorities and perform the same duties with respect to the rights and protections described in paragraph (1) as the Office exercises and performs under title III of Public Law 104–1 with respect to the rights and protections described in section 203 of such law.

(4) PROCEDURES.—Title IV and section 225 of Public Law 104–1 shall apply with respect to violations of paragraph (1).

(5) Regulations.—

(A) In general.—The Board shall, pursuant to section 304 of Public Law 104–1, issue regulations to implement this subsection.

(B) Agency regulations.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in paragraph (1) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of the regulations would be more effective for the implementation of the rights and protections under this subsection.

(c) Compensatory Time Off.—

(1) Regulations.—The Board shall, pursuant to paragraphs (1) and (2) of section 203(c), and section 304, of Public Law 104–1, issue regulations to implement section 203 of such law with respect to section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by section 3(a).

(2) Remedy.—The remedy for a violation of section 203(a) of Public Law 104–1 shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 7(r)(6)(A) of such Act (29 U.S.C. 7(r)(6)(A))), section 16(f)(1) of such Act (29 U.S.C. 216(f)(1)).

(3) Effective date.—Subsection (a)(3), and paragraphs (3) and (4) of subsection (c), of section 203 of Public Law 104–1 cease to be effective on the date of enactment of this Act.

(d) Rules of Application.—For purposes of the application under this section of sections 7(r) and 13A of the Fair Labor Standards Act of 1938 to covered employees of an employing office, a reference in such sections—

(1) to a statement of an employee that is made, kept, and preserved in accordance with section 11(c) of such Act shall be considered to be a reference to a statement that is made, kept in the records of the employing office, and preserved until 1 year after the last day on which—

(A) the employing office has a policy offering compensatory time off, a biweekly work program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States Code.

(e) Effective Date.—

(1) In general.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) Construction.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104–1.

Mr. GRASSLEY. Mr. President, I rise today to offer a very important amendment. This amendment applies the provisions of this bill, S. 4, to Congress.

As most Senators know, I pushed for the adoption of the original Congressional Accountability Act for many years before it was enacted. Finally, in the last Congress, with my sponsorship, we enacted the Congressional Accountability Act into law. With this act we said that we in Congress are no better than the business men and women in our States. We are not different and we, too, must live under the laws that we pass. We no longer sit in Washington and look down upon the people and tell them how to run their businesses. This is a democracy, and therefore we make laws for the people, and we, too, are the people.

This amendment is offered for the same purpose. It is a continuation of the spirit and intent of the Congressional Accountability Act.

In the Federalist Papers, Federalist 57, James Madison wrote that:

> [Members of Congress] can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society . . . it creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples, but without which every government degenerates into tyranny.

The bill before us gives important options to the private workplace that Government—with exceptions including Congress—has enjoyed for years. It is only fair that if these options—compensatory time, bi-weekly schedules and flextime—apply to the private sector, then they must also apply to Congress. A rationale of the Congressional Accountability Act was that by requiring us to live under the same laws as the private sector, we will understand the challenges created by the laws that we pass. If we apply compensatory time, bi-weekly schedules and flextime to the private sector, we must also apply it to Congress. Otherwise, we will not get an accurate understanding of what our labor laws do to our businesses and workers.

The language in this amendment is carefully crafted to complement the Congressional Accountability Act. The drafting of this language was a long and careful process. I drafted it in consultation with the Office of Compliance and the Senate Employment Counsel. I thank both of these offices for their efforts to craft this language and make it the most effective and fair language possible.

I ask my colleagues to support this amendment and to join me once again in saying that we are not above the laws that we make.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 265

(Purpose: To prohibit coercion by employers of certain public employees who are eligible for compensatory time off under the Fair Labor Standards Act of 1938 and provide for additional remedies in a case of coercion by such employers of such employees)

Mr. GORTON. Mr. President, I ask unanimous consent that the current amendment be laid aside and call up amendment No. 265.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. Gorton] proposes an amendment numbered 265.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 10, strike line 8 and all that follows through page 10, line 16 and insert the following: "subsection (o)(8).".

(4) Application of the coercion and remedies provisions to employees of state agencies.—Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(A) in paragraph (7), by striking "(7) For" and inserting "(8) For"; and

(B) by inserting after paragraph (6), the following:

"(7)(A) The provisions relating to the prohibition of coercion under subsection (r)(6)(A) shall apply to an employee and employer described in this subsection to the same extent the provisions apply to an employee and employer described in subsection (r).

"(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to an employee described in this subsection to the same extent that remedies are made available to an employee described in subsection (r).

"(ii) In calculating the amount an employer described in this subsection would be liable for under section 16(f) to an employee described in this subsection, the Secretary shall, in lieu of applying the rate of compensation in the formula described in section 16(f), apply the rate of compensation described in paragraph (3)(B).".

(5) Notice of employees.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

Mr. GORTON. Mr. President, I send a second-degree amendment to amendment No. 265 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator does not have the right to amend his own amendment at this point.

Mr. GORTON. Mr. President, I ask unanimous consent to be granted that right.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington has the floor.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask, what is the order of the business of the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 265.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be laid aside temporarily so I may make a statement in support of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

Mr. President, I have come to the floor this afternoon to express my support for the Family Friendly Workplace Act introduced by my colleague from Missouri, Senator JOHN ASHCROFT. I join with the Nation's working men and women in thanking my friend for his leadership in bringing this legislation to the floor and giving us an opportunity to focus on what has become the single most precious commodity for working families in the 1990's, and that is time.

Trapped between less time and greater demands, the American people are calling for more choices and flexibility in setting their work schedules. They want help in balancing the competing demands for time between their families and their jobs. When surveyed in March by Money magazine, 64 percent of the American public—and 68 percent of working women—said they would prefer time off instead of extra pay for overtime, if the law permitted such a choice.

Unfortunately, the law does not allow such choices, even though dramatic changes have taken place in America since 1938, when Congress wrote the basic law governing U.S. workplaces. Six decades ago, most laborers were employed in industrial plants or on farms. Fewer than 16 percent of married women with children in school were employed outside the home. Today, service jobs are a key part of the economy where more than 75 percent of married women with school-age children now work outside the home.

Many parents are under tremendous stress, often holding down more than one job while trying to raise their children. The strain can be even more pronounced in single-parent households or two-parent families where both spouses work. Is it any surprise that today's parents are spending 40 percent less time with their children than parents did just three decades ago? It seems there are not enough hours in the day anymore to always fulfill the demands of family and of work.

Twenty years ago, Congress overwhelmingly approved relief for federal workers by enacting flexible work options for government employees. During House consideration of the bill, then-Representative Geraldine Ferraro said, "Flexible schedules have helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities." Also, Representative Patricia Schroeder added, "Flextime increases employee morale and productivity."

Even though federal workers have enjoyed these benefits for years, the rules governing the workplace and working hours for the private sector remain frozen back in 1938. Predictably, this has created unintended burdens for millions of workers.

For example, under today's law, a worker who wants to put in 45 hours one workweek in exchange for 35 hours the next—in order to attend a child's soccer game, parent-teacher conference, or doctor's appointment—must first have an employer who is willing to pay 5 hours of overtime pay for the 45-hour week. Because many employers cannot afford additional overtime expenses, working parents are left with two choices: One is lose 5 hours of pay in order to be with a child, or miss the soccer game, school award, or doctor's appointment. That is an unfair choice parents should not be forced to make.

Employers who try to extend a helping hand to employees with flexible scheduling do so at the risk of fines and penalties from the Department of Labor. It is the law—you are not allowed to work 45 hours now in return for 35 hours in another week and still keep a full paycheck.

President Clinton has said he understands this problem and has proposed expanding unpaid time off under the Family and Medical Leave Act. Unfortunately, his plan only allows leave without pay. It was designed for periods of extended leave, not for the flexibility needed to meet the daily challenges of modern family and working life. Working parents would still have to take a pay cut to be with their children.

Mr. President, I firmly believe the time has come to bring our employment laws into the 1990's, and so I have proudly signed on as an original cosponsor of the Family Friendly Workplace Act. Our bill would create flexible scheduling options for working Americans, benefiting millions of hard-working women and men.

First, workers under this legislation would have paid flexible leave. To create time for their families, employees could choose to work additional hours in one week, to fill in a shorter week later. Employees could bank up to 50 hours of flexible leave that can be taken with pay.

Also second, employees could set 2-week schedules totaling 80 hours in any combination. For example, an employee might want every other Friday off, compensating for the day off by working 80 hours over the course of 9 days. This system has worked well for Federal employees.

Third, employees could take time and one-half off, instead of overtime pay. Employees would have the option of cashing out these comp time hours for overtime pay, if they wished. It is important to note that these options are entirely voluntary and any action must be set into motion by the employee, not the employer. Your employer can't force you to take comp time if you prefer the overtime. The bill, in fact, sets stiff penalties for coercive or abusive actions by employers.

While I believe the bill affords employees the necessary protections, should there be reports of widespread abuse under this legislation, I will be among the first to call for its repeal.

Mr. President, an editorial published in the April 7, 1997, edition of the Minneapolis Star-Tribune raised some of these same concerns—concerns I believe have been satisfied—and the newspaper found the premise behind the bill to be solid. The newspaper wrote:

> This is pretty appealing to busy Americans, many of whom would happily forgo $60 in overtime pay for the chance to spend Friday with their kids or a string of walleyes. And it is an efficient form of time management for employers who see their offices swamped with work one week but becalmed the next.

The editorial concluded by saying that

> Clinton and Congress' Republican leadership should find a way to accommodate the needs of business and American workers in a changing economy . . . After all, the whole point is flexibility.

Mr. President, I trust working parents with that flexibility because only they know what is best for their families. The flexibility is especially meaningful for the Nation's working women as well. Both Working Women and Working Mother magazines have endorsed the flextime and comptime measures in the Family Friendly Workplace Act, recognizing that 28.8 million working women stand to gain from this proposal.

Times have changed dramatically since 1938, and change is long overdue. In fairness to workers and their families, and in the interest of the productivity of our economy, it is time to modernize our labor laws and give all workers the choice of flexible work options. So Mr. President, in concluding, I would like to say that the Family Friendly Workplace Act offers much-needed help for Americans striving to meet all the needs of their families. I urge the support of my colleagues, and once again I want to thank the Senator from Missouri for his leadership in bringing this bill before the Senate.

Thank you very much, Mr. President. I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, today the Senate is debating an aptly titled bill, the Family Friendly Workplace Act. The working families of today face more challenges than their parents and grandparents could have imagined. In addition to providing for their children, parents want to balance the other demands on their time—parent-teacher conferences, little league games, doctor appointments, car pools—but have little flexibility.

The family friendly workplace will give employees the opportunity to adjust their work hours to take advantage of paid time off during the workday. It is a short, simple bill that would extend to the private sector the same benefits already enjoyed by public employees for almost 20 years. First, it will allow hourly workers the ability to bank extra time which could be taken as paid time off. Second, the measure will give employees and employers the ability to work out a flexible scheduling arrangement. Sound simple enough? Surprisingly, these common-sense practices are now prohibited under current law.

The only explanation I can find for the opposition to this proposal is the flurry of misinformation that surrounds this debate. For instance, I have received a few letters in my office from Washington labor organizations, which reveal their unfortunate misunderstanding of this bill. One letter states, "S. 4 contains no penalty to punish employers who force workers to take compensatory time off if the workers want, instead, to receive premium pay at the time-and-a-half rate, after they work in excess of 40 hours during a week." This claim is false. Not only are these options 100 percent voluntary for the employee, but, in addition to protections that already exist under the Fair Labor Standards Act [FLSA], S. 4 establishes further prohibitions against employee coercion in the voluntary acceptance of comptime. Intimidation is outlawed. Another letter I received argues that "the enactment of a less effective FLSA would jeopardize worker safety and health as employees are forced to accept excessively long and hazardous overtime assignments without pay fearing loss of future employment opportunities * * *" This claim is untrue. Let me repeat—these options are 100 percent voluntary for the employee.

I am also confused by arguments my colleagues have made against this measure. One amendment the opponents may offer would expand the Family and Medical Leave Act to grant workers up to 24 hours of unpaid leave to participate in their child's school activities. They point to a poll that found that 86 percent of the American public favor legislation that would allow workers unpaid leave to attend parent-teacher conferences. Did the poll ask Americans if they would like paid leave for these educational purposes? I also find this amendment puzzling since the first argument I hear from labor groups is that workers cannot afford to take compensatory time off since they rely on their overtime pay. I agree that many workers would not take the comptime option because they prefer additional pay. But if extra pay is their first priority, why would they be so anxious to take unpaid leave?

Furthermore, opponents cite the position of various women's organizations in Washington who have come out against this bill. Like many inside-the-beltway groups, they seem to have fallen out of step with the average working woman, since several studies contradict their opposition. For example, a study conducted by the Employment Policy Foundation reveals that women are far more eager to trade income for leisure—among women earning $750 a week, women are more than twice as likely as men to choose "fewer hours for less pay." Second, a recent poll by Money magazine found that 66 percent of the American people would rather have their overtime in the form of time off, rather than cash wages, and 82 percent said they support the Republican-backed comptime bills. Also worth noting is the endorsement of the Family Friendly Workplace Act by Working Woman and Working Mother magazines.

Even more perplexing is the President's failure to recognize the special needs of working women by refusing to allow comptime in exchange for overtime pay. While overtime pay is invaluable to many workers, nearly three out of four workers reporting overtime pay are men. In fact, overtime pay is most commonly reported in industries which are heavily dominated by men—manufacturing (73%), mining and construction (95%), and transportation (88%). Of the small number of women who work in mining and construction, only 5 percent worked overtime in 1996, while 95 percent of men did. The President's commitment to defeating this proposal will disproportionately harm women.

While these polls and statistics are helpful and revealing, I need go no further than my home State to be convinced of the value of the Family Friendly Workplace Act. One engineering firm in New Hampshire, for instance, uses a complicated formula to allow employees every other Friday off. But the complexity of their current system is exactly why they would prefer the passage of S. 4. If there is any doubt that this flextime is appealing to employees, this company, like many in the highly competitive technology industry, advertises their existing flexible week as an incentive when seeking out technical expertise. Any Senator who represents an area like the Northeast, which has a large technology presence, can understand how competitive the recruiting can be. The flex week is so appealing to potential employees, firms highlight it in their ads in an effort to outbid their competitors.

Because of the false claims, inconsistency, and bias against women, I reject the arguments against the Family Friendly Workplace Act. It is time that these options are enjoyed by all American workers, not just Federal employees. I hope my colleagues will join me in support of this commonsense legislation, and vote to invoke cloture.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I would like to briefly respond to some of the discussion that deals with S. 4, which is egregiously entitled the "Family Friendly Workplace Act." But I also want to say to my colleagues that I am going to spend a little bit of time talking about disaster relief and the failure of the House of Representatives to move forward with this legislation because I think that takes priority over all of our business here.

Mr. President, I will agree with my colleagues, starting with Senator ASHCROFT, whom I enjoy as a colleague, that this piece of legislation deals with a very important question. And the question is how people balance their commitments to work with their commitments to family. I think that is a very important question.

But I would like to just repeat one more time for my colleague from Missouri and other colleagues who want to see some kind of positive, constructive legislation passed, this piece of legislation in its present form is going nowhere. And it should not go anywhere.

Mr. President, first of all, there are two features that are automatic nonstarters. My colleague from Minnesota, whom I enjoy working with, talked about a couple of women's organizations that support this bill. My understanding is there are huge numbers of women's organizations who are in opposition, for good reason.

First of all, we have the Fair Labor Standards Act which was hallmark legislation. The idea here was the 40-hour week. If you worked overtime you get overtime pay. That is very important. There are a whole lot of families with incomes below $20,000, $25,000 a year for whom overtime pay is key.

What we are doing with this legislation, which has this sort of happy-face title, the "Family Friendly Workplace Act," is we are now moving from a 40-hour week, we are abolishing it and we are going to an 80-hour 2-week period whereby an employee could work 50 or 60 hours one week, 30 or 20 hours the next week and not get paid any overtime.

If you think that the reality is in the workplaces throughout this country that employees are equal partners in this decisionmaking in all these workplaces, then you might not worry about that. But the fact of the matter is, the vast majority of people, the vast majority of women and women's organizations, understanding the threat to the 40-hour week, will not accept this. This provision is not in the House bill that passed, and it should not be in this bill. It is one of the reasons this bill will go nowhere.

Mr. President, in addition, there is another feature that deals with flextime which essentially says you can work overtime and then you can take that hour off or however many hours you worked, but you do not get an hour and a half off for an hour overtime so it becomes a cut in pay. Again, you have two features in this bill that are in direct contradiction to the Fair Labor Standards Act and, therefore, going nowhere.

Now, the third point I want to make is that there has to be some guarantee, some way that we protect people for whom being able to work and working overtime and being paid overtime is critical to their family's income. In a huge percentage of families with incomes under $20,000 a year, the household head works overtime. So what you do not want to have happen is a situation where an employer is only going to give the overtime to those people who take comptime as opposed to people who want to have time-and-a-half pay. Again, so far, we have not seen any willingness to sit down and negotiate and compromise on some of these questions.

Mr. President, in committee Senator MURRAY talked about an extension of the Family and Medical Leave Act which was terribly important. The Senator may, while she is here, raise a question with me about this, and I am pleased to do a colloquy with her on that. In addition, I had an amendment in committee which said if there is a situation dealing with Family and Medical Leave Act considerations where there is sickness in the family or whatever and you banked 20 or 40 hours, you should be able to take that time off; you do not need to ask for permission.

Mrs. MURRAY. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mrs. MURRAY. The Senator from Minnesota is correct that during the debate on this bill I have talked consistently about the fact that women do want flexibility in the workplace in order to make sure they can take care of their children when they need to.

The concerns we have continuously raised about the bill we are debating is who decides when that woman or man, father or mother, gets to take that time—whether the employer decides or they do.

When it is your child's conference time at school, your employer cannot say, or probably will not say to you, "You can take your conference time next week." You need to go to them as an employee and say, "My child's conference is next Thursday at 10 o'clock. I need to take an hour to go visit with my child's teacher."

Let me ask the Senator from Minnesota, the option that I am offering that allows 24 hours off a year for parents to participate with their child, in your opinion, would that give employees the ability to have some control over their time and their ability to participate with their families?

Mr. WELLSTONE. Mr. President, in responding to the question that the Senator from Washington has raised, that is really what is at issue here. There is an alternative that Senator BAUCUS and others have presented which really does give the employees the flexibility, if that is what this is about. We have to make sure that employees have the flexibility so that if they need to take the time off—time, I might make the point, time that they banked—if they need their comptime because they want to go to school and visit with the teacher or because they have an elderly parent that is ill, they ought to be able to do it. If we really want to give them flexibility, we should give them flexibility. That is not in this piece of legislation.

I also say to the Senator from Washington that, in addition, we have a very serious problem here. Sometimes I think here in the Senate we lose sight of the reality of the circumstances of many families in our country. We have a paradoxical situation where we have this impressive abundance, an affluence and good macroeconomic indicators, but at the same time, we have large numbers of families that are struggling to earn a decent living and raise their children successfully. People are still feeling the economic squeeze, and one of the ways people are able to put food on the table and support their families is to be able to get that overtime pay for working overtime. We are not going to abandon that principle.

This legislation in its present form will be defeated again tomorrow. People gave their sweat and their tears for fair labor standards and for a 40-hour week and for the idea that if you work overtime you get overtime pay. Now, if we want to really give employees the flexibility, we should do so. But you do not have a cut in pay with flextime, you do not have a cut in pay by abolishing the 40-hour week and going to an 80-hour 2-week framework. You make sure that employees, in fact, if they bank that extra time, that flextime, are able to take it off, time and a half for every hour worked overtime to be with their child or to be at a doctor's office with their parent. They get to do it. They do not have to ask for permission. You certainly make sure that you do not have any discrimination whereby this becomes too good a deal in its present form for too many employers, and the only people, I say to my colleague from Washington, that they give any overtime to are those people who will not ask for overtime pay, who will only ask for comptime. That is what is at issue here.

I agree with the question, which is this is all about working families. This is all about how people balance commitment to work with balancing a commitment to family. But this piece of legislation does not give employees the flexibility, and this piece of legislation does not give people the guarantee that they will not be discriminated against and no longer able to obtain overtime pay for overtime work which is so important to so many families that are barely able to make ends meet. This piece of legislation takes the Fair Labor Standards Act and it turns it on its head. It literally overturns 50 or 60 years of people's history. It is too bad, because we could pass a piece of legislation.

My colleague from Missouri has a good idea, at least in the goal of giving employees the flexibility. But in its present form, this piece of legislation will go nowhere.

Mr. President, now, I understand I have not looked at some of the amendments—Senator GRASSLEY's amendment. We also, in committee, were talking about the whole problem of bankruptcy and what happens to people who have earned this time. I think maybe the ceiling is too low and we have to have a higher threshold. Maybe something can be worked out on that, but then I hear there is another amendment that wants to apply this piece of legislation to the Congress, to staff, the people who work here.

Well, Mr. President, I think that most of the people who work here—I have to look at all of the specifics, but I would think that a lot of people who work here might say, well, we would rather go forward and not backward. Right now, I think, people would be kind of worried about losing some of their fair labor standard protection or they would be worried about not being able to work overtime and get overtime pay. I do not think people want to see that. I also think employees here working with us want to make sure that if they bank the time, they will be able to take it off when they need to take it off to be with their families.

So, again, Mr. President, you cannot take a piece of legislation that is flawed, I say with some regret, badly flawed for the vast majority of families in this country, and now apply it to people who work here, which just compounds the problem. Make this a good piece of legislation, and then, I say to my colleague from Iowa, and then we should apply it. I am all for that.

DISASTER RELIEF

Mr. WELLSTONE. Mr. President, I want to mention to some of my colleagues that with some regret, at least for a while this afternoon while I have the floor, there probably will not be a lot of discussion about this important piece of legislation, because I am now at the point, as a Senator from Minnesota, where I could not have any more patience for the political process here.

We have had people in our States, and the Chair, I know, would feel the same, and I believe my colleague from Missouri would feel the same way, who have been through an absolute nightmare. We have communities where everybody had to evacuate—total devastation. We have one community in Minnesota, East Grand Forks, across the Red River from Grand Forks, and everybody had to leave and the people are still waiting for the Congress to provide them with relief. And the House of Representatives had the nerve to go into recess without providing that assistance.

Well, Mr. President, for a while this afternoon the only point of discussion while I have the floor is going to be about the problems that we are facing in States that have been flooded, in States that are waiting for this disaster relief, because I think this ought to be the priority for the Congress. Whatever I know about this political process, whatever leverage I have as a Senator, I am going to use it. I will slow up whatever I can slow up. I will stop whatever I can stop. I will do it this week, and I will do it next week and I will do it as many weeks as I need to, until that disaster relief bill is passed. I do not know what else to do. I do not know what else to do.

Mr. President, let me just talk a little bit about what is going on here. What we have is a situation where some people are playing politics with the emergency supplemental as opposed to getting this relief out to people who are trying to rebuild their lives.

Can you imagine, I say to the Chair and my colleague from Missouri, can you imagine how people in Idaho and Missouri would feel when their homes have been destroyed? We worked together in a bipartisan fashion, and Senator STEVENS was a big part of that. We came up with not only the funding for FEMA, but most important of all is some small business loans we came up with in what is called Community Development Block Grants, moneys which would enable people to move forward with buyouts for people who live in the floodplain, enable people to have assistance to rebuild their homes. That was the good news part. We were on our way.

And then we had a disagreement. We had a disagreement over something called the CR. Frankly, people back in the Dakotas and Minnesota do not know that much about a CR and they do not really care too much. They just thought we would have the elementary decency of providing them with some help in their hour of need. But we got a debate about the CR.

We have another debate about roads and public parks and maybe a couple of other matters as well. I would have thought that my colleagues—and I think some Republicans agree with me, so I do not think this is really so much a partisan issue; I know that in our States, Republicans agree—I would have thought that my colleagues would have had the elementary decency, the elementary decency before they went into recess, and we were going to stop them, and I cannot even remember the technical maneuver, but we were going to try and force a vote on adjournment, I guess it was, but they did not call it adjournment. We were in recess. So, theoretically, every 2 or 3 days, we were in session, but we really were not. Then people in the House of Representatives could then vote against adjournment and feel good about it, knowing that nothing had been done.

I could not believe it. The leadership in the House of Representatives—I do not even call it leadership when people in our States are in such need, waiting for some final assurance that relief is going to be forthcoming—goes into recess.

They don't even have the elementary decency to put aside what differences we have and just go forward—make sure that people know that they are going to be able to rebuild their homes, make sure that people know they are going to be able to move back into their homes, and make sure that people know that they are going to be able to go on with their lives. But no.

I am Jewish. I throw my hands around here. I am sorry, my colleagues.

But, no. They go into recess. And I am supposed to try to explain to people in Minnesota and North Dakota and South Dakota how we can play these kind of games here? People can't believe it.

To all of my colleagues, to all of the people who are here today, no wonder so many Americans sour on our political process. You have floods the likes of which haven't been seen for 400 or 500 years. You have total devastation. The hospitals are destroyed, schools are destroyed, and everybody in the town are all leaving. You have flooding. You have hail. You have snow. You have fire. And, in spite of all of that, the goodness of people comes out. They support each other, they love each other, and they try to get back with their lives. But they know they need help. And the House of Representatives goes into recess. It is unbelievable.

Now we are back here, and it is Tuesday. We hear that maybe this week this disaster relief bill will not be passed. Or maybe, people say, "Well, play a game and we will put on a continuing resolution." What does a continuing resolution have to do with the budget or have to do with getting disaster relief for people? It is called disaster relief because it is disaster. It is called an emergency supplemental bill because it is an emergency. Stop playing political games with people's lives.

So, Mr. President, now we have a situation where some people are thinking, OK, what we will do is put a continuing resolution on this bill; it has nothing to do with emergency supplemental assistance; we will send it to the President; then he has already said he will veto it; and then it will come back here. And I don't know what they will do next.

Why are they sending it to the President when you know he is going to veto it? If you want to debate the budget, let's debate the budget. If you want to debate the parks and the other issues, fine. But can't we just put aside our differences and please get the supplemental assistance to people? This is really a huge issue.

Mr. President, there are families and business owners in Grand Forks, ND. My colleague from North Dakota talked about this, and East Grand Forks. They need to know whether they are going to be part of the floodplain buyout. But they do not know. They do not know whether or not there is going to be a buyout. They do not know whether they should move. They do not know whether they should try to come back to their homes. They don't know whether there is going to be any assistance at all. The State does not know whether it should go forward. The mayors do not know what they can say to the citizens because they do not know what we are going to do because people have been waiting and waiting and waiting.

Some of my colleagues today are going to wait because I am going to talk on the floor of the Senate for a while as well because it is just simply unconscionable and it is simply indefensible that we just do not get on with the business of providing people with this assistance right now.

Mr. President, we have another problem. If we are going to start rebuilding—I think maybe in Idaho and less in Missouri. But in Idaho I think this is a bit of an issue as well. We have to get going because our building season is over come mid to late October.

So, if we do not get the approved funding now and we don't started with the construction we are not going to get it done. Minnesota is a cold weather State. It is without a doubt the best State in the country. But it is a cold State. We have to get the funding right now, or we are not going to get the construction work done.

Colleagues, there are very good, very wonderful, very strong, very loving people in Minnesota and the Dakotas, and others States as well are confronted with the fierce urgency of now. They are trying somehow to rebuild their lives. They have been through a living hell. You would not wish it on anyone. They have been waiting and waiting for us to have the decency to please get the assistance to them. And we are still playing political games here.

Mr. President, the supplemental contains $500 million in CDBG funding for flood assistance. This program is one of the oldest Federal block grant programs in existence. This gives the States the most flexibility, or it could be the most flexibility for local communities.

Let me explain what we are talking about here. Whether we are talking about floods in the Midwest, or hurricanes in the South, or earthquakes in the West, this CDBG money is critical because it fills in the cracks.

In other words, what happens is FEMA money is good for public infrastructure and some help for homeowners and the small business money in loans. But the problem is many people can't cash flow any more loans. They can't get their businesses going. They can't rebuild their homes unless they get this community development block grant money. We have to task—thank you, Republicans, and, thank you, Democrats. We work together. That was the right thing to do. But now—for the last 13 or 14 days, whatever it has been—people back in Minnesota cannot believe what they are seeing here. They don't understand these games. They don't understand why it is we just do not provide them with the assistance that they need.

Mr. President, we have seen homes destroyed. We have seen city blocks immersed in water. And our communities, Ada, Warren, East Grand Forks, and others are in tremendous amount of need. They are in hurt. And they have the task of rebuilding their neighborhoods block by block and home by home.

I would like to thank FEMA, the Federal Emergency Management Agency for their work, and its Director James Lee Witt for his leadership. He has been great. I would like to thank all of the FEMA people who are out in Minnesota. They have been great. They are real heroes and real heroines. They are doing everything they can to help people. They are working with our community. And they are thinking about again buyouts and relocation plans.

They are thinking about how to enable people to move back into their homes, and how people can rebuild their businesses. But we need to get the funding to our States now. We need to begin the process of rebuilding our communities.

Mr. President, I don't know any other way to say it. I would say to my colleagues: Quit playing political football with the lives of disaster victims. Quit playing political football with the lives of disaster victims.

I don't know anything else to do. I mean, I apologize to my colleagues. I am going to continue to talk for a while—not all day and all night and all day tomorrow. But I do want to speak for a while about this.

Really, every opportunity I get as a Senator I am going to continue to come out and hold the floor. And I think just about every other Senator will do the same thing from our States. This is going to go on. Any Senator would do it, Democrat, or Republican. What else are you supposed to do?

I mean the first thing you do is you try to appeal to the common sense of some of your colleagues. You say, look, we have some differences here. So why don't we just put those differences aside and just get the assistance to people because we don't differ on that.

This is an emergency. Let's get the emergency assistance to people now. We tried to make that appeal. That didn't work. Then you try and appeal to the goodness of people. You say, look, people are hurting. People need some certainty. People need to have some confidence that we are going to provide some assistance to people. Please, Representatives; please Senators—I think even more Representatives now that I think about it on the House side—please. Can't you just put aside the differences? Can't we just go forward with what we agree on and get this disaster relief to people?

That doesn't work.

Then you try another appeal. You say, look, Senator, if it was your State, you would want to get that assistance out to the people. You would have a tough time going home and looking at people in the eye and having them look at you and try to explain what in the world is going on here.

So you try to appeal to colleagues, and you say, "Look, I have always been there for you when you needed help in Missouri, or you needed help in Idaho, or whatever State, which is true. I remember the flooding and what they went through just a few years ago. Now we need help. Please, won't you help us get this through?

And that doesn't work.

So, since none of that works, there is only one thing to do. And that is just use the Senate rules and figure out your leverage and just do not let the U.S. Congress—in particular the House of Representatives which has this held up—go on with business as usual. We are going to talk about what is going on in Minnesota, the Dakotas, Missouri, and California, and a variety of other States.

Mr. President, I have here a letter from the mayor of East Grand Forks, MN, Lynn Stauss.

I tell you. My colleague, Representative COLLIN PETERSON, made a very good point this morning. Lynn Stauss is a part-time mayor. He makes about $5,300 a year. He is coming back out here tomorrow, and the mayor of Grand Forks, ND, as well. They shouldn't have to keep coming out here. But they have to keep coming out here to keep saying to people: "Please, Senators and Representatives, don't make the people in our communities an abstraction." We are talking about real men, real women, and their children.

I don't know how the mayor has done it. He has been incredibly courageous. He has given people a lot of hope under some very difficult conditions, I say to a former mayor, Mr. President. But I know it gets hard after a while. People start to run out of hope when we don't come through here in the Congress.

So this is a letter dated May 20, 1997. I should have brought my glasses knowing that I was going to be on the floor for a while.

Do you have any glasses? [Laughter.]

These glasses are too conservative. I thank my colleague from Missouri. I have never understood how such a good person could have such bad ideas. [Laughter.]

DEAR SENATOR DORGAN: We understand that there are currently proposals to dispose of the five hundred million in CDBG grants for disaster aid in two separate payments. Because of the magnitude of destruction of the record setting flood of 1997 and the ice storm preceding the flood on April 4, 1997 throughout the Red River Valley, especially to the communities of Grand Forks, North Dakota and East Grand Forks, Minnesota, it is imperative that the total amount of five hundred million be released to our communities without delay. The people of our communities have suffered the loss of income, homes and businesses. In addition, our streets, water system, electrical system and sanitation system have been severely damaged and require immediate attention. The public facilities as we once knew them are virtually non-existent. We are now a community without a city hall, a library, several schools, fire hall and senior citizens center.

Our number one priority is the acquisition of over 600 homes and businesses from the floodway. Immediate acquisition and relocation is the only preventive measure in relieving stress and allowing our citizens an opportunity to rebuild in our communities. Because of our short window of construction, if we do not act now our businesses and residents will have no alternative but to relocate in other communities.

We enclose for your information a copy of a proposal from Wynne Consultants which clearly depicts the aftermath and total devastation left by the flood and ice storm. We

> believe the report will provide you with a comprehensive understanding of our urgent, basic needs. The five hundred million in CDBG grants must be released to our communities to allow us the flexibility to rebuild and move forward with our lives.

Mr. President, this is from the mayor, and I just want to emphasize the importance of the words "to rebuild and move forward with our lives." Again, Mr. President, I am sorry to inconvenience colleagues, but I feel as if people in Minnesota have been inconvenienced, and I think it is important to focus on this because I think we should pass this before we do anything else.

An emergency supplemental is an emergency supplemental. That does not mean messing around, playing all sorts of political games. And disaster relief is disaster relief. It seems to me to be patently unfair and insensitive and unconscionable for the House of Representatives to go into recess and not pass this disaster relief bill or for this week all of us in the Congress to mess around and mess around and mess around and not do this work. If there is one thing we should do this week, it should be to pass this disaster relief bill. This should come before anything else. This disaster relief bill should come before, I say to my colleague—I know how much work he has put into this, and I still think there is a possibility of passing a good piece of legislation when we get down to really give-and-take discussion and work together. I do not think this bill will pass in its present form. I do not think it should.

(Mr. KEMPTHORNE assumed the chair.)

Mr. WELLSTONE. Mr. President, I do not think this piece of legislation takes first priority. I do not think some of the amendments that are on the floor right now take first priority. I am not speaking about those amendments. There is not anybody who is going to speak on those amendments for a while. I do not think those amendments should take priority. I do not think the budget, if we get to the budget sometime this week, should take priority. I do not think there is anything we could do this week that would be as important as providing people, families, who have been through just total devastation with a helping hand. Can't we do that? Can't we just provide people a helping hand? Can't we give people some confidence they are going to have some assistance so they can move back into their homes? Is that too much to ask? Can't we give some small businesses some confidence that there is going to be some access to capital and some assistance so they can start up their businesses again?

I want to tell you something. Maybe some people think some of this is funny, but I want to tell you something. A whole lot of these people, these homeowners and these business people, are leaving. They are not going to be able to stay in these communities, I say to the majority leader, who has helped us, who has done a good job, and I thank him. These people are not going to be able to move back into their communities. A lot of these people are going to leave. That is what we are now here on.

So, Mr. President, I think it is appropriate that I take the floor and speak about this because I am hearing this from people in my State. And I know other Senators are hearing this as well.

Mr. President, this is a letter from the mayor of East Grant Forks, Lynn Stauss, again, who has just done a yeoman job, to members of the task force, the Minnesota Recovery Task Force:

> Please accept the following information as our preliminary application to the Minnesota Recovery Disaster Task Force. We hope the data we have included will assist you in assessing the level of damage in East Grand Forks and allow us to receive early consideration in the coming discussion on recovery activity in our State. We consider our position to be worthy of a serious share of the Federal and State funding that will come to Minnesota. I know that you have been apprised of our damage situation throughout the Nation and statewide media over the hours of this disaster. Our city staff would welcome the opportunity to answer your questions at any time. Thank you for your time and consideration.
>
> Lynn Stauss, Mayor, East Grand Forks.

Now, Mr. President, what I have here—and it will take me a little bit of time to read this application—is the application from the mayor. I want to emphasize one more time—and, Mr. President, I would like to apologize to some citizens who have come here today who are here during our proceeding. Normally we have debate on amendments, and when I start reading from some of this I fear that for some people here that will not be—without knowing the ins and outs of all of this, it may not be relevant, but I want to just make it clear one more time I once in a while come to the floor of the Senate and do this, but not very often, and I think those of us, whether we are Democrats or Republicans, don't come to the floor of the Senate and do this and hold the floor unless we really feel strongly about something.

But, Mr. President, I do feel strongly about this. Time is not neutral. Time rushes on. There are too many people who are hurting. They have asked for assistance, and we have got people who are playing games here. There is no other order of business that should come before our passing this emergency supplemental bill that provides disaster relief to people who have been through hell. They deserve our help, and they should not have to wait. They should not have to be out there twisting in the wind. They should not have to wonder what in the world is the matter with us. This bill ought to pass this week. This bill ought to pass today. I would be proud or pleased to leave the floor right now if I only thought something was going to be done.

Mr. President, let me go on and read from this application. This is just from East Grand Forks, really not talking about—I was in Ada, MN. In Ada, MN, it was just devastating. The school was completely flooded, much of it destroyed. They are going to be able to renovate the school, but can you imagine this? Here you have the school completely destroyed. It is going to be rebuilt, but somehow those students and the teachers and the support staff and the superintendent and the parents and the neighbors all banded together, and other schools will take in those kids and those kids are now finishing school and they are going to graduate. That is inspiring.

I will tell you something, Mr. President. What is not inspiring is this Congress. What is not inspiring is the House of Representatives. What is not inspiring is the Representatives or Senators who put extraneous measures onto this piece of legislation and are not willing to get the assistance to people who need it now. That is not inspiring. We do not set a very good model for young people when we cannot stop playing games and just provide assistance to people who need that assistance.

In Ada, as well, their hospital was just, again, devastated. They had to, in the dark of night, I think it was late at night, 10, 11, 12 o'clock, they had to take elderly people out of the nursing home, had to evacuate them. It was just unbelievable what people went through. Can you imagine a hospital destroyed, the community center destroyed, the school destroyed? And can you imagine what it would be like to, first of all, be flooded out and then you are faced with a blizzard and people do not have any heat? People go through all of this and they continue to flourish, and the churches or the synagogues all come together and people help one another and somehow people make it through, although there is a lot of hurt and there is a lot of pain and probably some people are going to have to go through a fair amount of counseling to get through all this. But at the very minimum couldn't this Congress—I say this now to the majority party—pass this emergency supplemental bill now?

Doesn't emergency mean emergency? Could not we provide this assistance to people now? Is that too much to ask? Is that too much for the people of Grand Forks, ND, to ask? Is that too much for the people of East Grand Forks to ask? Is that too much for the people of Warren, MN, to ask? Is that too much for the people of Ada, MN, to ask?

I heard my colleague from North Dakota, Senator CONRAD, this morning. I thought he was eloquent. He said something like how many more days do people have to wait? I think that is an important question. How many more days, how many more weeks do people have to wait for help? How many more days do the people in our communities who are trying to rebuild their schools or hospitals have to wait? How many more days do the people who are trying to find out whether they are going to be moving or whether they are going to be staying or whether they are going to have money to rebuild their homes or to rebuild their businesses, how much longer do they have to wait? How much longer do senior citizens, many elderly people—a very high percentage of our smaller towns and communities really are comprised of elderly citizens. How much longer do they have to wait to know whether they are going to be able to live there?

The answer will be determined by what we do or what we do not do. I am determined as a Senator from Minnesota to do everything I can to make as many of my colleagues as uncomfortable as possible until we take action.

Let me repeat that. Whatever I can do to make those who are responsible for this delay uncomfortable, whatever I can do to focus attention on their irresponsibility, to focus attention on their insensitivity, to focus attention on their callousness, whatever I can do to make it clear to the leadership of the House of Representatives it is time to get serious, it is time, as my children would have said when they were younger, to get real I will do.

Mr. President, this application form—let me read from this form:

> The flooding of April 1997 caused hundreds of millions of dollars in damages to private properties, infrastructure and businesses in the city of East Grand Forks.

Mr. President, I think what I am going to do is actually read this slowly because right now time will move on slowly on the floor of the Senate:

> Damage to housing ranged from complete destruction of the properties to severely damaged basements, electrical systems, and heating systems.

By the way, built into this disaster relief bill—and I thank my colleagues, both Republicans and Democrats—is some assistance in the low-income home energy assistance program, the LIHEAP program—Senator STEVENS helped us on that—which will enable people, for example, to buy new furnaces, which will be a big help. Again, it will not happen, it will not happen until this disaster relief bill is passed:

> The vast majority of single family and multifamily dwelling units sustained damage. Similar damages to privately owned commercial properties occurred. Beyond the costs of the physical damage, these businesses have also been forced to deal with the economic loss associated with being unable to operate. Many have been unable to reopen and those that have to deal with having lost employees.

That is another issue, Mr. President. I know that when I went to Breckenridge, it was just really poignant because there I met with all of these small business people. It was not a meeting that had been arranged. I just came up to look at the flooding. And as soon as I came into the community, all of these small business people came up to me—and I am not putting them down at all, you understand—and they were absolutely desperate. I mean, there was just desperation and fear; they were really so frightened. And they were saying, look, we can't make this unless we get some assistance. And, Senator WELLSTONE, if you just give us loans, we can't cash flow those loans and we are not only worried about ourselves, we also are worried about our employees. Well, you know what? All the time I hear speeches given about small businesses, "Oh, we love small businesses. They are just like family farmers." We love them in the abstract.

You know what? We have a lot of small businesses in Minnesota and the Dakotas that have been flooded out. We have a lot of small businesses that want to rebuild their businesses. We have a lot of towns that depend on those small businesses.

I hear my colleagues always say they are for the small businesses. You know what? The best way you can be for small businesses this week is to do something concrete, which is to stop playing games with this disaster relief bill, pass this piece of legislation, and get the assistance to people so they can start their businesses up again, so they can at least begin the process of rebuilding.

The mayor goes on to say:

> The magnitude of the loss has forced the city to move forward on the implementation of measures to minimize the future possibility of a similar event occurring. At a time when the city is forced to deal with the enormous expense of reconstruction, it is also faced with considering the huge expense of future mitigation.

This is going to be a much bigger part of what we do in the future, which is mitigation, which is to try to figure out how to prevent this from happening in the first place. So people who are living in a 100-year floodplain are not necessarily going to live there. We are going to relocate some people. We are going to relocate some businesses. We are going to do that in lots of parts of this country. That is going to be a bigger part of what FEMA and other agencies do as well.

> The city is currently in the process of planning the construction of a dike-levee system which will ultimately result in the need to relocate households residing on the "west side" of the dikes. At this time, the final dike alignment has not been established. However, it is evident that at least 300 households will have to be initially relocated and ultimately 650 to 700 households need to be relocated. Businesses located in the immediate downtown also will need to relocate, probably 10 to 15 commercial properties.

Mr. President, I have here somewhere a document where Kit Hadley, who heads up the Minnesota Housing Finance Agency, said the other day that this was one of the worst housing disasters in the history of our country. It is true. I mean, when whole towns evacuate, when people become refugees, when so many people are still homeless, people who worked hard all their lives, that is a housing disaster. It is a housing disaster, I say to my colleagues in the House and I say to my colleagues in the Senate, but especially in the House. It is time to get on with the work. It is time to provide some relief to people. It is time to provide people with some assistance.

> Businesses located in the immediate downtown also will need to relocate, probably 10 to 15 commercial properties. Planning is underway to establish sites to which the business, primarily commercial and residential, relocations will occur. Several potential sites for residential relocation are currently being considered. Although no final decision has been made on the business relocations, the B-N triangle, a parcel situated immediately to the east of the current downtown district, is being considered. At each site to which the relocations will ultimately occur the establishment of essential infrastructure will be necessary—sewer, sanitary and storm water, and streets. Damage to infrastructure was citywide and included all of the major infrastructural systems.

Can you imagine this? Damage to the sanitary sewer, to the storm sewer, to the water system and the streets—all of that damage took place.

> Other public facilities, such as public buildings, were also damaged, several beyond repair, including the city hall and the fire department. Damages to park and recreation facilities and buildings were severe and widespread. Among the public structures which were destroyed were three schools.

Mr. President, this reminds me of a poignant moment. My colleague from the 7th Congressional District, Congressman PETERSON, COLLIN PETERSON, spoke at graduation—I heard about this—to the students of East Grand Forks who had been flooded out, whose school had been destroyed. He said to the students, "You know, as much agony as you and your families have gone through, you have probably learned more than you could have ever learned in school"—and I think that is true—"about yourselves and, really, about your community."

I would add to Congressman PETERSON that I think people in our communities have learned about all of the heroes and heroines that there are. Someday—as long as I am on the floor here for a while—I am going to write a book. Maybe I can get my colleague from Missouri to coauthor it. Because this would cut across all parties and all ideology, and he is like this in terms of what he believes in. What it would be, there was a book written years ago that should be immortal, by James Agee, Walter Evans was the photographer, and the name of the book was, "Let Us Now Praise Famous Men." It's a long story. Forbes magazine had commissioned James Agee back in the 1940's to go, I think, back to Alabama to write about the pathology of poor sharecroppers and tenant farmers. And he went there and lived with people. Mr. President, he, as opposed to his impression before he was there, and his thesis, he thought to himself, "It's amazing that under these conditions, people are able to survive or even flourish. They should be famous." So he wrote a very different kind of book with wonderful, powerful photographs.

We could do a book. The Chair is like this as well. Three of us could write this book, and we could title it, "Let Us Now Praise Famous Men or Women." It wouldn't matter whether they were Democrats or Republicans. What it would be, it would be about men and women in communities who do wonderful things in their community. You know what I mean? I mean, it wouldn't be cynical; it would be uplifting. It would be about all the people in our country who do really wonderful work in their communities. No one knows them. They are not nationally famous or internationally famous. They don't do it for that. But they should be famous.

Mr. President, only because I don't want to yield the floor, I would ask my colleague whether he would consider doing it with me, but then I would lose my floor privilege. But I am telling you, this would be a good book. There would be more Democrats profiled in the book than Republicans. But, you know, it would be more or less balanced. More or less.

To be more serious, it wouldn't have anything to do with parties. But there are a lot of great people in this country. And there are a lot of people who are unsung heroes and heroines. There were a lot of people in East Grand Forks and Granite Falls and Montevideo and Warren and Ada and Grand Forks who are heroes and heroines. Boy, I don't know how—I say to a former mayor—I don't know how the mayors have been able to do this. But we have had Mayor Owens and Mayor Stauss. They have been just unbelievable. Pat Owens has been—people have seen her. She didn't want it. I know that it would have been her prayer to have never had this opportunity to be such a national spokesperson, because she would never have wanted for this to happen in her community. But she has so inspired people, she has, over and over again, called on people not to give up and called on people to have hope, and has said we can rebuild our communities.

And now the big missing ingredient is our support, our assistance. We pass disaster relief bills when there are disasters. And this is a disaster. We pass emergency supplemental pieces of legislation when there is an emergency. I really think that we are doing one heck of a job in this Congress of souring people toward our political process by our failure to live up to just the sort of basic standard of decency.

Look, I don't like to say this. I should not say it because, I don't know, maybe I am giving ground here. But, you know, if some of my colleagues, some of my colleagues on the other side, if they want to have a continuing resolution and they are going to put it on this disaster relief bill because it gives them leverage—you do have leverage. You do have leverage. When people are desperate, it gives you leverage. If that is what they want to do and send it to the President, playing the game, knowing he is going to veto it, do it. Do it today. Get it done. Send it to the President, he vetoes it, it comes back here, then take it off. Everybody can claim victory. Whatever you want to do. Just get it done and just get this disaster relief bill passed.

This assistance from the Congress is not going to make people whole. It is not going to be enough. The only thing this does, it gets people at least a chance, at least a chance. Can we at least do that?

Mr. President, this is one of many articles I see here. Maybe there will be an opportunity while I am on the floor. I know there were also—I am looking for the author of this. It was in the Star Tribune. I also know the Pioneer Press—I read of the work of Nick Coleman in the Pioneer Press, which was very, very powerful. I may want to read from that, either this afternoon or tonight or tomorrow. I will not be on the floor all day and night. But I will be on the floor a lot over the next couple of days, over the next couple of weeks—who knows, over the next couple of months. I would think we will get this done.

But, you know what, my expectations are pretty low. I could not believe it, Mr. President. We had a press conference last week. I guess it was right before we went into recess. I said at this press conference—I guess it was Thursday, because we went into recess that Friday. I said that the House not sending us back something to work with, it was probably the worst—it was, for me—the lowest or most disappointing or worst time I had in the Senate. Because I thought that in the end, the goodness of people would come through. And even though people disagreed on the continuing resolution and whatnot, people would at least agree to agree on what we agreed on and get the disaster relief to people who were in such need.

There was someone at this press conference, a journalist. There was some laughter. I said, "Wait a minute. You know, I don't think I am being naive. I don't think this is naive at all to believe in the goodness of people, including my colleagues."

I love being a Senator. I get goose bumps when I have a chance to be on the floor of the Senate. I do. I never thought I would have a chance to be here. It is a huge honor, and every day you hope you will do your job well. You make plenty of mistakes, but you do your very best. It's a huge honor.

I was a teacher for 20 years. I want young people to be interested in public service. I like the people I work with. I enjoy people here in the Senate and I enjoy people in the House, agree or disagree. But there comes a certain point in time where, you know, the indignation just kind of takes over. And I have just run out of patience.

This is outrageous. This is outrageous. Frankly, I would say to people in the House of Representatives, who went into recess without sending that disaster relief bill over here and getting the job done, shame on you. Shame on you. Shame on you. Shame on you. It is not too much to expect for you to get some help, some assistance to people in our States who are in such pain and really need the help now.

They really do. Time is not neutral for them. Time rushes on. I mean, if they do not get the help, people are going to leave or families are going to just be under such pressure and without any hope, who knows what happens? But I will tell you one thing—I will tell you one thing, Mr. President—I do not want to go back to East Grand Forks and some of the other communities and look at people and try to explain to them why in the world this Congress did not take any action. I just cannot explain it. And the one thing I do know is, even if I inconvenience some of my colleagues, the one thing I do know is there isn't going to be anybody in Minnesota that is going to be able to say I did not fight for this, win or lose.

So I get to speak on the floor of the Senate now. And I will continue to speak on the floor of the Senate for a while. And then I just want to put my colleagues on notice: Everything you bring on the floor of the Senate, everything you bring this week and next week, I will look for leverage, I will somehow get to the floor, and I will do everything I can to put the focus back on getting emergency assistance to people in Minnesota and the Dakotas and our other States as well.

You know, we have some distorted priorities here when people want to play games with the lives of people who are in such pain, in such agony.

This is an article from the Star Tribune, Minnesota Star Tribune. It is called "Stains of Pain." Mr. President, the top of it reads, "The people at ground zero of the Red River flood want desperately to get on with their lives. But how do they do that when they are adrift in such wreckage?"

> The people at ground zero of the Red River flood want desperately to get on with their lives. But how do they do that when they are adrift in such wreckage?
>
> Grand Forks, N.D.—On Belmont Road, a fading sign propped against a sagging mound of clothes, furniture and appliances proclaims, "We are not what we own."
>
> At the Darbyshire house on Polk Street, a battered house knocked off its foundation, a pink "condemned" notice is taped on the front door. Look down from the notice and you look into what was the Darbyshires' basement.
>
> In north Grand Forks, in the Riverside neighborhood, a bright yellow house is stained dull brown to the eaves. The Riverside Park swimming pool is a sewage lagoon.
>
> Across the Red River, on the northwestern edge of East Grand Forks, a girl plays by the street, listless and unsmiling. She tosses a scrap of something into the air, watches it fall, then tosses it again.

I am going to read that again. "Across the Red River, on the northwestern edge of East Grand Forks, a girl plays by the street, listless and unsmiling."

Mr. President, you are talking about a little girl listless and unsmiling. I guess so, given what she and her family have been through.

Maybe what we need to do is we need to understand that these words or these articles, this is not just a distraction, this is not just statistics, we are talking about people's lives.

This little girl, Mr. President, listless and unsmiling, should not have to stay listless and unsmiling. Little children should be smiling. Little children should be happy. Little children should be looking for their future. We ought to give this little girl and her family, Mr. President, some reason to expect that will happen. And yet we cannot provide disaster relief for people who have been flooded out of their homes? We cannot provide support for little children? Sounds kind of melodramatic, Mr. President.

Mr. President, I do not want to lose my floor privilege.

Mr. President, ask unanimous consent that my colleague from Kansas be able to give a tribute to Senator STROM THURMOND, after which I then would retain my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

I wonder if I could ask my colleague how long he might want to speak. It is fine for me however long he wants.

Mr. ROBERTS. I would tell the distinguished Senator from Minnesota that I do not intend to speak more than about 10 minutes.

Mr. WELLSTONE. I thank my colleague. Whatever time he needs. I just wanted to know how much time.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. First, I want to thank my colleague from Minnesota for letting me have this time. I know that he feels very strongly about this debate and wanted to make so many pertinent comments.

(By unanimous consent, the remarks of Mr. ROBERTS are printed in today's edition of the RECORD under "Tribute to Senator STROM THURMOND.")

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, let me, before entertaining a question from my colleague, a request from my colleague, let me read from an article. And I see my colleague from North Dakota, Senator DORGAN, is on the floor. Let me read from an article, "Stains of Pain," dealing with Grand Forks, ND. This was May 25, 1997.

> It has been five weeks since the river swamped these towns. The river is back in its banks now, officially below flood stage, far from homes and businesses and children at play.
>
> But the water marks remain everywhere.

Mr. President, I was just thinking, I know some of my colleagues want to speak, but I also see my colleague here from North Dakota. I wonder whether it would be possible, Mr. President, I want to read this article, and then if there are some requests about speaking, perhaps we could do that, although I then want to make it clear that on unanimous consent, my resumption on the floor not be counted as a second speech.

Now, I want to make it clear to my colleagues if they put in that request, that would be part of my unanimous-consent agreement. I also make a request, I know my colleagues want to speak about some other things, but, for certain, if colleagues want to speak about Senator STROM THURMOND, I do not want to interrupt that in any way, shape or form. If colleagues want to speak about Senator THURMOND, fine.

Otherwise, I know there are things a few people want to cover. What we are doing here today is saying we want to focus on this and this will be it. This is the issue. This is the action that should be taken.

Mr. DORGAN. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. DORGAN. I would like to come and speak for a bit. I understand, I think the Senator from Massachusetts does wish to speak a tribute to Senator THURMOND. I suspect the Senator from Missouri wishes to pose some comments on the debate today on the bill on the floor. Perhaps we can find a way to do that. I will come back and discuss the disaster supplemental bill at an appropriate time, probably in the next 30 minutes or so.

Mr. WELLSTONE. I say to my colleague from North Dakota, that would be fine. I would like to finish reading this article and then accommodate colleagues, but I also ask unanimous consent I maintain my floor privilege. If I could finish this, let me go on with this article.

> On Polk Street, a block off Lincoln Drive, Paul Dilling stands in the front yard of his ruined house, which was submerged to the rafters. He stands by his water mark: A U.S. flag, muddy and torn, which he salvaged from the muck and stuck on a stick.
>
> But it has been five weeks of misery for Dilling.

That is really the point I am trying to make. It has been 5 weeks of misery. People have been through misery. They have been devastated, and now they wait for this Congress to pass the disaster relief bill. That is why I am saying this should be the first item of business for us.

It is interesting, there is a St. Paul Pioneer Press editorial of May 23, with a headline "Congress Can't Resist Political Gamesmanship."

> Congress has breezed out of town, leaving Washington for a long holiday recess. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

I know that my colleagues may want to have some floor time now, so I will be very brief. But let me just for a moment develop this point, and then I will keep my floor privileges. This is from the St. Paul Pioneer Press.

Now, I have not always agreed with the editorial positions of the St. Paul Pioneer Press. Sometimes I have, sometimes I have not. That is beside the point. Sometimes the St. Paul Pioneer Press will take editorial positions closer to the positions of the distinguished Chair or my colleague from Missouri. It is an interesting paper, and they, like any good editorial page, have their own integrity and they say what they think is right. But I just want to make it clear that this is not some sort of editorial written by Democrats trying to figure out a way to criticize Republicans.

> CONGRESS CAN'T RESIST POLITICAL GAMESMANSHIP
>
> Congress has breezed out of town, leaving Washington for a long holiday recess [right before Memorial Day recess]. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

We have had enough of this political gamesmanship. We have had enough of it. We have people in our States that are hurting. We have children that are homeless. We have children that have had to live through this devastation. We have families under duress. We have families under pressure. And the people in Minnesota and the people in the Dakotas and the people in some of the other States have every right to believe that the goodness of the Congress would come through and we would provide them with the assistance they so badly need to rebuild their lives.

You have people in the House of Representatives that go on vacation as opposed to providing this assistance. That is why I am on the floor today. That is why I am staying on the floor. And now I hear that this week we may not pass this. This is outrageous.

One more time: If you want to have a debate about a continuing resolution budget, debate it. If you want to have a debate about parks and environmental legislation, debate it. But do not put it on a disaster relief bill. Do not hold good people that deserve our support hostage to your grand political strategy.

Today, it is an inconvenience. We have a bill on the floor. It is a slight inconvenience. People wanted to have a discussion on amendments, and we are not doing that today. It is not a major inconvenience. But you know what? I actually think, and I do not mean this in an arrogant way, I think I am doing some of the leadership in the House of Representatives a favor, because if, in my own small way, I can put any pressure on them to do the right thing, they will be better off, because they look terrible. They look terrible. You could do a poll in Missouri, Massachusetts, Minnesota, anywhere in the country, and 99.9 percent of the people in the country would say this is outrageous. Can't you people at least provide help to people when they need it? That is what this is all about.

I say to the St. Paul Pioneer Press, I am actually being a pretty good politician. I say first to the Star Tribune, both newspapers, this is a very good article, and there are many others. This editorial of the St. Paul Pioneer Press is right on the mark.

Now, this hurts. "Despite evidence to the contrary, congressional bigwigs * * *"—I hate to hear that. But you know something, it is too easy to do. Mr. President, I do not like it when my colleagues are called congressional bigwigs.

I tell you something, you are bringing it on yourselves. I actually do not know if I should use the word "leadership" in the House, because I think it is hard to say there is any leadership when you cannot move forward on a disaster relief bill.

But I tell you something, here is a headline in the Star Tribune, "Flood Relief"—and I say to my colleague from Massachusetts, I will finish up in a moment—"Flood relief, a political football, takes another bounce in D.C."

> Congressional skirmishing delayed consideration of flood relief legislation Thursday, and the $5.5 billion aid package will not be approved until Congress returns from the Memorial Day recess early next month.

That is from Washington bureau chief Tom Hamburger, Star Tribune.

Well, Mr. President, I have plenty of articles to read from. I have applications from some of our cities that have been devastated. I will have time to continue to talk about what has happened, but I will tell you that if my being on the floor of the Senate at least for a while, at least for the rest of the afternoon, and then, as I say, all week and the weeks to come, every time I can come out here, any leverage I have to come out here and talk about this, I will keep pressing and pressing and pressing and pressing and pressing.

My colleagues are going to hear about people in East Grand Forks and Ada and so many towns, they will get tired of hearing about it. But you know what? I do not really care, because this is just outrageous.

I have some very good people I work with that are on the floor now, representing a broad spectrum of political opinion, Senator KENNEDY and Senator ASHCROFT, but I tell you something, this is not a great moment for the Congress, and I think it is outrageous what the House of Representatives did. This disaster relief bill has to get passed, and it has to get passed this week. The only way I know to try and do everything I can, there is no guarantee, is just to raise a lot of heck—I did say heck—on the floor of the U.S. Senate. I will continue to do so.

Now, I have other points I want to make, but I see the Senator from Massachusetts. I wonder if the Senator may have an inquiry he would like to make. I still have the floor, Mr. President, and I want to make it clear that if I do take any question from the Senator or give the Senator any time, I ask unanimous consent if the Senator wants to speak, either Senator, I ask unanimous consent my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object. The objection is heard.

The Senator from Minnesota has the floor, and the Senator from Minnesota is recognized.

Mr. WELLSTONE. I am pleased to yield for a question, and, Mr. President, let me say before yielding, I do not understand the objection, but I would like to let colleagues speak about Senator THURMOND and cover some other matters, and I am pleased to do that as long, again, as I get unanimous consent resumption on the floor not being counted as a second speech.

My colleague has objected, I guess, for now.

Mr. KENNEDY. Mr. President, what I would like to propose, and ask the Senator if he would agree, is that I be recognized for a period of no more than 15 minutes. I will try to make it closer to 10 minutes. And, subsequently, I see Senator ASHCROFT, who is the principal sponsor of the underlying legislation which we are debating, and I know he has been here longer than I have and has some comments and also some requests in terms of perfecting amendments, I hope he would be offered time to be able to do that, and, subsequently, the Senator from Minnesota would be recognized and that there would be no objection to his speaking at that time.

Mr. WELLSTONE. Is this a question?

Mr. KENNEDY. Just trying to work this out in a way that is accommodating. I do not know whether the Senator from Missouri wanted to be included in the time.

Mr. WELLSTONE. Mr. President, I construe this as a question from my colleague from Massachusetts. And I have said before that I would be willing to enable the Senate to have the Senator speak and topics but that I want to do it within this time limit, and if the Senator from Missouri wants to speak as well but only with the unanimous-consent agreement that my resumption on the floor not be counted as a second speech.

Is the Senator asking a question?

Mr. KENNEDY. If the Senator will yield further, pending the agreement, which I hope would take place between the Senator from Minnesota and the Senator from Missouri, I would like to be able to ask consent to speak for not more than 15 minutes, and at the time I finish the Senator from Minnesota be recognized.

Mr. WELLSTONE. Mr. President, reserving the right to object, I will not object.

The PRESIDING OFFICER. I would like to just clarify where we are right now.

Only the Senator from Minnesota has the floor.

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. And only the Senator from Minnesota may make a unanimous-consent request.

Mr. WELLSTONE. I thank the Chair.

I ask unanimous consent that my colleagues at a minimum be allowed to speak in testimonial to Senator STROM THURMOND and about Senator STROM THURMOND as long as my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, that is fine. I thank the Chair.

Mr. KENNEDY. Will the Senator yield for a question? He can yield for a question.

Mr. WELLSTONE. I am pleased to yield for a question in one moment.

Let me make it clear—and I will yield for a question in a moment—what has happened here. I just want my colleagues to know that I am out here for very good reason. They would be out here if it were their States. The Senator from North Dakota is going to join me.

But, Mr. President, I have been willing to ask unanimous consent that Senators who want to speak—at least, the Senator from Massachusetts wanted to cover something else as well—but at least speak about STROM THURMOND be able to do so, who has served for so many decades in the Senate, and as long as my resumption on the floor not be counted as a second speech.

It is a reasonable unanimous consent. My colleague from my Missouri has not agreed to do that. I just want Senators to understand what is going on here.

I am pleased to go on and speak. I just think it is a shame that Senators who want to speak at least about Senator THURMOND are not able to do so.

Mr. President, I will go on. I believe my colleague has a question.

Mr. KENNEDY. I just want to apologize, if the Senator will yield.

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. KENNEDY. If the Senator would not share my regret to Senator THURMOND for being unable to make these comments, I was unable to because of Senate business on the floor earlier today and intended to make these comments this afternoon. I hope he would understand that they are included in the RECORD, and I regret that I am denied the opportunity to make them here on the floor. It is a very unusual process of procedure in terms of senatorial courtesy. But if that is the way that is going to be, so be it.

Mr. WELLSTONE. Mr. President, I thank the Senator from Massachusetts.

Mr. President, let me continue.

Mr. President, let me now return for a while. We will get back to the disaster relief. Let me now turn to S. 4. I will speak some about S. 4.

Mr. President, let me also say to Senator THURMOND, before I do so, that I would like——

Mr. ASHCROFT. Mr. President, I would like to call the Senate to order under the Pastore rule.

The PRESIDING OFFICER. The Senator from Minnesota will confine his debate to the specific question pending before the Senate.

Mr. WELLSTONE. Mr. President, I will be pleased to talk about S. 4, and will do so.

Mr. President, we have here what is called the Family Friendly Workplace Act. Mr. President, in all due respect, it is hardly friendly to families.

Mr. President, as I have mentioned earlier, we have to approach legislation sometime in the sense of history. There was once an exchange I had on the floor of the Senate with my colleague from Missouri where we talked about a song, "Which Side Are You On?" Florence Reese actually wrote it. Florence Reese was a great troubadour for working people and for unions, especially mine workers.

Mr. President, when we were able to pass the Fair Labor Standards Act in the 1930's, that was an enormous step forward for working people.

This piece of legislation, Mr. President, essentially wipes out almost 60 years of people's history.

Mr. President, for those who are watching this debate, since we are going to talk about this bill for a while before we again talk about disaster relief by the rules that I am now under, for those people that are watching this debate, one of the things that was most important about the Fair Labor Standards Act was the idea of the 40-hour week. The idea was that if you worked overtime you would get overtime pay.

Mr. President, I am speaking without notes. So I don't remember the exact figures. But I believe somewhere in the neighborhood of 60 percent of those households with incomes under $20,000 a year depend on overtime pay.

So, Mr. President, one of the things which is a dear principle here is that there is no way as a Senator from Minnesota, which is a State that believes in economic justice, that I am going to let any piece of legislation, or at least to the best of my ability I am going to try to prevent it from overturning the Fair Labor Standards Act.

So, Mr. President, if you work overtime, you ought to get overtime pay. That is a cherished principle. This piece of legislation wipes that out. And it is called the Family Friendly Workplace Act?

Well, Mr. President, let me just make it clear that if you have a situation where you now have a piece of legislation that says that if people work 50 hours or 60 hours or even theoretically 70 hours a week, yes, they might only work 20 hours the next week under this legislation, or 30 hours, or whatever but they don't get any time and a half off. So it becomes a pay cut.

That is what it is all about. This isn't the Family Friendly Workplace Act. This is the Paycheck Cut Act.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. WELLSTONE. I actually won't yield for a question right now.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. So this piece of legislation, Mr. President, which is supposed to be friendly to families establishes a new framework. It is not the 40-hour week.

Second of all, you have a flextime provision which says that you work overtime and then you can take some time off but it is hour for hour. You don't get time and a half off.

Mr. President, that hardly represents a family friendly workplace.

Mr. President, I regret what I just said to my colleague. He asked me to yield for a question. I certainly will. I got caught up a little bit in sort of the, you know, kind of anger from a couple of minutes ago. I am not being at all gracious.

Mr. President, I will continue to speak, but if my colleague has a question, I think he did, I will be pleased to respond.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Did my colleague ask me to yield for a question?

Mr. ASHCROFT. I did ask him to yield for a question.

Mr. WELLSTONE. I am pleased to yield for a question.

The PRESIDING OFFICER. The Senator from Missouri is recognized for a question.

Mr. ASHCROFT. I ask the Senator from Minnesota, Mr. President, if he is aware of the fact that under the bill that the only way you can be working more than 40 hours a week without overtime compensation is to do so as a result of a voluntary agreement similar to the voluntary agreement which is entered into now by Federal employees with their employers, whereby you can schedule a 40-hour week to average over a 2-week period.

Such agreements, in the Federal system for example, provide the basis for people to work 45 hours in the first week and 35 hours in the second week, and have every other Friday off. And absent that kind of voluntary written agreement scheduled in advance, no one can be asked to work more than 40 hours in a week without being paid overtime.

As a matter of fact, absent a specific voluntary agreement, all work—all work—is conducted under the bill as if it were conducted without the bill's existence; that only with voluntary agreements is there any change in the way the bill is done. And the voluntary agreement regarding overtime work when it provides for more than 40 hours in 1 week is pursuant to the flexible schedule that is now allowed as a benefit for Federal employees.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me respond to my colleague's question.

Let me first of all just say that I have spent enough time as a community organizer, and I have spent enough time with working people, many of whom are nonunion workplaces. One big difference, of course, is that with Federal employees and public employees that a much larger percentage of the work force are unionized and that I know that what in theory can look voluntary and look like a partnership isn't always the case.

Whereas, in theory it would look like an employer couldn't say to an employee, "Look. You know, here is my proposition. I want you to work 50 hours this week, and, yes, that is 10 hours overtime, but you get 30 hours off next week. That is what I want you to do." In theory, the employee doesn't have to do it. But anybody who knows anything about the reality of many people in terms of what they deal with at the workplace knows that they don't exactly have a lot of power, and they are not exactly in a position to say no, especially when that job might be the only job there and they have to put food on the table for their kids.

People put up with a lot.

Mr. President, lest anyone think that I am some sort of devoted to class warfare, let me just examine the facts.

Last year the Department of Labor found violations of current overtime law in 13,687 cases involving 170,000 workers. They awarded over $100 million in back pay. The Department's Wage and Hour Division has a current backlog of approximately 40 percent of annual complaints.

In the garment industry, an investigatory survey conducted by the Department in Los Angeles last year revealed noncompliance with current overtime law in 55 percent of our shops.

In our subcommittee we watched the videotape feature from CBS news which chronicled a "Battle Against Overtime," apparently conducted systematically by one of the country's largest supermarket chains. The news item reported on the company's alleged practice of coercing employees to perform work off the clock; that is, without any pay in order to avoid paying overtime.

Mr. President, these practices may not be the norm for most employers but they do demonstrate the need to protect against a bill which will provide employers with a tool which they could use to avoid paying overtime.

So I have no doubt that my colleague means exactly what he says. There isn't anybody that believes anything other than that about it. He means what he says. But, what looks good in theory doesn't work in practice. That is the problem.

That is why, Mr. President, in the House of Representatives in the piece of legislation that they passed the only thing you have is the comptime. With comptime you get an hour and a half off for the hour that you worked overtime, or you get an hour and a half in pay.

That is why this piece of legislation has been called, even by some of the people in the House that supported that bill, too extreme. And it is. Because, Mr. President, what you are going to have here when you do away with a 40-hour week and you get into this 80-hour-week framework is all sorts of potential for abuses of power.

Mr. President, if we didn't have the record that I just read to you about some of the existing abuses, and the way in which there is forced overtime right now, I wouldn't worry about it. But, Mr. President, that is the reality. That is the reality. That is one of the problems.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. ASHCROFT. The Senator cites 13,000 cases that were resolved or filed in the last year. It seems to me, that demonstrates that there is an enforcement mechanism in place, and that when there are abuses that are undertaken, either under the current law, which obviously isn't perfect, or else there wouldn't be any abuses, you know, I think that is really a wrong statement because you have abuses even under the best laws. The key is whether you have enforcement. Given the fact that you have enforcement and that you have double penalties under the law that has been proposed so that you double the risk for the employer, given the fact that the law talks about the fact that it shall be against the law to have either direct or indirect coercion or intimidation, and given the fact that when you define what coercion is in the bill, you find out that it is to intimidate, threaten, coerce, includes promising to confer or conferring any benefit such as appointment, promotion or compensation, or affecting or threatening to affect any reprisal such as deprivation of appointment, promotion or compensation, don't you think that the measures in the bill provide a safeguard, and that if there are violations they could be pursued just as aggressively under the new framework, which is a framework that is already shared by the Federal Government employees? Could not the enforcement personnel also enforce this kind of law, especially with elevated penalties and the increased description of coercion?

Mr. WELLSTONE. Mr. President, I say to my colleague, he raises a couple of important questions and good questions. The fact that the law does not work so well now does not mean that we now make the existing law even weaker with the hope that somehow it will work better.

That is my first point. My second point, Mr. President, is that we have a backlog. We have a significant backlog of cases, and my understanding is that another problem with the bill is that not only does the bill not exclude certain categories of workers, like people in the garment industry that should be excluded given the existing record, but you don't have the existing woman- and man-power enforcement. We are going to need more of that.

Third, I say to my colleague, I think what he is talking about would be helpful especially if we wanted to pass a piece of legislation and one of the areas where we would really have to toughen this up is we have to make sure that there is not any discrimination here.

I talked about this earlier. What I was talking about earlier is what many people as they now come to find out—at first I think people really liked the bill when they first heard about it. They liked the bill because my colleague is on to something important and he is trying to do something I think important. And that is, people were saying look, you know, if there is a way that we could have more flexibility and could be able to spend more time at home and we could have the flexibility to get the comptime and time-and-a-half off instead of time-and-a-half wages, we would like to have that option.

But what people are deathly afraid of, and for good reason, is what's going to happen is that in the absence of some sort of protection here against discrimination, there is going to be no guarantee that all too many employers are going to basically say, well, Senator ASHCROFT and Brian Ahlberg and PAUL WELLSTONE, there are three of you. Now, Brian Ahlberg and Senator ASHCROFT, you two folks, you want overtime work and you are willing to take time-and-a-half off but not time-and-a-half pay. We will give you the overtime work because, as an employer, as a company, I don't want to give you the time-and-a-half pay.

That is a huge problem. If we do not have some sort of a way in which we can guarantee that you will not have that discrimination, then a whole lot of families that are struggling to make ends meet may not be able to get that overtime pay that they depend upon.

So, Mr. President, let me just make it crystal clear that the bill's penalties right now for coercion do not cover the discrimination that we are worried about. And I would just make it clear that one of the things we might want to do is accept the Kennedy amendment which was turned down in committee that deals with discrimination.

The bill's penalties now apply to this kind of discrimination, and we are making progress. But, Mr. President, I am puzzled—I see my colleague on his feet, and I am pleased to take another question if he has one, but let me just say to my colleague that I am puzzled by the current approach we are taking.

It doesn't trouble me because I am able to speak about what I think should be the priority of this Congress, which is getting disaster relief to people in communities in Minnesota and the Dakotas, and I will be back on that at 5:20 or whenever I can, but I would say to my colleague, I am puzzled with the approach taken here because this bill is not going to pass, and yet my colleague is really—I mean, the last thing I want to do is say something that is going to offend him. I mean, I will in terms of different debate, but I am not going to do it personally, because he is for real. He believes in what he is doing.

It seems to me there is a way you could really get the flexibility for the employees and you could really accomplish the goals of that, but I do not get to say that because he is the author. He probably feels he knows best. But I am telling you right now, if you do away with the 40-hour week, you are not going to get the bill passed.

You have this 80-hour, 2-week framework which we do not have in the House—their bill is more moderate—you are not going to get this bill passed. You have the flextime where you only get 1 hour off for 1 hour overtime, you are not going to get this bill passed. And if the penalties that my colleague talked about for coercion do not cover this kind of discrimination, then you are not going to get this bill passed.

Mr. ASHCROFT. May I ask the Senator a question.

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. ASHCROFT. May I ask the Senator, does he think the Senators on his side of the aisle intend to offer amendments that we can begin to process providing the kind of relief to the private sector that people in the Government area have in terms of these flex benefits? We have flextime benefits. We have comptime benefits. Flexible time, in particular, is available to governmental employees. In the 1996 survey conducted by the Census Bureau, only 6.6 percent of all hourly paid women, for example, got overtime pay in a typical work period, and if we are only going to deal with comptime, we are dealing with a very, very small number.

Now, when you talk about Federal Government employees and their ability to have flexible working arrangements, we are talking about a broad population, because flextime applies to those who do not normally get overtime work. Are there any—does the Senator know of any Senators on his side of the aisle who will be offering amendments to get that done?

Mr. WELLSTONE. Mr. President, a couple of points I would like to make to my colleague. The first one is, we will get to some of those amendments. We filed amendments. But I have to say to my colleague that we are not likely to get to those amendments until we pass a disaster relief bill. So the first answer to his question is just that; I do not think we are going to get to these amendments until we pass the disaster relief bill.

The second point I would make to my colleague is that I will be very interested in all of these figures. I do know that in, roughly speaking, 60 percent of the cases of families with incomes under $20,000 a year, you have a worker who depends upon overtime pay. And whether or not we are talking about women or men, it seems to me this is terribly important. Of women who work overtime, 38 percent of hourly workers earning overtime pay are women—38 percent. And 11.6 million women work over 40 hours each week.

Let me repeat that—11.6 million women work over 40 hours each week. This is 22 percent of the working women in this country. And 6.2 million women work over 48 hours each week. This is 12 percent of working women. And 2.3 million women work over 59 hours each week. This is the 4 percent of working women. So let me just——

Mr. ASHCROFT. Will the Senator yield for a question.

Mr. WELLSTONE. Let me just make the point if I could, Mr. President, it is really quite astounding, and it says something very fundamental about where we are in this debate. Thirty-eight percent of hourly workers earning overtime pay are women; 11.6 million women work over 40 hours each week. This is 22 percent of working women.

Mr. President, this is not surprising. This is not surprising at all because we have got in our country—let me just make this clear. In our country we have a paradox. On the one hand, we have this affluence which we are grateful for, but on the other hand, we have many families who are still unable to make a decent living and raise their children successfully, and many women are working full-time and many women are working overtime.

You have an alternative bill, if we wanted to have some give-and-take discussion, you have an alternative bill of Senator BAUCUS, Senator KERREY, and others which makes it clear that what we do is take in part what the Senator from Missouri has done, but we extend it and we say, look, there are going to be penalties and we are going to have some protection against discrimination so that an employer cannot say to a woman who is working, or, for that matter, a man, look, we will give you overtime if you take comptime but we will not give you overtime pay.

That is unacceptable. It is just simply unacceptable. And, Mr. President, that is where we say, if you will, in the words of Florence Reese, which side are you on? That is where we draw the line.

Mr. ASHCROFT. May I answer that question.

Mr. WELLSTONE. I would be pleased to take a question in one second. Let me just finish this. Let me just finish it real quickly.

I have to go back to this case of whose side are you on. We are on the side of working families when we make it clear that the 40-hour week is protected. And if you work overtime, you are entitled to time-and-a-half pay. We are on the side of working families when we make it clear that if you want to get some time off to be with your families and you have worked overtime, you should get time and a half. We are on the side of working families when we have a piece of legislation that makes it crystal clear that no employer can discriminate and put people in a position where the only kind of overtime work they are going to get is if it is your comptime and not overtime pay.

We are on the side of working families when we make it clear that for family and medical leave reasons, if you have banked your time and you have 30 hours of banked time and now you have a child sick or you have a parent that is ill, you can take that time off. You do not have to ask for permission.

None of those features are in this legislation right now, and therefore this legislation in its present form will go nowhere. And, yes, there will be amendments on the floor of the Senate, and, yes, there will be efforts to improve this bill. But as long as I have the floor, there are not going to be any amendments until we get to the disaster relief bill.

Now, I am not going to be able to stay on the floor forever, but that is going to be the point.

Now, Mr. President, I want to make it clear I can only yield for questions. So I cannot yield—I think the Senator mentioned he wanted to answer, he wanted to answer what I have said, and I would ask the Chair, am I correct, the Senator—I think he may have meant it differently. The Senator said I would like to answer the question. Am I correct I can't let the Senator answer any question; I can only yield to a question? So, Mr. President, I would be pleased only to yield for a question from my colleague.

The PRESIDING OFFICER. The Senator is correct. Does the Senator from Missouri have a question?

Mr. ASHCROFT. Yes, I do. I will try to phrase this in the form of a question. When the Senator from Minnesota asks whose side am I on, he indicated that 38 percent of the hourly workers, overtime pay workers were women. That really means that 62 percent are men. Almost twice as many men in the equation are overtime workers as are women and that really does not talk about the number of women generally who are workers that rely on overtime or have the chance to get overtime.

My question is, for the vast majority of workers that do not get overtime at all, and especially for women who are outranked about 2 to 1 by men in terms of the privilege of getting overtime, setting all those aside, you are doing something for the people who get overtime, and it is true that your proposal addresses those people and there are two men in that group for every woman in that group. That is what your own statistics basically show. So you are doing something for mostly men who get overtime. But for the people who do not get overtime and still have sick kids and still have families that have trouble and still need to have flexibility in their workplace, what are you proposing for those individuals? And are there going to be amendments to this legislation that propose to do something to give them flexibility?

Mr. WELLSTONE. Let me just respond to my colleague in two different ways.

First of all, a pay cut where people are no longer able to get overtime pay or may be put in a position that they do not get overtime, time off for overtime worked doesn't help anyone. It does not help working women. It does not help working men. And it does not help working families. It is, if you will, elementary.

Second of all, as a matter of fact, if you look at the alternative—this is what puzzled me about my colleague here. If you look at the alternative that is being presented by Senators BAUCUS and KERREY and other Democrats, and I would assume there would be Republican support, as a matter of fact, that is exactly what we are talking about, which is what you have in this alternative. You have comptime—that is what it is about. It does not abolish the 40-hour week. It does not amount to a pay cut. It is time-and-a-half off for every hour you have worked overtime. It provides the protection against the discrimination so employers are not able to only give overtime to people who take comptime as opposed to people who need the overtime pay. It makes sure that you get the flexibility that we say the employees want.

That is part of it. The other part of it is, in all due respect to some of the employers in our country, not all of them—there are, of course, many great employers—the fact is—and in the subcommittee we heard testimony to this effect.

The fact of the matter is, right now there are all sorts of opportunities for flexibility. You don't have to overturn the Fair Labor Standards Act. People can work 4 10-hour days and then take a Friday off or a Monday off; they can work 9-hour days and work half a day Friday or take every other Friday off; people can come in at 7 and leave at 3; they can come in at 10 and leave at 6. There are employers right now that provide employees with that flexibility.

The real problem is that a lot of employers don't give employees that flexibility. So, all of a sudden I become a little skeptical, as a Senator from Minnesota, where we put a real value on economic justice and work and families, when the very people who do not give the employees the flexibility they could right now, come in and testify to the need for this bill. I remember we had testimony from a representative of the National Federation of Independent Businesses saying, "Look, we need to do this because we can't afford to pay overtime." All of a sudden I am saying to myself, "My gosh, this is not family friendly. This is going to lead to the functional equivalent of pay cuts. This is not about giving people the choice and flexibility they need."

Mr. President, we had an amendment in subcommittee. It was turned down. It's part of the alternative. It works like this: If you bank comptime and, for example, you have 20 hours that you have earned, it's your time. Now, if you have to go to your child's school, if you need to go visit with the principal or a teacher, or you need to take care of a family member, you can use your accumulated comptime to get that time off. We could do that. Then we would have real employee flexibility.

Mr. President, I ask unanimous consent that I be able to yield for the Chair to make an appointment and that I not lose my right to the floor and that my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—HOUSE CONCURRENT RESOLUTION 84

The PRESIDING OFFICER. Under a previous order, the Chair appoints the following Senators to serve as conferees to House Concurrent Resolution 84.

The Presiding Officer (Mr. ROBERTS) appointed Mr. DOMENICI, Mr. GRASSLEY, and Mr. LAUTENBERG conferees on the part of the Senate.

FAMILY FRIENDLY WORKPLACE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, I see that I have another 15 minutes to speak about this legislation before being able to focus my attention on my major priority here today, which is the need to get disaster relief to the people in Minnesota and the Dakotas and other States, who deserve our help.

Mr. President, let me read a letter that I think is extremely important as we go through and debate this piece of legislation.

> DEAR SENATOR LOTT AND SENATOR DASCHLE: The undersigned national organizations represent many of the working women of today. We believe passage of S. 4, the Family Friendly Workplace Act, fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers. We urge you to delay consideration until a real solution can be found which truly meets the needs of working women and families. Nearly half of the work force is women and the number of women working multiple jobs has increased more than four fold in the last 20 years. S. 4 would affect hourly workers, and most hourly workers are women. The majority of minimum wage workers are women. Many of these women depend on overtime pay. Many of them want more control of their schedules, not less. Without strong protections for workers, the comptime bill will cut women's options and women's pay. For example—

And I will just read slowly.

> Someone pressured into taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut;

Let me repeat that. That's an argument I have been making. These organizations which I will list in a moment are right on the mark:

> Someone pressured to taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut[.]

So, again I would say, when it comes to the enforcement machinery, you have to deal with this whole issue.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield in just one moment. I will finish reading the letter and I will be pleased to yield:

> . . . supporters argue that S. 4 is voluntary and employees have a "choice," yet working women who have for decades faced subtle (and not-so-subtle) forms of discrimination are all too familiar with the potential consequences of not going along with the employers' wishes: isolation, intimidation and retaliation; and
>
> . . . because employees do not control when or if they can use their comp time, they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

This is pretty important because my understanding, with Federal employees get to make that choice. That is a big difference here:

> . . . because employees do not control when or if they can use their comptime they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

This is my point again. We had an amendment which would improve this bill. We could pass this bill which says: Look, you bank that time. It's your time. It's your earned compensation. If you have compelling reasons that you need that time off, sickness of child, sickness of parent—you know, what's in the Family and Medical Leave Act—you should be able to take the time off. You should not have to ask the employer. It's your time:

> S. 4 must be defeated. Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40 hour work week.
>
> Sincerely, 9 to 5, National Association of Working Women, American Nurses Association, Business and Professional Women, National Council of Jewish Women, National Women's Law Center, Women's Legal Defense Fund.

Leadership Conference on Civil Rights.

I might also add there is a coalition of 180 national civil rights, religious and working women's organizations which oppose this legislation: League of Women Voters, National Women's Political Caucus, National Women's Law Center, American Association of University Women, National Organization for Women, Women's Legal Defense Fund, National Counsel of Senior Citizens, NAACP, National Urban League, National Council of La Raza, Disability Rights Education and Defense Fund, Union of American Hebrew Congregations, Southern Christian Leadership Conference, National Council of Churches.

Mr. President, in addition, and then I will yield for a question, a couple of other organizations: Mechanical Contractors Association of America, Incorporated, National Electrical Contractors Association, Sheet Metal and Air Conditioning Contractors' National Association, AFL-CIO, American Nurses Association, National Education Association, American Federation of Teachers, Union of Needle Industry and Textile Employees, Service Employees International Union, Communications Workers of America, United Steelworkers of America, Communications Workers of America, United Auto Workers, the International Association of Machinists, Laborers' International Union of North America, United Brotherhood of Carpenters, International Brotherhood of Teamsters, International Association of Bridge, Structural and Ornamental Iron Workers, American Federation of State, County and Municipal Employees.

Mr. President, you know, it has become fashionable to do all this bashing of unions, but I have to say this. As a matter of fact, above and beyond all these women's organizations, unions really in the last half of the century-plus have been the only institutions which have consistently represented the bottom half of the population, those people who do not own all the capital and do not own the big corporations and depend on the wages and depend on being able to get overtime when they work overtime, and depend upon being able to bring in the resources to support families. It would seem to me, if this was such a great deal for working families and for working women, the very organizations which represent women and so many working people in this country would be all for it. Yet, you have major opposition.

So, I will be pleased to yield for a question, if the Senator has a question. But otherwise I will continue to make the case that this legislation, in its present form, is going nowhere. I am sorry for that, because my colleague has worked hard on it. But this legislation, it really violates some very cherished principles that have to do with fairness in the workplace: Decent wages, overtime wages for overtime work, and giving employees—employees—employees the flexibility. This legislation does not do that, Mr. President.

Now, Mr. President, since I have not been asked to yield for a question——

Mr. ASHCROFT. Mr. President, I ask the Senator if he would yield for a question? He had indicated earlier he would. If he still is of a mind to yield?

Mr. WELLSTONE. I am sorry, I am being careful about keeping the floor. I will be pleased to yield for a question.

Mr. ASHCROFT. I ask if the Senator from Minnesota is aware that the law would be enforced as it is written and not as it its characterized in that letter? I do not have any doubt that people could oppose the law as it is represented in that letter that was written by all the labor unions. The letter says that a person who takes comptime forever loses their right to the money. That is just simply wrong.

The law provides, not only do you have a choice about whether you want comptime, whether you want to be paid time and a half—and that is a clear choice and it is a choice that is to be made without any coercion, indirect or direct, or intimidation indirect or direct, or threatening—but, even after you have made that decision the law provides, not the letter but the law provides you can change your mind and decide to cash out your benefits. So, if you want the money you have the ability to say I am just going to take the money.

So, my view is I wondered if the Senator were aware of those kinds of things?

Second, if I could ask a second question, I wonder if the Senator is aware that there have been a group of people come to the floor over the last several hours who have come to me with amendments, some of which are specifically directed toward points of concern raised by the Senator, but that the Senator is unable to consider them as long as the Senator from Minnesota continues to monopolize the floor and to say that no one else will have a chance to work constructively on the bill?

Mr. WELLSTONE. Mr. President, let me respond to my colleague's second question first.

I am very well aware of the fact that Senators may want to come to the floor with amendments and I have said a number of times, and my colleague has been here during this long afternoon, I apologize for the inconvenience, but, quite frankly, right now my focus is not on whether or not some Senators can bring some amendments to this bill.

My focus is on men, women, and children back in Minnesota, in communities, many of whom have been flooded out of their homes, have been devastated, many of whom have supported one another, have loved one another. And right now they have been waiting and waiting and waiting, and waiting, and the House of Representatives went into recess and did not pass a disaster relief bill.

A disaster is a disaster. And an emergency supplemental is an emergency supplemental. So I am going to continue to be on the floor and I am going to continue to speak. If that means that the Senate cannot conduct business as usual, then I say to my colleague, that is the way it should be. Because, quite frankly, at this moment, at this point in time, my one priority is to fight like heck for people back in the State.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. Mr. President, I actually will not yield for a question right now because I want to respond to the first question first.

Mr. President, I will just say to my colleague—and I put him at a disadvantage because I have the floor right now—that based upon my knowledge of him, and I do not know his as well as I would like to, I think he would be doing the same thing.

There comes a point in time when you do not have any other choice. You have to use your language. You have to be out there fighting for people in your State.

We tried to appeal, I say to my colleague, in answering this question, we tried to appeal to common sense. That did not work. We tried to appeal to the goodness of people. That did not work. We tried to appeal on the basis of "we have supported you when your States have been hit with these disasters and please support us." That did not work.

The leadership in the House, if you can call it leadership, did something which is unconscionable. They just went into recess. It was insensitive. And now I come back and people are still waiting. We do not even know whether they are going to do it this week.

So I say to my colleague, yes, if it means I am inconveniencing colleagues, Republicans or Democrats, I am sorry, but this is what I am going to do. And, you know, I will be here for a while and I will stay at this all week and next week if I have to, as well. I am going to fight for people in Minnesota. No apologies.

By the way, it does not matter to me whether or not the people who were flooded out of the homes were Republicans or Democrats or Independents or none of the above. They are entitled to some assistance, and they are entitled to it now. This Senate is not going to be conducting business as usual until we get our priorities straight.

In response to the first question, I guess this is an honest disagreement. I mean, this letter says that someone could be pressured into taking comptime when she really wants or needs overtime pay. That is what I have been talking about. I believe they are right.

Mr. ASHCROFT. There is a second choice.

Mr. WELLSTONE. But, Mr. President, the fact of the matter is that it is only in theory. My colleague has constructed this theory, and it is a theory that employees have a choice. I have organized with people at workplaces. I have worked with people who are working under conditions that I sometimes say to them, "Look, you are going to lose your hearing. Or, you're breathing in substances that are going to take years of your life." They said, "We have no choice. This is the only job we can find." People do not always have the choice. It is not an equal power relationship; that is not the world of the workplace.

And even if my colleague was right—and I wish he was and this theory would turn out to be true and it would be the reality—why not, if you want a piece of legislation, why not err on the side of caution? Why not have a clear provision as in the alternative by Senators BAUCUS and KERREY and LANDRIEU? Why not have clear protection against that discrimination?

The second thing is, you can say that employees are protected from coercion, but it is not clear that that protects them from the discrimination.

Mr. President, the third point is whether or not people will be able to take their accumulated comptime and use it when they need to. And we do not have any guarantee of that in this legislation.

So, Mr. President, I think that the women's organizations and labor organizations that have written their letters and said, look, this is not going to help working people, are right on the mark.

Mr. President, I also want to cover for a moment the differences between the Federal workers program and S. 4. Let me just go over some things. Federal employees—I will read for a moment—have job protections that private sector workers do not. Federal workers are covered by civil service rules requiring good cause for discharge or discipline. Private employees typically are at-will employees, who an employer can fire or discipline for any reason or no reason. As long as we are talking about parity, maybe we ought to turn this around.

Mr. President, I would be pleased to go back to this debate later on. But now I want to focus on what I think is the most important priority for this Congress, and that is to get disaster relief to people in my State and to other States where people have been affected by the floods.

I would like one more time to say, I am sorry. I mean, I apologize to my colleague from Missouri, and I apologize to other colleagues for the inconvenience. But I have promised myself that I would do everything I could do. And I think maybe by speaking on the floor and holding the floor, I can get attention to this unfinished business, that I can put some pressure on people here—I am just being very honest about it—and I can just fight. This is the way you fight.

I hope, I say to my colleagues, that this disaster relief bill is put on the fast track and that people will get the work done. I want to be real clear that this has been, up until the last couple days before the Memorial Day recess, the opposite of sour. It was bipartisan. Thank you. I mean, thank you, Republicans; thank you, Democrats. We worked together. We put together a really good package. Senator STEVENS was very sensitive and very committed to what we were saying and went out of his way to help. The majority leader, Senator LOTT, was helping us. I do not believe that the House of Representatives being unwilling to deal with this, instead going home, was what the majority leader wanted. But this is the deck of cards that we have been dealt.

At this point in time, it is really a moral outrage. I am going to stay at this until the Congress does the right thing for the people in Minnesota, the people in the Dakotas.

This is an article written by Nick Coleman, Tim Nelson, and Brian Bonner, who are staff writers for the Pioneer Press. This will give colleagues a feel for why I am out here. This was written on Saturday, April 19, 1997:

> The river won.
>
> The Red River of the North overwhelmed months of massive efforts to keep it at bay Friday, bursting over, around and through the dikes of Grand Forks and East Grand Forks, Minn., surging down evacuated streets and rapidly drowning hundreds of homes.
>
> Air raid sirens on both sides of the bloated river wailed ominously all day and night as first one dike, then another succumbed to the river, which in a few short hours made a mockery of the effort to contain it.
>
> Late last night, Grand Forks Mayor Pat Owens interrupted local TV programming to urge the entire city of 50,000 people to voluntarily evacuate their homes and businesses and prepare for possible forced evacuation.
>
> With the Red on the rise last night to a predicted crest of 54 feet—a full 25 feet above flood stage—the overmatched dike sagged like the sides of a child's sandcastle at the beach.
>
> By the end of the day, several abandoned neighborhoods were swamped in roof-high water. After darkness fell, the situation appeared critical: Water had begun to seep up through downtown sewers, and the city's emergency operation center was forced to move from downtown to the outlying University of North Dakota.
>
> On the Minnesota side, most of East Grand Forks was under order to evacuate and 400 additional National Guardsmen were on the way to aid the city of 8,000.

And I say to my colleagues, I was there the day that people from East Grand Forks evacuated. And the people, they were like refugees. People were dazed.

> Normally divided by the Red River, the two cities found themselves joined in misery by a spreading river that knows no borders. At nightfall, the last bridge linking them was nearly submerged.

A should have said earlier also that one of the amazing things was the way in which—and this would be the same thing in Missouri or Kansas—people from the adjoining towns took people into their homes. It was amazing. People showed up. Even towns with all the rivalry where the high schools were always in big football games against one another, and people hardly had a good thing to say about one another, partly out of rivalry, people just welcomed their neighbors. That was the goodness of people.

That is what is so frustrating. People have done it right. They have done exactly what they are supposed to do. They have showed a real sense of community. This Congress has showed no sense of community. People back in Grand Forks and East Grand Forks and Warren and Ada, you name it, and other communities, they have shown a real sense of goodness. We have not.

Mr. ASHCROFT. Would the Senator yield for a question?

Mr. WELLSTONE. I would yield for a question in just a moment.

Mr. President, I want to continue to read this article first.

> On the Minnesota side, most of East Grand Forks was under order to evacuate—

Mr. President, I will yield for a question, but just for a question.

Mr. ASHCROFT. A point of clarification: Is the Senator aware that the U.S. Senate passed a supplemental appropriations measure that would carry the relief? I think the Senator is aware of that. And when the Senator says this Congress has been irresponsible, I wonder if he means what the Senate did was irresponsible when it passed that kind of relief or——

Mr. WELLSTONE. First of all, Mr. President, I made it crystal clear today that the House——

Mr. ASHCROFT. Well——

Mr. WELLSTONE. I will say to my colleague, I have the floor. I made it clear, Mr. President, that I cannot believe that the House of Representatives went into recess. But it is also true—and I have thanked colleagues in the Senate for their work—but I am telling you, somebody has got to make it clear, and our colleagues from the Dakotas feel just as strongly, and they have made it clear, that business as usual is not going to go on. We will use our leverage as Senators.

It is also true, however, that even on the Senate side, on the majority side, I am sorry to say, there is the idea that you should attach extraneous measures to the disaster bill. That is not acceptable. That was in the Senate bill.

All this discussion about a CR, good people back in our States do not understand what in the world people are doing playing games. That is why I talk about this Congress.

Now, Mr. President, Let me go on.

Normally divided by the Red River, the two cities found themselves joined in misery by a spreading river that knows no borders. At nightfall, the last bridge linking them was nearly submerged.

Soon after that, the National Weather Service issued an ominous assessment, raising the crest forecast by a foot. "This situation is unlike any flooding conditions ever experienced in eastern North Dakota and northwest Minnesota." Confounded by the effects of overland flooding and a rapid melt, it was the fifth time in five days that the Weather Service had revised the crest forecast.

It didn't take an official bulletin to inform Grand Forks residents they were in deep trouble.

What was so sad about this, I had visited several times earlier and people did everything they could. There were high school kids out there sandbagging. It was a great community effort. People were working day and night. They started very early on. We knew we had a lot of snow. People were worried about this. They did everything they could to get ready for this.

It didn't take an official bulletin to inform Grand Fork residents they were in deep trouble.

The scene in the deserted Lincoln Park area of Grand Forks Friday afternoon was one of almost eerie splendor, with the sound of rushing streams of water drowning out all other noises except the whumping of Coast Guard helicopters overhead and the sirens. If it weren't for the fact that hundreds of homes were being devastated while their helpless owners waited out the flood in safety, you would think you were on the banks of an untamed northern river..

And you'd be right.

Millions of sandbags, millions of dollars, hundreds of thousands of hours and months of planning were not enough. Bolstered by a rise in the Red Lake River, which flows into the Red at East Grand Forks, as well as by unprecedented overland flooding to the south—upstream on the north-flowing river, the Red surpassed all expectations and its dikes with an ease that was awe-inspiring to witness.

Water spilling over the dike several blocks to the south was rushing knee-high along Lanark Avenue, then cascading down a block-long stretch of pavement that has been transformed into a foaming spillway.

A few blocks away, the surging river poured over a 12-foot-high dike on Lincoln Drive, roaring like a waterfall and threatening to burst, unleashing the massive amount of flood water that had been held back by the dikes until yesterday.

Fireplace logs, plastic snowmen, sofa cushions, and chunks of ice drifted past in the rapid current, sweeping past stacks of sandbags, shovels and piles of sand. "We're sad about our city and what's happening," Grand Forks Mayor Pat Owens said tearfully. "It is very devastating to all of us. If I were to say one thing to the people of Grand Forks it would be keep the faith and we will make it through."

Under a bright spring sky, with lovely cumulus clouds on the horizon and birds singing nesting songs, Grand Forks was receiving the pent-up wrath of a winter of record cold and snow. Temperatures soared into the low 60's for the first time in April and residents of Grand Forks dressed in short sleeves as they turned out by the thousands in one last-ditch effort to hold some of the dikes.

All nonessential businesses were asked to close and to steer their employees towards the front lines. Cars, pickups and National Guard trucks raced up and down the muddy streets of Grand Forks, giving the city the look of a wartime capital.

The scene in a packed McDonald's restaurant on South Washington Street seemed right out of a disaster movie. A woman, her sweatshirt caked with mud, sobbed as she embraced a friend and told him that her house in the Riverside Park area of the town was inundated.

Other muddy-booted patrons stood in line for a hot meal while, in the background, a TV emergency channel blared the latest warnings.

"Riverside, Central Park, Lincoln Park areas, please leave at once," the message said. "Critical areas at this time are the Olson Drive and Elmwood Drive areas. Take with you medication, pillow, blankets, immediate clothing needs."

Evacuation at dawn.

Evacuations along the Red River started before dawn: at 5:45 a.m., the City of Grand Forks sounded emergency sirens—even though almost 1,000 people in the lowest area of the city had left their homes hours before.

Authorities did, however, have to clear out a nursing home, relocating 106 elderly residents to the library of an elementary school a few blocks away.

All told, 2,000 residents of nearly 800 homes along the river in Grand Forks had been ordered to leave after the river starting pouring over the dike south of downtown.

By 10 a.m. the water was running knee deep in the streets, and by evening, it was lapping against the windowsills of a handful of the lowest homes.

Officials estimated that more than 4,000 people—nearly 10 percent of this city's 50,000 residents—would have to find shelter elsewhere Friday night, and even more were moving away from an expected break in the city's Riverside dike. At 9 p.m., officials ordered the southern end of downtown Grand Forks to evacuate. A few hours later, the mayor made an appeal for everyone in the city to leave.

The Minnesota side.

On the other side of the river, East Grand Forks authority sent police cars through streets before dawn, exhorting the city's 9,000 residents to wake up and go immediately to the city's sandbagging facility to start filling bags.

The levees on the Minnesota side of the Red River started giving way Friday morning, prompting frantic sandbagging in the city's Point neighborhood. It had been cut off after the Red Lake River—a tributary that is one half of the area's famed forks—turned out of its channel and started running overland.

Gary Sanders, a consulting engineer who works for East Grand Forks, Minn., estimated that as many as a third of that city's homes might have to be evacuated. He and other officials spent much of the day struggling to stem the breaches in the city's dikes, hoping that massive pumps might be able to drain the area of the city along the river.

A sandbagging operation in East Grand Forks turned into a crisis at midafternoon Friday, when part of a dike holding back the Red Lake River gave way. It sent water gushing through a neighborhood just south of the Louis A. Murray Bridge.

Dozens of emergency crews with heavy machinery rushed first to repair the breach and then to evacuate dozens of residents from their homes. Polk County Sheriff Douglas Qualley eyeballed Murray Bridge and expressed concern about whether it would hold.

There was reason for concern.

"We had just got done shoring up on the west side of the bridge," said [a volunteer]. "We went to take a break, and all of a sudden it just started coming in."

Mr. President, that was another impressive thing. Not only the high school students, but the ways in which all of the students—university, college, vo-tech, community college students—were out there volunteering. It is just incredible the way in which the worst of times can bring out the best in people. Sometimes I wish it would not take the worst in times. I wish we would all be like that all the time. But the students were great, really a great help.

Within 20 minutes, the southern section of the bridge was submerged and water—sometimes settling to depths of five feet—rushed south down Third Avenue Southeast.

Jim Maughton, an Army National Guardsman working on the bridge, said water gushed at "10,000 gallons a minute" at its peak.

Vince and Sue Taylor, carrying a couple of plastic bags, trudged along with their two children.

Mr. President, that gives you a feel for some of what was happening. This is Sunday, April 20, 1997.

A city was sinking in the night.

Occasional bursts of eerie blue light in the black sky signaled the demise of electrical transformers.

Water boiled up from the sewers, spurting in fountains that were quickly submerged in rising water as the river sought to equalize itself on both sides of failing dikes.

Downtown Grand Forks was going under. Dikes were giving way along both sides of the Red River of the North.

Like some proud ocean liner fatally damaged by an iceberg, Grant Forks was dead in the water, filling up fast. And there was not a thing anyone could do but leave.

Everywhere, between the warble of the sirens, emergency vehicles splashed through the streets, blaring warnings over loudspeakers. "All residents are ordered to evacuate this area. Get out now!"

Signs in dorm windows at the University of North Dakota said, "Build the ark." But arks weren't necessary in the darkness separating Friday from Saturday, struggle from catastrophe, hope from despair.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. Mr. President, I only yield for a question, I do not yield the floor.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield only for a question.

Mr. ASHCROFT. I thank the Senator for yielding for a question with the understanding he retains the floor after the question is asked.

Both the House and Senate passed the emergency supplemental appropriations bills. Conferees have been appointed by both of the Houses, but the conferees must report out a conference report which must go to the House of Representatives first for passage before ultimately the Senate gets a chance to act on it.

Now the Senator, by expressing his concern in such a lengthy way—over concern, obviously, for individuals for whom we have great sympathy—the Senator blocks the Senate from doing its business even though the Senate cannot act on the emergency supplemental appropriations bill at this point in time.

Is the Senator aware of the fact that we are being kept from doing our business which is appropriate for us to do and that it is now impossible for us to act on a matter of greatest concern to him?

Mr. WELLSTONE. I say to my colleague that actually the conference committee is meeting to do their work right now and that goes on right now. Believe me you, when the conference committee finishes its work and we get this piece of legislation, then we will move on it right away and I will not be on the floor then. I think my colleague confuses matters a little bit in the terms of the sequence of all of this.

I remind my colleague one more time that the only reason—we should not be ahistoric. We only have to go to the question, why am I on the floor now? The only reason I am on the floor is because after all the work that we did in a bipartisan way to get help to people who really needed some certainty that they would receive some assistance, the House of Representatives' leadership decided not to do the work. They did not agree to let through what we do not disagree on. They did not do their work, and they went on vacation.

Now we are back here and I am on the floor of the Senate today, you bet, to signal to colleagues in the House and my colleagues here, let's get it done and get this bill out and stop playing games.

As to the inconvenience, toward my colleagues on other legislation which is important, I am really sorry, but in all due respect I do not think there is anybody here that is as inconvenienced by my holding the floor for a little bit of time today as are the people of Minnesota and the Dakotas. They are in the ones inconvenienced. They were inconvenienced by the House leadership refusing to do the work and just going on vacation. They have been inconvenienced by the games that people have played with this, attaching amendments dealing with a continuing resolution. People do not know a thing about continuing resolutions in Grand Forks or East Grant Forks nor should they have to.

They have been inconvenienced by other amendments that have been put on this bill.

I refer back to the St. Paul Pioneer Press editorial, in which the argument was made that it was important to stop playing games.

Mr. President, people are not stupid. People are intelligent. They know full well when they see Representatives or Senators using their pain as leverage. They know what is going on.

So, Mr. President, I again read an editorial. Believe me, there are plenty of editorials like this in papers in our States.

> Congress can't resist political gamesmanship.
>
> Congress has breezed out of town, leaving Washington for a long holiday recess. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

So, Mr. President, let me just be crystal clear about what is going on here. I come to the floor today to focus on priorities. And the priority should be simple. The priority for the House of Representatives and the Senate, for the conference committee, for our Congress this week, should be to pass a disaster relief bill. And I am going to make it very difficult for people to conduct business as usual until we do that. I think the Chair would do the same thing if it was Kansas. I really do. I am sorry to speak for the Chair. I know he can't speak. But I really think that it doesn't have a heck of a lot to do with party. It just has a lot to do with you just do what you can do to fight the people, and this is the way for me to do it.

Mr. President, since I have spoken a lot about what has not happened so far and what needs to happen, let me talk a little bit about Breckenridge. I have not spoken much about Breckenridge, MN.

> In the dark, water lapped up the streets, moving as inexorably as the hands on a clock.

This is a piece, again, in the Pioneer Press by Nick Coleman.

> Breckenridge was going under; the flood had outflanked the city's dikes.
>
> In the worst flooding so far this season, hundreds of homes and businesses on the south side of Breckenridge were caught by a rapidly rising second flood crest that took the city off-guard and quickly became more devastating than the first wave of flooding that hit 10 days ago.
>
> Bleary-eyed city officials, assisted by bone-tired troops from the Minnesota Army National Guard, evacuated 400 residents Monday night and Tuesday, trying desperately to keep the city of 3,700 from going completely under.

Mr. President, I would really like to thank the National Guard. I have not done that today. They have done a great job. It is incredible.

So many people back in Minnesota and the Dakotas have done a great job, and we have done such a miserable job here. I am not delaying disaster relief. My colleagues are delaying disaster relief. And as soon as the supplemental bill is ready to bring before the Senate, bring it before the Senate. Believe me, I will not stand in its way. This is entirely in the hands of my colleagues. It is entirely in the hands of my colleagues what happens. And I intend to be on this floor for some period of time to make it crystal clear that I am not going to be silent until we do the right thing here. It is that simple.

I ought to add that tomorrow evening the flood Senators will come to the floor and speak from 6 p.m. until 6 a.m. on the need for disaster assistance. I will get a chance to speak at 6 p.m. until 9 p.m. Do you know that 3 hours isn't enough time? I mean, there isn't enough time to try and make the case to my colleagues to do the right thing and please get the help to people.

> By Tuesday evening, parts of south Breckenridge were under 5 or more feet of water and the floodwaters continued to swell. The water was so deep that when a 5-ton Army truck veered off the curb, a National Guardsman was shoulder deep in the driver's seat, craning his neck to keep his chin above water and reaching down to the submerged gears to drive it out. An exhaust stack kept if from stalling.
>
> Residents dumped loads of dirt near a railroad line that cuts across town, hoping to stop the flood halfway through the city.
>
> But officials worried the flood would encircle them from the north. Efforts to sandbag around a nursing home failed after a night of effort.
>
> Dorothy Pierce, 77, came out of her house on the strong back of a 19-year-old National Guard trooper named Conrad Anderson, a specialist with the Duluth-based Co. C of the 434th Main Supply Battalion. Anderson ferried Pierce from her house on Second Street through the darkness in hip-high water to the safety of a Guard truck.
>
> "I just moved here from Nebraska in November," Pierce said while sitting uncomfortably on a canvas tarp in the back of the truck as it made its bumpy way back to high ground. "We don't do stuff like this in Nebraska. I got here just in time for the biggest blizzard I ever saw and the only flood I ever saw."
>
> Evacuated with Pierce was her son, Lonnie, his wife, Debbie, and the couple's three young children, Jena, 8, Donald, 6, and Dillon, 2. The children, sitting on the floor and clutching their mom, could be heard crying in the pitch-black covered troop carrier as it drove through the flood.
>
> Mama, I'm scared and I'm cold and it's dark," Jena said to Debbie Pierce. "There's nothing to be scared of," Debbie Pierce reassured her children, hugging them tight. "We're all safe."
>
> But under a hazy half moon and in a biting chill, Breckenridge was on red alert.
>
> Crews of sandbaggers labored through the night Monday in a vain attempt to stave off the wandering Bois de Sioux River, which jumped its banks and went overland, creeping into the city from the unprotected southeastern side.
>
> Everywhere, diesel engines throbbed as dump trucks carrying sand, flatbed trucks carrying as many as 50 volunteer sandbaggers and National Guard trucks on midnight mercy missions roared up and down the streets and slogged into the rising tide.
>
> But the situation was critical, the weather nasty and the outcome in doubt.
>
> "We face a real possibility of the whole town going under," police Chief Dennis

Milbrandt told the National Guard's Col. Gary Sigfrinius Tuesday morning as crews prepared to construct a makeshift dirt dike along the railroad tracks that separate the city's north and south sides.

Nearby, three 5-ton Army trucks slowly splashed through cab-high waters on Fifth Street, carrying 41 elderly residents of a senior citizens apartment building that was being evacuated as water poured into the first floor.

Reaching the still-dry railroad tracks, the gray-haired evacuees, clutching suitcases and wearing blankets to ward off the 30-degree temperatures and 7-degree wind chill, were helped off by teen-age Guard troops.

"I never thought I'd have to be fed by the Red Cross," said 79-year-old Margaret Olson as she was lifted in her wheelchair from the back of an Army truck. "I've had three strokes and colon cancer but this is something very different and I'm happy to be on dry ground again."

Lonnie Pierce, Breckenridge's utility director, said the rapid rise of the floodwaters had inundated both his family's home and his mother's home. After hours of battling with sump pumps and sandbags to try to save their homes, the Pierces had been forced to make a choice: Save the family or save the house.

"It came in awful quick here, awful high," said Pierce, 36. "Christ Almighty, we'll lose a lot of houses," he said, peering out the back of the truck as it chugged slowly past the silent, flooded homes of his neighbors, pushing a gentle wake through the black waters that lapped against the houses.

"There's just no end to this. We haven't gotten one break. All this water was out there and we couldn't do anything about it. It was bound to come."

Located where two swollen rivers—the Bois de Sioux and the Otter Tail—join to form the Red River of the North, Breckenridge picked a poor campsite.

Forecasters thought the Red River's record crest of 19.18 feet at Breckenridge last week was as high as if was going to get. But the river was at 19.10 and rising at midday Tuesday, with officials fearing it could pass 20 feet.

The first round of flooding damaged the city's north side, as the Otter Tail River overflowed. This time, it is the Bois de Sioux cascading into "South Breck," as residents here call the south side of the city.

I am going to go on, Mr. President, and read just for the Chair. I have been speaking this afternoon about a couple of different issues. But most of the time I have been focusing on the need to get disaster relief to my home. I again apologize to my colleagues who have not been able to bring amendments to the floor and to those who came and maybe didn't want to hear one speaker speak all day. But this is just an impossible situation.

I mean we have had people that have been flooded out of their homes. Almost everybody in East Grand Forks had to leave. We have schools and hospitals destroyed in towns like Ada, and people have done everything right. They have supported one another. And we are supposed to get some relief to them. Instead, people have been playing political games in the House of Representatives. Rather than getting the work done, they went on vacation. They went on recess. They didn't even have the decency to provide the assistance to people.

Now we are back in conference committee, and people are playing games.

So I am using my leverage as a Senator to be out here and to say we are not going to have business as usual for a while, and I am going to fight for people in my State. That is why I am out here reading about this flooding.

This flooding is much more severe than the first and the potential is worse yet: Breckenridge is looking down a three-barreled gun, with the possibility that the Red, the Bois de Sioux and the Otter Tail may meet in the middle of town.

"This whole year has just sucked," said Beth Meyer, a 35-year-old hairstylist who rode a National Guard truck into her flooded Seventh Street home after midnight to help evaluate her 10-year-old daughter, Samantha, and the family poodle, Whitney Houston.

Meyer's husband, Mark, and 13-year-old son, Kyle, remained behind, sandbagging and pumping to try to save the house.

In January, the roof caved in on the salon where Meyer works in Wahpeton, ND, across the Red River from Breckenridge. For the past three weeks, the Meyers and other South Breck residents have gone without phone service and been forced to go to an emergency phone bank outside the Wilkin County Courthouse, which itself was closed by floodwaters Tuesday.

The National Guard has taken over the school where the Meyer children already have missed four weeks due to blizzards and flooding. And since the first flood crest hit the city 10 days ago, the family has not been able to flush its toilets. If they needed to relieve themselves, cans were required.

Wearing a heavy Army jacket lent to her by a trooper, Beth Meyer maintained an exasperated sense of humor about the never-ending battle.

"We call this the Year from Hell," Meyer said as she gathered up her daughter in the dark.

"We're the South Breck Islanders. We're already talking about the party we're going to have this summer, if it ever dries out. We're all going to get together for an island party and we're going to have a little rubber pool in the middle of the street. With a sump pump in it."

"This is very scary stuff," said Scott Wermerskirchen, a 35-year-old science teacher who was helping out at a barricade Monday night. "I don't want to think about what will happen if we get an inch of rain. We might as well write a big check and shut the town down."

Although Breckenridge was continuing the fight, there was a palpable edge of discouragement in the chilly air Monday night and Tuesday morning, with the mood of the residents deflating with each increase in the water level.

"We got up this morning thinking we didn't have anything to worry about," said Kirk Peterson as he navigated in a fishing boat through the 5 feet of water in his back yard at 2 a.m. Tuesday.

The floodwater was almost up to the top of his garage door and was running through the first floor of the house where he and his wife, Jackie, live on Second Street.

"So much for finished oak floors," Peterson said acidly, using a flashlight to peer through the window in to his darkened home.

Peterson, a salesman, and his wife are "River Rats," meaning they belong to a Department of Natural Resources program designed to preserve and clean up state rivers. With his flashlight, Peterson illuminated a sign in his flooded window: "Please Keep the River Clean," it said.

Peterson and a friend, Errow Hensch, maneuvered their boat to a clothes pole in the back yard. Monday morning, when he first measured the rising waters, 11 inches of the pole were under water. By 8 p.m., 51 inches were under. And at 2 a.m. Tuesday, as his boat bumped against passing ice chunks and the strangely orange moon glittered off the water, the tide had risen to an even 5 feet.

"I hate to say it, but I wonder whether this whole city won't really go under," Peterson said as he steered the boat to help rescue a neighbor, Dave Shockley. "If we were smart, we would all have moved out in February."

Mr. President, as it turns out, Breckenridge was hit hard with flooding but not totally flooded out, and people are rebuilding and people are celebrating. Yes, they are celebrating the help that they gave one another. And I say to the Chair, because I know of his own small business background and his commitment to small business, it was in Breckenridge that I really first got a feel for what the small business people were thinking about. They took me to their businesses which had just been destroyed by the flooding, and they said to me, look, PAUL, or Senator, we are hearing about the Federal Emergency Management assistance, and we know they can do some repair for the infrastructure in the town, and then we are hearing about the Small Business Administration loans, but we can't cash-flow loans. It will not do us any good at all.

So all of us in a bipartisan effort got together, and we put together a good disaster relief bill with about $500 million in CDBG money for all the States affected. But this CDBG money was going to give the States, Mr. President, the flexibility to get some direct grant money to some of the businesses, and homeowners who needed it who could not cash-flow any more loans.

And that is what people are still waiting on. People do not know whether or not they are part of a buyout if they are living in a floodplain. People wonder, do we leave or do we stay? If we leave, are we going to have assistance? Is that coming? The State cannot make plans to do that. The cities cannot make plans to do that. The small businesses are still waiting. People are getting discouraged, and people are getting pretty angry. Frankly, they are probably angry at all of us. They are probably angry at all of us except for some of my colleagues from North Dakota, who have just been out here over and over again, and South Dakota and some of the other States; they have been speaking out.

But people just cannot understand the code here. They cannot figure it out. I think what people are thinking is, look, it is simple—in fact, it is a little embarrassing to me because after we passed that disaster relief bill, I was so excited I did what I think the Senator from Wyoming would do. I got on the phone and had a conference call with lots of the small papers in smaller communities—big communities and big papers in heart—and I said we have passed this; it really looks good. And then, all of a sudden, all of a sudden now we have the games being played and people are thinking, well, we have leverage on this. We want to have leverage later on on the budget and on the appropriations bills so we have to have a continuing resolution.

You can do that separately. Do it on something else. Just do not play around with the lives of people who are really in a lot of pain.

Now, as I said earlier, if I cannot persuade people to just please back off of that for now, then get the work done right now and pass this bill and get it to the President. The President is going to veto it. He already said he was because of the continuing resolution. So the President will veto it. He has to do that. And then you can show that the President vetoed it and maybe you have embarrassed him, if that is what you are trying to do, and then let us pass it clean. Let us get all the provisions off this bill that do not have anything to do with making sure that people can rebuild their lives in Minnesota and the Dakotas.

That is all people are asking. So if you want to play your game, play it. I do not think you should, but if you want to play your game, play it, but why don't you play it in the next couple days. Because I will tell you something, if not, at least on the Senate side, whenever I have an opportunity to be out here and hold the floor, I am going to do it and we are not going to do a lot; we are not going to do much else. I put the people from East Grant Forks right now ahead of my colleagues in the Senate. I just think that Mayor Stauss and Mayor Owens and other mayors have waited too long. So whatever we need to do, whatever I need to do as a Senator, I am going to do.

Mr. President, this is another piece. And there has been some really good writing because the journalists that were covering this, they saw the pain. They knew what it was in personal terms. They saw the courage of people. They saw the devastation, but they saw just that incredible determination.

But for some reason here in Washington, DC, starting with that "leadership" in the House—I say leadership in quotes; we never translate it into personal terms—the leadership in the House decided to go on vacation. It is not what the majority leader of the Senate wanted them to do. It is not what my colleagues here wanted them to do, but that is what they did.

That is why I am in the Chamber. And now I am reading that we may not pass this this week. That is just outrageous. So, Mr. President, just so my colleagues know, I probably will maybe stay in the Chamber for about another 50 minutes or so, up to about 7 o'clock, and then I think I will have had time to talk about this today, and I will come back tomorrow and figure out a way of getting in the Chamber again, if I can.

By the way, Mr. President, I really should also mention that—I mentioned FEMA, James Lee Witt. I also wish to thank SBA, the Small Business Administration. What I said about some of the businesses that are worrying about cash-flowing more loans is true. But SBA, they have been on the ground. They have tried to help. The State people have been marvelous. The State office, Jim Franklin at emergency management assistance, that office has been great. Legislators have cared. The Governor has cared. Really, in our States, we are just forgetting the party part, trying to help people. And I want to just make it clear that a lot of people deserve a lot of thanks.

So, Mr. President, I will continue to talk about this. I want to make note of the fact that Senator DORGAN had come down to the floor earlier, and he is right now tied up in a meeting on the disaster conference report. They are in conference, meeting on it, getting ready for it, and that is going to be key. We are going to need Senator DORGAN's help. But I would just say to members of the committee, thank you for your commitment. The good news is we worked together in a bipartisan way and we had something good going and people really appreciated it and we did exactly what we are supposed to do: provide people with some relief.

The bad news is then people started playing games, and then people decided not to even finish their work and had the insensitivity and the gall to just go home, go home. It is amazing to me how some people can be so generous with the suffering of others. Can you imagine a group of legislators—and now, I say to my colleague from Missouri, I am speaking specifically about leadership in the House—saying, oh, well, you know, we got these disagreements and we can't get our work done. We can't resolve this. So they go home. That is being very generous with the suffering of a whole lot of people in the country, including people in Minnesota.

Well, Mr. President, we can have all of these arguments about what is in the pipeline, what is not in the pipeline. We heard from Mr. Raines today from the Office of Management and Budget that a lot of this, a lot of this money is not going to get out there to the communities.

I talked earlier about buyouts in construction. I told you Minnesota is a cold-weather State. We have to get the work done now because come mid-October or the end of October, we are not going to have time to do this at all. So one more time I would say to my colleagues, some of whom have been inconvenienced today, I apologize, but, in all due respect, the problem of time is a bigger problem for the people in Minnesota and North Dakota because time is certainly not on their side.

Think about this. There was a piece that I read earlier about the little girl who just sort of had a vacant look in her eyes and was really looking down and not playing like you hope and pray a child would play. We know what has happened. Just imagine, I say to people, what it would be like to be completely wiped out with a flood and no longer have your home and be homeless and then people in other towns take you in. That is Minnesota. But I bet you it is every State. I love to brag about Minnesota, but I bet it is in every State. The goodness of people comes out and people take families in and all the rest. But it is hard for families because you go back, now the water has receded, now you have to go back to your homes and now you have to look at this devastation and there it is before you. And you do not know what is going to happen next.

If you have lived in the floodplain, are you now going to move? If you haven't, are you going to have the money to rebuild your home? And you are just there and you do not know where you stand. And you hear that the Federal Government is going to help.

You better believe that over the years when my colleagues have come to the floor from Missouri or from California or from Florida and they have said we need help, there has not even been any question in my mind.

Well, that is the situation right now. The only question is, where is the soul of the Congress. I say to my colleague from Missouri, where is the soul of the leadership of the House of Representatives, who do not even get the work done and send back a bill to us. Well, this time, this week there is going to be a conference committee and they are going to do the work. I feel they will do the work. I believe my colleagues will spearhead that. We are going to get this done. And as I said before, the best of all worlds will be, please, just keep all the extraneous political stuff off. Let's just pass a clean disaster relief bill and get the money out there to people, get the help out there to people.

Mr. President, let me just read about Chip Rankin. I started to talk about him.

> [He] looked tired in his National Guard fatigues, stood in the pulpit of the Immanuel Lutheran Church on Sunday, reading aloud from the Gospel of St. Luke, [this is from the Pioneer Press of April 14] recounting how the apostles, frightened by a storm on the Sea of Galilee, wake Jesus from a nap and beg him to rebuke the raging waves.

> An hour later, the 22-year-old wrestler—

Mr. President, did you hear that? Wrestler. Now we're really talking.

> at the University of Minnesota-Duluth would find himself in troubled waters.

By the way, Mr. President, while I am speaking about wrestling, the University of Minnesota-Duluth had their wrestling program shut down. It was a real shame. The title IX program is a great program. I mean, as a father of a daughter who loves athletics and is a good athlete, and having one granddaughter, the idea of full participation of girls and women in athletics is right on the mark. But the shame of it is, in a lot of these schools, in order to reach parity, what they do is go after the minor men's sports, the sports that don't have the clout. It's a political issue, I say to my colleagues. The University of Minnesota lost their wrestling program. A real shame.

Mr. President, I am not without my biases, since I wrestled and love wrestling. I do think it is a real shame. There has to be some way to make sure this doesn't happen around the country. It is so unfair, gymnastics, swimming, other minor sports—who gets to define what's a minor sport? Baseball.

> Rankin and a Guard sergeant were caught in a frightening torrent of water that threatened to wash his 2½-ton troop truck off a Norman County highway and into a forbidding sea of ice and water. Rankin's truck lurched and sagged, plunging into holes that were rapidly forming in the crumbling highway while a Hovercraft and men with ropes stood by in case they had to attempt a desperate rescue in the icy current.
>
> God, and the National Guard, would come through. But it was close.
>
> To some, it might sound like just another day on the Red River of the North, this spring of record flood. But it wasn't just another day. It was the Lord's day. A day when the weary people of Hendrum—those who haven't fled the flood—paused in their struggle against the water that surrounds them on three sides to worship in an extraordinary ecumenical service.

This was written by Nick Coleman. "Faith and the flood. It was a time of prayer, reflection and drama as Sunday came to the Red River of the North."

> You knew it was going to be a different kind of service when you saw Rankin line up a dozen troops and march them, single file, into the church, reminding them to doff their camouflage caps. This wasn't a ho-hum Sunday go-to-meeting with everyone freshly scrubbed and in their Sunday best. This was a battlefield prayer meeting, with the enemy on the horizon and coming on fast.
>
> It was a "come-as-you-are" service where the pastor sported a week's worth of grizzled whiskers and refused to take an offering because, he said, the people in the pews had been offering all week and giving all they could give. A service in a church where people have been sleeping in the basement and the congregants had mud on their boots and exhaustion on their faces. Where men and women wept without shame. Where some folks had to scoot out during the sermon to check on the pumps keeping the waters at bay. Where helicopters chattered overhead and where everyone looked at each other when the lights flickered, it being only a couple of days since the town got its power restored. Where the mayor read from Genesis about "the spirit of God hovering above the waters," and the police chief's daughter sang, "Yes, Jesus Loves Me." And where the psalm they chose for the day, Psalm 46, praised "a river whose streams make glad the city of God."
>
> The Red River isn't in the Bible. But it has taken on Biblical proportions. And, for generations, through flood and drought, blizzard and blight, the response of the people along the river, many of them the descendants of devout Norwegian Lutherans, has been to roll up their sleeves and to put their trust in their God. Praise the Lord and pass the sandbags. Or, as they simply say in Hendrum, "toss 'em."
>
> That was the tone at Immanuel Lutheran. . ..

Mr. President, I notice that my colleague from North Dakota is here. I would be pleased to yield for some questions, if my colleague has some questions. And then, if my colleague, who I know has been out here over and over again and back in North Dakota, wants to speak, then I would at that point in time—I would then ask consent to yield. But right now let me just ask my colleague whether he has any questions and respond to some questions. Then we will see what kind of unanimous-consent agreement we can get.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

The PRESIDING OFFICER. If the Senator hasn't yielded the floor, he has the floor.

Mr. WELLSTONE. I have not yielded the floor.

Mr. President, I was getting ready to yield to my colleague. He looked like he was raising his hand to ask a question. So, if he had a question, I was going to yield for the question, that's all.

Mr. CONRAD. Yes. Understanding that I don't have the floor, I am simply asking the Senator from Minnesota some questions—without his yielding his right to the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor and has the right to yield for a question.

Mr. WELLSTONE. I thank the Chair.

Mr. ASHCROFT. Has the Senator from Minnesota yielded for a question?

Mr. WELLSTONE. Mr. President, I haven't yielded for the question yet. I yield for the question.

The PRESIDING OFFICER. The Senator may proceed with his question.

Mr. CONRAD. The Senator from Minnesota has been here speaking about what we confront in North Dakota and Minnesota and South Dakota and the other disaster States. I would just ask him if he was aware of the recent editorial that appeared in the Grand Forks Herald on May 27? The bold headline in that editorial was, "4 Days Since Congress Let Us Down." And they posed the question, "How Long Will It Be Before Congress Gets to Work and Passes the Disaster Relief Bill?"

This is an editorial in the Grand Forks Herald. Grand Forks is the town that has been devastated by this remarkable series of disasters—first of all the most severe winter in our history, 10 feet of snow, followed by an incredible ice and snowstorm in early April that knocked down the electrical grid for 80,000 people, which was then followed by the 500-year flood and, in the midst of that, a fire that burned down nearly three city blocks in the city of Grand Forks that led, this combination of events, to the evacuation of virtually the entire city of 50,000 people. Mr. President, 50,000 people evacuated. We have not had that happen in America. That has not happened in American history where a town that large is virtually totally evacuated. And the neighboring town of East Grand Forks, that is in Senator WELLSTONE's home State, a city of 9,000, similarly evacuated—completely evacuated.

In this editorial, I am asking Senator WELLSTONE if he is aware of this editorial, this gives "11 Reasons To Pass Federal Disaster Bill Now."

We have heard a lot of talk from some, "Well, it doesn't matter that there has been this debate, it doesn't matter that they have had 12 days of delay; there is money in the pipeline."

There is not money in the pipeline for the Housing Department for buyouts and relocations. There is no money in that pipeline. There is no money in the Agriculture Department pipeline to give some relief to the ranchers across the State of North Dakota and across the State of South Dakota that have lost over 200,000 head of cattle. There is no money in that pipeline. And there is no money in the pipeline to allow the school districts that have taken the kids from the disaster areas to get reimbursed. There is no money in that pipeline. That is what is happening out in the State of North Dakota and the State of Minnesota and the State of South Dakota.

I ask the Senator from Minnesota if he is aware of the 11 reasons that were given in the Grand Forks editorial for the passage of the disaster bill now? The 11 points that they make in this editorial are:

No. 1, the need is great; 80 percent of the homes in that town of 50,000 people were damaged and several thousand are unlivable. We have thousands of people who are homeless, don't have a place to stay. We have hundreds and hundreds of people who are still on cots 6 weeks after the disaster.

No. 2, they point out that the disaster is different from others because it affected the entire community and there is no nearby community that can provide housing and other support for flood victims.

The third point they make is that time is of the essence. Our construction season is short. In fact, the outdoor work pretty much has to be done by October 1 in our part of the country.

The fourth point they make is that hundreds of businesses need loans and other forms of assistance to get reestablished, and that those businesses underpin the economy in Grand Forks and East Grand Forks.

Fifth, they make the point that they need to make decisions about our homes and businesses. In order to do that, they need certainty about the resources available for disaster relief efforts.

The sixth point they make is the property, in the way of flood control, will have to be bought out. The buyout money will make it possible for people in the way of flood control works to rebuild their lives elsewhere in the city.

Mr. ASHCROFT. Mr. President, I raise a point of order. It is my understanding the Senator from Minnesota yielded for a question.

Mr. WELLSTONE. Mr. President, I still have the floor, and I intend to answer the question of my colleague.

Mr. CONRAD. The Senator from North Dakota is posing a question to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is entitled to one warning. It is to be a question.

Mr. WELLSTONE. Mr. President, if I might just inquire, I intend to answer the question. But the question embodies the eight reasons, and the Senator from North Dakota is going over those, asking me if I am aware of those reasons. I can't read that chart.

The PRESIDING OFFICER. That is understood, but the Chair will rule that a statement is being made rather than a question asked.

Mr. WELLSTONE. Fine. Mr. President, if my colleague, then, in the form of a question could summarize that?

The PRESIDING OFFICER. It is the duty of the Senator from Minnesota to guard his right to the floor. That is one warning.

Mr. WELLSTONE. Mr. President, I want to make clear I was not aware of the editorial and the Senator from North Dakota—well, I was aware of the editorial. I can't lie. I was aware of the editorial. Nevertheless, I need to answer, but I can't read it from here. I would like to respond to the question of the Senator.

Mr. CONRAD. I would pose a question, a point of order to the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for a point of order?

Mr. WELLSTONE. Mr. President, I ask——

Mr. CONRAD. Perhaps I could ask that later and just continue my question of the Senator from Minnesota.

Was the Senator aware of this editorial in the Grand Forks Herald and the 11 reasons they gave?

Mr. WELLSTONE. Mr. President, I was aware of the editorial, but I do not remember all of the reasons. And as I go on and speak, it might help me if the Senator would be able to pose each of those points as a question, and then we could talk about it as I go forward.

I would be pleased to yield to the Senator for a question on each of those points, if the Senator has a question, but only in the form of a question.

Mr. CONRAD. Let me ask the Senator from Minnesota, very specifically, it has been reported in the press that this does not matter, this delay, that there is money in the pipeline. And in this editorial, they point out that it is true that FEMA is adequately funded, but that money is for immediate disaster relief, not for long-term rebuilding.

Was the Senator aware of that point that is in this editorial?

Mr. WELLSTONE. Mr. President, I am. It is a very important point. I say to my colleague from North Dakota that the key thing—and both efforts are equally important—that people need the short-term relief, but people need to think about how they rebuild their lives and whether they have a future. And that is what is so unconscionable about this delay and the House going on vacation before getting this work done.

I would say that to my colleague.

Mr. CONRAD. Is the Senator aware—again, I am asking a question—is the Senator aware that in this disaster supplemental is the money for housing assistance through the CDBG program that would allow the funds for the buyout and relocation of homes that are in the floodway?

Mr. WELLSTONE. Mr. President, I respond to my colleague that this is also an important point. The buyout of the homes in the floodway is key to the future for people. And the only way this can be done is through the CDBG money that is being held up right now.

And I say to my colleague from North Dakota, who knows this so well, that the awful thing is that so many people do not know where they stand. They do not know whether to move, not to move, where they are going to have a home. They do not know where they are going to be, where their children are going to be? People have been through enough, I would say to my colleague.

Why do we want to heap more pain on the people who have already been through so much pain? That is what is unforgivable about this delay. That is what is unforgivable about political games. That is what is unforgivable about our failure to just get the relief to people, to get this emergency supplemental bill passed. It is an emergency. Just get the disaster relief to the people.

Mr. CONRAD. In addition to the question of the housing not being available, is the Senator aware of the fact——

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. I have the floor.

The PRESIDING OFFICER. The Senator has a right to call the Senate to order.

Mr. ASHCROFT. Mr. President, I ask for recognition. The Senator from Minnesota yielded the floor without yielding for a question.

Mr. WELLSTONE. Mr. President, I yielded for a question. I made it crystal clear it was a question. The Senator from North Dakota asked me whether I was aware.

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. WELLSTONE. That is what I have done. And I have the floor.

The PRESIDING OFFICER. The Senator does not have the right to solicit a question.

Mr. WELLSTONE. I say to my colleague from North Dakota, if my colleague has a question, we will put it in the form of a question.

Mr. President, I will, in any case, just to save my colleague from Missouri some frustration—I am going to yield the floor in just a moment. I am going to finish up. I am going to respond to some questions that my colleague from North Dakota has put to me. And I will yield to questions from the Senator from North Dakota only for questions, but I intend to finish in just a few moments, I say to my colleague. I will be yielding the floor in about 5 minutes or so.

I will yield for a question.

Mr. CONRAD. I think it has been made abundantly clear the Senator is yielding to me for a question, not yielding his right to the floor.

The question I would pose is——

The PRESIDING OFFICER. The distinction here is whether the Senator has the right to solicit questions or whether the Senator has to ask to yield for a question.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will keep speaking.

Mr. CONRAD. I ask the Senator from Minnesota to yield for the purposes of my posing a question to him.

Mr. WELLSTONE. Mr. President, I yield for a question from the Senator from North Dakota.

Mr. CONRAD. Is the Senator aware that not only does the Housing Department not have funds that are in the pipeline, but then in addition to that that the Agriculture Department does not have funds in the pipeline, so livestock producers in our States, who have lost hundreds of thousands of head of cattle, have been in a situation in which they are delayed in receiving assistance that is in this disaster supplemental?

Mr. WELLSTONE. Mr. President, I am pleased that the Senator from

North Dakota has posed that question to me because I have been remiss in not focusing on livestock producers. The importance of funding that is not in the pipeline has everything in the world to do with whether our ranchers and producers are going to be able to get back on their feet.

So I say to the Senator, yes, I am aware of it. That is yet another example of families in our States—agricultural producers, who work so hard and are waiting for some help.

And I say to the Senator from North Dakota, earlier I quoted him because I heard the Senator say, the question is, how many more days do people have to wait? How many more days do the homeowners have to wait? How many more days do the small businesses have to wait? How many more days do ranchers, livestock producers have to wait? So I am aware of that.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. WELLSTONE. I will be pleased to yield for a question from the Senator from North Dakota.

Mr. CONRAD. Is the Senator also aware in the Grand Forks editorial, the 11 reasons they give for passing the Federal disaster bill now, they point out that not only the Housing Department does not have funds; those funds are not in the pipeline, the Agriculture Department does not have funds to address this disaster, those funds are not in the pipeline, and in addition to that, the school districts that have taken the children from the disaster areas, they do not have funds in the pipeline, and so those school districts that have taken on substantial additional costs are also being delayed in being compensated even though they have taken children from the disaster areas?

Mr. WELLSTONE. Mr. President, I want to respond to the questions because this is exactly what is going on. The Senator is raising these questions, and I am responding. And I thank my colleague from North Dakota, Senator CONRAD, because this is again another area that I really did not speak about and I should have.

It has been wonderful to see different school districts, a neighboring school district taking students and making sure they do not have to drop out of school, making sure they can graduate. That has been happening in Minnesota and North Dakota. That is the goodness in people.

I do not see much goodness in this Congress right now. I do not see much goodness in the House. I think we make a mistake when we go on vacation and do not come through for people.

I am aware of the fact that these schools are now waiting for some assistance for the extra costs that they have incurred in taking in other students and making sure those students graduate. And so I say to my colleague, I am aware of this, but I am glad he has emphasized this in the question that he has put to me.

Mr. CONRAD. Would the Senator further yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. CONRAD. Is the Senator aware that while some have said that it just does not make a difference, these delays are inconsequential, they really do not matter, that the people that I think we can turn to for the best answer as to whether these delays matter are the people who are affected most directly by the disaster, the people of Grand Forks, the people of East Grand Forks, and that they are telling us, their elected Representatives, that these delays do matter, that delay in the face of disaster is a disaster in and of itself?

Is the Senator receiving those same kinds of messages from his constituents as I am receiving from mine with respect to how significant these delays are?

Mr. WELLSTONE. Well, Mr. President, the Senator from North Dakota raises a very important question that I will respond to. And the question that he raises has to do with the effect of the delay both in a material sense in terms of economic resources but also in almost as serious a way, the way in which it erodes people's—it is personal— People need some certainty. People need to be able to plan for the future. People need to get through this.

This is a very difficult time. And our failure to act does not give people that confidence, does not give people that support. Moreover, I say to all my colleagues, in responding to the question from the Senator from North Dakota, the failure to act, the failure to get help to people, the playing of political games, has done an awful lot of harm. It has soured people and eroded people's confidence. That is a terrible mistake.

Mr. President, I say to my colleague from North Dakota that I am about ready to yield the floor in any case.

Mr. CONRAD. Would the Senator yield for a final question?

Mr. WELLSTONE. I will yield for a final question.

Mr. CONRAD. The Senator from Minnesota perhaps is aware that tomorrow a group will be coming from Grand Forks and East Grand Forks, a delegation of community leaders and business leaders. I think, perhaps the mayor of East Grand Forks is coming. I ask the Senator from Minnesota if he is aware of that?

Mr. WELLSTONE. Yes.

Mr. CONRAD. The message, as I understand it, is that they want to send a clear and unmistakable signal to the Congress and to the country that the time to act is now.

Mr. WELLSTONE. Mr. President, I am aware of the fact, and I will answer this question, I am painfully aware of the fact, as a Senator from Minnesota, that the mayors from Grand Forks, ND, and East Grand Forks, MN, and maybe some other mayors will be here tomorrow to say to the Congress, the time to act is now. And that is what I have tried to do today on the floor of the Senate, to say that as well.

That is what the Senator from North Dakota has said today and has been saying for a good, long period of time.

Mr. President, I hope that by holding the floor for a while this afternoon that in a small but hopefully significant way I have been able to speak for and to fight for and to help people in my State.

Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

I appreciate the opportunity to return to Senate bill 4. Senate bill 4, as you well know, is the Family Friendly Workplace Act. It was to have been the business of the Senate this afternoon. And I do understand the frustration of the individuals from the flood-ravaged States who have been victims of flooding and all. But I find it very difficult to understand why, especially when a conference report is being worked on, we have to insist that the Senate cease serving the Nation while the conference committee serves the people of the flood-ravaged areas. It seems to me that while we can do both, it would be in our best interest so to do.

And so with all respect to my colleagues who have sought to galvanize the public attention on the need to act here, I want to commend the members of the conference committee who are working to do exactly what they are being called upon to do to provide an opportunity for relief in those areas.

The Family Friendly Workplace Act is a way that we can help all Americans. We can help all Americans to balance the tension that exists between the workplace and the home place. We can help Americans who find that both parents are having to work in two-parent families. We can make sure that they have the capacity to spend the necessary time with their children that they need to spend.

So, Mr. President, I think it is important that we get on with the business of trying to provide to hourly-paid workers in this country the same kind of flexible working arrangements which have been available to others for quite some extended period of time.

As a matter of fact, in 1978, we began according flextime benefits to workers in the Federal Government system. It was done on a pilot project basis so that we could make sure we did not offend the rights of individuals and that we made sure that it was a workable system. For years, we inspected the system, and it was extended to more and more workers.

In 1985, in the Federal system we made it available to Departments generally if they thought they could use those procedures wisely and if that would be helpful to people in balancing the needs of their families with the needs of the workplace.

The major components are these. When you work overtime, instead of being paid for overtime, you might want to take time off with pay later on so that you could make up some of the lost time you have with your family.

Most Americans do not realize it is illegal now for an employer outside of the Federal Government to offer an hourly paid worker time off with pay instead of paying the normal overtime pay. Now, it is, I think, an unjust situation where Government workers have a series of benefits that the private workers do not have. Similarly, Government workers, if they know they will be needing some time for their families can request to work an hour extra one week and take that hour off the next week so they can spend the necessary time with their families.

Now, there are ways that private workers have the capacity to spend time with their families, and it is under a rubric known as the Family and Medical Leave Act, and that is a Federal law, but it says that under certain narrow conditions if you want to take time off you can take time off but you have to take time off without pay, so if you want your child to go to the doctor or you want to take your child to the doctor you can give notice to your employer that you are going to do that but you take a pay cut in order to do that.

Now, if you knew you had a doctors' appointment next Tuesday afternoon and you wanted to tell your employer you would like to work an extra 2 hours this week to take the 2 hours off next Tuesday, that is the Federal system, available to Federal employees. You work the 2 hours extra this week, you get your work done, make the arrangements, take the hours off next week and you do not end up with a pay cut but keep your paycheck intact. That is very important.

I should hasten to add that nothing in this bill would in any way erode, undermine or abolish any of the Family and Medical Leave provisions which are to the benefit of employees across America, but in conjunction with those benefits this would add a new array of potentials. One of the potentials is that you could take time off to be with your family when necessary, with pay, instead of having to go under the Family and Medical Leave Act procedures which require that you take the time off without pay.

Now, most of us are familiar with the fact that not only do Federal Government workers have comptime and flextime proposals and State government workers have been authorized a very substantial comptime proposal and the boardroom folks have comptime proposals and the supervisors and managers and all the salary people obviously have flexible working arrangements, it is the hourly-paid workers of America who are being treated as second-class citizens. Frankly, they are in a minority. The majority of workers in this country have flexible working arrangements. Hourly paid workers do not.

I think it is time that the hourly paid workers have that kind of opportunity. That is what Senate bill 4 is all about. I do agree that it is important for us to act with expedition on the supplemental appropriations bill but, in my judgment, it is also important for us when we have the opportunity like we should have had today, especially while this appropriations matter is still in the conference committee, to make progress on meeting the needs of Americans, especially when we are talking about benefits that Government workers have been enjoying in the 1970's, 1980's, and all through the 1990's now. It is time we give the same kind of opportunity to workers in the private sector. It is with that in mind that I say that I look forward to the opportunity of welcoming amendments and proposed improvements to Senate bill 4.

Now, several hours were spent today in criticism of our proposal, but the fact of the matter is none of the amendments that have been filed have been filed by those who have been criticizing the bill. If, indeed, they want to do something constructively to help workers, I invite Members of the opposition to bring their amendments to the floor and to make their amendments available so they can be filed, so we can vote on those amendments, so we can take action on them, so we can make the improvements. We will upgrade what we really need to do to help the citizens of America who do not have this privilege.

It is my understanding that the occupant of the Chair might be interested in making some remarks on Senate bill 4. I ask unanimous consent after a quorum call which I will put in place that the occupant of the Chair be recognized to make the remarks, and the conclusion of those remarks be followed by another quorum call, at which time I be recognized again to finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise today to again voice my strong support for S. 4, the Family Friendly Workplace Act. I have listened to several of my colleagues speak about this important and necessary legislation. I want to especially commend Senator DEWINE for his steady work in the Labor Committee and for Senator ASHCROFT for the many hours he has spent working on this bill.

I comment that today we have heard several speeches dealing with S. 4. We have heard several speeches that did not deal with S. 4. The other speeches dealt with a very important topic, too. They dealt with the disaster funding, but that was actually a filibuster against this bill. It was a request by certain people in this body that S. 4 not be adopted. They do not want people to have that kind of flexibility. It was a plea to do disaster relief, but it was directed to keep this bill from ever coming to a vote.

Disaster is on the mind of everyone that is affected. One of the things I have discovered in my years in the legislature and since I have been here is that the disaster is in the mind of the one who is affected as well. Everybody has different kinds of disasters. The disaster that was talked about for a long time tonight is being handled in the conference committee right now. There is another disaster in America that is being kept from being debated in this body, that is kept from being passed in this body, that a vast number of people in this country need. It is a disaster that is happening to them. There are people out there that need more flextime and comptime to be able to spend time with their families. Some of those people are married to Federal employees. That Federal employee is able to take that flextime and the other spouse is saying, why can't I?

In fact, in the early days when this bill passed that allows the Federal employee to do just exactly what we are talking about for the private hourly employees, the discriminated-against group, the private hourly employees, when we allowed Federal employees to do it we should have included the private sector at that time. We should have given them the same right that the Federal employees had.

I know that in Cheyenne, WY, at the Unicover Corp., some of the people that worked in that corporation were hired by the Federal Government. They got flextime and they got comptime. I want to emphasize they got flextime and comptime, both of the advantages that are being talked about in this bill. Not just one, like is being implied, both of those advantages were given to the Federal employee.

Their spouses said this is really a great idea. We should take it to our boss and get it implemented, and they took it to the Unicover Corp., they took it to the management and the management said, you know, that really is a great idea. We should do it, and they did it. Then they found out that they were in violation of the law. The Federal employees could do it, the private hourly employees could not.

For 19 years the Unicover Corp. has asked Congress to pass a bill that would give them the same right as the Federal employees—not a different right, the same right. The same right for flextime, the same right for comptime. They are not asking for a special break that nobody else gets. They are just asking for an even break. Well, they found out they were in violation of the law and they had to end it. They have been working on it for a number of years to try and get it changed. I heard about it when I was campaigning and I said I do not know why we do not have that, and now I have a better idea why we do not have that.

Today, the Small Business Advocate Award luncheon was held here in Washington, DC, over in the Dirksen Building. I had the opportunity to attend, and I got to meet the Wyoming Small Business Person of the Year, and there were small business people from all over the United States there, being recognized for the leadership that they have taken in their company, in their State, to make a difference.

Marjorie Mathieson of Jackson is the Wyoming Small Business Person of the year, and I am very proud of her. That is one of the few manufacturing businesses in Jackson and it has been there a long time. They have gone through a number of different phases to keep current products that will sell to keep that small business in business.

She talked to me a little bit about the Family Medical Leave Act. Some people have suggested that is an answer for all of the problems of meeting flexibility. Well, it is not. And it should not be expanded to be the answer to all of those either, because it is a paperwork nightmare, particularly for smaller businesses. Now, that is limited to businesses over 50 employees. There has been a request to bring that down to a smaller number. What we need is this Family Friendly Workplace Act that will provide the same kinds of benefits that we are talking about, bringing in the more complicated system, and bringing it down to a smaller level where they cannot handle the paperwork.

A part of that business that the Wyoming Small Business Person of the Year runs is welding. They have five welders. Those welders make $40 an hour. Not bad. Five welders, $40 an hour. They want flextime and comptime. The business needs them to take flextime or comptime or both, and the reason they need them to take that is because they have work that has to be done. They have five welders. If one of the welders is to leave without doing some kind of a flex in the schedule, they lose 20 percent of their welding income. That is a significant portion of their business. That person loses $40 an hour. They do not want to lose $40 an hour. For overtime, they lose $60 an hour. They do not want to lose that. But the business can make arrangements for them to get flextime and comptime so that they can still have the time off, the revenue still comes into the business.

More importantly, the paycheck comes to the individual. They want flextime. They talked to her about flextime. Marjorie wanted them to have flextime. She allowed flextime, and then found out that she couldn't have flextime, that she couldn't have comptime, that she could not offer this benefit to the people that worked for her. Jackson has some Federal employees. Those Federal employees get this. But these guys that weld can't have it not because the business doesn't want to give it to them, but because we have a law against it. And that is not fair.

I have listened to the debate as we have gone through this topic. I am a certified professional in human resources. The Society of Human Resource Management, a national society, does education and testing in all of the areas of human resource management. When you complete the course and the testing, you can be certified as a professional in human resources. I have been through that process. They do an outstanding job of keeping track of the problems in the workplace. These are, for the most part, employees. I am not talking about employers. They are employees, employees who want benefits as well. And they see this as being a critical issue for the hourly worker in the workplace, a way for that worker to have more capability in their own scheduling.

Everybody recognizes that this bill has provisions in it that both the employer and the employee have to agree to before it can be done. It isn't the case of forcing the employee to do it. It isn't the case of forcing the employer to do it. I am telling you, there are businesses across this Nation that want this and want it badly. And it is usually the employees that bring the idea to the employer and say, "Why can't we do this?" You know, they just do not believe that, since they know that the Federal employees get to do it. They just do not believe the employer when he says it is against the law.

One of the biggest things raised in the hearing that we had was, "Well, you can be paid for your hours anyway. Then you can save that money from being paid for your hours, and when somebody gets sick, if there is a soccer match, if you want to go someplace, or if you want to have an anniversary, or any of those great things that people would like to have time off to do, then you can use this money that you save."

I ask you, how easy is it for you to save? It is pretty difficult. A lot of the people out there in the work force that we are talking about are women. They have gotten into the workplace because of some of the things that we have done back here. They have gotten into the workplace because of the way that taxes have gone up in the United States, the way that inflation has gone up in the United States.

We have a situation now where in most families both people work. One of them works to pay the expenses, the other one works to pay the taxes.

So it is not an option on whether they work or not. We asked a lot of women through the process in this thing why they didn't just bank the money and then use that money when they needed time off. And every one of them said to me, "When it is time that I am banking, it is mine. I can use it for my family. But if I accept that paycheck, if I take the money, that is the family's money. It has to go for all of those family expenses. And there are always family expenses."

But another unique part about this bill is that you can bank the hours and you can take the money. I don't know very many families in this country that do not come up with emergencies once in a while. If you have hours banked, there is a provision in this bill to be able to cash it in. So when the refrigerator breaks down and you don't have any alternative but to buy another refrigerator, even though it means putting off that vacation that you had planned, you can take some of the hours you have banked and cash it in.

So they see this as a way to bank money for emergencies and to have time for themselves, time for themselves that they invest in their family. They really want to go to the soccer match. They really have to go sometimes to take their kids to the dentist. They like to celebrate those anniversaries. And this is a bill that allows it.

The biggest complaint that I have heard about this bill is that there is a cap on the number of hours that they can have, a limit. And they say, "Why do you have a limit on that—240 hours? Maybe my boss wants me to be able to bank more hours and maybe I have a bigger event than 240 hours."

So that is a complaint on it. We are not even proposing that be changed. But we are asking for some consideration of the bill.

The American workplace is dramatically different than it was 60 years ago when Congress passed the Fair Labor Standards Act of 1938. We have all heard the stories about the dirty thirties from our parents. So I don't have to repeat them here.

I will, however, illustrate how nice it was for Congress to pass that Fair

Labor Standards Act to specifically address the numerous problems that existed back then. Cheap labor was abundant. Folks were awfully hungry for work. And there were many employers who took advantage of a bad economic situation. The 40-hour workweek did not exist. Overtime did not exist. Child labor was being exploited. There were some problems that stemmed from the trends of that era.

Under the circumstances, Congress acted, and acted appropriately, by passing the Fair Labor Standards Act. We are never going back to that. There is no suggestion of ever going back to that. But there is fine tuning that needs to be done.

It is important to illustrate how times have changed since the 1930's and why it is the responsibility of Congress to legislate for the present with the future in mind. As a certified professional in human resources, I have had the exhausting and daunting task of filling out the federally mandated forms and paperwork. I have worked one-on-one with my employees to try to meet their needs. Through it all, I have always found my employees to be well schooled and extremely intuitive. As a result, they inherently understand how the modern workplace functions. And the smaller the business, the better they understand how it works, the more connected they are to realizing that the success of that business and the time they spend there means their job and the way they work there means their job. They don't need someone to hold their hand and show them the way things work. That might have been the case 60 years ago.

I certainly don't view employee knowledge as a problem, but rather welcome it as an important addition to the mix. Employers have every reason to reward employees who clearly understand how to use their time in the workplace to its full advantages. America's working parents want to decide for themselves whether or not they want overtime or paid time off. This is a modern day reality that requires a modern day legislative fix. This act does not eliminate overtime pay, nor does it eliminate the 40-hour workweek. That kind of talk is simply nonsense. These things will stay just where they are, and the Family Friendly Workplace Act guarantees that.

Before coming to the Senate I was the owner and operator of a small business for 27 years. Folks in Washington, of course, have a completely different sense of what constitutes the small in small business. I have had several discussions back here about whether a small business is 500 employees or 125 employees. I can tell you that is not even close anywhere in America. A small businessman is one who sweeps the sidewalk and cleans the toilets and waits on customers. He does it all. He has to do it all.

We held a small business hearing in Casper, WY, early this year. I was real pleased to have the honor of chairing that in Casper. We had about 75 to 100 people show up for that, rotating out and others rotating through. When it was over, one of the news media people said to me, "How come you didn't have a better turnout?" I said, "That was a great turnout for a daytime hearing." Because we are talking about small businessmen. Quite frankly, they are different than big business because in small business, if they had one person that could take off for that day to just listen to a hearing, they would probably fire them because it would be one too many people. That is small business.

So that illustration is radically different from that of a big business that has the financial and the employer resources to institute very sophisticated job training and flexibility problems that sidestep the Fair Labor Standards Act of 1938. And that is being done now. There are ways, very complicated ways. But if you can afford the attorney fees and have the specialists, you can provide this for some of your employees—not all of them. But this bill will allow the small business person to have the big business advantage, that extra flexibility.

Sadly enough, small businesses are further behind under the flexibility of this 60-year-old antiquated law. That is a further reason for passing the Family Friendly Workplace Act. Personal computers, high-speed modems, cellular phones, pagers, and fax machines have all become commonplace in small business. Moreover, these popular commodities have paved the way for telecommunicating, telecommuting—a work environment that could not have been envisioned 60 years ago.

While the number of working women in our country continues to rise, so does the number of telecommuters and in-home businesses. A lot of businesses are being started in the home. Then when they expand bigger than the home can handle, they become an outside business. But there are a lot of them working in the home that will be the future successes in this country. It will be the future opportunity for people who want the American dream. They will start a small business in their home. It is happening because of the growing trend of spending more time at home with our families. If they telecommute, they don't have to spend an hour each way driving.

That is part of the flexibility. That is something that the modern age has provided us. It is impossible to bottle up workplace flexibility. But we have an antiquated law that is suggesting that we can. That is why it is so important to modernize this archaic Federal law that squelches any chance of giving American hourly workers more time at home with their kids, a true investment in our Nation's future.

Congress must legislate with the times to provide the opportunities for our Nation's parents to make that investment. It is often the case with a lot of families that both parents work. They do this, and they do it happily because they have to meet the bills. They also do it because they cannot get extra hours off from the job the way they would really prefer to do it unless they work for another business as well. If they work two jobs, they don't get any overtime. But a lot of them work two places. They don't get comptime. They don't get flextime. They don't get overtime.

This unfortunate trend in the business world can be addressed by providing this workplace flexibility with the choice of paid time off for flextime.

Times have changed and the Fair Labor Standards Act of 1938 does not permit employees to choose between paid time off or overtime pay. My experience is that there are a lot of people out there who know that if they take the money, they will spend the money. They want the time instead. I also found that fact to be more prevalent among women in the work force. They feel the need for the time to spend with their children, and they understand that money belongs to the family. They have a much stronger family belief than most of the men I have worked with. So they prefer to take flextime or comptime and use that for themselves or their family.

One of the businesses I worked for often had additional assignments that employees could take on, if they chose to do so. When we asked if the employees wanted additional work, they said "yes," if they could have time off the following week with compensation, but if they could only choose to be paid, they didn't need it. They would rather have the time off this week than to take the money next week. We explained to them that they had the capability of taking the overtime pay, not working the following week, and spending that extra pay that week. But somehow those paychecks don't get distributed at home quite the same way they do on paper or here.

I am hoping that everyone will reflect a bit on the trends that our modern work force is talking about and not the mandatory things that seem to be implied by this legislation imposed upon us. The downsizing problems today are leading to less flexibility as well as families making less money than if they were doing the job they preferred to do, not the second jobs they are having to do without getting overtime because it is a second job. There has been a tremendous increase in temporary positions in this country. This has taken flexibility away from the families. It has taken money away from the families. This a modern day problem that requires a modern day solution.

This matter cannot possibly be addressed by legislation that we have crafted to address the problems of the 1930s. We have taken care of those problems. We are not going back to that situation. But we need to adjust for the future. Indeed, our society is constantly driven by changing trends. I can comfortably argue that our society is one of the most trendy in the world, a fact that has kept America on the leading edge of technological innovation. We have been at the peak in technology and at the tail in taking care of the hourly worker.

I hope that before people begin making up their minds on this bill, they will take a close look at the language and what it really calls for rather than relying on misstatements, and I see those misstatements in the paper from time to time, misleading statistics, partisan posturing. Read the bill. Ask for a copy of the bill. Read the bill. It is amazing.

Our Nation's work force is calling for this much-needed change. I again urge my colleagues to support the Family Friendly Workplace Act. Bring this to a vote. Give the hourly working people of this country the opportunity to choose how they want to work, the way that they want to choose to help their families.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

AMENDMENT NO. 265, AS MODIFIED AND AMENDMENT NO. 256, AS MODIFIED

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Gorton amendment, amendment No. 265, be modified with the changes that I now send to the desk. And I further ask unanimous consent that the Grassley amendment, amendment No. 256, be modified as well with the changes that I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 265

Beginning on page 10, strike line 7 and all that follows through page 10, line 16 and insert the following: "time; respectively, by subsection (o)(8).".

(4) APPLICATION OF THE COERCION AND REMEDIES PROVISIONS TO PUBLIC SAFETY EMPLOYEES OF STATE AGENCIES.—Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(A) in paragraph (7), by striking "(7) For" and inserting "(8) For"; and

(B) by inserting after paragraph (6), the following:

"(7)(A) In a case in which an employee described in paragraph (1) is engaged in work in a public safety activity, the provisions under subsection (r)(6)(A) shall apply to the employee and the public agency employer, as described in paragraph (1), of the employee to the same extent the provisions apply to an employee and employer described in subsection (r)(2)(B).

"(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to a public safety employee described in subparagraph (A) to the same extent the remedies are made available to an employee described in subsection (r)(2)(B).

"(ii) In calculating the amount a public agency employer described in subparagraph (A) would be liable for under section 16(f) to a public safety employee described in such subparagraph, the Secretary shall, in lieu of applying the rate of compensation in the formula described in section 16(f), apply the rate of compensation described in paragraph (3)(B).".

(5) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

AMENDMENT NO. 256

At the end of the substitute amendment, add the following:

SEC 4. APPLICATION OF LAWS TO LEGISLATIVE BRANCH.

(a) DEFINITIONS.—In this section, the terms "Board", "covered employee", and "employing office" have the meanings given the terms in sections 101 and 203 of Public Law 104-1.

(b) BIWEEKLY WORK PROGRAMS; FLEXIBLE CREDIT HOUR PROGRAMS; EXEMPTIONS.—

(1) IN GENERAL.—The rights and protections established by sections 13(m) and 13A of the Fair Labor Standards Act of 1938, as added by section 3, shall apply to covered employees.

(2) REMEDY.—The remedy for a violation of paragraph (1) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 13A(d) of such Act, section 16(g)(1) of such Act (29 U.S.C. 216(g)1)).

(3) ADMINISTRATION.—The Office of Compliance shall exercise the same authorities and perform the same duties with respect to the rights and protections described in paragraph (1) as the Office exercises and performs under title III of Public Law 104-1 with respect to the rights and protections described in section 203 of such law.

(4) PROCEDURES.—Title IV and section 225 of Public Law 104-1 shall apply with respect to violations of paragraph (1).

(5) REGULATIONS.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of Public Law 104-1, issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in paragraph (1) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of the regulations would be more effective for the implementation of the rights and protections under this subsection.

(c) COMPENSATORY TIME OFF.—

(1) REGULATIONS.—The Board shall, pursuant to paragraphs (1) and (2) of section 203(c), and section 304, of Public Law 104-1, issue regulations to implement section 203 of such law with respect to section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by section 3(a).

(2) REMEDY.—The remedy for a violation of section 203(a) of Public Law 104-1 shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 7(r)(6)(A) of such Act (29 U.S.C. 207(r)(6)(A))), section 16(f)(1) of such Act (29 U.S.C. 216(f)(1)).

(3) EFFECTIVE DATE.—Subsection (a)(3), and paragraphs (3) and (4) of subsection (c), of section 203 of Public Law 104-1 cease to be effective on the date of enactment of this Act.

(d) RULES OF APPLICATION.—For purposes of the application under this section of sections 7(r) and 13A of the Fair Labor Standards Act of 1938 to covered employees of an employing office, a reference in such sections—

(1) to a statement of an employee that is made, kept, and preserved in accordance with section 11(c) of such Act shall be considered to be a reference to a statement that is made, kept in the records of the employing office, and preserved until 1 year after the last day on which—

(A) the employing office has a policy offering compensatory time off, a biweekly work program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States code.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) CONSTRUCTION.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104-1.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

BAD SCIENCE AND BAD POLITICS: THE NEED FOR REGULATORY REFORM

Mr. LOTT. Mr. President, these days, just about every aspect of our daily existence is regulated in some way by the Government. And in most instances, it makes sense because we must protect human health and the environment. We would all agree that food and drugs should be inspected, work conditions should be considered and safety measures must be enacted.

On the other hand, the Federal regulatory system is notorious for producing top-down, one-size-fits-all regulations that are often inefficient and ineffective. These regulations impose tremendous costs on business and industry, increase the costs of goods and services and reduce economic growth. Most importantly, too many regulations fail in what they are trying to do.

As I look more closely at the patchwork of regulation this Government has created in the last few decades, however, I see regulation for regulation's sake. We are witnessing an eruption of regulation based on inaccurate science, poor judgment, and bad politics. Most shocking is the fundamental lack of trust in the ability of the American people to take responsibility for their own actions.

I think it's time we returned to the basics, Mr. President. The central goal of regulating is to significantly protect human health, safety or the environment. When held to this standard, many regulations fall short of the mark. So how do we get from here to there?

First, agencies must begin issuing regulations based on sound science. This means one thing—that any Federal regulation issued must be justified by solid science. This principle sounds very simple, but many agencies have become obsessed with the power to regulate, forgetting that there must be sound scientific reasoning behind their action.

The time has come to raise the level of debate. No longer can agencies be allowed to dream up and order a regulation without genuine oversight or input from the outside scientific world. I know that the more informed Congress is about an issue, the better public policy decision we will make. The same should be true of regulatory agencies. With so many experts in the academic, Federal and private sectors, it is a shame to limit the scope of debate to one elite group of scientists. I have heard some agencies claim that their rulemakings are indeed reviewed by outside experts, but a closer look reveals that these objective scientists are not completely independent. I do not think it unreasonable to ask that there be some consensus among truly independent outside scientific experts as to the proper course of action before issuing a rulemaking.

The bottom line is that, to effectively regulate, agencies should not issue rules based on anything but honest, peer-reviewed science. Period.

Second, agencies must learn to correctly assess risk. Beginning with sound science, agencies should look at the real world risks of a situation, recognizing that not every risk is avoidable. Sometimes I think that these agencies are on a mission to create a 100 percent risk-free, accident-free—possibly industry-free—world. They also need to acknowledge that all risks are relative. Regulating small risks can have adverse side effects, resulting in greater risks and less protection. We should focus our efforts and our resources on the greatest risks.

Agencies should also realize that exposure to a chemical doesn't automatically present a risk or indicate a cause and effect relationship. The risk associated with a given dosage level should be examined. Where exposure to a truckload of almost any toxin poses a significant risk, in most cases, an extremely diluted version may not present any danger at all. Regulators should be sensitive to risks as they relate to dosage instead of assuming that any contact with chemicals presents too great a danger. Too often, regulations are issued based on a better safe than sorry mentality. This can leave us less safe and considerably sorrier.

In closing, Mr. President, I reiterate the dire need for regulatory reform. The invasive regulatory hands of Government are slowly choking the life out those whom they seek to save. Let's get back to the basics. Using sound, peer-reviewed science, agencies should make a valid assessment of real world risks and determine a solid cause-and-effect correlation before taking action.

I am committed to enacting regulatory reform in the 105th Congress. I welcome the input and support of my fellow Senators.

AMERICAN AUTOMOBILE ASSOCIATION LIFESAVING MEDAL

Mr. LOTT. Mr. President, I am proud to announce to the Senate today the names of the four youngsters who are recipients of the 1997 American Automobile Association Lifesaving Medal.

This is the highest award given to members of school safety patrols throughout the United States. It is presented annually to students, who, while on duty took heroic lifesaving actions to save the life of a fellow student from imminent danger.

I would like to briefly describe the heroic actions of these four young citizens.

The first two honorees hail from the State of Ohio. On February 28, 1997, Leawood Elementary School Safety Patrol Captain Surmel D. Cummings and Patrol Edwin H. Berry were assisting students on their way home. Surmel noticed a 6-year-old boy and his 8-year-old cousin walking close to the westbound on-ramp for I–70.

The cousin was trying to prevent the 6-year-old from climbing over the guardrail next to the on-ramp. Surmel ran over to the two boys and tried to hold the 6-year-old. The boy began hitting and kicking Surmel. Edwin ran to help his partner. The 6-year-old broke loose from Surmel and scrambled over the guardrail. He was now confronted by the fast-moving cars on the on-ramp. Surmel told Edwin to try to get the 6-year-old back across the guardrail while he returned to the school to get help.

When a car driver started blowing his horn, the 6-year-old covered his ears and turned his back toward Edwin. At that moment, Edwin grabbed the 6-year-old and pulled him back across the guardrail to safety. This was a great team effort by both of these two young men.

The State of Indiana can be proud of the next honoree.

While on duty on December 6, 1996, Shambaugh Elementary School Safety Patrol Marcus A. Morgan, noticed a 6-year-old girl running alongside a van. This vehicle had just dropped her off and was pulling away from the curb. Marcus yelled for the girl to stop chasing the van, but he quickly realized the girl's string was caught in the van door. She then fell and was being dragged by the van.

Marcus raced after the van, shouting for the driver to stop. he ran to the passenger-side and banged on the window to get the driver to stop. The van kept moving so he ran to the driver-side window to get the driver's attention while a parent banged on the passenger-side window. The driver finally stopped after 54 feet. The girl was not seriously injured due to Marcus' quick and heroic actions.

AAA's last honoree is from California.

It was a clear afternoon on November 4, 1996, at St. Jarbeth's School when School Safety Patrol Domonique Fines and April Corral took their post on the northwest corner of Harold and Champion Streets.

A white pickup truck stopped at the stop sign next to their post and then started up the steep hill on Harold Street. Near the top of the hill, the truck stalled and rolled backward. As it came down the hill, the truck picked up speed.

Unaware of the truck, April handed her patrol sign to Domonique as she bent down to tie her shoe. Domonique noticed the truck rapidly heading toward them. She shouted to April to watch out and started to cross Harold Street to get out of its way. Halfway across the street, Domonique looked back to see if her partner, April, was following her. Unaware of the danger, April was still tying her shoe. Domonique yelled again, but April couldn't hear her over the noise from the street traffic and the playground.

Unconcerned about her own safety, Domonique ran back to April, grabbed her arm, and pushed her out of the way. The truck jump the curb where April had been tying her shoe and then crashed into a fence.

I also want to recognize and thank the American Automobile Association for their invaluable safety program and for honoring these outstanding safety patrol members.

In the 1920's AAA began organizing safety patrol programs whereby older students assist younger students while crossing streets as they walked to and from school. Today, more than 500,000 students across the country serve as AAA safety patrol volunteers. In fact, there are currently 50,000 schools with safety patrols.

AAA supplies training materials, belts, badges, and other items needed to operate the safety patrol programs. Importantly, AAA promotes and recognizes patrol efforts each year through a series of awards, newsletters, summer camps, and scholarships.

On behalf of my Senate colleagues, and for parents all across the country, I want to thank AAA. Their work in helping to keep our youngsters a little safer on their way to and from school is extremely praiseworthy.

I am very proud of Surmel, Edwin, Marcus, and Domonique who exemplified courage and citizenship. I know that their parents and communities are equally as proud. These four youngsters showed great courage in saving another individuals life.

HONORING KENTUCKY SMALL BUSINESS PERSON OF THE YEAR, TOM CLOPTON

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Tom Clopton of Cave City, Kentucky, who has been selected as the Kentucky Small Business Person of the Year by the U.S. Small Business Administration.

Tom is the President and CEO of Tekno, Inc., a manufacturing company in Cave City. He started the company in 1989 with nothing more than a home computer and his personal savings. Today Tekno is a premier designer and manufacturer of material handling, factory automation, and specialty machinery systems for industrial applications.

Tekno's success is remarkable. Annual sales have grown from $354 thousand in 1989 to nearly $13.2 million in 1995. Revenues have increased nearly four thousand percent in just seven and a half years. This remarkable growth has resulted in Tekno being ranked as one of America's fastest growing privately owned companies for three consecutive years, 1994–1996.

Not only have Tom's business and managerial skills fostered the growth of a productive company, his ingenuity and engineering skills have enabled him to acquire 13 patents from the U.S. Patent and Trademark Office. In addition, he has patents pending in both Canada and Mexico.

And as any good boss will do, Tom attributes much of his success to his employees. He knows that happy employees are productive employees and he makes every effort to ensure that Tekno provides a pleasant working environment. In return, his employees take pride in their job and are quick to volunteer for extra hours when urgent tasks need to be completed.

And finally, I want to say that Tom's dedication and commitment to his customers, employees and community sets an example for every small business. I am happy that Tom is being recognized for all of the good work he has done. I congratulate him on this significant accomplishment and wish him many future years of success.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 2, 1997, the federal debt stood at $5,336,777,463,335.09. (Five trillion, three hundred thirty-six billion, seven hundred seventy-seven million, four hundred sixty-three thousand, three hundred thirty-five dollars and nine cents)

Five years ago, June 2, 1992, the federal debt stood at $3,940,929,000,000. (Three trillion, nine hundred forty billion, nine hundred twenty-nine million)

Ten years ago, June 2, 1987, the federal debt stood at $2,300,635,000,000. (Two trillion, three hundred billion, six hundred thirty-five million)

Fifteen years ago, June 2, 1982, the federal debt stood at $1,077,417,000,000. (One trillion, seventy-seven billion, four hundred seventeen million)

Twenty-five years ago, June 2, 1972, the federal debt stood at $427,622,000,000 (Four hundred twenty-seven billion, six hundred twenty-two million) which reflects a debt increase of nearly $5 trillion—$4,909,155,463,335.09 (Four trillion, nine hundred nine billion, one hundred fifty-five million, four hundred sixty-three thousand, three hundred thirty-five dollars and nine cents) during the past 25 years.

TRIBUTE TO SENATOR STROM THURMOND

Mr. MOYNIHAN. Mr. President, of necessity, I was at the Finance Committee hearing on trade negotiating authority this morning, and so was unable to be on the floor to pay tribute—as so many others have done—to our esteemed colleague, Senator THURMOND, who now holds the record for Senate longevity. But I would like to pay such tribute now.

Just about 1 year ago—June 13, 1996, to be precise—my daughter Maura and I traveled to the White House for a state dinner in honor of Ireland's president, Mary Robinson, and her husband Nicholas. We stopped at the northwest gate, to be scrutinized by White House security officials. An earnest young man in a uniform peered into our Jeep, studied my face, consulted a clipboard, and then said smartly, "Good evening, Senator THURMOND!"

A fine compliment, to be mistaken for a man more robust, more vigorous, more irrepressible than individuals half his age or mine!

I will leave to others the task of highlighting our beloved colleague's absolutely extraordinary private and public lives, which span the 20th century. A few things come to mind which bear mentioning, however. He learned his populist brand of politics from "Pitchfork Ben" Tillman—a man born 150 years ago—whose Senate seat he now occupies. And yet he was just reelected for the eighth time, again with little difficulty. Senator THURMOND embodies the political and social transformation of the South.

As a 40-year-old, he volunteered for active duty during World War II and landed at Normandy with the 82d Airborne Division. Immediately after the war, he was elected governor of South Carolina. While governor, in 1948, he ran for president as a States' Rights Democrat and garnered 39 electoral votes.

He was elected to the Senate in 1954 as a write-in candidate, the first person ever elected to major office by this method. But true to a campaign pledge he made, he resigned in 1956 and stood for re-election. In 1964, he left the Democratic Party and became a Goldwater Republican, presaging—or, perhaps, ushering in—GOP gains in the South that continue to this day. He has served as a delegate to six Democratic and eight Republican National Conventions—a distinction I doubt anyone else shares. Suffice it to say that if STROM THURMOND did not exist, it might be necessary for us to invent him.

Senator THURMOND has endured the loss of his first wife, the loss of his daughter. But through it all, he has been indomitable. Always optimistic. Unfailingly courteous, the epitome of a Southern gentleman—despite living in our current age, when good manners seem to elude us so readily. I hope he has a sense of the respect and affection we have for him.

When I think of our colleague, I think of the wonderful poem, "Ulysses", by Alfred Lord Tennyson—one of the great English poets, who, I might add, died a mere decade before Senator THURMOND was born, and I would like to close my tribute with an excerpt from the poem:

> I am become a name;
> For always roaming with a hungry heart
> Much have I seen and known; cities of men
> And manners, climates, councils, governments,
> Myself not least, but honour'd of them all;
> And drunk delight of battle with my peers,
> Far on the ringing plains of windy Troy.

I am a part of all that I have met;
Yet all experience is an arch wherethro'
Gleams that untravell'd world whose margin fades
For ever and forever when I move.
How dull it is to pause, to make an end,
To rust unburnish'd, not to shine in use!
As tho' to breathe were life!

No one ever could accuse Senator THURMOND of "rusting unburnish'd"!

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD EXTENSION

Mr. SPECTER. Mr. President, in 1992, I sponsored a joint resolution in collaboration with Congressman LOUIS STOKES, who served as chairman of the House Select Committee on Assassinations, to expedite disclosure of materials relevant to the assassination of President John F. Kennedy. That act created the Assassination Review Board, which was directed to oversee the identification and release of records related to the assassination of President Kennedy. While the review board has made significant progress in its important work, it will need additional time to complete its task. On June 5, I will introduce a bill that will authorize the board's extension for 1 year.

Through October 1996, the review board was successful in transferring nearly 10,000 documents to the National Archives and Records Administration for inclusion in the JFK Collection. Although much has been accomplished, Congress, in setting its original 3-year timetable, was simply unable to anticipate a number of problems the board has encountered since beginning its work. The board was not appointed until 18 months after the legislation was signed into law. In addition, Federal agencies have been slow in identifying records to be processed and the hiring and training of new employees to work with the board has taken longer than expected. Nevertheless, the review board serves a vital function of removing some of the uncertainty and speculation about the contents of Government files relating to President Kennedy's assassination. An additional year will permit the board to finish its important task.

According to information provided to me, over the past 5 years, the review board has worked to facilitate the maximum appropriate disclosure of any additional materials which may have been withheld by the FBI, CIA, Secret Service, or any other Federal agency.

In addition, the House committee decided to withhold certain materials for 50 years following the publication of its report in 1979, or until the year 2029. According to information provided to me, the review board has also worked to facilitate the maximum appropriate disclosure of any of these materials which may have been withheld by the House committee.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA, AND UKRAINE—MESSAGE FROM THE PRESIDENT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine are in full compliance with subsections 402(a) and 409(a) of the Act. As required by title IV, I will provide the Congress with periodic reports regarding the compliance of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

REPORT CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR ALBANIA, BELARUS, KAZAKSTAN, KYRGYZSTAN, TAJIKISTAN, TURKMENISTAN, AND UZBEKISTAN—MESSAGE FROM THE PRESIDENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to a further 12-month extension of authority to waive subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver authority for a further 12-month period, and includes my reasons for determining that continuation of the waiver authority and waivers currently in effect for Albania, Belarus, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan will substantially promote the objectives of section 402 of the Act. I have submitted a separate report with respect to the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

MESSAGES FROM THE HOUSE

At 11:18 a.m., a message from the House of Representatives, delivered by one of its reading clerks, Mrs. Goetz, announced that pursuant to the provisions of section 711(b) of Public Law 104–293, the Chair announces the Speaker's appointment of Mr. Henry F. Cooper of Virginia to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction on the part of the House.

The message also announced that pursuant to the provisions of section 114(b) of Public Law 100–458 (2 U.S.C. 1103), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development to fill the existing vacancy thereon: Mrs. FOWLER of Florida.

At 3:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5. An act to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–111. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

HOUSE RESOLUTION NO. 26

Whereas, while the history of organized labor has often been marked by difficulties and controversy over the years, working men and women bargaining in good faith through formal labor negotiations has brought many benefits to our state and nation. The standard of living for working families is much higher than it could possibly be without organization. For responsible companies, the steady supply of reliable workers also brings many rewards and long-term stability; and

Whereas, in recent years, a shift seems to be occurring in strategy for businesses in how they handle labor disputes. Too often, the initial response in a labor dispute is for management to hire replacement workers instead of negotiating with the workers. This short-sighted action severely hinders all communications between management and workers. Often, hiring replacement workers sets in motion an escalating series of actions that are harmful to everyone; and

Whereas, Michigan has experienced this recently through the lengthy and bitter newspaper strike in Detroit. Hiring permanent replacement workers has clearly hindered the effectiveness of negotiations and made a difficult situation far worse and more divisive than necessary. This extended tension is harmful to labor, management, and the public; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to prohibit the hiring of permanent replacement workers as an alternative to negotiations and settlements of labor disputes; and be it further

Resolved, That copies of this resolution and the roll call on its adoption be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–112. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Labor and Human Resources.

Whereas, the ever-increasing cost of prescription drugs is causing a hardship for low-income seniors and low-income persons of all ages; and

Whereas, the problem is not caused by local pharmacists who at this time are engaged in a class action suit to correct this injustice; and

Whereas, some of the cost of research and development of prescription drugs is funded through the National Institutes of Health and paid for by tax dollars; and

Whereas, the prescription drugs manufactured by these United States companies can be purchased in Canada or Mexico for one-half to one-third of the cost in the United States; and

Whereas, most seniors are reliant on Medicare, which does not pay for most prescription drugs; many Americans' health insurance does not cover prescription drugs; and altogether, consumers purchase three-quarters of all prescription drugs out of pocket;

Whereas, many seniors live on fixed incomes, and incomes have not kept pace with the prices of prescription drugs that from 1980 to 1991 outpaced the general inflation rate 3 to 1; and

Whereas, certain consumers have no recourse other than to use drugs regulated by the federal Orphan Drug Act, and the prices of these drugs are not subject to market pressures.

Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana, That the United States Congress continue its investigation into the reasons for the exorbitant drug prices charged to customers who have no other alternatives and enact legislation to remedy this situation.

Be it further resolved, That the Secretary of State send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Montana Congressional Delegation.

POM–113. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

SENATE JOINT RESOLUTION NO. 377

Whereas, the services provided by Emergency Medical Service (EMS) employees play a critical role in protecting the lives and health of citizens throughout the Commonwealth; and

Whereas, EMS employees work and live alongside their firefighter counterparts in fire stations on a 24-hour, 365-day-a-year basis and are an integral part of the emergency service delivery system; and

Whereas, providing effective and cost-efficient emergency medical services is best achieved by scheduling EMS employees to work 24-hour shifts rather than traditional eight-hour shifts; and

Whereas, a majority of EMS employees support the 24-hour shift versus the eight-hour shift; and

Whereas, the provisions of current federal law (29 USCS §207) require that employers pay overtime compensation equal to one and one-half times the regular rate of compensation when an employee works longer than 40 hours in one week. The federal statute does provide an overtime exemption for the employers of fire, police and corrections personnel. The exemption allows employers of these employees to calculate overtime pay by averaging the number of hours worked over a period of 28 days rather than on a weekly basis, thereby reducing overtime costs for localities. This exemption permits localities to schedule employees in a more productive, economical, and efficient manner; and

Whereas, a recent judicial decision has resulted in the federal government interpreting 29 USCS §207 in a manner that precludes a similar overtime exemption for EMS employers; and

Whereas, the lack of an overtime exemption for EMS personnel results in increased operating costs for localities and a reduction in operating efficiency; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to amend the Fair Labor Standards Act to better address the unique characteristics of emergency medical service employees and to provide an overtime exemption for such employees similar to that provided for fire, police and corrections employees; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–114. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

SENATE JOINT RESOLUTION NO. 314

Whereas, improving patient access to quality health care is a paramount national goal; and

Whereas, a key to improved health care, especially for people with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

Whereas, two-thirds of all new drugs approved in the last six years by the Food and Drug Administration were approved first in other countries, with approval of a new drug in the United States taking 15 years; and

Whereas, although the United States has long led the world in discovering new drugs, too many new medicines are first introduced in other countries, with 40 drugs currently approved in one or more foreign countries still in development in the United States or awaiting FDA approval; and

Whereas, patients are waiting for the industry to discover and efficiently develop safe and effective new medicines sooner; and

Whereas, minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

Whereas, the current rules and practices governing the review of new drugs, biological products, and medical devices by the Food and Drug Administration can delay approvals and are unnecessarily expensive; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to enact legislation to facilitate the Food and Drug Administration's procedures for the approval of safe and effective innovative new drugs, biological products and medical devices; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–115. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Veterans' Affairs.

HOUSE JOINT RESOLUTION NO. 401

Whereas, because of the large number of federal military installations and contracting industries located in the Commonwealth, over 725,000 veterans of the armed services now live in Virginia; and

Whereas, approximately 97,000 veterans of Operation Desert Storm now reside in Virginia; and

Whereas, medical facilities for veterans are now located in Salem, Hampton, Richmond, Martinsburg, West Virginia, Washington, D.C., and Baltimore, Maryland; and

Whereas, the health of many veterans is declining due to advancing age and health conditions associated with their service in the military; and

Whereas, travel to available veterans' medical facilities is difficult and inconvenient for many veterans who live in Northern Virginia; and

Whereas, an estimated 220,000 veterans live within a 50-mile radius of a Northern Virginia site proposed for a veterans' medical facility; and

Whereas, construction of a U.S. Department of Veterans Affairs outpatient clinic in Northern Virginia has been authorized by the federal government, but has never been funded; and

Whereas, such a clinic is urgently needed, and a suitable facility is now available for lease from a willing vendor; and

Whereas, similar outpatient clinics have demonstrated their cost-effectiveness by releasing in-patient beds at other facilities, freeing medical and technical personnel for other duties, and accelerating recovery time by keeping patients close to home; and

Whereas, a resolution supporting such a facility was adopted at the national convention of the Veterans of Foreign Wars in Louisville, Kentucky, in 1996; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to authorize and fund the establishment of a veterans' medical outpatient clinic in Northern Virginia; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Congressional Delegation of Virginia, and the Secretary of the United States Department of Veterans Affairs in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–116. A resolution adopted by Township Committee of the Township of Millburn, County of Essex, New Jersey relative to private relief; to the Committee on the Judiciary.

POM–117. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the illegal drug trade; to the Committee on the Judiciary.

POM–118. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the illegal drug trade; to the Committee on the Judiciary.

POM–119. A resolution adopted by the General Assembly of the State of Colorado; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 97–1011

Whereas, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than $5 trillion, an amount equaling approximately $20,000 for every man, woman, and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its People, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the People, as represented by their elected state legislatures, and opposition by a small minority in the United States Congress repeatedly has thwarted the will of the People that a balanced budget amendment to the Constitution should be submitted to the states for ratification; now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That the General Assembly requests the United States Congress to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Be It Further Resolved, That copies of this Joint Resolution be sent to all members of the United States Senate and House of Representatives, and to the Secretary of State, and the presiding officers of both houses of the legislatures of each of the other states.

POM–120. A concurrent resolution adopted by the General Assembly of the State of Delaware; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm, in no certain terms that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; and

Now, therefore, be it

Resolved by the House of Representatives of the 139th General Assembly, the Senate concurring therein, That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

Be it further resolved, That the Legislature of the State of Delaware also proposes that the legislatures of each of the several states comprising the United States that have not yet made similar requests apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution.

Be it further resolved, That the Secretary of State of the State of Delaware transmit copies of this Resolution to the President and Vice President of the United States, the presiding officer in each house of legislature in each of the states of the Union, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and to each member of the State of Delaware Congressional Delegation.

SYNOPSIS

In 1990 a U.S. Supreme Court decision (Missouri v. Jenkins) upheld an appeals court ruling which affirmed a District Court's order allowing the local school board to raise property taxes as part of a school desegregation plan in Kansas City. This Resolution calls for an amendment to the U.S. Constitution which would end the self-proclaimed authority and power to tax which the federal courts have given themselves. The language of the proposed amendment does not change the Constitution. Rather, it reasserts a basic premise of representative government—there shall be no taxation without representation.

POM–121. A joint resolution adopted by the General Assembly of the State of Maryland; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 25

Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

Whereas, certain actions, although arguably related to one person's free expression, nevertheless; and

Whereas, the matter is still unresolved and pending as a subject of great interest and concern; and

Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas, the Maryland House of Delegates voted 101 to 30 and the Maryland Senate voted 42 to 5 to approve the Joint Resolution on March 3, 1994; and

Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now, therefore, be it

Resolved by the General Assembly of Maryland, That the General Assembly respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That copies of this Resolution be transmitted by the Department of Legislative Reference to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate; and be it further

Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Maryland Congressional Delegation: Senators Paul S. Sarbanes and

Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and Representatives Wayne T. Gilchrest, Robert L. Ehrlich, Jr., Benjamin L. Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and Constance A. Morella, House Office Building, Washington, D.C. 20515.

POM–122. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 307

Whereas, in addition to setting quotas for the number of immigrants who may enter this country legally, the federal government has the responsibility of maintaining the borders of the United States against illegal entry; and

Whereas, while illegal aliens are not entitled to assistance in the form of social services, states are required by federal statute or by court decisions to provide emergency medical care, education, nutrition programs, and incarceration for many undocumented aliens with little or no reimbursement from the federal government; and

Whereas, many states are being hit hard by budgetary cutbacks and are feeling the impact on state revenues and expenditures incurred by these federal mandates; and

Whereas, some states have tried unsuccessfully to use the legal system to recoup some of these expenses from the federal government; and

Whereas, although the federal government has been forthcoming with some funds to help with some of the costs, the amounts are negligible in comparison to the actual costs to the states; and

Whereas, the recent federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 addresses some issues of social assistance to aliens, but the financial impact is more addressed to immigrants who are here legally; and

Whereas, there appears to be a need for a better working relationship between the states and the United States Immigration and Naturalization Services to identify those persons who are here illegally; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to take appropriate steps to reimburse the states for the costs of services provided to illegal aliens; and, be it

Resolved further, That the Congress be urged to honor its obligations to protect the United States borders and to expedite the removal of those who reside here illegally; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Robert S. LaRussa, of Maryland, to be an Assistant Secretary of Commerce.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWNBACK:

S. 820. A bill to amend chapters 83 and 84 of title 5, United States Code, to limit certain retirement benefits of Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. Brownback:

S. 821. A bill to reduce the pay of Members of Congress, eliminate automatic cost-of-living pay increases for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WYDEN:

S. 822. A bill to amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers; to the Committee on Finance.

By Mr. HARKIN:

S. 823. A bill to provide for the award of the Armed Forces Expeditionary Medal to members of the Armed Forces who participate in Operation Joint Endeavor or Operation Joint Guard in the Republic of Bosnia and Herzegovnia; to the Committee on Armed Services.

By Mrs. BOXER:

S. 824. A bill to prohibit the relocation of certain Marine Corps helicopter aircraft to Naval Air Station Miramar, California; to the Committee on Armed Services.

By Mr. ASHCROFT:

S. 825. A bill to provide for violent and repeat juvenile offender accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, and Mr. KERRY):

S. 826. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 827. A bill to promote the adoption of children in foster care; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 828. A bill to provide for the reduction in the number of children who use tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 829. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

By Mr. HELMS (for himself, Mr. FEINGOLD, Mr. HUTCHINSON, and Mr. WELLSTONE):

S.J. Res. 31. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 822. A bill to amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers; to the Committee on Finance.

THE KINSHIP CARE ACT OF 1997

● Mr. WYDEN. Mr. President, today I am introducing the Kinship Care Act of 1997. Grandparents caring for grandchildren represent one of the most underappreciated and perhaps underutilized natural resources in our Nation. Yet they hold tremendous potential for curing one of our society's most pressing problems—the care of children who have no parents, or whose parents simply aren't up to the task of providing children a stable, secure, and nurturing living environment.

There is such a great reservoir of love and experience available to us, and more especially to the tens of thousands of American children who desperately need basic care giving. We provide public assistance for strangers to give this kind of care, but the folks available to do it are in short supply.

Legislation I am introducing in the Senate today will give States the flexibility to provide the support these grandparents need, so that our seniors can fill the care gap. Last year, as part of welfare reform, Senator COATS and I were successful in passing legislation that would give preference to an adult relative over a nonrelated caregiver when determining a placement for a child. My new legislation will continue the process of shifting the focus of our child welfare system from leaving children with strangers to leaving them in the loving arms of grandparents and other relatives.

I am not noticing a new trend. States have been moving in this direction for over a decade. Over the past 10 years the number of children involved in extended family arrangements has increased by 40 percent. Currently, more than four million children are being raised by their grandparents. In other words, 5 percent of all families in this country are headed by grandparents.

My view is that it's time for the Federal Government to get with the program and start developing policies that make it easier, instead of more difficult, for families to come together to raise their children.

My bill has several parts. First, it would allow States to obtain waivers to set up kinship care guardianship systems where grandparents and other relative providers can receive some financial assistance without having to turn over custody of the child to the State and without having to go through the paperwork and bureaucratic hurdles of the foster care system.

Grandparents already face a number of hurdles when they suddenly find themselves caring for a grandchild. These may include living in seniors-only housing, not having clothes or space for a grandchild, or living on a fixed income. We need to encourage States to start making their child protection systems grandparent- and relative-friendly.

The second part of this bill requires States to give relative caregivers notice of and an opportunity to be heard in hearings or case reviews with respect to the child's safety and well-being. I have repeatedly heard the frustration of these grandparents and relative caregivers who say they never knew about or were not allowed to attend a hearing or case review affecting a child for whom they may be caring or have cared for years. Surely their voices should be heard in those circumstances where the well-being and safety of the child is being discussed.

As we reevaluate the effectiveness of our country's child protection systems, it's time that we start developing some new ideas and new ways to use our resources more effectively to find loving environments for children who can't live with their natural parents.

I applaud the efforts of my colleague in the House, Representative CONNIE MORELLA who has introduced the companion bill in the House, and I urge my colleagues on both sides of the aisle to join with me in giving states increased flexibility to make their foster care systems more grandparent friendly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kinship Care Act of 1997".

SEC. 2. KINSHIP CARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.

"(a) PURPOSE.—The purpose of this section is to allow and encourage States to develop effective alternatives to foster care for children who might be eligible for foster care but who have adult relatives who can provide safe and appropriate care for the child.

"(b) DEMONSTRATION AUTHORITY.—The Secretary may authorize any State to conduct a demonstration project designed to determine whether it is feasible to establish kinship care as an alternative to foster care for a child who—

"(1) has been removed from home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;

"(2) would otherwise be placed in foster care; and

"(3) has adult relatives willing to provide safe and appropriate care for the child.

"(c) KINSHIP CARE DEFINED.—As used in this section, the term 'kinship care' means safe and appropriate care (including long-term care) of a child by 1 or more adult relatives of the child who have legal custody of the child, or physical custody of the child pending transfer to the adult relative of legal custody of the child.

"(d) PROJECT REQUIREMENTS.—In any demonstration project authorized to be conducted under this section, the State—

"(1) should examine the provision of alternative financial and service supports to families providing kinship care; and

"(2) shall establish such procedures as may be necessary to assure the safety of children who are placed in kinship care.

"(e) WAIVER AUTHORITY.—The Secretary may waive compliance with any requirement of this part which (if applied) would prevent a State from carrying out a demonstration project under this section or prevent the State from effectively achieving the purpose of such a project, except that the Secretary may not waive—

"(1) any provision of section 422(b)(10), section 479, or this section; or

"(2) any provision of this part, to the extent that the waiver would impair the entitlement of any qualified child or family to benefits under a State plan approved under this part.

"(f) PAYMENTS TO STATES; COST NEUTRALITY.—In lieu of any payment under section 473 for expenses incurred by a State during a quarter with respect to a demonstration project authorized to be conducted under this section, the Secretary shall pay to the State an amount equal to the total amount that would be paid to the State for the quarter under this part, in the absence of the project, with respect to the children and families participating in the project.

"(g) USE OF FUNDS.—A State may use funds paid under this section for any purpose related to the provision of services and financial support for families participating in a demonstration project under this section.

"(h) DURATION OF PROJECT.—A demonstration project under this section may be conducted for not more than 5 years.

"(i) APPLICATION.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

"(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, the procedures to be used to assure the safety of such children, and the services which would be provided by the proposed project (which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups);

"(2) a statement of the period during which the proposed project would be conducted, and how, at the termination of the project, the safety and stability of the children and families who participated in the project will be protected;

"(3) a discussion of the benefits that are expected from the proposed project (compared to a continuation of activities under the State plan approved under this part);

"(4) an estimate of the savings to the State of the proposed project;

"(5) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted;

"(6) a description of the proposed evaluation design; and

"(7) such additional information as the Secretary may require.

"(j) STATE EVALUATIONS AND REPORTS.—Each State authorized to conduct a demonstration project under this section shall—

"(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

"(A) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under the State plan approved under this part, for purposes of assessing the effectiveness of the project in achieving program goals; and

"(B) any other information that the Secretary may require;

"(2) obtain an evaluation by an independent contractor of the effectiveness of the State in assuring the safety of the children participating in the project; and

"(3) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.

"(k) REPORT TO THE CONGRESS.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report that contains the recommendations of the Secretary for changes in law with respect to kinship care and placements.".

(b) CONFORMING AMENDMENTS.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended

(1) in section 422(b)—

(A) by striking the period at the end of the paragraph (9) (as added by section 554(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(2) in sections 424(b), 425(a), and 472(d), by striking "422(b)(9)" each place it appears and inserting "422(b)(10)"; and

(3) in section 471(a)—

(A) by striking "and" at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting "; and"; and

(C) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

SEC. 3. NOTICE TO RELATIVE CAREGIVERS.

(a) IN GENERAL.—Section 471(a)(19) of the Social Security Act (42 U.S.C. 671(a)(19), as redesignated by section 1(b)(3)(C), is amended to read as follows:

"(19) provides that the State shall, with respect to an adult relative caregiver for a child—

"(A) provide that relative caregiver with notice of, and an opportunity to be heard in, any dispositional hearing or administrative review held with respect to the child; and

"(B) give preference to that relative caregiver over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards, and that placement with the relative caregiver would be consistent with the safety needs of the child.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.●

By Mr. ASHCROFT:

S. 825. A bill to provide for violent and repeat juvenile offender accountability, and for other purposes; to the Committee on the Judiciary.

THE PROTECT CHILDREN FROM VIOLENCE ACT

Mr. ASHCROFT. Mr. President, yesterday's Washington Post reported a decrease in crime nationwide. The Post also reported that Attorney General Reno and President Clinton quickly stepped up to take credit for this news.

But in this same article James Alan Fox, dean of Northeastern University's college of criminal justice, suggested that the decreasing crime numbers were more a function of demographics. According to Dean Fox, "The aging of a large segment of the population has played a key role in the decline. Adults tend to be less violent than juveniles." But if crime statistics are, indeed, a function of demographics, then the demographics suggest that the juvenile crime rates will continue to rise. As Dean Fox indicated, the juvenile population will grow over the next decade.

The available numbers confirm that the rate of violent juvenile crimes is increasing. The Washington Post also mentioned that between 1985 and 1995, the number of murders committed by juveniles increased 145 percent. And criminologist suggest that the baby boom of the 1980's will bring tidalwave of vicious violent youth onto our streets.

Mr. President, today, I am introducing legislation to protect our children from people who would lead them astray and from those who are dangerous in our midst.

The dangerous environment in which our children live today dictates that we make several fundamental changes in the way we treat dangerous, violent juveniles and those people—juveniles and adults, alike—who lure our children into drugs and gangs. We must come down harder on juveniles who commit serious violent crimes—incarcerating them and trying them as adults—and we must improve our recordkeeping capability for these dangerous juveniles so that courts, police officers, and schools know when they have a potential killer in their midst. Furthermore, we must punish severely those adults who seek to corrupt our kids by luring them into gangs, drugs, and a life of crime.

This bill, the Protect Children from Violence Act, will update our current juvenile justice laws to reflect the new vicious nature of today's teen criminals.

The act has several components, but first and foremost it would require Federal prosecutors and States, in order to qualify for $750 million in new incentive grants, to try as adults those juveniles 14 and older who commit serious violent offenses, such as rape or murder. There is nothing juvenile about these crimes, and the perpetrators must be treated and tried as adults.

Some of the laws on the books inadvertently pervert the direction of the law enforcement system, offering more protections to the perpetrators, than to the public. This must cease. Strengthening our juvenile justice laws is the first line of defense in protecting the public and providing greater protection for innocent children than for violent criminals.

In order to do this, we must also ensure that our law enforcement officials, courts and schools have clear lines of communications and access to the records of violent juvenile offenders. This bill does this by requiring the fingerprinting and photographing of juveniles found guilty of crimes that would be felonies if committed by an adult. The bill would also ensure that those records are made available to Federal and State law enforcement officials and school officials, so they will know who they are dealing with when they confront a dangerous juvenile offender.

Typically, State statutes seal juvenile criminal records and expunge those records when the juvenile reaches age 18. Today's young criminal predators understand that when they reach their 18th birthday, they can begin their second career as adult criminals with an unblemished record. The time has come to discard anachronistic idea that crimes committed by juveniles must be kept confidential, no matter how heinous the crime.

Our law enforcement agencies, courts, and school officials need improved access to juvenile records so that they have the tools to deal with the exponential increase in the severity and frequency of juvenile crimes.

For too long, law enforcement officers have operated in the dark. Our police departments need to have access to the prior juvenile criminal records of individuals to assist them in criminal investigations and apprehension.

According to Police Chief David G. Walchak, who is immediate past president of the International Association of Chiefs of Police, law enforcement officials are in desperate need of access to juvenile criminal records. The police chief has said, "Current juvenile records—both arrest and adjudication—are inconsistent across the States, and are usually unavailable to the various programs' staff who work with youthful offenders."

Chief Walchak also notes that "If we [in law enforcement] don't know who the youthful offenders are, we can't appropriately intervene."

Chief Walchak is not the only one saying this. Law enforcement officers in my home State have told me that when they arrest juveniles they have no idea with whom they are dealing because the records are kept confidential.

School officials, as well as courts and law enforcement officials, need access to juvenile criminal records to assist them in providing for the best interests of all students and preventing more tragedies.

The decline in school safety across the country can be attributed to a significant degree to laws that put the protection of dangerous students ahead of protecting the innocent—those that go to school to learn, not to rape, maim, and murder.

While visiting with school officials in Sikeston, MO, a teacher told me how one of her students came to school wearing an electronic monitoring ankle bracelet. Can you imagine being that teacher and having to turn around—back to the class—to write on the chalk board not knowing whether that student was a rapist, or even a murderer?

School officials need access to juvenile criminal records so that they can keep a close eye on potentially dangerous predators and take preventive measures. Judicial and law enforcement authorities need this information because it is vital to the protection of public safety.

In addition to requiring that Federal and State prosecutors try violent juvenile offenders as adults and increasing recordkeeping and sharing capability, this bill also enhances the Federal criminal penalties for those adults who seek to lure juveniles into criminal activity or drug use.

For example, any adult who distributes drugs to a minor, traffics in drugs in or near a school, or uses minors to distribute drugs would face a minimum 3-year jail sentence—as compared to the 1-year minimum under current law.

This bill also doubles the maximum jail time and fines for adults who use minors in crimes of violence. The second time the adult hides behind the juvenile status of a child by using him to commit a crime, the adult faces a tripling of the maximum sentence, and fine.

Furthermore, the Protect Children from Violence Act elevates a Federal crime the recruiting of minors to participate in gang activity. Under this legislation, those gangsters who lure our children into gangs will face a Federal prosecutor and a Federal penitentiary.

A 1993 survey reported an estimated 4,881 gangs with 249,324 gang members in the United States. Those figures are disturbing enough. But a second study, conducted just 2 years later, found that the number of gangs had increased more than fourfold, with 23,388 gangs claiming over 650,000 members. We need legislation to stem this rising tide.

Let me quickly recap the highlights of this legislation. In order to qualify for incentive grants, States would be required to try juveniles as adults if they commit certain violent crimes such as rape and murder. States also would have to fingerprint and keep records on juveniles who commit crimes that would be felonies if committed by adults, and States must allow public access to juvenile criminal records of repeat juvenile offenders. These same provisions would apply to Federal law enforcement officials. To protect our children from adults who prey on them, this bill doubles and triples the jail time for those convicted of using a juvenile to commit a violent crime or to distribute drugs. Anyone caught dealing drugs to minors or near a school will face three times the penalty under current law.

This bill is a reasonable and prudent response to the threat that violent youths, and the adults that lead them into life of crime, pose to our children. The moneys authorized will be used to deter and incarcerate violent juvenile criminals, not just to provide for more midnight basketball and prevention programs—the situation, and our future, demands more that that. We need to take into account the needs of the innocent children—not sacrifice their protection in the name of privacy of violent juvenile perpetrators.

By Mr. LAUTENBERG (for himself, Mr. Durbin and Mr. Kerry):

S. 826. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Environment and Public Works.

THE SMOKE-FREE ENVIRONMENT ACT OF 1997

• Mr. LAUTENBERG. Mr. President, I introduce the Smoke-Free Environment Act of 1997. This bill will help decrease the death rates from a toxic pollutant that exists in the air of our Nation's factories, office buildings, retail stores, and Government facilities. I am speaking of secondhand smoke from cigarettes and other tobacco products, which kills tens of thousands of Americans each year.

A recent study put an end to the tobacco industry's distortions and misinformation on this issue. A Harvard University study which tracked 32,000 nonsmoking women for 10 years found that regular exposure at home or at work to secondhand smoke nearly doubled their risk of heart disease.

Mr. President, we have been aware of the risk of lung cancer from secondhand smoke for several years now, but this study confirms what many have suspected about the link between secondhand smoke and heart disease. The results of this study means that approximately 50,000 fatal heart attacks each year are caused by exposure to tobacco smoke.

My bill would require that every building—both Government and private—protect Americans from exposure to secondhand smoke. It can be accomplished in one of two ways. The building could either ban smoking altogether or set up smoking rooms that are separately ventilated from the rest of the building.

Mr. President, the bill also would finish a job I started with Senator Durbin 10 years ago. In 1987, we banned smoking on domestic airline flights of 2 hours or less. In 1989, we extended that ban to flights of 6 hours or less.

The smoking ban has been a tremendous success. Passengers have been so pleased by a smokefree environment in the air that many airlines have voluntarily extended the ban to all domestic flights and international flights. However, some airlines have not, and many passengers and flight attendants are still subjected to dangerous secondhand smoke on airplanes.

Mr. President, the Smoke-Free Environment Act will also ban smoking on any flight that originates in the United States, and lands in a foreign country. Americans should be able to travel abroad with the peace of mind that they will not be locked into a poisonous cabin for 10 or 15 hours, and flight attendants will not have to worry that they will increase their risk of heart disease almost twofold by simply performing their job.

Mr. President, yesterday, a trial opened in Miami, in which flight attendants sued the tobacco industry over health injuries caused by exposure to secondhand smoke before the passage of my law banning smoking on domestic flights. These flight attendants have a legitimate case, and it is time to prevent similar litigation in the future by cleaning all the air in the skies, in Government offices, in stores, and in all of our places of work.

Mr. President, nonsmokers never choose to be exposed to tobacco smoke. The smoke of a cigarette is not only harming the smoker, but also severely injuring others with secondhand smoke.

Multiple studies have shown that regular exposure to secondhand smoke results in the following for nonsmokers: Damage to the arteries, reduction of oxygen supply in the body, and increases in the tendency of blood platelet to stick together and clot.

Mr. President, how can we speak about the importance of children's health while our kids are being exposed to this deadly smoke. It is time for Congress to get serious about the health crisis caused by secondhand smoke, and pass the Smoke-Free Environment Act.

Mr. President, I ask unanimous consent that a copy of the bill be inserted into the Record. I also ask unanimous consent that a New York Times article on the Harvard study be inserted into the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smoke-Free Environment Act of 1997".

SEC. 2. SMOKE-FREE ENVIRONMENT POLICY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXVIII—SMOKE-FREE ENVIRONMENTS

"SEC. 2801. SMOKE-FREE ENVIRONMENT POLICY.

"(a) Policy Required.—In order to protect children and adults from cancer, respiratory disease, heart disease, and other adverse health effects from breathing environmental tobacco smoke, the responsible entity for each public facility shall adopt and implement at such facility a smoke-free environment policy which meets the requirements of subsection (b).

"(b) Elements of Policy.—Each smoke-free environment policy for a public facility shall—

"(1) prohibit the smoking of cigarettes, cigars, and pipes, and any other combustion of tobacco, within the facility and on facility property within the immediate vicinity of the entrance to the facility; and

"(2) post a clear and prominent notice of the smoking prohibition in appropriate and visible locations at the public facility.

The policy may provide an exception to the prohibition specified in paragraph (1) for one or more specially designated smoking areas within a public facility if such area or areas meet the requirements of subsection (c).

"(c) Specially Designated Smoking Areas.—A specially designated smoking area meets the requirements of this subsection if it satisfies each of the following conditions:

"(1) The area is ventilated in accordance with specifications promulgated by the Administrator that ensure that air from the area is directly exhausted to the outside and does not recirculate or drift to other areas within the public facility.

"(2) Nonsmoking individuals do not have to enter the area for any purpose.

"(3) Children under the age of 15 are prohibited from entering the area.

"SEC. 2802. CITIZEN ACTIONS.

"(a) In General.—An action may be brought to enforce the requirements of this title by any aggrieved person, any State or local government agency, or the Administrator.

"(b) Venue.—Any action to enforce this title may be brought in any United States district court for the district in which the defendant resides or is doing business to enjoin any violation of this title or to impose a civil penalty for any such violation in the amount of not more than $5,000 per day of violation. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce this title and to impose civil penalties under this title.

“(c) Notice.—An aggrieved person shall give any alleged violator notice of at least 60 days prior to commencing an action under this section. No action may be commenced by an aggrieved person under this section if such alleged violator complies with the requirements of this title within such 60-day period and thereafter.

“(d) Costs.—The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party, whenever the court determines such award is appropriate.

“(e) Penalties.—The court in any action under this section to apply civil penalties shall have discretion to order that such civil penalties be used for projects that further the policies of this title. The court shall obtain the view of the Administrator in exercising such discretion and selecting any such projects.

“(f) Damages.—No damages of any kind, whether compensatory or punitive, shall be awarded in actions brought pursuant to this title.

“(g) Isolated Incidents.—Violations of the prohibition specified in section 2801(b)(1) by an individual within a public facility or on facility property shall not be considered violations of this title on the part of the responsible entity if such violations—

“(1) are isolated incidents that are not part of a pattern of violations of such prohibition; and

“(2) are not authorized by the responsible entity.

“SEC. 2803. PREEMPTION.

“Nothing in this title shall preempt or otherwise affect any other Federal, State or local law which provides protection from health hazards from environmental tobacco smoke.

“SEC. 2804. REGULATIONS.

“The Administrator is authorized to promulgate such regulations as the Administrator deems necessary to carry out this title.

“SEC. 2805. EFFECTIVE DATE.

“The requirements of this title shall take effect on the date that is 1 year after the date of the enactment of the Smoke-Free Environment Act of 1997.

“SEC. 2806. DEFINITIONS.

“In this title:

“(1) Administrator.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) Public facility.—The term ‘public facility’ means any building regularly entered by 10 or more individuals at least one day per week, including any such building owned by or leased to a Federal, State, or local government entity. Such term shall not include any building or portion thereof regularly used for residential purposes.

“(3) Responsible entity.—The term ‘responsible entity’ means, with respect to any public facility, the owner of such facility, except that in the case of any such facility or portion thereof which is leased, such term means the lessee.”.

SEC. 3. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) In General.—Section 41706 of title 49, United States Code, is amended to read as follows:

“§ 41706. Prohibitions against smoking on scheduled flights

“(a) Smoking Prohibition in Intrastate and Interstate Air Transportation.—An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

“(b) Smoking Prohibition in Foreign Air Transportation.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit, on and after the 120th day following the date of the enactment of the Smoke-Free Environment Act of 1997, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

“(c) Limitation on Applicability.—With respect to an aircraft operated by a foreign air carrier, the smoking prohibitions contained in subsections (a) and (b) shall apply only to the passenger cabin and lavatory of the aircraft.

“(d) Regulations.—The Secretary shall prescribe regulations necessary to carry out this section.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the 60th day following the date of the enactment of this Act.

[From the New York Times News Service, May 20, 1997]

Study Finds Secondhand Smoke Doubles Heart Disease

(By Denise Grady)

Secondhand cigarette smoke is more dangerous than previously thought, Harvard researchers are reporting on Tuesday in a study with broad implications for public health policy and probable direct impact on at least one major lawsuit.

The 10-year study, which tracked more than 32,000 healthy women who never smoked, has found that regular exposure to other peoples' smoking at home or work almost doubled the risk of heart disease.

Many earlier studies have linked secondhand smoke to heart disease, but the new findings show the biggest increase in risk ever reported, and the researchers say that it applies equally to men and women.

The women in the study, who ranged in age from 36 to 61 when the study began, suffered 152 heart attacks, 25 of them fatal. The results mean that “there may be up to 50,000 Americans dying of heart attacks from passive smoking each year,” said Dr. Ichiro Kawachi, an assistant professor of health and social behavior at the Harvard School of Public Health and the lead author of the study, which was published in the journal Circulation.

By contrast, lung cancer deaths from passive smoking are estimated to be far fewer, at 3,000 to 4,000 a year. Because heart disease is much more common than lung cancer, even a small increase in risk can cause many deaths.

Before this study, it was known that passive smoking caused increased risk for several ailments, including asthma and bronchitis, as well as middle-ear infections in young children. But the increased risk for heath disease had been estimated at about 30 percent.

“This is a very important study,’ said Dr. Stanton Glantz, a professor of medicine at the University of California at San Francisco, who has done extensive research on passive smoking but who was not involved in the Harvard study. “It's exceptionally strong and from a very solid group.” Glantz also praised the Harvard team for what he called its careful analysis of workplace exposure to smoke, which had rarely been done before.

:“That's important because of the effort to create laws controlling smoking in the workplace,” he said.

Although the federal Occupational Safety and Health Administration has proposed nationwide workplace rules, they are not yet in effect. Regulations vary by state or city.

“This study will be of enormous help to legislative bodies, statewide and locally, who are trying to get limits on smoking, especially in controversial areas like restaurants and bars, where the tobacco industry has worked closely with restaurant associations to block legislation to make these places go smoke free,” said Edward Sweda, a senior lawyer with the Tobacco Control Resource Center at Northeastern University in Boston.

The study may be particularly pertinent for one lawsuit.

“From our standpoint, that's a wonderful study,” said Stanley Rosenblatt, a Miami lawyer representing flight attendants in a class-action suit against tobacco companies that will go to trial on June 2.

That suit is the first class-action suit based on the effects of secondhand smoke. The case could ultimately involve 60,000 former and current flight attendants, who will be seeking billions in damages, Rosenblatt said. The attendants contend they were harmed by smoke in airplane cabins when smoking was legal on most flights. Most of the plaintiffs have had lung cancer or respiratory ailments.

The Philip Morris Cos., which is named in the flight attendants' suit, declined to comment on the study. The Tobacco Institute, an industry group, said it could not comment on the study because it has not seen a copy of it.

The data being reported on Tuesday are from the Nurses' Health Study, a project that began in 1976 with 121,700 female nurses filling out detailed surveys every two years about their health and habits. To measure the effects of passive smoking, the researchers asked the women in 1982 about their exposure, and then monitored new cases of heart disease for the next decade. The analysis did not include all the study participants, but only the 32,046 who had never smoked and who at the onset did not have heart disease or cancer.

The women who reported being exposed regularly to cigarette smoke at home or work had a 91 percent higher risk of heart attack than those with no exposure. Even though the women worked in hospitals some were exposed to smoke on the job because at the time of the study many hospitals allowed smoking in certain areas. The study was set up to make sure that other risk factors like diabetes and high blood pressure did not account for the difference between the two groups.

Laboratory studies of the effects of passive smoke on the body support the survey findings, Glantz said.

In studies of both people and animals. Glantz and other researchers have identified several ways in which the chemicals in secondhand smoke can contribute to heart disease. Besides reducing a person's oxygen supply, the substances damage arteries, lower levels of the beneficial form of cholesterol known as HDL and increase the tendency of blood platelets to stick to one another and form clots that can trigger a heart attack. A study last year of healthy teen-agers and adults exposed to passive smoking for an hour or more a day detected artery damage. The higher the exposure was, the greater the damage.

But once the exposure ceases, the damage may quickly heal.

"In active smokers, the risk of heart disease drops immediately," half of the way to that of a nonsmoker within a year, Glantz said. "It never gets quite back to the nonsmoker's level, but it comes close," he said. "One would expect the same to be true for passive smoking."

The Harvard study may supply ammunition for more lawsuit against the tobacco industry.

"I think it could have very profound implications legally," said John Banzhaf, a law professor at George Washington University and executive director of Action on Smoking and Health, an antismoking group. "We now have proof which will meet the legal threshold requirement. In an ordinary civil suit, you have to prove something by what we call a preponderance of evidence, which means it's more probable than not."

The doubling of risk shown on Tuesday's study satisfied that requirement, Banzhaf said, adding, "You're right in that striking range with regard to the quantum of proof which we need."

Because passive smoke can cause heart problems more quickly than it causes lung cancer, Banzhaf said, it will be easier to prove the connection to juries.

The study may also affect negotiations between Northwest Airlines and its flight attendants. The airline still allows smoking on many of its flights to Japan and has stated that it will continue to even after other American carriers ban smoking on those routes in July.

Flight attendants have protested the decision, but a spokesman for Northwest, John Austin, said the airline would maintain a smoking section because its major competitor on those flights, Japan Air Lines, permitted smoking.

"We believe that absent a smoking section we'll lose quite a bit of business in Japan," Austin said. But he added that Northwest's management had not yet seen the Harvard study. "It'll certainly factor in," he said. "But it's hard to say what the impact will be."●

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 828. A bill to provide for the reduction in the number of children who use tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NO TOBACCO FOR KIDS ACT

Mr. DURBIN. Mr. President, for more than 5 years now, the tobacco companies have said repeatedly, "We do not want to sell our products to kids." They have bought full page ads in the Washington Post, the New York Times, and the Wall Street Journal, saying that they adamantly oppose the sale of tobacco to kids.

I don't know many kids who read the Wall Street Journal, the New York Times, or the Washington Post. What the tobacco companies have been doing is creating a sham that they are serious about reducing sales to kids.

Let's take a look at the record. From 1991 to 1996, the percentage of children who use tobacco increased by almost 50 percent. This means that, at the same time the tobacco companies have been saying they are dedicated to reducing the illegal sales of tobacco to kids, more and more children have been buying the tobacco products those companies sell.

That is not an accident. This multibillion dollar industry is made up of tobacco companies that design their marketing and advertising to lure new customers into this addiction. The fact that more and more children are smoking is clear evidence that the tobacco companies have failed, once again, to tell the truth. They need these new, young customers to prop up their profits as older customers die or quit using tobacco. And they continue to do what it takes to secure a new generation of young people who are becoming hooked on their products.

Today, I am introducing, along with Senator FRANK LAUTENBERG and Congressman HENRY WAXMAN, a new piece of legislation that says the only honest way to approach the reduction of tobacco sales to children is to make the tobacco companies put their profits on the line.

The NO Tobacco For Kids Act says we will do a survey of the tobacco products for sale and find out how many children are using those products and what brands they are using. Then, each year, we will update that survey to see which products continue to be purchased by children. Those companies that continue to sell their products to children will face a fine of $1 a pack on all their sales if they don't reduce the number of children using their brands in steps to reach a reduction of 90 percent over the next 6 years. Since current childhood users will cycle out of the underage population over that time, this measure will give the tobacco companies a chance to show whether they are serious about reducing the use of tobacco products by kids.

Unless the tobacco companies have their profits on the line, we will continue to get cheap talk from them about stopping sales to kids. This bill puts teeth into the campaign to stop selling tobacco products to children. It sets a very simple standard for the tobacco companies: stop selling cigarettes and spit tobacco to children, or pay the consequences.

In the past, every child hooked on tobacco was a new profit center for the tobacco industry. This legislation totally reverses the incentives for marketing to children. When this measure becomes law, every new child who picks up a cigarette or pockets a can of spit tobacco will become an economic loss to the company whose products the child chooses. With that reversal, the tobacco companies will have a strong economic incentive to stop marketing to children.

Mr. President, this legislation could be one the simplest yet most effective steps we can take to reduce teenage tobacco use. I invite my colleagues to cosponsor the NO Tobacco For Kids Act and help us put in place clear performance standards for the tobacco industry to stop selling their products to minors.

I ask unanimous consent that a summary of this bill and the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NO Tobacco for Kids Act".

SEC. 2. CHILD TOBACCO USE SURVEYS.

(a) ANNUAL PERFORMANCE SURVEY.—Not later than 1 year after the date of the enactment of this Act and annually thereafter the Secretary shall conduct a survey to determine the number of children who used each manufacturer's tobacco products within the past 30 days.

(b) BASELINE LEVEL.—The baseline level of child tobacco product use of a manufacturer is the number of children determined to have used the tobacco products of such manufacturer in the first annual performance survey.

SEC. 3. GRADUATED PERFORMANCE STANDARDS.

(a) PERFORMANCE STANDARDS FOR EXISTING MANUFACTURERS.—Each manufacturer which manufactured a tobacco product on or before the date of the enactment of this Act shall reduce the number of children who use its tobacco products so that the number of children determined to have used its tobacco products on the basis of—

(1) the second annual performance survey is equal to or less than—

(A) 80 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(2) the third annual performance survey is equal to or less than—

(A) 60 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(3) the fourth annual performance survey is equal to or less than—

(A) 40 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(4) the fifth annual performance survey is equal to or less than—

(A) 20 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater; and

(5) the sixth annual performance survey and each annual performance survey conducted thereafter is equal to or less than—

(A) 10 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater.

(b) PERFORMANCE STANDARDS FOR NEW MANUFACTURERS.—Any manufacturer of a tobacco product which begins to manufacture a tobacco product after the date of the enactment of this Act shall ensure that the number of children determined to have used the manufacturer's tobacco products in each annual performance survey conducted after the manufacturer begins to manufacture tobacco products is equal to or less than the de minimis level.

(c) DE MINIMIS LEVEL.—The de minimis level shall be 0.5 percent of the total number of children determined to have used tobacco products in the first annual performance survey.

SEC. 4. NONCOMPLIANCE.

(a) FIRST VIOLATION.—If a manufacturer of a tobacco product violates a performance standard, the manufacturer shall pay a noncompliance fee of $1 for each unit of its tobacco product which is distributed for consumer use in the year following the year in which the performance standard is violated.

(b) FEE INCREASE FOR SUBSEQUENT VIOLATIONS.—If a manufacturer violates the performance standards in 2 or more consecutive years, the noncompliance fee for such manufacturer shall be increased by $1 for each consecutive violation for each unit of its tobacco product which is distributed for consumer use.

(c) REDUCTION IN NONCOMPLIANCE FEE.—If a manufacturer achieves more than 90 percent of the reduction in the number of children who use its tobacco products that is required under the applicable performance standard, the noncompliance fee required to be paid by the manufacturer shall be reduced on a pro rata basis such that there shall be a noncompliance fee reduction of 10 percent for each percentage point over 90 percent achieved by the manufacturer.

(d) PAYMENT.—The noncompliance fee to be paid by a manufacturer shall be paid on a quarterly basis, with the payments due within 30 days after the end of each calendar quarter.

SEC. 5. USE OF NONCOMPLIANCE FEE.

(a) FUNDS FOR ENFORCEMENT AND EDUCATION.—The first $1,000,000,000 of noncompliance fees collected in any fiscal year shall go into a Tobacco Enforcement and Education Fund in the United States Treasury. Fees in such fund shall be available to the Secretary, without fiscal year limitation, to enforce this Act and other Federal laws relating to tobacco use by children and for public education to discourage children from using tobacco products.

(b) FUNDS FOR THE TREASURY.—Any amount of noncompliance fees collected in any fiscal year which exceeds $1,000,000,000 shall be paid into the United States Treasury.

SEC. 6. JUDICIAL REVIEW.

A manufacturer of tobacco products may seek judicial review of any action under this Act only after a noncompliance fee has been assessed and paid by the manufacturer and only in the United States District Court for the District of Columbia. In an action by a manufacturer seeking judicial review of an annual performance survey, the manufacturer may prevail—

(1) only if the manufacturer shows that the results of the performance survey were arbitrary and capricious; and

(2) only to the extent that the manufacturer shows that it would have been required to pay a lesser noncompliance fee if the results of the performance survey were not arbitrary and capricious.

SEC. 7. ENFORCEMENT.

Section 301 of the Federal Food, Drug, and Cosmetic Act (28 U.S.C. 331) is amended by adding at the end the following:

"(x) The failure to pay any noncompliance fee required under the NO Tobacco for Kids Act.".

SEC. 8. PREEMPTION.

Nothing in this Act shall preempt or otherwise affect any other Federal, State, or local law or regulation which reduces the use of tobacco products by children.

SEC. 9. DEFINITIONS.

In this Act:

(1) CHILDREN.—The term "children" means individuals under the age of 18.

(2) CIGARETTE.—The term "cigarette" has the same meaning given such term by section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)).

(3) CIGARETTE TOBACCO.—The term "cigarette tobacco" means any product that consists of loose tobacco that contains or delivers nicotine and is intended for use by consumers in a cigarette.

(4) MANUFACTURE.—The term "manufacture" means the manufacturing, including repacking or relabeling, fabrication, assembly, processing, labeling, or importing of a tobacco product.

(5) MANUFACTURER.—The term "manufacturer" means any person who manufactures a tobacco product.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) SMOKELESS TOBACCO.—The term "smokeless tobacco" has the same meaning given such term by section 9(1) of the Comprehensive Smokeless Tobacco Education Act of 1986 (15 U.S.C. 4408(1)).

(8) TOBACCO PRODUCT.—The term "tobacco product" means a cigarette, cigarette tobacco, or smokeless tobacco.

(9) UNIT.—The term "unit" when used in connection with a tobacco product means 20 cigarettes in the case of cigarettes and the smallest amount of tobacco distributed by a manufacturer for consumer use in the case of any other tobacco product.

THE NO TOBACCO FOR KIDS ACT (NOT FOR KIDS)

The NO Tobacco for Kids Act (NOT for Kids) will establish a clear performance standard for the reduction of youth smoking in America. For too many years, the tobacco companies have claimed they oppose youth smoking and spit tobacco use while continuing to hook new generations of kids on their deadly products. This bill sets out a schedule to reduce actual youth tobacco use and contains provisions that, for the first time, will give individual tobacco companies an economic incentive to stop marketing their products to children. Specifically, the bill provides that:

Within 1 year after enactment, the Secretary of HHS will conduct a survey to determine the number of children who used each manufacturer's tobacco products within the previous 30 days.

Each manufacturer will then face penalties if it does not reduce the number of children who use its tobacco products by specified percentages from this baseline level over the succeeding years. The performance standard for each manufacturer is as follows: Year 1: no standard, baseline survey is taken; year 2: 20-percent reduction from the baseline; year 3: 40-percent reduction from the baseline; year 4: 60-percent reduction from the baseline; year 5: 80-percent reduction from the baseline; year 6: 90-percent reduction from the baseline; and subsequent years: 90-percent reduction from the baseline.

Manufacturers that reduce use to a de minimus level—one-half percent of the current number of youth smokers—will be deemed in compliance.

If a manufacturer violates the performance standard, that manufacturer must pay a noncompliance fee of $1 per pack, pouch, can, et cetera, on all of their tobacco sales in the subsequent year—not just on sales to youth. If the manufacturer violates the performance standard for 2 or more consecutive years, the noncompliance fee is increased by $1 for each consecutive year of violation. A manufacturer who comes within 10 percent of the required reduction for a particular year will have its noncompliance fee reduced on a pro rata basis.

The first $1 billion of noncompliance fees collected in any fiscal year will go into a fund for enforcement and public education to discourage children from using tobacco products. Any additional fees will go to the Treasury for deficit reduction.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN and Mr. KENNEDY):

S. 829. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

THE CLEAN-FUEL VEHICLE ACT OF 1997

Mrs. BOXER. Mr. President, today I am introducing the Clean Fuel Vehicle Act of 1997 to provide a program of tax incentives and other changes to promote the use of clean fuel vehicles. I believe that, as a U.S. Senator, I have no greater responsibility than to support policies that will protect the health and safety of the American people. Today, I want to tell you why I believe that my bill, the Clean Fuel Vehicle Act, is an important part of meeting that responsibility.

More than 43 million people in the United States live in areas that fail to meet EPA's air quality standards for carbon monoxide. We have 13 million people in nonattainment areas for nitrogen oxide. And, in my State of California, nearly 26 million people live in a nonattainment area for one or more pollutants, out of a state of nearly 32 million people. Air pollution is a very serious problem. According to the EPA, the current annual average concentrations of fine particulate matter in southeast Los Angeles County may be responsible for up to 3,000 deaths annually, and more then 52,000 incidences of respiratory symptoms including 1,000 hospital admissions.

Young children constitute the largest group at high risk from exposure to air pollutants. They breathe 50 percent more air by body weight than the average adult. In California alone there are over 6 million children under the age of 14 and approximately 90 percent of them live in areas that fail to meet State and Federal standards. How are our children being affected? Studies show health effects ranging from 20 to 60 percent losses of lung capacity.

So much of our air pollution problem comes from automobiles and other vehicles that burn fossil fuel. Sixty-five percent of carbon dioxide emissions and 47 percent of nitrogen oxide emissions come from cars and trucks.

I believe we must reinvigorate—electrify if you will—our efforts for clean fuel vehicles. The role of the Federal Government should be to encourage the market for these vehicles for a limited period of time with tax incentives.

The Clean Fuel Vehicle Act would make it easier for both individual car buyers and government purchasers of auto fleets to purchase clean fuel vehicles. In summary, the bill repeals the luxury excise tax on clean fuel vehicles—a $320 savings this year on a $40,000, factory-built electric vehicle, and repeals the luxury tax depreciation cap. It provides a full tax credit of $4,000 on the purchase of an electric vehicle. It allows companies which lease electric vehicles to government agencies to take advantage of the tax incentives and pass on the savings. It makes electric buses and other heavy duty electric vehicles eligible for the same tax deduction already in place for other clean fuel buses and heavy duty equipment. It lowers the excise tax on liquified natural gas—used in heavy vehicles such as tractor-trailer rigs and buses—to the gasoline gallon equivalent of compressed natural gas so that it can be competitive with diesel fuel. And, it sunsets all these tax incentives by January 1, 2005.

According to estimates by the Joint Committee on Taxation, the bill would cost only about $22 million over 5 years. My bill is endorsed by the Union of Concerned Scientists, the Electric Transportation Coaltion, and the Natural Gas Vehicle/USA.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Clean-Fuel Vehicle Act of 1997”.

(b) REFERENCE TO 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXEMPTION OF ELECTRIC AND OTHER CLEAN-FUEL MOTOR VEHICLES FROM LUXURY AUTOMOBILE CLASSIFICATION.

(a) IN GENERAL.—Subsection (a) of section 4001 (relating to imposition of tax) is amended to read as follows:

“(a) IMPOSITION OF TAX.—

“(1) IN GENERAL.—There is hereby imposed on the 1st retail sale of any passenger vehicle a tax equal to 10 percent of the price for which so sold to the extent such price exceeds the applicable amount.

“(2) APPLICABLE AMOUNT.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the applicable amount is $30,000.

“(B) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—In the case of a passenger vehicle which is propelled by a fuel which is not a clean-burning fuel to which is installed qualified clean-fuel vehicle property (as defined in section 179A(c)(1)(A)) for purposes of permitting such vehicle to be propelled by a clean-burning fuel, the applicable amount is equal to the sum of—

“(i) $30,000, plus

“(ii) the increase in the price for which the passenger vehicle was sold (within the meaning of section 4002) due to the installation of such property.

“(C) PURPOSE BUILT PASSENGER VEHICLE.—

“(i) IN GENERAL.—In the case of a purpose built passenger vehicle, the applicable amount is equal to 150 percent of $30,000.

“(ii) PURPOSE BUILT PASSENGER VEHICLE.—For purposes of clause (i), the term ‘purpose built passenger vehicle’ means a passenger vehicle produced by an original equipment manufacturer and designed so that the vehicle may be propelled primarily by electricity.”

(b) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 4001 (relating to inflation adjustment) is amended to read as follows:

“(e) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—The $30,000 amount in subparagraphs (A), (B)(i), and (C)(i) of subsection (a)(2) shall be increased by an amount equal to—

“(A) $30,000, multiplied by

“(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the vehicle is sold, determined by substituting ‘calendar year 1990’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $2,000, such amount shall be rounded to the next lowest multiple of $2,000.”

(2) Subsection (f) of section 4001 (relating to phasedown) is amended by striking “subsection (a)” and inserting “subsection (a)(1)”.

(3) Subparagraph (B) of section 4003(a)(2) is amended to read as follows:

“(B) the appropriate applicable amount as determined under section 4001(a)(2).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring and property placed in service on or after the date of enactment of this Act.

SEC. 3. EXEMPTION OF THE INCREMENTAL COST OF A CLEAN FUEL VEHICLE FROM THE LIMITS ON DEPRECIATION FOR VEHICLES.

(a) IN GENERAL.—Section 280F(a)(1) (relating to limiting depreciation on luxury automobiles) is amended by adding at the end the following new subparagraph:

“(C) SPECIAL RULE FOR CERTAIN CLEAN-FUEL PASSENGER AUTOMOBILES.—

“(i) MODIFIED AUTOMOBILES.—In the case of a passenger automobile which is propelled by a fuel which is not a clean-burning fuel to which is installed qualified clean-fuel vehicle property (as defined in section 179A(c)(1)(A)) for purposes of permitting such vehicle to be propelled by a clean burning fuel (as defined in section 179A(e)(1)), the depreciation deductions specified in subparagraph (A) shall be increased by the incremental cost of the installed qualified clean burning vehicle property as depreciated pursuant to section 168 by applying the rules under subsections (b)(1), (d)(1), and (e)(3)(B) thereof.

“(ii) PURPOSE BUILT PASSENGER VEHICLES.—In the case of a purpose built passenger vehicle (as defined in section 4001(a)(2)(C)(ii)), the depreciation deductions specified in subparagraph (A) shall be tripled.

“(iii) INCREMENTAL COST.—For purposes of clause (i), the incremental cost shall be the equal of the lesser of—

“(I) the incremental cost of the installed qualified clean fuel vehicle property (as so defined), or

“(II) the amount by which the total cost of the clean fuel passenger automobile exceeds the sum of the amounts that would be allowed under subparagraph (A) for the recovery period determined by applying the rules under subsections (d)(1) and (e)(3) of section 168.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring and property placed in service on or after the date of enactment of this Act and before January 1, 2005.

SEC. 4. GOVERNMENTAL USE RESTRICTION MODIFIED FOR ELECTRIC VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 30(d) (relating to special rules) is amended by inserting “(without regard to paragraph (4)(A)(i) thereof)” after “section 50(b)”.

(b) CONFORMING AMENDMENT.—Paragraph (5) of section 179A(e) (relating to other definitions and special rules) is amended by inserting “(without regard to paragraph (4)(A)(i) thereof in the case of a qualified electric vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii) of this section)” after “section 50(b)”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 5. LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting “, other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)” after “section 30(c))”.

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles)is amended by adding at the end the following new paragraph:

“(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term ‘qualified electric vehicle’ shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 6. ELECTRIC VEHICLE CREDIT AMOUNT AND APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 30 (relating to credit for qualified electric vehicles) is amended by striking “10 percent of”.

(b) APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.—Section 30(b) (relating to limitations) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 7. RATE OF TAX ON LIQUEFIED NATURAL GAS TO BE EQUIVALENT TO RATE OF TAX ON COMPRESSED NATURAL GAS.

(a) IN GENERAL.—Paragraph (3) of section 4041(a) (relating to diesel fuel and special motor fuels) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

“(A) IMPOSITION OF TAX.—

“(i) IN GENERAL.—There is hereby imposed a tax on compressed or liquefied natural gas—

"(I) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat, or

"(II) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such gas under subclause (I).

"(ii) RATE OF TAX.—The rate of tax imposed by this paragraph shall be—

"(I) in the case of compressed natural gas, 48.54 cents per MCF (determined at standard temperature and pressure), and

"(II) in the case of liquefied natural gas, 3.54 cents per gallon.", and

(2) by inserting "OR LIQUEFIED" after "COMPRESSED" in the heading.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 4041(a)(2) is amended by striking "other than a Kerosene" and inserting "other than liquefied natural gas, kerosene".

(2) The heading for section 9503(f)(2)(D) is amended by inserting "OR LIQUEFIED" after "COMPRESSED".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. HELMS (for himself, Mr. FEINGOLD, Mr. HUTCHINSON, and Mr. WELLSTONE):

S.J. Res. 31. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

MOST-FAVORED-NATION TREATMENT DISAPPROVAL JOINT RESOLUTION

Mr. HELMS. Mr. President, in offering this resolution, Mr. President, which formally disapproves President Clinton's renewal of MFN for China, I am pleased that the able Senator from Wisconsin [Mr. FEINGOLD] is a principal cosponsor of the resolution of disapproval.

In moving around my State during the Memorial Day recess I was impressed with the attitude of a majority of North Carolinians who are absolutely persuaded that the United States must conduct its policy toward China on the basis of morality as well as pragmatism. It has made no sense either morally or practically for the United States to have conducted its China policy as it has for so long.

There are many who are asserting the truth that the term MFN, which stands for most favored nation, is certainly a misnomer. MFN, in fact, means that a country gets trade treatment as good as anybody else's, not that it gets more favorable treatment than any other country. I accept that and I oppose MFN on exactly those grounds. China gets the same trade treatment that virtually everybody else gets. When a country like China gets normal trade relations with the United States it is getting better treatment than China deserves. That is just plain foolish.

Those who favor MFN for Communist China also like to point out that other countries with at least equally dubious records—like Iran, Iraq, Syria, Libya and Burma—qualify for MFN without an annual debate. Therefore, the proMFN crowd says China ought to get MFN without an annual debate.

I dissent. The trouble with that, Mr. President, is this. Those people who rely on the cases of these countries to make their points about MFN for China just have not done their homework. It is disingenuous at best for the proMFN lobby to create the impression that Iran, Iraq, Libya, and Syria, enjoy MFN status, because they absolutely do not. MFN for Iran, Iraq, Syria, and Libya is a moot point since nearly all trade is banned with them due to their involvement in state-sponsored terrorism.

Burma may technically have MFN status but it, also, is the subject of a ban on new United States investment. Syria and Burma both are denied low-tariff benefits under the generalized system of preferences. Besides that, policies against individual countries have evolved in response to historical developments and the needs of U.S. policy. No proponent of MFN renewal would say that the United States should treat every country exactly the same way regardless of specific conditions inside the country, the type of government it has, or the type of threat it poses to the United States or to the neighbors of the United States.

Now, China is a special case, Mr. President. When you stop to think about it there is no valid reason for the United States—this is the world's leader in freedom—offering the same trading terms for China that the United States offers to other nations that do honor their citizens' human rights and that do respect the rule of law. Now, there can be no such thing as normal trade with the world's largest country, a Communist system engaging in proliferation of conventional nuclear, biological, and chemical weapons.

A country of which our State Department can say, there was not a single dissident active in 1996.

A country which is violating commitments it made in an international agreement to preserve Hong Kong's institutions and way of life virtually intact.

A country whose economy is built on prison labor and Peoples Liberation Army joint ventures with U.S. companies.

A country which fires missiles across the Taiwan strait in an attempt to intimidate the people of Taiwan from conducting democratic elections.

A country which makes money from organ transplants taken from prisoners, who have just been shot in the head.

A country which has a policy of forced abortion.

A country which has systematically destroyed Tibet's religion and culture.

A country which violates international law in the South China Sea.

A country which has a huge and growing trade deficit with the United States.

It matters not whether one calls China's trade status most favored nation, or normal trade relations as the White House Office of "newspeak" wishes to call it. Either way, it's a bad policy, when one considers that in every important area of United States-China relations—from weapons proliferation, to human rights, to trade and intellectual property, to Hong Kong—the White House crowd has made the word "engagement" synonymous with the word "appeasement."

Let's talk for a little while about China's record of weapons proliferation. In April, a subcommittee of the Governmental Affairs Committee chaired by the able Senator from Mississippi, [Mr. COCHRAN], held a hearing which laid out the truth about Chinese proliferation, that this administration has repeatedly failed to impose sanctions required by United States law for China's transfers of equipment, components and weapons of mass destruction to Iran and Pakistan.

On human rights, the State Department acknowledges continued widespread abuse of human rights by China. This year's annual human rights report catalogues violations of rights of speech, assembly, and association, and abuses including extra-judicial punishment, prison labor, and religious repression.

Even more shocking than the extent of these abuses is the administration's refusal to use United States leverage to influence China, or even United States allies. This year, the United States failed to mount a credible campaign to introduce and pass a resolution condemning Chinese human rights abuses at the U.N. Human Rights Commission in Geneva.

The Commission's meeting is not a mystery. It is scheduled a year in advance. Yet this administration did almost no lobbying until the last minute. That's because the administration hoped against hope that the Vice President's trip to China would result in some concessions by the Chinese which would enable the administration to abandon the resolution once and for all.

But just guess what happened. China did not make concessions to Vice President GORE and the Clinton administration was left trying to put together a coalition at Geneva.

In trade, the story is the same. There is absolutely no improvement. The United States trade deficit with China climbed once again this year, to just under 40 percent. According to the President, that's an increase of 17 percent over last year. United States companies have precious little access to China's market, even as they are pouring investment into China. Sometimes, United States companies deal with the

People's Liberation Army. Sometimes they deal with factories using with prison labor. That is the way the game is played—under cover, under the table.

The United States buys 30 percent of China's exports. Yet China makes up just 2 percent of the United States export market—30 vs. 2. This past year, United States exports to Taiwan, Hong Kong—and even to Belgium, if you believe that, were greater than United States exports to China, even though the populations of each of these countries are a tiny fraction of China's population.

Just the same, we hear the same old rhetoric from certain businessmen. They come to my office day after day. I like them. I am sorry I can't agree with them. But I tell them I do not agree with them. They sit there and contend that the United States needs to trade with China. It will open up society; that is to say, the Chinese society, they say. But what is going on in China isn't free trade but trade on the Chinese Government's terms, which can be changed every hour on the hour.

The Chinese military operates commercial enterprises. Let me repeat that. The Chinese military army, all the rest of it, they are in business. They do that so they can pay for the ever-growing cost of operating their military establishment—and, by the way, collect technology from the United States and other sucker governments who send it to them.

No rule of law protects Chinese or foreign investors. Official corruption is widespread, and everybody knows it. A disagreement with a business partner who has an official connection can land you in jail in China, or worse. You might be one of the guys hauled out on that field tomorrow morning with a bullet through your head so that one of your organs can be sold for $40,000 cash money.

Want a run down of stories you won't hear from those lobbying Congress for MFN?

In 1994, Revpower, a Florida company won an international arbitration award against a Chinese state-owned enterprise. Despite China's obligations as a party to the 1958 Convention on Recognition and Enforcement of Foreign Arbitral Awards, China has failed to enforce the award in its courts.

In 1994, James Peng, an Australian citizen, was seized by Chinese police in Macau—which is not yet under Chinese control—and taken to China. In this case, the court found Peng innocent of any wrongdoing, but local officials who saw an opportunity to extort money from Peng and his partners. Peng has been in jail ever since.

Troy McBride, a United States businessman, had his passport seized and was detained for several weeks in a hotel in China in 1995. You can read about this in last year's State Department Human Rights Report.

According to the Chicago Tribune, Philip Cheng, a Chinese-American, was jailed without charges in 1993 over a dispute with his joint venture partner. In the story about Mr. Cheng, a Western diplomat was quoted as saying:

> When a deal goes sour we only hear about the worst cases. But dozens, perhaps hundreds of businessmen have been mobbed, punched and even jailed to make them pay what the locals demand. In most cases the victims make no fuss because their companies want to keep doing business in China.

Zhang Gueixing, a U.S. resident immigrant was imprisoned for 2½ years in connection with a dispute over bicycles. While in prison, Zhang witnessed executions of prisoners.

China has steadily reneged on its commitments in the 1984 Joint Declaration. In that agreement, China promised that Hong Kong would have an elected legislature, an accountable executive, an independent judiciary, and a broad range of personal and political freedoms including rights of speech, assembly, association, and religion. For the past several years China has first announced a violation of the joint declaration, then carried it out. This is all a matter of public record.

Yet, the United States has failed to prevent or reverse a single violation of the joint declaration. How can it when the administration's official position is that the United States is not entitled to say what does or does not violate the joint declaration?

Where the President will not lead, the Congress must act. An editorial from *The Weekly Standard* noted that:

> The Clinton Administration obstinately refuses to link U.S. China policy to anything the Chinese do or fail to do. Linkage must be reestablished; equilibrium must be restored to the relationship between the United States and its most troublesome and persistent challenger. That mission falls to the Congress by default.

For far too long, the United States has failed to recognize and use its leverage over China.

Mr. President, revoking MFN will not be the end of our China policy. MFN is the means toward restoring equilibrium in the relationship.

China scholar Harry Harding's book, "A Fragile Relationship," chronicles the early 1990's, when there was a real threat of MFN revocation in response to the Tiananmen Square Massacre. In response to the threat Beijing ended martial law, released several hundred political prisoners, bought Boeing aircraft and let a prominent dissident out of the country.

The Congress should withhold MFN status for China this year, otherwise the administration will continue to acquiesce to every violation of international law, international agreement, bilateral agreement, and United States law. The administration's policy toward China has been an abject failure. Abject, means both "utterly hopeless" and "shamelessly servile." Which, it seems to me, fairly sums up the situation.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The joint resolution will be appropriately referred.

• Mr. FEINGOLD. Mr. President, the Chairman of the Foreign Relations Committee [Mr. HELMS] and I have today introduced a joint resolution of disapproval for the President's decision to extend most-favored-nation status to China.

This is third year in a row that I will be introducing this joint resolution, and—I am pleased to say—the second time with Senator HELMS. I have joined with the chairman once again because I believe that trade policy is an effective tool that the United States can and should use with respect to the Chinese Government. I am pleased that Senators WELLSTONE and HUTCHINSON of Arkansas have joined us in introducing this bipartisan resolution.

Mr. President, on May 19, President Clinton announced his intention to extend for another year most-favored-nation trading status to China, which he formally requested from the Congress last week. Although we have expected the President to make such a decision for some time now, I can only say that I am once again disappointed in the President's decision. In fact, I have objected to the President's policy regarding the extension of MFN status to China since 1994, when he de-linked the issue of human rights from our trading policy. The argument made then is that trade rights and human rights are not interrelated. At the same time, it was said, through "constructive engagement" on economic matters, and dialogue on other issues, including human rights, the United States could better influence the behavior of the Chinese Government.

That was a mistake.

Let those who support "constructive engagement" visit the terribly ill Wei Jingsheng in his prison cell, and ask him if developing markets for toothpaste or breakfast cereal will help him win his freedom or save his life. I do not see how closer economic ties alone will somehow transform China's authoritarian system into a more democratic one. Unless we press the case for improvement in China's human rights record, using the leverage afforded us by the Chinese Government's desire to expand its economy and increase trade with us, I do not see how conditions will get much better.

De-linking MFN has resulted only in the continued despair of millions of Chinese people, and there is no evidence that MFN has influenced Beijing to improve its human rights policies. Basic freedoms—of expression, of religion, of association—are routinely denied. Rule of law, at least as I would define it, does not exist.

Mr. President, shortly before the Memorial Day recess, the Foreign Relations Committee held several hearings on the current situation in China. We had, for example, an excellent hearing on the situation in Tibet, where China continues its cultural and political repression and still refuses to begin a dialogue with the Dalai Lama, a Nobel laureate. We also heard testimony about how China is not sticking to its commitments under a 1992 Memorandum of Understanding with the United States on the issue of the use of forced prison labor. It is unconscionable that American consumers have unwittingly been used to help finance the abhorrent Chinese policy of reform through labor.

And that is not all.

Virtually every review of the behavior of the Chinese Government over the past year demonstrates that not only has there been no improvement in the human rights situation in China, but in many cases, it has worsened.

Now, 3 years after the President's decision to de-link MFN from human rights, the State Department's most recent Human Rights report on China describes, once again, an abysmal situation. According to the report,

> The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms. . . . Abuses included torture and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention. Prison conditions remained harsh. The Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights.

In October 1996, we were witness to yet another example of these policies, when Wang Dan, one of the leaders of the 1989 pro-democracy demonstrations in Tiananmen Square, was sentenced to 11 years in prison. This was, of course, after he had already been held in incommunicado detention for 17 months in connection with the issuance of a pro-democracy petition. Many political prisoners—some whose names we know, like Mr. Wang and Mr. Wei, and many of whose names we do not—have become ill as a result of their prolonged incarcerations, and are not receiving proper medical care.

The past year also saw the December arrest of Ngawang Choepel, a Tibetan musicologist and former Fulbright scholar who was the subject of a recent Moynihan resolution that I was proud to cosponsor. Also in December, a Beijing court sentenced activist Li Hai for collecting information on Tiananmen activists in prison. Li was trying to compile a list giving the name, age, family situation, crime, length of sentence, and the location of the prison in which these activists were held.

In June 1996, university teacher Zhang Zong-ai was arrested and later sentenced for meeting with Wang Dan and writing to Taiwanese leaders. Earlier this year, reports emerged from Tibet indicating severe torture of Tibetan nuns allegedly involved in separatist activities.

Freedom of expression is curtailed by other means as well. Although the government has recently encouraged the expansion of the Internet and other communications infrastructure, it requires Internet users to register and sign a pledge not to endanger security. Selected web sites, like those from news organizations based in Hong Kong and Taiwan, or those hosted by dissidents, are blocked by the government, and authorities continue to jam Voice of America broadcasts.

Mr. President, Beijing's contempt for United States values is evident in many fora: in the loathsome compulsory one-child family planning program, in the increased incidence of religious persecution, in the sales of nuclear equipment to Pakistan or missiles to Iran, and in China's utter disregard for agreements to end violations of United States intellectual property rights. Lack of progress in these areas flies in the face of the United States policy of "constructive engagement," with respect to China.

In my view—and I know that Senator HELMS agrees with me here—it is impossible to come to any other conclusion except that "constructive engagement" has failed to make any change in Beijing's human rights behavior. I would say that the evidence justifies the exact opposite conclusion: human rights have deteriorated and the regime continues to act recklessly in other areas vital to U.S. national interest.

At the May 13, 1997, Senate Foreign Relations Committee hearing on The Situation of Tibet and its People, Dr. Robert Thurman, a renowned expert in Tibetan culture who has traveled to the region numerous times over the past 35 years, presented compelling testimony about the Chinese Government's intentions toward the Tibetan people. Dr. Thurman explained quite clearly that, "It is a calculated policy consistent [of the] Chinese Government . . . to eradicate those who might some day claim the land of Tibet back to them." In order to achieve this goal, Dr. Thurman explained, the Chinese Government engages in all kinds of activities to destroy Tibetan culture, Tibetan religion and Tibetan identity, and in so doing, attempts to assimilate Tibetans into the Chinese way of life.

But what was most striking about Dr. Thurman's testimony was his description of the behavior of the Chinese Government over the past 3 years, and in particular, Beijing's reaction to United States trade policy. Mr. President, allow me to read from his oral testimony:

> It is definitely a fact that anyone who goes to Tibet regularly—and I have been there eight times—anyone who goes there regularly will tell you that since 1994, when our Executive Branch misguidedly delinked . . . trade privileges from the Chinese behavior, the Chinese behavior accelerated in a negative direction to an extreme degree. Since 1994, the complete oppression of Tibetan religion and the Tibetan national identity has been reembarked upon by the recent and current administration in China. From 1994 to 1997, their policy has returned to being completely genocidal, no longer pretending even to tolerate Tibetan religion . . . They have expelled many monks from monasteries. They have closed important monasteries . . . [The Chinese] will never abandon [Tibet] when they feel we have no real will to do anything serious no matter what they do . . . This has been proven in religious terms . . . in the last three years, since 1994. Once you delinked the money from their treatment of human rights, from their treatment of religion in Tibet, they just went and completely abused everything totally. They undid all sorts of liberties that had been allowed in the 1980s, in fact. They completely have undone them.

So, Mr. President, we have here compelling testimony of my main argument: that the delinking of trade privileges from human rights issues has actually led to a worsening of the human rights situation in China.

Perhaps equally disturbing, China continues to violate agreements with the United States on other issues. Violations of agreements on intellectual property rights cost U.S. firms an estimated $1.8 billion annually. Violations of the memorandum of understanding on prison labor, according to some estimates, have resulted in millions of dollars worth of tainted goods being imported into our country. And China's blatant disregard for international efforts to control nuclear proliferation cost us unimaginable sums in future international security.

We have so few levers that we can use against China. And if China is accepted by the international community as a superpower under the current conditions, it will believe it can continue to abuse human rights with impunity. The more we ignore the signals and allow trade to dictate our policy, the worse we can expect the human rights situation to become.

We know that putting pressure on the Chinese Government can have some impact. China released dissident Harry Wu from prison when his case threatened to disrupt the First Lady's trip to Beijing for the U.N. Conference on Women, and it similarly released both Wei Jingsheng and Wang Dan around the same time that China was pushing to have the 2000 Olympic Games in Beijing. After losing that bid, and once the spotlight was off, the Chinese government rearrested both Wei and Wang.

Examples such as this only affirm my belief that the United States should make it clear that human rights are of real—as opposed to rhetorical—concern to this country. Until Wei Jingsheng, Wang Dan, and others committed to reform in China are allowed to speak their voices freely and work for change, United States-China relations should not be based on a business-as-usual basis. Last Sunday, Fred Hiatt illustrated this point in a Washington Post editorial called The Skyscraper and the Bookstore. In recalling the 1993 tour of Beijing that Chinese leaders offered to Mr. Wei after he had been in prison for 14 years, Hiatt wonders whether the skyscraper, a powerful symbol of Western-style economic modernization, or a bookstore, in which Wei found little literary diversity, is the more significant portent for China's future. Hiatt's point is that the more the United States focuses on its trade and economic relations with China, the more skyscrapers might be built in Beijing. But despite massive urban development, there has not been massive development in the most basic freedoms of expression and ideas.

Mr. President, I ask unanimous consent that the full text of Hiatt's June 1, 1997, Washington Post op-ed be included in the RECORD.

Mr. President, this year—1997—is perhaps the most important year since 1989 with respect to our relationship with the Chinese Government. In less than 1 month, Hong Kong will revert to China, and already there are fears of what the transition may mean for democratic liberties in that city. There may also be significant developments with respect to China's desire to join the World Trade Organization. And of course, there are the myriad other issues I have already mentioned.

But even with all that is going on, the United States and others in the international community failed to pass a resolution regarding China at the United Nations Commission on Human Rights earlier this year largely because China lobbied hard to prevent it. That failure proves that it is even more important for the United States to use the levers that we do have to pressure China's leaders.

Mr. President, if moral outrage at blatant abuse of human rights is not reason enough for taking a tough stance with China—and I believe it is and that the American people do as well—then let us do so on grounds of real political and economic self-interest. We must not forget that we currently have a trade deficit of nearly $40 billion. Forty billion dollars. Political considerations aside, such a deficit represents a formidable obstacle to developing normal trading relations with China at any point in the near future. Plus, China is becoming more and more dangerously involved in nefarious arms dealings with Iran and Pakistan.

But, Mr. President, my main objective today is to push for the United States to once again make the link between human rights and trading relations with respect to our policy in China. As I have said before, I believe that trade—embodied by the peculiar annual exercise of MFN renewal—is one of the most powerful levers we have, and that it was a mistake for the President to de-link this exercise from human rights considerations.

So, Mr. President, for those who care about human rights, about freedom of religion, and about America's moral leadership in the world, I urge support for the Helms-Feingold resolution disapproving the President's decision to renew most-favored-nation status for China.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 1, 1997]

THE SKYSCRAPER AND THE BOOKSTORE

(By Fred Hiatt)

After keeping him in prison for 14 years, Chinese leaders decided one day in 1993 to give their leading dissident, Wei Jingsheng, a tour of Beijing. For Wei, the tour produced a shock—and perhaps something of a reproof as well. Wei had been writing from his solitary cell that economic modernization could not take place without democracy; yet the sleepy capital he remembered from 1979, with only bicycles clogging its wide boulevards, had become a modern city with traffic jams, skyscrapers and fancy new hotels.

"The changes are enormous," Wei admitted. "They made an old Beijinger like myself feel like a tourist—a stranger in his own hometown."

But then Wei insisted that his keepers take him to a bookstore. There he found offerings no broader than they had been before the Cultural Revolution. The economy had expanded, but freedom of thought and expression had not. "But this is precisely your goal," Wei wrote to China's president. "Widespread cultural ignorance is the foundation for dictatorship."

The contrast Wei noted during his brief field trip from jail underlies Washington's current debate over extending most-favored-nation (MFN) trading status to China and, more broadly, U.S.-China relations. Which is the more significant portent for China's future, the skyscraper or the bookshop?

Those who favor MFN extension point to the skyscraper, arguing that economic modernization inevitably will lead to political liberalization—that if you get enough skyscrapers, eventually you'll get books and newspapers, too. This has been the pattern in South Korea and Taiwan, after all, where a rising middle class eventually insisted on democratic rights. Even in China, where authoritarian rulers maintain tight political control, market reforms have brought new freedoms—to choose one's place of work and residence, to live private and personal lives.

Yet a South Korea-style progression is not inevitable. Nazi Germany proved that a totalitarian political regime can comfortably co-exist with capitalism—with private shopkeepers, big corporations, a developed middle class.

Ah, but the advent of the information age has changed all that, the argument continues. Knowledge is the essential commodity of tomorrow's economies, and no nation that limits its flow can prosper.

It's a seductive argument, and it may be true in the very long run. The demise of the Soviet Union, where even a copying machine was considered subversive, gave currency to the view. But totalitarian regimes can use information technologies as well as be undermined by them as George Orwell realized some time ago. China's regime so far has proved far more adept than the Soviet Union at attracting commercial knowledge and technology from outside while controlling the political debate inside—intimidating print media in Hong Kong, monitoring Internet access in China, whipping up nationalistic fervor to promote its own survival.

So China might become more democratic; it also might become more fascist, a danger to its neighbors and to U.S. interests, too. Given that uncertainty, the debate shifts: Can other nations do anything to steer China toward the first outcome? Supporters of MFN extension argue that trade sanctions won't work; China "has steadfastly resisted efforts to link its commercial interests to its behavior in other areas," Laura D'Andrea Tyson, President Clinton's first term economic adviser, wrote in the Wall Street Journal last week.

This isn't quite right either. In the few years after the Tiananmen Square massacre, when China's leaders believed Congress would impose serious sanctions, they released political prisoners and allowed a leading dissident to go into exile. Once President Clinton "delinked" trade and human rights, the concessions stopped.

Yet trade sanctions are surely an imperfect tool. Are there others? Tyson argues that "with the limited means at our disposal, we can try to shape the kind of great power China will become and the path it will travel to get there." She doesn't say what those means might be, but in 1994 the Clinton administration produced a long list of possibilities. The United States would no longer use MFN as a lever, Clinton said then, but it would prod China in many other ways: supporting "civic society," pushing human rights issues in international forums, working with U.S. businesses to develop voluntary principles for operating in China and more.

Unfortunately, most of these resolutions fell by the wayside, some right away, some after a few years. Clinton's promise to use non-trade methods to "try to shape" China, in Tyson's words, proved to be more spin than policy, so the concept was never really put to the test. As a result, political freedoms in China are, if anything, more restricted, and many in Congress see MFN as the only way to send a message.

Wei is back in prison and unavailable for comment on this turn of events. In his prison letters, though (recently published in this country), Wei maintained that a peaceful evolution toward democracy would be almost impossible for China unless other nations pushed in that direction, supporting those Chinese who share their values.

"One way to minimize losses and setbacks for all sides is for countries with related interests to exert pressure and help bring about internal progress and reform," Wei wrote in 1991. Six years later, Wei undoubtedly is still waiting.

The writer is a member of the editorial page staff.●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 92

At the request of Mr. KERRY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 92, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 191

At the request of Mr. HELMS, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 232

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 232, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 332

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 332, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 350

At the request of Mr. THURMOND, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 350, a bill to authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code.

S. 358

At the request of Mr. DEWINE, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 387

At the request of Mr. HATCH, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Texas [Mr. GRAMM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 405

At the request of Mr. HATCH, the names of the Senator from Kentucky [Mr. FORD], the Senator from Nebraska [Mr. HAGEL], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 406

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 406, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 433

At the request of Mr. BROWNBACK, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 433, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 460

At the request of Mr. BOND, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 529

At the request of Mr. GRASSLEY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 529, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 578

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 578, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 599

At the request of Mrs. BOXER, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 599, a bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

S. 621

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 621, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1997, and for other purposes.

S. 643

At the request of Mr. DURBIN, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 643, a bill to prohibit the Federal Government from providing insurance, reinsurance, or noninsured crop disaster assistance for tobacco.

S. 657

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 673

At the request of Mr. BREAUX, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Virginia [Mr.

ROBB] was added as a cosponsor of S. 678, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 713

At the request of Mr. DODD, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 713, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes.

S. 731

At the request of Mr. BUMPERS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 731, a bill to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title—relating to missing persons—as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

S. 771

At the request of Mr. MURKOWSKI, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 771, a bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes.

S. 772

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 772, a bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

S. 781

At the request of Mr. HATCH, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Mississippi [Mr. LOTT], the Senator from Kansas [Mr. ROBERTS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 800

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 800, a bill to create a tax cut reserve fund to protect revenues generated by economic growth.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. GORTON, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution recommending the integration of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

SENATE RESOLUTION 92

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. LEVIN], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Delaware [Mr. ROTH], the Senator from Massachusetts [Mr. KERRY], the Senator from New York [Mr. MOYNIHAN], the Senator from Louisiana [Mr. BREAUX], the Senator from Iowa [Mr. GRASSLEY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Mr. DURBIN], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. BIDEN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Resolution 92, a resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY WORKPLACE ACT

BAUCUS (AND OTHERS) AMENDMENT NO. 361

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. KERREY, and Mr. LANDRIEU) submitted an amendment intended to be proposed by them to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; as follows:

Beginning on page 1, strike line 3 and all that follows through page 28, line 16 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family-Friendly Workplace Act of 1997".

SEC. 2. APPLICATION TO CERTAIN EMPLOYEES IN THE PRIVATE SECTOR.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r)(1) An employee who is not a part-time, temporary, or seasonal employee (as defined in paragraph (13)(C)), who is not an employee of a public agency or of an employer in the garment industry, and who is not otherwise exempted from this subsection by regulations promulgated by the Secretary under paragraph (3)(D), may receive, in accordance with this subsection and in lieu of overtime compensation, compensatory time at a rate not less than 1½ hours for each hour of employment for which overtime compensation is required by this section.

"(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only—

"(A) pursuant to—

"(i) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other written agreement between the employer and the representative of the employee; or

"(ii) in the case of an employee who is not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to the employees of the employer which provides employees with a voluntary option to receive compensatory time in lieu of overtime compensation for overtime work where there is an express, voluntary written request by an individual employee for compensatory time in lieu of overtime compensation, provided to the employer prior to the performance of any overtime assignment;

"(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by paragraph (3)(A) or in regulations issued by the Secretary under paragraph (3)(D);

"(C) if the employee is not required as a condition of employment to accept or request compensatory time; and

"(D) if the agreement or plan complies with the requirements of this subsection and the regulations promulgated by the Secretary thereunder, including the availability of compensatory time to similarly situated employees on an equal basis.

"(3)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned and unused compensatory time, in accordance with regulations issued by the Secretary of Labor.

"(B) Upon the request of an employee who has earned compensatory time, the employer shall, within 15 days after the request, provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

"(C) Not later than January 31 of each calendar year, an employer shall provide monetary compensation to each employee of the employer for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through compensatory time or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such monetary compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed 3 months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) or in regulations issued by the Secretary pursuant to subparagraph (D).

"(D) The Secretary may promulgate regulations regarding classes of employees, including but not limited to all employees in particular occupations or industries, to—

"(i) exempt such employees from the provisions of this subsection;

"(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in subparagraph (A); or

"(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in subparagraph (C);

where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees, where a pattern of violations of this Act may exist, or to ensure that employees receive the compensation due them.

"(4) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. A terminated employee's receipt of, or eligibility to receive, monetary compensation for earned compensatory time shall not be used—

"(A) by the employer to oppose an application of the employee for unemployment compensation; or

"(B) by a State to deny unemployment compensation or diminish the entitlement of the employee to unemployment compensation benefits.

"(5) An employee shall be permitted to use any compensatory time earned pursuant to paragraph (1)—

"(A) for any reason that would qualify for leave under section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), or any comparable State law, irrespective of whether the employer is covered or the employee is eligible under such Act or law; or

"(B) for any other purpose—

"(i) upon notice to the employer at least 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will cause substantial and grievous injury to the operations of the employer; or

"(ii) upon notice to the employer within the 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

An employee's use of earned compensatory time may not be substituted by the employer for any other paid or unpaid leave or time off to which the employee otherwise is or would be entitled or has or would earn, nor satisfy any legal obligation of the employer to the employee pursuant to any law or contract.

"(6) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

"(7)(A) When an employee receives monetary compensation for earned compensatory time, the monetary compensation shall be treated as compensation for hours worked for purposes of calculation of entitlement to employment benefits.

"(B) When an employee uses earned compensatory time, the employee shall be paid for the compensatory time at the employee's regular rate at the time the employee performed the overtime work or at the regular rate earned by the employee when the compensatory time is used, whichever is higher, and the hours for which the employee is so compensated shall be treated as hours worked during the applicable workweek or other work period for purposes of overtime compensation and calculation of entitlement to employment benefits.

"(8) Except in a case of a collective bargaining agreement, an employer may modify or terminate a compensatory time plan described in paragraph (2)(A)(ii) upon not less than 60 days' notice to the employees of the employer.

"(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection.

"(10) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(A) to discharge, or in any other manner penalize, discriminate against, or interfere with, any employee because such employee may refuse or has refused to request or accept compensatory time in lieu of overtime compensation, or because such employee may request to use or has used compensatory time in lieu of receiving overtime compensation;

"(B)(i) to request, directly or indirectly, that an employee accept compensatory time in lieu of overtime compensation;

"(ii) to require an employee to request such compensatory time as a condition of employment or as a condition of employment rights or benefits; or

"(iii) to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time in lieu of overtime compensation; or

"(C) to deny an employee the right to use, or force an employee to use, earned compensatory time in violation of this subsection.

"(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to subsection (b) or (c) of section 16, in the amount of overtime compensation that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus an additional equal amount as liquidated damages, such other legal or equitable relief as may be appropriate to effectuate the purpose of this section, costs, and, in the case of an action filed under section 16(b), reasonable attorney's fees. Where an employee has used compensatory time or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the liability of the employer under this paragraph, but not against liquidated damages due.

"(12)(A) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for purposes of proceedings in bankruptcy under title 11, United States Code, be treated as unpaid wages earned by the individual—

"(i) if the date the employer was or becomes legally or contractually obligated to provide monetary compensation to the employee for the compensatory time was more than 90 days before the cessation of business, as if such date was within 90 days before the cessation of business by the employer;

"(ii) if the date the employer was or becomes legally or contractually obligated to provide such monetary compensation was within 90 days before the cessation of business by the employer, as of such date; or

"(iii) if the employer was not legally or contractually obligated to provide such monetary compensation prior to ceasing to do business, as of the date of ceasing to do business.

"(B) The amount of such monetary compensation shall not be limited by any ceiling on the dollar amount of wage claims provided under Federal law for such proceedings.

"(13) In this subsection—

"(A) the term 'overtime compensation' means the compensation required by subsection (a);

"(B) the term 'compensatory time' means hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of overtime compensation;

"(C) the term 'part-time, temporary, or seasonal employee' means—

"(i) an employee whose regular workweek for the employer is less than 35 hours per week;

"(ii) an employee who is employed by the employer for a season or other term of less than 12 months or is otherwise treated by the employer as not a permanent employee of the employer; or

"(iii) an employee in the construction industry, in agricultural employment (as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))), or in any other industry which the Secretary by regulation has determined is a seasonal industry; and

"(D) the term 'overtime assignment' means an assignment of hours for which overtime compensation is required under this section.

"(14) The Secretary may issue regulations as necessary and appropriate to implement this subsection including, but not limited to, regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification.".

SEC. 3. CIVIL MONEY PENALTIES.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended by striking the second sentence and inserting the following: "Any person who violates section 6, 7, or 11(c) shall be subject to a civil penalty not to exceed $1,000 for each such violation.".

SEC. 4. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act of 1938 (29 U.S.C. 218) is amended by adding at the end the following:

"(c)(1) No provision of this Act or of any order thereunder shall be construed to—

"(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time in lieu of overtime compensation;

"(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater protection to employees provided compensatory time in lieu of overtime compensation; or

"(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

"(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from section 7(r), to allow employers to provide more compensatory time than allowed under subsection (o) or (r) of section 7, or to supersede any limitations placed by subsection (o) or (r) of section 7, including exemptions and limitations in regulations issued by the Secretary thereunder.".

SEC. 5. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.—There is established a Commission on Workplace Flexibility (referred to in this section as the "Commission").

(b) MEMBERSHIP; COMPENSATION; POWERS; TRAVEL EXPENSES.—The Commission shall be composed, and the members of the Commission shall be appointed, in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b) of section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2633(a)(1) and (2) and (b)). The compensation and powers of the Commission shall be as prescribed by sections 304 and 305, respectively, of such Act (29 U.S.C. 2634 and 2635). The members of the Commission shall be allowed reasonable travel expenses in accordance with section 305(b) of such Act (29 U.S.C. 2635(b)).

(c) DUTIES.—

(1) STUDY.—The Commission shall conduct a comprehensive study of the impact of the provision of compensatory time on public and private sector employees, including the impact of this Act—

(A) on average earnings of employees, hours of work of employees, work schedules of employees, and flexibility of scheduling work to accommodate family needs; and

(B) on the ability of vulnerable employees or other employees to obtain the compensation to which the employees are entitled.

(2) REPORT.—

(A) IN GENERAL.—A report concerning the findings of the study described in paragraph (1) shall be prepared and submitted to the appropriate committees of Congress and to the Secretary not later than 1 year prior to the expiration of this title.

(B) RECOMMENDATIONS.—The report described in subparagraph (A) shall include recommendations on whether—

(i) the compensatory time provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et. seq.) should be modified or extended, including—

(I) a recommendation on whether particular classes of employees or industries should be exempted or otherwise given special treatment under the provisions;

(II) a recommendation on whether additional protections should be provided, including additional protections to employees of public agencies; and

(III) a recommendation on whether the provisions should be applied to any category of exempt employees.

(C) SPECIAL RULE.—The Commission shall have no obligation to conduct a study and prepare and submit a report pursuant to this section if funds are not authorized and appropriated for that purpose.

SEC. 6. EFFECTIVE DATE; CESSATION OF EFFECTIVENESS.

(a) EFFECTIVE DATE.—The provisions of this title, and the amendments made by this title, shall become effective 6 months after the date of enactment of this Act.

(b) CESSATION OF EFFECTIVENESS.—The provisions of this title, and the amendments made by this title, shall cease to be effective 4 years after the date of enactment of this Act.

KENNEDY AMENDMENT NO. 362–367

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

AMENDMENT NO. 362

Beginning on page 10, strike line 17 and all that follows through page 26, line 18, and insert the following:

(b) TECHNICAL AMENDMENT.—Section 7(r) of the Fair Labor Standards Act of 1938 (as added by subsection (a)) is amended in paragraph (6)(A) by striking clause (ii) and inserting the following:

"(ii) In clause (i), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation."

AMENDMENT NO. 363

On page 28, after line 16, add the following:

(d) PROTECTION FOR CLAIMS RELATING TO COMPENSATORY TIME OFF.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$9,000";

(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207))".

AMENDMENT NO. 364.

On page 7, strike line 13 and insert the following:

"(B) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(i) to discharge or in any other manner penalize, discriminate against, or interfere with, any employee because—

"(I) the employee may refuse or has refused to request or accept compensatory time off in lieu of monetary overtime compensation;

"(II) the employee may request to use or has used compensatory time off in lieu of monetary overtime compensation; or

"(III) the employee has requested the use of compensatory time off at a specific time of the employee's choice;

"(ii) to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation;

"(iii) to require an employee to request compensatory time off in lieu of monetary overtime compensation as a condition of employment or as a condition of employment rights or benefits;

"(iv) to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for, or acceptance of, compensatory time off in lieu of monetary overtime compensation; or

"(v) to deny an employee the right to use, or coerce an employee to use, earned compensatory time off in violation of this subsection.

"(C) An agreement or understanding that is entered".

AMENDMENT NO. 365.

Beginning on page 3, strike lines 15 through 23 and insert the following:

"(B) In this subsection:

"(i) The term 'employee' does not include—

"(I) an employee of a public agency;

"(II) an employee who is a part-time employee;

"(III) an employee who is a temporary employee; and

"(IV) an employee who is a seasonal employee.

"(ii) The term 'employer' does not include—

"(I) a public agency; and

"(II) an employee in the garment industry.

"(iii) The term 'employer in the garment industry' means an employer who is involved in the manufacture of apparel.

"(iv) The term 'part-time employee' means an employee whose regular workweek for the employer involved is less than 35 hours per week.

"(v) The term 'seasonal employee' means an employee in—

"(I) the construction industry;

"(II) agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))); or

"(III) any other industry that the Secretary by regulation determines is a seasonal industry.

"(vi) The term 'temporary employee' means an employee who is employed by an employer for a season or other term of less than 12 months, or is otherwise treated by the employer as not a permanent employee of the employer."

AMENDMENT NO. 366

On page 10, strike lines 4 through 7 and insert the following:

"(10) In a case in which an employee uses accrued compensatory time off under this subsection, the accrued compensatory time off used shall be considered as hours worked during the applicable workweek or other work period for the purposes of overtime compensation and calculation of entitlement to employment benefits.

"(11)(A) The term 'compensatory time off' means the hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation.

"(B) The term 'monetary overtime compensation' means the compensation required by subsection (a).".

AMENDMENT NO. 367

Beginning on page 9, strike line 19 and all that follows through page 10, line 3 and insert the following:

"(9)(A) An employee shall be permitted by an employer to use any compensatory time off provided under paragraph (2)—

"(i) for any reason that qualifies for leave under—

"(I) section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), irrespective of whether the employer is covered, or the employee is eligible, under such Act; or

"(II) an applicable State law that provides greater family or medical leave rights than does the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

"(ii) for any reason after providing notice to the employer not later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will cause substantial and grievous injury to the operations of the employer; or

"(iii) for any reason after providing notice to the employer later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will unduly disrupt the operations of the employer."

NOTICES OF HEARINGS

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Children and Families will be held on Thursday, June 5, 1997, at 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Pre-to-3: Policy Implications of Child Brain Development." For further information, please call the committee, 202/224-5375.

SUBCOMMITTEE ON AGING

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Aging will be held on Thursday, June 5, 1997, at 2:30 p.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Challenges of Alzheimer's Disease: The Biomedical Research That Will Carry Us into the 21st Century." For further information, please call the committee, 202/224-5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Oversight of SBA's Microloan Program." The hearing will be held on June 12, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, the Finance Committee requests unanimous consent to hold a hearing on the Need for Renewal of the Fast Track Trade Negotiating Authority on Tuesday, June 3, 1997, beginning at 10 a.m. in SD-215, Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 3, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, June 3, 1997, at 1:30 p.m. for a hearing on the Department of Commerce's Technology Grant Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 3, 1997, at 9:30 a.m. on Second Generation Internet.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 3, 1997, at 2:30 p.m. on Universal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ON ALL SHORES

• Mr. MOYNIHAN. Mr. President, on my recent trip to Israel, I read an illustrative article in the Financial Times of London. It seems financial experts in England have come to a conclusion many financial institutions in the United States have failed, thus far, to reach. Namely, that it is too late to solve the year 2000 computer problem completely, and that it is hopeless to rely on a "silver bullet" to solve the problem. Instead, officials in the United Kingdom have concluded that the world economy faces a very time-consuming, labor-intensive project—the scope of which is unparalleled in modern history.

Upon my return to the United States, I found that Newsweek had just published an important article that will increase awareness, I hope, to the point of action. Thus, I remind my colleagues of my bill (S. 22) to set up a commission responsible for ensuring that all executive agencies are compliant by 2000. I hope my colleagues recognize—as the British have begun to do—what we now face and what we must do to ensure the proper functioning not only of our Government, but of the economy.

I ask that the Newsweek cover story, "The Day the World Shuts Down" and the Financial Times of London's story, "Millenium Bomb Ticks Away" be printed in the RECORD.

The material follows:

THE DAY THE WORLD SHUTS DOWN

Drink deep from your champagne glasses as the ball drops in Times Square to usher in the year 2000. Whether you imbibe or not, the hangover may begin immediately. The power may go out. Or the credit card you pull out to pay for dinner may no longer be valid. If you try an ATM to get cash, that may not work, either. Or the elevator that took you up to the party ballroom may be stuck on the ground floor. Or the parking garage you drove into earlier in the evening may charge you more than your yearly salary. Or your car might not start. Or the traffic lights might be on the blink. Or, when you get home, the phones may not work. The mail may show up, but your magazine subscriptions will have stopped, your government check may not arrive, your insurance policies may have expired.

Or you may be out of a job. When you show up for work after the holiday, the factory or office building might be locked up, with a handwritten sign taped to the wall: OUT OF BUSINESS DUE TO COMPUTER ERROR.

Could it really happen? Could the most anticipated New Year's Eve party in our lifetimes really usher in a digital nightmare when our wired-up-the-wazoo civilization grinds to a halt? Incredibly, according to computer experts, corporate information officers, congressional leaders and basically anyone who's given the matter a fair hearing, the answer is yes, yes, 2,000 times yes! Yes—unless we successfully complete the most ambitious and costly technology project in history, one where the payoff comes not in amassing riches or extending Web access, but securing raw survival.

What's the problem? It's called, variously, the Year 2000 Problem, Y2K or the Millennium Bug. It represents the ultimate indignity: the world laid low by two lousy digits. The trouble is rooted in a seemingly trivial space-saving programming trick—dropping the first two numbers of the date, abbreviating, say, the year 1951 to "51." This digital relic from the days when every byte of computer storage was precious was supposed to have been long gone by now, but the practice became standard. While any idiot familiar with the situation could figure out that the world's computers were on a collision course with the millennium, no one wanted to be the one to bring it up to management. And, really, which executive would welcome a message from nerddom that a few million bucks would be required to fix some obscure problem that wouldn't show up for several years?

So only now, as the centurial countdown begins, are we learning that the digit-dropping trick has changed from clever to catastrophic. Because virtually all the mainframe computers that keep the world humming are riddled with software that refuses to recognize that when 1999 runs out, the year 2000 follows. When that date arrives, the computers are going to get very confused. (PCs aren't as affected; sidebar.) So that seemingly innocuous trick now affects everything from ATMs to weapons systems. Virtually every government, state and municipality, as well as every large, midsize and small business in the world, is going to have to deal with this—in fact, if they haven't started already it's just about too late. Fixing the problem requires painstaking work. The bill for all this? Gartner Group estimates it could go as high as $600 billion. That amount could easily fund a year's worth of all U.S. educational costs, preschool through grad school. It's Bill Gates times 30!

That tab doesn't include the litigation that will inevitably follow the system failures. "You can make some very reasonable extrapolations about litigation that take you over $1 trillion, and those are very conservative estimates," says Dean Morehous, a San Francisco lawyer. (Conservative or not, this is more than three times the yearly cost of all civil litigation in the United States.)

Come on, you say. *Two measly digits? Can't we just unleash some sort of robo-program on all that computer code and clean it up*? Well, no. Forget about a silver bullet. It seems that in most mainframe programs, the date appears more often than "M*A*S*H" reruns on television—about once every 50 lines of code. Typically, it's hard to find those particular lines, because the original programs, often written in the ancient COBOL computer language, are quirky and undocumented. After all that analysis, you have to figure out how to rewrite the lines to correctly process the date. Only then comes the most time-consuming step: testing the rewritten program.

It's a torturous process, but an absolutely necessary one. Because if we don"t swat the millennium Bug, we'll have troubles everywhere.

Electricity. When the Hawaiian Electric utility in Honolulu ran tests on its system to see if it would be affected by the Y2K Bug, "basically, it just stopped working," says systems analyst Wendell Ito. If the problem had gone unaddressed, not only would some customers have potentially lost power, but others could have got their juice at a higher frequency, in which case, "the clocks would go faster, and some things could blow up," explains Ito. (Hawaiian Electric revamped the software and now claims to be ready for the year 2000.) Another concern is nuclear power; the Nuclear Regulatory Commission says that the Bug might affect "security control, radiation monitoring . . . and accumulated burn-up programs [which involve calculations to estimate the hazard posed by radioactive fuel]."

Communications. "If no one dealt with the year 2000 Bug, the [phone] network would not operate properly," says Eric Sumner Jr., a Lucent chief technology officer. He's not talking about dial tones, but things like billing (watch out for 100-year charges). Certain commercial operations that run phone systems by computer could also go silent if the software isn't fixed.

Medicine. Besides the expected mess in billing systems, insurance claims and patient records, hospitals and doctors have to worry about embedded chips—microprocessors inside all sorts of devices that sometimes have date-sensitive controls. The year 2000 won't make pacemakers stop dead, but it could affect the data readouts it reports to physicians.

Weapons. Newsweek has obtained an internal Pentagon study listing the Y2K impact on weapons and battlefield technologies. In their current state, "a year 2000 problem exists" in several key military technologies and they will require upgrading or adjustments. One intelligence system reverts to the year 1900, another reboots to 1969. The report confidently states that as far as nuclear devices like Trident missiles are concerned, "there are no major obstacles which will prevent them from being totally Year 2000 compliant by Jan. 1999."

Money. Banks and other financial institutions generally will go bonkers if they don't fix the year 2000 problem. The Senate Banking Committee is even worried that vertiginous computers might automatically erase the last 99 years worth of bank records. Some Y2K consultants are advising consumers to make sure they don't enter the 1999 holiday without obtaining hard-copy evidence of their assets. According to Jack Webb of HONOR Technologies, Inc., ATMs won't work without fixes.

Food. In Britain computers at the Marks & Spencer company have already mistakenly ordered the destruction of tons of corned beef, believing they were more than 100 years old.

Air-Traffic Control. "We're still in the assessment stage, determining how big the problem is," says Dennis DeGaetano of the Federal Aviation Administration. One possible danger is computer lockup: while planes well keep moving at 12:01 a.m. on Jan. 1, 2000, the screens monitoring them, if not upgraded, might lock. Or the computers might know where the planes were, but mix them up with flights recorded at the same time on a previous day. ("You can bet we're going to fix it," says DeGaetano.)

Factories. Ford Motor Co. reports that if the Bug isn't fixed, its buildings could literally shut down—the factories have security systems linked to the year. "Obviously, if you don't fix it, your business will stop in the year 2000," says Ford's David Principato. Even if a manufacturing company aggressively solves its own problem, though, it might be flummoxed by a supplier who delivers widgets in the wrong century.

Just About Everything Else. Larry Martin, CEO of Data Dimensions, warns that if not adjusted, "on Jan. 1, 2000, a lot of elevators could be dropping to the bottom of buildings," heading to the basement for inspections they believe are overdue. Similarly, automobiles have as many as 100 chips; if they are calendar-challenged, experts say, forget about driving. Computerized sprinkler systems could initiate icy midwinter drenchings.

Like leaves rustling before a tornado, there have already been harbingers of a bureaucratic meltdown. At a state prison, a computer glitch misread the release date of prisoners and freed them prematurely. In Kansas, a 104-year-old woman was given a notice to enter kindergarten. Visa has had to recall some credit cards with expiration dates three years hence—the machines reading them thought they had expired in the McKinley administration.

The $600 billion question is whether we'll fix the Bug in time. The good news is that the computer industry is finally responding to the challenge. For months now, squadrons of digital Jeremiahs have been addressing tech conferences with tales of impending apocalypse. The most sought-after is Peter de Jager, a bearded Canadian who scares the pants off audiences on a near-daily basis. "If we shout from the rooftops, they accuse us of hype," he complains. "But if we whisper in an alley, no one will listen." Last week in Boston de Jager demonstrated the rooftop approach: "If you're not changing code by November of this year," he warned, "you will not get this thing done on time—it's that simple. We still don't get it."

But we're starting to. Most major corporations now have year 2000 task forces, with full-time workers funded by multimillion-dollar budgets, to fix a problem that their bosses finally understand. They're aided by an army of consultants and specialized companies. Some, like Data Dimensions, offer full Y2K service, providing tools, programmers and guidance. Others, like Peitus, sell special software to help find offending code and, sometimes, even convert it. (The final, most arduous stage, testing, still defies automation.) These firms are the new darlings of Wall Street. But buyer beware—consultants are coming out of the woodwork to exploit the desperation of late-coming companies. Someone might promise a phalanx of brilliant programmers to fix the Bug, but "for all you know, it could be 10 people in a garage doing it by hand," says Ted Swoyer, a Peritus exec. Still, the creation of a Y2K-fixing infrastructure is encouraging.

It's not uncommon to find gung-ho efforts like the one at Merrill Lynch: an 80-person Y2K division working in shifts, 24 hours a day, seven days a week. It'll cost the company $200 million, a sum that could hire Michael Eisner and fire Mike Ovitz. "Our return on investment is zero," says senior VP Howard Sorgen. "This will just enable us to stay in business."

So maybe we're not in for a full-scale disaster. Let us assume—oh God let it be true—that those in charge of life-sustaining applications and services will keep their promises to fix what needs fixing. The costs and liabilities of not doing so are too huge not to. (On the other hand, when did you last see a huge software project that met its deadline and worked perfectly? Just asking.) Still, there will almost certainly be severe dislocations because of the mind-boggling enormity of the problem.

Even the most diligent companies don't have total confidence they can fix everything. Consider BankBoston, the 15th largest commercial bank in the United States. Early in 1995, the company realized that "it was a problem that could bring an institution to its knees," says David Iacino, who heads the bank's Team 2000. To stop a meltdown, BankBoston has to probe 60 million lines of code. the harder BankBoston works at solving the problem—it now has 40 people working full time on it—the more complicated it seems. "Every day, when we see something new we haven't thought about, we get additional angst," said Iacino.

Of the 200 BankBoston applications that need revamping, only a handful have been completed so far. BankBoston is now separating the essential work from the noncritical, and if the Bug causes less dire problems, like the heavy vault doors swinging open on New Year's Eve, it'll just cope: "Vaults are physical things," says Iacino. "If push comes to shove, we can put a guard in front."

Now, if BankBoston, which started early and has been driving hard, is already thinking triage, what is going to happen to institutions that are still negotiating in the face of a nonnegotiable deadline? The Gartner Group is estimating that half of all businesses are going to fall short. "There's still a large number of folks out there who haven't started," says Matt Hotle, Gartner's research director.

As businesses finally come to terms with the inevitable, it's going to be panic time. In about a year, expect most of the commercial world to be totally obsessed with the Bug. "Pretty soon we have to just flat stop doing other work," says Leo Verheul of California's Department of Motor Vehicles.

But no amount of money or resources will postpone the year 2000. It will arrive on time, even if all too many computers fail to recognize its presence.

"It's staggering to start doing mind games on what percentage of companies will go out of business," says Gartner's Hotle. "What is the impact to the economy of 1 percent going out of business?" Or maybe more: Y2K expert Capers Jones predicts that more than *5 percent* of all businesses will go bust. This would throw hundreds of thousands of people into the unemployment lines—applying for checks that may or may not come, depending on whether the government has successfully solved *its* Y2K problem.

What is the U.S. government doing? Not enough. "It's ironic that this administration that prides itself on being so high tech is not really facing up to the potential disaster that is down the road a little bit," says Sen. Fred Thompson. If Y2K indeed becomes a calamity, it may well be the vice president who suffers—imagine Al Gore's spending the entire election campaign explaining why he didn't foresee the crisis. (Gore declined to speak to NEWSWEEK on Y2K problem).

Here's the recipe for a federal breakdown: not enough time and not enough money. While the Office of Management and Budget claims the problem can be fixed for $2.3 billion, most experts think it will take $30 billion. Rep. Stephen Horn held hearings last year to see if the federal agencies were taking steps "to prevent a possible computer disaster," and was flabbergasted at the lack of preparedness. His committee assigned each department a letter grade. A few, notably Social Security, were given A's. (The SSA has been working on the problem for eight years and now has it 65 percent licked; at that rate it will almost make the deadline.) Those with no plan in place—NASA, the Veterans Administration—got D's. Special dishonor was given to places where inaction could be critical, yet complacency still ruled, like the departments of Labor, Energy and Transportation.

State governments are also up against the 2000 wall. California, for instance, finished its inventory last December and found that more than half of its 2,600 computer systems required fixes. Of those, 450 systems are considered "mission critical," says the state's chief information officer John Thomas Flynn. These include computers that control toll bridges, traffic lights, lottery payments, prisoner releases, welfare checks, tax collection and the handling of toxic chemicals.

As bad as it seems in the United States, the rest of the world is lagging far behind in fixing the problem. Britain has recently awakened to the crisis—a survey late last year showed that 90 percent of board directors knew of it—but the head of Britain's Taskforce 2000, Robin Guenier, worries that only a fraction really understand what's required. "I'm not saying we're doomed, but if we are not doing better in six months, I really will be worried," he says. He expects the cost to top $50 billion. On the Continent, things are much worse; most of the information-processing energy is devoted to the Euro-currency, and observers fear that when countries like Germany and France finally tackle 2000, it might be too late.

Russia seems complacent. Recently Mikhail Gorbachev met with Representative Horn in Washington, expressing concern about how far behind Russia is in dealing with the Bug; Gorbachev raised its possible impact on the country's nuclear safeguards.

The list can go on, and on and on. "It's like an iceberg," says Leon Kappelman, an academic and Y2K consultant. "I would certainly be uncomfortable if Wall Street were to close for a few days, but I can live with that. But what if the water system starts sending water out before it's safe? Or a chemical plant goes nuts? Anybody who tells you 'Oh, it's OK' without knowing that it's been tested is in denial."

It's tough out there on the front lines of Y2K. And in less than a thousand days, it might be tough everywhere. "There are two kinds of people," says Nigel Martin-Jones of Data Dimensions. "Those who aren't working on it and aren't worried, and those who are working on it and are terrified."

Tick, tick, tick, tick, tick.

MILLENNIUM BOMB TICKS AWAY

(By Alan Cane)

Staff at a Scottish bank, curious to know what effect the millennium date change would have on their systems, turned the clock on their mainframe computer forward to a minute before the turn of the century—and watched.

At first, the system continued to process financial records as before. Then, as time ticked on, the bankers realised that the figures made no sense. It took some time for older staff to realise what was happening. The machine had assumed it was working in 1900 and was calculating in pounds, shillings and pence, the denominations replaced by the present decimal system in 1971.

(Do not try that this at home. Your personal computer might crash or destroy information held in programs which rely on dates.)

The "millennium bomb" is the consequence of the computer specialist's habit of storing the year in a date as two, rather than four, digits—97 rather than 1997. It was a way of saving space when computer memory was expensive. Few programmers expected systems written many years before the millennium to be in use after it.

The result? "Never in human history have we shot ourselves in the feet so badly," says Mr. Brad Collier, a director of Millennium UK, a consultancy which specialises in the problem.

Nobody who has investigated the problem has any doubt that it is serious and complex and will touch the lives of virtually everyone. In the UK, the normally unemotional National Audit Office, the public spending watchdog, has warned that unless government systems are modified in time, salaries might not be paid, invoices might not be issued, collection of taxes could be put at risk, defence systems could malfunction and inaccurate hospital records could be created.

While the government is taking urgent steps to ensure that its systems will work after 2000, the NAO detected some indications that its programme was slipping behind schedule. Computers and software fresh out of the box today are as likely to fail a 2000 compliance test as older systems, so ingrained is the habit—which persists—of writing the year as two digits.

Then there is the problem of "embedded processors". These are silicon chips which control everything from traffic lights and medical equipment to power stations and electronically guided weapons. They may or may not be affected by the date change—the lack of information is a serious hindrance.

If hospital radiation equipment were affected, for example, it might deliver inaccurate doses or close down completely. Sir Robert Horton, the chairman of Railtrack, the company responsible for the UK's railway infrastructure, told a seminar this year that embedded systems could affect lifts, access controls, switchboards and facsimile machines.

Mr. Robin Guenier, head of TaskForce 2000, the unit set up by the government to raise awareness of the problem, says it is already too late to solve the problem in its entirety. But he counsels against despair or panic.

Yet it is important to realise that while fixing the millennium bomb is not technically difficult, it is tedious, time-consuming and detailed.

As a first step, it is sensible to protect your job by asking your employers what steps they have taken to deal with the problem. The next step is to protect your savings and investments by asking these same question of your financial services companies—banks, pension funds, brokers and so on. Only if they show no signs of understanding what you mean should you take extreme steps, such as withdrawing your funds.●

TRIBUTE TO THE PHILADELPHIA MARTIN LUTHER KING, JR. ASSOCIATION FOR NONVIOLENCE

● Mr. SANTORUM. Mr. President, our nation's children are turning to crime and violence at alarming rates. Perhaps more than ever before, young people need direction from good men and women in their communities who are willing to get involved. They need role models to help them understand that an honest life is not an easy life, but it is a better life. Fortunately, there are people and groups who are reaching out to at-risk youth. Today, I rise to commend the efforts of one such organization. The Philadelphia Martin Luther King, Jr. Association for Nonviolence is making a difference, one child at a time.

On April 4, the anniversary of Dr. King's assassination, the Association for Nonviolence sponsored a "Youth and the Culture of Violence" town meeting. This event brought a cross-section of the community together to discuss violence prevention programs, current statistics on youth violence, and new ideas for training young people to solve their problems peacefully. Teenagers from the Philadelphia area joined community leaders, educators, juvenile justice officers, psychologists, and other concerned citizens in this important outreach effort.

Almost 30 years ago, Dr. King gave his life for his dream of a non-violent world. Through peaceful protest, he changed the heart of a nation. Dr. King's dream of a just, peaceful society lives on through the work of those who continue to teach his principle of nonviolence. It is fitting that the organization which bears his name is reaching out and offering hope to a new generation.

Mr. President, I commend the Philadelphia Martin Luther King, Jr. Association for Nonviolence for addressing the issue of youth violence. I ask my colleagues to join me in recognizing the important work this organization has done and in extending the Senate's best wishes for continued success to the men and women who have dedicated their lives to preventing youth violence.●

TRIBUTE TO HENRY P. JOHNSON

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Henry P. Johnson of Meriden, NH, retired plant manager of Dorr Woolen Co., for his exceptional service as a volunteer executive in Krasnador, Russia.

Henry worked on a volunteer mission with the International Executive Service Corps, a nonprofit organization that sends retired Americans to assist businesses and private enterprises in the developing world and the new emerging democracies of Central and Eastern Europe and the former Soviet Union.

Henry helped provide technical and managerial leadership to improve the lives of the citizens of Krasnador, Russia. He assisted Kubantex, a textile company, to set up a business and marketing plans. Henry was an "international volunteer" for our Nation and has represented our strong democratic beliefs and practices of a free-market economy.

His spectacular display of voluntarism provided active assistance for people in need and helped to build strong ties of respect and trust between America and Russia. Henry's mission will help to end the cycle of dependency on foreign assistance, by fostering private sector involvement in international development.

I commend Henry for his dedicated service and I am proud to represent him in the U.S. Senate.•

MARILYN MOORE, 1997 MISSOURI SMALL BUSINESS PERSON OF THE YEAR

• Mr. BOND. Mr. President, today I pay tribute to an exceptional small business person and fellow Missourian: Marilyn Moore. Marilyn recently received the Small Business Administration's [SBA] 1997 Small Business Person of the Year Award for Missouri. As chairman of the Committee on Small Business, it is exciting for me to congratulate such a respected and dedicated leader from my home State of Missouri.

The SBA honors one small business person from each State at national ceremonies during Small Business Week, June 1–7. These small business owners are acknowledged for their achievements and contributions to the Nation's economy. SBA uses several criteria to select the small business person from each State, these include; staying power, growth in number of employees, increase in sales and/or unit volume, current and past financial reports, innovative product or service, response to adversity, and evidence of contributions by the nominee to aid the community. The small businesses are nominated by trade associations, chambers of commerce, and business organizations. The SBA then selects from each State the business it feels has best met all of the criteria.

Missouri's representative, Marilyn Moore, is president of TeamRehab, Inc., located in Clayton, MO. Her company is dedicated to providing therapy services to physically challenged individuals. TeamRehab uses physical, occupational, and speech therapy to help these individuals, and its services extend to more than 35 nursing home facilities, outpatient clinics, and home health agencies in the greater St. Louis metropolitan area and southern Illinois. TeamRehab was established in 1982 with two employees, and since that time has grown to more than 135 employees. TeamRehab is committed to quality care as demonstrated by its mission to enhance the quality of life and dignity of our clients.

Marilyn's work in the St. Louis community is exemplary, and not only have TeamRehab's clients benefited from her work, but so have her employees. Marilyn is known for her fairness and commitment to a team effort. Her commitment to this team has proven successful as she continues to help her clients strive to remain as self-sufficient as possible.

Abraham Lincoln stated "Always bear in mind that your own resolution to succeed is more important than any other one thing." TeamRehab's success and accomplishments are testimony to her resolve. She is a role model for all small business owners and I congratulate Marilyn Moore for this well-deserved honor.•

THE BUDGET

• Mr. KYL. Mr. President, I rise to speak for a few minutes today about the budget that passed the Senate a week-and-a-half ago—a budget that I opposed. In particular, I want to discuss what appears to have made it possible for congressional leaders and the White House to bridge their differences and produce a budget agreement that allegedly leads to balance by the year 2002.

Mr. President, it seems to me that it was a projected $225 billion surge of revenue from a strong and growing economy—an extra $45 billion in each of the next 5 years—that helped bridge the gap. Without that additional revenue, which was identified by the Congressional Budget Office the night before the agreement was reached, no deal would have been possible.

Of course, the negotiators did not reach balance by applying that revenue windfall to deficit reduction or tax relief, as you might expect. Most of it was used instead to accommodate higher levels of spending demanded by President Clinton and even some in Congress. In other words, balance would be achieved, but at a level of spending $45 billion higher per year than if all the additional revenue were applied to deficit reduction or tax relief alone. The fact that the budget deal enlarges Government is one reason why I voted against it.

Still, the budget negotiators rightly identified a thriving economy as one of the keys to solving our Nation's chronic deficit problem. And unlike previous budget agreements, they looked to economic growth to provide the additional revenue, avoiding the trap of tax increases, which limit the economy's potential and, in turn, make it harder to eliminate the red ink. They even found a way to provide a limited amount of tax relief.

But with the deal so dependent upon economic growth, and no significant changes in policy to prevent the already lengthy expansion from running its course within the next few years, many of us believe that it will be difficult, if not impossible, to ever realize the extra revenues that the budget agreement depends on to bring the budget into balance.

As you know, Mr. President, the agreement itself provides no tax cuts—no family tax credit, capital gains relief, death-tax relief, or education tax credit. It merely establishes the overall size of the tax cut that Congress will begin writing in a few weeks. It permits a net tax cut of $85 billion over the next 5 years—a minuscule amount considering that the Treasury will collect an estimated $8.6 trillion over that time period.

Considering that even the modest tax-cut package congressional leaders proposed earlier this year—a $500-per-child tax credit, a 50-percent cut in the capital-gains tax, estate-tax relief, and expanded Individual Retirement Accounts—will cost an estimated $188 billion, it is doubtful that Congress will be able to provide even that level of relief. It is more than twice the net tax cut allowed by the agreement. The limited amount of tax relief is another reason that I voted against the budget agreement.

Rather than spread tax relief so thin that it does no one much good, some of us are now suggesting that we focus relief on just a few things that will do the most good for the economy overall—that is, on capital formation. After all, not one business can begin, not one company can expand, not one new job can be created, not one wage can be increased without the capital to start.

With that in mind, the single best thing we could do would be to provide a deep reduction in the tax on capital gains. Ideally, the reduction should match that which was recommended by Democratic President John F. Kennedy as part of his economic growth plan in 1963—a 70-percent exclusion for gains earned by individuals, and an alternative tax rate of 22 percent for corporations. Ironically, President Kennedy's plan, which I introduced this year as the Capital Gains Reform Act, S. 72, proposed even deeper capital-gains cuts than the Republican Congress passed a year-and-a-half ago.

Capital-gains reform will help employers and employees. The American Council for Capital Formation estimates that a Kennedy-like plan would reduce the cost of capital by at least 8 percent, leading to as many as 150,000 new jobs a year.

It will also help the Treasury. Between 1978 and 1985, the top marginal tax rate on capital gains was cut by almost 45 percent—from 35 percent to 20 percent—but total individual capital gains tax receipts nearly tripled—from $9.1 billion to $26.5 billion annually. That may come as a surprise to some people, but the fact is that when tax rates are too high, people merely hold on to their assets to avoid the tax altogether. No sale, no tax. But that means less investment, fewer new businesses and new jobs, and—as historical records show—far less revenue to the Treasury than if capital-gains taxes were set at a lower level.

Research by experts at the National Bureau of Economic Research actually indicates that the maximizing capital-gains tax rate—that is, the rate that would bring in the most revenue to the Treasury—is somewhere between nine and 21 percent. The Capital Gains Reform Act, by virtue of the 70 percent exclusion, would set an effective top rate on capital gains earned by individuals at about 12 percent.

President Clinton recognized the importance of lessening the capital-gains tax burden by proposing to eliminate the tax on most gains earned on the sale of a home. That is a step in the right direction, but if a capital-gains tax cut is good for homeowners, it should be good for others who save and invest as well. I believe we ought to follow the Kennedy model and provide a permanent, broad-based capital-gains tax cut.

Mr. President, estate-tax relief is the second item that should be accommodated within the limited amount of tax relief available under the budget agreement. I have proposed that such death taxes be repealed outright, as recommended by both the Clinton-sponsored White House Conference on Small Business in 1995 and the Kemp tax-reform commission in 1996.

The respected liberal Professor of Law at the University of Southern California, Edward J. McCaffrey, recently observed that polls and practices show that we like sin taxes, such as on alcohol and cigarettes. "The estate tax," he went on to say, "is an anti-sin, or a virtue, tax. It is a tax on work and savings without consumption, on thrift, on long-term savings." The estate or death tax thus discourages the very activity that is necessary to help our economy grow and prosper.

The tax is particularly harmful to small businesses, including those owned by women and minorities. It is imposed on a family business when it is least able to afford the payment—upon the death of the person with the greatest practical and institutional knowledge of that business's operations. It should come as no surprise then that a 1993 study by Prince and Associates—a Stratford, CT consulting firm—found that 9 out of 10 family businesses that failed within 3 years of the principal owner's death attributed their companies' demise to trouble paying death taxes.

In other words, instead of passing a hard-earned and successful business on to the next generation, many families have to sell the company in order to pay the death tax. The upward mobility of such families is stopped in its tracks. The proponents of this tax say they want to hinder concentrations of wealth. What the tax really hinders is new American success stories.

The Heritage Foundation estimates that repeal will, over the next 9 years, spur $11 billion per year in extra output, lead to the creation of an average of 145,000 additional jobs, and increase personal income $8 billion a year over current projections.

Mr. President, I know that my two bills—one providing a deep reduction in the capital gains tax, and the other eliminating death taxes—will probably not pass in their current form. The small amount of tax relief allowed by the budget agreement will not permit it if we are to provide child-tax credits, education credits, and other tax relief as well. But it is capital-gains and estate-tax reform that could help keep the economy on track, producing the revenues needed to bring the budget into balance.

As President Kennedy put it, "An economy hampered with high tax rates will never produce enough revenue to balance the budget, just as it will never produce enough output and enough jobs." Capital-gains and estate-tax relief should be at the top of the list when it comes time for Congress to write a tax bill in the coming weeks.•

MSGR. KENNETH VELO

• Ms. MOSELEY-BRAUN. Mr. President, it is my pleasure to congratulate Msgr. Kenneth Velo, president of the Catholic Church Extension Society and priest of the Archdiocese of Chicago, as the Joint Civic Committee of Italian Americans honors him on June 7, 1997 as the recipient of the Joseph Cardinal Bernardin Humanitarian of the Year Award.

Monsignor Velo, who was born on Chicago's south side, was ordained as a Catholic priest in May 1973, after attending St. Mary of the Lake Seminary in Mundelein, IL. Monsignor Velo served as associate pastor of St. Angela Parish in Chicago from 1973 to 1980 and as associate pastor of Queen of All Saints Basilica from 1980 to 1981. In 1981, he assisted the Archdiocese of Chicago as assistant chancellor, and from 1983 to 1985 served as vice-chancellor of the Archdiocese of Chicago.

Known for his ability to remember not only names and faces, but the circumstances of the people he encountered, Monsignor Velo was asked by the late Joseph Cardinal Bernardin, Archbishop of Chicago, to serve as the Cardinal's executive assistant in 1985. Monsignor Velo would serve the Cardinal in this capacity for 14 years. Monsignor Velo was, at times, the Cardinal's sounding board, driver, eyes and ears. Ultimately, it would be Monsignor Velo who would orchestrate Cardinal Bernardin's death rites and care for the Cardinal's mother after his death. No one will ever forget the powerful and moving eulogy the Monsignor delivered in memory of his friend.

In 1994 Pope John Paul II, moved by his reputation as a public servant, appointed Monsignor Velo to be President of the Catholic Church Extension Society, a national philanthropic organization that has helped isolated and impoverished missions throughout the United States since 1905. As president of the Catholic Church Extension Society, Monsignor Velo has only reaffirmed his reputation as an individual dedicated to helping others.

Monsignor Velo is a true humanitarian. Today, I extend my sincere congratulations to Monsignor Velo for receiving the Joseph Cardinal Bernardin Humanitarian of the Year Award. Through his extraordinary personal effort for the betterment of our community, Monsignor Velo truly has personified the humanitarian nature of Joseph Cardinal Bernardin. I am proud to join the Joint Civic Committee of Italian Americans in recognizing Monsignor Velo's achievements.•

TRIBUTE TO DR. RUDY ELLIS

• Mr. McCONNELL. Mr. President, today I rise to mourn the death and celebrate the life of a close friend, Dr. Rudy J. Ellis, Sr., who passed away this past Monday, June 2, 1997.

Dr. Rudy Ellis was an inspiration to those who knew him. He was a respected orthopedic surgeon in Louisville, KY, and was the team physician for University of Louisville athletics. Through the years, Rudy touched the lives of many people in the community as well as the thousands of Cardinal athletes that he treated during his 35 years as U of L's team doctor.

I had one thing in common with Rudy, we both started at the University of Louisville at about the same time. He became the U of L team physician in 1961. Since that time, he treated athletes in all sports, except when he stepped down from the Cards' football and baseball teams in 1986. Dr. Rudy Ellis has done more good for more people through the university than virtually anyone else.

As a U.S. Senator, I get to travel across Kentucky and meet many great people who have made a difference in the State. And if I had to make a list of the truly great Kentuckians, Dr. Rudy Ellis would rank in the Top five.

A former member of the U of L's board of trustees and board of overseers, Rudy was one of the pioneers in sports medicine in Kentucky. He opened the Rudy J. Ellis Sports Medicine Center in 1980. And over the years, he has been an integral part of the athletic programs at many Jefferson County high schools, by providing free annual physical examinations for the 4,000 athletes in the school system. In 1993, to show their appreciation for his hard work and compassion for the young athletes, the athletic directors from across Kentucky created an award for people who provide distinguished service to high school sports. Who better to receive the first award than the man they named it after, Dr. Rudy Ellis.

High school gyms and the University of Louisville weren't Rudy's only stomping grounds; he also participated in the athletic programs at Bellarmine College, Lindsey Wilson Junior College, Hanover College, St. Catherine College, Spalding University, Louisville Redbirds, Kentucky Colonels Basketball Team, CBA Catbirds Basketball Team and Louisville Shooters Basketball Team. And in 1994, Rudy was recognized for all his work when he was inducted into the Kentucky Athletic Hall of Fame.

Mr. President please join me in extending my heartfelt sympathy and prayers to the Ellis family, his wife Ruth Anne and his four children, John, Jim, Linda and Amy, and to all those whose lives he touched. He will be missed very, very much.

Mr. President I ask that two articles from the Louisville Courier-Journal be printed in the RECORD.

The articles follow:

[From the Courier-Journal, June 3, 1997]

ELLIS, BELOVED U OF L TEAM DOCTOR, DIES AT 78

(By Ashley McGeachy)

Dr. Rudy J. Ellis, the caretaker of University of Louisville athletes for more than 35 years, died of an apparent heart attack yesterday morning. He was 78.

Details of Ellis' death were sketchy, but he and his wife, Ruth Anne, were in Vicksburg, Miss., over the weekend for his high school reunion. He died there.

Ellis was said to be in fine health as he embarked on the trip. He had suffered a heart attack five years ago to the day of his death, but he had suffered no serious health problems since.

An orthopedic surgeon, Ellis became the team physician for all U of L sports in 1961 and worked with all athletes through 1986 when he stepped down from the Cards' football and baseball teams. He was a U of L institution who never was paid for his work.

As news of Ellis' death spread throughout the U of L community, there was sadness over the loss of the soft-spoken, gentle man who healed whoever was ailing.

"He loved athletes whether it was a high school kid or a professional," said Cardinals basketball trainer Jerry May, who worked with Ellis since joining U of L as a student trainer in 1971. "He loved to make sure that they were taken care of. He probably never got paid much for any athlete he ever saw, but the prerequisite wasn't whether they could pay. The prerequisite was them being hurt."

May drove the Ellises to the airport Thursday night for their trip to Mississippi and was scheduled to pick them up last night.

"He was like a father to me," May said. "We were very close. We roomed together (on road trips) and have ridden many a mile together."

Said a teary Sherry Samenick, a U of L trainer who worked with Ellis for 17 years: "He's the epitome of loyalty, dedication, love, friendship and selflessness. . . . He didn't turn anybody down."

Ellis helped everyone from the biggest stars at U of L to high school athletes to ailing fans and media members. He helped Darrell Griffith and Scooter McCray when they had knee problems, Dwayne Morton when he broke his hand, Samaki Walker when he fractured his foot and, most recently, DeJuan Wheat when he sprained his ankle during the NCAA Tournament in March.

"I don't care how long you're at it, you never get used to it," Ellis once said of dealing with players' injuries. "You get real close to these kids, kind of feel like they're your own children, and you get a little frightened every time they take a spill."

When Scott Davenport, an assistant basketball coach at U of L, broke his arm at age 6, Ellis fixed it. When Davenport's son, Doug, fractured his leg seven years ago, Ellis' son, John, fixed it.

"One generation set one; one generation set the other," Davenport said, adding, "How many people do you meet in a lifetime who have never had anything bad said about them?"

Said U of L athletic director Bill Olsen: "Dr. Ellis meant a lot to this program. . . . His caring and compassion for people extended beyond athletes. Everyone had a lot of confidence in Doc. He was your best friend; he was a father figure to many student-athletes and in many ways was a coach."

Jock Sutherland, the longtime radio announcer for U of L, added: "He was a great person. There aren't many people outside of your family that you can say you love. I actually love Rudy Ellis. I love everything he stands for."

The university honored Ellis in 1995 with a scholarship in his name. He was inducted into the Kentucky Athletic Hall of Fame in 1994.

A native of Mississippi, he attended Mississippi State on a football scholarship and was the Bulldogs' starting quarterback from 1938 through '40. He graduated from U of L's medical school in '43 and became the Cards' team physician in 1961 at the behest of Peck Hickman, then the basketball coach.

He opened the Rudy J. Ellis Sports Medicine Center in Louisville in 1980, and he served at times as team physician for the Louisville Redbirds and the old Kentucky Colonels. He worked with Bellarmine College, Lindsey Wilson College, Hanover College, St. Catharine College and Spalding University in addition to the Jefferson County Public Schools.

Pearson's Funeral Home on Breckinridge Lane is handling the services, although the family didn't plan to make arrangements until today.

Ellis is survived by his wife and four children, sons John and Jim, and daughters Linda and Amy.

LOUISVILLE HAS LOST A DOCTOR TO US ALL

(By Rick Bozich)

I didn't want to call Dr. Rudy Ellis' home at 10:45 on a Tuesday night during Super Bowl week. But when you're a newspaper person on deadline, where else were you going to turn for an explanation of how an anterior cruciate ligament works and how you repair it?

You called Rudy Ellis, doctor to us all.

The first thing he did was tell me to stop apologizing for calling at that hour.

The second thing was to explain everything he knew about the anterior cruciate ligament, how he repaired one and how long the recovery is.

And, finally, after he asked how I was enjoying New Orleans, the third thing he did was make me promise to call back later that evening if I had further questions about anything he had just patiently explained in incredible detail for 20 minutes.

"Don't worry about it, paaaart-ner," Ellis always said in that soft comforting drawl that rolled all the way back into his boyhood days in Mississippi. "We'll take care of it."

Ellis did not believe in the doctor-patient relationship. He believed in the friend-friend relationship. He was an orthopedic surgeon who handled sports-related problems, but his real specialty was his warm and compassionate personality.

It did not matter whether you were a University of Louisville Cardinal, a Louisville Redbird, a Kentucky Colonel, a five-morning-a-week jogger or a substitute third baseman in a Sunday night softball league—you lost a tireless friend when Rudy Ellis died yesterday.

Ellis was as concerned about your knee as Darrell Griffith's knee, as worried about your shoulder as Felton Spencer's shoulder, as interested in your day as he was in anything he was doing in the most action-packed retirement I have ever seen.

You were just as likely to find him and his associates at the Streetball Showdown as you were at Freedom Hall, where he served so many years as the U of L team physician.

Jim Watkins, the athletic director for Jefferson County Public Schools, cannot remember when this state has conducted finals for any sport without representatives of Ellis' office on the scene.

In 1993 athletic directors across Kentucky created an award for friends of high school sports, outside of school personnel, who provide distinguished service. Not only did the athletic directors give Ellis the first award, but they also named it the Dr. Rudy J. Ellis Award.

"Nobody could be more deserving," Watkins said. "Or more humble."

Ellis never sent the high schools a bill. He only sent every patient on the way with a smile, convincing you that if you followed his instructions you'd be hanging on the rim again soon. No wonder so many local athletes who have become professionals never let another doctor take their temperature until they checked with him.

Griffith was not Dr. Dunkenstein, the 1980 college basketball player of the year, when he met Ellis. Griffith was a terrified Male High School sophomore wincing from every breath after taking a hard shoulder to his chest at practice.

"You look a little worried, son," Ellis said after Wade Houston, the Male coach, brought Griffith to the office. "Well, you're going to live. In fact, you'll be fine."

"Dr. Ellis wasn't in medicine for the money," Griffith said. "He was really in medicine to help people. When you looked in his eyes, you saw he really cared about you."

Ask any high school athlete who attended Super Saturday. For at least the past 15 years, Ellis organized a battalion of local doctors and trainers who provided physical examinations for any high school athlete. He insisted that the Super Saturdays be staged three times a year so athletes from fall, winter and spring sports were covered. Watkins said the doctors examined 1,500 to 2,000 students at each session.

At each free session, that is.

"There aren't many people like Rudy Ellis," Watkins said. "He truly believed it was his responsibility that every athlete had quality medical care."

"Louisville has lost a great man," Griffith said.

And Louisville has lost a great friend.●

TRIBUTE TO WILLIAM E. BREW, MINORITY GENERAL COUNSEL, SENATE COMMITTEE ON VETERANS' AFFAIRS

● Mr. ROCKEFELLER. Mr. President, I note with great sadness the departure of someone who had become a veritable institution on the staff of the Senate Committee on Veterans' Affairs—minority general counsel, William E. Brew.

Bill retired from the Committee on April 4, 1997—19 years and 1 day after he came for what he believed, at the time, was a less than 2-year commitment. How fortunate we all have been that those 2 years stretched out for almost 2 decades!

When Bill joined the committee staff as associate counsel in April 1978, the committee was still fairly young—it had only been established in 1971. So, the fact is, Bill has been with the Committee for almost as long as the Committee itself has been in existence. Ask him about any piece of legislation that came before the committee during his tenure, and he can most likely give you a blow-by-blow description of its legislative history, the major players involved, subsequent modifications, etc. Everyone who has heard of Bill's departure has commented on how great the loss of his institutional memory will be.

Bill is truly a fountain of knowledge about veterans legislation. But his is no dry history lesson. Bill is a wonderful storyteller, whose recounting of the past is full of humor and the little details that bring those events to life.

And no one shares his knowledge more generously and willingly than Bill. He is a gifted teacher. Countless young—and not so young—legislative staffers have benefited from his unique expertise. Bill's patience is legendary. No matter how many times he explained something, he was always willing to take time to go over it again. His mentoring of younger staffers was particularly meaningful to many with whom he discussed not only work issues, but life goals and philosophies.

Bill anchored the committee through times of change. He saw the committee through several shifts of control from Democratic to Republican Congresses, and although a committed Democrat himself, won the respect and appreciation of both Democratic and Republican chairmen alike. He was tremendously helpful to me at the time I assumed chairmanship of the committee in 1993. He has truly been a mainstay of the committee.

Bill is a graduate of Notre Dame (B.A.) and Catholic University School of Law (J.D.), a two-term veteran of the Navy, including 18 months duty in Vietnam, and a devoted family man, the father of five children. He is a role model of old-fashioned values—honesty, integrity, fairness, service to others, modesty. He is a true team player. He never claimed the spotlight, but was always there, behind the scenes, to offer his wise counsel, expert guidance, and astute judgment.

Bill thoroughly understood the legislative process and was a highly effective advocate for veterans. He is a master of negotiation, able to sort through complex issues and focus on realistic solutions that weigh the ideal vs. the attainable. Whether or not they agreed with him on an issue, all who dealt with him knew him to be fair-minded, balanced, and an often calming voice of reason in the heat of intense discussions that shaped important legislation.

Bill's accomplishments are many. Most significant among them are legislation leading to establishment of the U.S. Court of Veterans Appeals for judicial review of veterans claims, and the Veterans' Claims Adjudication Commission to conduct a comprehensive review of the claims process; expansion of programs relating to the readjustment needs of Vietnam and post-Vietnam veterans, including creation of a National Center on Post Traumatic Stress Disorder; implementation of several initiatives to address the problem of nurse shortages at VA hospitals; changes in VA's procedures responding to the needs of women veterans sexually assaulted while on active duty; and revision of VA health care eligibility rules. He also collaborated with the General Accounting Office to design and conduct a study evaluating the supervision of VA surgical residents, and then worked with VA to carry out recommended changes leading to increased quality of surgical care.

Bill left behind big shoes to fill. He is enormously missed by all of us who worked with him.●

RECOGNITION OF CFIDS AWARENESS DAY

● Mr. SANTORUM. Mr. President, I rise today to reaffirm my support for the tireless effort of the Chronic Fatigue Syndrome Association of Lehigh Valley to fight chronic fatigue and immune dysfunction syndrome [CFIDS], or chronic fatigue syndrome [CFS].

For 5 years, the CFS Association of Lehigh Valley has been dedicated to finding a cure for CFIDS, increasing public awareness, and supporting victims of this disease. The Lehigh Valley organization is actively involved in CFS-related research. In addition, they regularly participate in seminars to train health care professionals. Public education is an essential aspect of the association's mission. For instance, they arranged the broadcast of a video documentary about CFIDS on public television. Likewise, the Lehigh Valley organization raises public awareness through the International CFIDS Awareness Day, which is held on May 12 each year. I would also note that the CFS Association of Lehigh Valley received the CFIDS Support Network Action Award in both 1995 and 1996 for their initiatives in public advocacy.

Although researchers have made some advances in the study of this condition, CFIDS remains a mysterious illness. Presently, there is no known cause or cure. Victims experience a wide range of symptoms including extreme fatigue, fever, muscle and joint pain, cognitive and neurological problems, tender lymph nodes, nausea, and vertigo. Recently, the Centers for Disease Control gave CFIDS "Priority 1" status in the new infectious disease category, which also includes cholera, malaria, hepatitis C and tuberculosis. Until this disease is obliterated, the CFS Association of Lehigh Valley will continue its research and education campaigns.

Mr. President, I urge my colleagues to join me in commending the Lehigh Valley organization and in supporting the following proclamation, which I ask be printed in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas, the Chronic Fatigue Syndrome (CFS) Association of the Lehigh Valley joined the Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS) Association of America, the world's largest organization dedicated to conquering CFIDS, in observing May 12, 1997 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley, a member of the Support Network of the CFIDS Association of America, is celebrating their fifth year of service to the community; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley recently received the CFIDS Support Network Action Award for Excellence in Service in the Area of CFIDS Awareness Day 1996 and for Excellence in Commitment and Service to the CFIDS Community in the Area of Public Policy; and

Whereas, CFIDS is a complex illness which is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue, and numerous other symptoms that can persist for months or years and can be severely debilitating; and

Whereas, estimates suggest that hundreds of thousands of American adults already have CFIDS; and

Whereas, the medical community and the general public should receive more information and develop a greater awareness of the problems associated with CFIDS. While much has been done at the national, state, and local levels, more must be done to support patients and their families; and

Whereas, research has been strengthened by the efforts of the Centers for Disease Control, the National Institutes of Health, and other private institutions, the CFS Association of the Lehigh Valley recognizes that much more must be done to encourage further research so that the mission of conquering CFIDS and related disorders can be achieved.

Therefore, the United States Senate commends the designation of May 12, 1997 as CFIDS Awareness Day and applauds the efforts of those battling the illness.

Mr. SANTORUM. I appreciate the Senate's consideration of this issue, and I thank my colleagues for their attention.●

JEWEL S. LAFONTANT-MANKARIOUS

• Ms. MOSELEY-BRAUN. Mr. President, today I would like to offer my sincere condolences to the family, friends, and colleagues of Jewel S. Lafontant-Mankarious. I especially want to convey my most heartfelt condolences to Mrs. Lafontant-Mankarious's son and my dear friend, John Rogers.

On Saturday, May 31, 1997, our Nation lost one of our finest citizens. Mrs. Lafontant-Mankarious, a native of my hometown Chicago, will be remembered by many as a courageous woman who broke barriers for African-American women in law and government.

Jewel Lafontant-Mankarious was born of a distinguished family of African-American professionals and leaders, who had a long history of American patriotism. It was only natural that she would want to follow in this tradition of leadership. Mrs. Lafontant-Mankarious' desires led her to pursue an undergraduate degree in political science at Oberlin College, and later a law degree from the University of Chicago, where she graduated in 1946. Due to the level of institutional racism and sexism that existed in the legal field at that time, however, Mrs. Lafontant-Mankarious found herself unable to secure a job in a major firm, obtain office space in the downtown area, or even join the Chicago Bar Association. Mrs. Lafontant-Markarious was resilient, however, and would later rise to become a senior partner in the firm of Stradford, Lafontant, Gibson, Fisher & Cousins, senior legal partner at Vedder, Price, Kaufman & Kammholz, and a partner in the law firm of Holleb & Collef. Just this past year, in fact, Mrs. Lafontant-Mankarious was cited as one of the top female attorneys in the city of Chicago.

Her success never interfered with her commitment to public service. Mrs. Lafontant-Mankarious, has been remembered as "a regal woman, a person of the highest integrity," who "gave her legal services to the downtrodden people who couldn't fight for themselves."

It was this sense of fairness that led Mrs. Lafontant-Mankarious in her other endeavors. A longtime civil rights activist, Mrs. Lafontant-Mankarious was a founding member of the Congress for Racial Equality, held office in the Chicago chapter of the NAACP, and was on the board of the American Civil Liberties Union. In this capacity she is remembered for showing the same sort of tenacity and resilience that brought her success in her legal career, and is known for using innovative, yet peaceful, methods to bring about change. In later years, Mrs. Lafontant-Mankarious would continue to be active in countless civic endeavors, using her influence and her legal skills to help African-American entrepreneurs.

Mrs. Lafontant-Mankarious' activism was consistent and tenacious. She not only fought for the rights of African-Americans during the civil rights era, but fought to ensure that women, in particular, had a voice. In fact, by 1969, at a time when very few women had any real power in the corporate world, Mrs. Lafontant-Mankarious sat on the boards of 15 major corporations, including TWA and Mobile Oil. She elegantly broke barriers of both race and gender in all of her endeavors.

Mrs. Lafontant-Mankarious was extremely active in Republican politics. A close friend of Presidents Eisenhower, Nixon, and Bush, Mrs. Lafontant-Mankarious served as the first African-American woman to hold the position of assistant U.S. attorney during the Eisenhower administration. In 1972, Mrs. Lafontant-Mankarious became the highest female appointee named in the second Nixon administration, when she was selected as Deputy Solicitor General in the Justice Department. Years later, during the Bush administration, she would serve as U.S. Ambassador-at-Large for 4 years, visiting 28 countries. President Bush also appointed her to serve as Coordinator for Refugee Affairs for the State Department.

We should all be proud of the life that Mrs. Jewel S. Lafontant-Mankarious led. She was a woman of integrity, valor, and achievement, and was a personal heroine and role model to me. She rose above adversity, used her God-given talents to fight for the rights of others, and served as an example for following generations of what a strong heart and mind can achieve. Mrs. Lafontant-Mankarious will be sorely missed by all Americans who believe in the value of a true democratic society, who oppose discrimination, and who support the notion that we can all serve the good of humanity.

Today, I salute Jewel S. Lafontant-Mankarious for her many achievements, and thank her for her legacy.●

MAURICE SORRELL

• Ms. MOSELEY-BRAUN. Mr. President, I would like to extend my heartfelt congratulations to Maurice Sorrell, the dean of black photojournalists, as colleagues, friends, and family gather to celebrate his retirement from a lifelong commitment to capturing history on film.

Mr. Sorrell, a D.C. native, first noticed his love for photography as a youngster, when he often watched his uncles taking amateur pictures of his parents. His first job in photography was at the Pentagon in the 1950's, where he was permitted to work only in the darkroom because of racial segregation policies that existed. In 1957, Mr. Sorrell decided to strike out on his own as a freelance photographer. It was in this capacity that Mr. Sorrell served the Afro-American Newspapers and the Washington Afro-American Newspaper.

In 1962, Mr. Sorrell joined Johnson Publishing Co., Inc., as a staff photographer. Mr. Sorrell's artistic but honest portrayal of most civil rights events, as well as other issues of importance to the African-American community, has made him a landmark figure at Johnson Publishing Co., Inc. For the past 35 years, his work has appeared regularly in Ebony and Jet magazines. In addition to having received numerous awards and citations, Mr. Sorrell has earned a reputation among his colleagues for being a truly gifted photographer, with a unique eye for capturing the essence of the moment with a single portrait.

Among his many firsts, Mr. Sorrell has the distinction of being the first African-American to gain admittance in the prestigious White House News Photographers Association in 1961, as well as the honor of being the photographer who took the first group photo of the Congressional Black Caucus.

Over the course of his extensive career, Mr. Sorrell has visited more than 24 countries, covered nine presidents, photographed the March to Selma, AL, with Dr. Martin Luther King, Jr., shot the World Series and NFL games, and covered many other events. His work has gained him the confidence of some of our Nation's most memorable and influential people.

Maurice Sorrell is truly an American legend. Today, I commend him for his accomplishments, and applaud his contributions to the field of photography. Through his dedication to his art, and by his desire to capture our Nation's history on film, he has touched the lives of countless Americans.●

HELEN MAYBELL ANGLIN

• Ms. MOSELEY-BRAUN. Mr. President, it is indeed my pleasure and privilege to join the family and friends of a distinguished citizen of Chicago, IL, Mrs. Helen Maybell Anglin, in celebrating her 50th anniversary in the restaurant business. Mrs. Anglin has always held that the "good things in life ought to be enjoyed by all people, especially good food." As owner and manager of the Soul Queen Restaurant, a popular soul food eatery located on the Windy City's Southside, Mrs. Anglin works her special magic to turn simple, down home fare into something spectacular.

Aside from being a local legend, Mrs. Anglin has been nationally recognized for her culinary talents. Her recipes have been published in numerous sources, including the Ladies Home Journal. She has also appeared on local and national television programs, including the Oprah Winfrey Show, to demonstrate her masterful cooking techniques. Throughout her career, Mrs. Anglin has been instrumental in exposing the public-at-large to delicious soul food cuisine.

In addition to being a successful restauranteur, Mrs. Anglin has been a committed civic leader for decades. She is one of the original board members of the PUSH Foundation and has been an active supporter of the NAACP, the League of Black Women Voters, and the United Negro College Fund. She is well known for inspiring young people to maximize their educational opportunities and has provided financial assistance to help many achieve their goals.

Mrs. Anglin combines her private passion for good food with her public commitment to the common good. Her community work and civil rights advocacy represent a singular distinction for this woman of and for the people. She has distinguished herself as one of Chicago's most valuable leaders through her extraordinary talent, innovation, and compassion. Her achievements and dedication to quality in all her endeavors are a shining example to us all, and I am honored to know her.●

ORDERS FOR WEDNESDAY, JUNE 4, 1997

Mr. ASHCROFT. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 3 p.m. on Wednesday, June 4. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 4, the Family Friendly Workplace Act; and further the time until 4 p.m. be equally divided with Senator KENNEDY or his designee in control of the first 30 minutes and Senator ASHCROFT in control of the second 30 minutes; and further at the hour of 4 o'clock the Senate proceed to the vote on the motion to invoke cloture on the substitute amendment to S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I ask unanimous consent that it be in order for Senators to file second-degree amendments until 3:30 on Wednesday in order to qualify under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ASHCROFT. For the information of all Members, there will be a cloture vote tomorrow afternoon at 4 p.m. on the substitute amendment to S. 4, the Family Friendly Workplace Act. It is the hope of the majority leader that cloture will be invoked and the Senate will be able to make progress and hopefully complete action on this important legislation. Additional votes are expected on or in relation to the pending amendments as well as additional amendments that may be offered.

As a reminder, it is still the hope of the leader to complete action on the budget resolution conference report as soon as that report becomes available. In addition, the majority leader has stated that the Senate may also complete action on the supplemental appropriations conference report when that report is available.

ADJOURNMENT UNTIL 3 P.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, June 4, 1997, at 3 p.m.

NOMINATIONS

Executive nomination received by the Senate June 3, 1997:

DEPARTMENT OF JUSTICE

BETH NOLAN, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WALTER DELLINGER.

HOUSE OF REPRESENTATIVES—*Tuesday, June 3, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. NETHERCUTT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 3, 1997.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

DEMOCRATS HAVE TAKEN LEAD ON CHILDREN'S HEALTH CARE

Mr. PALLONE. Mr. Speaker, in the coming days, I am hopeful that a children's health care initiative will emerge as a result of the budget reconciliation process. It is my understanding that approximately $16 billion over 5 years has been set aside in the budget to provide money to help families obtain health coverage for their children.

Since last year, Mr. Speaker, when the Democrats developed the Families First agenda, children's health care has been a high priority. Although Republicans have failed to realize that 10 million uninsured children in this country is a problem that needs to be addressed, I have to assure my colleagues that Democrats have not let the needs of these children fall on deaf ears. As one of the three cochairs of the Democratic Health Care Task Force, we have held hearings and meetings with child advocacy groups and various health care providers who have all been very clear in expressing the need for Federal involvement in this issue.

Two months ago, I and a number of my colleagues on the Democratic side sent a letter urging that the Republican leaders move legislation forward by Mother's Day that would benefit the uninsured children. Since then, the GOP has really done nothing about the issue while each day more children enter the ranks of the uninsured.

Just as an example, Mr. Speaker, in my home State of New Jersey, over 200,000 children are currently without health insurance, according to a very good estimate. That many children should not be without health insurance in this Nation if we think about what it means nationwide. Many do not realize that over 90 percent of all uninsured children are in working families whose employer does not offer health insurance or who just cannot because the family or the policy that the employer provides, they just cannot afford to pay the skyrocketing costs.

I have to say, Mr. Speaker, that Democrats understand these statistics and the Democratic Health Care Task Force has developed a proposal to address the problem of uninsured kids. Our task force plan would strengthen Medicaid, create a new flexible matching grant program for working families and enact important health insurance reforms. And this proposal, the Democratic Health Care Task Force proposal, can be considered now that Republicans are being forced to address this issue as a result of the $16 billion set aside for children's health care under the balanced budget resolution.

Of the 10 million uninsured children, approximately 3 million are already eligible for Medicaid. But what we do in our plan is provide grants to States to help local communities in developing outreach programs to take these 3 million children out of the ranks of uninsured, with maximum flexibility to employee communities resources. So first, what we are doing is to try to get to the kids that already are eligible for Medicaid but for whatever reason are not signed up.

In addition, our Democratic plan will enable children to remain eligible for Medicaid for a full year from the time they are determined eligible. At present, the status is evaluated many times in a given year, oftentimes leading to children having health care insurance one month but not another. This change will offer continuity and allow parents to be more at ease with the guarantee that their child will not lose health care coverage from one month to the next.

The Democratic plan creates Medikids, which is a new matching grant program that will provide States with the necessary resources to seek innovative State solutions to meet the needs of uninsured children in working families. States would be eligible for extra money if they expand Medicaid coverage to cover pregnant women up to 185 percent of the poverty level and all children through the age of 18 in families below 100 percent of the poverty level. Just to give an example, Mr. Speaker, my home State of New Jersey already covers pregnant women up to 185 percent of the poverty level, but they only cover children up to the age of 13. So if they expand that to 18, they then will not only have an expanded Medicaid Program, but they would be able to take advantage of the new Medikids matching grant programs to expand health insurance even beyond Medicaid to a lot more working families.

Under this grant program or Medikids Program, States may provide assistance on a sliding scale, and they have flexibility to determine the level of assistance. They could use the money, the additional funds they get, to pay for programs already helping uninsured children in their State, but the benefits package must be comparable to what is offered under Medicaid. What we are trying to do is to basically get at children whose families have an income between 100 and 300 percent of poverty. So we are going beyond Medicaid to working families who still cannot afford health insurance for their kids but are making more than the poverty level.

The last thing I wanted to mention, Mr. Speaker, is that we do have a component in our Democratic proposal for private health insurance reforms. This consists of requiring insurers to offer group-rated children-only policies thereby making—what we are essentially doing, Mr. Speaker, if I could summarize it, is we are trying to say that, if a group policy is offered, they have to offer kids-only insurance so that parents basically can say, maybe we cannot afford to buy insurance for the whole family but we can afford to buy it for kids.

In summary, what we are doing is expanding Medicaid, granting more money to the States to go beyond Medicaid to cover more kids and making it possible for people who have group insurance to buy kids-only policies to cover kids in those categories. I think it will work to cover most if not all the 10 million uninsured children.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

POTENTIAL POLLUTION OF POTOMAC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from West Virginia [Mr. WISE] is recognized during morning hour debates for 5 minutes.

Mr. WISE. Mr. Speaker, Sunday, residents of this area, the Washington, D.C. area, found a front page Washington Post article dealing with potential pollution problems coming down the Potomac from West Virginia. This followed a report a couple of weeks ago by a group called the American Rivers group. Since most of the Members in this Chamber at some time or another are going to be drinking water generated at the headwaters of the Potomac, namely, West Virginia, I thought we ought to talk about it and talk about what is being done to deal with this concern.

I think that people ought to know that there is a commonsense solution to these problems and, indeed, a number of measures are being untaken, and that no one is trying to close their eyes to the situation, but at the same time we also have to appreciate what is being done and that, indeed, a number of steps are already underway to deal with this.

This is not a new issue. In 1994, Federal and State officials were proactive in initiating a project to monitor water quality generated in the Potomac and a number of agencies came together, along with the U.S. Geological Service and the Natural Resource Conservation Service. They performed a long-term study and found that there were high concentrations of fecal coliform and fecal streptococci.

As a result of these findings the following efforts have been initiated, and I think they are significant:

First of all, the Potomac Headwater Land Treatment project. This is a very significant program initiated just a few months ago in which there is a cost share program funded under the U.S. Department of Agriculture's watershed program to assist poultry and livestock producers in developing a nutrient management plan and directing them to build storage facilities.

Poultry litter composting demonstration project, another similar type of effort.

One area that I think has great promise and is already being tested successfully is the power digest project, a project of the West Virginia Department of Agriculture, formerly working with the Olin Co., now with a West Virginia firm, demonstrating ways to reduce the chicken litter to produce methane gas for energy and compost. This is now ready for full-scale application.

We also have the pesticide collection program in which the Eastern Panhandle and Potomac Valley Soil Conservation districts are holding separate pesticide collection days and already more than 30 tons of pesticides have been collected that is not going into the water system.

The Geographic Information System administered by the NRCS and the West Virginia Soil Conservation Agency to record data on the location of poultry houses and feedlots that could be creating problems. The riparian zone development project undertaken in cooperation with the U.S. Fish and Wildlife Service and Partners for Wildlife Program.

The manure testing laboratory, very significant, established in Moorefield through the cooperative efforts of the West Virginia Department of Agriculture, the NRCS, the Soil Conservation Service and the EPA.

The water quality incentive program, which provides incentive payments to farmers to improve land health by changing their management methods.

Also the litter hotline so that farmers and poultry producers can receive assistance in how to deal with this problem. There are a number of other efforts underway as well, including adding additional staff at the new laboratory in Moorefield to work first-hand on these concerns.

I want to reassure people that several things are being done. I have directed my staff to coordinate closely with the West Virginia Commissioner of Agriculture, Gus Douglas, who has already taken the lead on this over the past few years. We are today in the field in Hardy County and other areas talking with many of the parties involved. The first thing is to identify the full extent of the problem and the second is to make sure that we are working in close coordination.

I believe that there is a coordinated effort already underway. If it is not enough, it will be made enough. But I think it is significant, and I wanted people to understand that no one is taking this problem lightly in West Virginia, that indeed working with the poultry industry, working with the poultry producers, those who own the houses, those who are raising the poultry, working with the economic development concerns and working with environmentalists, we are addressing this problem and indeed making every effort to make sure that the Potomac is safe, every part of the Potomac.

So we look forward, Mr. Speaker, to reporting back on progress that is being made. But in light of these reports that have been issued, I think it is important that many people in this area understand that significant efforts are underway to deal in a very meaningful and commonsense way with whatever pollution there may be, because we all benefit, whether at the headwaters of the Potomac or at the receiving end in the Chesapeake Bay, we all benefit from cleaner waters. And we are dedicated to making sure that happens.

JUNE 4—TIANANMEN SQUARE MASSACRE MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. PELOSI] is recognized during morning hour debates for 5 minutes.

Ms. PELOSI. Mr. Speaker, 8 years ago this week, the world was shocked as people witnessed the brutal suppression of individual freedom and liberty in Tiananmen Square, a massacre which is still not acknowledged by the authoritarian leaders in China. The images of that massacre were seared into our consciousness.

We have not forgotten those who lost their lives for the cause of freedom, and we must not forget those still in prison who have lost their liberty in pursuit of this basic right. Indeed, who can forget the image of the lone man before the tank, portrayed here in this photograph of that courageous act.

I am proud to say that signing this particular poster on this particular poster are the signatures of most of the leading dissidents at the time of the democracy movement in China who have since escaped from China.

It is without question, Mr. Speaker, that we expect to have a brilliant future for the people of China, diplomatically, culturally, economically, and politically.

Our problem is not with the people of China, but with the actions of the repressive Chinese Government, a Government that continues to stifle dissent, to imprison those who dare to speak out, to worship as they please, to organize or to disagree. Eight years ago, the brave men and women who demonstrated for democracy did so in the spirit and the footsteps of our Founding Fathers.

They quoted Thomas Jefferson. They built a monument fashioned after our Statue of Liberty. They looked to the United States as a beacon of hope and of freedom. We looked and still look to them for their courage, their idealism, and their dedication to the establishment of basic human rights and respect for basic human rights.

Tonight in Washington, DC, there will be a demonstration outside the Chinese Embassy. It will be a coming together of many of the groups who have worked in solidarity, human rights groups, labor rights groups, workers rights groups, religious rights groups who have worked together since the time of the Tiananmen Square massacre to call attention to the severe repression that continues in China still today.

□ 1245

As I said earlier, we will gather to honor the pro-democracy activists as we recognize their legacy and the legacy that they obtained from our Founding Fathers. We cannot and must not abandon them in their cause of freedom, both where it is missing and where it currently exists. Where it currently exists, of course, is in Hong Kong, and I will move on to that in a moment.

It is quite clear that by imprisoning those that speak out for democracy, China's leaders have imprisoned part of all who speak out for democratic freedoms. These men and women are the past. The rulers of Beijing are the past. The brave men and women of 1989 and of 1978 and of all the outbursts of freedom, big and small, over the decades in China are the future.

In a few short weeks the world will watch as freedom where it exists now in China, in Hong Kong, is tested. We must maintain our commitment to the people of Hong Kong and to their civil liberties and basic human rights.

In yesterday's paper, Mr. Speaker, it was reported that in Hong Kong there was a huge protest demanding the freeing of the prisoners arrested at the time of the Tiananmen Square massacre. Thousands of people in Hong Kong rallied as the turnover approaches and makes such demonstrations illegal. This rally was first a response to a statement made by a leader in Hong Kong, who said "Forget about Tiananmen Square," and these young people turned out to say we will not forget about Tiananmen Square. So, again, thousands of people turned out with posters that said "Forget Tiananmen Square? Never."

Mr. Speaker, in observation of the 8-year anniversary. I once again want to call to the attention of our colleagues a book called "The Courage to Stand Alone", written by Wei Jingsheng. Wei Jingsheng has been called the Sakharov of China, and this book was written in a prison cell by him. It is a moving book by the paramount leader and symbol of the ongoing struggle for democracy and human rights in China.

They say the most painful part of being a political prisoner, a prisoner of conscience anyplace, is that your imprisoners tell you that nobody cares about you, that nobody knows you are in prison or cares about why you are there. And one thing I want to make certain is that those political prisoners arrested for their peaceful demonstration of their rights at the time of the Tiananmen Square massacre know that they have not been forgotten, all of them, including Wei Jingsheng, indeed a champion of democracy throughout the world.

I would like to read more from the book but my time has expired. More on the subject later. But let us all come together, regardless of what we think about our policy to China, to commemorate the courage of those who gave their personal freedom and indeed their lives for the cause of democratic freedom in China.

RECESS

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray.

May Your blessings, gracious God, that brighten every place and give peace to every soul, be with all who seek Your presence and ask for Your favor. We seek to trust our own strength and yet we know we can be weak; we wish to endorse our own wisdom, and yet we know our ignorance; we say we pursue justice, and yet we can miss the mark. O loving God, as You have created us and nurtured us along life's way, so fill our hearts with those blessings that show us the way of truth and the meaning of life. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MILLER of Florida). Will the gentleman from Arizona [Mr. STUMP] come forward and lead the House in the Pledge of Allegiance.

Mr. STUMP led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. STUMP. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

INTRODUCING RESOLUTION TO DENY MOST-FAVORED-NATION TRADING STATUS TO COMMUNIST CHINA

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, today I and a bipartisan group of Members of the House, including Democrats and some of the Republican leadership, are introducing a resolution to deny most-favored-nation trading status to Communist China.

Once again we have witnessed the utter failure of granting favorable terms of trade to China. Here is what it has brought us over the last year:

The purchase of Russian missiles specifically designed to take out American ships and kill American sailors;

A $40 billion trade deficit, approaching $50 billion now, mostly caused by the importation of slave-labor goods in this country;

Attempts to buy influence and use U.S. elections and conduct economic espionage against the United States of America;

A renewed crackdown on religion and preparations for a crackdown on liberties in Hong Kong;

But most of all, continued missile and chemical weapons shipments to Iran and Pakistan that will someday kill tens of thousands of innocent human beings, including soldiers who will be called to the rescue, as they were in the Persian Gulf.

I would ask Members to support this resolution when it comes to the floor.

PASS A STRAIGHTFORWARD DISASTER RELIEF BILL NOW

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, House Republicans decided to go home for Memorial Day vacation last week, even though they still have not provided disaster-stricken families with the emergency funds needed to rebuild their lives. It has now been more than 2 months since the President sent disaster relief legislation to Congress; yet Republicans still have not finished their work and passed the bill.

Last month Republicans loaded the bill up with provisions to freeze spending on education and other priorities for working families, a provision the President warned them would force him to veto the bill.

This emergency disaster relief bill that Republicans are holding hostage would help thousands of families rebuild their lives after a massive flood devastating their homes, businesses, and farms. It also included in the bill emergency funds to keep 360,000 women and children from being kicked out of the WIC child nutrition program.

Mr. Speaker, Democratic leaders and Members of Congress from States hardest hit by this flooding will be gathering today to deliver a simple message to the Republican leadership: Just do it, pass a straightforward disaster relief bill now.

GO FLYERS

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker:

There is a place down in Philly called Broad Street,
Where opponents were once turned into minced meat,
These bullies, they skated and were generally hated
By all of those whom they routinely deflated;
The Spectrum was home to these champions of ice,
The Stanley Cup was made theirs not once, but twice,
With Clarkie and Leach and Parent in the net,
Their blood, sweat, and tears we will never forget;
But now here we are in 1997,
The Flyers approaching ice hockey heaven,
Eric the Great has shown us the way,
His heart, speed, and talent on constant display;
With well-seasoned Coffee and a Legion of Doom,
The orange and black have shown opponents their tomb,
Super Mario was valiant but nevertheless,
He just couldn't beat power with pretty finesse;
Over the Sabers they rode on Snow's bulging shoulder,
And then back to Hextall both wiser and older,
The Rangers and Great One were just out of place,
The only "Mess" that we saw was of Robitaille's face;
The heroics of Brind'Amour, Klatt, and Podein,
Have made all us Flyers' fans stand up and scream,
Here we are in the finals with sights set on the Cup,
Like the 70's, no Russians will mess this dream up;
Big Joel Otto and Therien have merely begun,
To pummel the Wings til their Red starts to run,
And just like the days when the Broad Street Bullies did reign,
The Stanley Cup will belong to the Flyers again.

TIMOTHY McVEIGH HAS ONLY ONE RIGHT LEFT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Timothy McVeigh has been convicted of mass murder. A jury will now deliberate whether McVeigh gets life in prison or the death sentence. I say, did McVeigh give any of those 168 innocent victims an opportunity to plea bargain? Did McVeigh give any of those 19 murdered children an opportunity for a life sentence? I ask, did McVeigh in fact give any consideration at all to the innocent victims and the families of those victims? No, Mr. Speaker.

I say that Timothy McVeigh has only one right left. The jury should read Timothy McVeigh his "last rites." Timothy McVeigh should be put to death, period.

Mr. Speaker, an America that allows mass murderers to plea bargain is an America that is turning its back consistently on innocent victims and citizens. I say it is time to stop the record number of graves and cemeteries all over our country.

THOUSANDS OF HIGHER PAYING JOBS: A POSITIVE IMPACT OF THE GAMING INDUSTRY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, recently the National Gambling and Impact Policy Commission was formed. I am here today to speak about one of the positive impacts the gaming industry has had on our society.

An article recently published in the Las Vegas Sun illustrates gaming's positive involvement in the important issue of welfare reform. Two of gaming's corporate citizens have been producing thousands of jobs for welfare recipients. These companies have been giving American families the confidence of being able to make ends meet without depending on public assistance.

A recent Arthur Andersen study of gaming establishments in Mississippi, Louisiana, and Illinois disclosed that gaming has had a dramatic role in decreasing public assistance in these areas. According to the study, casino companies and the industries that support them paid $21 billion in wages to more than 700,000 men and women in 1995.

The average casino wage was $26,000 compared to $20,000 in other amusement and recreation sectors, $16,000 in the hotel-motel industry, $22,000 in the motion picture industry. This means that the men and women working in the small casinos to the large mega resorts and riverboats receive better wages and higher-paying jobs in exchange for their hard work.

This is not just a Nevada issue, Mr. Speaker, this is a national issue. I urge Members' support.

IT IS TIME TO PASS THE EMERGENCY SUPPLEMENTAL BILL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it has now been more than 2 months since the President sent disaster relief legislation to the Congress, but my colleagues on the other side of the aisle have chosen to dilly-dally, to delay, instead of passing this important bill. They even voted to send the Congress home for 10 days instead of working to get this emergency aid to the families who so desperately need it.

Even worse, the majority has played politics with the disaster relief legislation. Last month they added a poison pill to the bill, a provision that would freeze spending on education and other important budget priorities that in fact help working families in this country. The President has stated that he cannot sign this bill if this provision is included. Yet, the majority has refused to remove it.

It is time to stop playing politics with the lives of American families. It is time to help those victims who are in fact desperately waiting for disaster relief funds. It is time to pass the emergency supplemental bill.

A BALANCED BUDGET AGREEMENT THAT IS DIFFERENT

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, in 1985 a balanced budget deal was agreed to amid great fanfare. In 1990 a balanced budget deal was agreed to amid similar exuberance. In 1993 a balanced budget deal was agreed to that was greeted with more high praise from the liberal media. The budget is still not in balance.

Mr. Speaker, what is it about this balanced budget agreement that is different? First, under a Republican Congress, the economic assumptions are conservative and realistic. Second, this budget includes the strongest step in entitlement reform since our welfare reform proposals of last year. Third, the resolve of the Republican Congress to balance the budget is the strongest this country has seen since 1954.

Conservative economic assumptions, entitlement reforms, and Republican resolve, those are the keys to this balanced budget agreement. That, Mr. Speaker, separates this budget agreement from the failed promises of previous balanced budget deals.

□ 1415

SILVER CHARM

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, from the Los Angeles County Fairgrounds in Pomona to the Santa Anita race track in Arcadia, California's San Gabriel Valley is totally charmed by our Triple Crown contender and favorite son, Silver Charm, but it is owners Bob and Beverly Lewis who have captured our hearts. Their generous spirit of giving is evident throughout southern California. We celebrate with them as their Kentucky Derby and Preakness winner makes his bid to add the final jewel to his crown.

Silver Charm represents the spirit of America. He is a street fighter who rose to the top through sheer hard work, ability and talent. He is what America is all about. We all root for him because in essence he represents us. He has come not from the royal barns of Kentucky but has become a champion in spite of it.

The son of Silver Buck and Bonnie's Poker continues to fascinate us as he heads to the Belmont Stakes.

Mr. Speaker, this Saturday Californians will be very proud as we celebrate our first Triple Crown winner.

ESTATE TAXES

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise today to say a few words about estate taxes, sometimes called inheritance taxes and more recently referred to as death taxes. This is often designated as a tax on the rich, and some therefore say we should not cut it. But I wish to clarify some of the issues.

Ninety-three percent of the businesses in my area of west Michigan are small businesses, having under 50 employees. Estate taxes, contrary to the public's perception, do not apply just to Bill Gates and others of that sort, but they apply to a majority of the small businesses and farmers in this Nation because, when they die, they have substantial assets in their businesses.

The saying is that farmers are always cash poor but land rich. That is certainly true. And it is unfortunate that today many farmers are not able to pass their farms on to their children. Part of the farm must be sold in order to pay the estate taxes before the farm can be passed on to their children.

Even modest family owned businesses and farms can fall into the range of estate taxable assets, causing great financial hardship. Ironically the truly wealthy families are generally better able to avoid estate tax liability because they can afford to hire experts to reduce their estate taxes, while the small business people and the farmers do not have the money to hire that kind of expertise.

Furthermore, the top estate tax rate of 55 percent is taxing money which has already been taxed, giving a high tax rate of approximately 73 percent.

I believe the estate tax is too high. It is unjust and we should change this so that those who own small businesses and farms can in fact retain them and pass them on to their children upon their death.

CUTTING TAXES

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I must say, I get a little irritated when the folks on the other side resort to the only card in their deck: class envy.

Yes, America, the land of class envy.

In the liberal vision, America is not a land of unlimited opportunity, a land where all Americans are encouraged to become as prosperous as their God-given talents and hard work will take them. No; in the liberal vision we do not encourage people to become rich. We must tear them down.

No; in the liberal vision of success, it must not be considered the just rewards of hard work; success must be attacked.

No; in the liberal vision, instead of serving as a spur to your own success, government must expropriate wealth that others have produced.

Mr. Speaker, we reject that liberal vision. Pitting one class against another is destructive, counterproductive and just plain wrong.

Cutting taxes on Americans, rich or poor, is nothing more than the belief that Americans should get to keep more of the wealth that they produce.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MILLER of Florida) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on May 30, 1997 at 3:26 p.m. and said to contain a message from the President whereby he notifies the Congress of modifications of duty-free treatment under the Generalized System of Preferences.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

DESIGNATION OF CAMBODIA UNDER GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–88)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Cambodia should be designated as a least developed beneficiary developing country under the GSP program because it has taken steps to improve worker rights and the protection of intellectual property. I have also determined, as a result of the 1995 Annual Review of petitions for changes that three products should be added to the GSP list of eligible products and that the competitive need limits on 22 products should be waived. As a result of a review of 1996 imports of GSP products, I have determined that de minimis limits on 79 products be waived and 11 products, whose imports no longer exceed the program's competitive need limits, should be redesignated as GSP eligible. Finally as a result of certain provisions of the legislation enacted in August 1996 reauthorizing GSP, I am granting GSP eligibility to an additional 1,783 articles not previously included under GSP, provided that they are imported directly from the least developed beneficiary developing countries.

This notice is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 30, 1997.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on May 30, 1997 at 3:26 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report on the national emergency with respect to the former Yugoslavia.

Sincerely,

ROBIN H. CARLE.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO FORMER YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–89)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro) by Executive Orders 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively.

On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)"), and prohibiting trade-related transactions by United States persons involving those areas of the Republic of Bosnia and Herzegovina controlled by the Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 24, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuance of Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they control within the Republic of Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On November 22, 1995, the United Nations Security Council passed ("Resolution 1022"), immediately and indefinitely suspending economic sanctions against the FRY (S&M). Sanctions were subsequently lifted by the United Nations Security Council pursuant to Resolution 1074 on October 1, 1996. Resolution 1022, however, continues to provide for the release of funds and assets previously blocked pursuant to sanctions against the FRY (S&M), provided that such funds and assets that are subject to claims and encumbrances, or that are the property of persons deemed insolvent, remain blocked until "released in accordance with applicable law." This provision was implemented in the United States on December 27, 1995, by Presidential Determination No. 96–7. The Determination, in conformity with Resolution 1022, directed the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) pursuant to the above-referenced Executive orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995 (the "Peace Agreement") and signed in Paris on December 14, 1995. The sanctions imposed on the FRY (S&M) and on the United Nations Protected Areas in the Republic of Croatia were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, in conformity with UNSCR 1022. On October 1, 1996, the United Nations passed UNSCR 1074, terminating U.N. sanctions against the FRY (S&M) and the Bosnian Serbs in light of the elections that took place in Bosnia and Herzegovina on September 14, 1996. UNSCR 1074, however, reaffirms the provisions of UNSCR 1022 with respect to the release of blocked assets, as set forth above.

The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and covers the period from November 30, 1996, through May 29, 1997. It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order 12808 as expanded with respect to the Bosnian Serbs in Executive Order 12934, and against the FRY (S&M) contained in Executive Orders 12810, 12831, and 12846.

1. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that national emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

2. The Office of Foreign Assets Control (OFAC), acting under authority delegated by the Secretary of the Treasury, implemented the sanctions imposed under the foregoing statutes in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 C.F.R. Part 585 (the "Regulations"). To implement Presidential Determination No. 967, the Regulations were amended to authorize prospectively all transactions with respect to the FRY (S&M) otherwise prohibited (61 FR 1282, January 19, 1996). Property and interests in property of the FRY (S&M) previously blocked within the jurisdiction of the United States remain blocked, in conformity with the Peace Agreement and UNSCR 1022, until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia.

On May 10, 1996, OFAC amended the Regulations to authorize prospectively all transactions with respect to the Bosnian Serbs otherwise prohibited, except with respect to property previously blocked (61 FR 24696, May 16, 1996). On December 4, 1996, OFAC amended Appendices A and B to 31 C.F.R. chapter V, containing the names of entities and individuals in alphabetical order and by location that are subject to the various economic sanctions programs administered by OFAC, to remove the entries for individuals and entities that were determined to be acting for or on behalf of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). These assets were blocked on the basis of these persons' activities in support of the FRY (S&M)—activities no longer prohibited—not because the Government of the FRY (S&M) or entities located in or controlled from the FRY (S&M) had any interest in those assets (61 FR 64289, December 4, 1996). A copy of the amendment is attached to this report.

On April 18, 1997, the Regulations were amended by adding a new section 585.528, authorizing all transactions after 30 days with respect to the following vessels that remained blocked pursuant to the Regulations, effective at 10:00 a.m. local time in the location of the vessel on May 19, 1997: the M/V MOSLAVINA, M/V ZETA, M/V LOVCEN, M/V DURMITOR and M/V BAR (a/k/a M/V INVIKEN) (62 FR 19672, April 23, 1997). During the 30-day period, United States persons were authorized to negotiate settlements of their outstanding claims with respect to the vessels with the vessels' owners or agents and were generally licensed to seek and obtain judicial warrants of maritime arrest. If claims remained unresolved 10 days prior to the vessels' unblocking (May 8, 1997), service of the warrants could be effected at that time through the United States Marshal's Office in the district where the vessel was located to ensure that United States creditors of a vessel had the opportunity to assert their claims. Appendix C to 31 CFR, chapter V, containing the names of vessels blocked pursuant to the various economic sanctions programs administered by OFAC (61 FR 32936, June 26, 1996), was also amended to remove these vessels from the list effective May 19, 1997. A copy of the amendment is attached to this report.

3. Over the past year, the Departments of State and the Treasury have worked closely with European Union member states and other U.N. member nations to implement the provisions of UNSCR 1022. In the United States, retention of blocking authority pursuant to the extension of a national emergency provides a framework for administration of an orderly claims settlement. This accords with past policy and practice with respect to the suspension of sanctions regimes.

4. During this reporting period, OFAC issued seven specific licenses regarding transactions pertaining to the FRY (S&M) or assets it owns or controls. Specific licenses have been issued (1) to authorize the unblocking of certain funds and other financial assets previously blocked; (2) for the payment of crews' wages, vessel maintenance, and emergency supplies for FRY (S&M)-controlled ships blocked in the United States; and (3) to authorize performance of certain transactions under pre-sanctions contracts.

During the past 6 months, OFAC has continued to oversee the maintenance of blocked accounts and records with respect to: (1) liquidated tangible assets and personalty of the 15 blocked United States subsidiaries of entities organized in the FRY (S&M); (2) the blocked personalty, files, and records of the two Serbian banking institutions in New York previously placed in secure storage; (3) remaining tangible property, including real estate; and (4) the 5 Yugoslav-owned vessels recently unblocked in the United States.

5. Despite the prospective authorization of transactions with FRY (S&M), OFAC has continued to work closely with the United States Customs Service and other cooperating agencies to investigate alleged violations that occurred while sanctions were in force.

Since my last report, OFAC has collected six civil monetary penalties totaling nearly $39,000 for violations of the sanctions. These violations included prohibited imports, exports, contract dealings, and payments to the Government of the FRY (S&M), persons in the FRY (S&M), or to blocked entities owned or controlled by the FRY (S&M).

6. The expenses incurred by the Federal Government in the 6-month period from November 30, 1996, through May 29, 1997, that are directly attributable to the declaration of a national emergency with respect to the FRY (S&M) and the Bosnian Serb forces and authorities are estimated at approximately $400,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in OFAC and its Chief Counsel's Office, and the United States Customs Service), the Department of State, the National Security Council, and the Department of Commerce.

7. In the last year and a half, substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. UNSCR 1074 terminates sanctions in view of the first free and fair elections to occur in the Republic of Bosnia and Herzegovina, as provided for in the Peace Agreement. In reaffirming Resolution 1022, however, UNSCR 1074 contemplates the continued blocking of assets potentially subject to conflicting claims and encumbrances until provision is made to address them under applicable law, including claims of the other successor states of the former Yugoslavia.

The resolution of the crisis and conflict in the former Yugoslavia that has resulted from the actions and policies of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and of the Bosnian Serb forces and the authorities in the territory that they control, will not be complete until such time as the Peace Agreement is implemented and the terms of UNSCR 1022 have been met. Therefore, I have continued for another year the national emergency declared on May 30, 1992, as expanded in scope on October 25, 1994, and will continue to enforce the measures adopted pursuant thereto.

I shall continue to exercise the powers at my disposal with respect to the measures against the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 30, 1997.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

CONFERRING STATUS AS HONORARY VETERAN ON LESLIE TOWNES (BOB) HOPE

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 75) to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

The Clerk read as follows:

H.J. RES. 75

Whereas the United States has never before conferred status as an honorary veteran of the United States Armed Forces on an individual, and such status is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas the lifetime of accomplishments and service of Leslie Townes (Bob) Hope on behalf of United States military servicemembers fully justifies the conferring of such status;

Whereas Leslie Townes (Bob) Hope is himself not a veteran, having attempted to enlist in the Armed Forces to serve his country during World War II, but being informed that the greatest service he could provide the Nation was as a civilian entertainer for the troops;

Whereas during, World War II, the Korean Conflict, the Vietnam War, and the Persian Gulf War and throughout the Cold War, Bob Hope traveled to visit and entertain millions of United States servicemembers in numerous countries, on ships at sea, and in combat zones ashore;

Whereas Bob Hope has been awarded the Congressional Gold Medal, the Presidential Medal of Freedom, the Distinguished Service Medal of each of the branches of the Armed Forces, and more than 100 citations and awards from national veterans service organizations and civic and humanitarian organizations; and

Whereas Bob Hope has given unselfishly of his time for over a half century to be with United States servicemembers on foreign shores, working tirelessly to bring a spirit of humor and cheer to millions of servicemembers during their loneliest moments, and thereby extending for the American people a touch of home away from home: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) extends its gratitude, on behalf of the American people, to Leslie Townes (Bob) Hope for his lifetime of accomplishments and service on behalf of United States military servicemembers; and

(2) confers upon Leslie Townes (Bob) Hope the status of an honorary veteran of the United States Armed Forces.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS], each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many consider Bob Hope's most important contribution to American society to be entertaining this Nation's troops overseas. From World War II to the Persian Gulf, Bob Hope performed for millions of American GI's stationed all over the world.

As a Navy enlisted man, I was privileged to attend two of these performances during World War II.

I also had the honor of sharing the stage with Bob Hope and other dignitaries in 1995 in Honolulu at the Waikiki Shell to commemorate the 50th anniversary of V–J Day.

The U.S. Navy recently dedicated the USNS *Bob Hope* (T–AKR 300), the lead ship in a new class of strategic sealift vessels.

On April 22d, the Air Force dedicated its newest C–17 Globemaster III aircraft in the name of Bob Hope in honor of his contributions to the Air Force.

Bob Hope has truly earned for himself the finest title this country can bestow, that of "honorary veteran."

Mr. Speaker, we have over 280 cosponsors on this resolution. I would like to commend the gentleman from Illinois [Mr. EVANS], ranking minority member of the full committee, for his support and cooperation on this resolution.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from Arizona [Mr. STUMP], chairman of the Committee on Veterans' Affairs. As a result of his efforts, he has put this resolution on a fast track, and it is an important piece of legislation and overdue, I think, in terms of recognizing the contributions of Bob Hope. I salute him for his leadership on this measure and was pleased to join him as a cosponsor of this legislation we originally introduced.

Perhaps more than any other person, Bob Hope has done more to lift the spirits of men and women in uniform when those spirits needed to be raised the most. On behalf of the countless service men and women who Bob Hope has entertained throughout his long and distinguished career, we say to Bob Hope, thanks for the memories and for a job well done.

The honor bestowed on Bob Hope by House Joint Resolution 75 is well deserved. I look forward to favorable consideration of this resolution by our colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me the time, and I congratulate both the chairman and ranking minority member for moving forward with this very appropriate legislation.

Last Thursday night in Los Angeles, a wonderful birthday tribute was held for Bob Hope as he marked his 94th birthday. It seems to me that this legislation is very fitting right on the heels of that important celebration.

When one thinks of the name of Bob Hope, for me the first word that comes to mind is patriot. That is why bestowing on him this title of being an honorary veteran is very, very apropos. He has spent countless days and very important days, holidays, away from his family to entertain our troops during very difficult times in our Nation's history. It seems to me when we think about the kinds of sacrifices that he has made, they clearly do certainly establish very, very good justification for Bob Hope to be named as a veteran of the armed services.

Mr. Speaker, I have considered Bob Hope and his wonderful wife Dolores and his son Tony and others in his family very good friends. They have homes in both Los Angeles and in the Palm Springs area and are very active in the community in southern California. We are happy to, first of all, mark his 94th birthday and wish him many more to come and to congratulate the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] for moving forward with this very important and well-deserved legislation.

Mr. BONO. Mr. Speaker, I rise today in support of House Joint Resolution 75, and to speak on behalf of my constituent and friend, Mr. Leslie Townes Hope or, as he is known to everyone worldwide, Bob Hope.

Virtually everyone is aware that Bob Hope has, for many years, been America's greatest "veteran" showman, performing countless times for our troops throughout the world. No matter how far away, or how dangerous the conditions, Bob Hope made sure that our service personnel had the chance to enjoy an entertaining show, and, at least for a brief time, a respite from the horror of war or drudgery of duty.

Although he was not born in America, Mr. Hope is as American as apple pie and forever linked to the glamour of the golden era of Hollywood and the American GI. While the honors and accolades for Bob Hope are as countless as the shows he performed for our troops, I want to mention just a few of the awards he has received. For his humanitarian work he was awarded the Congressional Gold Medal and the Presidential Medal of Freedom. As an entertainer he was awarded a Presidential Medal of the Arts. His honorary degrees and awards would consume pages of this record. The U.S. Navy has dedicated a ship the USNS *Bob Hope,* and the U.S. Air Force has named its newest C–17 *Globemaster III* in his honor.

As an entertainer Bob Hope is a legendary figure. But his greatest legacy will be carried in the memories of those American sons and daughters who faced adversity far from home and found a few hours of refuge in the USO tours headed by Bob Hope. Bob Hope gave our troops the gift of humor, reminding us all that one of our greatest assets in facing adversity is a sense of humor. No matter, the conditions, Bob Hope came through for our troops. His tours and annual Christmas show, performed in more than 40 countries during the past quarter century brought a piece of home to millions of American service personnel.

The time has come to give Bob Hope our thanks for his selfless commitment to our troops. Veteran groups, members of the Armed Forces, Members of Congress, and the American people have joined together to recognize Bob Hope as the first honorary veteran of the U.S. Armed Forces. I urge all my colleagues to join in this fitting tribute to a great man—Bob Hope.

Mr. KUCINICH. Mr. Speaker, I rise to honor Bob Hope, world renowned entertainer, humanitarian, and Clevelander.

Bob Hope started his entertainment career in the great vaudeville era with Fatty Arbuckle. He made his broadway debut in "Roberta," by Jerome Kern. He succeeded again with "Ziegfield Follies" and "Red, Hot and Blue." Then he starred in movies, such as "Thanks for the Memory."

Bob Hope warmed the hearts of Americans through his commitment to raising the spirits of U.S. troops. He traveled the world, to wherever U.S. troops were stationed. Always self-deprecating, he said of himself, "I still have the same rank I've always had—chicken, first class."

Bob Hope is a very successful businessman. He invested his show business earnings wisely, generating considerable wealth. Bob Hope is also a very generous man. His foundation regularly gives away half a million dollars per year to worthy education and health care projects. He has shown deep commitment to Catholic agencies and churches.

Mr. Speaker, Bob Hope is a great American. To Bob, his lovely wife Dolores and their entire family, I wish them continued happiness.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I thank the ranking member of the committee for his help. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the joint resolution, House Joint Resolution 75.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

ESTABLISHING A COMMISSION ON STRUCTURAL ALTERNATIVES FOR FEDERAL COURTS OF APPEAL

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 908) to establish a Commission on Structural Alternatives for the Federal Courts of Appeals, as amended.

The Clerk read as follows:

H.R. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the "Commission").

(b) FUNCTIONS.—The functions of the Commission shall be to—

(1) study the present division of the United States into the several judicial circuits;

(2) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(3) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

SEC. 2. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 10 members appointed as follows:

(1) One member appointed by the President of the United States.

(2) One member appointed by the Chief Justice of the United States.

(3) Two members appointed by the Majority Leader of the Senate.

(4) Two members appointed by the Minority Leader of the Senate.

(5) Two members appointed by the Speaker of the House of Representatives.

(6) Two members appointed by the Minority Leader of the House of Representatives.

(b) APPOINTMENT.—The members of the Commission shall be appointed within 60 days after the date of the enactment of this Act.

(c) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(e) QUORUM.—Six members of the Commission shall constitute a quorum, but 3 may conduct hearings.

SEC. 3. COMPENSATION.

(a) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(b) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

SEC. 4. PERSONNEL.

(a) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this subsection shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(d) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis

SEC. 5. INFORMATION.

The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this Act. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

SEC. 6. REPORT.

No later than 18 months following the date on which its sixth member is appointed in accordance with section 2(b), the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

SEC. 7. CONGRESSIONAL CONSIDERATION.

No later than 60 days after the submission of the report, the Committees on the Judiciary of the House of Representatives and the Senate shall act on the report.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this Act. Such sums as are appropriated shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from North Carolina [Mr. COBLE] and the gentlewoman from California [Ms. LOFGREN], each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 908, a bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

An amended version of this bill is presented for passage under suspension of the rules. The amendment to the reported bill makes the following changes:

It reduces the time established in the bill, as introduced, in which the commission must come to a conclusion to 18 months from the appointment of the sixth member of the commission as opposed to 2 years from enactment.

Second, due to the reduction in time, funding for the commission is reduced from $1.3 million to $900,000, $500,000 of which has already been appropriated.

And third, the size of the commission will be reduced from 12 members to 10 members with 2 members being appointed by each of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House. Additionally the President and the Chief Justice of the Supreme Court will appoint one member each.

H.R. 908 was introduced in response to recurring attempts to divide the largest of the Federal judicial circuits, the ninth.

□ 1430

However, if properly implemented, the commission proposal represents a sound approach to a problem of national concern, and that is the explosive growth in the caseload of all of the courts of appeals.

The time is right, it seems to me, for a careful, objective study aimed at determining whether that structure can adequately serve the needs of the 21st century. The task of the commission would be to carry out that study.

The proposed commission would be the first of its kind since the Commission on Revision of the Federal Court Appellate System, also known as the Hruska Commission, which completed its work in 1975, or more than two decades ago. Needless to say, dramatic changes have taken place in the work of the Federal courts in those two decades, but there have been no structural alterations except for the division of the old fifth circuit and the creation of the Court of Appeals for the Federal Circuit.

As I have indicated, under the amended version of H.R. 908, the commission will have 18 months to carry out its work. It also includes a requirement that the initial appointments to the commission be made within 60 days of the date of enactment. That will help to assure that the process will not be delayed unduly. The study is a responsible method to evaluate any prospective split in the ninth circuit and is generally overdue.

Now, Mr. Speaker, I want to add as well that this is not to be exclusively restricted to the ninth circuit. This commission, hopefully, will examine the entire system and come back with a recommendation that the commission deems appropriate.

Many people have been involved in this. We have compromised here and there. It was initially designed to be a 2-year study. That has been reduced to 18 months. So many people have given and taken on this, and I think it is, in its present form, a good bill and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 908, as the chairman has just outlined, creates a commission to study the structural alternatives for the Federal appellate court system. With the expanding caseload in our Federal courts, there is concern throughout the Nation and in the circuits, and nowhere has that concern been greater than in the ninth circuit, composed of my home State of California, as well as the States of Oregon, Washington, Idaho, Montana, Nevada, Arizona, Alaska, and Hawaii.

As the chairman has mentioned, increases in the number of filings in the Federal courts have greatly outpaced the growth in the Federal judiciary and has greatly enlarged the caseload of each judge, often to more than manageable levels. As we approach the next century, I think it is entirely appropriate to examine the structure of the Federal judiciary, and I strongly support this legislation.

While it is true that the initial impetus for this bill were proposals to split the ninth circuit, the proposed commission actually has a broader mandate, as the chairman has just outlined, than studying the ninth circuit. In fact, as we enter the 21st century, we need to take a look at the entire range of possibilities.

Certainly the commission could make a recommendation to split one of the circuits, to reconfigure the circuits and the Congress could follow the Commission's recommendation or be free to choose another alternative. But whatever we intend to do, I know that we will be better off with the expert advice that this commission will provide to us. It is always better to have good, thoughtful, expert advice than to simply move forward, especially in dealing with the judiciary.

So I am happy to join the chairman of the committee and my colleagues on the Committee on the Judiciary in urging support for the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], the chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding me this time. I am strongly in support of H.R. 908. It was reported unanimously by the Committee on the Judiciary and addresses in a comprehensive manner and in a bipartisan manner some of the concerns that exist about the Federal court system.

This bill creates a Commission on Structural Alternatives for the Federal Courts of Appeals. In 1990, the Federal Courts Study Committee that had been created by statute in 1988 concluded the appellate courts were experiencing a crisis of volume. The study committee expressed the view that—

> Within as few as 5 years, the Nation would have to decide whether or not to abandon the present circuit structure in favor of an alternative structure that might better organize the more numerous appellate judges needed to grapple with the swollen caseload.

The committee's report presented several structural alternatives, but did not endorse any of them. Instead, it called for further inquiry and discussion. The proposed commission would thus take up where the Federal Court Study Committee left off.

It is important to note that recent statistics reflect the fact that in fiscal 1996, the number of appeals filed in the 12 regional courts of appeals rose 4 percent to 51,991. This is an all-time high in filings, with eight circuits reporting increases. Clearly, this study the committee proposed in H.R. 908 could not be more timely.

The goal of the commission will be to study the entire Federal appellate court system, but, of course, with a particular view toward addressing the problems facing the largest and most diverse circuit we have, the ninth. The bipartisan structure of the commission is designed to guarantee a fair process, give credibility to the commission's recommendations and ensure the integrity of the Federal court system. We cannot subject something as important as the structure of our courts to political gamesmanship or predetermine the commission's recommendations.

Problems do exist in the size and makeup of the ninth circuit, and the committee is convinced that the commission established in this bill will examine these problems in an equitable fashion. The study called for in H.R. 908 is a responsible method to evaluate the structure of the Federal appellate courts and make recommendations that can provide a sound foundation for congressional action in the future, and so I strongly urge my colleagues to vote in favor of H.R. 908.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I want to thank my good friend, the gentleman from North Carolina [Mr. COBLE], for yielding me this time and for working so hard. I do believe I had something to do with this working on a compromise between the gentleman from Montana [Mr. HILL], and of course the chairman of the committee itself.

I strongly support H.R. 908, but I want to talk about the ninth circuit itself. It is an empire. A lot of people do not understand this. It covers a land mass the size of Western Europe, including nine States and two territories. It serves over 15 million people, more than our largest city, larger than New York or Los Angeles. It is a monstrous responsibility, and it is a court that is overburdened at this time.

If I can say another thing about Alaska. Sometimes I think one of the reasons it is overburdened is they take cases that mean very little. We have a highway that we would like to extend 2½ miles, that everybody agrees with in the State of Alaska, including the State itself and all those people in the small community, with a railroad that goes through a tunnel at this time. And because the trustees of Alaska filed a suit, the ninth circuit decided to hold up construction for 6 months.

Now, this is an example of a court being out of touch with the people of America and the people they represent. Not judicially. They had to review.

So I suggest one thing. I would like to split the court. This bill does not do that. I am the extreme. I think the court should be split at this time so it serves the people as a whole, not to guard massive cities. But I cannot do this.

So this bill right now is a compromise to set up the commission to establish what I think they will find out, that I am correct, that the court should be split. It is the right thing, and I urge the passage of this legislation.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, I rise today in strong support of House Resolution 908, and I want to thank particularly the gentleman from Illinois [Mr. HYDE] and the gentleman from North Carolina [Mr. COBLE] and their staffs for their work in bringing this revised version of House Resolution 908 to the floor. I especially want to thank the gentleman from North Carolina for accommodating my concerns and the people of Montana.

Mr. Speaker, justice delayed is justice denied. We need to study the problems of the Ninth Circuit Court and address the concerns that Montanans have expressed to me, that they are not obtaining the same level of judicial consideration as residents of other circuits.

Considering the size of the circuit, the Ninth Circuit is comprised not only of Montana but eight other States and two principalities. The Ninth Circuit Court is about twice the size of the next circuit court in both population and geography. The caseload is among the highest. It is the fastest growing area of the Nation and the time to complete an average appeal is more than 14 months, which is 4 months longer than the national average. Its 28 judges are about twice the recommended number for an appellate court.

Mr. Speaker, I have worked hard and will continue to work with other Members of Congress to address this problem. The sooner we study the problems of the Ninth Circuit Court, the sooner Montanans' justice will be neither denied nor delayed.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that although there may be at this point different hunches on how we are going to go, there is unanimity that this bill before us today should be supported and will yield good and thoughtful answers to the Congress as we struggle to make our appellate court system work very well for all Americans.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 908, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Wildlife Refuge System Improvement Act of 1997".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or provision of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The National Wildlife Refuge System is comprised of over 92,000,000 acres of Federal lands that have been incorporated within 509 individual units located in all 50 States and the territories of the United States.

(2) The System was created to conserve fish, wildlife, and plants and their habitats and this conservation mission has been facilitated by providing Americans opportunities to participate in compatible wildlife-dependent recreation, including fishing and hunting, on System lands and to better appreciate the value of and need for fish and wildlife conservation.

(3) The System serves a pivotal role in the conservation of migratory birds, anadromous and interjurisdictional fish, marine mammals, endangered and threatened species, and the habitats on which these species depend.

(4) The System assists in the fulfillment of important international treaty obligations of the United States with regard to fish, wildlife, and plants and their habitats.

(5) The System includes lands purchased not only through the use of tax dollars but also through the proceeds from sales of Duck Stamps and national wildlife refuge entrance fees. It is a System that is financially supported by those benefiting from and utilizing it.

(6) When managed in accordance with principles of sound fish and wildlife management and administration, fishing, hunting, wildlife observation, and environmental education in national wildlife refuges have been and are expected to continue to be generally compatible uses.

(7) On March 25, 1996, the President issued Executive Order 12996, which recognized "compatible wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority public uses of the Refuge System".

(8) Executive Order 12996 is a positive step and serves as the foundation for the permanent statutory changes made by this Act.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 5 (16 U.S.C. 668ee) is amended to read as follows:

"SEC. 5. DEFINITIONS.

"For purposes of this Act:

"(1) The term 'compatible use' means a use of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.

"(2) The terms 'wildlife-dependent recreation' and 'wildlife-dependent recreational use' mean a use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation.

"(3) The term 'sound professional judgment' means a finding, determination, or decision that is consistent with principles of sound fish and wildlife management and administration, available science and resources, and adherence to the requirements of this Act and other applicable laws.

"(4) The terms 'conserving', 'conservation', 'manage', 'managing', and 'management', mean to sustain and, where appropriate, restore and enhance, healthy populations of fish, wildlife, and plants utilizing, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs. Such methods and procedures include, consistent with the provisions of this Act, protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

"(5) The term 'Coordination Area' means a wildlife management area that is made available to a State—

"(A) by cooperative agreement between the United States Fish and Wildlife Service and a State agency having control over wildlife resources pursuant to section 4 of the Fish and Wildlife Coordination Act (16 U.S.C. 664); or

"(B) by long-term leases or agreements pursuant to title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

"(6) The term 'Director' means the Director of the United States Fish and Wildlife Service or a designee of that Director.

"(7) The terms 'fish', 'wildlife', and 'fish and wildlife' mean any wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

"(8) The term 'person' means any individual, partnership, corporation, or association.

"(9) The term 'plant' means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

"(10) The terms 'purposes of the refuge' and 'purposes of each refuge' mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.

"(11) The term 'refuge' means a designated area of land, water, or an interest in land or water within the System, but does not include Coordination Areas.

"(12) The term 'Secretary' means the Secretary of the Interior.

"(13) The terms 'State' and 'United States' mean the several States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the territories and possessions of the United States.

"(14) The term 'System' means the National Wildlife Refuge System designated under section 4(a)(1).

"(15) The terms 'take', 'taking', and 'taken' mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill.".

(b) CONFORMING AMENDMENT.—Section 4 (16 U.S.C. 668dd) is amended by striking "Secretary of the Interior" each place it appears and inserting "Secretary".

SEC. 4. MISSION OF THE SYSTEM.

Section 4(a) (16 U.S.C. 668dd(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(2) in clause (i) of paragraph (6) (as so redesignated), by striking "paragraph (2)" and inserting "paragraph (5)"; and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.".

SEC. 5. ADMINISTRATION OF THE SYSTEM.

(a) ADMINISTRATION GENERALLY.—Section 4(a) (16 U.S.C. 668dd(a)), as amended by section 4 of this Act, is further amended by inserting after new paragraph (2) the following new paragraphs:

"(3) With respect to the System, it is the policy of the United States that—

"(A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;

"(B) compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife;

"(C) compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and

"(D) when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate.

"(4) In administering the System, the Secretary shall—

"(A) provide for the conservation of fish, wildlife, and plants, and their habitats within the System;

"(B) ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans;

"(C) plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats, and to increase support for the System and participation from conservation partners and the public;

"(D) ensure that the mission of the System described in paragraph (2) and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the mission of the System;

"(E) ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located;

"(F) assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the System and the purposes of each refuge;

"(G) acquire, under State law, water rights that are needed for refuge purposes;

"(H) recognize compatible wildlife-dependent recreational uses as the priority general public uses of the System through which the American public can develop an appreciation for fish and wildlife;

"(I) ensure that opportunities are provided within the System for compatible wildlife-dependent recreational uses;

"(J) ensure that priority general public uses of the System receive enhanced consideration over other general public uses in planning and management within the System;

"(K) provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

"(L) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the System by other Federal agencies, including those necessary to facilitate military preparedness; and

"(M) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges.".

(b) POWERS.—Section 4(b) (16 U.S.C. 668dd(b)) is amended—

(1) in the matter preceding paragraph (1) by striking "authorized—" and inserting "authorized to take the following actions:";

(2) in paragraph (1) by striking "to enter" and inserting "Enter";

(3) in paragraph (2)—

(A) by striking "to accept" and inserting "Accept"; and

(B) by striking ", and" and inserting a period;

(4) in paragraph (3) by striking "to acquire" and inserting "Acquire"; and

(5) by adding at the end the following new paragraphs:

"(4) Subject to standards established by and the overall management oversight of the Director, and consistent with standards established by this Act, to enter into cooperative agreements with State fish and wildlife agencies for the management of programs on a refuge.

"(5) Issue regulations to carry out this Act.".

SEC. 6. COMPATIBILITY STANDARDS AND PROCEDURES.

Section 4(d) (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraphs:

"(3)(A)(i) Except as provided in clause (iv), the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety. The Secretary may make the determinations referred to in this paragraph for a refuge concurrently with development of a conservation plan under subsection (e).

"(ii) On lands added to the System after March 25, 1996, the Secretary shall identify, prior to acquisition, withdrawal, transfer, reclassification, or donation of any such lands, existing compatible wildlife-dependent recreational uses that the Secretary determines shall be permitted to continue on an interim basis pending completion of the comprehensive conservation plan for the refuge.

"(iii) Wildlife-dependent recreational uses may be authorized on a refuge when they are compatible and not inconsistent with public safety. Except for consideration of consistency with State laws and regulations as provided for in subsection (m), no other determinations or findings are required to be made by the refuge official under this Act or the Refuge Recreation Act for wildlife-dependent recreation to occur.

"(iv) Compatibility determinations in existence on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997 shall remain in effect until and unless modified.

"(B) Not later than 24 months after the date of the enactment of the National Wildlife Refuge System Improvement Act of 1997, the Secretary shall issue final regulations establishing the process for determining under subparagraph (A) whether a use of a refuge is a compatible use. These regulations shall—

"(i) designate the refuge official responsible for making initial compatibility determinations;

"(ii) require an estimate of the timeframe, location, manner, and purpose of each use;

"(iii) identify the effects of each use on refuge resources and purposes of each refuge;

"(iv) require that compatibility determinations be made in writing;

"(v) provide for the expedited consideration of uses that will likely have no detrimental effect on the fulfillment of the purposes of a refuge or the mission of the System;

"(vi) provide for the elimination or modification of any use as expeditiously as practicable after a determination is made that the use is not a compatible use;

"(vii) require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), if conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use;

"(viii) require, after an opportunity for public comment, reevaluation of each compatible wildlife-dependent recreational use when conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than in conjunction with each preparation or revision of a conservation plan under subsection (e) or at least every 15 years, whichever is earlier; and

"(ix) provide an opportunity for public review and comment on each evaluation of a use, unless an opportunity for public review and comment on the evaluation of the use has already been provided during the development or revision of a conservation plan for the refuge under subsection (e) or has otherwise been provided during routine, periodic determinations of compatibility for wildlife-dependent recreational uses.

"(4) The provisions of this Act relating to determinations of the compatibility of a use shall not apply to—

"(A) overflights above a refuge; and

"(B) activities authorized, funded, or conducted by a Federal agency (other than the United States Fish and Wildlife Service) which has primary jurisdiction over a refuge or a portion of a refuge, if the management of those activities is in accordance with a memorandum of understanding between the Secretary or the Director and the head of the Federal agency with primary jurisdiction over the refuge governing the use of the refuge.".

SEC. 7. REFUGE CONSERVATION PLANNING PROGRAM.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is amended—

(1) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1)(A) Except with respect to refuge lands in Alaska (which shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall—

"(i) propose a comprehensive conservation plan for each refuge or related complex of refuges (referred to in this subsection as a 'planning unit') in the System;

"(ii) publish a notice of opportunity for public comment in the Federal Register on each proposed conservation plan;

"(iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

"(iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.

"(B) The Secretary shall prepare a comprehensive conservation plan under this subsection for each refuge within 15 years after the date of enactment of the National Wildlife Refuge System Improvement Act of 1997.

"(C) The Secretary shall manage each refuge or planning unit under plans in effect on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997, to the extent such plans are consistent with this Act, until such plans are revised or superseded by new comprehensive conservation plans issued under this subsection.

"(D) Uses or activities consistent with this Act may occur on any refuge or planning unit before existing plans are revised or new comprehensive conservation plans are issued under this subsection.

"(E) Upon completion of a comprehensive conservation plan under this subsection for a refuge or planning unit, the Secretary shall manage the refuge or planning unit in a manner consistent with the plan and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.

"(2) In developing each comprehensive conservation plan under this subsection for a planning unit, the Secretary, acting through the Director, shall identify and describe—

"(A) the purposes of each refuge comprising the planning unit;

"(B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit;

"(C) the archaeological and cultural values of the planning unit;

"(D) such areas within the planning unit that are suitable for use as administrative sites or visitor facilities;

"(E) significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and

"(F) opportunities for compatible wildlife-dependent recreational uses.

"(3) In preparing each comprehensive conservation plan under this subsection, and any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act—

"(A) consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies; and

"(B) coordinate the development of the conservation plan or revision with relevant State conservation plans for fish and wildlife and their habitats.

"(4)(A) In accordance with subparagraph (B), the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans under this subsection. At a minimum, the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, owners of adjacent or potentially affected land, local governments, and any other affected persons, and a statement of the disposition of concerns expressed in those comments.

"(B) Prior to the adoption of each comprehensive conservation plan under this subsection, the Secretary shall issue public notice of the draft proposed plan, make copies of the plan available at the affected field and regional offices of the United States Fish and Wildlife Service, and provide opportunity for public comment.".

SEC. 8. EMERGENCY POWER; STATE AUTHORITY; WATER RIGHTS; COORDINATION.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is further amended by adding at the end the following new subsections:

"(k) Notwithstanding any other provision of this Act, the Secretary may temporarily suspend, allow, or initiate any activity in a refuge in the System if the Secretary determines it is necessary to protect the health and safety of the public or any fish or wildlife population.

"(l) Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of fish and resident wildlife on lands or waters that are not within the System.

"(m) Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System. Regulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans.

"(n)(1) Nothing in this Act shall—

"(A) create a reserved water right, express or implied, in the United States for any purpose;

"(B) affect any water right in existence on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997; or

"(C) affect any Federal or State law in existence on the date of the enactment of the National Wildlife Refuge System Improvement Act of 1997 regarding water quality or water quantity.

"(2) Nothing in this Act shall diminish or affect the ability to join the United States in the adjudication of rights to the use of water pursuant to the McCarran Act (43 U.S.C. 666).

"(o) Coordination with State fish and wildlife agency personnel or with personnel of other affected State agencies pursuant to this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

(b) CONFORMING AMENDMENT.—Section 4(c) (16 U.S.C. 668dd(c)) is amended by striking the last sentence.

SEC. 9. STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.

(a) IN GENERAL.—Nothing in this Act is intended to affect—

(1) the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96-487), including those in titles III and VIII of that Act;

(2) the provisions of section 102 of the Alaska National Interest Lands Conservation Act, the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence uses in Alaska in the Federal courts; and

(3) the manner in which section 810 of the Alaska National Interest Lands Conservation Act is implemented in national wildlife refuges in Alaska.

(b) CONFLICTS OF LAWS.—If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act, then the provision in the Alaska National Interest Lands Conservation Act shall prevail.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chief sponsor of this legislation, I am pleased that the House is now considering H.R. 1420, a bill that will modernize the National Wildlife Refuge System Administration Act of 1966.

When I began this effort over 2 years ago, my goal was to enact an organic law that would ensure a bright future for our Nation's 92 million-acre refuge system. Our objectives also included creation of a statutory shield to ensure that hunting and fishing and other forms of wildlife dependent recreation could continue within the system and to facilitate those traditional activities, where compatible, with conservation. In my judgment, this legislation will accomplish these goals.

H.R. 1420 is the product of many long hours of thoughtful negotiations between the Department of the Interior, and I want to stress that, between the Department of the Interior, the original cosponsor of the bill, the staff of the gentleman from California, Mr. MILLER, and those representing the hunting, conservation, and environmental communities. In particular, I want to compliment Secretary Bruce Babbitt for his personal commitment to this effort and for hosting these discussions. This process could well serve as a model to resolve other legislative differences.

I would also like to thank my good friend, I just noticed he was on the floor, I do not know where he went, the gentleman from Michigan [Mr. DINGELL], who was the father of the refuges. He worked very hard with me over the years developing these refuges and the refuge system itself. Without his leadership, I doubt if this could have taken place. And again I want to thank the staff for participating because they worked very hard.

But H.R. 1420 is not a perfect bill. It is not everything I wanted. I want to stress it is a compromise that has been endorsed by the Clinton administration and with such diverse groups as the Izaak Walton League, the National Rifle Association, the International Association of Fish and Wildlife Agencies, Safari Club International, Wildlife Legislative Fund of America, and the Wildlife Management Institute. I want to stress that these people support this legislation.

The major components of this new bill are that it statutorily defines the term "compatible use." While the refuge manager will retain the power to determine what is compatible, this language should provide the necessary guidance to make the proper decision.

□ 1445

It defines the term "wildlife dependent recreation" to mean hunting, fishing, wildlife observation and photography, or environmental education and interpretation and expressly recognizes these as priority uses of the system. This bill neither mandates nor prohibits such nonwildlife-dependent activities such as grazing, jet skiing, or oil and gas development.

The bill will establish for the first time a mission for our Nation's 509 wildlife refuges. This statement stipulates that the mission of the system is to administer a national network of lands and waters for the conservation, management and, where appropriate, the restoration of fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans.

When administering the system, it is the policy of the United States that compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the system and will be given priority consideration in refuge planning and management. In addition, the Secretary is directed to ensure that opportunities are provided for compatible wildlife-dependent recreational activities within the refuge system.

Finally, Congress finds that these activities, including hunting and fishing, have been and are expected to be generally compatible with the mission of the system and purposes of the refuges.

The legislation contains an important requirement that the U.S. Fish and Wildlife Service make a determination, prior to land acquisition, whether existing wildlife-dependent uses may continue during the implementation of a management plan. By so doing, the citizens will know up front whether their favorite fishing and hunting spots will remain open and, if they are unhappy with the decision, they can lobby their congressman prior to the acquisition of the proposed refuge land.

H.R. 1420 requires the completion of a conservation plan for each of the 509 refuges within 15 years of the date of enactment. We should know what kind of natural or wildlife resources exist on these refuges.

Finally, this bill contains language that ensures that the act will not affect Federal, State, or local water rights and will not affect the Alaska National Interest Lands Conservation Act. The key fundamental change between this legislation and H.R. 511 is the deletion of the six systemwide purposes. Under this compromise measure, the hierarchical structure will be the conservation mission of the system, the purposes of each individual refuge unit, compatible wildlife-dependent recreational uses, and then nonwildlife-dependent activities.

While States will retain primacy over the management of fish and wildlife, the mission of the refuge system will be satisfied and individuals will have an opportunity to enjoy compatible wildlife-dependent recreation. After all, it is the American people who have helped to pay for the acquisition of the 92 million acres of Federal refuge lands with their hard-earned tax dollars.

In the final analysis, this is a sound piece of conservation legislation that is true to the legacy of Theodore Roosevelt and reaffirms the vision of the National Wildlife Refuge System Administration Act of 1966.

I urge an "aye" vote on H.R. 1420, and again I want to thank all my colleagues that were involved directly in this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 1420. This compromise clearly establishes the conservation mission of the National Wildlife Refuge System while ensuring the compatible wildlife-dependent recreation continues to have a place within the system as well. It requires that all uses of the system meet the same objective tests of compatibility.

If and when hunting, bird watching, or other forms of wildlife-dependent recreation are found compatible with wildlife conservation, they are given priority treatment over nonwildlife-dependent uses of the system. This is a sound policy that ensures conservation is paramount, while providing maximum opportunities for compatible wildlife-dependent recreation for the public. Our job here is to provide a good blueprint for managing the refuge system and let the wildlife management professional take it from there. This bill does that. We should pass it and let the professional get back to work.

Mr. Speaker, H.R. 1420 is a good example of bipartisanship, perhaps more appropriately, nonpartisanship. I want to commend Secretary Babbitt, the gentleman from Alaska [Mr. YOUNG], the gentleman from New Jersey [Mr. SAXTON], the gentleman from California [Mr. MILLER], the ranking member, and the gentleman from Michigan [Mr. DINGELL], who is here, as mentioned by the gentleman from Alaska [Mr. YOUNG], and the various interest groups for all their hard work in crafting legislation that satisfies a diversity of needs while preserving a fundamental mission of the system.

Mr. Speaker, I might say that that lineup of people that I just enumerated is a living example of diversity of needs while preserving the fundamental mission of the House of Representatives.

Perhaps we can apply the same approach to address the backlog of management needs plaguing our wildlife refuges. If the refuge system had adequate resources, the various user groups might not be fighting each other so much over access and management decisions. The House's adoption of this legislation today is a significant step forward in recognizing the importance of wildlife refuges and addressing their problems.

I urge, as the gentleman from Alaska [Mr. YOUNG] did, all of our colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 1420, the bill known as the National Wildlife Refuge System Improvement Act. Mr. Speaker, as my colleagues may know, when I held the first hearing on the first version of the bill before the Fisheries Conservation, Wildlife and Oceans Subcommittee, it sparked a lively debate and was quite contentious. Nevertheless, all witnesses agreed that the problems of the refuge system needed to be addressed.

When I suggested that the differing parties should work together to find a common solution, I would not have guessed that these discussions would culminate in legislation supported by such a diverse group of environmental and hunting organizations as we have found support this bill today.

Today we have before us a bill that is supported by Secretary of the Interior, Bruce Babbitt, the gentleman from Alaska [Mr. YOUNG], chairman of the Resources Committee, the gentleman from California [Mr. MILLER], the ranking member, the gentleman from Hawaii [Mr. ABERCROMBIE], the ranking member of the Fish, Conservation, Wildlife and Oceans Subcommittee, the gentleman from Michigan [Mr. Dingell], ranking member of the Energy and Commerce Committee, Members of both sides of the aisle, and the administration.

In my view, Mr. Speaker, this is exactly the kind of process that we ought to have in the House to solve problems that are unique and of importance to the American people and the habitat in which wildlife survives. This compromise legislation, which the gentleman from Alaska [Mr. YOUNG] has so eloquently described, contains a provision that I believe is the linchpin to continuing public support for the refuge system.

As the law currently stands, as soon as refuge lands are acquired, the door to public use is immediately slammed shut. The many hunters, fishers, birders, and environmental groups that have been using the land for recreation and education have worked hard to preserve the land and then are prevented from further use. No sound conservation reason can explain this and prevent them from using it.

I have urged for years that this action erodes public support and creates unnecessary ill feelings toward the refuge system and its managers. The bill eliminates this unnecessary situation. It will require the U.S. Fish and Wildlife Service to make a determination prior to land acquisition whether existing wildlife-dependent uses may continue during the implementation of a management plan. In other words, the door does not slam shut.

By so doing, citizens will know up front whether their favorite fishing or hunting spots will remain open. And if they are unhappy with that decision or that proposal, they can lobby their congressional Representative prior to the acquisition of refuge lands. I believe that retaining some modicum of control will keep the public support of refuges high and decrease hard feelings between users and land managers.

Mr. Speaker, during his opening statement, the gentleman from Alaska [Mr. YOUNG] made reference to a number of groups that support this bill. I would like to add to that list the National Wildlife Federation, who say in the letter drafted and dated May 29, "The negotiations by your staff," referring to the gentleman from Alaska [Mr. YOUNG], "with the Clinton administration and Members of Congress have resulted in a carefully crafted proposal with broad support. We support H.R. 1420." That is the National Wildlife Federation.

Mr. Speaker, this is not an all-encompassing bill. It is probably not perfect. Few things, if any, that we do here are. There are undoubtedly future changes that will be made to the management of the refuge system. This, however, is a huge step in the right direction.

I again want to thank all the Members and staff, specifically Sharon McKean, Harry Burroughs, Chris Mann, Don Beattie, Dan Ashe and others, who worked so hard to bring this compromise legislation before the House. And I, of course, urge all Members to support it.

Mr. Speaker, I include the following letter for the RECORD:

NATIONAL WILDLIFE FEDERATION,
Vienna, VA, May 29, 1997.

Hon. DON YOUNG,
Chairman, House Resources Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing to thank you for your recent efforts on H.R. 1420, the National Wildlife Refuge Administration Act of 1997. The National Wildlife Refuge System and its proper management have long been of special interest to the National Wildlife Federation (NWF). Your willingness to address many of the concerns we had with the original version of the bill, H.R. 511, is greatly appreciated.

The negotiations by your staff with the Clinton Administration and Members of Congress have resulted in a carefully crafted proposal with broad support. We support H.R. 1420 provided that no weakening amendments are made to the bill as it moves through the legislative process. We appreciate and support your vigorous opposition to any such weakening amendments, as indicated by your staff (Harry Burroughs, conversation with Doug Inkley, May 29, 1997). We look forward to House approval of H.R. 1420 next week.

Sincerely,

MARK VAN PUTTEN,
President.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE], my good friend, for yielding me the time, and I want to commend him and thank him for his work on behalf of this piece of legislation. He is a valuable Member of this body and I am indeed grateful to him.

Mr. Speaker, I want to, first of all, urge my colleagues to support this legislation. It is a fine piece of legislation. It is a strong piece of legislation. It will protect one of the Nation's most precious resources, our national wildlife refuge system, hundreds of areas, and millions of acres, and they will be protected for the future, but they will be under wise use.

My colleagues might perhaps wonder why I rise here today. My first reason is to commend my colleagues who have participated in this, the gentleman from Alaska [Mr. YOUNG], my dear friend of long standing, the chairman of the committee, the gentleman from New Jersey [Mr. SAXTON], my good friend, the gentleman from Hawaii [Mr. ABERCROMBIE], the gentleman from California [Mr. MILLER], the ranking minority member of the committee, and the very fine staffs of all of us, including Dan Beattie from my staff, who participated in the work that made this possible.

I also want to rise to commend the Secretary of the Interior, Mr. Babbitt, who worked so hard and so well on this battle. And it is probably with some surprise that all of us who participated in these discussions find that we have accomplished the remarkable task of bringing this legislation to the floor. It is indeed remarkable because there were great differences that existed as we went through the business.

The legislation is good. It is a successor piece of legislation to the Refuge Administration Act, which years ago, when I was chairman of the Subcommittee on Fisheries and Wildlife Conservation of the old Merchant Marine and Fisheries Committee, on which my good friend, the chairman of the Committee on Natural Resources served at that time. I want to say that we were very proud of the good work that we did in those great days, as we are proud of the work that we do today.

The legislation protects hunting, it protects wise use, it sees to it that the refuges both insofar as their habitat and their area are protected. It also sees to it that the wildlife species, which are so precious and so important and which are the reason for the existence of the refuge system, achieve the full and necessary protection which they must have.

The bill expands the National Wildlife Refuge System Act of 1966 by providing a strong mission statement for the system and by ensuring that each refuge is managed in a way that fulfills the mission of the system and the purpose for which the refuge was created. It provides in this strong statement the following language: "To administer national networks of lands and waters for the conservation, management and where appropriate the restoration of fish, wildlife, and plant resources and their habitats with the United States for the benefit of the present and future generations of Americans." It directs the service to implement conservation plans and to determine the compatibility of activities on the refuge and gives protection to compatible wildlife-dependent activities, like hunting.

And I would remind all my colleagues and everybody in and outside this body that it was the hunters who set up and who maintained and who preserved, protected, and funded the wildlife refuge system, and it is the hunter with his small contribution of one duck stamp each hunting season that makes possible the continued acquisition of land for the precious purpose of protecting this system.

I hope that my colleagues will recognize that this is good, sound, necessary legislation, and I hope that they will recognize that many of the important wildlife and hunting organizations support this: the Wildlife Legislative Fund, the National Wildlife Federation, the National Rifle Association, the Safari Club International, and by my colleagues who work here constantly on behalf of conservation, my colleagues and friends in the Congressional Sportsmen's Caucus.

I do want to say one particular word about the gentleman from Alaska [Mr. YOUNG], my good friend. I know he had strong differences with the Secretary early on, and I know the Secretary had strong differences with my colleague. The two came together in a fashion which does credit not only to them but to this institution and to their respective responsibilities.

I am proud to have had a little bit to do with the adoption of this legislation. I want to urge my colleagues to support the legislation, which brings viability and health to 92 million acres of the refuge system, which is one of the greatest national treasures in the possession of this country.

□ 1500

Mr. ABERCROMBIE. Mr. Speaker, I yield the balance of my time to the gentleman from American Samoa [Mr. FALEOMAVAEGA], and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. I thank the gentleman for yielding me this time.

Mr. Speaker, I neglected to mention the person who worked very closely with me over the past couple of years in preparing for today, and that, of course, is Sharon McKenna, one of the staffers on the Resources Committee who is here with me today. I just wanted to thank her so very much for all the hard work that she has done in preparation for today as well.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I thank the distinguished gentleman for yielding me this time to rise in support of this very important legislation. I thank him for his stewardship of this very important issue and, of course, our ranking member of the committee, in fact, the entire committee and the professional staff, for making possible this very important legislation.

H.R. 1420 will finally, after 40 years, give the National Wildlife Refuge System a mission, a central mission for the Nation's 509 wildlife refuges. It will make wildlife conservation the primary purpose of all refuges, and finally give the Fish and Wildlife Service a directive in how to best manage this precious resource.

It also allows important secondary uses, very important, such as hunting and fishing, to continue on refuges as long as they are compatible with the primary purpose of the refuge, wildlife conservation. My good friend from Michigan just a moment ago noted that it was sportsmen conservationists, original conservationists that made possible this setting aside of precious lands.

I thank the committee, and particularly the chairman and the ranking member, for their leadership on this important issue.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, the gentleman from Florida [Mr. GOSS] has brought some questions to my attention which I would like to discuss with the chairman of the committee at this time.

I have a few questions I would like to address to the chairman about the potential effects of the bill on the utility and other rights-of-way and related facilities within the Nation's wildlife refuges. Current law expressly allows such rights-of-way when they are determined to be compatible with the purposes for which the refuge was established. In many cases electricity and other rights-of-way and related facilities provide additional valuable habitat for our Nation's wildlife.

Current Fish and Wildlife Service regulations specify a 50-year permit term for rights-of-way for electrical transmission lines, recognizing that the siting process for such lines is lengthy, complex, and costly. H.R. 1420 requires that the Fish and Wildlife Service review the compatibility for all uses at least every 10 years. Does the gentleman envision this requirement as adversely impacting either existing rights-of-way or the Service's ability to grant future rights-of-way across the refuge?

Mr. YOUNG of Alaska. If the gentleman will yield, the enactment of H.R. 1420 should not impact these rights-of-way. As the gentleman has noted, rights-of-way on refuges are granted by the Fish and Wildlife Service under provisions of the existing National Wildlife Refuge System Administration Act, provisions which are not amended by this bill. That act requires the Service to first determine that the proposed right-of-way is compatible with the purposes for which the refuge was established.

This bill utilizes the same definitions of compatibility that the Service has used administratively for many years. Its enactment will create no higher standard for rights-of-way than exist at present. We are changing the process by which decisions are made, not the standard which is used to make them.

The Fish and Wildlife Service accompanies rights-of-way permits with terms and conditions necessary to ensure that the right-of-way remains compatible. What would be examined under the 10-year review required by this bill is the compliance with the terms and conditions of the permit, not the existence of the right-of-way. The Fish and Wildlife Service does this now. The only change would be in the process by which the review is conducted. There would be no adverse impacts on electrical or other rights-of-way through this review.

Mr. SAXTON. I understand that the U.S. Fish and Wildlife Service was consulted on this issue and agrees with the gentleman's assessment. Is that correct?

Mr. YOUNG of Alaska. The gentleman is absolutely correct.

Mr. SAXTON. I thank the gentleman.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I certainly want to commend the gentleman from Alaska, the chief sponsor of this legislation, for his leadership and certainly for his patience in getting the bipartisanship support of this important piece of legislation. I thank also the gentleman from New Jersey, the chairman of the subcommittee, for bringing this legislation to the floor for consideration.

I have no further speakers at this time, Mr. Speaker, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my opening statement I forgot to mention that the gentleman from Michigan [Mr. DINGELL] and myself have worked many, many years on refuge legislation. We watched the support for refuges grow in this country because we wanted to leave a legacy of hunting and fishing, the heritage of this country, to our young people. We were able to do that through our actions in the past and this is just an attempt to make sure that continues. I urge a strong aye vote on this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, it is a pleasure to be here today to talk about H.R. 1420. I appreciate the gentleman yielding me this time.

Today's vote on the National Wildlife Refuge System Improvement Act is a simple one as we mark National Fishing Week. The road we have taken to establish this common sense compromise for the future management of our Nation's valuable National Wildlife Refuge System is one that should be followed more often.

The gentleman from Alaska [Mr. YOUNG], our committee chairman, Interior Secretary Bruce Babbitt, the gentleman from Michigan [Mr. DINGELL], the gentleman from New Jersey [Mr. SAXTON], and the gentleman from California [Mr. MILLER] should all be commended for their energy and resolve in reaching this consensus agreement.

Equally important are the nongovernmental organizations, including the International Association of Fish and Wildlife Agencies, the Safari Club International, the Wildlife Management Institute, the Izaak Walton League, the Wildlife Legislative Fund of America, the National Wildlife Federation, and the National Rifle Association. All have made significant contributions to the process that brings us here today.

I want to particularly thank the gentleman from Alaska [Mr. YOUNG], the gentleman from Michigan [Mr. DINGELL], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gentleman from California [Mr. MILLER], Secretary Babbitt and all the other citizens who have put into this process a positive way to achieve a consensus on the future care of our important natural resources.

Given that, I would urge the other body to move legislation similar if not identical to H.R. 1420, so that we can fairly quickly get a bipartisan, broadly supported piece of legislation to the President for his signature.

I would like to remind everyone that the future of our Nation's 509 national wildlife refuges is at a critical juncture given the system's 100th anniversary in 6 short years. This legislation's focus on conservation, compatible uses such as hunting, fishing, and wildlife observation, and general management practices for the system marks a significant step forward in the care and maintenance of our refuge system.

Mr. HERGER. Mr. Speaker, I strongly support H.R. 1420, The National Wildlife Refuge System Improvement Act of 1997, and take this opportunity to clarify the scope and application of this important legislation.

This Act directly affects 509 wildlife refuges, covering 92 million acres of Federal lands, in all 50 States and territories. These refuges provide enjoyment for millions of Americans each year, while at the same time they protect and preserve vital habitat and species for futures generations. Our Federal Government, however, has managed its refuge system for more than 30 years without any clear mission or direction.

H.R. 1420 provides a beacon of light for public lands management on our national wildlife refuges by establishing a mission "to administer a national network of lands and waters for the conservation, management and, where appropriate, the restoration of fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans." For far too long the Federal agency responsible for maintaining these refuges, the United States Fish and Wildlife Service, has proceeded without direction or instructions on how to manage our national refuges. They have been left to their own whims to make arbitrary decisions regarding who may or may not gain access to our refuge system. Now, local administrators will be provided a clear definition of wildlife-dependent recreational activities that are considered "compatible uses" within our national refuge system.

It is important to note that this legislation applies directly to "wildlife-dependent recreation," and defines this type of recreation as: hunting, fishing, wildlife observation and photography, or environmental education and interpretation. This legislation does not, however, apply to, preclude, or otherwise bar other activities vital to management of our national refuge system. Most particularly, this legislation does not preclude mosquito control activities. Mosquito abatement on our national refuges is integral to providing for the public health and safety of communities in and around the refuge system. Without these important activities our national refuges become breeding grounds for disease carrying mosquitoes that migrate from the refuges, travelling anywhere from 20 to 50 miles, to infect animals and humans who live in neighboring urban and rural communities. Mosquito control activities do not materially interfere with or detract from the fulfillment of the mission or purpose of the refuge system, but they do have a direct positive impact on public health and safety.

I support H.R. 1420 and join with my colleagues in providing common sense direction for management of our national refuge system.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 1420. As my colleagues are aware, I opposed bills last Congress and again in this Congress that would have harmed the 92-million-acre national wildlife refuge system by making recreational uses a purpose of the system and by establishing a process for determining compatible uses that favored some activities over others. These bills also placed new restrictions on the Fish and Wildlife Service in acquiring and managing refuge lands that would have impeded its ability to conserve fish and wildlife.

However, this compromise resolves those concerns in a way that I hope will satisfy the diversity of users of our wildlife refuges, from bird watchers to duck hunters. This bill represents a bona fide compromise that resulted from concessions on both sides. I think perhaps the most important result of this process has been the realization by environmentalists and hunters that many of their interests really do coincide in the long run. The goals they seek and the activities they enjoy are all dependent on our assuring that there are abundant, healthy wildlife populations. I believe H.R. 1420 accomplishes that.

First and foremost, H.R. 1420 builds a solid foundation for managing the refuge system by making conservation the singular, fundamental mission of the system. In support of the mission, the bill requires conservation plans to be developed for each refuge and requires the Secretary of the Interior to ensure that the biological integrity, diversity, and health of the system are protected. The bill establishes a well-defined process for deciding what uses are compatible with wildlife conservation and the purposes of each refuge. Importantly, no use is allowed on a refuge until it has been determined that the use will not have a tangible adverse impact on the conservation mission of the system or the purposes of the refuge where the activity will take place. Once permitted, compatible activities remain subject to appropriate regulation.

In addition, H.R. 1420 acknowledges the excellent outdoor recreational opportunities provided to the public by the refuge system. The bill gives recreational uses that depend on wildlife—fishing, hunting, nature observation and photography, and environmental education and interpretation—priority over other uses of the system. Of course, these important recreational uses of the system are the result of sound wildlife conservation because they depend on abundant wildlife.

As with any compromise, not every problem can be addressed to everyone's satisfaction. In particular, I want to express my concern that language directing the Secretary of the Interior to provide "increased opportunities for families to experience compatible wildlife-dependent recreation" not be taken as a directive to divert scarce operational funding for the construction of roads, visitor facilities and other amenities. Where appropriate, such amenities provide important public access to the system's wildlife resources, but wildlife and wildlife habitat should come first.

There has also been considerable discussion about the definition of a refuge. The bill's definition is consistent with the Fish and Wildlife Service's interpretation of a refuge as an area in which the United States has a property interest. I think it is important to note that the United States may have an interest in refuge lands that extends beyond a property interest. However, any authority to protect that interest, to the extent it exists, is neither enhanced nor diminished by this legislation.

I would like to commend Secretary Babbitt for taking the time and the initiative to bring disparate interests together to negotiate. I would also like to commend Messrs. DINGELL and YOUNG for their willingness to seek common ground. Although we initially disagreed on how to manage it, they never wavered in their support for the refuge system. The fragile coalition that was built to broker this compromise is likely to be sorely tested in the other body, but if we can hold it together, I believe the refuge system will be the better for it.

Mr. Speaker, this is a good bill. Many of the refuge system's past problems resulted from the individual refuges not being managed as part of a larger system. This bill builds on the original vision of the gentleman from Michigan [Mr. DINGELL] of a true national wildlife refuge system. H.R. 1420 ensures that wildlife refuges, the only public lands dedicated to wildlife conservation, are properly managed and protected, while encouraging greater public appreciation of wildlife and use of the refuge system. Whether you like to shoot birds with a Browning or a Nikon, H.R. 1420 will enhance your appreciation and use of the refuge system. I urge the House to support the bill.

Mr. FARR of California. Mr. Speaker, I support H.R. 1420, because: it clarifies that the mission of the refuge system, first and foremost, is to conserve fish and wildlife, with wildlife dependent recreation and education secondary, and other uses as its lowest priority; it establishes a more formal and public process to determine what uses are compatible on refuge lands; and it requires comprehensive planning with public participation.

Theodore Roosevelt created the first wildlife refuge over 90 years ago to protect the wildlife at Pelican Island, FL. Today there are 509 wildlife refuges covering approximately 92 million acres of Federal land, protecting a wide variety of fish and wildlife. In my own district, two refuges have been established to protect endangered species: the Ellicott Slough National Wildlife Refuge for the endangered Santa Cruz long-toed salamander, and the Salinas River National Wildlife Refuge for the endangered Smith's blue butterfly.

Americans benefit a lot from their wildlife refuges, enjoying their bounty and beauty for a variety of wildlife-dependent recreation and environmental education. Last year, over 27 million people visited national wildlife refuges to observe and photograph wildlife. Five million anglers and 1.5 million hunters visited the refuges, and nearly 500,000 students visited the refuges for environmental education programs.

However, as I brought up in committee, I believe that the definition of a refuge should be as defined in the dictionary—as a place providing protection or shelter, a haven. Refuges exist to conserve wildlife, first and foremost, and public use at some refuges may not be appropriate. For example, at the Ellicott Slough National Wildlife Refuge in my district, no public recreation takes place, due to the sensitivity of the habitat. The American public benefits greatly even when such restrictions are placed on certain refuges, in the knowledge that biological resources are being conserved, for present and future generations, and may be conserved to such a degree that some day populations may rebound to the point where they are no longer endangered.

I appreciate the work that has gone into arriving at this version of the National Wildlife Refuge System Improvement Act, and strongly support the belief that only uses that do not have a tangible adverse impact on the refuges ability to meet its conservation purpose or the mission of the system be allowed. The bill requires that these decisions be made in writing, based on sound science, and available for public review and comment, codifying Clinton administration policies. I also support the requirement that the Service ensure that adequate funds are available to administer public uses before they can be permitted: in other words that funds aren't diverted from conservation activities to public use management.

I would also further urge that, although specific language to this effect is not present in this version of the bill, as it was in Mr. MILLER's bill, H.R. 952, the Service should improve its wildlife monitoring as part of the comprehensive conservation plans that are required under this bill. A strong wildlife monitoring program is key to ensuring proper species and ecosystem management.

I would like to end with a final, but very important matter: that of funding for our refuge system. Earlier this month, Reps. GILCHREST, YOUNG, MILLER, SAXTON, ABERCROMBIE, and I, along with nearly 50 additional House Members, wrote to Chairman REGULA and Ranking Democrat YATES to urge increased funding for the refuge system. This funding is absolutely necessary for the conservation goals of our refuges to be adequately addressed, and strongly urge support of this investment through the appropriations process.

Mr. PAUL. Mr. Speaker, I rise today in opposition to H.R. 1420, the Wildlife Refuge System Improvement Act of 1997. In an attempt to assist in the fulfillment of important international treaty obligations of the United States, today we are asked to support a bill which reinforces an unconstitutional program of the Johnson administration, the National Wildlife Refuge Act of 1966.

Rather than this Congress debating the merits or constitutionality of Federal land management programs and the inherently flawed notion of common ownership and the necessarily resulting tragedy of the commons, this bill would amend the 1966 Act to instill internationally centralized management of these wildlife refuges to include requiring the Interior Department, using sound professional judgment, to prepare comprehensive plans detailing the appropriate use of each refuge. Additionally, this bill instills as the mission of the wildlife system the conservation of fish, wildlife, and plants, and their habitats and provides the statutory authority for denying use of the refuges for all noncompatible uses which materially interfere with or detract from the mission. Moreover, H.R. 1420 directs the Interior Secretary to direct the continued growth of the System in a manner that is best designed to accomplish the mission [emphasis added].

Apparently, the era of big government is not over. In fact, in the name of satisfying international treaties, it seems as though even the Great Society is alive and well and growing.

Mr. GOSS. Mr. Speaker, Teddy Roosevelt named Pelican Island, FL as the first United States wildlife refuge. In that tradition, I'm proud that Florida's fourteenth Congressional district boasts four wildlife refuges, including the J.N. "Ding" Darling refuge on my home island of Sanibel.

I want to commend Chairman YOUNG and the Resources Committee; bringing together many diverse interests, they've crafted a bill that meets with the satisfaction of all parties. H.R. 1420, for the first time, establishes a central purpose for the National Wildlife Refuge System, namely, providing a sanctuary for wildlife. It also addresses the issues of compatible uses in a responsible way. As the session continues, the House will undoubtedly face other contentious environmental debates—I am hopeful that we can address those issues in a similarly cooperative and productive manner.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the National Wildlife Refuge System Improvement Act (H.R. 1420). As cochairman of the Congressional Sportsmen's Caucus, I encourage all my colleagues to support this important legislation.

The refuge bill is a proenvironment bill which will protect our Nation's tradition of allowing people using their national recreational areas to hunt, fish, and look at birds, while preserving the environment.

Specifically, H.R. 1420 creates a nationwide set of six purposes for our national refuge system. Our refuge system will now be a dedicated network of lands to conserve and manage fish, wildlife, and plant species; to conserve, manage, and restore fish and wildlife populations, plant communities, and refuge habitats; to preserve, restore, and protect endangered and threatened species; conserve and manage migratory birds, anadromous fish and marine mammals; to allow compatible wildlife-dependent recreation, which includes hunting, fishing, wildlife observation, and environmental education; and to fulfill our international treaty obligations.

This bill also requires the U.S. Fish and Wildlife Service to create conservation plans for each of America's 511 refuges within the next 15 years. These plans will help Americans understand the goals of our refuges and provide a better accounting of our national treasures.

It is also important to recognize what this bill does not do. This bill does not permit hunting and fishing on every wildlife refuge. The individual refuge manager must find that these activities are compatible with the purpose of the refuge. In addition, this bill sets clear guidelines and standards for managers to determine compatible uses. This bill does not permit nonwildlife activities such as mining, jet skiing, or oil and gas development. This bill does not increase or decrease the size of any of our 511 refuges.

This bill is the first significant refuge reform bill considered by Congress since the original refuge legislation in 1966. This legislation is supported by many outside organizations, including the International Association of Fish and Wildlife Agencies, the Wildlife Legislative Fund of America, American Sportfishing Association, Safari Club International, and many other groups.

I hope that all my colleagues recognize how important this legislation is and vote for H.R. 1420.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1420, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST BOUNDARY ADJUSTMENT

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1019) to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys.

The Clerk read as follows:

H.R. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—The Congress finds the following:

(1) Certain landowners in Gunnison County, Colorado, who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate.

(2) In 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands.

(3) The resurvey indicated that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—It is the purpose of this section to remove from the boundaries of the Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97–465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c–521i) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison and White River National Forests, Colorado, as designated by section 102(a)(16) of Public Law 96–560 (16 U.S.C. 1132 note), is hereby modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86-acres in size situated in the SW¼ of the NE¼ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled "Encroachment-Raggeds Wilderness", dated November 17, 1993. Such map shall be on file and available for inspection in the appropriate offices of the United States Forest Service, Department of Agriculture.

(d) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—The Secretary of Agriculture shall use the authority provided by Public Law 97–465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c–521i) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of the Raggeds Wilderness under subsection (c) to those owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded lands and who have occupied the excluded lands in good faith reliance on an erroneous survey.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1019 provides for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest in Colorado, to correct the effects of earlier erroneous land surveys. This bill is identical to legislation which passed within the House of Representatives last year by voice vote. However, the legislation was not acted upon by the Senate prior to the conclusion of the 104th Congress.

In 1993, following a boundary survey, the White River National Forest discovered an encroachment into the Raggeds Wilderness area just west of the town of Marble in Colorado. The encroachment consists of approximately 400 feet of power line and 400 feet of road. In addition, portions of four subdivision lots extend into this wilderness. The road is a county road and provides the sole legal access to the four lots. The entire encroachment is less than 1 acre of land.

The Bureau of Land Management/Forest Service surveys found that the original survey of the Crystal Meadows subdivision was erroneous. Although less than 1 acre is affected, the Forest Service cannot settle the matter under the authority of the Small Tracts Act because the lands in question are within the Raggeds Wilderness. The wilderness boundary may only be modified by an act of Congress.

H.R. 1019 follows the guidelines established by the Small Tracts Act, Public Law 97–465. The bill is noncontroversial, Mr. Speaker, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the first of four national forest bills on the floor today which are sponsored by our Republican members. Along with other Democratic members of the Committee on Resources, I am pleased to support this legislation introduced by the gentleman from Colorado. This bill would correct an erroneous land survey which has resulted in the encroachment of 1 acre of private land on the Raggeds Wilderness area in the White River National Forest. The legislation is without controversy, and it is supported by the administration. A similar bill passed the House in the last Congress. I urge my colleagues to support the legislation of the gentleman from Colorado [Mr. MCINNIS].

Mr. Speaker, I reserve the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. McINNIS. Mr. Speaker, I urge my colleagues to support H.R. 1019. I would also like to comment briefly on H.R. 1020, but prior to that I want to thank the gentleman from Alaska [Mr. YOUNG] and the gentlewoman from Idaho [Mrs. CHENOWETH], subcommittee chairman, for rapidly moving this legislation forward. I would also like to thank the gentleman from American Samoa for his courtesies and support in regard to H.R. 1019.

Briefly on H.R. 1020, that is also a noncontroversial issue and ties into this. It adjusts the boundary of the White River National Forest to include all the National Forest System Lands within Summit County, CO, which are currently part of the Arapaho National Forest, being the Dillon Ranger District. The White River National Forest has administered these lands for a number of years. Therefore, the inclusion of the Dillon Ranger District within the White River National Forest will more accurately depict the administration of these lands. Furthermore, the inclusion should reduce confusion within the general public as to who administers the Dillon Ranger District. The legislation will not alter the current distribution of forest receipts to the affected county governments. I urge my colleagues to support this legislation and again H.R. 1019, once again expressing my appreciation.

☐ 1515

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. DELAHUNT], my good friend, who unfortunately, because of a traffic jam, was unable to deliver his statements in support of the previous legislation.

Mr. DELAHUNT. Mr. Speaker, I also rise in support of House Resolution 1019 offered by the gentleman from Colorado [Mr. MCINNIS], and I support that and I commend his efforts. I would also like to speak, Mr. Speaker, to House bill 1420.

Mr. Speaker, when President Theodore Roosevelt established the first wildlife refuge in Florida 94 years ago, he could have hardly imagined a national system of 500 refuges covering 93 million acres. Today we have an opportunity to make a genuine contribution to this remarkable legacy of wildlife conservation and management.

It is in that spirit that I do support enthusiastically House Resolution 1420, the National Wildlife Refuge System Improvement Act of 1997. The chairman and ranking member have worked together to craft a bill for consideration by the full House that fulfills the conservation objective and ensures the future biological integrity of our refuge.

Mr. Speaker, I am especially pleased to offer my support of this legislation because of the important role in building that legacy played by my predecessor in this Chamber, former Congressman Gerry Studds. As chairman of the Committee on Merchant Marine and Fisheries, Mr. Studds fought tenaciously for species large and small, beautiful and not so beautiful, endangered and common alike. Legacies are not historical relics. Like the species that inhabit our refuge, they survive only if they prosper and evolve.

Mr. Speaker, the bill before us explicitly encourages the Fish and Wildlife Service to pursue partnerships with local communities, States, private and nonprofit groups. It is precisely such a partnership that has characterized our progress toward one of the newest additions to the refuge system in Mashpee on Cape Cod, home to over 180 migratory fish and bird species.

Like so many others across the country, the Mashpee Refuge has value even beyond its statutory objectives, in this case in safeguarding the quality and quantity of the area's fragile water resources. This imperative has become particularly acute with recent findings that pollution emanating from a nearby military reservation is seriously contaminating groundwater and jeopardizing future drinking water supplies.

For all these reasons, I can think of no better way to honor the work of Mr. Studds and others who have advanced these objectives than to fulfill the Federal commitment by completing acquisition of the final 325-acre tract of the Mashpee Refuge, and to enact H.R. 420 into law.

Mr. Speaker, this bill draws on historic bipartisan support for the basic mission of the refuge system and makes adjustments that keep this refuge system alive and viable, and I urge my colleagues to join me in helping the House to pass it.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. DELAHUNT] for his fine statements.

Mr. Speaker, I have no additional speakers at this time, and I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 1019.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WHITE RIVER NATIONAL FOREST BOUNDARY ADJUSTMENT

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1020) to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest.

The Clerk read as follows:

H.R. 1020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF DILLON RANGER DISTRICT IN WHITE RIVER NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENTS.—

(1) WHITE RIVER NATIONAL FOREST.—The boundary of the White River National Forest in the State of Colorado is hereby adjusted to include all National Forest System lands located in Summit County, Colorado, such lands forming the Dillon Ranger District of the Arapaho National Forest. The Dillon Ranger District is hereby made a part of the White River National Forest.

(2) ARAPAHO NATIONAL FOREST.—The boundary of the Arapaho National Forest is hereby adjusted to exclude the National Forest System lands included in the White River National Forest under paragraph (1).

(b) REFERENCE.—Any reference to the Dillon Ranger District, Arapaho National Forest, in any existing statute, regulation, manual, handbook, or otherwise shall be deemed to be a reference to the Dillon District, White River National Forest.

(c) EXISTING RIGHTS.—Nothing in this section shall be construed to affect valid existing rights of persons holding any authorization, permit, option, or other form of contract existing on the date of the enactment of this Act.

(d) FOREST RECEIPTS.—Notwithstanding the distribution requirements of payments under the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), the distribution of receipts from the Arapaho National Forest and the White River National Forest to affected county governments shall be based upon the National Forest boundaries that existed on the day before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, H.R. 1020 adjusts the boundaries of the White River National Forest to include all national forest system lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest. The White River National Forest has administered these lands for a number of years, and therefore the inclusion of the Dillon Ranger District within the White River Forest will more accurately depict the proper administration of these lands. Furthermore, the inclusion should reduce confusion within the general public as to who administers the Dillon Ranger District. The legislation will not alter the current distribution of forest receipts to the affected county governments.

Mr. Speaker, this bill is noncontroversial, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as explained by the gentlewoman from Idaho, this bill adjusts the boundary of the White River National Forest to include lands which are currently part of the Dillon Ranger District of Arapaho National Forest. It is my understanding that the administration's earlier concerns about the language preserving the current distribution of forest receipts have been resolved and that there is no further objection by the administration on this bill.

This legislation again is sponsored by the gentleman from Colorado [Mr. MCINNIS], and I urge my colleagues to support this piece of legislation.

Mr. Speaker, I do not have any additional speakers, and I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 1020.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FACILITATING THE SALE OF CERTAIN LAND IN TAHOE NATIONAL FOREST

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1439) to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, CA, as amended.

The Clerk read as follows:

H.R. 1439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, TAHOE NATIONAL FOREST, CALIFORNIA.

(a) SALE AUTHORIZED.—Subject to all valid existing rights, the Secretary of Agriculture may sell to Placer County, California (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 35 acres located in Tahoe National Forest in the State of California to permit the County to create a community park in Squaw Valley.

(b) DESCRIPTION OF PROPERTY.—The parcel to be conveyed under subsection (a) is generally depicted on a map entitled "Placer County Conveyance", dated April 1997, which shall be available for public inspection in appropriate offices of the Secretary. The map and attached approximate legal description are subject to adjustment by survey. The cost of any such survey shall be borne by the County.

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall pay to the United States an amount equal to the fair market value of the conveyed parcel, as determined in conformance with the document entitled "Uniform Appraisal Standards for Federal Land Acquisitions (1992)". The proceeds from the sale shall be deposited in the fund established by Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be available for expenditure in accordance with such Act.

(d) EXISTING USES.—As a condition on the conveyance under subsection (a), the County shall agree to provide for continuation of any existing non-Federal improvements or uses on the conveyed parcel for the remainder of the terms of the existing authorizations.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1439 introduced by the gentleman from California [Mr. DOOLITTLE] of the committee authorizes the Secretary of Agriculture to sell 35 acres in the Tahoe National Forest to Placer County, CA, for the purpose of creating a community park in Squaw Valley.

The site is located at the southwest and northwest corners of Squaw Valley Road and Highway 89.

Now this area stands out as the only feasible location to accommodate the various interests. Placer County believes that this legislation is needed to streamline the acquisition process and thus save thousands of dollars for the county and for the Forest Service.

There is substantial support for the park and the community, and the Placer County Parks Commission has allocated over $250,000 for acquisition and development of this park. Currently there are no public parks in Squaw Valley, and the nearest park facilities are located in Tahoe City, which is approximately 10 miles away.

Mr. Speaker, I urge the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this piece of legislation was introduced by the gentleman from California [Mr. DOOLITTLE], and the bill is intended to facilitate the sale of about 35 acres of Federal land in the Tahoe National Forest in California, Placer County. The prospective purchaser intends to use the property for a public park.

The Forest Service has the authority to sell this land under current law and testified that the bill is unnecessary, but the legislation serves the purpose of highlighting this as a priority matter for Forest Service attention. It does not, however, alter the responsibility of the purchaser to pay fair market value for the land.

Mr. Speaker, I urge my colleagues to support this piece of legislation introduced by the gentleman from California [Mr. DOOLITTLE].

Mr. Speaker, I reserve the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from Samoa [Mr. FALEOMAVAEGA].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill H.R. 1439, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 79) to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe, as amended.

The Clerk read as follows:

H.R. 79

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hoopa Valley Reservation South Boundary Adjustment Act".

SEC. 2. TRANSFER OF LANDS WITHIN SIX RIVERS NATIONAL FOREST FOR HOOPA VALLEY TRIBE.

(a) TRANSFER.—All right, title, and interest in and to the lands described in subsection (b) shall hereafter be administered by the Secretary of the Interior and be held in trust by the United States for the Hoopa Valley Tribe. The lands are hereby declared part of the Hoopa Valley Reservation. Upon the inclusion of such lands in the Hoopa Valley Reservation, Forest Service system roads numbered 8N03 and 7N51 and the Trinity River access road which is a spur off road numbered 7N51, shall be Indian reservation roads, as defined in section 101(a) of title 23 of the United States Code.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are those portions of Townships 7 North and 8 North, Ranges 5 East and 6 East, Humboldt Meridian, California, within a boundary beginning at a point on the current south boundary of the Hoopa Valley Indian Reservation, marked and identified as "Post H.V.R. No. 8" on the Plat of the Hoopa Valley Indian Reservation prepared from a field survey conducted by C.T. Bissel, Augustus T. Smith, and C.A. Robinson, Deputy Surveyors, approved by the Surveyor General, H. Pratt, March 18, 1892, and extending from said point on a bearing of north 72 degrees 30 minutes east, until intersecting with a line beginning at a point marked as "Post H.V.R. No. 3" on such survey and extending on a bearing of south 15 degrees 59 minutes east, comprising 2,641 acres more or less.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Six Rivers National Forest in the State of California is hereby adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section.

(d) SURVEY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall survey and monument that portion of the boundary of the Hoopa Valley Reservation established by the addition of the lands described in subsection (b).

(e) SETTLEMENT OF CLAIMS.—The transfer of lands to trust status under this section extinguishes the following claims by the Hoopa Valley Tribe:

(1) All claims on land now administered as part of the Six Rivers National Forest based on the allegation of error in establishing the boundaries of the Hoopa Valley Reservation, as those boundaries were configured before the date of the enactment of this Act.

(2) All claims of failure to pay just compensation for a taking under the fifth amendment to the United States Constitution, if such claims are based on activities, occurring before the date of the enactment of this Act, related to the lands transferred to trust status under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, H.R. 79, introduced by the gentleman from California [Mr. RIGGS] would transfer 2,641 acres of land to the Hoopa Valley Tribe of California. This land is currently part of the Six Rivers National Forest.

The south boundary of the Hoopa Valley Reservation contains a dogleg and as a result of the 1875 survey that left 2,541 acres out of the 6-mile square, H.R. 79 would straighten the boundary to reflect what many believe was the originally intended boundary of the reservation. Similar legislation was introduced in the 104th Congress, reported by the Committee on Resources and passed on the House floor, but the adjournment prevented final action on the bill in the Senate.

On May 8, 1997, the Subcommittee on Forests and Forest Health approved this amendment in the nature of a substitute to incorporate several technical changes recommended by the administration, and on May 21 the Committee on Resources reported the bill with an amendment to ensure that several Forest Service roads on the lands being transferred will remain open to the public after the transfer. The roads provide access to the public campground, the Trinity River and the national forest land.

Mr. Speaker, I thank all involved on both sides of the aisle for working with me, the gentleman from California [Mr. RIGGS], and the Hoopa Valley Tribe to develop language that everyone can agree on on H.R. 79. Additionally I would like to thank my colleagues, especially the gentleman from New York [Mr. HINCHEY], the subcommittee ranking member, the gentleman from California [Mr. DOOLITTLE], and the gentleman from Colorado [Mr. MCINNIS] for their assistance with passage of these four bills.

So I urge this bill's passage, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as mentioned earlier by the chairman of the subcommittee, the gentlewoman from Idaho [Mrs. CHENOWETH], this legislation was introduced by the gentleman from California [Mr. RIGGS] and a similar piece of legislation was also introduced by Senator BOXER of California.

Mr. Speaker, H.R. 79 would transfer almost 2,640 acres of land currently within the Six Rivers National Forest in California to the Hoopa Valley Tribe to be held in trust for the tribe. This language includes an operating campground that is adjacent to the southern boundary of the reservation. There is question as to whether or not this land was intended to be part of the original reservation boundaries, but by looking at a map of the area one can conclude that may have been the case.

☐ 1530

Regardless, the Forest Service has testified that it supports this transfer and believes that the tribe has the resources and expertise to effectively manage the area.

In fact, the Hoopa Valley Tribe is well-known as environmentally sensitive toward the stewards of their land. The tribe operates under a forest management plan which was adopted for the years 1994 through the year 2003. This management plan was developed with the collaboration of the World Wildlife Fund. In March of this year, the U.S. Fish and Wildlife Service issued a biological opinion finding that the Hoopa forest management plan would not jeopardize the northern spotted owl or any of the other listed endangered species.

Attached to my statement, Mr. Speaker, I include two letters from the tribe's representative. The first is to the office of the Secretary of the Interior, and the second is to Mr. James Lyons, the Under Secretary for Natural Resources and Environment at the Department of Agriculture. These letters explain the tribe's forest management plan and how we can expect the transfer of lands to be managed.

H.R. 79 makes clear that the roads within this area will be made part of the Indian reservation roads system within the Bureau of Indian Affairs assuring public access through the area and to the Trinity River.

I would like to thank the gentlewoman from Idaho [Mrs. CHENOWETH] and her staff for working with Democrats on this side of the aisle and for bringing to the floor this legislation for consideration. I hope that this will benefit the Hoopa Valley Tribe in the future, and I ask my colleagues to join me in supporting this legislation.

Mr. Speaker, I include the following letters for the RECORD:

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C., ATTORNEYS AT LAW,
Washington, DC, April 15, 1997.

Re H.R. 79 Hoopa Reservation boundary adjustment.

HEATHER SIBBISON, Esq.,
Office of the Secretary, U.S. Department of the Interior, Washington, DC.

DEAR HEATHER: Attached is a letter to Agriculture Department Under Secretary James Lyons regarding the Hoopa Valley Reservation boundary adjustment legislation. It is in response to a draft proposal (also attached) from the Forest Service to amend H.R. 79. As the letter explains, the Hoopa Valley Tribe strongly disagrees with the proposed amendments. Also attached is Resource Committee Chairman Don Young's March 11 letter to T.J. Glauthier at OMB offering to move expeditiously on the bill. This followed Chairman Young's February 10 letter to Secretary Babbitt with the Committee's routine request for a bill report. In addition to those letters is T.J. Glauthier's October 2, 1996, letter to the Senate Committee on Indian Affairs clearing the bill for passage in the 104th Congress.

Please consider the following as you evaluate H.R. 79: The bill would transfer 2641 acres from the Forest Service in trust to the Tribe; Prior Forest Service sales harvested 915 acres of that total; and Under the Tribe's Forest Management Plan (FMP) (which has received a non-jeopardy biological opinion from the Fish and Wildlife Service as to any listed species, including the northern spotted owl).

Approximately 620 acres will be protected by the FMP's stream side protection zones (Class 1: 400 feet; Class 2: 200 feet; Class 3, 100); 330 acres will be subject to the FMP's wild and scenic river designation; 310 acres will be in the Trinity view shed; and 102 acres will be in northern spotted owl activity zones.

The portion of the 2641 acres designated as Late Successional reserve in the President's Forest Plan totals 1264 acres. By restoring the land to the Hoopa Valley Reservation and placing it under the Hoopa FMP, 1362 acres will be protected; that is, more than would be protected by the Late Successional Reserve designation in the President's Forest Plan. If you have any questions about this, please give me a call.

Sincerely,

JOSEPH R. MEMBRINO.

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C., ATTORNEYS AT LAW,
Washington, DC, April 4, 1997.

Re H.R. 79—Hoopa Valley Reservation south boundary adjustment.

Hon. JAMES R. LYONS,
Under Secretary for Natural Resources and Environment, Department of Agriculture, Washington, DC.

DEAR UNDER SECRETARY LYONS: Following my conversation with you and Director of Lands Eleanor Towns on March 11, Director Towns forwarded to me a draft regarding five points she asked be considered in the review of H.R. 79. After consultation with the Hoopa Valley Tribal Council, I have been authorized to report the Tribe's response.

1. RESERVATION STATUS

The Tribe agrees with you and Director Towns that the land subject to H.R. 79 is to be made part of the Hoopa Valley Reservation and held in trust by the United States. It has always been the Tribe's position that the land be part of the reservation.

Director Towns stated that the reason for the proposed change in the text of the bill—by which she would add the phrase "acting through the Secretary of the Interior"—is to ensure that the Forest Service would have no trust responsibility for the land following its transfer to the reservation. That intent is contrary to federal law and administration policy.

The United States, not individual federal agencies, is the trustee of Indian reservation land. Thus, while direct administration of the federal trust responsibility for the Hoopa Valley Reservation may reside with the Secretary of the Interior, the Forest Service nevertheless is subject to the federal trust responsibility and is obligated to conduct its affairs accordingly. As you know, President Clinton emphasized his Administration's commitment to the federal trust relationship in his Memorandum on Government-to-Government Relations With Native American Tribal Governments (April 29, 1994, 59 Fed. Reg. 22951). Among other things the President directed that "Each executive department and agency shall assess the impact of Federal government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities." We do not believe that the proposed departure from H.R. 79's use of the standard legislative phrase for holding land in trust can be reconciled with the President's directive and request that it be withdrawn.

2. BOUNDARY ADJUSTMENT

On page 4 of Director Towns statement on H.R. 2710, the bill introduced in the 104th Congress on this matter, she states that "the National Forest boundary would need to be statutorily adjusted to exclude the lands transferred . . . ." Statement of Eleanor Towns before the Committee on Resources Subcommittee on Native American and Insular Affairs (July 17, 1997). The Committee responded by amending the bill to include the statement: "The boundary of the Six Rivers National Forest shall be adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section." House Report No. 762, 104th Cong., 2d Sess. 2 (September 4, 1996). The draft comments from the Forest Service forwarded to us now refer to alleviating the need "for an administrative boundary adjustment" by further amending H.R. 79 to read that the boundary "is hereby adjusted" instead of "shall be adjusted." This proposal additional amendment appears to us unnecessary; a distinction without a difference. In any event, the Forest Service gives no indication that an administrative adjustment based on the mandate in H.R. 79 would be burdensome, complex or anything other than a routine, ministerial action. It makes no sense to burden the legislative process with a cosmetic amendment.

3. RESERVATION OF EASEMENTS

The proposal to reserve easements in the land for Forest Service roads 8N03 and 7N51 is not acceptable. First, the land on which the roads are located was always understood to be the Tribe's. Director Towns and you both stated that your objective is to have this land have the same status as the rest of the Hoopa Valley Reservation. The purpose of H.R. 79 is to eliminate a physical dogleg in the reservation boundary. It does not advance the ball to substitute a jurisdictional dogleg for a physical one. Second, Director Towns states that the Tribe's history of providing access across its roads to the non-Indian community whose land would otherwise be inaccessible for timber harvest, recreation, cattle grazing and other uses cannot be considered precedent for how the Tribe will manage the land to be transferred by H.R. 79. That charge is unsupported and unsupportable. The Tribe is baffled, to say the least, by the idea that it would spite landowners in the Six Rivers community by shutting down access to adjacent lands once it obtains jurisdiction over the two roads. We do not know the source of this speculation and have had a very different impression from the local Forest Service personnel. On April 3, the Hoopa Valley Tribe hosted a meeting of the interagency advisory committee for the President's Northwest Forest Plan. At that meeting, Six Rivers Forest Supervisor Martha Kettelle said that she supports the transfer proposed in H.R. 79 and will work with the Tribe upon enactment to build the Service's government-to-government relationship with the Tribe on cooperative access to the roads affected by the transfer. At the end of the day, the proposal to reserve easements, and the speculation underlying it, cannot be reconciled with President Clinton's memorandum on government-to-government relationships referred to above in which he instructed government agencies undertaking activities affecting tribal rights or trust resources to implement them in a "knowledgeable, sensitive manner respectful of tribal sovereignty."

4. MANAGEMENT CONSISTENT WITH THE PRESIDENT'S NORTHWEST FOREST PLAN

The Hoopa Valley Tribe has adopted a Forest Management Plan for the period 1994–2003 (Tribal Resolution 94–19, April 20, 1994) (Hoopa FMP). The Hoopa FMP's development was in part guided by the principles that emerged from the Tribe's collaboration with the World Wildlife Fund in development of an integrated resources management approach to reservation resources. The Hoopa FMP accounts for endangered and threatened species listed pursuant to the Endangered Species Act. The Tribe identified 5 plant and animal species listed under the act that are present, or suspected to occur, on the Hoopa Valley Reservation including the Northern Spotted Owl. The Hoopa FMP's minimum management requirement for listed species includes abiding by 50 C.F.R. Part 17 which sets forth the requirements established by the United States Fish and Wildlife Service for "surveying, submission of biological assessments on all proposed actions, receiving biological opinions on all proposed actions, and abiding by recovery plans if in effect." Hoopa FMP at 26. With specific regard to the spotted owl, the Hoopa FMP provides:

Meet surveying requirements of the USFWS accepted protocol (March 7, 1991 revised March 17, 1992 and any subsequent revisions). Complete biological assessments including mitigations which address the USFWS past conservation recommendations and any seasonal restrictions necessary then submit to USFWS. If conservation recommendations are not included in a project's planning documents then justify their exclusion in the biological assessment. General timber sale planning will include no harvest of 70 acre owl activity centers unless a Habitat Conservation Plan or other mechanism has been completed and accepted by the USFWS which allows such harvest. Allow no disruptive harvest related activities, such as but not limited to, any harvest activity, road building, tractor piling, burning, thin and release, etc. within 0.25 mile of known activity centers during the breeding season (Feb. 1 to Aug. 1 each year) or until the pair has been determined to be not nesting, or the nesting attempt has failed. Receive biological opinion from USFWS and assure that all guidelines, mitigations and conservation recommendations from the biological assessment (BA) and biological opinion (BO) are adhered to during the implementation of the project—Hoopa FMP at 26–27.

On January 10, 1997, the Hoopa Valley Tribe and the Bureau of Indian Affairs requested the Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act to engage in a formal consultation to develop a biological opinion on the Hoopa FMP and its effects on the five species referred to above, including the Northern Spotted Owl. By letter of March 12, 1997, the Service transmitted its biological opinion that the implementation of the Hoopa FMP will not jeopardize the Northern Spotted Owl or any of the other listed species (Biological Opinion No. 1–14–97–F–3). This opinion is consistent with the Tribe's policy of using extraordinary care in the Hoopa FMP to protect the reservation plant and wildlife resources. Of course, the land to be transferred by H.R. 79 will be integrated into the Hoopa FMP.

President Clinton's memorandum on government-to-government relations states that he is "strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments." In this case the Hoopa Valley Tribe has embraced that relationship and worked carefully, professionally, and in the spirit of the federal wildlife conservation effort for the Northern Spotted Owl and all species on the Hoopa Valley Reservation. In view of the Fish and Wildlife Service's conclusion and the President's memorandum on government-to-government relations, the proposal to amend the bill is both unnecessary and inappropriate.

Finally on this point, we note a practical political consideration. H.R. 79 has been assigned to the Subcommittee on Forests and Forest Health which is chaired by Rep. Helen Chenoweth. Her antipathy toward the President's Northwest Forest Plan is well-known. We are afraid that the proposal to amend H.R. 79 to require the Tribe to manage the land pursuant to the President's plan will be seen by opponents of the Administration as an attempt to use legislation for the benefit of the Tribe as a subterfuge to have Congress affirm the President's plan. If the subcommittee makes the President's plan an issue in H.R. 79, we believe that politics could overwhelm the merits of H.R. 79 and defeat the bill.

5. SETTLEMENT OF CLAIMS

This provision for claims waiver is unnecessary and, in any event, over broad. H.R. 79 is not the settlement of a legal claim. This is a policy matter regarding fair and honorable dealings between the United States and the Hoopa Valley Tribe. In addition, the disclaimer refers to events occurring prior to enactment of H.R. 79 unrelated to the south boundary. The Tribe wonders why this clause is in the bill; it would appear to be an attempt to eliminate responsibility for any latent damage to the land such as might have occurred from deposition of toxic chemicals or other activities under the direction of the Forest Service. We know of no such event having occurred and would like to assume that the Forest Service has none in mind either. Also, the final proviso regarding a bar to any compensation for restrictions is unacceptable. It would strip the Tribe of Fifth Amendment protection against loss of property rights caused by Congress' future imposition of land use restrictions that otherwise would be compensable. Seeking this kind of a provision in the bill runs counter to the spirit and substance of the President's memorandum on government-to-government relations with the Tribe and would put the Tribe at a disadvantage with respect to all other property owners.

CONCLUSION

I hope you will be persuaded that the Forest Service's recommendations to amend H.R. 79 are not appropriate. I would also encourage you to coordinate with the Department of the Interior on those issues related to the Indian affairs and fish and wildlife programs raised in the draft. The draft proposals are not mere details but go to the heart of the relationship between the Tribe and the United States and the purpose of H.R. 79. Resources Committee Chairman Don Young wrote to Associate OMB Director T.J. Glauthier on March 11 in an extraordinary gesture to move forward expeditiously on H.R. 79. With this favorable reception in the Congress, there is every reason to advance the bill without further delay. Your attention to this is appreciated.

Sincerely,

JOSEPH R. MEMBRINO.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman from Idaho [Mrs. CHENOWETH], my very good friend and the distinguished chair of the Subcommittee on Forests and Forest Health, for yielding me this time. I also want to thank the gentleman from Alaska [Mr. YOUNG], chairman of the full Committee on Resources, and of course our Democratic colleagues who both last year and this year worked on a cooperative, bipartisan basis to help advance this legislation.

Mr. Speaker and colleagues, the bill before us now on the floor under suspension of the rules, I introduced on January 7 of this year, the first day of the 105th Congress. It is for me a very high personal legislative priority, because it would convey to the Hoopa Valley tribe in Humboldt County, CA, land to restore the tribe's reservation to its original intended, agreed-upon boundary. This boundary is intended to be a perfect square.

This legislation is virtually identical to House Resolution 2710, which I sponsored in the last Congress. That bill passed the House by a voice vote on September 11, 1996. It was then cleared on a bipartisan basis for unanimous-consent approval by the Senate, and a representative of the Clinton administration wrote that the President would sign the bill. However, to my great regret, the Senate adjourned for the year and for the Congress before the legislation could be acted upon. Again, that is why I have made this legislation a high priority for action this year and why I greatly appreciate the help and support of my colleagues in moving this legislation.

As my colleagues have heard, the bill would transfer to become a permanent part of the Hoopa Valley Reservation, part of the tribe's tribal lands, approximately 2,641 acres of land that is now held by the U.S. Forest Service. For as long as 10,000 years, the Hoopa Valley Tribe has lived in the Hoopa Valley, beginning their settlement at the mouth of the Trinity River Canyon. As early as 1851, a proposed treaty would have established a reservation actually encompassing an area larger than the present reservation.

Although Congress conveyed 93,000 acres of land to the tribe in the 1800's, the boundary survey excluded over 2,600 acres that belonged to the tribe at that time. In restoring that land, the 2,600 acres at the southeast corner of what otherwise would be a 12-mile square, the bill would eliminate a dogleg in the south boundary in the present reservation correcting this action.

This irregular dogleg in the boundary was apparently done to accommodate some non-Indian miners in the area who were pursuing State claims, and although those claims soon played out and the miners left the area, this boundary was never changed and this inequity was never corrected.

The land is administered, as I mentioned, by the Forest Service. It is part of the Six Rivers National Forest. The original timber on the parcel was sold off by the end of the 1970's to the benefit of the Federal Treasury and Federal taxpayers. The area to be transferred includes Tish-Tang Camp Ground, a Forest Service facility. The Hoopa Valley Tribe has stated publicly, and I believe that this is a very firm commitment, that it will continue to operate Tish-Tang as a public campground. This will be particularly important if budget reductions necessitate reductions in the Forest Service campground operations and maintenance.

Furthermore, the tribe has assured that public access to the gravel bar at Tish-Tang in the Trinity River will continue. This is very important to local citizens, my constituents in the community of Willow Creek, which neighbors or borders the reservation. It is also important to the people who regularly use the river for recreational and business purposes.

Some minor amendments, Mr. Speaker, have been made to the bill in committee, and the administration has indicated it can approve the measure in this form, as the distinguished ranking member indicated.

Mr. Speaker, members of the tribe have long been outstanding stewards of California's north coast environment, and they have been recognized for their efforts to help restore fish and wildlife habitat in the Trinity River Basin. This transfer proposed by this bill would permit the tribe's long-standing land management and economic development policies to be extended to the restored lands, the lands to now be assumed by the tribe.

The boundary should be adjusted to reflect the original intent of Congress. This is a matter of basic fairness and return to the members of the tribe what is truly theirs, and I urge my colleagues' approval of the bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

At this time I would be remiss if I do not express my sense of commendation to the ranking member of the subcommittee, the gentleman from New York [Mr. HINCHEY] certainly for his contributions and his attentiveness to these measures, three measures previously that we passed and H.R. 79 that is now up for consideration. I certainly thank the ranking Democrat on this side of the aisle, the gentleman from California [Mr. MILLER].

It is my understanding, Mr. Speaker, that this is the first opportunity that the gentlewoman from Idaho [Mrs. CHENOWETH], the chairman of the subcommittee, has had to manage these four pieces of legislation, and I want to add my commendation to the gentlewoman for her leadership and certainly for successfully bringing these four pieces of legislation to fruition. Certainly I have a very strong feeling that it will have the support of our colleagues here on the floor of the House.

Again, I commend the gentlewoman for her fine leadership in bringing these pieces of legislation for consideration.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his fine comments and also thank him for his time and his efforts in helping our committee be successful in ushering these bills through. Without his good work, it could not have happened.

I also want to thank the gentleman from New York [Mr. HINCHEY], our ranking minority member, for his good work.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 79, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1019, H.R. 1020, H.R. 1439, H.R. 79, the bills just passed, and on H.R. 1420, considered earlier.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. STEARNS] at 5 o'clock p.m.

NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1420, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1420, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 26, as follows:

[Roll No. 156]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay

Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob-
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—26

Andrews
Bachus
Barton
Bilbray
Blagojevich
Clayton
DeFazio
Dicks
Dixon
Doggett
Ensign
Farr
Ford
Furse
Hilleary
Hunter
Lantos
Lewis (CA)
Payne
Pickering
Rohrabacher
Sanford
Schiff
Smith, Linda
Stump
Thompson

□ 1735

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORD. Mr. Speaker, due to a delay in the flight from my congressional district, I was unavoidably detained and thus was unable to vote on rollcall vote 156. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. SANFORD. Mr. Speaker, unfortunately my plane was delayed and I missed the vote on H.R. 1420, the National Wildlife Refuge System Improvement Act. Had I been here to vote, I would have supported the bill.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, I was unable to return to Washington, DC, today due to a death in my family and missed the following vote:

Rollcall vote No. 156, passage of the National Wildlife Refuge System Improvement Act (H.R. 1420). Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1438

Ms. CHRISTIAN-GREEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 1438.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 84. Concurrent Resolution establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

The message also announced that the Senate insists upon its amendment to the resolution (H. Con. Res. 84) "A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002." and requests a conference with the House on the disagreeing votes of the two Houses thereon and appoints Mr. DOMENICI, Mr. GRASSLEY, and Mr. LAUTENBERG to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

Mr. KASICH. Mr. Speaker, pursuant to clause 1 of rule XX and at the direction of the Committee on the Budget, I move to take from the Speaker's table the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) is recognized for 1 hour.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

In an effort to try to move this along, Mr. Speaker, there really is not a reason, I do not believe, to get into any kind of protracted debate or discussion here. This is just no more than an effort to go to a conference, a conference that I have labeled the fait accompli conference.

There is not a whole lot that has to be done. We have an agreement between the administration and the Congress of the United States, and frankly we ought to get about it. We ought to get it done this week, which we will get done this week.

Just in a nutshell, I think we do need to know that this will provide for us the first balanced budget since 1969, since Neal Armstrong walked on the Moon. It will be the largest amount of entitlement savings. It will be the first balanced budget since 1969. It would also contain over the next decade about $700 billion in savings in mandatory spending, including very significant reforms of Medicare. The Medicare savings will be approximately the same amount of savings that the Republicans proposed in 1995.

It will also have some structural changes. It is not just about dollars. There will be some adjustment between the rural and urban reimbursements as part of the ability to give our senior citizens more choice.

Furthermore, it will now begin to pay the skilled nursing facilities and home health care providers a prospective amount, similar to how the hospitals work, in an effort to try to contain the costs of Medicare. We think these are obviously significant, combined with the fact that the shift of home health care from part A to part B will be kept in the premium, which will mean that beneficiaries in fact will bear a part of the burden, with the poorest beneficiaries continuing to have some relief.

It is a structural change of Medicare with far more yet to come, and we will be unrelenting in the idea of developing ultimately a voucher program for Medicare that will keep it sound during the period of time when the baby boomers start to retire.

But what is also contained in this budget resolution is an agreement to fundamentally have growth in the nondefense discretionary programs, the programs that operate the agencies and departments of the Federal Government. They will grow at a rate of about half a percent a year, as compared to a 6-percent growth over the last 10 years.

Frankly, I am still checking the numbers, but I believe this will be the smallest level of growth in nondefense discretionary spending that we have seen at least over the last 10 years, and we are going back to find out if it may be the smallest level of growth that we have ever seen; significant progress.

Let me also suggest the economic foundation of this program. It is interesting to note that during the Reagan years, the Reagan economic plan was underlaid by a growth in the economy that forecast somewhere in the vicinity of 4.3 to 4.4 percent. That is a growth rate we dream about today and we would hope to achieve, but not one that has been achieved for a long time.

Mr. Speaker, contained in this agreement is not a 4.4-percent projection of economic growth that would make it somewhat unrealistic. What is contained in this agreement is a 2.1-percent economic growth pattern. As we all know, the economy in this last quarter has grown at about 5.6 percent. Certainly we will not achieve those levels of growth in this agreement, but what is important to note is that 2.1-percent presumes that at some times the economy will grow faster and at other times it will not grow as fast. We believe this is a conservative foundation, a conservative economic forecast, much more conservative than the blue chip estimators across this country.

So what we have, Mr. Speaker, is we have the largest amount of mandatory savings in history, a significant slowdown of the nondefense discretionary, the programs that run the Government to a half a percent a year, conservative economics underlying this program, the first balanced budget since 1969, and, Mr. Speaker, the much desired and fought for tax cuts that we believe will help the American family and will also help to grow this economy.

Let me just make a point. The capital gains tax cut in our judgment is one of the things that can help build an infrastructure for America that will allow this economy to grow faster in the absence of inflation. We think that is very, very significant.

We also believe that a child tax credit is very important because it begins to send the right signals to that institution most under attack in the United States, the American family. We believe it will also restore a little justice in the area of estate relief, so as people work a lifetime to grow a business, they should not have these high levels of taxation.

Mr. Speaker, let me also make it clear that this is not the end of the road. We clearly have a number of things we want to do in the area of additional entitlement reform. We want to make fundamental changes in the operation of this Government, including the elimination of certain departments.

□ 1745

Let me make it clear that the hallmark of this Congress has been and really the last two Congresses has been the idea that we are going to return people's power, money and influence from this city back home to where the American people live. And that includes tax cuts. That includes letting people have more power in their pocket by letting them keep more of what they earn. So no one should be mistaken that this agreement is somehow the end of the road, but, really, it does represent the fall, the kind of the fall of the Berlin Wall.

I remember when that happened, and many people looked around and said that it was hard to believe that we had actually defeated the Communists when the wall came down. Many found it hard to believe. Frankly, when you take a look at this agreement and you see the fact that we are going to balance the budget, we are going to have entitlement reform, we are going to have tax cuts, that this begins to really cement into place that the era of big government is at an end, and in a manner of speaking the Berlin Wall has fallen in regard to this budget.

It does not mean it is the end of the day, but it means that a tremendous victory has been achieved here in the United States, an agreement underscored by the idea that Government should be smaller, that people should be more powerful. We think this is a giant first step with many more steps to come.

So, Mr. Speaker, I would urge that we would go to conference, complete our work, get this done by the end of this week, and then begin to put into the permanent law the changes that we all seek.

One other final note. Some have looked at this agreement and have wondered whether we get started on the deficit reduction up front. The answer to that of course is yes. With the permanent changes in the entitlement programs being enacted in this year, over time they will obviously accumulate savings. We are very happy with the fact that this, unlike previous agreements, will actually give us tax relief now, will give us savings now, and entitlement savings beginning the minute that this reconciliation bill is signed by the President.

I wanted to thank the President for cooperating with us and his assistants, including Mr. Bowles and Mr. Hilley, Mr. Raines, Mr. Sperling; and I would also like to thank the gentleman from South Carolina, Mr. SPRATT for his work and, of course, the gentleman from New Mexico, Senator DOMENICI.

Mr. KASICH. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, we passed on the House floor before we left here for Memorial Day a historic resolution and we passed it with bipartisan support. Budget resolution House Concurrent Resolution 84 was passed on this side of the aisle on the Democratic side with a vote of 132 to 70, if my recollection is correct, almost a two-to-one margin over here and by an overwhelming margin on the other side. What we do in this budget resolution really pushes the envelope of what we can accomplish in a budget resolution. We have basically incorporated by reference a hard wrought, hard negotiated, bipartisan budget agreement of 1997, achieved over 3 to 4 months of negotiations, among the White House and the congressional leadership and particularly the principals on the Committee on the Budget.

Even though this agreement goes to further lengths than we normally find in a budget resolution, it really does not contain all of the detail we need to see that it is carried out as the parties who negotiated it intended. That is why I say we are pushing the envelope of what we can accomplish with a budget resolution.

It is important that we bring this conference report to conclusion, to closure with as much clarity and distinctness as we can possibly give it, given the vehicle we have got, a budget resolution, because many of us are still concerned that what comes out of the production line, off the production line, out of the authorizing committees and appropriation committees will resemble, identifiably, what we are putting on the production line at the outset in this budget resolution.

So the start of this process, the seeing to it that we get it done right is this conference report, and so I wholly support the idea of going to conference.

We tried an alternative, an expedited alternative that would have involved bringing to the floor of the House and the other body conforming amendments that would have in effect converged the text of both budget resolutions to the same text. But we have failed at that effort. It does not appear we can resolve that soon enough, so this is the conventional device for bringing the House and the Senate together on things we disagree about.

We will offer at the appropriate time, assuming the House approves the motion to going to conference, our motion to instruct conferees that will deal with one particular aspect of this agreement that still concerns Members on my side of the aisle. Some of these Members, our minority leader included, were here in 1981 when the Economic Recovery Tax Act, Kemp-ROTH, was passed. And they feel that we are only now beginning to restore the revenue base of the Federal Government to the point where we are about to get rid of deficits.

They do not want to have us come so far to be so closely within reach of a balanced budget because we have taken steps, among other things, to restrain spending and also to restore the revenue base of the Government, having come so far to enact a tax bill that will so diminish the revenue base of the Government that we will have this problem all over again, a structural problem that will not lead us to a balanced budget or at least will strike a balance, a budget that will strike a balance in 2002 but will not be in true equilibrium. We will not have a problem finally and permanently resolved. That is why they are concerned that we keep within the bounds that we have outlined in this agreement, this budget agreement and the budget resolution, the tax cuts that are authorized and the reconciliation instructions that are put forth to it.

Our motion to instruct conferees will go to the very essence of that particular tax reduction measure that will be part of the reconciliation instruction and the budget conference agreement.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me the time.

I want to commend him, the gentleman from Ohio [Mr. KASICH], and all those who worked on this budget agreement. Let me just say at the outset that I think the vote that we will have shortly on this floor this evening could be one of the most important votes that we will have in this Congress. The motion to instruct our conferees to make sure that the tax piece of this budget agreement does not explode in the outyears causing us a replay of 1981, where it took us more than a decade to dig our way out of huge deficits.

It is an important vote. I encourage all of my colleagues to be cognizant of what will be happening here in just a few minutes. It is important because we knew, we know what happened back in 1981. In the past, Republican tax bills, tax breaks for capital gains, IRAs, have favored high income people, and estate tax cuts all exploded outside the budget window. That has been the history in the past when Republicans have controlled or have written the tax bills that have become law.

What we will be suggesting on this floor when we get to it in a few minutes is that we accept the language of the Senate. The language of the Senate basically says this: that they want to keep the $250 billion cost that we are talking about on the tax bill on a 10-year period. No explosion after 5 years. No 1981's again. And the emphasis will be on helping the poor working Americans and middle-income Americans and it will be helping them with the child tax credit. It will be helping them with the educational tax breaks that we will be putting forward and that have been put forward already in this debate on the budget.

So I urge my colleagues, this is a maintenance budget that we are dealing with here. We brought the American people and we brought this country into a balanced budget in 1993, when we voted for the 1993 budget that brought the deficit down from $300 billion a year to the present level of about $65 billion. What we are doing now is trying to maintain and get that extra inch that we need to the goal line.

If we do what we did with trickle-down theory in 1981 and we pass a tax bill that has exploding numbers in the 6th, 7th, 8th, 9th and 10th year, we will be doing a disservice to this institution, our colleagues who follow us and certainly the American people.

I want to urge all of my colleagues to support the motion this evening to put some fiscal restraint on what we are doing by making sure that the tax benefits get to those who really need them in the area of education and in the area of child tax credits and make sure that we do not create for ourselves a situation in which our children and our children's children will be paying off this exploding debt in the 6th, 7th, 8th, 9th, and 10th years. I urge my colleagues, when the time comes, to support my colleague from South Carolina who will try to rein in these exploding outyear deficits by a runaway tax bill.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, today we have an opportunity to do something which I cannot see any reason why anybody would not do. And that is to make sure that the tax breaks that are put into this bill do not explode in the outyears. The estimates that we have seen on the proposals that have actually been put on the table by Senator ROTH and others have deficits of $750 billion in the second 10 years. And if anyone votes against this resolution, they can only do it on one of two bases. One is that they do not care that we are replaying 1981. In 1981 we made decisions in this House, none of us were here, most of us were not, at least, and it took us 15 years to dig ourselves out of it. Now here we are going back in the pit again and doing the same thing again and setting ourselves up unless we instruct our conferees to refuse to put that kind of language in the budget resolution. They must limit the explosion in the outyears.

The only other reason that someone would vote against this resolution or this motion by the gentleman from South Carolina [Mr. SPRATT] is if they simply do not expect to be here.

I understand there are a lot of Members around here who believe in term limits. Maybe they figure in 6 years they will all be gone, but the very Members who are here today saying we must balance the budget always put it in terms of our children. We have to do it for our children. We do not want to sink our children in debt. Yet if we do not limit the tax breaks by the motion that the gentleman from South Carolina [Mr. SPRATT] is making, we set in motion something that will happen 10 or 12 or 15 years out there.

If you are a baby boomer in this country and you are going to get to 65 in 15 years, just as the baby boom generation gets to taking Medicare and Social Security, this major problem will be back on the doorstep.

□ 1830

Who will be here to fix it? Well, it will be our children. They will have then run for the U.S. Congress, and they will be facing the same problem. They will say to themselves, why did the Congress of 1997 set in motion this mess?

We can almost excuse the Congress of 1981, because they did not know. They were not really paying attention or they did not know what was going to happen. But we have now seen what happens when we give big tax breaks and cut the budget, and so we have no excuse for setting in motion something that will be an enormous problem for our children.

I urge all my colleagues to vote for the motion to instruct the conferees offered by the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, the motion before us is one that ought to be accepted by acclamation, both parties, staying within the spirit of this historic balanced budget agreement.

As a member of the Committee on the Budget, I enthusiastically supported the agreement. I supported it because I felt it represented a compromise, a compromise that provided Americans with a balanced budget, with tax cuts, and yet with essential commitments to programs and national priorities that reflect our basic values.

Now, what is before us tonight in the motion to instruct conferees offered by my colleague from South Carolina is simply to go with the Senate provision 104(b) of the Senate-passed resolution that the 10-year cost of the tax cuts shall be $250 billion and, second, with section 321 of the Senate-passed resolution that there ought to be a fair distribution of tax cuts as to the $250 billion.

This is not a figure that has just come up on the floor of the House, thrown into this motion. It was at the heart of the negotiations. It was at the heart of the negotiations because the Senate requires a 10-year look at revenue losses under tax cuts, first of all; and, second, because a balanced budget plan that tried so mightily to reach balance by 2002 would be a sham if it had a provision that exploded the revenue loss under the tax cuts and threw the budget wildly out of balance in the years 2003 through 2007.

This is not about hitting once a balanced budget only to spin wildly out of control again. This is about getting America on a firm financial foundation with a balanced budget in the year 2002 and in the years that follow that. That is why the 10-year $250 billion figure is so critical.

Finally, as we get to tax breaks, let us direct those tax breaks to those who really need them, the middle-income, working-income Americans that are stressed so hard trying to make ends meet. That was agreed to by the Senate, a Republican-controlled Senate, with substantial support from both political parties.

This section 321 talks about a substantial majority of tax cuts benefits will go to middle-class working families earning less than approximately $100,000 per year and will not cause revenue losses to increase significantly in the years after 2007.

So all we are asking is that this balanced budget agreement reflect balance not just in 2002 but in the years after 2002, and that those who benefit from the tax cuts primarily be Americans earning under $100,000 and less. Quite frankly, we have to make priorities and we have to direct the tax cuts to those who need them the most, working-income, middle-income Americans. Please go with the motion to instruct.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Just in response, Mr. Speaker, I would hope we all keep track of some of our goals in this country and what I assume we all want to accomplish, and one thing is more and better jobs.

So the question, as we review tax cuts, is how do we get more and better jobs and keep this economy growing?

So to specify and say that the tax cuts have to be just to a certain income group, I think dismisses the larger question of how can we best accomplish the goals that we all want to achieve, and that is more and better jobs for the American working family.

Mr. KASICH. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am not quite sure what this motion to instruct is. I hope it does not include in here a tax increase, but I am constantly amazed at the fact that people, some people in this House, worry that people are going to get their money back. I cannot quite understand why it is that there is this sense.

We are pulling the folks who for many years fought against the balanced budget and tax cuts a lot of the way, but I guess I am not convinced we have changed their hearts yet. Maybe we will get there. But what I do not understand is what this sense is that somehow the Government will have less and the people will have more. See, I think that is a good thing, if the Government has less and the people have more. I think it is a good thing if the Government has less power and the people have more power.

Now, there are all kinds of ways we can give people their power. We can give them a right to send their kids where they want to go to school without the Government trying to tell them where they ought to go.

We could actually let the housing authority in Chicago decide that if they want to check the residents to see if they have got guns in their place, they should be allowed to do that. We ought to set the rules that we want in our housing authorities and the communities we live. I think that is pretty good.

I think we ought to let people have more choice on the kind of health care they want to have. I think they can make that kind of decision.

But aside from even those issues, a much bigger issue than all of that is the fact that people will have more money in their pockets. And when they have more money in their pockets they, by definition, have more power.

So I understand the idea that we do not want to violate the terms of this agreement. That is, I guess, to be adhered to. But, frankly, I wish we had far greater tax cuts in this agreement and second, though, the notion that somehow over the course of this that people are going to actually keep more than what we set out and that we are in this hyperventilated negative state about that is something that is beyond me.

The simple fact of the matter is that if we balance the budget faster, I do not hear anybody saying that we should give people more of their money back. I do not hear anybody saying that we in fact may get to a balanced budget sooner, and as we get to a balanced budget sooner, let us give more tax cuts.

I have to say to my colleagues that the wave of the future is not about the Government having more power. The people of this country are saying they want government to have less power. We better not knock on their door and tell them that we are from the Government and we are here to help. We are not going to get that good a reception from them, in case my colleagues have not noticed.

Our crusade ought to be about giving people their power back, about making this town less important. And that is what we are all about. That is what we are all about starting in this budget agreement: Balanced budget, hope for our children, tax cuts to give people more power, Medicare reform so people can have more options, shrinking the size of the Government that operates the agencies and departments. That is what we are all about in this agreement.

I am just going to argue that the reason we are balancing the budget is because the people want it, and the reason why they ought to have tax cuts and less government is because they want it, and the sooner we get this message the quicker we can end the cynicism and the skepticism people have about this Capital City of the United States.

Mr. Speaker, I would hope that, frankly, we could even dispense with this motion to instruct because now we are trying to micromanage who gets the tax cuts. We are starting class warfare again. And then I think we are saying we will have a tax increase. That is what I think this says.

Frankly, I hope it is not going to pass. I predict it is not going to pass.

And I think we should get on with this and forget this motion to instruct and I would ask the gentleman from South Carolina to just unoffer this today.

Mr. SPRATT. Mr. Speaker, I yield myself 2 minutes to respond to the gentleman.

I think we all need to bear in mind that basically what we are doing in this budget resolution for the next 5 years is borrowing more money so that we can fund the cost of tax cuts. Bear that in mind.

Second, what we are trying to do in this motion to instruct, which we will offer shortly, is say to the conferees stick to the strict outlines of the budget agreement that we have laid out.

We have decided that we can make room for $85 billion in net revenue reduction over 5 years in this budget and $250 billion over the second 5 years. Those are the limits. Please do not stretch the limits because we are concerned not just that we strike balance in the year 2002, but that we put this Government on a basis of equilibrium and we will have a truly balanced budget that will last.

As to the revenues of the Government, here is the administration's design, which is basically incorporated in this package and which is what they sent up with the budget presented by President Clinton in February of this year. The Government of the United States is now spending around 20.3, 20.4 percent of GDP, gross domestic product. We are taking in taxes about 19.1 or 19.2 percent. And there is the deficit, the difference between the intake and the outgo of the Government based upon the percentage measured as a percentage of our GDP.

The goal here, the design of this package, as proposed by the administration, as essentially embraced in this budget resolution, is to have revenues and spending converge at about 19.3 percent of GDP. So spending as a percentage of GDP under this plan will drop, revenues will remain relatively constant, and that is the scheme here. We want to make sure that scheme is achieved, and that is what we are about.

Second, in doing these tax cuts, we want to make sure that the people who really deserve tax relief, middle-income Americans worried about how to pay for college tuition and other such essential things, are not forgotten.

I know there is a lot of zeal to do capital gains tax cuts and estate tax cuts and to rewrite the alternative minimum tax, and in the zeal to do that we want to make sure that middle-income Americans get remembered too.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, those of us on the Committee on the Budget have worked on this budget resolution, and although there is partisanship in some areas, I think that many of us feel that we have had and would like to have a good working relationship with the chairman of the committee, the gentleman from Ohio [Mr. KASICH], and with the other Members who have spoken. I certainly sense from their comments in other contexts that they too feel we should be working on a bipartisan basis to the maximum extent possible.

Now, the comments earlier this afternoon, I think, sort of missed the thrust of what we are really debating. The statements were essentially made "people good, government bad." We are not talking about "people good, government bad"; we are talking about what we need to do to ensure that we balance the budget. What do we need to do to make sure that the tax cuts do not balloon out of the channel that we are trying to construct and flood our efforts or snuff out our efforts to balance the budget.

□ 1815

And all that is being suggested is that we in the House side should accede to the Senate in this respect. I do not believe that the Senate was dominated by radical liberals in the passage of the budget resolution. The Senate has looked at this and has simply said, let us make sure that on a 10-year basis the tax cuts do not exceed $250 billion. The Senate has also said, let us make sure that these tax cuts do not run away with our efforts to balance the budget after the 10-year period. And the Senate has said, let us make sure that the bulk of the tax cut benefits go to people earning less than $100,000 a year.

Now, if the Senate has engaged in some sort of destructive and manipulative action with respect to tax cuts, those horrible Republicans in the Senate, or if they have initiated a class warfare strategy, it certainly is a surprise to me and I think almost every Member of the House. I think that what the Senate Republicans have put into the budget resolution on their side reflects nothing more than common sense, and I certainly have found as I have journeyed throughout my congressional district that Republicans and Democrats alike agree that we ought to be about balancing the budget first and then when we know that we have that under control and we have eliminated the deficit, we ought to be cutting taxes and making sure that whatever good programs we have are adequately supported. For this reason, I urge that we all join in supporting the motion.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Ohio [Mr. KASICH] has 17½ minutes remains. The gentleman from South Carolina [Mr. SPRATT] has 11¼ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding.

Mr. Speaker, this is a reasonable approach, as the speaker before me said, this was adopted by the Senate, which is controlled by the other party. And I think it is very reasonable. Now, this tax cut deal, which I voted for in the committee and I voted for on the floor, is predicated on stable growth, it is predicated on asset sales. And we have to be honest with ourselves that it may not work and we may end up with severe revenue losses down the road. We ought to take the steps now to ensure that we stay within the confines of the original deal, and that is what the Spratt motion would do.

The gentleman from Ohio [Mr. KASICH] was talking about the Reagan years and the GDP assumptions in the Reagan years. And I know we do not want to confuse things with the facts and look at the statistics, but I think it is important that we do. During that period, my colleague mentioned that assumption of 4 percent annual growth was never realized, and of course that is true when you look at the historical statistics. The same could be said about this: I think the gentleman is correct in many respects, we assume some very conservative economic statistics, particularly as it relates to growth rates. But if you look at some other statistics and compare them to historical average, we are using some pretty optimistic assumptions.

For instance, our assumptions for inflation are 200 bases points less than what the recent historical average has been. Our assumption for interest rates is about 300 bases points less than what the recent historical averages have been. And our assumptions for unemployment are 1 percent less. And with respect to spectrum sales, we are assuming more than we have achieved before us. So it is possible that this deal will not work out.

I might also add that the chairman of the committee, who I have a great deal of respect for, talked about the capital gains reduction and how that might create some inflation-free growth. That is quite possible. I have supported capital gains reduction. I have introduced a bill to do so. But I do not think we can ignore the fact that down Constitution Avenue sits the chairman of the Federal Reserve and the current, like his predecessor, tends to have a monitorist bent; and I think we would have to contend with them at some point if they saw increasing inflation-free growth that they might start to take the punch bowl away and put on the brakes, and that would also impact interest rates.

So what this does is to say we will live within the $250 billion revenue stream over 10 years like the Senate has already done. And I think that makes sense. This is what we would call in the transaction business, belts and suspenders. We are making sure that we are going to follow through and do it the right way and not cause problems down the road for our children.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding and I rise to support the motion that he is going to offer to instruct conferees, and I would hope that the gentleman from Ohio [Mr. KASICH] would support the motion because, in fact, it is about making sure that there are no tax increases in the future.

As someone who voted for the budget deal, I believe a deal is a deal. But the budget deal is only truly a deal if we balance the budget not merely on the numbers but on the principles. That is why we must use the 10-year outlook on tax revenues. There is nothing magical about hitting a date in 2002 and then returning to deficits because we have planted the seeds of fiscal instability. Ten-year revenue figures are about as honest as we can get. It is very hard, however, to conceal tax expenditures which blossom and proliferate after 5 years if we use the other body's revenue baselines.

The mess we are in today is because of spending binges which began in 1981 when we massively front-loaded defense spending and tax cuts. These two measures created the tidal wave of deficits 6, 7, and 8 years later that is causing the fiscal pain that we are experiencing today.

It was voodoo economics back then, and we should not resort to smoke and mirrors now. The real magic is to keep the budget balanced in 10 years. Let us keep the deal to permanent fiscal responsibility and use the most honest figures, the 10-year estimates. I urge my colleagues to make this an honest deal and vote for the motion to instruct conferees when it is offered.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Speaker, first I would rise to once again to congratulate all parties on both sides of the aisle for putting together this balanced budget agreement, which I was very proud to support. It is not just about numbers, however, it is about protecting our values for our families. And that is the reason why I rise this evening to support the motion to instruct, which I think is incredibly important if we are to maintain the integrity in the outyears of balancing the budget and maintain our values that are outlined in the balanced budget agreement.

I had an opportunity to spend time over the district workweek in my district, holding office hours in grocery stores and local restaurants, talking to my constituents about this balanced budget agreement. They told me they liked the fact that education was placed as No. 1 in the priorities for investment. They liked the fact that children's health and health care for working families that do not now have health care was important to the process, as well as protecting the environment and creating jobs. But they expressed one concern, and that was over and over again: Who will receive the tax cuts that are being proposed?

Because in their minds, their history has been for the last 15 to 20 years that they, as working families, middle-class Americans, small businesses, family-owned farms, have not seen the benefits of the bulk of the tax cuts that have been instituted since the 1980's, and they are asking, whether it is a family-owned farmer who has put all of their hard work and sweat into their land, that they be protected in terms of the estate tax and I very strongly support eliminating the estate tax for those family-owned farmers or family-owned small business, or whether it is a young couple, not so young couple, depending on your perspective, in their forties whose children just went off to college and they need to get a smaller home now but all of their investments are tied up in equity in their house. That is their savings, and they are saying, can we please have capital gains protection for us as working people.

I would urge the committee to make sure that when we are done, tax cuts go to those who need it the most.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, very simply, I rise to support the Spratt amendment to this budget and raise three simple points to my colleagues on the other side of the aisle. Let me say, because of the work that we have already done, we have a booming economy. I think we should acknowledge that. The numbers suggest that we have the lowest unemployment. One of the things that we need to do, however, is create jobs for many in our community.

On behalf of the 18th Congressional District in Texas, two other points that I think are more far-reaching that we should attest to, and that is that many of our constituents wanted us to balance the budget and they wanted us to bring down the deficit. This particular budget resolution and the motion to instruct conferees on the budget resolution is important, and that is because it instructs that the tax cuts do not exceed the $250 billion net cuts in the budget agreement.

We do not want to bust the balanced budget. That is key and that is very important. And then I believe that we should have tax cuts but they should be tax cuts for working Americans, the working Americans that have helped build this country, a child tax credit, an education tax credit, targeted estate tax relief, targeted capital gains.

The real emphasis of this balanced budget should be for those Americans who every day go out and work, every day continue to pay their taxes and build this country. We should create jobs for the graduates in the 1997 class, the 1998 class, the 1999 class and, yes, the year 2000 class. Put our people to work by focusing on the right kind of tax cuts that do not bust the budget, that have a targeted estate tax, a targeted education tax cut, a targeted child credit tax cut, and to make sure that this is truly a balanced budget that works for all Americans.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, if a Member could respond from the other side briefly, I am very concerned about this because what we are adopting is a sense of Congress passed by the Senate. And in section 321(2), it says that if revenue starts going down after the year 2007, will increase taxes.

Most of the speakers over there say, look, we want a tax cut, we do want it to go to the American working family. But (2), the gentleman from South Carolina [Mr. SPRATT] says, after 2007, if revenues start going down, increase taxes. That is not what we want. And I do not think we should accept that idea that somehow if there is a slump in the economy, what we do and how we instruct conferees is to increase taxes so that they do not have any revenue loss after the year 2007.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPRATT] has 3¼ minutes remaining. The gentleman from Ohio [Mr. KASICH] has 16½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 90 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding.

Mr. Speaker, I was reading this weekend an article by Professor William Quirk of the University of South Carolina Law School, and he reminds us that in the year 2002, when the budget is supposed to be balanced, we will owe $450 billion in interest payments on a $7 trillion debt; and at that same time, the discussion is how much are we going to give away in tax cuts to individuals.

No more important decision will be made by this Congress for future generations as to whether or not, when we engage in the process of cutting taxes, whether or not we can control ourselves and resist the political instinct to hand out goodies and to hand out tax cuts that are disguised in the first years and then only to explode in the later years and then to cause an explosion of the deficit that this Congress and this Nation has worked so hard to bring into balance.

We have got to be very clear that tax cuts should go to those who need them the most and tax cuts should be constrained in their growth and that tax cuts should not upset the balance of the budget in the year 2002. Otherwise, we will end up in the situation as was pointed out in the Washington Post this last week that the budget would be balanced only to become instantly unbalanced all over again.

That is not what the American people are asking us to do. They are asking us to bring this budget into balance and to keep it into balance and to force us to choose our priorities and not charge it off to future generations. Just as we should not charge off spending, we should not charge off the tax cuts to future generations.

Mr. Speaker, I insert into the RECORD the following article by William J. Quirk:

THE EARTH BELONGS TO THE LIVING

(By William J. Quirk)

The President and Congress have both promised us a balanced budget in the year 2002. The debt, at that time, will be somewhere between six and seven trillion dollars, which, assuming a seven percent interest rate, will cost close to $450 billion a year in interest. Each year, every year, forever. Is it plausible to think the new generation will pick up that perpetual burden? How can the country equitably deal the debt burden?

Debt can only be disposed of in five ways: one, by paying if off; two, by repudiating it; three, by inflation—which is a veiled repudiation; four, by conquering the creditor to cancel the debt or conquering a third party to seize sufficient wealth to pay off the debt; or, five, by large real growth which makes the debt service a smaller share of a growing pie. If large real growth is unlikely, and conquest unpalatable, only the first three methods are available. The classic approach is inflation. The United States, since the Vietnam War, has used consistent inflation, usually around three percent, to reduce our debt. Inflation can be a successful method if no new debt is incurred, but continuing large deficits, and the new borrowing to cover them, have overwhelmed the tactic.

The Founders, other than Hamilton, believed that a perpetual debt was incompatible with self-rule, since the current generation cannot be asked to pay for decisions they did not make. Thomas Jefferson, during his term, reduced the national debt by one-third despite paying cash to Napoleon for Louisiana. "If we go to war now," Jefferson wrote to James Monroe in 1805, "I fear we may renounce forever the hope of seeing an end of our national debt. If we can keep at peace eight years longer, our income, liberated from debt, will be adequate to any war, without new taxes or loans, and our position and increasing strength put us hors d'insulte from any nation." Jefferson, in 1804, listed cutting taxes, cutting expenses, and reducing the national debt as the highest accomplishment of his first term: "To do without a land tax, excise, stamp tax, and the other internal taxes, to supply their places by economies so as still to support the government properly and to apply $7,300,000 a year steadily to the payment of the public debt." Jefferson foresaw that a debt policy, such as Hamilton fostered, would be complicated and promote the centralization of power. Jefferson wrote James Madison in 1796 that "the accounts of the United States ought to be, and may be, made as simple as those of a common farmer, and capable of being understood by common farmers." Things did not turn out as Jefferson hoped.

Our economists, unlike Jefferson, fail to distinguish between private borrowing and public borrowing: they think the issue is whether the annual income stream (tax revenues) is able to support the annual interest cost. But the real issue is whether a $450 billion annual charge—with no return—is socially and politically sustainable. Does anyone think a 20-year-old earning $10 an hour, or $20,000 a year, can afford to pay $4,234 in federal and state income tax and Social Security tax? That amount, invested each year for 45 years at seven percent interest, would give a nest egg of $1,268,000. The present value of all the Social Security benefits he will receive, starting in 2041, assuming the system still exists, is an unimpressive $12,400. The present value of health benefits he will receive is $25,800, and of welfare benefits, $20,500. The difference between $59,700—the present value of all the benefits he will ever receive—and $1,268,000 is a very expensive government for someone making $10 an hour.

Can a government survive when so many resources are allocated to pay for inherited liabilities? Can a moral, orderly society survive if it does? The debt, because of doubts on both scores, destroys the value of the currency. The fear is that history will probably repeat itself, and the country will stoke up inflation to reduce the effective burden of an unsupportable debt. Inflation may stay within bounds, as it has, barely, for the past 20 years. Or it may run out of control and destroy the currency as it did in Weimar Germany in 1923. The Weimar inflation destroyed the middle class, the basis of any democracy, and made way for Hitler. Either way, when the currency's value is unpredictable, individuals can't plan for a child's education, business cannot look very far ahead, and the country is disoriented.

Jefferson, in a September 6, 1789, letter to James Madison, said he thought it self-evident "that the earth belongs in usufruct [trust] to the living, that the dead have neither powers nor rights over it." In 1823, Jefferson wrote to Thomas Earle, "That our Creator made the earth for the use of the living and not of the dead; that those who exist not can have no use nor right in it, no authority or power over it; that one generation of men cannot foreclose or burden its use to another, which comes to it in its own right and by the same divine beneficence; that a preceding generation cannot bind a succeeding one by its laws or contracts." The current generation, in other words, holds the land as a life tenant does; he is entitled to cultivate the land and enjoy the fruits of it, but he can't hurt the interest of those who are to come after. He should turn the land over in the same condition he received it. Each generation is the steward for the earth during its lifetime.

Assume, Jefferson wrote, that Louis XV borrowed so much from the bankers of Genoa that the interest on the debt came to equal the whole annual net profit of France: "Should the present generation of Frenchmen deed their property to the Genoese creditors and leave their homeland? No. They have the same rights over the soil on which they were produced, as the preceding generation had. They derive these rights not from their predecessors, but from nature." No generation, by natural right, can oblige the next generation to pay its debts. If it could, it might, during its own time, "eat up the usufruct of the lands for several generations to come, and then the land would belong to the dead, and not the living."

Jefferson concluded that it would be "wise and just" for the Constitution to declare that "neither the legislature, nor the nation itself, can validly contract more debt than they may pay within their own age, or within the term of 19 years." Not all borrowing, of course, leads to wasteful spending debt. Debt may be invested in beneficial infrastructure. The 1846 New York Constitutional Convention, applying Jeffersonian principles, provided that the state could contract no debt except by a law approved by a referendum. The debt, however, had to be for a single "work or object" and be accompanied by a new tax sufficient to pay interest and retire the debt within 18 years. Or the debt may be invested to acquire intangible assets—which the society considers beneficial—such as Pitt's Napoleonic Wars and our World War II and Cold War. But, because of the absence of checks, spending is far more likely to be wasteful when borrowing is permitted. If a country runs on a pay-as-you-go basis, whatever mistakes it makes will be paid for by those who made the mistakes.

Moreover, the requirement of immediate payment for government programs acts as an efficient brake on governmental enthusiasm. Debt, since it requires no immediate taxes, removes the fundamental limitation that to fund a program for the benefit of one group, the money has to be taken from a different group. Under pay-as-you-go, the payers must currently pay what the payees will currently receive. The payers are apt to resist—the issue must be discussed—and some compromise reached.

With a borrowing policy, as Jefferson saw, the rules are entirely different. The consent of the governed is not necessary. The executive proposes a program but now he meets no effective opposition, since the legislature is equally happy to spend money today that will have to be repaid by future taxpayers. The viciousness of the borrowing policy is that the taxpayer of tomorrow is not represented by any of the parties at the table. The burden is easily cast upon the unrepresented future. Programs can go forward that the current taxpayers are unwilling to pay for. Unpopular programs—such as the Vietnam War, the Great Society, and the Savings and Loan bailout—can move ahead. Of course, when programs go ahead without the consent of the governed, they are likely to tear the country apart.

Jefferson believed that the debt-making power was too dangerous for the federal government. Since it could not be safely limited, it had to be prohibited. Jefferson wrote to John Taylor, on November 26, 1798: "I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution. *I mean an additional article, taking from the federal government the power of borrowing.*" (Emphasis added.)

Jefferson said in 1816 that the people, "not the rich, are our dependence for continued freedom. And to preserve their independence, we must not let our leaders load us with perpetual debt." If the leaders load us with such debt, we will then be taxed "in our meat and in our drink" till we must, like the English, live on "oatmeal and potatoes; have no time to think, no means of calling the mismanagers to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers." We will, at that point, "have no sensibilities left but for sinning and suffering. Then begins, indeed, the war of all against all."

□ 1830

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, as we go to conference this evening on the budget resolution, we really should assure the American people they will get a balanced budget as promised. So that means crafting the tax package in a way that makes it possible to provide the promised tax cuts while adequately measuring their cost to assure that the budget will actually balance in 2002.

That means playing fair with the numbers. The numbers cannot be jury-rigged so as to provide only the illusion of a balanced budget. How tragic it would be, Mr. Speaker, if in fact after these tax cuts were promised and the budget were laid out, that we would not have a balanced budget but would have a deficit that we have worked so hard to get rid of.

I think we should all agree on a bipartisan basis that such an outcome is absolutely unacceptable. We will balance the budget, we will give the tax cuts, and we will use fair and honest numbers.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would say to my colleagues on the other side, there is a lot of room that we can maneuver in the future. We are looking at a lot of different savings, and I think we can get support from the other side of the aisle.

Let me give a couple of classic examples that I hope in the next budget can go toward more of the savings that we are trying to send back to the American people. The 760 programs we have in education, to take and see, and I think it is fair to ask, which ones are working, which ones are not. The President is asking for $3 billion in a new literacy program. We today are funding 14 literacy programs. Let us reduce the bureaucracy and see which ones work.

When we take a look at the earned income tax credit, that there is a 26-percent overpayment, so 25 cents out of every dollar. We can have a lot of savings from that and give it back to the American people. We can take a look at when we are getting as little as 50 cents on the dollar back out of our education from the Federal Government, that we can drive it down and bring in a lot of private work for it, with my colleagues from the other side. And take a look at the extension in Somalia, Haiti and Bosnia has cost us over $15 billion and this new extension that the President is talking about that already is there, and then not pulling our troops, it is going to cost another $5 billion. I think that there is going to be a lot of room at which we can improve both of the issues on the bills and have more relief for the middle class like we want and like my colleagues on the other side do. I hate the term middle class. It should be middle income, not middle class. I would ask my colleagues on the other side to work with us on this and that it is something I think for the future of this country, the balanced budget, and making sure that we do help on both sides of what we want in this, that we can go a long way.

Mr. SPRATT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASICH. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentleman from Ohio [Mr. KASICH].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SPRATT moves that the managers on the part of the House at the conference on disagreeing votes of the House of Representatives and the Senate on H. Con. Res. 84, the concurrent resolution on the budget for fiscal years 1997 through 2002, be instructed to do everything possible within the scope of the conference (1) to agree to section 104(b) of the Senate-passed resolution, limiting the 10-year net cost of the tax cuts to $250 billion; (2) agree to section 321 of the Senate-passed resolution, with respect to fair distribution of tax cuts.

The SPEAKER pro tempore. Under the rule, the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Ohio [Mr. KASICH] each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I yield myself 2 minutes to explain the purpose of the motion.

As I said at the outset when the gentleman from Ohio [Mr. KASICH], the chairman, introduced his motion to go to conference, our purpose here is to see that what comes out of the pipeline resembles in its essential details what we are putting into the pipeline in the form of this budget resolution, and in particular on our side we are concerned that after spending years in restoring the revenue base of the Federal Government to the point where we have got the deficit down to $107.8 billion last September, projected to be below $90 billion, well below it, this coming September, we do not want to make the mistake made in 1981 and undo all the progress that has brought us to this point where we can truthfully say we are within reach of a balanced budget.

No. 1, we want to make sure that the tax writing committees, when they undertake to fulfill the reconciliation instructions, will strictly keep to the dictates of this resolution and see to it that the net revenue loss in the first 5 fiscal years from 1998 to 2002 is no more than $85 billion, and in the years 2003 to 2007 is no more than $250 billion. That was the agreement. We want to see it observed. Fundamentally, we are simply reiterating what is the agreement reached among all the parties.

Second, in distributing the tax benefits, the tax cuts, we want to say to the tax writers, as the other body has said in its resolution, be fair to hard-working Americans, see to it that they get at least a significant part of the tax benefit bill that we are about to write. Those are the two fundamental things that we stress here today. We do not see how anybody in this House, Democrat or Republican, could differ or disagree with it. We hope that everybody, seeing the merit of this motion to instruct, will join in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleasantly surprised that this motion does not call for a tax increase. I have not had a chance to see it. I am now looking at it. I tried to figure out a reason as to why, and I was not hoping to find something that I thought would blow up the agreement, but I wanted to carefully analyze it to make sure that it does not.

In regard to the first part of this, which is that the 10-year net tax cut be limited to $250 billion, the answer on that is that that is part of the agreement and we are all in agreement that the net tax cut over 10 years, as called for under this agreement, is $250 billion.

Let us not make any mistake about it. Come the year 2000, if we elect a Republican President, I think we are probably going to see more tax cuts, but all things staying normal here, we are going to have a compliance to the fact that we are going to have $250 billion worth of tax cuts.

The other provision in here is the fact that the substantial portion of the tax cuts will go to people under $100,000. That is clearly our intent. In fact, the biggest item in our package is a family tax credit.

Frankly, I do not think this is really a very meaningful motion to instruct, although I say to the authors of it, they have put it together, we will have a vote on it, and it will pass. Let me just suggest that I do not see any language in here that would call for repealing any tax cuts or anything else. Essentially this means that the bulk of the benefits will go to middle-income America, which we agree with, and second that in fact the net tax cut will be $250 billion.

With that, Mr. Speaker, as far as I am concerned, we can all support this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

I thought the gentleman was calling for a vote by acclamation to endorse this resolution. I did not hear him say anything that disagreed with the motion to instruct conferees. Is that the gentleman's request?

I would like to ask the gentleman, do I correctly understand what the gentleman just said, that he supports this particular motion to instruct conferees, then?

Mr. KASICH. If the gentleman will yield, I have no objection to doing what we intend to do.

Mr. SPRATT. So the gentleman supports the motion to instruct conferees?

Mr. KASICH. I support the idea that we are going to live up to our agreement on $250 billion in net tax cuts, and would agree with the gentleman that our plan is going to give the bulk of the resources to middle-income, hardworking Americans. We favor that.

Mr. SPRATT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina [Mr. SPRATT].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs: KASICH, HOBSON, and SPRATT.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

PASS A CLEAN SUPPLEMENTAL APPROPRIATION

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, I have introduced tonight H.R. 1755, a clean supplemental which contains the items agreed to by the conference committee to this point on the emergency flood relief supplemental, but which strips the proposal from the unrelated partisan riders which have been insisted on by the Republican leadership of both houses.

I had intended to try to offer a motion this evening to take that bill up today but the majority leadership did not want it cleared. I would simply say that if the leadership insists on putting nonrelated items into the supplemental, it is clear that the President will veto that legislation and we will be here next week doing what we ought to do this week, which is to pass a straight, clean supplemental appropriation bill meeting the needs of the flood victims in the various States in this country.

I would hope that by tomorrow, the House leadership and the Senate leadership would either have changed its mind about insisting on those unrelated riders, or else if they have not, I hope that they will at some point tomorrow allow the motion which would allow us to bring before the House a stripped-down version of the supplemental so that we do not, in fact, needlessly tie up this legislation for another week. If we do not do this this week, we will certainly be here next week doing next week what we ought to be doing this week, and it makes no sense at all.

□ 1845

We ought to simply see an end to the partisan games, and we ought to move this bill in the stripped-down version on its way to the White House.

REPORT CONCERNING EXTENSION OF WAIVER AUTHORITY FOR ALBANIA, BELARUS, KAZAKSTAN, KYRGYZSTAN, TAJIKISTAN, TURKMENISTAN, AND UZBEKISTAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–91)

The SPEAKER pro tempore (Mr. BONILLA) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to a further 12-month extension of authority to waive subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver authority for a further 12-month period, and includes my reasons for determining that continuation of the waiver authority and waivers currently in effect for Albania, Belarus, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan will substantially promote the objectives of section 402 of the Act. I have submitted a separate report with respect to the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA, AND UKRAINE (H. DOC. NO. 105–92)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine are in full compliance with subsections 402(a) and 409(a) of the Act. As required by title IV, I will provide the Congress with periodic reports regarding the compliance of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REASONABLENESS IN SPENDING TAXPAYER DOLLARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, you know we are at the starting gate of a new era, I think, in the U.S. Congress of trying to look at what is reasonable and what is practical on the way we pay/spend taxpayers' dollars. We have just finished a debate and both sides have agreed that somehow Government is taking too much of the hard-earned money out of working families' pockets, so we are in a new attitude saying that too big a Government and too much taxes is bad for the people and it is bad for the economy.

I think as we look over some of the weaknesses of this budget agreement, I suspect a couple of the areas that I would put at the top of the list are the way we have dealt and tried to figure out solutions for the reduction in spending of entitlement programs.

Entitlement programs next year will use up 53 percent of the total Federal budget, and you know for a Congress that was developed and given the responsibility of not only deciding how much money was going to be spent and how it would be spent to evolve in today's situation where Congress really only has control of about 17 percent of the budget; if you consider that the 17 percent that goes into defense spending is almost on automatic pilot, because there is seldom a disagreement of more than a plus or minus 10 percent deviation between the hawks and the doves and the Republicans and the Democrats, we are left with discretionary spending that represents just under 17 percent of the Federal budget.

Entitlement programs I think can be defined as anybody that is eligible for that money will automatically be paid those sums. Of course, the large spending items are Social Security taking 23 percent of the Federal budget now, Medicare, Medicaid, the welfare programs, the food stamp programs, the agricultural programs; all on automatic pilot, if you will, that Congress has lost control of and a majority in Congress can no longer adjust those spendings without the consent of the President.

You know, I think a lot of people misunderstood what happened 2 years ago when Republicans said that we are going to take this discretionary spending and use it as leverage to try to change and slow down some of the increases in discretionary spending.

Now, the Government closed down first 2 days, and then in December 1995, 3 days, and then it came to March 1996, last year, and Republicans said, look, we are going to draw a line in the sand and we are not going to pass this discretionary spending bill that in effect runs the Federal Government unless the President agrees to submit a balanced budget.

The President though, does whatever he does to make those decisions, decided, yes, I am going to do that. Now the whole world of Congress has changed, and everybody is saying yes, we want to balance the budget.

I mean that is the good news, that is the great news, and now we are saying let us let people keep some of that hard-earned money in their pockets and start reducing taxes. That means reducing the size of this overwhelming huge Government that is now out of control.

IN SUPPORT OF FULL FUNDING FOR SUMMER YOUTH EMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in order to focus on the need to sustain, expand, and fully support our Nation's youth through the federally funded Summer Youth Employment Program.

I am strongly committed to the Summer Youth Employment Program and would like to insure that it serves all of the needs for summer employment for our Nation's disadvantaged youth.

Prior to my election to the U.S. House of Representatives, I worked to create an expanded Summer Youth Employment Program that would serve the entire city of Houston. That resulting effort continues to be successfully managed by Houston Works, a not-for-profit organization based in Houston, TX.

I know from personal experience that a summer job for those young people enrolled into the Job Training Partnership Act's Summer Youth Employment Program sponsored projects around this country is more than just an opportunity to have money for the next school year, it is an opportunity to learn, live, and experience the work environment and culture.

In 1997, Houston Works Summer Youth Program plans to serve 6,500 young people between the ages of 14 and 21, with a projected budget of $8.9 million. This funding would only allow 3 percent of those who would qualify to be included in the program. The potential number of applications for this important jobs program is 43,000 young people which reflects the total number of disadvantaged youth in the area served by Houston Works. Nationwide, there are 4 million youths who would qualify for this summer jobs program if funds were available.

Last year Houston Works provided 5,177 jobs to youth ages 14 through 21 years, with a budget of $6.5 million.

This program has made a significant difference in the lives and fortunes of Houston's young people who were fortunate enough to have their applications accepted.

One young lady in particular that comes to mind when I think of the real impact of our summer jobs program has on the lives of our Nation's young people is Ms. LaQuista L. Stewart.

Ms. Stewart is a remarkable young woman who worked 4 years with the Summer Youth Employment and Training Program during the summers of 1991 through 1994. Her placement included 2 years as a clerical assistant at Smiley High School; 1 year at Texas Children's Hopsital as medical assistant to the supervisor of the pulmonary laboratory technician in the Diagnostic Center, and 1 year as clerical assistant to Houston City Councilmember Felix Fraga.

Ms. Stewart's uniqueness is not that she did very well in her job placements, but that she, like majority of youth served by this critical program, had to overcome obstacles to meet the challenges and succeed in the program.

At the age of 2, she and her family were involved in a car wreck that left her stepfather permanently disabled and LaQuista lost her spleen and left kidney. Her family has gone through great difficulty, both financial and personally, as they learned to cope with their physical and economic limitations after the accident.

Ms. Stewart used the income provided by her youth employment to assist her family financially and for college expenses.

Despite her setbacks, Ms. Stewart was able to participate in the National Honor Society, became her Class Parliamentarian, worked with Future Business Leaders of America, and was ranked 40th in a class of 365 students.

Ms. Stewart credits Houston Works Program which is funded by the Summer Youth Employment Program for her successful job placement in the office of Houston City Councilmember Michael J. Yarbrough. Councilmember Yarbrough hired Ms. Stewart in a permanent job on July 29, 1994. She currently works 40 hours per week and is enrolled in her third year at the University of Houston.

Some might say, in hindsight, that Ms. LaQuista Stewart would have been a success without the Summer Youth Employment Training Program, and if this were a perfect world I would agree with them. Unfortunately, this world is not perfect and those deserving of a chance to learn valuable job skills are not always afforded that opportunity.

I would like to stress the need to look at summer youth employment as an extension of the learning experience for those young people who would otherwise not have that opportunity. It is the best example that we can convey to disadvantaged youth the valuable lessons of work and responsibility.

I would like to see the funding for summer youth employment create a separate funding stream for this significant program. Most of our disadvantaged young people live in urban areas that can best be served by direct funding of these programs. The block grant approach is detrimental to summer youth employment because it may not leave States with the needed flexibility to assign funds based on the particular socioeconomic demographics of the various States.

This summer jobs program provides income that will generate spending, often in impoverished neighborhoods, the summer program helps generate economic growth. For each 1,000 kids employed, the program brings between $1 and $1.4 million to those community.

I would hope that the Congress can meet the administration's request of $871 million for the next fiscal year's funding of our Nation's Summer Youth Employment Program. I would also ask that you keep in mind the full benefits of the Summer Youth Employment Program, both tangible economic benefits and intangible job learning experience benefits.

PROMISES MEAN NOTHING TO PEOPLE WHO HAVE NO PLACE TO LIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, it is now day 12, 12 days since Congress recessed without taking action on the disaster supplemental appropriations bill. It is the sixth week since an absolutely devastating flood, a flood of 1,000-year proportion, hit Grand Forks and inundated North Dakota's second largest city, a city of 50,000 people.

One of the things that as we saw the footage broadcast throughout this country and, in fact, across the world, as you looked at literally a city steeped in the Red River water, it was a horrible visage. But one of the things that I think we perhaps could not fully appreciate as we watched that horrible site and saw the fires ravaging the downtown in the middle of this floodwater is the extent of damage occurring in each and every structure that had that floodwater in it.

During the 12 days since Congress recessed I spent a good deal of that time in Grand Forks. The stories that I heard directly from the people impacted from this flood were among the most moving I have heard from anyone.

What I believe Congress failed to realize as it recessed and went home without taking action was that it left literally thousands of people in the area I represent utterly in limbo.

Some have suggested that the disaster did not need prompt attention, FEMA is operating, SBA is operating, the programs are in the pipeline chugging along happily, providing all the disaster relief anyone could ever require. That is simply wrong; they are simply wrong. In fact, the disaster bill hung up in conference committee contains in one of its most essential parts $500 million of community development block grants. This funding is literally the linchpin of the Grand Forks' recovery effort because it will provide the funding for the expanded floodway, it will provide the buyouts that will purchase the homes in the floodway, giving their owners the capital they need to get on with planning where they are going to live next; do they build, do they buy? Whatever. Without that community development block grant funding, without the assurance, and the commitment of those resources to our area, people are utterly on hold.

Imagine having your home in the floodway, but with the city unable to determine exactly what funding will be available for home buyout purchase, the city cannot tell you whether or not to repair your home. Now your home has got about $20,000 or $30,000 worth of damage, and this is the case of hundreds of homes. You do not know whether to put in $20,000 or $30,000; you already lost most of your life's investment in the equity of your home. You do not know whether to put in that money without knowing whether you might be bought out and forced to move within a year again anyway. And so you wait, as hundreds of families are waiting in Grand Forks each and every day of the 12 days that Congress went out on recess without taking action. Your children may be living with grandparents or relatives, other relatives, maybe friends. Your family may be scattered. You may be commuting 90 miles one way to work because you do not have a place to live, and Congress recesses.

And during the recess, Mr. Speaker, Members traveled all over the world enjoying their time away from legislative business. Well, the people in Grand Forks would have liked to have taken time away from their business, their business of trying to pull themselves out of the floodwater and the mud of the Red River and get on with their productive lives. But they could not do it, and the reason they could not do it is because this bill was hung up in conference committee.

There was a tremendous constructive, bipartisan effort in building a good disaster bill. I personally have stood here on the floor of the House and expressed my appreciation to the Speaker, to the majority leader and to the other Members, both in the majority and the minority, who have worked together to build such a meaningful relief package to our area. But it does not do any good if it is not passed. Simple as that.

Mr. Speaker, deed is in the enacting and getting the resources available. Promises at this point mean nothing to people who have got no place to live.

□ 1900

The conference committee reconvenes tomorrow. It is my urgent hope and request of the conferees that, as they come back into session, remember those in the flood-ravished areas I represent, put politics aside, and get about the business of getting people the help they so desperately need.

TRIBUTE TO JOHN SENGSTACKE

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to a great American who recently passed away, one whose life has flowed and influence has flowed from his office on the near south side of Chicago to points across America and throughout the world, Mr. John H. Sengstacke. He spent 50 years as publisher of the Chicago Daily Defender newspaper, which was founded by Robert Abbott in 1905 and sold as many as 200,000 copies a week during World War II, when it championed desegregation of the Armed Forces and paved the way for Jackie Robinson to become the first black to play major league baseball.

John Sengstacke was born in Savannah, GA, educated at Hampton Institute in Virginia, and spent the rest of his life working for and building the Chicago Defender newspaper, a paper which under the leadership of Mr. Abbott had acquired a readership far beyond Chicago by being an early champion of the great migration beginning in World War I.

Mr. Abbott preached in his editorials that the destiny of blacks was in the north, where factories were desperate for workers. Pullman car porters acted as unofficial circulation agents by picking up copies in Chicago and dropping them off at barber shops and churches along their southern runs.

In the 1940's Mr. Sengstacke founded the Negro Newspaper Publishers Association, now known as the National Newspaper Publishers Association, which has more than 200 members. He also acquired the new Pittsburgh Courier, the Detroit-based Michigan Chronicle, and the Tri-State Defender published in Memphis, TN. Out of the Defender has emerged a Chicago institution, the Bud Billiken parade. As an activity of the Defender charities, the Bud Billiken parade has grown to be one of the largest community celebrations in the Nation. Mayors, Governors, Senators and even Presidents have marched or ridden in this parade, which traditionally draws more than a million active viewers and participants each year.

The Chicago Daily Defender newspaper has been a haven and inspiration for renowned journalists and publishers such as Lu Palmer, Vernon, Jarret, Faith Christmas, John H. Johnson, and Chinta Strasburg, to name a few.

John Henry Herman Sengstacke was an adviser to Presidents Truman, Kennedy and Johnson. Through his influence with President Franklin Delano Roosevelt, Mr. Sengstacke arranged for the first African-American correspondent in White House history, Mr. Harry McAlpin. He also figured prominently in influencing President Roosevelt to hire African-Americans to work for the U.S. Postal Service. He received 10 Presidential appointments, including his selection by President Truman to serve on the committee on equality of treatment and opportunity in the Armed Forces, which resulted in desegregation of the military.

In the 1940's Paul Robeson and John Sengstacke arranged a meeting with Jim Landis, commissioner of baseball, and Branch Rickey, manager of the Brooklyn Dodgers, which led to the hiring of Jackie Robinson to play major league baseball. He served as chairman of the board of Provident Hospital and Training School Association which rebuilt the Provident Medical Center which enabled the legendary hospital in which the world's first open heart surgery was performed by Dr. Danial Hale Williams, to continue its services to African-Americans and others who live in its area.

Mr. Speaker, I express condolences to the Sengstacke family, friends and employees of the Defender newspapers on the occasion of his death.

John Sengstacke worked diligently to end racism, sexism, and anti-semitism. He fought for open housing, to educate children, to provide charitable services to humanity, to defend the U.S. Constitution, and to protect the rights of people throughout the world. John Henry Herman Sengstacke, a man who knew how to use a newspaper to become an influential and powerful American.

PROMOTING VALUES OF DEMOCRACY AND LIBERTY IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I would like to first thank my colleagues for their forbearance. I rise tonight to respond to the fact that this morning we saw the official beginning of the annual debate on the extension of most-favored-nation trading status for the People's Republic of China. Quite frankly, the term "Most Favored Nation" is, to use what is today the vernacular, I guess, a very inappropriate euonym, e-u-o-n-y-m, to describe the trade relationship between the People's Republic of China and the United States. I say that because it simply means that we would be continuing with normal trading relations that exist with virtually every other country on the face of the earth.

Like every Member of this House of Representatives, I am very troubled at the human rights violations that we have seen take place in China over the past several years. I am very troubled at the treatment of Tibet. I am very troubled at the saber-rattling which has taken place in the Taiwan Strait. The idea of weapons proliferation and transfer to Pakistan and Iran and potentially other nations troubles me greatly. I will say that, as we look at every single one of these very serious problems, we have to ask ourselves the question: How do we most effectively deal with those problems?

Mr. Speaker, it is extraordinarily obvious to me that the most effective way to deal with those problems is to continue to get our Western values into the most populous nation on the face of the earth. Some are unfortunately trying to equate the People's Republic of China with the former Soviet Union. The differences are very, very important and need to be underscored.

The Soviet Union had a policy of expansionism throughout eastern and central Europe. At this moment we are up in the Committee on Rules talking about the issue of NATO expansion, and obviously, the Chinese have not been involved in that. Look at the expansion that we saw by the Soviet Union into this hemisphere when through the decade of the 1980's we struggled with this continued pattern of assistance that went to the Communist dictatorship in Nicaragua, exporting its revolution into El Salvador and other countries. So the difference is very, very important.

Some people want to create another cold war enemy, Mr. Speaker. We should not do that. It would be irresponsible, a major mistake. The single most powerful force for positive change in the 4,000-year history of China has been the market reforms which have dramatically improved the standard of living. I am convinced that, if we were to in any way cut that off, we would not be isolating China from the United States or the world. What would happen is we would isolate the world's only complete superpower, the United States of America, from the most populous nation in the world.

So looking at the allies in that region, we also have to recognize that Hong Kong, which will revert to China in just about 3 weeks, very strongly supports our continuance of most-favored-nation trading status for the People's Republic of China. We have to look at religious leaders. Many religious leaders have come forward saying that their greatest opportunity to continue expanding their message into China is for us to maintain our engagement there.

So Mr. Speaker, the debate is going to rage on for the next several weeks. I am very pleased that I am joined by the gentleman from Pennsylvania (Mr. Fox), my friend and colleague, and many others in this House who understand that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression. It has happened in the last decade and a half in South Korea, Taiwan, Chile, and Argentina, and it is not going to happen overnight, but clearly, it will help in China. So let us maintain engagement.

When the resolution of disapproval does come up here on the House floor, I urge my colleagues to join in voting against it so that we can move ahead in our attempt to get our values, our great values of freedom and democracy and liberty throughout the entire world.

TRIBUTE TO EMIL CIAVARELLI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to salute a very special gentleman from my district in Montgomery County, PA, Emil J. Ciavarelli, a funeral director of great renown, a civil leader, an outstanding businessman, a proud father and grandfather, a wonderful husband, who recently died. He was a graduate of Ambler High School, Temple University and the former Eckels College of Mortuary Science in Philadelphia.

Mr. Ciavarelli was a member, organizer, and chartered chairman of the Montgomery County Funeral Directors Association. He was one of the few funeral directors, Mr. Speaker, selected by the U.S. Exchange program to tour the Middle East and Russia, observing funeral practices.

Mr. Ciavarelli was on the board of directors of Progress Federal Bank, the planning commission of Conshohocken and the Conshohocken school board. He has been a sponsor of the Babe Ruth Baseball League of Conshohocken and a church leader at St. Cosmas and Damian Church in Conshohocken, PA. In addition, he was the founder of the Christopher Columbus Civic Association of Philadelphia, PA. He was chosen to be involved in the 500th anniversary celebration of Christopher Columbus and had a special audience with Pope John Paul the Second. He was honored recently by the Italian Government and made a cavalier and member of the Cavaliers Society. He was a member of the Conshohocken Chamber of Commerce and he was given Man of the Year status in 1967.

Mr. Speaker, Mr. Ciavarelli was a former member and organizer of the Kiwanis Club of Conshohocken and he served as its club president. He was a fourth degree member of the Knights of Columbus and he was also a member of the Holy Name Society of St. Mary's R.C. Church, a member of the Washington Fire Company and Conshohocken Fire Company and a regional representative of the Boy Scouts of America.

But more than all of the activities of Mr. Ciavarelli, he was someone who cared greatly for his community, his family, and for his country, and he was one proud American who really made a positive difference. So to my colleagues, he is someone special as a role model that others can look up to, not only in my community and State, but throughout the Nation.

CONTINUING RESOLUTION BEING HELD HOSTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to talk about the supplemental appropriations bill; specifically, the provision of the bill known as the automatic continuing resolution, or CR.

Two weeks ago we left Washington without passing the supplemental appropriations measure. This was unfortunate. Unfortunately for all Americans, and in particular for the victims of the recent Midwestern floods, this important and well-meaning legislation has become a hostage because of the President and some Democrats who do not like this CR which was attached to this bill.

During the floor debate on the bill, the House voted overwhelmingly to amend the bill to include an automatic continuing resolution, a failsafe provision that would automatically and fully fund the 13 appropriation measures, should any or all fail to be passed into law. In other words, we added a commonsense provision to an already fair measure.

Mr. Speaker, I would like to call it an insurance policy for the American people. The provision we are talking about that the President and some Democrats object to is quite simple and generous. Should any of the bills fail to become law by the end of the fiscal year, they would be fully funded at 100 percent of this year's funding level. In other words, there are no cuts, no elimination of any programs as a result of passage of the CR.

The President objects to this. Does the President want the opportunity to spend more money? Does he want an increased level? Furthermore, the passage of this simple CR would balance the budget within 5 years set forth in the budget agreement.

□ 1915

It is incredible that we have the claims that supporting a balanced budget could actually impose a problem. But simply, if the President was truly serious about balancing the budget he would support the CR provision and Congress could at long last pass a much-needed disaster relief act.

Nevertheless, Mr. Speaker, the President has promised to veto this important legislation. It is a very unfortunate situation we have because the people in the flood-ravaged Midwest need this money. We have set aside money for them but they need this bill. But again, we have a CR attached to it and the President seems more concerned with making sure we do not pass this CR.

The troubling thing about the President's proclaimed opposition to this supplemental is that he claims to support the Republicans' efforts to preclude a Government shutdown. He has often stated publicly his desire to initiate a failsafe mechanism, but when push comes to shove and we present him with an opportunity, he refuses it.

He claims that America needs a solution. The CR is such a solution. I urge the President to support it. It is a simple and reasonable effort to protect the American people from the kind of partisan political battles that shut down the Government and suspended essential Government services 2 years ago, the kind of political battle the President claims he opposes.

Does the President want to shut down the Government? Does he want hardship and inconvenience? I do not think he does.

In other words, as if it were not bad enough to say, I am against a CR, he is also against a simple supplemental to help the flood victims. The proclaimed opposition to the CR has really nothing to do with the supplemental. Rather, the President's opposition is that he wants a fail-safe mechanism itself, and he does not think the CR does it, so he is going to veto it. But, Mr. Speaker, the majority of people on the House floor overwhelmingly supported this CR. It was a very large vote.

Let me conclude by saying to my colleagues, the Republican Party did not shut down the Federal Government in 1995, and we will not be responsible for a shutdown if it happens again. Back then the Congress sent to the President more than adequate appropriations bills, and he simply vetoed them. To preclude this from happening again we have included a simple insurance policy in the supplemental, and yet, Mr. Speaker, he is opposed to it.

In other words, we have included within this bill a provision to ensure the uninterrupted continuation of vital services like Social Security, Medicare, Medicaid, and veterans benefits. We have attempted to remove politics from the appropriations process, and yet the President unfortunately objects.

For the good of our country and the peace of mind of her citizens, we should pass into law this commonsense insurance mechanism, a CR that will keep the Government operational when partisan conflicts arise. I am an original cosponsor of this legislation and a longtime supporter of the ideals behind the CR. I urge the President to reconsider his position, not just for the immediate needs of the flood victims, but for the long-term good of the entire country.

THE INTERNAL REVENUE SERVICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. SESSIONS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SESSIONS. Mr. Speaker, tonight I rise to talk, with several of my colleagues, about the Internal Revenue Service. The Internal Revenue Service, through a series of laws that have been passed for many years, has what is called the Internal Revenue Code. What this code is is it consists of two huge books that I am showing the audience tonight that are very thick with very fine print that talk about the tax laws of this country.

Tonight myself and my colleagues stand to talk about not only the Tax Code but the application of that Tax Code by citizens of this country, and also how they are judged in that Tax Code by the Internal Revenue Service.

Tonight we stand to talk about H.R. 1145, the Home-based Business Fairness Act of 1997. It allows self-employed entrepreneurs, which are the fastest growing and most dynamic sector of our economy, and as a simple matter of fairness, to deduct the expenses of a home office and 100 percent of their health insurance costs. H.R. 1145 also provides a clear definition of an independent contractor to help entrepreneurs avoid crippling IRS costs and fines.

This year small business cited the cost of health insurance as the No. 1 concern, and tax demands accounted for 6 of the 10 most severe problems confronting small business.

H.R. 1145 deals with both of these concerns, addressing the high cost of a home office and of health care. Because many small businesses use independent contractors, their business status is critical to the success of entrepreneurs all over this country.

An independent contractor is one who does work with the help of someone but who is not under that person's control. This allows entrepreneurs to work for themselves but with the assistance of a primary contractor, as a primary contractor does not have to withhold taxes for his independent contractors, and that is why this issue is so important.

What we would like to discuss tonight is H.R. 1145 and how this is going to play out. We have any number of issues to discuss, including factors and criteria which the IRS uses to determine these independent contractors. But as I talk tonight, what we would like to do is further examine what is happening in the marketplace. As we talk about the marketplace, what we are talking about is small businesses, men and women who are attempting not only to do work out of their home, but also work in industry and work in business.

What we would like to do is to provide several examples of how the factors that are based upon the 20-point criteria, the 20 factors, how they play out with the IRS.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Montana.

Mr. HILL. Mr. Speaker, I am proud to join with the gentleman and be a cosponsor of the Home-based Business Fairness Act, H.R. 1145. One of the saddest things I think that we have is the fact that small business owners, people who operate a business out of their home, people who are just trying to get started in business, are discriminated against in the Internal Revenue Service Code.

I think a lot of folks do not realize that today if you are an employee, if you work for someone or if you have a large corporation, you are an employee of your own corporation, you get to deduct health insurance, but if you happen to be self-employed and you want to buy health insurance for you or your family, you do not get a deduction for it. It is a discrimination against small businesses and against small business owners.

The same thing is true of the home office deduction. If you happen to keep your accounts receiveable ledger in a file cabinet at home, or if, as when I started my business, if you happen to do your books at night at the kitchen table, you do not get to take a deduction for the business operating expenses that are associated with operating from your home. Again, it is a discrimination against people who are starting a business.

I think a lot of folks do not realize that Bill Gates got started with Microsoft in his garage. Henry Ford built the prototype of the Model A in his garage. Most small businesses today get started in somebody's home or in somebody's garage. The idea is that we want to encourage that, because the energy, the creativeness of our society comes from people with an idea who are willing to take a risk and get started at home.

The same thing is true with this independent contractors issue incorporated into H.R. 1145. The thing is that if you are going to get started in offering services as your business, you offer that service as an independent contractor. That is, I go out or someone would go out and contract with someone to offer a service. But today the Internal Revenue Service Code has so many tests in order to qualify as an independent contractor it is almost an absolute barrier for someone who wants to get started in the service sector of our economy.

What is the fastest growing sector of our economy? It is the service sector of the economy. So just for example, I have a list of the tests that are here, and I do not think all of my colleagues understand all the tests.

Just for example. If a person hires another person or if I wanted to offer my services, and the person I was offering them to wanted to give me some instructions on how to do that or wanted me to have some specific training or wanted to provide some of the tools, or wanted to tell me what hours of the day that I might be able to do those services, all of those criteria, any one of them, not in combination but any one of those criteria, would make that person ineligible to offer their services as an independent contractor. The list goes on and on. If the person doing the hiring offers tools or the place of business, it almost makes it impossible today to offer services and in starting a business.

What is worse about that is if someone takes the risk of hiring an independent contractor that has started in business and an audit is conducted 3 years later, the tax penalties can be horrendous, so it creates more risk for that business enterprise who might want to start hiring a new business enterprise.

So H.R. 1145 also redefines independent contractor. It clarifies the definition, and it creates a safe harbor. What a safe harbor means is that if somebody hires an independent contractor to help somebody get started in business and it is later determined that it did not meet all of the tests, there are not any tax penalties in the past. It is prospective.

In other words, we can say that person did not qualify as an independent contractor for the future, but there are no tax penalties going to the past. This is a really good bill, it is a good bill for America.

In Montana I have 26,000 people who are self-employed operating from their homes, trying to get started in business, trying to provide for their families. What this measure will do is it will treat them fairly, like every other business and every other worker in America.

Mr. FOX of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I must congratulate the gentleman from Texas [Mr. SESSIONS] and the gentleman from Montana [Mr. HILL] for their leadership on this issue, which is going to help small business and is going to help the economy, frankly. Ninety percent of jobs, as I understand it, are jobs through small business, from the individual talent and enthusiasm and creativity of individuals who are really trying to make a difference.

So I would urge that my colleagues on both sides of the aisle, Republicans and Democrats, support H.R. 1145. This home office deduction and assistance with health care will help more jobs be created, and with our overall goal of having more people employed, stabilizing the tax base, we know small business is the engine of our economy, and I really believe this is a step in the right direction.

Furthermore, I have to applaud the gentlemen again, because frankly, IRS reform is an idea whose time has arrived, not only here as far as the home office deduction, which will create more jobs and create economic growth, but I believe it is a step in the right direction of making IRS more taxpayer-friendly, if that is possible.

I would like to see us actually change the burden of proof, that the taxpayer is presumed to be correct and the IRS commissioner would have the burden of proof. That is probably in another bill. But frankly, the American public would like to see this kind of bill move forward, and on any other sections the gentleman would identify where there is positive change making the Tax Code more clear, and maybe some day even having a flat tax would certainly be an idea we should move forward on as well.

Mr. SESSIONS. Mr. Speaker, I would like to continue this discussion so we can make sure that those people who are at home really understand what we are talking about when we talk about people who are out in the marketplace, people who are trying to comply with the law, honest Americans.

What I would like to do is, if I could, read some statements from congressional testimony that has been given one this year. It is a statement of Dale Frey. Dale Frey is a small business owner. I would like to read from that testimony, if I can.

It says,

> D.E. Frey & Company, a full-service broker-dealer, was organized in 1989. The company is privately held with offices in 22 States. The company has approximately 200 registered representatives that are independent contractors. The company provides administrative support for the transactions involving bonds, equities, insurance products, mutual funds, and unit investment trusts that are initiated by registered representatives for their individual clients.
>
> The registered representatives are individual entrepreneur business owners that are financially responsible for their own occupancy, telecommunications, information systems, registration, and all other operating expenses associated with offering their services to clients.

The Internal Revenue Service examined Mr. Frey's records for tax years 1993 and 1994. The company is a broker dealing with the Securities and Exchange Commission, known as the SEC, and a member of the National Association of Securities Dealers, NASD.

The Internal Revenue Service determined that each registered representative is an employee of the company, and that the company failed to withhold or pay taxes imposed by FICA and FUTA and income tax withholding provisions with respect to pay to such individuals. The IRS then assessed employment taxes of $1,160,884 and $2,113,614 for 1993 and 1994. This came on the heels of an IRS audit just 2 years earlier that determined that they were following the independent contractor status, that they were following the laws.

I also have a statement that was read by Mr. Raymond Peter Kane. Mr. Kane gave his testimony before the Committee on Small Business and the Subcommittee on Tax, Finance and Exports on independent contractors on July 26, 1995.

□ 1930

Here is what Mr. Kane said. In August 1991, he received a notice from the IRS that they wanted to conduct an audit for the fiscal year 1989. The audit took place over a period of several months and resulted in a finding on

February 18, 1992 of no change, which, as we know, means that the auditor found nothing wrong. During the 6 months that the IRS auditor was in the office, the contacts between his agent, between his agency and those of his independent contractors were carefully scrutinized and found to be in compliance with IRS rules and regulations regarding independent contractor status. However, 2 years later, with no change in IRS rules and no change in any contract that he had with the independent contractors, the IRS decided that these same independent contractors were really not independent contractors all along but that they were employees, and for the years 1992, 1993 and 1994, the IRS then demanded $274,000 in penalties.

This is the type of egregious action as a result of the IRS that we are talking about, why we have a problem, why we need 1145.

Mr. FOX of Pennsylvania. Mr. Speaker, if the gentleman will continue to yield, will H.R. 1145 ameliorate and solve the problems those two companies faced?

Mr. SESSIONS. We believe that what it will do is put very clearly and, let me get to the language, if I can, that will talk about this instance. What we are going to do is to make sure that codified within the law that we talk about what is an independent contractor, what are those tests that need to be done. How can the IRS, and should the IRS, look at an independent contractor. But what it is going to do is to reaffirm the 20-point test that the IRS has been working along this entire period of time.

Mr. FOX of Pennsylvania. Mr. Speaker, not only will it make sure that jobs are saved but they will not have needless lawsuits with the Federal Government to justify what they have been doing, which is correct to begin with under the original IRS examination; am I correct?

Mr. SESSIONS. This is correct, Mr. Speaker. So what we are talking about tonight, and I thank the gentleman for that insight that he offered, what we are trying to do is to make sure that the IRS gets it. Our independent contractors have already been following the law, people who are out conducting themselves as honest and fair Americans. Unfortunately what we are talking about tonight is an IRS that does not get it and so we are going to codify this into law, critical for the success of not only independent contractors but all Americans who may have these type of situations where they work out of their home and work as interested contractors.

Mr. HILL. Mr. Speaker, if the gentleman will continue to yield, H.R. 1145 does two things to help those folks that wrote to the gentleman.

First, it clarifies this definition of independent contractor because now it is a very confusing thing. Obviously in the case that my colleague has just described, one IRS agent thought they met the conditions; the next agent says that they did not. But I think that one of the other elements that are so important here is the safe harbor provision, so that if people are acting under the assumption that what they are doing based upon previous decisions or previous audits or previous consultations is the appropriate thing, that someone cannot come along later and not only force them to pay the taxes but impose these dreadful penalties on top of it.

So, it is very important here that folks understand that what we are trying to do in this bill is to make a clear definition of independent contractor so that it will eliminate the confusion but also in that process eliminate a safe harbor where people can be protected from having these huge penalties that would put them out of business.

I make note of the fact that, when you start a business there are two things most important to you. The first is to get customers, to get cash flow, business coming into your business. That is, most businesses fail because they do not get enough customers. The second thing is to generate cash flow. And this bill is in its entirety intended to help those small businesses, the most vulnerable businesses, the ones that are most critical to the future economy of this country to help them secure business by clarifying this independent contractor issue and creating a safe harbor but, in addition to that, helping them with their cash flow by giving them a fair treatment on the Tax Code with regard to business deductions.

Mr. SESSIONS. Mr. Speaker, as we talk about people who are in the marketplace, this growing part of the business, and we talk about the safe harbor, I believe that what we should do as a Congress is deal with problems in America. I believe that there is no problem in America that we cannot solve. But many times, public opinion polls feel like that all Congress is trying to do is to deal with something that would help us or special interest. Do you not believe that this deals with millions of Americans and what we know as the middle class and the guts of the problem where people who are trying to comply with the law, people who are putting their own capital at risk, people who are putting their name on the door, people who are worried about whether they can pay themselves and make that home payment and whether they can pay for their kids to go to school, this is the essence of what this is all about, that we will codify in law those things that honest, hard-working Americans want to have, wish to have and it is only fair for them to have.

Mr. HILL. Mr. Speaker, to me the American dream is the opportunity to do what you want to do or be what you want to be. And to be in business for yourself is one of those things. But we are in an economy in transition. Companies are downsizing. People are being laid off. People with a lot of skills who, if given the opportunity, can go out and start a business and often it is a service oriented business. And generally speaking they are going to operate that business from their home.

But just think about this, those people who would oppose this are the people who think that those folks ought to go on welfare or those people who think that they ought to collect unemployment benefits rather than to go out and provide for themselves and for their families on an equal basis. I hear a lot of discussion in the Congress about the lack of health insurance for families. Half of the children who are not covered by health insurance have parents who are temporarily unemployed. So what this bill would allow is important, those people who find themselves in that situation to be able to provide for their families by taking a deduction for their health insurance if they want to seek self-employment.

Mr. SESSIONS. Mr. Speaker, this deduction that I believe the gentleman is talking about is one that we would call pretax. This is the exact same pretax tax treatment that is given by corporations. So what we are trying to say is, these people who are self-employed, these people who are honest, hard-working, taxpaying families across this country would then have the advantage, the same tax advantage that would be given by law to someone who worked for a corporation.

Mr. HILL. Mr. Speaker, that is exactly right. Every employee out there whose employer offers health insurance to them receives that health insurance without paying taxes on it. The employer gets a tax deduction for that. We are talking about the self-employed.

The irony of this is that a person can be self-employed and have employees and be able to take a tax deduction for their employees' health insurance but they cannot take that tax deduction for their family's health insurance. What this would do is to make it fair so that those people who are out there taking risks, trying to develop new opportunities in the economy are treated the same as everyone else.

Mr. SESSIONS. Mr. Speaker, further, we find that another part of what this bill is to do is to clarify the definition of a principal place of business. So many times I hear people from Texas as the Representative from the Fifth District of Texas, I hear from people who are working out of their own home, trying to honestly and legitimately make a living without being on welfare, might we add, people who are trying to contribute something back to their community and what they are asking for is, why can we not have this home mortgage deduction?

What this 1145 would do is it would clarify this place of business, this home, this person, this place or where these people might have their business. What I would like to do is clarify exactly what we are going to codify. We would talk about a principal place of business, and for the purposes we are talking about a home office that would qualify for a business deduction if the office is in the location where the taxpayer did all of their management and business activities and conducted themselves on a regular basis; and that the office is necessary because the taxpayer has no other location for the performance of essential administrative or management duties that they have in their business.

This is what happens every single day by families who by circumstances may have been laid off from their company, by circumstances may have an opportunity because of children, children that they have to take care of and watch on a regular basis. These are the kinds of things that we have got to see the tax code evolve to. We have to see the tax code become responsible, not only as it evolves into the 1990s and the year 2000, but also as we evolve around life as we know it.

Mr. PAPPAS. Mr. Speaker, if the gentleman will continue to yield, I am very encouraged by my colleagues' discussion here tonight about what 1145 would do if enacted into law.

Most of us that are here are members of the Committee on Small Business, and even those that may not be, I know, are very committed to fostering the kind of opportunities for small business men and women in our country. Later this week, on Thursday in fact, the committee that we serve on will be holding a hearing regarding yet another piece of legislation which, if this had been enacted more than 20 years ago, I believe much of what we are talking about here tonight would not have to consume our time and our attention.

The piece of legislation that I speak of is called the Small Business Regulatory Enforcement Fairness Act, [SBREFA], another acronym for us to add to our lengthy list.

What this would do for certainly the public that may not be aware of this, this would require that each Federal agency consider the effect of any proposed regulations that they would write in order to enforce this particular piece of legislation. Had this piece of legislation been in existence prior to even the last year or so, there would be a couple of examples that I would like to give that would have really made a difference in the ability of small business people to survive.

The first, it even received some attention today in some of the periodicals that we read here, the filing of the payroll taxes electronically. Many small business people do not have the ability to do that. It is an unnecessary expense and I am very glad to see that that is at least being delayed. I certainly hope that it is going to be a permanent delay. The other is the 2.9 percent tax that limited partnerships are being expected to pay for Medicare. Some have referred to this as a stealth tax because of the way in which once again the IRS has interpreted some other actions.

Whether it is through the IRS's interpretation, through determining what an independent contractor is, then certainly the ability of that independent contractor to take a home office deduction is being determined. I would just like to comment on one specific part of this bill that was referred to a number of times that I have been active in the last several months, the home office deduction.

Again, for the benefit of those who are here in the gallery and those that are viewing, it has been just a little over 20 years since the Federal tax code was required to define the home office as a principal place of business and those people could qualify for the deduction. But through a period of time, the IRS's interpretation of what a principal place of business is, and then a subsequent court ruling by the U.S. Supreme Court, which was prompted by a specific case, I would just like to briefly describe it, a physician or an anesthesiologist by the name of Dr. Nader Soliman had obviously serviced his patients not in his home office but in various hospitals in the communities near where he resided. But his billing, the administrative part of his business was conducted from his home office. He believed, as I certainly do, that that was a part of the carrying out of his duties as an anesthesiologist, carrying out the function of his business.

The IRS challenged the interpretation that he made that that was a legitimate home based office, home based business. Through a court proceeding the Supreme Court in my opinion legislated and ruled against his ability to take that deduction. There are many other examples, there are people who are general contractors, painting contractors, that are landscapers, obviously cannot perform what most people or many people would view as their principal, the principal part of their business. Obviously a house painter has to go to someone else's home to paint their house, but who could argue that a part of his or her business is sitting in their office, sitting at their kitchen table, as the gentleman from Montana (Mr. HILL) said, and writing bills out and dealing with other paperwork, whether it is with an accountant. I am certainly hopeful and encouraged that this kind of piece of legislation would restore what I believe was the original intent.

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Mr. HILL. If the gentleman will yield, I think it is really important for our colleagues to understand exactly this point with this physician. Had that physician had an office that he rented somewhere, the cost of the rent of that office, the utilities for that office, the telephone service for that office, the janitorial service for that office all would have been tax deductible, no question. But by virtue of the fact that that physician had that in his home, that is what brought it into question.

The important point here is that we have an economy that is moving toward services, and when we deliver services we go to other places to deliver services. So, in essence, what the IRS ruling is saying is that if we provide services at a place other than our principal office, then we cannot take a deduction for a home office. It discriminates against the greatest sector of new entrepreneurial businesses that are being created out there.

Mr. SESSIONS. If the gentleman would yield, I also believe that from what I have seen in the Fifth District of Texas, that many of the people who are at home, who are operating these home businesses, are women, women who are trying to not only make a go of it with their marriage and family and children and the needs that come upon the business, but they are upstart women who have the ability to get out and to compete in the marketplace. I think this home office deduction really finds that the people that are discriminated against most are women, women trying to do these type of things.

I believe that H.R. 1145 will offer us a clear definition, one that the IRS cannot only understand but also that these taxpayers and these people who wish to make a go of it can have and avoid the IRS coming on them.

Mr. FOX of Pennsylvania. If the gentleman will yield, I think the discussion of my colleagues, the gentleman from New Jersey and the gentleman from Texas, all center on the fact that we want a reality check for IRS when it comes to being reasonable about regulations, which will help more people be employed, to start jobs.

I know from back home in Pennsylvania the chambers of commerce everywhere support this kind of legislation, H.R. 1145, which will in fact make sure the home office deduction is taken care of and that those who are self-employed will be able to have assistance on the health care.

And everyone knows that the best job is a private sector, newly created job. If it is a government job, it will end up, maybe, possibly, not helping our economy. We have seen that in a few instances. Does not mean every job. But I know that all the chambers of commerce, NFIB, every major organization that evaluates new employment, the private sector job is one that is lasting, one that helps the economy.

And like the gentleman from Texas said before, it certainly is with many of the new entrepreneur female-owned businesses that this will be a definite incentive for new businesses to be started.

Mr. SESSIONS. We also could, I am sure, include in there that they are doing this at their own risk. They are putting their own money right at risk. They think of that as a business. They think of that as an opportunity to go out. And it is incredible that the IRS would not even recognize this; that they would put that at risk.

Which goes back to the point that the gentleman from Montana was speaking about, this safe harbor, that is so important for people who are attempting to not only follow the law without being a tax expert, to follow the law and file complete and accurate tax records, but also to run their business. It is this huge burden that is not only on these types of people but I think upon all Americans to know and understand this magnificent document that is known as the Tax Code, but that yet is a burden to each one of us as Americans.

Mr. HILL. If the gentleman will yield on that point, having been a business owner myself, and starting in my own living room, I have some sense of this. But as the gentleman from New Jersey, Mr. PAPPAS, pointed out about business regulations, the burden of those regulations falls heavier on small businesses than it does on big business.

Big businesses can hire lawyers and C.P.A.'s and they can have full-time bookkeepers and people to understand that. This is just one volume of the Tax Code I am holding right here, and if we are starting a small business out of our living room, we do not have time to commit this to memory. Yet, if we do not, we can be at risk, at risk financially and our whole business enterprise can be at risk.

I want to give my colleagues a couple of statistics to put this in perspective. There are now 9 million, 9 million home-based businesses. Fourteen million Americans are earning their living from home-based businesses. From 1988 to 1994, the IRS retroactively reclassed 438,000 independent contractors as employees, and the fines and penalties totaled $751 million.

I can tell my colleagues right now that I believe the majority of those businesses were put at risk, perhaps put out of business because of the level of those penalties that nobody could possibly have anticipated.

There are 5.1 million self-employed head of households with 1.4 million children who are uninsured because they cannot take a tax deduction on their health insurance. We are talking about a lot of Americans, hard-working Americans. As the President would say, these are people out there playing by the rules, but the rules are working against them.

Mr. PAPPAS. The gentleman mentioned about families, individuals with children and the pressure that they are experiencing every day. Another benefit to H.R. 1145, and again the home office deduction, and before that maybe determining who is an independent contractor, which then would hopefully make them eligible for that home office deduction, but the cost of day care that so many families in our country are faced with.

The difficulty in finding adequate day care sometimes can be even more of a challenge with the many lengthy waiting lists that people encounter trying to place their children in a safe environment. But having the ability to work out of their homes, getting the deduction that I believe that these folks are entitled to, that it is not the U.S. Government doing them a favor by providing this deduction but doing something that is fair. As was said, if they had their business at another location, they would be entitled to these deductions.

But to have the flexibility to work from our home, a gentleman or a woman working from their home, being there when their kids get home from school, not having to worry about where the young people are going to go, whether there is a place for them to go, having that would be such a benefit.

Mr. SESSIONS. As we talk about these men and women who have their businesses out of their own home, I think it should be mentioned that they have to pay taxes also. They have to pay taxes as a result of being self-employed. They have to, in essence, double down, what I call double down, where they have to pay an employer's side and an employee's side: Social Security, what is known as FICA, unemployment, and all of these things.

So it is not as though this home business that we are talking about is not done within compliance of the law. In fact, there is a huge burden, I would suggest a bigger burden, that is on these people who must maintain records, must be able to run their own business while at the same time trying to survive with an onslaught of agencies and rules and regulations who are coming after them.

Mr. PAPPAS. If the gentleman would yield, just getting back to that, the gentleman from Montana holding up one of the two volumes, and people that may be watching this and contemplating their business and seeing just one of those might be discouraging them, and hopefully people will realize that people like the gentleman from Texas are trying to change that.

By putting in perspective again what it would mean, what a home office deduction could mean, using the scenario I mentioned, having the ability to take that home office deduction and saving the expense of child care, we are literally talking, for even a family or an individual with one child, several hundred dollars a month, conceivably maybe even more than that, with the potential savings from not having to place a child in day care and getting the home office deduction, it could really make a tremendous difference in someone's ability to start a business and continue over the first year or so when it is so critical for so many businesses that are really on the edge of collapsing.

Mr. FOX of Pennsylvania. I think the gentleman from New Jersey eloquently stated the importance of H.R. 1145 with regard to the home office deduction and raises a very important point; that for many of our families that are trying to make their own businesses, who are sometimes having multiple jobs and taking care of children, that day care becomes very important.

This week we will be introducing legislation which will raise from 30 percent to 50 percent the tax credit for employers that will be providing day care for their employees, and hopefully as well for the self-employed, thus allowing people who have to be working and raising their families to be able to make sure their children are in fact in quality day care.

And this is certainly an idea that has evolved from the leadership of individuals who are sharing the time here with our colleagues this evening, and I appreciate the point the gentleman makes about day care being of great assistance.

Mr. HILL. I think it is important for us to keep in mind that one of the problems, when IRS makes one of these determinations, retroactive determinations, is that this cascades down into some State government decisions too. Because it does not just impact the Internal Revenue Service and the penalties and the taxes that could be due, it also will impact the State revenue departments, which could also then have taxes due and penalties, often the State department of labor, which usually is the mechanism to deal with unemployment insurance premiums and can even go into the workers compensation and general liability problems. So it pyramids down or cascades down on these businesses, the penalties.

One of the interesting things I wanted to point out to my colleagues, coming from Montana as I do, with agriculture our No. 1 industry, this is a particularly interesting issue for folks in agriculture, because we have people like ditch riders, who are out there making sure the irrigation ditches are clear and clean and flowing; we have farriers, those are the people who shoe horses, who often operate as independent contractors; we have what we call calf pullers, that come out in the spring and help folks pull calves during calving season; sheep shearers; custom combiners; custom farmers. Those are all examples, just in the area of agriculture, of folks who often offer their services as an independent contractor.

But under the current test of the IRS, one could hire folks to do that and not meet the test of an independent contractor because the provisions are so narrowly defined. And out of the 20-part test, if an individual misses one part, that could disqualify them as an independent contractor.

So that is an example of one industry, a very important industry to my State, very important industry to all of America, where this independent contractor issue and the lack of safe harbor today can cause some very serious problems.

Mr. SESSIONS. So when we talk about H.R. 1145, I believe what we are taking about is that we have to codify the law, the law that is being misapplied by the IRS. We have to take into account that America has changed; that we now have not only a great amount of people who are at work either because they have been laid off or downsized or whatever the word might become associated with them leaving their work, or on their own they might have decided to do this.

So H.R. 1145 will take into account the changing climate that we have that will allow a deduction of home business expenses, that will be a safe harbor for those people who believe and expect and are trying to not only follow the law but to do that with the greatest of intent. We are going to have the law say that the IRS now would look at those people and not hit them for back taxes and penalties but rather to acknowledge that they were attempting to follow the law.

We will come in with H.R. 1145 and say that we will allow expenses related to health care to be treated as a pretax expense, which will put these people who are independent contractors and those people who work at home and those people who are self-employed with the opportunity to have health care, to have the opportunity to take care of their families, the opportunity to be able to comply with the tax law that would be consistent with what corporations are allowed.

And then, lastly, that we are going to look at the independent contractor status that would say that the 20-point test that is used by the IRS, that we are going to look at and codify that, or make changes in the law so that the IRS would have to say that what that independent contractor had been doing as they followed the law they would not be liable for taxes and penalties related to their performance under law.

Mr. FOX of Pennsylvania. If the gentleman will yield, what is the status of this legislation now within his committee?

Mr. SESSIONS. The status of this legislation is that, and I am not on the Committee on Small Business, but the status is that we are debating this tonight with the full expectation within the next week and a half or two that we will be debating this on the floor.

Mr. PAPPAS. I think what we are talking about, and was said a number of times, is that we need to be cognizant of the changes that are going on all around us in our economy. The American people certainly are aware, and maybe more than folks in Washington, DC are.

I am very encouraged by the discussion here tonight and proud to tell my colleagues a story about what is going on in my State. In the State of New Jersey, there is a member of the State legislature, the lower house, which is called the General Assembly, a legislator from my district whose name is Joseph Azzolina, a long-time businessman, very successful businessman, and he has recently introduced a bill in the State legislature that would amend the State municipal land use laws which deals with zoning.

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What it would do is recognize that many people work from their homes, and that zoning ordinances not be a hindrance for those that would want to use a very small portion of their home in order to conduct their business from it.

Currently, many municipalities in our State have somewhat restrictive ordinances. With the changes to our economy, Joe Azzolina's initiative I think really goes hand-in-hand, or hand-in-glove, with what we are discussing here tonight. And it was very coincidental that this piece of legislation and another one that I authored dealing with the home office deduction and his introduction in New Jersey were, I think, within a couple weeks of one another.

Back home in New Jersey, people are very, very much encouraged; the chambers of commerce, the NFIB, and just independent business men and women throughout central New Jersey are very encouraged that it seems that those of us that are in Washington and those in our State capital in Trenton really seem to be getting it and coordinating their efforts to really make a difference in the lives of the business owners of our State and our Nation.

Mr. HILL. If the gentleman would yield, he knows, and he serves on the Committee on Small Business, as do I, that we have a lot of programs that we fund, advocacy programs for small business. We have small business development centers where we help people that are thinking about going into business develop business plans and understand the issues associated. We have micro business loan programs. We have got community block grant programs that are loan programs that businesses can participate in to help expand and grow their business. We have procurement provisions and rules with regard to how Government buys things that are oriented to helping small businesses participate. We have programs in the area of research to fund people who are trying to start small research companies.

There are all kinds of things that we are doing on the one hand to try to promote small businesses because it is a good thing to do. Small business, we all know it is the engine of our economy, it is what creates opportunity, it is what renews the American dream. So we have all these programs out here that we are helping fund, that we are helping to promote small business. Then, on the other hand, we have IRS regulations and a punitive Tax Code that is making it difficult or impossible for those small businesses to succeed and prosper.

What this issue really boils down to, in my judgment, is just one word and that is "fairness." All we are asking here is that small businesses, micro businesses, the most vulnerable businesses but the most important businesses because they are new businesses, be treated fairly, that they be treated like any other business would be treated with regard to tax policy, dealing with the health insurance deduction, the deduction for legitimate business operations.

We are not suggesting here that a business would be able to take a deduction for something that is not a legitimate business expense. We are just saying that a legitimate business expense incurred in the home ought to be deductible, and that they have some clear definition they can offer to their customers and to other contractors that they might associate with or hire so that everybody can feel secure.

Mr. FOX. The fact is that everything that has been discussed certainly is key about how we are going to move forward in this country. I know in Pennsylvania, where our No. 1 business is agriculture, we also have in the Delaware Valley in southeastern Pennsylvania what we call the Ben Franklin partnership, which is the universities, the businesses, and the government working together to have business incubators, entrepreneurship, new jobs. How can we take all of that effort from the universities, the government, and the schools and industry and not save it?

We have to find ways, not only this bill, H.R. 1145, which is going to do a great deal with the business expense for home office, we also need to be looking at things that will help farmers, for instance, be able to pass their business down to the next generation without having to sell the family farm to pay for taxes. So the inheritance tax reduction that my colleague has been fighting for for his residence is going to be going a long way in the right direction, as well as H.R. 1145.

Mr. HILL. If the gentleman would yield, he is absolutely correct about agriculture. The greatest threat to agriculture, the family farm in America, is the death tax. As my colleague knows, many, many farms and ranches today cannot produce the cash flow necessary to pay the tax burden to pass that business on to another generation, whether it be done by selling it or gifting it or the death tax.

This is a tremendous threat to family agriculture in Montana. I know and my colleagues know that part of the budget agreement and part of the effort of our conference has been to put a focus on the importance of bringing the death tax down or eliminating the death tax so that business enterprises and farms and ranches can continue to stay in business, continue to put people to work, continue to provide important products and services to build our exports, to build the strength of our economy.

Mr. PAPPAS. If the gentleman would yield, the death tax that he referred to is even important to agriculture in a State such as mine. It is the Garden State, and we are very fortunate in central New Jersey to have many very productive and active farms, and farms that are owned by families for generations.

But the elimination of the death tax, I believe, is an environmental issue, certainly in an area such as mine where there is such pressure for development, and that many of these family-owned farms where certainly it is the desire for these farms to be passed from one generation to the next, that the heirs sometimes are not in a position of determining whether they even want to continue to farm because they cannot pay the estate tax bill.

There was an instance in my district just last year that a longtime, very prominent farmer had passed away and his daughter wanted to keep the farm from being developed and she was not able to pay it. But we have a farm preservation program in our State where development rights are purchased by the counties and the State and paid to the landowner, so the farm has been preserved in perpetuity. But that is not always the case and those options are not always available.

I personally just want to conclude my participation here tonight by saying how privileged I am to be serving with these three gentlemen. I know the commitment that they have to fostering an economic environment that can help the little guy and the little gal, and that is what we are talking about here tonight. We are talking about fairness, we are talking about really helping those that just want the opportunity to pursue the American dream in their own way. That is all they are looking for. They are looking to be treated fairly, looking for the chance, and some of these things that we have spoken about tonight would just provide that chance to so many people in our great country.

Mr. HILL. If the gentleman would yield, I just want to compliment him for his work on the Committee on Small Business and his work with regard to the issue of capital gains tax. I do not know about him, but I think I have cosponsored several capital gains and death tax bills. I also am the original sponsor of one bill that would completely eliminate the estate tax and treat estates like a capital gain at a substantially reduced rate.

The key thing here is that we have got to reform our Tax Code so that it is not interfering with the decisions that people make to go into business or stay in business, so it does not discourage people from putting people to work.

One of the things as I travel about Montana, I hear small business people saying to me, "You know, I do not know that I want to hire any more employees." There are too many liabilities, too many obligations. That is the worst thing that we could have happen in this country because it is small businesses that are creating the jobs, and those businesses are growing into bigger businesses and growing into larger businesses, and they are putting millions of Americans to work and they are renewing our economy.

This is just one measure. But I know all four of us, and I want to compliment all of my colleagues here for their work in this area because we all understand that it is those small businesses that we need to help, the businesses that are most vulnerable that we need to work for.

So, as I conclude my remarks here tonight, I just want to thank all three of my colleagues for their work with me and with others in trying to accomplish that in this Congress.

Mr. FOX. If the gentleman would yield, I also want to conclude by saying that H.R. 1145 is key legislation in this Congress. It is bipartisan. It is pro business. It is pro jobs. It is pro family. And it is long overdue to be passed.

I have to give my proper gratitude to the gentleman from New Jersey (Mr. PAPPAS), the gentleman from Texas (Mr. SESSIONS), and the gentleman from Montana (Mr. HILL) for their leadership, not only on this kind of legislation and moving it forward, but as Members of the freshman class and showing real leadership within the whole body in a bipartisan fashion, which I think is going to be the kind of example for having legislation passed which is going to be not only helpful to their constituents but the whole country. I appreciate the work that the gentleman from Texas is doing on the Results Act. I think we need to come back here for further discussion on other changes to the IRS that are going to help businesses, help individuals, and help our families back home.

Mr. SESSIONS. I thank the gentleman from Pennsylvania (Mr. FOX) so much for being here, the people of Pennsylvania are well served, and the gentleman from New Jersey (Mr. PAPPAS) for his participation here tonight, the people of New Jersey have done very well, and also to the gentleman from Montana (Mr. HILL), those voters are well served, also.

I think that what our discussion tonight has been about is that we want to be probably just a beacon, albeit just a small beacon, that is speaking on the floor of the House of Representatives to try to be that voice, that voice to people, Americans, who are out there in the heartland, who are trying to make a go of it, people who do own their own business, who are independent contractors, those people who do have to worry about paying for their health insurance out of their own pocket, those people who are trying to make a go of it that are not given a home business deduction that they should have.

We stand up tonight as a voice to those people and say, "We hear you in Washington, DC. We know what you are struggling with." I hear it in the fifth district of Texas. H.R. 1145 is not all-encompassing, it is not that magic bullet that will give tax relief to all Americans, but what it is is an opportunity for us to not only clarify and codify law but to give a reintention to the IRS and to these small business owners so that they recognize that someone does hear them in Washington, DC.

I would like to go through this, if I can, just to summarize once again what H.R. 1145 does. It allows for the deductibility of expenses for a home business deduction. It offers a safe harbor, an opportunity for those people who are attempting to comply with the law, that when they do come into contact with the IRS, that they can prove to the IRS that they are attempting to follow the law even if they might have not have done so exactly to the full intent, that they are attempting to do that. It gives them an opportunity to be safe without having these back penalties.

It will also allow for the expenses related to health care to be treated the same on a pretax basis as corporations have. And, lastly, it is going to codify rules that are related to the tax status of independent contractors.

I think this is important for America. I hope that tonight we have talked about things that represent the heart of problems in the heartland, that we are talking about important things, not talking about something that would be good just for a Member of

Congress or a special interest but, rather, for the working middle class of America.

HOUR OF MEETING ON TOMORROW

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, that it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MFN FOR CHINA AND NAFTA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, in the coming weeks and months we will be considering two major questions in the House that will reveal a lot about how we, as a Nation, value human rights and the well-being of our workers in America.

The first question that we will answer is whether or not to extend most-favored-nation status to China, to give China low tariffs on their exports into our market. But let us be clear, this is not just a simple decision about trade rights. This is a decision that will affect the lives and the jobs and the paychecks of every single American worker for decades to come.

The second question we will answer, probably later this year, is whether or not to provide what is called fast track trade negotiation authority in order to expand NAFTA to new countries. Now, NAFTA, the North American Free Trade Agreement, is no longer a question of theory. It has had more than 40 months to prove itself.

We have seen the effects that NAFTA has had on our families, on our jobs, our wages, and on our country, and I regret to say that the news is not good. NAFTA, by any reasonable measure, has failed to live up to its billing. Many of us believe that before we expand NAFTA, we have got to fix it, and there are a lot of things to fix.

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If a house is on fire, if a basement is flooded, if a roof is caving in, it is fixed before adding a new addition. We need to fix NAFTA. In many respects these issues of most-favored-nation trade status with China and NAFTA are connected. They are both about extending trade rights. They are both about wages. They are both about jobs. They are both about human rights.

The problems with our economic relationships with China and Mexico are much more serious than some people are willing to acknowledge. Let us just draw a quick comparison with our pursuit of the balanced budget which has become an obsession in our Government, and some might say in certain circles, in our country.

Our budget deficit is expected to be a little over $60 billion this year. It has come down dramatically over the past 4 years because of a tough economic plan that we passed on this side of the aisle in 1993. It brought the annual deficit down from $300 billion a year to approximately $60, $65 billion by the end of this fiscal year. We have a plan that is moving through the Congress now to take us the rest of the way.

But listen to this. Our trade deficit with Mexico and China combined could be $60 billion this year. We have a deficit, an annual deficit of about $60 billion, domestic deficit. Our trade deficit could equal that with two countries. Last year was a record $40 billion with China and $16 billion with Mexico. This year it could be bigger, as much as our budget deficit. But are we doing anything about it? Is there any attention to address this problem?

We cannot simply cover our eyes and pretend that all is OK and the status quo is working. It is not working. But if we simply pass MFN unconditionally and extend NAFTA, we are going to make this problem much, much worse.

While the trade deficit is important as a statistic, it represents a much more serious trend in America today that is taking our Nation in the wrong direction. It is driving down the wages of workers and it is also reducing our moral authority to speak seriously about human rights, which both issues, the wages of workers which are being driven down and the human rights issue, are kind of the hallmark of what America has been about these past 100 years.

They do not call it the American century for nothing. It is the American century because people stood up and they fought against tyranny and repression. It is the American century because workers in this country banded together for a decent wage, better working conditions, a sense of dignity, the ability to collectively come together and bargain for their sweat. That is why it is the American century.

And here we have a situation in which those rights, those human rights and those worker rights, are being gobbled up, are being eroded, are being steamrolled by this globalization, free-market, unfettered movement that has nothing in its way. Indifferent government, weak labor, except for America where it is on the rise and a few other places in Europe. Nothing in its way. Multinationals moving forward, looking for the lowest common denominator, the lowest wage nations to move their jobs to maximize their profits.

A study done earlier this year shows that China and Mexico attracted more foreign investment in manufacturing plants than any other developing nations, investment that is taking advantage of favorable trade rules that are provided to China through MFN and Mexico through NAFTA. And instead of creating consumer markets where the workers in those countries earn a decent wage so they can buy the products that they make, or building democracy which is fundamental to a free country, our proponents would lead us to believe that the policy that they have is working and that if we just let it work, these things will happen, democracy and better wages. That is what manufacturing investment means to them. They are taking root in low-cost labor markets.

In Mexico, it is 70 cents an hour. I just came back from Mexico a couple of months ago. I was down to the maquiladoras, the area along the border. I had been there before. Before we were doing NAFTA, about 40 months ago, workers were making $1 an hour there. Now they are making 70 cents an hour. I saw it with my own eyes, I talked to the workers. They make $5 and $6 a day. In China, it is lower than 70 cents an hour, or it is even prison labor.

The most important impact this investment has on American workers is on their wages. People say to me, what does this have to do with my wages here in America, if they are making less than 70 cents an hour in China and 70 cents an hour in Mexico. What does it have to do with me?

What it has to do with Mr. and Mrs. America is that corporations are moving jobs to low-wage developing nations, and they are saying to bargaining units, or those people who are talking for wages or worker rights or safety rights in the workplace, If you do not take a wage that is frozen, or if you do not diminish your wages somewhat or if you do not relax some of the standards that you are demanding on safety, we are out of here, we are gone. This is not just me making this up. There have been studies done and studies recently that I am going to talk about in a few minutes, that indicate this is happening all over America.

It is a drive to the bottom, to the lowest wage, something the economists call downward pressure on wages. It is pitting our workers against the low-wage workers in developing nations. It puts pressure on their paychecks. If workers ask for a pay raise, companies say, "We'll just move our jobs overseas."

They can do that because under MFN for China, they get favorable access to our markets if they relocate in China, and they get a government that does not tolerate workers who stand up for their rights. Under NAFTA, corporations get investment guarantees in Mexico, what is essentially free access to our market, and a system in which the government, the business community, and union officials conspire to hold down wages.

There is nobody who speaks for the worker in Mexico. The government does not. They attract corporations based upon the fact that they can guarantee their investment and guarantee low wages. The union there is corrupt. It is in cahoots with the government and the corporations. When people try to speak out independently, they get thrown in jail.

Some would suggest that the alternative for our current failed policy is protectionism, high tariffs, put walls around our country. We reject that. There is nobody here that wants to go back to those days. That is not where we should go. We do not want to go back to the walls of protection. We want to go forward.

We want a trade policy that values the workers who make trade possible, not just trade itself and the multinationals and the corporate heads, the workers who make it possible not only here but in the developing countries and other countries we trade with. Because it is only when the workers are strong that they have the ability to earn a decent living, that they can purchase the products that are being made. It is a simple lesson that Henry Ford taught us many, many years ago in this country, that if you pay the workers on the line a decent wage, they will be able to buy the car, and he instituted $5 a day. By the way, the wage that Mexican workers make today, he instituted that 70 years ago.

We will only move forward if we deal honestly with China and Mexico. We have waited 8 years now since the Tiananmen Square massacre for engagement and MFN to change China. The argument of the supporters from MFN for China goes something like this: "If you just let us into China, just let us go there and trade with them, the economy will grow, human rights will get better and everyone will benefit." But the list of human rights abuses grows longer and uglier every day.

Let me quote something that was in the New York Times today. It was an op-ed piece by A.M. Rosenthal. He, in turn, is quoting from the State Department's human rights report on China. I quote:

> All public dissent against the party and the government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.

I want to repeat that.

> No dissidents were known to be active at year's end. Even those released from prison were kept under tight surveillance and often prevented from taking employment or otherwise resuming a normal life.

They do not tolerate dissent. They do not tolerate another opinion. They do not tolerate free speech. It is not a free country. Yet we in this body, in our government, have sanctioned a most-favored-nation policy of trade with China. A most. Not a good, not a better, a most. The best. The best terms.

Clearly things are not getting better in China. They are getting worse. But the corporate lobby, and, boy, they are all over this town. One cannot breathe without running into the large corporate lobby in this city working for the passage of most-favored-nation treatment for China. The corporate lobby and all the establishment tells us that unless we extend MFN and unless we engage, we will get left behind and we will anger China. But by my count, we are already behind. We have got a $40 billion trade deficit. We have got to engage in a different way, because our current policy is not fostering human rights, it is not helping us economically, we are on the short end of a bad trade deal. The fact is that we have the leverage on this issue. We are the most powerful nation, we have got the biggest megaphone, the highest pulpit and the greatest leverage in the world. Our consumer market is what China wants. It is what everybody wants. They want the American consumer market. More than one-third of China's exports go to the United States. We are one-third of their export markets. Of all the things they make in China and ship it out, one-third of it comes here. China represents only 2 percent of our export market. Two percent. It is not hard to see who has the leverage. We do. They want us. We can barely get in there. Workers who are being forced to compete against prison labor and slave wages and dissidents in China who are struggling to have their voices heard, they deserve better. They deserve to be heard. The past 8 years since the Tiananmen Square massacre have shown us that extending MFN has not amplified those voices. It has muffled them. If we reject MFN and honestly deal with China, those voices can be heard, democracy can begin to sprout some roots and we can move forward. We can have a dialoge. We can have an understanding. If we do not, we can expect more of the status quo. That is not a winning proposition for any of us. Except for the multinational, transnational corporations who are doing just fine with the current system. They have a record of profits, they have lower labor costs, and they have bigger paychecks for the bigwigs.

I said earlier, it is not just China. If we take a close look at the results of NAFTA after 41 months, we can tell that the ultimate aim of this trade policy is for corporations. It is to maximize their profits, to guarantee their investments overseas and to use these trade agreements to reverse the gains that workers have made. NAFTA is being used as a weapon to dampen the efforts of American workers to earn a decent wage and to seek the right to organize and to collectively bargain.

□ 2030

It has given corporations a license to pursue a race to the bottom strategy to drive down wages, to bust unions, to take away all those rights that your parents and your grandparents worked for, were beaten up for, some even died for. They fought too long and too hard for these rights: the rights to organize, the rights to collectively bargain, the right to earn a decent wage, to be safe in the workplace and the many other things that I could go on and mention here this evening. Corporations are now using NAFTA to erode these rights by pitting workers against each other and by threatening to move jobs to the lowest cost labor markets. NAFTA gives them a license to do that. It does not require them to raise Mexican standards. It gives them an incentive to lower U.S. standards. It practically guarantees them that they will not be caught because NAFTA does not give workers a real voice in that decision making process.

Got a chart here: United States puts downward pressure on wages. Sixty-two percent of U.S. employers threaten to close plants rather than negotiate with or recognize the union, implying or explicitly threatening to move jobs to Mexico.

Now not long ago Cornell University did a study for the Labor Department, a study, by the way, that the Labor Department refused to release. They found that 62 percent of the companies, as this chart shows, are now using Mexico and other low wage nations as a bargaining chip to drive down wages. Sixty-two percent of American companies say to their workers, you all take a pay cut, if you do not hold back on those pension benefits or those health benefits, if you do not take a cut in them because, you know, we cannot compete here, we got to cut corners, and if you got—we got to take some back, some of those benefits in health and pensions. If you do not do that, we have no choice, we got to go, we got to go to Mexico.

And it is happening every day, and yet when workers, as I said earlier, in Mexico try to organize, try to form unions, try to fight for better pay to take away that bargaining chip, what happens? Well, they get arrested.

I was in Tijuana about 3 months ago, and I saw with my very eyes. I talked to a leader of a colonia village, to a man who went out and stopped the production at a facility located near the village where they were paying 70 cents an hour, $5 and $6 a day. They stopped production, got all the people together to stop for 2 hours because they did not have proper safety standards in the plant and people were losing their fingers and their hands. And as a result of that he got fired, and when he tried to form an independent union, he was arrested, and he had very little recourse to the judicial system because the judicial system does not work for average working people there.

So you get thrown into jail, you get thrown into jail when you stand up for this, and 4 years ago on this floor in this body we as a nation put a stamp of approval on all of that by passing the North American Free Trade Agreement, that North American Free Trade Agreement.

Let me cite a passage from this Cornell study because it will show our colleagues exactly how this is working. This passage discusses why companies after an effort by workers to organize in the United States have fled to Mexico at double the rate since NAFTA took effect. Remember NAFTA took effect about 41 months ago, and here is what the study said.

The fact that the post-election plant closing rate has more than doubled since NAFTA was ratified suggests that NAFTA has both increased the credibility and effectiveness of the plant closing threat for employers and emboldened increasing numbers of employers to act upon that threat. In fact, it goes on to say in several campaigns the employer used the media coverage of the NAFTA debate to threaten the workers that it was fully within their power to move the plant to Mexico if workers were to organize.

Now the study's author, Kate Bronfenbrenner, Cornell, concludes, she concludes that plant closing threats have tripled since NAFTA took effect in 1993 and shifts to Mexico have doubled.

Let me now turn to a few examples of how corporations have used NAFTA to drive down wages in the United States or to shift their production to Mexico to do exactly what this Cornell study has suggested, and then I would like to yield to a couple of my colleagues who are always here and are always fighting for working people, the gentleman from Vermont [Mr. SANDERS] and my friend, the gentleman from Cleveland, OH [Mr. KUCINICH].

A couple of examples: Guess Jeans; you know those are the jeans that you see, little tag on the back. They used to be made in Los Angeles. They are now being made in Mexico and elsewhere because workers in Los Aangeles asked for decent wages and a safe place to work. The company knew it could exploit workers in Mexico, where the government and businesses and union officials, as I said, conspire to keep wages low. So it shifts thousands of jobs to Mexico instead of trying to work out a solution with the workers in Los Angeles.

In El Paso, TX, even workers making as little as $4.75 an hour, which is the minimum wage, are having their jobs shipped across the border to Mexico to multinational corporations in search of the lowest wages possible. Workers making the minimum wage are not even safe because NAFTA has created, as I said, a race to the bottom in search of the lowest wages possible.

In 1994, workers were attempting to organize an ITT automotive plant in my home State of Michigan, and the company was resisting. The company used the threat of moving to Mexico in a very blatant fashion. During the organizing campaign the management took apart an assembly line in the plant; you know, they shrink wrapped it in packaging, and then they took it outside the plant, and they had 13 flatbed trucks. They loaded it all up on the trucks, and on the side of those trucks there was this big bright pink sign that read "Mexico transfer jobs."

Same company flew employees from their Mexican facility to videotape Michigan workers on the production line which the supervisor claimed they were considering moving to Mexico. So you know they bring people in, they intimidate them right in the factory, and needless to say, the union lost the election in that plant, and this type of thing goes on, and on, and on and on.

Let me just show you this one other chart. Companies use NAFTA to drive down wages for American workers. This is a poster that was put up just 2 months ago, a company called NTN Bower used a very provocative flyer right here to try to undermine an organizing drive in a Macomb, IL, plant. The flyer makes a threat. It says if the workers decide to join the UAW, their jobs may go south for more than just the winter. The leaflet notes there are Mexicans willing to do your job for $3 and $4 an hour; the free trade treaty allows this.

Well, people do not make $3 and $4 an hour down there; I can tell you that. They make 70 cents an hour, and you get a great job if you can find someone who makes $2, $2.50 an hour. But the point is these threats are being used against American workers and driving down American wages.

Now, this is perhaps one of the most blatant examples of how companies are using NAFTA to stop efforts by workers to improve their wages and benefits, but as I said, it is happening every day, and 62 percent of employers are doing the same thing. The author of the study, Kate Bronfenbrenner, made the following conclusion. This is what she concluded after doing her study:

NAFTA has created a climate that emboldened employers and terrified workers. That is what we did here. We emboldened the employer and we terrified the workers, not knowing whether they would be secure in their jobs, whether they would lose their jobs, whether they would have decent pensions or health care benefits or how far their wages would be driven down before their jobs finally left and went to Mexico.

Now, these same companies that promised to create jobs under NAFTA, but who are instead using it as a threat to drive down wages in this country, now want to expand it to other countries without any prediction for workers. This problem is only going to get worse because it is not only Mexico that is being used as a bargaining chip. NAFTA supporters would like next to go to Chile, but the nation of Chile is being used as a bargaining chip as well, and I am not going to go into a long debate about Chile today, but I can cite some examples about the Goodyear Tire & Rubber Co. and some other folks who are using the Chile export strategy as a way to drive down wages and other benefits of workers in Ohio.

So this trend will continue on and on unless we seriously address the issues of wages and workers' rights in our trade agreements and unless we honestly deal with China.

The current system is tragic for working people in this country and Mexico and China and does not have to be permanent, though, does not have to be this way. We need to remember this is not just about markets, trade barriers. This is about jobs and living standards, about human rights, and most importantly it is about human dignity. These struggles are about people, and the struggles we are about to engage in have been fought, as I said, in this country and around the world by an earlier generation of workers.

Turn of the century, the Industrial Revolution brought about massive changes like the changes we are undergoing today, much as the global economy and the technology and information are changing the landscape of today, and the giant corporations then sought to control the process. They exploited the workers, they exploited the land, but people got fed up. They decided they are going to fight back, and they banded together, and together they made a difference. They elected people to office who wanted to break the trust. They elected people to office who wanted to provide a decent wage and decent health conditions. They formed their own unions so they could bargain for their sweat.

That struggle led to the creation of a system of labor and social and health rules which increased our standard of living beyond which any other nation has been unable to exceed. Hence the American century. But it is that very system that is under attack today, the very system that they created, and we cannot afford to go backward before these protections were in place. And that is where we are going.

Mr. Speaker, we are going back, we are not going forward. The President talks about the bridge to the 21st century. It has got a curlicue at the top because it is going back to the 19th century. The President needs to straighten it out, move forward with the workers, not with the presidents and the CEO's and the multinationals and the transnationals. This debate is about our economic future and whether we want to take our Nation forward or go back to an era in this Nation in which worker rights were not guaranteed and in which a few wealthy corporations controlled the economy and in which people were unable to speak out as they are unable to speak out in China today.

We do not want to see our Nation go back to where we were 100 years ago. We want a trade policy that will move us forward, and that is what we will keep impressing upon our colleagues in the weeks and months to come.

I want to thank my colleagues for their patience, and again I am just very honored to be joined today by the gentleman from Ohio [Mr. KUCINICH] and the gentleman from Vermont [Mr. SANDERS], and the gentleman from New York [Mr. OWENS] has joined us. I would be happy to yield to any of my friends.

Mr. SANDERS. Thank you very much, and I want to congratulate you on the leadership you have shown in fighting for a fair trade policy in this country over the last many years and for the rights of working people.

I think the proof basically is in the pudding. If our current trade policy in terms of NAFTA, in terms of GATT, in terms of MFN with China was a success, then we would see it. We would see it, and how would we see it? Well, we would see that wages for middle class and for working people would have gone up. That is what we would have seen. That is what a success is. People would be making more money.

But what is the reality? The reality is that in 1973 the average American worker earned $445 a week. Twenty years later, taking inflation into account, that same worker was making $373 a week. Real wages have declined precipitously.

Now if this trade policy was working so well, then the working men and women of this country would be working fewer hours, they would have more time to spend with their kids and with their families.

Family values; we all remember that expression. But I will tell you something going on in Vermont that I expect all over this country is that the working families in my State are working longer hours. In the State of Vermont we have many workers who do not have one job, who do not have two jobs; they have three jobs, and many women who would prefer to stay home with the kids are now forced to go out and work because the family needs two breadwinners.

So where is the success of this trade policy? Is it working well? Well, we have to acknowledge, yes, it is working well for some. We were all delighted to read several weeks ago that the CEO's of major American corporations last year saw a 54-percent increase in their compensation. Hey, that is not too bad; a 54-percent increase. The average worker barely kept up with inflation, and some workers went below inflation, continue to see a decline in their standards of living.

□ 2045

The average CEO is now making over 200 times what the workers in the company are earning, which gives us by far the most unfair distribution of wealth and income in the entire industrialized world.

So I think there is a little bit of confusion when our friends in the corporate media tell us how good our trade policy is doing. They hang out at the country clubs with their other rich friends and they all talk to each other and say, "Hey, how are things going, Joe?" "Pretty good. Made 60 percent more this year than last year." Write an editorial, things are going really good.

But they forget to go into the small business community and they forget to go into the factories and into the plants. Talk to workers there and what do the workers say? They say, "They cut back on our health care benefits, they lowered our wages, they are forcing us to work more hours for less pay." But that is the part of America that we do not see reflected here in this Congress very often, we do not see reflected in the editorial pages of America's newspapers.

The whole issue of so-called free trade is not very complicated. Just imagine any community in America, any normal community, and just suddenly see the size of that community double and that the people who came in were prepared and forced to work for 20 cents an hour or 40 cents an hour.

Now, what do we think would happen to wages and benefits in that community? It does not take a Ph.D. in economics to figure it out. Employers would much prefer to pay people 20 cents an hour or 40 cents an hour. I think in Vietnam now they have gone down to 6 cents, that Nike has finally reached the lowest of the low, that in Vietnam they can hire people at 6 cents an hour. So what do you think happens in a community with wages? They go down and benefits go down.

So-called free trade that exists right now, whether it is MFN with China or NAFTA, is an effort by corporate America to take decent-paying jobs in this country to desperate Third World countries, exploit the people there, rather than pay American workers a decent wage.

It seems to me that our challenge is not only to end the exploitation of Third World workers, but to develop trade policy and tax policies that say to the Nikes and the other major corporations in this country, "Hey, come back to this country. If you want Americans to consume your products, how about giving them a chance to manufacture those products?"

I think this is the crux of the entire economic crisis that we are facing. We have to get a handle on this trade crisis, or else we are going to see the middle class continuing to decline and the standard of living of working people go down and down.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments.

I said a little earlier, before the gentleman arrived, that our trade deficit with Mexico and with China together is approximately what our annual deficit in this country is in our Federal budget. The real focus ought to be on our trade deficit, because pretty soon people are not going to have the money to buy the products. Who will buy the products?

If we keep competing to the bottom as we are forced to under this non-system, this unfettered free market process that we are engaged in, we are going to have a hollow shell. The top 20 percent will be there, they will be fine, they will be okay, but the folks underneath will not have the wherewithal to purchase and then we will start to see a decay in our economy slowly.

I yield to my friend from Ohio [Mr. KUCINICH] who has been here, and I thank him for staying this evening and for his contribution to this debate which has been substantial.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Michigan [Mr. Bonior] his leadership that he has shown for this country on this most significant of economic issues. The American people really owe the gentleman a debt of gratitude for being willing, week after week, to come before the people and state the case for the American people to look at this issue and to consider the impact it is having on their lives. I appreciate the chance to be here with my good friends, the gentleman from Vermont [Mr. SANDERS], the gentleman from New York [Mr. OWENS], and the gentlewoman from Ohio [Ms. KAPTUR].

As the gentleman just stated, we have these raising trade deficits. As a matter of fact, since NAFTA was passed in 1993, our combined trade deficit with Canada and Mexico has gone up about 400 percent, 400 percent. When we see a trade deficit go up, that means that jobs are being created there but we are losing jobs here. It is very simple. We are not finding any way that we can make up for that. It is not happening.

So in Mexico alone, I think in 1993 we had a surplus of trade with Mexico of about $1.7 billion. The last figures for 1996, we have a trade deficit. The surplus went to a deficit of $16.2 billion, and that is all due to NAFTA.

Mr. BONIOR. Mr. Speaker, it is a loss of jobs, but what happens often, and we have talked about this before, is that these people get other jobs. They lose their jobs because they move to Mexico or China or Indonesia or elsewhere. The people get other jobs eventually, often, but the studies that we have seen show they get jobs at wages that pay about 60 percent of what they were earning originally.

Mr. KUCINICH. And that is inevitable.

Mr. BONIOR. That is why, as the gentleman from Vermont [Mr. SANDERS] correctly stated, people are now working two and three jobs and they do not have time for their families.

Mr. KUCINICH. Mr. Speaker, when we consider, as we just spoke of, a combined trade deficit increasing by 400 percent over a 3-year period with respect to Canada and Mexico, and now when we consider China, the United States trade deficit with China has grown at a faster rate than that of any other major United States trading partner. The level of imports from China more than doubled between 1992 and 1996, and the United States trade deficit at this point is about $40 billion. That was in 1996, and of course China is the fourth largest supplier of United States imports.

So what are we taking in from China? I think most people would remember they are toys and games, footwear, clothing and apparel, and telecommunications equipment. That is what we are bringing from China to the United States, and all of those industries, which were very good industries in this country at one time, have been greatly affected. The people who worked the jobs manufacturing those goods have had to go to other areas where, as the gentleman from Michigan points out very correctly, if they are working at all they are working for a greatly reduced wage.

Now get this: What are we sending to China? Because people will say our exports have increased. Sure. Here is what we are exporting. We are exporting aircraft plants and equipment. Aircraft is one of our three major industrial legs that this country stands on. It is like a tripod. We have aircraft, steel and automotive. Well, we are now slowly starting to damage that very significant part of our industrial structure by exporting plants and equipment from the aircraft industry, and we are also exporting automotive plants and equipment, which is the other, which is the second part of that three-part equation.

Now, we wonder why that is happening. Well, as a matter of fact, China is actually demanding, as a term of doing business with them, that we export technology. In effect, we are blindly devoted to trade at all costs.

I am not opposed to trade. I do not think there is anyone here in this Chamber this evening who is opposed to trade, but we should not let free trade mean that we trade away jobs in this country, we trade away the level of wages which people have worked a lifetime for, we trade away our basic political rights, we trade away our environment. That cannot be the kind of trade that we can be involved in. But we are blindly devoted to free trade with nations like China, which at this point the U.S. is involved in giving China high-tech weapons production equipment in order to sell some U.S. aircraft.

My colleague from Vermont [Mr. SANDERS] probably heard about that. According to the Wisconsin project on nuclear arms control; the United States sold to China machine tools which were previously used in Columbus Ohio to produce the B–1 bomber. The tools included high-tech milling and measuring machines and a giant stretch press used for bending large pieces of metal.

Now the Chinese Government insisted on getting the high-tech equipment as an incentive so they would purchase aircraft from an American manufacturer. China promised that once they got the equipment, they would only use it to produce civilian aircraft.

Well, guess what? Once the deal was done, the Chinese Government housed the tools in a missile base. Now, think of what that means in terms of security, let alone the economy. The Commerce Department, when they realized the mistake, advised sanctions on China, but they were overruled by people higher in the government.

I point this out because there are implications which are political, economic, and human rights implications, and I certainly feel that discussions like this give us an opportunity to bring these facts before the American people, because people have a right to know what is going on in the name of free trade, about how their jobs are being traded away, about how our trade deficit increases, how we ask the American people to sacrifice, to sacrifice their jobs and their standard of living, but no one is demanding that other nations involved in these trade relationships shape up with respect to their responsibilities, both to this country as a trading partner and to their own people.

At this time I would be glad to yield back to one of my colleagues, as we are all here to participate in this important discussion.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for those comments, and they are right on target. I would like to yield now to the gentleman from New York [Mr. OWENS], and then to my friend from Ohio [Ms. KAPTUR].

Mr. OWENS. Mr. Speaker, I would just like to comment briefly, because I think I have an hour after this where I will be continuing the discussion of the downgrading of the wages of American workers, but I want to thank the minority whip and my colleagues for continuing this crusade to educate the American public, to educate American workers.

We have just seen the majority of the masses of France sweep out a government that wanted to take care of the economy on the backs of the people at the bottom. We have just seen in Canada the same kind of phenomenon where the people on the bottom said "No, we're are not going to take it any more," and they swept out, they almost swept out a government that insisted that the only way they could make the economy work was by putting one more burden on the people on the bottom, taking away their benefits, lowering their wages, a worldwide movement to press down wages.

We always favored globalization and thought of taking the American standard of living to the rest of the world. We were going to raise the standard of living of the world. We did not know that globalization meant that we were going to have wages brought down to the lowest common denominator.

We can measure this process in the trade balance, the deficit with China, in terms of trade, the deficit with Mexico. We can measure the amount of jobs they are taking, the dollar value and the amount of jobs they are taking. It is not so subtle. Our folks need to begin to understand this, and unfortunately we evidently are never going to have the help of the mass media, so we have to keep the crusade to educate the American public going on.

Mr. Speaker, I will stop at this point because I want to talk about a new factor that has entered into this process, and that is, you push the welfare recipient into the labor market and they are supposed to work at less than minimum wage. So that is a new pressure, in addition to telling the worker, "If you don't shape up, if you join a union, if you do anything I don't like, I'm going to take your job to Mexico." These are to welfare recipients at less than minimum wage, so that is a double threat.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution. That is an important theme. It is really unconscionable when we think about what is happening here. Yes, sure, we want people to work, but we will not even pay them a minimum wage to work, we will not even give them the dignity of a decent wage. That is what is happening.

As I stated a little earlier in my comments, workers are not even safe with a minimum wage job if they live on the border near Mexico. People in El Paso, TX who were making $4.75 an hour are now losing their jobs to Mexico.

So this effort on the part of governments, per the gentleman's comments with respect to people moving off welfare and not being able to get a decent wage for the work they do, and the international, multinational effort to drive wages to the bottom, I mean it is amazing what is going on here, and people are picking it up. I mean there is something happening out there. It is slow, but people are figuring it out when they are working two and three jobs to make ends meet; when they get another job after they have been laid off and only at 60 percent of what they have been making; when we are seeing, as the gentleman currently points out, looking at the elections, by the way, last week.

□ 2100

I was sitting there. The NDP, the New Democratic Party, did very well. They doubled their number of seats in the Parliament last night, and a lot of that was based upon these faulty trade globalization policies. Of course, as we know, in France, the people in France were not willing to put up with this unfettered free market with no responsibility to the social cost to people. People are starting to understand that there needs to be some mechanism to stop this unfettered globalization from eating people up and eating all the gains we have made over the last number of years.

I yield to the gentlewoman from Ohio [Ms. KAPTUR], who has some charts I think she wants to share with us this.

Ms. KAPTUR. Mr. Speaker, I want to compliment and thank the gentleman from Michigan [Mr. DAVE BONIOR] for being so vigilant and having these special orders to help educate our Members and the American people to what is happening with trade agreements, jobs and wages in this country.

I am honored to join the gentleman from New York [Mr. MAJOR OWENS], my classmate from the class of 1988, and also the gentleman from Ohio [Mr. DENNIS KUCINICH] who we are so pleased to have here, and my good friend, the gentleman from Vermont [Mr. BERNIE SANDERS] who has been our partner in these efforts over the years. I think, as the gentleman from Michigan has said, we have made headway with the American people, though we still have not made sufficient headway here in Washington, but it is improving. We are making progress.

I just wanted to present a couple of pictures here that I took myself on a trip that we took to Mexico to point out what is really at issue here. We are talking about the ratcheting down of wages and working conditions in our country.

This is one of the companies, it is called Gigante Verde in Mexico, but it is Green Giant as we know it here in this country, a company that moved lots of jobs out of California. We are talking about the wage issue.

If Members look down here, they moved to Irapuato from Watsonville, CA; hundreds of jobs lost in California, where the workers earn $7.61 an hour in California. It is a State that has a pretty high-living standard. It is expensive. Seven dollars and 61 cents an hour is not a whole lot. In Irapuato, however, Green Giant, which ships all that product back here, because it is frozen and we have freezers here, and the average homemaker in Mexico does not, they pay $4 a day to their workers there.

The draw is obvious: Production moving in the agriculture sector out of California into Mexico, workers in the processing plants paid much less than in this country, and Green Giant making huge profits.

The next chart, or it is actually a photo that I took, I had to take it with three pictures because it was so large, this is one of the companies that moved from New York. We will go to the other part of the United States. Trico Corp. makes windshield wiper blades.

This is a picture of the plant relocated from Buffalo into one of the maquiladora areas in northern Mexico. I do not think, unless a citizen has traveled to Mexico and has seen the vastness of these plants, they have any idea of the kind of transplantation that is occurring of United States production down to Mexico; and it is not just the United States, but it is international corporations of all stripes going to the cheapest wage havens of the world.

Mr. BONIOR. They are modern plants, they are huge facilities and they are very modern, as we can see.

Ms. KAPTUR. Completely modern. But if you go with a worker that works in this plant to where they live, it is an abomination. The people who work in these plants do not earn sufficient wages to buy anything they make. Their streets are not good enough to drive cars, anyway. They are bused into these locations, largely women workers. Seventy to 75 percent of the people working in this plant are women workers who earn maybe $1, $1.20 an hour compared to what the workers in Buffalo used to make.

None of that production is used by the people of Mexico. It is sent back here on vehicles that are assembled down there. One of the largest components of the trade deficit are assembled vehicles now, cars and trucks that are coming back to the United States.

The last chart, and this is sort of the frosting on the cake, but it makes me so angry I sometimes cannot contain myself, this is the street sign next to that plant. It is called Calle Ohio, Calle Michigan. They have actually renamed the street. You feel like you are living in a surreal world of Hollywood, where they just move the street signs around. It is the intersection of Ohio and Michigan Avenues. The problem is it is a maquiladora in Mexico, and the workers there have none of the rights of the workers in Ohio and in Michigan to earn a decent living, to earn decent benefits.

Mr. KUCINICH. Mr. Speaker, I think I figured out why they call it Calle Ohio, anyhow, Ohio Street; because listen to the cities in Ohio who have lost jobs to NAFTA: Bethesda; Bucyrus; Cambridge; Canal Winchester; Columbus; Dayton; Delaware; Galion; Green; Greenfield; Greenville; Grove City; Hebron; Kent; Marion; North Baltimore; Piqua; Prospect; Sidney; Strongsville; Tipp City; Troy; Willard; and Zanesville. Calle Ohio, indeed.

Ms. KAPTUR. We could go and find those companies down there. In fact, we need lots of missions by church groups and interested organizations around our country connecting the workers who have lost their jobs in this country and then going and finding those jobs. Remember the games we used to play as children, you would follow the string? We need to follow the string, whether it is Vermont, Ohio, California, Florida.

I wanted to place another company in the RECORD tonight that started layoffs this May, just this past month, in the State of Massachusetts, Osram Corp. And when the gentleman from Michigan talked about global production and global sourcing, this company is owned by Sieman's Corp. out of Germany. They are laying off an initial 160 workers at this company in Danvers, MA, starting this past May, just last month, and they do not know how many more they are going to lay off, but they are moving the workers to Juarez, which is in one of the maquiladora areas, and to Mexico City.

If I could just take 1 extra minute to read from one of the articles in the local weekly newspaper up in Massachusetts, it says that the layoffs are significant because they mark the first time NAFTA has impacted the labor force north of Boston. The President of the company said that it had a relationship to NAFTA, which was approved by Congress 4 years ago, but here is what he says in the article.

He says that aggressive pushes by competitors General Electric and Philips BV of the Netherlands into Mexico, where labor is cheap and environmental laws lax, forced Sylvania to reexamine labor costs. He says, "My competitors are selling products at prices lower than my costs." And at that particular plant workers earn $13 an hour, while workers in Mexico earn less than $2 an hour. So they can rake off a lot more profits, whether the multinational is based in Germany and has a subsidiary in Massachusetts, or whether it is located in Ohio and it moves down to Mexico, or to any low-wage haven. That is really what we are fighting for.

Mr. BONIOR. It is not just the low wages, as the gentlewoman has just mentioned. They go down there, and you know, $13 up here, and they pay less than $2 to workers down there, and they do not have to do anything about the environmental standards.

The American Medical Association, a conservative organization by I think anyone's standards, labeled the maquiladora area as a cesspool of infectious disease. That is their words. These multinational corporations do not have the decency to put in sewers, clean water, the infrastructure that is needed for people that make their products, that make that company work down there, to live decently. That is another piece of the tragedy of all of this.

Mr. SANDERS. Mr. Speaker, if I may, the outrage, while all of this goes on, while they do not have enough money to clean up the environment, I was down in Mexico and we talked to women who were having miscarriages because they were working in such unhealthy environments. Children were being born with major birth defects.

They do not have the money to do that, but they do have the money to pay their CEO's 54 percent more this year than last year. They do have the money to hire all kinds of lobbyists to come here to Washington to tell Members of Congress how good this policy is that makes the rich richer and everybody else poorer.

They do have the money to put ads in newspapers all over America telling us how we have to cut back on Medicare and Medicaid and education and give tax breaks to the rich as part of a budget agreement several years ago. They suddenly have the money for those things, but when working people in this country and in Mexico ask for decent wages, gee, there is just no money available. I think this is the untold story of the last 30 years.

What saddens me very much is the corporate media, which is owned by these very same people, is not going to tell the story, but what we are seeing is a situation of unparalleled greed in the modern history of this country, where the people on top are making huge amounts of money, pushing down the American workers, pushing down the Mexican workers, forcing people to compete against each other, destroying the environment so they can sit up with their billions and billions of dollars. It is an outrage, and it is an outrage that this Congress has not effectively dealt with that issue.

Mr. OWENS. Mr. Speaker, the corporate greed we are seeing has absolutely no common sense. What history has clearly demonstrated over the past 50, 75 years is that the locomotive, the engine of the locomotive that drives the economy of America, and the American economy drives the economy of the whole world, is the middle-class consumer. Who are the middle-class consumers but the workers who earn decent wages in the factories?

Henry Ford did not automatically understand it, but he got around to understanding that folks need to have higher wages in order to buy my cars. It is only a matter of time. Nobody believes that what we have in motion is going to kill our economy, but it is only a matter of time when, as the rich get richer on top and they take away the power of the consumers in the middle and the bottom, there will not be anybody to buy these products and the great engine of the locomotive will go dead, and we will all be in a morass in terms of the economy.

The common sense of the American people has to come into this situation. Millionaires want to be billionaires. Billionaires want to be multi-billionaires. It is greed totally out of control and greed that is going to be self-destructive. They are going to destroy themselves as well as the whole American economy.

Mr. KUCINICH. Mr. Speaker, human rights is not just an international issue, something we should be concerned about happening in other countries. Human rights is a domestic issue, too. If someone does not have a job, if someone does not have decent wages, if someone cannot have decent benefits to protect their family's health, if people cannot get a good education, if they do not have rights on the job, their human rights are undermined. That is why these trade issues, GATT, NAFTA, most favored nation, all have relevancy to this country, because it is about our human economic rights in America.

We need to be, and it is good that we are, Congressmen and Congresswomen, standing up for the American people and for their economic rights and insisting that the human economic rights of the people in this country need to be protected, and we do that every time we raise questions, as we are doing this evening.

Mr. SANDERS. In terms of human rights what I get a kick out of is not so many years ago we were told that China was a Communist authoritarian society where people did not have any rights, where people did not have religious freedom. Unless I am not hearing what is going on, not only have things not changed, they have gotten worse.

The State Department last year announced that the situation in China in terms of human rights is worse. With over 1 billion people, they said there are no dissenters. In all of China, nobody, not one person, according to the State Department, is out on the street able to dissent against their authoritarian country.

But what has changed in America? What changed in America is corporate America has said, gee, maybe that is not such a bad place to do business. Hey, why were we attacking these people? No unions, no freedom to stand up and fight back? Sounds like a good place to do business.

So where 20 years ago we were told how terrible Red China is, suddenly these same corporations are now spending millions of dollars to convince us that it is really a very fine place and it is a wonderful place to do business. What better place can you have? You pay people 20 cents an hour. If they stand up and fight back they are fired, put in jail. You have slave labor over there in the prisons. What a good place to do business. Let us continue MFN with China, say our corporate friends.

Fortunately, some of us do not agree with that.

Mr. BONIOR. I thank my colleague. I think that is a good summation to end with tonight. I thank the Speaker for his patience with us this evening, and his indulgence in the last minute or so. I thank all of my colleagues for coming this evening and sharing their thoughts. We look forward to continuing this debate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998–1999, AND H.R. 1758, EUROPEAN SECURITY ACT OF 1997

Mr. DIAZ-BALART (during special order of the gentleman from New York, Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 195–115) on the bill resolution (H. Res. 159), providing for consideration of the (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999 and for other purposes, and for consideration of the bill (H.R. 1758) to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with the Untied States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DESTROYING ORGANIZED LABOR AND MAKING WORKERS POWERLESS IN THIS COUNTRY

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to make it clear that my colleagues are welcome to stay. The issue I am about to discuss is quite relevant and related to the previous issue.

Mr. Speaker, we are in a situation where, as I said before, there is a drive on to drive the workers' wages down to the lowest levels, and the process of globalization is being used to do that, where corporate powers are moving the jobs and their manufacturing processes to the areas that have the lowest wages, and there is a continual search that goes on and on perpetually for the lowest wages.

At the same time, we have a situation in our borders here in America where every effort is being made to destroy organized labor, to take away the power of the workers to speak for themselves and to drive the work force here down to lower levels at the same time you are taking away their jobs and forcing them to bargain for lower wages because of the globalization.

□ 2115

We have with the welfare, so called, reform. It was not welfare reform. It was welfare liquidation. We destroyed the entitlement, for that has been in the law for 65 years, that was not reformed. That is elimination, liquidation.

We gave to the States certain powers, and we give them money, but the right for a poor person to expect his government to help to keep him alive is gone. The welfare reform was driven by a call to put people to work. Work was a necessity in order for human dignity to be encouraged. Work was desirable and work was available. We insisted that the work was available in spite of the fact that we had high unemployment in all of those areas where you had a large welfare case load, large numbers of people are on welfare in the areas where you have the biggest unemployment problems.

So now we have a situation where we have pushed and are pushing people off the welfare rolls. We are insisting that there are jobs, and as we mobilize to put more and more people to work, what is happening is that we have created a situation where people are being forced to work for less than the minimum wage. And when accusations are made that this is a movement toward slavery, people are upset. They say how dare you use the word slavery.

Let us stop for a moment and consider the fact that on the plantation everybody had a job. There was no unemployment on the plantation. You might have great varieties in terms of fringe benefits in terms of housing provided or decent food, but everybody had a job. You can have a situation where everybody has a job, and you can take away the dignity of people through the job but not paying them a decent wage, you can drive down the wages to the point where we have a new class of people, what you might call urban serfs or suburban peasants.

Mr. Speaker, they are in a situation where they are locked into accepting whatever is given them, but it has nothing to do with the relationship with what they need and what the standard of living is in our particular society. So we are driving down wages now by introducing into the labor market a new class of people, putting them in jobs and paying them less than even the minimum wage which is totally inadequate.

We have had previous discussions about how inadequate the minimum wage is. It is going to go up to 5.15 an hour, it is now at 4.75. If you look at what it takes to maintain a family, you can make the minimum wage and work every eligible hour during the year, and still you are in poverty according to our own standards.

So I want to open the discussion in terms of the new threat, the additional threat in addition to most-favored-nation status for people for countries like China in addition to NAFTA and in addition to GATT. We now have a drive on within our own society to finish the job and it is not unrelated, what is happening to welfare recipients and workfare and the movement to try to force people to work for less than the minimum wage is not unrelated to the total Republican attack on organized labor.

Unprecedented, an unprecedented attack has been launched in this Congress, the 105th Congress, a Congress that prides itself on seeking some new bipartisan options and wanting to be more civil. In no way is it acting civilly or behaving in a civil way toward organized labor. They have come out pushing very hard to destroy organized labor.

There is a thorny campaign on to promote union democracy which would take away the rights of labor unions to finance the political education of their own members. There are new ambushes of Davis-Bacon, the prevailing wage requirements, new ambushes that are being prepared, riders on bills unrelated to work force issues. There is the whole cash for overtime swindle where, instead of giving people cash for overtime, they are going to take it away and give them time off at the boss's discretion and convenience.

There is a continuing drive to gag the Occupational Safety and Health Administration. There is a continuing refusal to recognize ergonomics, what that means in terms of repetitive motion disorders to workers. There is a new drive to pass the union busting law called the Team Act, which allows the bosses almost to hand pick the shop stewards. And there is a new slashing of the budget for the National Labor Relations Board which is being threatened. And they are harassing the National Labor Relations Board. And then there is NAFTA, GATT, most-favored-nation treatment trading status for China that we have been talking about here previously.

Mr. Speaker, I yield to the gentleman from Vermont [Mr. SANDERS], who might want to comment on this, which is a continuation of what we were talking about before, the drive to push the wages of labor, of the working class down to the very lowest level.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding to me. The issue that he is talking about is the most important issue facing our society, and that is that never before in American history, at least the modern history of this country, have the people on top had so much wealth and have had so much power. What they are doing with that wealth and power is using it to make themselves ever more rich while they are squeezing and shrinking the middle class and creating a new class, urban serfs.

Mr. OWENS. And suburban peasants.

Mr. SANDERS. What you are talking about are the millions and millions of people who are desperate, who have no place to go and that is what is going on in this country.

There is one point that I want to add to what my colleague was saying. And that is my very great fear that the American people are not reading or seeing on their TV's or hearing on their radios much about this reality, which is the most important development that has taken place in modern American history. This is the story of the century, that the American middle class is shrinking, that the gap between the rich and the poor is growing wider, that people are working longer hours for low wages. But somehow when we turn on the TV in the evening, we do not see that story. We see O.J. Simpson and we see everything else in the world, but we somehow could not see that story. How come we do not see that story? It is tied into everything else that we are talking about.

Who do we think owns the media? When we talk about sweatshops in desperate Third World countries, when we talk about companies downsizing and throwing American workers out on the street, we are talking about companies like Disney who, among other things, owns ABC. When we are talking about companies going to Mexico to pay people substandard wages or going to China, we are talking about General Electric, who happens to own NBC. And Westinghouse happens to own CBS, and Rupert Murdoch happens to own Fox, multibillionaire who is extremely right wing.

So it is no great secret that the American people do not see the most important realities facing their lives on the television. They turn on the TV, they see everything else in the world except what is going on in their own lives.

I think one of the issues that I would add to the discussion is the need to tackle the very important issue of corporate control over the media. It is not just television. It has to do with newspapers as well. Let me mention a very wonderful book written several years ago by a former journalist named Ben Bagdikian, the Media Monopoly. Let me quote from Mr. Bagdikian or paraphrase what is going on in newspapers in America.

Eighty percent of the daily newspapers of this country were independently owned at the end of World War II. They were owned by people, not huge corporations. Today, 80 percent of daily newspapers are owned by corporate chains. Just 11 companies control more than half of the dailies, half of the Nation's daily newspaper circulation. And then we wonder when we have this NAFTA debate, gee, is it not a great shock that every major newspaper in America ends up being pro-NAFTA. In fact, 98 percent of the daily newspapers in America have a monopoly as the only paper in town. You have a one-newspaper town.

Although there are more than 11,000 magazines published in the United States, today just two corporations control more than half of all magazine revenues. When you go to the newspaper stand and you see all of those magazines, what you end up finding out is that these magazines, many of them are owned by a relatively small number of corporations. Although there are 11,000 local cable television systems, only 7 companies have a majority of the 60 million cable TV subscribers.

Three companies own more than half the television business, four companies own more than half of the movie business, five companies rake in more than half of all book revenues.

So there is a reason why people do not feel engaged in the political process. There is a reason. My colleague mentioned, I think very perceptively, what has been going on politically around the world in the last month. The change in England with the victory of the Labor Party, the change in France with the victory of the Socialist Party, the fact that the NDP did very well in Canada. What we are seeing is people all over the world saying, no, we do not have to deal with the absurdities of the global economy which lower our wages. But in this country it is very hard for people to learn about what is going on because of corporate control over the media. I think that is one of the reasons why we end up having by far the lowest voter turnout.

In England, I think they were disappointed. Their voter turnout was perhaps 70 percent. They were disappointed. It was a low turnout. Canada, it is usually above 70 percent. My guess is in the next congressional elections, probably 35 percent of the people will vote. Low-income people, working people have given up on the political process. One of the reasons I would suggest is that, when they read the papers and they read the magazines and they see the television, their lives and the pain of their lives is not being reflected in what they are observing. I think that is an issue we have to discuss.

Mr. OWENS. I think the fact that the British economy in general was performing very well, they say we have prosperity. What the common ordinary people in Britain understood was that more and more people at the top were getting more and more of that economy, and they were getting less and less. The great shock was they swept overwhelmingly, they swept out a party at a time when prosperity, so called, was very much in motion there.

Mr. SANDERS. If the gentleman will continue to yield, the gentleman raises an interesting point, because there are strong similarities between the economy in England and the economy in the United States. And that is our unemployment. England's unemployment is lower than western Europe, but what they forgot to tell us was interesting. Do you know what the wages in England were compared to Western Europe? They were, according to the New York Times, 40 percent less, 40 percent lower. So what they sacrificed were decent wages, and they created a whole lot of low wage jobs, which is what we are doing in this country.

In this country, 20 years ago the United States led the world, we were No. 1 in terms of the wages and benefits, highest wages in the world, we were No. 1. I know that we do not see it on CBS too often. Rupert Murdoch does not talk about it too often, but today we are 13th in the world. German manufacturing workers make 25 percent more than our workers. These people have 6 weeks paid vacation. They have a national health care system. Their kids can often go to college for free. We do not talk about that too much.

Mr. OWENS. We have traded places with Great Britain where the gap between the rich and poor used to be the greatest. We are now, democratic America has now the greatest gap between the rich and the poor. It is the phenomenon that has taken place. It has nothing to do with capitalism per se. The argument about capitalism and what it does to an economy is an argument, I think, that is just about over.

It appears that humankind prefers a capitalist system. It seems to be compatible with the way human beings are built. We are not talking about capitalism automatically creating this kind of condition. Capitalism can be compassionate. Capitalism can be more creative. They have a capitalist system in Sweden. They have a capitalist system in a number of other places. Norwegian workers do very well. There are a number of places where they choose to use their resources in certain ways and they choose to throttle the runaway spirit of greed which creates more and more billionaires and multibillionaires. We ought to see ourselves differently.

Mr. Speaker, President Clinton has said that America is the indispensable Nation in today's global society. I agree. I think capitalism has, in fact, demonstrated that perhaps capitalism is an indispensable economic system of humankind. There are all kinds of capitalism. Chinese capitalism uses slave labor in prisons, and we are buying into a system with China where we are willing to buy the products of slave labor.

More and more of those products are flowing into this country. We have an enormous trade deficit with China. It took over a very short period of time. The Japanese deficit grew slowly over the years, but the deficit, by deficit I mean we are buying so much more from China than China is buying from us. If you want to know what these deficits are about, a trade deficit is when you are buying so much more from one country, from a country than they are buying from you. We are buying many products that should be manufactured in our own country. We are buying products that our workers here used to make. We are buying those products from the Chinese. We are doing all of that in terms of the globalization that we talked about in the previous hour, driving down the wages by moving from one country to another to find the lowest wages.

□ 2130

But here in this country the attack on organized labor is an attack which seeks to drive down the wages of the workers. And the latest development is the fact that we have had new low-wage workers introduced into the labor pool via welfare recipients.

In my city of New York, workfare they call it, is expanding. We have one of the biggest workfare programs in the country, where welfare workers go to work for city agencies. Now, we also have one of the biggest reductions in the number of workers on city payroll at the same time. They say, well, this is being done by attrition. After all, the mayor of the city is running for reelection this year. He is not laying off anybody. But they are not hiring anybody. They have not hired anybody for the last 3 years. And they had a process of encouraging workers to retire in various ways, pressing them to take packages to retire.

So the civil service work force in New York has been reduced while the workfare work force has gone up. The workfare people, who are welfare recipients while they are on workfare, are working for less than minimum wage. They have to work a certain number of hours in order to get their grant. And if we divide the number of hours into the grants, we will find the amount of money per hour is lower than minimum wage. Add to that that there are no fringe benefits attached to that work. Of course, they are still on welfare so they are fortunate enough to be able to continue to get Medicaid for health care.

So we have a situation where from within the country pressures are now on to drive down the wages by forcing more and more low-wage workers into the market. The White House has reached to call for a minimum wage in workfare plans. They say we must pay welfare workers a minimum wage. That set off a whole chain reaction. That chain reaction, we understand, may culminate in a bill on the floor of this House very soon.

There is one rumor that Ways and Means is preparing it now, which will make it clear that by order of this government, people must work for less than minimum wage. We are going to put that into a law. There is a great deal of alarm about it. We have been meeting today among members of the Congressional Black Caucus. We want to call this to the attention of our fellow members of the Democratic Party, we want to call it to the attention of all of the Members of the House and to the attention of the American people.

We want to sound the alarm right now, let us not sit here in Washington and make laws which will create a new class of workers, urban serfs, suburban peasants, whatever we want to call it, people working for less than minimum wage. Minimum wage is already inadequate. We will not accept anything below the minimum wage.

Mr. Speaker, I yield to the gentleman from Vermont.

Mr. SANDERS. The point the gentleman is making is that many people out there may say, well, that is too bad, but it does not affect me. But it does affect us, because what is going on, if an employer can hire somebody for $3 an hour, for $3.50 an hour, that means all wages will go down as well. That is what this effort is about. It is not only to save money by hiring people below the minimum wage, it is to push everybody's wages down in exactly the opposite way that when we raise the minimum wage working people's wages will go up.

The gentleman before made an interesting point, and I want to pick up on that because, again, it is an issue that is not discussed very much on the floor of the House. He said, quite correctly, that the United States now has the most unfair and unequal distribution of wealth and income in the entire industrialized world. They used that dubious distinction that used to accrue to Great Britain, with all their dukes and queens and kings.

The point is that today the United States has claimed what England used to have and that we now have, the most unfair distribution of wealth and income.

When we talk about economics, ultimately, like a football game or a basketball game, it is about who wins and who loses. And what is going on in the United States today is that we know who is winning. We know the wealthiest 1 percent of the population now owns over 40 percent of the wealth, which is more than the bottom 90 percent. So we have 1 percent owning more wealth than the bottom 90 percent.

When we hear about the booming economy, we should know that between 1983 and 1989, 62 percent of the increased wealth of this country went to the top 1 percent and 99 percent of the increased wealth went to the top 20 percent. Meanwhile, the middle class shrank and poor people were working at lower wages than for many, many years.

And when we see the unfair distribution of wealth in general, we also see recently the outrageous situation that CEO's in the United States of America, the heads of large corporations last year had a 54 percent increase in their income while many working people saw a decline in their real wages. And CEO's now earn, on average, more than 200 times what the worker in their company earns, which is by far the largest spread in the industrialized world.

So I think when we talk about the state of the economy, it is important to understand who is winning and who is losing, and the reality is that the people on top have never had it so good, the middle class is shrinking, and working people all over this country are working longer hours for lower wages and barely keeping their heads above water.

Mr. OWENS. I thank the gentleman. The story is that we are the wealthiest nation that ever existed on the face of the Earth. The wealth of America is constantly increasing and the wealth of wealthy people throughout the world is constantly increasing.

There is no reason why minimum wages cannot be provided. There is no reason why health care cannot be provided for everybody. There is no reason why we cannot have a totally different kind of society even within the structure of capitalism. There is no reason why it cannot happen. It is the blindness, the shortsightedness of the people in power and that have the money that continues this condition.

And the fact we went to great lengths to push people off welfare and with the myth that there were jobs out there, and now we are pushing them into the work force to undercut the lowest paid workers and compete with those that have jobs.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Let me first of all thank the gentleman from New York for yielding. It is certainly a pleasure to join here this evening with the gentleman from Vermont and the gentlewoman from California as we discuss what I think is one of the most serious issues facing America.

It seems to me that right now, as we prepare to implement welfare reform, as it is being called, or as we prepare to implement the right for people to go from welfare to work, or the enforcement of people going from welfare to work, that rules are being changed.

We have just seen the rule changed in the meaning where volunteerism in one place means mandatory in another place. Now we see an attempt to change another set of definitions and another set of rules. Individuals who work have the right to be protected by Federal standards. Now we are being told, or it is being suggested, that individuals who may be welfare recipients and have the opportunity or get the chance to work under some Government-sponsored program, that they will not be defined as workers, they will not actually be defined as having a job because they will not have the same protection.

Well, work, to me, seems to be work. And so there is something sinister happening in America. There is something that is difficult to define. It seems as though we are bent on moving backwards rather than moving forward; that there are those who are attempting to take us back to the dark ages. And I think that if there was ever a message being sent to low-income people, if ever a message was being sent to individuals who have need for public resource, if there was ever a message being sent to the physically challenged, to those who suffer with disabilities in our society, then that message is to organize, to come together, to educate, agitate and activate, to stimulate real movement so that all of the forces that are being attacked will have an opportunity to protect themselves. There is unity in strength and there is strength when groups are unified.

So this is a time when all of America really should unify to protect the rights of those at the very bottom. I thank the gentleman from New York and yield back to him.

Mr. OWENS. I thank the gentleman from Illinois and I yield to the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank so much my dear colleague from New York and also my colleague from Vermont and from Illinois. I could not help but to come to this floor when I heard the gentlemen speaking about the issue of minimum wage.

Certainly I was one of those who cast a vote in favor of that last year, but as I look at an article in The Washington Post, and it speaks to one of our colleagues, Republican colleagues, who is suggesting that a solution with reference to persons being paid below the minimum wage would be to pass legislation that would say the minimum wage would not apply, and another would be to say that all of the benefits that people are receiving would count toward calculating the minimum wage.

I think this is absolutely deplorable. As I looked at my colleagues last year, those who voted on this minimum wage, I was encouraged that perhaps we were moving forward, as the gentleman from Illinois said. But then as I went back home to my district of Watts and Willowbrook, Compton and Lynwood, Wilmington, and had to meet the welfare recipients of my district to tell them of a welfare bill that was passed that said that they had to move from welfare to work, though they were discouraged, they thought, well, maybe, just maybe, jobs can come where we can get off of welfare. They do not want to be there. Maybe, just maybe, job training will come that will allow us to go from job training to jobs and then have a job where the wages will be as such where we can sustain ourselves and our families.

So last year this body passed and the President signed this welfare reform bill that commanded welfare recipients to go to work. This bill did not tell them how to find a job, how to work, where to work, who would train and hire them, or how to get to work. The bill, nonetheless, ordered them to get out and seek employment. In essence, the bill commanded them to swim or sink.

If there was an upside to that legislation, it was the fact that early in the session, as I said, we voted to raise the minimum wage in this country from $4.25 an hour to $5.15, giving the low-wage earners in this country, many of whom are welfare recipients and former welfare recipients and current welfare recipients, a much needed lift.

When I cast my vote in favor of raising the minimum wage, which was supported by over 80 percent of the American public, I was under the impression that I was doing so for all Americans, including welfare recipients. We are not creating new laws, but rather applying current laws to those employees who are making the transition from welfare to work. So how can some Republican Members of this body demand that a citizen of this country leave the welfare rolls and go to work, then in the same breath deny them the minimum wage for an hour of work?

Workfare employees not only should but need to be treated the same as any other employee. To do otherwise is unfair to them and the employees they work with. Welfare recipients in workfare programs should be entitled to the same protections under Federal labor and antidiscrimination laws as other employees. The work participation rules of the new welfare law require a single parent to be engaged in a job activity for 20 hours per week in fiscal year 1997.

□ 2145

For an adult in a two-parent family, 35 hours a week are required, and a single parent is required to work 25 hours in fiscal year 1999 and 30 hours in fiscal year 2000. How can a mother afford child care for her children in addition to the basic needs of food, shelter, and clothing with an income well below the minimum wage?

Mr. Speaker, I think it is deplorable. I ask my colleagues, why are we doing this to persons who recognize that they must leave welfare to go to work and yet they are being told that now, if they should find a job, there is a possibility that they will not get minimum wage?

I do not know where we are going in this country, because the very fundamental rights are being stripped from the people, not only those whom I serve, but all of us; and yet, we have some of our Republican colleagues who do not share our beliefs of opportunity and fairness.

Under the proposal that I have just read, they plan to introduce workfare participants with a plan that may deny the same minimum wage that is provided to other workers, may be required to perform the same work as other employees, including hazardous work, at a lower rate of pay and without any OSHA protection, have no title 7 protection against sexual harassment or racial discrimination, and would not be entitled to the provisions of the Family Medical Leave Act. It is preposterous.

I am concerned about how this proposal will affect the State of California and my district, the 37th Congressional District. One in twelve Californians receive welfare benefits, and 10 percent of Los Angeles residents receive welfare benefits. The only way to make the transition from welfare to work is through obtaining quality job skills and minimum wage.

The State grants under the Temporary Assistance for Needy Family Programs are set at the 1994 levels. Caseloads have fallen to 4.1 million, yet the States receive funding for 5 million families. This difference creates the opportunity to pay workfare workers at the minimum wage they deserve and need.

I say to my colleagues, I am ready for the fight. I cannot believe that anyone in this body would now try to slip not only the rug from under people but the very basic principles of fairness and opportunity. Providing minimum wage to workfare employees is not only the fair and right thing to do but the necessary step to end welfare dependency.

Mr. Speaker, I am with my colleague on whatever he proposes. I am here for the fight and the long haul to ensure that fairness to my constituents and to all constituents throughout this country who are trying their best to move from welfare to work get the respect, the fairness, and the opportunity they deserve.

Mr. OWENS. I want to thank my colleague, the gentlewoman from California [Ms. MILLENDER-MCDONALD], and say that she is ready to fight. And I want her to know there are a number of other people in this country who are now quite alarmed by what is happening and they, too, are ready to fight.

There has been a recent set of mobilizations proposed by the religious community. They think this is immoral, that we cannot talk about welfare reform, meaning the people must go to work and we start defining jobs as something less than a job.

When we operate in America, we operate under the Fair Labor Standards Act. A job must pay minimum wage, must provide benefits, must protect you from discrimination, it must give you safety. Everything under the Fair Labor Standards Act must be there in order for a job to be a job in America.

And the people are upset. A coalition of 18 of the Nation's most prominent civil rights, labor and welfare and civil advocacy groups have urged President Clinton to grant welfare recipients rights to a broad array of legal protections against discrimination and unjust treatment on the job. The Leadership Conference on Civil Rights and 17 other groups asked President Clinton in a May 15 letter to make the civil rights and economic security of low-income individuals and families a higher national priority as States implement the new welfare law.

The Lutheran services in America have issued a proclamation that in none of the various organizations where they employ people or that they are affiliated with that employ people may any organization pay welfare recipients less than the minimum wage or provide less than fringe benefits that are provided to other workers.

So we should sound the trumpet. I think the Congressional Black Caucus have made it quite clear that we intend to appeal to our colleagues in the Democratic Party here in the Congress, we intend to make appeals to the entire Congress, Members of both parties.

Remember that the minimum wage was a very popular issue in the last Congress, that there were people that said they would never permit it to pass, that it would only pass over their dead body. But the American people let it be known, they thought it made sense. They thought it was the right kind of morality for America. They thought it was fair and just. Eighty percent of the American people said they wanted an increase in the minimum wage. We got an increase in the minimum wage.

Mr. Speaker, I think what has to happen now is the American people, the workers out there, the people who belong to the caring majority and believe in doing the right thing, even though they are all right by themselves, they do not want to turn their backs on other people who ought to have a fair opportunity to earn a living under right working conditions with a minimum wage.

All that is in motion now, and I think we should go forward to see to it that nothing is passed on the floor of this House that begins to roll back the clock, that takes away the right of workers who happen to have been or are present welfare recipients. A worker means that you are under American FSLA, Fair Standards Labor Act, under all the added discrimination laws, under the OSHA laws for safety. That is what it means to be a worker in America.

Ms. MILLENDER-McDONALD. Mr. Speaker, my colleague, the gentleman from New York [Mr. OWENS] is absolutely right.

I am encouraged, though, as we have read this information and this proposal is now being put into print, that the religious communities are coming forth now with us, educators, parents, college students. They have now seen the disingenuous nature by which this proposal is being brought forth.

I say to my colleagues that we will not stop the Congressional Black Caucus, and I am sure the Democratic Caucus and all other fair-minded people will not stop until we defeat this proposal. If we are going to insist that people move from welfare to work, we must do so in the fairest, the most sensitive way that we can.

I again thank my colleague so much for bringing this to the floor so early so that I can get my quest in and my position on this issue right up front. I will be meeting with people tomorrow, women's groups, religious groups, and I will not stop until we defeat such a very contentious proposal as this.

Mr. OWENS. I thank the gentlewoman from California. We do not know how late the hour is really. We may have on the floor this week or early next week an attempt to codify the denial of the payment of minimum wage and other worker benefits to welfare recipients.

Mr. DAVIS of Illinois. I thank my colleague very much, and that is why I think that the whole concept of eternal vigilance is so important. That is, we have to be watchful all the time. We also have to be real about the whole business of how many jobs are there really, how many jobs are there really for many of the people that we are talking about, people who in many instances do not have the skills, have not been trained.

As a matter of fact, I am reminded of an incident that took place the other day where a fellow that I know went out looking for a job and he looked every place that he could possibly look. Finally, he ended up at the zoo. He talked to the zoo keeper, and he said, "I really do not have anything." Then he remembered. He says, "You know, my gorilla got sick. I have got a group of kids coming in. They want to see a gorilla. I will give you $100 to be the gorilla." So the fellow said, "Look, I am from the west side of Chicago. For $100, I will be anything you want me to be because I want to work, I want a job." He put the suit on. The kids came in, and he kind of beat his chest a little bit and the kids clapped. Then he jumped up on a trampoline and did a flip. The kids clapped again. So he decided to do a double somersault. And he flipped over into the lions' cage, fell on his back laying prostrate. The lion starts to come toward him, and he looks over at the zoo keeper and says, "Help."

The guy did not respond. The lion is still coming. He says, "Help." Still no response. The lion decided that he would then take advantage of the situation, so he got ferocious, began to growl and made a charge. The guy says, "Help." The lion says, "Shhh, you are going to blow both our covers."

And, so, my point is that the availability of jobs is not nearly what we are led to believe. I hear us talk about 4.9 percent unemployment. It is not 4.9 percent unemployment in inner city America. It is not 4.9 percent unemployment in the neighborhood and community where I live. And, so, we need economic policies that will also create jobs for which people can actually work and earn a decent wage, a livable wage. And there is only one way to do it, and that is to keep the action up, keep the heat on, keep pressing forward, keep moving. I believe that the American people will, in fact, respond.

Mr. OWENS. Mr. Speaker, I want to point out that the problem of putting people to work on welfare and the problem of providing decent jobs and wages for workers is not unrelated to the overall scene here in this House.

The budget drives everything. We have certain developments in the budget which automatically take away job opportunities. We have a great decrease in the amount of public housing construction and repair. We have a great decrease in terms of money available for school repair and renovation. In fact, they took the whole Presidential initiative of $5 billion, which would have gone into repair and renovating and building new schools, providing jobs for people in inner cities.

We had a big fight over the transportation bill which in the inner city communities would provide jobs for people who work for mass transit and for the construction and repair of subways and bus systems, et cetera, as well as provide jobs for people who work on highways. So the job creation part of the budget is given away to tax cuts.

We have large tax cuts to the same categories of people that the gentleman from Vermont [Mr. SANDERS] was talking about earlier. They are already the richest people in America. Our budget is dedicated to giving them more to take capital gains cuts and inheritance cuts. They will get more, while at the other extreme we are cutting down on the transportation budget that would have provided jobs, on the school construction budget that would have provided jobs, and we are cutting programs like Medicare and Medicaid.

So our common sense here has gone out of the window. It is up to the American people, the voters out there, to bring back the leadership, bring the leadership here back to their senses. That budget was negotiated at the White House. I guess we have got to bring the President back to his senses too and have him stand up to that kind of negotiation, not agree to make those kinds of cuts in areas which create jobs, which take care of people, and at the same time you are bolstering the pocketbooks and the bank accounts of the people who need it the least.

We got it all topsy-turvy, and that is why this country is the country that has the greatest gap between the rich and poor. Great Britain, with all its lords and aristocracy and very rich people and very poor people in the slums of London and various great cities, Great Britain used to be the place where you had the greatest gap between the very rich and the very poor. Now it is America, the home of the brave and the land of the free, the place where everybody assumed they had the opportunity to make it, and a lot of the creation of the world's modern economy was built on the backs of consumers, ordinary people, who had the money to go out and buy refrigerators and buy cars and buy homes. All that is being slowly squeezed to death by catering to the very people at the very top. It begins right here at the House of Representatives.

□ 2200

At the same time they are taking the money away from those who need help the most from their government.

Ms. MILLENDER-McDONALD. Indeed as my colleague from Illinois just said, we hear all the time this 4.9 to 5 percent unemployment. They are not talking about our constituents. The unemployment rate in my district is close to 50 percent. Yet there are not any jobs. No jobs are rushing into my district. When this budget came to the floor and they had taken out the $5 billion for school construction that would have provided jobs and create the type of climate where children can learn, that was taken out. It just appears to me that every day we see a group of Members here who do not wish to foster an agenda that will help to move people from this welfare to work as so stated in their budget.

Also, the transportation provision of the budget was underfunded. That then parlays into the lack of our getting roads and highways built whereby we can advance international trade that creates the jobs in our district, that really boosts the economy.

Again, I say to the American people, watch this House. Because this is not a

House that seems to suggest that we are fundamentally trying to move people from welfare to work in a fair and equitable way. I will suggest to those who are listening, call us, either the Members you see on this floor or your own Member, and share your thoughts on the proposal that is being presented, that persons whom we are asking to move from welfare to work should get below minimum wage. You call us and answer to whether that is a fair way and an American way and will be conducive to opportunities for those who are less fortunate. I think not. I will fight until we find the justice in this House that is supposed to be the people's House.

Mr. OWENS. I think it is important to point out that we are not alone, as the gentlewoman said before. The churches are mobilizing to take the facts to the American people and to try to get people to understand the unfairness in this whole attempt to push people out there, make them work for less than the minimum wage, with no benefits. The Washington Post and the New York Times and a number of other newspapers have come out in support of the President's position. I just want to read a couple of paragraphs from the Washington Post editorial that appeared on Monday, May 19.

"Wages of Welfare Reform", it is called.

> The President was right to order that welfare recipients put to work under the terms of last year's welfare bill be paid the minimum wage. The objecting governors and other critics are likewise right when they say that his decision will throw the bill even further out of whack than it already was. What the President basically proved that in doing the right thing on the wage was how great a mistake he had made in caving in to election year pressures, some of them of his own making, and signing the bill to begin with. The problem with the welfare part of this legislation as distinct from the gratuitous cuts that it also imposed in other programs for the poor is the mismatch that exists between its commands and the resources it provides to carry them out. The basic command is that welfare recipients work, but that's not something that can be achieved by the snap of a finger or the waving of a wand or it would have happened long ago. A lot of welfare recipients aren't capable of holding down jobs without an enormous amount of support. Nor in many cases are there jobs enough in the private sector to accommodate them even if they could hold those jobs down.

That is just a section from an editorial that appeared in the Washington Post. There was one also similar in Newsday in New York which called for supporting the President as he attempts to enforce the Fair Labor Standards Act in respect to welfare recipients.

I think I said before that one of the churches that has set an example is the Lutheran Church where they say that they will not allow any of their units that employ people to engage welfare workers for less than the minimum wage. There is a statement they issued on May 1, at the Workfare Media Conference of the Lutheran Services in America. I will quote just a few sections from that:

> The Lutheran Services in America organizations spend $2.8 billion serving 2 million people and includes over 3,000 locations across the United States. We employ workers at all levels and seek to serve those who are in need.
>
> When Congress passed welfare reform legislation which was signed into law on August 22, 1996, we all knew that we would have to move beyond the rhetoric of personal responsibility to work opportunity and responsibility by the employer. If welfare reform is to happen in this country, then work opportunity that includes at the very least the minimum wage must happen. Rather than pitting personal responsibility and structural change against one another, we realize that both kinds of efforts are needed.
>
> As employers, our umbrella alliance of service organizations has endorsed the fair work campaign so that workers have both sufficiency and sustainability in their lives. We know from our experience that work that is a job must include sufficiency which means adequate levels of income support so that people can live dignified lives. It must also include sustainability. Workers cannot live in fear of taking other people's jobs nor be treated differently than others by wages, benefits or personnel policies. Without sufficiency and sustainability, welfare legislation becomes nothing more than rhetoric.
>
> Lutheran Services in America organizations face the same issues that every nonprofit and corporate employer in America faces. We are working within a budget and providing services for our clientele. We are well aware of what it means to be an employer and because of this we believe that workfare recipients need positive learning and training experiences as well as new jobs and that workfare recipients perform important work that should be valued fairly.
>
> We in Lutheran Services in America challenge other employers to join us to be involved and become responsible in the opportunities we give to workers. It is reform for all of us and it requires all of us to become a part of this if we ever intend to see the face of poverty change.

I think that is a forthright statement by the Lutheran Church and it is a challenge to all other religious organizations and nonprofit organizations and to corporate America. If we want to really move people from a situation of dependency into the mainstream and provide jobs, then let us define a job as being a thing that pays the minimum wage and has all the other benefits that go with being a worker in America.

Ms. MILLENDER-McDONALD. I might add that the Lutheran Church seems to be a very new group that is coming aboard now. It is very healthy that they do this. But I am sure that they see this, as we do, as a really moral issue, an issue that smacks in the face of unfairness. We cannot afford to allow this type of proposal to come to American people who are trying their best to raise their families, to provide shelter for their children, and to provide an education for them. To move from a below-subsistence level to self-sufficiency, we must couch this as the moral issue it really is. For those who are spiritual-minded Members, for those who want to do the right thing, well, then fight with us to defeat this very egregious proposal that does not speak to the fundamental rights of this country.

Mr. OWENS. I am sure that both of my colleagues know well that phrase that they have heard repeated often, that in slavery everybody on the plantation had a job, because a job was then defined as work that the master wanted you to do. You did not get paid for it. For 232 years there was free labor. You did not get paid for it, but people had jobs. They were on the plantation and they had jobs. In order to satisfy those who again move out of racist motivations, when you say people should go to work and you create a situation through a bill you call welfare reform that pushes people off welfare and help from the government into situations where there are no jobs, no effort is being made to create those jobs. No effort is being made to create real jobs. So they want to push people into situations where they will work for something that is not a job. They will work for less than minimum wage. They will work under extraordinarily harsh conditions to do something that other workers were being paid to do before. So we are not only not creating jobs for welfare recipients, we are displacing workers who had jobs before.

As I said at the beginning, this is happening in no more evident way than it is happening in New York City. We have a large workfare program. The workfare program as it expands, we see the city employees, the municipal payroll, decreasing at the same rate as the workfare program is increasing, a definite correlation. You take away the jobs from the people who were being paid to do them before, with fringe benefits, with a retirement plan, all the things that go into a real job, you take that away and you put people to work who have nothing except to work off the cash value of their welfare grant, you get a lot of work done for very little. If you can institutionalize that and get it going full steam, you are back into a condition which is close to slavery because you are forcing people to work in a situation where it has no relevance to really what they need, you are not paying them, they are involuntary servitude. It is that bad. We are not exaggerating when we say that that is where you are going. If you rule out paying people what we call minimum wage and providing the benefits that we call a job, then you are creating something that is not a job. You are creating servitude and forcing people into that pattern of servitude.

Mr. DAVIS of Illinois. When the gentleman mentioned New York, I could not help but smile to myself and think of how fortunate the people of New York are that they have the gentleman as their advocate, that they have the gentleman working in their behalf. I want to thank the gentleman for organizing this evening and for giving us the opportunity to share it with the gentleman.

The last thing that I would want to say is the gentleman mentioned the whole business of slavery. I remember the words of the great abolitionist Frederick Douglass who suggested that if you would find the level of oppression that a people will accept, that is exactly what they will get. I do not believe that the people are going to accept this level of oppression. I certainly thank the gentleman for the opportunity.

Ms. MILLENDER-McDONALD. May I please add to those thanks, too. Because I thank the gentleman for taking the leadership on such a very important issue as this, early on, before we see this so-called proposal. But it is suspect to me that this is a proposal that is coming when I was told at the first of the year that we should not do anything about this welfare reform bill, to allow it to percolate for 1 year to see whether it really works. And now, before a half year is gone, here is a so-called proposal to revisit the minimum wage with the express consent to try to do something to harm those who are trying to move from welfare to work and to not give them a leg up.

I thank the gentleman. I agree with the gentleman from Illinois that New Yorkers are all the better because they have the gentleman to tout for them, to address their needs and to certainly bring very critical issues like this early on to the forefront. Again, I am ready for the fight.

Mr. OWENS. I thank my colleague from California and my colleague from Illinois for joining me.

Mr. Speaker, in closing, let me just say there is an effort to divide and conquer welfare recipients who are put over here and workers who are put over there. The workers of America must understand this is a threat to all of us. If you did not understand it before, I hope you understand it now, that whatever happens to one group of workers, welfare workers, is going to have an impact on the quality of life and standard of living of all workers. We must fight to protect all workers by stopping this effort to make welfare recipients work in conditions that are not conditions acceptable to other American workers.

□ 2215

COMMUNICATION FROM THE HONORABLE FRANK A. LoBIONDO, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. GIBBONS) laid before the House the following communication from the Honorable FRANK A. LoBIONDO, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Superior Court of New Jersey, Cape May County.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

FRANK A. LoBIONDO,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR (at the request of Mr. GEPHARDT), for today, on account of a family emergency.

Mrs. CLAYTON (at the request of Mr. GEPHARDT), for today and Wednesday, June 4, on account of family illness.

Mr. PICKERING (at the request of Mr. ARMEY), for today and the balance of the week, on account of a death in the family.

Mr. BACHUS (at the request of Mr. ARMEY), for today, on account of attending his son's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCHALE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Members (at the request of Mr. HILL) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes each day, on June 4 and 5.

Mr. PAPPAS, for 5 minutes, on June 4.

Mr. SHIMKUS, for 5 minutes, on June 4.

Mr. PITTS, for 5 minutes, on June 4.

Mr. JONES, for 5 minutes each day, on June 4 and 5.

Mr. KINGSTON, for 5 minutes, today.

Mrs. NORTHUP, for 5 minutes, on June 4.

Mr. SMITH of Michigan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCHALE) and to include extraneous matter:)

Mr. CONYERS.
Mr. HAMILTON.
Mr. SKELTON.
Mr. HASTINGS of Florida.
Mr. PASCRELL.
Mr. DEUTSCH.
Mr. BONIOR.
Mr. KILDEE.
Mr. SERRANO.
Mr. LANTOS.
Mr. MCGOVERN.
Mr. STARK.
Mrs. MEEK of Florida.
Mr. LIPINSKI.
Mr. SANDERS.
Mr. KUCINICH.
Mr. TORRES.
Mr. MANTON.
Mr. SHERMAN.
Ms. RIVERS.
Mr. FARR of California.
Mr. FOGLIETTA.

(The following Members (at the request of Mr. HILL) and to include extraneous matter:)

Mr. SAXTON.
Mr. DELAY.
Mr. PORTMAN.
Mr. EVERETT.
Mr. BONO.
Mr. EHRLICH.
Mr. GOODLING.
Mrs. MORELLA.
Mr. GEKAS.
Mr. SOLOMON.
Mr. CUNNINGHAM.
Mr. SHUSTER.
Mr. DREIER.

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. BUNNING.
Mr. PAUL.
Mr. GEPHARDT.
Mr. BROWN of California.
Mr. WAXMAN.
Mr. SHADEGG.
Ms. LOFGREN.
Mr. FELINGHUYSEN.
Ms. WOOLSEY.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5. An act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 5. an act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

ADJOURNMENT

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, June 4, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3550. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Gypsy Moth Generally Infested Areas [Docket No. 97–038–1] received May 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3551. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—1997 Marketing Quota and Price Support for Burley Tobacco [Workplan Number 96–055] received May 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3552. A communication from the President of the United States, transmitting a fiscal year 1998 budget amendment to cover a shortfall in the Department of Defense Health Program, pursuant to 31 U.S.C. 1106(b); (H. Doc. No. 105—90); to the Committee on Appropriations and ordered to be printed.

3553. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions to Permit Requirements, Definitions, Exemptions, and Internal Combustion Engines Regulations [TN–160–9624a; FRL–5831–7] received May 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3554. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans, Texas; Alternate Reasonably Available Control Technology Demonstration for Bell Helicopter Textron, Incorporated; Bell Plant 1 Facility [TX–73–1–7316a, FRL–5830–7] received May 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3555. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the Phoenix, Arizona Moderate Ozone Nonattainment Area [FRL–5834–4] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3556. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN67–1a; FRL–5827–5] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3557. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources [SIPTRAX No. PA–4058a; FRL–5832–3] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3558. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Timeframe for Final Rules Authorizing Use of Health Claims [Docket No. 97N–0075] received May 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3559. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of Lubbock, TX, Nonappropriated Fund Wage Area [5 CFR Part 532] (RIN: 3206–AH88) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3560. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Allocation Among Nontribal Sectors [Docket No. 970403076–7114–02; I.D. 030397B] (RIN: 0648–AI80) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3561. A letter from the Assistant General Counsel, United States Information Agency, transmitting the Agency's final rule—Exchange Visitor Program [22 CFR Part 514] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3562. A letter from the General Counsel, Department of Tansportation, transmitting the Department's final rule—Revision of Class E Airspace; Athens, TX (Federal Aviation Administration) [Airspace Docket No. 97–ASW–07] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA31, PA31–300, PA31–325, PA31–350, and PA31P Airplanes (Federal Aviation Administration) [Docket No. 96–CE–29–AD; Amendment 39–9976; AD 97–07–03] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 94–NM–196–AD; Amendment 39–9991; AD 97–08–03] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, -200, and -300 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–239–AD; Amendment 39–9993; AD 97–08–05] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB.211 Trent 800 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–09; Amendment 39–9970; AD 97–06–13] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–116–AD; Amendment 39–9949; AD 97–05–05] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–26–AD; Amendment 39–9954; AD 97–05–10] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–11–AD; Amendment 39–9948; AD 97–05–04] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Auxiliary Power International Corporation Model APS3200 Auxiliary Power Units (Federal Aviation Administration) [Docket No. 96–ANE–42; Amendment 39–9912; AD 97–03–06] (RIN: 2120–A64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pacific Scientific Company, HTL/Kin-Tech Division, Fire Extinguisher Bottle Cartridges (Federal Aviation Administration) [Docket 97–NM–27–AD; Amendment 39–9940; AD 97–04–15] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth K.G. Models Standard-Cirrus, Nimbus-2, Nimbus-2B, Mini-Nimbus HS–7, Mini-Nimbus B, Discus a, and Discus b Sailplanes (Federal Aviation Administration) [Docket No. 96–CE–19–AD; Amendment 39–9990; AD 97–08–02] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Louis L'Hotellier, S.A., Ball and

Swivel Joint Quick Connectors (Federal Aviation Administration) [Docket #92–CE–41–AD; Amendment 39–9994; AD 97–08–06] (RIN:2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes (Federal Aviation Administration) [Docket 96–NM–43–AD; Amendment 39–10032; AD 97–11–03] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hiller Aircraft Corporation Model UH–12, UH–12A, UH–12B, UH–12C, UH–12D, UH–12E, CH–112, H–23A, H–23B, H–23C, H–23D, H–23F, HTE–1, HTE–2, and OH–23G Helicopters (Federal Aviation Administration) [Docket No. 96–SW–06–AD; Amendment 39–10029; AD 97–10–16] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–106–AD; Amendment 39–10030; AD 97–11–01] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft-Manufactured Model S–64F Helicopters (Federal Aviation Administration) [Docket No. 95–SW–34–AD; Amendment 39–10028; AD 97–10–15] (RIN: 2120–AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Plattsburgh, NY (Federal Aviation Administration) [Airspace Docket No. 95–AEA–13] (RIN: 2120–AA66 (1997–0190)) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ponca City, OK (Federal Aviation Administration) [Airspace Docket No. 97–ASW–06] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; South New Castle, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–001] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace and Class E4 Airspace; Plattsburgh, NY (Federal Aviation Administration) [Airspace Docket No. 95–AEA–09] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airport Name Change; JOHNSON County Industrial Airport, Olathe, KS (Federal Aviation Administration) [Airspace Docket No. 97–ACE–3] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and E Airspace; Sacramento, CA (Federal Aviation Administration) [Docket No. 97–AWP–13] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace Areas (Federal Aviation Administration) [Airspace Docket No. 97–AGL–11] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Montrose, Colorado (Federal Aviation Administration) [Airspace Docket No. 96–ANM–027] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Wahoo, NE (Federal Aviation Administration) [Docket No. 97–ACE–4] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Frostburg, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–007] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marion, VA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–18] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Jeannette, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–010] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Uniontown, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–005] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Thiel, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–006] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Olean, NY (Federal Aviation Administration) [Airspace Docket No. 97–AEA–16] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; East Butler, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–002] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace and Class E5 Airspace; Calverton, NY (Federal Aviation Administration) [Airspace Docket No. 95–AEA–11] (RIN: 2120–AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Altus, OK (Federal Aviation Administration) [Airspace Docket No. 97–ASW–09] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carlisle, AR (Federal Aviation Administration) [Airspace Docket No. 97–ASW–03] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Alice, TX (Federal Aviation Administration) [Airspace Docket No. 97–ASW–05] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4164 and PW4168 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–10; Amendment 39–10035; AD 97–11–06] (RIN: 2120–AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3599. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes (Federal Aviation Administration) [Docket No. 97–NM–61–AD; Amendment 39–9995; AD 97–08–07] (RIN: 2120–AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3600. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–215T Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–33–AD; Amendment

39–10038; AD 97–11–09] (RIN: 2120–AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3601. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–85–AD; Amendment 39–10031; AD 97–11–02] (RIN: 2120–AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3602. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. ALF502 and LF507 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96–ANE–26; Amendment 39–10034; AD 97–11–05] (RIN: 2120–AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3603. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (formerly Government Aircraft Factory) Models N22B, N22S, and N24A Airplanes (Federal Aviation Administration) [Docket No. 96–CE–57–AD; Amendment 39–10040; AD 97–11–11] (RIN: 2120–AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3604. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (formerly Government Aircraft Factory) Models N22B, N22S, and N24A Airplanes (Federal Aviation Administration) [Docket No. 95–CE–98–AD; Amendment 39–10041; AD 97–11–12] (RIN: 2120–AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3605. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 95–CE–34–AD; Amendment 39–10042; AD 97–11–13] (RIN: 2120–AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3606. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28914; Amdt. No. 1799] (RIN: 2120–AA65) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3607. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28915; Amdt. No. 1800] (RIN: 2120–AA65) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 97–26] received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

109. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 97–1038 supporting full funding of the federal PILT program as authorized by the passage of S.455 in 1994; to the Committee on Resources.

110. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 97–1006 showing that the State of Colorado supports policies that balance the social, economic, and environmental needs of people and communities with the needs of environmental preservation in federal decision-making processes; to the Committee on Resources.

111. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 97–1032 showing that the State of Colorado supports the legislation, which reaffirms the Constitutional Authority of Congress as the elected representatives of the people, and urges the "American Land Sovereignty Protection Act" be introduced and passed by both the House of Representatives and the Senate as soon as possible during the 105th Congressional session; to the Committee on Resources.

112. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 32 requesting the President and the Congress of the United States to meet and to confer with the Red River Boundary Commission and the representatives of the State of Oklahoma and to assist in carrying out the purposes of this resolution; to the Committee on the Judiciary.

113. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 94 commending the United States Congress for recognizing the threat to public health and security from the misuse of explosives; to the Committee on the Judiciary.

114. Also, a memorial of the General Assembly of the State of Delaware, relative to House Concurrent Resolution No. 6 memorializing the U.S. Congress to propose and submit to the several states an amendment to the Constitution of the United States providing that no court shall have the power to levy or increase taxes; to the Committee on the Judiciary.

115. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 109 urging the Congress of the United States to request that the Federal Emergency Management Agency update community flood maps every 10 years; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. House Joint Resolution 75. Resolution to confer status as an honorary veteran of the U.S. Armed Forces on Leslie Townes (Bob) Hope (Rept. 105–109). Referred to the House Calendar, and ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 79. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; with an amendment (Rept. 105–110). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 985. A bill to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, CO, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States; with an amendment (Rept. 105–111). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1019. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys (Rept. 105–112). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1020. A bill to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest (Rept. 105–113). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1439. A bill to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, CA; with an amendment (Rept. 105–114). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 159. Resolution providing for consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999 and for other purposes, and for consideration of the bill (H.R. 1758) to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with the United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes (Rept. 105–115). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. METCALF (for himself and Mr. STUMP):

H.R. 1754. A bill to require that a portion of the amounts made available for housing programs for the homeless be used for activities designed to serve primarily homeless veterans, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. OBEY:

H.R. 1755. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including Bosnia, for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. LEACH, Mr. GONZALEZ, and Mr. BACHUS):

H.R. 1756. A bill to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself and Mr. SMITH of New Jersey):

H.R. 1757. A bill to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. ARMEY, Mr. SOLOMON, Mr. GOSS, Mr. WELDON of Pennsylvania, and Mr. COX of California):

H.R. 1758. A bill to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes; to the Committee on International Relations.

By Mr. GILMAN:

H.R. 1759. A bill to reform foreign assistance programs and to authorize appropriations for foreign assistance programs for fiscal years 1998 and 1999, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana:

H.R. 1760. A bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs; to the Committee on Commerce.

By Mr. DAVIS of Florida:

H.R. 1761. A bill to provide for improved coordination, communication, and enforcement related to health care fraud, waste, and abuse, to create a point of order against legislation which diverts savings achieved through Medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN:

H.R. 1762. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient parenteral antimicrobial therapy under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. FARR of California, Mrs. MORELLA, Mr. CASTLE, Mr. TOWNS, Mr. BOEHLERT, Mr. FAZIO of California, Mr. EHLERS, Mr. GORDON, Ms. WOOLSEY, Mr. MARTINEZ, Mr. TAYLOR of Mississippi, and Mr. ROMERO-BARCELO):

H.R. 1763. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. HILL (for himself, Mrs. CHENOWETH, and Mr. HUTCHINSON):

H.R. 1764. A bill to amend title XIX of the Social Security Act to restrict imposition of Medicaid liens and Medicaid estate recovery for long-term care services in the case of certain individuals who have received benefits under long-term care insurance policies for at least 3 years, and to amend the Internal Revenue Code of 1986 to allow the carryover of reimbursement maximums for flexible spending arrangements, to allow the reimbursement of long-term care insurance premiums of FSA's, and to repeal the inclusion in income of long-term care coverage provided through FSA's; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE (for himself, Mr. SHAYS, Mr. BARRETT of Wisconsin, Mr. MCHALE, Mr. POMEROY, Mr. KLUG, Mr. DEAL of Georgia, Mr. DICKEY, Mr. COLLINS, and Mr. LOBIONDO):

H.R. 1765. A bill to amend title 5, United States Code, to provide that, for purposes relating to retirement, Members of Congress and congressional employees shall be treated in the same manner as are employees in the executive branch generally; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mrs. CLAYTON, Mr. FILNER, Mr. HALL of Ohio, Mr. HINCHEY, Mr. MANTON, Mr. METCALF, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. OLVER, Mr. ENGLISH of Pennsylvania, and Mr. WELDON of Florida)

H.R. 1766. A bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal employees health benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisidication of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 1767. A bill to consolidate in the Administrator of General Services authorities relating to the control and utilization of excess and surplus property, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, Small Business, Science, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LINDA SMITH of Washington (for herself, Mr. KLUG, Mr. SHAYS, Mr. COBLE, Mr. ENSIGN, Mr. SANFORD, MR. FRANK of Massachusetts, and Mr. BACHUS):

H.R. 1768. A bill to terminate certain entitlements of former Speakers of the House of Representatives; to the Committee on House Oversight.

By Mr. STARK:

H.R. 1769. A bill to provide for the imposition of administrative fees for Medicare overpayment collection, and to require automated prepayment screening of Medicare claims, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. MCDERMOTT, and Mr. WEYGAND):

H.R. 1770. A bill to prevent fraud, abuse, and waste in the Medicare and Medicaid Programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. HANSEN, and Mr. MEEHAN):

H.R. 1771. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1772. A bill to provide for the reduction in the number of children who use tobacco products, and for other purposes; to the Committee on Commerce.

By Mrs. THURMAN:

H.R. 1773. A bill to amend title 10, United States Code, to expand the National Mail Order Pharmacy Program of the Department of Defense to include covered beneficiaries under the military health care system who are also entitled to Medicare; to the Committee on National Security.

By Mr. WEYGAND:

H.R. 1774. A bill to amend the Internal Revenue Code of 1986 to provide for a deduction for qualified higher education expenses; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. GEPHARDT, Mr. COX of California, Mr. BONIOR, Mr. PAXON, Ms. PELOSI, Mr. SMITH of New Jersey, Mr. MARKEY, Mr. BUNNING of Kentucky, Ms. KAPTUR, Mr. WOLF, Mr. HUNTER, Mr. ROHRABACHER, Mr. SCARBOROUGH, and Mr. TRAFICANT):

H.J. Res. 79. Joint resolution disapproving the extension of nondiscriminatory treatment, (most-favored-nation treatment), to the products of the People's Republic of China; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. FILNER and Mr. GILMAN.

H.R. 38: Mr. BILBRAY and Mr. CLEMENT.

H.R. 43: Mr. BILBRAY.

H.R. 44: Mr. BILBRAY and Mr. STRICKLAND.

H.R. 51: Mr. PICKERING, Mr. ROHRABACHER, Mr. BERRY, Mr. POSHARD, and Mr. TAYLOR of Mississippi.

H.R. 58: Mr. WEYGAND, Mr. ROTHMAN, and Mrs. CHENOWETH.

H.R. 65: Mr. SPENCE, Mr. BILBRAY, Mr. CLEMENT, and Mr. SKEEN.

H.R. 66: Mr. HILLIARD, Mr. WISE, and Mr. RIGGS.

H.R. 96: Mr. MANTON and Mr. THOMAS.

H.R. 135: Mr. BAKER.

H.R. 192: Mr. CHAMBLISS, Mr. MEEHAN, Mr. FOX of Pennsylvania, Ms. CHRISTIAN-GREEN, and Mrs. FOWLER.

H.R. 195: Mr. FAZIO of California.

H.R. 216: Mr. STRICKLAND and Mr. NEAL of Massachusetts.

H.R. 230: Ms. CHRISTIAN-GREEN.

H.R. 303: Mr. BILBRAY, Mr. CLEMENT, Mr. SANDLIN, and Mr. SKEEN.

H.R. 304: Ms. CHRISTIAN-GREEN.

H.R. 306: Mr. LEVIN and Mr. KLECZKA.

H.R. 322: Mr. GREENWOOD.

H.R. 335: Mr. MCHALE.

H.R. 339: Mrs. MYRICK.

H.R. 367: Mr. HOLDEN.

H.R. 399: Mr. RIGGS.

H.R. 404: Ms. WOOLSEY, Mr. MANTON, Mr. DAVIS of Illinois, Mr. VISCLOSKY, and Mr. BILBRAY.

H.R. 407: Mr. SHADEGG and Mr. CALVERT.

H.R. 411: Mr. MALONEY of Connecticut, Mr. ROTHMAN, and Mrs. ROUKEMA.

H.R. 414: Mr. CHAMBLISS, Mr. MEEHAN, Mrs. CHENOWETH, and Mr. FOX of Pennsylvania.

H.R. 457: Mrs. MYRICK.

H.R. 519: Mr. RUSH.

H.R. 556: Ms. DEGETTE.

H.R. 598: Mr. DAVIS of Virginia.

H.R. 616: Mr. MANTON, Mr. HINCHEY, Ms. DANNER, Mr. BOUCHER, Mr. CAPPS, Mr. FOGLIETTA, and Mr. FRANKS of New Jersey.

H.R. 622: Mr. CALVERT.

H.R. 630: Mr. CAPPS, Mr. DIXON, Mr. POMBO, and Ms. LOFGREN.

H.R. 633: Mr. BRYANT.

H.R. 634: Mr. PAXON, Mr. MCINTOSH, Mr. HAYWORTH, Mrs. MYRICK, and Mr. PORTER.

H.R. 681: Mr. DOOLITTLE, Mr. MATSUI, Ms. PELOSI, Mr. BONO, Mr. FARR of California, Mr. ROHRABACHER, Mr. BROWN of California, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. HORN, and Mr. STARK.

H.R. 715: Mr. WAMP and Mr. GORDON.

H.R. 716: Mr. HASTINGS of Washington.

H.R. 761: Mr. DELLUMS.

H.R. 789: Mr. GUTKNECHT.

H.R. 795: Ms. WATERS, Mr. KUCINICH, Mr. QUINN, and Mr. DELAHUNT.

H.R. 805: Mr. WATTS of Oklahoma and Mr. PETERSON of Pennsylvania.

H.R. 813: Mr. LUCAS of Oklahoma.

H.R. 847: Mr. FROST, Ms. NORTON, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Ms. RIVERS, Mr. ACKERMAN, and Ms. KILPATRICK.

H.R. 869: Mrs. MALONEY of New York, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, and Ms. MOLINARI.

H.R. 872: Mr. CALVERT, Mr. COOK, Mr. DREIER, Mr. FAZIO of California, Mr. HOEKSTRA, Mr. OBERSTAR, Mr. PICKETT, Mr. ROYCE, Mr. SOLOMON, and Mr. THORNBERRY.

H.R. 875: Mr. MCCOLLUM, Mr. GEJDENSON, Mr. BLAGOJEVICH, Mr. TURNER, and Mr. CANNON.

H.R. 893: Mr. SABO, Mrs. KENNELLY of Connecticut, Mr. ENGEL, Mr. RAHALL, and Mr. FOGLIETTA.

H.R. 894: Mr. ENGEL.

H.R. 950: Mr. YATES.

H.R. 955: Mr. HYDE, Mr. SCARBOROUGH, Mr. HAYWORTH, Mr. DELAY, Mr. MICA, and Mr. SESSIONS.

H.R. 977: Mr. BLILEY.

H.R. 979: Ms. DEGETTE, Mr. PICKERING, Mr. DAVIS of Virginia, and Mr. BLUMENAUER.

H.R. 988: Ms. SLAUGHTER.

H.R. 991: Mr. CUMMINGS.

H.R. 1023: Mr. LAZIO of New York, Mr. BACHUS, Mr. DEAL of Georgia, Ms. WATERS, Mr. DOYLE, Ms. VELÁZQUEZ, Mr. TURNER, and Mr. MCCRERY.

H.R. 1038: Mr. MCDERMOTT.

H.R. 1047: Ms. JACKSON-LEE and Mr. WAXMAN.

H.R. 1059: Mr. LAHOOD, Mr. MCINNIS, and Mr. LATOURETTE.

H.R. 1061: Mr. ABERCROMBIE and Mr. FILNER.

H.R. 1062: Mr. CHABOT, Mr. CUNNINGHANM, and Mr. SPENCE.

H.R. 1063: Mr. NEUMANN, Mr. ETHERIDGE, Mr. MCINTYRE, Mr. MORAN of Virginia, Ms. MCCARTHY of Missouri, Mr. FOLEY, and Mr. RAHALL.

H.R. 1108: Mr. CANADY of Florida, and Mrs. NORTHUP.

H.R. 1126: Ms. ESHOO and Mr. PAYNE.

H.R. 1134: Mr. UNDERWOOD, Mr. CAPPS, Mr. WEYGAND, Mr. RUSH, Ms. KILPATRICK, Mr. SABO, Mr. DEFAZIO, Mr. PARKER, Mr. MCGOVERN, and Mr. MCDERMOTT.

H.R. 1161: Mr. TIAHRT.

H.R. 1165: Mr. LATOURETTE and Mr. STARK.

H.R. 1168: Mr. BUNNING of Kentucky, Ms. KAPTUR, Mr. BUYER, Mr. CANADY of Florida, Mr. GOODLATTE, Mr. PRICE of North Carolina, Mr. GOODLING, Mr. UPTON, Mr. BACHUS, and Mr. DUNCAN.

H.R. 1205: Mr. WELLER.

H.R. 1215: Mr. KILDEE.

H.R. 1218: Mr. FILNER, Ms. JACKSON-LEE, Mr. OBERSTAR, Mr. OLVER, and Mr. FROST.

H.R. 1263: Mr. MARTINEZ.

H.R. 1279: Mr. GOODE, Mr. CANADY of Florida, and Mrs. MYRICK.

H.R. 1285: Mr. LUCAS of Oklahoma.

H.R. 1288: Mr. RUSH, Mr. JACKSON, and Mr. STRICKLAND.

H.R. 1300: Mr. WATTS of Oklahoma.

H.R. 1320: Mr. LIPINSKI and Mr. DELLUMS.

H.R. 1350: Mr. WELLER, Mr. MICA, and Mr. RAMSTAD.

H.R. 1353: Mrs. ROUKEMA.

H.R. 1371: Mr. PICKERING.

H.R. 1375: Mr. LATOURETTE, Ms. WOOLSEY, Mr. BROWN of California, and Mr. ALLEN.

H.R. 1383: Mr. CARDIN, Ms. JACKSON-LEE, Mr. ROTHMAN, and Mr. TORRES.

H.R. 1398: Mr. WELDON of Florida, Mr. HUTCHINSON, and Mr. MANTON.

H.R. 1425: Mr. PORTER and Mr. FORD.

H.R. 1427: Mr. MCCOLLUM.

H.R. 1450: Mr. RUSH and Ms. CARSON.

H.R. 1464: Mr. ABERCROMBIE.

H.R. 1480: Mr. ACKERMAN, Mr. DELLUMS, and Ms. NORTON.

H.R. 1481: Mr. BONIOR and Mr. WALSH.

H.R. 1493: Mr. SHERMAN.

H.R. 1496: Mr. BAKER.

H.R. 1500: Mr. ALLEN.

H.R. 1507: Mr. FOX of Pennsylvania, Mr. SABO, Mr. TRAFICANT, Mr. PRICE of North Carolina, Mr. TOWNS, Mr. RUSH, Ms. CARSON, Mr. FALEOMAVAEGA, and Mr. FOGLIETTA.

H.R. 1526: Mr. NEUMANN, Mr. MCINTOSH, Mr. CALVERT, Mr. MANZULLO, and Mr. DELAY.

H.R. 1531: Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Mr. SAXTON, Mr. FROST, and Mr. FILNER.

H.R. 1532: Mr. DIAZ-BALART, Mr. BATEMAN, Mr. SANDLIN, Ms. SLAUGHTER, Mr. FARR of California, Mr. HERGER, Mr. CHRISTENSEN, Mr. DELAHUNT, Mr. HINCHEY, Mr. HULSHOF, Mr. KLINK, Mr. GOSS, Mr. DINGELL, Mr. FILNER, Mr. DAVIS of Virginia, Mr. ANDREWS, Mr. HAMILTON, Mr. WELDON of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. THURMAN, Mr. GIBBONS, Mr. HALL of Texas, Ms. DUNN of Washington, Ms. SANCHEZ, Ms. CHRISTIAN-GREEN, Mr. LOBIONDO, Mr. BENTSEN, Mr. GEJDENSON, Mr. TRAFICANT, Mr. HOBSON, Mr. HALL of Ohio, Mr. FALEOMAVAEGA, Mr. ARCHER, Mr. KIND of Wisconsin, Mr. JOHN, and Mrs. MORELLA.

H.R. 1570: Mr. BERMAN, Mr. MARKEY, Mr. KENNEDY of Massachusetts, Mr. NADLER, and Ms. NORTON.

H.R. 1609: Mr. MCNULTY, Mr. EVANS, Mr. LAFALCE, Mr. OLVER, and Mr. ACKERMAN.

H.R. 1612: Mr. RADANOVICH.

H.R. 1670: Mr. FRANK of Massachusetts and Ms. JACKSON-LEE.

H.R. 1673: Mr. LOBIONDO and Mr. FRANKS of New Jersey.

H.R. 1679: Mr. SKAGGS and Ms. LOFGREN.

H.R. 1683: Mr. PETERSON of Minnesota.

H.R. 1684: Mr. CHAMBLISS.

H.R. 1689: Ms. PELOSI and Mr. BURR of North Carolina.

H.R. 1712: Mr. BARRETT of Nebraska and Mr. SALMON.

H.R. 1716: Mr. MALONEY of Connecticut, Mr. LUTHER, and Mr. HYDE.

H.R. 1729: Mr. CARDIN and Mr. FATTAH.

H.R. 1741: Mr. WATTS of Oklahoma, Mr. CUMMINGHAM, and Mr. OBERSTAR.

H.J. Res. 54: Mr. FAWELL.

H.J. Res. 75: Ms. JACKSON-LEE.

H.J. Res. 76: Mr. DOYLE, Mr. HORN, and Mr. RUSH.

H. Con. Res. 6: Mr. VISCLOSKY.

H. Con. Res. 10: Ms KAPTUR, Mr. KNOLLENBERG, and Mr. UPTON.

H. Con. Res. 13: Ms. MCKINNEY, Mr. DELAHUNT, Mr. MARKEY, Mr. DEAL of Georgia. Mr. BENTSEN, Mr. BLILEY, and Mr. HULSHOF.

H. Con. Res. 52: Mr. SOLOMON and Mr. CUMMINGS.

H. Con. Res. 55: Mr. DEFAZIO, Mr. ENGEL, and Ms. VELÁZQUEZ.

H. Con. Res. 65: Mr. HOLDEN, Mr. DUNCAN, Mr. FAZIO of California, Mr. SKEEN, Mr. BOEHLERT, Mrs. MALONEY of New York, Mr. CHAMBLISS, Mr. ACKERMAN, Mr. KLINK, Mr. FOX of Pennsylvania, Mr. SESSIONS, Mr. PAXON, Mr. WICKER, and Mr. ROHRABACHER.

H. Con. Res. 75: Ms. LOFGREN.

H. Con. Res. 80: Mr. QUINN, Mr. DUNCAN, Mr. NEY, Mrs. MYRICK, Mr. KLECZKA, Mr. SPRATT, Mr. BARRETT of Wisconsin, Mr. VISCLOSKY, Mr. BERRY, Ms. DEGETTE, Mr. LEVIN, Ms. RIVERS, Ms. SLAUGHTER, Mr. POSHARD, and Mr. FORBES.

H. Con. Res. 91: Mr. BONIOR and Mr. RUSH.

H. Res. 83: Mr. GOSS, Mr. BILBRAY, Ms. LOFGREN, Mr. GONZALEZ, and Mr. FRANK of Massachusetts.

H. Res. 139: Mr. DEAL of Georgia, Mr. FORBES, Mr. BAKER, Mr. BOEHNER, and Ms. DUNN of Washington.

H. Res. 151: Mr. LAFALCE, Mr. PALLONE, Mr. WATTS of Oklahoma, Mr. SMITH of New Jersey, and Mr. STARK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1438: Ms. CHRISTIAN-GREEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 1. At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. CONGRESSIONAL STATEMENT REGARDING PRIME MINISTER GUJRAL OF INDIA.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Prime Minister Gujral of India has recently received a vote of confidence from the Indian parliament.

"(2) Prime Minister Gujral is committed to strengthening ties between the United States and India through the continuation of free market reforms and initiatives.

"(3) The Gujral government is on the verge of passing a budget package that will carry forward economic reforms initiated in 1991 that have opened India to foreign investment and trade.

"(4) Prime Minister Gujral has made it a priority to improve relations with Pakistan and has recently met with the Prime Minister of Pakistan, Nawaz Sharif, to better relations between the two countries.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Clinton Administration should support and work closely with Indian Prime Minister Gujral in strengthening relations between the United States and India and improving relations in the South Asia region."

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 2: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING THE CONFLICT IN NAGORNO-KARABAGH.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the United States, in its capacity as a co-chair of the OSCE'S Minsk Group, reaffirms its neutrality in the Nagorno-Karabagh conflict and commits itself to a negotiated settlement; and

"(2) the United States strongly supports the May 12, 1994, cease-fire agreement signed by Azerbaijan, Armenia and Nagorno-Karabagh, and condemns all violations of the cease-fire by the conflicting parties.

"(b) CONGRESSIONAL STATEMENT.—The Congress urges the President and the Secretary of State to encourage direct talks between the parties to the conflict in Nagorno Karabagh."

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 3: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING DEVELOPMENT OF AZERBAIJAN'S CASPIAN SEA PETROLEUM RESERVES.

"It is the sense of the Congress that—

"(1) the President should seek cooperation from the governments of Armenia, Azerbaijan, and Turkey, as well as private companies with an interest in developing Azerbaijan's Caspian Sea petroleum reserves, to encourage the construction of a pipeline route from Azerbaijan through Armenia that could reach Turkey and Mediterranean sea ports; and

"(2) such a route for a pipeline should in no way prejudice other trans-Caucasus pipeline routes, but would help to promote stability and economic growth in the Caucasus region, improving relations between neighboring countries and the United States."

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 4: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING THE SOVEREIGNTY OF BELARUS.

"It is the sense of the Congress that the President should strongly urge the Government of President Aleksandr Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus, maintain its independence from the Russian Federation, abide by the provisions of the Helsinki Accords and the constitution of the Republic of Belarus and guarantee freedom of the press, allow for the flowering of the Belarusan language and culture, and enforce the separation of powers."

EXTENSIONS OF REMARKS

ADVENTURE THEATER CELEBRATES 45TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mrs. MORELLA. Mr. Speaker, I want to recognize an impressive achievement of by a volunteer arts organization in my district. This year marks the 45th anniversary of the nationally recognized children's theater company, Adventure Theater. Located in the national park in Glen Echo, MD, this company of actors, directors, artists, and teachers have been providing wholesome and innovative entertainment for 45 years to the children of the Metropolitan Washington area.

Within view of the C&O Canal in Montgomery Country, MD, the historic national park at Glen Echo has been the home of artists, dancers, puppeteers, and actors since its evolution from the days as a popular amusement park built at the Maryland terminus of Washington's trolley line.

Adventure Theater is the Washington, DC, area's oldest children's theater. Since they premiered in 1952, the volunteer group has been dedicated to producing quality children's theater. Through weekend and weekday performances, drama classes, an award-winning touring company, Girl and Boy Scout workshops, seasonal events, volunteer opportunities, and open auditions, Adventure Theater has involved the community in the world of theater.

Adventure Theater was created by a group of women volunteers who recognized the need for live stage productions for children. Although today many children now have the advantage of exposure to theater and performances in schools and auditoriums, little was available for young audiences in the early 1950's.

Working with determination, a few pioneers from Montgomery County built a company from humble beginnings. The first season was performed on a borrowed stage with scenery painted in one actor's basement and with costumes sewn by another actor.

Audiences soon grew and Adventure Theater began to perform on stages, in schools, and community centers throughout the Greater Washington area. Drama classes were added and a touring company, the In-School Players, was formed to bring original productions in the Washington area school systems.

In 1971, they found a permanent home at Glen Echo Park, and they have continued to perform in their theater in the old Penny Arcade Building in cooperation with the National Park Service. The company's repertoire explores different theatrical genres, from puppetry to storytelling to full-scale musicals. There is something for everyone, and for all ages. Offerings for very young theater-goers are especially well received—for children ages 4 and up.

Adventure Theater supplies interpretive services for the visually and hearing impaired persons. They also have established several outreach programs to provide live theater for people who might not be able to attend because of transportation or other difficulties. The company offers scholarships to deserving children wishing to attend theater classes; and tickets are donated to school auctions, shelters, and community benefits. In addition, Adventure Theater will lend costumes, props, and set pieces of local schools, theater groups, and community organizations.

As Adventure Theater enters its 46th season, the residents of Montgomery County are proud of their history as a part of the Washington cultural scene. Parents who attended their shows as children now eagerly bring their own children, and grandchildren to Adventure Theatre—hoping to instill the same enjoyment of the art in their own families. The long relationship with the community by Adventure Theater is a testament to the support for the arts by the people of Montgomery County.

CHERYL COOK-KALLIO: FREMONT TEACHER BECOMES STUDENT AGAIN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. STARK. Mr. Speaker, I rise today to recognize Cheryl Cook-Kallio, teacher of social studies at Hopkins Junior High School in Fremont, CA. A public educator for over 17 years, Ms. Cook-Kallio has been awarded a James Madison Fellowship by the James Madison Memorial Fellowship Foundation of Washington, DC.

Ms. Cook-Kallio is one of 61 recipients of this highly distinguished fellowship to support the continued study of American history and the Constitution by teachers of American history, American Government, and social studies. She will be awarded up to $24,000 to be used toward her master's degree.

Next summer Ms. Cook-Kallio, along with the other fellowship recipients, will attend a 6-week course at Georgetown University to study the Constitution in the National Archives. Her lifelong dream has been to intensively study the Constitution, and through this fellowship, that dream will be recognized.

Ms. Cook-Kallio is an annual visitor to Washington, as she accompanies her eighth grade American Government class on their end-of-the-year trip to our Nation's capital each year. Ms. Cook-Kallio is a graduate of Hopkins Junior High School herself, who went on to study at the University of North Carolina-Charlotte, and received her teaching certificate at San Jose State University. She began her career in education at Hopkins in 1979, where she has been teaching ever since.

Competition for this fellowship is fierce, drawing applicants from all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Nation's islands and trust territories. Ms. Cook-Kallio deserves much praise for her accomplishment, as the award is intended to recognize the most distinguished of teachers.

It is important for us to understand that learning is a lifelong process, that knowledge and exploration are the roots of creativity. We congratulate Cheryl Cook-Kallio and wish her the best of luck on furthering her education and on continuing to share her knowledge of the workings of our government with the students of Hopkins Junior High.

TRIBUTE TO THE MOST REV. FRANCISCO GARMENDIA, D.D.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Bishop Francisco Garmendia, who will be honored on June 7 for his 50 years of service to the Catholic Church and for the spiritual leadership he continues to provide the Hispanic community in my congressional district, the South Bronx.

As the first Hispanic bishop in the Archdiocese of New York, Bishop Garmendia is truly an example of excellence in leadership. But ask any one of his parishioners and he will certainly tell you that our own "good shepherd" not only leads his flock but sacrifices and cares for it as well.

Born in Lazcano, Spain, Bishop Garmendia was truly raised in the faith. After attending a private school run by the Benedictine Fathers there, Bishop Garmendia entered the seminary in 1935 and, in 1947, was ordained a priest. Almost as soon as he finished saying his first mass his journey of service began, one that would take him across the globe to touch the lives of many. After studying in England he was transferred to Salta, Argentina, where he taught English and chemistry in the Colegio Belgrano of Salta. When not teaching, Bishop Garmendia would give up his weekends to minister to the native community.

Bishop Garmendia's understanding of people and his experience with diversity cleared the way for his mission in New York. Since his transfer in 1964, Bishop Garmendia has earned not only the trust and respect of the Church—he was consecrated bishop by Cardinal Cooke in 1977—but also the love and support of the Hispanic community. Over the years, Bishop Garmendia has worked tirelessly to spread God's Word not just from the pulpit but on radio and television as well.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We also recognize Bishop Garmendia for his tremendous social work and his struggles to provide services for those in need. Among his many accomplishments, Bishop Garmendia instituted the Spanish Orientation Center and sponsored the establishment of The Resource Center for Community Development, Inc., better known as The Hope Line, a free service which provides thousands of immigrants with legal, material, and spiritual assistance. Although he has been threatened by drug dealers and even physically attacked, Bishop Garmendia has not wavered in his commitment to serve his God and his community.

Mr. Speaker, I ask my colleagues to join me in recognizing Bishop Francisco Garmendia for his selfless devotion to the Church and the Hispanic community of New York. In a time when service often goes unappreciated, we should recognize great servants like Bishop Garmendia and encourage them to continue in their courageous efforts.

THE CHALLENGE IN THE CONGO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from May 1997 entitled The Challenge in the Congo.

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

THE CHALLENGE IN CONGO

This is an important and dangerous time for Congo and all of central Africa. The victory by rebel forces creates both an opportunity and risk. With Africa's third largest population (46 million) and vast mineral wealth, Congo (formerly Zaire) could become an economic powerhouse for all of central Africa. Its natural bounty, however, was ravaged by the corrupt rule of President Mobutu. For years Congo has been virtually without a government. If its new leaders turn out to be little better, Congo could descend into violent conflict and even fragment. Given the stakes, U.S. policy should make an intensive effort to steer it toward stability, free markets, and democracy.

Roots of revolution. The successful revolution against Mobutu has its roots in the remote eastern Zaire. Rebel leader Laurent Kabila, though not a Tutsi himself, led the alliance there against Mobutu and Hutu militants from Rwanda, both of whom were oppressing Tutsis. Surprising everyone, Kabila's forces swept across Zaire in seven months, and toppled Mobutu on May 17. But Kabila did not capture the country alone. Rwanda, Uganda, and Angola gave him significant help to avenge Mobutu's meddling in their own politics.

Kabila untested. Many questions remain about President Kabila and his government. His forces are suspected of killing thousands of refugees. He has espoused Marxism in the past, yet we know little about his present intentions. In his rhetoric he supports markets and democracy, but it will be some time before we can see whether he has fulfilled his promises. He has disbanded parliament, dismantled the constitution, and banned political activity outside his movement, which he has declared the national authority.

The challenge before Kabila is formidable. Mobutu virtually destroyed the country and its society. Kabila's task is to remake both. The population must be prepared for democracy, and the country's economy rebuilt. Kabila must keep the disparate elements of his alliance together, reach out to include all elements of the population, and promote autonomy to prevent Congo from fragmenting.

U.S. interests in Congo. Though we do not have security interests in Congo, the U.S. has a significant stake there. First, Zaire has large deposits of diamonds, gold, cobalt, and copper, and U.S. firms stand to gain from investment in a stable Congo. Second, a successful transformation in Congo could spark growth and better the lives of people throughout central Africa. Third, if Congo were to collapse, the suffering would be great. The U.S. could become involved in costly humanitarian relief or even military intervention. We should not ignore Congo, as we have in the recent past, lest the country cascade into chaos.

Our policy toward Congo should be part of an overall post-Cold War approach to Africa, working toward civilian, democratically-elected governments, and market reforms. It is in U.S. interests to see a secure Congo at peace with itself and its neighbors, moving toward democracy and meeting the basic needs of its people. We want a stable government based on fiscal discipline, an open economy without corruption, and respect for human rights.

Next steps for U.S. We have leverage with the Kabila government, and we should use it to further these interests. First, as a show of goodwill, we should extend a helping hand. We should come forward with some modest transitional aid, and offer a larger package if Congo meets conditions related to economic reform and good governance.

Second, we should continue to press Kabila to form a broad-based, inclusive, and honest transitional government. Representatives of anti-Mobutu opposition groups, church and civic groups should be invited to serve. The U.S. should also stress transparency and accountability in government: after the Mobutu years, people will want to know where funds are going. Security concerns are paramount for Kabila right now, but it is also important that he honor his pledge to hold elections within two years.

Third, the U.S. should help the UN and relief organizations gain access to refugees in Congo, many of whom are in dire need of humanitarian assistance. The U.S. must oppose any attempts to persecute refugees and should continue to press Kabila to grant access to the UN to conduct an objective accounting of reported killings of refugees during the war.

Fourth, the U.S. should urge Congo's neighbors who intervened in the war to help Congo now find the right path. Rwanda, Uganda, and Angola have significant weight with the new regime. These nations should not pursue only their narrow security interests, but should encourage Kabila to pursue reconciliation and an inclusive government.

Finally, the U.S. should encourage the World Bank and the IMF to move into Congo as soon as the Kabila government meets conditions to gain access to their funds. They have far greater resources and expertise than the U.S. or any other single donor. There must be no room for squabbling in the international community, and actions must be coordinated. The new regime is short on economic expertise, and will need outside help in setting sound economic policies. Rebuilding Congo's infrastructure and demobilizing troops are important tasks the new government faces.

Conclusion. One must admire the people of Congo. They have endured great hardship and shown resilience and courage. Now Congo is poised to move from the Mobutu years to a better future for its citizens, and the U.S. has significant interests in this transformation. For the United States, the question is whether we have the will, interest, and patience to pursue and sustain our policy. There are difficult demands ahead, and the U.S. should help Congo become a success in the heart of Africa.

THE LEGACY OF THE MARSHALL PLAN: PRESIDENT BILL CLINTON'S ADDRESS AT THE 50TH ANNIVERSARY OF THE MARSHALL PLAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. LANTOS. Mr. Speaker, this past week the United States and the countries of Western Europe marked the 50th anniversary of the June 5, 1947, Commencement Address at Harvard University by then Secretary of State George C. Marshall in which the idea of the Marshall Plan are first publicly discussed.

That important anniversary was commemorated last week at a special celebration in the Hall of Knights in the Binnenhof in The Hague, the capitol of The Netherlands. Attending the festive occasion were the heads of state and government of the countries of the European Union and other distinguished European leaders.

Mr. Speaker, just a few days ago, this House considered and adopted a resolution which I introduced with the cosponsorship of a number of my colleagues, House Concurrent Resolution 63, recommitting the United States to the principles of the Marshall Plan. Mr. Speaker, that resolution recognizes the wisdom and insight of Secretary Marshall's address and of the policy that resulted from it, and it recommits the United States to the wise policy first enunciated 50 years ago. I appreciate the wisdom of the House in rededicating our Nation to those principles.

Mr. Speaker, representing the United States for this commemoration was our President, Bill Clinton. His remarks at the celebration represent the best of American statesmanship—recognizing the importance of our country's contribution to European recovery 50 years ago, the importance of European unification initiated under the Marshall Plan and continuing today through the European Union, and the importance for democracy of the enduring links that were forged between the United States and the countries of Western Europe by our joint struggle in World War II, through the cooperation of the Marshall Plan, and our long struggle in the Cold War.

Mr. Speaker, I ask that President Clinton's remarks be placed in the RECORD, and I urge my colleagues to give them thoughtful attention. The Marshall Plan was truly one of the great milestones of American diplomacy, and the President's remarks in Holland place that great act of statesmanship in a fitting context.

Remarks by the President at Commemorative Event for the 50th Anniversary of the Marshall Plan

President CLINTON. Thank you very much, Mr. Sedee, for sharing your wonderful story. I forgive you for stealing the matchbook from the White House. (Laughter.) In fact, just before we came in, I confess that I had heard did such a thing, so without theft, I brought him some cufflinks and some Oval Office candy for his grandchildren today. (Laughter.)

Your Majesty, Prime Minister, fellow heads of state and leaders of government, ministers parliamentarian, members of Congress, to the youth leaders from Europe and America, to all of you who had anything to do with or were ever touched by the Marshall Plan. And I'd like to say a special word of appreciation to two distinguished Americans—former ambassadors, General Vernon Walters and Arthur Hartman, who worked on the Marshall Plan as young men, who have come here to be with us today.

This is a wonderful occasion. We are grateful to the Queen, the government and the people of the Netherlands for hosting us and for commemorating these 50 years. The words of Mr. Sedee reach out to us across the generations, no matter where we come from or what language we speak. They warn us of what can happen when people turn against one another, and inspire us with what we can achieve when we all pull together. That is a message that we should emblazon in our memories.

Just as we honor the great accomplishments of 50 years ago, as the Prime Minister said so eloquently, we must summon the spirit of the Marshall Plan for the next 50 years and beyond; to build a Europe that is democratic, at peace, and undivided for the first time in history, a Europe that does not repeat the darkest moment of the 20th century, but instead fulfills the brightest promise of the 21st.

Here in a citadel of a prosperous, tolerant Dutch democracy, we can barely imagine how different Europe was just 50 years ago. The wonderful pictures we saw, with the music, helped us to imagine: some 30,000 dead still lay buried beneath the sea of rubble in Warsaw; 100,000 homes had been destroyed in Holland; Germany in ruins; Britain facing a desperate shortage of coal and electric power; factories crippled all across Europe; trade paralyzed; millions fearing starvation.

Across the Atlantic, the American people were eager to return to the lives they had left behind during the war. But they heeded the call of a remarkable generation of American leaders—General Marshall, President Truman, Senator Vandenberg—who wanted to work with like-minded leaders in Europe to work for Europe's recovery as they had fought for its survival. They knew that, as never before, Europe's fate and America's future were joined.

The Marshall Plan offered a cure, not a crutch. It was never a handout; it was always a hand up. It said to Europe, if you will put your divisions behind you, if you work together to help yourselves, then American will work with you.

The British Foreign Secretary, Ernest Bevin, called the Marshall Plan "a lifetime to sinking men, bringing hope where there was none." From the Arctic Sea to the Mediterranean, European nations grabbed that lifetime, cooperating as never before on a common program of recovery. The task was not easy, but the hope they shared was more powerful than their differences.

The first ship set sail from Texas to France with 19,000 tons of wheat. Soon, on any given day, a convoy of hope was heading to Europe with fuel, raw materials and equipment. By the end of the program in 1952, the Marshall Plan had pumped $13 billion into Europe's parched economies. That would be the equivalent of $88 billion today. It provided the people of Europe with the tools they needed to rebuild their shattered lives. There were nets for Norwegian fishermen, wool for Austrian weavers, tractors for French and Italian farmers, machines for Dutch entrepreneurs.

For a teenage boy in Germany, Marshall aid was the generous hand that helped lift his homeland from its ruinous past. He still recalls the American trucks driving onto the schoolyard, bringing soup that warmed hearts and hands. That boy grew up to be a passionate champion of freedom and unity in Europe, and a great and cherished friend of America. He became a first Chancellor of a free and unified Germany. In his good life and fine work, Helmut Kohl has come to symbolize both the substance and the spirit of the Marshall Plan. Thank you. (Applause.)

Today we see the success of the Marshall Plan and the nations it helped to rebuild. But, more, we see it in the relations it helped to redefine. The Marshall Plan transformed the way America related to Europe, and in so doing, transformed the way European nations related to each other. It planted the seeds of institutions that evolved to bind Western Europe together—from the OECD, the European Union and NATO. It paved the way for reconciliation of age-old differences.

Marshall's vision, as has not been noted, embraced all of Europe. But the reality of his time did not. Stalin barred Europe's eastern half, including some of our staunchest allies during World War II, from claiming their seats at the table, shutting them out of Europe's recovery, closing the door on their freedom. But the shackled nations never lost faith and the West never accepted the permanence of their fate. And at last, through the efforts of brave men and women determined to live free lives, the Berlin Wall and the Iron Curtain fell.

Now, the dawn of new democracies is lighting the way to a new Europe in a new century—a time in which America and Europe must complete the noble journey that Marshall's generation began, and this time with no one left behind. I salute Prime Minister Kok for his leadership, and the leadership his nation has given, to ensure that this time no one will be left behind. (Applause.)

Twenty-first century Europe will be a better Europe, first, because it will be both free and undivided; second, because it will be united not by the force of arms, but by the possibilities of peace. We must remember, however, that today's possibilities are not guarantees. Though walls have come down, difficulties persist; in the ongoing struggle of newly free nations to build vibrant economies and resilient democracies; in the vulnerability of those who fear change and have not yet felt its benefits; to the appeals of extreme nationalism, hatred and division; in the clouded thinking of those who still see the European landscape as a zero-sum game in terms of the past; and in the new dangers we face and cannot defeat alone—from the spread of weapons of mass destruction to terrorism, to organized crime, to environmental degradation.

Our generation, like the one before us, must choose. Without the threat of Cold War, without the pain of economic ruin, without the fresh memory of World War II's slaughter, it is tempting to pursue our private agendas—to simply sit back and let history unfold. We must resist that temptation. And instead, we must set out with resolve to mold the hope of this moment into a history we can be proud of.

We who follow the example of the generations we honor today must do just that. Our mission is clear: We must shape the peace, freedom and prosperity they made possible into a common future where all our people speak the language of democracy; where they have the right to control their lives and a chance to pursue their dreams; where prosperity reaches clear across the continent and states pursue commerce, not conquest; where security is the province of all free nations working together; where no nation in Europe is ever again excluded against its will from joining our alliance of values; and where we join together to help the rest of the world reach the objectives we hold so dear.

The United States and Europe have embraced this mission. We're advancing across a map of modern miracles. With support from America and the European Union, Europe's newly free nations are laying the cornerstones of democracy. With the help of the USIA's Voice of America, today's celebration is being heard freely by people all across this great continent.

In Prague, where listening to Western broadcasts was once a criminal offense, Radio Free Europe has made a new home, and an independent press is flourishing. In Bucharest, democracy has overcome distrust, as Romanians and ethnic Hungarians for the very first time are joined in a democratic coalition government.

Thank you, sir. (Applause.)

From Vladivostok to Kaliningrad, the people of Russia went to the polls last summer in what all of us who watched it know was a fully democratic, open, national election.

We must meet the challenge now of making sure this surge of democracy endures. The newly free nations must persevere with the difficult work of reform. America and Western Europe must continue with concrete support for their progress, bolstering judicial systems to fight crime and corruption, creating checks and balances against arbitrary power, helping to install the machinery of free and fair elections so that they can be repeated over and over again, strengthening free media and civic groups to promote accountability, bringing good government closer to the people so that they can have an actual voice in decisions affecting their lives.

We have also helped new democracies transform their broken economies and move from aid to trade and investment. In Warsaw, men and women who once stood in line for food now share in the fruits of Europe's fastest growing economy, where more than nine of 10 retail businesses rests in private hands. Since the fall of the Berlin Wall, the international financial institutions have channeled to the new democracy some $50 billion to strengthen the foundations of their market economies. And as markets have emerged, another $45 billion in private investment has flowed from places like Boston and London to help support enterprises from Budapest to L'viv.

Now, as the new democracies continue to scale the mountains of market reform, our challenge is to help them reap more fully the benefits of prosperity, working to make the business climate as stable and secure as possible, investing in their economies, sharing entrepreneurial skills and opening the doors of institutions that enable our community to thrive.

Again let me say America salutes the European Union's commitment to expand to Central and Eastern Europe. We support this historic process an believe it should move ahead swiftly. A more prosperous Europe will be a stronger Europe and also a stronger partner for Europe's North American friends in America and Canada.

Nations that tackle tough reforms deserve to know that what they build with freedom they can keep in security. Through NATO, the core of transatlantic security, we can do for Europe's East what we did in Europe's West—defend freedom, strengthen democracy, temper old rivalries, hasten integration, and provide a stable climate in which prosperity can grow.

We are adapting NATO to take on new missions—opening its doors to Europe's new democracies, bolstering its ties to non-members through a more robust partnership for peace, and forging a practical, lasting partnership between NATO and a democratic Russia—all these things designed to make sure that NATO remains strong, supports the coming together of Europe, and leads in meeting our new security challenges.

Yesterday in Paris the leaders of NATO and Russia signed the historic Founding Act that will make us all more secure. We will consult, coordinate and, where both agree, act jointly, as we are doing in Bosnia now.

Now, consider the extraordinary milestone this represents. For decades, the fundamental security concern in Europe was the confrontation between East and West. For the first time, a new NATO and a new Russia have agreed to work as partners to meet challenges to their common security in a new and undivided Europe, where no nation will define its greatness in terms of its ability to dominate its neighbors.

Now we must meet the challenge of bolstering security across outdated divides, making the NATO partnership work with Russia, continuing NATO's historic transformation.

In less than six weeks, NATO will meet again in Madrid to invite the first of Europe's new democracies to add their strength to the Alliance. The prospect of NATO membership already has led to greater stability, for aspiring members are deepening reform and resolving the very kinds of disputes that could lead to future conflict.

The first new members will not be the last. NATO's doors must, and will, remain open to all those able to share the responsibilities of membership. We will strengthen the Partnership for Peace and create a new Euro-Atlantic partnership council so that other nations can deepen their cooperation with NATO and continue to prepare for membership.

But let us be clear: There are responsibilities as well. Enlargement means extending the most solemn guarantees any nation can make—a commitment to the security of another. Security and peace are not cheap. New and current allies alike must be willing to bear the burden of our ideals and our interests.

Our collective efforts in Bosnia reflect both the urgency and the promise of our mission. Where terror and tragedy once reigned, NATO troops are standing with 14 partner nations—Americans and Russians, Germans and Poles, Norwegians and Bulgarians, all in common cause to bring peace to the heart of Europe. Now we must consolidate that hard-won peace, promote political reconciliation and economic reconstruction, support the work of the International War Crimes Tribunal here in The Hague, and help the Bosnian peace make the promise of the Dayton Accord real.

Today I affirm to the people of Europe, as General Marshall did 50 years ago: America stands with you. We have learned the lessons of history. We will not walk away.

No less today than five decades ago, our destinies are joined. For America the commitment to our common future is not an option, it is a necessity. We are closing the door on the 20th century, a century that saw humanity at its worst and at its most noble. Here, today, let us dedicate ourselves to working together to make the new century a time when partnership between America and Europe lifts the lives of all the people of the world.

Let us summon the spirit of hope and renewal that the life story of Gustaaf Sedee represents. He has a son, Bert, who is a bank executive. Today, he is helping to fulfill the legacy his father so movingly described—for just as the Marshall Plan made the investment that helped Holland's industry revive, Bert Sedee's bank is helping Dutch companies finance investments in Central and Eastern Europe. Just as the American people reached out to the people of his homeland, Bert Sedee and his colleagues are reaching out to the people in Slovenia, Latvia, Bosnia and beyond.

The youngest members of the Sedee family are also in our thoughts today—Gustaaf Sedee's grandchildren, Roeland and Sander, nine months and one-and-a-half—I wonder what they will say 50 years from today. I hope that they and all the young people listening, those who are aware of what is going on and those too young to understand it, will be able to say, we bequeath to you 50 years of peace, freedom and prosperity. I hope that you will have raised your sons and daughters in a Europe whose horizons are wider than its frontiers. I hope you will be able to tell your grandchildren—whose faces most of us will not live to see—that this generation rose to the challenge to be shapers of the peace.

I hope that we will all do this, remembering the legacy of George Marshall and envisioning a future brighter than any, any people have ever lived.

Thank you and God bless you. (Applause.)

TRIBUTE TO THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KLECZKA. Mr. Speaker, I rise to pay tribute to the National Air Traffic Controllers Association [NATCA], who will celebrate the 10th anniversary of its founding on June 19, 1997. On June 12, the NATCA local in Milwaukee will host a ceremony and public open house at Mitchell International Airport to commemorate this anniversary.

Representing approximately 14,000 men and women nationwide, NATCA works to protect the rights of air traffic controllers in the workplace through advocating safe working conditions and fair benefits in nearly 400 facilities in the United States and its territories. NATCA also helps ensure and maintain a reliable and safe traveling environment for our citizens by working jointly with the Federal Aviation Administration, the White House, Members of Congress, and the media to promote safety.

In today's computer age, there are more and more sophisticated devices in the complicated world of air travel. By skillfully reading and interpreting the information on the disks and screens, the dedicated men and women of NATCA safely get us home from our vacation destinations, back and forth to our home-State offices, and to our families for the holidays.

I urge all of my colleagues to join me in wishing NATCA a very happy 10th birthday and great successes in the years ahead. Keep up the excellent work.

IN MEMORY OF JOHN A. GANNON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of John A. (Jack) Gannon.

Jack Gannon was an American hero. He fought bravely in World War II, and when he returned home, he fought for the rights of working people. Jack joined the Cleveland Fire Department in the early 1950's. He fought fires on the front line. Through his experiences, he saw the importance of improving safety and increasing support for his fellow firefighters, and throughout the rest of his career he fought to achieve those aims.

Jack was a union man. Jack joined the local committee of the International Firefighters Association, where his leadership skills and vision were quickly recognized. He rose to become president of the Cleveland Firefighters Local 93, where he served for 10 years. In 1980, Jack became president of the entire International Firefighters Association. Jack challenged his colleagues to improve safety and support. He was elected vice president of the AFL–CIO.

Jack was a national treasure. President George Bush and the U.S. Senate appointed him as a member of the National Council on Disability. As the sole Democrat on the council, he worked to forge a bipartisan forum for disability policy issues, and eventually helped to pass the landmark Americans With Disabilities Act of 1990. President Bill Clinton called upon Jack to help win passage for the first-ever U.S.-sponsored resolution on disability policy in the United Nations Commission on Social Development and General Assembly.

A champion for the rights of firefighters and the rights of the disabled, Jack Gannon left a legacy of which Cleveland, this House, and the whole Nation may be proud.

HONORING RAYMOND G. O'NEILL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KILDEE. Mr. Speaker, last week, Americans celebrated Memorial Day, remembering those men and women who gave their lives in service to their country. As a nation, we paused to recall all they have done to preserve and protect our way of life. It is in this spirit that I rise today to honor a man who for over a half century has dedicated his life to working for Michigan's veterans. On June 1, 1997, Mr. Raymond G. O'Neill will retire as director of the Veterans of Foreign Wars Service Office of Michigan after 45 years.

A lifelong Michigan resident, Raymond O'Neill enlisted in the U.S. Marine Corps while still a high school senior in 1942, serving several stints in the South Pacific. During his tour of duty, he was awarded the Presidential Unit Citation with Star, Asiatic-Pacific Ribbon with two Bronze Battle Stars, Marine Good Conduct Medal, and American Theater and Victory Medals.

After leaving the service, Mr. O'Neill served as the first commander of the VFW Post 9030 of Detroit, a post he was responsible for organizing. That post remained in use from 1947 to 1981, when it was consolidated with two other posts to form Fortier's-O'Grady Post 147, where he again served as its first commander. In 1952, Mr. O'Neill began his long tenure with the VFW Service Office as an assistant service officer and claims examiner, rapidly rising up the ranks from field supervisor to assistant director and ultimately leading to his current position as State director of veterans services, where he has served since 1968.

Mr. O'Neill's activities have garnered the attention of the community as well as his peers, and have earned him a high degree of renown and respect. Some of the numerous awards bestowed upon him include the 1963 Michigan Veteran of the Year, the Chapel of Four Chaplains Award, the Wayne County Artistic Excellence and Community Commitment Award, and a special Resolution of Tribute from the Michigan Legislature.

Mr. Speaker, I say without a doubt that every veterans organization in Michigan owes part of their success to Raymond O'Neill's constant diligence. Our veterans have been affected in so many ways by his hard work and advocacy on their behalf. Although he is retiring, I know that he will remain the best advocate a veteran could have. I ask my colleagues in the House of Representatives to join me in paying tribute to Ray and wishing him well in his retirement.

HONORING CHARLES SEIPELT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PORTMAN. Mr. Speaker, I would like to take this opportunity to acknowledge Charles Seipelt, who is retiring after 35 years as principal of Pleasant Hill Elementary School in Milford, OH. Mr. Seipelt has been the one and only principal of the school since it was built. His long and dedicated service as principal is truly remarkable, and he will be greatly missed by students, teachers, and fellow administrators. I know I speak for everyone in Milford in wishing him the best of success in his future endeavors.

THE LEGACY OF THE MARSHALL PLAN: 50 YEARS LATER, THE WORLD STILL BENEFITS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. LANTOS. Mr. Speaker, this week the United States and the countries of Western Europe mark the 50th anniversary of the June 5, 1947, Commencement Address at Harvard University by then Secretary of State George C. Marshall in which the idea of the Marshall Plan was first publicly discussed. That idea was an act of statesmanship, and its implementation was one of the greatest examples of bipartisan foreign policy.

Secretary Marshall's address was given just 2 years after the end of World War II at a time when the economy of Europe was still in shambles. Many cities were in rubble, in most countries food was still rationed, and those factories that were still functioning were operating at only a fraction of their prewar levels. The decision by the Government of the United States to contribute to the rebuilding of Europe by sending money, equipment, and services was a major factor in accelerating Europe's recovery. It helped restore the confidence of the political and economic leaders of the countries of Western Europe, and it brought to Europe an infusion of American ideas—economic and management concepts, as well as political ideas. These have been major factors in the economic and political transformation of Europe.

Mr. Speaker, just a few days ago, this House considered and adopted a resolution which I introduced with the cosponsorship of a number of my colleagues, House Concurrent Resolution 63, recommitting the United States to the principles of the Marshall Plan. Mr. Speaker, that resolution recognizes the wisdom and insight of Secretary Marshall's address and of the policy that resulted from it, and it recommits the United States to that wise policy first enunciated 50 years ago. I appreciate the wisdom of the House in rededicating our Nation to those principles.

Mr. Speaker, the Washington Post Outlook Section in its issue of May 25 published a brilliant essay by historian John Lukacs on the legacy of the Marshall Plan. Professor Lukacs is one of the most distinguished and articulate scholars of contemporary history, and he is the author of a number of important books on international politics in the second half of this century. He points out that the greatest importance of the Marshall Plan was not its contribution to European economic recovery, but the affirmation of an American commitment to the political and military security of Europe. We recognized through our unselfish implementation of the Marshall plan that our own Nation's future was linked with the security, prosperity, and democratic success of Europe. Mr. Speaker, I ask that the article by Professor Lukacs be placed in the RECORD and I urge my colleagues to give it careful, serious, and thoughtful attention.

THE IDEA THAT REMADE EUROPE

(By John Lukacs)

The fifth of June, 1947, was a milestone in the history of the United States, and of what was soon thereafter called the Western World. Fifty years ago, in a speech to Harvard University's graduating class, Secretary of State George C. Marshall announced the European Recovery Program, later known as the Marshall Plan. It described the American government's firm resolution to underwrite the economic recovery of European countries damaged by the recently ended war and threatened by the possible expansion of international communism.

The plan was a great success. It provided for generous loans, outright gifts and the furnishing of American equipment, eventually amounting to some $13 billion (or about $88.5 billion in today's dollars) tendered to 16 countries over five years between 1947 and 1952. West Germany was included among the recipients when it became a state in 1948.

The Marshall Plan was a milestone; but it was not a turning point. The giant American ship of state was already changing course. Two years before, the government and much of American public opinion had looked to the Soviet Union as their principal ally, even sometimes at the expense of Britain. But by early 1947, the Truman administration had begun to perceive the Soviet Union as America's principal adversary—a revolution in foreign policy that has had few precedents in the history of this country.

In 1947, this was marked by three important events; the announcement of the Truman Doctrine in March, committing the United States to the defense of Greece and Turkey; the announcement of the Marshall Plan in June; and the publication in the July issue of Foreign Affairs of the famous "X" article by George F. Kennan, then director of the State Department's policy planning staff, who defined a policy of Soviet "containment." In a radical department from American traditions, these three statements showed that the United States was committed to defend a large part of Europe, even in the absence of war.

All this is true, but perhaps a whit too simple in retrospect. The term "Cold War" did not yet exist, and there was still hope that a definite break with the Soviet Union—leading among other things to a hermetic division of Europe—might be avoided. Marshall's speech suggested that the offer was open to the states of Eastern Europe too, and perhaps even to the Soviet Union. One reason for this somewhat indefinite generosity was to maintain an American presence in Eastern Europe, since the plan called for the establishment of ties with the United States, including the temporary presence of American administrators.

That is why Stalin refused to countenance the Marshall Plan from its inception. (As Winston Churchill had said, Stalin feared Western friendship more than he feared Western enmity.) Czechoslovakia provides a case in point. Ruled by a coalition government in which the Communists were amply represented but which was parliamentary and democratic, Czechoslovakia still hoped to remain a possible bridge between East and West. The first reaction of the Prague government was to accept the offer of the Marshall Plan. Moscow then ordered the government to refuse it, which it did—instantly.

This did not surprise officials in Washington, including Kennan. By June, the division of Europe was already hardening fast. The Iron Curtain (a phrase first employed 15 months before by Churchill) was becoming a physical reality. Eight months after Marshall's speech, the Communists took over Prague. Soon after came the Russian blockade of West Berlin, the Berlin airlift, the final separation of Western from Eastern Germany, and the formation of NATO in early 1949. The partition of Europe was frozen; the Cold War was on.

So, generously offered and eagerly accepted, the Marshall Plan was restricted to Western Europe. Within four years, the economic and financial recovery of Western Europe was advancing swiftly. It is interesting that the costs of the American contribution to rebuilding Europe during those first crucial years of the Cold War were about the same as the costs of the materials it had given the Soviet Union during World War II to help with the Allied victory. After 1947, not a single European country went Communist that was not already Communist in 1947—a situation that remained unchanged until the dissolution of the Soviet Eastern European empire in 1989.

But the economic effects of the Marshall Plan should not be exaggerated. Its principal effect was political: a definite sign of America's commitment to the defense of Western Europe, and to maintaining an American presence there. Behind the Marshall Plan, of course, was the habitual American inclination to overrate economic factors, coupled with the inclination to think in ideological terms, to be preoccupied by the dangers of communism, rather than by the existence of Russian nationalism, including the Russian military presence in Eastern Europe. Despite the success of the Marshall Plan and of Western European economic recovery, the proportion of Communist voters in countries such as France and Italy did not decrease from 1947 to 1953.

The Marshall Plan left a more long-standing legacy than recovery. It was one of the instruments of the democratization of Western Europe, resulting in the emulation and adoption of American ideas and institutions, such as progressive income taxation, Social Security, near-universal education and installment buying, all of which led to the gradual homogenization and rising prosperity of entire peoples. It included giving credit to the masses, financially and otherwise: "*On ne prete qu'aux riches*"—credit is only for the rich—was not just a French aphorism but the established capitalist practice in Europe until about 1948.

By the 1950s, the social structure of Western Europe was starting to resemble that of the United States. Now, this transformation is largely completed and the differences between the United States and other democratic societies are no longer mainly economic or social, but national and cultural.

The Truman administration was able to push the Marshall Plan through a predominantly Republican Congress in 1947–48, in which the main opponents of the European Recovery Program were right-wing Republicans, the very people who accused Truman and his government of being soft on communism. Most of these people had been isolationists before and during the first years of World War II. Their conversion to another kind of internationalism (more precisely: supernationalism) was easy. By 1956, the Republican party adopted a platform calling for "the establishment of American air and naval bases all around the world"—proposed by a party that was even then called "isolationist" by its opponents, wrongly so.

The Marshall Plan in 1947 was followed, less than two years later, by the creation of NATO, an alliance that, for all its merits, contributed to a political division of Europe lasting for 40 years. With the retreat of the Russians from Eastern Europe in 1989, the Cold War—and the partition of Europe—came to an end. Some people called for a new Marshall Plan for Eastern Europe and, perhaps, for Russia. But this did not come about, for many reasons. In 1947, the United States was the only economic superpower in the world; 40 years later, this was no longer the case. In 1947, the countries of Western Europe were threatened by a possible expansion of communism; the opposite was true of Eastern Europe 40 years later. In 1947, the global financial economy was in its embryonic stage; 40 years later, principal investments abroad no longer required the principal thrust of a government.

But with all of these differences in mind, there remains one similarity. History does not repeat itself, but some historical conditions do. The main beneficial result of the Marshall Plan was Western Europeans' confidence that the United States was committed to maintaining their freedom. The American commitment to Eastern Europe now is not clear. It is suggested here and there by American actions, as in Bosnia, but it is not a commitment. Yet it is in the interest of most European countries—yes, including even Russia—that a new division of Europe should not occur. The main instrument for its avoidance may no longer be an Eastern European Marshall Plan; but it is certainly not an extension of NATO.

TRIBUTE TO THE NATIONAL PUERTO RICAN PARADE, 40 YEARS OF HISTORY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SERRANO. Mr. Speaker, it is with great joy that I rise today to pay tribute to the National Puerto Rican Parade on its 40 years of history. The parade, to be held on June 8 in New York City, is the largest celebration of Puerto Rican culture in the United States.

Throughout its history, the parade has grown into a national event under the leadership of its president, Ramón S. Vélez. The event attracts thousands of Puerto Ricans from across the Nation and from Puerto Rico, as well as many other individuals, their families and children, from all ethnic backgrounds.

This year's parade will honor the life of a Puerto Rican hero, Roberto Clemente. Mr. Clemente's exceptional athletic talent was paired with his outstanding humanitarian and charitable contributions to this Nation. He died 25 years ago in an airplane crash, while he was on a mission to help the victims of an earthquake in Nicaragua.

Mr. Clemente's memory has also been honored with the Congressional Gold Medal, the highest civilian award bestowed to an individual by the U.S. Congress. Clemente's legacy is an inspiration and an example to the children of Puerto Rico, as well as those of this Nation.

As a Puerto Rican, a New Yorker, and a Member of Congress, it is an honor to once again participate in this national event, in which thousands of individuals will march along Fifth Avenue, in Manhattan, in celebration of our Puerto Rican heritage and our achievements in this Nation. Among other accomplishments, Puerto Ricans have been instrumental in transforming New York City into a great bilingual city. Moreover, the parade has served as a national landmark in which people from all ethnic groups unite to commemorate our Nation's glorious immigrant history.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring Roberto Clemente and the National Puerto Rican Parade, in its celebration of our Puerto Rican legacy, and the many contributions made by the sons and daughters of Puerto Rico to the greatness of this Nation.

THE REDUCTION IN MEDICARE OVERPAYMENT COSTS ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. STARK. Mr. Speaker, I am pleased to introduce the Reduction in Medicare Overpayment Costs Act of 1997, which imposes an administrative fee on providers who submit inaccurate Medicare claims.

The American taxpayer spends nearly $200 billion on Medicare every year. However, billions are lost due to inaccurate claims or overpayment. This burdens the Nation with serious financial costs, threatening the quality of medical care and endangering the long-term sustainability of the Medicare Program.

The Reduction in Medicare Overpayment Costs Act of 1997, which was introduced in the Senate by Senator MCCAIN, will help eliminate overpayments by imposing an administrative fee to offset recovery costs. The purpose is to discourage doctors from submitting false or misleading claims and to prevent hospitals from excessively overestimating Medicare costs.

The act promotes these purposes in three ways. First, the act imposes an up to 1 percent administrative fee if the repayment is more than 30 days late. Second, the act will impose an up to 1 percent administrative fee if the provider overestimates Medicare needs by greater than 30 percent. Third, the act requires the issuance of a report detailing which services typically result in overpayments.

This act is needed to crack down on incorrect or inflated claim practices in Medicare. I urge my fellow members to vote in favor of this bill to ensure claim accuracy by Medicare providers.

IN MEMORY OF SERGEANT MARLIN C. CARROLL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Sergeant Marlin C. Carroll of Warsaw, MO. Sergeant Carroll had a distinguished 30-year career in the Missouri State Highway Patrol before his retirement in 1988. I knew him as a friend, as a dedicated law enforcement officer, and as a man of honor and integrity.

Sgt. Carroll was born on a farm in Worth County, MO, in 1933, the son of Ralph Wayne and Aloha June Morin Carroll. He grew up in Worth County and graduated from Grant City High School in 1951. He married Gerry Heisman on May 18, 1952. He served his country with distinction in the U.S. Army and in the U.S. Air Force Reserve.

In 1958, Sgt. Carroll joined the Missouri State Highway Patrol, and was stationed in my hometown of Lexington, MO. IN 1965, he received the American Red Cross Life Saving Award for his prompt and professional actions in rescuing a child from a life-threatening accident. In 1967, he was promoted to Corporal and transferred to Carrollton, MO, and in 1971, he was promoted to Sergeant and moved to Warsaw where he served as zone sergeant for Benton and Henry Counties until his retirement.

Sgt. Carroll was an active member of his community, and he will be missed by all who had the privilege to know him. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Gerry: his daughter, Patty; his two sons, David and Eddie; his nine grandchildren and two great-grandchildren; and his mother, brother, and two sisters.

TRIBUTE TO BOB BLONSKI

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to pay heartfelt tribute to my long-time friend, Mr. Robert J. Blonski, of Milwaukee, who is leaving Lincoln Community Bank on July 1. After many years of dedicated service to Lincoln, Bob is moving on to new challenges as president of M&M Services, a subsidiary of Merchants and Manufacturers Bancorporation.

Bob and his wife, Kathleen, are the proud parents of two wonderful boys. Bob has diligently served as a member of my academy selection board, helping with the difficult and all-important task of selecting which of our area's fine young men and women will receive a congressional nomination to our Nation's service academies.

Professionally, Bob has contributed to the growth of Lincoln Community Bank for 30 years beginning on July 1, 1967. He has worked in various capacities during those years, serving as treasurer, secretary, senior vice president, executive vice president, and most recently as president. Under his leadership, Lincoln has truly been a bank of the community on Milwaukee's southside—helping families finance their first homes and send their children to college.

Bob will be honored at an appreciation dinner May 21 where his many friends and colleagues will appropriately thank him for his leadership and hard work. I am confident that the skills and knowledge he has gained over the years will serve him well in his new position. Bet wishes, Bob.

IN HONOR OF DAVID H. BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the life achievements of David H. Brown, who retires after 33 years of Federal service assuring safe and efficient airways.

During his long career, Mr. Brown worked with the Federal Aviation Administration as an air traffic control specialist in Oberlin and in Toledo, OH. As Mr. Brown's career progressed, he moved to Cleveland's Hopkins Air Traffic Control Tower, Detroit's Air Traffic Control Tower, and was promoted to supervisor, in which capacity he served in Boston and Toledo.

Mr. Brown was selected as an evaluation inspector for the Office of Air Traffic System Effectiveness, Evaluation Division at Washington Headquarters and ended his service as the assistant manager for operations in Cleveland.

Mr. Brown earned the respect and recognition of his superiors and peers. He is known for his vast knowledge and experience with air traffic control. He possesses a wide array of management and leadership skills.

Throughout his career, Mr. Brown received numerous performance awards, achievement awards, letters of commendation and of appreciation.

The airways of the midwest and northern Ohio are safer for Mr. Borwn's vigilance and experience. We acknowledge his retirement from Government service with deep appreciation and supreme gratitude.

HONORING HAROLD SHOWALTER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PORTMAN. Mr. Speaker, I would like to acknowledge the outstanding service of Harold Showalter, who is retiring after 41 years of service to Fayetteville-Perry Local Schools. During his remarkable career, he has been a music-drama teacher, English teacher, librarian, high school principal, director of District Media/Computer, and director of District Library/Media.

Among his numerous awards and honors, Mr. Showalter is the recipient of the 1996 Governor's Award for Innovation and the 1996 SOITA Technology Leadership Award. But perhaps the most fitting recognition he has received is the establishment of a scholarship fund in his honor by the faculty and administration of the Fayetteville-Perry Local School District.

His professionalism and expertise will long be remembered, and he will be greatly missed by students, faculty and administrators. I join the Fayetteville community in wishing Harold and his wife, Mary Rae, a long and enjoyable retirement.

USAID ADMINISTRATOR J. BRIAN ATWOOD ADDRESSES POST-CONFLICT PEACE TRANSITIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention an excellent article printed on May 27 in the Christian Science Monitor by U.S. Agency for International Development, Administrator J. Brian Atwood.

In the article, Atwood outlines the difficulty in achieving successful post-conflict transitions from crisis to peace in countries including Guatemala, Angola, and Bosnia. He discusses the need for continued support from Congress for organizations such as the USAID's Office of Transition Initiatives [OTS], which is working to help these countries achieve and maintain peace in the wake of political transformation.

The test of his article follows:

[From the Christian Science Monitor]

HELPING COUNTRIES MAKE THE TRANSITION FROM CRISIS IS ONE OF OUR GREATEST FOREIGN POLICY CHALLENGES AFTER THE CONFLICT HAS ENDED

(By J. Brian Atwood)

No trend has been more closely scrutinized in the wake of the cold war than the proliferation of crises.

From Zaire to Bosnia to Rwanda, the international community is reeling from a series of vicious civil wars, refugee emergencies, and human catastrophes. The international system structured around the cold-war diplomatic notions of containment and détente is scrambling to adjust to the demands of peacekeeping and humanitarian relief.

One of the greatest challenges of this new world disorder is how best to assist nations emerging from conflict. The successful transition from crisis—the process of moving an entire society from conflict to enduring peace—is an extraordinarily difficult one. There are countless instances—Liberia, Afghanistan, Angola—where promising moves toward peace have quickly dissolved into shattered cease-fires and renewed conflict.

Nations emerging from conflicts confront daunting obstacles. Their governments are usually weak or nonexistent, and they often face corruption, rising public expectations, and immature political leadership. They typically operate with barely functioning economies, scant resources, scores of former combatants lacking peacetime job skills, a proliferation of land mines, and lingering tensions that can quickly reignite into conflict.

GOVERNMENT'S WEAKNESS

Four years ago, when I came to the US Agency for International Development (USAID)—the agency responsible for delivering United States humanitarian and development assistance abroad—the US government was poorly equipped to help nations during the tenuous interlude between war and peace. For foreign policymakers, this weakness was an Achilles' heel in a world where failed states and sweeping change were everyday realities.

Donor conferences that commit millions of dollars but fail to quickly address on-the-ground problems do little to create an expectation of peace. In post-conflict situations, opportunity is fleeting, and if people don't see instant results, political violence and repression reemerge. I remember former Secretary of State Larry Eagleburger telling me, "If USAID can't deliver that, we need something that can."

The Clinton administration decided to try a new mechanism to bring fast, direct, and overt assistance to priority countries emerging from conflict.

With the support of Congress, USAID's Office of Transition Initiatives (OTI) was launched in early 1994 to help countries move beyond conflict by addressing fundamental needs of emergency rehabilitation and democratic development. Since the office worked in crisis situations, it was given special legal authorities attached to international disaster assistance funding.

EARLY SUCCESS STORIES

The early results are promising: OTI has shown it is a lean, flexible operation capable of targeting the key bottlenecks that prevent post-crisis societies from moving forward.

In Guatemala, in support of the December 1996 peace accords, OTI is helping implement the demobilization plan for the Guatemalan rebel force, known as the Guatemalan National Revolutionary Unity—or URNG. OTI helped build the eight camps for URNG's demobilization and is providing training and education at the camps.

In Angola we have had a transition program to strengthen compliance with that nation's post-civil-war peace agreement, the Lusaka Protocol. OTI planned the demobilization centers that were taken over by UN peacekeeping forces. OTI efforts in Angola have been guided by the notion that security comes first. Until people feel a degree of safety, they are not ready for political development. That was a lesson of the first, failed transition in Angola.

The second time around, OTI supported mine awareness and removal, civic training and demobilization activities for excombatants, community self-governance, and a flow of accurate, uncensored news.

Almost 1.4 million Angolans have been reached by mine-awareness training and about 750 were trained in mine-removal techniques. The result has been a significant reduction in mine accidents, the reopening of large areas of the country to commerce and agriculture, and, most important, the return of refugees and displaced persons to their homes.

In Bosnia we were on the ground to offer support when the federation was formed. We subsequently built on that experience to support the Dayton accords once they were signed. OTI programs in Bosnia have directly targeted the public disinformation campaigns that have fueled ethnic tensions in that region and helped train journalists and disseminate news that supports reconciliation.

To all involved, it was clear that the same public media that had been used as a powerful tool to provoke conflict could be just as instrumental in promoting peace. There are many difficult questions still ahead, but OTI was on the ground early and, if this effort succeeds in keeping the peace, this early contribution will have made a difference.

STEPS FOR THE FUTURE

The challenge of the next century will be to maintain a commitment to long term development and crisis prevention, while at the same time developing fast and flexible instruments that will allow us to take direct and positive action in transitions or in situations where crisis is imminent.

Twenty years ago we might have directed the Central Intelligence Agency to take covert actions in these situations. Some would argue that in those days of East-West conflict we were capable of using coercion and brute strength to bring about the desired policy outcome. But the world has changed.

Today, our challenge is to develop overt mechanisms like OTI to quickly advance our strategic interests and both prevent crises and help nations more beyond conflict. The overt mechanisms of the 1990s, unlike the covert efforts of the 1960s, have to be transparent, democratic, and able to stand the test of public scrutiny. The diplomatic and development arms of US foreign policy must work side-by-side to prevent crisis, to transit from crisis, and to produce positive change.

Idealistic? Perhaps. But does an indispensable nation have any other choice?

TRIBUTE TO REV. DR. SHELLIE SAMPSON, JR.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Rev. Dr. Shellie Sampson, Jr. who will be honored on Saturday at the fifteenth pastoral anniversary banquet of the Thessalonia Baptist Church of New York.

In short, Pastor Sampson lives to help other people. He has been diligent in providing spiritual guidance and support to the members of our community.

In addition to his services as Pastor, he led the erection of our Cultural Community Center, and co-founded the Thessalonia Elementary Academy, the Thessalonia Institute of Religion, and the church's bookstore.

Among other activities he is also the president of the Baptist Ministers Conference of greater New York City and vicinity, a member of the Afro-American clergy advisory group to the mayor, an education commissioner at the New York State convention, a teacher at the New York and National Baptist congresses, and a co-founder of south Bronx churches.

Pastor Sampson is an educator and is very actively involved in programs to assist minority students. The killing of his 25-year-old son, Kitu Sampson, a religious disc jockey in Franklin Township, PA, motivated him and strengthened his belief in the need to educate the city's youth. "It works both ways," he said. "Life is unpredictable. You never know when disaster's going to strike. So, it makes you determined to get the young people educated."

He earned a bachelor's degree in science from Rutgers University, a Master of Divinity degree, and a doctorate in Christian education from Drew University. A firm believer in education, he is currently pursuing another doctorate in education from Temple University. He served as Dean of Education at Shiloh Baptist Association in New Jersey, was the co-commissioner of education at New Jersey State Baptist convention, president of Northern Baptist School of Religion—formerly known as Northern Baptist University—headmaster at Convent Academy, and executive director at Baptist Education Center. His wife, Deloranzo, heads the Thessalonia Elementary Academy.

As it is written in Hebrews 6:10, "for God is not unjust; he will not forget your work and the love you have shown him as you have helped his people and continue to help them," the community, too, recognizes him and is honoring him.

Mr. Speaker, I ask my colleagues to join me in honoring Rev. Dr. Shellie Sampson, Jr. for his fifteen years as Pastor at Thessalonia Baptist Church and his dedication to our south Bronx community.

HONORING GALLEN MARSHALL'S OUTSTANDING MUSICAL CAREER AS DIRECTOR AND CONDUCTOR OF THE MASTERWORKS CHORALE AND ORCHESTRA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. LANTOS. Mr. Speaker, I rise today to recognize the outstanding musical contributions that Mr. Gallen Marshall has given to our community. Mr. Marshall, who is celebrating his 33d and final season as music director and conductor of the Masterworks Chorale and Orchestra, has devoted his life to sharing with others his love for the creative arts. He has inspired a generation of Californians with his passion for music and his talent for teaching. He will be sorely missed.

Gallen Marshall joined the music faculty at the College of San Mateo in 1963 and a year later founded the Masterworks Chorale at the college. Mr. Marshall's original group consisted of 40 singers. Under his leadership, the chorale quadrupled in size and it blossomed musically as well. Mr. Marshall's singers performed with a wide range of internationally renowned organizations, including the San Francisco Symphony, the San Francisco Opera, the San Jose Symphony, the Festival of Masses, and the Cabrillo Festival.

Gallen Marshall challenged his pupils to fully cultivate their musical talents, and he helped them to achieve new heights of skill and creativity. The chorale performed some of the most demanding works, among them "Flos Campi" by Vaughan Williams, "Four Sacred Pieces" by Verdi, Britten's "War Requiem," and Beethoven's "Missa Solemnis." Mr. Marshall's singers delighted audiences far and wide, from California to Carnegie Hall, where the chorale performed in 1989 to rave reviews. In praising the chorale, Peter E. Tiboris, the music director and principal conductor of the Manhattan Philharmonic, exclaimed, "Without question this was one of the greatest performances of Verdi's "Requiem" that this hall ever heard. This is a world-class organization and your region is fortunate to have such a musical organization in its midst." The chorale received similarly effusive praise in response to concerts around the world, including its seven European tours and the chorale's concert series in the People's Republic of China.

For over three decades, Gallen Marshall's chorale has served as one of the finest examples of bay area culture, and it has been received by the community in a manner worthy of this status. The San Francisco Examiner noted that "choruses abound in the Bay Area, but few, if any, are finer than the Masterworks Chorale." The San Jose Mercury gushed: "The Masterworks Chorale bites off immense challenges and carries them off without blinking." The outstanding quality of Mr. Marshall's work was cited by the Hillbarn Theater, which honored him as the 1992 recipient of its Bravo! Award for excellence and service to the arts in San Mateo County. In describing one notable performance, the San Francisco Chronicle paid special tribute to Marshall's leadership: "Conductor Marshall's skill, as well as fidelity to the music, added a constant plus factor to the evening—a major event of the season. He deserved his ovation." As Gallen Marshall's congressional representative, I could not agree more. He is truly a credit to our community.

Mr. Speaker, I invite my colleagues to join me in congratulating Gallen Marshall for his outstanding musical achievements and to join me as well in wishing him great success in his future endeavors.

THE MEDICARE AND MEDICAID WASTE, FRAUD AND ABUSE WASTE PREVENTION AMENDMENTS OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. STARK. Mr. Speaker, along with Mr. McDERMOTT and Mr. WEYGAND, I am pleased to introduce the Medicare and Medicaid Fraud, Abuse and Waste Prevention Act of 1997, a bill that will implement the President's recent initiative to combat waste, fraud, and abuse in Medicare and Medicaid.

Although I congratulate the Republicans for accepting many of the provisions within the administration's fraud bill, several provisions critical to the fight against health care fraud were not included in the budget Medicare package as proposed by Chairman BILL THOMAS and should be made law.

The U.S. taxpayer spends $191 billion each year to fund Medicare programs. However, $20 billion, or 10 percent, is lost to fraud. Too many health providers are putting their hands into the public trough. Too many individual physicians, nursing homes, and medical equipment dealers are overcharging the American taxpayer for alleged legitimate Medicare expenses.

Health care fraud burdens the Nation with enormous financial costs, threatening the quality of health care, and endangering the long-term sustainability of the Medicare Program.

Operation Restore Trust, a demonstration program of Health and Human Services, has recovered $23 for every $1 spent in their efforts to fight fraud. The program began 2 years ago in California, New York, Texas, and Florida, where large concentrations of Medicare recipients live. To date, the program has identified $188 million owed to the Federal Government and led to 74 criminal convictions.

Why do we need these amendments to crack down on fraud and abuse in the Medicare system? It is to prevent scam artists from preying on vulnerable senior citizens.

It is to prevent people like Dorothy and Barry Hultman of Connecticut from building a luxury, state-of-the-art home by scamming the system and overbilling Medicaid by $1.15 million for nonexistant or exaggerated costs.

It is to prevent people like Vernon Will from filing for bankruptcy and discharging nearly $20 million in debts, while his nursing home closed in San Jose, CA, notifying 27 elderly residents that they had 1 day to pack up and leave.

It is to prevent a nursing home from collecting $5,000 for surgical tape for a patient, who somehow used 12.5 miles of this tape over a 6-month period.

It is to prevent drug traffickers identified by the FBI from targeting the health care system.

Finally, it is to prevent the American taxpayer, vulnerable senior citizens, and the poor from being taken for a ride by scam artists. This bill would potentially save the American taxpayer billions of dollars.

According to Secretary Shalala, the program's goals are threefold. First, the amendments make it difficult for fraudulent people to get into the system in the first place. Second, the amendments require providing Federal health care programs with Social Security numbers to track fraudulent or suspect invoices. Third, the amendments enact very strong penalties for those convicted of fraud.

The first goal, making it difficult for a bad actor to enter into the system, and would permit the Secretary to refuse to accept or to terminate an agreement for Medicare if convicted of a felony.

Under the second part of the bill, Medicare providers would be required to provide verified Social Security Numbers and employer identification numbers [EINs] for their practices and for any owners or managing employees.

Lastly, the bill permits a court to impose very strong penalties for violations. The penalties include criminal and civil penalties and injunctions. Also, filing for bankruptcy would not discharge a debt to the United States under Medicare or Medicaid. Again, the goal is to deter those who would try to circumvent the law.

By passing this bill we will accomplish three things. First, we will send a message to those who prey on the more vulnerable segments of our society. We will find them and punish them to the fullest extent of the law. Second, we will give new tools to those fighting health care fraud in helping them to ferret out corruption. Finally, we will reduce the corruption in the nearly $200 billion Medicare Program, saving money both in the short and the long run.

I urge my fellow Members of Congress to join with me in passing this important piece of legislation. Together, we can combat waste, fraud, and abuse in Medicare and Medicaid.

I refer my colleagues to the attached document, which provides a more detailed description of the bill.

MEDICARE AND MEDICAID FRAUD, ABUSE, AND WASTE PREVENTION AMENDMENT OF 1997

SECTION-BY-SECTION SUMMARY

(Except as otherwise indicated, this bill amends provisions of the Social Security Act.)

TITLE I—ACCOUNTABILITY OF SERVICE PROVIDERS

Part A—Sanction Authority

Sec. 101. Exclusion of Entity Controlled by Family Member of a Sanctioned Individual.

Section 101 amends section 1128 to authorize the Secretary to exclude from participation in federal health care programs (FHCPs), including Medicare and Medicaid, an entity owned or controlled by an immediate family member of an excluded individual. This will prevent an excluded individual from circumventing the exclusion by transferring ownership or control of a health care entity to a family member.

Sec. 102. Civil Money Penalties (CMPS) for Kickbacks.

Section 102 amends section 1128A to provide for civil monetary penalties for kickback violations against FHCPs. Current law authorizes only criminal penalties or exclusion for those who violate the anti-kickback statute, and this amendment will provide an intermediate remedy.

Sec. 103. CMPs for Persons That Contract With Excluded Individuals.

Section 103 amends section 1128A to provide for CMPs against a person arranging or contracting with an individual or entity for the provision of items or services under a FHCP, if the person knows or should know that the individual or entity has been excluded from participation in the program.

Sec. 104. CMPs for Services Ordered or Prescribed by an Excluded Individual or Entity.

Section 104 amends section 1128A to authorize the Secretary to exclude from FHCPs persons furnishing medical items or services ordered or prescribed by an excluded individual or entity, if the person furnishing the services knows or should know of the exclusion.

Sec. 105. CMPs for False Certification of Eligibility to Receive Partial Hospitalization and Hospice Services.

Section 105 amends section 1128A to provide for CMPs for false certification of need for partial hospitalization or hospice services. (This amendment expands the authority for CMPs for false certification of need for home health services enacted in P.L. 104–191, the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Sec. 106. Extension of Subpoena and Injunction Authority.

Section 106 amends section 1128A to extend to the exclusion authority under section 1128 the Secretary's authority to enjoin violative acts and issue subpoenas requiring witnesses to appear or produce testimony. This section also makes clarifying amendments regarding the scope of authority delegable to the Inspector General.

Sec. 107. Kickback Penalties for Knowing Violations.

Section 107 reverses the 1995 decision in *Hanlester Network* v. *Shalala*, in which the U.S. Circuit Court of Appeals for the 9th Circuit held that a determination of whether a defendant acted "willfully" in violation of Medicare's criminal provisions required proof by the government that the defendant knew his actions violated a known legal duty as opposed to knowing that his conduct was wrongful. The effect of this decision was to place a very high burden of proof on the government.

Sec. 108. Elimination of Exception of Federal Employees Health Benefits Program from Definition of Federal Health Care Program.

Section 108 amends section 1128B(f) to eliminate the exclusion of the Federal Employees Health Benefit (FEHB) Program from the definition of a Federal health care program.

Sec. 109. Amounts of CMPs.

Section 109 amends section 1842 to provide (by reference) specific dollar amounts for CMPs that the Secretary currently has authority to impose in response to a broad range of violations.

Sec. 110. Liability of Physicians in Specialty Hospitals.

Section 110 amends section 1867(d) to authorize CMPs against physicians who are on call to specialty hospitals and who fail or refuse to appear within a reasonable time to provide patients with medical screening examinations or stabilizing treatments.

Sec. 111. Expansion of Criminal Penalties for Kickbacks.

Section 111 amends to section 1128B authorize the imposition of criminal penalties upon persons violating federal anti-kickback provisions with respect to private health care benefit programs. This section also authorizes the Attorney General to bring civil actions in U.S. District Courts to impose civil penalties and treble damages upon those violating anti-kickback provisions with respect to Federal health care programs. Nothing in this bill is intended to diminish the existing authority of any agency of the U.S. Government to administer and enforce the criminal laws of the United States.

Part B—Provider Enrollment Process

Sec. 121. Requirements to Disclose Employer Identification Numbers (EINs) and Social Security Numbers (SSNs).

Section 121 amends sections 1124 and 1124A to authorize the Secretary to require Medicare providers and suppliers to provide social security numbers (SSNs) and employer identification numbers (EINs) for their practices and for any owners or managing employees. The Social Security Administration will be required to verify and correct the SSNs and EINs supplied under this requirement.

Sec. 122. Fees for Agreements with Medicare Providers and Suppliers.

Section 122 amends section 1866 to authorize the Secretary to charge fees to individuals and entities for costs relating to their enrollment and reenrollment as Medicare providers or suppliers.

Sec. 123. Authority to Refuse to Enter into Medicare or Medicaid Agreements with Individuals or Entities Convicted of Felonies.

Section 123 amends sections 1866(b)(2) and 1842 to authorize the Secretary to refuse to enter into, or to terminate or refuse to renew, a contract or agreement for the provision of health care items or services under Medicare with a person or entity that has been convicted of a felony. This section amends section 1902(a)(23) to give State Medicaid agencies authority to deny provider agreements to persons or entities convicted of a felony.

Sec. 124. Fees and Requirements for Issuance of Standard Health Care Identifiers.

Section 124 amends section 1173 to authorize the Secretary to condition the issuance of standard unique health care identifiers to individuals and entities furnishing health care items and services (as provided for by section 262 of HIPAA) on (1) provision of the individual's or entity's SSN or EIN and (2) payment of a fee to cover the Secretary's costs of issuing the identifier.

TITLE II—PROVIDER REIMBURSEMENT AND RELATED MATTERS

Part A—Coverage and Payment Limits

Sec. 201. No Home Health Benefits Based Solely on Drawing Blood.

Section 201 amends sections 1814(a)(2)(C) and 1835(a)(2)(A) to eliminate the simple drawing of blood from a homebound individual, without the need for other skilled nursing services, as a qualifying event for Medicare home health benefits.

Sec. 202. Monthly Certification for Hospice Care after First Six Months.

Section 202 amends section 1812(a)(4) to require monthly (rather than a one-time) recertification of a hospice Medicare patient as terminally ill after the patient has received hospice services for over 6 months.

Sec. 203. Payment for Home Hospice Care on Basis of Geographic Location of Home.

Section 203 amends section 1814(i)(2) to provide for Medicare payment of hospice care furnished in an individual's home based on the geographic location of the home (rather than of the hospice).

Sec. 204. Limitation on Hospice Care Liability for Individuals Not in Fact Terminally Ill.

Section 204 amends section 1879(g) to provide that Medicare beneficiaries (or hospices) do not have to pay for hospice care based on an incorrect diagnosis of terminal illness if the beneficiary (or hospice) did not know, and could not reasonably have been expected to know, that the diagnosis was in error. As is the case under current practice for other situations involving waiver of liability, a beneficiary has a favorable presumption of ignorance, while a provider of services does not.

Sec. 205. Medicare Capital Asset Sales Price Equal to Book Value.

Section 205 amends section 1861(v)(1)(O) to set the value of a capital asset (as recognized by Medicare) at the time of change of ownership at the book value of the asset. The section also applies this valuation to providers of services other than hospitals and skilled nursing facilities, and eliminates obsolete language referring to a return on equity capital.

Sec. 206. Repeal of Moratorium on Bad Debt Policy.

Section 206 repeals section 4008(c) of the Omnibus Budget Reconciliation Act of 1987, which prohibits the Secretary from making changes in the requirements governing Medicare payment for the bad debts of hospitals.

Part B—Bankruptcy Provisions

Sec. 221. Application of Certain Provisions of the Bankruptcy Code.

Section 221(a) adds a new section 1143, which provides that (1) the automatic stay of actions during the pendency of bankruptcy proceedings does not apply to actions by the Secretary or a State with respect to participation in Medicare or Medicaid, including actions relating to program exclusion, CMPs, recovery of overpayments, and denial of claims; (2) debts owed to the United States or to a State for an overpayment (except for an overpayment to a beneficiary) or a penalty, fine, or assessment under Medicare, Medicaid, or title XI are not dischargeable in bankruptcy; and (3) repayment to the United States or to a State of a Medicare or Medicaid debt, or for penalties, fines and assessments with respect to a debtor's participation in Medicare or Medicaid are considered final and not preferential transfers under the Bankruptcy Code.

Section 221(b) adds a new section 1894, which provides that (1) bankruptcy courts must use Medicare rules for determining whether claims by a debtor under the Medicare program are payable, and the allowable amounts of such claims; (2) the notice to creditors required under the Bankruptcy Code must be provided, in the case of Medicare debt, to the Secretary rather than a fiscal agent; and (3) a claim for payment under Medicare cannot be considered a matured debt payable to the bankruptcy estate until allowed by the Secretary.

TITLE III—MEDICARE MENTAL HEALTH PARTIAL HOSPITALIZATION SERVICES

Sec. 301. Services not to be furnished in residential settings.

Section 301 amends section 1861(ff)(3)(A) to eliminate payments for partial hospitalization services in an individual's home (including an institutional setting).

Sec. 302. Additional Requirements for Community Mental Health Centers.

Section 302 amends section 1861(ff)(3)(B) to require community mental health centers, as a condition of receiving payments for partial hospitalization services, to serve a substantial number of patients who are not eligible for Medicare benefits, and to meet additional conditions the Secretary may specify concerning the health and safety of patients, or for the effective or efficient furnishing of services.

Sec. 303. Prospective Payment System.

Section 303 amends sections 1833 and 1866 to authorize the Secretary to develop a prospective payment system for partial hospitalization services. The system is to provide for appropriate payment levels for efficient centers and is to take into account payment levels for similar services furnished by other entities. Beneficiary coinsurance is limited to 20 percent of the new payment basis.

TITLE IV—MEDICARE RURAL HEALTH CLINICS

Sec. 401. Per-Visit Payment Limits for Provider-Based Clinics.

Section 401 amends section 1833(f) to extend the current per visit payment limits applicable to independent rural health clinics to provider-based clinics (other than clinics based in small rural hospitals with less than 50 beds).

Sec. 402. Assurance of Quality Services.

Section 402 amends section 1861(aa)(2)(I) to require clinics to have a quality assurance and performance program as specified by the Secretary.

Sec. 403. Waiver of Certain Staffing Requirements Limited to Clinics in Program.

Section 403 amends section 1861(aa)(7)(B) to limit the current authority for the Secretary to waive the requirement that a clinic have a mid-level professional available at least 50 percent of the time. The waiver will be applicable only to clinics already providing services under Medicare, and not to entities initially seeking Medicare certification.

Sec. 404. Refinement of Shortage Area Requirements.

Section 404 amends section 1861(aa)(2) to refine the requirements concerning the area in which a clinic is located. First, the section requires triennial recertification that requirements are met. Second, the Secretary has to find that there are insufficient numbers of needed health care practitioners in the clinic's area. Third, clinics that no longer meet the shortage area requirements will be permitted to retain their designation only if the Secretary determines that they are essential to the delivery of primary care services that would otherwise be unavailable in the area.

Sec. 405. Decreased Beneficiary Cost Sharing for RHC Services.

Section 405 amends sections 1861(aa)(2) and 1833(aa)(3) to lower beneficiary coinsurance for RHC services to 20 percent of the per visit limit.

Sec. 406. Prospective Payment System for RHC Services.

Section 406 amends sections 1833 and 1861(aa)(2) to require the Secretary to develop a prospective payment system for rural health clinic services (to go into effect no later than 2001). The system may provide for adjustments for excessive utilization, and is to be updated annually. Initially the system is to result in aggregate payments approximately equal to those under current law. Beneficiary coinsurance is limited to 20 percent of the new payment basis.

WEDDING OF JASON SCOTT STELE AND MICHELLE FAYE LAWRENCE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of Jason Scott Stele's and Michelle Faye Lawrence's wedding on Saturday, May 31, 1997. The wedding took place in Carmel, IN at the Indianapolis Hebrew Congregation.

Jason was born on October 1, 1974, in Livingston, NJ to Kenneth and Sharon Stele of West Orange. He was educated at West Orange High School and attended Purdue University where he received his bachelor of arts in psychology. A graduate student, Jason received his master of science degree in psychology from George Mason University.

Jason managed to garner numerous awards and distinctions throughout his collegiate career. Among his top honors are membership in Phi Beta Kappa National Honor Society, Golden Key National Honor Society, and Psi Chi National Psychology. Included with this impressive list of accolades is Jason's graduating with distinction—within the upper 5 percent of his class—and making the dean's list.

Michelle was born on December 30, 1973, in Carmel, IN, to Herman and Diane Lawrence. She was educated at Carmel High School and also attended Purdue University, earning her bachelor of science degree in mathematics education. Michelle also managed to garner numerous awards and distinctions, among them being membership in the Golden Key National Honor Society, Kappa Delta Pi National Education Honor Society, and the National Council for Teachers of Mathematics. Included with this list of impressive accolades is Michelle's membership in the Alpha Phi Omega National Service Fraternity and making the dean's list.

Jason and Michelle met while both were attending Purdue University. Jason was set up on a blind date with Michelle by Kristen Cooper, a friend of theirs in the Purdue Marching Band. The two were soon engaged, and were wed on May 31, 1997.

Mr. Speaker, I ask that you join me, our colleagues, and Jason and Michelle's family and friends, in recognizing the momentous occasion of Jason Scott Stele's and Michelle Faye Lawrence's wedding.

CELEBRATING 25 YEARS OF AFRICAN-AMERICAN ENTREPRENEURIAL EXCELLENCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. CONYERS. Mr. Speaker, I rise to pay tribute to the African-American entrepreneurs featured in "Black Enterprise" magazine's June 1997 cover story honoring six "Marathon Men," who have lead their companies to perennial presence on that magazine's list of the top 100 black-owned businesses nationally. They include Nathan Conyers of Detroit, a Ford dealer; John H. Johnson of Chicago involved in publishing, cosmetics and broadcasting; Herman J. Russell, a general contractor from Atlanta; Edward Lewis and Clarence Smith, New Yorkers engaged in publishing, licensing and entertainment; and Earl G. Graves, Jr., a magazine publisher also of New York City. All have demonstrated a unique blend of faith, determination, patience, perseverance, and just plain guts that have made their businesses successful through the years.

THE 25 YEARS OF BLACK ENTREPRENEURIAL EXCELLENCE

NATHAN G. CONYERS, PRESIDENT, CONYERS RIVERSIDE FORD, INC.

When auto industry executives at Ford Motor Co. in Detroit went looking for a few good men to start a dealership to quell an economically disenfranchised, predominantly black inner-city, they found one in the Conyers family. The patriarch, John Sr., had spent his working life along the Chrysler assembly line, and his successful lawyer sons, John Jr. and Nathan, were ready to plunk down the needed capital to get the cars rolling.

But willingness isn't enough. When Conyers Ford appeared on the original BE 100, then comprised of both industrial service companies and auto dealers, it was one of 13 dealerships. Today, it's the only one left from that first list, making it the oldest black-owned auto dealership in the country. It has been a school of hard knocks, pings and repairs, but the engine is still running strong.

Conyers, who assumed responsibility for the dealership in a coin toss with his brother John Jr., the congressman, says there are four vital elements that will give a business, any business, better opportunities for success: location, capitalization, an understanding of the business and a commitment to becoming part of the community you serve.

"For many black dealers, the location was not viable and the auto manufacturers put them in ares that they couldn't put whites," he says of the black dealers lost over the years. "It was a problem to get capital at competitive rates 25 years ago, and it's still a problem today. And, if you're not in the right location, that's compounded." Also, many dealers go through a manufacturer's dealer development program, "often coming from other businesses," only to be offered a store in a locale that they know little about in a community that knows little about them—points three and four.

Conyers admits his company started at a time when government entities were more inclined to promote minority businesses. He fears those days of government support and private partnership are limited.

On the flip side, he explains African Americans can do very well under that kind of pressure. "If you increase the odds, it increases the will to succeed." But he cautions this will come at a price: more successful black-owned businesses in the future, but fewer of them.

Conyers has mastered the "art of the soft sell." It is just those qualities that have helped him build a loyal clientele. Part of our mission statement says, "We're here to serve and earn the business of our community and customers." It's a credo he stresses to everyone keep before them.

Conyers says the other part of his corporate mission is to train new dealers. To his credit, that mission has spawned 35 African American dealers, many of whom are women, who've moved out of his shop and into their own dealerships.

Besides those 35, he's training five children, two sons and three daughters, to take over all facets of the business. His eldest son, Steven, is general sales manager. Daughter Nancy is the business manager for new cars, and son Peter is business manager for used cars. Another daughter, Susan, is the former Quality Commitment Performance manager. Daughter Ellen is an attorney, handles contracts and collections and is currently waiting to get into a dealer training program to buy her own store.

A quiet pride exudes from his eyes; the legacy continues. "The issue of succession is a whole new issue for black businesses now that we have them in some number." Conyers says he and his family have been working on a plan for the past five years. "I have qualified one of my children to be on the dealer agreements so that if something happened to me, they could step into the business," he explains.

He has also virtually ruled out selling the business. 'We've always said no because we've put too much of our blood, sweat and tears into this," he asserts.

Equally important to Conyers is that more African Americans pick up the banner of entrepreneurship moving into the 21st century. 'We need to convince our best and brightest that getting into business for themselves is the thing to do. Before, it was getting a factory job, then into the professions—teachers, government workers—then into the corporate world. Now we need to look at the entrepreneurial world."

JOHN J. JOHNSON, CEO, JOHNSON PUBLISHING CO.

When John H. Johnson started the Negro Digest 55 years ago, it was the predecessor of what would become Ebony magazine, which would spawn Jet, and this would lead to other, now defunct, spin-offs. But those failures would lead to his most recent successes—Ebony Man, and Ebony South Africa, which marked the company's foray into international publishing. Along the way, Johnson bought and sold three radio stations, started a book publishing division and produced the former syndicated television show, Ebony/Jet Showcase, and now produces the annual American Black Achievement Awards for television, which first aired in 1978. Johnson also created two beauty care lines—Supreme Beauty Products and the world-renown Fashion Fair Cosmetics.

While he is loath to consider himself an old man at 79, Johnson had run the gauntlet for some 30 years before the first BE 100s list was ever published. When it was, he was listed second only to Motown Industries. For that, he's the veteran iron man in black-owned business—always fighting, always finishing at the top among the BE 100s companies. But like most, he's faced his share of hurdles.

"The first 25 years were difficult, trying to get circulation and to break through in advertising to get large companies to recognize that black consumers had money and would respond to advertising directed to them," Johnson says. 'The first 20 years or so in business, we couldn't get a bank loan. Even the largest businesses in the world need bank loans at some time or must have some other way to access capital."

The second 25 years have been easier. Johnson has seen the company mature, circulation double, start new businesses and change the method by which its flagship properties are handled. 'You have to meet the new challenges [of the 21st century], so in 1993, we took all three magazines—Ebony, Ebony Man and Jet—desktop. Now we can send them to the printer via e-mail, and in South Africa, it's the same thing," explains Johnson.

The legendary publisher says the hurdle for black businesses in the next 25 years will continue to be the same—"money, money, money," he scoffs. But if you have the staying power and wherewithal, that is assuming you have a good product and market to sell to, you'll be successful." Johnson's mission over these next years is to see the company survive and grow. To do so, he says that he will take advantage of all new opportunities and embrace new technology to get there. "Never say never about new things," advises the venerable publisher.

Johnson has no plans to retire. "I enjoy myself, I don't work. When you love something, it's not work. I don't know anything that gives me the same amount of pleasure." But he began putting a succession plan in place when he brought daughter Linda Johnson Rice on board. "I see her playing an increasing role in the management of the company and myself, a lesser role, but never disassociated," says Johnson of his daughter who is now president of the company. "Parents never give up their children, and this is my child," he adds.

He also has no plans to sell his company or take it public. And he says his daughter couldn't agree more. "I could sell it and get a lot of cash, but I don't see that I could do anything else that would bring me as much fulfillment as this. I've spent 55 years being my own boss; I'm too old to have another.

"If you go public, the stockholders, the board of directors, the SEC (Securities and Exchange Commission) are all your bosses and you've got to listen to them," he says. "We only have three board members: Linda, her mother [Eunice Johnson] and I. Linda will succeed me. Even now, I don't do anything that she doesn't agree on, and she me. There's a mutual love and respect, so it's a joint venture now."

HERMAN J. RUSSELL, CEO, H.J. RUSSELL & CO.

Herman Russell says he started on the entrepreneurial path as an eight-year-old shining shoes. He has his own paper route by 10 and bought his first piece of real estate for $125 at 16. That real estate deal became the base of the H.J. Russell Construction Co., buying and developing real estate and working as a major minority contractor on most projects built south of the Mason-Dixon line. Post-'60s and after the hotbeds of the riots, there were 10 construction firms on the original BE 100s list. Forty years later, Russell's company is the only one left from the original list, one of the few black-owned construction firms on the current list, and the largest minority-owned general contractor in the U.S.

"You must make a decision early about what you want in life," says Russell, whose dad taught him to save something out of everything he made. "The competition is keener now and you have more qualified people competing for the jobs," he explains.

Russell says the biggest hurdle to staying in his line of business, ironically, has not been capital, but training and developing the people he needed for the jobs, and then getting them to stick around. "Most people are not willing to wait or to pay the price as an individual to develop. When you do, you have more to bring to the table," he explains.

Russell has spent the time developing both his company and his craft. But even when the first list was launched, Russell Construction was a seasoned business. Many of Atlanta's neighborhoods have residential homes and commercial buildings that Herman Russell has worked on. And when it came time to build a new municipal airport under then first black mayor, Maynard Jackson, Russell, a neighbor, was poised and primed for the roughly $19 million job. He was also a primary subcontractor on projects during last summer's Olympics in Atlanta.

It's these blue-collar jobs that proved to be the foundation of black middle-class America and the early source of black economic progress. Russell says that emphasis is now missing—to African Americans' detriment. "There's a generation now that when they were coming along, we didn't emphasize the trades, only white-collar jobs, and we missed the boat. You don't have to have a white-collar job to be successful in life," he adds. "When I walk out on a construction job and it's 25% Latin Americans working all phases of the job, I'm concerned. I remember when I was serving my apprenticeship, most were black Americans, but we don't see that today."

Going forward, Russell has tried to prepare his children, H. Jerome Russell, president/chief operating officer and head of the housing and property management division, and Michael Russell, vice president and manager of the construction division, to take over the company's reigns. But he says they're not quite ready to take on the challenges of a firm with international projects and consulting on many more. To wit, he's brought in an outsider to get the firm over his progeny's learning curve. In November 1996, Russell appointed R.K. Sehgal chief executive officer and vice chairman to report to him as chairman of the board.

"They're working me harder, and there's more to do now with the new CEO getting lots of my input, but as the months go by, I'm hoping to go from 14- to eight-hour days and have more time for myself," Russell says.

Like his CEO/chairman counterparts, Russell says he wouldn't sell his company outright, but confesses that one day, it will go public, probably soon. "I'm almost sure the family will keep the majority share of it, but we'll probably go public within five years." With its diversified holdings, including construction and management, property and real estate management and development, and airport concessions, it would make an attractive IPO. But whatever happens, Russell says "whoever becomes the next CEO must be prepared to take on and carry on the business."

EDWARD LEWIS, CEO, PUBLISHER CLARENCE SMITH, PRESIDENT ESSENCE COMMUNICATIONS INC.

When the Hollingsworth Group (now Essence Communications Inc.) launched its magazine for black women in May 1970 with a portrait-sized closeup of a brown-skinned woman wearing a high, round 'fro, nothing could have shaken the publishing world and white and black America more. Twenty-seven years, two less partners and four editors-in-chief later, co-founders.Edward Lewis and Clarence Smith have pushed Essence Communications Inc. (ECI) from a magazine to a diversified brand name synonymous with African American womanhood.

On the publishing front, there's its flagship property, Essence magazine; then there's Income Opportunities, a general market magazine targeted to start-up businesses; and two years ago, it started Latina, a magazine aimed at the Hispanic women's market. There's a licensing division with a collection of items from eyewear and hosiery to children's books and a mail-order catalog. Finally, there's its entertainment division, which once produced a weekly syndicated television program and now focuses on an annual awards show and three-day festival.

Success has been manifest, but not without a tough start. "We thought we'd be a lot further," says Smith, president of ECI. "We didn't anticipate how much resistance there would be by marketers to an African American women's magazine," he says. Just getting out of the starting block posed challenges. "We had a business plan that called for $1.5 million in capital; we opened with $130,000," adds CEO Lewis.

Smith says they underestimated the struggle it would take for not only cash and advertisers, but even newsstand space. "We also had to overcome the inexperience of not running our own businesses before. We learned that we could do with less," explains Lewis.

Start-up pains and racism aside, the key to the company's growth has been its diversification, pushing the balance sheet upwards. But to remain successful into the next decade, the company "must be leaner, nimble and able to take advantage of opportunities globally to continue to grow," says Lewis. "There will be more opportunities to expand this brand, especially in West and South Africa, and this will continue to be the direction the company heads in," adds Smith.

To that end, ECI still faces a number of challenges, namely financing for future projects. "There are absolutely more avenues, but it is still difficult for small and minority businesses to get the capital they need. And with the mergers taking place in banking, these banks are not geared to small business; we're going to have to seek out other banks and venture capitalists for money," Lewis says. While neither partner has plans to sell the company, neither would rule out that option. "Anything's possible," added Lewis, "but we have to see how the world is conducting business and be mindful of our shareholders' interests."

The other cornerstone is developing the company's next generation of leaders. While neither partner would say whether they have a succession plan, Lewis has no children and Smith's two sons are not involved in the day-to-day affairs of the company. But that has not stopped them from tapping the talent of the company's limited partners and employees, most notably, its highly recognized and respected editor-in-chief, Susan L. Taylor.

Lewis says he doesn't see himself running the magazine daily in 25 years. "We intend to encourage others and prepare middle managers to move forward and run this business. Black women will continue to be in the forefront."

Adds Smith: "I think we have one of the best-known brands in the world and the future for our shareholders, associates and employees is very, very good."

EARL G. GRAVES, CEO, EARL G. GRAVES LTD.

Imagine—or remember—the surprise many Americans, black and white, got after the disturbances of the '60's when they opened their mailboxes during those hot, hazy summer days of August 1970 and found a copy of Black Enterprise magazine. Inside, publisher Earl G. Graves had assembled a prestigious board of advisors made up of black leaders in business and politics of the day addressing the question, "Why Black Enterprise?" It put the civil rights movement into perspective—now that we've got the right to vote, would we be free to pursue a slice of the American economic pie?

Fast forward three years. Graves decided it was time to quantify and qualify the kind and size of black businesses in America and produced the first Black Enterprise 100, listing the top 100 black-owned businesses in the United States.

In a letter to his father on the Publisher's Page of the June 1973 issue, Graves wrote: "We have arrived at a point in history where we can identify thousands of black-owned and black-controlled businesses—many still embryonic and still struggling for survival—that have been and are being established across this country. These are humble beginnings. But they are significant."

Fast forward again to 1997 and Graves, now older and a lot wiser, reflects on the early years. "I was trying to run a business myself, while telling others what they needed to know about trying to start or run their businesses," he says. "It was like being the teacher and reading five chapters ahead of the class, like a student-teacher."

Assisting him in the process was his wife Barbara, who gave up her job as a teacher to help her husband pursue his goal. The magazine set out to tell readers "how to" do it. In the process, its circulation has grown from a controlled subscriber base of 100,000 to a current list of 300,000 and 3.1 million readers.

Along the way, Graves bought and sold two radio stations and a marketing research firm, and established another division of the company, Black Enterprise Unlimited. This new brand is responsible for the Entrepreneurial Conference and the B.E./Pepsi Golf and Tennis Challenge. He also entered into partnership with PepsiCo to purchase Pepsi-Cola of Washington, D.C., L.P., a soft drink bottling franchise, and is a general partner of Egoli Beverages, L.P., a Pepsi-Cola franchise in South Africa.

In the process, the magazine has set standards of professional and entrepreneurial achievement with its lists of the 25 Best Places for Blacks to Work, 40 Most Powerful Black Executives, and Top 25 Blacks on Wall Street, while coining vernacular like BUPPIE (Black Urban Professional) and Kidpreneur ™.

But many of the challenges posed to black businesses and professionals in 1972—access to capital, corporate glass ceilings, disparities in service and the perceived value of the African American market and its dollars—remain in place today. "Since I wrote that letter to my father 25 years ago, we've made enormous progress, but not enough has changed," Graves points out.

For the man with the signature mutton chop sideburns, knocking on closed doors and inviting himself in, much like Fred. "The Hammer" Williamson did in his films, Graves has called on corporate America to give equal access to African Americans in banks, boardrooms and businesses.

"The challenge in the next 25 years is to eradicate the stereotype of us as the underclass," he says. "America is the greatest country in the free world. Our best history is in front of us if we are willing to accept the reality that African Americans must share in its bounty." To wit, Graves has served on many corporate boards, most recently, AMR (the corporate parent of American Airlines), Aetna, Chrysler Corp., Federated Department Stores Inc., and Rohm & Haas Corp.

Unlike some of his entrepreneur peers who have not outlined a clear succession plan for their businesses, Graves has, "The future bodes well for us because business is really people—the people you have handling it—and our young people are good," he says, referring to a list that includes his three sons, Earl "Butch" Jr., executive vice president/COO of Black Enterprise magazine; John, senior vice president business ventures and head of B.E. Unlimited; and Michael, vice president/general manager of Pepsi-Cola of Washington, D.C.

Graves anticipates developing more new lines of business. He foresees Kidpreneuer ™, a development program for budding entrepreneurs ages five to 18 held during the annual Entrepreneurial Conference, growing into something significant that might lead to other lines of business. "We are also looking at a line of financial services that will assist in the growth and development of black-owned businesses," he says. "And, I hope to see the expansion of the Pepsi franchise, which is doing very well, through more franchising area contiguous with where we are or somewhere else."

While he hasn't relinquished his seat yet—"retire," he laughs, "I'll never be fully retired"—day-to-day operations have been turned over to his sons and other senior officers. Instead, Graves plans on continuing in a broader fashion by shifting his attention from running his businesses to focusing more on his corporate and volunteer activities. Currently, he serves as a trustee on the board of Howard University, the board of directors of the Associates of Harvard University's Graduate School of Business, and as vice president of relationships/marketing on the executive board of the National Office of the Boy Scouts of America. He also helped to raise $1 million for his alma mater, Morgan State University, which has renamed its business school the Earl G. Graves School of Business and Management. And, says the grandfather of six, "Barbara, my wife of 37 years and former vice president/general manager, and I will be spending more time with our grandchildren and skiing six months a year."

But asking an activist to stop being active for the causes he believes in—education, enterprise and opportunity—is no easy feat. "Some of our businesses are reaching a level where we'll be overcoming just basic business obstacles—developing a market and building market share. Getting these economic business issues resolved in another 25 years will be a struggle, but we must make it happen."

TRIBUTE TO FATHER DEMETRIOS KAVADAS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. BONIOR. Mr. Speaker, today I would like to honor Father Demetrios Kavadas as he celebrates 40 years in the priesthood and 35 years of service as the protopresbyter of the Assumption Greek Orthodox Church in St. Clair Shores, MI.

Father Kavadas was born and raised on the Island of Chios, Greece, before coming to America and entering the priesthood. As a young man, Father Kavadas was a serious student who placed enormous value on education. He graduated from high school summa cum laude, was a Fulbright Scholar, and attended Tufts University, College of the City of New York, Holy Cross Greek Orthodox Theological Seminary, Harvard University, and Boston College. But it was his dedication to God and helping others that prompted him to become a priest.

On July 7, 1957, Father Kavadas was ordained to the priesthood. At age 25, he became the pastor of St. George Greek Orthodox Cathedral of Manchester, NH. In 1977, Father Kavadas moved to St. Clair Shores where he became the pastor of Assumption Greek Orthodox Church.

Over the past 40 years, Father Kavadas has been a leader in the orthodox faith through involvement in the department of Religious Education of the Archdiocese, member of the Diocesan Spiritual Court, vice president of the National Presbyters, and the list goes on and on. He is a kind pastor who has been a dedicated writer, spiritual leader, and educator.

Throughout the years, Father Kavadas has touched the lives of many people. He has provided emotional, educational, and spiritual support. I would like to congratulate Father Kavadas as he celebrates his 40 years in the priesthood and wish him and his family all of the best.

TRIBUTE TO MARY NORRIS, OPP'S TEACHER OF THE YEAR

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. EVERETT. Mr. Speaker, today, I would like to pay tribute to an outstanding woman, teacher, and citizen. Mary M. Norris of Opp, Alabama was awarded the Opp Chamber of Commerce Teacher of the Year Award for 1997.

Mary Norris has been serving and contributing to our community as a teacher for the past 26 years. I would like to commend her on her commitment to educating our children and strengthening our Nation.

However, the Chamber of Commerce Teacher of the Year Award is not the only area in which Mary Norris has been recognized for her outstanding work. She has also received the South Highland's Teacher of the Year Award, as well as the WSFA–TV's Class Act Award. She has also served as the Science, Reading, and Math Curriculum chairman and has been a participant in the Space Camp for Teachers.

I would like to thank Mary Norris for her active involvement in the field of education. She is not only aiding our children, but she is helping the community as a whole.

TRIBUTE TO THE RIZZA FAMILY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. LIPINSKI. Mr. Speaker, today I pay tribute to the Rizza family, who are members of the Old Neighborhood Italian American Club in my district, who have given a great amount of their time and energy to improving the community. This family is truly deserving of this special honor and I am pleased to have such a shining example of community service in my district.

The generosity of the Rizza family to their community is shown in so many ways. For the past 16 years the Rizza family has donated over $47,000 worth of automobiles for the Old Neighborhood Italian American Club Christmas Raffles. The donations that they have made have funded the Annual Anti Drug and Alcohol Seminars which are held every year for participating school children in third through eighth grades. Additionally the Rizza family donations have funded the annual breakfast with Santa. Finally the Rizza family has made donations of computers, software, and other school related items to their community.

Mr. Speaker, in today's world we don't very often hear of such a giving, community oriented family as the Rizzas. They truly exemplify what all that is good in my district. I wish the Rizza family all the best and hope that they continue their benevolent values.

BICENTENNIAL OF MAISON LOUIS LATOUR

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the bicentennial celebration of Maison Louis Latour of Beaune, France. Since the winery was first established back in 1797, seven generations of Louis Latours have succeeded to the head of the family business. Over these 200 years, the Latour family has become known throughout the wine industry as a prominent leader in the trade. Through the ingenuity and leadership of the Latour family, Maison Louis Latour has achieved remarkable success throughout the world and in particular in the United States.

Since the beginning of the 17th century, the Latour ancestry has been grower, cooper and wine merchant in Aloxe-Corton, the famed vineyard region in the heart of the burgundy countryside. In the mid-18th century, Louis Latour built up the family business and established himself in Beaune as a "negociant en vins fins," shipper of fine wines. Within a few years, he owned 15 hectares of the best vineyards in Aloxe-Corton.

Today, the Latour estate consists of 125 acres—a collection of vineyards stretching from the appellations of Chabertin and Romanee Saint-Vivant in the Cote de Nuits to Chevalier-Montrachet in the Cote de Beaune. The family continues to run the company and remains true to the local, loyal, and constant traditions of burgundy.

Having been represented in the United States since before the turn of the century, Maison Latour, in 1985, established an American subsidiary, Louis Latour USA Inc. This company has helped generate jobs not only at the subsidiary, but also for professionals working with Louis Latour across the United States in the distribution and marketing of their fine wines.

In addition to the celebration of their bicentennial, I commend Louis Latour on their recent admittance into the exclusive Henokiens Club, a renowned international club of family run businesses. Louis Latour met the criteria that allows them to be members of this club, namely, a company that is in sound financial health, a company that has been in business for at least 200 years, and, a company that continues to be run by members of the original family.

I congratulate Louis Latour on being one of the oldest names and most prestigious in burgundy. The completion of 200 years of history without an unbroken line from father to son is something exceptional. I wish you the best on this remarkable occasion and know that you will continue to make the wine industry proud for generations to come.

AN AMERICAN MUSICAL SALUTE DEERFIELD BEACH HIGH SCHOOL BAND

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I rise to recognize the accomplishments and achievements of the Deerfield Beach High School Concert and Jazz Band. Under the direction and guidance of Mr. Dean Calmer and with the assistance of Deerfield Beach High principal, Dr. Joe Melita, these young people have illustrated skill accompanied by an unyielding work ethic and commitment. As a result of their perseverance, the Deerfield High Band became the only musicians selected from the State of Florida to participate in the "American Musical Salute to DC" which commemorated the 75th anniversary of the dedication of the Lincoln Memorial. The band preformed superbly and represented the State of Florida in an honorable fashion. Mr. Speaker, I ask my colleagues to join me in recognizing the achievements of the Deerfield Beach Concert and Jazz Band, and the young people involved who in an era of violence and disparity have still managed to remain focused and as a result make beautiful music.

HONORING THE LITTLE HAITI HOUSING ASSOCIATION, INC.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise to congratulate Little Haiti Housing Association, Inc. [LHHA], for its receipt of the *Maxwell Award of Excellence* from the Fannie Mae Foundation. Mr. David Harder, executive director of LHHA accepted the award Tuesday, May 20, during the foundation's ninth annual awards ceremony.

The Fannie Mae Foundation recognized LHHA for its scattered site home ownership project which is a model for the Nation. The program renovates abandoned houses that have become havens for drug dealers and redevelops vacant lots used as trash dumps. Between July 1995 and June 1996, the project successfully renovated 10 homes and built 1 new home. Since the project's inception in 1987, LHHA's dedicated workers renovated or built 48 homes, thus enabling 48 families to become homeowners.

Mr. Harder regards LHHA as more than a housing program; it is, "a tool to restore stability in communities." LHHA's contribution to that philosophy is illustrated by the array of services offered to homeowners and persons qualifying for home ownership.

LHHA designs services and programs to strengthen members of the Dade community. Home buyers complete the association's 8-week home ownership training program. Classes are offered in Haitian-Creole, Spanish, and English. LHHA also offers classes in English for Speakers of Other Languages; post-purchase counseling; the banking system; citizenship preparation; and job skills training.

Mr. Speaker, I applaud the work of Executive Director Harder and his team, Jules LaBossiere, president of the board of directors and Jacques Saint-Louis, assistant director. Their tireless efforts to provide safe affordable housing to this community in Dade County is much appreciated. Little Haiti Housing Association, Inc., sends a strong message to drug dealers and others, that we will take our communities back.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

SPEECH OF

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con Res. 84) establishing the Congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002:

Mr. FAWELL. Mr. Chairman, I rise in strong support of the balanced budget agreement, embodied in the budget resolution. For the first time since I came to Congress, in fact for the first time since 1969, we shall hopefully balance the Federal budget under a 5-year plan. While I would prefer a balanced budget for fiscal year 1998, nevertheless this is a blueprint which if followed by subsequent Congresses and the President, will finally result in a balanced budget in 2002. This agreement also provides for significant tax relief that will allow working Americans to keep more of their hard earned dollars and it takes significant steps to restrain the growth of entitlement spending. Of particular importance, it will insure that Medicare will remain solvent for another 10 years.

The budget compromise we consider today is, however, by definition imperfect. It was achieved through laborious and lengthy negotiations that were conducted by congressional leaders and the President. Both sides made compromises and had to give up points that were of great importance to them. I for one would have liked to see greater efforts at reforming entitlements and deficit reduction. However, the nature of compromise requires that both sides give up goals that they value highly, in order to achieve something of even greater value. The road to a balanced budget agreement is unquestionably of such great value.

Tinkering with the terms of the agreement may potentially cause the entire budget deal to collapse. An amendment offered by Congressman SHUSTER, which would designate that moneys taken from the transportation trust fund should go towards increased transportation spending, is basically sound. But it would upset the carefully balanced terms that were agreed to by congressional leaders and the President. I do oppose the practice of using taxes levied for an express purpose—such as taxes levied for transportation purposes—for uses other than the purpose for which such taxes were levied. In this case however, I reluctantly oppose the Shuster amendment, which would disrupt the carefully negotiated terms of the budget agreement, potentially leading to the collapse of the entire agreement. The amendment also would take moneys from education, defense and other important spending priorities. If adopted, the Shuster amendment would have reduced defense spending by $5.65 billion, education by $980 million, criminal justice by $510 million and housing and child health programs by $860 million.

While it is not perfect, the balanced budget agreement represents an important step toward ultimately having Congress pass annual balanced budgets. It is therefore an important first step in finally eliminating annual deficits and moving Congress towards a reduction of our Nation's large national debt. I therefore urge Members to join in support of the bipartisan budget agreement.

TRIBUTE TO THE BEACHWOOD BOROUGH VOLUNTEER FIRE CO. NO. 1 ON THEIR 75TH ANNIVERSARY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SAXTON. Mr. Speaker, on June 7, 1997, the Beachwood Borough Volunteer Fire Company No. 1 will celebrate its 75th anniversary.

Beachwood, NJ, established in 1917, is a sleepy hamlet located on the Toms River far removed from the hustle and bustle of the Jersey Shore tourist area. The residents of Beachwood have a long history of being friendly, open, and giving to those in need within their community. Nothing exemplifies this more than the volunteers who have given their time to help Beachwood fight fires within the town.

Firefighters serve a unique and extremely important role in our society. Many of us take the duties performed by volunteer firefighters for granted. Each day, these individuals put their lives at risk in order to protect the public from tragedy.

What is unique about volunteer firefighters is that they protect us without any financial compensation. Across the country, almost 90 percent of the firefighters are volunteers. These volunteers spend many hours away from their families and jobs in order to protect us and our families. They do not fight fires for financial rewards. They fight fires for the love of their community.

It is for this reason, Mr. Speaker, on behalf of the residents of Beachwood, I would like to thank the brave volunteers of the Beachwood Borough Volunteer Fire Company No. 1 for their service to their community and congratulate them on their 75th anniversary.

RECOGNIZING MICHAEL T. GONZALES ON THE OCCASION OF HIS RETIREMENT AFTER 30 YEARS OF DEDICATED SERVICE TO THE MONTEBELLO POLICE DEPARTMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize Montebello Police Captain Michael T. Gonzales on the occasion of his retirement after 30 years of dedicated service to the community of Montebello.

Captain Gonzales was born in Los Angeles, CA, and attended St. Alphonsus Elementary School, Eastmont Junior High School, and Montebello High School. He earned his bachelor's degree in public administration from the University of La Verne, and began his career in law enforcement with the Montebello Police Department on July 24, 1967, as a police officer. He quickly rose through the ranks, becoming sergeant on January 1, 1974, assigned to the Training Unit; lieutenant in the Patrol Division on March 24, 1987, captain on December 18, 1988; and served as bureau commander for both the Support Services Division and Field Services Division.

Through his guidance and leadership, Captain Gonzales was instrumental in the formation and implementation of the department's explorer program in 1971. He also served as coordinator for the Montebello police reserve officer program from 1977 through 1987, and as a member of the advisory committee of the Commission on Peace Officer Standards and Training [POST] since 1979. Throughout his career, he has represented the California Association of Police Training Officers with distinction, and has demonstrated leadership and diligence in his service as chairman of the POST Advisory Committee. Additionally, he served as State and local president for the California Association of Police Training Officers, and as a member of the Hispanic American Police Command Officer's Association, the Boy Scouts of America's Exploring Program, and was executive vice president of the California Asian Peace Officer's Association.

Captain Gonzales has received numerous awards and commendations throughout his distinguished career in Montebello law enforcement. He is a role model for our community, and serves as a model officer for his colleagues in law enforcement. I proudly ask my colleagues to join me in honoring Montebello Police Captain Michael T. Gonzales as he retires from 30 years of dedicated service to the Montebello community.

A TRIBUTE TO FAITH AND JONATHAN COOKLER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SHERMAN. Mr. Speaker, it is with great pleasure that I rise today to honor an extraordinary couple who has given an abundant amount of their precious time and energy to forwarding the ideals of community service and education. I join our community in honoring Faith and Jonathan Cookler.

Faith and Jon have dedicated themselves to the preservation of Jewish ethics and family values. They have served Abraham Joshua Heschel Day School in many capacities promoting Judaic education in a community school setting. In doing so they have strengthened our community's values at its roots.

Zohar wrote in the Talmud that "Each man should aid his fellow man according to his talent." The Cookler's exemplify this ideal by promoting Jewish values through their own strengths. Jon serves as the capital funds vice-president utilizing his financial and fundraising expertise while Faith serves as the executive vice-president employing her organizational talents, each serving the community in his or her own unique way.

In addition to supporting Jewish foundations in the local community, Faith and Jon have also dedicated their services to broader regions. Faith has been deeply involved with the Anti-Defamation League serving as president of the Pacific Southwest Regional Board and as president of the Women's Division. Jon has also served the greater community through his work on the Boards of Valley Beth Shalom Synagogue and the Pacific Southwest Region of the Anti-Defamation League.

As Faith and Jon's Congressman I am deeply honored to recognize them for their dedication to our community. I congratulate them on their successes thus far and wish them luck in the future.

AMERICAN DREAM CHALLENGE AWARDS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. McGOVERN. Mr. Speaker, Dr. Irving A. Fradkin and the Committee of the Citizens Scholarship Foundation of Fall River, MA, have initiated and nurtured an educational movement that has benefited children not only in my own Third Congressional District of Massachusetts, but throughout the country. By working with individuals and businesses in a community, scholarships are presented to children that will motivate and enable them to go to college. These children, who are students in elementary school, promise to adhere to good behavior and high scholarship. They take a pledge to do their best in school and to take advantage of the opportunities of a good education. They promise to respect their classmates and teachers and to learn about and appreciate different religious and ethnic backgrounds. They pledge to stay away from drugs, violence, and weapons of any kind. They volunteer to perform service in their communities and to be caring and responsible young citizens. Certainly these are the actions and values we would like to instill in our children.

I would like to enter into the RECORD letters of commendation from President Clinton and Secretaries Riley and Shalala praising the American Dream Challenge Scholarship Program. I am also pleased to include essays from elementary school children who live in the southern part of my congressional district and who are participants in this program. They have written about how education has shaped their dreams of the future and I believe their words should inspire as all.

THE WHITE HOUSE,
Washington, January 3, 1996.

Dr. IRVING FRADKIN,
American Dream Challenges, Citizens Scholarship Foundation of America, Fall River, MA

I am delighted to commend the participants and supporters of the American Dream Challenge scholarship program.

Education is one of the most effective tools that individuals can use to create a brighter tomorrow for themselves and for our nation. By studying hard and working to improve their school, communities, young Americans can look forward to the time when their generation will help to lead this country.

Initiatives like the American Dream Challenge emphasize the importance of a good education, encouraging young people to invest in their future by preparing for college and exciting career opportunities. I commend the program's supporters for your dedication to helping young people fulfill their dreams, and I wish the scholarship recipients every happiness and success.

BILL CLINTON.

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, May 18, 1997.

To the Participants in the American Dream Challenge, Fall River, MA.

It is a pleasure to greet the students participating in the Fall River American Dream Challenge. I am grateful for this opportunity to emphasize to you how important it is that you meet the challenge by staying in school and striving for excellence.

As President Clinton has said, "The fight for education is the fight for the American Dream." Through your academic efforts, you are working toward realizing that dream for yourselves. As I hope you have discovered, although you may face many obstacles in your achievement of that dream, you may overcome those obstacles through hard work and dedication.

As our world becomes more complicated and our economy more competitive, education becomes more and more important. I commend you for resolving to stay in school, stay out of trouble and work hard to excel academically. However, education today must not end with high school graduation. The constantly changing demands of new technologies and of the world economy mean that for today's citizens education must be a lifelong endeavor. I hope that you will use your scholarships to continue your studies after your graduate.

America is counting on each of you to make a special contribution to our nation. By being here today, you have taken an important step toward making this contribution. I commend you for setting your sights high and wish you all the best as you strive to reach the goals you have set for yourselves.

RICHARD W. RILEY.

THE SECRETARY OF HEALTH AND
HUMAN SERVICES,
Washington, DC, April 3, 1996.

Dr. IRVING FRADKIN,
American Dream Challenge,
Fall River, MA.

DEAR DR. FRADKIN: I appreciated receiving information about the American Dream Challenge Program. As you know, the education of our youth is of great concern to me, especially as we look at new ways to break the cycle of poverty and give our children a strong foundation for the future.

I commend the efforts of your program to motivate and inspire our youth and provide them the opportunity to participate in higher education. Also, I commend the students who participate in the program. Their commitment to excellence and their achievements in this program surely will inspire other young people.

The Fall River Chapter of the Citizens Scholarship Foundation has a long-standing track record of helping young people finance their education. Initiatives like the American Dream Challenge program reflect the commitment of the organizers to education, and promoting access and excellence in education.

My best wishes for your continued success.

Sincerely,

DONNA E. SHALALA.

[From Fowler Elementary School; Feb. 14, 1997]

WHAT MY FUTURE WILL BE LIKE

(By Alicia Fernandes)

In the future I would like to become a Pediatrician. I would like to do that because I enjoy working with children.

When I get older I am going to try my best to get through high school successfully. When I graduate I would like to go to Harvard or Yale. I was even considering going to a university in Florida. When I go to college I am going to become a Pediatrician.

I am going to be smart. I am going to keep my head clear. I will not smoke, drink, or do drugs. Also, I will not ruin my education by having children while I am still in high school. I will have a good education, good job, before I have children. I will have children when I have a good job, a good education, when I am settled down and ready to support myself plus a child.

Until then I'm going to go to school to get a good education and have a good life. I am not going to make the mistakes some people make. I don't want to throw my life away. I want to be able to get up everyday to go to high school without having to call a baby sitter. I want to have a good educational life and I will because I am setting my mind to it. While I am writing this I am thinking about my future, me and all my friends standing on a stage in our caps and gowns while the principal of our school gives a speech and then he says it "The Class of 2993" then there is a big round of applause and we receive our diplomas and a few months later I'm packing my bags for college.

As I think to myself I did it! I am so proud!

HOW I CAN USE MY EDUCATION TO MAKE A BETTER AMERICA

(By Andrea M. Dias, 4th grade, Doriare School)

The people today that are lawyers, teachers, sales people, doctor, and other jobs. The only way them people achieved there goals is because they went threw elementary school, middle school, high school and collage. They worked hard and stuff and got a great education. Also an education doesn't only make you achieve your goals and make you smart but also makes you a better and kind person. There are also people today who dropped out of school and did get an education and now those people regret and think about what a bad desision they made, thats why some of them went back to school and tried to get an education. So if your still a kid like me and you have a goal dream. One of the ways you'll get it is if you have an education. So I'll tell you right now! Believe in your dream, go for it! If your not that good at school and you want to get a good education then just keep on trying and trying until you get better and better. Say your goal was to be a teacher and you achieved it. You won't only get an education you'll be helping someone else get a education and achieved there goals and you'll be proud of your self for what you have done. Just remember the people who achieved there goals they have a education. Don't give up. I know you can get an education. Because if I can try you can try too. Go and achieve your goal!!!

WHAT I WANT TO BE WHEN I GROW UP.

(By Meghan Bissonnette, 6th Grade, Healy School)

Today I'm young, a few more tomorrows and I will be going off to college. I must start thinking of what I want to do with my life. Many other children may not care, but I do, I think this is important. If I don't start now, who knows where I could be 10 years from now.

After I finish college, I want to join the World Peace Conference. That is my life long dream. President William Clinton has inspired me the most. If I am chosen to join the World Peace Conference, I shall help the world stop fighting, and learn to help one another.

Also, I have a back up plan. If I am not elected to the World Peace Conference, I'll become a veterinarian; so if I can't help out people, I'll help out animals. This way I shall be happy. I'll always try my best. Nothing will stop me. I'll never do drugs, smoke, or do anything that will harm my body. This way I will be safe from harm.

If I ever inherit money, I'll make sure to donate it all to poor, homeless people, sick animals, and charity, this way the money will not go to waste. I'll never give up. I'll be strong and carry on. My dream for peace, fairness and equality will never die, neither shall my hope, or spirit.

HOW EDUCATION CAN HELP ME MAKE A DIFFERENCE

(By Natalie Moore, Grade 6, Atlantis Charter School, Fall River, MA)

I'm a child of the future generation of adults and if I don't get an education I can't help change the world and the bad things in it.

I want to be like Martin Luther King, Jr. or Chico Mendes and make a difference; not necessarily the same way as them, but in my own way. I want to be a judge when I get older. I want to take the people selling drugs, and murderers, off the street. I want to stop the violence and abuse in and outside of homes. But if I don't have an education this won't happen, because it takes a lot of studying, hard work—and I'll have to go to school.

So many children are so scared of what's going to happen to them when they go home from school, or who they are going to fight, that they don't pay attention in school. And that's sad because if they grow up with abuse and violence then that will be what their children grow up with and this world won't change. I want that to be something that will change, so I am going to go to school and try to influence as many other people to go to school. And when I get older I WILL make the biggest difference I can.

FOSTERING A BETTER UNDERSTANDING OF THE CHEMICAL INDUSTRY

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. DELAY. Mr. Speaker, my colleague, JOHN TANNER and I serve as the chair and vice chair of the Advisory Committee to the Chemistry and Technology Forum. The Chemistry and Technology Forum was recently established to foster a better understanding of the chemical industry among the general public and public officials. The Forum sponsors events and produces studies intended to improve the quality and quantity of information on industry issues available to the public and the Government. In doing so, the Forum believes that it will encourage the development of sound public policy and debate on the issues affecting the industry and the public it serves.

Recently the Forum heard a presentation from Mr. J. Lawrence Wilson, the chairman and CEO of Rhom and Haas Co. and the chairman of the Chemical Manufacturers Association on international trade and the chemical industry. Mr. Wilson points out that since 1993 chemicals have been the largest U.S. export sector and that exports have doubled in the past 5 years to more than $60 billion. Today, 1 out of every 10 U.S. export dollars earned comes from chemical sales. Every billion dollars in export sales creates or preserves 4,000 jobs. Access to the markets of Asia and Latin America are key to this industry's future and renewal of "fast track" authority is a competitive necessity.

I am entering Larry's speech in today's CONGRESSIONAL RECORD and encourage Members of Congress, particularly those with substantial chemical employment in their districts', to read the speech.

INTERNATIONAL TRADE—WORKING HARD TO STAY AHEAD OF THE GAME

I'm pleased to be here this afternoon because it gives me another opportunity to talk about my favorite subject—the U.S. chemical industry.

Those here today already know about the contribution this industry makes to the U.S. economy—and to the world economy, for that matter:

The chemical industry: Provides essential building-block products used by every sector of the manufacturing economy, and by most of the service economy; is high-tech and internationally competitive; provides high-paying, stable jobs; is a multi-billion dollar sponsor of research and development; and is a leader in health, safety and environmental protection.

And this business is so dynamic that the chemical industry of today did not even exist 20 years ago.

All of this is no surprise to you—but these facts are surprising to many of your colleagues who are not here today. In my experience, I've found some congressional representatives regard the chemical industry as "ancient." Perhaps even "outdated." Some even regard us as a bargaining chip to be used in the international trade wars.

That's why I'm so pleased that Congressman Tom DeLay of Texas and Congressman John Tanner of Tennessee have taken leadership roles in this Forum—and that you all have demonstrated your interest and support of the chemical industry by taking the time to come today. On a personal note, I would like to acknowledge that both men represent states where some of Rohm and Hass Company's largest facilities are located.

Congressman DeLay has the added distinction of having both personal and business experience in the chemical industry.

INTERNATIONAL TRADE

The chemical industry is the nation's most powerful, most successful international competitor. Ten years ago, exports accounted for 10 percent of our total shipments. Today, that number stands at a little over 16 percent. Exports are beginning to drive our growth.

Many people believe the global economy is entering a new Golden Age. Jeffery Sachs, the noted Harvard economist, recently said we have reached an important historical moment in time. He says global economic growth "will raise the living standards of more people, in more parts of the world than in any prior time in history."

Some economists are predicting world growth rates will average an astounding 4 percent a year for the next 20 years.

I'm proud to say that American companies are leading the way. Bill Lewis, CEO of the respected McKinsey Company, says, "U.S. firms have developed the best practices over the greatest range of industries." This is certainly true of the U.S. chemical industry!

The U.S. is the world's largest producer of chemicals, accounting for almost one-fourth of total world chemical production.

Chemical exports have doubled in the past five years to more than $60 billion.

One out of every ten U.S. export dollars earned comes from chemical sales.

And, since 1993, chemicals have been the largest U.S. export sector, running ahead of agriculture and far ahead of the aircraft industry.

Exports create American jobs. In 1986, the chemical industry employed 1.02 million people. In 1996, the number stood at 1.04 million—in jobs that wages that are one-third higher than the average wages for all of manufacturing. In a time of downsizing and restructuring, and of maturing markets in the developed world, the U.S. chemical industry has preserved and strengthened high-paying, high-tech jobs for more than a million people.

The ability to compete internationally has been critical to our success. It's likely you've heard this statistic before, but it remains true: Every billion dollars in export sales creates or preserves 4,000 jobs.

And the U.S. chemical industry has not sealed itself off from international competition or opportunity. Quite the contrary—we are active players in every part of the globe. Three years ago, 201 U.S. chemical companies operated a total of 3,050 foreign affiliates. These foreign investments create demand—and pipeline—for U.S. technology and products. And the sales made by these affiliates help underwrite the research and development necessary to continually renew and strengthen U.S. competitiveness.

MAINTAINING OUR NUMBER ONE POSITION

Every developing nation wants to build its own chemical industry—to support their growing manufacturing industries, to add value to their raw materials and to create a technology base that will improve the quality of life for citizens today and in the future.

These nations will move to meet these needs—with or without the U.S. chemical industry. Today's chemical industry is global, and there are plenty of competitors from Europe and Japan who will compete with us to establish footholds in these developing countries.

The U.S. chemical industry today is vibrant and strong—but success is not a given. Our ability to succeed must be nurtured and encouraged. The competitive environment gets tougher, while the margin for error gets smaller. In the past, companies might have been free to raise prices to cover miscalculations, or could have relied on their reputation to become the sole source supplier—but no longer.

The old markets—the developed world of Europe and Japan—are where we cut our trading teeth and built trade surpluses. But they are not the growth markets of the future.

Asia and Latin America are our future. Why? Because within these regions, 11 countries hold more than two-thirds of the world's population. And these economies are growing at astounding rates—double or triple the economic rates of the U.S.—and they will continue at these rates for the foreseeable future! Yet today, just 13 percent of the total chemical industry investment abroad is located in these countries.

AN AGENDA FOR ACTION

These growth markets also are the very same markets that have the highest degree of protectionism in the form of tariff and non-tariff barriers. The U.S. has done a great job of tearing down trade barriers and unlocking closed economies—but we still have more to do if we are to level the international playing field. We need your help.

For starters, we need Congress to renew "Fast Track" authority to allow the President to negotiate future trade agreements. Expansion of free trade agreements in which the U.S. is a partner is a competitive necessity!

This is especially true in Latin America. Having seen the benefits of free trade sparked by NAFTA, Latin American countries are moving quickly and aggressively to form strong regional pacts. These include MERCOSUR, which includes the Southern Cone countries led by Brazil, and the Andean Pact, which includes the East, Central and Northern Tier of South America.

Yet we also see another trend developing—one that is somewhat alarming. The Latin American regional pacts I just mentioned are forming agreements and having discussions with Europe and Japan. All of this can and will lead to preferential trading status for these countries—more preferential than U.S. status.

Here's just one example of what this can mean to the bottom line from my own company, Rohm and Haas. If MERCOSUR enters into a free trade with the European Community, monomer exports from our plant in Houston, Texas will be taxed at a 14 percent rate of duty. Product coming to Latin American from European-based companies will be taxed at duty rates of between 0 and 2 percent. At that point, the options for Rohm and Haas will be limited—either lose customers or be forced to build a brand-new plant within the Latin American free trade zones. Can you imagine what impact that might have on the economic health of our existing world-scale production facilities in the United States?

The U.S. cannot afford to sit on the sidelines! We must have Fast Track trade negotiating authority.

THANK YOU FOR YOUR SUPPORT AND ENCOURAGEMENT

Many chemical companies have restructured in order to compete. In fact, it's fair to say that this industry has been through a decade-long makeover. We have taken the steps needed to become a force a global markets.

The legislative and regulatory process, along with our conduct of foreign affairs, must keep pace in order to help U.S. businesses maintain their number one, leading position. That means that government must be knowledgeable, nimble and involved in the international arena.

There will be some companies—and some nations—who will be forced to drop out of this race because they cannot compete. I can tell you that we in the chemical industry are working hard to stay at the top. We won't let up. You can help by shaping our country's international and trade agenda. We are ready to work with you toward that end.

You can tell by my accent, that I was raised in the South. I also was raised to be polite and to say thank you when you have asked someone to join with you in completing a task.

So today I say "thank you" on behalf of the U.S. chemical industry—for what many of you have already done—and for the actions you will take to help us remain a vibrant, growing, dynamic part of this economy and this country.

THE 15TH ANNIVERSARY OF THE WESTERN QUEENS GAZETTE

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. MANTON. Mr. Speaker, I rise today to recognize the 15th anniversary of the Western Queens Gazette, a weekly community newspaper that serves Queens County, in the State of New York.

Mr. Speaker, the first edition of the Gazette was published on January 27, 1982. At its inception, the Gazette was a modest, 12 page weekly community newspaper. Today, the Gazette averages 80 pages weekly with a circulation of close to 100,000 for a single edition.

Under the direction of its Publisher/Editor Tony Barsamian who has owned the Gazette since 1990, the paper has expanded the geographic region it serves as well as its news features. The Gazette now serves the Queens neighborhoods of Astoria, Ditmars, Dutch Kills, East Elmhurst, Hunters Point, Sunnyside, Woodside, Laguardia Airport, Long Island City, Jackson Heights, North Corona, Ravenswood, Roosevelt Island, Steinway, East Flushing, and Bayside.

In New York City, the media capital of the world, there is a wide variety of news outlets for New Yorkers to choose from. However, to get quality, local community-based reporting residents of Queens turn to the weekly pages of the Western Queens Gazette. The Gazette covers the important issues facing residents of Queens on the national, state, and city level with a particular focus on neighborhood news. The Gazette brings attention to the neighborhood news that is often overlooked by the daily newspapers.

The Gazette has regular weekly news features including community reporting, insightful editorials, op-ed pages, a religious column, political profiles, the local police blotter, sports, community calendars dining and entertainment reviews, legal notices, and complete classified ads.

In their own words, the Western Queens Gazette is "Dedicated to bringing our readers a vital locally oriented view of the News." Indeed, the Gazette effectively brings this local view of the news to their readers every week of the year. The Gazette is community reporting of neighborhood news at its very best.

Mr. Speaker, I know my colleagues join me in congratulating Tony Barsamian and everyone associated with the Western Queens Gazette on the joyous occasion of its 15th anniversary of publication.

NATO EXPANSION CANNOT BE LIMITED

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SOLOMON. Mr. Speaker, I have just returned with the U.S. congressional delegation led by Congressman DOUG BEREUTER from attending a meeting of the North Atlantic Assembly, the parliamentary arm of the NATO alliance, that took place over the just concluded congressional recess. There we discussed with parliamentary representatives from all of our allied countries the need to enlarge NATO in order to ensure its continued success without drawing any lines that would exclude additional countries from future enlargement. In fact, Mr. Speaker, if and when any of the former Communist and Soviet dominated countries meet the criteria to become eligible for NATO, which include irreversible democracy, a commitment to free market principles and the rule of law, respect for human rights and liberties, and a military that's interoperable with NATO forces, they should be extended an invitation for full and open membership in the alliance.

In that vein, Mr. Speaker, I would like to draw your attention to the remarks delivered by Congressman BEREUTER at the plenary session of the North Atlantic Assembly. His comments are right on the mark in emphasizing that the first tranche of NATO enlargement, with invitations set to go out to a handful of countries this summer at the Madrid Summit, can in no way close the door on invitations to other countries. I have said and stand by my assertion that should we exclude those countries who miss the first round of enlargement, NATO will fail. I urge you and all Members of the House and the Senate to carefully read Congressman BEREUTER'S speech, the rationale for continued enlargement, continued peace and prosperity in Europe, is laid out in crystal clear terms.

NAA PLENARY STATEMENT BY REP. DOUG BEREUTER, JUNE 1, 1997

Mr. President, North Atlantic Assembly colleagues, we can say with conviction and satisfaction that the argumentation about whether NATO will expand is behind us. Now the questions indeed are who and how. In less than forty days, at the July 8–9 summit in Madrid, NATO will invite several countries—probably between three to five—to launch accession negotiations with NATO. As the Just-Goss report of the Political Committee notes, "five countries seem to be on a short list of possible invitees (the Czech Republic, Hungary, Poland, Romania, and Solvenia)", but another eight countries regard themselves as candidates. Undoubtedly there will be more.

At Yalta lines were drawn across the face of Europe which have lasted more than fifty years. In a different way they still do exist. My colleagues, by our actions we must say: no more lines—never again. We must seize the opportunity to bring those countries east and southeast of the NATO alliance countries to join in our collective defense alliance when they qualify. If we assure, as we must, that the first countries offered NATO membership are not the last and that other qualified countries' NATO membership are not unduly delayed. Then we do not replace the infamous Yalta lines with new ones. Under an open-door, dynamic expansion procedure there are no new lines drawn between Russia and NATO—not even lines excluding Russia itself. The Baltic nations, Ukraine, and other countries will not be neglected for NATO membership. The door to membership is open to one and all. The unprecedented fifty-two years of European peace can be extended in time and eventually all across the face of Europe. And by mutually beneficial and selfless action the Europeans can and should supplement our NATO protective umbrella by offering these new NATO members full membership in the European Union as soon as possible. The NATO security blanket and the economic integration through the EU together are the lasting answers to the quest for peace and prosperity in Europe. It is also the way to contain, it not eliminate, the ethnic, social, religious, and national animosities that so tragically scar our civilization. Another Bosnia, or another Holocaust, need not happen!

Indeed we citizens of NATO countries have reason to take pride and great satisfaction that the criteria we have established for PFP and NATO membership have, in the applicant countries, already settled national boundary disputes and ethnic conflict and discrimination, advanced democracy and pluralism, fostered civilian control of the military, developed confidence-building measures, gained greater transparency in military budgets, and created greater out-of-area interoperability for out-of-area operations for peacekeeping or against aggression as in Albania or Kuwait. More advances will come as applicants continue to strive for NATO membership. In fact, the events of the last week between NATO and Russia at the very dawn of NATO expansion suggest that it may bring us increasingly together for even more understanding, cooperation and trust. Rather than the dire results predicted in Russia if NATO expands, it well could be the dawn of a new and better day.

Of course, the decision on which countries will be in the first wave of expansion must be followed by the unanimous ratification in our sixteen NATO countries. The debate in our parliamentary bodies and nations will probably have heightened fervor as the reality of action is in sight. Arguments about the costs of expansion to NATO countries will certainly rage, especially in light of the exaggerated and erroneous assumptions made by those who do not understand that the same infrastructure, nuclear weapons deployment, and out-of-country military deployment of NATO troops we find in the current NATO "front-line states" are not needed in the new NATO countries.

But, then after the budget issues are raised in America and in every other NATO country, the crucial item of debate and the answer demanded by our respective constituents will, as one respected American Democratic Senator said, be this plaintive question: "Congressman, why are you willing to send my son (or my husband) to protect Poland?" His answer was this: "Madam, taking Poland into NATO makes it less likely, not more likely, that your son will fight and die in a conflict on the Polish border." I agree! That is the argument all of us in the NATO 16 must and can make.

Finally, and on a much different level of specificity, I feel compelled to advance to case of first-round membership in NATO for Slovenia even though the Madrid Summit is fast approaching. The "Visegrad three" seem a cinch for membership and Romania is pressing its case very aggressively, with vocal support among one or more countries and among numerous organizations, experts, and opinion leaders. Because Slovenia has until recently been almost entirely forgotten, and nearly unknown in my country, because its independent status dates only back to 1990, because its military formation and modernization was delayed by the arms embargo for the Bosnia conflict, and because the U.S. Senate leadership added Slovenia to the list of the "Visegrad three" countries after earlier House action, I took ten of my House colleagues to Slovenia on week ago for several days of intensive examination of their case.

(We also visited the country temporarily known in some international organizations as the Former Yugoslav Republic of Macedonia, or Macedonia as they prefer. They too strong desire NATO membership and they are energetically seeking to meet the criteria. We note with satisfaction their progress and praise their commitment and determination.)

However, on the case of Slovenia, my colleagues in the Assembly, I speak for the enthusiastic and unanimous or near-unanimous view of my House delegation colleagues—Slovenia deserves first-round membership in NATO. Indeed an objective examination of the Slovenians case would probably show that they better meet the criteria than any other applicant country. Indeed, nobody can really argue that Slovenia doesn't meet the criteria. Slovenia's case has simply been largely neglected. I know of no reputable opposition to Slovenia. This country is in the "well-I-guess-I-don't-know-any-reason-why-they-shouldn't-be-a-member" category. They simply have lacked a major proponent among NATO countries. In fact, however, we House members feel we can objectively advance their case because we have no special American benefit or relationship with Slovenia and we have no big ethnic constituency in our country as we do in the cases of Poland or the Czech Republic.

Because my time is brief I will in capsule form list only a few special reasons for Slovenian membership:

1. First and foremost, again, they meet the membership criteria—perhaps better than any other candidate.

2.While the costs of enlargement will be a factor in ratification debates in NATO countries, Slovenia has the financial capacity and commitment to meet its military costs—again better than any other candidate.

3. Slovenia has never been and will not be considered by Russia to be a threat against it—it's membership will be an example or proof that NATO expansion is not simply hostility directed at Russia. It's acceptance by NATO will only recognize as one nation's effort to enhance its security against any threat by joining the Alliance. (A NATO expansion won't be seen as a finger pointed against Russia, but an open hand that it can grasp.)

4. Slovenia's admission on the merits of its case and not as part of any grand "horse-trading scheme, bargaining chip," or "political quid pro quo" will reassure all applicants and would-be applicants that their cases will be decided by the Alliance on the merits—by objective standards.

5. Slovenia's admission will serve as an incentive for action and a model to follow for the now independent parts of what was Yugoslavia, and indeed for all of the countries of the Balkans or southeastern Europe.

6. Finally, at a time when NATO is faced with a terrible dilemma in Bosnia, recent and perhaps prospective combatants in Croatia and Serbia, with potential threats to Macedonia, and with Albanian ethnic difficulties stretching from Kosovo to Albania itself, Slovenia as a NATO member would be a good source of counsel, and potentially of mediation, in those grave controversies.

My colleagues, that is the short list of reasons why it must not be too late to wake up to Slovenia's case for first-round NATO membership—strictly on the merits of its case and because of the advantage of NATO itself. Our House delegation will make its case to our colleagues in Congress and to the Clinton administration. We strenuously urge all of your to consider and make this case, too, in your own respective countries. Slovenia deserves first-round membership and it has a unique position and circumstances to strengthen NATO now!

CONGRATULATING EAGLE SCOUT AARON JAMES MYERS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. GEKAS. Mr. Speaker, it gives me great pleasure to join with so many others in congratulating Aaron James Myers for his achievement of the Eagle Scout Award from the Boy Scouts of America. Aaron began his Scouting career in 1985 as a tiger cub with Pack 202 of Chambers Hill, PA. During his years as a Boy Scout he has earned a total of 24 merit badges and attended Philmont, the National Boy Scout High Adventure Program in New Mexico. He has held the positions of quartermaster, senior patrol leader, troop guide and junior assistant scoutmaster. He also earned the religious award for the Catholic faith—Ad Altare Dei.

Currently, Aaron is a member of the Order of Arrow in the rank of Brotherhood. He is also an adult Assistant Scout Leader. He will be a senior at Central Dauphin East High School in the Fall of 1997 and plans to attend college and major in environmental science. He is also a member of the Central Dauphin East High School wresting team, an avid canoeist, and an accomplished guitarist.

This multitalented young man received the Eagle Scout Award on February 4, 1997. His Eagle Project consisted of painting the concession building, bleachers, and a general cleanup of Crest Baseball Field, Swatara Township, Dauphin County, PA.

Please join me in congratulating Aaron Myers. He should be commended for this fine effort and encouraged to work with other youth to take such an active interest in the community in the future.

BETTER PHARMACEUTICALS FOR CHILDREN ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. WAXMAN. Mr. Speaker, I rise today to join my colleague, JIM GREENWOOD, in sponsoring H.R. 1727, the Better Pharmaceuticals for Children Act. I support this bill because it focuses on a serious but little known problem in our children's health care, and can provide some additional tools to address it.

While dramatic progress has been made in the treatment and cure of diseases and chronic illnesses, it cannot be said today that our children have fully benefited from this innovation. As increasingly sophisticated medicines are developed, the knowledge needed to optimally treat children with these medicines has not kept pace. In crucial ways, our understanding of how to use these drugs for children is simply inadequate.

According to the American Academy of Pediatrics and the Food and Drug Administration [FDA] only a minority of prescription drugs in the United States with potential pediatric uses are actually labeled for use by children. Since 1962, 80 percent of all drugs have been approved for adult use with an explicit disclaimer that they are not approved for use by children. This is because the research necessary to prove the safety and efficacy of these pediatrics uses is not being done, either before or after the drugs are marketed. Despite widespread recognition in Government, industry, and academia of this problem, little progress has been made to correct it.

I firmly believe that the FDA has been remiss in not taking action to conclusively remedy this situation. The agency has statutory authority to encourage and require the performance of pediatric clinical studies. It should exercise that authority and take every possible step to ensure that new drugs with potential pediatric uses are approved on the basis of data demonstrating safety and efficacy in both adults and children. The Government's failure to act in this manner is unacceptable and we pay for such a failure in our children's health.

It is also imperative to recognize that prescription drug manufacturers already have significant incentives to pursue research, development, and regulatory approval in the form of patent protection and other forms of market exclusivity. Much of the responsibility for the absence of adequate pediatric drug information today can be laid at their feet.

However, I recognize that limited additional incentives may be appropriate in some instances to promote pediatric drug research, such as for some drugs which are currently marketed. It is my hope, however, that such incentives are only necessary in supplementing the FDA's use of existing statutory authority to ensure that adequate information is available about pediatric drug uses.

H.R. 1727 would help improve and increase the information available about pediatric drug uses by providing additional market exclusivity as an incentive to prescription drug manufacturers in limited situations. Under the bill, the Secretary of Health and Human Services would determine whether a new drug might provide health benefits for pediatric populations, and have the authority to request that pediatric studies be conducted by the manufacturer to establish these benefits. Upon completion of these studies and their acceptance by the Secretary, the manufacturer would be granted an additional 6 months of market exclusivity.

I am sure that many parents would be disturbed to learn that, when their infants and children receive a prescription medicine, there may not be clinical studies establishing the safety and efficacy of that treatment in children. In conjunction with independent and decisive steps by the Food and Drug Administration [FDA], I believe the Congress can change this situation for the better. H.R. 1727 can help do that, and that is why I am cosponsoring it today.

ARIZONA SMALL BUSINESS PERSON OF THE YEAR

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SHADEGG. Mr. Speaker, this week Arizona celebrates Small Business Week and honors one of its outstanding performers in the small business area. On June 6, Rhonda McKenzie, president and CEO of McKenzie Telecommunications Group, Inc. [MTG] will be honored as the SBA 1997 Arizona Small Business Person of the Year at the Small Business Week Awards Luncheon at La Posada Resort in Scottsdale.

Rhonda used her 20 years of technical, managerial, and sales experience in the telecommunications industry to build a company which generated over $8.3 million in revenues last year. Founded in 1993 with McKenzie as the sole employee, MTG, Inc., provides total turnkey site development services to telecommunications companies throughout the Nation. Today, MTG has 125 employees in five States—California, Florida, Colorado, Nevada, and two locations in Arizona.

The primary services MTG provides include identification of suitable real estate for the construction of client systems; representing clients at zoning hearings and community meetings; coordination of all geotechnical and environmental studies; development of construction feasibility studies; and construction and management services.

MTG is recognized as fourth in the Nation among site development companies. Its clients are among the industry giants: AT&T Wireless, Sprint Spectrum, PCS PrimeCo, Pacific Bell Mobile Services, and Nextel.

Small Business Week is celebrated annually throughout the Nation by Presidential proclamation. Each year, SBA names one outstanding entrepreneur in each State and territory: from this group the national Small Business Person of the Year is chosen.

Selection criteria for Small Business Persons of the Year are: First, staying power—a substantial history as an established business; second, growth in number of employees—a benchmark to judge the impact of the business on the job market; third, increase in sales and/or unit volume—an indication of continued growth; fourth, current and past financial reports substantiating the improved financial position of the business; fifth, innovativeness of product or service offered; sixth, response to adversity; and seventh, evidence of contributions by the nominee to aid community-oriented projects through the use of personal time and resources.

Small business is the backbone of the American economy. In Arizona, 99.5 percent of our over 407,000 businesses have fewer than 100 employees. These are the companies that provide the growth in jobs and the vitality for our State. It is in these places of work where American dreams are made. I congratulate Rhonda McKenzie for making her American dream come true and for her well-deserved accomplishment in achieving Arizona's Small Business Person of the Year.

TRIBUTE TO ANDREW A. HERNANDEZ, THE 1997 NATIONAL VETERAN SMALL BUSINESS ADVOCATE OF THE YEAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. BROWN of California. Mr. Speaker, each year for the past 34 years, the President of the United States has issued a proclamation call for the celebration of Small Business Week. I believe this celebration of Small Business Week, which is held from June 1–7 this year, recognizes its crucial impact on our economy and society. As we pay tribute to our Nation's entrepreneurs, I would like to take this opportunity to recognize an exceptional veteran businessman from my district, Mr. Andrew A. Hernandez, who has been named the 1997 National Veteran Small Business Advocate of the Year. We must never forget that small business is the engine that drives our economy and its people such as Mr. Hernandez that will continue to make America No. 1. He is an inspiration to small business persons not only in my congressional district, but also across the country.

Mr. Andrew Hernandez, president of Arid Construction Technologies, Inc., in San Bernardino, and a resident of San Bernardino, has been named the 1997 National Veteran Small Business Advocate of the Year by the U.S. Small Business Administration. He was nominated for the award for his work in assisting veterans. Mr. Hernandez is a founding member and the current president of the California Disabled Veteran Business Enterprises Alliance, a nonprofit organization established to assist and support disabled veterans. He was instrumental in securing procurement goals from the California Public Utilities Commission of 1.5 percent, and from the county of San Bernardino of 3 percent, which translates into over $70 million being targeted for DVBE's.

Mr. Hernandez has dedicated a substantial amount of his own time and money lobbying for the advancement of DVBE's at both the State and national levels. He also serves on the county of San Bernardino's Contract Compliance Advisory Board, which has the responsibility of overseeing the county's efforts to increase procurement opportunities for women, minority and disabled veteran business enterprises. In 1995 he created a DVBE plan room at Arid Construction which receives plans and specifications from public and private agencies at no charge. This allows DVBE companies to increase the number of projects they can bid on since their capital will not be tied up in plan deposits.

Last year Arid Construction Technologies Inc. was also recognized by the U.S. Department of Commerce Minority Business Development Agency as the 1996 Minority Construction Firm of the Year for seven southwestern States. Originally specializing in the waterproofing trade, the company has expanded into general contracting as well with emphasis on the design-build and construction of child care centers.

Through his company, Mr. Hernandez has demonstrated support for the local community by renovating a building located in an older section of town and participating in a community service project each year. These have included the repair of the exterior of a children's museum, the cleaning and sprucing up of the city's memorial to war veterans, and the sponsorship of a team for the March of Dimes Walk-a-Thon. Mr. Hernandez also sponsors youth sports teams.

In being named the 1997 National Veteran Small Business Advocate of the Year, Mr. Hernandez set an example of dedication, integrity, and innovation which makes him a role model for small business persons in the United States. I am very pleased to have Mr. Hernandez being honored this week. It it my hope that he will serve as a model not only for other business men and women in my congressional district, but also entrepreneurs nationwide. In closing, Mr. Speaker, I wish Mr. Hernandez all the best in his future endeavors and I hope that others will follow the sterling examples he has set for all small businesses.

SISTER JACQUELINE BURNS: LED THE COLLEGE OF ST. ELIZABETH INTO A NEW ERA

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to Sister Jacqueline Burns, S.C., upon her retirement as president of New Jersey's oldest Catholic college for women, the College of St. Elizabeth at Convent Station, Morris Township. During her tenure, Sister Jacqueline has expanded the college's mission while retaining its focus on offering quality educational opportunities to young women in a Catholic environment. Sister Jacqueline has been successful in launching Saint Elizabeth's into the 21st century while retaining the values that have made the college a treasured institution since 1903.

A New Jersey native, Sister Jacqueline has devoted more than 50 years to Catholic higher education. In 1946, she became a member of the Sisters of Charity of St. Elizabeth and earned a bachelor's degree in history from the college in 1957. She continued her education at the Catholic University of America in Washington, DC, earning a master of arts in 1963 and a doctorate in history in 1967. Upon returning to New Jersey, Sister Jacqueline began a 30-year career at her alma mater culminating with her appointment as president of the College of St. Elizabeth in 1981.

Sister Jacqueline Burns recognized early in her tenure the educational challenges presented by today's rapidly changing workplace and the promise the next century will offer to future alumni of St. Elizabeth's. In order to prepare for this challenge, Sister Jacqueline enlarged the college's endowment by more than 1000 percent, increased financial aid opportunities, opened the college to more minority and international students, worked to improve opportunities for faculty growth and leadership, and expanded coeducational programs in nursing and adult education. Additionally, St. Elizabeth's now boasts a coeducational graduate division and a campuswide computer information network.

Beyond her work at St. Elizabeth's, Sister Jacqueline has been a leader and an excellent spokesperson on educational issues through her membership on the board of directors of organizations such as the Association of Independent Colleges and Universities of New Jersey, the Morris County Chamber of Commerce, and the National Association of Independent Colleges and Universities. In the past, Sister Jacqueline has also served on the boards of two area hospitals and a seminary, and she currently serves on the Presidential Advisory Council for Intercampus Telecommunications Network, the New Jersey Independent College Fund, and the board of directors of the Public Leadership Educational Network. Throughout the years, she has been recognized as a leader by Seton Hall University, Douglas College, the New Jersey State Federation of Women's Clubs, the Northeast Coalition of Educational Leaders, and various local women's clubs.

However, even as she moves on to other challenges for the Sisters of Charity, Sister Jacqueline will be remembered, above all, by the 30 graduating classes of students that have passed through the College of St. Elizabeth during her time as a professor and as president of the institution. All of these women graduates take with them an element of Sister Jacqueline's thirst for knowledge, her desire to create a culture of giving and her hope for the future.

Mr. Speaker, again, I would like to commend Sister Jacqueline Burns for her tireless efforts on behalf of the students at the College of St. Elizabeth and for her selfless contributions to New Jersey and Morris County.

CONGRATULATIONS TO MSGR. HAROLD J. BURKARDT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SHUSTER. Mr. Speaker, it is with great pride that I rise today to pay tribute to a long time servant of the people, Rev. Msgr. Harold J. Burkardt, who on June 1, 1997, celebrated the 50th anniversary of his ordination to the priesthood. Please join me in wishing him the best of luck on this wondrous milestone.

A native of Johnstown, PA, Monsignor Burkardt currently resides in Altoona, PA, which is located in my congressional district. He was raised in a strongly religious family and was joined by his brother and sister in pursuing a life with the church. He was ordained in 1947 at the Pontifical College Josephinum in Worthington, OH. After ordination he dedicated himself to a teaching career, focusing in math and the sciences at Josephinum, where he remained until 1971. Monsignor Burkardt then spent 2 years as an Assistant Pastor at Holy Name in Ebensburg, PA. In 1973 he moved to Immaculate Conception in Altoona where he became Pastor, dutifully serving the residents of Altoona until 1988.

Monsignor Burkardt continues to keep busy in his semi-retirement by assisting at St. Patrick's Church in Newry, PA. He continues to say Mass and enjoys keeping fit with his daily morning walk.

Mr. Speaker, I will close by once again asking you to help me pay tribute to Monsignor Burkardt on this, his 50th anniversary of Ordination. His life has been one of service and dedication to others and I am honored to have him as one of my constituents. I would like to thank Rev. Msgr. Harold J. Burkardt for his life long commitment to others and wish him well in all that he pursues.

REMARKS OF CHAIRMAN BENJAMIN GILMAN BEFORE THE POLISH AMERICAN CONGRESS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. GOODLING. Mr. Speaker, I rise today to acknowledge the recent address of Congressman BENJAMIN GILMAN before the Polish American Congress. Mr. GILMAN spoke to the Congress on the anniversary of the 3rd of May Polish Constitution of 1791. The address, received by Polish Prime Minister Wlodzimierz Cimoszewicz, was very insightful. Mr. GILMAN, the distinguished chairman of the House International Relations Committee, spoke of the past and future of Polish democracy and the democratic fate of all of Eastern Europe. I commend Chairman GILMAN's remarks to all of my colleagues.

CHAIRMAN BENJAMIN A. GILMAN'S REMARKS ON THE COMMEMORATION OF THE ANNIVERSARY OF THE 3RD OF MAY POLISH CONSTITUTION OF 1791

Good Morning.

I am pleased to be here with all of you this morning, and with our honored guest, Prime Minister Cimoszewicz of Poland.

Welcome to you, Mr. Prime Minister, and to all of my good friends here today from the Polish American Congress.

Today, on the anniversary of the adoption of the Polish Constitution of 1791, we look back over the troubled history of Poland during the last two centuries.

We remember the Polish nation dismembered by its neighbors.

We see that nation then resurrected, but soon subjected yet again to a horrible fascist occupation.

We recall that the Polish nation was then freed again—only to be taken captive by communism.

Finally, in 1989, the nation of Poland emerged from its suffering and repression—almost two hundred years after the adoption of the May 3rd Constitution.

Keenly aware of this history, the question that has troubled many Poles since 1989 is this:

Will Poland once again fall victim to invasion or dictatorship?

I want to share with you this morning my conviction that the answer is no.

Of course we cannot overlook the threats to democracy and sovereignty that exist even today in Eastern Europe and that can confront any one of the struggling democracies in that region.

One need only look to events now occurring in Belarus, Poland's neighbor, to realize that even today a determined dictator can subvert constitutional democracy.

One need only look to Russia's continuing desire to exercise its power over the states of Eastern Europe and over the states of the former Soviet Union to realize that imperialism and aggression can quickly challenge the stability of much of Europe.

One need only realize that the reunification of Belarus with Russia may well be a real prospect—and an event that, should it occur, could change the face of Eastern Europe overnight.

It is my belief, however, that the policies that Poland has followed since 1989 will overcome those challenges and will, in fact, make Poland an anchor for the countries of Central and Eastern Europe that are also seeking democracy and security.

I have had opportunities in the last few months to speak about Poland's foreign policy at gatherings attended by Polish-Americans and to express my satisfaction with the positive trends I have seen in that foreign policy.

Let me just say this morning that Poland has followed a positive foreign policy to the West by eliminating obstacles to good relations with Germany and seeking integration into the NATO Alliance and the European Union.

It has also followed a positive foreign policy to its East, recognizing that the fate of countries such as Ukraine and Lithuania are vital to its national security and acting to support those countries' integration into European and trans-Atlantic institutions as well as its own.

Ladies and Gentlemen, I also have little fear for the success of Polish democracy.

The Polish people have made it clear that they want and expect Poland to be a mature democracy.

Free and fair elections have been held.

A modern Parliament is now working in Warsaw.

A peaceful and democratic transfer of presidential power has taken place.

And now, as we commemorate the anniversary of the May 3rd Constitution, the Polish people are preparing to decide on a new constitution that will guide their new democracy in the coming years.

Whatever the Polish people's decision on that new constitution may be, we can see that, ultimately, much of what the framers of the May 3rd Constitution sought for their country has now come to pass:

We see today a peaceful, democratic Poland.

We see a Poland free from the threat of invasion and working to ensure that it remains free.

We see the nation of Poland now free to seek its prosperity as a full member of the European community of nations.

While the Polish Constitution of 1791 was written only shortly before the nation of Poland entered into its two centuries of repression and dictatorship, that document has never been forgotten by Poles, who saw in it the symbol of a resurrected nation.

Today, as Poland has been re-born into a new era of democracy, we see that the promise of the May 3rd Constitution has been fulfilled.

On this important occasion, I extend my best wishes to the Polish nation as it moves forward to a bright future of peace, democracy and prosperity.

SUPPORT GROWS FOR NATIONAL SPORTS SUMMIT TO COMBAT DOMESTIC VIOLENCE AND SEXUAL ASSAULT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SANDERS. Mr. Speaker, Congresswoman CONNIE MORELLA and I introduced legislation—House Concurrent Resolution 29—in February calling for a national summit of sports, government, business, and academic leaders along with nonprofit community organizations that serve victims of domestic violence and sexual assault and advocate on their behalf. Since then, support for such a groundbreaking summit has been growing steadily.

I am pleased to report that since similar legislation was first introduced last summer that we have received endorsement letters from the following concerned organizations and individuals: American College of Nurse Midwives; American Psychological Association; AYUDA; Larry Brown, coach of the Philadelphia 76'ers; Catholics for Free Choice; Center for the Study of Sports and Society; Center for Women Policy Studies; Community Anti-Drug Coalitions of America; Washington, DC Rape Crisis Center; Domestic Violence Advocacy Project; Joseph Glass of Team Sports; Britt King, Women's Basketball Coach at University of the District of Columbia; Lee McElroy, athletic director at American University; Older Women's League; National Association of Social Workers; National Coalition Against Sexual Assault; Jody Glass with New Waves of Rhode Island; Empowering Women and Confronting Abuse; NOW Legal Defense and Education Fund; Pennsylvania Coalition Against Rape; Tom Penders, head basketball coach at the University of Texas; Rhode Island Coalition Against Domestic Violence; National Urban League; Office of Justice Programs within the U.S. Justice Department; Vermont Network Against Domestic Violence and Sexual Assault; Women's Research and Education Institute; YWCA of the USA; and the Violence Policy Center.

It is a national disgrace that domestic violence is the leading cause of injury to American women, more common than auto accidents, muggings, and rapes by unknown assailants combined. Nearly 4,000 women die every year in our country as a result of domestic violence. In my own State of Vermont, every single murder during a recent year was linked to this criminal behavior.

We simply must find new ways to get a loud and clear message through to all Americans to curb the violence in our midst, especially domestic violence and sexual assault against women and girls. To help carry that message, I believe that our national sport heroes, as role models of profound national influence, can play a crucial role in helping to stigmatize and deter violence against women all across America.

Sadly hardly a day goes by that we don't read about the latest incidents of domestic violence and sexual assault in our local newspapers. Just a few days ago, a local television station in Washington, DC, for example reported on five different sexual assaults that had occurred allegedly involving athletes at Howard University and that had been covered up until now.

But positive action can be taken.

That is why Congresswoman MORELLA and I first wrote to all of the leaders of the major professional and amateur sports leagues in America in January 1996 urging them to join a national campaign and speak out against domestic violence and sexual assault. Since then we have had numerous meetings and entered into a dialogue with representatives of the National Football League, Major League Baseball, National Basketball Association, National Hockey League, National Collegiate Athletic Association, and the College Football Association.

We are pleased that some important follow-steps have been taken. Last fall, several prominent athletes, coaches, and officials of the College Football Association, in conjunction with the Liz Claiborne Foundation, filmed a series of unprecedented antidomestic violence public service advertisements that were broadcast during nationally televised collegiate football games for the first time. Similarly, the National Football League and star players like Steve Atwater of the Denver Broncos joined forces to air public service announcements against domestic violence during ABC's Monday Night Football show and other televised games.

Certainly I am not suggesting in any way that athletes are statistically any more prone to domestic violence and sexual assault than any other sector of our population. But there is no doubt that organized sports touch the lives of so many Americans and our families and that star athletes are idolized by many Americans of all ages. Hence, our identification with our sports stars provides a powerful means to combat domestic violence and sexual assault. There is much to be gained in our constant national campaign if we can enlist our sports leaders in spreading the word that rough and tumble, hard-nosed physical competition stops when athletes leave the playing arena and that there is absolutely no excuse for domestic violence or sexual assault in any walk of American life.

Similarly we need to do more to teach our young people who are so interested in sports that domestic violence and sexual assault are serious crimes. In this regard, I intend to press for education against domestic violence and sexual assault to be included in the regular instruction that thousands of young Americans between 10 and 16 years of age receive through taxpayer-funded programs like the National Youth Sports Program which the National Collegiate Athletic Association has received tens of millions of tax dollars to administer every summer for more than 20 years.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 84) establishing the Congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002:

Mr. SNOWBARGER. Mr. Chairman, during my campaign for Congress last year I said that my primary goals were a balanced budget as scored by the Congressional Budget Office and permanent tax relief for hard-working families. I stressed that these two goals were not mutually exclusive and that both were desperately needed by the American people. Tonight, I have the opportunity to vote for a budget plan that meets both those goals, and will by 2002—for the first time since 1974—reduce the Federal Government's share of the fruits of our labors to less than 20 percent of the U.S. gross domestic product.

This plan was not my first choice. I first supported a better budget, one introduced by Mr. DOOLITTLE, that would have allowed the American people to retain more of their hard-earned money and significantly reduced the bloated Federal Government. Unfortunately, that budget failed. My choice then, is between the balanced budget agreement and the status quo.

The plan currently contains many things that I gladly support—$135 billion in tax relief for families and investors over 5 years—$85 billion net; $600 billion in entitlement reform over 10 years; reforms to ensure the solvency of Medicare for the next decade; and less Government spending than the President would have us spend.

Of course, since the Republican Congress does not have enough of a majority to override President Clinton's vetoes, the plan also includes his own initiatives, many of which I oppose. These include a new taxpayer-financed health insurance entitlement, college tax credits that I, as a former college teacher, believe will only go to fund tuition increases and grade inflation; and reinstating SSI benefits to certain immigrants. However, the most disappointing aspect of this plan is that it doesn't really deflate the bloated Federal Government. The reduction in the share of the Nation's wealth consumed by the Government is based primarily on the assumption that the Nation's economy will grow a little faster than Government spending. But it is the best we can get with this President in the White House.

The other important thing this plan will do is that it should prevent the President from shutting down the Government again. The President has already signaled his willingness to shut the Government down—just as he did 2 years ago to prevent spending cuts, and blackmailed Congress into higher spending to avoid a shutdown last year. As long as this agreement is followed in good faith, this option should not be available to him.

I think we will be able to fill out the details of the plan in a way that is acceptable to both parties. I will watch carefully as Congress begins to shape the tax relief package and finalize other areas of the plan. As long as the Congressional Budget Office continues to certify that the plan will balance the budget and provide significant tax relief, I will support it.

OVERHAULING THE FOREIGN AID ESTABLISHMENT SUPPORT: H.R. 1486

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. DREIER. Mr. Speaker, later this week the House is likely to consider H.R. 1486, the Foreign Policy Reform Act of 1997. I believe that this important legislation, crafted in a responsible and bipartisan manner by the esteemed chairman of the House International Relations Committee, BEN GILMAN of Middletown, NY, offers a historic opportunity to move our Nation's foreign policy in the right direction.

The legislation reported by the International Relations Committee represents a return to proper congressional authorization procedures. It authorizes spending for the State Department and related agencies, as well as for security, humanitarian, and development assistance at levels agreed to by the House and Senate last week in their votes on the budget resolution, and at levels agreed to by the administration.

David Warsh, a business and economics columnist for the Boston Globe, recently wrote a cogent article putting the bill, and Chairman GILMAN'S leadership, in the proper historical perspective. Namely, it is a plan for development aid in the post-cold war era that rivals the shrewdness of the Marshall Plan itself.

MARSHALL'S INHERITOR

He was a kid sergeant when General George Marshall was Chief of Staff of the Army—an Army Air Corps navigator with 35 missions over Japan. And when Secretary of State Marshall in 1947 announced the ambitious plan for the reconstruction of Europe that has borne his name ever since, Ben Gilman was a GI Bill student at New York University Law School.

Now Gilman, the little-known chairman of the House Committee on International Relations, is acting as Marshall's inheritor—in ways that are as yet little understood.

Next week Congress takes up his Foreign Policy Reform Act. It is billed as the first major overhaul of the foreign aid establishment since 1961.

More to the point, the bill provides a set of tools for the conduct of development aid in the post-Cold War era that are in many ways analogous—opposite in approach but perhaps equal in shrewdness—to the Marshall Plan itself.

Chief among its features is a streamlining of the baroque foreign policy establishment that grew up during the half-century contest with the former Soviet Union.

Merged into the State Department altogether would be the US Information Agency and the Arms Control and Disarmament Agency. The Agency for International Development, which now reports directly to the president, also would go to work for the secretary of state instead. The expansion of NATO to the countries of Eastern Europe and Russia itself is authorized as well.

Thus the dueling strategies that have given the US government's foreign policy some of its worst moments since the Berlin Wall came down would at last be expected to speak with a single voice.

It was one of these smoldering rivalries that burst into flames last month when the Agency for International Development suspended a $14 million contract with a unit of Harvard University that has been consulting to the Russian government on various privatization programs.

The reason: The significant others of the two lead advisers—the wife of one, the girlfriend of the other—had been investing heavily in Russian ventures for personal gain.

Harvard economics professor Andrei Shleifer and Moscow program director Jonathan Hay were fired from its programs last week by the Harvard Institute for International Development. But the suspended contract is expected to be canceled soon, with permanent damage to the Russian faction that has been Washington's brightest hope for reform.

But there were deeper currents. HIID might never have had the contract in the first place but for the rump State Department that was the AID mission to Moscow—something like 300 hard-to-control employees. In fast-moving events after the attempted coup against Mikhail Gorbachev in 1991—and especially after Bill Clinton moved into the White House—the Harvard Institute came to be used as the principal, if unofficial, instrument of US macroeconomic policy in Moscow, responsive to instructions from the White House in ways that the well-entrenched AID mission in Russia never was.

It was amid such back-channel maneuvering that the burgeoning conflicts of interest on the part of the administration's preferred advisers, Shleifer and Hays, went unnoticed—or at least unchallenged.

With everybody in the foreign policy apparatus working for the president—as they would be under Ben Gilman's Foreign Policy Reform Act—such mischief would be far less likely to occur.

Harry Truman called Marshall "one of the most astute and profound men I have ever known." At a distance of 50 years, it is clear that Marshall understood that with a devastating war just ended but an even more threatening possibility in prospect, a concerted effort by the Americans to rebuild Europe would be required to keep Soviet tanks out of Paris.

Conditioned by the sacrifices of the war, a bipartisan Congress dug deep and came up with money—$13:5 billion, paltry even at 10 times that sum in current dollars—necessary to jump-start the European miracle. Peace and prosperity—and a strong line of defense against an expansionist Soviet empire—was the result.

Today, the situation is nearly opposite. Instead of a world hobbled by war, the United States looks outward to a world pretty much at peace with itself. Instead of relatively easily repaired physical damage, the harm done to many of the world's great nations—Russia, China, India—has been self-inflicted. It is institutional regeneration that is needed, not spare parts and heating oil.

And, of course, instead of facing a powerful and unpredictable foe, America finds itself alone as a global superpower. It is, however, one among many nations seeking to compete in global markets, and without the comfort of an eneny to galvanize its will.

In these circumstances, Ben Gilman's approach to foreign policy deserves to be understood for what it is: the best possible approach under the circumstances. It amounts to a return to the stripped-down apparatus with which America entered the post-World War II era: a president who makes foreign policy through his secretary of state, with the advice and consent of Congress, but without the bureaucratic barnacles that have grown up over 50 years.

Like the foreign policy of the Marshall Plan, the support for the Foreign Policy Reform Act is selfconciously bipartisan. Freshmen hotheads made a bold attempt to derail Gilman's ascension to the international relations committee's chair (he replaced Representative Lee Hamilton) following the surprise Republican conquest of the House in 1994; he was too much a Rockefeller Republican for some. (A moderate, Gilman was elected to Congress on Richard Nixon's coattails in 1972.)

Yet Gil;man works well with his Republican counterpart in the Senate, Jesse Helms. Gilman retains the respect of the Democrats. And he keeps a light checkrein on the Clinton administration, causing few embarrassments, but regularly extracting compromises in cases where he believes US policy is overly soft or harsh—in China, in Bosnia, in Somalia, in Haiti, in the Ukraine.

It is picturesque that debate should be scheduled to begin on Gilman's bill on Tuesday—in time to offer the possibility that it could come to a vote in the House on the 50th anniversary of Marshall's famous speech at Harvard, June 5.

So never mind the nostalgia. Great deeds are still being undertaken. The shaping economic development around the world has replaced defense as the cutting edge of foreign policy. It is possible that the next 50 years will be even better than the last.

JOBS FOR OLDER WORKERS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Ms. LOFGREN. Mr. Speaker, I wish to call your attention to an uplifting story in the San Jose Mercury News, describing how a Silicon Valley entrepreneur, Mr. Jessie Singh, has built his high-tech enterprise with the help of senior workers including many immigrants.

It is a sad fact that older workers face significant obstacles in obtaining employment. But, as Mr. Singh's model shows, seniors can excel at the workplace.

As our country continues to address the issue of welfare reform, we need to recognize that many older workers do want to work hard, and will work hard, if given the opportunity. Our economic future depends on employing the talents of all our residents.

[From the San Jose Mercury News, Apr. 8, 1997]

Threescore Years—And Hired Milpitas High-Tech Firm Finds Its Older Workers To Be Loyal Dependable

(By Carolyn Jung)

It's a familiar sight at many Silicon Valley high-tech companies—throngs of 20- and 30-somethings hunched over computer terminals, assembling circuit boards, chomping pizza or playing foosball.

But visit BJS Electronics Inc. in Milpitas and you'll find several workers of a decidedly different age, with a few more gray hairs, embarking on a new career in their golden years.

The company, one of the largest independent distributors of memory chips, is doing something few other high-tech firms seem willing to do—hiring older workers in their 50s and 60s. In BJS' case, many of them are also immigrants who face the loss of Supplemental Security Income funds in August because they are not naturalized citizens.

Of the company's 68 employers, 10 range in age from 52 to 69. They have been hired as security guards, warehouse workers and circuit-board testers. With these jobs, they say, they've gained self-esteem and greater respect among friends and family members. And at a time when many employees routinely jump from job to job, company officials say they've garnered a group of dependable employees who work hard and remain loyal to the company.

Company Chief Executive Jessie Singh, who came here from India with only $8 in his pocket and now owns a company that boasts $240 million in sales annually, said he made a special effort to hire older workers because he understands how they feel.

"Seniors are mostly unwanted in society or used by their children who bring them to this country just to babysit the grandchildren,' said Singh, 38. "This is chance for them to get out of the house. They can prove they're not less than anyone else."

Bill Payson, president of Senior Staff, a job databank for seniors in Silicon Valley, applauds BJS Electronics' hiring practice, which he calls a rarity in this industry. While many of the 3,500 seniors listed with the databank want to work in high-tech, the job listings Payson gets from such companies are few.

Indeed, industry representatives for Joint Venture: Silicon Valley and the Santa Clara Valley Manufacturing Group said they are unsure if any high-tech companies make an effort to hire older workers.

OVER 35 IS OVER THE HILL

"High-tech companies are notoriously prejudiced against older folks. They think anyone over 35 is over the hill," Payson said. "For this company (BJS) to have that large a proportion of older workers, I'd give them high marks for that. This is the coming trend. And this company is ahead of the wave."

About 21 percent of the population in Santa Clara County is age 50 or over, according to U.S. Census data. About 9 percent is age 65 or older. (Payson and some advocacy groups designate people over 50 as seniors. The federal government has no single definition. Laws governing housing, social services and medical care set different age limits.)

Of the age 50-and-over group, 50 percent work because they need the money or because they want to stay useful, Payson said. For those with good computer and office skills, jobs are not as hard to find, advocates for the elderly said. But for those who speak limited English, who have transportation problems or who have little work experience in this country, it can be far more difficult.

"Most of the older people I work with feel there's discrimination out there, that they're under-rated as far as their health and skills," said Sue LaForge, director of the National Council on Aging's job-training program. "But the situation is getting better. Employers are starting to see seniors as a desirable addition to their workforce."

COST OF LIVING A FACTOR

LaForge hopes more Silicon Valley high-tech companies follow suit, particularly because more seniors—the fastest-growing segment of the population—find it necessary to continue working because of the high cost of living here.

At BJS Electronics, seniors such as Sampuran Singh work alongside other workers half their age. For the past four months, the retired bank inspector from India has helped fill sales for the $1,300 memory chips that are assembled onto circuit boards and sold to companies such as Hewlett-Packard.

"I want to contribute to the economy of America," said the 61-year-old immigrant who came to the United States a year and a half ago. "We don't want to be dependent on the government. We shouldn't be a burden on others."

Jessie Singh, BJS' chief executive, said he got the idea to hire the seniors when he heard Mayor Susan Hammer speak last summer about the jarring effects welfare reform could have on legal immigrants.

He approached San Jose's Northside Community Center, which provides nutritional and social services for Indo-American and Filipino-American seniors, to find a senior to employ. The center sent over four. Jessie Singh hired all of them.

Of the 10 older workers at BJS Electronics, eight are Indo-Americans, one is of Chinese descent from the Philippines and another is white. Their previous occupations include physical education teacher, cab driver, farmer and army officer. None had ever worked at a high-tech company.

Now, they work full time, 40 hours a week, making about $7 an hour with full medical benefits. Advocates for the elderly said they consider that a fair wage. Payson noted that many of his seniors get paid up to $14 an hour, but those are usually part-time jobs that don't include benefits.

Jessie Singh said he wanted to help those struggling to regain a foothold in life because it's an experience he knows all too well, having left Punjab, India, 11 years ago with almost nothing and moving to Santa Clara with his wife, Surinder, after a traditional marriage arranged by their parents.

Even though he had an engineering degree and once supervised 1,500 employees in India, he found it nearly impossible to get a skilled job here.

RESUMES AT THE GAS PUMP

So for the first four months, he delivered pizzas and pumped gas. He would hand out his resume at the full-service pump, figuring anyone buying premium could hire him.

"I did get a lot of response from that," he said. "But they all still wanted work experience in the United States, and I didn't have any. I was so frustrated."

He started asking friends in India for help. One friend, a distributor of computer chips, asked Singh to help him purchase from Silicon Valley vendors some memory chips that would be sold to buyers in India.

"I didn't even know what a memory chip was," Singh said about the component that stores data temporarily while the microprocessor carries out its work.

Even so, he went to work, buying the chips for his friend and making a 10 percent commission on each deal. He soon realized that instead of being just a middleman, it would be more worthwhile to strike out on his own.

He borrowed money from friends and relatives and ran a one-man operation out of his Santa Clara apartment.

These days, the millionaire businessman operates out of a 45,000-square-foot, high-security building where more than 10,000 memory chips go out each day.

Now, Jessie Singh hopes other companies will copy his efforts in hiring seniors. Surjit Sohi, 57, who has worked as an operations manager at BJS Electronics for more than a year, hopes so, too.

"In India, age counts for you," said Sohi, a retired army general who immigrated here three years ago. "But in America, age goes against you. We should get over the barriers of age. We want to show everyone that we can still do well at our age."

TRIBUTE TO THE HONORABLE LESTER F. HERRSCHAFT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to you attention the Honorable Lester F. Jerrschaft, Councilman for the City of Clifton, New Jersey who is being honored by Knights of Columbus Council 3769 as their "Man of the Year."

Councilman Herrschaft was born and raised in the City of Clifton. He is a graduate of Clifton Elementary School No. 6 and Clifton High School. He entered the service upon graduation from high school and served with the Army (infantry) in Europe during World War II. He is a member of the Disabled American Veterans (DAV) Clifton Chapter No. 1, the American Legion Post No. 8 and the Athenia Veterans Post, Military Order of the Purple Heart.

Councilman Herrschaft is a principal and chief financial officer of Albert A. Stier Inc., and affiliated Realty Corporations of Clifton and manager of Styertowne Shopping Center. While successful professionally, Councilman Herrschaft has never forgotten about his community.

His involvements are numerous. Councilman Herrschaft has served for 15 years on the Clifton Board of Education, and for seven of those years, served as president. He is a former trustee of both the Clifton Boys Club and the Passaic-Clifton Boys Club and the Passaic-Clifton YMCA, has served as Special Gifts Chairman of the Passaic Valley United Way, and serves on the board of the Clifton Adult Opportunity Center. Councilman Herrschaft further served on the Board of Governors of Passaic General Hospital. He serves on the Advisory Board of the Valley National Bank and was appointed by the Supreme Court to serve on the Passaic County Legal Free Arbitration Committee. He is a member and past president of the Clifton Rotary Club. He is a member of Clifton Lodge No. 203 and president of the Clifton Masonic Temple Association. Councilman Herrschaft was the recipient of the Joseph J. Kolodziej Humanitarian Award in February 1993 and the Clifton Optimist Man of the Year in 1995.

Councilman Herrschaft was elected to his third term of the Clifton Municipal Council in July 1994. He contributes to many charitable endeavors. Councilman Herrschaft is a member of the Salaam Temple of the Shrine and is actively involved in the support of the Shrine Crippled Childrens Hospital and Burn Center.

Councilman Herrschaft is a graduate of Fairleigh Dickinson University where he was awarded his Bachelor of Science degree, majoring in management. He and his wife, Dorothy, reside in Clifton and have two sons, Skip and Peter and three grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Councilman Herrschaft's family and friends and the City of Clifton in recognizing the outstanding and invaluable service to the community of the Honorable Lester F. Herrschaft, Councilman for the City of Clifton.

ADDRESSING HOMELESSNESS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mrs. MORELLA. Mr. Speaker, on June 5, the fifth graders from Somerset Elementary School and the Montgomery County Coalition for the Homeless will present a symposium, "Wake Up Montgomery County!" It is with a great deal of pride that I honor this school, which has worked over the years to provide the homeless in Montgomery County with support and compassion. Led by the efforts of a remarkable fifth grade teacher, Ms. Vicky Fisk, every child that graduates from Somerset has a deep sense of community obligation and a better understanding of what it is like to spend the night on the street or in a shelter.

Ms. Fisk has been working with Montgomery County homeless shelters for 10 years. I would like to relay to you some of the experiences her students have had, for the most part in their own words. Their fifth grade year begins by researching and then writing essays, reports and papers about the homeless.

During our research, we learned that the main causes of homelessness are drugs, alcohol, mental illness and the working poor * * * Working poor means that they have a job, but it doesn't pay them enough to rent a place to live * * * Here is why you should not stop drug and alcohol education programs. If you did stop the programs the number of homeless will increase more than it does now every year.

We have raised money to buy coats for the children at Helping Hands Shelter. We then went to classrooms and informed students what we were going to do for the homeless * * * We collected items from room to room for a month. We collected 1,200 items in a cart called "The Caring Cart." After four weeks went by, our class went to shelters giving out what we have collected * * * Some of these items are toilet paper, laundry detergent, and deodorant * * * It really helped the homeless.

Ms. Fisk's fifth grade does not stop there. They go on to challenge me and other Members of Congress to do more for the homeless. "What have you done?" they have asked me. "If you have a big speech about this, people will listen. [The homeless] need your support. They are American citizens, just as important as anyone. Did you know that there are more than 2,000 homeless people in Montgomery County alone? The homeless need your help."

I could not say it better. I have learned from the youngsters in Somerset Elementary School and I know that whomever stops in at their school at 5811 Warwick Place between 7 and 8:30 p.m. on June 5 will be very inspired.

A TRIBUTE TO BEVERLY HARPER ON HER SELECTION AS ONE OF PENNSYLVANIA'S BEST 50 WOMEN IN BUSINESS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Ms. Beverly Harper of Philadelphia. Ms. Harper was recently named one of Pennsylvania's Best 50 Women in Business, an honor she rightly deserves for her business savvy and her contributions to the community. One of two thousand nominees for the honor, Harper was nominated by the Ben Franklin Technology Center of southeastern Pennsylvania. Candidates were required to be owners, presidents, CEO's, or in a position with significant authority in the decisionmaking of the business. Ms. Harper certainly meets these standards as the founder and president of Portfolio Associates, Inc., a firm that specializes in public relations, advertising, marketing, and market research.

Since its founding in 1969, Portfolio Associates has handled numerous big-name accounts, including: Southeastern Pennsylvania Public Transportation Authority [SEPTA], University of Pennsylvania Health System, Philadelphia Gas Works, and the Philadelphia Convention and Visitors Bureau, among others.

In addition to her successes in the business world, Beverly Harper is active in community organizations and is a supporter of the arts in Philadelphia. She spearheaded Greek Row, a movement to help Greek organizations develop a Panhellenic center and spur development in the distressed neighborhoods of North Philadelphia. Ms. Harper and her staff have regularly participated in career days at local schools, and have made a practice of adopting a school or family struggling with hardship, in an effort to enhance educational opportunities and improve self-esteem in low-income neighborhoods.

Ms. Harper is a member of the Community Trust Board of the West Philadelphia Empowerment Zone and is on the board of directors at the Philadelphia Orchestra and the Philadelphia Dance Co. Mr. Speaker, in light of her many contributions to the city of Philadelphia, and in recognition of her recent inclusion in the list of Pennsylvania's top businesswomen, I ask that my colleagues join me today in honoring Beverly A. Harper.

COMMEMORATING THE CENTENNIAL CONGRESS OF THE AMERICAN OPTOMETRIC ASSOCIATION

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. GEPHARDT. Mr. Speaker, thousands of optometrists from across the nation will convene in my hometown of St. Louis, June 11–15, for the Centennial Congress of the American Optometric Association [AOA]. It is fitting that this milestone event be held in St. Louis because it has been the home of the AOA since 1953.

Optometry's roots date back to the ancient Greeks and their study of the mechanics of vision. In 1898, the evolving profession of optometry in the United States began to coalesce with the first meeting of the American Association of Opticians. The association had a charter membership of 183 members representing 31 States. The association adopted the use of the term optometrist in 1903, and in 1918 changes its name to the American Optometric Association.

Since those early days, optometry has grown into a dynamic health care profession with nearly 31,000 practicing optometrist in more than 4,000 cities and towns spanning the U.S. Optometry encompasses the care of the eye and vision system through the diagnosis, treatment and management of eye diseases and vision disorders.

The theme of this year's conference is "A Celebration of Sight." In addition to an extensive program of continuing education and the consideration of policy resolutions, the AOA will be electing a new president. Taking over as the association's 76th president will be Dr. Michael D. Jones of Athens, TN. He will be succeeding Dr. T. Joel Byars from McDonough, GA.

I would like to ask my colleagues to join in saluting the American Optometric Association on the occasion of its Centennial Congress.

WE NEED A TAX BILL THAT'S FAIR

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Ms. WOOLSEY. Mr. Speaker, we need a tax bill that's fair.

That means, quite simply, that the tax bill we pass must be targeted to those who need it the most—middle-income families. A fair tax bill would give a real tax break to the middle class, not the super rich.

It would include the President's proposals to make higher education more affordable. It would provide tax relief for family-owned farms and small businesses, a 100-percent health insurance deduction for the self-employed, and relief for home offices.

But there's one thing that a fair tax bill would never include: a tax cut for the super rich that explodes after the first 5 years. That tax cut will saddle us all with more debt and put a tough new squeeze on our hard-working families.

Let's play fair. Let's protect our families. Let's vote for the motion to instruct.

TRIBUTE TO CLARA BELL DICKERSON

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Ms. RIVERS. Mr. Speaker, for the record, I would like to honor and congratulate Ms. Clara Bell Dickerson on her 100th birthday. Witness to the advent of cars and electricity, the Great Depression and two world wars, Ms. Dickerson celebrated 100 years of life and achievement on May 21, 1997.

In 1936, Ms. Dickerson and her husband, Jeremiah Dickerson, became residents of Salem Township, MI. In this burgeoning community, they raised four children; Claver, Tamenund, Edward, and Edwina. Ms. Dickerson is especially proud of her son, Tamenund James Dickerson, who served his country as a Tuskegee airman with the 99th squadron from June 27, 1944 to March 19, 1946.

Ms. Dickerson is an active participant in the Salem community, giving generously of her time to local organizations. She has been a member of the Salem Historical Society since its beginning. For over 50 years, she has been a member of the Salem Bible Church where she has taught and assisted in teaching Sunday School since 1979. She served as a reading aide at the Salem Elementary School from 1986 to 1991. From 1985 to 1994, Ms. Dickerson assisted in the distribution of surplus food for the Salem Township and surrounding areas.

Working out of her home from 1950 to 1985, Ms. Dickerson catered to many special events, weddings, and graduations for generations of families throughout Washtenaw County.

On behalf of the friends and family of Ms. Dickerson, I express my heartfelt congratulations on the extraordinary accomplishment of her 100th birthday.

TRIBUTE TO MONSIGNOR JOHN EDWARD MORRIS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Msgr. John Edward Morris on the occasion of the 50th anniversary of his ordination into the priesthood.

Monsignor Morris was born on July 13, 1921 in Brooklyn, New York, the first child of John E. and Mary Cassion Morris. His parents moved to Lincoln Park, NJ several years later, where he, his three brothers and one sister grew up. He attended St. John's High School in Paterson and began studies for the priesthood at Seton Hall College, South Orange in 1939. He completed those studies at Immaculate Conception Seminary in Darlington, NJ and Catholic University in Washington, DC in 1947.

Monsignor Morris was ordained into the priesthood for the Diocese of Paterson on May 31, 1947. He was ordained by Archbishop Thomas J. Walsh of the Archdiocese of Newark at the Sacred Heart Cathedral because Paterson's Bishop McLaughlin had died 2 months previously and a successor had not yet been chosen.

Monsignor Morris was assigned as associate pastor to Holy Trinity Church (Heilige Dreifaltigkeits Kirche) in Passaic, NJ on June 10, 1947, where he ministered to youth and elderly alike. He attended classes and became proficient in the German language so as to better serve the German-speaking immigrants from Europe. At the same time, he taught at Pope Pius XII High School in Passaic.

Monsignor Morris continued until 1961, when Bishop McNulty called upon him to further his studies at the Catholic University in Washington, DC. There he attained a doctorate in educational administration. He returned to the Paterson Diocese in 1964 and became its third superintendent of schools, overseeing all the grammar and high schools of the diocese. He remained in this position until 1971. During these years he began an association with the Little Sisters of the Poor, residing at their Dey Street home in Paterson and serving as their chaplain to the sisters and residents.

In 1971, Monsignor Morris returned to Holy Trinity Parish, where he has served as co-pastor and pastor ever since. He was honored by Pope John Paul II and given the title "Monsignor" in 1981. Monsignor Morris has nobly and generously served both the church and the community. His devoted service is indeed admirable.

Mr. Speaker, I ask that you join me, our colleagues, Monsignor Morris' family and friends, the congregation of Holy Trinity Church and the city of Passaic in recognition of the momentous occasion of the 50th anniversary of Msgr. John Edward Morris' ordination into the priesthood.

TRIBUTE TO DR. JOHN W. GROVER

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. BUNNING. Mr. Speaker, I would like to take a moment to pay tribute to an outstanding citizen of northern Kentucky, a man who has proven beyond any doubt that one person who is willing to give his own time and ability can indeed make a difference. I'm speaking of Dr. John W. Grover of Fort Thomas, KY.

After serving in the Korean war, as a lieutenant on the U.S.S. *Breckenridge*, John Grover established himself as a family physician in Fort Thomas, KY. Over the next 38 years, until his retirement in 1990, John managed to maintain a very successful practice, providing regular health care to a goodly portion of the population of Fort Thomas. He was my family's physician for a good 25 years. During this same period, he also found the time, with the help of his wife, Jo, to raise a family of four fine children.

But success at family and profession weren't enough for John Grover. From the beginning, he gave back as much as he got. From the beginning, he immersed himself in public service.

For 22 years, he served as the team physician for Highlands High School football team. He served on the board of director of the YMCA. He served on the board of directors of St. Luke Hospital for 16 years. He provided free medical care for the children of Holly Hill Children's Home for 36 years. He volunteered at the Vine Street Medical Clinic in downtown Cincinnati.

Even when it came to his hobbies, John couldn't sidestep the call of voluntarism. He was an avid spelunker, spending 8 years helping to map and survey unexplored areas of Mammoth Cave, and from 1968 to 1976, he also served as safety director of the Cave Research Foundation.

Dr. John Grover is an unusual man of exceptional talent—but his greatest achievement and what he will always be remembered for is what he gave back—through selfless public service. This is one Kentuckian who has proven that voluntarism can indeed make a real difference.

ENDANGERED SPECIES OF WILD FAUNA AND FLORA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. TAYLOR of North Carolina. Mr. Speaker, I insert for the RECORD the following statement which I presented to the House Committee on Resources today:

STATEMENT OF THE HONORABLE CHARLES H. TAYLOR BEFORE THE RESOURCES COMMITTEE OF THE U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

Mr. Chairman, I want to thank the Committee for this opportunity to provide my thoughts on the upcoming meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As you are aware, the Clinton Administration has petitioned CITES to list the commercially valuable *S. maccrophylla* (Big-Leaf Mahogany) as potentially endangered under Appendix II of the treaty. My interest and experience in this area is two-fold. As you may be aware, I am the only registered forester in Congress, and it is important to me that the policy of the United States on timber issues be informed by sound science and proven principles of forest management.

My concern in this area also derives from the importance of wood products to the economy of North Carolina and the nation. Mahogany has always been prized by consumers for its beauty, functionality, and weather resistance. The production of furniture, decking, and decorative arts represent the highest valued uses of this resource. This translates into good jobs in North Carolina, Virginia, Kentucky, Pennsylvania, Michigan, New York, Indiana, and many other U.S. states—as well as in range states such as Brazil and Bolivia where economic opportunities are not as abundant. By lending economic value to the forest ecosystems in that region, Mahogany production provides incentives to keep these ecosystems intact. Clearly, all of us should be striving for a sustainable utilization of the Mahogany resources with which this hemisphere has been generously endowed.

I have a number of concerns with the proposal to list Big-Leaf Mahogany under CITES Appendix II, and the leading role of the U.S. delegation in that effort. Most fundamentally, the weight of scientific evidence does not show the species in decline. Unfortunately, for some time now the debate over Mahogany has been guided more by emotion and ideology than facts.

Based on what has been presented in the media and by advocacy groups, many Americans would be surprised to learn that the range of Mahogany is very large, extending from Mexico to Bolivia. Jack Ward Thomas, who until recently headed the U.S. Forest Service, concluded after a comprehensive review of the evidence that Big-Leaf Mahogany is abundant, with an extensive range, and not threatened with extinction.

In all parts of the range, the tree occurs in relatively small quantities in comparison to the total standing timber in the forest, a growth pattern characteristic of many of the species in Latin America. This creates opportunities for selective harvesting in which the majority of trees in a forest are left healthy and standing. "Range states" are increasingly relying upon such practices, and many U.S. importers of Mahogany insist on shipments from properly managed forests. South American governments are also more aggressively combating illegal clearing, tightening allowable harvests, and repealing tax incentives that had contributed to deforestation. Brazil recently suspended logging permits for two years, and my understanding is that Peru is in the process of implementing a similar restriction.

These facts are acknowledged by the U.S. Forest Service—the recognized tree experts in the U.S. Government. The Forest Service's leading Mahogany expert, Dr. Ariel Lugo has published a detailed critique of the Appendix II listing proposal, and concluded that it is a "poor proposal and a bad example of how science is used by the U.S. Government to guide the management of natural resources." Dr. Lugo notes more specifically that the

* * * proposal does not measure up to the standards of science and fairness required to solve complex and contentious issues, does not reflect the current understanding of the ecology and biology of Big-Leaf Mahogany, it is strongly biased, contains inaccurate statements, and ignores available information that would provide decision-makers with a more accurate understanding of the Mahogany issue. For this reason, the proposal is not a useful policy-making document and should be abandoned.

In November 20, 1996 comments to the U.S. Fish and Wildlife Service (USFWS), then Chief of the U.S. Forest Service Jack Ward Thomas reached the same conclusions, noting succinctly that "none of the criteria for listing a species on Appendix II are met."

Unfortunately, it appears that the Administration has neglected the informed input of its own experts in favor of a more political approach. The process of formulating a U.S. position has been characterized by haste and the exclusion of divergent views. The USFWS participated in three different gatherings of forestry, timber-trade, and plant and Mahogany experts this fall, but engaged in no substantial discussions of the Mahogany proposal. During these meetings, USFWS had an excellent opportunity to inform the groups that an Appendix II listing proposal for Mahogany was being considered, and to solicit their expertise. This was not done, resulting in a foregone opportunity for informed input and discussion.

Even the scheduling of CITES action on Mahogany appears to reflect political dynamics more than sound fact gathering. Acting on the proposal in June would moot the efforts of the specially-formed CITES Timber Working Group (TWG) which has completed its work and has submitted its report and recommendations to the CITES Standing Committee. It is premature to forward a listing proposal until this group's report and recommendations are received and considered by the Conference of Parties in Zimbabwe in June.

The listing proposal is also premature with respect to the report of an internal study on the Convention's effectiveness which was commissioned by the CITES Standing Committee. The results of this study also will be presented in June. The consultants found (among other things) that certain governments and advocacy groups are disproportionately represented in the work of CITES, and that CITES pays a disproportionate amount of time and effort dealing with the issues surrounding a relatively small number of popular species, such as mahogany.

I am also concerned with the characteristic positions of the range states on restricting trade in mahogany. USFWS claims that the majority of the range states support the listing of *S. macrophylla*. It is notable that only one nation (Costa Rica) has placed unilateral restrictions on mahogany exports. This is explicitly allowed under Appendix III of CITES. Additionally, it has been reported that only Ecuador expressed support for the Appendix II proposal during the USFWS consultation process, and that Peru and Brazil have registered their strong opposition. The whole CITES proves on mahogany reflects an all too familiar pattern of northern hemisphere advocacy groups dictating resource policy to their southern neighbors.

The handling of the listing petition for Big-Leaf Mahogany could set an unfortunate precedent. The recently revised listing criteria for CITES are being interpreted by advocacy groups very broadly and in a fashion which would allow almost any commercial tree species to have a CITES Appendix I or II listing. There is a widely-held belief that CITES is not a suitable forum for the regulation of widely traded tree species. CITES was never intended for this purpose. If S. macrophylla is listed on Appendix II, we expect that many additional species will soon be proposed for listing as well.

Many other species are prime candidates for listing proposals at subsequent CITES meetings. We call attention to the report of the first phase of a study commissioned by the Netherlands CITES Authorities and conducted by the World Conservation Monitoring Center (WCMC) that evaluated numerous timber species vis-à-vis the new listing criteria adopted in Fort Lauderdale. Phase one of the study examined 58 species, primarily from Africa and Asia. Of the 58, 41 species overall (29 from Africa alone) were found to qualify for listing in either Appendix I (a complete BAN on trade) or Appendix II (trade allowed but heavily regulated).

Proponents of listing have argued that Appendix II listing is not equivalent to an export ban. However, Appendix II listing would require certification of Mahogany exports as obtained from sustainable forests, and require routing of shipments through CITES-approved ports. This could create additional bureaucratic and logistical burdens, as well as opportunities for corruption in the allocation of permits.

Finally, it is highly questionable that trade restrictions will improve the protection of Mahogany forests, and in fact, they could have the opposite effect. History has shown that people in developing nations will not resign themselves to economic stagnation, but will choose between competing development options. In fact, it is generally recognized that the greatest threat to tropical ecosystems is clearing and burning related to housing, ranching and agriculture.

By providing an economic incentive to maintain hardwood forests, responsible timber production forestalls less attractive development options. As Dr. Thomas Lovejoy of the Smithsonian Institution has said, "the key component in preserving and maintaining the tropical forests is to ensure these resources maintain their economic value."

It is for these reasons that I draw the Committee's attention to the Mahogany listing proposal. Appendix II listing by CITES would directly impact the future of the U. S. furniture workers and other American industries that rely on this resource to meet consumers' preferences. Also at stake are the emerging economies of South American nations, with whom the United States hopes to build stronger trading relations in coming years.

I encourage the Administration to reconsider their support for this proposal and to withdraw it from consideration at the upcoming CITES Conference of Parties in Zimbabwe.

SENATE—*Wednesday, June 4, 1997*

The Senate met at 3 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, our hearts are filled with an attitude of gratitude for the gifts of life, intellect, emotion, will, strength, fortitude, and courage. We are privileged to live in this free land You have so richly blessed.

You have created each of us to know, love, and serve You. Thanksgiving is the memory of our hearts. You have shown us that gratitude is the parent of all other virtues. Without gratitude our lives miss the greatness You intended, and remain proud, self-centered, and limited. Thanksgiving is the thermostat of our souls opening us to the inflow of Your Spirit and the realization of even greater blessings.

But so often we need to thank You for the problems that make us more dependent on You for Your guidance and strength. When we have turned to You in the past, You have given us the leadership skills we needed. Thank You, Lord, for taking us where we are with all our human weaknesses, and using us for Your glory. May we always be distinguished by the immensity of our gratitude for the way You pour out Your wisdom and vision when with humility we call out to You for help. We are profoundly grateful, in the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. For the information of all Senators, today the Senate will immediately resume consideration of S. 4, the Family Friendly Workplace Act. By previous consent, Senator KENNEDY or his designee will be recognized for 30 minutes of debate to be followed by Senator ASHCROFT for up to 30 minutes. At the expiration of that time, the Senate will proceed to a vote on cloture on the substitute amendment to S. 4. Senators can therefore expect that cloture vote at approximately 4 p.m. today. I guess it will probably be shortly after 4. Senators are also reminded that they have until 3:30 this afternoon in order to file second-degree amendments to the substitute to S. 4. It is my hope that cloture will be invoked and the Senate can then proceed to conclude action on this very important measure. If that is the case, Senators should be prepared to continue the debate and vote on amendments to S. 4.

In addition, as previously announced, it is my hope that we can conclude work on the budget conference report—and I understand the conferees have met today and should be able to complete the conference, if not this afternoon, sometime tomorrow—and the supplemental appropriations conference report as soon as those items are available for consideration.

Now, I understand that some of my colleagues are concerned about the supplemental appropriations conference report and are now talking about extensive debate. I do want to say that I have just been advised that the conferees have been working and they feel they have made real good progress and, as a matter of fact, they could conclude action on the conference report even within the hour now. Knowing how conferences work, sometimes when you get right to the end, that last 10 percent or 2 percent causes a problem and they may still encounter further delays. But the appropriators and the conferees are meeting, they are working, and I believe they are making progress. Hopefully, they will get to some conclusion this afternoon on the conference report that we could vote on.

I understand the frustration of Members on all sides. It is very important language here. The administration needs to understand that Pennsylvania Avenue is a two-way street. It doesn't just come from the Capitol down to the White House, where we send down billions of the taxpayers' dollars; we have to get a little cooperation. We feel very strongly about the importance of a law enforcement commission to take a look at the overall application of law enforcement in America. We feel very strongly about the census issue. How do we make sure that it's fair and thorough and complete and accurate? We may come to an agreement on how that can be done, either in terms of actual count or some modification, but not without consultation and not without the Congress being involved in a constitutional issue. We also remind people that the only way—the only way—the disaster funds will stop flowing from FEMA or SBA—and the money is flowing right now—is if we have some sort of fun and games at the end of the fiscal year with a Government shutdown.

I think we can work these matters out. We should. But everybody needs to understand these are important issues. This is not abnormal. I have been through supplemental bills probably 24 times or more in my career in Congress. I have been through disasters. There is nothing new here. There is nothing out of order here. We need to keep working together, and if we heighten the rhetoric and the partisanship, it doesn't help.

I tried my very best to make sure that the Senate in fact is a family friendly workplace. I say to the Senator from Massachusetts, we have flexibility in our schedules and we have tried not to work into the wee hours of the night. In fact, I think only one night this year have we gone beyond 8:30. I think that is wise, because over the years I have noticed that any time the Congress, House or Senate, stays in after about 8 o'clock, they start making mistakes. And some of us still have wives that we like to see or spouses that we like to see or children that we enjoy being with. So the threat of staying up all night tonight to talk about a bill that in fact we hope we can come to agreement on shortly rings hollow to me. Let's just do our work and keep calm and we can get this thing solved.

MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KASICH, Mr. HOBSON, and Mr. SPRATT as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

H.R. 908. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

H.R. 1019. An act to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.

H.R. 1020. An act to adjust the boundary of the White River National Forest in the State

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of Colorado to include all National Forest System lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest.

H.R. 1420. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, California.

H.J. Res. 75. Joint Resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; to the Committee on Indian Affairs.

H.R. 1019. An act to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys; to the Committee on Energy and Natural Resources.

H.R. 1020. An act to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest; to the Committee on Energy and Natural Resources.

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, California; to the Committee on Energy and Natural Resources.

H.J. Res. 75. Joint resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope; to the Committee on Veterans' Affairs.

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY WORKPLACE ACT

KENNEDY AMENDMENT NO. 368

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 256 proposed by Mr. GRASSLEY to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; as follows:

Beginning on page 9, strike line 19 and all that follows through page 10, line 3 and insert the following:

"(9)(A) An employee shall be permitted by an employer to use any compensatory time off provided under paragraph (2)—

"(i) for any reason that qualifies for leave under—

"(I) section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), irrespective of whether the employer is covered, or the employee is eligible, under such Act; or

"(II) an applicable State law that provides greater family or medical leave rights than does the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

"(ii) for any reason after providing notice to the employer not later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use off the compensatory time of will cause substantial and grievous injury to the operations of the employer; or

"(iii) for any reason after providing notice to the employer later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will unduly disrupt the operations of the employer.

KENNEDY AMENDMENT NO. 369

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 265 proposed by Mr. GORTON to the bill, S. 4, supra; as follows:

On page 7, strike line 13 and insert the following:

"(B) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(i) to discharge or in any other manner penalize, discriminate against, or interfere with, any employee because—

"(I) the employee may refuse or has refused to request or accept compensatory time off in lieu of monetary overtime compensation;

"(II) the employee may request to use or has used compensatory time off in lieu of monetary overtime compensation; or

"(III) the employee has requested the use of compensatory time off at a specific time of the employee's choice;

"(ii) to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation;

"(iii) to require an employee to request compensatory time off in lieu of monetary overtime compensation as a condition of employment or as a condition of employment rights or benefits;

"(iv) to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for, or acceptance of, compensatory time off in lieu of monetary overtime compensation; or

"(v) to deny an employee the right to use, or coerce an employee to use, earned compensatory time off in violation of this subsection.

"(C) An agreement or understanding that is entered".

SPECTER AMENDMENT NO. 370

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

Beginning on page 6, strike line 20 and all that follows through page 8, line 23 and insert the following:

"(6)(A) An employer that provides compensatory time off under paragraph (2) to an employee shall not—

"(i) directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

"(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

"(III) requiring the employee to use the compensatory time off; or

"(ii)(I) request, directly or indirectly, that an employee accept compensatory time off in lieu of payment of monetary overtime compensation; or

"(II) discriminate by qualifying the availability of work for which overtime compensation is required on the request of an employee for, or the acceptance by an employee of, compensatory time off in lieu of payment of monetary overtime compensation.

"(B) An agreement or understanding that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

"(i) the payment of monetary overtime compensation for the workweek; or

"(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.

"(C) In this paragraph, the term 'intimidate, threaten, or coerce' has the meaning given the term in section 13A(d)(2).".

(2) REMEDIES AND SANCTIONS.—

(A) IN GENERAL.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

"(f)(1) If an employee demonstrates that an employer has engaged in an employment practice that violates either or both of clauses (i) and (ii) of section 7(r)(6)(A), and that the employee has been harmed by the practice, the employer shall be liable to the employee in an amount equal to—

"(A) such legal or equitable relief as may be appropriate to effectuate the purposes of section 7(r)(6)(A), including employment, reinstatement, promotion, and the payment of wages lost; and

"(B) 3 times the legal or equitable monetary relief provided in accordance with subparagraph (A), as liquidated damages.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section (other than the first sentence of subsection (b)) or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).".

(B) CONFORMING AMENDMENTS.—Section 16 of such Act is amended—

(i) in subsection (a)—

(I) by striking "(a) Any" and inserting "(a)(1) Except as provided in paragraph (2), any";

(II) in paragraph (1) (as designated in subclause (I)), by striking "subsection" the first place it appears and inserting "paragraph"; and

(III) by adding at the end the following:

"(2) Any person who willfully engages in an employment practice that violates either or both of clauses (i) and (ii) of section 7(r)(6)(A) shall on conviction be subject to a fine of not more than $25,000, or to imprisonment for not more than 5 years, or both. No person shall be imprisoned under this paragraph except for an offense committed after the conviction of such person for a prior offense under this subsection.";

(ii) in subsection (b)—

(I) in the first sentence, by inserting "(other than section 7(r)(6)(A))" after "of this Act";

(II) in the third sentence, by striking "preceding sentences" and inserting "preceding sentences, or in subsection (f) or (g),"; and

(III) in the last sentence, by inserting before the period the following: "or section 7(r)(6)(A)"; and

(iii) in subsection (c)—

(I) in the first sentence—

(aa) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 7(r)(6)(A) or section 13A"; and

(bb) by striking "wages or unpaid overtime compensation and an additional equal amount as" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and the appropriate amount (as determined under subsection (b), (f), or (g)) of";

(II) in the second sentence, by striking "wages or overtime compensation and an equal amount as" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and the appropriate amount of"; and

(III) in the third sentence—

(aa) by striking "first sentence of such subsection" and inserting "third sentence of such subsection"; and

(bb) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or".

(C) RULE.—Notwithstanding subsection (b)(3), the amendments made by subsection (b)(3) to section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) shall not take effect.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 4, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 4, 1997, at 2 p.m., on bilateral aviation relations with the United Kingdom.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EIGHTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

• Mr. FEINGOLD. Mr. President, I rise today to join in marking the eighth anniversary of the Tiananmen Square Massacre, a tragic day when a still unknown number of Chinese—some say hundreds, others thousands—died at the hands of the People's Liberation Army.

This anniversary is significant because it is the first since the death of China's paramount leader Deng Xiaoping, the man who orchestrated the bloody crackdown against the prodemocracy movement. Unfortunately, even with Deng out of the picture, the Chinese Communist Party remains unwilling to re-examine the events of June 4, 1989. Indeed, China's leaders would like nothing more than to have Tiananmen fade from the world's memory.

But Tiananmen is still very much a part of the present. As all of us are aware, Wang Dan, a student leader of Tiananmen, was sent back to prison last October for continuing to advocate democratic reform. According to Amnesty International, 303 people remain in prison for their role in the 1989 demonstrations. Certainly for these people and their families, Tiananmen remains a part of daily life.

Today, Tiananmen is still very much on the minds of Hong Kong's people. The 1989 prodemocracy demonstrations created an outpouring of support from the British colony. Hong Kong residents donated hundreds of tents and sleeping bags to the students occupying Tiananmen Square. Thousands are expected to gather this evening in Hong Kong's Victoria Park for a candlelight vigil. Many are worried that public observance of Tiananmen will be banned once Hong Kong reverts to Chinese rule this summer. After the transfer of Hong Kong is completed, commemoration of June 4 will become the ultimate test of whether China will allow Hong Kong to maintain its cherished freedoms.

For those of us who are concerned about human rights in China, June 4 is still a powerful reminder that the Chinese Government has not changed. I was appalled to hear that, during his visit to Washington last December, China's Defense Minister Chi Haotian said that "not a single person lost their life in Tiananmen Square." That was an insult to the memory of those who died on the streets of Beijing that night.

Mr. President, yesterday Senator HELMS and I submitted a resolution of disapproval of the President's decision to renew most-favored-nation trade privileges to China. I feel strongly that the decision in 1994 to delink human rights and MFN was a mistake. Disconnecting the two has helped make China's leaders feel secure enough to renew their crackdown on the democracy movement and commit further human rights atrocities in Tibet. I believe that denying MFN is the best way to communicate to the leadership in Beijing that the United States still values human rights.

It is the best way to tell the Chinese Government that we will not forget Tiananmen.•

IN MEMORY OF TIANANMEN

• Mr. MOYNIHAN. Mr. President, I rise today to note the solemn anniversary of the massacre of Chinese students and prodemocracy activists in Tiananmen Square, and to honor the memory of the men and women who were so cruelly murdered by the totalitarian regime of the People's Republic of China.

No one who witnessed the events will soon forget the images of students and others rallying around the Goddess of Democracy statue, modeled on Bartholdi's Statue of Liberty Enlightening the World in New York harbor.

The Chinese Government has long argued that democracy is inimical to Asian values and that Americans' insistence on human rights is a form of cultural imperialism. The students in Tiananmen Square provided the most compelling refutation of such tripe.

Our hope that we were witnessing the dawn of a new era in China was dashed when, on June 4, 1989, the so-called People's Liberation Army moved into Tiananmen to thwart the aspirations of the Chinese people. The photograph of one lone Chinese individual—Wang Weilin—confronting a column of 18 PLA tanks is both a tribute to the courage of the Chinese people and a fitting emblem for a regime that believes it can crush ideas with 120 millimeter guns and hold back the tide of history with bayonets.

I am sorry to say that since 1989, China has continued to silence dissent. So much so that the State Department reported this year that by 1996, "all public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end."

On this occasion, let us honor the memory of those who were slain and reiterate our solidarity with Chinese dissidents imprisoned by their government.•

WE THE PEOPLE . . . THE CITIZENS AND THE CONSTITUTION COMPETITION

• Mr. CLELAND. Mr. President, I rise today to recognize the following students of Dunwoody High School in Dunwoody, GA, and their teacher for their excellent performance in the We the People . . . The Citizens and the Constitution: Deno Adkins, Leslie Alterman, Chuck Askew, Querida Brisbane, John Brown, Alice Bui, Kevin Campbell, Carrie Chu, Jeff Guggenheim, Susie Ham, Adam Hassler, Judy Hong, Michael Landis, Rachel Moore, Regan O'Boyle, Youn Park, Kim Pham, Ahmer Siddiq, David Stewart, Adam Tate, Brad Thomas, David Tran, Christin Voytko, Morhan Willis, Brent Wolkin, and teacher Celeste Boemker. I would also like to recognize the efforts of the State coordinator, Michele Collins and district coordinator, John Carr, who helped these students make it to the finals.

This bright young group of students competed against 50 other classes from around the Nation, testing their knowledge of the U.S. Constitution and our Government. They spent hours roleplaying and testing to prepare themselves for this competition. This 3-day program simulates a congressional hearing in which students' presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Mr. President, it is with great pride that I offer my congratulations to these students from Dunwoody High School for their outstanding performance at the We the People competition, and wish them continuing success with their future studies.•

INDONESIAN ELECTIONS

• Mr. FEINGOLD. Mr. President, I rise today to draw the Senate's attention to the parliamentary elections that took place in Indonesia last Thursday, May 29.

Actually, it does not seem accurate to call this event an election since the polling was conducted amid worsening political repression and human rights abuses by the Indonesian Government. As in past elections, all candidates were prescreened and new political parties banned. Individuals who posed even the slightest challenge to President Suharto's power were not allowed to participate. We cannot mistake this process for a real election. Rather, it was a pitiful example of a brutal authoritarian Government attempting to masquerade as a democracy.

Clearly many in Indonesia are angry about not having a voice. This latest election was the most violent in 30 years. Rampant corruption among Indonesia's ruling elite and continued high unemployment have created a deep vein of discontent. Yet Indonesians are given no choice other than Suharto, who already has ruled Indonesia for more than three decades.

Mr. President, the human rights situation in Indonesia remains as bad as ever. Five demonstrators were killed by troops last July after the Government engineered an attack on the office of an opposition party. In addition to the 5 dead, 23 protestors are still missing. Also last summer, labor leader Muchtar Pakpahan was arrested on trumped-up sedition charges. Mr. Pakpahan's only crime was to demand democracy, respect for human rights, and decent labor conditions.

The State Department's 1996 human rights report indicates that prisoners like Mr. Pakpahan frequently die at the hands of their interrogators. The report states that Indonesian "security forces continue to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Irian Jaya, and East Timor. Police often resort to physical abuse, even in minor incidents."

Indeed, the human rights situation in East Timor continues to be a matter of great concern. Since last Tuesday, as many as 41 people—both East Timorese citizens and Indonesian soldiers—have died in election-related violence. Unfortunately, such killings are a part of daily life in East Timor. Human rights monitors estimate that as many as 200,000 East Timorese have died under the Indonesian regime. Two hundred thousand. That represents a full third of East Timor's population before Indonesia invaded the former Portuguese colony back in 1975.

On the day before Indonesia's election, East Timorese activist and co-winner of the 1996 Nobel Peace Prize Jose Ramos-Horta visited Washington. Mr. Ramos-Horta carried with him graphic evidence of human rights abuses that have occurred in East Timor in the last few months, evidence that includes disturbing photographs of Indonesian military officers torturing East Timorese detainees with electric shocks and lit cigarettes.

In his statement on the elections, Mr. Ramos-Horta notes that the unrest in East Timor is now spreading into Indonesia as people grow more frustrated with the existing political system. According to Mr. Ramos-Horta "a spiral of violence can be anticipated for Indonesia from now on as dissent grows. It will be met with the customary repression by the military-backed regime, now increasingly desperate as its grip on power begins to slip, leading to an extended period of instability, disruption to peace and much human suffering."

I agree that the violence in Indonesia will only subside after President Suharto initiates real democratic change and, for example, allows all parties to compete equally in the political process.

However, like their counterparts in China, Indonesian authorities try to argue that greater democracy will lead to instability which in turn will impede economic development. I fundamentally reject this idea. Clearly, with so many Indonesians venting their anger against the present regime, the problem is not too much democracy, but too little. Just because President Suharto's government has boosted economic growth does not mean it has the right to murder and torture Indonesians and East Timorese.

Mr. President, the events of last week only further my discomfort regarding United States policy in Indonesia. As you know, the United States has supplied Indonesia with military training and weapons. Rather than aid Indonesia's military, we should encourage the democratic forces within Indonesian society. As a world leader with great influence in Jakarta, the United States should work to convince Indonesia's leaders that holding real elections, the kind that give people a true say in how they are governed, is a sign of national strength, not weakness. •

TRIBUTE TO ISADOR LOUIS KUNIAN

• Mr. CLELAND. Mr. President, I rise today to honor Isador Louis Kunian, a long-time friend who passed away on March 5, 1997. Born in Atlanta, GA as Isador Louis Kunianski, he shortened his last name, but everyone who knew him called him Sonny. We are honoring Sonny not only because he was successful, but because he used the fruits of his success to help others. One of Sonny's greatest personal drives was to help people who wanted to help themselves. His participation in the education of hundreds of persons will provide a legacy to Sonny. In Sonny's own words, "Providing for a person's education is the greatest investment that I have ever made."

In 1980, he established the Mildred and I.L. Kunian Scholarship Fund at Georgia Tech that has helped more than a hundred students pay their college bills. In addition, he founded the Georgia Tech Satellite Literacy Program, which broadcasts, via satellite television, adult basic education classes to over 100 classrooms in rural Georgia. Sonny was instrumental in securing funding for the program from Federal, State and foundation sources.

Sonny was a graduate of Atlanta's Boy's High School and then Georgia Tech, receiving his degree in textile engineering in 1934. Sonny played freshman football for Georgia Tech, was on the student council and was a member of several honor societies. Following college, he went to work in the textile industry until needed by the Navy from 1943 to 1945. Following this, he distinguished himself in the business world as a past president and partner with Atlanta's Kay Developers and later his own real estate development company, Kunian Enterprises.

In civic affairs, Mr. Kunian was active and held office in a number of organizations, including the Center for

Rehabilitative Technology, Inc., the Georgia Chapter of the Arthritis Foundation, the Atlanta Symphony Orchestra Association, the Southeastern Regional Board of the Anti-Defamation League, Families First, the American Jewish Committee, the Georgia Council on Adult Literacy, the Southern Regional Education Board and the National Jewish Welfare Board.

Mr. President, I ask that you join me in recognizing the impact Sonny made on the world in which we live. He will be sorely missed.●

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDENT pro tempore. The Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Grassley amendment No. 253, to provide protections in bankruptcy proceedings for claims relating to compensatory time off and flexible work credit hours.

Grassley modified amendment No. 256, to apply to Congress the same provisions relating to compensatory time off, biweekly work programs, flexible credit hour programs, and exemptions of certain professionals from the minimum wage and overtime requirements as apply to private sector employees.

Gorton modified amendment No. 265, to prohibit coercion by employers of certain public employees who are eligible for compensatory time off under the Fair Labor Standards Act of 1938 and provide for additional remedies in a case of coercion by such employers of such employees.

Mr. LOTT. Mr. President, on the family friendly workplace bill itself, the comptime/flextime issue, I hope that we can come to an agreement on this. Senator DASCHLE has indicated he would like to work with us on it. The President said during the election campaign and, in fact, 2 weeks ago, he would like to work with us on giving some flexibility to workers' schedules. I believe he has indicated that again today. Senator ASHCROFT has done such a magnificent job on this bill. In fact, I believe the President said flextime is very important—flexibility is very important. I wrote it down and gave a copy of it to the Senator from Missouri.

So, we all agree that having a little option of taking your comptime in terms of higher pay or the option of it being some time off, that's a good idea. We all agree, I think, that working spouses ought to have a little flexibility in their schedules. That is who really benefits from the flextime portion of this bill.

Now, if there are questions or concerns about making sure that it is fair and there is no intimidation, it is truly voluntary, hey, let's work that out. We ought to do that. We want those protections. We want those guarantees. But I want somebody to explain to me how I can explain to the hourly workers in my State that they should not have these options even though Federal employees do. And, as a matter of fact, in truth, so do salaried employees. If they want a little time off, they take it off. But, no, not the hourly workers, not the blue collar workers in my State, not the people out there pulling the load. They don't even have this option.

Protect them, make sure that the law doesn't get out of control, that it's abused—let's do that. But to have this type of flexibility, to have a more family friendly workplace, isn't that a worthwhile goal? Can't we do this?

The Senator from Massachusetts and I worked together on some bills that he forced me to work with him on. I didn't particularly want to, but we wound up doing it. We got health insurance reform last year, thanks to the good help of the Senator from Kansas, Senator Kassebaum. This very day, an unbelievable achievement was signed by the President of the United States: IDEA, I-D-E-A, Individuals With Disabilities Education Act. Last year we gave up in exhaustion. We couldn't get it done. This year, because of a lot of good staff work, administration input, Democrats, Republicans, all regions, all races, all ethnic backgrounds, all degrees of philosophy, we came together on a bill that will help education in America—not just for the disabled, but I believe all of our children will be better off because of this bill. We got it done because we put aside our prejudices and our determinations that we were going to be committed to this position or that position and we said we need results and we got results.

We need to do this on this legislation. Let's get started. Let's work together. If you have amendments, put them up. I would like them to be germane. I would rather we not solve some irrelevant issue. Let's stick to the subject at hand. And I believe the American people would be the beneficiaries.

So I hope that my colleagues on both sides of the aisle will vote for this cloture, or if they don't, tell us how we can come together and give this opportunity to working Americans.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I was listening to the comments of our friend and our majority leader with regard to the cooperative effort on the IDEA legislation, and he has correctly characterized that. He himself deserves great credit. This was worked out in a strong, bipartisan way.

I am hopeful that we can have that same kind of cooperative effort on our children's health insurance proposal, which Senator HATCH has introduced and which I have cosponsored, which has such broad Republican and Democratic support across the country and which I believe a majority of the Members of this body, Republican and Democrat, support as well.

The Senator made a very eloquent statement about how we want to be family friendly. I would like to see some progress for the sons and daughters of working families who are making $20,000 to $25,000. I would like to see some progress for the single heads of households with two children who are unable to afford the premium for their health insurance. Those Americans need to have what I would consider to be one of the most, if not the most important, family friendly protection, and that is to make sure that their children can have the same healthy start as do children of so many of the Members of this Congress and Senate.

So, I know that the next business before the Senate is the cloture motion on S. 4. But I am very hopeful that we will find an opportunity to address this important proposal. The majority leader felt our amendment on the budget was inconsistent with other terms in that agreement. Yet, I would say to my friend and colleague, it was interesting yesterday when the House Members went down to see the President that they introduced a new concept, a medical savings account, which Republicans and Democrats had agreed to last year on the Kassebaum-Kennedy bill, for 750,000 people. And the Republicans also proposed a limitation on punitive damages to protect doctors, even though we have some 50,000 Americans who die in hospitals every year from preventable injuries. Yet I didn't hear that that proposal was part of the budget deal.

So, I hope, as we move forward, we will be able to gain the attention of the majority leader on the issues of children's health. The majority leader knows very well the administration is trying to help children covered by Medicaid, who are the poorest of the poor. We commend that. The Rockefeller-Chafee proposal is a bipartisan effort to target resources to make sure those children who are eligible for Medicaid will continue to be covered. We believe that proposal will cover about 3 million poor children. But we cannot forget the other 7.5 million children. Our proposal is paid for in its entirety—so we would not interfere with the general outlines that have been agreed to in the budget—with a cigarette tax, which has the added benefit of discouraging teenagers from smoking.

I know, when the Senator was talking about the areas where there has been cooperation, I want to commend him for the great leadership he provided on IDEA. He also referenced the progress that was made last year and commended Senator Kassebaum. I look forward this year, when we pass the Hatch-Kennedy bill, to commending a similar bipartisan effort. I believe if we just had a little more favorable view from our majority leader, that proposal could go through here in incredibly rapid time.

But I see our leader on the floor at this time, so I will withhold further comments to permit him to speak.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, let me commend the distinguished senior Senator from Massachusetts for his comments.

Let me say I completely associate myself with his remarks and appreciate his extraordinary leadership on children's health issues in particular. I came to the floor just to respond to the distinguished majority leader. I didn't hear all that he said, but it was reported to me. I know he made comment about the progress we are making on the supplemental appropriations bill. I must say, I am pleased to hear maybe some progress has been made.

We have been patient, and I think he would concede that we have been patient. And we have been very tolerant of the extraordinary delay that has existed now for some time in moving this legislation forward. He tried, prior to the time of the Memorial Day recess, to negotiate some settlement, as did the rest of us, and failed to find some way with which to resolve the differences.

The problem we have, though, Madam President, is that we continue to send the message that even though people in the Dakotas, and Minnesota are losing sleep, even though mayors and city councilmen and business people and homeowners and farmers continue to be exasperated and frustrated with the lack of progress here, it is business as usual on the Senate floor. It is business as usual in the Congress. We send the message that it doesn't seem to matter how grave the circumstances, we are not going to change the way we are doing business here; we will continue to do business as usual.

So our message to them was that we don't care how long it takes, this Congress ought to stay here tonight, tomorrow, tomorrow night, the next night until we get an agreement on this conference report, until we can find some way to resolve these differences, until we can say to those people without equivocation, we know it is not business as usual, we know that we have to get something done, we know that you are hurting and we are going to respond. But we are not sending that message when we adjourn, when we don't meet, when we don't make progress on any of the contentious issues for which there has been disagreement now for weeks. When does it end? When do we break some new ground and move the bill on?

I am pleased, if the majority leader is accurate, with the report that we could have some resolution to some of these issues this afternoon. At long last, we may be able to send the right message to the people waiting now all this time. But there are 33 States detrimentally affected, probably no States more detrimentally affected than those States in the Midwest, Dakotas, and Minnesota. So, clearly, something has to be done. I hope if we are not going to resolve the conference report this afternoon, the majority leader will allow us to stay in, will allow us to continue to address these issues, that we will not accept business as usual, and that we can send as clear a message as possible that we understand how grave this situation is, and we are going to respond just as effectively and as quickly and as completely as we possibly can. That is what the message ought to be.

We are going to have a compensation vote again this afternoon, a comptime vote. I must say, I am disappointed. The majority leader talked about it being a two-way street on the supplemental appropriations. I would like it to be a two-way street on comptime. I would like the Republican leadership and our Republican colleagues to take a good look at what we are suggesting as a way with which to resolve this impasse. That has not happened yet. Whether it is the supplemental, comptime or any one of a number of issues, the only way we can demonstrate this two-way street is if we can find some common ground and work together. At least let's recognize today that we will not leave, we will not adjourn, we will not pretend it is business as usual so long as we haven't resolved the outstanding differences on the supplemental bill.

I urge the leader to do that, and I hope that he can work with us to ensure that we send that message out to those who are detrimentally affected all across this country and are looking for some hope and some understanding of our appreciation of the seriousness of the problems that they are facing. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I join in the urging of our distinguished leader in hopes that there can be some resolution to this enormous human tragedy in the Dakotas and in parts of the Midwest. Massachusetts is not affected, Madam President, but it was not long ago that we had hurricanes that came across the Massachusetts coast, that traveled through New England and brought devastation, hardship, and plight to many communities. Many New Englanders lost their homes, their businesses, and their property. And, when the hurricanes went through South Carolina, I remember the words of our friend and colleague, Senator HOLLINGS, who spoke on that issue so passionately. And I remember how this institution responded so quickly. I think all of us remember the tragedies caused by the recent hurricanes in Florida. Homestead Air Force Base was devastated and many of the communities in the surrounding areas were destroyed. And all of us must remember how we in the Congress reacted.

Every American has been touched by what has happened in the Midwest. When the Senator from South Dakota speaks about this issue, as the Senator from Minnesota did yesterday, and the Senators from North Dakota did in the past few days, they are really speaking for all Americans. This is not just a regional issue, it is a national issue, and it is of national importance. I think all of us who have watched the courage and the strength of those families as they have faced this extraordinary human tragedy are challenged to say why not now? Why not take the action now? This is special. It is unique. It is a crisis. It is affecting children. It is affecting families. It is affecting elderly people. It is affecting them in many different ways, and we should be able to respond.

I commend our colleagues from those areas, who know it best, for their very constructive recommendations. We have given them assurances from all parts of the country that we stand behind them. As we are about to use the last of the time before the cloture vote, I join with the Democratic leader in being troubled by the earlier statement that we would not see any further action on this measure today. I was unable to speak on this issue yesterday. We have other Members on the floor who want to address the Senate on S. 4, but I see the Senator from South Dakota.

Mr. DASCHLE. Madam President, I will be very brief.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Let me just thank the Senator from Massachusetts for his words of support. As he has indicated, even though perhaps it is the upper Midwest that is most detrimentally affected, States all over the country are affected, even in those areas where there hasn't been a disaster, as in the State of Massachusetts.

The Senator speaks eloquently about the degree of support and sensitivity that we find across the country for the plight that we have in the Dakotas and Minnesota, particularly. Let me just say, we have had a remarkable degree of response within our caucus. Virtually every Senator has indicated they would be willing to stay tonight and speak for a period of time about the circumstances in their State or the circumstances involving the legislation. Every Senator has expressed a willingness to come to the floor, whether it is 2 or 3 or 5 o'clock in the morning. They have indicated a willingness to be here.

Let me thank all of my colleagues for their expressions of interest and participation and my hope that we can participate in a meaningful way, not in a controversial or confrontational way necessarily, but simply providing the rest of the country a better opportunity to understand the extraordinary situation that we are facing and the need for us to respond as quickly as possible, given this late date.

So I thank my colleagues. I hope that we get Republican participation. I certainly hope that this notion that we are going to adjourn rather than to have a good debate is nothing but a false rumor and that we will have the opportunity to participate in that colloquy tonight. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I say to my friend and colleague from South Dakota that churches all over Massachusetts last Sunday had collections for people in the Dakotas. This is illustrative of the feeling all over this country.

Madam President, how has the time been allocated and what remains between the Senators?

The PRESIDING OFFICER. The Senator from Massachusetts has 13 minutes; the Senator from Missouri has 23 minutes remaining.

Mr. KENNEDY. I will take 2 minutes, and then I will yield to our colleagues.

On the issue, Madam President, of the so-called Family Friendly Workplace Act, I believe it is basically a cruel hoax on American workers. It is really a one-sided bill that provides maximum flexibility for employers and no flexibility for employees. It deserves no support from any Senator. It received none from any Democrat on the first cloture vote 3 weeks ago. In fact, two Republicans broke with their party to oppose cloture, and I encourage my colleagues to oppose cloture again today.

Some have suggested that with this second cloture vote, the Republican proponents of S. 4 are simply playing out an elaborate charade. By forcing further debate on S. 4 in this way, they hope that the Ballenger bill in the House will seem less extreme.

That strategy will fail. Less extreme is still extreme. Our Democratic alternative—and I pay tribute to Senator BAUCUS, Senator LANDRIEU, and Senator KERREY for the development of that alternative—remedies the gross defects of both the Ashcroft Senate bill and the Ballenger House bill. It is a realistic approach to comptime that is not slanted in favor of employers and against employees. It is the only comptime bill that is worth the name and it deserves to pass.

The Democratic alternative is superior in many ways. First, it protects the 40-hour week, while the Ashcroft bill abolishes that fundamental principle.

Second, our alternative forbids discrimination against workers who need overtime pay and cannot afford to take the time off instead. The Ashcroft bill permits employers to assign all the overtime work to employees who will accept comptime.

Third, the Democratic alternative guarantees employees the right to use comptime when they need it the most. That is the key element. The employees have the right, that is the key in any evaluation of which bill deserves support. The alternative provides that the employees have the right to use the time when they need it. The Ashcroft bill does not give employees a right to use the comptime even in the most serious family or medical emergencies.

Finally, the Democratic alternative imposes no pay cut on working families, while the Ashcroft bill would reduce workers' wages substantially.

For all these reasons, I urge my colleagues to oppose cloture. The Ashcroft paycheck reduction act does nothing for working women. It does nothing for working men. It does nothing for working families. It should be rejected out of hand, and I urge my colleagues to do so.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. KENNEDY. I yield 3 minutes to Senator LANDRIEU.

Ms. LANDRIEU. Three minutes is just fine.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Madam President. To my distinguished colleague from Massachusetts who has been such a strong and solid voice for working families and working people throughout this country, I appreciate his help on this issue.

I am here today with my colleagues, Senator BAUCUS and Senator KERREY, to offer some thoughts as to how we can make this particular bill more meaningful to working families.

There is an architect, Bill McCuen, in South Carolina who is now running for Congress. He recently changed his political affiliation from the GOP to the Democratic Party. Mr. McCuen has suggested that the national GOP is "substituting rhetoric for wisdom and * * * building walls instead of opening windows." With all due respect to my colleagues on the other side of the aisle, I have concluded that Mr. McCuen's analysis is applicable in this instance. Perhaps he has had an opportunity to study S. 4.

This bill, in its current form, is not about families nor is it friendly. The issue before us today is about workplace fairness. The bill is harmful to families in its current form. Our distinguished majority leader says S. 4 provides much-needed flexibility to workers. But Madam President, this measure is not about giving flexibility to workers; this bill is about flexibility only to employers or bosses. The 40-hour work week and the protections it affords have been in place since 1938. Under S. 4, these protections are clearly abolished. I believe that as Members of this body we have a real obligation to create truly family-friendly legislation as opposed to the proposal being offered by the majority.

There has also been a lot said Madam President about this bill helping women who are now working more than ever before. Today, 60 percent of mothers with young children are in the workplace.

This bill does not offer any relief for mothers to spend more time with their children or to meet necessary family obligations.

Madam President, this bill neither makes for a better workplace nor is it family friendly. This legislation is merely a comptime scheme that will hurt the hard-working families of America—it will cut their pay, decrease their benefits and pensions, and threaten their long-term plans.

It will take decisions that should be made by a worker and give them to an employer and it abolishes a standard that this Nation has abided by for the last 60 years—the 40-hour work week.

Madam President, my Democratic colleagues want real flexibility and choice that will protect the working families of this country. We Democrats understand and support the desire employees have for more flexibility between work and family. Democrats fought for an increase in the minimum wage and the Family and Medical Leave Act so that workers would not have to choose between serving their family and serving their employer. Between taking their child to the doctor or getting to work on time.

However, we also recognize that we need to have innovative arrangements in the workplace so that both employers and employees can be sure that their basic interests are protected. Madam President, the Baucus-Kerrey-Landrieu alternative would provide this real flexibility to working families because: Employees could decide when to accept overtime pay and when to accept comp time; employees could decide when to use their comptime; health and pension benefits for workers would be protected; and the 40-hour work week would be preserved.

Madam President, the legislation that my distinguished Republican colleagues have introduced is wrong for working families and would be harmful to the continued economic success of this Nation because it does not offer workers any flexibility in meeting their obligations to their families and fulfilling their duties to their employers.

Instead, S. 4 gives employees less control over both their time and their paychecks. Critical decisions that affect time spent at work, time spent at home, vacation, sick leave, and compensation are all in the hands of the employer instead of where they belong—with the employee.

S. 4 undermines the 60-year tradition of the 40-hour work week—a tradition that has helped build this Nation into the world's leading economy. This bill, as it stands, would create an 80-hour work period before an employee could earn overtime. Workplaces have been governed by the principle that asking employees to work more than 40 hours would be a serious infringement on their personal lives—what working parent would want to have even less time with their children than they have now?

Under the bill offered by my distinguished colleague from Missouri, employees would make less money and have less choice. Hours of comptime used would be counted as hours worked. This means that an employee who used 5 hours of comptime on Monday to take care of a sick child at home could be forced to work on a Saturday or Sunday to make up the hours but would not be paid overtime.

Furthermore, Madam President, the health and retirement benefits of many employees are linked to the number of hours they work so their benefits could be slashed under S. 4. Also, nothing in this bill would prevent an employer from substituting an existing paid leave plan, such as vacation or sick leave, with comptime. Employees could be forced to work overtime and choose comptime if they wanted a vacation or needed sick leave.

The bill offered by my friend from Missouri is also unrealistic, employees couldn't really take advantage of comptime when they needed it. Employers could deny an employee's request to use comptime if the employer could claim that the business would be unduly disrupted—regardless of why the employee needed the time off. This bill forces employees to take a chance that they may be able to take time off when it is as valuable to them as overtime pay.

For example, Madam President, take an employee who wants to chaperone her daughter's fourth grade class on a field trip. She chooses to accept comptime for overtime hours worked in order to earn enough paid time off to spend that time with her child and her classmates. Her employer agrees. But when it comes time for the field trip, after the employee has already worked enough overtime to account for any time off, the employer could claim that the employee's absence for the trip would unduly disrupt the business and then justifiably, under this bill, replace the time off with overtime pay. How much money could replace that field trip—the time off that the mother earned and worked for?

Would it be enough to pay for the nonrefundable cost of the trip?

Would it be enough to make a child forget about a lost chance to spend quality time with a parent?

Would it be enough to make up for the inconvenience that the school would have in getting another chaperone?

Madam President, I believe that, at that point, the overtime pay just isn't enough.

Madam President, public employees have long had protections that private sector workers do not enjoy. For example, Federal workers can only be fired for just cause under the Civil Service system. Alternative work schedules like comptime and flextime went into effect for Federal employees as a 3-year experiment in 1978. They were extended in 1982 and made permanent in 1985. In all cases, employees may elect but cannot be compelled to accept comptime in lieu of overtime pay.

Madam President, I agree with my distinguished colleague from Missouri that private sector workers should have greater flexibility and I commend Senator ASHCROFT for his honest effort on behalf of the people of his State and the country. However, S. 4 does not provide workers the flexibility my Republicans colleagues are looking for. The Baucus-Kerrey-Landrieu substitute, though, does.

Our measure, a meaningful substitute to S. 4, protects working families by providing: That employers cannot discriminate in offering comptime or overtime pay; employees could use comptime for any purpose, as long as they give their employers at least 2 weeks prior notice; comptime could be used with less notice if the business would not be unduly disrupted; overtime for over 40 hours worked in 1 week would be preserved, maintaining the 1938 Fair Labor Standards Act; employers would be prohibited from intimidating, threatening, or coercing employees into participating in a biweekly flexible credit hour program; comptime is treated as hours worked in calculating retirement and health benefits; comptime could not be used to replace or substitute for vacation or sick leave plans; and construction, garment, and other seasonal workers would be exempt.

Madam President, S. 4 is a total sham. It is not friendly toward working families. Employers, not employees, maintain the ultimate control over use of comptime earned under this bill.

The unfairness of this bill is further borne out by the fact that during the Labor Committee markup of S. 4, the majority refused to provide workers real choices in the workplace by rejecting an amendment that would have ensured that employees could take compensatory time for any of the reasons currently covered under the Family and Medical Leave Act such as to take care of an ill parent if the absence of such workers would not cause "substantial and grievous injury to the operation of the employer."

Madam President, the Baucus-Kerrey-Landrieu substitute gives real flexibility and protection to working women and their families but, most importantly, it allows both employers and employees to work together to create the right kind of cooperation in the workplace while at the same time allowing working families to choose if and when and how they take and use comptime. I urge my colleagues to support and adopt this substitute.

Thank you, Madam President. I yield the floor.

Madam President, 56 percent of hourly workers are women, nearly 60 percent of those earning minimum wage are women, more than 80 percent of overtime recipients have annual earnings of less than $28,000; and 61 percent earn $20,000 per year or less.

Working women need their overtime pay. They need flexibility but it needs to be the choice of the workers, not the employers.

Finally, I would like to say that I believe most employers in this country want a bill that is fair both to their businesses and to their workers.

I reach across the aisle to my colleagues and say: Let us work toward a compromise that establishes real comptime for working families in America. Let us substitute wisdom for rhetoric. Let us open windows instead of building walls as we work to create a policy that will help all Americans in the workplace.

I thank the Senator for the additional time, and yield to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor and controls the time, unless the Senator from Missouri seeks recognition.

Mr. KENNEDY. How much time do I control?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. KENNEDY. Four minutes?

Mr. BAUCUS. Five?

Mr. KENNEDY. Five.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Thank you, Madam President. I also thank my good friend and colleague from Massachusetts.

Madam President, I rise today in very firm opposition to the cloture motion on S. 4, the so-called Family Friendly Workplace Act, sponsored by my colleague from Missouri, Senator ASHCROFT. Why do I do so? In speaking against cloture, I do not wish to convey that I oppose the idea of comptime. Quite the contrary, comptime is an idea whose time has come. Indeed, Federal workers get comptime. I think that other employees should also get comptime.

We all hear from people in our home States—I know you do, Madam President—we all do—how pressed people are, particularly working moms, pressed for time, and do not have the time to keep their job as well as take their children to Babe Ruth ballgames or to parent-teacher conferences, and are very pressed for time. It only makes sense, Madam President, that employees, women and men on the job, get a little more flexibility so they can take time off to be with their family, with their children.

It is not an easy task that parents have these days. Comptime would let working parents balance the needs of their families with the demands of their jobs. I believe it is only fair that we give America's families that tool.

Unfortunately, the bill we are now debating, the so-called Family Friendly Workplace Act, fails to live up to its name. It is not family friendly at all. Why do I say that? First of all, the bill does not give workers the choice they need to make comptime effective. Under this bill, the employer can decide when a worker takes time off, not the employee. That means there is no guarantee that a parent would have time off when he or she needs it the most. That completely undermines the very concept of comptime.

In addition, this bill dismantles two important safeguards that are fundamental to protecting the rights of workers.

First, the bill eliminates the 40-hour workweek and replaces that time-honored tradition with an 80-hour, 2-week system, which means, under their bill, a worker who works 60 hours in 1 week may not be entitled to 1 minute of overtime.

Second, this legislation would allow an employer to discriminate against a worker who chooses to take their overtime in the form of pay. Why? Because by assigning overtime only to workers who they know will take their accrued time in the form of vacation, the employer can save some money. But the worker gets pinched.

Both of these changes will result in a pay cut for people who punch the clock. Lots of families depend on that extra money to make ends meet. We cannot risk taking it away from them.

So that is why I rise in opposition to the cloture motion today, Madam President. But, as I said earlier, I am not speaking today against the idea of comptime. I like comptime. That is why I have offered a substitute amendment joined by Senators KERREY and LANDRIEU. We will offer that substitute at the appropriate time. I think our bill gives workers the right kind of comptime.

We offer employees comptime where they can choose when they take their own time off, comptime where they can take pay or time off without worrying about discrimination from their employers, and comptime that preserves the 40-hour workweek.

Our amendment, I think, is clear. It is more reasonable and it is a better choice. I believe, Madam President, that when Senators look at both choices, the substitute that I plan to offer, as well as the current bill, they will realize that the better approach is the approach that we are suggesting.

Madam President, the President has indicated that he would veto the current bill but he would sign the bill that we will be offering at the appropriate moment. I urge my colleagues again to vote against cloture.

I yield back the balance of my time.

Ms. MOSELEY-BRAUN. Madam President, I oppose S. 4, the so-called Family Friendly Workplace Act, for the basic reason that it is not family friendly. This legislation, as written, will disrupt family schedules, decrease family incomes, and make it harder for working families to balance the competing needs of work and family.

S. 4 will serve to decrease family incomes by eliminating overtime pay for many workers. Under S. 4, an employer has the ability to select which worker is given extra hours to work. An employee who wants overtime pay instead of comptime may be passed over for the additional, and often needed, extra work. The lost income can mean a pay cut of up to 15 percent for many families.

In this country, more than 80 percent of overtime recipients earn less than $28,000 a year and 44 percent of those who count on overtime earn as little as $16,000 a year or less. These are hard working mothers and fathers, willing to work extra hours to help support the family. These are not families that can afford a pay cut. S. 4 has been called the paycheck reduction act exactly because these families will be forced to lose the extra work or to take comptime in lieu of overtime.

S. 4 will interfere with the carefully crafted schedules of families struggling to work and raise children for several reasons. First, employers are given enormous control over how, when, and if workers can earn overtime or comptime. Workers who are given the option to choose comptime by their employer and do so, cannot necessarily use the comptime when they want. Employers can deny a comptime request if it would unduly disrupt business. There is no consideration of the importance or necessity of the time off for the family. If a family sacrifices to earn comptime, there is no guarantee that they will ever be able to use it.

S. 4 would eliminate the 40 hour work week for many hourly workers. Under this legislation an employee could be asked to work 65 hours one week and 15 hours the next. In the next 2-week period, the employee could be given a schedule of 23 hours one week and 57 hours the next. This would wreak havoc on the home life of employees, particularly ones with children at home.

Under S. 4, employers are given flexibility—the flexibility to change workers' schedules to meet the demands of the factory or office. This is flexibility in only one direction. A real comptime bill would provide workers with the flexibility to change their schedules to meet the demands of the home and the family.

The majority of hourly workers are women and many of these women are already struggling with the issue of working and raising a family. The issue of child care is particularly relevant. Constantly fluctuating work hours make it difficult to find good child care. The interests of children, who may be home alone more now because of the loss of schedule certainty, are denied here. Flexibility in only one direction can be coercion, and that is not the balance we should strive to achieve.

Six organizations representing working women throughout America are opposing S. 4, precisely because this bill is so hard on working women; 9-to-5—the National Association of Working Women, the American Nurses Association, the Business and Professional Women, the National Council of Jewish Women, the National Women's Law Center, and the Women's Legal Defense Fund are all on record as opposing this legislation, because they "believe passage of S. 4, the Family Friendly Workplace Act, fails to offer real flexibility to the working women it purports to help * * *"

I support making workplaces more family friendly. Unfortunately, that is not what S. 4, does. I urge my colleagues to vote against cloture and against S. 4. This legislation will be bad for workers, bad for women, bad for children, and bad for families. Let us make the 105th Congress a family friendly Congress by opposing S. 4.

Mr. BINGAMAN. Madam President, I rise to speak briefly about S. 4, the Family Friendly Workplace Act of 1997 and the alternative that has been offered by my friends and colleagues, Senators BAUCUS, KERREY and LANDRIEU.

Madam President, while the goals embodied in S. 4 may, on the surface, appear to be family friendly, the legislation passed by the Labor Committee is decidedly worker unfriendly.

Unlike the bill recently passed by the House, S. 4 is not limited to the issue of compensatory time. Instead it includes provisions related to flexible scheduling and flexible credit hours that repeal the 40-hour workweek, which has been the bulwark of employee protection for almost 60 years, and turn the purported choice for employees that supporters claim S. 4 provides into no real choice at all.

S. 4 provides compensatory time to employees in lieu of time-and-a-half. While this is an idea that resonates with a great number of people, I believe the compensatory time provision of S. 4 does not provide sufficient autonomy to employees in selecting compensatory time in lieu of overtime and that many employees will be forced to take the option of flextime.

By allowing employers to choose which of the three options to offer, compensatory time, flexible scheduling, or flexible credit hours, it is inevitable that they will offer either the flexible 80 hour work schedule or flexible credit-hour program.

That is because, unlike comptime which is in lieu of overtime and therefore must be exchanged for 1½ hours off, the flexible schedule options require only a one-to-one exchange. Any employer looking at his bottom line will make the choice for the employees and the choice will be flextime over overtime or comptime. The obvious solution to this is to do what the House did and pass a comptime only bill, one that includes the protections for workers contained in the Baucus-Kerrey-Landrieu alternative.

S. 4 does not adequately protect employees' rights to choose comptime, to use it when they want and to be free from discrimination against employees who choose not to agree to take comptime or work flexible schedules. As written, S. 4 provides that an employee who requests the use of comptime off shall be permitted to use the time so long as it does not unduly disrupt the operations of the employer.

The alternative offered by my friends and colleagues, Senators BAUCUS, KERREY and LANDRIEU, would allow an employee to take banked comp after giving 2 weeks notice so long as it will not cause grievous injury to the employer, as well as for qualifying Family and Medical Leave Act purposes. It is important to remember that the banked hours are hours that the employee has earned. She should have control over when she uses them and the employer should have to meet a high standard for denying the request of employees to take the earned hours.

While S. 4 does not provide sufficient protection for vulnerable sectors of the economy such as garment and agricultural workers, the Baucus-Kerrey-Landrieu proposal does. It exempts part-time and garment industry workers, and provides the Secretary of Labor with authority to exempt other vulnerable categories of employees if she determines there is a pattern of violations of the act or to ensure that employees receive the compensation they have earned. These are important protections that should be included in any compensatory time bill we consider.

S. 4 allows too many comptime hours to be "banked" and does not sufficiently protect those hours in the event of bankruptcy. Senator BAUCUS' alternative allows 80 hours to be banked and does protect those hours in bankruptcy. It is interesting to note, that even the House-passed bill allows only 160 hours to be banked.

The Baucus-Kerrey-Landrieu also provides significant penalties for employers who violate it's provisions by discharging or otherwise discriminating against employees who choose not to take comptime in lieu of overtime.

Another important distinction between S. 4 and the Baucus-Kerrey-Landrieu alternative is that S. 4 does not sunset the provisions relating to either comp or flex time. Senator BAUCUS' proposal sunsets the provisions relating to compensatory time after 4 years and requires a Presidential commission to study the impact of the compensatory time provisions. Madam President, even the House comptime bill sunsets after 5 years. This is yet another reasonable and sensible change to S. 4 that we should adopt and that will go a long way toward making S. 4 a truly worker-friendly bill.

Briefly, with regard to flexible credit hours and flexible scheduling, I believe these provisions are simply unnecessary and will be harmful to workers if enacted. Employers currently have a wide range of options with regard to offering flexible scheduling options to employees within the context of the 40-hour workweek. Employees can, for example, work 4, 10-hour days and be allowed to take the fifth day off. What the flexible scheduling and flexible credit-hour provisions of this bill do instead is present employees with a Hobson choice; either take the flexible credit hour or flexible scheduling option or forgo the chance to earn overtime. Simply put, S. 4 does away with the 40-hour workweek without providing anything for employees except a smaller paycheck. Despite claims to the contrary about the support for the idea of flexible scheduling, I sincerely doubt that American workers want to give up the 40-hour workweek in exchange for a potential 80-hour workweek.

Madam President, I believe that many American workers could benefit from the option of choosing compensatory time in lieu of overtime pay. As many have said during debate on this measure, the workplace has changed significantly since enactment of the Fair Labor Standards Act. The American family has changed too. While many families might like to be able to take extra time to spend with their children or on other family matters, I don't believe that they would be willing to do so under the guise of S. 4.

As with many bills that come before the Senate, S. 4 embodies principles that both Democrats and Republicans can support. I hope that we will be able to do the right thing when it comes to S. 4 and limit the bill's scope to compensatory time and include the additional, needed protections for American families and workers.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Parliamentary inquiry. Am I correct that we have our 30 minutes and then the Senator from Missouri has the second 30 minutes? Usually under a cloture motion, the time is evenly divided.

The PRESIDING OFFICER. Under the agreement last night, the order was that the Senator from Massachusetts would have the first period of time followed by the Senator from Missouri.

Mr. KENNEDY. Madam President, I will yield myself the final minute and 45 seconds. How much time do I have?

The PRESIDING OFFICER. Two minutes and fifty seconds.

Mr. KENNEDY. I yield myself 2½ minutes.

Madam President, I want to just end up this debate by talking about women in our work force.

Madam President, 38 percent of hourly workers earning overtime pay are women; 11.6 million women work over 40 hours each week. This is 22 percent of all working women. Why do they work more than 40 hours a week? Because they need the overtime pay.

And 6.2 million women work over 48 hours a week each week. This is 12 percent of all working women. Why? Because they need the overtime. They need the pay.

And 3.6 million multiple job holders are women. This is 47 percent of all job holders. More women are getting second jobs. Why? Because they need the overtime pay.

And 1.8 million women hold two or more jobs and work over 44 hours each week. This is half of all women with two or more jobs. Why? Because they need the money.

The Ashcroft proposal abolishes the 40-hour week. Those women would not get the overtime because this bill abolishes the 40-hour week.

Under the Ashcroft proposal, the decision about whether employees will be able to take the time off is left to the employer. This is not the case under the Landrieu and Baucus and Kerrey bill, where the employee makes the decision. This is not the case under the Murray amendment, where the employee makes the decision whether to take a maximum of 24 hours over the course of the year. That amendment was defeated in our committee. Why? Because the employee makes the decision.

This bill is a pay reduction act for those women. That is why every women's organization that has fought for economic opportunity and progress for women—whether it be the minimum wage, the day-care program, pay equity, right across the board—every women's organization has condemned this bill because of what it would mean for working women.

Madam President, I hope that the cloture vote will fail. This bill does not deserve the support of this body. We have an alternative that will address those issues. And with the leadership of Senators LANDRIEU, BAUCUS, and KERREY, that is the way we should go.

I yield the balance of my time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I yield 4 minutes to the distinguished majority whip, Senator NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, if my colleagues from Massachusetts and Louisiana and Montana wish to offer a substitute, they can vote for cloture. We can consider their amendment. I am happy to vote on their amendment. If other Senators have different ideas, we would like to get to the bill. Yet, our colleagues on the other side, they say, "We've got amendments," but they do not let us vote on the amendments.

They want to filibuster. They want to talk. But they do not want to vote. We want to vote. We want to give all Americans the same rights that we give Federal employees.

If flextime is so bad, why don't my colleagues introduce a resolution or amendment to stop flextime for Federal employees? They can offer that as an amendment on this bill. Let us find out. Federal employees happen to like flextime. It works. It has not been abused. It is not employer-only. If my colleagues on the other side read the bill, it says "mutually agreeable." It does not say the employer has the sole decision or the employee has the sole decision. It says "mutually agreeable." That is in the bill.

It works for Federal employees. Why don't we make it available for everybody else in America? Because my colleagues on the other side of the aisle do not trust Americans? They do not trust businesspeople? They do not trust employees to be able to make this decision?

The bill allows people, if they try comptime and they do not like it and they accumulate some hours and they did not use it, they can cash out. The employer has to pay. That is not optional. If the employee wants out and says, "Hey, I don't like it. I want to go back to the old time where I can be paid overtime, be paid instead of comptime," they can be paid.

Our colleagues do not trust employees to be able to make that decision. They do not want to give them the choice to be able to say, "Wait a minute. I have something coming up next week. I would like to work an extra hour, maybe every night for 5 days so I can have Friday afternoon off with my kids." They do not trust American women and American men to be able to make that kind of decision.

They are saying they are going to deny that kind of decision. That is what they are doing by filibustering this bill. They are saying to all Americans, we think you should not be able to make that decision. We are going to preempt you from making that decision.

I think that is a serious mistake. They do not trust American citizens, employers and employees, to be able to work out what is mutually agreeable. They are not going to allow employees, women or men, to be able to work, say, 9 hours a day for 8 or 9 days, and be able to take off every other Friday.

Why won't they let them do that? Why don't we give Americans that opportunity to have that choice, have that option? We are not mandating it. We are trying to give them that option.

So I want to compliment my colleague from Missouri. I ask unanimous consent for an additional minute, or ask my colleague for an additional minute.

Mr. ASHCROFT. I yield the Senator 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. NICKLES. I want to compliment my colleague from the State of Missouri who has given great leadership on this issue to give all Americans the same choice and options that we give Federal employees. I cannot believe my colleagues on the other side will not allow us to go forward with this bill. They can filibuster it. They may kill it. They may kill the whole darn thing. But I think they ought to be ashamed. If they want to vote for the Baucus amendment, let us vote for cloture. The Baucus amendment would be in order. Let us vote on it.

Then for my colleague to say this is against working women, that is hogwash. Working Women magazine and Working Mother magazine both endorse this bill. This bill, particularly the flextime provision, is very positive for working women.

I compliment my colleague and urge all of my colleagues to vote for cloture so we can help the working men and women of this country.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri.

Mr. ASHCROFT. I yield 4 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 4 minutes.

Mr. DOMENICI. Madam President, I am pleased to co-sponsor the Family Friendly Workforce Act. I have always had a long-standing interest in helping workers balance the competing interests of work and family.

Ten years ago, I introduced the Federal Employee Leave Act of 1987. This act established a type of leave sharing in which employees could donate some of their annual leave to a coworker who faced a personal emergency, but who lacked sufficient leave to attend to the problem. The Leave Act was good for workers because it provided an innovative way for employees to balance work and family when faced with a serious or unexpected illness.

I now stand before you co-sponsoring another bill which will provide relief to American workers when it comes to balancing work and family. The Family Friendly Workplace Act is not only good for American workers, but it is particularly good for women and children.

This bill recognizes that the American workforce is changing—especially for women. The number of women in the workplace has increased. According to the Bureau of Labor Statistics, women now account for 46 percent of the labor force. Over 67 percent of women with children under the age of 6 are working. That is compared with only 10 percent of working women 50 years ago. Moreover, 81 percent of American women will be in the work force, by the year 2000.

While the numbers of women in the workplace have changed, one thing that has remained constant is the difficulty in balancing family and career. Ask any working parent, particularly mothers, and they will tell you that there are never enough hours in the day when it comes to the children. We all know the countless women who spend hours chauffeuring their children from one event to another. There are always school plays, baseball games, dance recitals, PTA meetings, Boy Scout and Girl Scout meetings, doctors visits, school field trips, dental appointments—all in need of a parent's company. This list does not even cover household errands like: Going grocery shopping, picking up the dry-cleaning, running to the pharmacy to get medicine for a sick child, or picking up the children from daycare.

It is about time for the American workplace to recognize the need for working parents to have flexibility in their work schedules. I think the 58.2 million working women of America want this too. I also think the millions of children currently in daycare deserve to spend more quality time with their mothers.

According to the U.S. Department of Labor, the No. 1 issue women want to bring to the President's attention is the difficulty of balancing work and family obligations. This is not surprising considering that since 1965, time spent with children has dropped 40 percent.

The Family Friendly Workplace Act is good for working mothers because it provides choice and flexibility. For women who work overtime, this bill would allow them to choose time-off or comptime instead of receiving pay for their overtime work. For example, an employee could accrue up to 240 hours of comptime which could be used to attend a child's soccer game or school play.

For the majority of women who do not work overtime, this bill provides for flextime in the form of biweekly work schedules and flexible credit hours. With biweekly work schedules, a mother could schedule 80 hours over a 2-week period in a way that would let her have every other Friday off to spend time with her children.

With flexible credit hours, a working mom could accumulate up to 50 hours of paid time-off. If her child gets sick, she could then use some of her banked hours to stay home and care for the child. The idea of flexible work schedules is what women want—81 percent of women support more flexible work schedules like those this legislation would make possible.

I support this bill because it is voluntary. Nothing in the bill requires employees to adjust their work schedules. Nothing in the bill requires employers to implement comptime or flexible hour programs. Instead, this legislation encourages employees and employers to work together. There are tough penalties in the bill to prevent employers from coercing or intimidating employees. An employer cannot force a worker to take comptime instead of paid overtime.

In listening to the debate on the floor, I am appalled by the opposition to this bill by the Democrats and the labor unions.

Labor unions of the United States have a problem with flextime. Frankly, if we end this debate with American women asking: What are the labor unions doing in this mess? Why are they interfering?—I am afraid, in the final analysis, the labor unions will find out they were working for the wrong cause.

I do not understand what is wrong with giving parents flexibility in the workplace to spend more quality time with their children. I also fail to see why my Democratic colleagues are against giving working women in the private sector the same luxury of work flexibility that women in the public sector have. Isn't it about time that the flexibility afforded to Federal employees for almost 20 years now be extended to the 80 million private sector employees in this country with this bill?

This bill is long overdue. It clearly makes it easier for the working mother to juggle the ever-challenging responsibilities of motherhood and work. I think it is high time for flexibility and fairness in the workplace. What is good enough for Federal employees is also good enough for private sector employees.

Madam President, these remarks are addressed to the Democrats on the other side of the aisle. It was not long ago that they took a great deal of pride in saying they were for family and medical leave. Everybody knows what family leave is. It is an effort to get businesses to give people time off when there is a family illness or when they need time off because something very serious has happened.

Frankly, family leave versus flextime is like an ant versus an elephant. Now, I do not know why I chose elephant, but in this case it is good, because the Republicans are for the real—real—family time.

Plain and simple, this bill modernizes the labor laws of America to meet the challenges of our day. There are no recessions. There is no depression. What we have is five times as many women working and raising children, and they need flexible time.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Missouri.

Mr. ASHCROFT. I yield 4 minutes to the Senator from Ohio.

Mr. DEWINE. Madam President, I thank my colleague from Missouri for the great job he has done.

In survey after survey, the American people endorse the ideas and the basic principles of this bill. More flexibility in the workplace, letting workers choose how they want to be compensated for overtime, letting workers decide what they need most—time with their family, time to study, time to relax; or time-and-a-half overtime pay to meet their financial obligations.

Madam President, an article in the Cincinnati Enquirer, I think, summarized it very well. "A little flexibility would be a godsend to good workers who also want to be good parents." The article went on to say, "It could benefit employers, too, who'd find it easier to recruit and retain productive workers."

President Clinton has stated, "We should pass a flextime law that allows employees to take overtime pay in money or in time off, depending on what is better for their family."

Clearly, what we have here are the makings of a national consensus. I believe it would be a terrible shame if we let this popular and this necessary legislation fall victim to partisan wrangling here on the Senate floor.

Madam President, this is a proworker bill. The bill requires that all participation be voluntary. Let me say it again—voluntary. All participation under this bill must be voluntary. If a worker does not want it, he or she can just say no. No punishment, no retribution, no consequence. Under no circumstances will participation be a condition of employment.

Further, Madam President, the bill has powerful anticoercion provisions in very strong penalty language for any employer who violates those provisions. I believe, Madam President, we have already established some level of cooperation in this bill. For example, during the markup, Senators KENNEDY and WELLSTONE were very concerned about the status of unused accrued comptime hours in the event of a bankruptcy—a legitimate concern. They wanted to create stronger protections for employees. In the spirit of compromise, I asked our distinguished colleague Senator GRASSLEY, whose Judiciary subcommittee has the proper jurisdiction and expertise on this issue, to draft legislation to deal with these concerns. Yesterday, Senator GRASSLEY came to the floor and offered his amendment to improve this bill. Unfortunately, regrettably, we have not yet been able to vote on Senator GRASSLEY's amendment.

Madam President, we should build on this bipartisan spirit of cooperation, the bipartisan spirit of that amendment, and work toward passage of this bill. I believe, Madam President, we need to put the focus on the needs of those workers. We should look at this issue from the perspective of the working people who are going to be directly affected. Let us pass a bipartisan response to their very legitimate concerns.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HAGEL. Madam President, I wish to add my thanks to my distinguished colleague from Missouri for his leadership on this bill.

I rise today in support of the Family Friendly Workplace Act. I will read a letter from a small businessperson, Gary Tharnish, in Lincoln, NE, dated April 30, 1997. I will read this because I think it does, in fact, cut directly to the essence of what this bill is about. As my distinguished colleague before me made very clear, this is a voluntary bill. This is not a mandate. This is about flexible work time for our men and women.

I will read this letter from Gary Tharnish, the owner of Burton's Flowers:

> DEAR SENATOR HAGEL: It is my understanding that S-4, "Compensatory Time" will soon come to the floor for a vote. I would like to urge you to vote in favor of

this bill. As a small business person my employees are begging me to offer them compensatory time. I explain to them I can not offer this. They do not understand the governments intrusion into their personal affairs. I would like to explain the situation an employee is in.

Elaine is a mother of 3 children. This day and age it is so important for a mother to be home when her children get out of school. In order to make ends meet Elaine needs to work. Her options are a full time job and children home alone, or part time work. I offer her and 2 other women a part time job from 9:00 to 3:00 so they can be home when their kids get home. However in the summer they are not able to work. They would love to take their overtime pay and use it at that time. At Valentines Day and Mother's Day they receive a lot of overtime. They would love to use their "time and a half" hours to receive pay during the summer.

Please, I am asking that you vote in favor of S-4. All Small Businesses and the thousands of constituents working for them will benefit.

Sincerely,

GARY J. THARNISH.

Madam President, this really does say it very effectively, very succinctly, and I think it encompasses what we are trying to do with this bill.

I ask my colleagues to spend some time in the remaining minutes that we have, reviewing their own constituencies, reviewing their own situations for their own workers in their States. I strongly urge cloture be invoked this afternoon and my colleagues vote in favor of the Family Friendly Workplace Act.

I yield the floor.

Mr. KYL. Madam President, the Senate once again has the opportunity to move beyond rhetoric and pass a bill that will really help working parents and their families.

This afternoon's cloture motion represents the second time those of us who support the Family Friendly Workplace Act, S. 4, have worked to invoke cloture—to move this issue to a vote. And yet, the minority has blocked consideration of this measure despite S. 4's wide public support and bipartisan support here and in the House.

The Family Friendly Workplace Act will help working parents balance the demands of having a family and holding down a job. Working parents, particularly women, are looking for more flexibility in their schedules and more time with their children. In fact, according to a recent Labor Department report, "the number one issue women want to bring to the President's attention is the difficulty of balancing work and family obligations." And, according to Lynn Hayes, author of "The Best Jobs in America for Parents," when working parents are asked what they desire most in a job, a majority answer "flexibility in scheduling." Similarly, according to a study commissioned a few years ago by Arizona's Salt River project of the Southwest region, a majority of parents with children under 13 are willing to trade salary increases for flexible time, leave, and dependent-care benefits.

There are other studies showing that Americans want flexibility in the workplace. In a work/family study conducted by Johnson & Johnson, for example, the company expected a need for child care to surface. Instead, "the big issue that popped out was that of all the things that we would do as a corporation in support of parents, the biggest factor was that they wanted a flexible work schedule." And Federal employees, who already have this flexibility, support it in large numbers.

As the parent of two children and grandparent of four, I have seen first hand how difficult it can be to effectively balance work and family responsibilities today. Parents are working just as hard or harder than ever before just to make ends meet without gaining additional time or money for their families. That's because our tax laws take too much of working parents' hard-earned dollars. It is also because our outdated labor laws make it impossible for many employees to work together with their employers to develop schedules that better respond to the demands of work and family.

The problem was highlighted in a recent Newsweek cover story on the problem parents and their children encounter when parents do not have enough time to spend with their children. In the article, Kevin Dwyer, assistant director of the National Association of School Psychologists, cites research showing that, when parents do not have enough time to spend with their children, it leads to kids being "more aggressive, more deviant and more oppositional."

That brings us back to why passage of S. 4, the Family Friendly Workplace Act, is so important. S. 4 will give millions of working parents, and in particular an estimated 28.8 million women paid by the hour in the private sector, the flexibility to better juggle their responsibilities both as parents and employees.

By updating the Fair Labor Standards Act of 1938, the Family Friendly Workplace Act will allow hourly wage workers and their employees to develop flexible work schedules. Under the FLSA, hourly workers in the private sector are not allowed to develop flexible work arrangements with their employers, even though public sector employees and salaried private sector employees can.

In fact, as noted, Federal employees have been allowed to participate in flexible scheduling programs since 1978. It has worked well, and fully three-quarters of these employees report more time for their families and higher morale. Eight out of ten Federal workers surveyed by the General Accounting Office are pleased with the flexible scheduling option and want the program continued.

The Family Friendly Workplace Act will extend such opportunities to the private sector by guaranteeing, upon agreement between employer and employee, specific flexible work options.

First, it will allow hourly wage employees and their employers together to choose whether the employee will be compensated with time-and-a-half pay or, compensatory time-and-a-half time. Some families need additional income; some families need more time to juggle the demands of parenthood. Whereas current law provides many working parents with the opportunity only for extra pay, S. 4 provides a choice between increased pay or time.

The Family Friendly Workplace Act also provides, if agreed to by both employer and employee, a way for employees to bank overtime hours (up to six weeks of paid time) so that, when needed, employees will have a way to take extended leave and still receive a paycheck. Allowing employees to bank overtime hours, and be paid for those hours, is preferable for most workers, since many employees cannot afford to take extended unpaid time off to take care of a sick child or other dependent.

Moreover, under S. 4, at the end of the year, employers must cash out by paying the employee for the unused accumulated hours. The employee must also be able to cash out his or her accumulated leave within 30 days.

S. 4 also allows employees to develop biweekly, or flextime schedules. For example, under current law an employer cannot allow an hourly wage employee to work 45 hours one week in exchange for 35 hours the next week so that the worker can attend, for example, a child's baseball game, a parent-teacher conference, or doctor's appointment. S. 4 will change this rigid interpretation of the FLSA. It will allow workers the ability to arrange biweekly work schedules—the employee could work any combination of 80 hours over two weeks, if agreed to by the employer. Someone could work a long week and then a short week to best fit the needs of his or her family.

As a safeguard against abuse, S. 4 requires that any flexible work arrangement or banked overtime hours be agreed upon by both the employer and the employee, without coercion. Collective bargaining agreements would remain unaffected, and revised work schedules could be worked into a collective bargaining agreement.

Madam President, the Family Friendly Workplace Act will update labor law to allow for increased flexibility in the workplace and to better reflect the needs of today's families. As we all know, today's parents are under a great deal of pressure—to provide for their children financially and provide the time needed to raise a healthy child, capable of contributing positively to society. We in Congress should respond by correcting the law, when possible and without mandate, to improve the ability of parents to provide for their children.

I urge my colleagues in the Senate to vote to invoke cloture, pass S. 4, and send it to the President for signature.

Mr. GORTON. Madam President, I would like to speak briefly about the amendment I have introduced to S. 4, the Family Friendly Workplace Act. This bill, in my estimation goes a long way toward giving Americans more flexibility in how they fulfill their responsibilities to work and their families. S. 4 provides working Americans an option which is already available to public sector employees, the ability to choose compensatory time off in lieu of cash overtime pay. Further, the bill assures private sector employees that their choice to take either compensatory time or overtime pay will be protected. The use of coercion, intimidation, or harassment to force a private sector employee to take either compensatory time or overtime pay as a condition of employment is expressly prohibited under this bill. My amendment simply extends those same assurances to public safety officers.

In my State of Washington, Jim Mattheis, president of the Washington State Council of Police and Sheriffs, reports that compensatory time is extremely popular with the families of working law enforcement. Access to compensatory time has increased the morale, efficiency, and safety of law enforcement officers. More importantly, compensatory time provides law enforcement families some much needed flexibility in work schedules which are exceptionally stressful.

Unfortunately, my law enforcement constituents in Washington State report that the experience in the public sector has demonstrated a need to ensure that employees are free to choose whether to work for overtime pay, to use their compensatory time within a reasonable amount of time once it is earned, or to preserve their comptime banks.

Police officers provide a tremendous service to our communities. They put their lives on the line each day to protect our families and our communities. Public safety officers deserve to have the simple assurance that their choice of compensatory time or cash overtime pay is preserved.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. May I inquire as to the time remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 15 seconds remaining.

Mr. ASHCROFT. I am grateful for this opportunity to speak in behalf of the Family Friendly Workplace Act. Unfortunately, so many statements about it this afternoon do not reflect the act. They may reflect some attacks on the act or what someone has said about the act, but the truth is this act is a totally voluntary way for employees to cooperate with their employers to provide more flextime, more time for people to spend with their families.

This is not some new potential that has never been tried anywhere. We began in 1978 in the Federal Government to offer these kinds of benefits to Government workers. They have been tried in the governmental setting during the 1970's, all through the 1980's, and now through most of the 1990's. I have been in the Senate for a couple years, almost 3 years now, and I have not had a single Federal worker come to me and say this is a terrible means for abusing workers. When you survey those workers, the General Accounting Office, which surveyed the workers, found out that at a 10–1 ratio those workers said this was a very important way to help them accommodate the needs of their families.

The Senator from Montana said if Federal Government workers get comptime, so should other workers. Well, Federal Government workers do get comptime and so should other workers. That is what this bill is about. But Federal Government workers get flextime and so should other workers. And that is what this bill is about.

Now, I appreciate the patience of Senators on this flextime cloture vote. This is not the way we intended for this to unfold. We have made an effort to reach out to those on the other side of the aisle. We have conferred with them about constructing some amendments because they have raised concerns. Now, when they raised concerns, we sort of thought it would be appropriate if they would bring amendments to the floor to address those concerns. As a matter of fact, no amendment from the Democratic side was offered for consideration—no amendment was offered for consideration.

So in an effort to address the concerns, we developed amendments that would meet those concerns that the Democrats had been raising. As soon as we developed those amendments—and there were a number of Senators, and Senator GRASSLEY has already been mentioned on a bankruptcy amendment, there were two amendments about worker choice between comptime and overtime pay, and also amendments about so-called discrimination so to make sure in spite of the fact that the language that is already in the bill that prohibits an employer from selecting a worker to do overtime work because he is one that would only take one kind of compensation or another, we wanted to prohibit that. We not only wanted to reflect their concerns, we were willing to bring our own amendments. There were probably seven or eight amendments yesterday ready to come to the floor to assuage the concerns raised on the Democratic side of the aisle. And what happened? Instead of addressing this bill, they chose to filibuster this bill and talk about other things.

I am at a loss, when they talk about the need for two-way cooperation. The Senator from Louisiana comes today. She says she comes to offer amendments and offer thoughts. Well, I got the thoughts part. But we have not had any amendments offered. There has been an opportunity to offer amendments. If you really want to offer amendments, we want them. I stood here on this floor Monday afternoon and pled for people to bring amendments, to come and let us consider them. I stood here yesterday afternoon and pled, "If you have amendments to this bill, please come and bring them. Let us correct any defects." And did they come? No.

Yet when we brought amendments to try and address the very problems that they mentioned, they filibustered. They talked about things much as they did today. With the 30 minutes allowed in the bill, the Democrats chose to spend most of the time talking about other things.

The truth of the matter is we have a tremendous opportunity to extend to the American workers some very important rights and benefits that are enjoyed by the boardroom folks, the salaried folks, the supervisors and managers of America, and all the Government workers of America have either comptime or comptime and flextime. In enactment after enactment on the floor of this Congress we have extended those rights both to local government workers, to State government workers, to Federal Government workers, and we have reinforced that, and the President has even extended those rights by Executive order. This morning, while I was at the White House for the signing of the IDEA law, the President pulled me aside and said, "JOHN, there is nothing more important we can do for American families—nothing more important than to provide flexible working arrangements for American families." We do want to cooperate. My intention to cooperate will not be extinguished no matter what happens today.

I think what we have here is a filibuster to kill flextime without real debate and without offering real changes. It is a search and destroy mission targeted at killing flextime, flextime that would help the men and women of America accommodate the competing needs of their families and their home place.

Madam President, 57 Senators who now sit in this body, and Vice President GORE, voted to extend flextime benefits to Federal employees in the last decade and they voted to extend them to State employees and they voted to do it without anywhere near the protections we have put in this bill. The protections simply were not there, and they say that employees cannot make a decision about when they can use their comptime—that simply does not reflect this bill. The bill says that an employee cannot be forced to use his or her comptime at anytime, so the employee makes the decision, and if the employee makes the decision to cash it in, the employee can get the money back. Right now, there are 60 million hourly workers who are waiting for an opportunity to have comptime and flextime benefits.

I challenge Senators to match their words with deeds and to vote to give millions of Americans the benefits that Federal workers have enjoyed since the 1970's. Today's cloture vote is far more than it may seem. Every vote against cloture is a vote to kill flextime for millions of working American families.

No one defends current law as adequate to meet the needs of today's family, especially President Clinton. As I mentioned before, this morning President Clinton expressed to me his belief that flexible work arrangements are the most important thing we can do for families. The President wants a bill he can sign.

I, again, challenge Senators to be serious, start negotiating and stop stalling.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to Calendar No. 32, S. 4, the Family Friendly Workplace Act of 1997:

Trent Lott, James M. Jeffords, Sam Brownback, Susan M. Collins, Fred Thompson, Gordon Smith, Judd Gregg, Jesse Helms, John Ashcroft, Jon Kyl, Paul Coverdell, William V. Roth, Jr., Conrad R. Burns, Richard G. Lugar, Phil Gramm, Bob Smith.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 4, the Family Friendly Workplace Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

I further announce that, if present and voting, the Senator from Vermont [Mr. JEFFORDS] would vote "yea."

Mr. FORD. I announce that the Senator from Rhode Island [Mr. REED] is necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. REED] would vote "no."

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Jeffords
Reed

The PRESIDING OFFICER (Mr. STEVENS). On this vote, the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, June 5, and that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted.

Mr. DASCHLE. Mr. President, I object.

Mr. LOTT. I move that the Senate stand in adjournment, and I ask for the yeas and nays.

Mr. DASCHLE. I note the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Baucus
Biden
Boxer
Breaux
Campbell
Cleland
Conrad
Daschle
Dorgan
Feingold
Feinstein
Ford
Frist
Glenn
Johnson
Kennedy
Kerry
Landrieu
Levin
Lott
Mikulski
Moseley-Braun
Murray
Reid
Rockefeller
Sarbanes
Specter
Stevens
Wellstone
Wyden

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move the Senate stand adjourned. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] and the Senator from New Mexico [Mr. DOMENICI] are necessarily absent.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. REED] is necessarily absent.

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—3

Domenici
Jeffords
Reed

The motion was agreed to.

ADJOURNMENT

The PRESIDING OFFICER. This vote demonstrates a quorum is present and the Senate stands in adjournment until 12 noon, June 5, 1997.

Thereupon, the Senate, at 4:51 p.m, adjourned until Thursday, June 5, 1997, at 12 noon.

HOUSE OF REPRESENTATIVES—*Wednesday, June 4, 1997*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. HOBSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 4, 1997.

I hereby designate the Honorable DAVID L. HOBSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we observe our communities and world, O God, we see all the contrasts that reflect the good and the profane, the generous and the outrageous, the acts of charity and the feelings of enmity. We pray, gracious God, that whatever our situation, whatever our responsibility, whatever our opportunity, we will rely on Your providence to show us the way of mercy and of justice. As we cannot control all the events that touch our lives, yet we can rely on those gifts of grace that You freely give to us, those blessings that sustain us and give us hope for each new day. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] come forward and lead the House in the Pledge of Allegiance.

Ms. CHRISTIAN-GREEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A COMMONSENSE PROPOSAL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, during the 104th Congress, after the conflict over the Balanced Budget Act of 1995, the President came down to this very Chamber to plead, to beg, that we never, never, ever shut down the Government again.

Well, apparently there has been another change of heart over at the White House. Apparently the White House actually sees value in shutting down the Government. They believe this so passionately that they are willing to block disaster relief for flood victims in the Dakotas and Minnesota.

The Gekas-Wynn provision would maintain 100 percent of 1997 funding levels for the Government programs in the event that the President and Congress could not agree on appropriations bills.

But somehow, incredibly, the President is rejecting this commonsense proposal. Why? Would the President really block disaster funding in order to shut down the Government? Apparently the answer to that question is yes.

PETITIONS AGAINST ANTI-IMMIGRANT WELFARE LAW

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, some distinguished visitors are seated in the House gallery today. More than 100 Jews from the former Soviet Union, many of whom helped fight with America against fascism in the 1940's and crushed communism in the 1990's.

It is an honor to welcome them here and to speak on their behalf.

In addition to those 100 people, I also speak on behalf of 100,000 other Americans who are not here with us today but whose names are here on these petitions.

Yes, 100,000 Americans have signed these petitions to protest the harsh punitive welfare law that will exact a terrible toll on legal immigrants, the elderly, the disabled, and vulnerable immigrants. There are 100,000 people calling on Congress and the White House to restore benefits to legal immigrants, to restore fairness to the welfare debate, to restore compassion to our Nation's policy, and to restore America's heritage as a nation that welcomes and protects legal immigrants who seek a better life and seek to make America a better place. These are 100,000 Americans who will continue to fight this Congress and the White House until justice is done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the gentleman not to refer to persons in the gallery.

NUCLEAR WASTE DISPOSAL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, think about what $2.3 billion would buy today. If the American people knew what Congress was planning to do with this large sum of money, they would be appalled. Does anyone here honestly think the American people would choose to spend this money to transport nuclear waste through their States, their communities, their towns and their backyards? I do not think so. Yet this is exactly what H.R. 1270, the Nuclear Waste Policy Act of 1997 will do.

Today, schools need more teachers, communities need more police, veterans need a cost-of-living adjustment, and the hard-working men and women of this country need a tax break. Why then, Mr. Speaker, do some in this body contend that the $2.3 billion should be used to subsidize nuclear powerplants? It is an unfair, unfunded mandate.

H.R. 1270 seeks to create an interim storage facility at Yucca Mountain, Nevada, to temporarily store nuclear waste. Why endanger Americans when it is infinitely safer and seven times cheaper to keep this waste on site?

THE 101st BIRTHDAY OF ELENA E.L. CHRISTIAN

(Ms. CHRISTIAN-GREEN asked and was given permission to address the House for 1 minute.)

Ms. CHRISTIAN-GREEN. Mr. Speaker, today I rise to say congratulations and happy birthday to Elena E.L. Christian, who is 101 years old today and who happens to be my grandmother.

This great lady is a native of the island of St. Kitts. At about 3 years old, she traveled with her mother and siblings to the island of St. Croix, then one of the islands of the Danish West Indies.

Fifteen years later, she witnessed the lowering of the Danish flag and the raising of the American Stars and Stripes as we became the United States Virgin Islands and she later, an American citizen.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

She has given her long life in service to the education of our children and to the St. Johns Anglican Church. She continues to be a role model for all of us who, while we might not attain her age, we can still aspire to her level of commitment and achievement.

Happy birthday, Grandma.

A MESSAGE TO THE MIDDLE CLASS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I have a message for all of those in the middle class out there: Every time you hear the liberals attacking tax cuts as tax cuts for the wealthy, hold onto your wallets. Because when liberals talk about tax cuts for the wealthy, they are really talking about you, the middle class.

That is right, Mr. Speaker. Tax cuts for the wealthy are code words for tax cuts for the middle class, and the big-government crowd will have none of that.

Yes, Mr. Speaker, it is the same big-government crowd that acts as if they are doing you a favor by letting you keep what is already yours. Of course, they do not really think you are entitled to keep the fruits of your labor. The only thing the big-government crowd thinks that you are entitled to is the fruits of other people's labor.

Surprise, surprise, the politicians are the ones who get to decide what to take and what special interest groups to give it to.

Let us give the middle class a tax break and stop Washington from wasting so much of middle-class taxpayers money.

THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS, in denying the 1996 tax return and refund to Pamela Damon, said, Pamela Damon, you are dead. You have been dead for 26 years. Now, if that is not enough to bury your 1040, Pam went to the Social Security Administration. They called the IRS and they said, Pam is here in our office, she is alive. They said, Pam's presence is not enough. She is dead as far as the IRS is concerned.

Beam me up, Mr. Speaker.

I recommend that Congress do two things. No. 1, hire a proctologist to perform brain scans on all those morticians at the IRS. And No. 2, pass H.R. 367, that simply transfers the burden of proof to the IRS.

Unbelievable. Pam Damon is alive.

ON SCHOOL CHOICE

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I wonder if the gentlewoman from the Virgin Islands would be willing to let me also join her in wishing a happy birthday to her grandmother. And may she have 101 more happy birthdays.

Mr. Speaker, I believe that every single person alive in the world, but especially in this great country, should have as much personal freedom and liberty as their acceptance of personal responsibility will allow. And I have found that, for most persons, we will find them never so willing to accept personal responsibility and the expectations of the rewards of the accompanied freedom as they are when it comes to the education of their children.

That is why I am introducing today on behalf of all the parents of Washington, DC, who have so thoroughly expressed their desire for more freedom of choice in the selection of schools for their children, a bill that would enable even the most poor of those parents to select the school that they think is best for their children through the use of a system of opportunity scholarships for those children.

Yesterday I had the opportunity to visit Holy Redeemer School, a private school where children are educated because their parents have found the way to get them included in a better alternative. Mr. Speaker, I saw happy, healthy, young people who love their school and who love to learn.

Mr. Speaker, almost without exception, their favorite courses were math and science. We could not have academic curriculum too rigorous for these children to enjoy when they got to go to the school of their choice. We have 800 children in Washington, DC, today who sit idly in a waiting line, hoping for that opportunity, that hope encouraged by loving parents. We ought to help them. We have the bill to do so.

WORKFARE PROVISIONS OF WELFARE REFORM

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute.)

Mrs. MEEK of Florida. Mr. Speaker, I rise to bring attention to the workfare provisions of the welfare reform. Welfare recipients who must work for their benefits under the new welfare reform law must be protected by existing Federal labor laws.

When the welfare reform bill was passed, Congress gave very little guidance to the States for determining how they would apply existing employment laws to welfare recipients. As a result of it, many States are going off the handle trying to determine how they are going to work with the labor laws. We never said that, the Congress never said that the Fair Labor Standards Act, including minimum wage provisions, applied to welfare recipients. Welfare recipients in work programs should indeed earn the minimum wage.

There are some people, Mr. Speaker, who want to overturn that decision. They think it is OK for people who are on welfare to make less than the minimum wage. I say to this Congress that people who are on welfare and going into work deserve the minimum wage. Welfare recipients deserve the dignity of equal treatment with their fellow workers. The minimum wage does that. They are entitled to the protections of the wage and hour laws. They are not second class citizens. Minimum wages are not inflated wages. They are decent wages, Mr. Speaker.

□ 1215

COMMEMORATING THE 100TH ANNIVERSARY OF THE FOREST SERVICE ORGANIC ACT OF 1897

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, today is the 100th anniversary of the national forests. Since the creation of the forest reserves in 1891 and the Organic Administration Act in June of 1897, we have put more than 190 million acres into the forest system. These lands hold a wealth of resources and are managed by the most sophisticated forest practices and the most strenuous environmental laws in the world. While there are many management successes, there are also urgent problems.

Last week I flew, with two of my colleagues, over 600,000 acres of the Boise National Forest destroyed by fires in the past 5 years. This scenario has been repeated in other forests, and scientists predict that it will occur again and again if we do not act now.

All past and present Forest Service chiefs have advocated active management of our national forests. We must now provide the professional scientists and foresters with the ability to properly manage these lands in order to have a forest legacy left to our granchildren.

SUPPORT THE COMMANDO FUNDING

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to illustrate the grave implications which resulted from the untimely failure of Congress to approve the supplemental appropriations bill.

Included in the supplemental is $20 million in payments to former South Vietnamese commandos who were trained by and worked for the U.S. Government during the Vietnam war. The Pentagon failed to carry out the will of the 104th Congress to compensate these brave men for their service to this Nation, especially for their time in captivity.

Tragically, the Pentagon delayed and four commandos perished in the last year. Now, while this body recessed and failed to pass the supplemental appropriations bill, a fifth commando has also perished.

Duong Lang Sang was captured in 1966 by the North Vietnamese Government while working for the United States. After 16 years in hard labor as a prisoner of war he was finally released in 1982 After his release he suffered many illnesses arising from his torture.

Two weeks ago, Mr. Sang passed away in Chicago as a result of those injuries. He has left behind a widow and two school-aged children. Please join me in asserting that we pass the supplemental appropriations bill so that these soldiers would not have died in vain.

PRESIDENT SHOULD SUPPORT GEKAS-WYNN GOVERNMENT SHUTDOWN PREVENTION PROVISION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, a couple of weeks ago, when Congress passed the historic balanced budget agreement by a vote of 333, it set forth a very good tone for Congress and the White House and the Senate to work together to move us toward a balanced budget by the year 2002. And although this resolution is very important, it is only the first step. There will be a lot of skirmishes down the road over taxes, education, Medicare, health care in general, and so forth like that.

One of the things that the Republicans have done, however, to make sure this does not lead us to a gridlock and a Government shutdown is that we have passed the Gekas-Wynn Government shutdown prevention provision. What that says is that if Congress and the President have not agreed on a balanced budget or the appropriations bills by September 30, then the Government would continue at 100 percent of the 1997 funding level and that would prevent a shutdown.

Now, for some reason the President is against this. I hope that he will change his mind and support this so that we will not have the Government shutdown as we did last year.

TRIBUTE TO LT. LEILANI SALAMASINA STROKIN

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, it is not very often that I appear before my colleagues in the well, but today I want to offer a special tribute to a young lady, a great American, with a proud Samoan heritage who just graduated from West Point. While it may be a common occurrence among my colleagues to witness a countless source of our Nation's finest young men and women who are nominated and accepted every year to attend our military academies, it is a very rare occasion for me to celebrate such an event among Samoan Americans, especially when there are only about 150,000 of us throughout the United States.

First, my sincere thanks to the gentlewoman from Florida [Ms. ROS-LEHTINEN], who after evaluating Salamasina Strokin's application, nominated her 4 years ago to attend West Point. Salamasina's father is a retired military officer himself from Florida, but her mother, Sina, is Samoan, and this is what makes this story special, Mr. Speaker.

Salamasina's mother passed away last year and it was her dream to see that her daughter graduated from West Point. Nevertheless, Salamasina kept on going because she knew her mother would not want her to quit now regardless of what happened. To my knowledge, Mr. Speaker, I believe Salamasina Strokin is the only Samoan American who has graduated from West Point, and I pay this special tribute to her late mother, her father, her relatives, and her friends.

This is certainly a proud moment for our Samoan community, and I give all my best to 2d Lt. Leilani Salamasina Strokin.

GOOD NEWS: CONGRESS TAKES IN AN EXTRA $100 BILLION AND SPENDS LESS THAN PREDICTED

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I think all of us in business know that good news does not necessarily make news and bad news is always on the front page. But I think there is some good news, especially with respect to the budget, and the interesting thing is not only do most Americans not know this, frankly, I do not think most Members of Congress know this.

Back in June 1995, when this House passed its budget resolution, we said that we would spend in fiscal year 1997 $1624 billion and that we would take in, in revenue, about $1,451 billion. Well, that is what we said in June 1995. Let us talk about what really has happened.

In fiscal year 1997 we are going to spend $1,622 billion. In other words, Mr. Speaker, this Congress is going to spend less money in fiscal year 1997 than we said we were going to spend just 2 years ago. And the even better news is, because the economy has been stronger and interest rates have been lower, we have taken in an additional $100 billion.

Now, when is the last time that Congress took in an extra $100 billion and actually spent less than they said they were going to spend? I think that is great news for the economy, I think it is great news for the American people but, most important, I think it is great news for our children.

CONGRESS FORMULATES THE UNEQUAL WORKERS POLICY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I cannot believe that in America we would formulate the unequal workers policy. That is what this House, the Republicans, are beginning to do.

Just this week the Washington Post reports that Congress plans to revisit minimum wage requirements for recipients in public service jobs. Can my colleagues believe it? We argued vigorously on the floor that people should take responsibility for themselves, they should go to work, get off welfare. And yet we want to pay those individuals who get off welfare less than a minimum wage.

There is not an American in America who disagrees that for work, good work, equal work, equal pay, minimum wage. The Lutheran Services in America organization spends $2.8 billion serving 2 million needy people in over 3,000 locations. They know what poverty is all about. They know what serving the poor is all about. And they want them to be paid minimum wage.

They also know the dignity of being a human being, someone who has pulled themselves up by the boot straps, a welfare mother transitioning from welfare to work. And then we want to denigrate and deny her humanity and pay her below the minimum wage. What a disgrace.

Congress, get in the real world and pay the minimum wage for all working Americans.

CONGRESS SHOULD PASS MEANINGFUL COMPREHENSIVE CAMPAIGN FINANCE REFORM LEGISLATION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, in his State of the Union Address, President Clinton called on the Congress to pass campaign finance reform by July 4 this year. But today, exactly 1 month before the deadline, the majority leadership still has not acted.

Mr. Speaker, on July 4, 1776, the American colonists declared their independence from England's tyranny. It is time now for Congress to declare independence from the tyranny of big money and special interests.

Mr. Speaker, we have 30 days left to prepare for this day. Let us hold hearings, let us write meaningful legislation and pass comprehensive campaign finance reform. Let us truly light a firecracker for democracy on this July 4.

CONGRESS MUST CONSIDER HONG KONG AS IT DEBATES MFN FOR CHINA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the House has begun this very important debate on whether or not we are going to grant most-favored-nation trading status to the People's Republic of China. The question that we have to ask ourselves is where do the 5.5 million freedom loving people of Hong Kong stand on this. Because, frankly, if one is in Hong Kong, this is much more than simply a debating exercise.

Hong Kong is a beacon of hope and prosperity and freedom to Asia. As it is transferred to Chinese control in just a couple of weeks, the five and a half million residents face an uncertain future. We have a moral obligation to consider them as we debate MFN.

One unquestionable fact, Mr. Speaker, regarding this MFN debate is that Hong Kong adamantly opposes the United States' cutting off trade with China. Maintaining MFN bolsters Hong Kong's economic value to China, reinforcing their claim to separate treatment. Maintaining trade will also calm the economic concerns of the Hong Kong people at a time when they are worried about their political freedoms.

Chris Patton said it best, "For the people of Hong Kong there is no comfort to the proposition that if China reduces their freedoms, their jobs will go to the United States."

GOP LEADERSHIP MUST NOT DELAY ONE MINUTE LONGER IN PASSING SUPPLEMENTAL EMERGENCY APPROPRIATIONS BILL

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, it was January when the Governors of three Midwestern States, North Dakota, South Dakota, and Minnesota, declared natural disasters in their States because of heavy snow. Residents of these States first faced the deadly dangers of terrible snowstorms and then tragically lost their homes and possessions to the ensuing floods.

It has been months of pain and suffering for these people in these States and their leadership, who have turned to the Federal Government for the assistance promised in our programs of emergency relief. There remain more than 5,000 citizens who are homeless, without relief, who need financial assistance now.

Why does the GOP leadership continue to play games with the supplemental emergency appropriations bill for even one minute? Apparently, the Republican leadership does not care about these folks. Democrats do care. We support a clean emergency appropriations bill.

To my Republican friends I say let us pass a supplemental emergency appropriations bill without the controversial nonemergency provisions. Let us pass a clean emergency appropriations bill today.

CONGRESS MUST PASS MEANINGFUL CAMPAIGN FINANCE REFORM OR BE EMBARRASSED TO FACE VOTERS IN 1998

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, the 1996 elections involved more money, more TV ads, and more players than ever before. Not just candidates, but political parties and outside groups saturated the airwaves with political ads. What was the result? The lowest turnout in over 70 years.

□ 1230

We know that 90 percent of the public wants fundamental campaign finance reform. We need to get big money out of campaigns. We need more accurate reporting, more accountability and more restrictions on campaign expenditures.

Loopholes have become highways for moving campaign funds. Outside groups participate in elections without adequate disclosure of their identities or their interests. The gentleman from Arkansas [Mr. HUTCHINSON] and I cochair a bipartisan freshman task force trying to find common ground on this issue. I hope and believe we will come to a conclusion during this month. Then we must pass meaningful campaign finance reform or be embarrassed to face the voters in the 1998 elections.

THE MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1997

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the explosion of finance crimes, money laundering, credit card fraud and counterfeiting is draining our communities of valuable resources.

For that reason, I introduced H.R. 1756, the Money Laundering and Financial Crimes Strategy Act. Under this bill Federal, State, and local law enforcement agencies will at last be able to coordinate their efforts to combat this rising criminal tide.

The effect of this criminal activity is chilling. In my district there is a section of Roosevelt Avenue in Jackson Heights, Queens, that prosecutors and investigators call Ground Zero. That neighborhood is home to many hardworking families. It is also an area where an exploited wire transfer industry sends up to $1.3 billion in illegal drug money abroad.

My colleagues, the effects of these crimes reach far beyond New York, Texas, California. Yet Congress has done little. As a partner in this war, it is time for Congress to send a clear message to these criminal organizations by cosponsoring H.R. 1756.

PASS A CLEAN DISASTER RELIEF BILL NOW

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, Americans are generous, compassionate, giving people. When disaster strikes, they respond by pitching in to do whatever is necessary to save lives and to reduce suffering. I saw this in my southern Ohio district as recent flood waters created disasters in 12 of my 14 counties. I was inspired by their efforts, proud to be their representative.

Tragically, this Congress has not followed the model set forth by those who have actually suffered these natural disasters in Ohio, West Virginia, Kentucky, North Dakota and other States and communities throughout this great Nation. It is almost beyond belief that we were sent home for a week's recess rather than staying here to pass the disaster relief bill. It is past time we stop playing games.

I call upon the Republican leadership of this House to remove the superfluous provisions from the disaster relief bill so that the people can get the help they need. This House needs mature, responsible leadership. The American people and the disaster victims deserve nothing less.

COMMEMORATING EIGHTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

(Ms. PELOSI asked and was given permission to address the House for 1 minute.

Ms. PELOSI. Mr. Speaker, today we remember the victims of the Tiananmen Square massacre and those brave souls who so valiantly fought for human rights in China.

Eight years ago today the world was shocked to witness the brutal suppression of individual freedom and liberty in Tiananmen Square. A massacre which is still not acknowledged by the authoritarian leaders of China seared their memory. The images of that massacre are imprinted on our consciousness. Who can forget the image of the lone man before the tank?

We must not forget those who lost their lives for the cause of freedom. We must not forget those still imprisoned who have lost their liberty in pursuit of this basic human right. It is said that the most excruciating form of punishment that captors can inflict on their political prisoners is to tell them that no one remembers or cares about them or their cause, that they are forgotten. Every time we raise our voices, we give strength to the brave men and women, we keep hope and freedom alive.

The spirit of Tiananmen Square lives on. We remember the martyrs of the spring of 1989. We remember the advocates of democracy who languish in China's prison and labor camps. We remember Wei Jingsheng. We remember the lone man before the tank.

We are here today to show the world that the seeds of democracy sown in 1989 are still alive and that they will inevitably burst forth in a full flowering. One day soon, the goddess of democracy will reign again in Tiananmen Square. But today we must all say to the rulers in Beijing, we shall never forget.

RELIEF FOR DISASTER VICTIMS

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, in Maine we have had floods and disasters, and this Government has responded very appropriately and very expeditiously. At a time now where the Dakotas and Minnesotas have been in disaster and declared disasters, Congress has been struggling in order to get adequate relief to the people left homeless and the thousands of people left without answers.

The very basic function of our Government is to be there for people in these very dark hours. I think it is totally irresponsible on the part of this Congress to have recessed while this job was not done. Paving roads on public lands, automatic continuing resolutions, and samplings of census and other extraneous material should not be added to this emergency appropriation.

There are thousands of people who are left homeless. There are many thousands of individuals and businesses that are looking for answers. Our Government should be there at this time, and we should not clutter it with unnecessary, unrelated extraneous materials. What we need is a clean supplemental appropriation measure and we need to pass it as soon as possible.

PROVIDING FOR CONSIDERATION OF H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND H.R. 1758, EUROPEAN SECURITY ACT OF 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 159 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 159

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confirmed to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After the general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. Each title of the bill shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered on the bill and amendments thereto of final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of H.R. 1757 it shall be in order to consider in the House the bill (H.R. 1758) to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with the United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes. The bill shall be debatable for one hour equally divided and controlled by the Chairman and ranking minority member of the Committee on International Relations. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 3. (a) In the engrossment of H.R. 1757, the Clerk shall—

(1) await the disposition of H.R. 1758 pursuant to section 2 of this resolution;

(2) add the text of H.R. 1758, as passed by the House, as new matter at the end of H.R. 1757;

(3) conform the title of H.R. 1757 to reflect the addition of the text of H.R. 1758 to the engrossment;

(4) assign appropriate designations to titles within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 1758 to the engrossment of H.R. 1757, H.R. 1758 shall be laid on the table.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H.R. 159 provides for the consideration of two bills dealing with foreign policy reform. The first bill, H.R. 1757, the Foreign Relations Authorization Act, fiscal years 1998 and 1999, is to be considered under an open rule providing for 1 hour of general debate, equally divided and controlled between the chairman and ranking member of the Committee on International Relations.

The rule further provides for consideration of the bill for amendment under the 5-minute rule, considering the bill by title rather than by section, and each title shall be considered as read. Also, under this open rule, in which any Member will be free to offer germane amendments, the chairman of the Committee of the Whole is allowed to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

In addition, this portion of the rule provides for one motion to recommit H.R. 1757, with or without instructions. The rule also provides, in section 2, Mr. Speaker, for consideration by the House of a second bill, H.R. 1758, the European Security Act of 1997, under a closed rule providing for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. Further, the rule provides for one motion to recommit H.R. 1758.

Finally, section 3 of the rule provides that in the engrossment of H.R. 1757, the Clerk shall await the disposition of

H.R. 1758, pursuant to section 2 of the rule; the Clerk shall add the text of H.R. 1758, as passed by the House, as a new matter at the end of H.R. 1757; and make conforming and designation changes to the titles within engrossment.

Lastly, the rule provides that upon the addition of the text of H.R. 1758 to the engrossment of H.R. 1757, H.R. 1758 shall be laid on the table.

I would like to note that this rule is the best compromise available for dealing with the myriad of issues that are before us in foreign policy reform legislation in an orderly fashion. Our committee heard testimony from over two dozen Members on a variety of subjects, with a wide range of views, and their testimony was not in vain.

The State Department portion of H.R. 1486 is essentially H.R. 1757, the first bill provided for in this rule. The rule will enable any Member wishing to amend the reauthorization of the State Department the ability to do so under an open rule amending process. H.R. 1758 is essentially the amendment filed with the Committee on Rules back on May 13, when the committee announced that Members should submit amendments for a possible structured rule. Chairman GILMAN filed this language, which was amendment No. 85, which concerns NATO expansion, a critically important piece of legislation. Just as in the amendment filed by Chairman GILMAN, the bill is entitled the "European Security Act of 1997."

As for the portions of H.R. 1486 dealing with the remaining foreign policy issues, for which we also heard testimony on Tuesday, the Committee on Rules will meet in the near future to mark up and grant a rule to consider those important matters.

This rule, Mr. Speaker, is not without precedent. In the 103d Congress, the Committee on Rules split the issue and considered a State Department bill and a foreign aid bill, given the complex nature of the issues and the difficulty in passing these proposals. This was done under Chairman HAMILTON, and both bills were considered under a structured rule.

I look forward to a vigorous debate on these bills and fully support the rule that makes them both possible. The State Department authorization bill, Mr. Speaker, contains very important reforms. It includes reporting requirements for title 4 under the Cuban Liberty and Democratic Solidarity Act. It makes sure that enforcement is actually carried out on that very important piece of legislation. It also has provisions to make extraordinarily difficult assistance for completion by the Cuban dictator of the nuclear powerplants that he is trying to complete in obvious contravention in the national security interests of the United States.

Obviously, the European Security Act of 1997 is also extraordinarily important, and I think that it is very, very appropriate that Congress is moving forward at this point on that very, very important and delicate piece of legislation. I would urge adoption of H.R. 159.

Mr. Speaker, I reserve the balance of my time.

□ 1245

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding me this time.

Mr. Speaker, a funny thing happened in the Committee on Rules last night. For 3½ hours we took testimony on H.R. 1486, the Foreign Policy Reform Act. This reauthorized the State Department and related agencies. It also reauthorized foreign aid programs.

We heard from 29 witnesses which sparked serious discussion among the committee members. After all, the committee had announced that only a limited number of amendments would be made in order, and Members came ready to argue and debate their case.

But at 8:30 last night, at the conclusion of the hearing, H.R. 1486, the Foreign Policy Reform Act, disappeared. Instead, plopped on our desk was H.R. 1757, which is the Foreign Relations Authorization Act, which is a 185-page bill fresh from the printer, never before seen by anyone in the room. This, we were told, reauthorized the State Department and related agencies and might have included language similar to the original bill.

We also received fresh copies of H.R. 1758, which is the European Security Act of 1997, which contained the text of one of the previously submitted amendments to the Foreign Policy Reform Act, and the Committee on Rules had heard perhaps several seconds, maybe a minute or two of testimony on that amendment earlier in the day. But this also was a 16-page bill.

The Committee on Rules proceeded to vote on a rule making the two new bills in order.

I offered an amendment so that the House could bring up H.R. 1486, the Foreign Policy Reform Act, under an open rule. This is the bill we heard for 3½ hours. This is the bill that 29 witnesses testified on. This was the bill that we all expected to come to the floor today.

But on a straight party line record vote, the Republican majority defeated this amendment. Instead, they rammed through this bizarre process allowing a mystery bill and one amendment to move forward as two separate bills, one of them under a closed rule.

The vote on the rule was also approved on a party line record vote with the Democrats opposed. The foreign aid section of the original bill was gone, vanished. Maybe it was put on a shelf someplace or left in a desk. Most of the witnesses during the hearing had testified on the foreign aid section of the bill, and most of the 120 amendments submitted to the Committee on Rules amended that section.

I am not saying that the members of the Committee on Rules wasted our time taking testimony yesterday on a bill that had already been thrown out, nor am I saying that the 29 Members who testified wasted their time at a sham hearing. It is possible that a foreign aid authorization bill will at some point in this session come forward out of limbo and appear before the House. Then we will have not wasted our time. But I would not say that we should hold our breath.

Is it not ironic that this bill in which we authorize agencies that promote democracy is handled in such an undemocratic manner? This kind of procedure is unfair to the members of the Committee on Rules, it is unfair to the Members who testified, it is unfair to all House Members who are confronted with a new bill and have only hours to read it and prepare new amendments. Furthermore, it undermines the credibility of the Committee on Rules and the committee system.

If the Committee on Rules is going to report out bills that we have never seen, we do not need a Committee on Rules. Perhaps instead we should appoint a search committee to find what happened to the Foreign Policy Reform Act, and maybe some of the House Members who testified yesterday would like to serve on such a committee.

Mr. Speaker, I do not know whether H.R. 1757 is a good bill or not. It is pretty hard to absorb a 185-page bill overnight. But I do know that the process is not good. I urge my colleagues to vote "no" on the previous question.

Mr. Speaker, this vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

It is a vote about what the House should be debating. The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

I include the following material in the RECORD at this point:

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

> Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

> Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I appreciate the gentleman yielding me this time.

Mr. Speaker, I am surprised to hear and I am sorry to hear my good friend, the gentleman from Ohio [Mr. HALL], a member of the Committee on Rules, characterize this procedure as undemocratic. I want to just remind the gentleman of a pledge that I made on this floor on opening day 3 years ago, and that was that this Committee on Rules would be at least as fair and try to be more fair to the Democrats than we Republicans were treated when they were in the majority. We have tried to live up to that.

This procedure here today is almost an identical procedure that was used during the last years of the Democratic majority on this floor. Let me explain what has happened here. We had before us a combination bill, the State Department Authorization and Reorganization Act coupled with the foreign aid bill. That is the bill that came before the Committee on Rules.

It was obvious from the fact that 120 amendments were filed with the committee, 105 of them in opposition to the position taken on the foreign aid bill, and only 15 to the other section, the State Department bill, that this measure would never pass the House and would go down to defeat, and we would never have an opportunity to even discuss the State Department authorization portion of the bill or the European Security Act, which is a terribly, terribly important piece of legislation that we must give to the President of the United States in order to give him the strength to deal with our other NATO allies in opening the door to NATO expansion.

Therefore, it was the wisdom of the Committee on Rules that we would strip out the foreign aid bill, leaving it there for a future action by the Committee on Rules. In the meantime, all of the witnesses have appeared, they have testified on behalf of their amendments. They do not have to do this over again. When we are ready to put the foreign aid bill on the floor, all of those amendments will be considered in consultation with the Democrats and will appear on the floor of this House.

In the meantime, we now have an open rule on this floor right now so that any Member offering amendments and testifying yesterday will be able to offer those amendments today, including other amendments that they did not even file with the Committee on Rules. That is much more fair than what happened in 1993.

There is another portion to the rule which brings a bill to the floor that was an amendment to the measure pending before the Committee on Rules, and that was an amendment by the gentleman from New York [Mr. GILMAN], which was the European Security Act.

In order to make sure that this is going to be a part of the bill that is sent to the Senate where we have opposition by, and I am not supposed to mention Members of the other body, but Senator KENNEDY, who absolutely opposes any kind of NATO expansion, the only way we can guarantee that we will give the President the opportunity to receive this European Security Act is to attach it to this bill. That is what we are going to do. We are going to have an up-or-down vote on the European Security Act.

Let me just briefly tell my colleagues what that is. Two years ago, this body by an overwhelming vote passed the NATO Participation Act which named four countries, they were Slovenia, Hungary, Poland, and the Czech Republic, to be able to receive some help in order for them to upgrade their military from out of the Russian influence and into the NATO influence, to communicate and interoperate, and this bill was passed overwhelmingly by this body.

This year, after consultation with President Clinton, I spoke to him for almost an hour on this before he went to Helsinki and before we went into the former Soviet republics, we agreed that the door would remain open to all of these former Soviet bloc countries who had made irreversible progress toward democracy, who had moved toward a free market economy with the privatization and capitalization of their industries, who supported human rights and the rule of law, and then were able to militarily participate. In order to keep that door open, that is why we have this bill on the floor today.

It expands those four countries to four more countries. They are Latvia, Lithuania, Estonia, and Romania, all of which have made great progress and deserve to have the opportunity to join NATO. This bill will give them some additional funds in order to help them, again, communicate and interoperate with the NATO forces, and that is why we are here today.

It is totally fair. It is an open rule on every single amendment that wants to be offered germane to the State Department authorization bill, and an up-or-down vote on this important issue.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, just in reaction to the chairman. We had 29 witnesses. We stayed here until, I do not know how late last night, maybe 8:30, a quarter to 9. There were 120 amendments offered. It was almost like pretty much a waste of time, because that bill for the most part, as the gentleman knows, is pretty much dead. That bill has about as much chance of passing, that foreign aid section of the bill, than a man in the Moon. I think everybody knows that. I think if I were the chairman of the Committee on International Relations and to have a bill that I had worked so long on, so hard on, to have it be tangled up and confused and messed up and separated like this, I would be amazed. I would be jumping up and down.

The other section of the bill that the gentleman just talked about was 17 pages long. That was an amendment that was one amendment of the gentleman from New York [Mr. GILMAN]. He had 20 amendments that he offered to his own bill yesterday in the Committee on Rules and he probably spoke less than a minute on that particular amendment. That amendment came back in the form of a bill, of which the gentleman now closes down, of which we are seeing for the first time. We have never seen it before. As a matter of fact, I do not even know that this whole bill put together is available. I have a copy, but I am on the Committee on Rules. I do not think it is available for Members to be able to actually logically amend it in a way in which we understand because this bill was put together last night. It is very difficult to be in the amending process on this particular bill now. If the gentleman talks to the parliamentarian, he will find that out.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, very briefly, that amendment, the European Security Act, has been pending before the Committee on Rules and before every Member of this Congress since May 13, that is almost 20 days, for any Member to have read that amendment and to know exactly what it is. If the amendment were coming on the floor as a part of this bill, it would be limited as an amendment unamendable, and that is exactly what we are doing now.

I just think the gentleman protests too much. I believe he is going to vote for the European Security Act. It is a good bill, and this body will pass it overwhelmingly.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

This bill has never had a hearing. It never had a hearing in the Committee on International Relations. It never had a hearing in the Committee on Rules.

Mr. SOLOMON. Neither have any of the other amendments that will be offered here today.

Mr. HALL of Ohio. But it is a closed bill, the gentleman closed it, and all the other kinds of amendments and everything that was done yesterday was completely wiped out. We will probably never see that bill again.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in strong support of the rule on H.R. 1757, the Foreign Relations Authorization Act. This bill is in essence Division B of H.R. 1486, the Foreign Policy Reform Act, that was before all of us as part of the overall Foreign Policy Reform Act. It is nothing new in this measure. It has just been divided now. It has been reported out of our Committee on International Relations on May 6, 1997, after a wide-open consideration process that extended over 3 days in which all of our members, both the majority and minority, took a very active part in debate. Division B of the bill was the subject of open consideration in the Subcommittee on International Operations and Human Rights, chaired by the gentleman from New Jersey [Mr. SMITH].

□ 1300

We have added a provision dealing with the State Department reorganization. Regrettably it has become necessary to divide the consideration of our reported bill into two bills. We had merely divided the original bill into two measures in order to expedite passage of this, and we are committed to bringing the foreign aid provision before this body within the next week or two.

The rule also makes in order consideration of the European Security Act, H.R. 1758.

My colleagues should be reminded that this is the 50th anniversary of the Marshall plan in which, under the leadership of Senator Arthur Vandenberg, the U.S. Congress made certain that we would not lose our focus on the outside world after the end of World War II. At the end of the cold war, we should follow the example of Senator Vandenberg and not take the isolationist impulse that seemed to take hold of our body politic after the end of World War I.

Our Speaker has noted that we are the only nation that can lead the world. Our President calls us the indispensable Nation. These are two ways of saying the same thing. We must take our place in the world in a constitutional democracy that requires law and resources. The House of Representatives must make the tough decisions required to provide both in the interests of our Nation.

Let me note that this bill, including the reorganization provisions that we plan to add, has been endorsed by former Secretaries of State Eagleburger, Secretary Baker, Secretary Shultz, Secretary Haig, and Secretary Kissinger, as well as former National Security Adviser General Scowcroft and Gen. Colin Powell.

This bill was developed in close consultation with the administration and with the minority. It makes, or by the time the amending process concludes, will make several important reforms in our Nation's foreign policy. One of those key reforms includes carrying into effect the administration's announcement that it wants to merge two foreign affairs agencies into the State Department, which we are proposing by an amendment.

We have several items in the bill designed to pressure the Castro regime by helping to enforce the Libertad or Helms-Burton Act.

We also have a provision to begin the process of tightening up on abuses of diplomatic immunity, offered by our colleague, the gentleman from California [Mr. DREIER]. Because of this provision, H.R. 1486 has even been endorsed by Mothers Against Drunk Driving.

We agreed to accommodate the administration's total funding request, although we added funds in some areas and did not provide full funding in others.

Mr. Speaker, I am requesting our colleagues to help us manage this open rule process by conferring with our staff about any amendments that anyone may wish to offer.

I will be offering an amendment to the bill to accommodate certain concerns of the Committee on Ways and Means. We did not make this change in the introduced bill because we wanted the introduced bill to mirror as fully as possible the bill that has been reported out by the committee.

Mr. Speaker, I appreciate the efforts of the gentleman from Florida [Mr. DIAZ-BALART] who is managing this rule and the efforts of the gentleman from New York [Mr. SOLOMON], our distinguished chairman of the Committee on Rules. Accordingly, I urge my colleagues to support the rule and these bills, H.R. 1757 and H.R. 1758, so that we may make a major impact in reforming our State Department.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, it is hard for me to tell today whether I am participating in a session of the House of Representatives or a national seance. I mean this bill is going absolutely nowhere. It reminds me of the fellow who was so unlucky that he ran into accidents that started out to happen to somebody else. We do not even have a bill here.

The committee produced a bill; the Committee on Rules then ripped out the guts of it, which is the foreign aid authorization. It contains the unilateral partisan description of the administration's agreement on State Department reorganization, and then it also contains what I regard as an historically arrogant action on the part of the Congress and the West in expanding NATO the way it is expanding.

This bill is going absolutely nowhere, and so I am going to ask Members to vote against the previous question on the rule in hopes that if that previous question goes down, we will be able to add a third bill for consideration by the House. That bill would be simply to see to it that we can take up the contents of the conference report which has been agreed to so far relating to the emergency supplemental items now before the Congress, stripping that conference product of the three extraneous partisan riders which are going to assure that that conference report will go to the same place that this bill is going to go: nowhere.

It just seems to me that since that conference report with those riders is going nowhere and the bill that this rule seeks to bring to the House is going to go nowhere, we ought to at least try to bring some degree of reality to the House floor. And I would seek to do that by simply bringing to the floor the contents of H.R. 1755 which would take all of the items that have been agreed to in conference on the emergency supplemental, minus those controversial partisan riders, and give the House an opportunity to pass that. At least then we would be doing something real for the sections of the country who need immediate relief because of the flooding which they have experienced.

Mr. Speaker, I would point out that that is truly an emergency. Bringing this bill before us today represents absolutely no response whatsoever, no meaningful response to any serious problem. If we bring this rule down or bring the previous question down so that we can amend the rule, then at least we would be bringing something to the floor which would have some meaning for somebody. That might be a very rare occurrence, given what the legislative schedule is this week, but at least we could produce one piece of legislation which did something real for somebody somewhere, rather than this proposal which does nothing real for anyone anywhere.

I would urge that when the previous question vote comes that my colleagues vote against the previous question so that we can take into account the fact that we do have emergencies that need responding to, we do have emergency needs for accelerated crop planting, we do have emergency needs for livestock rehabilitation, we do have emergency needs for people to be able to plan with respect to housing funds to fix some of the damage done by these floods. It seems to me if the House is intending to bring two relatively unrelated bills to the floor, as they are planning today under this rule, we might as well add a third, because at least that third will do something for somebody.

Mr. DIAZ-BALART. Mr. Speaker, I would inquire as to the balance of time remaining.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida [Mr. DIAZ-BALART] has 15 minutes remaining, and the gentleman from Ohio [Mr. HALL] has 18½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is this slight imbalance in time, but I just point out the curiosity that our friends on the other side of the aisle now want to bring up, talking about something unrelated, the supplemental bill, but under a closed rule, at the same time that they are criticizing the fact that one of the measures we bring up under this rule is not open while the other one is.

Mr. Speaker, I reserve the balance of my time because of the imbalance at this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I am very proud to be a member of the Committee on Rules. The Committee on Rules really is one of the few committees where we disagree without really being disagreeable. My good friend, the gentleman from New York [Mr. SOLOMON] and I have worked together. We are personally friendly. We can disagree very much on the issues, and this is one of those times.

But, Mr. Speaker, what happened in the Committee on Rules last night makes me wonder if our Republican colleagues are really interested in bipartisanship, because last night, Mr. Speaker, the Committee on Rules took a perfectly good bipartisan foreign authorization bill and threw it in the trash can, and in its place they gave us a closed rule for NATO expansion and an open rule for State Department authorization. So what once was a bill that had both Republican and Democratic support, not to mention the support of our President, has been chopped up and changed so that it no longer resembles the bill which we began last night.

Mr. Speaker, foreign aid is out, NATO expansion is closed, and hardly anything will be germane to the State Department authorization.

But the gentleman from New York [Mr. SOLOMON], the chairman, says nothing is really changed.

Now that reminds me of the story of the tourist who went up to Mount Vernon and was looking around when a tour guide came up to him and showed him an ax and said, "This is the ax that George Washington used to chop down the cherry tree."

The tourist very excitedly, so close to history said, "Really, is this the real ax that chopped down the cherry tree?"

Tour guide said, "Absolutely." He said, "Well, we replaced the handle three, and the head two times, but this is the original ax."

Mr. Speaker, that was not the same ax, and this is not the same bill. It is not even close.

So if my colleagues think the process on this bill is bad, what is happening on the supplemental budget is worse.

Seventy-four days ago President Clinton sent disaster relief legislation to this Congress. But despite the passage of over 2 months' time and despite the vote 2 weeks ago not to adjourn until the flood victims got their relief, despite the Red River's rising 25 feet above flood stage, despite the fires, despite the devastation, despite the loss of homes, the loss of businesses and irreplaceable personal property, my Republican colleagues refuse to do anything about it.

My Republican colleagues sent the House of Representatives on Memorial Day vacation while the people in North Dakota are still ringing out their clothes, struggling with these incredible losses. And it is not just North Dakota that will suffer. Mr. Speaker, the supplemental contains disaster relief for people in 33 other States.

So what are my Republican colleagues giving us today? Today, we are looking at a rewritten State Department bill. It is one week after the recess. Mr. Speaker, where is the supplemental? The flood victims are not the only people affected by the failure to pass the supplemental. Mr. Speaker, 360,000 small children and pregnant women will be cut from the WIC Program unless we pass emergency funds to keep that program going. And as we speak, our troops in Bosnia are running out of training money. In fact, they may have to cancel training altogether.

Now I know my colleague from New York, Mr. SOLOMON, agrees with me very strongly that our troops need to be ready, especially in the field, so I invite him to get some of his colleagues and vote with us to oppose the previous question, and, Mr. Speaker, any Member who believes that the North Dakotans have suffered enough, any Member who believes the American troops in the field should be as ready as they possibly can, any Member who believes that politics is a lot less important than food for pregnant women, small children, should join me in opposing the previous question. If the previous question is defeated, my Republican colleagues will have to stop playing games with peoples' lives and livelihood and the welfare of the American troops.

Mr. Speaker, early on the gentleman from New York [Mr. SOLOMON] said the Democrats did the exact same thing back in 1993. Not so. And I am reading from the statements of the House of Representatives, June 15, 1993. The gentleman from California [Mr. DREIER] who handled the bill is speaking.

> Mr. Speaker, I want to commend Chairman Moakley of the Rules Committee as well as Foreign Affairs Committee Chairman Charles Lee Hamilton and the ranking minority, Mr. Gilman, for agreeing to this unusual procedure. I want to especially commend the gentlewoman from Maine, Mrs.

Snowe, the ranking minority member on the Subcommittee on International Operations for insisting on the separate consideration for these two measures.

□ 1315

So Senator SNOWE is the one that insisted on this. This was not from the Democrats. We were conceding. We were accommodating the Republican Members on this thing.

Also, following the statements of the gentleman from California [Mr. DREIER], he is saying that he wants to "especially commend the chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON], for taking the lead and insisting that we forge a fair and bipartisan structured rule. This is the second time this year this has been done by Chairman HAMILTON, and it speaks volumes about the character of the man."

"This rule was negotiated on a good-faith," still quoting the gentleman from California [Mr. DREIER], "basis between the majority and the minority in the Foreign Affairs Committee."

"Mr. Speaker, I am especially pleased that the rule adopted yesterday, as well as this rule, makes it possible to consider the State Department and the foreign aid issues as two separate bills, even though they were originally reported from the Committee on Foreign Affairs as one bill. This is something our Republican leader felt very strongly about, as did I, and so did the gentlewoman from Maine [Ms. SNOWE]."

"So again, I want to thank Chairman HAMILTON and I want to thank Chairman MOAKLEY and the other Members on the Committee on Rules for agreeing to this request."

Now, a statement of Mr. SOLOMON. I now am quoting the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, my dear friend:

"I think it is evident from the provisions of this rule and the process that produced it, that this is a very fair and bipartisan rule, something that is a rarity when it comes to most restrictive rules in the House. I hope that other committees would follow this rule."

So, Mr. Speaker, I just wanted to show that it is not the same bill as in 1993. In 1993 we acquiesced. We did what they wanted us to do. This was done because Bob Michel wanted it, because OLYMPIA SNOWE wanted it.

Today, we do not want this thing. This should never have happened. This is not democratic. I hope that my colleagues vote to defeat the previous question.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to say that it is truly disappointing that our friends on the other side of the aisle would put into question our commitment to the supplemental appropriations bill and the needs of the victims, when we are working as intensely as possible and will produce legislation as soon as possible.

Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. DREIER], my distinguished colleague on the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from California for his leadership and being so generous since I regularly say nice things about both Republicans and Democrats, and obviously I was very kind when I had the thrill to manage that rule, as the gentleman from Massachusetts [Mr. MOAKLEY] has pointed out.

Unfortunately, my dear friend from South Boston did not read further to find that there was in fact a second rule which in fact was very structured, limited the opportunity to provide amendments, and virtually everyone on this side of the aisle opposed that amendment. So I am very generous when they are open rules and when we have a very agreeable procedure, but when we were not treated fairly, obviously, it was not the same situation as we have today.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, when the worst floods in 500 years swept through the Northern Plains 2 months ago, thousands of families stood their ground. They filled their sandbags around the clock, they did it in a brave, furious and ultimately a futile attempt to save their homes and their schools and their farms and their businesses.

This was a natural disaster of historic proportions. Neighborhoods were evacuated, city blocks went up in flames, entire towns were under water, people were forced to flee to higher ground, and they called out for help, to their neighbors, to their friends, to their Government.

And how has Congress answered them? It has done nothing. That was nearly 2 weeks ago, and they still are playing games. Why? Because the Republican leadership wants to saddle any disaster relief legislation with provisions completely unrelated to helping the victims of disaster, provisions that further their own political agenda, provisions, by the way, which would slash student aid, would deny veterans medical care, would devastate our national parks.

Now, the President has said he will veto any disaster relief bill that includes these extraneous killer provisions, and he is right. Congress should send him a clean bill that deals with disaster relief for the families in the 33 States that are running out of time and running out of patience and running out of hope.

What kind of leadership is it when politicians put their own personal agendas before the needs of flood victims? Have they forgotten that emergencies demand a rapid response, that emergencies require us to set aside our partisan differences? Now what if the Founding Fathers had sent Paul Revere on his midnight run but asked him to drag along an iron bathtub, pick up a kitchen sink on his way to Lexington?

Saddling this disaster relief bill with major extraneous bells and whistles turns it into a legislative pack horse that will not make it out of the starting gate.

Why cannot the Republican leadership send the President a clean disaster relief bill that deals with that, disaster relief? It is time for the Republicans to quit holding flood victims hostage.

I urge my colleagues to defeat the previous question. This vote will be on whether or not we want to help those people who are suffering. Make no mistake about it, the previous question vote is the important vote on this provision. I urge my colleagues to defeat the previous question and send a clean disaster relief bill to the President today.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my distinguished colleague and friend from Florida [Ms. ROS-LEHTINEN] to continue the debate on the Foreign Relations Authorization Act and the European Security Act rule.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague from Florida, [Mr. DIAZ-BALART], for yielding, and I thank the chairman of the Committee on Rules, the gentleman from New York, [Mr. SOLOMON], for giving me the time as well.

I rise to render my strong support for the rule of the bill before us, and I thank my colleague from Florida for once again making sure that everyone understands what it is that it is in front of us. The bill that is in front of us is related to the foreign relations authorization bill, State Department, as well as the NATO expansion bill. We are fully committed to making sure that we pass the supplemental, the disaster relief funds, and that will come very soon, as soon as that legislation is ready.

I thank my colleague for yielding me this time, because these bills before us today are certainly very important. They encompass a wide variety of legislative initiatives to increase the effectiveness of U.S. foreign policy. Under the leadership of our chairman, the gentleman from New York [Mr. GILMAN], we made sure that we safeguarded U.S. national security priorities, that we cracked down on the Castro dictatorship, and that we protected the interests of American citizens.

One provision of this bill which accomplishes all of these objectives is a measure I introduced which sets reporting requirements on the implementation of title IV of the Helms-Burton law, the Libertad Act. This provision helps ensure that Helms-Burton will be actively enforced as Congress always intended by requiring regular official notification on the denial of visas to persons doing business with Castro, using property illegally stolen from U.S. American citizens. It ensures that those who act in total disregard for the security and foreign policy concerns of our country by engaging with a terrorist regime near our borders are held accountable for their actions, and it reaffirms the spirit and the rule of law of the Libertad Act.

It sends a clear message to those countries which place a greater value on profits from business with the Castro regime than on helping to free the Cuban people from their oppression and subjugation. The message is clear: It says foreign companies can continue to exploit U.S. property in Cuba, that is certainly their right. However, in doing so, they must pay a price, and that price is that they can risk their access to our U.S. markets. We cannot sit back and allow for the continued violation of U.S. property rights of U.S. citizens without taking action.

We must obey the law and Helms-Burton is the law. The administration must understand that Congress means business, that when we pass laws and when the President signs them, that we expect those laws to be implemented, fully implemented to their full extent. We must not jeopardize concrete tools for vague assurances from our trading partners. We must stand firm. No compromises should be allowed when American interests are at stake.

I urge all of my colleagues to support this bill and the rule related to it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON], the ranking minority member on the Committee on International Relations.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I strongly oppose this rule for one very simple reason: This is not the bill that was reported by the Committee on International Relations on May 9. We are considering today a bill not drafted by our committee, but it was a bill put together by the Committee on Rules.

In my view, this rule is offensive to the Committee on International Relations. It disregards totally the committee's work product. It is an extraordinary exercise of power, if not an usurpation of power by the Committee on Rules. It offends the orderly process of the House. It makes the authorization committee in this instance virtually irrelevant to the legislative process.

We all know that the Committee on Rules has a tough job, and if it does its job well, and it often does, the House works its will in a fair and democratic manner. What the Committee on Rules ought not to do is rewrite the bill. It ought not to ignore the committee product. It ought not to put on the floor of this House a bill never considered by the committee, yet that is exactly what has happened in this instance.

It has taken a bill reported out by the committee, stripped out the most important division authorizing foreign assistance. It has taken an 80-page reorganization amendment, which was filed before the Committee on Rules but never considered by the Committee on International Relations, and made it a part of the text of this bill.

As part of the rule, it has made in order the European Security Act, a bill that was never considered by the Committee on International Relations, upon which we have had no hearings in this Congress, which addresses the most important foreign policy issue of the next 12 months, the enlargement of NATO.

This process is an insult to the House Committee on International Relations. It is deeply offensive to anyone who cares about the orderly process of this institution. It torpedoes the committee, it sets aside the committee's expertise, and I object to it.

We had coming out of the committee a bipartisan product. I commended the chairman of the committee for the manner in which he handled that bill and for producing a bipartisan bill. It was a fair process that went forward. It produced a bill that had a very good chance of being signed into law, and I think it is correct to say that it is virtually nil, the possibility that this bill, newly drafted by the Committee on Rules, will become law. We are simply marking time.

If we adopt this rule, we will have taken a fair and an open process and replaced it with a process that is deeply flawed. I urge a "no" vote on the previous question and a "no" vote on the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], my distinguished colleague on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my colleague from Florida [Mr. DIAZ-BALART] for the time.

I rise in support of this open rule providing for consideration of the Foreign Relations Authorization Act. I also strongly support the second bill brought up by the rule, the European Security Act, which will be combined with the State Department bill at the conclusion of the consideration of the two measures. These are not new items, these are things that have been much discussed in these Halls.

□ 1330

It has been 12 long years since the last international relations authorization legislation was signed into law. Think about that. What this means is that review and reform of the mechanisms used when the Government conducts its foreign policy and spends American taxpayers' dollars overseas are long, long overdue.

As many of my colleagues know from their own mail, this is something of a sore spot for many Americans who question the effectiveness of our foreign efforts and our foreign policy.

This is especially apparent when they look at the general lack of progress the White House has been making even in nearby countries like Haiti—where $3 billion and 20,000 troops have made little tangible difference to most Haitians—and have perhaps moved that country backwards by increasing dependency on American handouts. Or countries like Bosnia, where the administration has apparently made a commitment it cannot seem to extract itself—or our troops—from.

I understand the benefits of reasonable levels of well-managed and monitored foreign aid. These are benefits that are not measured by volumes of carefully staged photo ops. We need to streamline our foreign policy assets to reflect current priorities and the reality of our limited resources, to get more bang for the relatively few dollars we spend to protect and promote our interests abroad. doing away with three agencies, folding their nonduplicative functions into State, along with some functions of a fourth agency—USAID. It also addresses shifting American priorities. I am especially pleased that it places a priority on cracking down on Fidel Castro's regime and chokes off international assistance that could be used by Castro to complete the nuclear reactors at Juragua—an issue of grave concern to my southwest Florida district. Ultimately, H.R. 1757 should go a long way toward creating a leaner, more effective foreign policy apparatus—and one that reflects our changing priorities as we move ahead into the new millennium. H.R. 1757 should also give us concrete progress toward achieving the goal of eliminating fraud, waste, and abuse.

The second related bill this rule brings before us is H.R. 1758, the European Security Act, in conjunction with H.R. 1757. This legislation was introduced by the gentleman from New York [Mr. GILMAN] and several of my colleagues to consolidate the gains made by the United States and our European allies in freeing Europe from the grip of the cold war.

As an original cosponsor of this legislation, I am pleased to be able to say this act will take us beyond the first tranche of NATO expansion, bringing the security umbrella to those emerging democracies of Central and Eastern Europe that are striving to meet the requirements for membership.

I think anyone who is watching this issue closely knows that the White House's most recent foray in this policy area makes it more important than ever that the Congress weighs in—this legislation is the right message and it is being sent at the right time.

This is essentially an open rule. It does deserve support. H.R. 1757 should improve the way we do business overseas, and H.R. 1758 is eagerly anticipated and anxiously awaited by our friends, old and new, throughout Europe. A vote "yes" for this bill makes sense. A vote "yes" for this rule gets us to that point.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the majority is perpetuating as egregious a violation of the rules that ought to govern a democracy as I have ever seen. This outrage of telling us that we will have 1 hour with no amendments to debate the fundamental question of NATO policy is a disrespect for the rules that ought to govern beyond what I have ever seen.

I hope the gentleman from New York will be prepared to amend his earlier statement when he said, well, if it had come up as an amendment it would also not have been amendable. That is, of course, not remotely true. If the European Security Act had been offered as an amendment to the bill, a 17-page amendment, it would have been amendable. It would have been debatable without limit. It would have been subject to a motion for substitution.

The question of policy regarding NATO is of extraordinary importance. The gentleman from New York said, well, we have to provide some money for these Eastern European countries. Vote for this bill and we are committing billions of dollars from the American taxpayer to our European new allies. The whole question of burdensharing, the question of whether or not Americans ought to continue to subsidize Europe militarily in the absence of a military threat, we are being asked to vote on this with no amendments and only a half hour on either side.

It is absolutely unprecedented in my experience for a matter as central as the NATO policy, what kind of policy, nuclear policy, conventional arms policy, which countries join, that that is to be a closed rule, 1 hour, one bill, on this NATO question.

I understand the majority is somewhat at odds right now. There is an incoherence in their strategy. They are trying to fill time. But to take one of the central questions facing the world today, whether and on what terms we should expand NATO, how much the American taxpayer should contribute, what should be the rules and which nations should come in, and to do it unamendably, to bring that forward without an amendment, is, as I say, as great a disrespect for democratic process as I have ever seen. The majority ought to be ashamed of itself.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I am again just surprised. When the NATO Participation Act passed this floor, as I recall, there were only 7 votes against it. I would predict that is what happens here again today, because this Congress, both Republican and Democrats alike, believe that we should be giving the people that were oppressed by this international, deadly, atheistic, communism for 50 years, they ought to have the opportunity of freedom, the same as we Americans desire. That is why we fought a World War, and a Second World War. That is why the American taxpayer footed the bill for a cold war that was extremely expensive. It is why Ronald Reagan called the Soviet empire the evil empire.

The truth of the matter is that we are going to give those people that right. We are going to enter into a treaty alliance that will say to them, if your sovereign boundaries are threatened then we, the United States of America, will help you defend those sovereign boundaries. That is what this debate is all about.

I think the gentleman may be sticking up for Senator KENNEDY, who opposes the expansion of NATO, and we are not going to give him the chance to block this legislation. We are going to include it in this legislation, and force a vote on it over in the other body.

Mr. HALL of Ohio. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman tried to evade the point. The question is not whether we should debate it, but whether we should debate it in a closed rule with no amendments.

I am all for democracy in Eastern Europe. I am sorry the gentleman is not in favor of democracy here in the House of Representatives.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute and 10 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, without any public discussion, a provision was inserted in this brew last night that would fundamentally alter American policy by repealing the Lautenberg amendment that has made it practical for Jews and Evangelical Christians emigrating from the former Soviet Union to receive refugee status in the United States.

The Lautenberg amendment recognizes a simple and straightforward fact: that there is still a great deal of religious persecution in the former Soviet Union; that anti-Semitism and religious persecution did not die with the Communist government; and that, if anything, with virulent nationalists and anti-Semites like Vladimir Zhirinovsky active and increasingly popular, the need to provide a safe haven is as great as ever.

Finally, even if some in this House are prepared to believe that the Lautenberg amendment is no longer needed, the Jews of the former Soviet Union are not. They are still trying to get out. There are about 40,000 applications on file and the Department of State estimates that two-thirds of them qualify; 2,000 new applications are received every month.

The Congressional Budget Office, after five contrary determinations, now says there is a cost to continuing the Lautenberg amendment. This is nonsense. We set a cap on refugee admissions every year. The Lautenberg amendment does not add a single number to that cap. It simply determines refugee admissions within the cap. So it is absurd to suggest there is any cost involved in this amendment.

Mr. Speaker, the rule also drops the entire foreign aid budget from the International Relation Committee's bill. This includes aid to Israel. How can we vote to cut aid to Israel from this bill? The Israeli people are living under the gun. They have to face terrorism on their busses, on their streets, and in their schools. Israel is our only democratic ally in the region.

What sort of message does this send to Israel's many enemies? That the United States lacks the resolve to stand with our friends? That terrorism wins?

Mr. Speaker, this rule is a disgrace. It undercuts our basic values and our policies that have worked for our friends, our country, and our values.

Mr. Speaker, I also object to the inability to stage a real debate on NATO expansion, on where we should extend our guarantees and where not. If Hungary, why not Russia? Why not Ukraine? This House ought to debate that, and this rule ought to be defeated.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], a distinguished member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, obviously this debate has touched many different issues, because this is far-reaching legislation.

I would like to talk about an issue that was raised by the gentleman from New York [Mr. GILMAN] which has played a role in leading me to strongly support both this rule and the legislation.

Earlier this year the American people were outraged when we saw a 16-year-old girl run over on the streets right here in Washington, D.C., up at Dupont Circle. The real tragedy came when we found that the driver turned out to be a drunken diplomat from the Republic of Georgia. Then we, of course, looked at what conceivably could have happened. Of course, what could have happened is diplomatic immunity could have been used, and the driver would have no responsibility whatsoever for killing this young 16-year-old-girl.

The immediate gut reaction from me and most people looking at this is why do we have diplomatic immunity? Obviously, diplomatic immunity is very important because it is conceivable that in another country we could see a U.S. officer in fact framed and charged with some crime that they are not responsible for at all, so diplomatic immunity is very important. But modifying the diplomatic immunity laws as they exist is very important.

This provision includes some very important items which we brought about in a consensus which includes, as Chairman GILMAN pointed out, now the support of Mothers Against Drunk Driving and several other organizations that heretofore have not gotten involved in legislation like this.

What we call for is, first, a full accounting of the use of diplomatic immunity in the United States and in other countries, and, second and very important, we call on the administration to proceed with negotiations to deal with a procedure that would allow the countries of origin to in fact have jurisdiction over the actions of one of their foreign service officers in another country.

It is a very important step in dealing with a critically important problem, and that is why I think it is important for us to move ahead with this rule, get this legislation forward. So many people have said the legislation is going nowhere, but I think that dealing with this problem of diplomatic immunity and the potential loss of life and looking at the other victims means that we should in fact move ahead with it.

I support this rule, Mr. Speaker, and support the underlying legislation, and hope that we will be able to proceed as expeditiously as possible in approving the previous question as well as the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I represent an area of Minnesota that was affected by the flooding this spring. I know that the Republicans and the Democrats alike have recognized the importance of having an effective disaster assistance package for those parts of this Nation, not just the Midwest but the entire Nation, that have suffered from disasters. This is not a partisan issue.

But what I find terribly ironic is that instead of completing the disaster assistance package for those fellow Americans who have suffered, we are turning to a foreign aid package, essentially, for folks in other countries.

This is not to say that we should not fulfill our responsibilities globally. But the problem is, when are we going to take up and address the needs of Americans? Will we do it without placing on that legislation enormously controversial matters, hijacking our domestic disaster assistance bill for yet other political agendas?

I would implore the leadership in this institution to immediately bring the disaster bill to this floor for a vote.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let us all be clear. There is nothing, nothing save the reorganization provision that has been added to this bill. This bill has been before all of us for several weeks. The only change that has been made is we divided it into two parts. We do fund the State Department and related organizations, and we did add the European Security Act. There have been no changes in the underlying bill.

To get involved now in a debate on disaster, the Disaster Act; while that is an important measure, it is certainly not germane to the measure that we have before us. I am urging my colleagues, vote for the previous question and vote for the rule. It is an important rule. It is an important bill with relation to our foreign policy.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, it has been 13 days since Congress recessed without taking action on the urgently needed disaster bill. Now, in its first action since coming back into session, it takes up the foreign aid bill. It was wrong of Congress to recess without taking action on the disaster bill, and it is wrong for us to commit taxpayer resources to help the others before we have committed those resources to helping our own.

□ 1345

To the flood victims I represent, this feels like Congress is trying to literally shove our nose in the muck and the filth left by the rampaging Red River. This is what the scene is like in Grand Forks, ND, today. Lives left on the lawn. Everything that river touched that river wrecked. We have hundreds of homes destroyed, hundreds more severely damaged and thousands of people not knowing where they are going to live, families separated now for 6 weeks, not knowing when they can get back together.

We have to take action on the disaster bill. It is not acceptable in any way, shape, or form to pass foreign aid before we take action on this bill.

Let us today vote down the rule, vote down the previous question motion that will be before us, and attach to this rule in consideration of this legislation the disaster bill so that none of us have to go home and face constituents like I will have to or my colleagues might have to someday that ask, why can we help everyone else and not help our own?

Mr. Speaker, it is time to help our own. They desperately need it. Defeat this rule and help our own.

Mr. DIAZ-BALART. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, while the gentleman makes a very eloquent appeal with regard to disaster relief, we certainly want to support that relief. Let us get that conference committee moving.

But this is not foreign aid. This measure before us is the State Department authorization measure and not foreign aid. I just wanted to clarify the Record for the gentleman.

Mr. POMEROY. Mr. Speaker, to the families that have been apart for 6 weeks and have no place to live, it looks like foreign aid to us.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I think it is a very important point of clarification, the one that the chairman of the Committee on International Relations has just made. This is not a foreign aid bill. Yet the two measures before us are very important, not only the Foreign Policy Authorization Act but the bill wanted by the President of the United States, by the way, Mr. Speaker, to authorize the expansion of NATO.

It is a very serious matter before the Nation, one that relates directly to our foreign policy and to our national security.

Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON], distinguished chairman of the Committee on Rules.

The SPEAKER pro tempore (Mr. GOODLATTE]. The gentleman from New York [Mr. SOLOMON] is recognized for 2¼ minutes.

Mr. SOLOMON. Mr. Speaker, let me say to the gentleman from North Dakota [Mr. POMEROY], I represented an area in New York State, the Adirondack Mountains, the Catskill Mountains, and the Hudson Valley.

So many times during the winter and spring we are faced with disaster. We have ice jams that cause irreparable damage. We rarely get any aid from the Federal Government. We generally try to take care of ourselves up there. But I sympathize with the gentleman. I want to do everything I can to expedite this supplemental bill. That is not the issue before us, but I will say to the gentleman that it is possible for the Committee on Rules today to go upstairs and waive the two-thirds rule so that should the conference continue into this evening and should they be able to file before midnight, we then would be able to hold a rules meeting tomorrow and bring that supplemental to the floor on the same day. We cannot do that under normal rules of the House.

I would just say to my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], that he and I might get together a little bit later. We might consider that in trying to help those people in North Dakota and other areas.

In the meantime, Mr. Speaker, let me tell my colleagues that this is a good bill. The fact is, if we pass this rule, we are going to go to an open debate process, any Member who filed amendments on the State Department authorization portion of the bill will have the opportunity, including those that did not take the time to file those amendments.

So let us get on with it. Let us pass the previous question. Let us pass the rule and then let us get onto this bill.

Ms. CHRISTIAN-GREEN. Mr. Speaker, the heart of all of the people of the U.S. Virgin Islands go out to our fellow Americans in the Midwest.

We, who have experienced some of the worse hurricane related disasters in recent years, know your pain.

That is why I rise today, to plead with my Republican colleagues, not to use your distress as a political football, not to make you pawns in the budget and census debate.

It is callous to say that there is no emergency. We have only been able to address the immediate emergency response. Now we must provide the funding needed to help the people of North Dakota and South Dakota and other States to begin to recover—to rebuild their homes, to restart their businesses, to restore their farms, to begin to rebuild their lives.

This Congress cannot abandon our people in their time of great and dire need. We need a clean bill, and we need to vote to cast this lifeline to the flood victims now.

Ms. DELAURO. Mr. Speaker, I urge my colleagues to defeat the previous questions so that Congress can provide the help so needed by Americans plagued by flooding and other disasters.

Congress should have approved the disaster assistance before leaving for a Memorial Day break. The bill would have provided approximately $5.6 billion in disaster assistance for victims in 33 States. It also would have provided funds to support our troops in Bosnia and those enforcing the no-fly zone in Iraq. Instead, the Republican leadership loaded down the disaster bill with controversial provisions and then went home without doing their job to help Americans in need.

We had the chance before Memorial Day to pass a simple, clean bill, but the Republican leadership chose to make political points rather than help those in need. Now we are back, but instead of passing a clean disaster assistance bill, we are taking up the State Department authorization bill.

I certainly support our Nation's foreign policy efforts, but I believe we ought to take care of our own people first. Let's defeat the previous question so that we can quickly pass a noncontroversial disaster assistance bill.

Mr. DIAZ-BALART. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 204, not voting 11, as follows:

[Roll No. 157]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Andrews
Clayton
Farr
Hefner
Hilliard
Jefferson
Lantos
Lewis (CA)
McDade
Pickering
Schiff

□ 1416

Mr. KILDEE and Mr. GONZALEZ changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 13, as follows:

[Roll No. 158]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—13

Andrews
Clayton
Dunn
Farr
Hefner
Hilliard
Jefferson
Lantos
Lewis (CA)
McDade
Pickering
Schiff
Yates

□ 1437

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, June 4, 1997, to file a conference report on the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

Mr. Speaker, I would say that this has been cleared by the minority.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply say that the gentleman is correct. This motion is supported on this side of the aisle as well.

I would simply ask the gentleman if he could tell us when it is the intention of the majority side of the aisle to take this bill up on the floor?

Mr. LIVINGSTON. If the gentleman will yield, I appreciate the gentleman giving me the opportunity to point out that within the next few minutes, we hope to wrap up the conference report and have it available for presentation to the Committee on Rules and to the House tomorrow afternoon. It would be my intention to bring it up so the House could pass it, and hopefully the Senate will do likewise tomorrow so that we could send it to the President tomorrow evening.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply say that I would have no objection to this procedure on this side of the aisle, although what I would greatly prefer is for us to strip out the irrelevant riders which are going to cause the President to veto this bill. I think it would be a much faster approach and the relief would be gotten to the portions of the country who need it if we were immediately to strip those riders out that we know the President will veto the bill over. This way we are simply going to be back next week doing what we should have done straight and clean this week. But if that is the best we can do, it is the best that can be done.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. Pursuant to House Resolution 159 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1757.

□ 1440

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1757, the Foreign Relations Authorization Act for fiscal years 1998 and 1999. The bill before the House today includes a basic reauthorization of the operations of the Department of State and related agencies and the consolidation of some of those foreign affairs agencies.

This bill is the product of significant oversight and a bipartisan effort. By way of this bill, support is provided for our Government's activities abroad, to include U.S. embassies, American citizen services, passport and visa issuance, and international broadcasting programs such as Radio Free Asia and broadcasting to Cuba. In addition, it funds United States-Mexico and United States-Canada commissions that are tasked with matters dealing with fisheries, with sewage disposal, and other border issues.

We included most of the administration's legislative requests. However, in adherence to concerns of the Committee on Ways and Means and the Committee on the Budget, a few of those provisions have been deleted from this bill.

The bill authorizes $6.1 billion for fiscal year 1998 and fiscal year 1999, and is $200 million below the President's request. Funding for a strong U.S. presence abroad is in our vital national interest and provides the platform for a myriad of U.S. overseas interests. Specifically, we need to have a robust diplomatic presence abroad to help us develop markets, to help us maintain stability, to protect our friends in the still dangerous world, and to put into effect the humanitarian instincts of our American people.

Mr. Chairman, this bill incorporates the President's decision to consolidate the U.S. Information Agency and the Arms Control and Disarmament Agency into the State Department. In the 104th Congress our Overseas Interests Act included such a consolidation plan, but it was vetoed by the President. Now the President is supporting consolidation. This bill locks in that agreement. This consolidation is the first step to reforming the international affairs apparatus to meet the changed post-cold-war world.

Accordingly, Mr. Chairman, I urge my colleagues to support this measure to ensure efficiencies and more effectiveness of our foreign affairs agencies.

Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the State Department authorization bill before us is generally satisfactory on overall funding levels. It authorizes $6.115 billion for fiscal year 1998, and that is very close to the administration's request.

□ 1445

That is the most positive statement I can make about this bill. From my standpoint, and more importantly, of course, from the standpoint of the administration, there are very serious problems with the bill. These problems are at least three. One is micromanagement, two is some bad policy provisions, and three are some earmarks. But above all it seems to me the chief problem with the bill is its language on reorganization.

Mr. Chairman, the Committee on Rules decided to make in order as part of the text of the bill the reorganization amendment of the gentleman from New York [Mr. GILMAN]. In terms of substance, I have already been critical of that in terms of process in the rules debate, but in terms of substance the Gilman provision on reorganization I think is exactly the wrong approach. What the Gilman provision does is to mandate that the administration must submit a reorganization plan by mid-August and then in large measure dictates what must be in that plan. That provision micromanages how reorganization must occur, mandating the job requirements, for example, of an Under Secretary and 6 of the 20 Assistant Secretaries. That provision spells out a specific list of personnel who will be transferred or separated.

Mr. Chairman, I think the administration has made clear that it opposes the Gilman provision of reorganization because it intrudes on the ability of the Executive to organize itself and to carry out the President's responsibility to conduct American foreign policy.

I quote from the administration's view: "The administration strongly opposes a Gilman-sponsored amendment that would mandate many of the details on how to implement such a complex reorganization, thereby prejudging how the foreign affairs agencies are to be restructured."

That Gilman amendment, of course, is now part of the bill text, and the administration has also made clear that this amendment alone, if included in the bill, would lead the President's senior advisers to recommend a veto of the bill.

Thus, I intend to offer an amendment to correct the problems that I see in the provision that the gentleman from New York [Mr. GILMAN] has on reorganization. My amendment takes a different approach. It respects, I believe, and preserves the prerogatives of both the President and the Congress. It mandates that the President submit a reorganization plan to Congress within 120 days, gives the Congress 120 days to evaluate that plan, to suggest changes, and then vote against it under expedited procedures, if in fact the Congress opposes the plan. The approach of the amendment I intend to offer is to let the Executive take the lead in organizing its own affairs.

Mr. Chairman, in my view Congress should be reluctant to tell the Executive how to arrange the furniture and the flow charts. We should let the Executive organize itself. We are an equal partner in Government, but our responsibility is to hold the President to standards and evaluate results, not dictate organization, at least in most instances.

The administration supports my amendment; I think it opposes the underlying text of the Gilman provisions. And I want to emphasize that if the Gilman provisions on reorganization remain in the bill, I will oppose the bill, and I think the President's advisers will recommend a veto.

One of the second concerns relates to a similar problem, and that is the example of micromanagement in the bill quite apart from the reorganization amendment. It mandates a new Ambassador for counter terrorism, calls for the appointment of a special envoy to Tibet, a step that could significantly complicate management of the vitally important United States-China relationship. It creates a new Assistant Secretary for Human Resources. I think that will complicate personnel management. It mandates a specific set of qualifications for Assistant Secretary for diplomatic security. It restructures the Population, Refugees and Migration Bureau and sets a ceiling on the number of foreign service officers at the State Department, USIA and AID. The administration opposes all of these provisions because they seriously intrude on the executive branch's ability to administer its programs.

I am also concerned about several of the policies mandated in the bill. I do believe that these can probably be worked out in conference, but I want to identify them at least. One relates to Jerusalem, and I know it is a very popular provision. The bill authorizes $100 million from the State's building account to move the United States Embassy to Jerusalem and requires that all United States publications identify Jerusalem as Israel's capital.

Contrary to the position taken by American Presidents for several decades, this provision prejudices the United States position on the final status of Jerusalem, a status that can be resolved, of course, only through very difficult negotiations by the parties.

This provision is unacceptable to the administration, as it is to me. It has the potential to do very serious damage to the Middle East process, which I am sure none of us want to do.

The provision also takes money away from other building projects to fund a project that the administration does not request.

A second policy provision relates to Cuba. The bill calls for 3 new reports on Cuba, including one on title IV of the Helms-Burton Act. The purpose of these provisions overall I think is to tighten the noose on Cuba. The administration is now trying to resolve very tough problems with our allies that have resulted because of the package of Helms-Burton. The Cuba provisions in this bill I think move us in the wrong direction. They will only further irritate relations with our closest friends and trading partners at a very delicate time.

Finally, let me indicate that though the funding levels are generally satisfactory, there are still problems in earmarks. The migration and refugee assistance account was funded at $53 million above the administration's request. That comes at the expense of foreign assistance funding. We may overfund one category today, but important foreign assistance programs will pay the price in another bill later. The money all comes out of the same pot eventually, the international affairs or 150 account.

I also am uneasy with a number of earmarks in the voluntary international organizations account. Of $200 million requested, $18 million is earmarked, $14 million of it for programs the administration did not request.

The micromanagement, the policy provisions and the earmarks of the bill I think are problems, major problems, but I think they can probably be worked out in conference committee. I do want to emphasize, however, that the reorganization provisions in this bill are a poison pill. They are certainly veto bait for the President, and on the basis of that provision alone, if it is included in the bill, I will vote against the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], the chairman of the Subcommittee on International Operations and Human Rights who has done a remarkable job and a great deal of work in bringing this measure to the floor at this time.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend, the gentleman from New York [Mr. GILMAN], for yielding this time to me.

Mr. Chairman, I am pleased to recommend passage of H.R. 1757, and I hope that the House will adopt an important amendment that I will offer later on during consideration of this bill dealing with the pro life issue. I am also pleased to note that Division B of the bill was H.R. 1253, the Foreign Relations Authorization Act for fiscal years 1998 and 1999, which I introduced earlier this year and which was marked up by our Subcommittee on International Operations and Human Rights. The plan to couple this bill with the foreign aid bill was aimed at expediting consideration of both bills over on the Senate side. Now that they are decoupled again, the Foreign Relations Authorization Act is proceeding separately, with another bill being attached to it which we will consider very shortly.

Although I know many of my Democratic colleagues are unhappy with the procedural steps that have led to the consideration of this bill, and I share some of their frustration, believe me, I do believe that the substance of Division B is a solid, thoughtful product, and the result of bipartisan cooperation.

In it, we fund most of our programs at or near the administration's request, but in some cases we shift some priorities in an effort to ensure that American foreign policy reflects American values. On a few items of compelling importance, such as refugee protection, the World Food Program, assistance to torture victims, and combating international child labor, the bill provides modest increases over and above the administration request.

I fully support the language encouraging the United States Government to press the Turkish Government to permit true freedom of religion. Of premier concern is the continued closure of the Halki Theological School, which is a clear violation of international treaties to which Turkey has been a signatory, including but not limited to the Helsinki Final Act, the Treaty of Lausanne, the 1968 Protocol, and the Charter of Paris. The Turkish Government should allow the Theological School, which was closed by that government more than 25 years ago, to reopen and have unhindered training for the Orthodox Christian leadership. Full religious liberty does not exist when a religious group is not allowed to develop or openly train its leadership. We cannot stand by and simply observe this policy of gradual strangulation by the Turkish Government, but must make every effort to encourage Ankara to recognize the right of the Ecumenical Patriarchate to train its own leaders, consistent with Turkey's international commitments. In addition, the Turkish Government should work to ensure the security of the Ecumenical Patriarchate and the property belonging to the Patriarchate.

PROPERTY RESTITUTION (SEC. 1716)

Mr. Chairman, the committee adopted the language pertaining to the issue of wrongly confiscated foreign properties, which I had offered as an amendment. This language stemmed from a hearing the Commission on Security and Cooperation in Europe—which I chaired in the 104th Congress—convened last July. At that hearing, Under Secretary of Commerce Stuart Eizenstat and Chairwoman of the Foreign Claims Settlement Commission Delissa Ridgway outlined the maze of programs and procedures which govern property claims in Central and Eastern Europe today. Section 1716 acknowledges the especially compelling plight of Holocaust survivors in Central and Eastern Europe, who were often denied compensation for their suffering at the end of the war. We call on governments in this region to stop discriminating in their restitution or compensation laws on the basis of citizenship or residency—provisions that, in one particularly egregious case—the Czech Republic—appear designed to exclude Americans from this process.

DEPLOYMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA (SEC. 1714)

Section 1714 makes two critical points regarding democratization in Serbia. First, the language notes that even ethnic Serbs are denied basic human rights by the Milosevic regime, even though he claims to speak in their name. This fact was emphasized at a Helsinki Commission hearing last December, where representatives of opposition political parties, the alternative workers movement and the independent media in Serbia presented testimony regarding the regime's attempt to deny the will of the people as expressed at the ballot box. A meeting the Helsinki Commission had with Serbian student protesters in January confirmed that the people in the streets at that time did not just want election results recognized; they wanted the promise of a democratic future. Mr. Chairman, they deserve our support for that. The second point made in this section is that, while the United States decided—rightly or wrongly—to end Milosevic's isolation and deal with him directly in Dayton to end the Bosnian conflict, we recognize that genuine peace and true regional stability rests not in making a deal with a dictator, but in the establishment of a democratic society. The Helsinki Commission first raised this point at the conclusion of a fact-finding mission to Serbia and Montenegro organized 1 year ago.

Section 1714 supports the development of democratic institutions and civil society in Serbia, especially in regard to free media and the rule of law. We would also link normalization of United States relations with Belgrade to free and fair elections, the recognition of those results, and the toleration of democratic development. There are other critical issues linked to normalization, like cooperation with the International Tribunal for war crimes in the

Hague and progress in Kosovo, and the language appropriately alludes to this fact.

I know my good friend from Indiana noted that these additions were not asked for, but I remind Members that it was a bipartisan bill that asked for more money to combat the scourge of child labor. This bill gives $10 million each year to the International Program on the Elimination of Child Labor of the International Labor Organization to try to combat this terrible exploitation of children for their labor.

Like the subcommittee that produced it, the Foreign Relations Authorization Act is not only about international operations, but also about human rights. Every structural and fiscal decision has been taken with an eye toward preserving core humanitarian programs, saving lives and promoting the just interests of the American people.

While providing adequate funding for foreign relations programs, the bill also attempts to improve efficiency, transparency, and accountability in these programs. It reforms the State Department retirement and personnel programs to prevent double dipping and restores the power of the Secretary of State to terminate the employment of convicted felons, a power that had been inexplicably curtailed by an administrative grievance board.

H.R. 1757 also requires the State Department to report to the Congress on its efforts to get the government of Vietnam to cooperate on unresolved POW–MIA issues and on the deplorable human rights situation in that country, which includes the imprisonment not only of political dissidents but also of Buddhists, Catholic priests, and Protestant ministers. The Department would also be required to report on the progress of efforts to resolve claims by United States firms against the government of Saudi Arabia, claims that should have been resolved a long, long time ago, and it would put an end to the outrageous practice of requiring United States citizens to pay for a 900 number when they want to know why the Department is late in processing their passports.

I want to say a word or two about the provisions to streamline and reform our foreign policy agencies. Mr. Chairman, this bill reduces the number of agencies by two. Just as important, it does so in a way that would not only increase efficiency and reduce costs but, importantly, will preserve the vital functions of these agencies.

In particular, the provisions of the bill were designed to preserve the independence of our international freedom broadcasting services and other functions of public diplomacy that are performed by the U.S. Information Agency. We do not simply turn Radio Free Asia and Radio Marti over to the State Department so the country desks can do whatever they want on a short-term basis to promote what they think is important. By preserving the independence of these institutions within a new and distinct division of the State Department, we ensure that they will continue to reflect long-term American interests and values by supporting freedom and democracy around the world.

Finally, Mr. Chairman, let me say a word or two about the pro life amendment that I will offer at the appropriate time during consideration of this bill. This amendment will clarify and will clearly define U.S. policy with respect to abortion around the world, particularly with respect to forced abortion.

First, it will enact a positive law—the Mexico City policy—which prohibits United States population assistance funds from going to foreign organizations that perform or actively promote abortion as a method of family planning overseas.

Second, it will prohibit contributions to UNFPA, UN Population Fund, unless it ceases its support for the coercive population control program in the People's Republic of China. Again, Mr. Chairman, this is an amendment that will ensure that the U.S. foreign policy really does reflect American values.

Mr. Chairman, we need to support human rights across the board, including the rights of unborn children and of women who are brutalized by forced abortion. We can make a strong statement here that American foreign policy must reflect those values.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I would like to take one moment to simply object to the process, and I know that it is hard for people to think the process is important. We have a legislative process here that has been completely abdicated and given to the Committee on Rules in a process that the Politburo would have envied.

There was an effort to put together a piece of legislation that in a bipartisan manner would reflect the sentiments often spoken of in this Chamber that foreign policy debate is something we try to do in a bipartisan manner, that politics stops at our borders, but apparently that is not the case under this Committee on Rules and under this majority Republican Congress.

□ 1500

What we have is a complete rupture of the legislative process without hearings, without debate. All the many days of work of the committee was abdicated when word came down from the Committee on Rules that they were going to decide how this is made up.

The next step, which is probably even worse, is what they try to do. What they try to do in this process is change the way the President of the United States and the State Department and USAID and other organizations work out their responsibilities. They try to do it in a manner that dictates the terms in which AID and others will relate to one another. Now I think if there has been a program that has been helpful to our foreign policy interests and to our economic interests, it is USAID.

The countries that were previously our largest recipients of grain and other assistance are today the largest purchasers of American agricultural products, helping our balance of trade.

I think that what we ought to do is what the Hamilton proposal does, and that is to give the President the ability to make efficiencies occur that he, the Executive, sees are necessary, but not simply to try to constrain him into a process that may have nothing to do with the reality of how this White House, State Department, AID work together.

What we have here is an opportunity for people on both sides of the aisle to join together to reject the process that we have been forced into here today, and to reject the substance as well. There will be other amendments that are even more damaging that we will debate later, but even without those it is clear that the best course of action for this House, from a substantive point of view and from a procedural point of view, is to reject this legislation and force the Committee on Rules to bring to the floor the assistance legislation and State Department legislation that the committee passed.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], a member of the Subcommittee on International Economic Policy and Trade.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong support of the bill introduced by the gentleman from New York [Mr. GILMAN], our distinguished colleague and the chairman of the Committee on International Relations, and everyone's friend.

The impact and ramifications of this bill, Mr. Chairman, are wide-ranging. However, I would like to focus on a particular provision which would guarantee that the integrity and purpose of U.S. foreign policy and related laws passed by our legislative body are not being compromised.

The measure I am referring to is one which establishes reporting requirements on the implementation of title IV of the Helms-Burton law.

As the evidence clearly demonstrates, the Castro dictatorship in Cuba is, without a doubt, an enemy of the United States and presents a threat to the security of the American people. It is a terrorist regime that has repeatedly exported violence to other countries in our hemisphere. It attempts to undermine our stability by its involvement and support for the illicit narcotics trade. It serves to ridicule the

U.S. Government by being the last bastion of communism in the U.S.'s own backyard, and it is rated by our own State Department as well as the Inter-American Commission on Human Rights as the worst human rights violator in our hemisphere.

It is thus imperative for us in the United States Congress to stand firm by our policy of isolating this pariah state and not allow feel-good promises from our allies to diminish our resolve, and we must lead our allies in making sure that we are no longer in violation of U.S. laws by passing weak and inconsistent implementation of Helms-Burton.

The provision in this bill does what we set out to do when we passed the law. The fact is supported by the attacks that it has attracted from senior officials from the Castro regime who, over sheer desperation over the ramifications of the passage of this bill, felt compelled to hold an internationally broadcast press conference this past Friday to use their propaganda machine to attack this and other measures. They are certainly doubtful about the commitment of this administration to implement Helms-Burton to its full extent.

The periodic written reports required by our provision provide a more thorough documentation and will allow us to track the progress of the implementation of our laws over time. It ensures transparency in the process, it ensures the full force of the Libertad Act.

Until we see concrete actions from our European allies and others who choose to negotiate with Castro and thereby extend the suffering and the oppression of the Cuban people at the hands of this brutal dictator, this Congress must stand firm and refuse to allow our laws to be weakened for the purpose of appeasing our allies.

As we have stated on numerous occasions, diplomacy does not mean surrender. For this and many other reasons, Mr. Chairman, it is imperative for the passage of this bill that we include this provision.

Furthermore, as we have emphasized during committee consideration, we have seen how Helms-Burton has yet to be implemented. I urge my colleagues to support passage of this bill.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

If the situation were not so tragic, it would be humorous. We are watching the Republican majority with the presentation of this bill snatch defeat out of the jaws of victory on two of the issues they have fought the most for over the past 2½ years. First is the foreign aid authorization bill. After 3½ or 4 days of relatively amiable discourse, reasonably intelligent debate, a bipartisan consensus was formed that passed out an authorization bill that supported much of the administration's key priorities and at the same time dealt with many of the strong concerns of the Republican majority on the committee, a vote that included every single Democratic member of that committee and the vast majority of the Republican members of that committee, in marked contrast to the way the process had transpired 2 years before, a process which produced veto and veto and veto and no law.

From that bill, which by the way, lest my colleagues think this was tilted too much to the minority or too much to the administration, that bill, which came out of committee, was referenced in the letter signed by Henry Kissinger, James Baker, General Colin L. Powell, George Shultz, Lawrence Eagleburger, Brent Scowcroft, and Alexander Haig, key national security advisors and Secretaries of State for the last three Republican administrations.

What they said to the chairman of that committee who worked hard to produce this bipartisan majority was: "We commend you," and I am talking here about seven key Republican Secretaries of States and national security advisors.

"We commend you and your committee colleagues for having the courage to authorize adequate funding for the international affairs programs of the U.S. Government. We realize that funding these programs is rarely popular, but there are times when our political leaders, whether in the Congress or the Executive, must do what is best for the country, no matter what the popular view. This is one of those times. This post-Cold War era is a time of great opportunity. It is also a time, if we act irresponsibly, that can lay the groundwork for instability and conflict for generations to come. Without American leadership in the years ahead, instability and conflict are certain. A creative U.S. foreign policy demands an efficient and effective foreign affairs establishment. H.R. 1486," the bill that we passed out of committee, not the bill we are considering now, "will give us that instrument." Henry Kissinger, James Baker, Colin Powell, George Shultz, Lawrence Eagleburger, Brent Scowcroft, Alexander Haig.

Instead, we have a truncated bill that removes all of the authorizations in the foreign assistance program, much of the language dealing with critical issues like how we should be dealing with the former republics of the Soviet Union, what we should be doing in terms of development assistance in Africa that authorized the funding for our key priorities in the Middle East, including support for Israel and support for Egypt and the other countries in that region. And we are left with a bare-bones State Department authorization bill, a bill that unilaterally was changed by the Republican leadership that I can only believe did not want to see a bill that had too much Democratic support for fear that somewhere, someone would come and attack it just for that reason.

This is not the way to move ahead on a bipartisan foreign policy. But this is not the only area where they snatched defeat from the jaws of victory. For 2 years the Republican priority has been to reorganize our foreign relations agencies. Many of us opposed them on that over the past 2 years. The administration opposed them.

Finally, and I think my colleagues can perhaps fairly say kicking and screaming, the administration turns around, agrees to merge two of its international relations agencies, the USIA and the arms control and disarmament agency into the State Department to require the Agency for International Development to report to the Secretary of State, not to the President, to cover all of the major priorities that the Republicans in both the House and the Senate had been screaming about.

So what did the Republican majority try to do? Instead of letting that process, which has been announced and developed, take fold, work with the administration to do the necessarily implementing legislation, unilaterally the Republicans are proposing a substitute in this bare-bones bill that no longer has any of the bipartisan elements that caused us to all support the bill in the beginning, to ram through a unilateral partisan, never-before-seen in a committee anywhere proposal to reorganize on their terms. That will defeat the reorganization effort, that will cause the administration to back off, that will cause this bill to become veto bait once again.

So both in terms of the bipartisanship on the aid and the achievements in the reorganization, everything is at risk. I think it is a terrible mistake and I urge that the bill be defeated.

Mr. Chairman, I include for the RECORD the letter referenced earlier in my remarks.

MAY 20, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, U.S. House of Representatives.

DEAR BEN: We are writing to express our support for the bill your Committee has reported, H.R. 1486, the "Foreign Policy Reform Act".

We commend you and your Committee colleagues for having the courage to authorize adequate funding for the international affairs programs of the U.S. Government. We realize that funding these programs is rarely popular. But there are times when our political leaders, whether in the Congress or the Executive, must do what is best for the country no matter what the popular view. This is one of those times. This post Cold-War era is a time of great opportunity; it is also a time—if we act irresponsibly—that can lay the ground work for instability and conflict for generations to come. Without American leadership in the years ahead instability and conflict are certain. A creative U.S. foreign policy demands an efficient and effective foreign affairs establishment. HR 1486 will give us that instrument.

We also support your intention to amend your bill on the House floor to abolish two agencies, the Arms Control and Disarmament Agency and the U.S. Information Agency, and to consolidate the functions of the these agencies, as well as some functions of the Agency for International Development, into the Department of State. Reorganization and streamlining of our foreign affairs agencies is long overdue.

With your continued leadership, we can build on America's victory in the Cold War and make sure that in the next century our nation does not repeat past mistakes. We must learn from history.

Sincerely,

HENRY KISSINGER.
GEORGE P. SHULTZ.
ALEXANDER M. HAIG, JR.
JAMES A. BAKER, III.
LAWRENCE EAGLEBURGER.
GENERAL COLIN POWELL.
BRENT SCOWCROFT.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART], a distinguished member of the House Committee on Rules.

Mr. DIAZ-BALART. Mr. Chairman, I thank the chairman for yielding me this time, and I commend the gentleman for all the hard work on this legislation. I think it is unfortunate that our friends on the other side of the aisle are not looking very much at bipartisan measures that are included in the legislation before us.

For example, my distinguished colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN], inserted a very important provision in this legislation, especially at this time of negotiations between the United States and the European Union with regard to our sanctions policy against the Cuban dictatorship, a dictatorship that is in its last stages. There is no doubt that sovereignty will soon be returned to the people of Cuba. The dictatorship will not last long, and the day where the Cuban people will finally have self-determination and freedom will soon arrive, and especially at this moment when the United States and the European Union are negotiating because of a very unwise challenge by the European Union with regard to our policy at the World Trade Organization.

It is very important that the measure that the gentlewoman from Florida [Ms. ROS-LEHTINEN] included in this legislation that she referred to previously to insist upon full compliance with title IV of the Helms-Burton law be passed, and it is in here, Mr. Chairman. The gentleman from New Jersey [Mr. MENENDEZ], a very distinguished friend from the other side of the aisle, has included a very important provision as well.

We need to stop the nuclear power plants that Castro is trying to complete from being completed. It was outrageous when we found out that the International Atomic Energy Commission was actually using U.S. taxpayer funds to assist Castro in the completion of those plants. That is prohibited in this legislation, Mr. Chairman. It is an important piece of legislation. It has bipartisan aspects to it. These measures have been supported on a bipartisan basis, and it is unfortunate that our colleagues have reacted in this way.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAPPS], a distinguished member of the committee.

Mr. CAPPS. Mr. Chairman, when I came to Congress not very many weeks ago, I promised the people I represent that I would do what I could to work in a bipartisan fashion to help restore the bond of trust between the people and those of us who represent them here in Washington.

Mr. Chairman, I have now changed my resolve. The example that I have cited over and over again is the fine way that the Committee on International Relations has worked under the able direction of the gentleman from New York [Mr. GILMAN], the way we have worked together to produce bills on which there was a bipartisan agreement.

For me, watching this for the first time at this close range, participating in it for the first time, it was democracy in action. The debate was spirited, opposing points of view were vigorously expressed, and we came to agreements that could stand because we trusted the process and the process itself was trustworthy.

□ 1515

I would come home week after week to California and tell the people that I represent that I was participating in a Jeffersonian exercise of which I was very proud. We were creating foreign policy in a bipartisan manner, very effective foreign policy.

Because of the way we did it, the bill that came from the committee was a bill that both the President and the Congress, Democrats and Republicans, could agree on. In my judgment, the original bill contained sufficient funding. It included sound policy on family planning. It avoided highly contentious action on U.N. funding and agency reorganization. It even included a compromise that I was pleased to work out with the gentleman from New Jersey [Mr. SMITH]. Now we have something very different that makes something of a mockery of the legislative process and, in my judgment, violates democratic principles.

I was asked to restore the bond of trust. I must say, Mr. Chairman, that in this instance I do not trust the process. I am going to vote against the bill, and wish so much that we could vote on the bill on which the committee had come to agreement.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of this legislation and the improvements it makes in the operation of our State Department. I especially appreciate the chairman of the Committee on International Relations for yielding me this time, and for including a provision regarding diplomatic immunity in this bill.

This provision is taken almost word for word from H.R. 1622, a bill introduced by the gentleman from California [Mr. DREIER] and myself in the House and Senator COVERDELL in the other body.

This bill grew in part out of the tragic death of a 16-year-old girl in the Washington, DC area who was killed by a drunken driver who happened to be a diplomat from the Republic of Georgia. This diplomat could have escaped prosecution, as many others have, even when people have been killed, had diplomatic immunity not been waived.

Foreign diplomats who commit felony offenses on U.S. soil should be prosecuted for those crimes. If U.S. diplomats commit felony offenses overseas, they should be prosecuted. Specifically, this bill urges the State Department to pursue waivers of diplomatic immunity when foreign diplomats commit serious crimes in the United States.

In addition, if a foreign government of a diplomat who commits a crime will not agree to waive immunity, then that government will be encouraged to prosecute the criminal for the same offense in its own courts. This language will encourage the State Department to hold diplomats accountable for crimes committed in the United States.

I welcome all people of all nationalities into this country, but at the same time, I do not think that diplomats should have the right to come here and kill or commit other serious crimes against U.S. citizens without expecting punishment.

Again, Mr. Chairman, I would like to thank the chairman and the other members of the Committee on International Relations for recognizing this problem and acting to correct it, and including this provision in the legislation. I urge passage of this bill, and I once again commend the chairman for the diligent way in which he has worked to try to accommodate all interests in this legislation.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania [Mr. FOX], a member of the committee.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to support the bill. Chairman GILMAN has done an outstanding job in bringing both sides of the aisle together in a bill that is going to achieve, I believe, the kinds of reforms that Congress has set out to do, to make sure that we streamline Government and making sure that in this budget we get our money's worth.

I might say as one of the highlights: the Embassy move of the United States to Jerusalem, the capital of Israel, which is included within this legislation. I remember from the 104th Congress this was an initiative that was begun then to do what was right to make sure the United States has our Embassy in the capital of Israel, just like we have our Embassy in the capital of every other country.

I think it is also important to point out that this legislation makes some very important points with regard to Cuba. It puts more controls on the Castro dictatorship. Just like the fact that a representative and spokesperson for Fidel Castro spoke out against this legislation, which should give us reason, as well, to vote for the bill.

I think it is also important to have my colleagues on both sides of the aisle realize that this legislation sensibly funds refugee programs around the world. So here we have a bill that deserves the support, I believe, of Members, Republican, Democrat, Independent, regardless of your States.

We here in the United States are doing what is right across the world. This legislation is the right bill at home, which I think has taken into account the hearings we have had before the Committee on International Relations and also respects the wishes of most of all our Members, if not all the Members, who had input on the bill.

I would urge all our colleagues to support it, and again thank the chairman, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON], the ranking member, for their leadership and what they have done to bring this bill to this point.

Mr. HAMILTON. Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to urge our colleagues to consider fully supporting this measure, even though they may have some reservations for one portion of the bill or another. I think overall, this State Department reauthorization is so essential to our foreign policy. There are a number of important measures which will enhance our State Department's ability to conduct foreign policy. While we would have liked to have seen an undivided bill, I want to assure my colleagues that we will be going to bat with our leadership to try to have the foreign aid measure follow the adoption of this bill.

Mr. LANTOS. Mr. Chairman, I rise today to express my strong opposition to House Resolution 159, the rule for the consideration of H.R. 1757, the Foreign Relations Authorization Act, and H.R. 1758, European Security Act. I want to associate myself in particular with the outstanding remarks that were made earlier in this debate by our distinguished colleague from Indiana, Mr. HAMILTON, the ranking Democratic member of the International Relations Committee.

First, Mr. Chairman, the rule being proposed by the Rules Committee today is a mindboggling travesty of the procedures of this House. Almost since the very beginning of this Congress, as the ranking Democratic member of the Subcommittee on International Operations and Human Rights, I have worked and my staff have worked with the chairman of the subcommittee, our distinguished colleague Mr. SMITH of New Jersey and his staff. We resolved a number of difficult issues in a spirit of bipartisanship and cooperation that I have welcomed. We worked out a good Foreign Relations authorization bill—it included provisions that involved compromise and accommodation that were carefully and thoroughly worked through with the administration and with other members of the subcommittee and the committee. The bill was considered by the full International Relations Committee where it was seriously and thoughtfully considered over a number of days. The final bill—H.R. 1486, the Foreign Policy Reform Act—was the bipartisan product of that effort.

When H.R. 1486 was considered by the Committee on Rules, the committee essentially rewrote the bill. All of this was done without hearings, without the involvement of the members of the International Relations Committee, against the previously expressed views of the chairman of the International Relations Committee, and in the back room, out of the view of the Members of this House.

Mr. Chairman, if the standing committees of this House are so irrelevant, so unimportant, that their efforts are totally ignored, perhaps we should save money by simply abolishing all of the standing committees of the House. Then all of our decisions can be made for us by the Committee on Rules. My first concern then, Mr. Speaker, is that the rule for the consideration of these bills today is a total travesty of fairness and the normal procedures of this House.

The second reason for my opposition to this rule, Mr. Chairman, is that the rule also provides for a closed rule for the consideration of H.R. 1758, the so-called "European Security Act." This is likewise an astounding provision. During the present Congress, the Committee on International Relations has not even so much as held a hearing on the principal issues with which this legislation deals: NATO enlargement, the Treaty on Conventional Forces in Europe, and the Anti-Ballistic Missile Treaty. It is an egregious violation of House procedures to prohibit amendments to this amendment which has never been considered by the International Relations Committee and Members have never had the opportunity to consider this important legislation.

I have strongly advocated that Romania should be one of the countries invited to join NATO in the first round of expansion later this year. H.R. 1758, the European Security Act, as it is now written, does not call for the immediate admission of Romania. I would like to offer a sense-of-the-Congress provision that urges the inclusion of Romania in NATO when invitations are extended to other countries later this year. Unfortunately, I will not even have the opportunity to raise this important issue upon the floor when we consider this bill.

Mr. Chairman, I have been delighted and impressed with the progress that the Government has made in moving Romania toward a Democratic political system which recognizes and copes with ethnic diversity and in moving Romania toward a market-oriented economic system. The Romanians have worked to resolve differences with their neighbors, most particularly with Hungary, with whom there have been longstanding historical differences. The Romanian people clearly desire to be admitted to membership in NATO, and I strongly believe that Romania should be considered and accepted for NATO membership in the first round of expansion.

The third reason for my opposition to this legislation, Mr. Speaker, is that we are being asked today to begin immediate consideration of these new bills: H.R. 1757 and H.R. 1758. Both of these bills were introduced in the House only very late yesterday, after H.R. 1486 was, in effect, rejected by the Rules Committee. We are told that the rule for the consideration of H.R. 1757 is an "open" rule. Mr. Speaker, the "open" portion of the rule applies to a bill that has been available to Members only since late last night. None of us were aware that a new bill was being offered in place of the bipartisan legislation approved earlier by the International Relations Committee until today, just a few hours before it is being brought up for consideration. We have had so little time to review and examine this bill, and to draft amendments to fit with the text of the new bill, that the "open rule" is virtually meaningless. Two weeks ago, the Rules Committee issued a call for amendments to the Foreign Relations authorization legislation, which we were told would have to be printed in the RECORD before they could be considered. Now we have a totally new bill that is being considered under a supposedly "open" rule, but, in fact, the limited time to review it provides no opportunity for serious, thoughtful consideration of these important issues.

Mr. Chairman, the fourth reason I will oppose this legislation is the highhanded way in which the Committee on Rules has altered, changed, and inserted Chairman GILMAN's language on the reorganization of foreign affairs agencies. This is reform language that was not considered by the International Relations Committee. It is language that is inappropriate and premature, because the Department of State and other foreign affairs agencies are now in the process of working out the realignment of the structure of the agencies responsible for the conduct of our Nation's foreign policy. The Gilman language is opposed by the administration, and if it remains in the bill, this legislation will be vetoed by the President.

The new bill also drops four budget-related provisions which were included in the bipartisan legislation reported out by the International Relations Committee. Another provision dropped from this new bill was the so-called "Lautenberg" language regarding the definition of refugee status. Again, this provision was included in the bipartisan original legislation that was reported out of the International Relations Committee.

In summary, Mr. Chairman, the rule we are considering today replaces a bill that had been developed over a long period of time with a great deal of consultation and compromise. It had bipartisan support in the International Relations Committee and among the Members of this House which had the support of the administration. Now, in place of this bipartisan bill, we will now consider a partisan bill that has not had any opportunity for thoughtful input or hearings and which has virtually no chance of being signed by the President in anything like the form in which it is now being considered by the House today.

Mr. Chairman, I originally intended to offer an amendment to H.R. 1486. In good faith, I submitted that amendment for publication in the RECORD. I will not offer that amendment, Mr. Speaker, and I oppose adoption of the rule, and I will oppose the adoption of the bill that is being considered by the House today if, after the amendment process, the bill is anywhere close to its present form.

Mr. Chairman, I strongly urge my colleagues to vote against this unfortunate and unfair rule. I also urge my colleagues to vote against H.R. 1757 and H.R. 1758 unless they are substantially amended. This is not the way that the House of Representatives should exercise its important role and responsibilities in the organization, structure and conduct of U.S. foreign policy.

Mr. BILIRAKIS. Mr. Chairman, I rise today to express my support for a provision in H.R. 1757, the Foreign Relations Authorization Act for Fiscal Year 1997, which addresses my concerns about the Ecumenical Patriarchate in Instanbul—Constantinople, Turkey. I want to thank Chairman BEN GILMAN for his assistance on this important matter.

The Ecumenical Patriarchate, founded in 38 AD, is the locale where the New Testament was codified and where the Nicene Creed was first written. Today, the Ecumenical Patriarchate is the spiritual center for more than 300 million orthodox Christians worldwide but it is not given the right to function properly as the headquarters of the Orthodox Church.

In recent years, there have been successive terrorist attempts to desecrate and destroy the premises of the Patriarchate. On September 30, 1996, a hand grenade was thrown into the headquarters of the Patriarchate. The explosion damaged the Patriarchal Cathedral and blew out the windows of the sleeping quarters. On May 28, 1994, three powerful bombs were found and diffused by Turkish security forces, only minutes before they were set to detonate. On March 30, 1994, two firebombs were hurled into the Patriarchate. This is an issue of religious freedom which is taken very seriously by all orthodox Christians, including more than 5 million living in the United States.

Specifically, H.R. 1757 encourages the United States to use its influence as a permanent member of the U.N. Security Council to suggest that the Turkish Government should: One, recognize the Ecumenical Patriarchate and its nonpolitical, religious mission; two, encourage the continued maintenance of the institution's physical security needs, as provided for under Turkish law and international law, including but not limited to, the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act of 1975, and the Charter of Paris; three, encourage the proper protection and safety of the Ecumenical Patriarchate personnel; and four, reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

The language in H.R. 1757 closely parallels House Concurrent Resolution 6, legislation that I have introduced in the House. My bill directs the United States to use its influence with the Turkish Government to provide for the proper protection and continued livelihood of the Patriarchate and all othodox faithful residing in Turkey.

My legislation also requires the administration to report annually to Congress on the progress of these efforts. In addition, it calls upon the Turkish Government to do everything possible to find and punish the perpetrators of any provocative and terrorist acts against the Patriarchate. I am pleased that language regarding the protection and continued livelihood of the Ecumenical Patriarchate, as well as language calling for the reopening of the Halki Patriarchal School of Theology, has been included in the bill.

It is imperative that people everywhere have the ability to freely and without fear of threat or intimidation practice and express their religious convictions. As a free and compassionate people, we cannot allow acts of violence against the Orthodox Church. The provisions in H.R. 1757 are an important first step in achieving the proper protection of the Patriarchate. Again, I want to commend Chairman GILMAN for his efforts to protect the Patriarchate. I will continue to work with him on this important issue as this legislation is considered by the Congress.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by title, and each title shall be considered as read.

The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 2 divisions as follows:

(1) Division A—Consolidation of foreign affairs agencies.

(2) Division B—State Department and Related Agencies Authorization Act.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Congressional findings.
Sec. 103. Purposes.
Sec. 104. Definitions.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 212. Transfer of functions to Secretary of State.
Sec. 213. Under Secretary for Arms Control and International Security.
Sec. 214. Assistant Secretary for Arms Transfer and Export Control Policy; Assistant Secretary for Arms Control and Nonproliferation.
Sec. 215. Repeal relating to Inspector General for United States Arms Control and Disarmament Agency.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 221. References.
Sec. 222. Repeal of establishment of ACDA.
Sec. 223. Repeal of positions and offices.
Sec. 224. Authorities of Secretary of State.
Sec. 225. Conforming amendments.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

Sec. 311. Abolition of United States Information Agency.
Sec. 312. Transfer of functions.
Sec. 313. Under Secretary of State for Public Diplomacy.
Sec. 314. Assistant Secretary for International Exchanges; Assistant Secretary for International Information Programs.
Sec. 315. Abolition of office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 321. References in law.
Sec. 322. Amendments to title 5, United States Code.
Sec. 323. Amendments to United States Information and Educational Exchange Act of 1948.
Sec. 324. Amendments to Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act).
Sec. 325. International broadcasting activities.
Sec. 326. Television broadcasting to Cuba.
Sec. 327. Radio broadcasting to Cuba.

Sec. 328. National Endowment for Democracy.
Sec. 329. United States Scholarship Program for Developing Countries.
Sec. 330. Fascell Fellowship Board.
Sec. 331. National Security Education Board.
Sec. 332. Center for Cultural and Technical Interchange Between North and South.
Sec. 333. Center for Cultural and Technical Interchange Between East and West.
Sec. 334. Mission of Department of State.
Sec. 335. Consolidation of administrative services.
Sec. 336. Grants.
Sec. 337. Ban on domestic activities.
Sec. 338. Conforming repeal to Arms Control and Disarmament Act.
Sec. 339. Repeal relating to procurement of legal services.
Sec. 340. Repeal relating to payment of subsistence expenses.
Sec. 341. Conforming amendment to SEED Act.
Sec. 342. International Cultural and Trade Center Commission.
Sec. 343. Other laws referenced in reorganization plan no. 2 of 1977.
Sec. 344. Exchange program with countries in transition from totalitarianism to democracy.
Sec. 345. Edmund S. Muskie Fellowship Program.
Sec. 346. Implementation of Convention on Cultural Property.
Sec. 347. Mike Mansfield fellowships.
Sec. 348. United States Advisory Committee for Public Diplomacy.

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

CHAPTER 1—GENERAL PROVISIONS

Sec. 401. Effective date.

CHAPTER 2—ABOLITION OF INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS

Sec. 411. Abolition of United States International Development Cooperation Agency.
Sec. 412. Transfer of functions.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 421. References.

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 501. Effective date.

CHAPTER 2—REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

Sec. 511. Reorganization of Agency for International Development.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 601. Reorganization plan.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 611. Reorganization authority.
Sec. 612. Transfer and allocation of appropriations and personnel.
Sec. 613. Incidental transfers.
Sec. 614. Effect on personnel.
Sec. 615. Transition fund.
Sec. 616. Savings provisions.
Sec. 617. Property and facilities.
Sec. 618. Authority of Secretary of State to facilitate transition.
Sec. 619. Recommendations for additional conforming amendments.
Sec. 620. Final report.
Sec. 621. Transfer of function.
Sec. 622. Severability.

DIVISION B—STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVTIES

Sec. 1101. Administration of foreign affairs.
Sec. 1102. International organizations, programs, and conferences.
Sec. 1103. International commissions.
Sec. 1104. Migration and refugee assistance.
Sec. 1105. Asia foundation.
Sec. 1106. United States informational, educational, and cultural programs.
Sec. 1107. United States arms control and disarmament.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 1201. Revision of department of State rewards program.
Sec. 1202. Capital investment fund.
Sec. 1203. Reduction of reporting.
Sec. 1204. Contracting for local guards services overseas.
Sec. 1205. Preadjudication of claims.
Sec. 1206. Expenses relating to certain international claims and proceedings.
Sec. 1207. Establishment of fee account and providing for passport information services.
Sec. 1208. Establishment of machine readable fee account.
Sec. 1209. Retention of additional defense trade controls registration fees.
Sec. 1210. Training.
Sec. 1211. Fee for use of diplomatic reception rooms.
Sec. 1212. Fees for commercial services.
Sec. 1213. Budget presentation documents.
Sec. 1214. Grants to overseas educational facilities.
Sec. 1215. Grants to remedy international child abductions.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 1241. Use of certain passport processing fees for enhanced passport services.
Sec. 1242. Consular officers.
Sec. 1243. Repeal of outdated consular receipt requirements.
Sec. 1244. Elimination of duplicate publication requirements.

CHAPTER 3—REFUGEES AND MIGRATION

Sec. 1261. Report to Congress concerning Cuban emigration policies.
Sec. 1262. Reprogramming of migration and refugee assistance funds.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 1301. Coordinator for counterterrorism.
Sec. 1302. Elimination of statutory establishment of certain positions of the Department of State.
Sec. 1303. Establishment of Assistant Secretary of State for Human Resources.
Sec. 1304. Establishment of Assistant Secretary of State for Diplomatic Security.
Sec. 1305. Special Envoy for Tibet.
Sec. 1306. Responsibilities for bureau charged with refugee assistance.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 1321. Authorized strength of the Foreign Service.
Sec. 1322. Nonovertime differential pay.
Sec. 1323. Authority of Secretary to separate convicted felons from service.
Sec. 1324. Career counseling.
Sec. 1325. Report concerning minorities and the foreign service.
Sec. 1326. Retirement benefits for involuntary separation.
Sec. 1327. Availability pay for certain criminal investigators within the diplomatic security service.
Sec. 1328. Labor management relations.
Sec. 1329. Office of the Inspector General.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Sec. 1401. Extension of au pair programs.
Sec. 1402. Retention of interest.
Sec. 1403. Center for Cultural and Technical Interchange Between North and South.
Sec. 1404. Use of selected program fees.
Sec. 1405. Muskie Fellowship Program.
Sec. 1406. Working group on United States Government sponsored international exchanges and training.
Sec. 1407. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 1408. United States—Japan Commission.
Sec. 1409. Surrogate broadcasting studies.
Sec. 1410. Authority to administer summer travel/work programs.
Sec. 1411. Permanent administrative authorities regarding appropriations.
Sec. 1412. Authorities of the broadcasting board of governors.

TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Service in international organizations.
Sec. 1502. Organization of American States.

CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

Sec. 1521. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 1522. Reports on efforts to promote full equality at the United Nations for Israel.
Sec. 1523. United Nations Population Fund.
Sec. 1524. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.

TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY

Sec. 1601. Comprehensive compilation of arms control and disarmament studies.
Sec. 1602. Use of funds.

TITLE XVII—FOREIGN POLICY PROVISIONS

Sec. 1701. United States policy regarding the involuntary return of refugees.

Sec. 1702. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 1703. Reports on claims by United States firms against the Government of Saudi Arabia.
Sec. 1704. Human rights reports.
Sec. 1705. Reports on determinations under title IV of the Libertad Act.
Sec. 1706. Reports and policy concerning diplomatic immunity.
Sec. 1707. Congressional statement with respect to efficiency in the conduct of foreign policy.
Sec. 1708. Congressional statement concerning Radio Free Europe/Radio Liberty.
Sec. 1709. Programs or projects of the International Atomic Energy Agency in Cuba.
Sec. 1710. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 1711. Report on compliance with the Hague Convention on International Child Abduction.
Sec. 1712. Sense of Congress relating to recognition of the Ecumenical Patriarchate by the Government of Turkey.
Sec. 1713. Return of Hong Kong to People's Republic of China.
Sec. 1714. Development of democracy in the Republic of Serbia.
Sec. 1715. Relations with Vietnam.
Sec. 1716. Statement concerning return of or compensation for wrongly confiscated foreign properties.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate title I.

The text of title I is as follows:

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation Act of 1997".

SEC. 102. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic, and humanitarian interests of the United States require continued United States engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty-first century as it has been in the twentieth.

(2) The United States budget deficit requires that the foreign as well as the domestic programs and activities of the United States be carefully reviewed for potential savings. Wherever possible, foreign programs and activities must be streamlined, managed more efficiently, and adapted to the requirements of the post-Cold War era.

(3) In order to downsize the foreign programs and activities of the United States without jeopardizing United States interests, strong and effective leadership will be required. As the official principally responsible for the conduct of foreign policy, the Secretary of State must have the authority to allocate efficiently the resources within the international affairs budget. As a first step in the downsizing process, the proliferation of foreign affairs agencies that occurred during the Cold War must be reversed, and functions of these agencies must be restored to the Secretary of State.

(4) A streamlined and reorganized foreign affairs structure under the strengthened leadership of the Secretary of State can more effectively promote the international interests of the United States in the next century than the existing structure.

(5) The new foreign affairs structure should be one that will maintain the quality and integrity of the public diplomacy and arms control functions now performed by the United States Information Agency and the Arms Control and Disarmament Agency.

SEC. 103. PURPOSES.

The purposes of this division are—

(1) to consolidate and reinvent the foreign affairs agencies of the United States within the Department of State;

(2) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(3) to provide for the reorganization of the Department of State to maximize the efficient use of resources, eliminate redundancy in functions, effect budget savings, and improve the management of the Department of State;

(4) to ensure that the United States maintains adequate representation abroad within budgetary restraints;

(5) to ensure that programs critical to the promotion of United States national interests be maintained;

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies;

(7) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(8) to abolish the United States Arms Control and Disarmament Agency, the United States Information Agency, the United States International Development Cooperation Agency, and consolidate the functions of these agencies into the Department of State while preserving the quality and integrity of these functions; and

(9) to consolidate some functions of the Agency for International Development into the Department of State.

SEC. 104. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) The term "AID" means the Agency for International Development.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

(5) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(6) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(7) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(8) The term "Secretary" means the Secretary of State.

(9) The term "USIA" means the United States Information Agency.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Chairman, I offer an amendment, and I ask unanimous consent that I be permitted to offer the amendment at this point in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMILTON:

Strike Title I through Title VI of Division A and sections 1301 through 1306, 1321, and 1707 of Division B and insert the following new title (and conform the table of contents accordingly, and make other appropriate conforming amendments).

TITLE I—REINVENTION OF THE FOREIGN AFFAIRS AGENCIES

SEC. 101. SHORT TITLE.

This Title may be cited as the "Foreign Affairs Agencies Reinvention Act of 1997".

SEC. 102. REINVENTION OF THE FOREIGN AFFAIRS AGENCIES.

The Congress of the United States makes the following findings:

(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic and humanitarian interests of the United States require continued American engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty-first century as it has been in the twentieth.

(2) In this context, the United States has an historic opportunity to continue the reinvention of the agencies primarily responsible for implementing the Nation's foreign policies.

(3) The continuing reinvention of the foreign affairs agencies, the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development and Cooperation Agency and the United States Agency for International Development, must ensure that these agencies can effectively confront the new and pressing challenges of the post Cold War world.

(4) The reinvention of the foreign affairs agencies recognizes the fact that arms control and nonproliferation, sustainable development, and public diplomacy are now more central than ever to the success of United States foreign policy. Any integration of these agencies should preserve the unique skills and capabilities of each of the agencies in a reinvented Department of State.

(5) A streamlined, reorganized and more flexible foreign affairs structure under the strengthened leadership of the Secretary of State can more effectively promote the international interests of the United States and enhance the United States' ability to meet the growing foreign policy challenges during the next century.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to provide for the reinvention of the Department of State to enable it better to incorporate additional functions and agencies, manage new responsibilities, and make the Department more effective and efficient and

better able to defend American interests and promote American values abroad;

(2) to integrate certain agencies and certain functions of other agencies of the Untied States into the reinvented Department of State; and

(3) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy.

SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) "agency" means the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the Agency for International Development;

(2) "reorganization" means integration, transfer, consolidation, coordination, authorization, or abolition, referred to in section 1805 of this title; and

(3) "officer" is not limited by section 2104 of Title 5 of the United States Code.

SEC. 105. REORGANIZATION PLAN FOR REINVENTING THE FOREIGN AFFAIRS AGENCIES

(a) No later than 120 days after the enactment of this Act, the President shall submit to the Congress a reorganization plan for the foreign affairs agencies specifying the reorganization of the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development and Cooperation Agency, and the Agency for International Development. Such plan may provide for—

(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of the Department of State;

(2) the abolition of all or a part of the functions of an agency, except that no enforcement function or statutory program shall be abolished by the plan;

(3) the consolidation or coordination of the whole or a part of an agency, or the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

(5) the authorization of an officer to delegate any of the officer's functions; or

(6) the abolition of the whole or a part of an agency which agency or part does not have or on the taking effect of the plan will not have, any functions.

(b) Such plan shall provide that—

(1) with respect to the Department of State, the Department shall undertake a new round of internal reinvention to incorporate new organizations and to manage new responsibilities;

(2) with respect to the Arms Control and Disarmament Agency—

(A) within one year of the effective date of the reorganization plan for the foreign affairs agencies, the Arms Control and Disarmament Agency shall be fully integrated with the Department of State by merging both agencies' related arms control and nonproliferation functions;

(B) the positions of the Director of the Arms Control and Disarmament Agency and the Under Secretary of State for Arms Control and International Security Affairs shall be merged as the Under Secretary/Senior Advisor to the President and the Secretary of State, which will be able to communicate with the President through the Secretary of State;

(C) the Arms Control and Disarmament Agency's unique advocacy role shall be preserved and the policy process supporting those efforts will be strengthened through additional interagency responsibilities; and

(D) along with the Arms Control and Disarmament Agency's technical and policy expertise, its verification, compliance, and legal functions shall be preserved;

(3) with respect to the Untied States Information Agency—

(A) within two years from the effective date of the reorganization plan for the foreign affairs agencies, the United States Information Agency and the Department of State shall be integrated;

(B) a new Under Secretary for Public Diplomacy shall be established; and

(C) the distinctiveness and editorial integrity of the broadcast entities shall be respected; and

(4) with respect to the United States Agency for International Development—

(A) the Agency shall remain a distinct agency, but shall share certain administrative functions with the Department of State and report to and be under the direct authority and foreign policy guidance of the Secretary of State;

(B) within two years from the effective date of the reorganization plan for the foreign affairs agencies, its press office and certain administrative functions shall be integrated with the Department of State; and

(C) the International Development Cooperation Agency shall be abolished.

(c) SUBMISSION OF REORGANIZATION PLAN.—The President shall have the reorganization plan for the foreign affairs agencies delivered to both Houses on the same day and to each House while it is in session. If either House is out of session at the end of the 120 days after the enactment of this Act, the plan shall be submitted to the first day thereafter when both Houses are in session. The President's message shall include an implementation section which shall (1) describe in detail (A) the actions necessary or planned to complete the reorganization, (B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and (C) any preliminary actions which have been taken in the implementation process, and (2) contain a projected timetable for completion of the implementation process. The President shall also submit such further background or other information as the Congress may require for its consideration of the plan.

(d) Any time during the period of 60 calendar days after the date on which the plan is transmitted to it, but before any joint resolution described in section 1809 has been ordered reported in either House, the President may make amendments or modifications to the plan, consistent with sections 1805–1807 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this title.

SEC. 106. ADDITIONAL CONTENTS OF REORGANIZATION PLAN.

A reorganization plan for the foreign affairs agencies transmitted by the President under section 1805 of this title—

(1) may provide for the appointment and pay of one or more officers of any agency, including the appointment of additional Under Secretaries and Assistant Secretaries (not to exceed the number, respectively of officers authorized at Executive Levels III and IV of the transferring agencies), if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary;

(2) shall provide for the transfer or other disposition of the records, property and personnel affected by a reorganization;

(3) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective;

(4) shall provide for terminating the affairs of an agency abolished;

(5) may provide that the provisions of law applicable to a transferring agency remain applicable only to transferred functions of that agency; and

(6) shall designate which provisions of law requiring the establishment of specified positions are no longer effective.

If the reorganization plan for the foreign affairs agencies transmitted by the President contains provisions required by paragraph (3) of this section, such plan shall provide for the transfer of unexpended balances only if such balances are used for the purposes for which the appropriation was originally made or for the purpose of reorganization.

SEC. 107. LIMITATION ON POWERS.

The reorganization plan for the foreign affairs agencies submitted under this title may not provide for, and a reorganization under this title may not have the effect of—

(1) creating a new executive department or renaming an existing executive department, or abolishing or transferring an executive department or all the functions thereof;

(2) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress; or

(3) creating a new agency which is not a component or part of an existing agency.

SEC. 108. REFERRAL OF PLAN AND JURISDICTION OVER RESOLUTIONS.

The reorganization plan for the foreign affairs agencies submitted pursuant to this title and any resolution with respect to such plan shall be referred to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House (and all joint resolutions with respect to such plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 109. EFFECTIVE DATE, DISAPPROVAL AND PUBLICATION OF REORGANIZATION PLAN FOR THE FOREIGN AFFAIRS AGENCIES.

(a) Except as provided under subsection (b) of this section, a reorganization plan shall be effective upon such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 120 calendar days after the President has submitted the reorganization plan for the foreign affairs agencies, and such plan shall become effective then only if the Congress does not enact prior to that date a joint resolution disapproving of the plan.

(b) INTRODUCTION AND REFERRAL.—

(1) IN GENERAL.—Any legislative recommendation referred to in subsection (a)

shall be considered in the House of Representatives and Senate under this subsection. Any such recommendation submitted to Congress shall be introduced by the majority leader (or the leader's designee) in each House (by request and not later than 3 days after the date of receipt by Congress of the recommendation) as a bill.

(2) REFERRAL.—That bill shall be referred on the date of introduction to the appropriate committee (or committees) in accordance with rules of the respective House.

(3) DISCHARGE DEADLINE.—If any committee to which the bill is referred does not report the bill by the end of the 10-day period beginning on the date the bill was referred to the committee, the committee shall be automatically discharged from further consideration of the bill as of the end of such period.

(4) FLOOR CONSIDERATION.—

(A) HOUSE OF REPRESENTATIVES.—For the purpose of expediting consideration and passage of a measure reported or discharged under this subsection, it shall be in order for the Committee on Rules of the House of Representatives to report a privileged resolution providing for the consideration of the bill. Any such resolution, if it makes in order any amendments to the bill, shall make in order an amendment consisting of the legislative recommendation.

(B) SENATE.—Any joint resolution disapproving the reorganization plan for the foreign affairs agencies shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(5) NO RECOMMITTAL.—It shall not be in order to move to recommit the bill.

(6) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in a House not later than the end of the 10-day period beginning on the date on which the motion to proceed to its consideration in that House has been approved.

(7) SPECIAL RULES.—If the House of Representatives approves a bill and the Senate approves a bill the text of which is identical to the text of the bill approved by the House of Representatives, the Senate is deemed to have approved the bill approved by the House of Representatives, effective on the later of—

(A) the date of approval of a bill in the Senate, or

(B) the date the Senate receives a message from the House of Representatives announcing that the House has passed the bill.

(8) NOT INCLUDING CERTAIN DAYS.—Days on which a House of Congress is not in session because of an adjournment of more than 3 days shall be excluded in the computation of any number of days in a period under this subsection with respect to that House.

(c) Under provisions contained in a reorganization plan for the foreign affairs agencies, any provision thereof may be effective at a time later than the date on which the plan otherwise is effective.

(d) A reorganization plan for the foreign affairs agencies which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

SEC. 110. EFFECT ON OTHER LAWS AND PENDING LEGAL PROCEEDINGS.

(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, or otherwise by operation of the reorganization plan for the foreign affairs agencies under this title, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function to the extent to which it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

(b) For the purpose of subsection (a) of this section, "regulation or other action" means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect or a reorganization plan under this title. On motion or supplemental petition filed at any time within twelve months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan, or if there is no successor, against such agency or officer as the President designates.

Mr. HAMILTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HAMILTON. Mr. Chairman, the President announced in April that he intended to consolidate several foreign affairs agencies, and his statement on the topic anticipated that the administration would take 120 days to develop and introduce a reorganization and consolidation plan, and the legislative authorities to carry out that plan.

I understand the administration has a variety of task forces now in operation. I believe the President is entitled to and is in the best position to organize the executive branch as he sees fit. He has already indicated that he is going to put USIA and ACTA into the State Department, and have AID report to the Secretary of State, so that is really not at issue here at any point.

I think our job in the Congress is to give the President some flexibility as to how he organizes his own executive branch, and not to micromanage the process, and then our job is to focus on results rather than on structure. Let us give the President the opportunity to present his reorganization plan, and if we are not satisfied with it in some respect, then I think it is appropriate for the Congress to act. In that way I think we retain and respect the powers of both the executive branch and the Congress.

The problem with the underlying bill is the reorganization proposal is never considered by the committee. I am very much aware that Chairman GILMAN views his reorganization proposals as reflecting the President's announcement. I also believe, however, that that is not how the President's advisers view the language.

I believe the underlying language in this bill takes a very extreme micromanagement approach, and allows the Congress to dictate to the President how he should organize the agencies that implement U.S. foreign policy. I believe it is the President's prerogative to decide how to arrange his agencies to implement that policy.

My amendment takes a very different approach. It mandates that the President provide and implement a reorganization plan within a specific time frame. It gives him the authority he needs to accomplish that task. My amendment will require the President to submit his plan within 120 days after the bill becomes law. He must submit a reorganization plan that would provide an outline of how and which agencies, offices, and functions will be reorganized; that ACTA and USIA and parts of AID would be integrated into the State Department, pursuant to the President's announcement, and that the merged agency's unique role in foreign policy would be preserved.

My amendment then provides that the Congress would have at least 120 days to consider the plan, suggest changes, and finally vote against it under expedited procedures if it does not fit the bill. What my amendment does not do is it does not mandate particular positions. It does not play favorites among agencies and offices. It does not tie the President's hands in finding the most effective way to protect the United States' national interest and to protect costs. It does not try to guess, without adequate information, how to change current law and micromanage what are essentially administrative solutions.

I think the underlying bill really does hinder the reorganization process. I know that is not the intent of the chairman, the gentleman from New York [Mr. GILMAN], but I do believe that is the effect of his language. So Mr. Chairman, I urge support for my amendment as a preferable option to the reorganization promoted in the underlying bill.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is surprising that we are once again debating the question of reorganizing the foreign affairs structure of our Government and abolishing agencies that have outlived their usefulness.

□ 1530

Permit me to review the history of this reorganization issue. Two years ago we brought before this Chamber a bill entitled H.R. 1561, to abolish the Arms Control and Disarmament Agency, the U.S. Information Agency, and the Agency for International Development. Not a single amendment was offered to the reorganization provisions of that bill. That bill passed this House. It was modified in the conference committee to mandate abolition of only one of those agencies, and subsequently the House passed the conference report.

However, Mr. Chairman, the President vetoed H.R. 1561, objecting to the abolition of any of these agencies. It was not just that he objected to the way we abolished these agencies; he stated in his veto message that he did not want to abolish them at all. The President stated, and I quote from his veto message of April 16, 1996, "the bill proceeds in an improvident fashion, mandating the abolition of at least one of three important foreign affairs agencies, even though each agency has a distinct and important mission that warrants a separate existence."

Now, Mr. Chairman, 1 year later the President has appeared to have changed his mind. On April 18 of this year, he seemed to embrace the very idea he vetoed 1 year before. According to the administration's press releases, under the President's proposal, two of the agencies that we had sought to abolish previously in H.R. 1561 were now to be abolished. Under that proposal there was to be a 120-day planning period. No later than 1 year after the conclusion of that planning period, the Arms Control and Disarmament Agency was to be abolished and merged into the State Department. And no later than 2 years after the conclusion of that planning board, the U.S. Information Agency was to be abolished and merged into the State Department.

Also, part of the Agency for International Development was to be merged into the State Department after 2 years.

Mr. Chairman, I will include the White House and State Department press releases on the President's proposals in the RECORD at the appropriate point.

Mr. Chairman, I thought this was a pretty good proposal. It closely tracked what we had tried to do in H.R. 1561. So I reduce the President's proposal to legislative language, and it is before us today. It is division A of this bill. And my language has been endorsed by the experts. I have a letter signed by Colin Powell, Henry Kissinger, James Baker, Lawrence Eagleburger, George Shultz, Alexander Haig, and Brent Scowcroft endorsing our approach to reorganization.

The administration says they do not like my language. They say they need more flexibility to reorganize than my language allows. They would prefer a different approach, the approach that our distinguished colleague, the gentleman from Indiana [Mr. HAMILTON], has offered as a substitute for my language.

So, what is this flexibility that the administration says it needs, and what does the Hamilton amendment actually say? One thing the Hamilton amendment does not say is that any agencies are to be abolished. The word abolished does not appear anywhere in his amendment. All that the Hamilton amendment states is that the President is to submit a plan providing for the integration of the Arms Control Agency and USIA into the State Department.

So the Hamilton amendment does make it possible to move the agencies wholesale under the State Department umbrella without abolishing anything at all.

The second thing that the Hamilton amendment does not do is to set a final date by which reorganization must occur. The Hamilton amendment says that the first agency is to be abolished 1 year after the plan's effective date. But his amendment does not specify that date. The President sets the date and he can set it whenever he wants. He can set it next year or 10 years from now. In fact, according to what I read, he does not have to set it at all. He can do nothing and the reorganization plan would never take effect.

The CHAIRMAN. The time of the gentleman from New York [Mr. GILMAN] has expired.

(By unanimous consent, Mr. GILMAN was allowed to proceed for 1 additional minute.)

Mr. GILMAN. Mr. Chairman, the third problem with the Hamilton amendment is that it provides no protection at all for vital functions of the agencies that are to be abolished. For example, international public diplomacy which is carried out by USIA is extremely important. We spend a lot of money to support it. We do not want it to be abused. We do not want all the resources of the USIA to be redirected to bombard the American people with propaganda in support of the administration or any administration's foreign policy, and we do not want to spend U.S. taxpayer's money churning out propaganda to influence U.S. public opinion.

My reorganization language contains protection for the integrity of public diplomacy. We preserve the broadcasting board of governors to make certain that the Voice of America and Radio Free Europe and Radio Marti are not turned into mouthpieces for whoever happens to be running U.S. foreign policy. The Hamilton amendment, I submit, contains no such protections.

In closing, the bottom line on the Hamilton amendment is this: Do we want real reorganization of the foreign agencies or do we want reorganization? Let us hold the President to his word and insist on real reorganization and vote down the Hamilton amendment.

Mr. HAMILTON. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HAMILTON. Mr. Chairman, let me say in response to the comments of the gentleman from New York [Mr. GILMAN] that I do not think really here at issue is whether or not certain agencies are going to be abolished. The President has already said that he is going to incorporate two of these agencies into the State Department. We really are arguing about words here. The President uses the word incorporate. The chairman wants to use the word abolish. We can use either word, it seems to me; the result is the same. We are not going to have a USIA. We are not going to have an ACDA. They are going to be subsumed in the Department of State, and AID, too, is going to go through radical change.

Second, I think there is a very tight time frame in the Hamilton amendment. We require the President to submit to Congress in 120 days his bill for reorganization, and then the Congress has 120 days after that to act. So I think we are on a very tight time frame, and we are on a time frame which is consistent with what the President has indicated that he is going to do.

At the end of the day here, the important point is this. My proposal will mean that, if it is adopted, we have an opportunity for this bill to become law. If the Gilman language stays in the bill because the President objects to it, we are spinning our wheels. It is not going to become law.

So if Members want a law with respect to reorganization that protects the President's prerogatives, protects the prerogatives of the U.S. Congress, then the Hamilton language is preferable. If Members want to make rhetorical remarks about abolishing these agencies and get that language in here, then we are going to make a political point but we are not going to have a law because the administration is not going to accept it.

If we are really serious about reorganization, we are going to have to cooperate with the President of the United States. The President of the United States says through his top advisors that the Gilman language is unacceptable. Do we want reorganization or do we not? The Republicans, the majority cannot dictate reorganization, and they will defeat reorganization if they insist upon the language of the Gilman amendment. That is what this comes down to in the end. If Members want reorganization, they have to deal with the President. He is the President and he has said that the Gilman language, or his advisors have said the Gilman language is unacceptable.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, I would like to submit to the distinguished minority member of our committee that our staff has been trying to work with the administration to try to work out the kind of flexibility that the President has been requesting, but we have found it very difficult because we have been essentially stonewalled on what we have been trying to do. That is, to come to terms on a proposition that would be workable. We want to do essentially both what the administration and our committee wants to do, what the President is suggesting, but when we try to get to terms on how we are going to do it, we have found it has been extremely difficult. We intend to continue to try to work with the administration right through to conference on this measure, providing it gets through the House and through the Senate. I want to assure my colleagues that we will try our best to try to find an agreeable method of meeting the administration's objections.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I just want to echo my statement earlier during general debate that I do think that Division A is a very responsible attempt to try to reform our State Department. As a matter of fact, I chair the subcommittee that oversees this. We have held hearings. We have looked at it very closely. My concern is that, if we wait for the President to come up with something and we basically surrender all of our prerogatives to the executive branch, then they come back and then—like the base closings legislation, the BRACC—we have an ability to overturn it; but the chances are slim to none that that will happen, for a variety of reasons.

Here we have a responsible piece of legislation that tries. Glitches, if there are any, can be worked out in conference. It is a work in progress. But, for example, it protects the freedom broadcasting capabilities of USIA at the same time that it introduces economies of scale which will eliminate some duplication.

I come to this somewhat reluctantly. Last Congress I felt that—especially concerning USIA, but with ACDA as well—perhaps consolidation was not the right course to take. But now, upon reflection and looking at an ever-shrinking pie in terms of the amount of money that is available, this seems to be a very responsible move. I hope, with all due respect to my good friend from Indiana, that Members will vote down his amendment and go with the underlying bill.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New Jersey [Mr. SMITH] for his supportive arguments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HAMILTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] will be postponed.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) August 17, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

(a) ESTABLISHMENT OF UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended in subsection (b)—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security who shall assist the Secretary and the Deputy Secretary in matters related to arms control and international security policy.".

(b) PARTICIPATION IN MEETINGS OF NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(i) The Under Secretary for Arms Control and International Security may, in the role of advisor to the National Security Council on arms control and disarmament matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

SEC. 214. ASSISTANT SECRETARY FOR ARMS TRANSFER AND EXPORT CONTROL POLICY; ASSISTANT SECRETARY FOR ARMS CONTROL AND NONPROLIFERATION.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended by adding at the end the following new paragraphs:

"(3) ASSISTANT SECRETARY OF STATE FOR ARMS TRANSFER AND EXPORT CONTROL POLICY.—There shall be in the Department of State an Assistant Secretary for Arms Transfer and Export Control Policy who shall report to the Under Secretary for Arms Control and International Security.

"(4) ASSISTANT SECRETARY OF STATE FOR ARMS CONTROL AND NONPROLIFERATION.—There shall be in the Department of State an Assistant Secretary for Arms Control and Nonproliferation who shall report to the Under Secretary for Arms Control and International Security.".

SEC. 215. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEAL OF ESTABLISHMENT OF ACDA.

Section 21 of the Arms Control and Disarmament Act (22 U.S.C. 2561; relating to the establishment of ACDA) is repealed.

SEC. 223. REPEAL OF POSITIONS AND OFFICES.

The following sections of the Arms Control and Disarmament Act are repealed:

(1) Section 22 (22 U.S.C. 2562; relating to the Director).

(2) Section 23 (22 U.S.C. 2563; relating to the Deputy Director).

(3) Section 24 (22 U.S.C. 2564; relating to Assistant Directors).

(4) Section 25 (22 U.S.C. 2565; relating to bureaus, offices, and divisions).

SEC. 224. AUTHORITIES OF SECRETARY OF STATE.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended by striking "Agency" and "Director" each place it appears and inserting "Department" and "Secretary", respectively.

(2) No amendment shall be made under paragraph (1) to references to the On-Site Inspection Agency or to the Director of Central Intelligence.

(b) PURPOSE.—Section 2 of such Act (22 U.S.C. 2551) is amended—

(1) by striking the second, fourth, fifth, and sixth sentences; and

(2) in the seventh sentence—

(A) by striking "It" and all that follows through "State," and inserting "The Department of State shall have the authority"; and

(B) by striking "primary".

(c) DEFINITIONS.—Section 3 of such Act (22 U.S.C. 2552) is amended by striking paragraph (c) and inserting the following:

"(c) The term 'Department' means the Department of State.

"(d) The term 'Secretary' means the Secretary of State.".

(d) SCIENTIFIC AND POLICY ADVISORY COMMITTEE.—Section 26(b) of such Act (22 U.S.C. 2566(b)) is amended by striking ", the Secretary of State, and the Director" and inserting "and the Secretary of State".

(e) PRESIDENTIAL SPECIAL REPRESENTATIVES.—Section 27 of such Act (22 U.S.C. 2567) is amended by striking ", acting through the Director".

(f) PROGRAM FOR VISITING SCHOLARS.—Section 28 of such Act (22 U.S.C. 2568) is amended—

(1) in the second sentence, by striking "Agency's activities" and inserting "Department's arms control, nonproliferation, and disarmament activities"; and

(2) in the fourth sentence, by striking ", and all former Directors of the Agency".

(g) POLICY FORMULATION.—Section 33(a) of such Act (22 U.S.C. 2573(a)) is amended by striking "shall prepare for the President, the Secretary of State," and inserting "shall prepare for the President".

(h) NEGOTIATION MANAGEMENT.—Section 34 of such Act (22 U.S.C. 2574) is amended—

(1) in subsection (a), by striking "the President and the Secretary of State" and inserting "the President"; and

(2) by striking subsection (b).

(i) VERIFICATION OF COMPLIANCE.—Section 37(d) of such Act (22 U.S.C. 2577(d)) is amended by striking "Director's designee" and inserting "Secretary's designee".

(j) GENERAL AUTHORITY.—Section 41 of such Act (22 U.S.C. 2581) is repealed.

(k) SECURITY REQUIREMENTS.—Section 45 of such Act (22 U.S.C. 2585) is amended—

(1) by striking subsections (a), (b), and (d); and

(2) by striking "(c)" before "The Atomic Energy Commission".

(l) USE OF FUNDS.—Section 48 of such Act (22 U.S.C. 2588) is repealed.

(m) ANNUAL REPORT.—Section 51(a) of such Act (22 U.S.C. 2593a(a)) is amended by striking "the Secretary of State,".

(n) REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.—Section 53 of such Act (22 U.S.C. 2593c) is repealed.

(o) ON-SITE INSPECTION AGENCY.—Section 61 of such Act (22 U.S.C. 2595) is amended—

(1) in paragraph (1), by striking "United States Arms Control and Disarmament Agency is" and inserting "Department of State and the Department of Defense are respectively"; and

(2) in paragraph (7), by striking "the United States Arms Control and Disarmament Agency and".

SEC. 225. CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and" and inserting "Secretary of State in consultation with";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "Director of the United States Arms Control and Disarmament Agency, taking into account the Director's" and inserting "Secretary of State, taking into account the Secretary's"; and

(B) in the second sentence, by striking "The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director" and inserting "The Secretary of State is authorized, whenever the Secretary";

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(ii) in the second sentence, by striking "Director of the Arms Control and Disarmament Agency is authorized, whenever the Director" and inserting "Secretary of State is authorized, whenever the Secretary";

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency," and inserting "Secretary of State";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "Director of the United States Arms Control and Disarmament Agency," and inserting "Secretary of State"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) UNITED STATES INSTITUTE OF PEACE ACT.—Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(3) in paragraph (4) (as redesignated by paragraph (2)), by striking "Eleven" and inserting "Twelve".

(c) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57 b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,"; and

(2) in section 123 (42 U.S.C. 2153)—

(A) in subsection a. (in the text below paragraph (9))—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')"; and

(ii) by striking "and the Director" and inserting "and the Secretary of Defense";

(B) in subsection d., in the first proviso, by striking "Director of the Arms Control and Disarmament Agency" and inserting "Secretary of Defense"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,".

(d) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4, by striking paragraph (2);

(2) in section 102, by striking "the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State"; and

(3) in section 602(c), by striking "the Arms Control and Disarmament Agency,".

(e) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4)."; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

The CHAIRMAN. Are there amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) August 17, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

(a) TRANSFER TO SECRETARY OF STATE.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

(b) PRESERVING THE INDEPENDENCE OF INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of the State for Public Diplomacy.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended—

(1) by inserting "(1)" before "There"; and

(2) by adding at the end the following new paragraph:

"(2) Under Secretary for Public Diplomacy.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility to assist the Secretary and the Deputy Secretary in the supervision and implementation of United States public diplomacy policies, personnel, and activities, including international educational and cultural exchange programs, information, and international broadcasting. The Under Secretary for Public Diplomacy shall be responsible for ensuring as provided in 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a), and except as expressly exempted in those Acts, that no program material produced under authority of the United States Information and Exchange Act of 1948 shall be disseminated within the United States and that no funds authorized to be appropriated for public diplomacy activities shall be used to influence public opinion in the United States.".

SEC. 314. ASSISTANT SECRETARY FOR INTERNATIONAL EXCHANGES; ASSISTANT SECRETARY FOR INTERNATIONAL INFORMATION PROGRAMS.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this Act, is further amended by adding at the end the following new paragraphs:

"(5) Assistant Secretary of State for International Exchanges.—There shall be in the Department of State an Assistant Secretary for International Exchanges who shall report to the Under Secretary for Public Diplomacy.

"(6) Assistant Secretary of State for International Information Programs.—There shall be in the Department of State an Assistant Secretary for International Information Programs who shall report to the Under Secretary for Public Diplomacy."

SEC. 315. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) Abolition of Office.—The Office of Inspector General of the United States Information Agency is abolished.

(b) Amendments to Inspector General Act of 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ", the Office of Personnel Management or the United States Information Agency" and inserting "or the Office of Personnel Management"; and

(2) in paragraph (2), by striking "the United States Information Agency,".

(c) Executive Schedule.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Inspector General, United States Information Agency.".

(d) Amendments to Public Law 103–236.—Subsections (i) and (j) of section 308 of Public Law 103–236 are amended by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General for the Department of State".

(e) Transfer of Functions.—There are transferred to the Office of the Inspector General of the Department of State the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(f) Transfer and Allocations of Appropriations and Personnel.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 321. REFERENCES IN LAW.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

SEC. 322. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315, by striking "Deputy Director of the United States Information Agency."; and

(3) in section 5316, by striking "Deputy Director, Policy and Plans, United States Information Agency." and striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 323. AMENDMENTS TO UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.

(a) References in Section.—Except as specifically provided in this section, whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.).

(b) In General.—Except as otherwise provided in this section, the Act (other than section 604 and subsections (a) and (c) of section 701) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State";

(3) by striking "Director" each place it appears and inserting "Secretary of State";

(4) by striking "USIA" each place it appears and inserting "Department of State"; and

(5) by striking "Agency" each place it appears and inserting "Department of State".

(c) Satellite and Television Broadcasts.—Section 505 (22 U.S.C. 1464a) is amended—

(1) by striking "Director of the United States Information Agency" each of the three places it appears and inserting "Secretary of State";

(2) in subsection (b), by striking "To be effective, the United States Information Agency" and inserting "To be effective in carrying out this subsection, the Department of State";

(3) by striking "USIA–TV" each place it appears and inserting "DEPARTMENT OF STATE–TV"; and

(4) by striking subsection (e).

(d) Nondiscretionary Personnel Costs and Currency Fluctuations.—Section 704 (22 U.S.C. 1477b) is amended—

(1) in subsection (b), by inserting after "authorized by law" the following: "in connection with carrying out the informational and educational exchange functions of the Department"; and

(2) in subsection (c), by striking "United States Information Agency" each place it appears and inserting "Department of State in carrying out the informational and educational exchange functions of the Department".

(e) Reprogramming Notifications.—Section 705 (22 U.S.C. 1477c) is amended by striking "United States Information Agency" each place it appears and inserting "Department of State in carrying out its informational and educational exchange functions".

(f) Authorities of the Secretary.—Section 801(3) (22 U.S.C. 1471(3)) is amended by striking all "if the sufficiency" and all that follows and inserting "if the Secretary determines that title to such real property or interests is sufficient;".

(g) Repeal of the USIA Seal.—Section 807 (22 U.S.C. 1475b) is repealed.

(h) Acting Associate Directors.—Section 808 (22 U.S.C. 1475c) is repealed.

(i) Debt Collection.—Section 811 (22 U.S.C. 1475f) is amended by inserting "informational and educational exchange" before "activities" each place it appears.

(j) Overseas Posts.—Section 812 (22 U.S.C. 1475g) is amended by striking "United States Information Agency post" each place it appears and inserting "informational and educational exchange post of the Department of State".

(k) Definition.—Section 4 (22 U.S.C. 1433) is amended by adding at the end the following:

"(4) 'informational and educational exchange functions', with respect to the Department of State, refers to functions exercised by the United States Information Agency before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1997.".

SEC. 324. AMENDMENTS TO MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961 (FULBRIGHT-HAYS ACT).

(a) References in Section.—Except as specifically provided in this section, whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

(b) In General.—The Act (22 U.S.C. 2451 et seq.) is amended by striking "Director of the International Communication Agency" each place it appears and inserting "Secretary of State".

(c) Program Authorities.—(1) Section 102(a) (22 U.S.C. 2452(a)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(2) Section 102(b) (22 U.S.C. 2452(b)) is amended by striking "President" and inserting "Secretary of State (except, in the case of paragraphs (6) and (10), the President)".

(d) International Agreements.—Section 103 (22 U.S.C. 2453) is amended by striking

"President" each place it appears and inserting "Secretary of State".

(e) PERSONNEL BENEFITS.—Section 104(d) (22 U.S.C. 2454(d)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(f) FOREIGN STUDENT COUNSELING.—Section 104(e)(3) (22 U.S.C. 2454(e)(3)) is amended by striking "President" and inserting "Secretary of State".

(g) PUBLICITY AND PROMOTION OVERSEAS.—Section 104(e)(4) (22 U.S.C. 2454(e)(4)) is amended by striking "President" and inserting "Secretary of State".

(h) USE OF FUNDS.—Section 105(e) (22 U.S.C. 2455(e)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(i) REPEAL OF AUTHORITY FOR ABOLISHED ADVISORY COMMITTEE.—Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)) is repealed.

(j) BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.—

(1) IN GENERAL.—Section 112 (22 U.S.C. 2460) is amended—

(A) in subsection (a) by striking the first sentence; and

(B) by striking "Bureau" each place it appears and inserting "Department of State".

(2) IMPLEMENTATION OF PROGRAMS.—Section 112(c) (22 U.S.C. 2460(c)) is amended by striking "President" each place it appears and inserting "Secretary of State".

SEC. 325. INTERNATIONAL BROADCASTING ACTIVITIES.

(a) IN GENERAL.—(1) Except as otherwise provided in paragraph (2), title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(A) by striking "Director of the United States Information Agency" or "Director" each place it appears and inserting "Under Secretary of State for Public Diplomacy";

(B) by striking all references to "United States Information Agency" that were not stricken in subparagraph (A) and inserting "Department of State";

(C) in section 305(a)(1), by inserting "(including activities of the Voice of America previously carried out by the United States Information Agency)" after "this title";

(D) in section 305(b), by striking "Agency's" each place it appears and inserting "Department's"; and

(E) by striking "Bureau" each place it appears and inserting "Office".

(2) Title III of such Act is amended—

(A) in section 304(c)—

(i) by striking "Director's" and inserting "Under Secretary's"; and

(ii) in the fifth sentence, by striking "Director of the United States Information Agency, the acting Director of the agency" and inserting "Under Secretary of State for Public Diplomacy, the acting Under Secretary";

(B) in sections 305(b) and 307(b)(1), by striking "Director of the Bureau" each place it appears and inserting "Director of the Office"; and

(C) in section 310(d), by striking "Director on the date of enactment of this Act, to the extent that the Director" and inserting "Under Secretary on the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1996, to the extent that the Under Secretary".

(b) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Director of the International Broadcasting Bureau, the United States Information Agency" and inserting "Director of the International Broadcasting Office, the Department of State".

SEC. 326. TELEVISION BROADCASTING TO CUBA.

(a) AUTHORITY.—Section 243(a) of the Television Broadcasting to Cuba Act (as contained in part D of title II of Public Law 101–246) (22 U.S.C. 1465bb(a)) is amended by striking "United States Information Agency (hereafter in this part referred to as the 'Agency')" and inserting "Department of State (hereafter in this title referred to as the 'Department')".

(b) TELEVISION MARTI SERVICE.—Section 244 of such Act (22 U.S.C. 1465cc) is amended—

(1) in subsection (a)—

(A) by amending the first sentence to read as follows: "The Secretary of State shall administer within the Voice of America the Television Marti Service."; and

(B) in the third sentence, by striking "Director of the United States Information Agency" and inserting "Secretary of State";

(2) in subsection (b)—

(A) in the subsection heading, by striking "USIA" and inserting "Department of State";

(B) by striking "Agency facilities" and inserting "Department facilities"; and

(C) by striking "United States Information Agency Television Service" and inserting "Department of State Television Service"; and

(3) in subsection (c)—

(A) by striking "USIA AUTHORITY.—The Agency" and inserting "SECRETARY OF STATE AUTHORITY.—The Secretary of State"; and

(B) by striking "Agency" the second place it appears and inserting "Secretary of State".

(c) ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.—Section 246 of such Act (22 U.S.C. 1465dd) is amended—

(1) by striking "United States Information Agency" and inserting "Department of State"; and

(2) by striking "the Agency" and inserting "the Department".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 247(a) of such Act (22 U.S.C. 1465ee(a)) is repealed.

SEC. 327. RADIO BROADCASTING TO CUBA.

(a) FUNCTIONS OF THE DEPARTMENT OF STATE.—Section 3 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465a) is amended—

(1) in the section heading, by striking "UNITED STATES INFORMATION AGENCY" and inserting "DEPARTMENT OF STATE";

(2) in subsection (a), by striking "United States Information Agency (hereafter in this Act referred to as the 'Agency')" and inserting "Department of State (hereafter in this Act referred to as the 'Department')";

(3) by striking subsection (d); and

(4) in subsection (f), by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(b) CUBA SERVICE.—Section 4 of such Act (22 U.S.C. 1465b) is amended—

(1) by amending the first sentence to read as follows: "The Secretary of State shall administer within the Voice of America the Cuba Service (hereafter in this section referred to as the 'Service')."; and

(2) in the third sentence, by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(c) ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.—Section 6 of such Act (22 U.S.C. 1465d) is amended—

(1) in subsection (a)—

(A) by striking "United States Information Agency" and inserting "Department of State"; and

(B) by striking "the Agency" and inserting "the Department"; and

(2) in subsection (b)—

(A) by striking "The Agency" and inserting "The Department"; and

(B) by striking "the Agency" and inserting "the Secretary of State".

(d) FACILITY COMPENSATION.—Section 7 of such Act (22 U.S.C. 1465e) is amended—

(1) in subsection (b), by striking "the Agency" and inserting "the Department"; and

(2) in subsection (d), by striking "Agency" and inserting "Department".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Act (22 U.S.C. 1465f) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) The amount obligated by the Department of State each fiscal year to carry out this Act shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level of obligations by the former United States Information Agency for such broadcasts."; and

(2) by redesignating subsection (c) as subsection (b).

SEC. 328. NATIONAL ENDOWMENT FOR DEMOCRACY.

(a) GRANTS.—Section 503 of Public Law 98–164, as amended (22 U.S.C. 4412) is amended—

(1) in subsection (a)—

(A) by striking "Director of the United States Information Agency" and inserting "Secretary of State";

(B) by striking "the Agency" and inserting "the Department of State"; and

(C) by striking "the Director" and inserting "the Secretary of State"; and

(2) in subsection (b), by striking "United States Information Agency" and inserting "Department of State".

(b) AUDITS.—Section 504(g) of such Act (22 U.S.C. 4413(g)) is amended by striking "United States Information Agency" and inserting "Department of State".

(c) FREEDOM OF INFORMATION.—Section 506 of such Act (22 U.S.C. 4415) is amended—

(1) in subsection (b)—

(A) by striking "Director" each of the three places it appears and inserting "Secretary"; and

(B) by striking "of the United States Information Agency" and inserting "of State"; and

(2) in subsection (c)—

(A) in the subsection heading by striking "USIA" and inserting "DEPARTMENT OF STATE";

(B) by striking "Director" each of the three places it appears and inserting "Secretary";

(C) by striking "of the United States Information Agency" and inserting "of State"; and

(D) by striking "United States Information Agency" and inserting "Department of State".

SEC. 329. UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES.

(a) PROGRAM AUTHORITY.—Section 603 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4703) is amended by striking "United States Information Agency" and inserting "Department of State".

(b) GUIDELINES.—Section 604(11) of such Act (22 U.S.C. 4704(11)) is amended by striking "United States Information Agency" and inserting "Department of State".

(c) POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.—Section

606(b) of such Act (22 U.S.C. 4706(b)) is amended—

(1) in the subsection heading, by striking "USIA" and inserting "STATE DEPARTMENT"; and

(2) by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(d) GENERAL AUTHORITIES.—Section 609(e) of such Act (22 U.S.C. 4709(e)) is amended by striking "United States Information Agency" and inserting "Department of State".

SEC. 330. FASCELL FELLOWSHIP BOARD.

Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "8 members";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

SEC. 331. NATIONAL SECURITY EDUCATION BOARD.

Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903(b)) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6); and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

SEC. 332. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

SEC. 333. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

(a) DUTIES.—Section 703 of the Mutual Security Act of 1960 (22 U.S.C. 2055) is amended—

(1) in the text above paragraph (1), by striking "Director of the United States Information Agency" (hereinafter referred to as the 'Director')" and inserting "Secretary of State (hereinafter referred to as the 'Secretary')"; and

(2) in paragraph (1), by striking "establishment and".

(b) ADMINISTRATION.—Section 704 of such Act (22 U.S.C. 2056) is amended—

(1) by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(2) by striking "Director" each place it appears and inserting "Secretary".

SEC. 334. MISSION OF DEPARTMENT OF STATE.

Section 202 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 1461–1) is amended—

(1) in the first sentence, by striking "mission of the United States Information Agency" and inserting "mission of the Department of State in carrying out its information, educational, and cultural functions";

(2) in the second sentence, in the text above paragraph (1), by striking "United States Information Agency" and inserting "Department of State";

(3) in paragraph (1)(B), by striking "Agency" and inserting "Department"; and

(4) in paragraph (5), by striking "mission of the Agency" and inserting "mission described in this section".

SEC. 335. CONSOLIDATION OF ADMINISTRATIVE SERVICES.

Section 23(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended—

(1) by striking "(including" and all that follows through "Agency)"; and

(2) by striking "other such agencies" and inserting "other Federal agencies".

SEC. 336. GRANTS.

Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) in subsection (a), by striking "United States Information Agency" and inserting "Department of State, in carrying out its international information, educational, and cultural functions,";

(2) in subsection (b), by striking "United States Information Agency" and inserting "Department of State";

(3) in subsection (c)—

(A) in paragraph (1), by striking "United States Information Agency shall substantially comply with United States Information Agency" and inserting "Department of State, in carrying out its international information, educational, and cultural functions, shall substantially comply with Department of State"; and

(B) in paragraph (2), by striking "United States Information Agency" and inserting "Department of State"; and

(C) in paragraphs (2) and (3), by striking "Agency" each of the two places it appears and inserting "Department"; and

(4) by striking subsection (d).

SEC. 337. BAN ON DOMESTIC ACTIVITIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended—

(1) by striking out "United States Information Agency" each of the two places it appears and inserting "Department of State"; and

(2) by inserting "in carrying out international information, educational, and cultural activities comparable to those previously administered by the United States Information Agency" before "shall be distributed".

SEC. 338. CONFORMING REPEAL TO ARMS CONTROL AND DISARMAMENT ACT.

Section 34(b) of the Arms Control and Disarmament Act (22 U.S.C. 2574(b)) is repealed.

SEC. 339. REPEAL RELATING TO PROCUREMENT OF LEGAL SERVICES.

Section 26(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2698(b)) is repealed.

SEC. 340. REPEAL RELATING TO PAYMENT OF SUBSISTENCE EXPENSES.

Section 32 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2704) is amended by striking the second sentence.

SEC. 341. CONFORMING AMENDMENT TO SEED ACT.

Section 2(c) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401(c)) is amended in paragraph (17) by striking "United States Information Agency" and inserting "Department of State".

SEC. 342. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION.

Section 7(c)(1) of the Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

(1) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(2) by striking subparagraph (F); and

(3) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively.

SEC. 343. OTHER LAWS REFERENCED IN REORGANIZATION PLAN NO. 2 OF 1977.

(a) IMMIGRATION AND NATIONALITY ACT.—(1) Section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) is amended by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(2) Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended—

(A) by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(B) by striking "Director" each place it appears and inserting "Secretary".

(b) ARTS AND ARTIFACTS INDEMNITY ACT.—Section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a)) is amended by striking out "Director of the United States Information Agency" and inserting in lieu thereof "Secretary of State".

(c) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.—Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking out "a member designated by the Director of the United States Information Agency," and inserting in lieu thereof "a member designated by the Secretary of State,".

(d) WOODROW WILSON MEMORIAL ACT OF 1968.—Section 3(b) of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)) is amended—

(1) in the matter preceding paragraph (1), by striking out "19 members" and inserting in lieu thereof "18 members";

(2) by striking out paragraph (7); and

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(e) PUBLIC LAW 95–86.—Title V of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations Act, 1978 (Public Law 95–86) is amended in the third proviso of the paragraph "SALARIES AND EXPENSES" under the heading "UNITED STATES INFORMATION AGENCY" (22 U.S.C. 1461b) by striking out "the United States Information Agency is authorized," and inserting in lieu thereof "the Secretary of State may,".

(f) ACT OF JULY 9, 1949.—The Act of July 9, 1949 (63 Stat. 408; chapter 301; 22 U.S.C. 2681 et seq.) is repealed.

SEC. 344. EXCHANGE PROGRAM WITH COUNTRIES IN TRANSITION FROM TOTALITARIANISM TO DEMOCRACY.

Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

SEC. 345. EDMUND S. MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsection (b), by striking "United States Information Agency" and inserting "Department of State"; and

(2) by striking subsection (d).

SEC. 346. IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY.

Title III of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

SEC. 347. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

SEC. 348. UNITED STATES ADVISORY COMMITTEE FOR PUBLIC DIPLOMACY.

Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) is amended—

(1) in subsection (c)(1)—

(A) by striking "the Director of the United States Information Agency,"; and

(B) by striking "Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency" and inserting "Secretary of State or the Department of State, and shall appraise the effectiveness of the information, educational, and cultural policies and programs of the Department";

(2) in subsection (c)(2), in the first sentence—

(A) by striking "the Secretary of State, and the Director of the United States Information Agency" and inserting ", and the Secretary of State";

(B) by striking "Agency" the first place it appears and inserting "Department of State"; and

(C) by striking "Director for effectuating the purposes of the Agency" and inserting "Secretary for effectuating the information, educational, and cultural functions of the Department";

(3) in subsection (c)(3), by striking "programs conducted by the Agency" and inserting "information, educational, and cultural programs conducted by the Department of State"; and

(4) in subsection (c)(4), by striking "Director of the United States Information Agency" and inserting "Secretary of State".

The CHAIRMAN. Are there amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) August 17, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION OF INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—The United States International Development Cooperation Agency is abolished.

(b) OPIC.—Subsection (a) shall not be interpreted to apply to the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS.

There are transferred to the Secretary of State all functions of the Director of the United States International Development Cooperation Agency and all functions of the United States International Development Cooperation Agency (other than the functions with respect to the Overseas Private Investment Corporation) and any office or component of such agencies under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title, except as otherwise provided in this division.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director or any other officer or employee of the United States International Development Cooperation Agency (IDCA) shall be deemed to refer to the Secretary of State; or

(2) the United States International Development Cooperation Agency (IDCA) shall be deemed to refer to the Department of State.

The CHAIRMAN. Are there amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) August 17, 1999; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

CHAPTER 2—REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

SEC. 511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan transmitted pursuant to section 601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of the agency:

(1) Non-specialized procurement.

(2) Travel and transportation.

(3) Facilities management.

(4) Security operations.

(5) Press affairs.

The CHAIRMAN. Are there amendments to title V?

The Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 601. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than August 17, 1997, or the date of the enactment of this Act, whichever occurs later, the President shall, in consultation with the Secretary and the heads of the agencies under subsection (b), transmit to the appropriate congressional committees a reorganization plan providing for—

(1) with respect to the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, the abolition of each agency in accordance with this division;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the agency and the transfer of certain functions of the agency to the Department in accordance with this division;

(3) the termination of functions of each agency that would be redundant if transferred to the Department, and the separation from service of employees of each such agency or of the Department not otherwise provided for in the plan;

(4) the transfer to the Department of the functions and personnel of each agency consistent with the provisions of this division; and

(5) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies under this subsection are the following:

(A) The United States Arms Control and Disarmament Agency.

(B) The United States Information Agency.

(C) The United States International Development Cooperation Agency.

(D) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall—

(1) identify the functions of each agency that will be transferred to the Department under the plan;

(2) identify the personnel and positions of each agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with such agency, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to each agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(6) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each such agency in connection with the transfer of the functions of the agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development —

(1) shall provide for the transfer to and consolidation within the Department of the functions of the agency set forth in section 511; and

(2) may provide for additional consolidation, reorganization, and streamlining of the agency, including—

(A) the termination of functions and reductions in personnel of the agency;

(B) the transfer of functions of the agency (including personnel operations other than personnel management, financial operations, and legal affairs), and the personnel associated with such functions, to the Department; and

(C) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise the plan transmitted under subsection (a).

(f) EFFECTIVE DATE.—(1) The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of—

(A)(i) August 17, 1998 with respect to the Arms Control and Disarmament Agency and the United States International Development Cooperation Agency; and

(ii) August 17, 1999, with respect to the United States Information Agency and the Agency for International Development, or

(B) such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 60 calendar days (excluding any day on which either House of Congress is not in session because of an adjournment sine die or because of an adjournment of more than 3 days to a day certain) after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(2) Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but the authority of the Secretary under this section does not extend to—

(1) the abolition of organizational entities or officers established by this Act or any other Act; or

(2) the alteration of the delegation of functions to any specific organizational entity or officer required by this Act or any other Act.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing an agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by any title of this division, subject to section 1531 of title 31, United States Code, shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.—When an agency is abolished under this division, the limitations for fiscal years 1998 and 1999 under section 1321 of this Act on the members of the Foreign Service authorized to be employed by such agency shall be added to the limitations under such section which apply to the Department.

SEC. 613. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 614. EFFECT ON PERSONNEL.

(a) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this division, any person who, on the day preceding the date of the abolition of an agency the functions of which are transferred under any title of this division, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(b) TREATMENT OF APPOINTED POSITIONS.—(1) Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by any title of this division, shall terminate on the effective date of that title.

(2) An individual holding an office immediately prior to the abolition or transfer of the office by a title of this division—

(A) who was appointed to the office by the President, by and with the advice and consent of the Senate; and

(B) who performs duties substantially similar to the duties of an office proposed to be created under the reorganization plan submitted under section 601,

may, in the discretion of the Secretary, assume the duties of such new office, and shall not be required to be reappointed by reason of the abolition or transfer of the individual's previous office.

(c) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department as a result of a transfer pursuant to any title of this division may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the former agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(e) SENIOR EXECUTIVE SERVICE.—Any employee in the career Senior Executive Service who is transferred pursuant to any title of this division shall be placed in a position at the Department which is comparable to the position the employee held in the agency.

(f) ASSIGNMENTS.—(1) Transferring employees shall be provided reasonable notice of new positions and assignments prior to their transfer pursuant to any title of this division.

(2) Foreign Service personnel transferred to the Department pursuant to any title of this division shall be eligible for any assignment open to Foreign Service personnel within the Department for which such transferred personnel are qualified.

(g) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The provisions of this subsection shall apply with respect to officers and employees in the competitive service, or employed under an established merit system in the excepted service, whose employment is terminated as a result of the abolition of the agency or the reorganization and consolidation of functions of the Department under any title of this division:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the former agency as having served satisfactorily in the competitive service in the former agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the former agency as having served satisfactorily in the former agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of one year after completion of the appointee's service.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

(5) Any rights or benefits created by this subsection are in addition to rights and benefits otherwise provided by law.

SEC. 615. TRANSITION FUND.

(a) Establishment.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) Purpose.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department as a result of the implementation of this division and for payment of other costs associated with the consolidation of foreign affairs agencies under this division.

(c) Deposits.—

(1) In general.—Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account.

(B) Funds transferred to the account by the Secretary from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department together with the transfer of functions to the Department under this division and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) Limitation on transfer of certain department funds.—The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this division.

(3) Limitation on transfer of unobligated funds of department.—The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this division.

(d) Transfer of Funds to Secretary.—The head of an agency abolished under this division shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this division which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this division.

(e) Use of Funds.—

(1) In general.—Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall use sums in the account for payment of the costs of carrying out this division, including costs relating to the consolidation of functions of the Department and the termination of employees of the Department.

(2) Limitation on use of funds.—

(A) Except as provided in subparagraph (B), the Secretary may not use sums in the account for payment of the costs described in paragraph (1) unless the appropriate congressional committees are notified 15 days in advance of such use in accordance with procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(B) Exception.—Subparagraph (A) does not apply to the following uses of sums in the account:

(i) For payment of the cost of any severance payments required to be paid by the Secretary to employees of the Department, but only if the cost of such payments is less than $10,000,000.

(ii) For transfer to the head of an agency to be abolished under this division for payment of the cost of any severance payments required to be paid to employees of the agency, but only if the total amount transferred with respect to the agency is less than $40,000,000.

(iii) For payment of the cost of any improvements of the information management systems of the Department that are carried out as a result of the abolishment of agencies under this division, but only if the cost of such improvements is less than $15,000,000.

(iv) For payment of the cost of the physical relocation of fixtures, materials, and other resources from an agency to be abolished under this division to the Department or of such relocation within the Department, but only if the cost of such relocation is less than $10,000,000.

(3) Availability without fiscal year limitation.—Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(f) Treatment of Unobligated Balances.—

(1) In general.—Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to the Department and shall be available to the Secretary for purposes of carrying out the functions of the Department.

(2) Notification.—The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) Report on Account.—Not later than October 1, 1998, the Secretary shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department under subsection (f), the functions for which the funds so transferred were expended.

(h) Termination of Authority To Use Account.—The Secretary may not obligate funds in the account after September 30, 1999.

SEC. 616. SAVINGS PROVISIONS.

(a) Continuing Legal Force and Effect.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this division; and

(2) that are in effect at the time such title takes effect, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Pending Proceedings.—(1) The provisions of any title of this division shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any department, agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) No Effect on Judicial Proceedings.—Except as provided in subsection (e)—

(1) the provisions of this division shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) Non-Abatement of Proceedings.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any department or agency, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) Continuation of Proceeding With Substitution of Parties.—If, before the date on which any title of this division takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) Reviewability of Orders and Actions Under Transferred Functions.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 617. PROPERTY AND FACILITIES.

The Secretary shall review the property and facilities transferred to the Department under this division to determine whether such property and facilities are required by the Department.

SEC. 618. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Prior to, or after, any transfer of a function under any title of this division, the Secretary is authorized to utilize—

(1) the services of such officers, employees, and other personnel of an agency with respect to functions that will be or have been transferred to the Department by any title of this division; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of any title of this division.

SEC. 619. RECOMMENDATIONS FOR ADDITIONAL CONFORMING AMENDMENTS.

Congress urges the President, in consultation with the Secretary and the heads of other appropriate agencies, to develop and submit to Congress recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 620. FINAL REPORT.

Not later than October 1, 1998, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

SEC. 621. TRANSFER OF FUNCTION.

Any determination as to whether a transfer of function, carried out under this Act, constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5, United States Code, shall be made without regard to whether or not the function involved is identical to functions already being performed by the receiving agency.

SEC. 622. SEVERABILITY.

If a provision of this division or its application to any person or circumstance is held invalid, neither the remainder of this division nor the application of the provision to other persons or circumstances shall be affected.

The CHAIRMAN. Are there amendments to title VI?

The Clerk will designate title X.

The text of title X is as follows:

DIVISION B—STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "State Department and Related Agencies Authorization Act, Fiscal Years 1998 and 1999" and shall be effective for all purposes as if enacted as a separate Act.

SEC. 1002. STATEMENT OF HISTORY OF LEGISLATION.

This division consists of H.R. 1253, the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, which was introduced by Representative Smith of New Jersey on April 9, 1997, and amended and reported by the Subcommittee on International Operations and Human Rights of the Committee on International Relations on April 10, 1997.

SEC. 1003. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "AID" means the Agency for International Development.

(2) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

(5) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(6) The term "Secretary" means the Secretary of State.

(7) The term "USIA" means the United States Information Agency.

The CHAIRMAN. Are there any amendments to title X?

The Clerk will designate title XI.

The text of title XI is as follows:

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) Diplomatic and consular programs.—For "Diplomatic and Consular Programs", of the Department of State $1,291,977,000 for the fiscal year 1998 and $1,291,977,000 for the fiscal year 1999.

(2) Salaries and expenses.—

(A) Authorization of appropriations.—For "Salaries and Expenses", of the Department of State $363,513,000 for the fiscal year 1998 and $363,513,000 for the fiscal year 1999.

(B) Limitations.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) Capital investment fund.—For "Capital Investment Fund", of the Department of State $64,600,000 for the fiscal year 1998 and $64,600,000 for the fiscal year 1999.

(4) Security and maintenance of buildings abroad.—For "Security and Maintenance of Buildings Abroad", $373,081,000 for the fiscal year 1998 and $373,081,000 for the fiscal year 1999.

(5) Representation allowances.—For "Representation Allowances", $4,300,000 for the fiscal year 1998 and $4,300,000 for the fiscal year 1999.

(6) Emergencies in the diplomatic and consular service.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal 1998 and $5,500,000 for the fiscal year 1999.

(7) Office of the inspector general.—For "Office of the Inspector General", $28,300,000 for the fiscal year 1998 and $28,300,000 for the fiscal year 1999.

(8) Payment to the American Institute in Taiwan.—For "Payment to the American Institute in Taiwan", $14,490,000 for the fiscal year 1998 and $14,490,000 for the fiscal year 1999.

(9) Protection of foreign missions and officials.—For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998 and $7,900,000 for the fiscal year 1999.

(10) Repatriation loans.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998 and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 1102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) Assessed Contributions to International Organizations.—There are authorized to be appropriated for "Contributions to International Organizations", $960,389,000 for the fiscal year 1998 and $987,590,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) Voluntary Contributions to International Organizations.—

(1) Authorization of appropriations.—There are authorized to be appropriated for "Voluntary Contributions to International Organizations", $199,725,000 for the fiscal year 1998 and $199,725,000 for the fiscal year 1999.

(2) Limitations.—

(A) World food program.—Of the amounts authorized to be appropriated under paragraph (1), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(B) United Nations voluntary fund for victims of torture.—Of the amount authorized to be appropriated under paragraph (1), $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(C) International program on the elimination of child labor.—Of the amounts authorized to be appropriated under paragraph (1), $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(3) Availability of funds.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(c) Assessed Contributions for International Peacekeeping Activities.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $240,000,000 for the fiscal year 1998 and $240,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(d) VOLUNTARY CONTRIBUTIONS TO PEACEKEEPING OPERATIONS.—There are authorized to be appropriated for "Peacekeeping Operations", $87,600,000 for the fiscal year 1998 and $67,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87–195.

(e) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

(f) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year, the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SLORC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

SEC. 1103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $18,490,000 for the fiscal year 1998 and $18,490,000 for the fiscal year 1999; and

(B) for "Construction" $6,493,000 for the fiscal year 1998 and $6,493,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $785,000 for the fiscal year 1998 and $785,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,225,000 for the fiscal year 1998 and $3,225,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,549,000 for the fiscal year 1998 and $14,549,000 for the fiscal year 1999.

SEC. 1104. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $623,000,000 for the fiscal year 1998 and $623,000,000 for the fiscal year 1999.

(2) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and $1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(b) REFUGEES RESETTLING IN ISRAEL.—There are authorized to be appropriated $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 for assistance for refugees resettling in Israel from other countries.

(c) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—There are authorized to be appropriated $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(d) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to be available until expended.

SEC. 1105. ASIA FOUNDATION.

There are authorized to be appropriated for "Asia Foundation", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to Asia Foundation and to carry out other authorities in law consistent with such purposes.

SEC. 1106. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $434,097,000 for the fiscal year 1998 and $434,097,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For "Technology Fund" for the United States Information Agency, $6,350,000 for the fiscal year 1998 and $6,350,000 for the fiscal year 1999.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $94,236,000 for the fiscal year 1998 and $94,236,000 for the fiscal year 1999.

(B) SOUTH PACIFIC EXCHANGES.—For the "South Pacific Exchanges", $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(C) EAST TIMORESE SCHOLARSHIPS.—For the "East Timorese Scholarships", $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(D) TIBETAN EXCHANGES.—For the "Educational and Cultural Exchanges with Tibet" under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(E) OTHER PROGRAMS.—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", and "Institute for Representative Government", $97,995,000 for the fiscal year 1998 and $97,995,000 for the fiscal year 1999.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Activities", $334,655,000 for the fiscal year 1998, and $334,655,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For "Radio Construction", $30,000,000 for the fiscal year 1998, and $30,000,000 for the fiscal year 1999.

(6) RADIO FREE ASIA.—For "Radio Free Asia", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999.

(7) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $22,095,000 for the fiscal year 1998 and $22,095,000 for the fiscal year 1999.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For "National Endowment for Democracy", $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For "Center for Cultural and Technical Interchange between North and South"

$2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999.

SEC. 1107. UNITED STATES ARMS CONTROL AND DISARMAMENT.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act—

(1) $44,000,000 for the fiscal year 1998 and $44,000,000 for the fiscal year 1999; and

(2) such sums as may be necessary for each of the fiscal years 1998 and 1999 for increases in salary, pay, retirement, other employee benefits authorized by law, and to offset adverse fluctuations in foreign currency exchange rates.

AMENDMENTS OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Chairman, reserving the right to object, I do not know that I will object, but I want to find out what is happening here. The chairman is offering an en bloc amendment. Could he specify for us what is included in that, please?

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I think we have given copies of that to the ranking member a few moments ago. It has to do with the fee provisions in the bill.

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Mr. HAMILTON. Mr. Chairman, I wonder if the gentleman would explain the en bloc amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, this en bloc amendment fixes a provision of the bill that is essentially technical in nature. It is required by an understanding that we reached with the chairman of the Committee on Ways and Means.

There are two provisions in the original bill, H.R. 1486, that were inserted at the request of the administration to put into effect its fee reform provision. We lowered certain authorizations which were to be offset by these fees. Both of these provisions, however, were within the jurisdiction of the Committee on Ways and Means and that committee has objected to their presence in our bill. Accordingly, this amendment takes care of their concerns by raising the authorization levels back to their original levels and by restoring the status quo in other respects.

This amendment also strikes an earmark of $5 million for passport information services but inserts a requirement that such information be provided for fee. This change, which was inserted in the amendment at the request of the gentleman from New Jersey [Mr. SMITH], avoids an earmarking problem with the Committee on Appropriations but addresses a concern he has been most forthright in addressing, the issue of charging Americans fees to find out the status of their passport applications.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Chairman, further reserving the right to object, do I understand this amendment removes the authority for the State Department to retain about $455 million in passport fees and adds that to the State's operating account?

Mr. GILMAN. Mr. Chairman, if the gentleman will continue to yield, that is correct and it increases the authorization.

Mr. HAMILTON. And it prohibits the State Department from collecting an estimated $75 to $100 million in visa fees; is that correct?

Mr. GILMAN. That is correct, and also increases the fees.

Mr. HAMILTON. Yes, I understand.

Mr. Chairman, I do not want to oppose the amendment because I understand some change is needed. I would ask the chairman, however, if he would be willing to work further with us and with the Department of State as the bill moves along and to consider it in conference and other fora?

Mr. GILMAN. I would be pleased to do that.

Mr. HAMILTON. Mr. Chairman, with that assurance, I do not oppose the amendment, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. GILMAN:

Page 84, line 5, strike "$1,291,977,000" and insert "$1,746,977,000".

Page 84, line 6, strike "$1,291,977,000" and insert "$1,746,977,000".

Strike line 7 on page 110 and all that follows through line 17 on page 112.

Page 84, line 4, insert "(A) AUTHORIZATION OF APPROPRIATIONS.—" before "For".

Page 84, after line 7 insert the following:

(B) PASSPORT INFORMATION SERVICES.—The Secretary of State shall provide passport information without charge to citizens of the United States, including—

(i) information about who is eligible to receive a United States passport and how and where to apply;

(ii) information about the status of pending applications; and

(iii) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

Page 112, strike line 18 and all that follows through line 7 on page 114 and insert the following:

SEC. 1208. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2) by striking "providing consular services." and inserting "the Department of State's border security program, including the costs of installation and operation of the machine readable visa and automated name-check process, improving the quality and security of the United States passport, passport and visa fraud investigations, and the technological infrastructure to support the programs referred to in this sentence.";

(2) by striking the first sentence of paragraph (3) and inserting "For fiscal years 1998 and 1999, fees deposited under the authority of paragraph (2) may not exceed $140,000,000 in each fiscal year and, notwithstanding paragraph (2), such fees shall be available only to the extent provided in advance in appropriations Acts."; and

(3) by striking paragraph (5).

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The amendments were agreed to.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak against this bill and against the underlying policies and assumptions that are included in it and, by implication, in favor of the Hamilton amendment that has been offered but not voted on as yet.

Mr. Chairman, there are good reasons why the President will veto this bill if the language of the gentleman from New York is included in it, and they are substantive reasons.

Mr. Chairman, this is an attempt to get some notches in the belt of the Republican Party, which apparently is still intent on showing that they can beat up on the Federal Government, that they can eliminate agencies, that they can eliminate functions and that, by implication, what the Government is doing is wrong and ought to be in the word of the chairman "abolished." The fact is that in this case what the Government is doing is terribly important and should be supported.

The language of the gentleman from New York is an attempt to micromanage our foreign policy and would specify that several agencies be abolished. Their functions would be transferred over to the State Department, but in many ways the esprit de corps, the achievements, the mission, the effectiveness of these agencies would be badly damaged at best and at worst, last forever.

One of the agencies that I am talking about is the agency that provides aid to underdeveloped and developing countries.

The Agency for International Development has shown tremendous progress in expanding the global economy and in creating customers for our American companies and products by enabling people to come up with the means to purchase our products and to enhance their quality of life. Most of their aid is returned to our country many times over, not to mention the basic humanitarian functions that they perform for people suffering in the threes of hunger, poverty, and desperation.

Another agency that this bill would attempt to abolish is the Arms Control and Disarmament Agency. Of all functions within the Government to want to abolish, an agency that is addressing terrorism, that is addressing the proliferation of nuclear weapons, chemical and biological warfare, the most immediate, real threats to our well-being should be the last one we would want to disband. This agency has been extremely effective in addressing those threats, and yet, for some reason, the Republican Party wants to make another notch on its belt by abolishing this essential agency.

Likewise, the U.S. Information Agency, which is the antidote we have for the kind of propaganda that has led to the worst violence that has occurred in modern times. It was in large part the State-controlled media in Yugoslavia that spurred people into unbridled aggression: that motivated the Serbs to attack the Bosnian people with fierce brutality. This aggression was spurred on by the kind of propaganda that can occur when we do not have a professional, unbiased source of news that the U.S. Information Agency provides.

Likewise with the slaughtering that occurred in Rwanda. Again, these kinds of things happen because we do not have adequate resources to put into the U.S. Information Agency and the Voice of America. I cannot imagine that the American people would want us to be abolishing these agencies with such an effective track record and such a needed role to perform around the world.

This bill is more of this gun-slinging mentality where we are willing to shoot innocent victims purely to get another notch in our belt. Targeting and scoring hits on innocent, effective Government agencies purely for political purposes is wrong. It is irresponsible, and it is dangerous.

But even going beyond this irresponsible motivation, this bill attempts to micromanage. It specifies what a very complex, indispensable Government function, particular undersecretaries, and assistant secretaries, stay and which go, and where they go.

Mr. Chairman, this bill should not be supported. The Hamilton amendment is a better approach, and I urge Members to support the Hamilton amendment and oppose this bill.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

Page 97, line 1, insert "(A) AUTHORIZATION OF APPROPRIATIONS" before "For".

Page 97, after line 3, insert the following:

(B) LIMITATION.—Of the amounts authorized to be appropriated under subparagraph (A), no funds shall be used for television broadcasting to Cuba after October 1, 1997.

Mr. SKAGGS. Mr. Chairman, my amendment would bar continued TV Marti broadcasts to Cuba after the end of this fiscal year, when moneys appropriated for that purpose would end.

This amendment is not about Cuba, not about Castro; it is an amendment that would cut waste, eliminate an absolutely failed program, and save the American taxpayers millions of dollars every year.

TV Marti, part of the USIA, is a Federal program begun in 1989 that attempts to broadcast television programs to Cuba in the early morning hours. I support the USIA's efforts to get unbiased news coverage to Cuba. I support Radio Marti's attempts to do that. TV Marti is simply another story. It is not accomplishing that purpose. Virtually no one in Cuba has seen, is seeing, or will see TV Marti broadcasts.

The Government has already wasted over $100 million on this failed experiment. Let us not put good money after bad. Let us end this experiment at the end of this fiscal year. We will save over $9 million next year and countless millions in the outyears after that by passing this amendment.

Last year the House appropriations bill ended appropriations for TV Marti and this House went along with the appropriations recommendation. It was only because the other body restored funding that we still have to deal with this.

I have a stack of reports here, Mr. Chairman, every one of which shows that TV Marti has no significant audience in Cuba. This spring, when the USIA Director Joseph Duffy testified before the Appropriations Subcommittee, I asked him if TV Marti signals were being received in Cuba. His answer was simply no.

In 1995, the Committee on Appropriations investigations staff said that four different surveys "all produced discouraging results with respect to TV Marti viewership." In 1994, the advisory panel said that jamming prevents TV Marti signals from being received by any substantial number of Cubans. In 1993, the Advisory Commission on Public Diplomacy said that TV Marti is not cost effective and should be closed down.

Now, we will hear that we were in the midst of switching from a VHF signal, which is effectively jammed, to UHF, and that broadcasts will be started soon there. But, Mr. Chairman, that will not make any difference, I am sad to say, because it is even easier to jam the UHF signal than it is to jam this VHF signal. The National Association of Broadcasters says, "A UHF signal can be jammed using little more than a 100-watt transmitter and an off-the-shelf Radio Shack type antenna."

Again, according to the appropriations investigative staff, "The U.S. Government officials confirm that Cuba already has jamming capability and private sector representatives state that Cuba can easily jam any UHF station."

This program simply does not meet the standards under the International Broadcasting Act, which says that broadcasting shall be designed to effectively reach a significant audience.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, I want to congratulate the distinguished gentleman from Colorado for offering this amendment and I just pose this question.

I have been informed that we have spent as a government over $100 million on these broadcasts that the Cuban people do not see. Is that the gentleman's understanding?

Mr. SKAGGS. I believe it now totals $106 million through last fiscal year.

Mr. HAMILTON. If the gentleman will continue to yield, that is $106 million now being spent for no purpose whatsoever. The Cuban people do not see it, and that seems to me quite a waste of the taxpayers' money, and I certainly commend the gentleman for seeking to strike it.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, I thank the gentleman for his support on my amendment.

We will hear, I am sure, that somehow doing the right thing by the U.S. taxpayer is going to be a propaganda victory for Fidel Castro. I have to tell my colleagues that I think he gets a propaganda victory every day we waste our money on this. And in fact the Cuban Government exploits this idiocy on the part of the United States by pointing out to its own people that we are being so foolish as to continue to pour money down this television rathole.

☐ 1600

It is a classic example, Mr. Chairman, of a wasteful program that ought to be put out of its misery. Again, my amendment would save over $9 million in fiscal 1998. It would give this House a chance to stop the waste of money that has already totaled over $100 million.

We all know the kind of budget stress that we are under in trying to get the deficit to zero. We simply do not have this kind of money to pour into a completely pointless program. It could put 22,000 additional kids in Head Start, pay for Medicare, for several thousand beneficiaries—any number of useful purposes.

AMENDMENT OFFERED BY MR. DIAZ-BALART TO THE AMENDMENT OFFERED BY MR. SKAGGS

Mr. DIAZ-BALART. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIAZ-BALART to the amendment offered by Mr. SKAGGS:

Strike "1997." and insert "1997, if the President certifies that continued funding is not in the national interest of the United States.".

Mr. DIAZ-BALART. Mr. Chairman, I think it is quite curious that the distinguished gentleman from Colorado [Mr. SKAGGS] began his remarks by saying this is not about Cuba and this is not about Castro. It is very much about Cuba, about Castro, and about the oppression that the Cuban people have to live day in and day out at the hands of the dictatorship and that denial, the attempt to deny information to the Cuban people that is so primary in the agenda of the Cuban dictatorship.

The gentleman from Colorado must have forgotten that, in 1994, in this Congress, we paid for this report, Mr. Chairman, this report, two volumes, and we had an agreement that we would support the creation of this panel and that the panel would be asked, after its creation, some very clear questions and would have to report not only to the administration but then that the director of the USIA would have to report to Congress based on this report.

Mr. Chairman, I will at this time refer precisely to the recommendations and the findings of the panel, and specifically of Joseph Duffey, the director of the U.S. Information Agency, with regard to the very systematic and deep study that was engaged in; and here it is, two volumes by the panel, that we in this Congress created in 1994 to look at this issue.

Mr. Duffey, the Director of the USIA, states in his letter to Congress:

> I hereby submit my findings and recommendations regarding the report of the advisory panel on Radio Marti and Television Marti,

specifically with regard to Television Marti, which is what today the gentleman from Colorado [Mr. SKAGGS] seeks to kill. Other times, very often, he has sought to kill Radio Marti as well.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield? The gentleman has misrepresented my position.

Mr. DIAZ-BALART. Mr. Chairman, that is not correct, I have not misrepresented his position. At other times, the gentleman from Colorado has sought to kill both Radio and Television Marti. Today he is targeting Television Marti.

Let us see what the report, after we spent the money to create this panel, let us see what the findings and recommendations were of Mr. Duffey of USIA with regard to the panel that we set up in this Congress and that we agreed to set up objectively and of distinguished membership.

One, the best interests of the United States are being served by maintaining television broadcasting to Cuba.

Two, maintaining television broadcasting to Cuba is technically sound and effective.

Three, Television Marti broadcasting is consistently being received by a sufficient Cuban audience to warrant its continuation.

This is the report of Mr. Duffey, findings and recommendations based on the panel created by Congress; and here are the two volumes. But, no, it is not enough for the gentleman from Colorado. Year after year after year my colleague rushes to this floor with his mission not to increase the receptivity, the reception, of Television Marti or Radio Marti for the Cuban people, not to ask Castro for elections, not to ask Castro to permit the Cuban people to get news, but to kill this program, which is meant to get objective news to the Cuban people. That is the reality of the effort year after year after year by the gentleman from Colorado (Mr. SKAGGS].

During the height of the cold war, Mr. Chairman, during the height of the cold war, at times the Soviets were able to achieve 97, 98, 99 percent effectiveness in their blocking of Radio Liberty and Radio Free Europe. What would have been the position, what would have happened if the attitude maintained by our distinguished colleague from Colorado would have prevailed at that time in Congress? Oh, the Soviet Union is jamming Radio Free Europe. The Soviet Union is achieving 99 percent jamming of Radio Liberty. So we will throw in the towel, we will give up.

As my colleague even mentioned, we are in the midst, Mr. Chairman, of going to UHF, which will increase receptivity. But my point is this, we will go to UHF and we will increase receptivity despite the fact that Mr. Duffey, his recommendations, and pursuant to this two-volume report, I have mentioned they are clear enough with regard to the viability of the existing program of Television Marti.

But I maintain the following: The American thing to do is, if we do not increase receptivity sufficiently by the steps that we are taking now, then we will take further steps. Just like Mr. Aristide's voice was able to get to the Haitian people because they flew a C-130, we will do that with Cuba. We will not throw in the towel. We will not surrender. That is not the American way.

Approve my amendment and defeat the amendment of the gentleman from Colorado [Mr. SKAGGS].

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment offered by the gentleman from Colorado [Mr. SKAGGS) I think is a step backward in a struggle for democracy in Cuba, and I urge my colleagues to oppose the amendment.

Mr. Chairman, I support this second-degree amendment offered by the gentleman from Florida [Mr. DIAZ-BALART), which will give the President the flexibility that he must have to decide if and when to adjust the strategy of our Cuba broadcasting. Our pro-democracy efforts in Cuba are at a critical point. Accordingly, I agree that it is vital that we let the President assess the importance of TV Marti to our overall strategy in communicating with the Cuban people.

Mr. SKAGGS. Mr. Chairman, I oppose the amendment offered by the gentleman from Florida. Mr. Chairman, let me first correct the RECORD. It is very important I think to be precise in the way we characterize each other's positions on these very volatile issues.

I have opposed TV Marti consistently over the years, as the gentleman suggested, because it is simply a waste of money. I would very much like it if Castro would stop the jamming so that we could get good information into Cuba. Unfortunately, that is not going to happen. We do not have to respond to that by continuing to waste over $100 million of American taxpayers' funds.

I also want to make it clear that I have supported Radio Marti consistently, just wanting to make sure that it lives up to Voice of America standards. And the characterization of the gentleman from Florida to the contrary is simply not accurate.

But let us go to the principal point here. The 1994 appropriations bill report set up the advisory panel and directed that that panel report back to Congress as to whether TV Marti was being received by any substantial audience in Cuba. That was its mission.

The report advised Congress "Cuban Government jamming prevents those broadcasts from being received by any substantial number of Cubans." In other words, the answer was no.

And based upon the understanding that was incorporated in that fiscal 1993 appropriations bill, that should have been the end of the discussion. But, no, because of the extraordinary and I think inappropriate influence on U.S. Government policy that has been brought to bear on this issue, the administration sought to end-run the clear direction of Congress and came back with this fig leaf idea of going to UHF and see if that works.

That was used, in fact, to undermine, end-run, and basically avoid the very purposes for which the advisory panel was created. So we are now stuck with spending millions and millions more on the UHF experiment, which is as doomed to failure as was the VHF program that has been broadcasting.

There is simply no need for any exercise of discretion by the President or anyone else. The facts are clear. That is why the Committee on Appropriations by an overwhelming vote last year recommended to the House that there be no funding this year for TV Marti. Let us stop kidding ourselves.

I wish the position of the gentleman from Florida [Mr. DIAZ-BALART] about this particular program were correct, that we had some prayer of getting a signal into Cuba. We do not. Let us admit it. Let us stop wasting this money.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from Colorado [Mr. SKAGGS] just a few questions on this issue. I think universally we would like to see a democratic government in Cuba, we would like to see free elections, and I think the real debate here is how to get there.

We have had one policy for over 30 years now, but particularly to this point I guess my question is, is there an estimate of how many people in Cuba watch any of these productions?

Mr. SKAGGS. Well, if the gentleman would yield, the United States interest section in Cuba and our own Committee on Appropriation's investigative staff have all tried to find someone who has seen more than a split second of a TV Marti broadcast before the jamming kicks in. Sadly, I do not know of anyone who has seen anything like a full TV Marti broadcast for other than a nanosecond.

Mr. GEJDENSON. If the gentleman would, how much money have we spent on this program?

Mr. SKAGGS. If the gentleman would yield, so far we have spent a total of $106 million broadcasting this TV signal essentially in a black hole.

Mr. GEJDENSON. How much money was that again?

Mr. SKAGGS. $106 million since 1989.

Mr. GEJDENSON. As a result of that, we cannot come up with anybody who has ever watched an entire program?

Mr. SKAGGS. If the gentleman would yield, that is my understanding, based upon various investigations that have been conducted by agencies of the executive and legislative branches of this Government.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, I think the problem we have here is there has become a process where we come committed to continuing policies that theoretically put pressure on Fidel Castro to bring about a democratic government.

I understand the pressure of communities who want to see their loved ones living within a country that has democratic institutions. My parents fled the Soviet Union, survived Nazi Germany. We all have a strong feeling about that.

In the case of Cuba, what seems to happen, however, is rather than finding programs that are effective in achieving democratic goals and democratic progress, we find ourselves with a policy that seems to somehow protect Castro from change. If anything helped bring down the Berlin wall, it was contact with Westerners, it was that confrontation with the success of our democratic institutions and contrasted to the failure of the old Soviet system.

I would think that Fidel Castro gets up and thanks God, if he believes in God, every day that we have this embargo on him and that we continue these programs. It gives him the excuse why his revolution is not producing benefits for its citizens any longer.

I understand the heart-felt desire of Members in this Congress and in our communities who are of Cuban-American heritage who want to see democracy there. I would ask them to join us for policies that would have a real impact on dislodging the non-democratic government in Cuba. That is the policy I think we ought to undertake, not just squandering dollars that, even worse than the squandering of dollars, give us the illusion that we are taking some action here.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong opposition to the Skaggs amendment and in support of the Diaz-Balart substitute amendment. The Skaggs amendment is aimed at the heart of what is sometimes called surrogate broadcasting. An even better term for it is "freedom broadcasting." We are sending the message of freedom to people who live in countries where this message is not permitted to be carried by domestic radio or television stations.

□ 1615

The Skaggs amendment would eliminate TV Marti. It would deprive Cubans of not only vital information about the free world but also of the hope that comes with knowing that a free world does care. The Diaz-Balart substitute guarantees fiscal responsibility without compromising our commitment to freedom.

If the President wants to certify, as his substitute would so state, let the President certify that and live with the consequences of denying this very important surrogate broadcasting to the people of Cuba. Eliminating or crippling freedom broadcasting to Cuba, as the Skaggs amendment would do, would send exactly the wrong message at exactly the wrong time.

The Castro dictatorship is at an all-time low, both in domestic support and international prestige. Like the two recent Clinton-Castro immigration agreements, the silencing of TV Marti would provide new hope for the Castro dictatorship and a fresh dose of despair to those who struggle for human rights in Cuba. The argument that TV Marti is technologically inadequate and that we should therefore not fund it is destined to be a self-fulfilling prophecy.

The Subcommittee on International Operations and Human Rights which I chair has examined this question in public hearings over the last 3 years. We have discovered, in effect, that it is too soon to evaluate the success of TV Marti because the Clinton administration has not yet tried to make TV Marti work. The reason TV Marti does not reach more Cubans has less to do with technology and more to do with administrative timidity or perhaps a willful resistance to congressional mandate.

Right now, because of jamming by the Castro regime, TV Marti is received primarily by those who live outside of Havana. It can also be received by government officials and by the Communist party elite who have access to satellite TV. It is important to let them know that the world is watching them and hopefully holding them to some account. But there is no question that we can do better. The technology is there for UHF broadcasting which would be far more difficult for the censors to jam, and would enable TV Marti to reach millions of more people.

I think the gentleman from Florida [Mr. DIAZ-BALART] made a very good point a moment ago. Had we during the 1970's and 1980's because of Russian jamming stood up and said, "Let's just eliminate the program," we would have given Brezhnev and all his predecessors a real shot in the arm as they clamped down on human rights and freedom in the Soviet Union.

Let me just say that the Diaz-Balart substitute would discontinue TV Marti if and only if the President certifies that its continuation is not in the national interest. Again, the ball would be in the President's court. I support that, and I would ask Members to go against the underlying amendment offered by the gentleman from Colorado [Mr. SKAGGS].

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I would just ask my friend, and I know he is earnest in this without any question, but does he have any evidence that the general population of Cuba to any significant degree or to what degree it might be able to view these? I think we have been broadcasting now for 7 years about.

Mr. SMITH of New Jersey. Joe Duffy back in 1994 in a letter to the gentleman from Florida [Mr. DIAZ-BALART] stated, and I quote, "TV Marti broadcasting is consistently being received by a sufficient Cuban audience to warrant its continuation."

Havana, without question, is being heavily jammed. But outside of that area more people are able to pick it up. Plus areas near to Cuba—other islands and other countries—can also pick it up.

Mr. GEJDENSON. I think Mr. Duffy has changed his position on that, and in more recent testimony before the

Committee on Appropriations felt that nobody was hearing it. I think whatever happens here today, I would hope we could join together. If we look at the kind of policies we had to deal with the Soviet Union and the East Bloc, it was a much more dynamic policy than the one we have executed here, and I think, for whatever reasons, was much more successful. I think we have to engage in a much more dynamic policy with Cuba to have an opportunity to have a united impact.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding. My dear friend the gentleman from Connecticut is right on target. That is exactly what the Diaz-Balart amendment does here. We should be able to come together. The goal of the amendment is to come together with both the legislative branch and the executive branch in fact recognizing the importance of this issue. The President has to certify that it is in the national security interest to keep or to not keep Television Marti. That is why I think that this is the very responsible, evenhanded way to get the two branches of government involved.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 2 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, I yield to my friend the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I guess I would say one thing having been through both Democratic and Republican Presidents, of both parties, I have seen them able to certify almost anything or not certify almost anything they chose to certify or not certify. The other thing is what we are dealing with here, and not questioning anybody, is a political hot potato. If the White House shuts it down, then that becomes obviously significant political fodder. I think in a bipartisan way, and again my hopes for this amendment are not great, but we ought to move past this and engage a much more dynamic policy. Nothing will hurt Castro more than having Cuban-Americans who are successful going back to Cuba and giving a contrast to the life there.

Mr. SMITH of New Jersey. Reclaiming my time, Mr. Chairman, just let me remind Members that we still have not had a full test, or any test really, of the UHF situation. We have asked Dr. Duffy and many people within the administration: "Why the delay? They have been talking about it for years. Now we are told that, sometime in October, the UHF program should be up and running. Hopefully we will then have a better gauge as to whether or not we are reaching a significant number of people.

Mr. DREIER. If the gentleman will yield further, I would like to say to my friend the gentleman from Colorado that I am very sympathetic, in fact the gentleman from Connecticut and I, a few weeks ago we were in Santa Fe, NM, and talked about the issue of Cuba. We were meeting with Mexican government officials. My friend the gentleman from Florida with whom I sit on the Committee on Rules knows that I also am sympathetic with this. But it seems to me that without undermining the goal that is set forth by the Skaggs amendment, the gentleman from Florida [Mr. DIAZ-BALART] is simply trying to in fact bring both sides into the question. The gentleman from Connecticut [Mr. GEJDENSON] says this is a political hot potato. It may be. Why should the hot potato simply be here in the Congress without letting the President, who obviously has gotten very involved, having signed the Helms-Burton legislation, he should be part of this process.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has again expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 2 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, I continue to yield to my friend the gentleman from California.

Mr. DREIER. I thank the gentleman for continuing to yield.

Mr. Chairman, the fact of the matter is the cost imposed on Fidel Castro of trying to block this program is the equivalent of 400,000 barrels just for Havana alone. If we go back and look at the height of the cold war, the Soviet Union was able to block 99 percent of the programming that went from Radio Free Europe into the Soviet Union. I think that we ought to think long and hard before we take this kind of action from the Congress, and I say that as one who believes that getting our western values into countries throughout the world is clearly the best way possible for us to undermine political repression, but I think that this two-tiered approach with both the legislative and executive branch's involvement is the most responsible approach for us to take.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not think there is any Member of this House, including my dear colleagues from Florida, that still have family in Cuba, but I do. So when people talk about some of these issues, they talk in the abstract. I deal with the reality.

Every time I get up in this well and speak about issues that affect the people of Cuba, my family gets visited by Castro's rapid response brigade. My communications with them, which I always asked them never to let anyone know that they were my family, so in fact they would not be confronted with the realities they are confronted with today, being harassed, being denied employment opportunities, but they told me, "We're not going to deny you, and we don't intend for you to stop speaking out."

The fact of the matter is my distinguished colleague from Connecticut raises a point of view which I disagree with but respect. However, the facts are quite different. The reality is that the regime in Cuba has only changed out of necessity, necessity created by the loss of the Soviet Union's aid, $6 billion a year, at which time the Cuban people did not receive more food on the plates of Cuban families but developed the third largest military in the entire Western Hemisphere after the United States and Brazil per capita.

Now that that money is gone, and with the legislation that we have passed, 3 dramatic things have happened. That third largest army has been reduced, important to the people in Cuba, important to the people in the hemisphere. More money should be going to Cuban families to put food on their table, but is not because the regime continues to use whatever resources they have to oppress people.

Second, the American dollar, the most hated symbol of the revolution, is now freely traded in Cuba and accepted, again out of necessity, not desire.

And, third, the fact of the matter is that the international investment that some herald which has made no real change in democracy in Cuba, from Canada, from Mexico, from Spain and every place else, the fact of the matter is that is now accepted for the last several years again out of necessity. Necessity, not desire. So in fact the changes that we have seen, limited as they are, are changes that come from necessity, the necessity that we have created in our legislation.

Now I want to speak to the Skaggs amendment, which I oppose, and the Diaz-Balart amendment, which I support. I cannot understand Democrats who would not give the President the flexibility in foreign policy that they decry does not exist in the underlying bill. That is the reality. They do not want to give the President flexibility in foreign policy that they decry in the underlying bill. That in essence is what the Diaz-Balart amendment would do.

The President has spoken clearly about the need to support the vital broadcasting services to Cuba of both Radio and Television Marti. In a letter to me the President stated, and I quote, "By strongly supporting Radio and TV Marti, I want to send a clear signal to those everywhere who struggle against tyranny. Radio and TV Marti make genuine contributions to the cause of human rights and democracy in the hemisphere. Both help promote short and long-term U.S. foreign policy goals." That is the President of the United States.

Those of us with a strong interest in this issue agreed to a compromise which established having an advisory panel on Radio and TV Marti in the last Congress. The panel members were agreeable to all the parties involved, I believe, including the gentleman from Colorado [Mr. SKAGGS].

The panel was charged with assessing and reporting on the purposes, policies and practices of radio and TV broadcasting to Cuba. In fact, it was done so we could avoid the political hot potato that some have alleged exists, so we could take it out of the realm of politics, so we gave it to an independent panel.

What did that panel come and say? Their verdict was very clear. They said now more than ever we must retain intact the services of both Radio and Television Marti. I encourage the Members to seek out the executive summary of the advisory panel's report.

Let me underscore some of the more salient conclusions of the report. It said, "Cuban Government officials and elites regularly listen to Radio Marti and tune into TV Marti. When we want to speak to that elite, when we want them to make a change in their government, this is a direct way of communicating with them, a way to create peaceful change in Cuba."

Our United States interest section in Cuba, which thousands of average Cubans go into every day, they have the opportunity to see all of the programming of Television Marti that is done in the lobby as people try to get visas.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. MENENDEZ] has expired.

(By unanimous consent, Mr. MENENDEZ was allowed to proceed for 2 additional minutes.)

Mr. MENENDEZ. Mr. Chairman, it is not lack of interest of the Cuban people but the jamming which has prevented it, and we have means to circumvent that. The fact of the matter is that if in fact we move to the UHF opportunity, broadcasting to Cuba would neither interfere with Cuban broadcasting nor United States stations. The Cuban Government would have no present jamming capacity on a UHF process. These broadcasts could occur at any time. And it is both technically feasible and cost effective to switch TV Marti to UHF.

The fact of the matter is we have an opportunity for peaceful diplomacy to the people of Cuba. The same messages that we used to use in Radio Free Europe, Radio Liberty, those are the types of messages we want to send to TV Marti. We have never accepted another country's jamming of our surrogate broadcasting to be a reason to stop that broadcasting. We should not do it in the case of Television Marti.

Mr. Chairman, I urge my colleagues to give the President of the United States the opportunity to truly pursue his foreign policy goals. If he believes, as he said to me in that letter and has said time and time again, that it is in the national interests of the United States to do so, he should be given that opportunity.

It is a fair compromise on this issue. We have had an independent panel. They said we need the surrogate broadcasting. We should not let this regime undermine our efforts. I urge my colleagues to support the Diaz-Balart amendment.

□ 1615

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, the gentleman again invokes the panel's report. The panel was commissioned to find out whether anybody saw the signal. They then went beyond that commission to come up with this completely uncharged idea of going to UHF. I am sure the gentleman is aware that the technical experts with our own broadcasters say UHF is going to be easier to join than VHF.

Mr. MENENDEZ. Reclaiming my time, Mr. Chairman, that is not the understanding I have.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Diaz-Balart amendment that requires the President to keep TV Marti operating if the President finds that it is in the national interest of the United States to do so. Radio and TV Marti have been invaluable tools to break through the information monopoly that the Castro dictatorship uses as a weapon of repression against the people of Cuba. Without the Marti's broadcast the Cuban people would not have a source of independent objective news that they would turn to in order to learn more about world events and about the sad reality inside Cuba. The Cuban people need TV Marti.

The Castro regime was once again condemned just a few weeks ago by the international journalist groups for its repression of independent journalists who seek to report only the truth about the regime's repression. Over and over we hear from these journalists and other dissidents inside Cuba about the invaluable service that Radio and TV Marti provide to the Cuban population for being a prime source of objective news coverage. These are the same independent journalists who are being brutally harassed daily by the Castro regime. Many are subjected to the so-called repudiation acts, which are nothing more than State-sponsored mobs who attack their homes. Others end up in prison merely for reporting the truth about the dictatorship in Cuba.

TV Marti is supported by the U.S. Information Agency, including its director, Joseph Duffey, who has been a strong proponent of its pro-freedom, pro-democracy broadcast. USIA is working on changing the TV Marti signal from VHF to UHF so that its power is increased into the island and Castro's attempts at jamming its signal be further prohibited.

For the Cuban people the TV broadcasts are a window to the outside world denied to it by the Castro regime. Without Radio and TV Marti, the Cuban people would never have known about the brutal attack by Castro's thugs to the 13th of March tugboat where over 40 Cuban refugees, mostly women and children, were indiscriminately murdered at sea in Cuban territory. Without the TV and Radio Marti broadcast, the Cuban people would be ignorant of the repression of the regime against the church through the expulsion of priests and the harassment of those who merely seek to worship in their religion. Without radio and TV broadcasts, Mr. Chairman, Cubans would have no clue about the disaster of the Cuban economy and about the exploitation by foreign companies of the Cuban workers and the subjugation of independent trade unions under Castro's slave economy. Without Radio and TV Marti's message of hope, the suffering people of the island would be ignorant of the efforts in this Congress to help them in their struggle to break the shackles of tyranny that has enslaved Cuba sadly for over 38 years.

I do not believe this Congress is prepared to strip away that small window of reality and that small ray of hope for the Cuban people, nor are we willing to grant a propaganda victory to Fidel Castro by eliminating this valuable service. The Radio and TV Marti broadcasts have made a real difference in Cuba, just like other worldwide services have done, like Radio Free Europe and Radio Liberty in the former iron curtain of Eastern Europe. Let us not let the suffering people of Cuba down, Mr. Chairman. Let us support this message of freedom broadcast daily by TV Marti. I strongly support the Diaz-Balart TV Marti amendment, and I hope that my colleagues will as well.

Mr. DEUTSCH. Mr. Chairman, I move to strike the last word.

The Skaggs amendment is clearly the wrong message at the wrong time. We are seeing specific things almost on a weekly basis occurring in Cuba which show the problems that the Castro regime is having. Internal leadership in terms of fighting the regime, demonstrations where people are literally putting their lives at risk on a weekly basis at the present time. To stop what we are doing now, to make a U-turn, to make a 90-degree turn in terms of the policies at the present time just does not make any sense at all.

Let me focus in also on several specifics. One is the issue of the UHF ability which has not yet been tested. It is an ability in terms of having more people access to the station than exist today, but the message regardless is, I am sure that any of my colleagues who are supporting this amendment as they have spoken so eloquently already are not supportive of the Castro regime, are not supportive of his goals, are not supportive of his actions, but at the same time there is no question that changing the existence of both Radio and TV Marti would, in fact, support him in those goals. And I think the lesson of American foreign policy over this century has been not that we have looked at policies because they are easy, but because they are hard.

It will not be easy, it has not been easy to change the Castro dictatorship, but I think that the specific things that we can see on the ground are proving that the dictatorship's days are numbered, and I think this Congress in its greatest hours will be able to say that we were part of that in terms of the pressure that we have done through a variety of actions, including existence of Television Marti.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as my colleagues know, a lot of very honorable people have gotten up to speak today, and I mean that sincerely. My only problem with some of their comments is I really cannot believe they believe what they are saying. This is at the minimum a major waste of money. Last time I checked, nothing had really changed. TV Marti was seen a couple of times in Cuba over the last many years, and one night all we broadcasted was Popeye cartoons.

Mr. Chairman, Popeye cartoons in English may not be the message that we are paying for to get across. I could question the choice of cartoons; Tom and Jerry, the Cartoon Channel, might have been a better choice. But here is the problem:

We were told some time ago that the reason we had to keep TV Marti was because it was going to change the attitude of the Cuban people that informed them of what goes on in this country and our desire to inform them of what goes on in their country. Now, of course, they have their own television, and now we have CNN there so I do not understand why we need TV Marti.

And then last year or the year before, if my colleagues will recall, at a major cost, which we still do not really know how much it costs, but it was a lot of money, we were told that if we move Radio and TV Marti's offices to Miami, somehow it would be closer and the signal would be better or the quality of the work would be better or the employee pool would be better. I do not know what would be better, but we did it, and here we are again with the same situation: Nothing is working.

Now we are told it is UHF. Now that is interesting. UHF versus VHF versus cable channels; come on, this is a waste of time. What are we going to do? Now next year, when we fail again at it, we are going to say we now broadcast in 3-dimensional color and stereophonic sound, the message will get across. The fact of life is that this is another example of a miserable, misguided, and totally improper policy on the part of this country.

Mr. Chairman, if we really want to get closer to the Cuban people, why do we not do what we did with the Soviet Union and other people? We never stopped listening to their classical music. We never stopped sending them our jazz and our rock and roll. We never stopped watching their artists perform here. But with Cuba our desire is to totally isolate them, isolate them until they come here begging for mercy and screaming Uncle Sam.

Mr. Chairman, it is not working, and now we heard the gentleman from Florida, a dear friend of ours, say that the regime, as he calls it, moments are dwindling down to a few. I have been hearing this for 38 years, so I do not know what the few is that we are talking about.

My colleagues, the Skaggs amendment, which I speak on behalf of and in favor of, is a good amendment. It is a fiscally sound amendment. The gentleman from Colorado has to be commended for the fact that year after year he is courageous enough to stand on this floor, suspecting what the outcome of the vote may be, as others do, but knowing that this is the right thing to do, to say that TV Marti is a waste of time, a waste of dollars, and a bad policy.

Now anyone who is in the TV business or who understands electronics will tell us that this approach serves no purpose because if indeed the Government in Cuba wants to jam the signal, some people have told me that we could jam the UHF signal much easier than we can any other signal. So we are just buying into it.

Now, like I said before, we moved the offices to Miami, and that did not work. I do not think we will be able to move them next year to Havana so that we can get a closer signal into the island.

Please, if we sound somewhat sarcastic, it is because this is ridiculous. But I would urge very much for my colleagues to defeat this amendment and to bring back some sanity to this policy.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Just a point about CNN.

Of course the gentleman understands that for CNN one needs a satellite, and satellite dishes are illegal in Cuba, and therefore the average Cuban cannot see a satellite transmission of CNN because they do not have satellite dishes.

Mr. SERRANO. That is not true, and I am sorry to say that. CNN happens to have been seen in Cuba year after year after year. It is that way that the Cuban people get information about us.

No. 2, as the gentleman knows, before CNN could go to Cuba, it had to get an OK from certain segments of the Cuban/American community that they are doing——

Mr. MENENDEZ. If the gentleman would yield so I can deal with his comment, the fact of the matter is in the fine hotels of Cuba, in which people who are Cubans cannot go to, yes, a satellite opportunity is there, and those who may work there receive it, but the average Cuban cannot.

The CHAIRMAN. The time of the gentleman from New York [Mr. SERRANO] has expired.

(On request of Mr. SKAGGS, and by unanimous consent, Mr. SERRANO was allowed to proceed for an additional minute.)

Mr. SERRANO. Mr. Chairman, my comment to the gentleman from New Jersey is that no matter how we strike it, the fact of life is that CNN is seen, has been seen and will be seen much more than TV Marti, and it is wasted money, American dollars, is seen at this moment. And second, since we are talking about fiscal austerity in this House, CNN is probably financed. TV Marti comes out of my tax dollars and my constituents' tax dollars, and I know the gentleman can make a better argument for some expenditures rather than TV Marti.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York [Mr. SERRANO] has expired.

(On request of Ms. ROS-LEHTINEN, and by unanimous consent, Mr. SERRANO was allowed to proceed for 2 additional minutes.)

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, my colleague brings up CNN, which is totally ludicrous because the Cuban people are denied the basic food by the Castro regime, he saves that for the tourists. CNN is broadcast in the tourist hotels which by law the Cuban people cannot use. They cannot use those pools, they cannot use the beaches by law. My colleague is speaking about a broadcast that does not reach the Cuban people, but I think the gentleman would be interested in knowing how the journalists, including CNN, are treated in Cuba and this just came through the wire today, and I will read it, the Reuter story.

Communist-ruled Cuba, whose own media is state-controlled, has introduced new regulations for foreign media, including a stipulation that accredited foreign journalists must be objective in their reporting. And this is by Foreign Minister Roberto Robaina, one of Castro's thugs. So he has now a form for these foreign journalists to fill out, and I say to the gentleman who supports freedom for journalist to please speak about this.

I would love to yield to my distinguished colleague to have him react to how the Cuban regime treats journalists in Cuba.

Mr. SERRANO. It is my time, and first of all it is nice to hear the gentlewoman quote statements that she has no facts to back up. The last one, well I am sure CNN will deal with that issue and I am very confident that CNN will get their way in doing what they have to do. That is why they are there, that is why the community in Miami accepted CNN and the Government accepted CNN, the fact that CNN will be unbiased and will report properly, and I have no problems with CNN telling me what is going on in Cuba because it will tell me what is bad about Cuba, but I suspect for the first time CNN may tell me there are some good things in Cuba which we have never been told by any of the Miami journalists.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Would the gentleman please react to this new directive by Castro's thug, Mr. Robaina, who wants new regulations for foreign media?

☐ 1645

Mr. SERRANO. Well, we have regulations about how the media behaves in this country.

Ms. ROS-LEHTINEN. Oh, so we are similar to Castro's Cuba, I see.

Mr. SERRANO. Mr. Chairman, we are not. The Foreign Minister has made a statement, I am sure CNN will deal with it. I will be the first one to say that CNN has all the rights available to them.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in about 45 minutes I will be going back to the Committee on National Security, where we will be putting together the personnel portion of the national defense bill for next year. I will hear the gentleman from Indiana [Mr. BUYER], the chairman of the committee, say that we cannot fulfill the pledge to our military retirees that they will be given health care for life, a pledge that was made to them on the day they enlisted and a pledge that was actually in Army recruiting brochures all the way into 1993, because we do not have enough money.

My colleague from Indiana will say that we cannot fund the youth challenge program run by the National Guard that takes high school dropouts, who in all probability would have ended up in the prison system, runs them through a 20-week boot camp-like environment in a number of States across the Nation, and has a 99-percent success ratio of taking these kids who would have gone to prison and getting them in school, getting them a GED, getting them a job, and in many instances they join the Armed Forces. Some of them do all three: Become a reservist, go to school, and get a job upon graduation. A 99-percent success ratio. That will be cut by $30 million because my Republican colleague will say we do not have enough money.

There will be 13,000 U.S. marines, airmen, soldiers, and sailors who this year will be able to apply for and receive food stamps because they do not make enough money from the pay that we give them, and yet they will only get a 2.8-percent increase. Now, if one is a Congressman or a President, 2.8 percent of one's salary is a lot of money. But if you are an E–1 or an E–2 or an E–3 or an E–4, and over half of all of the United States marines are E–4 or below, 2.8-percent of the very small salary you have is a minuscule pay raise. It is about $20 or $30 a month. This is an additional box of Pampers for one of your children.

Mr. Chairman, we are going to be told we cannot help our own, but we can spend $10 million to broadcast a signal that is jammed, going into a country that has daily trade relations with Mexico, the same folks who a couple of years ago my colleagues on the other side said we should open our borders to through NAFTA, the same folks my colleagues on the other side said we ought to send our factories to through NAFTA.

If I recall, just about 2 years ago right now on this same House floor we heard people denounce great programs like "Sesame Street," great programs like "Mr. Rogers," about the only thing on television that is worthwhile for a child to watch, saying that the Government should not be in the business of educating children through television. Well, heck, if we are not about educating American kids through television, what on Earth are we doing trying to broadcast a signal to another country that has free relations with Mexico to the south of us, with Canada to the north of us, that is jammed, at the expense of $10 million a year.

If my colleagues do not know what to do with that $10 million, I have a bunch of high school dropouts that I can keep out of prison and make good soldiers out of. I have a bunch of military retirees that we can fulfill the promise of lifelong health care with that money. And I have about 13,000 U.S. marines, U.S. airmen, U.S. Navy personnel, U.S. Army personnel, that we could pay them a slightly better wage with that money, rather than the pittance and the food stamp-eligible wages they are getting now.

The gentleman from Colorado [Mr. SKAGGS] is merely saying that in a time when we are trying to reduce Federal spending, should we not prioritize what we have left on Americans? When my Republican colleagues say that there are some things that Government should not do because the private sector could do it better, well, maybe this is one of them, because obviously what we are doing as a nation is not working. And $10 million is a heck of a lot of money, could help a heck of a lot of young people stay out of prison, help a heck of a lot of military retirees get the health care that they deserve, or pay those fine young sailors who are at sea 180 days a year, fine young airmen who are away from their families a minimum of 120 days a year, or fine young soldiers who are away from their families a minimum of 160 days a year. Support the Skaggs amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN

Pursuant to House Resolution 159 and clause 2 of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the time for any electronic vote, if ordered, on the amendment offered by the gentleman from Colorado [Mr. SKAGGS], and on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] on which further proceedings were postponed.

The vote was taken by electronic device, and there were—ayes 271, noes 155, not voting 8, as follows:

[Roll No. 159]

YEAS—271

Ackerman
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox

Coyne
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—155

Abercrombie
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Berman
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Christensen
Clay
Clayton
Clyburn
Coble
Conyers
Costello
Cramer
Cummings
Danner
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Etheridge
Evans
Fattah
Filner
Flake
Foglietta
Frank (MA)
Furse
Ganske
Gejdenson
Gonzalez
Goode
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoekstra
Hooley
Jackson (IL)
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lampson
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Parker
Paul
Payne
Pelosi
Petri
Pickett
Poshard
Price (NC)
Rahall
Rangel
Regula
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shimkus
Shuster
Skaggs
Slaughter
Smith, Adam
Stark
Stenholm
Stokes
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Woolsey
Yates

NOT VOTING—8

Andrews
Farr
Fazio
Jefferson
Lantos
Pickering
Pomeroy
Schiff

□ 1713

Messrs. CHRISTENSEN, HALL of Texas, STENHOLM, BARTLETT of Maryland, HOEKSTRA, NADLER, and TIERNEY changed their vote from "aye" to "no."

Mr. WYNN, Mr. PALLONE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HOLDEN changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. HAMILTON

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 224, not voting 8, as follows:

[Roll No. 160]

AYES—202

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley

Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Andrews
Becerra
Farr
Jefferson
Lantos
Martinez
Pickering
Schiff

□ 1723

Mrs. KELLY and Mr. CALLAHAN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title XI?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Page 96, lines 8 and 9, strike $334,655,000" both places it appears and insert "$344,655,000" and "$341,655,000" respectively.

Page 96, lines 21 and 22, strike "30,000,000" both places it appears and insert "40,000,000" and "33,000,000" respectively.

Page 96, lines 24 and 25, strike "10,000,000" both places it appears and insert "$30,000,000".

Add at the end of Title XI:

SEC. .

(a) It is the sense of Congress that the United States broadcasting through Radio Free Asia and Voice of America increase to continuous, 24-hour broadcasting in Mandarin, Cantonese, Tibetan, and that broadcasting in additional Chinese dialects be increased.

(b) Within 90 days of enactment of this Act, the President shall report to the Congress on a plan to achieve continuous broadcasting in Asia.

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, this amendment—which I believe should have and will get the support of a very large, bipartisan number of Members of this House—would boost the amount of money for Radio Free Asia by $40 million to provide for 24-hour broadcasting. That is the hope here.

We will soon be voting on the very contentious issue of most-favored-nation status for China. There are many, many good Members who care deeply about human rights in China who will take a different position than I take, and others like me who believe that we ought to link MFN to human rights. This amendment is something on which we can come together and have a consensus. This is an area, with regard to human rights and freedom broadcasting, where I believe we can all come together and say: Let us be absolutely serious about getting the message of freedom into China and into some of the other countries where freedom does not flourish.

As I think Members know, Radio Free Asia was authorized in 1994. It was finally up and running as of last year. We have provided $10 million per year in the bill for new broadcasting to China, Vietnam, Korea, Tibet, and Burma. And soon, I am happy to say, we will be in Laos and Cambodia as well. These efforts are very, very popular among those who care about democracy.

This new money would allow, as I indicated earlier, 24-hour-a-day broadcasting. Currently we are only broadcasting 8 hours a day. And again this is surrogate broadcasting. This is giving people information about what is going on in their own country. We all know that under the Communist dictatorship in China, and in some of these other countries, the flow of information is largely circumscribed by the government. This amendment gives us an opportunity to get the information into the country. Surrogate broadcasting has been very successful where it has been used.

□ 1730

Now, let us be deadly serious about Radio Free Asia. This amendment has the strong support of many, including the Speaker. After his recent trip to China, he came back very much energized about this Congress doing more. We ought to do more. This amendment will do that.

In terms of where the money comes from, our bill is about $200 million below the administration request. That is where the money comes from. So we are meeting our targets there. Matter of fact, I, along with some of the Members on the other side of the aisle, would like to see some of the other accounts beefed up—and I am looking at the gentleman from California, [Mr. BERMAN] because we have worked together on some of these issues in the past, and we will do so again as we move to conference. So this amendment would be fully funded.

Having said that, I do hope we will have broad bipartisan support for this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title XI?

If not, the Clerk will designate title XII.

The text of title XII is as follows:

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 1201. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

(a) IN GENERAL.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—(1) There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) The rewards program established by this section shall be administered by the Secretary of State, in consultation, where appropriate, with the Attorney General.

"(b) PURPOSE.—(1) The rewards program established by this section shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(2) At the sole discretion of the Secretary of State and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(A) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(B) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(C) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States narcotics laws and which is such that the individual would be a major violator of such laws; or

"(ii) the killing or kidnapping of—

"(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(II) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(iii) an attempt or conspiracy to commit any of the acts described in clause (i) or (ii); or

"(D) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in subparagraphs (A) through (C); or

"(E) the prevention, frustration, or favorable resolution of an act described in subparagraphs (A) through (C).

"(c) COORDINATION.—(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

"(d) FUNDING.—(1) There is authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out the purposes of this section, notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93).

"(2) No amount of funds may be appropriated which, when added to the amounts previously appropriated but not yet obligated, would cause such amounts to exceed $15,000,000.

"(3) To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) Amounts appropriated to carry out the purposes of this section shall remain available until expended.

"(e) LIMITATION AND CERTIFICATION.—(1) A reward under this section may not exceed $2,000,000.

"(2) A reward under this section of more than $100,000 may not be made without the approval of the President or the Secretary of State.

"(3) Any reward granted under this section shall be approved and certified for payment by the Secretary of State.

"(4) The authority of paragraph (2) may not be delegated to any other officer or employee of the United States Government.

"(5) If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—(1) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) Not later than 60 days after the end of each fiscal year, the Secretary of State shall submit an annual report to the appropriate congressional committees with respect to the operation of the rewards program authorized by this section. Such report shall provide information on the total amounts expended during such fiscal year to carry out the purposes of this section, including amounts spent to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, at the sole discretion of the Secretary of State the resources of the rewards program authorized by this section, shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DEFINITIONS.—As used in this section—

"(1) the term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate;

"(2) the term 'act of international terrorism' includes, but is not limited to—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of 1994) or any nuclear explosive device (as defined in section 830(4) of that Act) by an individual, group, or non-nuclear weapon state (as defined in section 830(5) of that Act); and

"(B) any act, as determined by the Secretary of State, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j) of the Export Administration Act of 1979;

"(3) the term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(4) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.

"(j) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.".

(b) USE OF EARNINGS FROM FROZEN ASSETS FOR PROGRAM.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Up to 2 percent of the earnings accruing, during periods beginning October 1, 1998, on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) shall be available, subject to appropriations Acts, to carry out section 36 of the State Department Basic Authorities Act, as amended by this section, except that the limitation contained in subsection (d)(2) of such section shall not apply to amounts made available under this paragraph.

(2) CONTROL OF FUNDS BY THE PRESIDENT.—The President is authorized and directed to take possession and exercise full control of so much of the earnings described in paragraph (1) as are made available under such paragraph.

SEC. 1202. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a) by inserting "and enhancement" after "procurement";

(2) in subsection (c) by striking "are authorized to" and inserting "shall";

(3) in subsection (d) by striking "for expenditure to procure capital equipment and information technology" and inserting in lieu thereof "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogrammings under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710).".

SEC. 1203. REDUCTION OF REPORTING.

(a) REPORT ON FOREIGN SERVICE PERSONNEL IN EACH AGENCY.—Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is repealed.

(b) REPORT ON PARTICIPATION BY U.S. MILITARY PERSONNEL ABROAD IN U.S. ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

(c) COUNTRY REPORTS ON ECONOMIC POLICY AND TRADE PRACTICES.—Section 2202 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4711) is repealed.

(d) ANNUAL REPORT ON SOCIAL AND ECONOMIC GROWTH.—Section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104-107) is repealed.

(e) REPORT.—Section 308 of the Chemical and Biological Weapons and Warfare Elimination Act of 1991 (22 U.S.C. 5606) is repealed.

SEC. 1204. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 5 percent;";

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "; and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 1205. PREADJUDICATION OF CLAIMS.

Section 4(a) of the International Claims Settlement Act (22 U.S.C. 1623(a)) is amended—

(1) in the first sentence by striking "1948, or" and inserting "1948,";

(2) by inserting before the period at the end of the first sentence ", or included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State"; and

(3) in paragraph (1) by striking "the applicable" and inserting "any applicable".

SEC. 1206. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by striking "extraordinary".

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 1207. ESTABLISHMENT OF FEE ACCOUNT AND PROVIDING FOR PASSPORT INFORMATION SERVICES.

(a) DISPOSITION OF FEES.—Amounts collected by the Department of State pursuant to section 281 of the Immigration and Nationality Act (8 U.S.C. 1351), section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), section 16 of the Act of August 18, 1856 (22 U.S.C. 4219), and section 9701 of title 31, United States Code, shall be deposited in a special fund of the Treasury.

(b) USE OF FUNDS.—Subject to subsections (d) and (e), amounts collected and deposited in the special fund in the Treasury pursuant to subsection (a) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for the following purposes:

(1) To pay all necessary expenses of the Department of State and the Foreign Service, including expenses authorized by the State Department Basic Authorities Act of 1956.

(2) Representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress.

(3) Acquisition by exchange or purchase of passenger motor vehicles as authorized by section 1343 of title 31, United States Code, section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), and section 7 of the State Department Basic Authorities Act (22 U.S.C. 2674).

(4) Expenses of general administration of the Department of State.

(5) To carry out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–300) and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851).

(c) AVAILABILITY OF FUNDS.—Amounts collected and deposited in the special fund pursuant to subsection (a) are authorized to remain available until expended.

(d) LIMITATION.—For any fiscal year, any amount deposited in the special fund under subsection (a) that exceeds $455,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.

(e) PASSPORT INFORMATION SERVICES.—For each of the fiscal years 1998 and 1999, $5,000,000 of the amounts available in the fund shall be available only for the purpose of providing passport information without charge to citizens of the United States, including—

(1) information about who is eligible to receive a United States passport and how and where to apply;

(2) information about the status of pending applications; and

(3) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

SEC. 1208. ESTABLISHMENT OF MACHINE READABLE FEE ACCOUNT.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by redesignating paragraph (4) as paragraph (6);

(2) by striking paragraph (5);

(3) by striking paragraphs (2) and (3) and inserting the following:

"(2) Amounts collected under the authority of paragraph (1) shall be deposited in a special fund of the Treasury.

"(3) Subject to paragraph (5), fees deposited in the special fund pursuant to paragraph (2) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for costs of the Department of State's border security program, including the costs of—

"(A) installation and operation of the machine readable visa and automated namecheck process;

"(B) improving the quality and security of the United States passport;

"(C) passport and visa fraud investigations; and

"(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

"(4) Amounts deposited pursuant to paragraph (2) shall remain available for obligation until expended.

"(5) For any fiscal year, any amount collected pursuant to the authority of paragraph (1) that exceeds $140,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.".

SEC. 1209. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking "$700,000 of the" and inserting "all";

(2) at the end of paragraph (1) by striking "and";

(3) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph (3):

"(3) the enhancement of defense trade export compliance and enforcement activities to include compliance audits of United States and foreign parties, the conduct of administrative proceedings, end-use monitoring of direct commercial arms sales and transfer, and cooperation in criminal proceedings related to defense trade export controls.".

SEC. 1210. TRAINING.

(a) INSTITUTE FOR TRAINING.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (d)(4) as subsection (g); and

(2) by inserting after paragraph (3) of subsection (d) the following new subsections:

"(e)(1) The Secretary of State may, in the discretion of the Secretary, provide appropriate training and related services through the institution to employees of United States companies engaged in business abroad, and to the families of such employees.

"(2) In the case of any company under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training and related services to any company employee who is performing such services.

"(3) Training under this subsection shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the judiciary.

"(2) Congressional staff members and employees of the judiciary may participate on a reimbursable, space-available basis in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department of State and of other agencies in the field of foreign relations.".

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding after section 52 the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center Facility of the Department of State. Funds collected under the authority of this section, including reimbursements, surcharges, and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

SEC. 1211. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding after section 53 (as added by section 1210(b)) the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary of State is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under the authority of this section (including any reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

SEC. 1212. FEES FOR COMMERCIAL SERVICES.

Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) is amended in subsection (b) by adding at the end the following: "Funds deposited under this subsection shall remain available for obligation until expended.".

SEC. 1213. BUDGET PRESENTATION DOCUMENTS.

The Secretary of State shall include in the annual Congressional Presentation Document and the Budget in Brief, a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also include the previous year's collection and the projected expenditures from all collections accounts.

SEC. 1214. GRANTS TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the children of United States citizen employees of an agency of the United States Government who are stationed outside the United States attend educational facilities assisted by the Department of State under this section, such agency is authorized to make grants to, or otherwise to reimburse or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities.".

SEC. 1215. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

(a) GRANT AUTHORITY.—Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

"(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the convention and this Act.".

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 1241. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 1242. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTH ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by inserting "(or any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe)" after "consular officer".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes of the United States (22 U.S.C. 4191), is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).".

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).".

SEC. 1243. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214) (concerning accounting for consular fees) are repealed.

SEC. 1244. ELIMINATION OF DUPLICATE PUBLICATION REQUIREMENTS.

(a) FEDERAL REGISTER PUBLICATION OF TRAVEL ADVISORIES.—Section 44908(a) of title 49, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(b) PUBLICATION IN THE FEDERAL REGISTER OF TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (Public Law 99–399; 100 Stat. 891; 46 U.S.C. App. 1804(a)) is amended by striking the second sentence.

CHAPTER 3—REFUGEES AND MIGRATION

SEC. 1261. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the Secretary of State shall include in the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

SEC. 1262. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended by adding at the end the following new subsection:

"(c) EMERGENCY WAIVER OF NOTIFICATION REQUIREMENT.—The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the appropriate congressional committees shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.".

The CHAIRMAN. Are there any amendments to title XII?

AMENDMENT OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACHUS:

At the end of chapter 1 of title XII (relating to Department of State authorities and activities) insert the following new section:

SEC. 1221. REPORT ON OVERSEAS SURPLUS PROPERTIES.

(A) REPORT TO CONGRESS.—Not later than March 1 of each year, the Secretary of State shall submit to the Congress a report listing overseas United States surplus properties for sale.

(b) USE OF FUNDS RECEIVED FROM SALE OF OVERSEAS SURPLUS PROPERTIES.—Notwithstanding any other provision of law, amounts received by the United States from the sale of any overseas United States surplus property shall be deposited in the Treasury of the United States to be used to reduce the deficit.

Mr. BACHUS. Mr. Chairman, I have heard my colleagues here today talk about saving $10 million and saving $30 million and making priorities, and I commend them for that. This amendment will save the taxpayers of the United States, the American people, as much as a half a billion dollars. We are not talking about $10 million, we are not talking about $20 million.

Mr. Chairman, today our Government, the State Department, owns over 1 billion, well, actually, over $10 billion, and I keep missing that, it is more than that, it is $100 billion in property overseas. Of that, as much as $1 billion is considered to be excess surplus property. This includes an orange grove in Morocco that is being used by the King of Morocco; it includes a $12 million mansion in Bermuda that our State Department says is ostentatious, to use their own inspector general's words; in Tanzania they have closed our post there but we still own the property. A billion dollars' worth of surplus property out there.

Now, this Congress has sort of dabbled in this. They have tried to address this and they have asked the State Department to form a panel to make some recommendations, but I would say to this body that we do not need a recommendation on this $467 million that the State Department 2 years ago already told this Congress was unneeded, unnecessary surplus land.

What my amendment does, it says that by March 1 they will list all of this land and that they will start selling this surplus property and that those savings will go into the deficit.

Now, there may be some Member here that says, well, if they sell this surplus, unnecessary, unused property, why do we not let them keep the money. I would say that that would be giving them money that they do not need. They come before this Congress, and if they need $4 million to build a building in Germany, then they ask for an appropriation. Last year we gave the State Department over $400 million to build new buildings and to buy property in foreign countries and we are appropriating a like amount this year.

This is surplus property. This is property that should go back to the deficit. It ought to be used by Americans. It ought to be used here at home. We do not need an orange grove used by the King of Morocco, we do not need a $12 million mansion that the State Department says is unneeded and is a luxury we cannot afford in these days of a budget crisis. We need to really set our priorities. We need to get serious about this.

When we talk about our soldiers, our enlisted men that may not get a 2.8-percent raise, we are talking about millions of dollars, but here we are talking about saving $1 billion. I would much rather sell some land that this Government owns in Bangkok, which is not being used, that they have had for 8 or 9 years, and give that money for something worthy; either return it to the taxpayers, pay it on the deficit or apply it to things that the American people really need.

I can continue to go down this list. I can continue to cite examples, but I would say this to the Members. We asked the GAO to review this thing 2 years ago and to report back to us, and they have come back and in this report they have said that the State Department, by their own admission, has 460 million dollars' worth of surplus land and property.

Mr. SMITH of New Jersey. Mr. Chairman, I reluctantly rise in opposition to the amendment, and let me say that I have a deep respect for the gentleman from Alabama [Mr. BACHUS] and I think he does a service in bringing this issue to the floor.

I chair the subcommittee that oversees the State Department and we have held a hearing in which I have asked a number of questions that go right to the heart of this issue of these excess properties. I do believe that the Department of State should be more aggressive in the disposition of those properties that are either excessive or no longer needed.

This provision is not necessary, however, because of the actions taken in the conference report for Commerce, Justice, and State Department appropriations for fiscal year 1997, in which the Department was directed to professionalize their asset management. The Department has set up a real estate advisory committee, bringing additional expertise on asset management, and the Department is committed to funding capital projects with assets from those sales.

I would also point out, and I believe this very strongly, that changing the current law to have proceeds revert to the Treasury might act, however unwittingly, as a disincentive to the Department to dispose of those assets. So we would have an unintentional consequence as a result.

Furthermore, the proceeds are used for facility maintenance, improvement, buildings and purchasing. This reduces the need for additional appropriations for this purpose.

I appreciate again what the gentleman is attempting to do, and I would like to assure them that our subcommittee will be vigorous in its oversight. And just raising this issue again on this floor, and his amendment may indeed win, but even if he does not, he has done a service in bringing this issue and bringing some scrutiny and light to the issue.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, let me point out to this body that the State Department has been urged by this Congress to sell this property for 10 years, and from 1990 to 1995 they only sold about $150 million worth of property. The biggest piece of property that they sold, which was a $49 million piece of property in Singapore, they only sold because the Singapore government needed it for a road and actually condemned that land and compelled that sale. A $49 million piece of property in Singapore that our embassy did not need.

A residence costing $92 million in Japan, which we are using as a residence for one of our mission members over there. Ninety-two million. How do we say to the American people that we are housing some of our foreign operations people, that we are using a $92 million piece of property to house someone in the foreign ministry, yet we turn down requests for $10 million and $20 million here?

The GAO said in that case that for $4 million, well, they actually said that they could convert property they already had for a residence for this gentleman, and yet he is still there.

I would just simply say to the gentleman from New Jersey, and I identify with what he is saying, but I think what I am saying, and in Jerry McGuire's words, to the American people, either show me the money, show me the savings, or start another panel or start another committee or study this thing a little more. This is obviously a luxury the American people do not want, they cannot afford, they have never requested, and it is time for action.

It is time for a yes vote on my amendment, and it will save, I would say, a billion dollars that will go to deficit reduction, money that the taxpayers will not have to use to pay their hard-earned taxes in to go to pay interest on the deficit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BACHUS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Alabama [Mr. BACHUS] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title XII?

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

At the end of chapter 1 of title XII (relating to Department of State authorities and activities) insert the following new section and amend the table of contents accordingly):

SEC. 1221. NOTIFICATION OF CRIMES COMMITTED BY DIPLOMATS.

Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") is amended by inserting after section 204A the following:

"SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.

"(a) RECORDS.—(1) The Secretary of State shall develop and maintain records on each incident in which an individual with immunity from the criminal jurisdiction of the United States under the Vienna Convention who the Secretary reasonably believes has committed a serious criminal offense within the United States which was not subject to the criminal jurisdiction of the United States. Each such record shall include—

"(A) the identity of such individual;

"(B) the nature of the offense committed by such individual, including whether against property or persons;

"(C) whether such offense involved reckless driving or driving while intoxicated; and

"(D) the number and nature of all other criminal offenses committed in the United States by such individual.

"(2) The Secretary shall submit an annual report to the Congress on the incidents occurring during the preceding year. The report shall include the information maintained under paragraph (1) together with information under section 1706(a).

"(b) EDUCATION AND ENCOURAGEMENT OF LOCAL LAW ENFORCEMENT INDIVIDUALS.—The Secretary shall take such steps as may be necessary—

"(1) to educate local law enforcement officials on the extent of the immunity from criminal jurisdiction provided to members of a foreign mission, and family members of such members, under the Vienna Convention; and

"(2) to encourage local law enforcement officials to fully investigate, charge, and prosecute, to the extent consistent with immunity from criminal jurisdiction under the Vienna Convention, any member of a foreign mission, and any family member of such a member, who commits a serious criminal offense within the United States.

"(c) Interference With Local Prosecutions.—No officer or employee of the Department of State may interfere with any investigation, charge, or prosecution by a State or local government of—

"(1) an alien who is a member of a foreign mission,

"(2) a family member of an alien described in subparagraph (A), or

"(3) any other alien, not covered by immunity from the criminal jurisdiction of the United States under the Vienna Convention.

"(d) Notification of Diplomatic Corps.—The Secretary shall notify the members of each foreign mission of United States policies relating to criminal offenses (particularly crimes of violence) committed by such members, and the family members of such members, including the policy of obtaining criminal indictments, requiring such members to leave the country, and declaring such members persona non grata.

"(e) Vienna Convention.—For the purposes of this section, the term 'Vienna Convention means the Vienna Convention on Diplomatic Relations of April 18, 1961 (TIAS numbered 7502; 23 UST 3227), entered into force with respect to the United States on December 13, 1972.".

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, today, I rise to offer an amendment to H.R. 1757, the Foreign Relations Authorization Act, that would help stop what happened on January 3, 1997, when a Georgian diplomat caused a horrible five-car crash at DuPont Circle that killed Miss Joviane Waltrick.

As I am sure all of us remember, late in the evening of January 3, a Ford Taurus, which police say was traveling up to 80 miles an hour, plowed into an intersection in DuPont Circle here in this town and caused a fatal car accident. A 16-year-old, Joviane Waltrick, died when a car hit by the Taurus catapulted into her Volkswagen. The accident was caused by this Georgian diplomat who could have escaped prosecution because he enjoyed diplomatic immunity. But Georgia's President took the unusual step and courageous step of waiving the diplomatic immunity.

When this happened, my immediate reaction was that, by golly, when we have capital crimes, serious crimes in this country, committed by diplomats, we ought to be able to prosecute those serious crimes. They should not be able to get off. But I found out it was much more complicated than that when we got into it to try to decide how to handle it.

□ 1745

And besides, there is a Vienna Convention which deals with this with other nations, and so we could not handle it quite that way. So we did not want to violate that Vienna Convention.

Currently, there is an informal agreement between the State Department and local community police forces, and under this agreement, the local law enforcement agencies are to inform the State Department of every incident involving a diplomat. Often local police do inform the State Department and action is taken.

Last year, 10 diplomats had their driver's licenses suspended. During the past 4 years, eight diplomats have been expelled for repeated drunk driving. But often, as was in the case of this Georgian diplomat who caused the death of Ms. Waltrick, the State Department is not informed.

According to the State Department, the Georgian diplomat had prior instances with local police forces, which included running red lights and driving in excess of 80 miles per hour. I think there was some drunken driving. But through this whole informal agreement that broke down was that the State Department never knew of this diplomat's infractions until after the accident when the State Department started asking local law enforcement officials about him after the crash. Had they known, this might never have happened.

In brief, my amendment would formalize the relationship between the State Department and the local police forces by having the local police forces report instances involving diplomats to the State Department; and, in turn, it would have the State Department notifying the offending embassy or mission of the offending diplomat's behavior.

Probably the most important aspect of my amendment is that it would have the State Deparment take the necessary steps to educate local law enforcement officials as to the extent of immunity diplomats have, and would have the State Department encourage local law enforcement officials to fully investigate, charge, and prosecute, where they are able to under the Vienna Convention, any diplomat who commits a serious criminal offense within the United States.

Mr. Chairman, this simply formalizes what we are doing already, and there is a breakdown in what we are doing already. We can save some lives, I think, and we can keep more people from getting off when they commit serious crimes in our country.

Mr. GILMAN. Mr. Chairman, will the gentleman from Colorado yield?

Mr. HEFLEY. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I think my colleague has proposed a worthy amendment. The committee accepts the amendment.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. Hefley].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to title XII?

AMENDMENTS OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer several amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Gilman:

Page 120, strike line 11 and all that follows through line 18, and insert the following:

(a) Persons Authorized To Issue Reports of Births Abroad.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, a consular officer shall include any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as he may prescribe.".

Page 121, after line 17, insert the following:

(e) Definition of Consular Officer.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer"; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) Training for Employees Performing Consular Functions.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

"(d) Prior to designation by the Secretary of State pursuant to regulation to perform a consular function abroad, a United States citizen employee (other than a diplomatic or consular officer of the United States) shall be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function and shall be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function. As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.".

SECTION 1304—ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY

On page 127 line 20 insert after security "and management".

SECTION 1321—AUTHORIZED STRENGTH OF THE FOREIGN SERVICE

On page 130 line 5 delete 1070 and insert in its place 1,210.

On page 130 line 6 delete 140 and insert in its place 150.

On page 130 line 17 delete 1065 and insert in its place 1,182.

On page 130 line 18 delete 135 and insert in its place 147.

Strike section 1702 of division B, page 163, line 3 to page 164, line 3, and insert the following new section (and renumber the subsequent sections accordingly and conform the table of contents accordingly).

SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States that the United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing that the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) DEFINITIONS.—Except as otherwise provided, terms used in this section have the meanings assigned under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States resolution of advice and consent to ratification of such Convention.

(c) PROCEDURES.—Procedures shall be established to ensure compliance with subsection (a) in the cases of aliens who are arriving in the United States or who are physically present in the United States and who are subject to removal.

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, no court shall have jurisdiction to review the procedures adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act, as amended.

Strike section 1712 and insert the following:

SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of Congress that the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Security Council to suggest that the Turkish Government—

(1) recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) ensure the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law, including but not limited to, the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act (1975), and the Charter of Paris;

(3) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel; and

(4) reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

Page 183, line 1, strike "cases and the" and insert "cases through the provision of records and the unilateral and joint".

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, the amendments that I have proposed have been cleared on both sides. There is an amendment by the gentleman from California [Mr. BERMAN] to allow non-Foreign Service Government employees who are U.S. citizens to perform consular functions.

There is a technical amendment to the provisions setting out qualifications for the position of Assistant Secretary for Diplomatic Security. There is an amendment to change the authorized strength of the Foreign Service. There is an amendment by the gentleman from California [Mr. LANTOS] to change the provision concerning return of persons to places they may be subject to torture. There is a technical amendment to language in the bill relative to the ecumenical patriarchate in Istanbul, Turkey. There is a technical amendment by the gentleman from New Jersey [Mr. SMITH].

Mr. Chairman, that is the extent of the en bloc amendments, and I ask that they be adopted.

Mr. HAMILTON. Mr. Chairman, we accept the en bloc amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The amendments were agreed to.

The CHAIRMAN. Are there any other amendments to title XII?

The Clerk will designate title XIII.

The text of title XIII is as follows:

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1(e) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)) is amended—

(1) by striking "In" and inserting the following:

"(1) In"; and

(2) by inserting at the end the following:

"(2) COORDINATOR FOR COUNTERTERRORISM.—

"(A) There shall be within the office of the Secretary of State a Coordinator for Counterterrorism (hereafter in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(B)(i) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

"(ii) The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(C) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking subsection (e).

(c) TRANSITION PROVISION.—The individual serving as Coordinator for Counterterrorism of the Department of State on the day before the effective date of this division may continue to serve in that position.

SEC. 1302. ELIMINATION OF STATUTORY ESTABLISHMENT OF CERTAIN POSITIONS OF THE DEPARTMENT OF STATE.

(a) ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is repealed.

(b) DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

(c) ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.—Section 9 of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655a) is repealed.

SEC. 1303. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR HUMAN RESOURCES.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended by adding after paragraph (2) the following new paragraph:

"(3) ASSISTANT SECRETARY FOR HUMAN RESOURCES.—There shall be in the Department of State an Assistant Secretary for Human Resources who shall be responsible to the Secretary of State for matters relating to human resources including the implementation of personnel policies and programs within the Department of State and international affairs functions and activities carried out through the Department of State. The Assistant Secretary shall have substantial professional qualifications in the field of human resource policy and management.".

SEC. 1304. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) as amended by section 1303 is further amended by adding after paragraph (3) the following new paragraph:

"(4) ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.—There shall be in the Department of State an Assistant Secretary for Diplomatic Security who shall be responsible to the Secretary of State for matters relating to diplomatic security. The Assistant Secretary shall have substantial professional qualifications in the field of Federal law enforcement, intelligence, or security.".

SEC. 1305. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President should appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet should—

(1) consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people;

(2) coordinate United States Government policies, programs, and projects concerning Tibet; and

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1306. RESPONSIBILITIES FOR BUREAU CHARGED WITH REFUGEE ASSISTANCE.

The Bureau of Migration and Refugee Assistance shall be the bureau within the Department of State with principal responsibility for assisting the Secretary in carrying out the Migration and Refugee Assistance Act of 1962 and shall not be charged with responsibility for assisting the Secretary in matters relating to family planning or population policy.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 1321. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1998 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1998—

(1) for the Department of State, shall not exceed 8,700, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, shall not exceed 1,000, of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1070, of whom not more than 140 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1999 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1999—

(1) for the Department of State, shall not exceed 8,800, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, not to exceed 1,000 of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1065 of whom not more than 135 shall be members of the Senior Foreign Service.

(c) DEFINITION.—For the purposes of this section, the term "members of the Foreign Service" is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C 3903), except that such term does not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under non-career limited appointments.

(d) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsection (a) or (b) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on International Relations of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 1322. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.".

SEC. 1323. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking "A member" and inserting "Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member".

SEC. 1324. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following sentence: "Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment to training or to another assignment that consists primarily of paid time to conduct a job search and without other substantive duties, except that career members of the Service who upon their separation are not eligible to receive an immediate annuity and have not been assigned to a post in the United States during the 12 months prior to their separation from the Service may be permitted up to 2 months of paid time to conduct a job search.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 1325. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall annually submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written foreign service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written foreign service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral foreign service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minorities in the Foreign Service officer corps.

(6) The numbers and percentages of all minority Foreign Service officers at each grade, particularly at the senior levels in policy directive positions.

(7) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

SEC. 1326. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A) by inserting "or any other applicable provision of chapter 84 of title 5, United States Code," after "section 811,";

(2) in subsection (a) by inserting "or section 855, as appropriate" after "section 806"; and

(3) in subsection (b)(2)—

(A) by inserting "(A) for those participants in the Foreign Service Retirement and Disability System," before "a refund"; and

(B) by inserting before the period at the end "; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851".

(4) in subsection (b) in the matter following paragraph (2) by inserting "(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)" after "age 60".

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1) by inserting "611," after "608,";

(2) in paragraph (1) by inserting "and for participants in the Foreign Service Pension System" after "for participants in the Foreign Service Retirement and Disability System"; and

(3) in paragraph (3) by striking "or 610" and inserting "610, or 611".

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 after January 1, 1996.

SEC. 1327. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes an officer occupying a position under title II of Public Law 99–399 if—

"(A) subject to subparagraph (C), such officer meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof);

"(B) the primary duties of the position held by such officer consist of performing—

"(i) protective functions; or

"(ii) criminal investigations; and

"(C) such officer satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to an officer under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99-399)" and inserting "Public Law 99-399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 1328. LABOR MANAGEMENT RELATIONS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12)(B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 1329. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding after paragraph (3) the following new paragraphs:

"(4) In the case of a formal interview where an employee is the likely subject or target of an Inspector General criminal investigation, the Inspector General shall make all best efforts to provide the employee with notice of the full range of his or her rights, including the right to retain counsel and the right to remain silent, as well as the identification of those attending the interview.

"(5) In carrying out the duties and responsibilities established under this section, the Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law.".

(b) REPORT.—Not later than April 30, 1998, the Inspector General of the Department of State shall submit a report to the appropriate congressional committees which includes the following information:

(1) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any employee or official of the Department of State, the United States Information Agency, or the Arms Control and Disarmament Agency.

(2) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS:

Page 139, strike line 19 and all that follows through line 10 on page 141 (and conform the table of contents accordingly).

Mr. GOSS. Mr. Chairman, during the considering by the Committee on House International Relations of this bill, language was adopted which would have significant and unfortunate consequences for the future of the Office of Inspector General at the State Department, and potentially for all other inspectors general in the Federal Government. This proposal could greatly limit the IG's ability to conduct effective oversight and departmental investigations, and it is a serious matter.

While this proposal was slightly modified and approved, I understand, before it was adopted by HIRC, this proposed legislation will undermine important oversight law that IG's across the Government have performed since the enactment of the Inspector General Act of 1978, almost 20 years ago.

My amendment is quite simple. It strikes the provision, section 1329, in its entirety. I understand and I can sympathize with the interest of some Members in sending a warning shot across the bow of the Inspector General so as to ensure the treatment of all government employees must be fair and evenhanded. That is certainly a proposition I stand for. I would suggest that the debate so far on this has been a message sent and a message already received down at the Department of State. So I think that the genesis of this and the author's intent has in large part been taken care of.

But I have got real trouble with the attempted fix that is actually in the bill now, and I believe it must be stricken. For the benefit of Members who may not have had a chance focus on this provision, I would like to briefly outline several problems with the inspector general proposal in this bill.

The language in the bill that the Goss amendment strikes is language that imposes significant and unprecedented limitations on the role and investigation prerogatives of the State Department's Inspector General. It places State Department's Inspector General outside of standard Federal law enforcement policies and procedures and severely undermines the State IG's ability to carry out investigative functions.

Why in the world would we want to do that in this day and age?

Letters that I received from the Inspectors General, Department of Defense, Justice, Commerce and Energy, and the CIA express the gravest possible concern about this proposal. I am also informed that the Director of OMB is opposed to the proposal.

If implemented, this legislation would, in my view, create a dangerous precedent which could undermine the investigative and oversight capabilities of IG's throughout the Government, not just in State. It is my understanding that no other IG office in the Government is currently subject to the restrictions that are envisioned by this bill.

Understandably, the various IG's fear that this proposal is the proverbial foot in the door toward undermining their investigative and oversight role. Again, why we would want to do that?

The bill language would significantly diminish the State Inspector General's ability to hold the departmental employees accountable for criminal wrongdoing. I do not think that is a good proposition. This provision would appear to require the State Inspector General to provide special privileges to employees during the course of a criminal investigation that are inconsistent with the rest of the Federal law enforcement community. They are privileges enjoyed by no one else as in the bill now.

This could result in anomalous situations, such as potentially requiring the State IG to provide advice on rights to counsel to individuals in undercover investigations and otherwise disclose the existence of and possibly interfere with sensitive ongoing investigations. Not a good idea.

Is there already a remedy for overaggressive IG procedures in place? The answer is yes; there is. Under current authority, any individual being interviewed by State's IG can already assert his or her right to counsel. Moreover, all State Department employees are routinely provided a written summary of their rights in an OIG investigative process.

But, in fact, State employees involved in interviews with the IG already have a right to know who is in the room. What is going on here? And if they do not like what is happening, they can vote with their feet, they can simply leave.

In my view, this language imposes a further reporting requirement on State's Inspector General that is unwarranted and unnecessary. This proposal would require State's IG to prepare and submit a report to the relevant committees providing detailed descriptions of any instances in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred.

My understanding is the State IG makes no such disclosure of information to the public about any ongoing investigations. And it is thoroughly appropriate given an individual's privacy concern that would be at stake. So they are doing the right thing already.

I am informed that the only disclosures that the State IG actually makes concerning ongoing investigations are to the Secretary of State, which is understandable, the Deputy Secretary of State, as is appropriate, the Department of Justice and other cooperating law enforcement officials if, in fact, there is an investigation going on.

I would, therefore, ask Members to support my amendment to strike this language and ensure that we do not inadvertently defang the inspectors general, the people's watchdogs within the executive branch, especially when there is a good remedy already in place for State employees who find themselves in noncustodial formal interviews by the IG.

In other words, this is not necessary and it is debilitating for the investigative process. It is well-intentioned. I understand that. I have the greatest respect for the author. I have offered to work with the author. I think we can find a much better solution. But I think it is very important that we take this damaging language out of this bill as it now stands. Therefore, I urge strong support for my amendment.

Mr. Chairman, I include for the RECORD the letters I referred to previously.

INSPECTOR GENERAL,
CENTRAL INTELLIGENCE AGENCY,
Washington, DC, June 3, 1997.

Hon. PORTER GOSS,
Chairman, House Permanent Select Committee on Intelligence, the Capitol, Washington, DC.

DEAR CHAIRMAN GOSS: I am writing to express my concern about an amendment to Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. Section 3929) that has been included in the Foreign Policy Reform Act of 1997. Section 1329 of the Foreign Policy Reform Act would require the State Department Inspector General (IG) to provide special, vaguely-worded rights to employees during the course of a criminal investigation that are inconsistent with the practices of the rest of the federal law enforcement community. This amendment would have the effect of placing the State IG outside of standard federal law enforcement policies and procedures and, as such, could undermine the authority of the IG to carry out her statutory investigative functions.

I am very concerned that such an amendment would be a dangerous precedent that subsequently could be made applicable to other IG offices, including the IG at the Central Intelligence Agency. In effect, it grants to employees of the State Department rights that no other citizen of the United States in similar circumstances has during the conduct of a criminal investigation. I know of no justification for treating State Department employees differently.

This amendment is at odds with existing case law and policies and procedures set forth by the Department of Justice (DOJ). My office generally follows DOJ policy and procedures during the course of criminal investigations and it has been our experience during the course of joint investigations with the State IG that the State IG has also followed such policy and procedures. Because the proposed amendment would establish different standards for the State IG than for all other IGs, it could impede the ability of my office to conduct effective joint investigations with State IG.

I respectfully request your attention to my concerns as the Foreign Policy Reform Act moves forward for consideration on the House floor.

Sincerely,
(For Frederick P. Hitz,
Inspector General).

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INSPECTOR GENERAL,
June 3, 1997.

Hon. PORTER GOSS,
Chairman, House Permanent Select Committee on Intelligence, Capitol Building, Washington, DC.

DEAR CHAIRMAN GOSS: the purpose of this letter is to express the grave concerns of the Inspector General community about an amendment that has been included in the State Department authorization bill concerning the investigative functions of the Inspector General for the State Department, Arms Control and Disarmament Agency and the United States Information Agency. Congressman Hamilton's proposal would amend Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. Section 3929) to provide special rights to employees during the course of a criminal investigation that are inconsistent with the practices of the rest of the federal law enforcement community. Even as revised during the House International Relations Committee mark-up, this provision would have the effect of placing the State IG outside of standard federal law enforcement policies and procedures and, as such, would severely undermine the authority of the State Department/ACDA/USIA's Inspector General to carry out her statutory investigative functions. As a result, the ability of this Inspector General's office to hold individuals accountable for criminal wrongdoing would be significantly diminished.

In effect, this provision, by mandating advice of certain rights in situations not recognized by case law or Justice Department policy, is granting to employees of the State Department, the Arms Control and Disarmament Agency and the United States Information Agency, rights that no other citizen of the United States has during the conduct of a criminal investigation. This is especially troublesome given the large number of Presidential appointees and other senior-level officials in the Department of State and the perception of special treatment which could arise as a result of such legislation.

Our concern about this legislation is that it not only impedes the ability of one Office of Inspector General to conduct criminal investigations in accordance with community-wide law enforcement standards in the agencies that fall within her jurisdiction, but also is at odds with existing case law. As such, this proposal sets a dangerous precedent that could have an adverse impact on other Inspectors General throughout the government. The OIG community conducts investigations pursuant to standards established as a result of judicial decisions handed down by the Supreme Court and the Federal appeals courts, as well as policies and procedures adopted by the U.S. Department of Justice. The proposed legislation would require different standards for the State/ACDA/USIA OIG than those applicable to other law enforcement entities including other OIGs. Consistency of investigative standards is imperative to a well-functioning federal investigative effort. Passage of this amendment would seriously impede effectively and timely criminal investigations.

We respectfully request your attention to our concerns as the State Department authorization bill moves forward for consideration on the House floor.

Sincerely,

MICHAEL R. BROMWICH,
Inspector General, U.S. Department of Justice.
FRANK DEGEORGE,
Inspector General, U.S. Department of Commerce.
ELEANOR HILL,
Inspector General, U.S. Department of Defense.

DEPARTMENT OF ENERGY,
Washington, DC, June 3, 1997.

Hon. PORTER J. GOSS,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express concerns about an amendment that has been included in the State Department authorization bill concerning the investigative functions of the Inspector General for the State Department, Arms Control and Disarmament Agency and the Untied States Information Agency. Congressman Hamilton's proposal would amend Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. Section 3929). Even as revised during

> the House International Relations Committee mark-up, this provision appears to place the State Department's Office of Inspector General (OIG) outside of standard Federal law enforcement policies and procedures.
>
> The standards followed on advice of rights by the OIG's are governed by Department of Justice policy applicable to all Federal law enforcement officers. OIG's also routinely obtain guidance from the Department of Justice concerning investigative strategies. The proposed legislation would require different standards for the State OIG than those applicable to all other law enforcement entities. We are concerned about the potential impact of this amendment on effective and timely criminal investigations.
>
> Sincerely,
>
> JOHN C. LAYTON,
> *Inspector General.*

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the amendment. First of all, let me state my appreciation to the gentleman from Florida [Mr. GOSS] for his general approach to this. I do want to work with him to try to resolve what I think is a fairly difficult issue here, and I am open to working with him for language that will be appropriate in the conference.

I do feel I have to oppose the amendment, and I would like simply to explain why we put this language in the underlying bill. The provision at issue here does several things. It requires the IG of the State Department to make all best efforts to provide adequate notice to individuals under investigation about the full range of their rights as well as the identification of those persons attending the interview.

It requires the inspector general to provide information to individuals under investigation on their rights to counsel and to provide guidelines to those individuals on the IG policies and procedures with respect to such investigations. Finally, it requires the IG to submit to Congress a one-time report on its internal press guidance and how that guidelines has been followed in specific individual cases in the previous year.

This amendment was put forward in the committee and adopted because of the concerns that several of us have about what we think is the lack of attention by the Office of the Inspector General in the State Department, not other inspector generals, just the State Department, what we think has been a lack of attention by that office to the due process rights of individuals under investigation.

We have had several complaints about the investigative conduct of the office, complaints made by, I might say, both Democratic and Republican political appointees as well as complaints by career officers. I do not want to limit the IG's authority.

What this amendment seeks to do is to provide individuals with some information and some degree of protection where such authority is used with a heavy hand. Let me try to be specific here. I do not want to mention names. But a Republican appointee was caught up in an IG investigation involving a search of the President's passport records. The individual appeared voluntarily for the interview with the IG staff, only to find a criminal prosecutor from the Justice Department in the room and conducting the interview. The individual did not have an attorney with him or with her.

□ 1800

The individual was given an opportunity to review the findings of the IG, but only for 30 minutes, before the IG office released the findings to the press.

On another occasion, this one involving a Democratic appointee, the IG's office again gave no notice of the type of interview to which the individual would be subjected. The IG's office confirmed to the press that an investigation was ongoing and that the matter had been referred to the Department of Justice for criminal prosecution.

From the standpoint of an individual, this is a pretty scary setting. They are under investigation by the IG. They walk into the room, and they find a criminal prosecutor there. They do not have the advantage of right to counsel. That is a very intimidating circumstance.

We are not asking here for any restrictions on the powers of the inspector general to investigate. I do not want to restrict them. I am just trying to ensure that individuals gain due process and have protection from heavy-handed use of the inspector general's powers.

I think the issue is clear here, and I know the gentleman from Florida will work in good faith to try to come up with language, as will I. But I do think it is important to keep this language in the bill so that we can send a very strong message that we do not approve or like the manner in which the State Department Inspector General has been exercising his powers, and that some restraint thereon is necessary.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do sympathize with the point raised by my good friend, the gentleman from Florida [Mr. GOSS]. But we looked very carefully at those points, the points that he has raised in debate today, in the committee; and the gentleman from Indiana compromised, I think rather extensively, to meet many of the objections that were being raised.

I would submit, and I think we all will agree with this, that nobody wants to hobble law enforcement. But all the bill does, and I hope Members will take the time to read the section, all the bill does is to ensure basic due process in IG investigations.

Specifically, this provision as it now reads in the current bill erects a firewall between routine IG administrative investigations and criminal investigations. I really do believe, and I believe it very strongly, that a person is entitled to know whether or not he or she is the target of a criminal investigation. This provision does not guarantee that they will know, but as the language in the bill says it, to make all best efforts to provide employees with notice of the full range of his or her rights and then it goes on from there.

I reluctantly rise in opposition to the amendment, and I do ask that Members vote to retain this language that was a carefully crafted compromise during markup in the committee.

Mr. COX of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too have great sympathy for the amendment being offered on the floor and great respect for its author, but I must oppose the amendment, and I must do so because it is unprecedented and in its effect very damaging.

We have received letters from the inspector general of other departments, the Departments of Defense, Energy, Justice, Commerce, and the Central Intelligence Agency, expressing the strongest possible concern that this proposal creates a dangerous precedent which could undermine the investigative and oversight capabilities of IG's throughout the Government. It is important for us to recognize that no other IG office in the entire Federal Government is subject to the restrictions that this language would impose.

Other departments of the Clinton administration fear that this amendment is a proverbial foot in the door that will undermine their authorities. The bill language would place the State Department's inspector general outside of standard Federal law enforcement policies and procedures and severely undermine the State Department IG's abilities to carry out its investigative function. It would significantly diminish the State Department inspector general's ability to hold departmental employees accountable for criminal wrongdoing.

The bill language imposes a reporting requirement on the State Department's inspector general that is itself unwarranted and unnecessary. It would require the State Department's IG to prepare and submit a report to the relevant committees providing detailed descriptions of any instances in which any disclosure of information to the public by an employee of the office of inspector general about an ongoing investigation occurred.

I mentioned at the outset that I have great respect for the author of this language. I also have great respect for the author of this amendment, and I think they both intend to achieve the same result, which is that our agencies, and in this case the State Department, will operate free of internal corruption. But it would be unwise, it seems to me, in the extreme to impose requirements on the inspector general's office that frustrate the IG's ability to get to the bottom of corruption within the Federal Government.

The bill language, I want to emphasize once again, imposes requirements on the State Department's IG that are not applicable to any other agency's IG. Why we are on a rifle shot basis, on an ad hoc basis trying to change the rule just for the State Department, rather than making sure that we are consistently affording people due process, escapes me.

It is possible, by the way, to afford people something that we call due process, that is itself a procedural frustration of all of our rights. All of us here have rights. Taxpayers, for example, have a right to be protected from fraud and corruption within the State Department.

Let us assume for the sake of argument that the constable blundered in this case, and I want to point out that the IG is not the constable, the IG is not a prosecutor, the IG is not criminal law enforcement. But let us assume that the IG made a mistake and that the IG behaved improperly in this instance. Is that of itself a reason to make sure that we frustrate every future IG investigation, or is it instead a reason to take this matter up in the context of the events that occurred with that particular department and find out why, if someone's rights were abused, that took place?

I want to commend the author of this amendment, because he has done a good job in focusing on what I think is the language surely to give rise to the law of unintended consequences. I think he has quite properly gone after the reporting requirements, the diminution in the IG's authority, the frustration of legitimate investigations of wrongdoing by Federal employees. For that reason, I strongly support the Goss amendment to the Foreign Relations Authorization Act.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. I thank the distinguished gentleman for yielding.

Mr. Chairman, I wanted to point out a couple of things have been said that I think Members need to understand. We are not talking about due process. We are talking about way beyond due process here. Due process is guaranteed. This is not an issue of due process. This is a provision of special privilege for a narrow group of government employees that is entirely unwarranted and will in fact hamper investigation by those who are charged with the heavy responsibility of investigating wrongdoing in the Department of State. Who would want to stand behind the proposition that we want to slacken our efforts, defang our watchdogs and just basically cast a blind eye to the fact that there might be some wrongdoing in this day and age? That is not what the constituency of America is asking us to do.

I am not an investigator, and my distinguished colleague from New Jersey, whose opinion I have great respect for and I have every reason to believe, has come to a conclusion that he firmly believes but based on the wrong information. Let me tell my colleagues what the people who are charged with this responsibility are saying. They are saying that passage of this amendment would seriously impede effectively and timely criminal investigations. I am not making that up. I am quoting from a letter signed by Michael Bromwich, inspector general of the Department of Justice; Frank DeGeorge, inspector general of the Department of Commerce; and Eleanor Hill, inspector general of the Department of Defense. These are people charged with the heavy responsibility who have said for the record publicly that if we do not remove the language that is in the bill and we do not pass the Goss amendment, that we are seriously impeding effectively and timely criminal investigations.

I do not want my name associated with anything that is going to impede effective and timely investigations. Again, I am not an investigator, but I will take the say-so from the people who are in charge of the job. The people who are in charge of doing that job feel that this is going to hurt their ability. I would suggest to my colleague and close friend, for whom I have huge respect as he well knows, the gentleman from Indiana [Mr. HAMILTON], that if there is a problem with the inspector general's power, that we look at all of them and we do it appropriately and in a deliberate way. I certainly do not think it is a perfect system but I certainly feel that going piecemeal after one on what seems to be sort of a payback motive, these guys were overeager, so let's show them that we've got the muscle, I do not think that is the right way to make good legislation.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Indiana.

Mr. HAMILTON. I thank the gentleman for yielding. I really think the language that the gentleman has quoted from our respected inspector general in other departments is quite exaggerated. What we are doing here is asking the IG to make the best efforts to provide adequate notice to individuals about their rights, including their right to counsel. That is the core of my amendment. That is all we are doing. We are just saying, please give these individuals information about the circumstances they are going to be in. We are not restricting in any way the inspector general's right to look into these matters and to investigate. The gentleman is quite right that an inspector general needs broad powers, but it is also true that individuals have rights, too, and they surely must be entitled to the right to know what is going on and who is going to be present in that room and why they are there.

Mr. GOSS. In fact, all the individual has to do is ask. They have the right to ask and they have the right to get the right answer, but remember that we are talking about investigations here. We are not talking about people who are arrested. There is not a question of rights. This is a question of special privilege and this is an investigation.

Mr. COX of California. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. COX of California. In this matter, I think we need to pay especial attention to what the Clinton administration Justice Department inspector general is telling us and the U.S. Department of Justice, office of the inspector general has provided us with very explicit advice on this language in the bill.

The CHAIRMAN. The time of the gentleman from Texas [Mr. PAUL] has expired.

(On request of Mr. GOSS, and by unanimous consent, Mr. PAUL was allowed to proceed for 1 additional minute.)

Mr. PAUL. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. COX of California. The U.S. Department of Justice Office of inspector general has told us that the language in the bill would grant special rights to employees of the Department of State that are inconsistent with the practices of the rest of the Federal law enforcement community. It would place the State Department inspector general outside of standard Federal law enforcement policies and procedures. It would make it very, very difficult, and to quote the letter from the Department of Justice, it would significantly diminish the inspector general's office ability to hold individuals accountable for criminal wrongdoing.

To put it quite simply, we are making it easier for the criminals if we pass this in a way that is inconsistent not only with what inspectors general do but what Federal law enforcement does, what criminal law enforcement does.

□ 1815

These are rights that do not exist for anyone else but for us taxpaying citizens.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by the able gentleman from Florida [Mr. GOSS] would strike the amendment that I agreed to in committee offered by the gentleman from Indiana [Mr. HAMILTON]. That amendment was a compromise between the original amendment provided to our staff by the staff of the gentleman from Indiana that was the subject of discussions that included the State Department Office of Inspector General.

Because of that compromise I would ordinarily be reluctant to agree to strike the language, but I will do so in this case because of the new and impassioned request that we have now received from representatives of the inspector general's community who are concerned that this represents a foot in the door for wholesale changes in their actions. The gentleman from Florida [Mr. GOSS] has discussed that correspondence in full.

I would like to say to the gentleman from Indiana that I was concerned by some of his assertions relative to the actions of the State Department Office of Inspector General. I think his assertions and their implications should be the subject of oversight, and that appropriate action, and I do not rule out legislation, should be pursued at that point.

But given the fact that the assertions have been marshaled by the gentleman from Indiana only relatively recently, and the nature of the protest from the inspector general community, I am persuaded that the legislation at this point is unwarranted. Accordingly, I urge support for the Goss amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GOSS. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Florida [Mr. Goss] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title XIII?

The Clerk will designate title XIV.

The text of title XIV is as follows:

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

SEC. 1401. EXTENSION OF AU PAIR PROGRAMS.

Section 1(b) of the Act entitled "An Act to extend au pair programs." (Public Law 104–72; 109 Stat. 1065(b)) is amended by striking ", through fiscal year 1997".

SEC. 1402. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned by be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 1403. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208(e) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075(e)) is amended by striking "$10,000,000" and inserting "$4,000,000".

SEC. 1404. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended by inserting "educational advising and counseling, exchange visitor program services, advertising sold by the Voice of America, receipts from cooperating international organizations and from the privatization of VOA Europe," after "library services,".

SEC. 1405. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in the first sentence by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration,"; and

(2) in the second sentence by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration,".

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by striking "Soviet Union" each place it appears and inserting "Independent States of the Former Soviet Union"; and

(2) in the section heading by inserting "**INDEPENDENT STATES OF THE FORMER**" after "**FROM THE**".

SEC. 1406. WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

"(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government Sponsored International Exchanges and Training (hereinafter in this section referred to as 'the Working Group').

"(2) For purposes of this subsection, the term 'Government sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative designated by the Secretary of State.

"(C) A senior representative designated by the Secretary of Defense.

"(D) A senior representative designated by the Secretary of Education.

"(E) A senior representative designated by the Attorney General.

"(F) A senior representative designated by the Administrator of the Agency for International Development.

"(G) Senior representatives of other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the adviser and the director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government sponsored international exchange and training programs, to identify how each Government sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

"(D) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop and thereafter assess, annually, a coordinated and cost-effective strategy for all United States Government sponsored international exchange and training programs, and to issue a report on such strategy. This strategy will include an action plan for consolidating United States Government sponsored international exchange and training programs with the objective of achieving a minimum 10 percent cost saving through consolidation or the elimination of duplication.

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility of transferring funds and program management for the ATLAS and/or the Mandela Fellows programs in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost advantages of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report promulgated pursuant to paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.".

SEC. 1407. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.—The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

(1) IN GENERAL.—For each of the fiscal years 1998 and 1999, at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(2) WAIVER.—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) SCHOLARSHIP DEFINED.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 1408. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REVISION OF NAME OF COMMISSION.—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Commission shall be designated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c) REVISION OF NAME OF TRUST FUND.—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Trust Fund shall be designated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

SEC. 1409. SURROGATE BROADCASTING STUDIES.

(a) RADIO FREE AFRICA.—Not later than 6 months after the date of the enactment of this Act, the United States Information Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

(b) RADIO FREE IRAN.—Not later than 6 months after the date of the enactment of this Act, the United States Information Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of a Radio Free Europe/Radio Liberty broadcasting service to Iran and transmit the results of the study to the appropriate congressional committees.

SEC. 1410. AUTHORITY TO ADMINISTER SUMMER TRAVEL/WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel/work programs without regard to preplacement requirements.

SEC. 1411. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 1412. AUTHORITIES OF THE BROADCASTING BOARD OF GOVERNORS.

(a) AUTHORITIES.—Section 305(a)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(1)) is amended by striking "direct and".

(b) DIRECTOR OF THE BUREAU.—The first sentence of section 307(b)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206(b)(1)) is amended to read as follows: "The Director of the Bureau shall be appointed by the Board with the concurrence of the Director of the United States Information Agency.".

(c) RESPONSIBILITIES OF THE DIRECTOR.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206) is amended by adding at the end the following new subsection:

"(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of RFA, RFE/RL, the Broadcasting Board of Governors, and, as appropriate, from the Office of Cuba Broadcasting, the Voice of America, and WorldNet.".

(d) RADIO BROADCASTING TO CUBA.—Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking "of the Voice of America" and inserting "of the International Broadcasting Bureau".

(e) TELEVISION BROADCASTING TO CUBA.—Section 244(a) of the Television Broadcasting to Cuba Act (22 U.S.C. 1465cc(a)) is amended in the third sentence by striking "of the Voice of America" and inserting "of the International Broadcasting Bureau".

The CHAIRMAN. Are there amendments to title XIV?

The Clerk will designate title XV.

The text of title XV is as follows:

TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, he is entitled to the rate of basic pay to which he would have been entitled had he remained in the civil service. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. The period of separation caused by his employment with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect transfers which take effect on or after the date of the enactment of this Act.

SEC. 1502. ORGANIZATION OF AMERICAN STATES.

Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States, which is uniquely dependent on United States contributions and is continuing fundamental reforms in its structure and its agenda.

CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

SEC. 1521. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) Assessed Contributions.—Of amounts authorized to be appropriated for "Assessed Contributions to International Organizations" by this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the Secretary of State determines that the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) Notice to Congress.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President's representative) and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) Contributions for Prior Years.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

(d) Report to Congress.—Not later than February 1 of each year, the President shall submit to the appropriate congressional committees a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

SEC. 1522. REPORTS ON EFFORTS TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) Congressional Statement.—It is the sense of the Congress that the United States must help promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) Reports to Congress.—Not later than 90 days after the date of the enactment of this Act and on a quarterly basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate):

(1) Actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc.

(2) Efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body.

(3) Specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

(4) Other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

SEC. 1523. UNITED NATIONS POPULATION FUND.

(a) Limitation.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) Prohibition on Use of Funds in China.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) Conditions on Availability of Funds.—

(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) Reports.—

(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

SEC. 1524. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

The CHAIRMAN. Are there amendments to title XV?

AMENDMENT OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Paul:

After chapter 2 of title XV (relating to international organizations; United Nations and related agencies) insert the following new chapter:

CHAPTER 3—AMERICAN SOVEREIGNTY RESTORATION ACT

SEC. 1531. SHORT TITLE.

This chapter may be cited as the "American Sovereignty Restoration Act of 1997".

SEC. 1532. REPEAL OF UNITED NATIONS PARTICIPATION ACT.

(a) Repeal.—The United Nations Participation Act of 1945 (Public Law 79–264) is repealed.

(b) Closure of United States Mission to United Nations.—Effective within 120 days after the date of the enactment of this Act, the United States Mission to the United Nations shall be closed. Any remaining functions of such office shall not be carried out.

(c) Notice.—The Secretary of State shall notify the United Nations of the withdrawal of the United States from the United Nations as of the date of the enactment of this Act.

SEC. 1533. REPEAL OF UNITED NATIONS HEADQUARTERS AGREEMENT ACT.

(a) Repeal.—The United Nations Headquarters Agreement Act (Public Law 80–357) is repealed.

(b) Withdrawal.—Effective on the date of the enactment of this Act, the United States withdraws from the agreement between the United States and the United Nations regarding the headquarters of the United Nations (signed at Lake Success, New York, on June 26, 1947, which was brought into effect by the United Nations Headquarters Agreement Act).

(c) Notice.—The Secretary of State shall notify the United Nations that the United States has unilaterally withdrawn from the agreement between the United States of America and the United Nations regarding the headquarters of the United Nations as of the date of the enactment of this Act.

SEC. 1534. UNITED STATES ASSESSED AND VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS.

(a) Termination.—No funds are authorized to be appropriated or otherwise made available for assessed or voluntary contributions of the United States to the United Nations.

(b) Application.—The provisions of this section shall apply to all agencies of the United Nations, including independent or voluntary agencies.

SEC. 1535. UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Termination.—No funds are authorized to be appropriated or otherwise made available for any United States contribution to any United Nations military operation.

(b) Terminations of United States Participation in United Nations Peacekeeping Operations.—No funds may be obligated or expended to support the participation of any member of the Armed Forces of the United States as part of any United Nations military or peacekeeping operation or force. No member of the Armed Forces of the United States may serve under the command of the United Nations.

SEC. 1536. WITHDRAWAL OF UNITED NATIONS PRESENCE IN FACILITIES OF THE GOVERNMENT OF THE UNITED STATES AND REPEAL OF DIPLOMATIC IMMUNITY.

(a) Withdrawal From United States Government Property.—The United Nations (including any affiliated agency of the United Nations) shall not occupy or use any property or facility of the United States Government.

(b) Diplomatic Immunity.—No officer or employee of the United Nations or any representative, officer, or employee of any mission to the United Nations of any foreign government shall be entitled to enjoy the privileges and immunities of the Vienna Convention on Diplomatic Relations of April 18, 1961, nor may any such privileges and immunities be extended to any such individual.

SEC. 1537. REPEAL OF UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION ACT.

(a) REPEAL.—The Act entitled "An Act providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor" approved July 30, 1946 (Public Law 79-565) is repealed.

(b) NOTICE.—The Secretary of State shall notify the United Nations that the United States has withdrawn from membership in the United Nations Educational, Scientific, and Cultural Organization as of the date of the enactment of this Act.

SEC. 1538. REPEAL OF UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION ACT OF 1973.

(a) REPEAL.—The United Nations Environment Program Participation Act of 1973 is repealed.

(b) NOTICE.—The Secretary of State shall notify the United Nations that the United States has withdrawn from membership in the United Nations Environment Program Participation as of the date of the enactment of this Act.

Mr. PAUL (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PAUL. Mr. Chairman, this amendment is not complex; it is very simple. If it is passed, we would get out of the United Nations, and there is a lot of people in this country who do not believe the United Nations has served us well and believe we should not be in the United Nations, and I think that we should consider this very seriously today.

The American people, many now are concerned that our sovereignty is being attacked in many ways; one by the United Nations membership in the United Nations. Today we have, of course, the IMF and the World Bank that we have been involved in a long time, and just recently we had joined the World Trade Organization, which is another international government agency and government body that usurps our rights and our privileges and interferes with our legislative process, especially in the area of environmentalism and labor law.

Our Constitution does not give us the authority to sell our sovereignty to an international government body, and even under the treaty provisions of the Constitution it is not permissible. The treaty provision does not allow us, for instance, to undermine the Bill of Rights. Therefore, giving up our national sovereignty through a treaty, an agreement to serve or participate in the United Nations, is not legitimate.

The movement we have seen here in the last several years has been toward managed trade. It has been managed trade in the name of free trade. But instead of free trade we get more government organizations and more international controls over our lives.

We have seen in the last several decades loss of American lives serving under the UN banner. The American people are now sick and tired of seeing U.S. troops serving under foreign commanders under the UN banner. We were humiliated in Somalia as dead American troops were dragged through the street, and it is time we question this, whether this is to our benefit. Our national sovereignty is not served.

Just recently the President gave a speech at the graduation ceremony at West Point. He says in the years ahead it means that one could be asked to put their life on the line for a new NATO member just as today one can be called upon to defend the freedom of our allies in Western Europe. That is not part of the American system.

Yes, we are obligated to provide a strong national defense, but there is no way that the American taxpayer is obligated to make an attempt to provide freedom throughout the world and defend everybody that has a problem. The whole notion that we can be the peacemaker where there have been wars going on for thousands of years is preposterous. This is one way for us to get very much involved in battles that we do not need to be involved.

I see our involvement in the United Nations and placing of troops around the world as a threat to our national security. We are low on funds, and we are spending way too much money. Since 1945, we have spent over a hundred or nearly $100 billion in UN efforts.

Some would say is that not wonderful? Look at what we have done. We have the Soviet Union has disintegrated over this type of policy and working through the UN, but that is not the reason the UN disintegrated, or the Soviet Union disintegrated. It is because they had bad economic policy and it was destined that they would disintegrate. We cannot be the peacemaker.

And there is another reason why we get so much involved with these UN organizations and UN functions, and that has to do with the many corporations that have influence with policy here. So when we go into Bosnia and we send troops there or send troops into Haiti, sure enough there are some very wealthy American corporations who are bound to get their contracts to go in, and they can very frequently be the strongest lobbyists for our intervention in these countries around the world.

Some argue that we are the only superpower left and therefore we must fill the gap. I think that is a very good argument for starting to bring our legions home. How long do we have to police the world? Will we ever come to our senses? Are we going to drive ourselves into a bankruptcy before we come to our senses and decide that maybe we have extended ourselves too far?

We have recently seen that under treaties by international treaties and UN treaties that even our parks are marked by UN functionaries; that is, there is an influence in the management and supervision coming from the United Nations. This is not permissible under our Constitution.

Mr. HASTINGS of Florida. Mr. Chairman, most respectfully I rise to oppose the gentleman's amendment, and I share with him a recent travel with reference to the actions of the United Nations.

The chairman of the Subcommittee on Africa [Mr. ROYCE], along with the ranking member of that committee, the gentleman from New Jersey [Mr. MENENDEZ], myself and three other Members of the House of Representatives were just in South Africa and in Angola and in Zaire and in Zimbabwe. We needed to get to Zaire, and we were ferried there on a United Nations airplane. While there we saw United Nations efforts ongoing, and I remind the gentleman from Texas to not give the impression that only United States troops are involved in our methods of the United Nations, but the largest United Nations contingent in the world today is in Angola, and they have saved millions of lives and have kept the peace, at least momentarily, in that country.

I need not carry my colleague around the world, but this amendment in the final analysis would require, as the gentleman says, the United States to withdraw from the UN how much does he feel that we should contribute to peacekeeping efforts? How much should we be involved in ensuring that the vital interests of the United States around the world are protected?

I am glad the gentleman from Texas [Mr. PAUL] offered the amendment because it offers us the opportunity for a real debate on the United Nations. This amendment clarifies that debate. Simply put, do we stay in the UN and work to reform it, or do we just get out? And that is sort of really in the final analysis an isolationist view, getting out of this world as this economy globalizes. I would hope that some Members of this body remember and recognize that for all of its warts the United Nations does also serve important United States interests around the world.

Many of us often express doubts about the United Nations, but at the end of the day every United States President has decided that United States participation in the United Nations is in the interests of the United States, and I might add every means every since its inception. I believe that the United Nations is indispensable as one of many tools of United States foreign policy. As the only superpower, and my colleague so rightly points that out, the United States will be called upon more and more often to intervene in conflicts around the world to protect our vital interests. Unless we want to carry this burden alone, my distinguished colleague, and I do not think we can or should, we must be prepared to shift some of the responsibilities, as well as the costs, to other nations.

Do I favor a reformed United Nations? You bet. And have I told all persons with whom I have come in contact, including the Secretary of State of this great country, that? Yes, I have. I believe this means we must help to strengthen institutions such as the United Nations so that it can take the lead in peacekeeping operations and the United States can benefit from burden sharing. I hear that term used often.

Mr. Chairman, I would like to note that other United Nations programs also serve the United States interests. The World Health Organization, for example, led in the successful fight to eradicate smallpox from the face of the Earth and are busying themselves now working throughout the world in a variety of disease containment circumstances.

The International Atomic Energy Agency helps enforce crucial safeguards on nuclear materials. The International Civil Action Organization helps maintain safe air travel. Our payments to these agencies help to build a better and safer world.

Should we, as I say, work for major reforms in the United Nations? Yes. This amendment prejudges that question by saying we should just get out, wash our hands and turn our backs on the world.

I urge all Members to vote against the amendment offered by the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, the gentleman points out that every President since the inception of the UN has supported the UN, but I might suggest that every President prior to that supported a foreign policy which was considered non-interventionist, pro-American, and that should be taken into consideration as well.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment, and again with all deference and respect for my good friend, the gentleman from Texas [Mr. PAUL] I do rise against his amendment. I think it would deny us an opportunity to promote world peace and do some of the things that we have been doing so well and not so well at times through the United Nations.

Let me just say that if his amendment were passed, we would no longer be participating in the UN Children's Fund, and there is $100 million in this bill targeted to UNICEF. UNICEF has been part of the global effort to eradicate preventable diseases that affect children, like pertussis, polio, tetanus, diptheria and other menacing diseases, measles, and it seems to me that if we were to take that money away, we would see more children die from these preventable diseases. The UN is not perfect, the UN Children's Fund is not perfect, but at least it gives us an opportunity to protect children and to tangibly stop mortality and morbidity among these victims of these diseases.

Refugees. The UN High Commission of Refugees tells us that they have some 26 million people of interest to the UNHCR. We would no longer and much of our money again that is in this bill, we have $704 million for refugee assistance goes to the UNHCR that provides the camps and the safe havens, if my colleagues will, for those who are escaping tyranny or other devastating situations in their countries.

The UNHCR again is not perfect, it has many flaws. I am one of its chief critics. But it does provide a very valuable humanitarian assistance that will be lost.

The ILO is another UN sponsored agency, the International Labor Organization. We have $20 million that is earmarked or put a designation for that money. When we marked up, it was part of my original draft bill to eradicate the exploitation of children around the world. We had 2 hearings in the subcommittee last year on this issue of the exploitation of kids, child labor.

We even heard from some of those who were in the news regarding it. We heard from a girl from Honduras who had been through the mill and exploited by her employer. The ILO has action plans in countries that work, that help to eradicate and sensitize government officials. To get us out of the ILO, I think, would be a mistake.

□ 1830

Peacekeeping; again, if we look at UNPROFOR, if we look at some of the peacekeeping missions that have gone awry, including Somalia, it gives a black mark to what the Blue Helmets do, but they have had many successful interventions. Had it not been for the U.N. peacekeepers, many, many people, civilians, would have been dead, and those long-term missions continue. We have combatants and people who would be at each other had it not been for the fact that these people interposed themselves to separate these warring factions.

The U.N. Security Council continues to provide us a way of mobilizing world support as we did in operation Desert Shield and Desert Storm to mobilize the world against the tyranny of Saddam Hussein. That became an international action because we had the capability to use the U.N. to make it a unified effort.

There are consensus-breakers. And my subcommittee oversees, I say to my friend, the U.N., and nobody criticizes them more than I do. They have had recent conferences like the recent conference in Cairo and Beijing where some very egregious policies were being promoted and foisted on the developing world. These are consensus-breakers. The gay agenda, the abortion rights agenda, the developing world does not want it. And there will be amendments later on today that I will offer that will say specific agencies, like U.N. Population Fund, get out of China where we have co-managed and been part of the coercion of women to have forced abortions and forced sterilizations, that is where the U.N. goes awry. We ought to target our opposition to those that commit these very serious crimes.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, the gentleman mentioned the UNICEF program, $100 million. It is well motivated and I think the intentions are very good, and my colleague does admit that sometimes the consequences are not exactly what we want. But the question is, do we have this authority to take money from poor people in this country and make these attempts to do these social programs overseas. I do not see the authority, and I do not think the programs work that well.

The gentleman mentioned fighting the Persian Gulf war. We were serving oil interests there. I mean we went in there for that, oil interests. They said it was our oil, it was not our oil. But now, who is paying the cost? Thousands, 34,000, 40,000, 50,000 Americans now suffer from gulf war syndrome. So I would say there is a much higher cost than anybody realizes and we cannot ignore that.

Mr. SMITH of New Jersey. Mr. Chairman, I appreciate the gentleman making those points.

On UNICEF, I myself on a number of occasions have talked to leadership people, including Carol Bellamy, who is director of UNICEF.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of New Jersey was allowed to proceed for 3 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, I have asked her and relayed a message that there is a growing concern in Congress, among the American people that, if they move in or evolve into some kind of abortion promotion, which some of their people would like to see, it is over. We will find other ways of using our money to advance the child survival revolution. We need to continue, I think, to give those messages in a very real way, and I will offer the amendment on the floor, if anything, to curtail that funding and make sure that it is given to other child survival programs throughout the world.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I offer a segue off of what the gentleman from New Jersey [Mr. SMITH] said, and refer to the assertions of the gentleman from Texas [Mr. PAUL] with reference to oil and Desert Storm and carry him back to my remarks regarding Angola, which we just visited under the aegis of the gentleman from California [Mr. ROYCE], chairman of the Subcommittee on Africa.

I would say to my colleague from Texas [Mr. PAUL] that we get 7 percent of our oil in the United States from Angola. The U.N. peacekeeping mission there does not have one American soldier involved at all, and that helps us to maintain that level of civility.

I thank the gentleman for yielding.

Mr. SMITH of New Jersey. Let me conclude, and again, there are consensus-breakers, and I think the diplomats and the leaders of the U.N. need to be on notice that, if they continue the social engineering, one, they will not get their arrearages; and, secondly, the efforts that the gentleman from Texas is undertaking will gain support among the American people, and I think at some point there will be an effort to take us out of it and to severely restrict our funding to it. But right now I think we ought to try to reform it.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I certainly will support some of these reforms, especially in curtailing some of these funds going to abortion. Certainly that would be repugnant to me. But still, I go back to the issue of the cost. Yes, we want to do good, but can we do this by harming poor people in this country, because when we tax and take money from this country, we really do contribute to problems in this country, unemployment, inflation, deficits; and this is all part of the picture.

So can we morally justify injuring our people here at home with the pretense that we are doing good overseas?

Mr. SMITH of New Jersey. Mr. Chairman, if I could reclaim my time, the bottom line is, it is a very modest commitment. When we juxtapose foreign aid to the rest of the budget, it is about 1 percent, it is not very much. We are talking about, and I believe we ought to be our brother's and sister's keeper. There are times when we need to become involved. And when there is a humanitarian crisis, it behooves us to be out there first and foremost with all of the possible medicines, foods and the like.

Mr. PAUL. Mr. Chairman, if the gentleman would continue to yield, I certainly agree that we should have concern. If we left more money in the hands and pockets of the American people, they would be charitable, and I do believe we would help them. I believe when we take money from poor people, put it in the hands of government and give it to another government, that is when we get into trouble. If we left more money in the hands of the American people and allowed them to be charitable, I believe the outcome would be much better.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the gentleman's proposal. He certainly has made a lot of strong arguments that we recognize. However, I just want to remind the gentleman from Texas [Mr. PAUL] that there is a test force at work to try to put severe conditions into reforming the United Nations, to make it more effective, to make it more cost-effective as well.

We will have a separate bill on the U.N. arrearages coming up very shortly, and we will have an opportunity to debate that at that time. But in that bill I hope the gentleman will watch closely for the conditions that we are trying to impose on the United Nations to do some of the things the gentleman is concerned about, to make certain there is not going to be waste and that there is going to be a more effective administration.

I think this amendment could harm our vital interests. If we can keep people talking to each other and keep them apprised of some of the problems around the world, we are going to save them from going into hostile action, that would cost us even more than the U.N. problems are costing us today. I hope that the distinguished gentleman will bear that in mind as he looks forward to what we can do about reforming the United Nations.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I appreciate the gentleman yielding to me. I rise in strong opposition to this amendment. I do not serve on the Committee on International Relations, and I have deferred in the past to debates on these issues. However, sincere as I believe my colleague from Texas is, I think he is absolutely dead wrong. I would just say that I believe in the sincerity of the amendment; I just think it is dead wrong.

As a former Peace Corps volunteer, I do not want to live in these United States the way I lived and saw the absolute abject poverty that exists around the world. There is no poverty close to the kind of poverty we see in Africa and other areas of the world. We need the United Nations. We need not be the world's policeman, we need not be the world's peacemaker; we need to join with others in sharing that responsibility.

I was here during the awful tragedy in Somalia, and that was not the fault of the United Nations; that was the fault of our own policy and how we carried it out. I agree with those who say the United Nations needs to be more efficient, the United Nations needs to be more effective. We need to be active partners in the United Nations. Frankly, we need to pay our debts to the United Nations and be the world leaders that we should be and set the example we should. I thank the gentleman for yielding.

The CHAIRMAN. The gentleman from New York controls the time.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I have no false illusions about the amendment, but I think it is very important to talk about these issues, because I do believe that I am on the right track when it comes to what is authorized in the Constitution and, also, what is very popular with a lot of Americans. I think that is important. People have a hard time when they see money going to programs like this, they have a great deal of trouble accepting it.

The end of this will come, not because I say so or not because my amendment will pass, but all great nations finally fall when they get too stretched out financially and in their foreign policy and in their military, and we are vulnerable to that. We have great deficits, bigger than are admitted, and we are on a course. We have not really attacked the budget, we are not cutting back.

It was suggested earlier that this was just a small amount. Well, every bill is just a small amount when we look at a $1.7 trillion budget; so it is a small amount, but it continues to add up. Eventually great nations fall when they overextend. I fear for that, I fear for America, because I believe we are on the wrong track.

I do not believe we should be the policeman of the world. I do not believe the programs have been all that successful, and we should do our very best to debate this. If nothing else, maybe some of the reforms will do some good if we do not have my way now. But someday we will, because we are going to run out of money.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his remarks.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are in a situation where with the dissolution of the Soviet Union, some people in this country, some Members of Congress, feel as if we can crawl back into a continental shell and ignore the rest of the globe. The reality is, unlike at any time in history before today, this economy and the survival of America as a leader of the world is dependent on our international involvement. When we look at the jobs that are produced as a result of trade globally, it is because of America's foreign policy leadership that we have markets in the world unmatched by any other country.

The U.N. is an instrument of America's interest. We have a control in that body unlike most international organizations that give us veto power. The question is whether or not this country is better off dealing with the crises and problems that challenge the world community through an organization that debates the issues, or should we leave all of our debates to the battlefield? The U.N. is an institution important to America's national interests. People who care about our future economy and our security and the values that we believe in ought to support the U.N. We ought to try to make it as efficient as possible, but there is no question that America's interests lie in a United Nations that is efficient, that is strong, and that deals with the challenges we face in a multilateral manner.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Texas.

Mr. PAUL. Yes, I am concerned about the same things. I want peace and security for our country. That is our number one responsibility here, not to socialize the world and run a welfare state. But a policy of neutrality has been more consistent with that of peace throughout our history and throughout the history of the world. It is when we are interventionists, when we impose our will on other people; that is how America gets a black eye.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, there was a time we were neutral through World War II until Pearl Harbor brought us into that war. I cannot tell my colleague what would have happened if the League of Nations had survived and this country had stayed active politically in the world, whether we could have avoided the horrors of World War II. But there is no question in my mind that, if we withdraw from the United Nations, it will increase the likelihood that America's men and women will fall on battlefields and face challenges economic and military that we can avoid when we have a place to have a dialogue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the debate, I think that there is something that the Paul amendment clearly misses. It misses the very pivotal roll that the United Nations plays in the concept of peace.

In listening to the distinguished gentleman from Florida [Mr. HASTINGS], a member of the Committee on International Relations, let me join him in acknowledging on a recent visit to southern Africa how vital the United Nations was in bringing about democracy to southern Africa, how vital the United Nations was in protecting life and limb and human rights, and how vital the United Nations was in bringing parties together that could not speak.

Therefore, I would simply say that, albeit well-intended, the United Nations is a body where disparate voices can be heard. It is a body where rising and growing and important African nations have a stake, along with other members of this world family.

□ 1845

The United Nations is a place where China meets India, where South America meets African nations, where the United States and Canada draw together, where the European nations come together. There is not one other body that brings all of the world's countries together. It is unlike the European Union, it is unlike the OAU. It is certainly unlike the organization that deals with South America and Latin America. It is unlike any other organization. So it would be unlike us to thwart the actions of the United Nations in bringing peace now and tomorrow.

I would ask that this amendment be defeated because I think it is important to recognize what the United Nations stands for. It stands for drawing individuals together, and it stands for an opportunity for dialogue for those who could not dialogue otherwise.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise to oppose the amendment. In fact, I think it is preposterous to even think at this stage of the game, in 1997, that we would even consider such an amendment to pull the U.S. out of the U.N. We ought to take the U.N., after the struggle to defeat the Soviet Union and to defeat communism, and we were successful, we ought to take the United Nations and utilize the United Nations to help further United States' interests, to help further United States' foreign policy.

When I was a member of the Committee on International Relations and Madeleine Albright was the U.N. rep, she came and said that. I agreed with her 100 percent. Now, now that the fight against the Soviet Union has been won, the Cold War has been won, the U.S. has emerged as the world's last remaining superpower, are we going to just take that and throw it all away?

We claim in this body that we want the world to emulate the United States. We want other nations to have free market economies. We want other nations to practice democracy. We say we want to promote democracy all over the world. What better ways to do it than through an international body like the United Nations?

As my friend and colleague from Florida said, yes, the U.N. needs to be reformed, the U.N. needs to be changed, the U.N. needs to tighten its belt. There are lots of things the U.N. needs to do. But will the U.N. do it if the United States, the leader of the world, is not part and parcel of that driving force? I would say no.

I would say, furthermore, that it is an embarrassment that the United States owes more than $1 billion in dues, in arrearages, to the U.N. That is an embarrassment. That undermines the United States' effectiveness and leadership in the United Nations, because it is very difficult for us to say to nations of the world what we think they ought to do when we are the biggest deadbeats, unfortunately, in the United Nations.

So rather than pull out of the United Nations, I think what we should do is pay our U.N. dues, pay the money we owe, and make sure that the U.N. reforms itself. Mr. Chairman, I think that the United States, as the last remaining superpower on this Earth, has an obligation not to the world but to ourselves.

Is the world not safer if democracy prevails with the United States there as a strong force in the U.N.? Is the world not safer if free market economies begin to flourish across the globe with the United States as part of the U.N., being the most influential member in the U.N.?

I can tell the Members, in countries that I have visited, they are literally begging us for a little bit of assistance. A little bit of aid would go a long, long way. I think the direction that this Congress has been taking is a wrong direction. We ought to be expanding foreign aid. It helps the United States. Three quarters of the aid that we send or give to other countries is put back into the United States in the purchase of goods and services, American goods and services. So we help ourselves and we help the world, and we make sure that democracy flourishes and free market economies flourish.

Pulling us out would be just absolutely preposterous, and would be terrible not only for the world but for the United States. We need to lead. We do not need to recoil. We do not need to be isolationists. The world is shrinking, and I believe that the United States continues and should continue to play a vital role in ensuring that democracy and free market economy is spread.

Again, it is in furtherance of our own self-interest. Now that the Soviet Union is no longer around, we can grab the bull by the horns. We can shape the United Nations. We can shape the world in terms of what we would like to see. That is done with a strong U.S. presence, not with U.S. removal from the United Nations. So I believe this is just the absolute wrong direction in which we ought to move. I really think that this is, frankly, one of the silliest things I have seen since I have been in Congress.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, the gentleman mentioned that the Soviet Union disintegration might be attributed to the United Nations, but quite frankly, it was because the U.N. did not deal with them as much as others. Think about the first episode of the U.N. troops going into Korea. We still have a dictator in North Korea, we have a government in South Korea that we protect that is not necessarily civil libertarian. Yet that is as a result of U.N. action. The Soviet system collapsed because they had a failed economic system.

I would like to just mention, and I feel very lonely here in the Congress, but take a look at this. This is a stack of petitions, thousands of petitions by the American people who disagree with our policy and would like us to at least address it, and not call it silly.

Mr. ENGLE. Mr. Chairman, reclaiming my time, I was one of the Democrats that broke with my party and supported President Bush in the Persian Gulf war. And because we had the United Nations and other people, we were very, very effective.

The CHAIRMAN. The time of the gentleman from New York [Mr. ENGEL] has expired.

(By unanimous consent, Mr. ENGEL was allowed to proceed for 30 additional seconds.)

Mr. ENGEL. Mr. Chairman, I supported President Bush in Operation Desert Storm. I think that was one of the times we utilized the United Nations, and we utilized the international community to further U.S. foreign policy interests. It was good for this country and it was good for the world. I want to say that we can do that again, and we can do that again if the United States is a vital force in the United Nations, not pulling out of the United Nations. That would be the opposite thing we ought to do.

Mr. PAUL. If the gentleman will continue to yield, let me point out that authority came from the United Nations.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I rise in strong opposition to this amendment. With all respect for my colleague, I think we have an obligation as Members of Congress to lead. I understand that there are constituents of the gentleman's and perhaps constituents of mine who are concerned with daily life. They are worried about how they are going to pay the bills, they are worried about how they are going to send their youngsters to college, they are worried about how they are going to pay the mortgage. These occupations consume them.

But as Members of Congress, I think we have a responsibility to explain to those constituents that the United States plays a key role in this world, and we are the leaders of the free world. For those of us who have an opportunity to see the important works of the United Nations, we have to speak out loudly and clearly that by raising the economic standard, by raising the standard of living of people in countries that many of our constituents have never visited, we are helping ourselves here in the United States.

Mr. Chairman, I feel very strongly that we have to pay our U.N. dues. We have to pay our arrearages. We have been a leader in the United Nations, and the fact that we have not paid our dues and have not met our responsibility does harm to our position in the United Nations.

When we look at the programs of, for example, the United Nations development program, and we see that this program has a real impact in many of the areas of the world in health care, in education, in giving people the opportunity to work and get a job and raise their standard of living, this helps us. Ignorance breeds violence too often in distant corners of the world.

Therefore, I think we have to explain to our constituents that if we give a person in Kenya, for example, or Botswana the opportunity to create a job for themselves, sometimes $300 to a microcredit program helps a woman stand tall, and this supports a whole family. This can support a whole community. We have an obligation, Mr. Chairman, to help educate our constituents.

Now, the United Nations is not perfect. There are many things that I would agree with my colleague on. We have to work, work with the new Secretary General, to make sure that these areas are reformed. But I would ask my colleagues to oppose this amendment, and in fact, take a strong position to support the United Nations and to make sure that the United States can stand tall and fulfill our responsibilities as a leader in the world by paying our arrearages.

Mr. PAUL. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I share the gentlewoman's desire for the United States to be a leader. It is just that my concept of leadership is different. We have troops in 100 countries of the world. That does not have very much to do with our national security. I am for neutrality. I want to be friends with everybody. Some say this is an isolationist viewpoint. It has nothing to do with isolationism, if we combine it with free trade.

This whole notion that we are isolating and drawing back, yes, we would like to draw some of our troops back, maybe because we are not authorized, it is not part of our national security, we do not have the funds, and it gets us into trouble. Those are the reasons why the American people are sick and tired of all this adventurism overseas.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I would say to the gentleman from Texas [Mr. PAUL], my distinguished colleague, those 100 countries the gentleman asserts we have troops in are not all under the aegis of the United Nations. Many of those are our bilateral responsibilities, and some are unilateral.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I would say to the gentleman from Texas [Mr. PAUL] again I would like to respectfully disagree. It has been our policy that educating the populations of the world, spreading democracy, has been in the interests of the United States. I would like to close by saying that it is in the interest of our country, of our constituents, that we do what we can to strengthen the United States, to invest in world peace. Hopefully this will keep our community safe here at home.

I would like to work with the gentleman to invest in our communities at home, to help our families be strengthened through education and through housing and health care programs. But in order to keep our constituents safe at home, we have a responsibility, in my judgment, to strengthen our role in the United Nations, to be sure that we have a United Nations that can continue to work for world peace. That is in the interest of our constituents here at home.

Mr. PAUL. If the gentlewoman will continue to yield, Mr. Chairman, I think a lot of American people want to feel secure. That is obviously part of our responsibility. But a lot of people in this country now would feel more secure if they could keep more of their own money and we were not so adventurous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PAUL].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Texas [Mr. PAUL] will be postponed.

□ 1900

The CHAIRMAN. Are there further amendments to title XV?

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: PAGE 156, LINE 12, STRIKE "SECRETARY OF STATE" AND INSERT "CONGRESS".

Mr. STEARNS. Mr. Chairman, I have in my hand the actual bill, H.R. 1757. If my colleagues are interested, on page 156, I am just going to read what it says in the one word we are substituting.

> Of amounts authorized to be appropriated for "Assessed Contributions to International Organizations" by this act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or any of its specialized agencies for any calendar year if the Secretary of State.

My colleagues, all my amendment does is delete the words "Secretary of State" and put in the word "Congress" so that if the Congress determines that the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which ensure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

Mr. Chairman, I have a very simple two-line amendment which deletes the words "Secretary of State" and puts in the word "Congress." Members might ask, why should we have Congress instead of the Secretary of State? I believe that Congress has been the central driving force to reform the United Nations. Both colleagues on this side of the aisle and this side of the aisle have made that a clarion call.

This section as it is ignores Congress' concern and wishes to administer some type of reform. We bring Congress into the mix here. By inserting the word "Congress," the amendment would allow Congress to play a critical role in overseeing the pace of reform on budgetary and fiscal matters at the United Nations.

Let me make this clear, particularly to my colleagues on the other side, this amendment does not force the President to comply. It is very simple. We are not saying the President has to comply. It just says it would give the President the option of withholding 20 percent of the funds for any calendar year and allows Congress to participate, to get involved. Since Congress is appropriating the money, giving the money to the United Nations, why not have Congress come back and, working through our committee here, determine that the United Nations is indeed adhering to implementing fiscal and budgetary reform? And then we could have a House vote recommending to the President that we withhold this 20 percent.

So if my colleagues believe as elected Representatives from their districts that they want to be involved with this decision when the President decides to withhold 20 percent of the appropriated funds, the funds that belong to their districts, their taxpayers, then they should vote yes for my amendment. It is a very simple amendment.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the intent of our good colleague, the gentleman from Florida [Mr. STEARNS], who has been offering this amendment.

I would like to point out though that the amendment is actually redundant. By virtue of its role in the authorization and appropriations process, the Congress is already empowered to do what the gentleman from Florida [Mr. STEARNS] is attempting to do in the amendment; namely, to assess the degree to which the U.N. is satisfactorily pursuing reform measures. The Congress is readily able to make that assessment at the time we authorize and appropriate funds for U.N. contributions.

It is also important to note and to provide to the Secretary of State the discretion to make this kind of an assessment in the periods between when the Congress appropriates and the administration actually pays our contributions so that at that point in time U.N. performance can be fully judged.

I would like to remind our good colleague, the gentleman from Florida [Mr. STEARNS], that while we are aware that the U.N. is faced with a number of problems, there is a task force at work right now, a leadership task force, to try to determine what our accurate assessment should be, to make certain that certain conditions will be imposed before we pay arrearages and determine a proper formula for payment of arrearages.

I want to commend the gentleman for focusing attention, once again, on the problems we are having with the U.N., but I would urge him to consider the fact that we already in the Congress are empowered to do what the gentleman is attempting to do by this amendment.

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Chairman, I appreciate what my colleague has just said. Both he and I read from the same document, and I certainly appreciate what he has to say.

I think, since he has been more intimately involved with this, I can appreciate what he is saying. Somehow, when I read it, I did not read there that it was that clear. So the insertion of the word "Congress" instead of "Secretary of State," of course, is very simple and is not thwarting the President from doing what he wants.

When we go down to the paragraph that I believe he is citing here, which I think is line 19, "Notice to Congress, the President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution and shall notify the Congress when the decision is made to pay any; a notification shall include appropriate consultation between the President and the President's representative." It is basically just a notification. There is no reaction from the Congress. There is no feeling that the Congress is involved.

It is just the President and the Secretary of State making a decision to withhold 20 percent of the funds, and I think it would be nice to have Congress involved and actually have a vote on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Florida [Mr. STEARNS] will be postponed.

The point of order no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 159, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Alabama [Mr. BACHUS]; the amendment offered by the gentleman from Florida [Mr. GOSS]; the amendment offered by the gentleman from Texas [Mr. PAUL]; and the amendment offered by the gentleman from Florida [Mr. STEARNS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PARLIAMENTARY INQUIRY

Mr. BACHUS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BACHUS. Mr. Chairman, the voice vote was yes on my amendment, and I did not request a recorded vote and am not requesting a recorded vote.

The CHAIRMAN. The aye voice vote could still prevail at the time that the amendment comes up if a recorded vote is not ordered.

AMENDMENT OFFERED BY MR. BACHUS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama [Mr. BACHUS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 277, noes 146, not voting 11, as follows:

[Roll No. 161]

AYES—277

Abercrombie
Aderholt
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—146

Ackerman
Allen
Armey
Bateman
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Engel
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Houghton
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kennedy (MA)
Kennelly
Kilpatrick
Kolbe
Kucinich
LaFalce
LaHood
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Manton
Markey
Martinez
Matsui
McDermott
McGovern
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Oberstar
Olver
Owens
Oxley
Pallone
Payne
Pelosi
Pomeroy
Porter
Rahall
Rangel
Regula
Reyes
Rogers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stark
Stokes
Taylor (NC)
Thompson
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—11

Andrews
Buyer
Farr
Fattah
Goode
Jefferson
Lantos
Pickering
Royce
Schiff
Watkins

□ 1932

Mr. SPRATT, Mr. VENTO, and Mrs. KENNELLY of Connecticut changed their vote from "aye" to "no."

Messrs. BUNNING, McHALE, DIAZ-BALART, JOHN, SHAYS, GREENWOOD, PACKARD, BARCIA, STUPAK, SHIMKUS, Mrs. KELLY, and Ms. ROS-LEHTINEN changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 159, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each of the other amendments on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. GOSS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. GOSS] on which further proceedings were postponed on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 211, not voting 9, as follows:

[Roll No. 162]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas

McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Young (AK)
Young (FL)

NOES—211

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Engel
Etheridge
Evans
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wicker
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—9

Andrews
Buyer
Farr
Fattah
Goode
Jefferson
Lantos
Pickering
Schiff

☐ 1946

Mr. DAVIS of Virginia and Mr. WOLF changed their vote from "aye" to "no."

Messrs. LIVINGSTON, DUNCAN, HANSEN, CASTLE, HORN, PEASE, RIGGS, and ENSIGN, Mrs. LINDA SMITH of Washington, and Ms. GRANGER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas [Mr. PAUL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 54, noes 369, not voting 11, as follows:

[Roll No. 163]

AYES—54

Aderholt
Barr
Bartlett
Bonilla
Burton
Chenoweth
Coburn
Combest
Crane
Crapo
Cubin
Cunningham
DeLay
Dickey
Doolittle
Duncan
Ensign
Everett
Foley
Gibbons
Hall (TX)
Hefley
Hulshof
Hunter
Istook
Johnson, Sam
Jones
Kingston
Largent
Linder
Lucas
Manzullo
McIntosh
Moran (KS)
Nethercutt
Ney
Paul
Pombo
Riley
Rohrabacher
Ros-Lehtinen
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Solomon
Stump
Taylor (MS)
Wamp
Weldon (FL)
Young (AK)

NOES—369

Abercrombie
Ackerman
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns

Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—11

Andrews
Berman
Buyer
Farr
Fattah
Goode
Jefferson
Lantos
Pickering
Royce
Schiff

☐ 1956

Mr. LIVINGSTON and Mr. WHITFIELD changed their vote from "aye" to "no."

Mr. BURTON of Indiana and Mr. WAMP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Chairman, I missed the vote on rollcall No. 163, the Paul of Texas amendment. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. STEARNS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 244, not voting 14, as follows:

[Roll No. 164]

AYES—176

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
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Emerson
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Fox
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Gallegly
Gekas
Gibbons
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
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Jenkins
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Peterson (MN)
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Riley
Rogan
Rohrabacher
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Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
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Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
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Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
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Weller
Whitfield
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Young (FL)

NOES—244

Ackerman
Allen
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
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Brown (CA)
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Coyne
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Davis (VA)
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DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
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Holden
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Hyde
Jackson (IL)
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John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
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Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
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King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
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Moran (VA)
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Obey
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Pascrell
Pastor
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Pelosi
Petri
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Pomeroy
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Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
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Rothman
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Roybal-Allard
Rush
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Sanchez
Sanders
Sandlin
Sanford
Sawyer
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Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
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Stokes
Strickland
Stupak
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Vento
Visclosky
Walsh
Watt (NC)
Waxman
Wexler
Weygand
White
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Woolsey
Wynn
Yates

NOT VOTING—14

Abercrombie
Andrews
Buyer
Dingell
Farr
Fattah
Goode
Jefferson
Lantos
McIntosh
Ortiz
Pickering
Schiff
Waters

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Mr. SANFORD changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on behalf of the majority leader, I would like to announce that we have taken the last rollcall vote of the evening. We will continue on the bill and roll any other votes that we have that are ordered until tomorrow morning.

AMENDMENTS OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc. The amendments are as follows:

Ewing No. 3, calling on Peru to expedite legal procedures; Jackson-Lee No. 37, State Department to monitor human rights in Ethiopia; Kennedy No. 20, special envoys to promote mutual disarmament; Kim No. 44, SOC re no transfer of nuclear waste from Taiwan to North Korea; Pallone No. 70, sense of Congress regarding U.S.-Indian relations; Pallone No. 73, sense of Congress for the protection of the Belarussian sovereignty; Rohrabacher No. 1, sense of Congress supporting Taiwan in the WTO; Vento No. 34, State Department report on Hmong and Laos refugees; Traficant, Buy America; Menendez, withholding assistance to countries that provide nuclear fuel to Cuba; Menendez, availability of amounts for Libertad and the Cuban Democracy Act; and Gejdenson, regarding the Wassenaar agreement.

Mr. Chairman, I ask unanimous consent that these amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. GILMAN:

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. EWING OF ILLINOIS

At the end of title XVII (relating to foreign policy provision) add the following (and conform the table of contents accordingly):

SEC. 1717. SENSE OF THE CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—The Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than seven months after their arrest, Ms. Davis and Ms. Barnes have not yet been formally charged with a crime.

(9) Peruvian domestic law mandates that formal charges be brought within four to six months after arrest.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in Peru.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. KENNEDY OF MASSACHUSETTS

At the end of title XVII, insert the following:

SEC. 1717. SPECIAL ENVOYS FOR MUTUAL DISARMAMENT.

The President shall instruct the United States Ambassador to the United Nations to support in the Security Council, the General Assembly, and other United Nations bodies, resolutions and other efforts to—

(1) appoint special envoys for conflict prevention to organize and conduct, in cooperation with appropriate multilateral institutions, mutual disarmament talks in every region of the world in which all nations would participate, and to report to international financial institutions on the degree of cooperation of governments with these talks;

(2) commit each member state to agree to meet with its regional special envoy within 3 months of appointment to deliver and discuss its proposal for regional (and, where appropriate, international) confidence-building measures, including mutual reductions in the size, proximity, and technological sophistication of its and other nations' armed forces, that would lead to significant cuts in threat levels and military spending; and

(3) commit each member state to agree to continue meeting with the special envoy and such regional bodies and states as the special envoy shall suggest to complete negotiations on such confidence-building measures, with the goal of making significant cuts in military spending by the year 2000.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. KIM OF CALIFORNIA

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS RELATING TO THE TRANSFER OF NUCLER WASTE FROM TAIWAN TO NORTH KOREA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Republic of China on Taiwan (Taiwan) is considering transferring low-level nuclear waste to the Democratic People's Republic of Korea (North Korea) and paying North Korea an amount in excess of $220,000,000 to accept the nuclear waste.

(2) The transfer of nuclear waste across international boundaries creates worldwide environmental safety concerns.

(3) North Korea rejected the request of the International Atomic Energy Agency (IAEA) to inspect 2 nuclear facilities at Yongbyon in March 1993, in violation of Article III of the Treaty on the Non-Proliferation of Nuclear Weapons, to which North Korea is a signatory.

(4) North Korea has historically been unwilling to allow any third party investigators to inspect its nuclear waste storage facilities.

(5) The failure of North Korea to store nuclear waste safely raises environmental concerns on the Korean peninsula.

(6) The United States has in excess of 37,000 military personnel, plus their families, on the Korean peninsula.

(7) The current North Korean regime has been linked to numerous terrorist activities, including the bombing in 1987 of a Korean Airline aircraft, and the bombing in 1983 in Rangoon, Burma, which killed 4 South Korean Government and 13 diplomatic officials.

(8) North Korea continues to be listed by the United States Department of State as a state supporting international terrorism.

(9) The several hundred million dollars of hard currency generated by this transaction could be used by the militarist regime in North Korea to continue their reign of terror over their own people and the sovereign nations of the Pacific Rim.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Government of Taiwan should refrain from issuing an export license for the transfer of nuclear waste to North Korea until all parties on the Korean peninsula can be assured that—

(1) North Korea can safely handle this nuclear waste;

(2) North Korea will submit to independent third party inspection of their nuclear storage facilities; and

(3) North Korea indicates a willingness to comply with the commitments it made in the "Agreed Framework", entered into in 1994 between North Korea, South Korea, Japan, and the United States, relating to nuclear materials and facilities in North Korea, and meet International Atomic Energy Agency safeguards with respect to North Korea's nuclear program.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. PALLONE OF NEW JERSEY

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. CONGRESSIONAL STATEMENT REGARDING PRIME MINISTER GUJRAL OF INDIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) Prime Minister Gujral of India has recently received a vote of confidence from the Indian parliament.

(2) Prime Minister Gujral is committed to strengthening ties between the United States and India through the continuation of free market reforms and initiatives.

(3) The Gujral government is on the verge of passing a budget package that will carry forward economic reforms initiated in 1991 that have opened India to foreign investment and trade.

(4) Prime Minister Gujral has made it a priority to improve relations with Pakistan and has recently met with the Prime Minister of Pakistan, Nawaz Sharif, to better relations between the two countries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Clinton Administration should support and work closely with Indian Prime Minister Gujral in strengthening relations between the United States and India and improving relations in the South Asia region.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. PALLONE OF NEW JERSEY

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS REGARDING THE SOVEREIGNTY OF BELARUS.

It is the sense of the Congress that the President should strongly urge the Government of President Aleksandr Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus, maintain its independence from the Russian Federation, abide by the provisions of the Helsinki Accords and the constitution of the Republic of Belarus and guarantee freedom of the press, allow for the flowering of the Belarusan language and culture, and enforce the separation of powers.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. ROHRABACHER OF CALIFORNIA

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. CONGRESSIONAL STATEMENT REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States and the people of the Republic of China on Taiwan have long enjoyed extensive ties.

(2) Taiwan is currently the 8th largest trading partner of the United States, and exports from the United States to Taiwan total more than $18,000,000 annually, substantially more than the United States exports to the People's Republic of China.

(3) The executive branch has committed publicly to support Taiwan's bid to join the World Trade Organization and has declared that the United States will not oppose this bid solely on the grounds that the People's Republic of China, which also seeks membership in the World Trade Organization, is not yet eligible because of its unacceptable trade practices.

(4) The United States and Taiwan have concluded discussions on a variety of outstanding trade issues that remain unresolved with the People's Republic of China and that are necessary for the United States to support Taiwan's membership in the World Trade Organization.

(5) The reversion of control over Hong Kong—a member of the World Trade Organization—to the People's Republic of China, scheduled by treaty to occur on July 1, 1997, will, in many respects, afford to the People's Republic of China the practical benefit of membership in the World Trade Organization for the substantial portion of its trade in goods—despite the fact that the trade practices of the People's Republic of China currently fall far short of what the United States expects for membership in the World Trade Organization.

(6) The executive branch has announced its interest in the admission of the People's Republic of China to the World Trade Organization; the fundamental sense of fairness of the people of the United States warrants the United States Government's support for Taiwan's relatively more meritorious application for membership in the World Trade Organization.

(7) It is in the economic interest of United States consumers and exporters for Taiwan to complete the requirements for accession to the World Trade Organization at the earliest possible moment.

(b) CONGRESSIONAL STATEMENT.—The Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. VENTO OF MINNESOTA

At the end of title XVII insert the following new section:

SEC. 1717. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Within 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include:

(1) A full investigation, including full documentation of individual cases of persecution, of the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos.

(2) The steps the State Department will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the State Department will take to ensure the cessation of human rights violations.

AMENDMENT TO H.R. 1757 OFFERED BY MR. MENENDEZ

At the end of the bill add the following (and conform the table of contents accordingly):

TITLE . WITHHOLDING OF ASSISTANCE TO COUNTRIES THAT PROVIDE NUCLEAR FUEL TO CUBA

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

"(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

"(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

"(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

"(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.".

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. MENENDEZ

At the end of bill add the following (and conform the table of contents accordingly):

Title . AVAILABILITY OF AMOUNTS FOR CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1996 AND THE CUBAN DEMOCRACY ACT OF 1992

Not less than $2,000,000 shall be made available under Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to economic support fund), for fiscal years 1998 to 1999 to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et. seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 2001 et. seq.)

AMENDMENT TO H.R. 1757 OFFERED BY MR. GEJDENSON OF CONNECTICUT

Add the following new title to the end of the bill (and adjust the table of contents accordingly)

Title

It is the sense of Congress and the President of the United States should attempt to achieve the foreign policy goal of an international arms sales code of conduct with all Wassenaar Arrangement countries. The purpose of this goal shall be to achieve an agreement on restricting or prohibiting arms transfers to countries that:

(1) Do not respect democratic processes and the rule of law;

(2) Do not adhere to internationally-recognized norms on human rights; or

(3) Are engaged in acts of armed aggression.

AMENDMENT TO H.R. 1757 Offered by Mr. Traficant of Ohio

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—BUY-AMERICAN REQUIREMENTS

SEC. 2001. BUY-AMERICAN REQUIREMENTS.

(A) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that is expending the funds the entity will consistent with International Trade Agreements implemented in U.S. Law, comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE REQUIREMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROBATION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label hearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BEREUTER. Mr. Chairman, reserving the right to object, under the reservation I would ask our chairman, the gentleman from New York (Mr. GILMAN], if he would describe what the Pallone amendment on Indian-American relations is about.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would just take this moment on the gentleman's reservation, important reservation, to thank the chairman, the gentleman from New York [Mr. GILMAN], for his support for the inclusion of the amendment dealing with the Hmong and State Department report on that and the human rights and abuses and allegations that are going on, and I very much appreciate the chairman's support for that amendment, the ranking member's support. It is an important amendment to me and to the constituency I represent and to the people of Laos.

Mr. Chairman, I have an amendment at the desk, amendment No. 8, as filed in the RECORD on May 14, 1997, with revisions as filed in the Committee on Rules, and it is being included in the en bloc amendment. I appreciate this cooperation and thank Chairman GILMAN and Representative HAMILTON for their help. This amendment will require the State Department to report to Congress on the allegations of persecution and abuse of Hmong and Laotian refugees who have repatriated to Laos following the Southeast Asia conflict. Such an extraordinary State Department analysis is urgently needed because of the current and continued reports which allege serious human rights violations, persecution, and loss of life being experienced by the Hmong in Laos—in years past and today.

The Hmong fought on the side of the United States in special guerrilla units during the Vietnam war at great sacrifice to themselves, their families, and their entire community. After the war, many of the Hmong who did survive the battlefields of their homeland were welcomed to the United States, while 10,000 Hmong remained in the refugee camps in Thailand until the closure of the camps in recent years. There have been continuous allegations of persecution and abuse of the Hmong who repatriated to Laos. In recent months, press reports describe bone-chilling nighttime massacres of Hmong villagers, including children.

The United States must thoroughly investigate these allegations promptly. Hmong families are reported to be threatened daily under the Communist government in Laos, and our Nation, the United States, is the only nation with the clout and resources to stop this persecution. The State Department's own "Country Report on Human Rights Practices for 1996" reads: "There continued to be allegations that the Government has detained three Hmong males since 1992, because of their association with the U.S. Government prior to 1975. The Lao Government has thus far not responded directly to repeated inquiries about these allegations." According to reports, there is only a mere sampling of the thousands of allegations of violent political persecution suffered by the Hmong which have been resolved.

The language in my amendment would require the State Department to report to Congress on the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos. This report should include the steps the State Department will take to continue to monitor any systematic human rights violations by the government of Laos. The purpose of this amendment is to ensure that the State Department is fully engaged and committed to the vigilant investigation of human rights violations in Laos.

This amendment is a reasonable requirement and isn't unduly burdensome on the Department of State and would help address in an orderly manner concerns raised by other Members of Congress, the media, and human rights organizations. The public light shed on this issue would help ensure adherence to recognition of universal human rights. I am pleased by the bipartisan support for this amendment and hope to continue to gain bipartisan support so that this vento proviso becomes law.

Over the years, I have worked to help the Hmong who resettled in the United States and believe that we certainly must not turn our backs on those who repatriated to Laos. I would like to thank the Chairman GILMAN, Representative HAMILTON, and Representative SOLOMON for their support and affording me the opportunity to have this amendment acted upon on the Floor. I urge my colleagues to support the en bloc amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New York.

Mr. GILMAN. With regard to the Pallone amendment, it is H.R. 1486. It is a congressional statement regarding Prime Minister Gujral of India. The Congress makes the following findings:

That the Prime Minister has recently received a vote of confidence from the Indian parliament;

Prime Minister Gujral is committed to strengthening ties between our Nation and India through the continuation of free market reforms and initiatives;

The Gujral government is on the verge of passing a budget package that will carry forward economic reforms initiated in 1991 and will help India reform investment and trade;

Prime Minister Gujral has made it a priority to improve relations with Pakistan and has recently met with the Prime Minister of Pakistan, Nawaz Sharif, to better relations between the two nations.

It is a sense of Congress that the Clinton administration should support and work closely with Indian Prime Minister Gujral in strengthening relations between the United States and India and improving relations in the south Asian region.

Mr. BEREUTER. Mr. Chairman, I do thank the gentleman under my reservation for yielding me this information. I want to commend the gentleman from New Jersey for his initiative.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Ms. JACKSON-LEE of Texas. Mr. Chairman, reserving the right to object, I would like to inquire of the gentleman whether or not the Jackson-Lee amendment dealing with the Ethiopian human rights has been included in the en bloc amendment?

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Mr. GILMAN. Mr. Chairman, would the gentlewoman repeat her question?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to ask the gentleman from New York [Mr. GILMAN], and as I am asking I am going to thank him as well, but I am trying to determine whether the Jackson-Lee amendment dealing with monitoring human rights in Ethiopia has been included.

As the chairman of the committee recognizes, Ethiopia does not have an independent judicial system, and as well has found that it has mutilated female genitals and also has found many individuals incarcerated for their political views. So I am very concerned that the State Department monitors the human rights activities in Ethiopia, and I would like to know if that amendment is included in the en bloc that we are now discussing at this point.

Mr. GILMAN. Mr. Chairman, if the gentlewoman would yield, I would say in response that the amendment, as reported and offered by the gentlewoman from Texas [Ms. JACKSON-LEE], assistance for Ethiopia, the Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates fiscal year 1997 funds for Ethiopia authorized to be appropriated by this act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his response to that. I was concerned, Mr. Chairman, that that was not included.

Mr. Chairman, I would like to offer this amendment to H.R. 1757, the State Department Authorization legislation that the House is considering. It is critical to the development of beneficial relations between our Nation and other countries around the world that we clearly communicate our interests.

According to the State Department, Ethiopia's Government limits freedom of association and refuses to register several nongovernmental organization. Societal discrimination and violence against women and abuse of children remains to be a problem; the aberrant act of female genital mutilation is nearly universal.

The Government has encouraged the efforts of domestic and international nongovernment organizations that focus on children's social, health, and legal issues. However, with daunting development challenges and severely limited resources, direct government support beyond efforts to provide improved health care and basic education remain limited.

Societal abuse against young girls continue to be a serious problem. Almost all girls undergo some form of female genital mutilation, which is widely condemned by international health, experts as damaging to both physical and psychological health. Clitorectomies are typically performed 7 days after birth and the excision of the labia and infibulation, the most extreme and dangerous form of female genital mutilation, can occur any time between the age of 8 and the onset of puberty. Female genital mutilation is not specifically prohibited. Early childhood marriage is common in rural areas, with girls as young as age 9 being party to arranged marriages. The maternal mortality rate is extremely high, due in part to food taboos for pregnant women, early marriage, and birth complications related to female genital mutilation.

The Constitution states that all persons are equal before the law. The law provides that all persons should have equal and effective protection without discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, wealth, birth, or other status. The Government, however, has not yet put fully into place mechanisms for effective enforcement of these protections.

Equality for women is not applied in practice. Domestic violence, including wife beating and rape, are pervasive social problems.

The Government of Ethiopia has taken a number of steps to improve its human rights practices, but serious problems as you can imagine remain. The Government restricts freedom of the press and detained or imprisoned 14 journalists in 1996. At year's end, most were accused or convicted of inciting ethnic hatred or publishing false information in violation of the 1992 Press Law.

The Constitution and both the Criminal and Civil Codes prohibit arbitrary arrest and detention, but the Government does not always respect these rights in practice. Nationwide, thousands of alleged suspects remain in detention without charge or trial at the close of 1996. Most often these detections resulted from the severe shortage and limited training of judges, prosecutors, and attorneys.

Ethiopia does not have an independent justice system. Judges and Public Prosecutors have been discharged if their judgment is not according to political conveniences.

I know that the United States can not totally relieve the suffering of people in all nations. However, we can offer a carrot and stick approach in our appropriations to those nations in order to effectively communicate our concerns regarding policies which are inconsistent with our own interest and values.

Ethiopia has shown a willingness to respond to the concerns of the United States regarding human rights, and I believe that this amendment to the State Department Authorization is needed to encourage greater strides in human rights and democratic activity in that country. The United States should not abandon an opportunity to increase human rights in Ethiopia and save lives.

This amendment would add an additional section to division B under title XVII of the Foreign Relations Authorization Act for fiscal years 1998 and 1999. The amendment states that the Department of State should closely monitor and take into account human rights progress in Ethiopia.

I urge my colleagues to support my amendment.

Mr. CUMMINGS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. Further reserving the right to object, I yield to the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I want to thank the gentlewoman from Texas for yielding.

Almost exactly 6 years ago the brutal Mengistu regime in Ethiopia, notorious for having one of the bleakest human rights records on the continent, fell. At that time there was much hope that the country was finally entering a period of democracy and respect for human rights.

Sadly, the government continues to divide the nation's peoples into ethnic-based enclaves, each purposely pitted against the other, with the goal of facilitating the dictatorial regime. This ploy has endangered the Ethiopian people with the inevitable consequence of civil war, with repercussions far worse than the tragedies that transpired in Bosnia and Rwanda.

Until the current government took over, Ethiopia was one of a few stable democratic countries in the sub-Saharan Africa. Now, all the democratically hostile countries surrounding Ethiopia, such as Sudan, Somalia, Iraq and Iran, are seeking to exploit the chaotic situation in the country by exerting their negative influences, and therefore I support the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] very much for confirming that this is accepted, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for offering this important amendment.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] is recognized for 5 minutes in support of his en bloc amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman. It seems in our effort to work together, and I thank the gentleman so very much, that we had to comply with the opening language of this legislation.

I would like to make a technical amendment to insert the fiscal year 1997 and fiscal year 1998 on the Jackson-Lee amendment in the en bloc amendment.

Mr. GILMAN. Mr. Chairman, we are pleased to accept the technical amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to make the aforementioned technical changes.

Mr. GILMAN. Mr. Chairman, we recognize the technical amendment and address it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much.

The CHAIRMAN. The Chair would say to the gentlewoman, the modification has to be in writing.

Ms. JACKSON-LEE of Texas. I thank the Chairman.

Mr. GILMAN. Mr. Chairman, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, the gentleman's amendment has been accepted en bloc, then?

Mr. GILMAN. The gentleman is correct.

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. There is an amendment pending.

Mr. PALLONE. Mr. Chairman, I move to strike the last word on the en bloc amendment.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] is controlling the time.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I just wanted to thank the chairman of the full committee, the gentleman from New York [Mr. GILMAN], as well as the chairman of the subcommittee, the gentleman from Nebraska [Mr. BEREUTER] and the ranking members for including my two amendments as part of the en bloc amendment.

Just very briefly, if I could comment on the two amendments. One that was already mentioned by the gentleman from Nebraska directs the Clinton administration to work closely with Indian Prime Minister Gujral in strengthening relations with the U.S., protecting U.S. interests in South Asia, and creating peace and stability in the region.

I just believe that this is important, because U.S. relations in South Asia are at the critical point, and I think it is imperative that we recognize and support the "Gujral Doctrine" which basically has been an instrument to bring peace between the various nations in South Asia.

I think many of us know that after three wars and 50 years of tense relations, India and Pakistan have finally agreed to work together to promote peace and economic prosperity, not only through bilateral relations, but also through other countries in South Asia.

The main reason for this amendment was to basically indicate U.S. support for the Gujral Doctrine which says that these countries should work together, not only diplomatically and to avoid possible conflict, but also economically and in terms of their trade.

The other en bloc amendment relates to democracy, sovereignty and human rights in Belarus. Again, I want to thank the chairman and the ranking member.

This amendment expresses the sense of Congress that our President should strongly urge the government of President Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus, maintain its independence from the Russian Federation, abide by the provisions of the Helsinki Accords, as well as Belarus's own constitution, and guarantee freedom of the press, enforce separation of powers and allow for the Belarusan language and culture to flourish.

That may all seem very simple and something that any nation would normally do and any president would normally do. But as I think most of us know, the recently installed parliament of Belarus approved an integration deal with Russia last week, and this parliament was created after a preferential referendum last year and has been criticized as being a rubber stamp for the hard-line President Lukashenka.

Many opposition leaders in Belarus, as well as Western observers, believe that last year's referendum was illegitimate. Essentially what we have in Belarus is an effort to suppress the

Belarusan language and culture and to integrate it almost in terms of one nation ultimately with Russia.

What we are saying in this amendment is that that is not the way that Belarus should go. The Belarusan-American community feels very strongly that this integration deal is not the way to go and is a sellout of Belarusan national interests.

Again, I want to thank the chairman and others who have been supportive in including this in the en bloc amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his supporting comments.

MODIFICATION OFFERED BY MS. JACKSON-LEE TO THE AMENDMENTS OFFERED BY MR. GILMAN

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to replace the Jackson-Lee amendment that was accepted graciously by the gentleman from New York [Mr. GILMAN] in the en bloc with a technical change substitute amendment.

The CHAIRMAN pro tempore (Mr. DICKEY). The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Ms. JACKSON-LEE of Texas to the amendments offered by Mr. GILMAN:

In lieu of the matter proposed to be included in the en bloc amendment, insert the following:

At the end of title XVII insert the following new section:

SEC. 1717. ASSISTANCE FOR ETHIOPIA.

The Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates fiscal year 1998 and 1999 funds for Ethiopia authorized to be appropriated by this Act.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mrs. HARMAN. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague, Mr. EWING of Illinois, expressing the sense of Congress that the Government of Peru should respect the rights of prisoners to timely legal procedures.

I take particular interest in this amendment because of the problems one of my constituents, Ms. Krista Barnes, has had with the Peruvian judicial system. Ms. Barnes and a friend, Jennifer Davis, allegedly accepted an offer of a free trip to Peru in exchange for smuggling cocaine into that country. They were arrested in Lima, Peru on September 25, 1996.

Mr. Chairman, Krista Barnes and her friend may have made a huge mistake. If they broke the law, I do not in any way advocate excusing them from the consequences. But they do deserve, at the least, a fair and speedy trial. Even after fully cooperating with Peruvian authorities, and providing information leading to additional arrests, they still have not been charged with a crime, let alone granted a trial. It has been more than 8 months since Krista Barnes and Jennifer Davis were taken into custody. Peruvian domestic law requires that formal charges be brought within 4 to 6 months after arrest.

This amendment strikes the right balance by pointing out the substantial and important progress the Peruvian Government has made in restricting the flow of illegal drugs between our two countries, and by stating the importance of strict penalties for convicted drug smugglers. But it also makes clear just how important to America it is that her partners in the War on Drugs respect the rule of law and grant fair and speedy dispensation of justice to prisoners. I strongly urge my colleagues to support the Ewing amendment.

Mr. KIM. Mr. Chairman, this amendment is a sense of Congress. It asks Taiwan to reconsider its proposed deal to pay North Korea $220 million to store 200,000 barrels of Taiwanese nuclear waste in North Korea.

There are several reasons to oppose this deal.

First: If the current deal goes through, it would set a precedent for the buying and selling of nuclear waste on the open market, just like any other world commodity. But this isn't any normal commodity.

The ramifications of this deal are very serious: It will be promoting the unregulated, international transfer of nuclear waste across international boundaries, without monitoring or safeguards.

Second: North Korea transporting this waste—unsupervised—across the open seas should frighten us all.

What assurances do we have that North Korea will take proper safety precautions?

Remember the ecological disaster that resulted from the Exxon Valdez accident? And that was just an oil spill. An accident during the transportation of this radioactive material could be much worse.

Third: What assurances do we have that North Korea will safely store this waste? They have never opened their storage facilities for international inspection. Never.

At a minimum, this deal should require a 3d party inspection by an independent organization like the IAEA.

All we know is that North Korea plans to dump the waste into abandoned mines along the DMZ.

What if the material leaks into the water table or air? That would be an environmental nightmare.

The United States has 37,000 troops on the Korean Peninsula, many right along the DMZ. They would be among the first to be exposed in the event of an accident.

In addition, Seoul, a city of over 10 million people—including tens of thousands of U.S. civilians—is only 24 miles from the DMZ.

This scares me, Mr. Chairman.

Fifth: The rogue regime in North Korea could use this waste as a political pawn with which to hold the South hostage.

Sixth: We have no idea what the North Koreans will do with the $220 million in hard currency they will receive in this deal.

Will the Communist dictatorship in North Korea continue to bolster their aggressive million man army threatening our young men and women in the Pacific Rim?

Will they build more missiles to point at us?

Mr. Chairman, my amendment simply expresses the Sense of Congress that Taiwan should stop this deal until all of these serious environmental, safety and security concerns are satisfactorily addressed.

I urge my colleagues to support this reasonable amendment.

Mr. ROHRABACHER. Mr. Chairman, my amendment which is included in the en block amendment would put Congress on record in support of the effort by Taiwan to be admitted to the World Trade Organization. Taiwan, which has a democratically elected government, is currently the eighth largest trading partner of the United States. Taiwan has a population of 20 million people compared to 1.2 billion in China. However, exports from Taiwan substantially total more than U.S. exports to the Communists People's Republic of China, which has surpassed Japan in holding the largest annual trade imbalance with the United States. The executive branch has announced an interest in the admission of the People's Republic of China to the World Trade Organization. It is not only a matter of fundamental fairness, that democratic Taiwan also be admitted. The administration has, in fact, also indicated an interest in Taiwan's admission. This afternoon both the State Department and the Office of the U.S. Trade Representative expressed support for my amendment. It is in the economic interest of United States consumers and exporters for Taiwan to complete the requirements for admission to the World Trade Organization at the earliest possible moment.

The CHAIRMAN. The question is on the amendments, as modified, offered by the gentleman from New York [Mr. GILMAN].

The amendments, as modified, were agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. STUDY OF THE UNITED NATIONS.

It is the sense of the Congress that the President and the Permanent Representative of the United States to the United Nations should strongly encourage the United Nations to establish a commission to study, report, promptly, concerning—

(1) establishing a new location for the headquarters for the United Nations; and

(2) to establish the United Nations as a part-time body.

Mr. STEARNS. Mr. Chairman, this is truly an historic amendment that I wish my colleagues would consider carefully. The United Nations has been located in New York City for 51 years. Why not have a new location for the United Nations? I am not sure the delegation from New York would agree, but if they will think about it, that property is very valuable, and it does not hurt for the United Nations to look at alternative locations.

In addition, my amendment asks the United Nations for a study of ways to simplify, ways to move their body into a part-time, evolving United Nations.

I pulled up on the web page, Mr. Chairman, the list of locations and system organizations that are part of the U.N., and it just goes on A through Z here, of all of the different locations that are just sort of reporting back to New York City.

My point is that we need to bring the United Nations into a new location, to try and simplify it and look for ways to bring down the cost. Obviously it could be put in parts of the United States where the cost is not so high, or it could be put in Europe, it could be put in Asia. But I think after 51 years it is time to look at putting the United Nations in a new location.

The current structure of the United Nations does not reflect the real world. Many corporations, after 51 years in one location, look at cost-saving devices and look at ways to move their headquarters somewhere else. In fact, in New York City there are a lot of corporate headquarters that move to Stanford, Connecticut, or Greenwich, Connecticut, or Omaha, Nebraska. Why cannot the United Nations look at the possibility of relocating itself?

The world we live in today is much different than the post-World War II era that led to the creation of the United Nations. It has a monstrous bureaucracy, and I think we need to start the process of downsizing the United Nations just like we have downsized the United States Government.

In 1994, we had a revolution here where we tried to change things, and we did. We created savings and we instituted new reforms here. We need the United Nations to come on board and start their reforms too.

Individual States do it, countries do it, corporations do it. It is time the United Nations started to reflect the global changes and the need to institute reforms and to relocate the United Nations.

So it is a very simple amendment here. I am sure the chairman might not necessarily agree about the relocation. I am not asking for it to go to Florida. I am just asking for the United Nations to put up a commission and say look, we are going to look at it. It is not a big deal here.

Why can we not have new thinking at the United Nations, instead of having all of these delegates file into the United Nations year in and year out? I think we would not see these 131,000 parking tickets which were issued by the New York City police to U.N. diplomatic and consular vehicles, and none of them were paid. So maybe now is the time to look at this bureaucracy.

Mr. Chairman, I am asking the United Nations to start the first step, to go ahead and establish preliminary plans to relocate the United Nations to another country, or perhaps they might think another location within the United States.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I notice that the gentleman mentioned Omaha, Nebraska, and I just wanted to tell him there is no ground swell of support for the United Nations being located in Omaha, but I thank the gentleman.

Mr. STEARNS. Mr. Chairman, I think that probably confirms that Omaha, Nebraska is out the window for the site location, but I would say that perhaps there are places in Europe or places in other parts of the world that might welcome the United Nations.

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I think the gentleman's point might be well taken. I am sure they feel the same way in Ocala, Florida, which is my home State, and other parts of central Florida. We do not want to see the United Nations certainly in New York City anymore. We would like to see it relocated, but more importantly, we would like to see the United Nations move in the direction corporations are doing today by downsizing; and like we see here in Congress and the Senate and the House, while we are downsizing and trying to make the government more efficient and less expensive, why not have the United Nations do the same thing?

That is the gist of my amendment. I urge my colleagues to support it when we vote on it tomorrow, Mr. Chairman.

Mr. CAPPS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to oppose the amendment. Having been born and raised in Omaha, Nebraska, I, too, picked up on that suggestion. Maybe if Omaha does not want it, Lincoln might; I do not know. That is beyond the bounds of this.

Mr. Chairman, first of all, I question the sense-of-Congress kind of ruling. I am new at this business, but I think those are very difficult kinds of petitions to deal with. As a general rule, the sense-of-Congress language, I think, is problematic. I would oppose this amendment on those grounds. I am not enthusiastic about the proposal. I certainly do not accept that the United Nations should be a part-time body. I think it has so much more to do than can be done as a part-time institution.

I wonder if the gentleman has asked the New York delegation how they feel about moving the United Nations away from New York. I am not at all sure that this would be a positive development. It seems to me that the United Nations has headquarters in New York, with major presences in Geneva and elsewhere around the world, and that is the way it ought to be. I am going to oppose this amendment on those grounds and still other grounds.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, there are some Members of Congress from New York that would perhaps like to see it leave New York City.

The second point is that the sense of Congress is the only avenue we have available to try and put in place a feeling that the United Nations should look at another location. The United Nations does not have to be forever in New York City. So I think the fact that the United Nations could set up a commission to look at alternative selection sites is not an unreasonable sense of Congress, if you will, because that is the only avenue we have under this bill without it not being germane. This is the only way I could do it.

We do sense of Congresses on the House floor all the time. It is not something that is new. I think the Members should realize that we have probably done 30 sense of Congresses in the last 60 days, so it is not a new type of parliamentary procedure, it is not a new type of procedure.

Towards the idea of a United Nations as a part-time body, the United Nations should look at some of their agencies that could be part-time. They do not have to have every agency which is in this Web site that I have listed, which is line after line of different agencies; not every one of those has to be full time, 365 days, 52 weeks a year.

I would urge my colleague to reconsider, and say basically that he is optimistic that the United Nations would find another location, and that they could do a commission report, and it would be a harmless yet an exploratory, an exploratory way for the United Nations to see is it the best value for taxpayers and for people from other countries to support the United Nations and to continue in New York City?

Obviously that real estate is very, very valuable. There obviously could be other places where the United Nations could go that would be less expensive. Every corporation in America, every corporation in this country, looks at cost-saving ways to bring the cost down, and likewise the United Nations could do the same thing by looking at an alternative location. I thank the gentleman for yielding, for his courtesy.

Mr. CAPPS. Mr. Chairman, I think the amendment would have more force if the initiative had come from the United Nations itself. But I simply oppose the amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am from New York and represent a district in New York City, Bronx, New York, and am from Westchester, New York, just north of the city. I can tell the Members that we in New York are very proud of the United Nations. We are very proud to have it in New York. New York is a wonderful city.

By the way, I must say that the latest crime statistics have come out and New York is now the safest city in the country of any city of 1 million population or more, and we are very proud of that. Part of what makes New York New York is the United Nations. New York certainly is a very international city. It is a city of which we are proud. We are very happy to have the United Nations there.

The United Nations pumps $3 billion a year into the New York economy. That is a lot of money; 20,000 jobs in the U.N. into the New York economy. That is a lot of money. New York, being the largest city in this country, it is the financial center of this country, and it is near the national center of the country.

I can tell the Members that my friend, the gentleman from Florida, is very wrong in terms of this amendment. I think that the people of New York, New York City, and the metropolitan area of New York, which includes parts of New Jersey and Connecticut, I think overwhelmingly we are very proud of the United Nations and very proud to have the United Nations in New York.

That does not mean there are not disputes from time to time. We have been having some disputes involving parking and diplomats parking in New York. But disputes will come up from time to time. It does not mean that we do not want the U.N. It does not mean we should even consider not having the U.N. in New York.

Mr. Chairman, I really rise to oppose this amendment. We have agencies that want to leave the United Nations in New York. In Bonn, for instance, the Germans have been very active in trying to pull different U.N. agencies out of New York. The UNDP, the United Nations Developmental Program, Bonn has a lot of empty office space and a lot of empty space because the Germans are relocating their capital to Berlin. They have offered the U.N. all kinds of incentives to try to lure different departments and agencies away from New York and away from the United States. We resist it because we do not want them to move again because of the jobs, and the fact that money is pumped into the New York economy.

We should be proud of the United Nations. We should be proud of the fact that New York is the international capital of the world because the United Nations is there, and I just think that this moving the U.N. or pulling out of the U.N., as there was an amendment before which was soundly defeated, is all part and parcel of an undercurrent of U.N. bashing, or international engagement bashing.

I think that is wrong. I think that the United States needs to be engaged in the world. We are the last remaining superpower. I think it is a feather in our cap to have the United Nations in the United States. It is certainly a feather in New York's cap to have the United Nations in New York. From the point it was formed back in 1945, at the end of the Second World War, New York has been the seat of the United Nations. It has been a good seat of the United Nations. It has been a good fit to have the United Nations in New York.

I can say that I probably speak for the entire New York State delegation, 31 of us, Democrats and Republicans, we are proud to have the U.N. in New York. We want the U.N. to stay in New York. On our license plates, New York license plates, we have the Statue of Liberty, and of course the big three in New York City has always been the Statue of Liberty, the Empire State Building, and the United Nations. We can talk about others, the World Trade Center and others as well. But the U.N. is part and parcel of New York, and New York is part and parcel of the U.N.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I appreciate the gentleman's courtesy in yielding. I understand the gentleman's sympathy, being a Member of Congress from New York, and perhaps some people feel like the gentleman does, too. But obviously there are 49 other States. The cost and the amount of expense that is incurred in New York City certainly could be brought down by relocating the United Nations elsewhere.

A lot of corporations have been in New York City and they have relocated because they found it less expensive. So while the gentleman might be partisan in this matter, but we are trying to think in terms of the other 49 States who realize that perhaps there is a way to bring the cost down for the United Nations by relocating it, by having a commission try to, shall we say, reform the United Nations, and finding areas where we can make it part time.

This is not U.N. bashing, this is an attempt, like we are doing here in Congress, to reform the process, to reform the United Nations and to make it more effective. Does the gentleman not think after 51 years the United Nations needs some type of reform?

Mr. ENGEL. Reclaiming my time, Mr. Chairman, let me say, as I mentioned before when I spoke against the amendment offered by the gentleman from Texas [Mr. PAUL], I think the United Nations is in great need of reform. I think that the new Secretary General is embarking on a period of reform, and heaven knows, we need reform and we demand reform in the U.N., and we must have reform.

But I do not think moving it out of New York City has anything to do with reform. I wonder how expensive it would be to even consider moving it out of New York. I think if something is working, it is part and parcel of the fabric of New York, we ought to keep it. Let me just say that I do not think we want to move the U.N. out of New York any more than we want to move Disney World out of Florida. I do not know if it is the gentleman's district, but I think he would probably resist it.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from Florida is mixing mangoes with papayas here, because there is a feeling by some folks that the U.N. should not exist or that the U.N. should be reformed, or that the U.N. should be downsized. But that should not be a reason for taking the U.N. out of the United States or the U.N. out of New York.

I come from a district where we fear on a daily basis the loss of the New York Yankees moving out of State, or maybe if the gentleman succeeds at this, they may move out of the country. I just cannot understand why this desire all of a sudden to bash the U.N. and bash it in a way, in a way which says that the way to deal with this is to have them move out of New York.

I do not want to believe that this is a New York bashing bill, a proposal, because I know the gentleman better than that. I have great respect for him. But I think we have to just look very briefly at some history.

There is a reason why the U.N. is in New York. The decision was made based on a couple of things. Obviously, the land was donated by one of the families in the United States. The construction took place with a lot of help from private capital. But there was a desire, and I think a great statement made by that organization, that it wanted to go to the freest and most democratic country on earth, and that in there it wanted to be situated in an international city which was known as a melting pot in this country and definitely throughout the world. So there was a reason why the U.N. was put in New York. That reason still remains a very valid reason today.

Today New York City continues to be a place that attracts people from all over the world to live, to visit, to set up businesses. The U.N. being in New York is very much a part of what the U.N. is supposed to be about.

I understand that the gentleman is one of a group that feels that the U.N. should disappear. Try doing that. Some of us may oppose the gentleman, but try doing that. In the meantime, leave it in New York unless he wants it in Florida. If that is the point, then please make that.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank my colleague for yielding to me.

The gentleman and I both know that he had a football team, the Giants, that left New York and went to New Jersey. The New York Jets have left. Other athletic teams have left New York City. A lot of corporations have left. We are not saying in this amendment that it has to leave. We are asking the United Nations to study it, just to look at alternative locations that would be less expensive.

All we are saying is set up a commission to look at it somewhere down the line, maybe 50 years from now, 20 years from now, 5 years from now. Somewhere down the line it might be advisable for the United Nations to put itself in a new location. That is all we are asking.

The contrast the gentleman from New York [Mr. ENGEL] says between Disney World and the United Nations, Disney World and the United Nations, maybe some colleagues might think they are synonymous. They are not. Disney World is a for-profit operation. The United Nations is a not-for-profit operation. It is totally different. But I appreciate the gentleman giving me the time.

Mr. SERRANO. Mr. Chairman, reclaiming my time, the gentleman has not obviously looked at the fact that the U.N. pumps a lot of money into the United States economy, because New York City is that kind of a national and international town where any money that is pumped into that economy in fact has ramifications throughout the Nation. That is a fact of life.

To say that it should move out because the Giants moved out, first of all, I think it is very unfair to remind me that the Giants and the Jets moved out and the Nets moved out, and the Yankees are thinking of moving out. I have not recovered from the Dodgers moving out or the Giants moving out.

Granted, if the gentleman can get me the Dodgers back, I will trade the U.N., but for now, for now let us leave the U.N. in New York.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from New Jersey.

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Mr. PALLONE. Mr. Chairman, I just wanted to say, which I think is very obvious, my other colleague from New York pointed out, $3 billion into the local economy. Let me just say as a resident and representing New Jersey, I know that a significant amount of that money also comes to our State. I am sure it goes to Connecticut. I am sure there are people that fly down to Miami or other places in Florida and spend their vacation.

The bottom line is that the U.N. is a good deal for the United States in terms of having its center located here in New York in this country. It makes no sense, by any rational sense of the imagination, why we would want it to move out. We still have to pay dues. We still have to do the other things to be part of the organization. Why not have it here where the people are spending all this money in our local economies and, as the gentleman said, not only in New York but in a lot of other States.

The CHAIRMAN pro tempore [Mr. DICKEY]. The time of the gentleman from New York [Mr. SERRANO] has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Florida [Mr. STEARNS] will be postponed.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that the Stearns amendment just considered be made part of title XVII rather than title XV as originally noted.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there further amendments to title XV?

AMENDMENT OFFERED BY MR. SNOWBARGER

Mr. SNOWBARGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SNOWBARGER:

After chapter 2 of title XV (relating to international organizations; United Nations and related agencies) insert the following new chapter:

CHAPTER 3—UNITED NATIONS ACCOUNTABILITY ACT OF 1997

SEC. 1531. SHORT TITLE.

This chapter may be cited as the "United Nations Accountability Act of 1997".

SEC. 1532. PROHIBITION OF PAYMENT OF ARREARAGES TO UNITED NATIONS.

Until a certification by the President of reforms in the United Nations under section 1533 is transmitted to the Congress and the certification is approved by the Congress through enactment of a joint resolution and, notwithstanding any other provision of law, funds appropriated or otherwise made available for any fiscal year under "Contributions to International Organizations", "Contributions for International Peacekeeping", or any other account shall not be available for the payment of any assessed contribution of the United States for prior years to the United Nations.

SEC. 1533. CERTIFICATION BY THE PRESIDENT OF UNITED NATIONS REFORMS.

The certification referred to in section 1532 is a certification (with supporting documentation) by the President to the Congress that the United Nations has implemented all of the following reforms:

(1) ASSESSED PAYMENT REFORMULATION.—

(A) The assessed payment of the United States to the United Nations for each year has been lowered to 20 percent of the budget of the United Nations, or

(B) The United Nations has reformulated each member state's assessed level to reflect each state's share of the total world gross national product.

(2) CODE OF CONDUCT.—The United Nations has implemented a code of conduct for all employees of the United Nations. The code of conduct shall specify that no United Nations official, including the Secretary General, shall be permitted to engage in business activities outside the United Nations, or provide any relative with access to United Nations procurement contracts, or take bribes, directly or indirectly, from individuals or corporations doing business with the United Nations or from United Nations member states or their representatives.

(3) INSPECTOR GENERAL OF THE UNITED NATIONS.—The office of Inspector General of the United Nations has been strengthened as follows:

(A) The United Nations has a truly independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations. The office shall be financed under a separate line item in the budget of the United Nations and shall function independently of the Secretary General.

(B) The United Nations has an inspector general who is selected and elected by the General Assembly for a term of 3 years and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. The inspector general may be removed only for cause by the Secretary General with the approval of the General Assembly.

(C) The inspector general is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the United Nations;

(ii) have access to all relevant records, documents, and other available materials relating to those programs and operations; and

(iii) have direct and prompt access to any official of the United Nations.

(D) The United Nations has fully implemented, and made available to all member states, procedures designed to protect the identity of, and prevent reprisals against, any employee of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general.

(E) The United Nations has fully implemented procedures designed to ensure compliance with recommendations of the inspector general.

(F) The United Nations has required the inspector general to issue an annual report and has ensured that the annual report and all other relevant reports of the inspector general are made available to the member governments of the United Nations General Assembly without modification.

(G) The United Nations is committed to providing sufficient budgetary resources to ensure the effective operation of the office of the inspector general.

(4) EMPLOYEE PROTECTION.—The existing United Nations grievance system has been thoroughly reformed to permit United Nations employees to hire outside counsel for taking their grievances up the United Nations grievance ladder to the top United Nations grievance appeals level. It should also be made amply clear for civil lawyers and judges in each member state that United Nations officials' immunity from civil process applies only to actions performed in the strict fulfillment of United Nations official duties and never to abuses in violation of an

extensive United Nations code of conduct, United Nations employees having the right and option in such cases any time to exit the United Nations grievance process and sue in a civil court.

(5) PROCUREMENT REFORMS.—

(A) The United Nations has implemented a system requiring at least 30 days prior notification for the submission of all qualified bid proposals on all United Nations procurement opportunities of more than $100,000 and a public announcement of the award of any contract of more than $100,000 (except in justified and documented emergencies).

(b) To the extent practicable, notifications and announcements under subparagraph (A) are made in the Commerce Business Daily.

(C) The procurement regulations of the United Nations prohibit punitive actions such as the suspension of contract eligibility for contractors who challenge contract awards or complain about delayed payments.

(6) WHISTLEBLOWER PROTECTION.—The United Nations has implemented whistleblower protection for employees of the United Nations that—

(A) protects employees who allege or report instances of fraud or mismanagement, and

(B) the independent Office of the Inspector General has reviewed the policies and regulations under subparagraph(A) and determined, in writing that they offer adequate safeguards against retaliation for such employees, and that the United Nations employee grievance system outlined in paragraph (4)(C)(ii) has been reformed and the reforms implemented.

(7) NO GROWTH BUDGET.—The United Nations has adopted a calendar year 2000-2001 biennial budget that requires no nominal growth, in dollars, in expenditures.

(8) DOWNSIZING.—The United Nations has continued to downsize the number of authorized employment positions, including a reduction of not less than 10 percent in the number of full-time permanent authorized employment positions from the number of such positions authorized on January 1, 1997. Acceptable downsizing may not include early detachment from United Nations service with full pay until retirement age is reached, nor may it include the hiring of consultants to replace employees detached early with full pay or those replaced by temporary employees on short-term contracts.

(9) SALARIES.—The United Nations has imposed a freeze on salaries of employees of the United Nations which allows only for annual increases not greater than any annual increase in the United States consumer price index.

(10) REPRESENTATION ON ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGET QUESTIONS.—The 8 member states which are the highest contributors to the budget of the United Nations shall be permanent members of the Advisory Committee on Administrative and Budget Questions.

(11) ACCESS TO DOCUMENTS.—Require access by any member state of the United Nations Budget Committee (also known as the Fifth Committee) to any document concerning any United Nations program that involves expenditures.

(12) ANNUAL REAUTHORIZATION OF PEACEKEEPING MISSIONS.—The United Nations requires an annual review and reauthorization of any peace-keeping missions by the United Nations Security Council.

(13) REIMBURSEMENT FOR UNITED STATES DEPARTMENT OF DEFENSE PEACEKEEPING EXPENDITURES.—The United Nations and the United States have entered into an agreement that calls for United Nations reimbursement for any future voluntary contributors by the United States Department of Defense, whether they be financial, logistical, or material.

(14) UNITED STATES ARREARAGES.—The United Nations and the United States have mutually determined an amount that will satisfy any and all arrearages of the United States in assessed contributions for prior years.

(15) NOMINATIONS TO SECURITY COUNCIL.—All member states of the United States belong to a regional group that allows each member state to be nominated to the Security Council.

(16) UNITED NATIONS TAXES.—The United Nations has abandoned any effort to establish an international tax or any other international fee or assessment imposed by the United Nations (other than the assessed contributions of member states of the United Nations and associated organs).

(17) NONINTERFERENCE WITH RELIGIOUS BELIEF, CULTURE, OR TRADITION.—Neither the United Nations nor any affiliated agency or entity is engaged in any program or activity that threatens to interfere with the religion, moral values, culture, or traditions of any person or group, except insofar as is strictly necessary for the protection of fundamental and internationally recognized human rights.

Mr. SNOWBARGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SNOWBARGER. Mr. Chairman, it is very clear this evening that after the two amendments that have been offered, one by the gentleman from Florida [Mr. STEARNS] and one by the gentleman from Texas [Mr. PAUL], that we are not going to take the U.S. out of the U.N. and we will have the vote tomorrow but it is probably unlikely that we are taking the U.N. out of the U.S. With that in mind, I think we ought to look to a concern that Americans do have about the United Nations and look toward reform.

I heard a number of my colleagues on both sides of the aisle as we have gone through the debate today talk about the various reforms that are needed in the U.N. My amendment would require that Congress and the President agree that the United Nations has actually implemented certain reforms, that we would require. Those reforms pursuant to my amendment would be a lowering of the U.S. dues assessment from 25 to 20 percent or in the alternative to set assessments for each country's dues to reflect each country's share of the aggregate GDP.

It would also require that a code of conduct for U.N. employees be implemented which would prevent conflicts of interest, bribes, giving access to friends and relatives to information in the U.N. It would also strengthen the U.N. inspector general's office giving him the power to investigate and oversee all aspects of the United Nations and making him independent of the Secretary General. The inspector general would be elected by the assembly as opposed to appointed by the Secretary General.

Also, we would propose that a grievance system be reformed to allow employees of the United Nations to hire outside counsel to assist them in and even allow them to sue in civil court for grievances against the United Nations. We would also ask that procurement reforms be implemented so that prior notification would be presented to the public on any procurements over $100,000 and also prohibiting punitive actions against contractors who challenge those contract awards. We would provide protection to whistle blowers who report fraud or mismanagement, we would require that no growth occur in the next biennial U.N. budget.

We would request that the U.N. reduce its employee force by 10 percent from the 1997 levels. We would also impose a salary freeze which would allow only for cost-of-living increases. We would propose that the eight top contributors to the United Nations be permanent members of the U.N. Committee on the Budget. Due to the administration's incompetence last year, the United States is not currently on that committee this year. We would also require member states to have access to all documents relating to expenditures. It seems incredible to me, but the U.N. currently does not allow its own members to have access to internal documents.

The U.N. would also be required to annually reauthorize all peacekeeping missions so we have an opportunity to review all of those missions. I understand in the last few years that they have gone to a 6-month or 1-year review. We think that ought to occur for all peacekeeping missions.

We would also in the amendment provide for a credit to the Department of Defense for contributions to peacekeeping missions against the U.S. assessment. The U.N. and the United States would have to come to an agreement that any payment that we would make under that agreement would completely satisfy any arrearage. The U.N. would have to abandon any efforts to impose an international tax or any other new international fee. All member states would belong to a regional group that would allow them to be on the Security Council and to nominate Security Council members. And also the U.N. would not engage in activity that would interfere with people's religion, culture, traditions, other than the interference needed to protect fundamental human rights.

The final provision of the bill would require that the President certify to Congress that these efforts have been made to reform the United Nations. Once the President has made that certification within 30 legislative days, the President's certification, there would be a vote of Congress that would approve or deny that.

Mr. Chairman, I have tried to combine the efforts of an awful lot of people in putting this amendment together.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SNOWBARGER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I want to commend the gentleman from Kansas [Mr. SNOWBARGER] for this thoughtful and very thorough amendment concerning reform of the U.N. I appreciate all the hard work that went into this effort, intensive work. We have drawn heavily from the contents of the Snowbarger amendment for a bill that I intend to offer in the near future with the support of our leadership. My bill, however, creates even more stringent conditions the U.N. must meet before we pay our arrears in full. I believe that, when it is introduced, the gentleman will agree that it fully meets all of his concerns as expressed in his very thoughtful amendment.

I would, therefore, request the gentleman to withdraw his measure today and await consideration of the bill that will be introduced very soon as a freestanding measure on U.N. reform.

The CHAIRMAN pro tempore. The time of the gentleman from Kansas [Mr. SNOWBARGER] has expired.

(By unanimous consent, Mr. SNOWBARGER was allowed to proceed for 1 additional minute.)

Mr. SNOWBARGER. Mr. Chairman, the Clinton administration and U.N. allies say that the American taxpayer ought to pay arrearages now and wait for reform later because the dues are legal obligations of our government. The obligations go both ways. Part of the bargain of the United Nations is that the United Nations should be efficient, responsible and accountable. As anyone who has dealt with a nonperforming contractor knows, withholding of payment is often the only way to get him to respond to your concerns.

To the chairman of the committee, although I am very reluctant to withdraw the amendment, I do understand that there has been quite a bit of work going on behind the scenes in trying to draft another bill. With the assurances from the chairman that that bill is in progress, I look forward to working with the chairman. I will withdraw my amendment.

Mr. GILMAN. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman. We have a leadership task force at work right now trying to define the conditions to define the correct amount that is due and trying to develop a formula for payment.

Mr. SNOWBARGER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Are there further amendments to title XV?

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:

At the end of title XV insert the following new section:

SEC. 1525. PROHIBITION ON FUNDING FOR UNESCO WORLD HERITAGE AND MAN AND BIOSPHERE PROGRAMS.

None of the funds authorized to be appropriated by this Act may be made available to the Man and Biosphere (MAB) Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. COBURN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Chairman, this is simply an amendment to clarify what our process is.

The World Heritage and Man and Biosphere program has never been authorized by this Congress. It has never been presented to any committee of this Congress. A quarter of a million dollars this last year was spend in the State Department's budget for this program. This amendment simply states that until this is authorized by a committee of Congress, that no moneys in this authorization will be spent for this.

I will not go into any detail. I plan on reserving my time, but it is my understanding that the chairman has accepted this amendment and that the minority will not object to it. Therefore, I would ask the chairman of the committee if that is his intention.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, we do not have any objections to accepting this amendment and would be pleased to accept the gentleman's amendment.

Mr. COBURN. Mr. Chairman, I wonder if the gentleman from California might confirm for the minority if that is their intention as well.

Mr. CAPPS. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from California.

Mr. CAPPS. Mr. Chairman, I would like to note for the record that the administration opposes this amendment. We as a body will not object.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that, when the Committee has under consideration the Smith amendment, relative to restrictions to population activities, that debate on that amendment and all amendments thereto be limited to one hour and 20 minutes divided and controlled as follows:

Twenty minutes to the gentleman from New Jersey [Mr. SMITH] or his designee; 20 minutes to the gentleman from California [Mr. CAMPBELL] or his designee; 20 minutes to the gentleman from Indiana [Mr. HAMILTON] or his designee; and 20 minutes to the gentleman from Michigan [Mr. BARCIA] or his designee.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title XV?

The Clerk will designate title XVI.

The text of title XVI is as follows:

TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1601. COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES.

Section 39 of the Arms Control and Disarmament Act (22 U.S.C. 2579) is repealed.

SEC. 1602. USE OF FUNDS.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by striking "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" and inserting "any other act".

The CHAIRMAN pro tempore. Are there any amendments to title XVI?

The Clerk will designate title XVII.

The text of title XVII is as follows:

TITLE XVII—FOREIGN POLICY PROVISIONS

SEC. 1701. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—No funds authorized to be appropriated by this division shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967.

(b) MIGRATION AND REFUGEE ASSISTANCE.—No funds authorized to be appropriated by section 1104 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) In General.—The United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

(b) Definitions.—

(1) In general.—Except as otherwise provided, terms used in this section have the meanings given such terms under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States resolution of advice and consent to ratification to such convention.

(2) Involuntary return.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

SEC. 1703. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.

(a) In General.—Within 60 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Commerce, shall report to the appropriate congressional committees on specific actions taken by the Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) Termination.—Subsection (a) shall cease to have effect when the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

SEC. 1704. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of resources and oversight dedicated to such policies;".

SEC. 1705. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

Section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091) is amended by adding at the end the following:

"(e) Reports to Congress.—The Secretary of State shall, not later than 30 days after the date of the enactment of this subsection and every 3 months thereafter, submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this section. Each report shall include—

"(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to this section;

"(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to this section;

"(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to this section;

"(4) an explanation of the status of the review under way for the cases referred to in paragraph (1); and

"(5) an unclassified explanation of each determination of the Secretary of State under subsection (a) and each finding of the Secretary under subsection (c)—

"(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

"(B) in the preceding 3-month period, in the case of each subsequent report.".

SEC. 1706. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

(a) Annual Report Concerning Diplomatic Immunity.—

(1) Report to congress.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

(2) Content of report.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which the appropriate authorities of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States.

(C) Each case in which the United States has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(3) Serious criminal offense defined.—The term "serious criminal offense" means—

(A) any felony under Federal, State, or local law;

(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

(D) driving under the influence of alcohol or drugs or driving while intoxicated if the case involves personal injury to another individual.

(b) United States Policy Concerning Reform of Diplomatic Immunity.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

SEC. 1707. CONGRESSIONAL STATEMENT WITH RESPECT TO EFFICIENCY IN THE CONDUCT OF FOREIGN POLICY.

It is the sense of the Congress that the Secretary, after consultation with the appropriate congressional committees, should submit a plan to the Congress to consolidate some or all of the functions currently performed by the Department of State, the agency for International Development, and the Arms Control and Disarmament Agency, in order to increase efficiency and accountability in the conduct of the foreign policy of the United States.

SEC. 1708. CONGRESSIONAL STATEMENT CONCERNING RADIO FREE EUROPE/RADIO LIBERTY.

It is the sense of the Congress that Radio Free Europe/Radio Liberty should continue surrogate broadcasting beyond the year 2000 to countries whose people do not yet fully enjoy freedom of expression. Recent events in Serbia, Belarus, and Slovakia, among other nations, demonstrate that even after the end of communist rule in such nations, tyranny under other names still threatens the freedom of their peoples, and hence the stability of Europe and the national security interest of the United States. The Broadcasting Board of Governors should therefore continue to allocate sufficient funds to Radio Free Europe/Radio Liberty to continue broadcasting at current levels to target countries and to increase these levels in response to renewed threats to freedom.

SEC. 1709. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.

(a) Withholding of United States Proportional Share of Assistance.—

(1) In general.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(A) by striking "The limitations" and inserting "(1) Subject to paragraph (2), the limitations"; and

(B) by adding at the end the following:

"(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

"(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

"(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

"(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

"(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(III) incorporates internationally accepted nuclear safety standards.".

(2) Effective Date.—The amendments made by paragraph (1) shall take effect on October 1, 1997, or the date of the enactment of this Act, whichever occurs later.

(b) Opposition to Certain Programs or Projects.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) Reporting Requirements.—

(1) Request for IAEA Reports.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) Annual Reports to the Congress.—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).

SEC. 1710. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) Limitation.—Of the amounts authorized to be appropriated by section 1101(4) for "Acquisition and Maintenance of Buildings Abroad" $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 is authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) Limitation on Use of Funds for Consulate in Jerusalem.—None of the funds authorized to be appropriated by this division may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) Limitation on Use of Funds for Publications.—None of the funds authorized to be appropriated by this division may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) Record of Place of Birth.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, upon request, the Secretary of State shall permit the place of birth to be recorded as Jerusalem, Israel.

SEC. 1711. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.

Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the fiscal years 1998 and 1999, the Secretary shall provide to the appropriate congressional committees a report on the compliance with the provisions of The Hague Convention on the Civil Aspects of International Child Abduction by the signatories to such convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of such convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of the Congress that the United States—

(1) should recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) should encourage the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law; and

(3) should use its good offices to encourage the reopening of the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

SEC. 1713. RETURN OF HONG KONG TO PEOPLE'S REPUBLIC OF CHINA.

It is the sense of the Congress that—

(1) the return of Hong Kong to the People's Republic of China should be carried out in a peaceful manner, with respect for the rule of law and respect for human rights, freedom of speech, freedom of the press, freedom of association, freedom of movement; and

(2) these basic freedoms are not incompatible with the rich culture and history of the People's Republic of China.

SEC. 1714. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.

(a) Findings.—The Congress finds the following:

(1) The United States stands as a beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Republic of Serbia completed municipal elections on November 17, 1996.

(5) In 14 of Serbia's 18 largest cities, and in a total of 42 major municipalities, candidates representing parties in opposition to the Socialist Party of President Milosevic and the Yugoslav United Left Party of his wife Mirjana Markovic won a majority of the votes cast.

(6) Socialist Party-controlled election commissions and government authorities thwarted the people's will by annulling free elections in the cities of Belgrade, Nis, Smederevska Palanka, and several other cities where opposition party candidates won fair elections.

(7) Countries belonging to the Organization for Security and Cooperation in Europe (OSCE) on January 3, 1997, called upon President Milosevic and all the political forces in the Republic of Serbia to honor the people's will and honor the election results.

(8) Hundreds of thousands of Serbs marched in the streets of Belgrade on a daily basis from November 20, 1996, through February 1997, demanding the implementation of the election results and greater democracy in the country.

(9) The partial reinstatement of opposition party victories in January 1997 and the subsequent enactment by the Serbian legislature of a special law implementing the results of all the 1996 municipal elections does not atone for the Milosevic regime's trampling of rule of law, orderly succession of power, and freedom of speech and of assembly.

(10) The Serbian authorities have sought to continue to hinder the growth of a free and independent news media in the Republic of Serbia, in particular the broadcast news media, and harassed journalists performing their professional duties.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) the United States, the Organization for Security and Cooperation in Europe (OSCE), and the international community should continue to press the Government of the Republic of Serbia to ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997, and to fully abide by their outcome;

(2) the United States, the OSCE, the international community, nongovernmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(3) the normalization of relations between the Federal Republic of Yugoslavia and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997;

(B) abide by the outcome of such elections; and

(C) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law.

SEC. 1715. RELATIONS WITH VIETNAM.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the development of a cooperative bilateral relationship between the United States and the Socialist Republic of Vietnam should facilitate maximum progress toward resolving outstanding POW/MIA issues, promote the protection of human rights including universally recognized religious, political, and other freedoms, contribute to regional stability, and encourage continued development of mutually beneficial economic relations;

(2) the satisfactory resolution of United States concerns with respect to outstanding POW/MIA, human rights, and refugee issues is essential to the full normalization of relations between the United States and Vietnam;

(3) the United States should upgrade the priority afforded to the ongoing bilateral human rights dialog between the United States and Vietnam by requiring the Department of State to schedule the next dialog with Vietnam, and all subsequent dialogs, at a level no lower than that of Assistant Secretary of State;

(4) during any future negotiations regarding the provision of Overseas Private Investment Corporation insurance to American companies investing in Vietnam and the granting of Generalized System of Preference status for Vietnam, the United States Government should strictly hold the Government of Vietnam to internationally recognized worker rights standards, including the right of association, the right to organize and bargain collectively, and the prohibition on the use of any forced or compulsory labor; and

(5) the Department of State should consult with other governments to develop a coordinated multilateral strategy to encourage Vietnam to invite the United Nations Special Rapporteur on Religious Intolerance to visit Vietnam to carry out inquiries and make recommendations.

(b) REPORT TO CONGRESS.—In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary shall report to the appropriate congressional committees, not later than 90 days after the enactment of this Act and every 180 days thereafter during fiscal years 1998 and 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved POW/MIA cases and the recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including but not limited to Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including, but not limited to, unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including, but not limited to, sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 1716. STATEMENT CONCERNING RETURN OF OR COMPENSATION FOR WRONGLY CONFISCATED FOREIGN PROPERTIES.

The Congress—

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners or, as an alternative, pay compensation, in accordance with principles of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on the Czech Republic, Latvia, Lithuania, Romania, Slovakia, and any other country with restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, and the states having legal authority over their operation, that possess wrongfully and illegally obtained property confiscated from Holocaust victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

(6) urges post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

The CHAIRMAN pro tempore. Are there any amendments to title XVII?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

In Title 17, add the following new section (and conform the table of contents accordingly):

SEC. . REPORT ON BORDER CLOSURES OR ECONOMIC OR COMMERCIAL BLOCKADES AFFECTING THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act the President shall prepare and transmit to the Congress a report on any border closure or use of an economic or commercial blockade by or against any independent state of the former Soviet Union against any other country.

(2) CONTENTS OF REPORT.—Such report shall contain a description of the extent to extent to which such a closure or blockade restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance, and whether such closure or blockade is considered to restrict, directly or indirectly, the transport or delivery of such assistance for purpose of section 6201 of the Foreign Assistance Act of 1961 (22 U.S.C. 2379).

(b) DEFINITION.—The term "independent states of the former Soviet Union" has the meaning given such term in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I think this amendment should be noncontroversial. It would require the President to report to Congress about any border closures or the use of an economic or commercial blockade by or against any of the new independent states against any other country.

The report would be due within 60 days of enactment of the bill. The amendment stipulates that the report shall describe the extent to which such border closures or economic or commercial blockades impede or restrict directly or indirectly the delivery of U.S. humanitarian aid and whether the closure would be considered to be in violation of Humanitarian Aid Corridors Act. As we know, Mr. Chairman, the corridors law calls for the cutoff of U.S. assistance to countries that impede the delivery of U.S. humanitarian assistance to third countries.

The report would allow Congress and the State Department to have a clear mutual understanding of where violations or potential violations occur.

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As a result of ethnic separatist conflicts in the territory of the former Soviet Union, especially in the Caucasus, various states have at times imposed border closures or blockades on neighboring states. These blockades or border closures hamper or make impossible the delivery of humanitarian assistance.

Among these blockades or embargoes are: Azerbaijan's blockade on Armenia and Nagorno-Karabagh, and Armenia's blockade of Nakhichevan, an Azerbaijani enclave separated from the rest of Azerbaijan by Armenian territory, and Russia's occasional blockading of Azerbaijan, claiming that Azerbaijan was helping Chechnya.

I would ask Members to support this. Again, I know there is good strong support for this on the other side. This would give us a clear picture again of what is truly going on and whether or not the Humanitarian Aid Corridors Act is being violated.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title XVII?

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALLONE:

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS REGARDING THE NAGORNO-KARABAGH CONFLICT.

(a) SENSE OF CONGRESS—It is the sense of Congress that

(1) the United States should take a greater leadership role in working for a negotiated settlement of the Nagorno-Karabagh conflict; and

(2) the Secretary of State should consider the participation of the United States as a co-chair of the OSCE's Minsk Group a priority of the Department of State; and

(3) the United States reaffirms its neutrality in the conflict.

(b) CONGRESSIONAL STATEMENT—The congress urges the President and the Secretary of State to encourage direct talks between the parties to the Nagorno-Karabagh conflict.

Mr. PALLONE. Mr. Chairman, I am submitting this amendment on behalf of myself and my colleague, the gentleman from Michigan [Mr. KNOLLENBERG]. The provision reaffirms the current U.S. Government position of neutrality in working for a negotiated settlement to the conflict over Nagorno-Karabagh.

The U.S., as was mentioned in the amendment, is a cochair of the Organization for Security and Cooperation in Europe's Minsk Group, which is charged with negotiating a political solution to the Nagorno-Karabagh conflict. The amendment would also encourage direct talks between the parties to the conflict, Armenia, Nagorno-Karabagh and Azerbaijan.

As was mentioned when the amendment was read, part of the amendment is basically asking the U.S. to take a greater leadership role in working for a negotiated settlement of the conflict and, in particular, that the U.S.'s activities as cochair of the Minsk Group be a priority of the Department of State.

The U.S. has identified a resolution of the Nagorno-Karabagh conflict as a vital interest and we have actually appointed a U.S. special negotiator for this purpose. Although a cease-fire has mostly held for about 3 years in the area, the OSCE-brokered negotiations intended to produce a political settlement are deadlocked. Congress can help to jump-start the negotiating process by going on record in support of a negotiated settlement and reaffirming U.S. neutrality.

Mr. Chairman, I do not want to get into a lengthy historical discussion, but I did want to mention that the collapse of the Soviet Union allowed the formerly captive nations to have a rebirth of freedom. Unfortunately, the end of the Soviet Union also exposed problems created by the way borders were drawn during the Stalin era, setting the stage for subsequent ethnic conflicts.

In the case of Karabagh, historically populated by Armenians, as it still is today, but assigned to Azerbaijan, this is really a striking example of some of the problems that resulted from the lines that were drawn during the Stalinist era. While it is ultimately up to the parties directly involved to agree to a negotiated settlement, the power and the prestige of the United States counts for a great deal, and I believe that people listen to us and our influence can be of great help in moving forward on the peace process.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in support of the Pallone amendment and urge my colleagues to join the gentleman from New Jersey [Mr. PALLONE] in supporting his amendment. This amendment will finally, we believe, bring peace and stability to this war torn region of the former Soviet Union.

The amendment that we are offering this evening would urge the President and the Secretary of State to take a greater leadership role in efforts to gain a negotiated settlement of the Nagorno-Karabagh conflict.

Armenia and Azerbaijan have spent the last decade entangled in conflict over the tiny enclave of Nagorno-Karabagh. This never-ending conflict has caused tremendous hardship and suffering, and despite continuing efforts by the OSCE's Minsk Group, resolution is still a long way off.

Like it or not, the U.S. is now cochair of the Minsk Group. And as the world's greatest power we must recognized our role as an important positive part of efforts to reach a negotiated settlement that would end the bloodshed.

As the State Department recently said, the U.S. must act as "an unbiased mediator in this conflict and support a solution that is mutually acceptable to all parties." We must do so because only an agreed, not an imposed solution will be stable and will endure.

President Clinton also vowed that the U.S.'s consistent position of neutrality in the Nagorno-Karabagh conflict has not changed and will not change.

Lives are here on the line, Mr. Chairman, and we must continue to play an important supporting role in efforts to end this disastrous conflict once and for all.

I know there are a lot of people out there that may want to address other issues, like territorial integrity and the unfettered delivery of U.S. aid to the region. However, this is neither the time nor the place to debate these issues. Indeed, the Minsk Group is the only place to do it, and only with unbiased U.S. leadership can the Minsk Group become a productive forum for resolving such disputes.

Here is the bottom line. This amendment expresses Congress' desire to see the United States be an unbiased leader in resolving the Nagorno-Karabagh conflict, nothing more, nothing less. This is not a new position. The President has pledged neutrality and the State Department has pledged neutrality. It is time for Congress to follow suit.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I want to thank the gentleman and I want to say while there may be personal differences of opinion on how to deal with this conflict, I want to support this amendment with the understanding of this colloquy.

It is my understanding that this amendment is designed to encourage the United States to become more actively involved in settling the Nagorno-Karabagh conflict and that nothing in the amendment is intended to change U.S. policy in this matter. I would ask the gentleman if that is correct.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I appreciate the gentleman's question, and tell him that that is correct. I do not believe that this amendment changes current U.S. policy in any way. In fact, what it does, it reaffirms a consistent U.S. policy as stated by both the President and the State Department. So that is a yes.

Mr. EDWARDS. Mr. Chairman, if the gentleman will continue to yield, with that understanding, I look forward to supporting the gentleman's amendment.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I appreciate the gentleman's support and I appreciate the gentleman from New Jersey's work on this.

Mr. CAPPS. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman, I also want to talk in support of the amendment. I believe the amendment states exactly what U.S. policy should be toward the conflict in Nagorno-Karabagh.

In my judgment, the United States should exert a leadership role in its new co-chairmanship of the Minsk Group talks to help try to bring the conflict between Armenia and Azerbaijan to an end. This is precisely what the Pallone-Knollenberg amendment advocates.

I commend the gentleman from New Jersey and the gentleman from Michigan and the gentleman from Texas and urge the adoption of the amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Michigan [Mr. KNOLLENBERG].

For years, Armenia and Azerbaijan have engaged in a tragic conflict over the status of the Nagorno-Karabagh region. While a cease-fire has been in place since 1994, there are still thousands of refugees and civilians who are desperately in need of our help.

I was disappointed that the committee rejected an amendment to the original foreign aid bill that would have encouraged U.S. humanitarian assistance to the Nagorno-Karabagh area. This amendment would have provided much needed assistance to the refugees and any civilians living in the area.

The Pallone-Knollenberg amendment does not address the issue of U.S. aid nor does it take sides in the conflict between Armenia or Azerbaijan. Instead, the amendment simply expresses the sense of the Congress that the United States Government should take a leadership role in bringing a resolution to the conflict.

The amendment also reaffirms the current neutral stance of the United States and encourages direct negotiations between the parties to the conflict. I support this amendment because there can be no better way to assist the war torn victims of this longstanding conflict than to help bring about a lasting peace in the region.

There is nothing wrong with the U.S. remaining neutral. It is wrong for us to stand on the sidelines doing nothing to bring about a permanent resolution to this war. The Clinton administration has taken the initiative in similar conflicts around the world, and there is no good reason why we should not do the same in Nagorno-Karabagh.

Mr. Chairman, the people of this region are in need of our help. The best thing that we can do for them right now is to vote for the Pallone-Knollenberg amendment. I strongly urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will just take a minute or two to express my support for this resolution before the House.

I am a very strong supporter of Armenia, and I share the concern of the author of the amendment that Armenia and its neighbor, Azerbaijan, live in peace and harmony with each other. I would like to ask one question, if I could, of the sponser of the amendment, my good friend from New Jersey, Mr. PALLONE.

Just so it is very clear, and I think one of the previous speakers said this, so there is no ambiguity about it, is it the gentleman's intent to change the current U.S. position in support of the territorial integrity of Azerbaijan through this amendment?

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I want to stress that the resolution states the U.S. reaffirms its neutrality in the conflict. What we have purposely done here is to craft language that would avoid the underlying issue of territorial integrity versus self-determination or some of the other principles that are now being discussed in the context of the negotiations.

So we purposely have not used any of those principles in crafting the language.

Mr. SMITH of New Jersey. Mr. Chairman, I think that is helpful, especially as the sensitive stage of negotiations is underway. So I do thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PALLONE].

The amendment was agreed to.

Mr. SMITH of New Jersey. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. NETHERCUTT] having assumed the chair, Mr. DICKEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

Mr. HOBSON submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002:

CONFERENCE REPORT (H. REPT. 105–116)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 84), establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1998 including the appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 as required by section 301 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1998.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation in the Senate.
Sec. 105. Reconciliation in the House of Representatives.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Discretionary spending limits.
Sec. 202. Allowance for the IMF.
Sec. 203. Allowance for section 8 housing assistance.
Sec. 204. Separate environmental allocation.
Sec. 205. Priority Federal land acquisitions and exchanges.
Sec. 206. Allowance for arrearages.
Sec. 207. Intercity passenger rail reserve fund for fiscal years 1998–2002.
Sec. 207A. Intercity passenger rail reserve fund in the Senate for fiscal years 1998–2002.
Sec. 208. Mass transit reserve fund in the Senate for fiscal years 1998–2002.
Sec. 209. Highway reserve fund in the Senate for fiscal years 1998–2002.
Sec. 210. Deficit—neutral reserve fund in the House for surface transportation.
Sec. 211. Sale of Government assets.
Sec. 212. Determinations of budgetary levels; reversals.
Sec. 213. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of the Congress

Sec. 301. Sense of the Congress on repayment of the Federal debt.
Sec. 302. Sense of the Congress on tax cuts.
Sec. 303. Sense of Congress that the 10-year revenue loss from the tax relief package shall not exceed $250,000,000,000.

Subtitle B—Sense of the House

Sec. 306. Sense of the House on Commission on Long-Term Budgetary Problems.
Sec. 307. Sense of the House on corporate welfare.
Sec. 308. Sense of the House on baselines.
Sec. 309. Sense of the House on family violence option clarifying amendment.

Subtitle C—Sense of the Senate

Sec. 311. Sense of the Senate on long term entitlement reforms, including accuracy in determining changes in the cost of living.
Sec. 312. Sense of the Senate on tactical fighter aircraft programs.
Sec. 313. Sense of the Senate regarding children's health coverage.
Sec. 314. Sense of the Senate on a medicaid per capita cap.
Sec. 315. Sense of the Senate that added savings go to deficit reduction.

Sec. 316. Sense of the Senate on fairness in medicare.
Sec. 317. Sense of the Senate regarding assistance to Lithuania and Latvia.
Sec. 318. Sense of the Senate regarding a National Commission on Higher Education.
Sec. 319. Sense of the Senate on lockbox.
Sec. 320. Sense of the Senate on the earned income credit.
Sec. 321. Sense of the Senate supporting long-term entitlement reforms.
Sec. 322. Sense of the Senate on disaster assistance funding.
Sec. 323. Sense of the Senate on enforcement of bipartisan budget agreement.
Sec. 324. Sense of the Senate regarding the National Institutes of Health.
Sec. 325. Sense of the Senate regarding certain elderly legal aliens.
Sec. 326. Sense of the Senate regarding retroactive taxes.
Sec. 327. Sense of the Senate on social security and balancing the budget.
Sec. 328. Sense of the Senate supporting sufficient funding for veterans programs and benefits.
Sec. 329. Sense of the Senate on family violence option clarifying amendment.
Sec. 330. Sense of the Senate regarding assistance to Amtrak.
Sec. 331. Sense of the Senate regarding the protection of children's health.
Sec. 332. Sense of the Senate on depositing all Federal gasoline taxes into the Highway Trust Fund.
Sec. 333. Sense of the Senate on early childhood education.
Sec. 334. Sense of the Senate concerning Highway Trust Fund.
Sec. 335. Sense of the Senate concerning tax incentives for the cost of post-secondary education.
Sec. 336. Sense of the Senate on additional tax cuts.
Sec. 337. Sense of the Senate regarding truth in budgeting and spectrum auctions.
Sec. 338. Sense of the Senate on highway demonstration projects.
Sec. 339. Sense of the Senate regarding the use of budget savings.
Sec. 340. Sense of the Senate regarding the value of the social security system for future retirees.
Sec. 341. Sense of the Senate on economic growth dividend protection.
Sec. 342. Sense of the Senate supporting Federal, State, and local law enforcement officers.
Sec. 343. Sense of Senate regarding parental involvement in prevention of drug use by children.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,199,000,000,000.
Fiscal year 1999: $1,241,900,000,000.
Fiscal year 2000: $1,285,600,000,000.
Fiscal year 2001: $1,343,600,000,000.
Fiscal year 2002: $1,407,600,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $ − 7,400,000,000.
Fiscal year 1999: $ − 11,100,000,000.
Fiscal year 2000: $ − 22,000,000,000.
Fiscal year 2001: $ − 22,800,000,000.
Fiscal year 2002: $ − 19,900,000,000.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1998: $113,500,000,000.
Fiscal year 1999: $119,100,000,000.
Fiscal year 2000: $125,100,000,000.
Fiscal year 2001: $130,700,000,000.
Fiscal year 2002: $136,800,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,386,700,000,000.
Fiscal year 1999: $1,440,100,000,000.
Fiscal year 2000: $1,486,400,000,000.
Fiscal year 2001: $1,520,200,000,000.
Fiscal year 2002: $1,551,600,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,372,000,000,000.
Fiscal year 1999: $1,424,100,000,000.
Fiscal year 2000: $1,468,800,000,000.
Fiscal year 2001: $1,500,700,000,000.
Fiscal year 2002: $1,515,900,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $ − 173,000,000,000.
Fiscal year 1999: $ − 182,200,000,000.
Fiscal year 2000: $ − 183,200,000,000.
Fiscal year 2001: $ − 157,100,000,000.
Fiscal year 2002: $ − 108,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,593,500,000,000.
Fiscal year 1999: $5,841,000,000,000.
Fiscal year 2000: $6,088,600,000,000.
Fiscal year 2001: $6,307,300,000,000.
Fiscal year 2002: $6,481,200,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $34,000,000,000.
Fiscal year 1999: $33,400,000,000.
Fiscal year 2000: $34,900,000,000.
Fiscal year 2001: $36,100,000,000.
Fiscal year 2002: $37,400,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,700,000,000.
Fiscal year 1999: $324,900,000,000.
Fiscal year 2000: $328,200,000,000.
Fiscal year 2001: $332,200,000,000.
Fiscal year 2002: $335,300,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $402,800,000,000.
Fiscal year 1999: $422,300,000,000.
Fiscal year 2000: $442,600,000,000.
Fiscal year 2001: $461,600,000,000.
Fiscal year 2002: $482,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $317,600,000,000.
Fiscal year 1999: $330,600,000,000.
Fiscal year 2000: $343,600,000,000.
Fiscal year 2001: $358,100,000,000.
Fiscal year 2002: $372,500,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $268,200,000,000.

(B) Outlays, $266,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $600,000,000.

Fiscal year 1999:

(A) New budget authority, $270,800,000,000.

(B) Outlays, $265,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $800,000,000.

Fiscal year 2000:

(A) New budget authority, $274,800,000,000.

(B) Outlays, $268,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 2001:

(A) New budget authority, $281,300,000,000.

(B) Outlays, $270,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 2002:

(A) New budget authority, $289,100,000,000.

(B) Outlays, $272,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,100,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,900,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $12,800,000,000.

Fiscal year 1999:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $13,100,000,000.

Fiscal year 2000:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,000,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $13,400,000,000.

Fiscal year 2001:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $14,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $13,800,000,000.

Fiscal year 2002:

(A) New budget authority, $16,400,000,000.

(B) Outlays, $14,800,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $14,200,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,200,000,000.

(B) Outlays, $16,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,200,000,000.

(B) Outlays, $16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $15,900,000,000.

(B) Outlays, $16,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,100,000,000.

(B) Outlays, $2,200,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $2,400,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,200,000,000.

(B) Outlays, $2,300,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,900,000,000.

(B) Outlays, $2,000,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,800,000,000.

(B) Outlays, $1,900,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,900,000,000.

(B) Outlays, $22,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,200,000,000.

(B) Outlays, $22,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $22,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $22,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $9,600,000,000.

(D) New primary loan guarantee commitments, $6,400,000,000.

Fiscal year 1999:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $11,300,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,400,000,000.

Fiscal year 2000:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $10,700,000,000.

(C) New direct loan obligations, $11,100,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

Fiscal year 2001:

(A) New budget authority, $11,000,000,000.

(B) Outlays, $9,500,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

Fiscal year 2002:

(A) New budget authority, $10,700,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $11,000,000,000.

(D) New primary loan guarantee commitments, $6,700,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,600,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $4,700,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,100,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $253,500,000,000.

Fiscal year 2000:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $9,800,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $258,000,000,000.

Fiscal year 2002:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $259,900,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,400,000,000.

(B) Outlays, $40,900,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,100,000,000.

(B) Outlays, $41,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,100,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,200,000,000.

(B) Outlays, $41,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,800,000,000.

(B) Outlays, $10,400,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1999:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $10,900,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 2000:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 2001:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 2002:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $8,400,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,000,000,000.

(B) Outlays, $56,100,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $20,700,000,000.

Fiscal year 1999:

(A) New budget authority, $60,500,000,000.

(B) Outlays, $59,300,000,000.

(C) New direct loan obligations, $13,100,000,000.

(D) New primary loan guarantee commitments, $21,900,000,000.

Fiscal year 2000:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,700,000,000.

(C) New direct loan obligations, $13,900,000,000.

(D) New primary loan guarantee commitments, $23,300,000,000.

Fiscal year 2001:

(A) New budget authority, $63,000,000,000.

(B) Outlays, $61,900,000,000.

(C) New direct loan obligations, $14,700,000,000.

(D) New primary loan guarantee commitments, $24,500,000,000.

Fiscal year 2002:

(A) New budget authority, $63,300,000,000.

(B) Outlays, $62,300,000,000.

(C) New direct loan obligations, $15,400,000,000.

(D) New primary loan guarantee commitments, $25,700,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,800,000,000.

(B) Outlays, $137,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $145,000,000,000.

(B) Outlays, $144,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $154,100,000,000.

(B) Outlays, $153,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $163,400,000,000.

(B) Outlays, $163,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $172,200,000,000.

(B) Outlays, $171,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,600,000,000.

(B) Outlays, $201,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $212,100,000,000.

(B) Outlays, $211,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $225,500,000,000.

(B) Outlays, $225,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,600,000,000.

(B) Outlays, $238,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $251,500,000,000.

(B) Outlays, $250,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $239,000,000,000.

(B) Outlays, $247,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $254,100,000,000.

(B) Outlays, $258,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 2000:

(A) New budget authority, $269,600,000,000.

(B) Outlays, $268,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 2001:

(A) New budget authority, $275,100,000,000.

(B) Outlays, $277,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 2002:

(A) New budget authority, $286,900,000,000.

(B) Outlays, $285,200,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,400,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,400,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,500,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $27,100,000,000.

Fiscal year 1999:

(A) New budget authority, $41,500,000,000.

(B) Outlays, $41,700,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $26,700,000,000.

Fiscal year 2000:

(A) New budget authority, $41,700,000,000.

(B) Outlays, $41,900,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $26,200,000,000.

Fiscal year 2001:

(A) New budget authority, $42,100,000,000.

(B) Outlays, $42,200,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 2002:

(A) New budget authority, $42,300,000,000.

(B) Outlays, $42,400,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $25,100,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,800,000,000.

(B) Outlays, $22,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,100,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $24,200,000,000.

(B) Outlays, $25,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $24,400,000,000.

(B) Outlays, $25,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $24,900,000,000.

(B) Outlays, $24,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,400,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $14,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,500,000,000.

(B) Outlays, $296,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,600,000,000.

(B) Outlays, $304,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $305,100,000,000.

(B) Outlays, $305,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $303,800,000,000.

(B) Outlays, $303,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,700,000,000.

(B) Outlays, $303,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,800,000,000.

(B) Outlays, −$41,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$36,900,000,000.

(B) Outlays, −$36,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,900,000,000.

(B) Outlays, −$36,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$39,200,000,000.

(B) Outlays, −$39,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$51,100,000,000.

(B) Outlays, −$51,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 104. RECONCILIATION IN THE SENATE.

(a) RECONCILIATION OF SPENDING REDUCTIONS.—Not later than June 13, 1997, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to increase outlays by not more than $300,000,000 in fiscal year 2002 and by not more than $1,500,000,000 for the period of fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that reduce the deficit $434,000,000 in fiscal year 2002 and $1,590,000,000 for the period of fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that reduce the deficit $14,849,000,000 in fiscal year 2002 and $26,496,000,000 for the period of fiscal years 1998 through 2002.

(4) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $6,000,000 in fiscal year 2002 and $13,000,000 for the period of fiscal years 1998 through 2002.

(5) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction—

(A) that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $40,911,000,000 in fiscal year 2002 and $100,646,000,000 for the period of fiscal years 1998 through 2002; and

(B) to increase the statutory limit on the public debt to not more than $5,950,000,000,000.

(6) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that reduce the deficit $1,769,000,000 in fiscal year 2002 and $5,467,000,000 for the period of fiscal years 1998 through 2002.

(7) COMMITTEE ON LABOR AND HUMAN RESOURCES.—The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $1,057,000,000 in fiscal year 2002 and $1,792,000,000 for the period of fiscal years 1998 through 2002.

(8) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $681,000,000 in fiscal year 2002 and $2,733,000,000 for the period of fiscal years 1998 through 2002.

(b) RECONCILIATION OF REVENUE REDUCTIONS.—Not later than June 20, 1997, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $20,500,000,000 in fiscal year 2002 and $85,000,000,000 for the period of fiscal years 1998 through 2002.

(c) TREATMENT OF CONGRESSIONAL PAY-AS-YOU-GO.—For purposes of section 202 of House Concurrent Resolution 67 (104th Congress), legislation which reduces revenues pursuant to a reconciliation instruction contained in subsection (b) shall be taken together with all other legislation passed pursuant to the reconciliation instructions contained in this resolution when determining the deficit effect of such legislation.

(d) CHILDREN'S HEALTH INITIATIVE.—

(1) DEFICIT NEUTRAL ADJUSTMENTS.—After the reporting of reconciliation legislation pursuant to subsection (a), or after the submission of a conference report thereon, and if the Committee on Finance reduces outlays by an amount greater than the outlay reduction that is required by subsection (a)(5)(A), the Chairman of the Committee on the Budget of the Senate, with the concurrence and agreement of the ranking minority member, may submit in writing appropriately revised (A) reconciliation instructions to the Committee on Finance to reduce the deficit, (B) allocations, (C) limits, and (D) aggregates.

(2) FLEXIBILITY ON ADJUSTMENTS.—The adjustments made pursuant to this subsection shall not exceed $2,300,000,000 in fiscal year 1998 and $16,000,000,000 for the period of fiscal years 1998 through 2002 and shall not cause an increase in the deficit levels in this resolution.

SEC. 105. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) PURPOSE.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reform and the second for tax relief.

(b) SUBMISSIONS.—

(1) ENTITLEMENT REFORMS.—Not later than June 13, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) TAX RELIEF AND MISCELLANEOUS REFORMS.—Not later than June 14, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) INSTRUCTIONS RELATING TO ENTITLEMENT REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $179,884,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$32,743,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $507,150,000,000 in outlays for fiscal year 2002, and $2,259,294,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $89,528,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $375,722,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $88,711,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $117,959,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,581,000,000 in outlays for fiscal year 1998, $506,522,000,000 in outlays for fiscal year 2002, and $2,257,912,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,172,136,000,000 in revenues for fiscal year 1998, $1,382,679,000,000 in revenues for fiscal year 2002, and $6,358,388,000,000 in revenues in fiscal years 1998 through 2002.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction to increase the statutory limit on the public debt to not more than $5,950,000,000,000.

(d) INSTRUCTIONS RELATING TO TAX RELIEF AND MISCELLANEOUS REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $179,884,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$32,743,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $507,150,000,000 in outlays for fiscal year 2002, and $2,259,294,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $89,528,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $375,722,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $88,711,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $117,959,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,581,000,000 in outlays for fiscal year 1998, $506,522,000,000 in outlays for fiscal year 2002, and $2,257,912,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,164,736,000,000 in revenues for fiscal year 1998, $1,362,179,000,000 in revenues for fiscal year 2002, and $6,273,388,000,000 in revenues in fiscal years 1998 through 2002.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction to increase the statutory limit on the public debt to not more than $5,950,000,000,000.

(e) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) CHILDREN'S HEALTH INITIATIVE.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) or 602(a) of the Congressional Budget Act of 1974, the term "discretionary spending limit" means—

(1) with respect to fiscal year 1998—

(A) for the defense category $269,000,000,000 in new budget authority and $266,823,000,000 in outlays; and

(B) for the nondefense category $257,857,000,000 in new budget authority and $286,445,000,000 in outlays;

(2) with respect to fiscal year 1999—

(A) for the defense category $271,500,000,000 in new budget authority and $266,518,000,000 in outlays; and

(B) for the nondefense category $261,499,000,000 in new budget authority and $292,803,000,000 in outlays;

(3) with respect to fiscal year 2000, for the discretionary category $537,193,000,000 in new budget authority and $564,265,000,000 in outlays;

(4) with respect to fiscal year 2001, for the discretionary category $542,032,000,000 in new budget authority and $564,396,000,000 in outlays; and

(5) with respect to fiscal year 2002, for the discretionary category $551,074,000,000 in new budget authority and $560,799,000,000 in outlays;

as adjusted for changes in concepts and definitions and emergency appropriations.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1998, 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 602(b) of the Congressional Budget Act of 1974) to be exceeded.

(2) EXCEPTION.—

(A) IN GENERAL.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(B) ENFORCEMENT OF DISCRETIONARY LIMITS IN FISCAL YEAR 1998.—Until the enactment of reconciliation legislation pursuant to subsections (a) and (b) of section 104 of this resolution—

(i) subparagraph (A) of paragraph (1) shall not apply; and

(ii) subparagraph (B) of paragraph (1) shall apply only with respect to fiscal year 1998.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 202. ALLOWANCE FOR THE IMF.

(a) ADJUSTMENTS.—In the Senate, for fiscal year 1998, 1999, 2000, 2001, or 2002, and in the House of Representatives, for fiscal year 1998 or 1999, after the reporting of an appropriations measure (or after the submission of a conference report thereon) that includes an appropriation with respect to paragraph (1) or (2), the chairman of the Committee on the Budget shall increase the appropriate allocations, budgetary aggregates, and, in the Senate only, discretionary limits, by the amount of budget authority in that measure that is the dollar equivalent, in terms of Special Drawing Rights, of—

(1) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); or

(2) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 17 of the Bretton Woods Agreement Act, as amended from time to time (New Arrangements to Borrow).

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations may report to its House appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 203. ALLOWANCE FOR SECTION 8 HOUSING ASSISTANCE.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—For fiscal year 1998, after the reporting of an appropriation measure (or after the submission of a conference report thereon) that includes an appropriation for the renewal of expiring contracts for tenant- and project-based housing assistance under section 8 of the United States Housing Act of 1937, the chairman of the Committee on the Budget may increase the appropriate allocations in this resolution by the amount provided in that appropriation measure for that purpose, but not to exceed $9,200,000,000 in budget authority and the appropriate amount of outlays.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations may report to its House appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 204. SEPARATE ENVIRONMENTAL ALLOCATION.

(a) COMMITTEE ALLOCATIONS.—After the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or after the submission of a conference report thereon) or in the Senate, after the Committee on Environment and Public Works reports a bill (or after the submission of a conference report thereon) to reform the Superfund program to facilitate the cleanup of hazardous waste sites that does not exceed—

(1) $200,000,000 in budget authority for fiscal year 1998,

(2) $200,000,000 in outlays for fiscal year 2002, and

(3) $1,000,000,000 in budget authority for the period of fiscal years 1998 through 2002,

the chairman of the Committee on the Budget of that House may increase the appropriate allocations of budget authority in this resolution by the amounts provided in that bill for that purpose and the outlays flowing in all years from such budget authority.

(b) PRIOR SURPLUS.—In the Senate, for the purposes of section 202 of House Concurrent Resolution 67 (104th Congress), legislation reported (or the submission of a conference report thereon) pursuant to subsection (a) shall be taken together with all other legislation passed pursuant to section 104 of this resolution.

SEC. 205. PRIORITY FEDERAL LAND ACQUISITIONS AND EXCHANGES.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—For fiscal year 1998, after the reporting of an appropriation measure (or after the submission of a conference report thereon) that provides $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, the Chairman of the Committee on the Budget of each House shall increase the appropriate allocations by that amount of budget authority and the outlays flowing from such budget authority to the Committee on Appropriations of that House.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations may report to its House appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 206. ALLOWANCE FOR ARREARAGES.

(a) ADJUSTMENT FOR DISCRETIONARY SPENDING.—(1) In the Senate, for the period of fiscal years 1998 through 2002, or in the House of Representatives, for the period of fiscal years 1998 and 1999, after the reporting of an appropriations measure (or after the submission of a conference report thereon) that includes an appropriation for arrearages for international organizations, international peacekeeping, and multilateral development banks during that fiscal year, the Chairman of the Committee on the Budget shall increase the appropriate allocations, aggregates, and, in the Senate only, discretionary spending limits, in this resolution by an amount provided for that purpose in that appropriation measure.

(2) In the Senate, the adjustments described in paragraph (1) for the period of fiscal years 1998 through 2002 may not exceed $1,884,000,000 in budget authority and the outlays flowing in all years from such budget authority.

(b) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations shall report to its House appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the adjustments made pursuant to subsection (a).

SEC. 207. INTERCITY PASSENGER RAIL RESERVE FUND FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—If legislation is enacted which generates revenue increases or direct spending reductions to finance an intercity passenger rail fund and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution. Necessary authorizing reforms and additional funding contained in this reserve fund for intercity passenger rail should both occur in this Session, and if such funds are appropriated before the enactment of such reforms, such appropriated funds shall not be made available until the enactment of such reforms.

(b) ESTABLISHING A RESERVE.—

(1) ADJUSTMENTS TO CAPTURE SAVINGS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct spending reductions.

(2) DETERMINATION OF MAXIMUM DISCRETIONARY ALLOWANCE.—Upon the submission of such revisions, the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (c).

(c) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—After either—

(A) the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that appropriates funds for the National Railroad Passenger Corporation and funds from the intercity passenger rail fund; or

(B) the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that appropriates funds from the intercity passenger rail fund (funds having previously been appropriated for the National Railroad Passenger Corporation for that same fiscal year), the Chairman of the Committee on the Budget may submit increased budget authority allocations, aggregates, and, in the Senate only, discretionary limits, for the amount appropriated for authorized expenditures from the intercity passenger rail fund and the outlays in all years flowing from such budget authority.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(d) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (b) shall not be made—

(A) with respect to direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under sections 302(a) and 602(a) of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (b)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (b)).

(2) BUDGET AUTHORITY.—The budget authority adjustments made pursuant to subsection (c) shall not exceed the amounts specified in subsection (b)(2) for a fiscal year.

SEC. 207A. INTERCITY PASSENGER RAIL RESERVE FUND IN THE SENATE FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—In the Senate, if legislation is enacted which generates revenue increases or direct spending reductions to finance an intercity passenger rail fund and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ESTABLISHING A RESERVE.—

(1) ADJUSTMENTS TO CAPTURE SAVINGS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget of the Senate may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct spending reductions.

(2) DETERMINATION OF MAXIMUM DISCRETIONARY ALLOWANCE.—Upon the submission of such revisions, the Chairman of the Committee on the Budget of the Senate shall also submit the amount of revenue increases or direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (c).

(c) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—After either—

(A) the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that appropriates funds for the National Railroad Passenger Corporation and funds from the intercity passenger rail fund; or

(B) the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that appropriates funds from the intercity passenger rail fund (funds having previously been appropriated for the National Railroad Passenger Corporation for that same fiscal year),

the Chairman of the Committee on the Budget of the Senate may submit increased budget authority allocations, aggregates, and discretionary limits, for the amount appropriated for authorized expenditures from the intercity passenger rail fund and the outlays in all years flowing from such budget authority.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations of the Senate may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(d) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (b) shall not be made—

(A) with respect to direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under sections 302(a) and 602(a) of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (b)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (b)).

(2) BUDGET AUTHORITY.—The budget authority adjustments made pursuant to subsection (c) shall not exceed the amounts specified in subsection (b)(2) for a fiscal year.

SEC. 208. MASS TRANSIT RESERVE FUND IN THE SENATE FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—In the Senate, if legislation generates revenue increases or direct spending reductions to finance mass transit and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ADJUSTMENT FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces non-mass transit direct spending or increases revenues for a fiscal year or years, the Chairman of the Committee on the Budget of the Senate may submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget of the Senate may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct nonhighway spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—After the submission of such revisions, the Chairman of the Committee on the Budget of the Senate shall also submit the amount of revenue increases or non-mass transit direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—After the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that makes available funds for mass transit, the Chairman of the Committee on the Budget of the Senate shall submit increased outlay allocations, aggregates, and discretionary limits for the amount of outlays flowing from the additional obligational authority provided in such bill.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations of the Senate may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(e) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (c) shall not be made—

(A) with respect to non-mass transit direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under sections 302(a) and 602(a) of the Budget Act in this resolution (not including the non-mass transit direct spending reductions envisioned in subsection (c)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (c)).

(2) OUTLAYS.—The outlay adjustments made pursuant to subsection (d) shall not exceed the amounts specified in subsection (c)(2) for a fiscal year.

SEC. 209. HIGHWAY RESERVE FUND IN THE SENATE FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—In the Senate, if legislation generates revenue increases or direct spending reductions to finance highways and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ADJUSTMENTS FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces nonhighway direct spending or increases revenues for a fiscal year or years, the Chairman of the Committee on the Budget of the Senate may submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget of the Senate may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or non-highway direct spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—Upon the submission of such revisions, the Chairman of the Committee on the Budget of the Senate shall also submit the amount of revenue increases or direct nonhighway spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—After the reporting of an appropriations measure, or after a conference committee submits a conference report thereon, that makes available funds for highways, the Chairman of the Committee on the Budget of the Senate shall submit increased outlay allocations, aggregates, and discretionary limits for the amount of outlays flowing from the additional obligational authority provided in such measure.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations of the Senate may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(e) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (c) shall not be made—

(A) with respect to nonhighway direct spending reductions, unless the committee that generates the direct spending reductions is within its allocations under section 302(a) and 602(a) of the Budget Act in this resolution (not including the nonhighway direct spending reductions envisioned in subsection (c)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (c)).

(2) OUTLAYS.—The outlay adjustments made pursuant to subsection (d) shall not exceed the amounts specified in subsection (c)(2) for a fiscal year.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND IN THE HOUSE FOR SURFACE TRANSPORTATION.

(a) PURPOSE.—In the House, the purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) DEFICIT NEUTRALITY REQUIREMENT.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure of the House that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation (for purposes of such offset) that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REVISED LEVELS.—(1) After the Committee on Transportation and Infrastructure of the House reports a bill (or after the submission of a conference report thereon) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget of the House shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and after the reporting of a general, supplemental, or continuing resolution making appropriations by the Committee on Appropriations of the House (or after the submission of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget of the House shall increase the allocation and aggregate levels of outlays to that committee for the appropriate fiscal years.

(d) OFFSETTING ADJUSTMENTS.—Upon the enactment of legislation providing offsets pursuant to subsection (c), the chairman of the Committee on the Budget shall make offsetting adjustments in the appropriate allocations and aggregates.

(e) DEFINITION.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69–8083–0–7–401 (Federal-Aid Highways).

(2) 69–8191–0–7–401 (Mass Transit Capital Fund).

(3) 69–8350–0–7–401 (Mass Transit Formula Grants).

(4) 69–8016–0–7–401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69–8020–0–7–401 (Highway Traffic Safety Grants).

(6) 69–8048–0–7–401 (National Motor Carrier Safety Program).

SEC. 211. SALE OF GOVERNMENT ASSETS.

(a) LIMITATION.—Subsections (b) through (d) of this section shall not apply to the sale of any asset resulting from the enactment of any reconciliation bill referred to in section 104 or 105 of this resolution.

(b) BUDGETARY TREATMENT.—

(1) IN GENERAL.—For the purpose of this concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(c) DEFINITION.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(e) INTENT.—The asset sale rule may be revisited when the Budget Enforcement Act of 1990 is extended.

SEC. 212. DETERMINATIONS OF BUDGETARY LEVELS; REVERSALS.

(a) DETERMINATIONS.—For purposes of this title, budgetary levels shall be determined on the basis of estimates made by the Committee on the Budget.

(b) REVERSALS AND ADJUSTMENTS.—(1) In the House of Representatives, if any legislation referred to in this title is not enacted into law, then the chairman of the Committee on the Budget shall, as soon as practicable, reverse adjustments made under this title for such legislation and have such adjustments published in the Congressional Record.

(2) In the Senate, the adjustments and revisions to allocations, aggregates, and limits made by the Chairman of the Committee on the Budget pursuant to this title for legislation shall only apply while such legislation is under consideration in the Senate and shall only permanently take effect upon the enactment of such legislation.

(c) EFFECT OF REVISIONS.—Any revisions made by the chairman of the Committee on the Budget under this title, and in the Senate, under section 104(d), shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates, and in the Senate, the discretionary spending limits, contained in this resolution, and the chairman shall have such revisions published in the Congressional Record.

SEC. 213. EXERCISE OF RULEMAKING POWERS.

The Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Subtitle A—Sense of the Congress

SEC. 301. SENSE OF THE CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

(b) SENSE OF THE CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of the Congress that—

(1) the President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund; and

(2) the plan should specifically explain how the President working with Congress would cap spending growth at a level one percentage point lower than projected growth in revenues.

SEC. 302. SENSE OF THE CONGRESS ON TAX CUTS.

It is the sense of the Congress that this resolution assumes that—

(1) a substantial majority of the tax cut benefits provided in the tax reconciliation bill will go to middle class working families earning less than approximately $100,000 per year; and

(2) the tax cuts in the tax reconciliation bill will not cause revenue losses to increase significantly in years after 2007.

SEC. 303. SENSE OF CONGRESS THAT THE 10-YEAR REVENUE LOSS FROM THE TAX RELIEF PACKAGE SHALL NOT EXCEED $250,000,000,000.

(a) FINDINGS.—Congress finds that—

(1) a May 15, 1997 letter from the Speaker of the House of Representatives and the Majority Leader of the Senate to the President of the United States, representing the agreement on the tax package in the Bipartisan Budget Agreements, states that, "It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007.";

(2) a May 15, 1997 letter from the Speaker of the House of Representatives and the Majority Leader of the Senate to the Chief of Staff to the President, contained in the same Bipartisan Budget Agreement and referring to the tax package, states that "The proposal shall not cause costs to explode in the outyears."; and

(3) the text of the Bipartisan Budget Agreement issued on May 15, 1997 states that "If bills, resolutions or conference reports are deemed to be inconsistent, remedial efforts shall be made by all parties to assure consistency. Such efforts shall include bipartisan Leadership consultation and concurrence on amendments and scheduling as necessary.".

(b) SENSE OF CONGRESS.—

(1) 10-YEAR COST.—The 10-year cost of the tax reconciliation bill resulting from this resolution shall not exceed $250,000,000,000 and any revenue loss shall be certified by the Joint Committee on Taxation in consultation and cooperation with the Office of Tax Analysis of the Department of Treasury.

(2) 5-YEAR COST.—The 5-year cost of the tax reconciliation bill resulting from this resolution shall be $85,000,000,000 and any revenue loss shall be certified by the Joint Committee on Taxation in consultation and cooperation with the Office of Tax Analysis of the Department of Treasury.

Subtitle B—Sense of the House

SEC. 306. SENSE OF THE HOUSE ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The House finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF THE HOUSE.—It is the sense of the House that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 307. SENSE OF THE HOUSE ON CORPORATE WELFARE.

(a) FINDINGS.—The House finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) SENSE OF THE HOUSE.—It is the sense of the House that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast-track process for the consideration of those recommendations.

SEC. 308. SENSE OF THE HOUSE ON BASELINES.

(a) FINDINGS.—The House finds that—

(1) baselines are projections of future spending if existing policies remain unchanged;

(2) under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law;

(3) baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline; and

(4) the baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF HOUSE.—It is the sense of the House that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 309. SENSE OF THE HOUSE ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—The House finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over half of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the House Committee on the Budget unanimously passed a sense of Congress amendment on domestic violence and Federal assistance to the fiscal year 1997 budget resolution. Subsequently, Congress passed the family violence option amendment to last year's welfare reform reconciliation bill.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers to individuals receiving assistance for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individuals granted a domestic violence good cause waiver by States should not be included in the States' 20 percent hardship exemption.

Subtitle B—Sense of the Senate

SEC. 311. SENSE OF THE SENATE ON LONG TERM ENTITLEMENT REFORMS, INCLUDING ACCURACY IN DETERMINING CHANGES IN THE COST OF LIVING.

(a) FINDINGS.—

(1) ENTITLEMENT REFORMS.—The Senate finds that with respect to long term entitlement reforms—

(A) entitlement spending continues to grow dramatically as a percent of total Federal spending, rising from fifty-six percent of the budget in 1987 to an estimated seventy-three percent of the budget in 2007;

(B) this growth in mandatory spending poses a long-term threat to the United States economy because it crowds out spending for investments in education, infrastructure, defense, law enforcement and other programs that enhance economic growth;

(C) in 1994, the Bipartisan Commission on Entitlement and Tax Reform concluded that if no changes are made to current entitlement laws, all Federal revenues will be spent on entitlement programs and interest on the debt by the year 2012;

(D) the Congressional Budget Office has also recently issued a report that found that pressure on the budget from demographics and rising health care costs will increase dramatically after 2002; and

(E) making significant entitlement changes will significantly benefit the economy, and will forestall the need for more drastic tax and spending decisions in future years.

(2) CPI.—The Senate finds that with respect to accuracy in determining changes in the cost of living—

(A) the Final Report of the Senate Finance Committee's Advisory Commission to study the CPI has concluded that the Consumer Price Index overstates the cost of living in the United States by 1.1 percentage points;

(B) the overstatement of the cost of living by the Consumer Price Index has been recognized by economists since at least 1961, when a report noting the existence of the overstatement was issued by a National Bureau of Economic Research Committee, chaired by Professor George J. Stigler;

(C) Congress and the President, through the indexing of Federal tax brackets, social security benefits, and other Federal program benefits, have undertaken to protect taxpayers and beneficiaries of such programs from the erosion of purchasing power due to inflation; and

(D) the overstatement of the cost of living increases the deficit and undermines the equitable administration of Federal benefits and tax policies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this resolution assume that—

(1) Congress and the President should continue working to enact structural entitlement reforms in the 1997 budget agreement and in subsequent legislation;

(2) Congress and the President must find the most accurate measure of the change in the cost of living in the United States, and should work in a bipartisan manner to implement any changes that are necessary to achieve an accurate measure; and

(3) Congress and the President must work to ensure that the 1997 budget agreement not only keeps the unified budget in balance after 2002, but that additional measures should be taken to begin to achieve substantial surpluses which will improve the economy and allow our nation to be ready for the retirement of the baby boom generation in the year 2012.

SEC. 312. SENSE OF THE SENATE ON TACTICAL FIGHTER AIRCRAFT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the Department of Defense has proposed to modernize the United States tactical fighter aircraft force through three tactical fighter procurement programs, including the F/A–18 E/F aircraft program of the Navy, the F–22 aircraft program of the Air Force, and the Joint Strike Fighter aircraft program for the Navy, Air Force, and Marine Corps;

(2) the General Accounting Office, the Congressional Budget Office, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Acquisition and Technology, and several Members of Congress have publicly stated that, given the current Department of Defense budget for procurement, the Department of Defense's original plan to buy over 4,400 F/A–18 E/F aircraft, F–22 aircraft, and Joint Strike Fighter aircraft at a total program cost in excess of $350,000,000,000 was not affordable;

(3) the F/A–18 E/F, F–22, and the Joint Strike Fighter tactical fighter programs will be competing for a limited amount of procurement funding with numerous other aircraft acquisition programs, including the Comanche helicopter program, the V–22 Osprey aircraft program, and the C–17 aircraft program, as well as for the necessary replacement of other aging aircraft such as the KC–135, the C–5A, the F–117, and the EA–6B aircraft; and

(4) the 1997 Department of Defense Quadrennial Defense Review has recommended reducing the F/A–18 E/F program buy from 1,000 aircraft to 548, and reducing the F–22 program buy from 438 to 339.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that, within 30 days, the Department of Defense should transmit to Congress detailed information pertaining to the implementation of this revised acquisition strategy so that the Congress can adequately evaluate the extent to which the revised acquisition strategy is tenable and affordable given the projected spending levels contained in this budget resolution.

SEC. 313. SENSE OF THE SENATE REGARDING CHILDREN'S HEALTH COVERAGE.

(a) FINDINGS.—The Senate finds that—

(1) of the estimated 10 million uninsured children in the United States, over 1.3 million have at least one parent who is self-employed and all other uninsured children are dependents of persons who are employed by another, or unemployed;

(2) these 1.3 million uninsured kids comprise approximately 22 percent of all children with self-employed parents, and they are a significant 13 percent of all uninsured children;

(3) the remaining uninsured children are in families where neither parent is self-employed and comprise 13 percent of all children in families where neither parent is self-employed;

(4) children in families with a self-employed parent are therefore more likely to be uninsured than children in families where neither parent is self-employed; and

(5) the current disparity in the tax law reduces the affordability of health insurance for the self-employed and their families, hindering the ability of children to receive essential primary and preventive care services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that from resources available in this budget resolution, a portion should be set aside for an immediate 100 percent deductibility of health insurance costs for the self-employed. Full-deductibility of health expenses for the self-employed would make health insurance more attractive and affordable, resulting in more dependents being covered. The government should not encourage parents to forgo private insurance for a government-run program.

SEC. 314. SENSE OF THE SENATE ON A MEDICAID PER CAPITA CAP.

It is the sense of the Senate that in order to meet deficit reduction targets in this resolution with respect to medicaid—

(1) the per capita cap will not be used as a method for meeting spending targets; and

(2) the per capita cap could represent a significant structural change that might jeopardize the quality of care for children, the disabled, and senior citizens.

SEC. 315. SENSE OF THE SENATE THAT ADDED SAVINGS GO TO DEFICIT REDUCTION.

(a) FINDINGS.—The Congress finds that—

(1) balancing the budget will bring numerous economic benefits for the United States economy and American workers and families, including improved economic growth and lower interest rates;

(2) the fiscal year 1998 budget resolution crafted pursuant to an agreement reached between the Congress and the Administration purports to achieve balance in the year 2002;

(3) the deficit estimates contained in this resolution may not conform to the actual deficits in subsequent years, which make it imperative that any additional savings are realized be devoted to deficit reduction;

(4) the Senate's "pay-as-you-go" point of order prohibits crediting savings from updated economic or technical data as an offset for legislation that increases the deficit, and ensures these savings are devoted to deficit reduction; and

(5) Congress and the Administration must ensure that the deficit levels contained in this budget are met and, if actual deficits prove to be lower than projected, the additional savings are used to balance the budget on or before the year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) legislation enacted pursuant to this resolution must ensure that the goal of a balanced budget is achieved on or before fiscal year 2002; and

(2) if the actual deficit is lower than the projected deficit in any upcoming fiscal year, the added savings should be devoted to further deficit reduction.

SEC. 316. SENSE OF THE SENATE ON FAIRNESS IN MEDICARE.

(a) FINDINGS.—The Congress finds that—

(1) the Trustees of the Medicare Trust Funds recently announced that medicare's Hospital Insurance (HI) Trust Fund is headed for bankruptcy in 2001, and in 1997, HI will run a deficit of $26,000,000,000 and add $56,000,000,000 annually to the Federal deficit by 2001;

(2) the Trustees also project that Supplementary Medical Insurance (SMI), will grow twice as fast as the economy and the taxpayers' subsidy to keep the SMI from bankruptcy will grow from $58,000,000,000 to $89,000,000,000 annually from 1997 through 2001;

(3) the Congressional Budget Office reports that when the baby-boom generation begins to receive social security benefits and is eligible for medicare in 2008, the Federal budget will face intense pressure, resulting in mounting deficits and erosion of future economic growth;

(4) long-term solutions to address the financial and demographic problems of medicare are urgently needed to preserve and protect the medicare trust funds;

(5) these solutions to address the financial and demographic problems of medicare are urgently needed to preserve and protect the medicare trust funds;

(6) reform of the medicare program should ensure equity and fairness for all medicare beneficiaries, and offer beneficiaries more choice of private health plans, to promote efficiency and enhance the quality of health care;

(7) all Americans pay the same payroll tax of 2.9 percent to the medicare trust funds, and they deserve the same choices and services regardless of where they retire;

(8) however, under the currently adjusted-average-per-capita cost (AAPCC), some counties receive 2.5 times more in medicare reimbursements than others;

(9) this inequity in medicare reimbursement jeopardizes the quality of medicare services of rural beneficiaries and penalizes the most efficient and effective medicare service providers;

(10) in some states, the result has been the absence of health care choices beyond traditional, fee-for-service medicine for medicare beneficiaries, which in other counties and states plan providers may be significantly over-compensated, adding to medicare's fiscal instability; and

(11) ending the practice of basing payments to risk contract plans on local fee-for-service medical costs will help correct these inequities, mitigate unnecessary cost in the program, and begin the serious, long-term restructuring of medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Finance Committee should strongly consider the following elements for medicare reform—

(1) any medicare reform package should include measures to address the inequity in medicare reimbursement to risk contract plans;

(2) medicare should use a national update framework rather than local fee-for-service spending increases to determine the annual changes in risk plan payment rates;

(3) an adequate minimum payment rate should be provided for health plans participating in medicare risk contract programs;

(4) the geographic variation in medicare payment rates must be reduced over time to raise the lower payment areas closer to the average while taking into account actual differences in input costs that exist from region to regional;

(5) medicare managers in consultation with plan providers and patient advocates should pursue competitive bidding programs in communities where data indicate risk contract payments are substantially excessive and when plan choices would not diminish by such a bidding process; and

(6) medicare should phase in the use of risk adjusters which take account of health status so as to address overpayment to some plans.

SEC. 317. SENSE OF THE SENATE REGARDING ASSISTANCE TO LITHUANIA AND LATVIA.

(a) FINDINGS.—The Senate finds that—

(1) Lithuania and Latvia reestablished democracy and free market economies when they regained their freedom from the Soviet Union;

(2) Lithuania and Latvia, which have made significant progress since regaining their freedom, are still struggling to recover from the devastation of 50 years of communist domination;

(3) the United States, which never recognized the illegal incorporation of Lithuania and Latvia into the Soviet Union, has provided assistance to strengthen democratic institutions and free market reforms in Lithuania and Latvia since 1991;

(4) the people of the United States enjoy close and friendly relations with the people of Lithuania and Latvia;

(5) the success of democracy and free market reform in Lithuania and Latvia is important to the security and economic progress of the United States; and

(6) the United States as well as Lithuania and Latvia would benefit from the continuation of assistance which helps Lithuania and Latvia to implement commercial and trade law reform, sustain private sector development, and establish well-trained judiciaries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) adequate assistance should be provided to Lithuania and Latvia in fiscal year 1998 to continue the progress they have made; and

(2) assistance to Lithuania and Latvia should be continued beyond fiscal year 1998 as they continue to build democratic and free market institutions.

SEC. 318. SENSE OF THE SENATE REGARDING A NATIONAL COMMISSION ON HIGHER EDUCATION.

It is the sense of the Senate that the provisions of this resolution assure that a national commission should be established to study and make specific recommendations regarding the extent to which increases in student financial aid, and the extent to which Federal, State, and local laws and regulations, contribute to increases in college and university tuition.

SEC. 319. SENSE OF THE SENATE ON LOCKBOX.

It is the Sense of the Senate that the provisions of this resolution assume that to ensure all savings from medicare reform are used to keep the medicare program solvent, the Treasury Secretary should credit the Medicare Hospital Insurance Trust Fund (Part A) with government securities equal to any savings from Medicare Supplemental Medical Insurance (Part B) reforms enacted pursuant to the reconciliation instructions contained in this budget resolution.

SEC. 320. SENSE OF THE SENATE ON THE EARNED INCOME CREDIT.

(a) FINDINGS.—The Senate finds that—

(1) an April 1997 study by the Internal Revenue Service of Earned Income Credit (EIC) filers for tax year 1994 revealed that over $4,000,000,000 of the $17,000,000,000 spent on the EIC for that year was erroneously claimed and paid by the IRS, resulting in a fraud and error rate of 25.8 percent;

(2) the IRS study further concluded that EIC reforms enacted by the One Hundred Fourth Congress will only lower the fraud error rate to 20.7 percent, meaning over $23,000,000,000 will be wasted over the next five years; and

(3) the President's recent proposals to combat EIC fraud and error contained within this budget resolution are estimated to save $124,000,000 in scoreable savings over the next five years and additional savings from deterrent effects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the President should propose and Congress should enact additional programmatic changes sufficient to ensure that the primary purpose of the EIC to encourage work over welfare is achieved without wasting billions of taxpayer dollars on fraud and error.

SEC. 321. SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) FINDINGS.—The Senate finds that this resolution assumes that—

(1) entitlement spending has risen dramatically over the last thirty-five years;

(2) in 1963, mandatory spending (i.e., entitlement spending and interest on the debt) made up 29.6 percent of the budget, this figure rose to 61.4 percent by 1993 and is expected to reach 70 percent shortly after the year 2000;

(3) this mandatory spending is crowding out spending for the traditional "discretionary" functions of Government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending; and

(4) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) Sense of the Senate.—It is the Sense of the Senate that the levels in this budget resolution assume that Congress and the President should work to enact structural reforms in entitlement spending in 1997 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic Government functions and that every effort should be made to hold mandatory spending to no more than 70 percent of the budget.

SEC. 322. SENSE OF THE SENATE ON DISASTER ASSISTANCE FUNDING.

(a) Findings.—The Senate finds that—

(1) emergency spending adds to the deficit and total spending;

(2) the Budget Enforcement Act of 1990 exempts emergency spending from the discretionary spending caps and pay-go requirements;

(3) the Budget Enforcement Act of 1990 expires in 1998 and needs to be extended;

(4) since the enactment of the Budget Enforcement Act, Congress and the President have approved an average of $5,800,000,000 per year in emergency spending; and

(5) a natural disaster in any particular State is unpredictable, by the United States is likely to experience a natural disaster almost every year.

(b) Sense of the Senate.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that the Congress should consider in the extension of the Budget Enforcement Act and in appropriations Acts—

(1) provisions that budget for emergencies or that require emergency spending to be offset;

(2) provisions that provide flexibility to meet emergency funding requirements associated with natural disasters;

(3) Congress and the President should consider appropriating at least $5,000,000,000 every year to provide for natural disaster relief; and

(4) Congress and the President should not designate any emergency spending for natural disaster relief until such amounts provided in regular appropriations are exhausted.

SEC. 323. SENSE OF THE SENATE ON ENFORCEMENT OF BIPARTISAN BUDGET AGREEMENT.

(a) Findings.—The Senate finds that—

(1) the bipartisan budget agreement is contingent upon—

(A) favorable economic conditions for the next 5 years;

(B) accurate estimates of the fiscal impacts of assumptions in this resolution; and

(C) enactment of legislation to reduce the deficit; and

(2) if any of the conditions in paragraph (1) are not met, our ability to achieve a balanced budget by 2002 will be jeopardized.

(b) Sense of the Senate.—It is the sense of the Senate that the functional totals and limits in this resolution assume that—

(1) reconciliation legislation should include legislation to enforce the targets set forth in the bipartisan budget agreement and to ensure the balanced budget goal is met; and

(2) such legislation shall—

(A) establish procedures to ensure the agreement is enforced in every year;

(B) require that the President's annual budget and annual Congressional concurrent resolutions on the budget comply the agreement in every year;

(C) consider provisions which provide that if the deficit is below or the surplus is above the deficits projected in the agreement in any year, such savings are locked in for deficit and debt reduction; and

(D) consider provisions which budget for and control emergency spending in order to prevent the use of emergencies to evade the budget agreement.

SEC. 324. SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) Findings.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since record keeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) Sense of the Senate.—It is the sense of the Senate that this Resolution assumes that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years; and

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in fiscal year 1998 over the amount appropriated in fiscal year 1997.

SEC. 325. SENSE OF THE SENATE REGARDING CERTAIN ELDERLY LEGAL ALIENS.

It is the sense of the Senate that the provisions of this resolution assume that—

(1) the Committee on Finance will include in its recommendations to the Committee on the Budget of the Senate changes in laws within the jurisdiction of the Committee on Finance that allow certain elderly, legal immigrants who will cease to receive benefits under the supplemental security income program as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) to continue to receive benefits during a redetermination or reapplication period to determine if such aliens would qualify for such benefits on the basis of being disabled; and

(2) the Committee on Finance in developing these recommendations should offset the additional cost of this proposal out of other programs within the jurisdiction of the Committee on Finance.

SEC. 326. SENSE OF THE SENATE REGARDING RETROACTIVE TAXES.

(a) Findings.—The Senate finds that—

(1) in general, the practice of increasing a tax retroactively is fundamentally unfair to taxpayers; and

(2) retroactive taxation is disruptive to families and small business in their ability to plan and budget.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this budget resolution assume that—

(1) except for closing tax loopholes, no revenues should be generated from any retroactively increased tax; and

(2) the Congress and the President should work together to ensure that any revenue generating proposal contained within reconciliation legislation pursuant to this concurrent resolution proposal, except those proposals closing tax loopholes, should take effect prospectively.

SEC. 327. SENSE OF THE SENATE ON SOCIAL SECURITY AND BALANCING THE BUDGET.

(a) Findings.—The Senate finds that—

(1) this budget resolution is projected to balance the unified budget of the United States in fiscal year 2002;

(2) section 13301 of the Budget Enforcement Act of 1990 requires that the deficit be computed without counting the annual surpluses of the Social Security Trust Funds; and

(3) if the deficit were calculated according to the requirements of section 13301, this budget resolution would be projected to result in a deficit of $108,700,000,000 in fiscal year 2002.

(b) Sense of the Senate.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that after balancing the unified Federal budget, the Congress should continue efforts to reduce the on-budget deficit, so that the Federal budget will be balanced without counting social security surpluses.

SEC. 328. SENSE OF THE SENATE SUPPORTING SUFFICIENT FUNDING FOR VETERANS PROGRAMS AND BENEFITS.

(a) Findings.—The Senate finds that—

(1) veterans and their families represent approximately 27 percent of the United States population;

(2) more than 20 million of our 26 million living veterans served during wartime, sacrificing their freedom so that we may have ours; and

(3) veterans have earned the benefits promised to them.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the assumptions underlying this Budget Resolution assume that the 602(b) allocation to the Department of Veterans Affairs will be sufficient in fiscal year 1998 to fully fund all discretionary veterans programs, including medical care; and

(2) funds collected from legislation to improve the Department of Veterans Affairs' ability to collect and retain reimbursement from third-party payers ought to be used to supplement, not supplant, an adequate appropriation for medical care.

SEC. 329. SENSE OF THE SENATE ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—The Senate finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that ¼ of battered women surveyed had lost a job partly because of being abused and that over ½ of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over ½ of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the Committee on the Budget of the Senate in considering the 1997 Resolution on the budget of the United States unanimously adopted a sense of the Congress amendment concerning domestic violence and Federal assistance. Subsequently, Congress adopted the family violence option amendment as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing that it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) SENSE OF SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers under section 402(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii)) to individuals receiving assistance, for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individual who is granted a domestic violence good cause waiver by a State shall not be included in the States' 20 percent hardship exemption under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

SEC. 330. SENSE OF THE SENATE REGARDING ASSISTANCE TO AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) Amtrak is in a financial crisis, with growing and substantial debt obligations approaching $2,000,000,000;

(2) Amtrak has not been authorized since 1994;

(3) the Senate Committee on Commerce, Science, and Transportation favorably reported legislation to reform Amtrak during the last two Congresses, but no legislation was enacted;

(4) the Finance Committee favorably reported legislation in the last Congress that created a dedicated trust fund for Amtrak, but no legislation was enacted;

(5) in 1997 Amtrak testified before the Congress that it cannot survive beyond 1998 without comprehensive legislative reforms and a dedicated source of capital funding; and

(6) Congress is obligated to invest Federal tax dollars responsibly and to reduce waste and inefficiency in Federal programs, including Amtrak.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) legislative reform is urgently needed to address Amtrak's financial and operational problems;

(2) Congress should allocate additional Federal dollars to Amtrak in conjunction with reforms requested by Amtrak to address its precarious financial situation; and

(3) the distribution of money from any new fund to finance an intercity rail passenger fund should be implemented in conjunction with legislation to reauthorize and reform the National Rail Passenger Corporation.

SEC. 331. SENSE OF THE SENATE REGARDING THE PROTECTION OF CHILDREN'S HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today's children and the next generation of children are the prime beneficiaries of a balanced Federal budget. Without a balanced budget, today's children will bear the increasing burden of the Federal debt. Continued deficit spending would doom future generations to slower economic growth, higher taxes, and lower living standards.

(2) The health of children is essential to the future economic and social well-being of the Nation.

(3) The medicaid program provides health coverage for over 17,000,000 children, or 1 out of every 4 children.

(4) While children represent ½ of all individuals eligible for medicaid, children account for less than 25 percent of expenditures under the medicaid program.

(5) Disproportionate share hospital (DSH) funding under the medicaid program has allowed States to provide health care services to thousands of uninsured pregnant women and children. DSH funding under the medicaid program is critical for these populations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the health care needs of low-income pregnant women and children should be a top priority. Careful study must be made of the impact of medicaid disproportionate share hospital (DSH) reform proposals on children's health and on vital sources of care, including children's hospitals. Any restrictions on DSH funding under the medicaid program should not harm State medicaid coverage of children and pregnant women.

SEC. 332. SENSE OF THE SENATE ON DEPOSITING ALL FEDERAL GASOLINE TAXES INTO THE HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since 1956, Federal gasoline excise tax revenues have generally been deposited in the Highway Trust Fund and reserved for transportation uses.

(2) In 1993, Congress and the President enacted the first permanent increase in the Federal gasoline excise tax which was dedicated to general revenues, not the Highway Trust Fund.

(3) Over the next five years, approximately $7,000,000,000 per year in Federal gasoline excise tax revenues will be deposited in the general fund of the Treasury, rather than the Highway Trust Fund.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this resolution assume that Congress should in the extension of the Budget Enforcement Act, ISTEA reauthorization, appropriations Acts, and in any revenue bills, consider dedicating all revenues from Federal gasoline excise taxes, including amounts dedicated to general revenues in 1993, to the Highway Trust Fund so that such taxes may be used for the purpose to which they have historically been dedicated, promoting transportation infrastructure and building roads.

SEC. 333. SENSE OF THE SENATE ON EARLY CHILDHOOD EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) Scientific research on the development of the brain has confirmed that the early childhood years, particularly from birth to the age of 3, are critical to children's development.

(2) Studies repeatedly have shown that good quality child care helps children develop well, enter school ready to succeed, improve their skills, cognitive abilities and socioemotional development, improve classroom learning behavior, and stay safe while their parents work. Further, quality early childhood programs can positively affect children's long-term success in school achievement, higher earnings as adults, decrease reliance on public assistance and decrease involvement with the criminal justice system.

(3) The first of the National Education Goals, endorsed by the Nation's governors, passed by Congress and signed into law by President Bush, stated that by the year 2000, every child should enter school ready to learn and that access to a high quality early childhood education program was integral to meeting this goal.

(4) According to data compiled by the RAND Corporation, while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children. A vast majority of public spending on children occurs after the brain has gone through its most dramatic changes, often to correct problems that should have been addressed during early childhood development.

(5) According to the Department of Education, of $29,400,000,000 in current estimated education expenditures, only $1,500,000,000, or 5 percent, is spent on children from birth to age 5. The vast majority is spent on children over age 5.

(6) A new commitment to quality child care and early childhood education is a necessary response to the fact that children from birth to the age of 3 are spending more time in care away from their homes. Almost 60 percent of women in the workforce have children under the age of 3 requiring care.

(7) Many States and communities are currently experimenting with innovative programs directed at early childhood care and education in a variety of care settings, including the home. States and local communities are best able to deliver efficient, cost-effective services, but while such programs are long on demand, they are short on resources. Additional Federal resources should not create new bureaucracy, but build on successful locally driven efforts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget totals and levels in

this resolution assume that funds ought to be directed toward increasing the supply of quality child care, early childhood education, and teacher and parent training for children from birth through age 3.

SEC. 334. SENSE OF THE SENATE CONCERNING HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate finds that—

(1) there is no direct linkage between the fuel taxes deposited in the Highway Trust Fund and the transportation spending from the Highway Trust Fund;

(2) the Federal budget process has severed this linkage by dividing revenues and spending into separate budget categories with—

(A) fuel taxes deposited in the Highway Trust Fund as revenues; and

(B) most spending from the Highway Trust Fund in the discretionary category;

(3) each budget category referred to in paragraph (2) has its own rules and procedures; and

(4) under budget rules in effect prior to the date of adoption of this resolution, an increase in fuel taxes permits increased spending to be included in the budget, but not for increased Highway Trust Fund spending.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in this session of Congress, Congress should, within a unified budget, consider changing the Federal budget process to establish a linkage between the fuel taxes deposited in the Highway Trust Fund, including any fuel tax increases that may be enacted into law after the date of adoption of this resolution, and the spending from the Highway Trust Fund; and

(2) changes to the budgetary treatment of the Highway Trust Fund should not result in total program levels for highways or mass transit that is inconsistent with those assumed under the resolution.

SEC. 335. SENSE OF THE SENATE CONCERNING TAX INCENTIVES FOR THE COST OF POST-SECONDARY EDUCATION.

It is the sense of the Senate that the provisions of this resolution assume that any revenue reconciliation bill should include tax incentives for the cost of post-secondary education, including expenses of workforce education and training at vocational schools and community colleges.

SEC. 336. SENSE OF THE SENATE ON ADDITIONAL TAX CUTS.

It is the sense of the Senate that nothing in this resolution shall be construed as prohibiting Congress in future years from providing additional tax relief if the cost of such tax relief is offset by reductions in spending or increases in revenue from alternative sources.

SEC. 337. SENSE OF THE SENATE REGARDING TRUTH IN BUDGETING AND SPECTRUM AUCTIONS.

(a) FINDINGS.—The Senate finds that—

(1) the electromagnetic spectrum is the property of the American people and is managed on their behalf by the Federal Government;

(2) the spectrum is a highly valuable and limited natural resource;

(3) the auctioning of spectrum has raised billions of dollars for the Treasury;

(4) the estimates made regarding the value of spectrum in the past have proven unreliable, having previously understated and now overstating its worth; and

(5) because estimates of spectrum value depend on a number of technological, economic, market forces, and other variables that cannot be predicted or completely controlled, it is not possible to reliably estimate the value of a given segment of spectrum; therefore,

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as auctions occur as assumed by this resolution, the Congress shall take such steps as necessary to reconcile the difference between actual revenues raised and estimates made and shall reduce spending and make other appropriate adjustments accordingly if such auctions raise less revenue than projected.

SEC. 338. SENSE OF THE SENATE ON HIGHWAY DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Senate finds that—

(1) 10 demonstration projects totaling $362,000,000 were listed for special line-item funding in the Surface Transportation Assistance Act of 1982;

(2) 152 demonstration projects totaling $1,400,000,000 were named in the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(3) 64 percent of the funding for the 152 projects had not been obligated after 5 years and State transportation officials determined the projects added little, if any, to meeting their transportation infrastructure priorities;

(4) 538 location specific projects totaling $6,230,000,000 were included in the Intermodal Surface Transportation Efficiency Act of 1991;

(5) more than $3,300,000,000 of the funds authorized for the 538 location-specific projects remained unobligated as of January 31, 1997;

(6) the General Accounting Office determined that 31 States plus the District of Columbia and Puerto Rico would have received more funding if the Intermodal Surface Transportation Efficiency Act location-specific project funds were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process and under the Intermodal Surface Transportation and Efficiency Act of 1991;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use of Federal Highway Trust Fund money for future demonstration projects;

(9) the Intermodal Surface Transportation and Efficiency Act of 1991 expires at the end of fiscal year 1997; and

(10) hundreds of funding requests for specific transportation projects in Congressional Districts have been submitted in the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) notwithstanding different views on existing Highway Trust Fund distribution formulas, funding for demonstration projects or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) States are best able to determine the priorities for allocating Federal-Aid-To-Highway monies within their jurisdiction;

(3) Congress should not divert limited Highway Trust Fund resources away from State transportation priorities by authorizing new highway projects; and

(4) Congress should not authorize any new demonstration projects or other similarly-titled projects.

SEC. 339. SENSE OF THE SENATE REGARDING THE USE OF BUDGET SAVINGS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Poverty rates among the elderly are at the lowest level since our Nation began to keep poverty statistics, due in large part to the social security system and the medicare program.

(2) Twenty-two percent of every dollar spent by the Federal Government goes to the social security system.

(3) Eleven percent of every dollar spent by the Federal Government goes to the medicare program.

(4) Currently, spending on the elderly accounts for ⅓ of the Federal budget and more than ½ of all domestic spending other than interest on the national debt.

(5) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(6) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(7) The accumulated balance in the Federal Hospital Insurance Trust Fund is estimated to fall to zero by 2001.

(8) While the Federal budget deficit has shrunk for the fourth straight year to $67,000,000,000 in 1997, measures need to be taken to ensure that trend continues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that budget savings in the mandatory spending area should be used—

(1) to protect and enhance the retirement security of the American people by ensuring the long-term future of the social security system;

(2) to protect and enhance the health care security of senior citizens by ensuring the long-term future of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(3) to restore and maintain Federal budget discipline to ensure that the level of private investment necessary for long-term economic growth and prosperity is available.

SEC. 340. SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) Seventy-eight percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of his or her working career.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

SEC. 341. SENSE OF THE SENATE ON ECONOMIC GROWTH DIVIDEND PROTECTION.

(a) FINDINGS.—The Senate finds that with respect to the revenue levels established under this resolution—

(1) according to the President's own economists, the tax burden on Americans is the highest ever at 31.7 percent;

(2) according to the National Taxpayers Union, the average American family now pays almost 40 percent of their income in State, local, and Federal taxes;

(3) between 1978 and 1985, while the top marginal rate on capital gains was cut almost in half—from 35 to 20 percent—total annual Federal receipts from the tax almost tripled from $9,100,000,000 annually to $26,500,000,000 annually;

(4) conversely, when Congress raised the rate in 1986, revenues actually fell well below what was anticipated;

(5) economists across-the-board predict that cutting the capital gains rate will result in a revenue windfall for the Treasury; and

(6) while a USA Today poll from this March found 70 percent of the American people believe that they need a tax cut, under this resolution Federal spending will grow 17 percent over five years while the net tax cuts are less than 1 percent of the total tax burden.

(b) SENSE OF SENATE.—It is the sense of the Senate that with respect to the revenue levels established under this resolution, to the extent that actual revenues exceed the revenues projected under this resolution due to higher than anticipated economic growth, that revenue windfall should be reserved exclusively for additional tax cuts and/or deficit reduction.

SEC. 342. SENSE OF THE SENATE SUPPORTING FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedoms and security, and with the support of Federal assistance, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, as illustrated by a murder rate in 1996 that is projected to be the lowest since 1971 and a violent crime total in 1996 that is the lowest since 1990.

(2) Through a comprehensive effort to attack violence against women mounted by State and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling, and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives, and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995.

(3) Federal, State, and local law enforcement efforts need continued financial commitment from the Federal Government for funding and financial assistance to continue their efforts to combat violent crime and violence against women.

(4) Federal, State and local law enforcement also face other challenges which require continued financial commitment from the Federal Government, including regaining control over the Southwest Border, where drug trafficking and illegal immigration continue to threaten public safety and menace residents on the border and throughout the Nation.

(5) The Violent Crime Reduction Trust Fund established in section 310001 the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) fully funds the Violent Crime Control and Law Enforcement Act of 1994, including the Violence Against Women Act, without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume that—

(1) the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, will be maintained; and

(2) funding for the Violent Crime Reduction program will continue as authorized by the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 343. SENSE OF SENATE REGARDING PARENTAL INVOLVEMENT IN PREVENTION OF DRUG USE BY CHILDREN.

It is the sense of the Senate that the provisions of this resolution assume that, from resources available in this budget resolution, a portion should be set aside for a national grassroots volunteer effort to encourage parental education and involvement in youth drug prevention and to create a drug-intolerant culture for our children.

And the Senate agree to the same.

JOHN R. KASICH,
DAVID L. HOBSON,
JOHN M. SPRATT, Jr.,
Managers on the Part of the House.

PETE V. DOMENICI,
CHUCK GRASSLEY,
FRANK R. LAUTENBERG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 84), setting forth the congressional budget for the United States for fiscal years 1998, 1999, 2000, 2001, and 2002, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The Senate amendment struck out all of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

EXPLANATION OF THE CONFERENCE AGREEMENT

PRINCIPAL COMPONENTS OF THE CONFERENCE AGREEMENT

The conference report on the Concurrent Budget Resolution on the Budget for Fiscal Year 1998 represents the first major legislative step in implementing the Bipartisan Budget Agreement announced by President Clinton and the Bipartisan Congressional Leadership on the May 2 and finalized on May 15, 1997. That agreement called on both Houses to pass a 1998 budget resolution with reconciliation instructions fully reflecting the Bipartisan Budget Agreement. This conference agreement represents the good faith effort of the Congress to implement the Agreement.

This conference report—built on the parameters of the Agreement and the economic projections of the Congressional Budget Office—when implemented through the directed statutory legislation called for in the conference report, will balance the federal budget by 2002, reduce federal spending, reduce the size of the federal government relative to the national economy, extend the solvency of the Medicare trust fund for at least a decade, reduce the burden of federal taxes on American families, and protect federal priority spending programs.

This conference report projects a balanced unified federal budget in the year 2002, as compared to deficits exceeding $150 billion a year, if current spending and tax policies were left unchanged.

This conference report will result in a reduction in the rate of growth of federal government spending from the current projected annual rate of 4.4 percent over the next five years, to 3.1 percent a year. In addition, the conference report when fully implemented, will reduce the scope of federal spending. Measured with respect to the size of a growing national economy resulting from a balanced federal budget, federal spending will decline from 20.8 percent of GDP in 1996 to 18.9 percent in 2002, the lowest level since 1974.

This conference report achieves a balanced federal budget while also reducing taxes on American families and businesses. The annual growth rate of federal taxes will decline and by the year 2002, federal tax receipts will balance spending at 18.9 percent of GDP, down from 19.4 percent in 1996. The Agreement provides that a net tax cut of $85 billion over the next five years will be achieved; with not more than $250 billion in net tax cuts through 2007.

This conference report also provides for an increased allocation of federal resources to the Appropriation Committees for some priority spending programs over the next five years. These include programs for: education, environment, transportation, crime fighting and international affairs. However, even with these increased resources, total federal spending for all appropriated nondefense programs will increase at less than a 0.5 percent annual average rate over the next five years. The conference report also implements the Agreement's child health insurance initiative, modifications to last year's welfare reform legislation, and other initiatives that could total $33.6 billion over the next five years.

Finally, the conference report begins the process of enforcing the Agreement through the existing budget process rules—the reconciliation process, committee spending allocations, and existing pay-go procedures. Additional enforcement mechanisms will be included in substantive law to extend and revise the Budget Enforcement Act of 1990.

DISPLAYS AND AMOUNTS

The contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974.

House resolution

The House budget resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which are used to enforce a point of order applicable only in the Senate).

Senate amendment

The Senate amendment includes all of the items required under section 301(a) of the Congressional Budget Act. In addition, it includes the revenue and outlay levels for Social Security for the purpose of enforcing points of order in the Senate.

Conference agreement

The House recedes to the Senate amendment.

AGGREGATES AND FUNCTION LEVELS

Conference agreement

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—FUNCTION TOTALS

[Dollars in billions]

		1997	1998	1999	2000	2001	2002
050: National Defense	BA	264.9	268.2	270.8	274.8	281.3	289.1
	OT	266.6	266.0	265.8	268.4	270.1	272.6
150: International Affairs	BA	15.3	15.90	14.9	15.8	16.1	16.4
	OT	14.5	14.6	14.6	15.0	14.8	14.8
250: Science, Space and Technology	BA	16.7	16.2	16.2	15.9	15.8	15.6
	OT	17.0	16.8	16.5	16.0	15.9	15.7
270: Energy	BA	2.6	3.1	3.5	3.2	2.9	2.8
	OT	1.9	2.2	2.4	2.3	2.0	1.9
300: Natural Resources and Environment	BA	22.2	23.9	23.2	22.6	22.2	22.1
	OT	22.4	22.4	22.7	23.0	22.7	22.3
350: Agriculture	BA	11.8	13.1	12.8	12.2	11.0	10.7
	OT	9.9	11.9	11.3	10.7	9.5	9.1
370: Commerce and Housing Credit:							
On-budget	BA	4.6	6.6	11.1	15.2	16.1	16.7
	OT	−11.0	−0.9	4.3	9.8	12.1	12.5
Off-budget	BA	1.4	2.7	−1.0	−1.3	−0.5	0.2
	OT	1.4	2.7	−1.0	−1.3	−0.5	0.2
Total	BA	6.0	9.3	10.1	13.9	15.6	16.9
	OT	−9.6	1.8	3.3	8.5	11.6	12.7
400: Transportation	BA	43.9	46.4	46.6	47.1	48.1	49.2
	OT	39.5	40.9	41.3	41.4	41.3	41.2
450: Community and Regional Development	BA	10.2	8.8	8.5	7.8	7.8	7.8
	OT	12.1	10.4	10.9	11.0	11.4	8.4
500: Education, Training, Employment and Social Services	BA	54.2	60.0	60.5	61.7	63.0	63.3
	OT	50.5	56.1	59.3	60.7	61.9	62.3
550: Health	BA	125.3	137.8	145.0	154.1	163.4	172.2
	OT	127.4	137.8	144.9	153.9	163.1	171.7
570: Medicare	BA	190.8	201.6	212.1	225.5	239.6	251.5
	OT	191.3	201.8	211.5	225.5	238.8	250.8
600: Income Security	BA	228.8	239.0	254.1	269.6	275.1	286.9
	OT	237.8	247.8	258.1	268.2	277.3	285.2
650: Social Security:							
On-budget	BA	11.0	11.4	12.1	12.8	13.0	14.4
	OT	11.0	11.5	12.2	12.9	13.0	14.4
Off-budget	BA	352.1	369.4	387.3	406.6	427.1	449.1
	OT	355.4	372.6	390.6	409.9	430.9	452.4
Total	BA	363.1	380.8	399.4	419.4	440.1	463.5
	OT	366.4	384.1	402.8	422.8	443.9	466.8
700: Veterans Benefits	BA	39.1	40.5	41.5	41.7	42.1	42.3
	OT	39.4	41.3	41.7	41.9	42.2	42.4
750: Administration of Justice	BA	23.5	24.8	25.1	24.2	24.4	24.9
	OT	20.7	22.6	24.5	25.2	25.9	24.9
800: General Government	BA	14.0	14.7	14.4	14.0	13.7	13.1
	OT	13.9	14.0	14.4	14.7	14.1	13.1
900: Net Interest:							
On-budget	BA	291.1	296.5	304.6	305.1	303.8	303.7
	OT	291.1	296.5	304.6	305.1	303.8	303.7
Off-budget	BA	−43.5	−48.0	−52.5	−57.2	−61.9	−66.9
	OT	−43.5	−48.0	−52.5	−57.2	−61.9	−66.9
Total	BA	274.6	284.5	252.1	247.9	241.9	236.8
	OT	274.6	284.5	252.1	247.9	241.9	236.8
920: Allowances	BA						
	OT						
950: Undistributed Offsetting Receipts:							
On-budget	BA	−41.0	−41.8	−36.9	−36.9	−39.2	−51.1
	OT	−41.0	−41.8	−36.9	−36.9	−39.2	−51.1
Off-budget	BA	−6.5	−7.0	−7.5	−91.	−10.9	−13.0
	OT	−6.5	−7.0	−7.5	−91.	−10.9	−13.0
Total	BA	−47.5	−48.8	−44.4	−46.0	−501.	−64.1
	OT	−47.5	−48.8	−44.4	−46.0	−501.	−64.1
Total Spending:							
On-budget	BA	1,329.0	1,386.7	1,440.1	1,486.4	1,520.2	1,551.6
	OT	1,315.0	1,372.0	1,424.1	1,468.8	1.500.7	1.515.9
Off-budget	BA	303.5	317.1	326.3	339.0	353.8	369.4
	OT	306.8	320.3	329.6	342.3	357.6	372.7
Total	BA	1,632.5	1,703.8	1,766.4	1,825.4	1,874.0	1,921.0
	OT	1,621.8	1,692.3	1,753.7	1,811.1	1,858.3	1,888.4
Revenues:							
On-budget		1,166.9	1,199.0	1,241.9	1,285.6	1,343.6	1,407.6
Off-budget		388.0	402.8	422.3	442.6	461.6	482.8
Total		1,554.9	1,601.8	1,664.2	1,728.2	1,805.2	1,890.4
Deficit:							
On-budget		−148.1	−173.0	−182.2	−183.2	−157.1	−108.3
Off-budget		81.2	82.5	92.7	100.3	104.0	110.1
Total		−66.9	−90.5	−89.5	−82.9	−53.1	1.8

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—DISCRETIONARY TOTALS

[Dollars in billions]

		1997	1998	1999	2000	2001	2002
050: National Defense	BA	265.8	269.0	271.5	275.4	281.8	289.6
	OT	267.5	266.8	266.5	269.0	270.7	273.1
150: International Affairs	BA	18.1	19.0	18.6	18.5	18.3	18.2
	OT	19.2	18.2	18.8	18.8	18.5	18.4
250: Science, Space and Technology	BA	16.6	16.2	16.2	15.9	15.8	15.6
	OT	17.0	16.8	16.5	16.0	15.8	15.6
270: Energy	BA	4.3	4.8	4.9	4.6	4.4	4.2
	OT	4.9	5.0	5.1	4.8	4.6	4.4
300: Natural Resources and Environment	BA	21.5	22.8	22.2	21.6	21.2	21.2
	OT	21.5	21.4	21.7	21.9	21.8	21.5
350: Agriculture	BA	4.2	4.1	4.0	3.9	3.8	3.8
	OT	4.2	4.1	4.1	3.9	3.9	3.8
370: Commerce and Housing Credit	BA	2.8	3.1	3.5	5.0	3.0	2.9
	OT	2.8	3.1	3.4	4.6	3.2	2.7
400: Transportation	BA	13.8	13.6	15.0	14.8	15.1	15.3
	OT	36.9	38.3	38.9	39.3	39.4	-39.4
450: Community and Regional Development	BA	9.3	8.3	8.2	7.5	7.5	7.6
	OT	11.7	10.0	10.9	11.0	11.3	8.4
500: Education, Training, Employment and Social Services	BA	42.4	46.7	47.0	47.9	48.5	49.2
	OT	40.3	43.2	46.1	47.1	47.8	48.6

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—DISCRETIONARY TOTALS—Continued

[Dollars in billions]

		1997	1998	1999	2000	2001	2002
550: Health	BA	25.0	24.9	24.7	24.6	24.4	24.2
	OT	23.8	24.6	24.8	24.9	24.6	24.3
570: Medicare	BA	2.6	2.7	2.7	2.7	2.6	2.6
	OT	2.7	2.7	2.6	2.7	2.7	2.6
600: Income Security	BA	26.6	32.9	35.7	37.7	38.7	39.6
	OT	40.9	41.3	41.6	41.3	41.2	40.8
650: Social Security	BA	3.5	3.3	3.2	3.2	3.2	3.1
	OT	3.4	3.4	3.3	3.3	3.2	3.1
700: Veterans Benefits	BA	18.9	18.5	18.4	18.3	18.2	18.0
	OT	19.3	19.3	18.6	18.3	18.2	17.9
750: Administration of Justice	BA	22.9	24.4	24.8	23.9	24.1	24.7
	OT	20.4	22.2	24.2	25.0	25.7	24.7
800: General Government	BA	11.8	12.6	12.3	11.8	11.5	11.4
	OT	11.9	11.9	12.2	12.4	11.9	11.4
920: Allowances	BA	....	....	....	....	....	....
	OT	....	....	....	....	....	....
Total Discretionary	BA	510.1	526.9	533.0	537.2	542.0	551.1
	OT	548.5	553.3	559.3	564.3	564.4	560.8
Defense	BA	265.8	269.0	271.5	275.4	281.8	289.6
	OT	267.5	266.8	266.5	269.0	270.7	273.1
Nondefense	BA	244.3	257.9	261.5	261.8	260.2	261.5
	OT	281.0	286.4	292.8	295.3	293.7	287.7

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—MANDATORY TOTALS

[Dollars in billions]

		1997	1998	1999	2000	2001	2002
050: National Defense	BA	-0.9	-0.8	-0.7	-0.6	-0.5	-0.5
	OT	-1.0	-0.8	-0.7	-0.6	-0.6	-0.5
150: International Affairs	BA	-2.8	-3.1	-3.7	-2.8	-2.2	-1.9
	OT	-4.6	-4.6	-4.3	-3.8	-3.8	-3.6
250: Science, Space and Technology	BA	0.0	0.0	0.0	0.0	0.0	0.0
	OT	0.0	0.0	0.0	0.0	0.0	0.0
270: Energy	BA	-1.8	-1.6	-1.4	-1.4	-1.5	-1.4
	OT	-3.1	-2.8	-2.6	-2.5	-2.6	-2.6
300: Natural Resources and Environment	BA	0.7	1.1	1.0	1.0	1.0	0.9
	OT	0.8	1.0	1.0	1.0	0.9	0.8
350: Agriculture	BA	7.7	9.1	8.8	8.4	7.2	6.9
	OT	5.8	7.7	7.2	6.7	5.6	5.3
370: Commerce and Housing Credit	BA	3.2	6.2	6.6	9.0	12.6	14.0
	OT	-12.4	-1.3	-0.0	4.0	8.4	10.1
400: Transportation	BA	30.0	32.8	31.6	32.3	33.1	33.8
	OT	2.6	2.7	2.3	2.0	1.9	1.8
450: Community and Regional Development	BA	0.9	0.5	0.3	0.3	0.2	0.2
	OT	0.4	0.3	0.0	0.0	0.0	0.0
500: Education, Training, Employment and Social Services	BA	11.8	13.3	13.4	13.8	14.5	14.1
	OT	10.1	12.9	13.2	13.7	14.2	13.8
550: Health	BA	100.3	112.9	120.2	129.4	139.0	148.0
	OT	103.6	113.2	120.1	129.1	138.5	147.4
570: Medicare	BA	188.2	198.9	209.4	222.9	237.0	248.9
	OT	188.6	199.0	208.9	222.8	236.1	248.1
600: Income Security	BA	202.2	206.1	218.4	231.9	236.4	247.4
	OT	197.0	206.5	216.5	226.8	236.1	244.4
650: Social Security	BA	359.7	377.5	396.2	416.2	437.0	460.4
	OT	363.0	380.7	399.5	419.5	440.7	463.7
700: Veterans Benefits	BA	20.2	22.1	23.0	23.4	23.9	24.3
	OT	20.1	22.1	23.1	23.6	24.1	24.6
750: Administration of Justice	BA	0.6	0.4	0.3	0.3	0.3	0.2
	OT	0.4	0.4	0.3	0.2	0.2	0.2
800: General Government	BA	2.2	2.1	2.1	2.2	2.2	1.7
	OT	2.0	2.1	2.1	2.4	2.2	1.7
900: Net Interest	BA	247.6	248.6	252.0	247.9	241.9	236.9
	OT	247.6	248.6	252.0	247.9	241.9	236.9
920: Allowances	BA	....	....	....	....	....	....
	OT	....	....	....	....	....	....
950: Undistributed Offsetting Receipts	BA	-47.4	-48.8	-44.4	-46.0	-50.0	-64.1
	OT	-47.4	-48.8	-44.4	-46.0	-50.0	-64.1
Total Spending	BA	1,122.4	1,177.1	1,233.2	1,288.2	1,332.0	1,370.0
	OT	1,073.5	1,138.9	1,194.3	1,246.9	1,294.0	1,328.0

ECONOMICS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is based upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's "The Economic and Budget Outlook: Fiscal Years 1998–2007" (January 1997). These economic forecasts assume a balanced budget by 2002. Changes were made to CBO's inflation projections, however, to reflect expected non-legislated technical CPI changes by the Bureau of Labor Statistics (BLS). The baseline also includes CBO's technical revenue re-estimate which was released in early May 1997.

House resolution

The assumptions of the House Resolution are identical to the assumptions of the Senate Amendment listed below.

Senate amendment

CBO's CPI forecasts were modified to reflect two upcoming technical changes that BLS will make in early 1999, namely the implementation of geometric means and an improved rotation of new goods into the CPI survey. These changes were announced after CBO's winter forecast was completed. CBO provided range estimates as to the likely impact of these technical changes on CPI growth. Based upon these estimates, the Senate Amendment reduced CBO's yearly CPI forecasts by 0.3 percentage points beginning in 1999. The Senate Amendment also increased CBO's taxable income stream by 0.04 percentage points a year, following CBO's statement that they may not have fully reflected BLS' 1996 reduction in CPI formula bias. Lastly, the Senate Amendment also included CBO's technical revenue re-estimate. In May 1997, CBO suggested that the Budget Committees should reduce their 1997–2002 deficits by an amount similar to $45 billion each year, partly in response to an increase in FY 1997 revenue.

Conference agreement

The conference agreement follows the House resolution and the Senate amendment.

ECONOMIC ASSUMPTIONS

[By calendar years]

	1997	1998	1999	2000	2001	2002
Percent change, year over year:						
Real GDP growth	2.3	2.1	2.2	2.2	2.2	2.1
Consumer Price Index	2.9	2.9	2.7	2.7	2.7	2.7
GDP Price Index	2.3	2.5	2.6	2.6	2.6	2.6
Percent, annual:						
Unemployment rate	5.3	5.6	5.8	5.9	6.0	6.0
Three-month Treasury bill rate	5.0	5.0	4.6	4.2	3.9	3.9

ECONOMIC ASSUMPTIONS—Continued

[By calendar years]

	1997	1998	1999	2000	2001	2002
Ten-year Treasury bond rate	6.2	6.1	5.8	5.5	5.5	5.5
Share of GDP:						
Wages and salaries	48.0	47.7	47.6	47.4	47.3	47.3
Corporate profits (book)	8.2	8.1	7.9	7.8	7.9	7.8

SPENDING AND REVENUES

A. Spending by Function

FUNCTION 050: NATIONAL DEFENSE

Major programs in function

The National Defense function includes the Department of Defense (DOD) in subfunction 051, Atomic Energy Defense Activities (AEDA) in the Department of Energy (DOE) in subfunction 053, and other defense related activities in the Federal Emergency Management Agency, the Select Service, and other federal agencies in subfunction 054. More than 94.6 percent of the 1998 budget authority in the President's Budget are for the Department of Defense (051); 5.1 percent of the funds are for subfunction 053, and the remaining 0.3 percent is for subfunction 054.

House resolution

FUNCTION 050: NATIONAL DEFENSE

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	264,905	268,197	270,784	274,802	281,305	289,092
Outlays	266,582	265,978	265,771	268,418	270,110	272,571

The House resolution assumes $268.2 billion in budget authority [BA] and $266.0 billion in outlays for fiscal year 1998. Over the 5-year period from 1998 through 2002, the resolution assumes totals of $1,348.2 billion in BA and $1,342.8 billion in outlays.

For discretionary spending in this function, the House resolution assumes $269.0 billion in budget authority [BA] and $266.8 billion in outlays in fiscal year 1998. Over 5 years, it assumes $1,387.3 billion in BA and $1,346.1 billion in outlays.

The House resolution makes no assumptions concerning mandatory spending in this function.

Senate amendment

Discretionary spending—Discretionary spending in this function is a priority in the Bipartisan Budget Agreement.

The table below presents the discretionary spending figures for the Senate amendment.

	1997	1998	1999	2000	2001	2002	Total 98–02
Reported budget (BA)	265.8	269.0	271.5	275.4	281.8	289.6	1387.3
Resolution (OT)	267.5	266.8	266.5	269.0	270.7	273.1	1346.1

The Senate amendment is a middle ground between the Budget Resolution Baseline and a five year freeze at the final 1997 appropriated levels. It is an increase over the FY 1997 Congressional Budget Resolution projections for 1998 to 2002, and for the same years it exceeds the President's Budget in budget authority and is virtually the same in outlays.

The 1998–2002 totals of the Senate amendment are: (1) $63.0 billion in budget authority and $76.8 billion in outlays below the Budget Resolution Baseline; (2) $58.1 billion in budget authority and $24.1 billion in outlays above the Freeze Baseline: (3) $16.7 billion in budget authority and $5.2 billion in outlays above the FY 1997 Congressional Budget Resolution, and (4) $4.4 billion in budget authority above the President's Budget; in outlays it is $200 million lower.

The Senate amendment assumes non-statutory "firewalls" for two years, 1998 and 1999. The Balanced Budget Agreement includes statutory firewalls to be enacted later.

When comparing the Senate amendment to the President's Budget, one will notice the following differences. For 1998, the Senate amendment is $2.6 billion higher in budget authority and $1.0 billion higher in outlays. Over the years 1998–2002, in budget authority, the Senate amendment is higher or equal to the President's Budget for all years; overall it is an increase of $4.4 billion. Over the years 1998–2002, in outlays, the reported resolution's defense outlays exceed or are equal to the President's Budget in the years 1998 through 2001; in 2002, the President's Budget is higher. Overall, the Senate amendment and the President's Budget are virtually the same; the Senate amendment is $200 million lower, a difference of one hundredth of one percent.

Manadatory spending.—For mandatory spending in the 050 function, $200 million in additional stockpile sales were requested by the President in 2002, but they were not scored by CBO because no implementing legislation had been requested.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 150: INTERNATIONAL AFFAIRS

Major programs in function

Function 150 includes the operation of foreign affairs establishments including embassies and other diplomatic missions abroad; foreign aid loan and technical assistance activities in less developed countries; security assistance to foreign governments; foreign military sales made through the Foreign Military Sales Trust Fund; U.S. contributions to international financial institutions; U.S. contributions to international organizations; trade promotion activities; and refugee assistance.

House resolution

FUNCTION 150: INTERNATIONAL AFFAIRS

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	15,281	15,909	14,918	15,782	16,114	16,353
Outlays	14,534	14,558	14,569	14,981	14,751	14,812

The House resolution assumes $15.9 billion in budget authority [BA] in fiscal year 1998 and $14.6 billion in outlays. Over the 5-year period from 1998 through 2002, the resolution assumes totals $79.1 in budget authority and $73.7 in outlays.

The House resolution assumes that budget authority for discretionary programs will be $19.0 billion in 1998 and total $92.7 billion over the next 5 years. Likewise, outlays are estimated to be $19.2 billion in 1998 and $93.8 billion over the next 5 years. The House resolution assumes a cap adjustment is available for exchanges of monetary assets and for international organization arrears.

No changes are envisioned concerning mandatory programs.

Senate amendment

Discretionary spending.—Discretionary spending in this function is a priority in the Bipartisan Budget Agreement. International Affairs discretionary spending in 1998 for this function would rise to $19.0 billion in BA and $19.2 billion in outlays, an increase of $0.4 billion in BA and $0.04 billion in outlays above the Budget Resolution Baseline for FY 1998. Over the five year period, spending would drop to a level of $18.2 billion in BA and $18.4 billion in outlays by 2002.

In the 1998 budget request, the President proposed funding $3.521 billion for the New Arrangements to Borrow (NAB), the emergency reserves of the IMF. Funding for the NAB is accommodated at the requested level by a provision in the Budget Process and Enforcement category providing an allowance for an upward adjustment to the budget authority discretionary spending limits should Congress act to support the proposal. A similar adjustment was provided for the IMF in the 1990 Budget Enforcement Act.

In the 1998 budget request, the President proposed funding to pay off the US arrears to the United Nations and other international organizations and the multilateral development banks over three years. Funding for the arrearages is accommodated at the requested level by a provision in the Budget Process and Enforcement category providing an allowance for an upward adjustment to the discretionary spending limits should Congress act to appropriate these funds. The Senate amendment intends for this adjustment to provide the committees of jurisdiction the necessary flexibility to reach a bipartisan resolution. In response to the Administration's proposal to pay the UN arrears, the Majority Leader in coordination with the chairmen and ranking members of the committees of jurisdiction has initiated efforts to meet that objective contingent on significant, demonstrable, and achievable reforms at the United Nations.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriations Committee. Examples of possible reduction include the following:

The Senate amendment assumes the Administration's proposal to cut the 1998 level of funding for the Export Import Bank of the United States to a level of $630 million in BA in 1998, and $85 million decrease from 1997.

The Senate amendment assumes the Administration request of $492 million in BA for the Assistance for Eastern Europe and the Baltic States. By 2002 the request falls to $50 million in BA, $425 million below the 1997 level.

Mandatory spending.—Mandatory programs, in 1997, totaled −$2.8 billion in BA and −$4.6 billion in outlays. In 1998, mandatory accounts total −$3.1 billion in BA and −$4.6 billion in outlays and by 2002 total −$1.9 billion in BA and −$3.6 billion in outlays.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 250: GENERAL SCIENCE, SPACE & TRANSPORTATION

Major programs in function

Function 250 includes the National Aeronautics and Space Administration (NASA) civilian space program, the National Science Foundation (NSF), and basic research programs of the Department of Energy (DOE).

Seventy-five percent of the function is comprised of spending for NASA. Nearly 100 percent of the function is discretionary, under the jurisdiction of the Appropriations subcommittees on VA, HUD and Independent Agencies and Energy and Water.

House amendment

FUNCTION 250: GENERAL SCIENCE, SPACE, AND TECHNOLOGY

[In millions of dollars]

	1997	1998	1999	2000	2001	2002
Budget Authority	16,667	16,237	16,203	15,947	15,800	15,604
Outlays	17,038	16,882	16,528	16,013	15,862	15,668

The House resolution assumes $16.2 billion in budget authority [BA] and $16.9 billion in outlays for fiscal year 1998. Over the 5-year period from 1998 through 2002, the resolutions assumes totals of $79.8 billion in BA and $81.0 billion in outlays.

The House resolution assumes that budget authority for discretionary programs will be $16.2 billion in 1998 and total $79.6 billion over the next 5 years. Likewise, outlays are estimated to be $16.8 billion in 1998 and $80.8 billion over the next 5 years.

No changes are envisioned concerning mandatory programs.

Senate amendment

Discretionary spending.—Discretionary spending in 1998 for Function 250 would decrease by $0.9 billion in BA and $0.5 billion in outlays from the Budget Resolution baseline, resulting in total 1998 funding of $16.2 billion in BA and $16.8 billion in outlays. Over the five year period, budget authority would be decreased by $10.6 billion in BA and $9.0 billion in outlays by 2002 from the Budget Resolution baseline.

The Senate amendment assumes continued support for basic research between 1998 and 2002. National Science Foundation (NSF) spending on research and related activities would grow from their current level of $2.4 billion to $2.5 billion in 2002.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from program in this function. These savings will be determined by the Appropriations Committee.

Examples of possible reductions include the following: (1) The Senate amendment assumes the President's budget proposal to freeze DOE General Science programs at their 1997 level of $1.0 billion through 2002. (2) The Senate amendment assumes the President's reductions in NASA Science, Aeronautics, and Technology programs. Savings are achieved from the Budget Resolution baseline by allowing these programs to increase by an average of only two percent each year, from their current level of $4.8 billion to $5.2 billion in 2002. The proposal would result in savings of $0.8 billion over the five-year period. (3) The Senate amendment assumes the President's budget reductions to NASA Human Space Flight accounts. These activities would be reduced from their current level of $5.5 billion to $4.7 billion, with much of this reduction coming from planned reductions to the Space Station, which is scheduled to be funded at $2.1 billion in 1998 and fall to $1.5 billion in 2002. The proposal would result in savings of $4.2 billion over the five-year period. (4) The Senate amendment assumes the President's budget reductions to NASA Mission Support activities, which would be frozen at $2.5 billion per year, saving $1.7 billion over the five-year period. (5) The Senate amendment assumes the President's budget reductions to NSF spending on education and human resources, which would be frozen at their current level of $0.6 billion. (6) The President has proposed to reduce these NSF activities by $0.1 billion between 1998 and 2002 from the Budget Resolution baseline.

Mandatory spending.—There are no mandatory assumptions in Function 250.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 270: ENERGY

Major programs in function

Function 270 funds the civilian activities of the Department of Energy (DOE), the Rural Utilities Service (RUS), the Nuclear Regulatory Commission (NRC), and the net spending of the Tennessee Valley Authority (TVA) power program.

House resolution

FUNCTION 270: ENERGY

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	2,562	3,123	3,469	3,186	2,939	2,846
Outlays	1,864	2,247	2,446	2,293	2,048	1,867

The House resolution assumes $3.1 billion in budget authority [BA] and $2.2 billion in outlays for fiscal year 1998. Over the 5-year period from 1998 through 2002, the House resolution assumes totals of $15.6 billion in BA and $10.9 billion in outlays.

The House resolution is consistent with the budget agreement. The House resolution assumes that budget authority for discretionary programs will be $4.8 billion in 1998 and total $22.9 over the next 5 years. Likewise, outlays are estimated to be $5.0 in 1998 and $24.0 over the next 5 years.

Consistent with the budget agreement, it is assumed that the Department of Energy [DOE] will be authorized to lease excess storage capacity in the Strategic Petroleum Reserve.

Senate amendment

Discretionary spending.—The Senate amendment assumes spending of $22.9 billion in budget authority and $24.0 billion in outlays for the function over the next five years. By 2002 spending would decrease by $0.5 billion in BA and $0.6 billion in outlays as compared to Budget Resolution baseline levels.

The aggregate numbers in this function will support the overall level of spending assumed in the Bipartisan Budget Agreement. In order to meet these levels, specific program reductions and freezes would be required beyond the President's request.

The Senate amendment places a priority on the Department of Energy programs that support science and basic research, such as DOE's efforts to map the human genome and the activities at the Department of Energy National Laboratories.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Naval Petroleum Reserves reductions. The President's Budget request proposes to reduce the Naval Petroleum Reserves program. The outyear discretionary savings result from the sale of Elk Hills Naval Petroleum Reserve scheduled for February 1998 and the subsequent reduced appropriations requirement. (2) Fossil Energy R&D reductions. The President's request would reduce fossil (coal, natural gas, and petroleum) technology development programs. (3) Other. The President's Budget request proposes reductions in the Uranium Enrichment decontamination and decommissioning fund and the Power Marketing Administrations. The President's request reduces the Rural Electrification Administration (REA) and the Energy Information Administration (EIA).

Mandatory spending.—The reported resolution adopts a proposal from the 1997 Budget Resolution and the president's budget request that authorizes DOE to lease excess SPRO storage capacity.

Conference agreement

The conference agreement reflect the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 300: ENVIRONMENT AND NATURAL RESOURCES

Major programs in function

This function includes funding for water resources, conservation and land management, recreation resources, and pollution control and abatement. Agencies with major programs in this function include: the Army Corp of Engineers (CORP), Bureau of Reclamation (BOR), Forest Service (USFS), Bureau of Land Management (BLM), Fish and Wildlife Service (USFWS), the National Park Service (NPS), Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), and the U.S. Geological Survey (USGS).

House resolution

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

[in millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	22,199	23,877	23,227	22,570	22,151	22,086
Outlays	22,359	22,405	22,702	22,963	22,720	22,313

The House resolution assumes $23.9 billion in budget authority [BA] and $22.4 billion in outlays for fiscal year 1998. Over the 5- year period, from 1998 through 2002, the total BA is $113.9 billion and $113.1 billion in outlays.

The House resolution assumes that budget authority for discretionary programs will be $22.8 billion in 1998 and total $108.9 over the next 5 years. Likewise, outlays are estimated to be $21.4 billion in 1998 and $108.3 billion over the next 5 years.

The House resolution assumes that up to $700 million will be available for Federal land acquisitions and to finalize priority Federal land exchanges, and that Superfund appropriations will be at the President's level if policies can be worked out.

The EPA Operating Program, the Operation of the National Park System, Land Acquisition and State Assistance, and Everglades Restoration Fund (including Corps of Engineers) are considered protected domestic, discretionary priorities, consistent with the Bipartisan Budget Agreement.

The House resolution also assumes that the amounts provided are sufficient to accommodate $143 million in fiscal year 1998 to implement the California Bay-Delta Environmental Enhancement and Water Security Act.

The House resolution assumes that $200 million will be reserved annually for an Environmental Reserve Fund, contingent upon Superfund reform.

Senate amendment

Discretionary spending.—The discretionary spending in this function is a priority in the Bipartisan Budget Agreement. Discretionary spending in 1998 for this function increases by $0.6 billion in BA and increases by $0.3 billion in outlays above the Budget Resolution Baseline, to $22.8 billion in BA and $21.4 billion in outlays. Over the five year period, discretionary spending decreases to $21.2 billion in BA and $21.5 billion in outlays in 2002. The Senate amendment assumes total discretionary spending of $109.0 billion in BA and $108.3 billion in outlays over the five year period.

The Bipartisan Budget Agreement assumes the President's request of $1.2 billion in both BA and outlays for National Park Service operations, an increase of $66 million in BA and $57 million in outlays above 1997. This is an increase of $25 million in BA and $19 million in outlays above in the 1998 Budget Resolution Baseline. The Agreement assumes the President's funding request within the National Park Service and the Corps of Engineers for the restoration of the Florida Everglades.

The Bipartisan Budget Agreement also assumes the President's request of $3.5 billion in BA and $3.3 billion in outlays for EPA's operating programs, an increase of $0.3 billion in both BA and outlays above 1997.

The Bipartisan Budget Agreement assumes the President's request of $41 million in 1998, for National Park Service land acquisition, an increase of $17 million above 1997 ($162 million over the five year period). In addition, the Agreement assumes an additional $700 million in BA in 1998 and the associated outlays for 1998 through 2001 for high priority Federal land acquisitions and exchanges. The funding will be allocated to function 300 as an allowance exclusively for this purpose.

In 1997, $1.3 billion was provided for the hazardous waste Superfund operated through the Environmental Protection Agency. The Superfund authorization and the taxes to finance the Superfund trust fund expired in 1994 and 1995, respectively. Increased funding can be accommodated at the President's request of $2.1 billion in 1998 and $8.4 billion over five years if policies can be worked out.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, saving will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions are: (1) Forest Service (FS) and Bureau of Land Management (BLM) Wildlife Management: In 1997, approximately $0.6 billion was spent on emergency firefighting for both the FS and BLM. The President's budget does not include the emergency funding but it does provide $0.8 billion in both BA and outlays in base funding. (2) FS construction and reconstruction: The President's budget proposes $0.1 billion in BA and $0.2 billion in outlays, a decrease of $34 million in BA and $24 million in outlays below the 1997 level. (3) Corps of Engineers: The President's budget proposes $3.5 billion for the major programs of the Corps, an increase of $0.2 billion in BA above 1997 and a decrease of $0.1 billion in outlays below 1997. The Senate amendment does not assume the President's proposal for Capital Asset Acquisitions.

Mandatory spending.—The Senate amendment assumes $1.0 billion over the five year period and $2.0 billion over ten years for new mandatory spending for orphan shares at Superfund hazardous waste cleanup sites. Orphan shares are portions of financial liability at Superfund sites allocated to non-Federal parties with limited or no ability to pay. The funds will be reserved for this purpose based on the assumption of a policy agreement on orphan share spending.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 350: AGRICULTURE

Major programs in function

This function includes programs that intend to promote economic stability in the agriculture sector. Programs in this function include direct assistance and loans to food and fiber producers, and market-information and agriculture research. Producers are assisted with production flexibility contract payment, crop insurance, non-recourse crop loans, operating loans and export promotion.

House resolution

FUNCTION 350: AGRICULTURE

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	11,819	13,133	12,790	12,215	10,978	10,670
Outlays	9,910	11,892	11,294	10,664	9,494	9,108

The House resolution assumes $13.1 billion in budget authority [BA] and $11.9 billion in outlays for fiscal year 1998. Over the 5-year from 1998 through 2002, the House resolution assumes totals of $59.8 billion in BA and $52.5 billion in outlays.

The House resolution assumes that budget authority for discretionary programs will be $4.1 billion in 1998 and total $19.4 billion over the next 5 years. Likewise, outlays are estimated to be $4.1 billion in 1998 and $19.8 billion over the next 5 years.

The House resolution makes for assumptions concerning mandatory programs in this function.

Senate amendment

Discretionary spending.—Discretionary spending in 1998 for this function would decrease by $0.2 billion in BA and $0.1 billion in outlays below the Budget Resolution Baseline, to $4.1 billion in both BA and outlays. Over the five year period, discretionary spending would decrease to $3.8 billion in both BA and outlays in 2002. The Senate amendment assumes total discretionary spending of $19.6 billion in BA and $19.8 billion in outlays over the five year period. The aggregate numbers in this function will support the overall level of spending assumed in the Bipartisan Budget Agreement. In order to meet those levels, specific program reductions and freezes may be required beyond the President's request.

The Senate amendment assumes the President's proposal of $0.2 billion in discretionary funds to reimburse agent's sales commissions and company administrative expenses for private delivery. Private sales agents and insurance companies administer federal crop insurance on the federal government's behalf. In exchange for private delivery, the Department of Agriculture reimburses the private companies. Under current law, reimbursements are paid from the mandatory Federal Crop Insurance Fund and in 1998 and, thereafter, sales commissions are discretionary.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Farm Service Agency (FSA) salaries and expenses: The President's budget proposes $0.7 billion in both BA and outlays in 1998 for salaries and expenses, a decrease of $32 million in BA and $30 million in outlays, below the Budget Resolution Baseline. Over the five year period the President proposes to reduce FSA salaries and expenses by $1.1 billion in both BA and outlays. (2) Agriculture Credit Insurance Fund (ACIF): The President's budget proposes $0.3 billion in both BA and outlays for the ACIF in 1998, a decease of $46 million in BA and $40 million in outlays below the Budget Resolution Baseline. (3) Agriculture Research Service (ARS) Buildings and Facilities and Cooperative State Research, Education, and Extension Service Buildings and Facilities (CSREES): The President's budget proposes to terminate CSREES building and facilities and reduce ARS buildings and facilities. The proposal saves $76 million in BA and $4 million in outlays in 1998 below the Budget Resolution Baseline. Over five years, this proposal saves $0.5 million in BA and $0.3 million in outlays. (4) Agriculture Research: The President's budget proposes $1.6 billion in both BA and outlays for agriculture research and extension, a reduction of $44 million in BA and $27 million in outlays below the Budget Resolution Baseline.

Mandatory spending.—Over the five year period mandatory spending decreases from $7.7 billion in 1998 to $5.2 billion in 2002, a decrease of $2.5 billion. The majority of the decrease is associated with a reduction in flexibility contract payments and other policy changes enacted in the 1996 Farm Bill. The Senate amendment assumes total mandatory spending of $32.6 billion over the five year period. It does not assume policy changes for mandatory programs in this function.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

Major programs in function

Function 370 includes certain discretionary housing programs, such as subsidies for single and multifamily housing in rural areas and mortgage insurance provided by the Federal Housing Administration; net spending by the Postal Service; discretionary funding for commerce programs, such as international trade and exports, science and technology, the periodic census, and small business; and mandatory spending for deposit insurance activities related to banks, thrifts, and credit unions.

House resolution

FUNCTION 370: COMMERCE AND HOUSING CREDIT

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	5,981	9,296	10,127	13,921	15,546	16,902

FUNCTION 370: COMMERCE AND HOUSING CREDIT—Continued

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Outlays	−9,571	1,769	3,344	8,559	11,601	12,765

The House resolution assumes $9.3 billion in budget authority and $1.8 billion in outlays in fiscal year 1998. Over the 5-year period from 1998 through 2002, the resolution assumes $65.8 billion in BA and $38.0 in outlays.

The House resolution assumes for discretionary programs $3.1 billion in budget authority and outlays in fiscal year 1998. Over the 5-year period, from 1998 to 2002, the House resolution assumes $17.5 billion in BA and $16.9 billion in outlays over 5 years.

The Federal Housing Administration provides mortgage insurance to Americans who otherwise might not be able to obtain the financing to buy a house. When a home buyer defaults on a federally insured mortgage, the FHA must pay the balance on the mortgage to the lender, and foreclose on the house. By giving the FHA more flexibility to work with homeowners who are in default on their mortgages, costs to the FHA insurance fund can be avoided. The House resolution assumes continuation of current law policy to provide FHA with tools to encourage lenders to forbear for only up to 1 year. This would improve the targeting and efficiency of HUD's current program, and allow the FHA homeowners experiencing temporary economic distress to stay in their homes.

The House resolution assumes shifting to the Postal Service the cost of financing workers compensation benefits for pre-1971 postal employees. This produces net savings of $121 million over 5 years.

Senate amendment

Discretionary spending—Discretionary spending in 1998 for this function would increase by $0.3 billion in BA and outlays over the 1997 level, to $3.1 billion in BA and outlays. By 2002, spending would return approximately to 1997 levels of $2.9 billion in BA and $2.7 billion in outlays, after having peaked at $5 billion in BA and $4.6 billion in outlays in 2000 to cover the costs of conducting the decennial census.

The decennial census requires a level of resources that is an order of magnitude larger than the baseline amounts based on the 1997 appropriation of $0.2 million for the periodic census. The Senate amendment includes sufficient funding over the next five years to conduct the census, and reflects savings from implementing improvements in conducting the census.

The Bipartisan Budget Agreement provides the President's request for the National Institute of Standards and Technology (NIST), which is an increase of $0.7 billion in budget authority and $0.3 billion in outlays over the Budget Resolution Baseline over the next five years.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriations Committees.

Following are examples of possible reductions. The President's Budget proposes to operate a group of programs over the next five years at a level of resources generally frozen at the 1997 level, including direct rural multifamily housing loans and associated administrative expenses (actually a 4.5 percent reduction in 1998 compared to 1997), SBA business loans and salaries and expenses, payment for postal subsidies, FHA multifamily housing loan insurance, and salaries and expenses for the International Trade Administration (ITA), salaries and expenses at NIST, the Census Bureau, and the Federal Communications Commission.

Mandatory spending—The apparent increase in BA and outlays from 1997 to 2002 in the Senate amendment (an $11 billion BA change and a $22.4 billion outlay change) stems not from new policies but from baseline increases in the mandatory programs in this function. The primary component of the baseline increase is the Universal Service Fund, into which telecommunications carriers are required to pay amounts to cover the cost of guaranteeing certain levels of service in rural and high cost areas. These amounts appear as federal revenues on the tax side of the budget, with corresponding spending appearing in this budget function. While the fund has no net impact on the budget, the BA and outlays for the fund grow from $1 billion in 1997 to $12.2 billion in 2002, swamping any changes in other mandatory activities in this function.

The Treasury pays the Postal Service about $30 million annually for obligations incurred by the federal government before the Postal Service was reorganized and placed off-budget in 1971. The Bipartisan Budget Agreement provides for an end to these payments, with the costs shifting to postal rate payers and save the Treasury $0.1 billion over the next five years.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senaté amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 400: TRANSPORTATION

Major programs in function

Function 400 includes ground transportation programs, such as the federal-aid highway program, mass transit operating and capital assistance, rail transportation through AMTRAK and other rail programs; air transportation through the Federal Aviation Administration (FAA) Airport Improvement Program (AIP), aviation facilities and equipment programs, and operation of the air traffic control system; water transportation through the Coast Guard and the Maritime Administration; and related transportation support activities.

House resolution

Function 400: Transportation

[in millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	43,869	46,402	46,556	47,114	48,135	49,184
Outlays	39,544	40,933	41,256	41,357	41,303	41,247

The House resolution assumes budget authority of $46.4 billion for fiscal year 1998, $49.2 billion for fiscal year 2002, and $237.4 billion for the 5-year period of fiscal years 1998–2002. The House resolution assumes outlays of $40.9 billion for fiscal year 1998, $41.2 billion for fiscal year 2002, and $206.1 billion for the 5-year period of fiscal years 1998–2002.

The House resolution assumes budget authority for discretionary programs of $13.6 billion for fiscal year 1998, $15.3 billion for fiscal year 2002, and $73.7 billion for the 5-year period of fiscal years 1998–2002. The House resolution assumes outlays of $38.3 billion for fiscal year 1998, $39.4 billion for fiscal year 2002, and $195.3 billion for the 5-year period of fiscal years 1998–2002.

In mandatory spending, the House resolution assumes the permanent extension of vessel tonnage fees.

Senate amendment

Discretionary spending.—Discretionary spending in this function is a priority in the Bipartisan Budget Agreement. Discretionary spending in 1998 for Function 400 would decrease by $1.1 billion in BA, while outlays would increase by $0.6 billion from the Budget Resolution baseline, resulting in total 1998 spending of $13.6 billion in BA and $38.3 billion in outlays. Over the five year period, total discretionary spending would decrease by $4.1 billion in BA and $2.3 billion in outlays by 2002 below the Budget Resolution baseline.

The Senate amendment assumes spending of all estimated Highway Trust Fund tax receipts between 1998 and 2002. Yearly allocations of Highway Trust Fund spending would be equal to the current estimates of tax receipts to the Highway Trust Fund, with a one-year delay. The proposal would increase total highway spending from its current level of $20.8 billion to $23.1 billion in 2002.

The Senate amendment assumes the Budget Resolution baseline for FAA Operations, Facilities and Equipment, and Research, Engineering, and Development programs. The Senate amendment would provide for these programs to grow from their 1997 level of $7.1 billion to $8.3 billion in 2002. The Senate amendment also assumes a freeze in the Airport Improvement Program (AIP), through 2002, at its current level of $1.46 billion. The President's budget had provided for AIP to be reduced to $1.0 billion in 1998 and frozen at this figure through 2002.

The Senate amendment assumes the Budget Resolution baseline for the Federal Transit Administration (FTA). This assumption would allow for total mass transit outlays to rise from their current level of $4.3 billion to $4.5 billion in 2002.

The Senate amendment assumes the Budget Resolution baseline for Amtrak. This proposal would allow Amtrak spending to rise from its current level of $0.8 billion to $0.9 billion in 2002.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriations Committee.

Examples of possible reductions include: (1) The Department of Transportation Office of the Secretary accounts, maritime, and NASA Function 400 aeronautical facilities. (2) Coast Guard. Spending could be reduced by $0.8 billion over the five year period below the Budget Resolution baseline. Most of this reduction is from the President's proposal to freeze Coast Guard operations at $2.4 billion from 1998 through 2002.

Mandatory spending.—The Senate amendment provides for an increase in contract authority for highways, highway safety, and mass transit above the levels provided in 1997. Total highway and highway safety contract authority would rise from its current level of $22.6 billion to $25.1 billion in 2002. For mass transit, the Senate amendment would increase contract authority from its current level of $4.8 billion to $5.5 billion in 2002.

The Bipartisan Budget Agreement assumes an extension of these fees, set to expire September 30, 1998, raising $0.2 billion over 1999–2002.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

Major programs in function

This function includes funding for community and regional development and disaster relief. The major programs are administered through a variety of agencies including the Department of Housing and Urban Development (HUD), Appalachian Regional Commission (ARC), Tennessee Valley Authority (TVA), Economic Development Administration (EDA), Bureau of Indian Affairs (BIA), Federal Emergency Management Agency (FEMA), and the Department of Agriculture (USDA).

House resolution

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	10,199	8,768	8,489	7,810	7,764	7,790
Outlays	12,137	10,387	10,902	10,986	11,350	8,429

The House resolution assumes $8.8 billion in budget authority [BA] and $10.4 billion in outlays for fiscal year 1998. Over the 5-year period, 1998 through 2002, the House resolution assumes $40.6 billion in BA and $52.1 in outlays.

The House resolution assumes $8.3 billion in discretionary budget authority [BA] and $10.0 billion in outlays in fiscal year 1998. Over the 5-year period, it assumes $39.1 in BA and $51.6 in outlays. The resolution assumes the Community Development Financial Institution [CDFI] Fund as a domestic discretionary priority, as defined in the Bipartisan Budget Agreement.

The House resolution makes no assumptions concerning mandatory spending in this function.

Senate amendment

Discretionary spending.—Discretionary spending in 1998 for this function would decrease by $1.3 billion in BA and $1.0 billion in outlays below the Budget Resolution Baseline, to $8.3 billion in BA and $10.0 billion in outlays. Over the five year period, discretionary spending would decrease to $7.6 billion in BA and $8.4 billion in outlays in 2002. The Senate amendment assumes total discretionary spending of $39.1 billion in BA and $51.6 billion in outlays over the five year period. The aggregate numbers in this function will support the overall level of spending assumed in the Budget Agreement. In order to meet those levels, specific program reductions and freezes may be required beyond the President's request.

The Senate amendment is $8.4 billion in BA and $1.0 billion in outlays below the President's 1998 request. The majority of the difference is due to the President's request of $5.8 billion for the emergency contingency fund and the President's $2.4 billion request for FEMA disaster relief. The Senate amendment does not assume the emergency contingency fund. The 1997 emergency supplemental in the Senate-passed bill and the House-reported bill includes the President's request of $2.4 billion for FEMA disaster relief, thus the Senate amendment does not assume the President's FEMA, disaster relief request of $2.4 billion in 1998. The Senate amendment does assume base non-emergency funding for FEMA disaster relief as requested by the President.

The Bipartisan Budget Agreement assumes the President's request of $125 million in BA and $63 million in outlays for the community development financial institution fund.

The Bipartisan Budget Agreement assumes the President's request of $0.8 billion for Tribal Priority Allocations, an increase of $0.1 billion over 1997. This program provides funds directly to tribes for tribal government operations and basic services such as law enforcement, child protection, education and road maintenance. Funding is also included in functions 300 and 500.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Community Development Block Grants (CDBG): The President's budget proposes $4.6 billion in BA and $4.7 billion in outlays, a decrease of $115 million in BA below the Budget Resolution Baseline and is essentially at a freeze in outlays. (2) Appalachian Regional Commission: The President's budget proposes $165 million in BA and $185 million in outlays, an increase of $5 million above 1997 in BA and a decrease of $9 million in outlays below 1997. In 1999 through 2002, the President's budget proposes $70 million per year.

Mandatory spending.—The Senate amendment assumes no changes in mandatory programs in this function.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT & SOCIAL SERVICES

Major programs in function

This function includes those activities designed to promote the acquiring of knowledge and skills, to provide social services for needy individuals, and for research directly related to these program areas. In general, the activities funded by this function are administered through the Departments of Labor, Health and Human Services, and Education.

House resolution

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	54,199	60,020	60,450	61,703	62,959	63,339
Outlays	50,466	56,062	59,335	60,728	61,931	62,316

The House resolution provides $60.0 billion in budget authority for function 500 in fiscal year 1998 and $56.1 billion in outlays. Over 5 years, the resolution provides $308.5 billion in budget authority and $300.4 billion in outlays.

For discretionary programs in fiscal year 1998, this House resolution assumes $46.7 billion in budget authority [BA] and $43.2 billion in outlays. Over 5 years, it assumes $239.3 billion in BA and $232.7 billion in outlays.

The resolution assumes funding levels sufficient to meet the education priorities of Congress and the President. Among these priorities are Education Reform—including the Technology Literacy Challenge Fund—Bilingual and Immigrant Education, Pell Grant ($300 increase in 1998 maximum award amount to $3,000), child literacy initiatives consistent with the goals and the concepts of the President's America Reads Program, Head Start and Training and Employment Services—including Job Corps.

The largest mandatory program in Function 500 is the student loan program. The House resolution assumes savings of $1.8 billion in student loans by reducing excess guaranty agency reserves in the guaranteed loan program and reducing administrative costs in the direct loan program. Students will not be affected by these changes. The same number of loans will be available to students at no additional cost to the students or their parents. The volume of student loans will grow from $27 billion in 1997 to $36 billion in 2002. The number of student loans will increase from 7,463,000 to 8,605,000.

The specific policy assumptions are as follows:

Reduce Section 458 (Direct Loan Administrative Account). The plan saves $603 million in outlays from the administration of the Direct Loan program. The proposal does not cap the direct lending.

Eliminate $10 Direct Loan Fee. The plan eliminates the $10-per-loan subsidy to schools and alternate originators participating in the direct loan program.

Reclaim Excess Guaranty Agency Reserves. This is a modified version of the President's proposal to recall excess guaranty agency reserves. This proposal would recall $1 billion and maintain 98 percent reinsurance levels for guaranty agencies. The administration's proposal would recall $2.5 billion and have the Federal Government pay 100 percent of all default claims through direct Federal payments.

Senate amendment

Discretionary spending.—Discretionary spending in this function is a priority in the Bipartisan Budget Agreement. Discretionary spending in 1998 for this function would increase by $4.3 billion in BA and $2.8 billion in outlays over the 1997 level, to $46.7 billion in BA and $43.2 billion in outlays in 1998. By 2002, discretionary spending would grow by $6.8 billion in BA and $8.2 billion in outlays over the 1997 level, for a total of $49.2 billion in BA and $48.6 billion in outlays in 2002. Compared to the Budget Resolution Baseline, spending in this function would increase by $9.7 billion in BA and $5.8 billion in outlays over the next five years.

In order to work toward the statutory federal goal of providing 40 percent of the national average per pupil expenditure per disabled child, the Senate amendment assumes a $5 billion increase in Special Education over the next five years.

Pell Grants are a critical form of student financial assistance in that they target students from low income families. The Bipartisan Budget Agreement supports the President's request for an additional $8.6 billion for this program over the next five years, including bringing the maximum grant from $2,700 to $3,000.

For Head Start, a program which provides pre-school programming for disadvantaged children, the Bipartisan Budget Agreement provides for the President's request which calls for an additional $2.7 billion over the next five years.

The Bipartisan Budget Agreement provides funding for literacy programs consistent with the goals and concepts of the President's America Reads program.

The Bipartisan Budget Agreement provides, as a priority item, the President's request for the Technology Literacy Challenge Fund, which will provide $946 million over the next four years for teacher training; updated computer equipment in classrooms; Internet connections; and other online learning resources. The program is scheduled to sunset in 2001.

Bipartisan Budget Agreement provides, as a priority item, $446 million increase over the next five years for Bilingual and Immigrant Education programs to help limited English-proficient students and local education agencies with large numbers of immigrant students.

The Bipartisan Budget Agreement, according to the President's Budget, provides for growth at the rate of inflation for Job Corps, which provides basic education, training, work experience, and other support through primarily residential settings.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Terminate Public Broadcasting Facilities. Funding for this program, which provides grants to noncommercial entities for the planning and construction of broadcasting facilities throughout the United States, would be terminated in the President's Budget. (2) School Improvement Programs. The President's Budget proposes to terminate the Innovative Program Strategies Grant Program. (3) Children and Families Services Programs. The President's Budget assumes reductions totaling nearly $1.4 billion over the next five years in the following programs: Community Services Block Grant, Social Services Research and Demonstration, termination of Community Services Discretionary Activities, termination of National Youth Sports, and termination of the Community Food and Nutrition program. (4) Unemployment Trust Fund and Service Operations. Appropriations for this account could be reduced by replacing federal funds through the enactment of a new alien labor certification fee that was proposed in the President's Budget.

Mandatory spending.—A significant source of mandatory funding within Function 500 includes the student loan programs. The subsidy for student loans is expected to grow from $3.9 billion in 1998 to $4.1 billion in 2002. This federal subsidy will support $28.8 billion in student loan volume in 1998, growing to $35.8 billion in 2002.

Proposed savings in student loan programs provided in the Bipartisan Budget Agreement would not increase costs, reduce benefits, or limit access to loans for students and their families. The specific policies assumed in the Bipartisan Budget Agreement are intended to achieve an equitable balance in savings between the direct student loan program and the guaranteed student loan program.

The Bipartisan Budget Agreement provides for total savings in student loan programs of $1.8 billion over the next five years. Annual budget authority levels for the Section 458 Funds for Administrative Expenses account of the Federal Direct Student Loan Program, would be reduced for a five year savings of $603 million. It would eliminate the $10 per loan federal payment to schools and alternate originators who make direct loans. Savings of $160 million over five years. This proposal would return to the federal government $1 billion in excess guarantee agency reserves which are not necessary for guarantee agencies to carry out their essential functions, saving $1 billion over five years. The Bipartisan Budget Agreement would eliminate the mandatory vocational education appropriation under the Smith-Hughes Act of 1918, as is proposed in the President's Budget, for a savings of $29 million over five years.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with a technical adjustment with respect to function spending levels. The Conferees note that the past two budget resolutions have included provisions related to the costs of originating and servicing Direct Loans as well as FFELP Loans. This conference agreement assumes current law provisions related to these programs. The Conferees believe further discussion of scorekeeping of all federal and direct guarantee programs is necessary.

FUNCTION 550: HEALTH

Major programs in function

This function covers all health spending except that for Medicare, military health, and veterans' health. The major programs include Medicaid, health benefits for federal retirees, the National Institutes of Health, the Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, the Centers for Disease Control, and the Substance Abuse and Mental Health Services Administration.

House resolution

FUNCTION 550: HEALTH

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	125,271	137,799	144,968	154,068	163,412	172,171
Outlays	127,421	137,767	144,944	153,947	163,135	171,727

For fiscal year 1998, the House resolution assumes total function 550 budget authority [BA] of $137.8 billion and outlays of $137.8 billion. Over the 5-year period 1998–2002, it assumes budget authority of $772.4 billion and outlays or $771.5 billion.

The House resolution provides $24.9 billion in budget authority and $24.6 billion in outlays in fiscal year 1998 for the Federal Government's discretionary health programs. Over the 5-year period 1998–2002, for function 550 discretionary programs it assumes budget authority of $122.8 billion and outlays of $123.2 billion.

Under the Medicaid reform assumed in the House resolution, Medicaid outlays would be $105.3 billion in fiscal year 1998 and $604.7 billion over 5 years. There would be no per capita cap on Federal Medicaid spending. The plan calls for $13.6 billion in Federal Medicaid net savings over 5 years. Savings are derived from reduced disproportionate share hospital payments and flexibility provisions.

Key components of the Medicaid reform assumptions are the following:

Disproportionate Share Hospital Payments. Medicaid disproportionate share hospital [DSH] payments are additional payment adjustments made to hospitals serving a relatively large (disproportionate) volume of Medicaid or low-income patients. In fiscal year 1997, estimated Medicaid DSH payments are $9.8 billion. DSH payments vary greatly across the States, with some spending more than $1,000 per low-income resident, and others spending much less. This proposal would achieve Medicaid savings through DSH reform.

State Medicaid Flexibility. The plan incorporates an unprecedented increase in State Medicaid flexibility. Key elements include provisions to allow States more flexibility in managing the Medicaid program, including repeal of the Boren Amendment, converting managed care and home/community based care waiver process to State Plan Amendment, and elimination of unnecessary administrative requirements.

Net Medicaid savings include $919 million for a higher Federal Medicaid match rate for the District of Columbia; $250 million for an inflation adjustment for programs in Puerto Rico and other territories; $1.5 billion to cover increased Medicaid cost under existing law due to the shift of home health care from Part A to Part B of Medicare and due to the maintenance of the Medicare Part B premium at 25 percent; and $1.5 billion to ease the impact of increasing Medicare premiums on low-income beneficiaries.

The resolution assumes no per-capita cap limits.

Additional components of mandatory spending include the following:

Children's Health Insurance Initiatives. Under the Bipartisan Budget Agreement, Federal financial support to increase health insurance coverage for children who are uninsured will be provided. The resolution assumes that authorizing committees will draft legislation to use the Federal funds assumed in this resolution in the most cost-effective manner possible. Options for their consideration would include: (a) modifications to existing programs, such as Medicaid, including outreach activities to identify and enroll eligible children and providing 12-month continuous eligibility; and also to restore Medicaid for current disabled children losing SSI because of the new, more strict definitions of childhood eligibility; (b) a capped mandatory spending program, such as grants to the States; a combination of (a) and (b); or other approaches. The resolution assumes that $16 billion will be spent over the next 5 years to provide up to 5 million additional children with health insurance coverage by 2002. These resources will be used in the most cost-effective manner possible to expand coverage and services for low-income and uninsured children with a goal of up to 5 million currently uninsured children being served. These funds may not be used to decrease required savings.

Senate amendment

Discretionary spending.—The Senate amendment provides discretionary spending for this function in 1998 of $24.9 billion in BA and $24.6 billion in outlays. Compared to 1997, BA is $0.1 billion lower, and outlays are $0.8 billion higher. Over five years, discretionary spending in this function is $13.2 billion in BA and $10.0 billion in outlays below the Budget Resolution Baseline. Discretionary spending is $2.2 billion in BA and $1.4 billion in outlays below a five year freeze baseline. The Senate amendment assumes the National Institutes of Health will be given priority in terms of funding levels throughout the five year period.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required in programs in this function. These savings will be determined by the Appropriations Committees. The following are examples of possible reductions.

The President's proposals to reduce funding for Health Professions and General Departmental Management; and reductions in funding for the Agency for Health Care Policy and Research.

Mandatory spending.—The Senate amendment includes net Medicaid savings of $13.6 billion over five years. Net Medicaid savings in the Senate amendment include a higher match for D.C., an inflation adjustment for programs in Puerto Rico and other territories, Part B premium interactions, and $1.5 billion to ease the impact of increasing Medicare premiums on low-income beneficiaries. The $13.6 billion in Medicaid savings do not reflect the health care investments for children's coverage, protections for legal immigrants under welfare reform, or the extension of veterans' Medicaid income protections. The Senate amendment includes savings derived from reduced disproportionate share payments and flexibility provisions. The Senate amendment includes provisions to allow States more flexibility in managing the Medicaid program, including repeal of the Boren amendment, converting current managed care and home/community-based care waivers to State Plan Amendment, and elimination of unnecessary administrative requirements.

The Senate amendment $16 billion over five years (to provide up to 5 million additional children with health insurance coverage by 2002). The funding could be used for one or both of the following, and for other possibilities if mutually agreeable: (1) Medicaid, including outreach activities to identify and enroll eligible children and providing 12-month continuous eligibility; and also to restore Medicaid for current disabled children losing SSI because of the new, more strict definition of childhood eligibility; and (2) A program of capped mandatory grants to States to finance health insurance coverage for uninsured children. The resources will be used in the most cost-effective manner possible to expand coverage and services for low-income and uninsured children with a goal of up to 5 million currently uninsured children being served.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 570: MEDICARE

Major programs in function

This function includes only the Medicare program. Medicare pays for medical services for 38.1 million senior citizens, disabled workers, and persons with end-stage renal disease. Medicare is administered by the Health Care Financing Administration, part of the Department of Health and Human Services.

House resolution

FUNCTION 570: MEDICARE

[in millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	190,792	201,620	212,073	225,540	239,636	251,548
Outlays	191,266	201,764	211,548	225,537	238,781	250,769

The House resolution assumes that spending for this function total $201.6 billion in budget authority and $201.8 billion in outlays for fiscal year 1998. The House resolution assumes that spending for this function total $1,130.4 billion in budget authority and $1,128.4 billion in outlays for fiscal years 1998–2002.

Function 570 discretionary spending consists of the administrative costs of the Medicare Part A and Part B programs. The House resolution assumes that discretionary spending for this function total $2.7 billion in budget authority and $2.7 billion in outlays for fiscal year 1998. The House resolution assumes that discretionary spending for this function total $13.4 billion in budget authority and $13.3 billion in outlays for fiscal years 1998–2002.

In accordance with the budget agreement between the administration and the congressional negotiators, this House resolution assumes the following:

Reduce projected Medicare spending by $115 billion over 5 years;

Extend the solvency of the Part A Trust Fund for at least 10 years through a combination of savings and structural reforms (including the home health reallocation);

Structural reforms will include provisions to give beneficiaries more choices among competing health plans, such as provider sponsored organizations and preferred provider organizations;

The Medicare program reforms provide beneficiaries with comparative information about their options, such as now provided Federal employees and annuitants in the FEHB program;

Maintain the Part B premium at 25 percent of program costs and phase in over 7 years the inclusion in the calculation of the Part B premium the portion cost of home health expenditures reallocated to Part B;

Reform managed care payment methodology to address geographic disparities that has limited HMO access in rural areas;

Reform payment methodology by establishing prospective payment systems for areas such as home health providers, skilled nursing facilities, and outpatient departments; and

Funding for new health benefits including: (1) expanded mammography coverage; (2) coverage for colorectal screenings; (3) coverage for diabetes self-management; and (4) higher payments to providers for preventive vaccinations to the extent it will lead to greater use by beneficiaries. Invest $4 billion over 5 years (and $20 billion over 10 years) to limit beneficiary copayments for outpatient services, unless there is a more cost-effective way to provide such services to beneficiaries as mutually agreed.

Senate amendment

Discretionary spending.—The Senate amendment assumes $2.7 billion in BA and outlays for discretionary spending in this function in 1998, which is $0.1 billion higher in BA compared to 1997 and essentially a freeze in outlays. Over five years, discretionary spending in this function is $1.5 billion in BA and $1.4 billion in outlays below the Budget Resolution Baseline and $0.4 billion in BA and outlays above a five year discretionary freeze.

Mandatory spending.—Under current law, net Medicare mandatory spending is estimated to grow from $188.6 billion in 1997 to $288.1 billion in 2002, for an average annual growth rate of 8.8 percent. On a per capita basis, spending is expected to increase from $4,949 in 1997 to $7,114 in 2002, for a 7.5 percent average annual growth rate.

The Bipartisan Budget Agreement includes a reduction of projected Medicare spending by $115 billion over five years, and by an estimated $434 billion over ten years. As well as an extension of solvency of the Part A Trust Fund for at least 10 years through a combination of savings and structural reforms (including the home health reallocation). Under the agreement, net Medicare spending will reach $248.1 billion in 2002, for an average annual growth rate of 5.6%. On a per capita basis, spending will reach $6,127 in 2002, for an average annual growth rate of 4.4%.

Structural reforms, in the Bipartisan Budget Agreement will include provisions to give beneficiaries more choices among competing private insurance options, such as provider sponsored organizations and preferred provider organizations. The Medicare program reforms will provide beneficiaries with comparative information about their options, such as now provided Federal employees and annuitants in the FEHB program. These proposals are similar to reforms sponsored by Senator Gregg, Senator Wyden, and others.

The Bipartisan Budget Agreement maintains the Part B premium permanently at 25 percent of program costs and phase in over seven years the inclusion in the calculation of the Part B premium the portion of home health expenditures reallocated to Part B. It reforms managed care payment methodology to address geographic disparities. It also reforms payment methodology by establishing prospective payment systems for areas such as home health providers, skilled nursing facilities, and outpatient departments.

Funding for new health benefits, in the Bipartisan Budget Agreement includes: (1) expanded mammography coverage; (2) coverage for colorectal screenings; (3) coverage for diabetes self-management; and (4) higher payments to providers for preventive vaccinations to the extent it will lead to greater use by beneficiaries. Invest $4 billion over five years (and $20 billion over ten years) to limit beneficiary copayments for outpatient services, unless there is a more cost-effective way to provide such services to beneficiaries as mutually agreed.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical as the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 600: INCOME SECURITY

Major programs in function

Function 600, Income Security, funds a broad range of programs including federal retirement programs, the major cash and inkind welfare programs, housing programs and nutrition programs. These programs are administered by several agencies and departments including the Department of Health and Human Services, the Office of Personnel Management, the Social Security Administration, the Department of Housing and Urban Development and the Department of Agriculture.

House resolution

FUNCTION 600: INCOME SECURITY

[in millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	228,802	239,032	254,090	269,566	275,145	286,945
Outlays	237,822	247,758	258,064	268,161	277,264	285,239

The House resolution assumes $239.0 billion in budget authority [BA] and $247.8 billion in outlays for fiscal year 1998. Over the 5-year period, from 1998 through 2002, the resolution assumes a total of $1.3 trillion in BA and $1.4 trillion in outlays.

The House resolution assumes that budget authority for discretionary programs will be

$32.9 billion in 1998 and total $184.7 over the next 5 years. Likewise, outlays are estimated to be $41.3 billion in 1998 and $206.2 billion over the next 5 years. Included in these figures is the assumption that the requested level in the President's budget ($89 million) is provided for Unemployment Insurance [UI] integrity activities in addition to continuing integrity activities already funded in the base UI administrative grants to obtain these savings.

The present Section 8 Housing program will require large increases in resources just to maintain the system as it is now structured. The House resolution assumes adequate funding so these obligations can be met. This will entail renewing contracts on almost two million apartments for 1998 alone. By doing so, the Federal Government will be able to continue to provide assistance to those tenants who now receive it. The nature of the problem over time worsens, and long term structural reforms are needed. The House resolution assumes the maintenance of Section 8 assisted housing units at the 1997 level. Though this will entail an increase in resources, the resolution assumes this additional funding for renewals will not be used for a net increase in subsidized apartments, except for assistance extended to tenants displaced by the demolition of a dilapidated building or for other reasons. The House resolution also anticipates reforms will be passed by the House Banking Committee allowing rents on Section 8 projects to be reduced to market levels by reducing mortgages on many of these projects. Since these projects have federally insured mortgages reducing the rents associated with subsidized apartments, mortgage restructuring is essential to avert widespread defaults. The House resolution recognizes the need to address concerns related to the tax consequences of reducing many of these mortgages. When reducing the mortgage amount, many project owners may face large tax liabilities. Also, there may be a need for reforms of the bankruptcy code related to these particular projects. The resolution assumes the necessary committees of jurisdiction will work together to produce the appropriate legislative language.

The House resolution assumes several modifications to the Personal Responsibility and Work Opportunity Act of 1996, welfare reform enacted last year by Congress and the President. It restores eligibility for Supplemental Security Income [SSI] disability and Medicaid benefits for those noncitizens who entered the United States prior to August 23, 1996, or who entered after that date but were enrolled in the program by June 1, 1997. These individuals will be eligible to receive SSI disability benefits if they are now disabled, or if they become disabled in the future. The House resolution also assumes lengthening the period during which refugees and asylees may qualify for public benefits from 5 to 7 years after attaining their immigration status. But the balanced budget plan retains the ban on noncitizen eligibility for SSI benefits for nondisabled noncitizens, and for all noncitizens who entered the country after August 23, 1996 and who were not enrolled by June 1, 1997. Under the House resolution, public benefits remain available to noncitizens who have worked in the United States and paid taxes for at least 10 years, or who are veterans of the U.S. military or dependents of veterans, in addition to persons who become naturalized citizens.

The House resolution also creates additional workfare positions within the Food Stamp Employment and Training Program for able-bodied adults subject to new work requirements in the Food Stamp law enacted last year. The plan also permits Governors to offer hardship exemptions—in addition to other waivers under existing law—to 15 percent of those individuals in their States who would otherwise lose Food Stamp benefits because of their failure to comply with the work requirement. Total costs associated with these work slots and additional benefits resulting from them and from the new 15 percent exemptions are $1.5 billion over 5 years.

Although the balanced budget plan provides additional opportunities for obtaining workfare and adds an additional opportunity for governors to waive the work requirement in certain cases, the basic structure of the work requirement enacted last year remains intact. Under the welfare reform law, able bodied adults with no child care responsibilities must work at least 20 hours per week to continue eligibility for food stamps after they have received 3 months of benefits in any 3-year period. If the individual becomes employed and then is laid off during the period, they become eligible for another 3 months worth of benefits without the required 20 hours per week of work activity. Governors may request a waiver of the requirement for persons who live in areas of high unemployment, where jobs are unavailable.

The balanced budget plan also provides $3 billion in capped mandatory spending through 2001 to the Temporary Assistance to Needy Families [TANF] block grant, allocated to States through a formula and targeted within a state to areas with poverty and unemployment rates at least 20 percent higher than the state average. A share of funds would go to cities/counties with large poverty populations commensurate with the share of long-term welfare recipients in those jurisdictions.

These amounts for low-income restorations may not be used to decrease required savings.

The balanced budget plan accepts several recommendations made by the administration to address the problem of an estimated $5 billion in annual overpayments within the Earned Income Credit. Among these recommendations are reallocating IRS resources to police the credit, creating demonstration projects in four states that will examine alternative methods for providing the credit, and requiring "due diligence" in the preparation of returns claiming the credit on the part of tax preparers. Penalties for deliberate fraud will be increased, and a greater burden of proof will be required of taxpayers claiming the credit who have had their claims denied.

Together, these reforms are estimated to generate $124 million in savings over the next 5 years.

The resolution does not assume any delay in the payment of cost-of-living adjustments. Increased agency and employee contributions to the Federal retirement system are discussed in Function 950 and Revenues.

The House resolution assumes $624 million in Trust Fund savings over 5 years by increasing the ceiling on federal administrative Trust Funds to .5 percent of total covered benefits. A total of $100 million annually in trust fund receipts would still be permitted to flow into state trust fund accounts.

The balanced budget plan also generates $763 million in savings over 5 years by conducting more benefit integrity activities within the program aimed at detecting fraudulent Unemployment Insurance claims and underpayment of Unemployment Insurance taxes.

To provide low income Americans with a chance to obtain access to housing, the Federal Government contracts with private project owners to provide affordable rental units. The project owner receives Federal assistance payments as well as rent from the tenant, which is capped at 30 percent of the tenant's income. Currently, some low-income project owners receive subsidies for their units which are in excess of the market rates for comparable buildings. By reducing the annual adjustments the project owner receives each year for these units, the Federal Government can obtain significant savings.

This proposal is an extension of current law set to expire at the end of fiscal year 1997. It would reduce the annual adjustment for projects whose rents are currently above 120 percent of the fair market rent. It would also reduce the annual adjustment for those apartments where there has been no tenant turnover. The resolution assumes these reforms should be made permanent starting in fiscal year 1999.

Senate amendment

Discretionary spending.—Discretionary spending in 1998 for this function would increase by $6.3 billion in BA and $0.4 billion in outlays over the 1997 level, to $32.9 billion in BA and $41.3 billion in outlays. Comparing 1997 levels to those in 2002 under the reported resolution, spending would increase by $13.0 billion in BA (because of the requirements of additional BA to renew expiring section 8 housing contracts in place under current law), but would decrease by $0.1 billion in outlays by 2002 (baseline outlays increase by $5.2 billion from 1997 to 2002, but the Senate amendment would save $5.3 billion in 2002).

The Senate Amendment includes sufficient funding to renew all section 8 contracts that expire over the next five years, while reflecting savings from policies proposed in the President's budget, which will guarantee that all those currently receiving assistance (or waiting for an existing unit to become available) will continue to receive such assistance.

The Senate amendment assumes that basic administrative funds are frozen, but that additional funds will be available for payment integrity and anti-fraud actions. The additional payment integrity activities would generate $763 million in entitlement unemployment insurance savings. This policy is part of the President's 1998 Budget and saves an additional $1.6 billion in discretionary costs.

The aggregate numbers in this function will support the overall level of spending assumed in the Bipartisan Budget Agreement. In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Public housing funds and other housing programs. The President's Budget would freeze at the 1997 appropriation level the funding for public housing. The public housing reauthorization changes expected to be passed by the Congress would facilitate the operation of public housing programs in a freeze environment. (2) Housing preservation. The President's Budget would end funding for housing preservation. (3) Other housing programs. The President's Budget would reduce funding below baseline levels for the HOME program, housing for special populations, revitalization of distressed public housing, HUD salaries and expenses, homeless assistance grants, drug elimination grants, very low income repair grants, mutual self-help grants, and rural housing preservation grants. (4) Food Program Administration. The costs of federal administration of food programs—food stamps, child nutrition—would be frozen at the 1997 level. These costs can be frozen since most food assistance program caseloads have declined over the past three years, and actual spending on entitlement nutrition program in 1997 will be lower than 1996 spending. This proposal is part of the President's Budget and would save $62 million over five years. (5) Railroad Retirement. The President's proposals for Railroad Retirement Board administrative expenses and for windfall benefit funding would yield savings relative to the Budget Resolution Baseline of $0.4 billion in BA and outlays over the next five years. The windfall benefit funding in the President's budget is not a cut in benefits but an adjustment to the baseline reflecting the natural decline in the number of eligible beneficiaries for this closed-group benefit.

Mandatory spending.—Of total spending in this function for 1997, $197.0 billion (or 83 percent) is spent on mandatory programs. Six programs account for $165.9 billion in outlays in this function—$90.9 billion funds the major cash and in-kind means tested programs of Food Stamps, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF) and outlays for the Earned Income Tax Credit (EITC). The balance of mandatory outlays, $75.0 billion is spent on federal retirement programs and $24.5 billion is spent on unemployment insurance.

The Bipartisan Budget Agreement restores SSI and Medicaid eligibility for all disabled legal immigrants who are or become disabled and who entered the U.S. prior to August 23, 1996. Those disabled legal immigrants who entered after the August 22, 1996, and are on the rolls before June 1, 1997 shall not be removed. This policy will cost $9.4 billion which includes $1.6 billion in Medicaid costs found in function 550.

The welfare reform bill exempted refugees and asylees from the ban on government assistance for five years. The agreement extends the refugee and asylee exemption from five years to seven years. This policy costs $300 million over five years.

The Bipartisan Budget Agreement $750 million in new capped mandatory funding to create additional work slots for individuals subject to the time limits. In addition, existing food stamps employment and training funds will be redirected to fund work slots. The agreement also allows states to exempt up to 15 percent of the individuals who would lose benefits because of the time limits (beyond current waiver policy) at a cost of $500 million over five years.

The Bipartisan Budget Agreement adds $3 billion over the next four years to the Temporary Assistance for Needy Families (TANF) block grant. These additional funds will be distributed through a formula and targeted to areas with poverty and unemployment at least 20 percent higher than the state average. A share of the funds would go to cities/counties with large poverty populations commensurate with the share of long-term welfare recipients in those jurisdictions.

The Bipartisan Budget Agreement increases the ceilings of the Federal FUTA-funded accounts in the Unemployment Trust Fund to increase solvency. This policy saves $624 million over five years.

The Bipartisan Budget Agreement includes savings from several compliance initiatives concurrent with an IRS study finding a 23 percent error rate. Other mutually acceptable EITC reforms targeted to reducing noncompliance and fraud may also be considered. The savings from the President's initiatives are approximately $124 million over five years.

The Senate amendment assumes continuation of proposals in the President's Budget to limit certain automatic increases in payments made to section 8 landlords from 1999–2002.

The Bipartisan Budget Agreement assumes the President's proposal of a 1.51 percent increase in federal agency contributions for all employees in the Civil Service Retirement System (CSRS), excluding the Postal Service, for a savings of $2.9 billion (shown in Function 950, Undistributed Offsetting Receipts).

The Bipartisan Budget Agreement assumes the President's proposal for a 0.5 percentage point increase in the federal employee's current retirement contribution rate. Rates for employees in the Civil Service Retirement System (CSRS) will increase from 7 percent to 7.5 percent, and rates for employees in the Federal Employees Retirement System (FERS) will increase from 0.8 to 1.3 percent, both on a phased-in basis beginning in 1999, according to the following schedule: 0.25 percent in 1999, 0.15 percent in 2000, and 0.10 percent in 2001. Total savings would amount to $1.8 billion (shown in Revenues).

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 650: SOCIAL SECURITY

Major programs in function

This function includes only Social Security old age, survivors, and disability insurance (OASDI). Benefits are paid from the Social Security trust funds and financed primarily with payroll taxes. For purposes of the Budget Enforcement Act, the Social Security trust funds are off-budget. However, the administrative expenses of the Social Security Administration (SSA) are on-budget and remain within the caps on discretionary spending.

House resolution

FUNCTION 650: SOCIAL SECURITY

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	363,175	380,781	399,389	419,400	440,113	463,505
Outlays	366,405	384,102	402,811	422,770	443,893	466,786

The House resolution assumes no changes in Social Security benefits.

Senate amendment

Discretionary spending.—The Senate amendment provides discretionary spending in 1998 for this function at $3.3 billion in BA and $3.4 billion in outlays, which is $0.2 billion below the 1997 level for BA and $0.1 billion lower for outlays. Over the five year period, discretionary spending is $3.2 billion in BA and $2.8 billion in outlays below the Budget Resolution Baseline and $1.4 billion in BA and $1.0 billion in outlays below a freeze baseline.

MANDATORY SPENDING. The Senate amendment assumes no changes from current law for mandatory spending in this function.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 700: VETERAN AFFAIRS

Major programs in function

Function 700 funds the Department of Veteran Affairs which oversees programs for veterans of the armed forces. Compensation, pension and life insurance programs address the income security needs of disabled and indigent veterans as well as their survivors. Major education, training and rehabilitation and readjustment programs include the Montgomery GI bill, Veterans Educational Assistance program and the Vocational Rehabilitation and Counseling program. Veterans are also eligible for guaranteed home and farm loans. Roughly half of all spending on veterans goes to the Veterans Health Administration which comprises over 700 hospitals, nursing homes, domiciliaries and outpatient clinics.

House resolution

FUNCTION 700: VETERANS' BENEFITS AND SERVICES

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget Authority	39,125	40,545	41,466	41,740	42,093	42,282
Outlays	39,445	41,337	41,700	41,908	42,215	42,436

The VA administers a vast health care system for veterans who meet certain eligibility criteria. Care is provided largely in facilities owned and operated by the VA. In 1996, the VA-operated facilities included 173 medical centers, 130 nursing home care units, 375 outpatient clinics, and 39 domiciliaries. In recent years, about 2.8 million veterans used the VA health care system, representing just over 10 percent of the total veteran population.

The VA pays monthly cash benefits to veterans who have service-connected disabilities. The basic amounts of compensation paid are based on percentage-of-disability rating (multiples of 10 percentage points) assigned to the veteran. In fiscal year 1998, about 2.6 million veterans will receive disability compensation, with Federal obligations totaling about $16.7 billion. The VA pays monthly cash pension benefits to about 714 thousand veterans or their survivors. These pension obligations will total about $3.0 billion in fiscal year 1998.

For fiscal year 1998, the House resolution assumes total function 700 budget authority of $40.5 billion and outlays of $41.3 billion. Over the 5-year period 1998–2002, it assumes budget authority of $208.1 billion and outlays of $209.6 billion.

The House resolution assumes funding of $18.5 billion in budget authority [BA] and $19.3 billion in outlays in fiscal year 1998 for the Federal Government's discretionary veteran's programs. Over the 5-year period 1998–2002, for Function 700 discretionary programs it assumes budget authority of $91.4 billion and outlays of $92.2 billion.

In addition to these sums, under the Bipartisan Budget Agreement, VA medical care will be able to retain third party insurance and user fees to partially offset the cost of care provided in VA facilities. CBO estimates that this will supplement budget authority by $604 million for fiscal year 1998.

The House resolution assumes funding of $22.1 billion in budget authority and $22.1 billion in outlays in fiscal year 1998 for the Federal Government's mandatory veteran's programs. Over the 5-year period 1998–2002, for

Function 700 mandatory programs it assumes budget authority of $116.8 billion and outlays of $117.4 billion. The following policy assumptions are made:

Round down the VA compensation cola to the nearest whole dollar;

Extend expiring provisions of current law that sunset in 1998. This assumption assumes permanently extending the following provisions of current law that will otherwise expire in 1998: income verification for pension eligibility; the pension limit for persons in Medicaid nursing homes; and the three expiring OBRA provisions of VA housing loan fees and default procedures; and

Other Provisions. The resolution also assumes the acceptance of the administration's legislative proposal to allow VA Medical Care to retain user fees and third party collections to offset the cost of care provided in VA facilities starting October 1, 1997. The resolution also assumes repeal of the prohibition on home loan debt collections, extending real estate mortgage investment conduits, and an increase in the fee for non-veterans using VA's vendee loan program.

Senate amendment

Discretionary spending.—In 1998, discretionary spending is assumed to decrease by $0.4 billion in BA but increase by $0.1 billion in outlays over the 1997 level to $18.5 billion in BA and $19.3 billion in outlays. Over the next five years, spending is assumed to decrease modestly to $18.0 billion in BA and outlays. The discretionary funding level will be augmented by converting the receipts of the Medical Care Cost Recovery fund into additional spending for the Veteran Hospital system. The shift of offsetting receipts from mandatory spending to discretionary spending has been incorporated into the Budget Committee's adjusted baseline. Over the next five years the number of veterans will continue to decline and after 1999, the over-65 veteran population will decrease.

The aggregate numbers in this function will support the overall level of spending assumed in the Budget Agreement. In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees.

Examples of possible reductions include the following: (1) Medical Administration and Miscellaneous Expenditures. The President's Budget proposes $40 million in savings from freezing the Medical Administration account from the Budget Resolution Baseline. (2) Construction of Medical Facilities. Adopting the President's proposal of funding no new major construction but providing for renovations and repair of existing facilities would save about $800 million over five years compared to the baseline. (3) General Operating Expenses. Freeze General Operating Expenses (GOE) at the 1997 level. This proposal was part of the President's Budget and saves $395 million over five years from the Budget Resolution Baseline.

Mandatory spending.—Spending on mandatory veterans programs will rise by 23 percent over the next five years because of: cost-of-living increases, regulatory expansion of eligible populations, and a growing veteran population over the short term. Mandatory compensation benefits will peak in 2005 and gradually decline. Compensation and pension benefits will rise with inflation, but the overall veteran population will begin declining shortly after 2000. Starting in 1999 the over-65 veteran population will begin to decline. Finally, there have been recent administrative actions that have expanded eligibility for compensation, especially the Vietnam-era population.

A provision in both the Senate amendment and the Bipartisan Budget Agreement extends expiring provisions of OBRA 1993: Medical Care. (1) recovery of third party insurance costs, a $2 co-pay for prescription drugs and a per diem for hospital care, and (2) verification of income for medical care determination. The extensions of current law were part of the President's Budget and the 1997 budget resolution. Cumulatively the extensions add $1 billion to the Medical Care Cost Recovery fund which is transferred to discretionary spending. In addition the Senate amendment assumes savings from the mandatory administrative costs of collecting the co-pays and per diems, saving $641 million over five years.

The Senate amendment and the Bipartisan Budget Agreement extend expiring provisions of OBRA 1993: Housing Fees. Permanently extends (1) .75% home loan fee, (2) 3% fee on multiple use and (3) resale loss formula. In addition the Senate amendment and the Bipartisan Budget Agreement includes the President's proposal to charge non-veterans a fee when buying VA held properties to cover the costs of the program. In all the extended fees and new fees save $90 million over five years.

Both the Senate amendment and the Bipartisan Budget Agreement extend expiring provisions of OBRA 1993: Pension Limitation for Veterans in Medicaid Nursing Homes. Extends an expiring provision of law that limits pension benefits to $90 per month for veterans residing in Medicaid paid nursing homes. Saves $677 million over five years net of increased Medicaid costs.

The Secretary of the Veterans' Administration lacks authority to withhold compensation payments for veterans' delinquent on housing loans. The Senate amendment the Secretary to withhold a portion of VA payments for veterans delinquent on loan payments. This proposal is part of the President's Budget and the 1997 budget resolution and saves $90 million in 1998.

The Secretary has authority to bundle VA-backed mortgages into Real Estate Mortgage Investment Conduits (REMICs). REMICs are securities sold to investors which are carry the full faith and credit of the United States and command lower interest rates. The Senate amendment assumes an extension of current law indefinitely, and is part of the President's Budget and the 1997 Budget Resolution. This proposal saves $5 million per year and $25 million over five years.

Compensation and Pension beneficiaries receive annual Cost of Living Allowances which are tied to the Consumer Price Index (CPI). The Senate amendment assumes extension of current law and rounds down the COLA increase per beneficiary to the nearest whole dollar. This proposal is part of the President's Budget and the 1997 Budget Resolution. Rounding down COLA's saves $391 million over five years.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 750: ADMINISTRATION OF JUSTICE

Major programs in function

Function 750 includes funding for federal law enforcement activities, including criminal investigations by the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), border enforcement and the control of illegal immigration by the Customs Service and Immigration and Naturalization Service (INS), as well as funding for prison construction, drug treatment, crime prevention programs and the federal Judiciary.

House resolution.

FUNCTION 750: ADMINISTRATION OF JUSTICE

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	23,506	24,765	25,120	24,178	24,354	24,883
Outlays	20,744	22,609	24.476	25,240	25,901	24,879

The House resolution assumes $24.8 billion in budget authority and $22.6 billion in outlays will be provided in fiscal year 1998, and $123.3 billion in budget authority and $123.1 billion in outlays for 1998–2002. This amount assumes the Bipartisan Budget Agreement.

For discretionary programs, the House resolution assumes $24.4 billion in budget authority and $22.2 billion in outlays for fiscal year 1998, and $121.9 billion in budget authority and $121.8 billion in outlays for 1998–2002.

Included in the total discretionary funding for this function is the Violent Crime Reduction Trust Fund which, the House resolution assumes $5.500 billion in budget authority and $3.592 billion in outlays for fiscal year 1998, and $24.7 billion in budget authority and $24.6 billion in outlays for 1998–2002. The Bipartisan Budget Agreement assumes the President's level for the trust fund.

The House resolution makes no mandatory assumptions in this function.

Senate amendment.

Discretionary spending.—Discretionary spending in Function 750 Administration of Justice is a priority function in the Bipartisan Budget Agreement.

Discretionary spending in 1998 for this function would increase by $1.5 billion in BA and $1.8 in outlays over the 1997 level, to $24.4 billion in BA and $22.2 billion in outlays. Over the five year period, spending would increase to $24.7 billion in BA and $25.7 billion in outlays by 2002. The Administration of Justice function contains the Violent Crime Reduction Trust Fund programs which will expire after 2000 under current law. The Senate amendment retains current law on separate violent crime reduction trust fund caps as assumed in the agreement.

In general the Bipartisan Budget Agreement assumes continued investments in federal and state law enforcement. Ongoing programs, including general fund programs, are generally assumed to increase with inflation. Several programs including the INS, FBI, DEA and Bureau of Justice Assistance will receive funds over baseline. The Bipartisan Budget Agreement assumes major investments in additional personnel to fight illegal immigration especially along the Southwest border, increased resources to combat and adjudicate drug trafficking and violent crime, additional funding to modernize and maintain law enforcement equipment and facilities, additional resources to fight juvenile crime, and extra funding to combat acts of international and domestic terror.

The Senate amendment assumes adequate funding for federal law enforcement agencies responsible for the control of illegal immigration and drugs, especially the Customs Service, the Immigration and Naturalization Service and the Drug Enforcement Administration. There is a particular emphasis for fully funding the Southwest border initiatives, proper staffing levels including support staff, and assuring access to the latest and best technologies for fighting drugs.

This program was created by the Violent Crime Reduction Act to automate paper-bound state legal systems. The Senate amendment assumes the program is terminated once the automation goals are complete. This proposal saves roughly $100 million after from 2000 to 2002.

The state prison construction program was created with the Violent Crime Trust Fund. States currently receive $750 million per year. The Senate amendment assumes sufficient spending to achieve the prison construction program goals. This proposal saves roughly $2.3 billion from 2000 to 2002 compared to the baseline.

The COPS program provides states with seed money to hire beat policemen. The goal of the program is to pay for an additional 100,000 cops on the beat over five years. The Senate amendment provides sufficient funding to meet the goal of current law. The Senate amendment also assumes that states will continue receiving assistance from the State and Local Law Enforcement Block Grant which focuses resources on areas of high crime.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 800: GENERAL GOVERNMENT

Major programs in function

Function 800 consists of the activities of the Legislative Branch, the Executive Office of the President, U.S. Treasury fiscal operations (including the Internal Revenue Service), personnel and property management, and general purpose fiscal assistance to states, localities, and U.S. territories. For 1997 discretionary spending for Function 800 will be approximately 84 percent of total spending for the function. About 60 percent of the discretionary spending is for the Internal Revenue Service. Slightly more than half of the mandatory spending is attributed to the Treasury claims fund. The remainder is primarily payments to states, localities, and Puerto Rico.

House resolution

FUNCTION 800: GENERAL GOVERNMENT

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2002
Budget authority	13,987	14,711	14,444	13,977	13,675	13,105
Outlays	13,881	13,959	14,363	14,727	14,131	13,100

The House resolution assumes $14.7 billion in total budget authority and $14.0 billion in outlays in fiscal year 1998. Over 5 years, it assumes $69.9 billion in total budget authority and $70.3 in outlays.

The House resolution assumes $12.6 billion in budget authority [BA] and $11.9 billion in outlays for discretionary programs in fiscal year 1998. Over 5 years, it assumes $59.6 billion in BA and $59.8 billion in outlays.

The House resolution assumes $2.1 billion in mandatory budget authority [BA] and $2.1 billion in mandatory outlays in fiscal year 1998. Over 5 years, it assumes $10.3 billion in mandatory budget authority [BA] and $10.5 billion in outlays. The resolution assumes unspecified asset sales of $540 million in 2002.

Senate amendment

Discretionary spending.—Discretionary spending for this function will total $59.6 billion in budget authority and $59.8 billion in outlays from 1998–2002. For 1998, spending will increase by $0.8 billion in budget authority from the 1997 level to $12.6 billion; 1998 outlays will remain constant at $11.9 billion. Compared to the Budget Resolution Baseline, the Senate amendment will save $5.7 billion in budget authority and $5.1 billion in outlays over five years.

In order to meet the Bipartisan Budget Agreement's discretionary spending limits, savings will be required from programs in this function. These savings will be determined by the Appropriation Committees. Following are examples of possible reductions.

The President has proposed aiding the District of Columbia through a plan which combines new mandatory spending, new tax breaks, and decreased discretionary spending. Mandatory spending for increased Medicaid benefits (see Function 550) would total $900 million over five years. Targeted tax breaks for the District would cost $260 million over five years (see Revenues). Finally, discretionary spending for a federal takeover of a portion of the District's justice, tax collection, and transportation responsibilities would total $2.8 billion over five years. In turn, annual payments to the District would be terminated, saving $3.9 billion over five years. Under this plan, Function 800 discretionary spending would decrease by $1.1 billion over five years compared to the Budget Resolution Baseline.

The Federal Buildings Fund is a quasi-revolving fund which charges agencies for rent and then uses the proceeds for rent, building operations, repairs, and new construction. In addition, a relatively small amount is appropriated each year to bolster this fund. The President has proposed eliminating the annual appropriation by 1999, which would save $2.0 billion over five years compared to the baseline.

The President has proposed holding the GSA, the National Archives and Records Administration, and central personnel management slightly below or at the 1997 level, which would save $362 million over five years compared to the baseline.

The President has proposed holding the Treasury's building repair and restoration appropriation, the Bureau of Public Debt, and the salaries and expenses of the Departmental Offices (which provide basic support to the Secretary of the Treasury) slightly below or at the 1997 level. This would save $269 million over five years compared to the baseline.

The majority of the remaining spending reductions in this function could come from the IRS, which will account for 60 percent of Function 800 discretionary spending in 1997. The IRS budget rose 32 percent in real terms from 1985 to 1997, and GAO has identified areas where efficiencies can be made.

Mandatory spending.—Mandatory spending for this function will total $10.5 billion from 1998–2002, $0.5 billion below the baseline. Of this total, $7.5 billion is for legal payments to harmed savings and loans institutions. Last year, the Supreme Court ruled that a 1989 federal law broke an agreement between the federal government and a savings and loan institution. Mandatory spending in this function could be offset by $0.5 billion by selling unspecified government assets.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 900: NET INTEREST

Major programs in function

Net interest is the interest paid on the Federal public debt, minus the interest income received. Function 900 is a mandatory payment, with no discretionary components.

House resolution

[In millions of dollars]

	1997 est.	1998	1999	2000	2001	2001
Budget authority	247,639	248,578	252,029	247,884	241,899	236,877
Outlays	247,639	248,578	252,029	247,884	241,899	236,877

Senate amendment

The Senate Resolution assumes the levels provided for in the Bipartisan Budget Agreement.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

FUNCTION 920: ALLOWANCES

Conference amendment

Function 920 displays the budgetary effects of proposals or assumptions that cannot be easily distributed across other budget functions. There are no assumptions in this function.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

Major programs in function

Function 950 records offsetting receipts (receipts, not federal revenues or taxes, that the budget shows as offsets to spending programs) that are too large to record in other budget functions. Such receipts are either intrabudgetary (a payment from one federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some type of business transaction with the government). The main types of receipts recorded as "undistributed" in this function are—the payments federal agencies make to the retirement trust funds for their employees, payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf, and payments by those who bid for the right to buy or use the public property or resources, such as the electromagnetic spectrum.

House resolution

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

[In millions of dollars]

	1997	1998	1999	2000	2001	2002
Budget Authority	−47,436	−48,798	−44,437	−45,996	−50,008	−64,098
Outlays	−47,436	−48,798	−44,437	−45,996	−50,008	−64,098

The budget agreement calls for $26.3 billion in additional receipts through actions involving the electromagnetic spectrum.

The budget agreement assumes an increase in Federal agency contributions for the Civil Service Retirement System [CSRS] (except for the Postal Service and District of Columbia) of 1.51 percentage points effective October 1, 1997 through September 30, 2002.

Senate amendment

Mandatory spending.—The authority (provided for the first time by OBRA 93) of the Federal Communications Commission (FCC) to auction spectrum in certain instances (mutually-exclusive, subscription-based services) is about to expire (in 1998). Thus far, FCC auctions have yielded more than $20 billion in winning bids that would not have occurred using the previous methods of assigning licenses (lottery or comparative hearing). The Bipartisan Budget Agreement would extend the FCC auction authority and broaden it to include any license sought by a private business.

As assumed in the President's Budget and the 1996 and 1997 budget resolutions, the Bipartisan Budget Agreement would direct the FCC to reallocate 100 megahertz of spectrum reserved for private applications as well as 20 megahertz now used by the government to new applications and auction it. Bipartisan Budget Agreement proposes to auction a portion of channels 60–69. Because these channels will not be necessary under the current FCC plan for the transition from analog to digital television, the President's Budget proposes to auction a portion of the spectrum covered by these channels (with the balance allocated to public safety applications) for new commercial applications.

The President proposes to codify current FCC plans to reclaim surplus analog broadcast spectrum after broadcasters have migrated to new digital channels that the FCC has given broadcasters at no charge.

The President proposes to require the FCC to award new generations of toll-free vanity telephone numbers by auction.

As authorized by current law, a specific charge would be imposed on entities who receive free spectrum for the development of digital television but use it for certain other purposes.

The President's Budget proposes to increase the contribution of federal agencies to the Civil Service Retirement Trust Fund by 1.51 percentage points.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. Because the dollar amounts are virtually identical in the House resolution and the Senate amendment, the House recedes to the Senate with respect to function spending levels.

B. REVENUES

House resolution

Under the House resolution, $1,602 billion in total revenues in 1998 will grow by 18.0 percent to $1,890 billion in 2002, totaling $288 billion over 4 years as determined by the Bipartisan Budget Agreement. Absent changes in law, revenues will grow instead by 18.7 percent.

The House resolution assumes that the cost of the tax relief package will be offset partially with revenues from excise taxes on aviation services. The Committee is aware that various options for alternative tax structures in part or all of the current aviation excise taxes are being studied. The Committee further is aware that the Committee on Ways and Means will have to determine any future tax structure. To ensure that the underlying assumptions of the House resolution are met, revenues resulting from any modification of the current aviation excise taxes should be no less than the Federal revenue that would be produced by an extension, without change, of the current taxes.

The committee's recommended baseline revenues are based on CBO's March 1997 baseline, corrected for additions to revenue to reflect increased actual fiscal year 1997 income tax collections, and assumptions on technical price measure corrections. (As explained in the section on economic assumptions, these are not legislated changes in the CPI).

The recommended revenues reflect policy changes which are a net tax cut package revenue stream, as provided by the Joint Committee on Taxation [JCT], offset by revenues from the Airport and Airway Trust Fund taxes (which include taxes on tickets, departures, cargo and fuel) in current law; a 0.5 percentage point increase in Federal employee retirement contributions phased in over three years and beginning in fiscal year 1999; and the revenue portion of Earned Income Credit compliance reforms. The last assumption is described more fully in Function 600.

Senate amendment

Federal revenues are taxes and other collections from the public that result from the government's sovereign or governmental powers. Federal revenues include individual income taxes, corporate income taxes, social insurance taxes, excise taxes, estate and gift taxes, customs duties and miscellaneous receipts (which include deposits of earnings by the Federal Reserve System, fines, penalties, fees for regulatory services, and others).

1998 Budget Resolution Revenues 1998–2002

[5-year total, $ billions]

Budget Resolution Baseline	$8,772.8
−Net Tax Cut	−85.0
+Other Provisions Affecting Revenues	+1.9
=Net Revenue Change from Baseline	−83.1
1998 Budget Resolution Revenues	8,689.6

The Bipartisan Budget Agreement assumes a net tax cut of $85 billion over the next five years and not more than $250 billion over the next ten years, to provide tax relief to American families. Under the Agreement, revenues would continue to grow, from $1,554.9 billion in 1997 to $1,890.4 billion in 2002, an increase of $335.5 billion over the five year period.

As always, the Ways and Means Committee in the House and the Finance Committee in the Senate will determine the specific amounts and structure of the tax relief package. The tax-writing committees will be required to balance the interests and desires of many parties (while protecting the interests of taxpayers generally) in crafting the tax cut within the context of the goals adopted by the Bipartisan Budget Agreement. The Agreement establishes the following guidelines for the tax package:

The level of tax cuts provide enough room for broad-based capital gains tax reductions, significant estate tax reform, a $500 per child tax credit, and expansion of IRAs;

The committees of jurisdiction shall include tax relief of roughly $35 billion over five years for post-secondary education, including a deduction and a tax credit. The tax package should be consistent with the objectives put forward in the President's HOPE scholarship and tuition tax deduction proposals to assist middle-class parents;

The House and Senate Leadership will seek to include other proposals from the President's 1998 budget (e.g. the welfare-to-work-tax credit, capital gains tax relief for home sales, enterprise zone and enterprise community proposals, brownfields legislation, foreign sales corporation (FSC) treatment of software, and tax incentives designed to spur economic growth in the District of Columbia), as well as various pending congressional tax proposals;

The tax cuts shall not cause costs to explode in the outyears;

Reforms to the Earned Income Tax Credit (EITC) or other programs designed to benefit primarily lower-income individuals, as well as revenues from extension of the Superfund tax shall not be used to offset the costs of the tax cuts; and,

The tax estimating staffs at Treasury and the Joint Committee on Taxation shall continue to consult and share information necessary to understand fully the basis of their revenue estimates and to minimize revenue estimating differences.

OTHER PROVISIONS AFFECTING REVENUES IN THE BUDGET RESOLUTION

Revenue effects of the following two assumptions are not included in the $85 billion net tax cut number.

The Agreement assumes the President's April 1997 proposed reforms to the EITC to combat fraud and noncompliance, and the President's 1998 budget proposal to increase employee contributions to CSRS and FERS by 0.5 percent of base pay in three steps. Contributions would increase by 0.25 percent of base pay on January 1, 1999, another 0.15 percent on January 1, 2000 and a final 0.10 percent on January 1, 2001. These higher contribution rates would be effective through 2002; on January 1, 2003, contribution rates would return to current law levels.

Conference agreement

The conference agreement reflects the provisions of the Bipartisan Budget Agreement. The revenue assumptions in the conference agreement also incorporate the tax agreements spelled out in the following letters.

TAX LETTER 1

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1997.
The Honorable WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We would like to take this opportunity to confirm important aspects of the Balanced Budget Agreement. It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007. We believe these levels provide enough room for important reforms, including broad-based permanent capital gains tax reductions, significant death tax relief, $500 per child tax credit, and expansion of IRAs.

In the course of drafting the legislation to implement the balanced budget plan, there are some additional areas that we want to be sure the committees of jurisdiction consider. Specifically, it was agreed that the package must include tax relief of roughly $35 billion over five years for post-secondary education, including a deduction and a tax credit. We believe this package should be consistent with the objectives put forward in the HOPE scholarship and tuition tax proposals contained in the Administration's FY 1998 budget to assist middle-class parents.

Additionally, the House and Senate Leadership will seek to include various proposals in the Administration's FY 1998 budget (e.g., the welfare-to-work tax credit, capital gains tax relief for home sales, the Administration's EZ/EC proposals, brownfields legislation, FSC software, and tax incentives designed to spur economic growth in the District of Columbia), as well as various pending congressional tax proposals.

In this context, it should be noted that the tax-writing committees will be required to balance the interests and desires of many parties in crafting tax legislation within the context of the net tax reduction goals which have been adopted, while at the same time protecting the interests of taxpayers generally.

We stand to work with you toward these ends. Thank you very much for your cooperation.

Sincerely,
NEWT GINGRICH,
Speaker.
TRENT LOTT,
Senate Majority Leader.

TAX LETTER 2

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1997.
Mr. ERSKINE BOWLES,
Chief of Staff to the President,
The White House, Washington, DC.

DEAR MR. BOWLES: We are writing to express our desire for continued cooperation between Congressional staff and the staff of the various Administration agencies during the development of the current budget agreement.

Much of the most difficult work in connection with the budget agreement will involve the development of the revenue provisions that will satisfy the parameters of the agreement. Historically, the staff of the Joint Committee on Taxation has provided technical legal and quantitative support to the House and Senate. The Budget Act requires the use of Joint Committee on Taxation revenue estimates. Ken Kies and his staff are committed to facilitating our work on the tax provisions of this budget agreement. You can be assured that they will cooperate with Administration counterparts in receiving Administration input as they carry out their statutory responsibilities.

The revenue estimating staffs of the Joint Committee on Taxation and the Office of Tax Analysis at Treasury have a long history of cooperation and communication among analysts. It is our understanding that steps have already been taken to insure that the cooperative efforts of these two staffs will be intensified during the current budget process. It is also our understanding that the professional staffs at the Office of Tax Analysis at Treasury and the Joint Committee on Taxation will consult and share information necessary to understand fully the basis of their revenue estimates and to minimize revenue estimating differences. The proposal shall not cause costs to explode in the outyears.

Now that we have agreed upon the overall parameters of this significant agreement, an inordinate number of details concerning specific provisions must be drafted and analyzed by the JCT and the committees of jurisdiction. We look forward to working with the Administration.

Sincerely,
NEWT GINGRICH,
Speaker.
TRENT LOTT,
Senate Majority Leader.

TAX LETTER 3

CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 1997.
Hon. PETE V. DOMENICI,
Chairman, Senate Budget Committee,
Washington, DC.

Hon. JOHN R. KASICH,
Chairman, House Budget Committee,
Washington, DC.

DEAR PETE AND JOHN: Our Committees will soon begin marking up tax legislation to meet the reconciliation directives of the 1998 Budget Resolutions. We will meet the Resolution's instructions of reducing revenues by $85 billion over the five year period 1998–2002 and by no more than $20.5 billion in 2002.

Furthermore, we can assure you that, consistent with the May 15, 1997 letter from the Speaker of the House and the Majority Leader of the Senate to the President which stated, "It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007," the ten year net revenue loss in the tax reconciliation bill will not exceed $250 billion.

Sincerely,
WILLIAM V. ROTH,
Chairman, Finance Committee.
BILL ARCHER,
Chairman, Ways and Means Committee.

RECONCILIATION

House resolution

The House-passed resolution includes reconciliation directives for House Committees to make changes in direct spending and revenues in two separate bills. The House resolution also effectively provides the option to include both the direct spending, revenue changes, and increases in the debt limit in the second reconciliation bill.

The House resolution include language providing the Committee on Ways and Means flexibility to submit legislation incorporating part of the children's health initiative, which was reconciled to the Committee on Commerce, as long as the combined recommendations for the children's health initiative does not exceed $2.3 billion in fiscal year 1998, $3.9 billion in fiscal year 2002, and $16 billion over five years.

Senate amendment

The Senate amendment include reconciliation directives for Senate committees to make changes in direct spending and revenues in two separate bills. The Senate adopted a unanimous consent agreement with respect to the application of Section 313(b)(1)(E) of the Budget Act (the "Byrd Rule") to allow these two bills to be combined only for the purposes of determining whether reconciliation legislation would violate the Byrd rule by causing a net increase in the deficit in the outyears. In addition, the Senate amendment includes a provision that allows the two reconciliation bills to be combined only for the purposes of determining whether these reconciliation bills would violate the Senate's pay-as-you-go rule.

The Senate amendment also includes provisions to allow flexibility on a proposed children's initiative. The balanced budget agreement included $16 billion in additional spending and other possibilities, if mutually agreeable, for a children's initiative. The Senate amendment assumes $16 billion in additional direct spending for a children's health initiative, but provides flexibility in the Senate to modify levels in the resolution for other possibilities. These modifications only can be made by the Chairman of the Budget Committee with the agreement and concurrence of the Ranking Minority Member of the Committee.

Conference agreement

The conference agreement includes the House resolution's provisions with respect to reconciliation directives to House committees and the Senate amendment's provisions with respect to reconciliation directives to Senate and House committees to implement the balanced budget agreement. The conference agreement also includes technical modifications to these provisions.

Reconciliation By House Committee—Entitlement Reforms Due June 13, 1997

[In millions of dollars]

Committee	1997 Base	1998	2002	1998 to 2002
Agriculture:				
Direct Spending	31,559	34,571	37,008	179,884
Banking & Financial Services:				
Direct Spending	–17,563	–8,435	–5,091	–32,743
Commerce:				
Direct Spending	359,601	393,533	507,150	2,259,294
Education and the Workforce:				
Direct Spending	13,581	17,222	17,673	89,528
Government Reform & Oversight:				
Direct Spending	67,339	68,975	81,896	375,722

Reconciliation By House Committee—Entitlement Reforms Due June 13, 1997—Continued

[In millions of dollars]

Committee	1997 Base	1998	2002	1998 to 2002
Deficit Reduction	0	0	621	1,829
Transportation & Infrastructure:				
Direct Spending	17,904	18,087	17,283	88,711
Veterans Affairs:				
Direct Spending	21,175	22,444	24,563	117,959
Ways & Means:				
Direct Spending	363,970	397,581	506,522	2,257,912
Revenues	1,135,408	1,172,136	1,382,679	6,358,388

Reconciliation By House Committee—Tax Relief & Miscellaneous Reforms Due June 14, 1997

[In millions of dollars]

Committee	1997 Base	1998	2002	1998 to 2002
Agriculture:				
Direct Spending	31,559	34,571	37,008	179,884
Banking and Financial Services:				
Direct Spending	−17,563	−8,435	−5,091	−32,743
Commerce:				
Direct Spending	359,601	393,533	507,150	2,259,294
Education and the Workforce:				
Direct Spending	13,581	17,222	17,673	89,528
Government Reform and Oversight:				
Direct Spending	67,339	68,975	81,896	375,722
Deficit Reduction	0	0	621	1,829
Transportation and Infrastructure:				
Direct Spending	17,904	18,087	17,283	88,711
Veterans Affairs:				
Direct Spending	21,175	22,444	24,563	117,959
Ways and Means:				
Direct Spending	363,970	397,581	506,522	2,257,912
Revenues	1,135,408	1,164,736	1,362,179	6,273,388

Reconciliation Instruction By Senate Committee

[In billions of dollars]

Committee		1998	1999	2000	2001	2002	Total
First Reconciliation:							
Agriculture, Nutrition and Forestry	OT	0.300	0.300	0.300	0.300	0.300	1.500
Banking, Housing and Urban Affairs	DR	−0.136	−0.233	−0.365	−0.422	−0.434	−1.590
Commerce, Science and Transportation	OT	....	−3.549	3.549	−4.549	−14.849	−26.496
Energy and Natural Resources	OT	....	−0.001	−0.002	−0.004	−0.006	−0.013
Finance	OT	−1.137	−12.681	−19.079	−26.838	−40.911	−100.646
Governmental Affairs	DR	−0.632	−0.839	−1.042	−1.185	−1.769	−5.467
Labor and Human Resources	OT	−0.242	−0.247	−0.158	−0.088	−0.057	−2.792
Veterans Affairs	OT	−0.247	−0.540	−0.659	−0.606	−0.681	−2.733
Total First Reconciliation	DR	−2.094	−17.790	−24.554	−33.392	−59.407	−137.237
Second Reconciliation:							
Finance	Rev	−7.400	−11.300	−22.400	−23.400	−20.500	−85.000

NOTE: OT = outlays, DR = deficit reduction, Rev = revenues.

BUDGETARY RESTRAINTS AND RULEMAKING

House resolution

Title III of the House-passed budget resolution establishes new rules and procedures for implementing the budget resolution. The House resolution establishes a reserve fund for surface transportation (section 301), a new rule for scoring proposed asset sales (section 302), an environmental reserve for the superfund program (section 303), and a separate allocation for land acquisition (section 304).

Senate amendment

Title II of the Senate amendment establishes new rules and procedures for implementing the budget resolution. Section 301 establishes limits on discretionary spending through 2002. It also establishes separate limit on defense and non-defense discretionary spending ("firewalls") for FY 1998 and 1999. The Senate amendment provides that a future budget resolution or an appropriations measure that would cause these limits to be exceeded would be subject to a 60 vote point of order in the Senate. The enforcement of the discretionary limits beyond 1998 are dependent on the enactment of reconciliation legislation called for by the resolution.

Section 202 of the Senate amendment establishes an allowance to provide an upward adjustment to the budget authority discretionary spending limits if the Appropriations Committee approves of U.S. participation in the International Monetary Fund (IMF) New Arrangements to Borrow (NAB) and for a potential increase in the U.S. quota subscription. This additional budget authority will not increase outlays or the deficit.

Section 203 of the Senate amendment provides an allowance that effectively fences the additional funding assumed for Section 8 Housing Assistance contract renewals. The agreement creates an allowance of $9.2 billion in budget authority with an associated, but unspecified, amount of outlays to be released by the budget committees when the appropriations committees report bills that provide for renewal of Section 8 housing assistance contracts that expire in 1998. The conference agreement assumes that the amount of the allowance to be released (estimated to be $3.436 billion for outlays) will not be reduced to the extent that the appropriations and authorizing committees produce Section 8 savings that were proposed in the President's 1998 budget.

Section 204 of the Senate amendment provides an allowance to allow for additional mandatory spending for environmental programs as part of legislation to reform the Superfund program to facilitate the cleanup of hazardous waste sites.

Section 205 of the Senate amendment includes an allowance that effectively fences $700 million in funding for Federal land acquisition and exchanges.

Section 206 of the Senate amendment includes an allowance to provide adjustments to the discretionary caps and other levels in the resolution to accommodate appropriations for arrearages for international organizations, international peacekeeping, and multilateral development banks.

Sections 207, 208, and 209 of the Senate amendment includes reserve funds for an intercity passenger rail fund, mass transit programs, and highway programs. These reserve funds allow the discretionary caps and the spending levels in the resolution to be adjusted for additional spending if legislation provides sufficient offsets to ensure this spending would not increase the deficit.

Section 210 of the Senate amendment provides that the changes in title II are made under the Congress rulemaking authority and recognizes Congress constitutional right to modify these rules at any time.

Conference Agreement

Title II of the conference agreement includes the rules and procedures for implementing the budget resolution.

Section 201 of the conference agreement reflects the Senate amendment by establishing discretionary limits through 2002. These limits only apply in the Senate.

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—DISCRETIONARY CAPS

[Dollars in billions]

	1998	1999	2000	2001	2002
Defense:					
BA	269.0	271.5	275.4	281.8	289.6
OT	266.8	266.5	269.0	270.7	273.1
Nondefense:					
BA	257.9	261.5	261.8	260.2	261.5
OT	286.4	292.8	295.3	293.7	287.7
Total discretionary:					
BA	526.9	533.0	537.2	542.0	551.1

1998 BUDGET RESOLUTION CONFERENCE AGREEMENT—DISCRETIONARY CAPS—Continued

[Dollars in billions]

	1998	1999	2000	2001	2002
OT	553.3	559.3	564.3	564.4	560.8

Section 202 of the conference agreement generally reflects the Senate amendment by establishing an allowance for the International Monetary Fund (IMF) for both the Senate and the House. In the House, the IMF allowance only applies for fiscal years 1998 and 1999.

Section 203 of the conference agreement reflects the Senate amendment for an allowance for Section 8 Housing contract renewals.

Section 204 of the conference agreement reflects the House resolution's language, with modifications, for an allowance for additional mandatory spending for legislation that reforms the superfund program to facilitate the cleanup of hazardous waste sites.

Section 205 of the conference agreement reflects the House resolution's language, with modifications, for an allowance for additional spending for land acquisition.

Section 206 of the conference agreement reflects the House resolution's language, with modifications, for an allowance for arrearages for international organizations. In the House, this allowance only applies for fiscal years 1998 and 1999.

Section 207 of the conference agreement includes a reserve fund for an intercity passenger rail fund and applies to the House and Senate. Sections 207A, 208, and 209 of the conference agreement provide reserve funds in the Senate for an intercity passenger rail fund, mass transit programs, and highway programs.

Section 210 of the conference agreement incorporates the House resolution provision establishing a reserve fund for highways highway safety and transit programs in the House.

Section 211 of the conference agreement includes the House resolution's language establishing a new rule for scoring proposed asset sales.

Section 212 of the conference agreement provides general authority with respect to the application and effect of adjustments made pursuant to title II of the resolution.

Section 213 of the conference agreement adopts the Senate amendment's provisions that the provisions of title II are made under Congress rulemaking authority and Congress reserves its right to change its rules at any time.

MISCELLANEOUS BUDGET ENFORCEMENT PROVISIONS

Extension of pay-as-you-go point of order in the Senate

The Senate Conferees note that in the Fiscal Year 1996 budget resolution (H. Con. Res. 67, 104th Congress) the pay-as-you-go point of order in the Senate was extended through the end of fiscal year 2002. Consequently it was again determined that it is not necessary to include the language in the text of this year's resolution. In order to emphasize the overall goal of balancing the budget set out in the bipartisan budget agreement and this resolution and that the pay-as-you-go discipline is still in effect, the text of section 202 from H. Con. Res. 67 is provided herein:

SEC. 202. EXTENSION OF PAY-AS-YOU-GO POINT OF ORDER.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term "applicable time period" means any of the three following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first five fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the five fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct spending legislation " and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of the section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the deficit when taken individually, then it must also increase the deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that the direct spending or revenue effect resulting from legislation enacted pursuant to the reconciliation instructions included in that concurrent resolution on the budget shall not be available.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 23 of House Concurrent Resolution 218 (103rd Congress) is repealed.

(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002.

Unanimous consent agreement in the Senate—regarding section 313(b)(1)(E) of the Budget Act

The Senate Conferees note that because of the two bill reconciliation process envisioned by the bipartisan budget agreement and this resolution it was necessary in the Senate to obtain the following unanimous consent agreement with respect to the application of section 313(b)(1)(E) of the Congressional Budget Act of 1974 (the Byrd Rule) to the second reconciliation bill. The purpose of the consent is to provide that when the second reconciliation bill is considered in the Senate no Byrd Rule point of order under section 313(b)(1)(E) would lie against provisions which reduce revenues in years beyond those reconciled. This unanimous consent agreement is contingent upon the Senate considering two reconciliation bills pursuant to the concurrent resolution on the budget for fiscal year 1998. The text of the agreement, which was obtained on May 21, 1997, is as follows:

Ordered, That during the consideration of legislation (and the conference report thereon), pursuant to the reconciliation instructions set forth in the concurrent resolution on the budget for fiscal year 1998, for the purposes of section 313(b)(1)(E) of the Congressional Budget Act of 1974, legislation which reduces revenues pursuant to a reconciliation instruction contained in the fiscal year 1998 resolution (the second reconciliation bill) shall be taken together with all other legislation passed in the Senate pursuant to the reconciliation instructions contained in that resolution (the first reconciliation bill) when determining whether any provision of the second reconciliation bill is extraneous: *Provided*, That this unanimous consent agreement is contingent upon the Senate considering two reconciliation bills pursuant to the concurrent resolution on the budget for fiscal year 1998.

SENSE OF THE CONGRESS, HOUSE, AND SENATE PROVISIONS

House resolution

Title IV of the House-passed budget resolution contains sense of the Congress provisions on the following subjects:

baselines;
repayment of the federal debt;
commission on long-term budgetary problems;
corporate welfare; and
family violence.

Senate amendment

Title III of the Senate amendment contains sense of the Senate and other provisions on the following subjects:

long-term entitlement reforms;
tactical fighter aircraft programs;
children's health coverage;
medicaid per capita cap;
dedication of additional savings to deficit reduction;
fairness in medicare;
assistance to Lithuania and Latvia;
national commission on higher education;
medicare lockbox;
earned income credit;
repayment of the federal debt;
long-term entitlement reforms;
disaster assistance funding;

enforcement of the bipartisan budget agreement;
national institutes of health;
elderly legal aliens;
retroactive taxes;
social security and balancing the budget;
veterans programs and benefits;
family violence;
tax cuts;
amtrak;
children's health;
gasoline taxes and the highway trust fund;
early childhood education;
highway trust fund and the budget;
airport and airway trust fund and the budget;
military retirement trust funds and the budget;
civil service trust funds and the budget;
unemployment trust funds and the budget;
highway trust fund;
tax incentives for post-secondary education;
additional tax cuts;
spectrum auctions;
highway demonstration projects;
budget savings;
social security and future retirees;
economic growth dividend;
reserve fund for early childhood development;
law enforcement; and
prevention of drug use by children.

Conference agreement

Subtitle A of the conference agreement expresses the sense of the Congress on the following subjects:
repayment of the federal debt, and tax cut shall not exceed $250 billion over ten years.

Subtitle B of the conference agreement contains sense of the House provisions on the following subjects:
commission on long-term budgetary problems;
corporate welfare;
baselines; and
family violence.

Subtitle C of the conference agreement contains sense of the Senate provisions on the following subjects:
long-term entitlement reforms;
tactical fighter aircraft programs;
children's health coverage;
medicaid per capita cap;
dedication of additional savings to deficit reduction;
fairness in medicare;
assistance to Lithuania and Latvia;
national commission on higher education;
medicare lockbox;
earned income credit;
repayment of the federal debt;
long-term entitlement reforms;
disaster assistance funding;
enforcement of the bipartisan budget agreement;
national institutes of health;
elderly legal aliens;
retroactive taxes;
social security and balancing the budget;
veterans programs and benefits;
family violence;
tax cuts;
amtrak;
children's health;
gasoline taxes and the highway trust fund;
early childhood education;
highway trust fund;
tax incentives for post-secondary education;
additional tax cuts;
spectrum auctions;
highway demonstration projects;
budget savings;
social security and future retirees;
economic growth dividend;
law enforcement;
prevention of drug use by children.

ALLOCATIONS

As required in sections 302 and 602 of the Budget Act, the joint statement of the managers includes an allocation, based upon the conference report, of the levels of total budget authority, total budget outlays, and—in the House only—total entitlement authority, among each of the appropriate House and Senate committees.

As required under sections 302 and 602, the allocations are divided between mandatory and otherwise uncontrollable amounts and discretionary or otherwise controllable amounts.

The allocations for each House consist of a set of two tables for the House and Senate. The first set of tables shows the allocation for the budget year, fiscal year 1998. For the House, the amount allocated to each committee is broken down by budget function. The second set of tables shows the amounts allocated for the totals of the budget year and the four succeeding planning years. These allocations serve as the basis for congressional enforcement of the budget resolution through points of order under the Budget Act.

The allocations are as follows:

Allocation of Spending Responsibility to House Committees Pursuant to Sections 302(a)/602(a) or the Congressional Budget Act
(by fiscal year, in millions of dollars)

	1998	1999	2000	2001	2002	1998 to 2002
Appropriations Committee						
Current Level						
Budget Authority	274,392	304,803	330,585	342,433	373,040	1,625,253
Outlays	276,420	297,566	324,972	334,475	366,766	1,600,199
Discretionary Action						
General Purpose						
Defense						
Budget Authority	269,000	271,500	275,367	281,847	289,610	1,387,324
Outlays	266,823	266,518	268,995	270,663	273,100	1,346,099
Nondefense						
Budget Authority	242,457	255,699	257,326	255,785	256,964	1,268,231
Outlays	279,117	287,850	289,716	287,752	283,169	1,427,604
Subtotal						
Budget Authority	511,457	527,199	532,693	537,632	546,574	2,655,555
Outlays	545,940	554,368	558,711	558,415	556,269	2,773,703
Violent Crime Reduction Trust Fund						
Budget Authority	5,500	5,800	4,500	4,400	4,500	24,700
Outlays	3,592	4,953	5,554	591	4,530	19,220
Total Discretionary Action						
Budget Authority	516,957	532,999	537,193	542,032	551,074	2,680,255
Outlays	549,532	559,321	564,265	559,006	560,799	2,792,923
Discretionary Action By Other Committees						
Budget Authority	7,860	7,702	7,634	7,269	5,389	35,854
Outlays	7,512	7,300	3,355	11,376	5,309	34,852
Committee Total						
Budget Authority	799,209	845,504	875,412	891,734	929,503	4,341,362
Outlays	833,464	864,187	892,592	904,857	932,874	4,427,974
Agriculture Committee						
Current Level (Enacted Law)						
Budget Authority	9,824	9,646	9,113	7,852	7,559	43,994
Outlays	7,512	7,136	6,663	5,474	5,111	31,896
National Security Committee						
Current Level (Enacted Law)						
Budget Authority	48,155	50,016	51,885	53,779	55,740	259,575
Outlays	48,005	49,864	51,761	53,660	55,625	258,915
Banking and Financial Services Committee						
Current Level (Enacted Law)						
Budget Authority	4,406	5,049	5,645	5,790	5,979	26,869
Outlays	-3,067	-1,654	149	868	1,289	-2,415
Discretionary Action						
Budget Authority	-136	-145	-147	-128	-110	-666
Outlays	-136	-233	-365	-422	-434	-1,590
Committee Total						
Budget Authority	4,270	4,904	5,498	5,662	5,869	26,203
Outlays	-3,203	-1,887	-216	446	855	-4,005

	1998	1999	2000	2001	2002	1998 to 2002
Economic Opportunity Committee						
Current Level (Enacted Law)						
Budget Authority	4,102	3,761	3,566	3,622	3,741	18,792
Outlays	3,508	3,450	3,291	3,275	3,367	16,891
Discretionary Action						
Budget Authority	-248	-247	-158	-88	-1,057	-1,798
Outlays	-242	-247	-158	-88	-1,057	-1,792
Committee Total						
Budget Authority	3,854	3,514	3,408	3,534	2,684	16,994
Outlays	3,266	3,203	3,133	3,187	2,310	15,099
New Entitlement Authority						
....	1,726	2,544	2,776	2,871	2,970	12,887
Commerce Committee						
Current Level (Enacted Law)						
Budget Authority	2,729	6,329	9,120	12,112	12,802	43,092
Outlays	2,732	6,331	9,121	12,113	12,802	43,099
Discretionary Action						
Budget Authority	0	-3,501	-3,502	-4,504	-14,806	-26,313
Outlays	0	-3,501	-3,502	-4,504	-14,806	-26,313
Committee Total						
Budget Authority	2,729	2,828	5,618	7,608	-2,004	16,779
Outlays	2,732	2,830	5,619	7,609	-2,004	16,786
New Entitlement Authority						
....	2,463	1,229	849	99	-2,265	2,375
International Relations Committee						
Current Level (Enacted Law)						
Budget Authority	13,142	11,676	11,284	11,506	11,647	59,255
Outlays	12,952	12,527	11,931	11,774	11,758	60,942
Government Reform and Oversight Committee						
Current Level (Enacted Law)						
Budget Authority	56,916	59,155	61,544	64,095	66,878	308,588
Outlays	55,822	57,745	59,920	62,393	65,069	300,949
Discretionary Action						
Budget Authority	-632	-625	-619	-614	-608	-3,098
Outlays	-632	-625	-619	-614	-608	-3,098
Committee Total						
Budget Authority	56,284	58,530	60,925	63,481	66,270	305,490
Outlays	55,190	57,120	59,301	61,779	64,461	297,851
Oversight Committee						
Current Level (Enacted Law)						
Budget Authority	93	97	94	93	94	471
Outlays	27	64	247	81	25	444

	1998	1999	2000	2001	2002	1998 to 2002
Public Lands and Resources Committee						
Current Level (Enacted Law)						
Budget Authority	2,252	2,328	2,337	2,346	2,389	11,652
Outlays	2,152	2,334	2,339	2,315	2,313	11,453
Judiciary Committee						
Current Level (Enacted Law)						
Budget Authority	4,084	4,162	4,278	4,373	4,456	21,353
Outlays	4,142	4,015	4,130	4,236	4,279	20,802
Discretionary Action						
Budget Authority	146	183	188	193	198	908
Outlays	177	214	219	223	230	1,063
Committee Total						
Budget Authority	4,230	4,345	4,466	4,566	4,654	22,261
Outlays	4,319	4,229	4,349	4,459	4,509	21,865
Transportation and Infrastructure Committee						
Current Level (Enacted Law)						
Budget Authority	18,040	15,883	16,081	16,197	16,387	82,588
Outlays	17,350	16,906	16,613	16,470	16,457	83,796
Discretionary Action						
Budget Authority	29,695	30,732	31,442	32,149	32,338	156,356
Outlays	65	243	398	490	13	1,209
Committee Total						
Budget Authority	47,735	46,615	47,493	48,346	48,725	238,914
Outlays	17,415	17,149	17,011	16,960	16,470	85,005
Science Committee						
Current Level (Enacted Law)						
Budget Authority	39	32	32	32	32	167
Outlays	36	36	36	33	32	173
Small Business Committee						
Current Level (Enacted Law)						
Budget Authority	250	0	0	0	0	250
Outlays	-100	-263	-142	-110	-84	-699
Veterans' Affairs Committee						
Current Level (Enacted Law)						
Budget Authority	1,358	1,291	1,264	1,196	1,107	6,216
Outlays	1,440	1,456	1,431	1,409	1,373	7,109
Discretionary Action						
Budget Authority	-224	-356	-360	-362	-363	-1,665
Outlays	-224	-356	-360	-362	-363	-1,665
Committee Total						
Budget Authority	1,134	935	904	834	744	4,551
Outlays	1,216	1,100	1,071	1,047	1,010	5,444
New Entitlement Authority	327	656	-575	3,269	2,096	5,773

	1998	1999	2000	2001	2002	1998 to 2002
Ways and Means Committee						
Current Level (Enacted Law)						
Budget Authority	672,255	705,953	730,987	755,233	782,020	3,646,448
Outlays	671,092	704,498	734,175	749,280	780,125	3,639,170
Discretionary Action						
Budget Authority	-5,918	-16,268	-22,088	-28,799	-40,073	-113,146
Outlays	-5,918	-16,268	-26,065	-24,822	-40,076	-113,149
Committee Total						
Budget Authority	666,337	689,685	708,899	726,434	741,947	3,533,302
Outlays	665,174	688,230	708,110	724,458	740,049	3,526,021
New Entitlement Authority	400	390	-1,007	1,550	270	1,603
Unassigned to Committee						
Current Level (Enacted Law)						
Budget Authority	-282,798	-290,579	-300,987	-307,621	-324,262	-1,506,247
Outlays	-281,687	-283,783	-295,024	-302,733	-319,423	-1,482,650
Discretionary Action						
Budget Authority	9,961	24	19	14	9	10,027
Outlays	3,797	24	19	14	9	3,863
Committee Total						
Budget Authority	-272,837	-290,555	-300,968	-307,607	-324,253	-1,496,220
Outlays	-277,890	-283,759	-295,005	-302,719	-319,414	-1,478,787
Total Current Level						
Budget Authority	829,239	889,602	936,798	973,038	1,019,609	4,648,286
Outlays	818,336	878,228	931,613	955,013	1,006,884	4,590,074
Total Discretionary Action						
Budget Authority	557,461	550,498	549,602	547,162	531,991	2,736,714
Outlays	553,664	545,872	537,187	545,687	509,016	2,691,426
Grand Totals						
Budget Authority	1,386,700	1,440,100	1,486,400	1,520,200	1,551,600	7,385,000
Outlays	1,372,000	1,424,100	1,468,800	1,500,700	1,515,900	7,281,500
Total New Entitlement Authority	4,916	4,819	2,043	7,789	3,071	22,638

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES
PURSUANT TO SEC. 602(A) OF THE CONGRESSIONAL BUDGET ACT
(IN MILLIONS OF DOLLARS)

HOUSE APPROPRIATIONS COMMITTEE

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
050 NATIONAL DEFENSE	197	197	0
150 INTERNATIONAL AFFAIRS	174	174	0
300 NATURAL RESOURCES AND ENVIRONMENT	68	109	0
350 AGRICULTURE	2,370	1,709	0
370 COMMERCE AND HOUSING CREDIT	35	-1,155	0
400 TRANSPORTATION	637	634	0
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	7,029	7,777	0
550 HEALTH	109,760	109,795	0
570 MEDICARE	62,297	62,297	0
600 INCOME SECURITY	61,828	64,935	0
650 SOCIAL SECURITY	21	21	0
700 VETERANS BENEFITS AND SERVICES	20,950	20,901	0
750 ADMINISTRATION OF JUSTICE	400	393	0
800 GENERAL GOVERNMENT	8,618	8,625	0
900 NET INTEREST	8	8	0
SUBTOTALS	274,392	276,420	0

HOUSE APPROPRIATIONS COMMITTEE

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY APPROPRIATIONS ACTION (ASSUMED LEGISLATION)				
050	NATIONAL DEFENSE	269,000	266,823	0
150	INTERNATIONAL AFFAIRS	19,038	19,179	0
250	GENERAL SCIENCE, SPACE, AND TECHNOLOGY	16,199	16,847	0
270	ENERGY	4,754	5,045	0
300	NATURAL RESOURCES AND ENVIRONMENT	22,107	21,093	0
350	AGRICULTURE	4,055	4,143	0
370	COMMERCE AND HOUSING CREDIT	3,133	3,066	0
400	TRANSPORTATION	13,556	38,267	0
450	COMMUNITY AND REGIONAL DEVELOPMENT	8,288	10,044	0
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	46,721	43,185	0
550	HEALTH	24,896	24,612	0
570	MEDICARE	2,715	2,724	0
600	INCOME SECURITY	23,737	37,829	0
650	SOCIAL SECURITY	3,255	3,355	0
700	VETERANS BENEFITS AND SERVICES	18,476	19,266	0
750	ADMINISTRATION OF JUSTICE	24,405	22,170	0
800	GENERAL GOVERNMENT	12,622	11,884	0
	SUBTOTALS	516,957	549,532	0

HOUSE APPROPRIATIONS COMMITTEE

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION BY OTHER COMMITTEES (ASSUMED ENTITLEMENT LEGISLATION)				
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	2,538	1,955	0
550	HEALTH	2,863	2,863	0
600	INCOME SECURITY	2,100	2,100	0
700	VETERANS BENEFITS AND SERVICES	359	327	0
	SUBTOTALS	7,860	7,245	0
	COMMITTEE TOTALS	799,209	833,197	0

House Agriculture Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
150 INTERNATIONAL AFFAIRS	-483	-483	0
270 ENERGY	0	-1,036	0
300 NATURAL RESOURCES AND ENVIRONMENT	2,502	2,570	0
350 AGRICULTURE	7,635	6,183	7,447
370 COMMERCE AND HOUSING CREDIT	0	4	0
400 TRANSPORTATION	30	30	0
450 COMMUNITY AND REGIONAL DEVELOPMENT	27	126	0
800 GENERAL GOVERNMENT	113	118	0
900 NET INTEREST	0	0	8
SUBTOTALS	9,824	7,512	7,455
COMMITTEE TOTALS	9,824	7,512	7,455

House National Security Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
050 NATIONAL DEFENSE	16,704	16,662	0
300 NATURAL RESOURCES AND ENVIRONMENT	3	3	0
400 TRANSPORTATION	-2	-22	0
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	5	3	0
600 INCOME SECURITY	31,265	31,178	0
700 VETERANS BENEFITS AND SERVICES	180	181	180
SUBTOTALS	48,155	48,005	180
COMMITTEE TOTALS	48,155	48,005	180

House Banking and Financial Services Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
150 INTERNATIONAL AFFAIRS	-1,059	-2,363	0
370 COMMERCE AND HOUSING CREDIT	1,375	-4,686	0
450 COMMUNITY AND REGIONAL DEVELOPMENT	0	-147	0
600 INCOME SECURITY	46	85	0
800 GENERAL GOVERNMENT	2	2	0
900 NET INTEREST	4,042	4,042	0
SUBTOTALS	4,406	-3,067	0

House Banking and Financial Services Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
370 COMMERCE AND HOUSING CREDIT	-136	-136	0
SUBTOTALS	-136	-136	0
COMMITTEE TOTALS	4,270	-3,203	0

House Committee on Education and the Workforce

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	3,957	3,365	3,288
600 INCOME SECURITY	145	143	9,866
SUBTOTALS	4,102	3,508	13,154

House Committee on Education and the Workforce

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	-248	-242	1,726
SUBTOTALS	-248	-242	1,726
COMMITTEE TOTALS	3,854	3,266	14,880

House Commerce Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
300 NATURAL RESOURCES AND ENVIRONMENT	31	31	0
370 COMMERCE AND HOUSING CREDIT	2,078	2,078	1,700
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	1	1	0
550 HEALTH	611	614	105,536
800 GENERAL GOVERNMENT	8	8	0
SUBTOTALS	2,729	2,732	107,236

House Commerce Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
550 HEALTH	0	0	2,463
S	0	0	2,463
ITTEE TOTALS	2,729	2,732	109,699

House International Relations Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
150 INTERNATIONAL AFFAIRS	12,595	12,407	0
400 TRANSPORTATION	7	7	0
600 INCOME SECURITY	534	532	522
800 GENERAL GOVERNMENT	6	6	0
SUBTOTALS	13,142	12,952	522
COMMITTEE TOTALS	13,142	12,952	522

House Government Reform and Oversight Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
370 COMMERCE AND HOUSING CREDIT	10	9	0
[illegible] TH	0	225	4,165
[illegible]	43,850	42,532	42,532
[illegible] RATION OF JUSTICE	50	50	50
[illegible] RAL GOVERNMENT	12,986	12,986	0
900 NET INTEREST	20	20	0
SUBTOTALS	56,916	55,822	46,747

House Government Reform and Oversight Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
370 COMMERCE AND HOUSING CREDIT	-35	-35	0
950 UNDISTRIBUTED OFFSETTING RECEIPTS	-597	-597	0
SUBTOTALS	-632	-632	0
COMMITTEE TOTALS	56,284	55,190	46,747

House Oversight Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	25	26	0
800 GENERAL GOVERNMENT	68	1	93
SUBTOTALS	93	27	93
COMMITTEE TOTALS	93	27	93

House Resources Committee

	FISCAL YEAR: 1998		
	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
270 ENERGY	-44	-71	0
300 NATURAL RESOURCES AND ENVIRONMENT	929	794	27
370 COMMERCE AND HOUSING CREDIT	66	36	0
450 COMMUNITY AND REGIONAL DEVELOPMENT	445	499	0
550 HEALTH	4	4	0
800 GENERAL GOVERNMENT	852	890	182
SUBTOTALS	2,252	2,152	209
COMMITTEE TOTALS	2,252	2,152	209

House Judiciary Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
370 COMMERCE AND HOUSING CREDIT	245	273	0
600 INCOME SECURITY	62	25	24
750 ADMINISTRATION OF JUSTICE	1,659	1,726	215
800 GENERAL GOVERNMENT	2,118	2,118	17
SUBTOTALS	4,084	4,142	256

House Judiciary Committee

	FISCAL YEAR: 1998		
	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
750 ADMINISTRATION OF JUSTICE	146	177	0
SUBTOTALS	146	177	0
COMMITTEE TOTALS	4,230	4,319	256

House Transportation and Infrastructure Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
270 ENERGY	0	-104	0
300 NATURAL RESOURCES AND ENVIRONMENT	189	157	0
400 TRANSPORTATION	2,578	2,051	634
450 COMMUNITY AND REGIONAL DEVELOPMENT	5	2	0
600 INCOME SECURITY	15,270	15,246	80
800 GENERAL GOVERNMENT	-2	-2	0
SUBTOTALS	18,040	17,350	714

House Transportation and Infrastructure Committee
FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
400 TRANSPORTATION	29,695	65	0
SUBTOTALS	29,695	65	0
COMMITTEE TOTALS	47,735	17,415	714

House Science Committee

	FISCAL YEAR: 1998		
	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
250 GENERAL SCIENCE, SPACE, AND TECHNOLOGY	38	35	0
500 EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	1	1	0
SUBTOTALS	39	36	0
COMMITTEE TOTALS	39	36	0

House Small Business Committee

	FISCAL YEAR: 1998		
	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
370 COMMERCE AND HOUSING CREDIT	0	-210	0
450 COMMUNITY AND REGIONAL DEVELOPMENT	250	110	0
SUBTOTALS	250	-100	0
COMMITTEE TOTALS	250	-100	0

House Veterans' Affairs Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)			
700 VETERANS BENEFITS AND SERVICES	1,358	1,440	22,196
SUBTOTALS	1,358	1,440	22,196

House Veterans' Affairs Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
700 VETERANS BENEFITS AND SERVICES	-224	-224	327
SUBTOTALS	-224	-224	327
COMMITTEE TOTALS	1,134	1,216	22,523

House Ways and Means Committee

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
	CURRENT LEVEL (ENACTED LAW)			
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	0	0	6,935
550	HEALTH	50	39	0
570	MEDICARE	231,519	231,654	226,966
600	INCOME SECURITY	65,068	63,790	23,509
650	SOCIAL SECURITY	8,148	8,148	0
750	ADMINISTRATION OF JUSTICE	493	481	0
800	GENERAL GOVERNMENT	450	453	0
900	NET INTEREST	366,612	366,612	366,612
950	UNDISTRIBUTED OFFSETTING RECEIPTS	-85	-85	0
	SUBTOTALS	672,255	671,092	624,022

House Ways and Means Committee

FISCAL YEAR: 1998

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
550 HEALTH	0	0	400
570 MEDICARE	-6,500	-6,500	0
600 INCOME SECURITY	582	582	0
SUBTOTALS	-5,918	-5,918	400
COMMITTEE TOTALS	666,337	665,174	624,422

UNASSIGNED

FISCAL YEAR: 1998

		BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
CURRENT LEVEL (ENACTED LAW)				
050	NATIONAL DEFENSE	-17,701	-17,682	0
150	INTERNATIONAL AFFAIRS	-14,365	-14,314	0
250	GENERAL SCIENCE, SPACE, AND TECHNOLOGY	-37	18	0
270	ENERGY	-1,610	-1,634	0
300	NATURAL RESOURCES AND ENVIRONMENT	-2,829	-2,857	0
350	AGRICULTURE	-960	-135	0
370	COMMERCE AND HOUSING CREDIT	-171	-144	0
400	TRANSPORTATION	-101	-132	0
450	COMMUNITY AND REGIONAL DEVELOPMENT	-215	-234	0
500	EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES	-29	29	0
550	HEALTH	-384	-352	0
570	MEDICARE	-88,431	-88,375	0
600	INCOME SECURITY	-14,687	-14,613	0
650	SOCIAL SECURITY	-24	-24	0
700	VETERANS BENEFITS AND SERVICES	-599	-591	0
750	ADMINISTRATION OF JUSTICE	-2,214	-2,258	0
800	GENERAL GOVERNMENT	-23,141	-23,089	0
900	NET INTEREST	-74,182	-74,182	-60,736
950	UNDISTRIBUTED OFFSETTING RECEIPTS	-41,118	-41,118	0
	SUBTOTALS	-282,798	-281,687	-60,736

UNASSIGNED

	FISCAL YEAR: 1998		
	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
DISCRETIONARY ACTION (ASSUMED LEGISLATION)			
300 NATURAL RESOURCES AND ENVIRONMENT	200	200	0
750 ADMINISTRATION OF JUSTICE	-139	-139	0
SUBTOTALS	61	61	0

UNASSIGNED

	FISCAL YEAR: 1998		
	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
COMMTTTEE TOTALS	-282,737	-281,626	-60,736

	BUDGET AUTHORITY	OUTLAYS	ENTITLEMENT AUTHORITY
TOTAL - CURRENT LEVEL:	829,239	818,336	762,048
TOTAL - DISCRETIONARY ACTION:	547,561	549,928	4,916
GRAND TOTALS:	1,376,800	1,368,264	766,964

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 1998

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in an annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	788,769	824,665	0	0
Appropriations (violent crime reduction trust fund)	5,500	3,592	0	0
Agriculture, Nutrition, and Forestry	10,011	7,702	8,502	8,476
Armed Services	48,152	48,022	0	0
Banking, Housing, and Urban Affairs	9,190	−3,203	0	0
Commerce, Science, and Transportation	4,922	2,202	637	634
Energy and Natural Resources	1,879	1,848	50	41
Environment and Public Works	25,637	2,915	0	0
Finance	683,053	681,872	112,893	115,429
Foreign Relations	13,135	12,945	0	0
Governmental Affairs	56,248	55,190	0	17
Judiciary	4,230	4,319	220	215
Labor and Human Resources	7,072	6,478	1,352	1,352
Rules and Administration	93	27	0	0
Veterans' Affairs	1,111	1,193	21,187	21,106
Indian Affairs	449	423	0	0
Small Business	250	−100	0	0
Unassigned to Committee	−273,037	−278,090	0	0
Total	1,386,700	1,372,000	144,841	147,270

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 1998–2002

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in an annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	44,971	32,871	70,151	46,846
Armed Services	259,560	258,993	0	0
Banking, Housing, and Urban Affairs	52,169	−4,005	0	0
Commerce, Science, and Transportation	28,448	14,339	3,534	3,516
Energy and Natural Resources	9,530	9,528	254	282
Environment and Public Works	125,266	11,398	0	0
Finance	3,607,033	3,599,663	669,226	672,800
Foreign Relations	59,220	60,907	0	0
Governmental Affairs	304,950	297,311	0	33
Judiciary	22,261	21,865	1,100	1,095
Labor and Human Resources	33,475	31,562	7,112	7,112
Rules and Administration	471	444	0	0
Veterans' Affairs	3,483	4,376	113,589	113,276
Indian Affairs	2,278	2,144	0	0
Small Business	250	−699	0	0

JOHN R. KASICH,
DAVID L. HOBSON,
JOHN M. SPRATT, Jr.,
Managers on the Part of the House.

PETE V. DOMENICI,
CHUCK GRASSLEY,
FRANK R. LAUTENBERG,
Managers on the Part of the Senate.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to House Resolution 150 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1757.

☐ 2114

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, with Mr. DICKEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

☐ 2115

The CHAIRMAN pro tempore (Mr. DICKEY). When the Committee of the Whole rose earlier today, the amendment by the gentleman from New Jersey [Mr. PALLONE] had been disposed of.

Are there any further amendments?

AMENDMENT OFFERED BY MR. SCARBOROUGH

Mr. SCARBOROUGH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCARBOROUGH: Page 185, after line 17, insert the following section:

SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN.

(a) FINDINGS.—The Congress finds the following:

(1) Continued disregard of the freedom of religion by Sudan is unacceptable.

(2) Continued support of terrorist activities by Sudan is of deepest concern and shall not be tolerated.

(b) FINANCIAL TRANSACTIONS WITH TERRORISTS.—Notwithstanding any other provision of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department) shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism.

Mr. SCARBOROUGH. Mr. Chairman, my amendment attempts to address some appalling activities of the government of Sudan. As my colleagues may know, Sudan has been certified by the administration as being an active supporter of terrorism since 1993 and is currently known to be sheltering several terrorists sought in several countries.

Sudan has also been the scene of some of the world's most deplorable religious persecution, persecution that the Washington Post called unspeakable, persecutions that the United Nations has reported included the crucifixion of a 7-year-old child because he was a Christian.

It has been estimated that more than 1.5 million Christians and other non-Muslims have been killed in Sudan, more than all those that have been killed in the Bosnian civil war. Christian slavery is widespread, and it is believed that at least 30,000 children have been sold to slavery for as little as $15. This was disputed by Louis Farrakhan some time ago, and he challenged supporters to go to Sudan and unearth this activity if it was really happening. Two reporters from the Baltimore Sun did that and bought two young boys for $500.

We also have recently had the Pope pleading for an end of religious persecution of non-Muslims. My amendment requires the administration to apply financial transaction restrictions against terrorist states, which were included in Public Law 104–132 to the Republic of Sudan.

Although these restrictions were intended to cover nations such as Sudan, regrettably the administration specifically exempted Sudan. And although the United States has closed its offices in Sudan, the Sudan still operates an embassy in the U.S., and this embassy has been cited as supporting terrorists who conspired to bomb various New York City landmarks.

Finally, the amendment would express the sense of Congress that Sudan's support for terrorism and religious persecution is unacceptable. In a recent April 1997 CRS report, CRS wrote that human rights violations have been cited by many religious humanitarian and international groups over the years.

Among other things, the Sudan government has been sanctioning civilian massacres, religious persecution, kidnapping, forced conscription of underaged boys, torture, forced circumcision of women, mutilation of women's genitals, unlawful detention, and most recently, slavery.

In a speech to the National Press Club on December 17, 1996, John Eibner of the International CSI stated the following: "Over 100 years after the Emancipation Proclamation, the modern mind does not readily comprehend that the practice of chattel slavery has not been laid to rest but continues. Slavery in Sudan is not a dying practice. It is, instead, a thriving practice that is actively promoted by the extremist Sudan regime."

Another human rights group stated that, during the recent three visits to the Sudan, they talked of torture, murder, starvation and enslavement of black Christians that, she said, resulted in at least 1.5 million deaths. Male slaves who resist conversion have their Achille's tendons cut, female Christians are routinely raped and sometimes forced to undergo circumcision and have their genitals mutilated.

I took a book off my shelf that is in the office. It is called "The Abandonment of the Jews." It was written 10 years ago. And in the beginning of the Abandonment of the Jews, David Wyman makes this statement: "The murder of the Jews during the Holocaust was done by people to other people, while still other people stood by. Comparatively few American non-Jews recognized that the plight of the European Jews was their plight too. Most were either unaware, did not care, or saw the European Jewish catastrophe as a Jewish problem. That explains, in part, why the United States did so little to help."

At the end of The Abandonment of the Jews, this is the question that he asks: "Would the reaction be different today? Would Americans be more sensitive, less self-centered, more willing to make sacrifices, less afraid of differences now than they were then?" Regrettably it appears that, up until now, the answer has been no.

Writing in the New York Times, A.M. Rosenthal stated the following: "The shocking untold story of our time is that more Christians have died this century simply for being Christians than in the first 19 centuries after the birth of Christ. They have been persecuted and martyred before an unknowing, indifferent world and a largely silent Christian community."

Mr. Chairman, it is time for that silence to end. That is why I ask my colleagues to pass this bill and send a message to Sudan that such barbarism will no longer be tolerated.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just say that I rise in very strong support of the amendment of the gentleman from Florida [Mr. SCARBOROUGH]. I think my colleague does a really good and worthwhile service for the suffering Christians and the suffering people of faith in the Sudan.

My Subcommittee on International Operations and Human Rights last year held two hearings. One was on the use of chattel slavery in the Sudan and the terrible policy of forced Islamization, where young boys and girls, mostly boys, are kidnapped and then during the course of 6 months to 2 years, or whatever time period it seems to take, they are brainwashed, Sun Myung Moon-like, with sleep deprivation and other things, to separate themselves from their families, which they are already physically separated from, but also from their faith and all past cultural ties; and then they have this radical Islamic perspective forced upon them.

As we all know, in southern Sudan there has been horrific policy of what many of us consider to be genocide. Khartoum countenances this as part and parcel of it. So I think the gentleman from Florida [Mr. SCARBOROUGH] does a very worthwhile thing by raising this issue on the House floor.

We also had a hearing on the persecution of Christians worldwide, and it was the first hearing of its kind ever in the House, and heard from a large variety of panels and people and experts from Amnesty International to across the board. Nina Shay from Freedom House testified, and they bemoan the fact that there is a frightening rising tide of anti-Christianity and that this is a persecution that has to be addressed by anyone who believes in religious freedom and religious tolerance.

So I think the gentleman from Florida [Mr. SCARBOROUGH] does a great service with his amendment, and I fully support it.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly appreciate the effort that is being made here. Religious persecution is a terrible phenomenon in our world today, and the situation in Sudan is certainly one that needs to be addressed in a most effective manner.

I also appreciate the fact that the gentleman from Florida [Mr. SCARBOROUGH] has revised his amendment in light of certain administrative responses through an original draft of his amendment. I think the purpose is a good one, but I believe that the penalty in this amendment is counterproductive and for the following reason: that a lot of non-governmental organizations operate in Sudan, they operate in order to help people who are suffering under oppression from a regime that we certainly cannot support. They have worked to help people who are suffering from hunger.

These NGOs use banks in Khartoum, the capital of Sudan. If the NGOs are not able to use the banks because of this amendment, it will be much harder for the agencies that are in the Sudan trying to alleviate the situation to operate.

So, on those grounds, and also because the administration does not support this amendment, I am also going to oppose it.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. Mr. Chairman, I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I guess my biggest concern is regarding part B, which talks about financial transactions with terrorists. The Sudan has been considered by most human rights groups as one of the greatest sponsors of terrorism across the globe. And what this really strikes to is the fact that President Clinton during 1996 granted a waiver to Occidental Petroleum to basically do business in the Sudan to the tune of about $90 million and, by doing so, continues to fund the regime that is tottering and has, in fact, worthy opponents that are trying to bring it down.

What we are doing by allowing people to continue to do business while providing this waiver is continuing to fund perhaps the most barbarous antireligious-faith regime in the world today. Again, 1.5 million Christians have been murdered since 1989, and the acts are unspeakable.

Former President Jimmy Carter has been to the Sudan and has tried to intervene, and intervention has not provided any results. In fact, if my colleagues could name more than two or three organizations that remain in Sudan, I would be enlightened. Because from speaking to the gentleman from Virginia [Mr. WOLF] and others, I understand that all have pulled out because the regime is just so despicable and cannot be worked with.

It is one of the most barbarous regimes on the globe today. And if we allow business interests to trump human rights interests and freedom of religion, then we are sending an absolutely miserable message across the globe. This is about money over human rights, and it is about time that we stand up and be counted to be a country that still supports the ideas of Jeffersonian democracy instead of being concerned with market share.

Mr. CAPPS. Mr. Chairman, reclaiming my time, the gentleman from Florida [Mr. SCARBOROUGH] is correct. The regime is a dreadful one. The persecution that is going on there is absolutely reprehensible. We need to go after terrorist financing, and we have provisions for that under current law and regulations.

But this amendment still hurts NGO's that are a positive, constructive force in the Sudan; and those NGOs need to be protected because they are helping the suffering people. It is on those grounds precisely that I oppose the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SCARBOROUGH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH] will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

At the end of title XVII (relating to foreign policy provisions) add the following (and conform the table of contents accordingly):

SEC. 1717. CRISIS IN ALBANIA.

(a) FINDINGS.—The Congress finds the following:

(1) During March 1997 United States Armed Forces personnel evacuated approximately 500 Americans from Albania.

(2) No Americans were injured in the evacuation.

(3) The military operation was at times risky and dangerous, with helicopters of the United States Armed Forces occasionally receiving fire.

(4) Several United States diplomats, including Ambassador Marissa Lino, remained in Tirana during these unsettled and perilous times.

(5) The evacuation is the result of a rebellion in Albania which followed the collapse of several pyramid investment schemes.

(6) Hundreds of thousands of Albanian citizens lost large portions of their life savings in the pyramid investment schemes.

(7) Hundreds of Albanians have been killed since the crisis began.

(8) The almost complete collapse of central governmental authority left Albania in a state of near-anarchy.

(9) Many weapons depots were raided by the general population of Albania and many small arms were taken by the citizenry.

(10) The proliferation of weapons in Albania has made the situation very dangerous.

(11) On March 9, 1997, Albania's political parties agreed to a nine-point agreement on political reconciliation.

(12) Under the nine-point agreement, President Sali Berisha, a member of the ruling Democratic Party, appointed a broadly based unity government, led by an opposition socialist, former mayor of Gjirokaster Bashkim Fino.

(13) Under the nine-point agreement, President Berisha and opposition parties have agreed to hold general elections by June 1997.

(14) More than 5,500 multinational troops, led by Italy, have entered Albania in order to stabilize the nation and to create a safe security environment for the distribution of humanitarian assistance.

(b) DECLARATION OF POLICY.—The Congress declares the following:

(1) United States Armed Forces personnel are to be commended for the evacuation operations in Albania.

(2) United States diplomats are to be commended for their service in Albania during these dangerous times.

(3) The nine-point agreement of March 9, 1997, among all Albanian political parties represents a key step toward lifting Albania out of the current crisis.

(4) Albania's new multiparty leadership is strongly urged to implement in good faith the terms of the nine-point agreement of March 9, 1997, and to do all possible to reinspire the trust of the Albanian people.

(5) The Albanian people are strongly urged to afford their new government an opportunity to govern by laying down weapons and making any changes to the government through peaceful means, particularly the upcoming elections.

(6) The United States should support the new Albanian Government as it attempts to reestablish calm and achieve political reconciliation and should urge the new government to guarantee human rights, free and fair elections, and freedom of expression.

(7) The United States must remain closely engaged in the diplomatic efforts to ease Albania's crisis and should strongly support similar efforts by the Organization for Security and Cooperation in Europe and the multinational force, led by Italy, seeking to stabilize Albania.

(8) The United States and the international community should work with the new Albanian Government to ensure that upcoming elections will be free and fair by supplying political inducement, technical advice, and large numbers of observers.

(9) The United States should support the convening of a multinational conference, possibly in Rome, Italy, to consider options for assisting Albania to recover from the political and economic crisis.

(10) The United States should oppose any challenge to Albania's international borders or territorial integrity offered as a potential solution to the conflict.

Mr. ENGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Chairman, recently I had the opportunity to visit Albania as the United States representative to the OSCE, which was negotiating a peace in Albania between the different factions in Albania.

As my colleagues know, Albania recently has sunk into turmoil and anarchy as a result of failed pyramid schemes in which many Albanians lost their life savings.

□ 2130

Albania has a tragic history. It was the most oppressive Stalinist state on the face of Europe, indeed perhaps in the world, and for 50 years lived under the most oppressive communism, isolationism and anti-Americanism.

What I have found in my three trips to Albania has been that the Albanian people did not believe a word of the anti-Americanism that they were fed for so many years. In fact, Americans are most welcome. They truly like Americans. Americans are warmly received. I am glad that the United States has established a relationship with Albania where we supply them with help, with aid, with military help, with humanitarian aid. Because it is a small country, a little bit of aid goes a long, long way.

However, as I mentioned before, there are problems in Albania. We know that the pyramid schemes when they collapsed caused many Albanians to lose their life savings, and as a result anarchy and lawlessness broke out, many people were rioting in the streets, guns were stolen, weapons depots were broken into. As a result, there was a proliferation and is a proliferation of weapons in the street.

The European Community and the United States stepped in and tried to calm the situation. I was asked by the State Department to be the United States representative to these negotiations, as a year ago I was the U.S. representative to the South Balkans Defense Ministerial and traveled to Tirana, Albania with then Defense Secretary Bill Perry. I have had extensive knowledge and work involving the United States-Albanian relationship.

This amendment is introduced by myself for myself and for my colleague the gentlewoman from New York [Ms. MOLINARI]. I might also add that the gentleman from New York [Mr. GILMAN], the chairman, also wholeheartedly supports this amendment.

The amendment commends the U.S. military and diplomats for the evacuation operation which we had to implement to get out American personnel and American citizens. I myself left Albania 3 or 4 days before I would have had to be evacuated. Thankfully, I was able to leave on a plane with Chancellor Vranitzky of Austria and some of the other diplomats.

The amendment also supports the multiparty government and agreement of March 9, 1997. We feel that it is very important for the Albanian people themselves to grab the bull by the horns and stop the anarchy. That is why we in the United States have been urging the head of the government of Albania, Sali Berisha, to form a national unity government, a temporary national unity government, which he did form. That was part of the bulk of the agreement of March 9, 1997.

My amendment supports this agreement. It urges the Albanian people to give the new government a chance and to turn in their weapons, and urges the United States to support the new Albanian Government in its efforts to achieve political reconciliation. The amendment also urges the new government of Albania to guarantee human rights, free and fair elections and freedom of expression.

It urges us to remain closely engaged in efforts to ease Albania's crisis, and strongly supports the OSCE, which is the Organization of Security and Cooperation in Europe, efforts and the Italian-led multilateral force. It urges the United States to work with the Albanian Government to ensure that the June 29 elections will be free and fair by supplying technical assistance and observers. The amendment also supports the convening of a multinational conference to help Albania recover from its political and economic crisis.

I must say on my way back from Albania, I stopped in Italy to meet with the Italian defense minister and officials from the Italian Government who wholeheartedly support and have been working very, very closely with the United States in convening this multinational conference. Finally, the amendment opposes any challenge to Albania's border as a solution to the conflict.

Let me say, Mr. Chairman, that I believe the United States must remain engaged in Albania. We have a stake in that part of the world. The Albanian people, again, for 50 years were fed a steady dose of anti-Americanism, a steady dose of the worst Communist repression, and they did not believe a word of it. They have good, strong feelings for the American people. We want to see democracy take root in Albania, and a free-market economy, and my amendment goes a long way in saying that this is what Congress wants to do.

Mr. CAPPS. Mr. Chairman, I rise in support of the gentleman's amendment. In my judgment he has given a very precise and full analysis of the situation there and has made the case for United States engagement in Albania. The amendment outlines a series of useful steps for United States policy which includes support for diplomatic steps to ease the crisis, support for free and fair elections, and support for assisting Albania's recovery. Albania is one of the trouble spots in the world today about which we are very acutely concerned. This amendment in my judgment spells out good policy, and I urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

I want to thank my good friend the gentleman from New York for offering this amendment. The majority has looked at it carefully and we like it. We have worked together on issues related to Albania for a number of years. I commend the gentleman for his leadership.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

At the end of title XVII insert the following section:

SEC. 1717. SENSE OF CONGRESS RELATING TO THE ABDUCTION AND DETAINMENT OF DONALD HUTCHINGS OF THE STATE OF WASHINGTON.

(a) FINDINGS.—The Congress makes the following findings:

(1) Al-Faran, a militant organization that seeks to merge Kashmir with Pakistan, has waged a war against the Government of India.

(2) During the week of July 2, 1995, Al-Faran abducted Donald Hutchings of the State of Washington, and 4 Western Europeans in the territory of Jammu and Kashmir, India.

(3) Al-Faran has threatened to kill Donald Hutchings and the Western European hostages unless the Government of India agrees to release suspected guerrillas from its jails.

(4) Several militants have been captured by the Indian Government and have given conflicting and unconfirmed reports about the hostages.

(5) Donald Hutchings and the 4 Western European hostages have been held against their will by Al-Faran for nearly 2 years.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the militant organization Al-Faran should release, immediately, Donald Hutchings and 4 Western Europeans from captivity;

(2) Al-Faran and their supporters should cease and desist from all acts of hostage-taking and other violent acts within the State of Jammu and Kashmir, India;

(3) the State Department Rewards Program should be used to the greatest extent possible to solicit new information pertaining to hostages; and

(4) the governments of the United States, the United Kingdom, Germany, Norway, India, and Pakistan should share and investigate all information relating to these hostages as quickly as possible.

Mr. NETHERCUTT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NETHERCUTT. Mr. Chairman, for the record, this particular amendment is being introduced for myself and on behalf of the distinguished gentleman from New Jersey [Mr. PALLONE] as it relates to a kidnapping that occurred 2 years ago of a constituent of mine in Spokane, Washington, Donald Hutchings.

In the interest of orderly proceedings on this bill, I ask unanimous consent to withdraw the amendment at this time, reserving the right and intending to have this amendment redrawn and offered at a different point in the consideration of this bill tomorrow.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SERRANO:

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. REPORT CONCERNING OFFICIAL COMPLAINTS OF THE GOVERNMENT OF CUBA TO THE GOVERNMENT OF THE UNITED STATES.

(a) REPORT TO CONGRESS.—Not later than 3 months after the date of the enactment of this Act, and each subsequent 3 months thereafter, the Secretary of State, after consultations with the heads of other Federal departments and agencies, shall submit to the Congress a report listing all complaints by the Government of Cuba to departments and agencies of the United States Government concerning actions taken by United States persons or the Government of the United States.

(b) UNITED STATES PERSON DEFINED.—As used in this section the term "United States person" means any—

(1) United States citizen or national;

(2) permanent resident alien; or

(3) juridical person organized under the laws of the United States.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from New Jersey reserves a point of order.

Mr. SERRANO. Mr. Chairman, this bill that is before us today has some new provisions which speak about reports that the administration has to come up with to deal with the issue of the enforcement of the Cuban embargo, the embargo on Cuba. I feel that our country in my opinion is involved in a Cold War with Cuba, and as such I think that it is time that we begin to balance all reports and all information that we get here in Congress.

Therefore, what my amendment does is to state that effective in 3 months and every 3 months thereafter, the Secretary of State would report to Congress on all official complaints put forth by the Cuban Government regarding actions taken by residents or citizens of this country that deal with the daily lives of Cubans and the island of Cuba.

For instance, before the Brothers to the Rescue planes were shot down on the 24th of February of 1996, Cuba made over 10 complaints to the FAA about the group's violations of Cuban airspace. If Congress had seen these complaints, this tragedy might have been prevented. On a regular basis, we hear reports about the fact that the Cuban Government is complaining to the American Government about actions that are being taken individually by either groups in this country or individuals who go into the sea and go over Cuban airspace and create situations which could lead us into a more serious confrontation once again with the Cuban Government.

What my amendment therefore says is that the Secretary of State would let us know about all of these complaints. For instance, the Cuban Government makes formal protests to the State Department, but the FAA and the American interest section in Havana hear other complaints such as violation of Cuban airspace, dropping of leaflets in Cuba, that the Cuban Government finds offensive and provocative in many ways; American residents traveling too close to Cuban shores, and in some cases acts that could be considered by our Government as paramilitary or military in nature in Cuban territory.

Please understand, Mr. Chairman, that these complaints are complaints that our Government knows about but Members of Congress do not know about. My amendment would ask that we be kept informed. I do this with the full understanding that some people, some colleagues, would say that this somehow helps the Cuban Government, that it strengthens their ability to make public statements, that it gives them publicity that they do not deserve. But I think it is only fair that if we are going to continue to enforce the embargo against Cuba, something that I oppose, if we are going to continue to ask for the Cuban Government to behave in a certain way, then we have to propose the same behavior for our citizens.

Picture, if you will, the situation on February 24. After that incident and after the tragic loss of life of American citizens in that incident, it has been pretty well established that on many occasions, many individuals have ventured into Cuban territory and continue to do so today. Put the shoe on the other foot. If a Cuban airplane were flying over our capital, what would be our response? I would hope our response would be the proper one, which is to ask them to come down immediately and land or to shoot them down, no different than perhaps the behavior by the Cuban Government.

Therefore, I think that as we move into this new era of having the administration report to us on a regular basis as to how the embargo is being enforced, that we ask our own Government to report to us and keep us informed. If that happens, then I believe that in the future we would have situations that we can prevent by having enough information in our hands.

Anyone who opposes this bill, I think, would have to really understand that we are not asking for any action to be taken, we are not asking for anyone to be arrested for these actions. All we want to know is when does this happen, when the Cuban Government complains about it, and use that as we deliberate future actions with and toward the Government of Cuba.

The CHAIRMAN pro tempore. Does the gentleman from New Jersey insist on his point of order?

Mr. SMITH of New Jersey. No, Mr. Chairman, I do not insist on the point of order.

Mr. CAPPS. Mr. Chairman, I move to strike the last word.

With great reluctance because of my great respect for the gentleman from New York [Mr. SERRANO], I am going to oppose this amendment. He properly makes reference to the fact that we have got too many reports about Cuba that have been demanded by Congress, and I think he and I would agree that the increasing demand for more reports is a congressional effort to constrict the executive's flexibility to conduct foreign policy.

□ 2145

I think still another report, and that is what he is asking for, becomes counterproductive. I think this further restricts the President's ability to conduct Cuba policy in the most useful manner, and it is on that grounds specifically that I am urging my colleagues to vote against this amendment.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from New York [Mr. SERRANO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX of Pennsylvania:

At the end of title XVII insert the following new section:

SEC. 1717. SENSE OF CONGRESS CONCERNING ASSISTANCE FOR UKRAINE.

(a) IN GENERAL.—It is the sense of the Congress that—

(1) the Government and nation of Ukraine are to be commended for their decision to relinquish the nuclear weapons in the possession of Ukraine after the demise of the former Soviet Union;

(2) the Government of Ukraine is to be commended for its recent announcement that Ukrainian enterprises will not participate in the construction of nuclear reactors in Iran;

(3) the Government of Ukraine is to be commended for taking a positive and cooperative position with regard to the admission into the NATO alliance of new member-states in Central and Eastern Europe, particularly Ukraine's willingness to negotiate a bilateral charter with that alliance;

(4) the Government of Ukraine is to be commended for its efforts to ensure that the Russian-dominated Commonwealth of Independent States organization does not serve as a means to reintegrate the independent states of the former Soviet Union into a new political entity under Russian leadership and occupying the territory that comprised the former Soviet Union;

(5) the Government of Ukraine should immediately move to ensure that United States investors who have been subjected to extortion, fraud, or other criminal activity, or to inappropriate, corrupt activities carried out by officials or representatives of the Ukrainian Government, are provided with full restitution or compensation for their losses;

(6) the nation and Government of Ukraine are to be commended for the adoption of a democratic constitution, the conduct of free and fair elections, and the peaceful transfer of executive power since Ukraine gained its independence in 1991; and

(7) the President should respond positively to any request made by the government of Ukraine for United States government agencies assistance and involvement in the implementation of additional programs to fight corruption in Ukraine and to ensure that American investors in that country are not subjected to unfair, inappropriate, or criminal practices on the part of officials of the Government of Ukraine or any citizens of Ukraine.

(b) AVAILABILITY OF AMOUNTS FOR UKRAINE.—It is further the sense of the Congress that the President should ensure that Ukraine receives assistance for fiscal years 1998 and 1999 for political and economic reforms at a level equal to that allocated to Ukraine for fiscal year 1997.

Mr. FOX of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the opportunity to speak to my colleagues tonight on the amendment that will ensure that a nation in fiscal years 1998 and 1999 will have the same level of funding as 1997.

It should be noted that in this sense of Congress amendment that Ukraine foreign policy has served American interests well by unilaterally and voluntarily disarming all nuclear weapons, has refrained from selling turbines to Russia which were to be sold to Iran, that has welcomed the eastward expansion of NATO, that is seeking to curtail selling of military technology to rogue states, that further, the economic policies have unstabilized the Ukraine by reduction of the inflation rate from 10,000 percent in 1993 to a projected 25 percent in 1997.

We have seen 50,000 enterprises being privatized, but there has been a formation of a Council on International Investment to be comprised of individuals in the government and representatives of U.S. companies, and we have even seen the Agra forum by President Leonid Kuchma of Ukraine working with President Clinton to seek his help in designing a national anti-corruption program in Ukraine.

I yield to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I would like to rise in very strong support of the gentleman's amendment. The need for various types of aid to the Ukraine cannot be underestimated. Last year, as chairman of the Helsinki Commission, we held a hearing on the ongoing crisis in Chernobyl. The G–7 has pledged a tremendous amount of aid to shut down the reactor and to encase it in a way that will make it less dangerous than it is currently, and very little of that money has been produced over the last couple of years.

We also heard of the devastating impact of the cancers that are being suffered by children as a result of contamination from the nuclear fallout, and they cannot even begin to cope with the humanitarian medical and hospital needs in the Ukraine that should have been to that Chernobyl disaster.

As the gentleman pointed out, they have been forthcoming when it comes to NATO. As partners, as friends, they have embraced NATO. They have unilaterally forfeited the nuclear warheads on their own soil. That is a grand gesture of peace in my view, especially given the potential animosities between themselves and Russia which we all know exists today.

So I believe while there are problems, as is acknowledged in this resolution, dealing with corruption and it is insisted in this resolution that our economic interests be treated fairly, I think the resolution is a good one and deserves the support, and I would urge my colleagues to support this amendment.

Mr. CAPPS. Mr. Chairman, I rise to oppose this amendment in spite of my great respect for the gentleman from Pennsylvania [Mr. FOX]. I understand why he is doing this, and I think there is a lot of good reason for it. The Ukraine clearly must implement a number of important reforms specifically in the economic and the anti-corruption areas in order to maintain U.S. support.

However, I cannot support the amendment's recommended earmark. I do not support earmarks in principle, and that is that the President should have flexibility in conducting foreign affairs. Earmarking funds for any country undermines the President's ability to achieve U.S. foreign policy objectives.

Even though this is only a sense of the Congress amendment, it sends an important message particularly at a time when the President, many Members of Congress and our constituents have said Ukraine must make important changes. It does not make sense for Congress to go on record guaranteeing Ukraine foreign assistance. We need to send the right message to the Ukraine, which must be a measured message. We should applaud them for the reforms that they have undertaken, but we should also require that they continue to reform in the appropriate ways.

So, Mr. Chairman, I urge defeat of this amendment.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, just to make a point of clarification, I appreciate the support of comments with regard to part of the motion from my colleague from California, and I would point out a matter of clarification that this is a sense of Congress, this is not an earmark, and so this would give flexibility to Congress and the President to move forward, recognize that there has been advances by Ukraine in the disarmament of nuclear weapons in the economic stabilization, and finally we are seeing the security as well being advanced. So I think that point should be underscored, and that is this is not an earmark and we do hope that the colleagues, both sides of the aisle, would support the legislation.

Mr. CAPPS. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAPPS. Mr. Chairman, I just wanted to say to the gentleman from Pennsylvania [Mr. FOX] that even though this is only a sense-of-Congress resolution I still think the message needs to be a measured message in the way that I have described it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Engel:

At the end of title XVII (relating to foreign policy provisions) add the following (and conform the table of contents accordingly):

SEC. 1717. SANCTIONS AGAINST SYRIA.

(a) FINDINGS.—The Congress finds the following:

(1) Syria remains in a state of war with Israel and maintains large numbers of heavily armed forces near the border with Israel.

(2) Syria occupies Lebanon with almost 40,000 troops and maintains undue influence on all aspects of the Lebanese Government and society.

(3) Syria continues to provide safe haven and support for several groups that engage in terrorism, according to the Department of State's "Patterns of Global Terrorism" report for 1996.

(4) Syria was listed by the Department of State as a country that does not cooperate in the war on drugs.

(5) Syria has not signed the Chemical Weapons Convention, and numerous reports indicate that Syria has increased the production and level of sophistication of chemical weapons. Reports also indicate that such unconventional warheads have been loaded on SCUD-type ballistic missiles with the range to reach numerous targets in friendly nations, such as Israel, Turkey, and Jordan.

(6) Syria routinely commits a wide array of serious human rights violations, and according to a recent Human Rights Watch report, is engaging in the abduction of Lebanese citizens and Palestinian refugees in Lebanon.

(7) Several reports indicate that Syria knowingly allowed the explosives used in the June 1996 Dharan bombing, which killed 19 United States service personnel, to pass through Syria from Lebanon to Saudi Arabia.

(8) More than 20 trips by former Secretary of State Christopher to Damascus, a meeting between President Clinton and Syrian President Hafez Assad, and a Department of State-sponsored intensive negotiation session at Wye Plantation were all unsuccessful in convincing Syria to make peace with Israel. At the same time, most reports indicated that Israel was prepared to make substantial concessions of land in exchange for peace.

(9) According to the Central Intelligence Agency World Fact Book of 1995, petroleum comprises 53 percent of Syrian exports.

(10) By imposing sanctions against the Syrian petroleum industry, the United States can apply additional pressure against Syria to press the Assad regime to change its dangerous and destabilizing policies.

(b) POLICY.—It is the sense of the Congress that the United States should consider applying to Syria sanctions which are currently enforced against Iran and Libya under the Iran and Libya Sanctions Act of 1996 if the Government of Syria does not eliminate its dangerous and destabilizing policies.

Mr. ENGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Chairman, this is a sense of Congress resolution that given Syria's extremist and dangerous policies, that I firmly believe the time has come for the U.S. to consider applying to Syria sanctions which are currently enforced against Iran and Libya in the Iran-Libya Oil Sanctions Act of 1996. The fact is that these penalties ought to be applied to Syria because Syria remains in a state of war with Israel and maintains large numbers of heavily armed forces near the border with Israel. Syria occupies Lebanon with almost 40,000 troops and maintains undue influence on all aspects of the Lebanese government and society to the detriment of the Lebanese people. Syria continues to provide safe haven and support for several groups that engage in terrorism.

According to the State Department's patterns of global terrorism report for 1996, the fact that Syria is one of the nations that support terrorism is undisputed, and that is why there are restrictions upon U.S. citizens' travel to Syria. Syria was also listed by the U.S.

State Department as a country that does not cooperate in the war on drugs, and indeed the problem that we have here in the United States with regards to drug addiction, much of it can be laid at the doorstep of Syria.

Syria, moreover, has not signed the Weapons Convention, and numerous reports indicate that Syria has increased the production and level of sophistication of chemical weapons. Reports also indicate that such unconventional warheads have been loaded on SCUD type ballistic missiles with the range to reach numerous targets in friendly nations, such as Israel, Turkey and Jordan.

Syria routinely commits a wide array of serious human rights violations and, according to a recent Human Rights Watch report, is engaging in the abduction of Lebanese citizens and Palestinian refugees in Lebanon. Several reports indicate that Syria knowingly allowed the explosives used in the June 1996 Dharan bombing in Saudi Arabia which killed 19 United States service personnel to pass through Syria from Lebanon to Saudi Arabia. That is how it was able to happen.

More than 20 trips by former Secretary of State Christopher to Damascus, Syria, a meeting between President Clinton and Syrian President Hafez Assad and the State Department-sponsored intensive negotiation session at Wye Plantation were all unsuccessful in convincing Syria to make peace with Israel. At the same time, most reports indicate that Israel was prepared to make substantial concessions of land in exchange for peace.

According to the CIA World Fact Book of 1995, petroleum comprises 53 percent of Syrian exports. So if we really want to send a message to Syria and hit them where it hurts, this is where we can do the most damage. By imposing sanctions against the Syrian petroleum industry, the U.S. could apply additional pressure against Syria to press the Assad regime to change its dangerous and destabilizing policies.

I think that clearly when we are talking about Middle East peace, when we are talking about terrorism, and we are talking about the war on drugs, and we are talking about all the things to which this country is committed to help with Syria has been one of the biggest obstacles to peace in the Middle East, the biggest obstacles to combatting the scourge of terrorism, the biggest obstacles in trying to curb drug addiction. Moreover, Syria maintains ties with terrorist states and works to the detriment of U.S. foreign policy and U.S. interests abroad.

So it is for all these reasons, Mr. Chairman, that I think it is very, very important, the time has come for the U.S. to consider applying to Syria sanctions which are currently enforced against Iran and Libya in the Iran-Libya Oil Sanctions Act of 1996. The same types are going against U.S. interests that Iran and Libya have done; Syria has been there as well.

Again, no matter what the United States has tried to do in foreign policy in these fields which I mentioned, Syria has been the most uncooperative nation, so I believe that this Congress ought to go on record as a sense of Congress resolution to say that we are tired of Syria's nonsense, we are not going to stand idly by, that if we are going to apply all sanctions upon Iran and Libya due to their terrorist and extremist policies Syria ought to be treated no differently.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. ENGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from New York [Mr. ENGEL] will be postponed.

Are there any other amendments?

AMENDMENT OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAZIO of New York: At the end of title XVII (relating to foreign policy provisions) insert the following:

SEC. 1717. SENSE OF CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to fully comply with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

(c) LIMITATION ON PAYMENT OF ARREARAGES TO THE UNITED NATIONS.—Notwithstanding any other provision of this Act, of funds appropriated for the payment of United States arrearages to the United Nations out of funds authorized to be appropriated by this Act, $10,000,000 shall not be available until the Secretary of State certifies that—

(1) the United Nations is actively enforcing child and spousal support payments in compliance with Federal, State, and local court orders; and

(2) the United Nations is actively reforming its pension policy, making the United Nations pension fund subject to Federal, State, or local court orders of spousal or child support.

Mr. LAZIO of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2200

Mr. LAZIO of New York. Mr. Chairman, we have a chance tonight to help the United Nations enforce its own rules.

We have passed strict reforms in Congress to ensure that our citizens in America fulfill their obligations to their children and their spouses, yet many children and former spouses living in New York have not received the basic support they need to survive. As a matter of fact, I should extend that to my neighboring States of Connecticut and New Jersey as well. Their spouses are not bound by our laws to provide or even to furnish the courts with the salary information needed to process their claims. They are able to avoid responsibility simply because they are employed by the United Nations.

In most family support cases, a family who fails to comply with court orders could have their wages garnished. They may even face jail time. But this is not the case, however, with U.N. staff. Until 1994, the United Nations would not release any information regarding the salary of its employees. Even with the court order of support, spouses and children were left without payment and without recourse. In effect, the United Nations staffers living in New York had no obligations to their families. Lacking any legal remedy, their spouses and children were simply abandoned in American cities.

In 1994 the United Nations finally issued a directive encouraging employees to address their personal obligations, yet the United Nations has been dragging its feet in providing family courts with salary information and in taking action against its employees. The U.N. Family Rights Committee, a volunteer organization based in New York, is currently addressing over 40 cases of women having difficulty obtaining support. Clearly, these regulations need stronger enforcement.

While the Family Rights Committee has made some progress, people whose spouses have retired from the United Nations still have absolutely no recourse. The United Nations' pensions are still completely immune from court orders, and the United Nations Joint Staff Pension Fund refuses to divulge any information regarding pension payments. I might add, Mr. Chairman, in a recent inquiry to one of the staffers as to why that occurs, the answer was that the people over there were old and in their old ways. Totally unacceptable.

Women divorced from a retired United Nations employee legally entitled to support are left virtually stranded. We can expect no less, no less from the United Nations than we expect of our own citizens.

This amendment directs the United Nations to comply with its own internal rules regarding family support and to apply those rules to its pension policy, allowing U.S. courts and former spouses some recourse once a U.N. official has retired. Further, it limits the payment of U.S. arrearages to the United Nations until the Secretary of State can certify that the U.N. is making these reforms, bringing the standards of the U.N. in line with those of the United States. I understand that the Members of the minority had some concerns with this, so we have tried to narrow the scope of this.

Congress has tried to ensure that U.S. citizens meet their responsibilities, and we must not accept less from the staff of the United Nations. We expect the U.N. staff to be held to the highest standards of competence, efficiency, and integrity in their professional conduct. We should expect it in their personal conduct as well. In short, the United States Congress cannot support a United Nations that does not support its own family.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to applaud the gentleman from New York [Mr. LAZIO] for his fine amendment. I think he helps the issue of deadbeat dads or parents and will, I think, make a very strong statement to the U.N. simply to enforce their own regulations. They ought to be a shining example rather than something other than that. So I think he does a very good service, and the linkages to arrearages could not come at a better time. So I rise in strong support of the amendment.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman for the work he has put into this amendment. We all recognize that there is a strong desire in Congress for greater accountability for U.N. staff, a great need for U.N. reform. We also agree that U.N. employees should comply with and meet their family obligations. But the real question is, what is the best way to promote such policy?

I and we do not think that withholding our U.N. arrears is the most effective way to promote such actions by U.N. employees. We also suspect that there are thorny legal issues that need to be dealt with here regarding the ability of the United States courts to compel compliance by international civil servants.

So I would ask the gentleman to withdraw the amendment and urge him to bring this concern to the bipartisan bicameral United Nations Working Group under the leadership of Senator TRENT LOTT. Clearly, this is a serious issue that needs to be addressed, but I believe that that would be the most appropriate context and framework for addressing this issue.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would just remind the gentleman from California [Mr. CAPPS], who I have a great deal of respect for, the fact is that this is the United Nations' own rules. We are asking them to enforce their own rules.

Up until 1994, they did not even cooperate with the least amount of information that is needed to try and provide for this collection so that spouses and children could survive on the streets. It is a matter of, I think, basic ethics and morality.

I think it is absolutely the right position for America to have to expect that U.N. employees living in America should respect their own family obligations, and this is not a situation that is new; it is something that has been complained about for quite some time. As a matter of fact, there is a whole organization, a volunteer organization that has been developed in response to the United Nations policies with respect to this.

We have tried to narrow the scope of this amendment so that only $10 million can be held back in response to some of the concerns that the gentleman has, which I understand, but without this leverage, more spouses and more children are going to be left out there holding the bag. And that should not be acceptable to this House.

Mr. CAPPS. Mr. Chairman, reclaiming my time, I understand the gentleman's concern, but in order to proceed in proper order, since we already have a bipartisan, bicameral working group under the leadership of Senator LOTT dealing with a wide variety of U.N. issues, I would prefer that this matter be placed on their agenda and dealt with in that fashion, because it is interrelated to other issues with which that committee is dealing.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALLONE: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING DEVELOPMENT OF AZERBAIJAN'S CASPIAN SEA PETROLEUM RESERVES.

"It is the sense of the Congress that—

"(1) the President should seek cooperation from the governments of Armenia, Azerbaijan, and Turkey, as well as private companies with an interest in developing Azerbaijan's Caspian Sea petroleum reserves, to encourage the construction of a pipeline route from Azerbaijan through Armenia that could reach Turkey and Mediterranean sea ports; and

"(2) such a route for a pipeline should in no way prejudice other trans-Caucasus pipeline routes, but would help to promote stability and economic growth in the Caucasus region, improving relations between neighboring countries and the United States."

Mr. PALLONE. Mr. Chairman, I am submitting this amendment on behalf of myself and my colleague, the gentleman from California [Mr. RADANOVICH].

The amendment simply recognizes the importance to U.S. national interests of promoting regional cooperation between Armenia, Azerbaijan and Turkey. Encouraging the construction of an oil pipeline from Azerbaijan through Armenia to Turkish ports is a tangible way to support regional cooperation.

The Caspian Sea area has been identified as one of the world's most abundant sources of oil. Given the need to decrease U.S. energy dependence on Middle Eastern oil, it makes sense for the United States to promote the development of this resource. Indeed, U.S. oil companies are already involved in this process.

Mr. Chairman, to be a commercially viable resource, the oil has to be transported to world markets. The most logical way to bring the oil to the outside world is via an overland pipeline from the source to Mediterranean ports in Turkey. The most direct route would pass through the Republic of Armenia.

Alternative pipeline routes have been proposed. I want to stress, Mr. Chairman, that this amendment would in no way prejudice these other routes. Indeed there are likely to be and could be other routes. Armenia, as a stable democratic region, would be able to safely maintain the stretch of pipeline stretching through its territory. In addition, giving the three neighboring countries a shared stake in the maintenance of the pipeline would improve confidence and cooperation in this troubled region and help provide economic benefits, I believe, to all of the nations and the Caucasus.

Given the important role that the U.S. is playing in developing this resource, we believe it makes sense for Congress to go on record in support of encouraging the Azerbaijan-Armenia-Turkey pipeline route.

As is indicated in my discussion of the previous amendment dealing with Armenia, the tensions in the Caucasus region frequently generate emotional rhetoric. We have tried very carefully, Mr. Chairman, to craft language that is straightforward and noncontroversial in this case.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey [Mr. PALLONE], my friend and colleague, and the gentleman from California [Mr. RADANOVICH]. I share their interest to see a pipeline leave the Caspian Sea region and cross the Caucasus and Turkey to reach the Mediterranean. The energy reserves of the Caspian region and of central Asia may prove vital to the U.S. and its allies in the course of the next few decades.

However, it is also important for the independence of the states of those two regions that some of the pipelines that will be built to export that energy follow routes outside the control of Russia. Frankly, there have been too many indications that Russia has tried to employ its control of the existing export pipelines to place political pressure on the other independent states of the former Soviet Union. And circumstances in surrounding areas such as the conflict in Afghanistan and the vast distances and high mountains of China have made it difficult to complete new export pipelines quickly.

Mr. Chairman, I also support this amendment because I do not want to see the energy-exporting countries of the Caucasus and central Asian regions forced to build pipelines across the territory of Iran due to the instability and the conflict in the Caucasus and due to the Russian manipulation of existing pipelines. Iran is a state sponsor of terrorism, and the more hard currency it makes by shipping oil and gas across its territory, the more the U.S. will have to guard against it. The answer is to build a major pipeline across Turkey to the Mediterranean. Perhaps such a pipeline, if it were to cross Armenia or Georgia, would also prove a means of ensuring stability for all of the countries of the Caucuses region. I support the amendment.

Mr. CAPPS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. It is a constructive amendment. I commend the gentleman from New Jersey and the gentleman from California for offering it.

It is in the interests of these three countries to work toward peace, and peace will bring economic benefits. The peaceful development of Caspian-based oil fields and pipelines in our judgment and in my judgment will benefit all parties. So I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PALLONE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONDIT

Mr. CONDIT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONDIT:

After division B, insert the following new divison C (and conform the table of contents accordingly):

DIVISION C—FOREIGN AID REPORTING REFORM ACT OF 1997

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reporting Reform Act of 1997".

SEC. 2002. ANNUAL FOREIGN ASSISTANCE JUSTIFICATION REPORT.

(a) IN GENERAL.—In conjunction with the submission of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall submit to the Congress a single report containing—

(1) an integrated justification for all foreign assistance programs proposed by the President for the coming fiscal year; and

(2) an assessment of when the objectives of those programs will be achieved so that the assistance can be terminated.

(b) SPECIFIC INFORMATION TO BE PROVIDED.—Each such report shall include the following:

(1) INFORMATION REGARDING A FOREIGN ASSISTANCE PROGRAM GENERALLY.—For each foreign assistance program taken as a whole—

(A) the total amount of assistance proposed to be provided under that program;

(B) the justification for that amount;

(C) the objectives that assistance under that program is intended to achieve;

(D) an explanation of the relationship of assistance under that program to assistance under other foreign assistance programs; and

(E) the President's estimation of the date by which the objectives of that program will be achieved and the program terminated.

(2) INFORMATION REGARDING SPECIFIC ASSISTANCE RECIPIENTS.—For each country or organization which is a proposed recipient of assistance under any foreign assistance program—

(A) the amount of each type of assistance proposed;

(B) the justification for providing each such type of assistance;

(C) the objectives that each such type of assistance is intended to achieve;

(D) an explanation of the relationship of each type of assistance proposed to other types of assistance proposed for that recipient; and

(E) the President's estimation of the date by which the objectives of assistance for such recipient under each foreign assistance program will be achieved and assistance under that program to that recipient terminated.

The information required by subparagraphs (A) through (E) shall be provided on a recipient-by-recipient basis.

(3) INFORMATION REGARDING CENTRALLY-FUNDED PROGRAMS.—For each centrally-funded program under a foreign assistance program—

(A) the amount proposed for such program;

(B) the justification for such program;

(C) the objectives each such program is intended to achieve;

(D) an explanation of the relationship of such program to other types of assistance proposed under that foreign assistance program and under other foreign assistance programs; and

(E) the President's estimation of the date by which the objectives of such program will be achieved and such program terminated.

SEC. 2003. REQUIREMENT FOR CONGRESSIONAL EXPLANATION OF PROPOSED CHANGES TO THE PRESIDENT'S FOREIGN ASSISTANCE BUDGET.

Any committee of the House of Representatives or any committee of the Senate reporting legislation authorizing the enactment of new budget authority for, or providing new budget authority for, foreign assistance programs shall, to the maximum extent feasible, include in the report accompanying that legislation an explanation for any change proposed by that committee—

(1) in the total amount of new budget authority authorized or provided (as the case may be) for any foreign assistance program as compared to the amount proposed by the President; or

(2) in the amount of assistance for any specific recipient of assistance, or for any centrally-funded program, under any foreign assistance program as compared to the amount proposed by the President.

SEC. 2004. DEFINITION OF FOREIGN ASSISTANCE PROGRAMS.

As used in this chapter, the term "foreign assistance program" includes—

(1) any program of assistance authorized by the Foreign Assistance Act of 1961 (such as the development assistance program, the economic support fund program, and the international military education and training program) or authorized by the African Development Foundation Act, section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Development Foundation), or any other foreign assistance legislation;

(2) any program of grant, credit, or guaranty assistance under the Arms Export Control Act;

(3) assistance under the Migration and Refugee Assistance Act of 1962;

(4) assistance under any title of the Agricultural Trade Development and Assistance Act of 1954;

(5) contributions to the International Monetary Fund;

(6) contributions to the International Bank for Reconstruction and Development, the International Development Association, or any other institution within the World Bank group; and

(7) contributions to any regional multilateral development bank.

Mr. CONDIT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MENDENDEZ. Mr. Chairman, may I ask, are we still on title XVII?

The CHAIRMAN. The gentleman is correct.

Mr. CONDIT. Mr. Chairman, this amendment requires the President to prepare a yearly comprehensive report justifying all foreign aid requests and reporting on whether the existing assistance programs are meeting their objectives, and when they can be terminated or graduated.

The amendment also requires the committee of the Congress to make in their report a similar explanation, a comprehensive justification for their foreign assistance request.

This is a pretty straightforward bill. It is about accountability requiring us in the House and the administration to let us know how we are spending our foreign aid money and whether or not we are achieving our objectives with those programs.

I would in addition like to thank the gentleman from New Jersey [Mr. SMITH] for his tolerance and for allowing me the opportunity to introduce this amendment tonight, as well as my colleague from California.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment.

I would like to congratulate the gentleman on his very fine amendment. The majority has looked at it very carefully. We like it. We think it will help the bill, so I thank him for his contribution to this legislation.

Mr. CAPPS. Mr. Chairman, I move to strike the last word.

I simply want to commend the gentleman from California [Mr. CONDIT] on an excellent amendment. This, when passed, will provide useful information, and I stand wholeheartedly in support of it.

□ 2215

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California Mr. CONDIT.

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments?

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. ACTIVITIES AND PROGRAMS IN LATIN AMERICA AND THE CARIBBEAN REGION AND ASIA AND THE PACIFIC REGION.

Of the amount made available for assistance for a fiscal year under sections 103 through 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a through 2151d), including assistance under section 104(c) of such Act (22 U.S.C. 2151b(c)), the amount made available for activities and programs in Latin America and the Caribbean region and the Asia and the Pacific region should be in at least the same proportion to the total amount of such assistance made available as the amount identified in the congressional presentation documents for development assistance for the fiscal year for each such region is to the total amount requested for development assistance for the fiscal year.

Mr. MENENDEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Mr. Chairman, this amendment is straightforward. It was adopted in the original committee bill that came before the Committee on Rules. This language which I seek to include was included in the foreign operations appropriations bill last year. It creates no increase in authority or money, but simply put, it is a firewall to protect development assistance funds for Latin America and Asia from being reprogrammed.

The Asia and the Pacific region is home to 60 percent of the world's population and 75 percent of the world's poor. Since 1993, the Latin American, Caribbean, Asian, and Pacific regions have taken drastic funding cuts. Development assistance to Latin America and the Caribbean region dropped nearly in half, to half the level, which does not, I believe, reflect the commitment of this Congress or the government to the region.

Simply because of its proximity, Latin America should always be considered a priority region for the United States. The political and economic problems of the region manifest themselves in problems which affect our country and our future here at home: illegal immigration, narcotics trafficking.

As I listen to Members speak about the impact of immigration and drugs in our country, I cannot help but think our efforts to combat these problems at their root are insufficient. With 50 percent of Latin America and the Caribbean living below the poverty line, we will not see a decline in illegal immigration as long as the economic outlook to our south remains depressed.

Similarly, we cannot expect a decline in the drug trade when the reality for many poor and rural farmers is that cocoa is the only crop by which they support and feed their families. We need to create an alternative. Development assistance in the context of economic development, agricultural development, and education works to combat the problems which plague the streets of America.

Instead of fighting a war of words, we would be better served by a forward-looking policy toward these countries which includes enhanced development assistance.

Latin America is an important economic and trade partner. Democracy has swept through the region. Today only one country, Cuba, remains outside of that hemispheric commitment to democracy and free trade. In view of those facts, in view that Mickey Kantor has told us when he was the Trade Representative that Latin American trade between the United States and Latin America equaled trade to the entire Pacific Rim minus Japan, it tells us what we should be doing.

So if Members support business, they seek to create jobs, promote economic growth, if they oppose illegal immigration and narcotics trafficking, they should support this amendment, which again simply puts a firewall to protect development assistance for Latin America and Asia from being reprogrammed, creates no new increase in authority or money, but makes sure that we are engaged with an important region of the world.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend my friend for his amendment. I served as ranking member of the Subcommittee on the Western Hemisphere for a couple of terms. It was very apparent that Latin America often got short-shrifted and did not get its fair share of developmental aid.

In the heyday of the Nicaraguan and El Salvadoran crisis, the Contras and all of that, all of a sudden everybody cared about Central America. When that was over, it seemed a lot of people just wanted to look elsewhere. I think the amendment is a good step in the right direction, and in Asia as well. I thank the gentleman for his amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey Mr. MENENDEZ.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Insert at the end of the bill the following new title:

TITLE . UNITED STATES POLICY WITH RESPECT TO FORCED ABORTION AND FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION

SEC. . FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION.

Section 104 of the Foreign Assistance Act of 1961, Public Law 87–195, is amended by the addition of the following subsection:

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(a) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(b) Paragraph (a) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(a) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

"(b) Paragraph (a) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or sub-grantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or sub-grantee."

SEC. . FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA.

Section 301 of the Foreign Assistance Act of 1961, Public Law 87–195, is amended by the addition of the following new subsection:

"(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that (1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure."

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COOKSEY) having assumed the chair, Mr. DICKEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1062

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that I be removed from cosponsorship of H.R. 1062.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FREEDOM FROM RELIGIOUS PERSECUTION ACT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today I rise to speak on behalf of millions of people of faith around the world who are living in fear of religious persecution. In order to draw attention to this modern day tragedy, a number of Members, the gentleman from Texas [Mr. HALL] and others, have introduced the Freedom From Religious Persecution Act, which has over 40 cosponsors. I urge and beg my colleagues to cosponsor this bill and send a message around the world that America will not be silent on this issue.

The bill addresses the great untold human rights story of decades, persecution of peoples of faith around the world, Christians, Buddhists , Muslims, the Bahai faith. Slavery thrives in Sudan and this Congress does not a darned thing about it.

I hear Members talk about it, they give speeches about it, but, frankly, we do nothing about it. I urge my colleagues to do something about it. Cosponsor this bipartisan bill which has 40 cosponsors and let us pass it whereby we can help people of faith around the world.

The bill does a number of things. It focuses on persecution; abduction, enslavement, imprisonment, killing, forced mass resettlement, rape, or torture. It establishes an office in the White House to monitor religious persecution and requires the director to report to Congress whether foreign governments actively participate or fail to take steps to curtail religious persecution. It shuts of aid and requires U.S. executive directors to vote against multilateral development bank loans to persecuting countries. And it improves refugee and asylum procedures to ensure those seeking refuge from persecution are not turned away from a country which has historically welcomed religious victims.

The time has come for Congress to take a stand. Mr. Speaker, our bill would ensure that we take a new approach to this growing problem—an approach that says we will no longer be silent when regimes terrorize or allow terror against its religious believers. I urge my colleagues to cosponsor this bill.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE AMERICAN HERITAGE RIVERS INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 5 minutes.

Mrs. CHENOWETH. Mr. Speaker, one of the reasons for America's strength and her rise in economic ability is because of the wise use of her rivers and waterways for irrigation, travel, recreation, power, flood control, and all other uses.

Mr. Speaker, through the wise use and allocation of our Nation's waters we have literally turned our deserts into gardens, but tonight I rise to alert my colleagues and inform our constituents of the most recent assault by the Clinton administration on private property rights, States rights, and western values. That is the administration's American heritage rivers initiative, created and tendered solely by the White House, and executed without congressional approval.

Just before the Memorial Day work period the Council on Environmental Quality, an unauthorized agency existing on misappropriated funds, I might add, published this proposal in the Federal Register entitled "The American Heritage Rivers Initiative." It is in the Federal Register, May 19, 1997, page 27253. I urge my colleagues to read it.

Although law requires a 90-day public comment period, this comment period ends June 9, 1997, a mere 3 weeks after its date of publication; 3 weeks, not 3 months, as the law requires. This violates the Administrative Procedures Act and totally ignores the requirements of the National Environmental Policy Act.

Fortunately, today, Mr. Speaker, the gentleman from Alaska, Mr. DON YOUNG, chairman of the Committee on Resources, and the gentleman from Oregon, Mr. BOB SMITH, chairman of the Committee on Agriculture, along with myself and other Committee on Resources chairmen, have sent a letter to Katy McGinty strongly advising CEQ to extend that comment period to make it legal at least another 90 days. I am sure that the gentlewoman would be wise to follow this advice, and I will enter this letter into the RECORD.

Mr. Speaker, I have grave concerns about this initiative. The American heritage rivers proposal is just one in a string of the Clinton administration's attacks on our Western public lands. This is a Nation of laws, but from the Utah Monument to ecosystem management projects to the BLM's law enforcement regulations, this administration has demonstrated an absolute lack of regard for our Nation's laws and regulations, including requirements of environmental law.

I ask, where is the documentation required under the National Environmental Policy Act? Where is the notification and full public comment required under the APA? By the way, who is paying for this?

Again, the President is attempting to foist a program upon us, without us. Mr. Speaker, the very nature of how this proposal was constructed raises many troubling questions. For instance, since the American heritage rivers initiative has never been authorized by Congress, exactly which land

and water program funds were siphoned to prepare this proposal? How does the administration intend to continue funding this unauthorized project if it is established? I suspect that the Committee on Resources will be holding hearings to get answers to these very troubling questions.

Quite simply, this initiative will simply replace the long established and Constitutionally protected policies that govern the use of our waterways—which are critical to our economic survival, not only to the west, but to the entire nation. That is why for the past century the Supreme Court has held in case after case that in the west it is the States who control the use of water.

Mr. Speaker, there is case after case in the Supreme Court that upholds the fact that the States own the water in the western States. Let me quote from one of the seminal Supreme Court cases on this very issue, the 1978 Supreme Court decision written by Justice Rehnquist entitled "California v. U.S."

□ 2230

It states: To take from the legislatures of the various States and territories the control of water at the present time would be something less than suicidal. If the appropriation and use were not under the provisions of State law, the utmost confusion would prevail.

Mr. Speaker, I agree. Idaho Code 42–101 states: All the waters of the State, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the States, are declared to be the property of the State, whose duty it shall be to supervise appropriation and allotment to those diverting the same therefrom for any beneficial purposes.

Mr. Speaker, this proposal by the President will be redefining communities. It will redefine watersheds and jurisdictional boundaries. It creates a governing authority called a river community which will redefine what the river and the entire heritage area is, which extends beyond State boundaries and jurisdictional boundaries.

Mr. Speaker, this fictional entity, the river community, will then describe and define the designation which could be the length of the entire area, whether it be an entire watershed, the length of an entire river or a short stretch of river and, as I say, it may cross State boundaries.

Mr. Speaker, we are just beginning to address this issue. We need to take immediate action. I will be here Tuesday night doing a one hour special order speech with a number of my colleagues on this very subject.

We have a little thing in this country called the separation of powers. The legislative branch creates laws. The executive branch implements the laws, and the courts interpret the laws. I think the administration has forgotten about this in this particular move.

When it comes to western resources issues, the Clinton Administration has once again usurped the Congress's lawmaking authority. Nowhere in law can one find the American Heritage Rivers program. This action is tantamount to tyranny, and must stop; or as the Supreme Court warns: "the utmost confusion will prevail."

Lastly, Mr. Speaker, I'd like to leave the Members something to think about. Perry Pendley, in his book "War on the West," wrote:

> For the environmental extremists' vision of the West is of a land nearly devoid of people and economic activity, a land devoted almost entirely to the preservation of scenery and wildlife habitat. In their vision, everything becomes a vast park through which they might drive, drink Perrier and munching on organic chips, staying occasionally in the bed-and-breakfast operations into which the homes of Westerners have been turned, with those Westerners who remain fluffing duvets and pouring cappuccino. They are well on the way to achieving their objective.

You'll be hearing more on Tuesday.

Mr. Speaker, I include for the RECORD the following:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 4, 1997.

MS. KATHLEEN A. MCGINTY,
Chair, Council on Environment Quality, Executive Office of the President, Washington, DC.

DEAR MS. MCGINTY: This letter is in response to your May 19, 1997 letter to Chairman Don Young, House Committee on Resources, concerning the Clinton Administration's American Heritage Rivers Initiative. This Committee has strong reservations about this unauthorized initiative, and we are fully aware of the public outcry occurring over the Federal Register Notice on this issue.

We strongly advise that the comment period for the Council on Environmental Quality (CEQ), American Heritage Rivers Initiative be extended for 90 days, until at least September 9, 1997, to provide sufficient time for the American public to express their concerns.

Furthermore, as the Committee with jurisdiction over the CEQ and the Department of the Interior (DOI), we request that you prepare a detailed briefing for this Committee, and other interested Members of Congress, to fully explain your undertaking of this initiative. The committee is especially interested in a full explanation of any reprogramming of authorized funds involved in conducting the public hearings throughout the United States in April and May, 1997; a full accounting of all personnel involved from the DOI; and, a comprehensive review of what budgetary reprogramming the planned Federal Interagency Team will require in Fiscal Year 1998. This briefing should be provided as soon as possible, but no later than June 27, 1997.

Finally, this Committee has serious concerns about this initiative to designate specific areas for special Federal assistance without any authorization from the Congress. Ironically, it would appear that CEQ has totally ignored the requirements of the National Environmental Policy Act of 1969 in undertaking this "major Federal action." We look forward to your immediate response to this letter and especially to our oversight responsibility concerning the short public comment period CEQ has provided the American people.

Please contact Mr. P. Dan Smith, Legislative Staff, Subcommittee on National Parks and Public Lands at (202) 226–7736, to coordinate the briefing requested by this Committee.

Sincerely,

DON YOUNG,
Chairman, Committee on Resources.
JAMES V. HANSEN,
Chairman, Subcommittee on National Parks and Public Lands.
JOHN T. DOOLITTLE,
Chairman, Subcommittee on Water and Power.
HELEN CHENOWETH,
Chairman, Subcommittee on Forests and Forest Health.
ROBERT F. SMITH,
Chairman, Committee on Agriculture.
BARBARA CUBIN,
Chairman, Subcommittee on Energy and Mineral Resources.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1998–2002

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–117) on the resolution (H. Res. 160) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–118) on the resolution (H. Res. 160) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

BALANCING THE BUDGET

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from Texas (Mr. SESSIONS) is recognized for 5 minutes.

Mr. SESSIONS. Mr. Speaker, not long ago his excellency, President

Eduardo Frei of Chile, spoke to a joint session of the Congress. He gave us some advice. He began by saying, I want to share with you why we Chileans are ever more satisfied with the dividends of freedom, why we do not want to look back, why we wish to have a part in the new history, the history mankind is now beginning to write.

I did not find his remarks presumptuous, as some did, because I believe we have a lot that we can learn from Chile. Chile was in a period of stagnation and suffered many of the budgetary perils that exist today in the United States. But Chile rose above it. Chile today has sustained 14 years of growth averaging 7 percent annually.

Real annual wages have risen over 4 percent. Per capita income has doubled in Chile in just the last decade. Chile's savings rate is close to 25 percent. All of this has been achieved not in spite of but as a direct result of 5 consecutive years of balanced budgets and fiscal surpluses.

Listening to President Frei, I was most impressed how he described the character of the Chilean people and its leaders. He said: We have learned to be patient. Chile does not begin anew with each election. Rather, we build on our creativity and on our work.

We are well aware that we have a unique historic opportunity to achieve full development in a free market of political freedom. We value our achievements but we give equal attention to the challenges that are ahead of us.

Mr. Speaker, I say that balancing the budget is about discipline, the discipline to do the right thing, the discipline to tell the American people the truth. With annual revenues of $1.45 trillion, the Federal Government spends more than $1.56 trillion each year. That means that the Government spends $4.3 billion every day, $178 million every hour and $3 million every minute. That also comes out to be $50,000 per second. But more importantly, it means that the President and Congress cannot do what American families do every single day, and that is to spend only what they have.

We have reached a historic accord with the President now, one that will balance the budget by the year 2002.

It came as a result of compromise and fair dealing. The Republicans in the House and the Senate have dealt with the administration in a direct and honest fashion, negotiating in good faith. Now it is up to the Democrats to meet us at this historic crossroads. This country has a great history of standing up to whatever challenges God sends our way. When we were oppressed, we fought for independence against overwhelming odds. When tyranny threatened our neighbors, we stood up against it and conquered it twice. When poverty sapped our Nation's energy, we rose from it to retain our place as the greatest Nation in the world.

Today we face similar challenges. One of the most important things President Frei said was that his countrymen did not need excessive government in their lives. He said: Our people want no more paternalism. They are ready to forge their own destiny.

Now we have come to an agreement on the budget. Americans should be calling on Members of Congress from both parties to sign on the dotted line and to pass this balanced budget.

With this balanced budget, we will provide $85 billion in tax relief over 5 years. It is not as much as we conservative Republicans think the American people deserve, but it will mean a child tax credit, death tax relief, capital gains tax relief, expanded IRAs and relief for parents who send their kids to college. This balanced budget saves Medicare for 10 years, providing America's seniors more choice and enacts real reforms that slow the growth of spending by $115 billion over 5 years.

In addition, it provides funding for domestic priorities, including transportation, housing and education.

I will fight for this balanced budget so that we can secure freedom for the future of all Americans and those Texans that live within the Fifth District. My constituents deserve leadership that tells them the truth, that can make tough decisions and that will make their life better.

Like Chile, our character is strong enough to withstand the path to a better future for our children.

SMALL BUSINESS OWNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to commend a growing group of Americans who are at the heart and soul of America's thriving economy, America's small business owners. During this week, Small Business Week, I want to recognize small business owners for their contributions to our economy, our society and our communities. At the heart of every small business owner is the entrepreneurial spirit which our forefathers founded and build this country. It is this spirit and heart which has kept our business competitive for the past 200 years. In today's marketplace we can see large multinational corporations facing competition from small businesses making use of the Internet to expand their markets and competing with their counterparts from across the world. When we have small business owners striking out on their own trying to make a life and a living for themselves, we cannot afford to stifle the entrepreneurial spirit by overtaxing them.

Small businesses constitute 98 percent of all businesses in America. They employ nearly 60 percent of the work force. In addition, small businesses have created about two-thirds of the net new jobs in the American economy since the early 1970s. However, the government continues to impose policies like the burdensome death tax on small business people who wish to pass their business onto their children. Accordingly, Mr. Speaker, we must recognize and assist those who make small business work for America, those who show the drive, initiative and imagination to make themselves, their business and their communities a success so that our economy can continue to grow.

One of these individuals is a young woman from Rushville, Illinois, a small town in west central Illinois. Judy Robbins was a hopeful small business owner in Rushville who wanted to start a dance studio but really had no plan, knowledge on how to start one. Judy decided she would take the initiative herself, and she signed up for a 4-week course at the Illinois Department of Commerce and Community Affairs under the Small Business Development Council.

During the 4 weeks of her small business course training, Judy learned how to formulate a business plan, pool her resources and start a business of her own. She spent the next 4 months attempting to convince a bank to finance her business plan, finally finding an institution which would finance her idea for a dance studio. Shortly after, Judy started the dance center, dance studio, and I am happy to say that hundreds of dance steps are being performed on a daily basis in downtown Rushville today.

Mr. Speaker, Judy Robbins is a shining example of a classic American dream coming true. The American entrepreneurial spirit can and will thrive without excessive paperwork and burdensome taxes. Small business is the epitome of what is right with America and what is right with the free market. The more regulated and burdened this market becomes, the more small business owners will be unable to do their jobs and create jobs for others.

We must stop overtaxing our small businesses and hurting our economy by retaining the death tax. When we see a small business owner from our districts this week, thank him or her for contributing to the growth of our communities and our economy.

ON SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BRADY] is recognized for 5 minutes.

Mr. BRADY. Mr. Speaker, today on Capitol Hill there were a number of representatives of the National Federation of Independent Business, the organization that represents more than 600,000 of our small and independent entrepreneurs in America, led capably by Jack Farris.

They were here today to talk about government and about the role it plays in stifling small business and the jobs they have the potential to create. It reminds us and helps remind us that small business is the engine of our economic growth in America. They are the quiet, very quiet heroes of our American economy.

We all know that most of the jobs in America are created by small businesses, but they are creating jobs at 8 times the rate at small businesses than are created in the larger companies with 500 or more employees. In fact in 1995, there were 800,000, 800,000 new businesses starred in America, a 5 percent increase over the year before.

Not only do these small businesses help our economy, but they help stimulate the economy in our community as well. They have a ripple effect each time one is created. A business with up to 100 employees not only brings new families and school children to our communities, but they also spin off another retail establishment to help support it. They create over half a million dollars in retail sales within that community and over a million dollars of more personal income to be spent to generate the local economy.

Not only do small businesses stimulate the economy, they always give back to the community in which they live. Employees of small businesses, by research, are more charitable, give back to their communities, give more donations to the service providers that help our community run.

These quiet heroes are all around us. Recently in a local newspaper, the Family Image, which is run by an entrepreneurial company, Ron and Barbara Frazier, who like to reinforce the family values that are the foundation of our country, there is a profile of a small business, of a small businesswoman K.C. Choe. She is owner of Schlotzsky's Restaurant on 1960 West near the intersection with I–45 in north Houston.

K.C. was born in Seoul, South Korea, came to America after high school and in 1979 became a U.S. citizen. After working in the Houston hotel for three years, she caught the entrepreneurial spirit of this country and bought a restaurant in 1984 that her mother helped her buy. That restaurant became Schlotzsky's later in 1995. K.C. and her coworker Tammy Karpas work 70 hours or more a week. Her mom works there as well and helps take care of K.C.'s 12-year-old son Joey, who attends Twins Creek Middle School in Spring, TX, and K.C., Tammy, and her mom work there day in and day out providing quality service to their customers.

□ 2245

She and her family have faced a thousand challenges to keep that company alive and growing and prospering, and like a lot of businesses, it is hard to believe the type of regulation and the challenges they are up against that government helps create.

Recently Herman Cain, who is the chairman and CEO of Godfather's, jotted down in a local magazine, Success Magazine, some of the regulations that they face, just Federal regulations, that a typical restaurant in our communities will face, and it is amazing. Let me read just some of these organizations and agencies they have to comply with.

The Department of Justice, for accessibility to disabled customers; Bureau of Alcohol, Tobacco, and Firearms, for the occupational tax for alcohol sellers; Occupational Safety and Health Administration, for blood-borne pathogen program for employees who give first aid; the EPA, for car pools for employers in high pollution areas and cooking emissions in high pollution areas; Department of Justice, for copyright law and restaurant music; Food and Drug Administration, to comply with egg refrigeration standards; Department of Labor, the Family and Medical Leave Act; the grease trap waste disposal regulations by EPA; health claims and restaurant food regulations by the Food and Drug Administration; health benefit plans and Americans with Disabilities Act by the EEOC; the Immigration Control Act regulates them as well.

Job application forms and the questions they can ask are regulated of their employees are regulated by the EEOC. Their lockout and tagout requirements are complied with through OSHA; minimum wage is determined and audited by the Department of Labor; the national origin discrimination is regulated by the EEOC; the FDA regulates the nutrient-content claims and restaurant food.

The IRS, of course, outlines overtime pay rules and the payroll tax deposits. The Department of Labor has the ban on the polygraph for employee testing. The Department of Labor has regulations on restaurant closings and advance notice to employees; the EEOC, sex discrimination; the IRS, tipping-income audits. The Department of Labor has uniforms and deposits; the National Labor Relations Board, the union contracts; the Department of Labor has the Veterans' employment rights; and earned income credit payment, the IRS regulates that on the W-5 form. And those are just the Federal regulations.

Restaurants also have to, even the smallest restaurants, also have to comply with State permits and regulations, city health inspections, and other registration requirements.

Mr. Speaker, we need to reduce this kind of burden on people like K.C. and other independent businesses, small businesses especially. Again, these are the quiet heroes, Mr. Speaker, that we honor this week.

CELEBRATING SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, I rise today to pay tribute to small businesses in our country. As many people know, across our country this week we are celebrating small business week throughout the 50 States of our great country. Many of us earlier today participated in a ceremony on the steps of this building with members of the National Federation of Independent Businesses.

Many people believe that small business is the engine that is driving our economy. In fact, more than 99 percent of the Nation's employers are employers that are considered small businesses. Most of the job growth that takes place in our economy in the United States is driven by small businesses.

I am very pleased to be a part of a Congress that has committed itself to fostering and moving forward legislation that would be supportive of small business. And when I say supportive of small business, I mean to really allow small business to function, to allow small business to operate unhindered and not to take the approach of throwing stumbling blocks, which, unfortunately in the past, was done. I do not believe intentionally, but that was the practical application of so much that emanated from this city, Washington, DC.

Joining the 105th Congress was an honor for me and certainly is a privilege and continues to be so, but as someone that is a product of small business, I am very happy to be a part of a group of Members that is trying to be sensitive to the needs of small businessmen and women throughout our country.

I am a member of the Committee on Small Business. When I had the opportunity to submit to the leadership of my party which committee assignments I was interested in serving on, small business was one of my first choices. Some here do not necessarily view the Committee on Small Business as being the first tier, but I certainly believe that it is a first tier because of what it means to so many of our fellow American citizens.

Mr. Speaker, in conclusion, I just want to thank the Speaker for the supportive approach he takes personally, and so many of our colleagues on both sides of the aisle, to the functioning of small business. I am looking forward over the next several months to continuing to move forward pieces of legislation that will once again be supportive of the entrepreneurial spirit that has made this country the wonderful country that it is, that enables people to get ahead, to provide for greater opportunities for themselves, for their families and for future generations. That is what our focus should be and that is what one of my main focuses is.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. Pallone] is recognized for half the remaining time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, Democrats have been active in trying to provide health care coverage for uninsured children, and since the last Congress Democrats developed the Families First Agenda that basically puts families first and insists that there be, as part of our legislative agenda in this Congress, a kids' health care initiative.

The initiative that we have put forward was basically developed by the Democratic Health Care Task Force, which I happen to one of the co-chairs. I wanted to mention, Mr. Speaker, that our task force has held numerous meetings and hearings on the issue of kids' health insurance. Testimony has been submitted from child advocacy groups, health care providers and actual families.

In addition, discussions have been held with the Health Care Financing Administration, representatives from the insurance industry and some of our Nation's Governors. Democrats have been dedicated, basically, and shown a commitment to developing a workable plan that will first build upon the foundation of Medicaid; second, provide States with additional resources to meet the health care needs of children in working families; and, third, enact private insurance reforms to make it easier for families to purchase children only policies.

I have to say, Mr. Speaker, that if it were not for Democrats leading the charge on children's health care, it probably would not have been included in the budget resolution that we will be considering tomorrow in conference.

In 1996, dozens of my Democratic colleagues joined me in writing a letter to the President, to Secretary Rubin and to Secretary Shalala urging inclusion of funds to provide assistance for the Nation's 10 million uninsured children. As the Speaker knows, the President's initial fiscal year 1998 budget did include monies for children's health care.

I want to commend the President, because President Clinton basically held his ground and insisted on including monies for children's health care in the balanced budget agreement that will be coming back from the conference tomorrow. What I am hoping is that the Democratic initiative, the Health Care Task Force initiative, will be included as part of this budget resolution. It will be ready for reconciliation, which we will of course begin to consider next week.

Without getting into the details of the Democratic caucuses plan, though, right now, I would like to yield some time to one of my colleagues on the Committee on Commerce, who has been very active in the kids' health insurance issue, the gentleman from Ohio, Mr. STRICKLAND.

Mr. STRICKLAND. Mr. Speaker, I want to thank my friend for yielding me this time. It is disturbing to me that in a country which is making progress on many fronts, where the economy is doing well for most Americans, where the deficit is shrinking, that we continue to have a health care crisis in this country. Some 40 million Americans are without health insurance, and the sad, tragic fact is that over 10 million of that number is composed of America's children.

We are a country that claims to value our children. We use children in commercials to sell products, everything from toilet paper to new houses. We talk about how much we value children and that we are a child centered society. But I believe that a country's values are best reflected, most accurately reflected in the behaviors and the public policies that it pursues rather than in the words that its leaders speak.

Ten million children without health insurance. And who are these kids? Some think that they are only composed of children whose parents are not working or who are on welfare, but of course that is absolutely not the case.

Currently, children whose parents receive welfare benefits, and are qualified to do so, the parents of those children do have access to quality health care through the Medicaid program. But many of the children, in fact most of the children that are without health care coverage in this country today, are the children whose mothers and fathers work.

They work full time, most of them. Most of them are from two-parent homes, and yet their parents work for employers that, for sometimes good reasons, other times for not good reasons, do not have health care benefits as a part of the employment package of benefits. And yet their wages are so low that they could not possibly go on the open market and purchase health insurance for their children. So these kids do without. They do without timely and appropriate dental care. Many of them do without those kinds of annual examinations which every pediatrician recommends in order to identify problems early so that they can be promptly treated and remediated.

So today, in this country, a rich country, a country that boasts of a booming economy, low unemployment, a shrinking deficit, at a time when we are talking about having a balanced budget, there are many Americans, and many in this Congress, I am sad to say, who seem to be unconcerned about 10 million American kids.

I am happy that the President is proposing in this budget agreement that we extend benefits to at least five additional million, but it troubles me, it really troubles me that we are not talking in terms of all of our children and making a commitment to using our national resources as they ought to be used to make sure as a priority that America's children, regardless of their economic situation, regardless of what families they come from, that those children have access to quality, timely, appropriate health care.

So as we look forward to the next weeks and months in this chamber, it is my hope that the American people will begin to express themselves, and that conservatives and liberals alike will say that 10 million American children without health insurance is unacceptable and we will not tolerate it for a longer time.

□ 2300

Mr. PALLONE. I want to thank the gentleman from Ohio Mr. STRICKLAND for his comments. He brought up a number of things that I think are very important. I have tried and sometimes I am partisan, sometimes I am not. On this particular occasion, I tend to be very partisan.

Really, for a long time, the Republican leadership was essentially ignoring this issue of kids' health insurance, the 10 million uninsured children that my colleague mentioned. Now that it is in the budget agreement, and presumably there is a pot of money, I think about $16 billion over 5 years, that is available for this.

It is not likely that that amount of money would cover, as my colleague said, more than about half of the 10 million children. But, obviously, what we want to do as Democrats is to make sure, on the one hand, that the $16 billion that is available covers as many kids as possible. Then we also feel very strongly as a group, and I know the Democratic task force does on health care, that we need to go beyond that and try to find a way to insure the other kids that are not currently insured.

There are obviously various ways to go about this. The gentleman from Ohio mentioned the Medicaid program, which is of course our primary program now for those who are below the poverty level or close to the poverty level. One of the things that we have noticed in the task force in some of the hearings and meetings that we have had is that there are actually 3 million children who are now eligible for the Medicaid program that do not sign up for one reason or another.

After meeting with some of the families and talking with some of the health care professionals, what we found is that there are a lot of reasons why those 3 million kids are not covered. First of all, as my colleague mentioned, a lot of times the parents are both working and they just do not have the time to be bothered. They are not aware or they just find that the bureaucracy of having to sign the kids up, I do not mean they do not want to be bothered in the sense they do not want to help, but they are just not aware, for whatever bureaucratic reasons, they just do not know to sign the kids up.

There is also an extreme element of pride. I know a lot of people, unfortunately, I think see Medicaid as a welfare program. And if they are working, which most of these people that are eligible that are not signing up are overwhelmingly working, they are reluctant to sign up for Medicaid, they say they see it as some sort of Government handout.

What we have done in our Democratic task force proposal is to, at least initially, and the President has talked about this as well, try to find a way to get these 3 million children who are eligible for Medicaid signed up. And our plan, basically, provides grants to States to help local communities in the outreach programs to basically reach out in a flexible way to try to find ways in the community to do that.

The other problem with the Medicaid program is right now many kids are not covered for the full year. In other words, what they do is they determine eligibility every three months or so. And so, a kid can be on Medicaid for one or two months and then off Medicaid again. So one of the things that we have said in our plan is that we want to make sure kids are covered year round; in other words, if they are enrolled initially in Medicaid, that they at least stay on the rolls for 1 year. I think that that allows a certain amount of continuity and probably also would encourage people who are eligible for Medicaid but have not signed up to do so.

The other thing that my colleague mentioned is obviously we have the Medicaid program and we can find ways to expand it to stay just above the poverty level or a certain percentage above the poverty level, but I think we also need to go beyond the Medicaid program. Many people are simply not going to be eligible because they have a little higher income, but if their income is just a little higher than the so-called poverty level, they are still competing for this resource with the rent, with food, with clothes, and if they have to make a choice, a lot of times the choice cannot be to pay for health insurance because of the circumstances. They may not be eligible for a group policy. They may not be offered through their employment.

So what we have talked about, basically, is what we call Medikids, which is sort of a matching grant program. That is, you provide a certain amount of money to the States with a matching grant, and they, again in a flexible way, try to find ways to expand health care coverage for people that are not eligible for Medicaid and cover people possibly up to maybe 300 percent of the poverty level. I think that will take us up to, depending on the situation, maybe up to something like 35 or 40,000 for a family of 4.

Now, the other thing that we have talked about in the task force and as part of the legislation we put forward was a proposal or a component actually developed by another one of our colleagues on the Committee on Commerce, the gentlewoman from Washington Ms. FURSE. What she has pointed out is that many times families are eligible for a group plan, which of course means lower costs than if they have to buy health insurance individually. But many group plans do not offer kids-only insurance, and the parents may find that they cannot afford to pay for the whole family but they would like to pay for the kids. So what we are doing in this proposal is mandating that they be able to buy kids' health insurance only if they want, if they are eligible for a group policy.

The other thing is that under the Federal law, the COBRA legislation, which people who, for example, if they lose their employment or they want to take advantage of the COBRA law, oftentimes they also cannot buy a health insurance policy just for the kids. So we are saying also to mandate the COBRA provide kids-only health insurance.

I believe very strongly with our task force proposal that we could get at almost all the 10 million children, because essentially what we are doing is expanding Medicaid, we are then providing a matching grant program for those above the Medicaid level, and then for those who get to the level of maybe 40, 45 thousand and above, who can afford private insurance, we are making those changes in the insurance law so that they would be able to buy kids-only insurance. These are the ways that we have talked about over the last 6 months of trying to enroll as many of these 10 million kids as possible.

The last thing I want to mention, too, is that the number continues to grow. The estimate that I have seen from some of the advocacy groups is that by the year 2000, this number is going to be 12 million. So if we do not act now or do not act in a way that is going to provide as many kids as possible, we may cover five million and find out we have another 7 million by the year 2,000 that are not eligible.

Mr. STRICKLAND. I would just like to point out that this is an issue that I would hope and I believe cuts across the political spectrum of different political philosophies. I really do not believe that if we were to search the hearts of any Member of this body that there is any Member in this body that would believe that we should have children in this country without health care coverage. The question is how to achieve it and how to achieve it in a way that is acceptable to conservatives and liberals and those of us who try to make up the middle ground.

I think what my colleague is describing, what he has described tonight, is a plan that is efficient, that does not create a new program as such but simply builds on what we already have, something that is already working, but that gives the individual States greater resources and some flexibility in choosing how best to provide this kind of coverage.

So I know that we do a lot of arguing and debating in this Chamber and sometimes it is nonsense and sometimes it is serious, but I would hope that this is an issue that would rise above all others in terms of its ability to pull together both sides of the Chamber, Democrats and Republicans, as well as trying to find an agreement with the Administration.

I think if this 105th Congress were to achieve health care coverage for America's children in spite of whatever failures that we may find ourselves having to admit to, that we would truly be able to say we had accomplished something that was of very significant importance to the entire country.

I think my colleague the gentleman from New Jersey Mr. PALLONE is right when he indicated that if we do not do it now, the problem is going to get worse and that it will be more difficult perhaps in the months and years to come if we continue to let this number escalate and mushroom.

I guess I would end by saying it is the right thing to do. It is absolutely the right thing to do, and I cannot believe that, given the resources of this rich country, we cannot do this. It may require us to make some choices. It may require us to say that children are more important than something else. But we ought to be willing to do that. If we are not willing to do that, then I would suggest that some of my Members who use children as a way to express their values, we see a lot of Members, myself included, who walk around this Chamber with "save the children" ties on, with images of children hanging around their neck, and I assume that is in order to make a public display of their commitment to children.

I think if we as a Congress do not take this step and make the decisions that are necessary to set our priorities such that children come first, we talk about families coming first, but I really believe that we ought to get even more specific than that, we ought to say that children come first. They are the most vulnerable, defenseless part of our society, and we need to commit ourselves to this effort. I commit myself, as I know my colleague does and the Members of the Democratic task force, and I also believe that there are a number of our Republican colleagues who share our concerns.

So, hopefully, as this budget scenario plays itself out, we will find that we do what we need to do here. I thank my colleague for the opportunity to share these comments with him.

Mr. PALLONE. I really could not have said it any better, so I am going to pretty much stop here as well. But I wanted to just reiterate one of the things that my colleague said before we end, and that is that what we really are trying to do here is build upon the existing system.

That is, we know that most people get their health insurance through an employer-based system; and we want to build upon that with some of these private health care reforms. Medicaid generally has worked and it can be expanded and made better.

Lastly, with the matching grant programs, there are a lot of State private-public partnerships that are out there. A lot of States have done some very innovative things with private-public partnerships. I hope the matching grant program, if we can get that into effect, will build upon those various States' activities as well.

So, idealogically, this really is something that can cross party lines because it does not really have any idealogy, it builds upon existing programs and it is something that I believe can be supported on a bipartisan basis.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado Mr. BOB SCHAFFER is recognized for 30 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, June 1 through 7 is recognized throughout the country as National Small Business Week. I cannot think of a more worthy group to honor. Small business is the heart of not only our economy but of our communities. I hope that my colleagues here in the Congress will be participating in events in their districts to honor this vital sector of our economy.

Small business is the engine not just of our Nation's economy but of our communities. Typically it is the small business people who are the charitable and civic leaders in our neighborhoods. Small business accounts for 99.7 of the Nation's employers, employing 53 percent of the private work force, contributing 47 percent of all sales in the country, and responsible for 50 percent of the private gross domestic product.

Yet small business owners face a tax and regulatory system that overburdens and demoralizes them. Government is meant to be the servant of the people. Yet the existing Federal tax and regulatory state unfairly acts as judge, jury, and master of honest, hard-working Americans.

In the last 2 years, Congress has passed legislation that helps small business struggle from under the thumb of the Federal Government, the Small Business Regulatory Enforcement Fairness Act and Regulatory Flexibility Act, to name a few.

However, there is still a long way to go. This Congress is dedicated to championing legislation designed to encourage small business growth and prosperity, and I am dedicated to becoming one of its chief advocates.

Mr. Speaker, I insert the following for the RECORD.

SMALL BUSINESS TALKING POINTS

Small business is the engine—not just of our nation's economy—but of our communities. Typically, it is small business people who are the charitable and civic leaders in their neighborhoods.

Small business accounts for 99.7 percent of the nation's employers, employing 53 percent of the private work force, contributing 47 percent of all sales in the country, and responsible for 50 percent of the private gross domestic product.

Yet, small business owners face a tax and regulatory system that overburdens and demoralizes them. Government is meant to be the servant of the people, yet the existing federal tax and regulatory state unfairly acts as judge, jury, and master of honest, hard-working Americans.

In the last two years, Congress has passed legislation that helps small business struggle from under the thumb of the federal government—the Small Business Regulatory Enforcement Fairness Act and the Regulatory Flexibility Act—to name a few. However, there is still a long way to go. This Congress is dedicated to championing legislation designed to encourage small business growth and prosperity, and I am dedicated to becoming one of its chief advocates.

Paperwork Elimination. One of the first bills brought before the House in the 105th Congress, the Paperwork Elimination Act was designed to require federal agencies to communicate with small businesses and individuals through information technology. This bill makes electronic communications voluntary for businesses, but mandatory for the government. We are returning the responsibility of compliance back to the federal government—instead of the business owners.

Mandatory Electronic Filing Tax Payment System (EFTPS). A perfect example of federal regulatory tyranny is the impending mandate on small business to comply with the EFTPS. The system requires any business with payroll taxes in excess of $50,000 to file electronically. On June 1, 1997, the IRS succumbed to small business pressure and granted a six-month waiver of the 10% penalty. However if businesses do not comply by December 31, 1997, they will be subject to penalties. Although the extension is a solid victory, small business compliance with EFTPS is still outrageous. That is why we have introduced a bill to make compliance for small business voluntary. The Small Business Tax Payment Relief Act will return the onus to the federal government instead of the small business owner.

Tax Relief. Small businesses face an unfair tax burden. We are pleased that the budget agreement will include significant small business tax relief. It is vital that any tax package include these and other provisions for small business. The following are a few of the provisions that we are pushing for:

Death tax. The death tax, a.k.a. the estate tax, is levied on individuals who receive property from deceased family members. It is inconceivable that after paying taxes on a business for years, children must then pay again after the death of their parents. Many families must resort to selling the family business in order to pay the estate taxes. The result is tangible: more than 60 percent of small businesses cease before reaching the second-generation and more than 90 percent of small business fail to reach the third generation.

Capital gains. Capital gains taxes income twice and hurts many small firms that rely on venture and equity capital from investors—including millions of informal investors such as family, friends and employees—to survive. Lowering capital gains will benefit small business by unleashing capital for investment in and by small entities. This will enable them to innovate, grow, create jobs, increase wages, save and invest more, and spur economic growth.

Independent contractor classification. Pegged by the White House Conference on Small Business as one of the most important issues facing small businesses, redefining the independent contractor status will clarify the complex classification process. It will stop the IRS from retroactively penalizing legitimate business arrangements and let small businesses prosper.

Home office deduction. There are 14 million Americans who now operate home-based businesses. Corporate downsizing, improvements in technology, and a desire to be close to family have led to the growing number of home offices. We should do everything we can to allow families to work closer to home. That is why we need to restore the home office deduction.

Increased Health Deductability for the Self-Employed. It is patently unfair that large corporations can deduct 100 percent of their share of employees' health-care costs, while the self-employed farmer or home-business owner can only deduct 40 percent. Last year's health insurance bill increased health insurance deductibility to 80 percent by 2006, but that still is not good enough. We need to level the playing field and offer small businesses the same benefits larger corporations enjoy.

Small business is vital to our nation's economy. For too long, small business has had to fight the tyranny of a federal government that claims to support small business, yet instead support regulatory agencies and a tax system that stand in the way of small business success. It's time for change. It's time to give small business its due and return government to a supportive role—not an antagonistic one.

SMALL BUSINESS FACTS

ROLE IN THE ECONOMY

The number of new businesses catapulted in 1995. There were an estimated 800,000 new businesses last year—the highest ever—and a 5 percent increase over the 1994 record of 742,000 new businesses. Interest in starting and owning a small business has skyrocketed in the last three years, and part-time entrepreneurs have increased steadily in the past decade.

In the United States, small businesses have increased 49 percent since 1982. As of 1994, there were approximately 22.1 million nonfarm businesses, of which 99 percent are small by size standards set by the U.S. Small Business Administration (SBA). These include partnerships, corporations, and sole proprietorships. Most of the 22 million businesses—almost two-thirds operate full-time—the rest part-time.

There is nothing small about starting or owning a small business in the United

States. They account for 99.7 percent of America's employers. Small businesses employ 53 percent of the private work force, contribute 47 percent of all sales in the country, and are responsible for 50 percent of the private gross domestic product. Industries dominated by small businesses produced an estimated 62 percent of the 3.3 million new jobs created during 1994.

WOMEN AND MINORITY-OWNED ENTERPRISES

According to a 1995 study by the National Foundation for Women Business Owners and Dun and Bradstreet, there are now 7.7 million women-owned firms that provide jobs for 15.5 million persons, more than the number of persons employed in the Fortune 500 industrial firms.

Data on women and African American-owned businesses for 1987 and 1992—the latest data that is available from the Department of Commerce—reveals that these businesses fared well in the late 1980s. The number of women-owned businesses rose from 4,112,787 to 5,888,883 between 1987 and 1992—an increase of about 43 percent. The total receipts of women-owned businesses nearly tripled over this same time period, rising from $278.1 billion in 1987 to 642.5 billion in 1992.

Women owned 32.1 percent of all businesses in the United States in 1992—raising the total number of women-owned firms to 6.4 million. In 1994, women-owned firms comprised 32.7 percent of all U.S. businesses. The SBA predicts that by the beginning of the 21st century, women will own 50 percent of the small businesses in the United States.

Between the years of 1987 and 1992, the number of African American-owned businesses rose by 46 percent, from 424,165 to 620,912. As of 1992, the receipts of black-owned businesses totaled $32.2 billion, which is almost double the receipts in 1987.

One of the fastest growing segments of the U.S. business population during the 1980s proved to be Hispanic-owned business. Between 1982 and 1987, the latest years available, the number of Hispanic-owned businesses rose from 233,975 to 422,373, an increase of 80.5 percent. The total receipts from Hispanic-owned firms rose in 1987—from $11.8 billion in 1982 to $24.7 billion.

Between 1982 and 1987, businesses owned other minorities—Asian Americans, American Indians, and others—increased by 87.2 percent. This was the fastest increase of all the minority business groups surveyed by the Bureau of the Census for those years.

EMPLOYMENT

Most recently, employment in the small business sector has again reached high levels. Between December 1994 and December 1995, employment in small business-dominated industries increased 2.7 percent, creating 1.25 million new jobs, or 75 percent of total new jobs in the economy. Based on Dun and Bradstreet data, virtually all new jobs were generated by small firms with fewer than 500 employees from 1990–1994. During the 1990–1994 period, there were about 4.2 million new jobs added to the economy.

Restaurants, outpatient care facilities, physicians' offices, special trade construction contractors, computer and data processing services, credit reporting and collection firms, medical and dental laboratories, day care providers, and counseling and rehabilitation services are the fastest growing sectors of small business-dominated industries during recent years.

According to the latest projections, small firm-dominated sectors will contribute about 60 percent of new jobs from 1994–2005. Almost 88 percent of these jobs will be in retail trade or services. Small firms are most likely to generate jobs that will be filled by younger workers, older workers and women. Many of these workers prefer or are only able to work on a part-time basis, and thus can be easily accommodated by small employers.

Small businesses provide about 67 percent of initial job opportunities and are responsible for the majority of initial training in basic skills.

SOURCES OF INNOVATION

According to recent data, small firms produce 55 percent of innovations. Small firms generate twice as many product innovations per employee as large firms, including the employees of firms that do not innovate. Small firms obtain more patents per sales dollar, even though large firms are more likely to patent a discovery, implying that small firms have more discoveries.

The airplane, audio tape recorder, double-knit fabric, fiber optic examining equipment, heart valve, optical scanner, pacemaker, personal computer, soft contact lenses, and the zipper are among the important innovations by U.S. small firms in the 20th century.

MAIN STREET IMPACT

The establishment of a small business has a large, positive effect on the local economy. A small business with 100 employees in a town adds: 351 more people; 79 more school children; 97 more families; $490,000 more bank deposits; one more retail establishment; $565,000 more retail sales per year and $1,036,000 more personal income per year.

Small businesses also seem to be more community minded. They give more in charity to community service organizations per employee than do large businesses, according to the SBA's Office of Advocacy. In addition, small firms tend to target their donations to direct service providers.

JOB GROWTH & TRAINING

During the entire 1976–1990 period, small firms (with less than 500 employees) provided 53 percent of total employment and 65 percent of new jobs. From 1989–1991, the latest Census data available produced under contract for the SBA, indicated that small firms with 0–4 employees created 95 percent of the new jobs. Of the 2.6 million new jobs created, 1.5 million came from expansions of new small firms with 0–4 employees that moved into the 5–19 employees size category. The remaining jobs came from births of new small firms.

According to the Bureau of Labor Statistics, nearly three-fourths (71 percent) of future employment in the nation's fastest growing industries (health services and business services) is likely to come from small firms. By 2005, 7.2 million jobs will be created by these fast-growing industries, with small firms contributing 5.2 million.

EARNINGS GROWTH

The most recent income statistics available (from 1994) indicate gains in earnings for small businesses. The earnings of partners and sole proprietors increased 7.2 percent to $434.2 billion, increasing $30.0 billion from 1993.

According to a Price Waterhouse study, businesses receiving loan guarantees from the SBA experienced higher growth rates in sales and employment than other comparable small businesses.

The Small Business Regulatory Enforcement Fairness Act

Requires agencies to publish compliance guides in "plain English" and to develop a policy to answer inquiries of small businesses seeking advice about regulatory compliance.

Directs agencies to develop programs to answer inquiries of small businesses seeking information on and advice about regulatory compliance.

Allows small businesses to sue federal agencies for violating the Regulatory Flexibility Act. The Regulatory Flexibility Act requires, in part, that agencies determine whether a proposed rule will have a significant impact on small entities and that they act to minimize such impact.

Requires EPA and OSHA to collect advice and recommendations from small businesses, through the SBA's Chief Counsel for Advocacy, when creating proposed rules which will have a significant economic impact on small businesses.

Creates an SBA Ombudsman to collect feedback from small businesses through Regional Small Business Regulatory Fairness Boards, and rate federal agency responsiveness to small business.

Directs agencies to develop policies to waive or reduce penalties for noncompliance by small businesses in certain circumstances.

Allows parties which do not prevail in a case against an agency to recover a portion of their attorney fees if the original agency demand was unreasonable and substantially in excess of the final outcome of the case.

Creates a 60-day major rule "review period" during which Congress may pass a resolution and, with either the signature of the President or by overriding a veto, strike down the new regulation.

HOW A SMALL BUSINESS CAN TAKE ADVANTAGE OF SBREFA

Contact the Regional Small Business Regulatory Fairness Board to express concerns regarding agency enforcement activities.

Contact the SBA Office of Advocacy to offer advice and recommendations concerning rules in development by EPA and OSHA.

Seek judicial review of an agency's failure to comply with the Regulatory Flexibility Act.

Utilize "plain English" compliance guides published by agencies.

Consult agencies concerning the conduct required to be in compliance.

Relieving the Tax Burden on Our Home-Based Businesses and Women Entrepreneurs—H.R. 1145

We must relieve the tax burden on our small, family and home-based entrepreneurs—millions of them women—who are working hard to create jobs and economic opportunity for themselves and others in our communities.

Small businesses create two of every three net new jobs in this country. Of the roughly 5.5 million employers in the U.S., about 99% of them are small employers. Almost 90 percent of them employ fewer than 20 employees. Because they invest in people, high tax rates and complex tax rules impact small businesses most heavily.

Millions of small entrepreneurs are living the American dream of owning a business and working hard to make it succeed.

There are not more than 9 million home businesses, and over 14 million Americans earning income from a home business.

The majority of these businesses are created and owned by women. In fact, the SBA estimates that women start over 300,000 new home businesses in our country each year.

Staying close to family and our neighborhoods, courageous men and women are breaking through barriers to work and creating jobs—jobs that give parents greater freedom and flexibility to balance and care for their children's needs.

While the explosion in technology is facilitating home businesses, our tax code's outdated and unfair rules are hindering them.

H.R. 1145 provides common sense tax relief for home businesses and self-employed entrepreneurs—the fastest growing and most dynamic sectors of our economy.

As a simple matter of fairness, H.R. 1145 allows self-employed workers to deduct the expenses of a home office and 100% of their health-insurance costs.

There is no good reason why hard-working self-employed Americans should be denied the same opportunity all other employers have to deduct their office expenses and the full cost of health insurance. Currently, 5.1 million self-employed heads of households and their dependents—1.4 million of them children—are uninsured.

H.R. 1145 also provides a simple and clear definition of an independent contractor to help small entrepreneurs avoid crippling IRS audits and fines. Between 1988 and 1994, the IRS audited 11,000 businesses, reclassified 438,000 workers as employees, and imposed back taxes and penalties totaling $751 million on businesses under its subjective and outdated "20-factor" test.

Small businesses need H.R. 1145's fair, objective and safe test for providing and receiving the services of independent contractors.

All 30 Regional Tax Chairs and Regional Human Capital Chairs representing the 2000 delegates to the 1995 White House Conference on Small Business have endorsed H.R. 1145 because it "sets a clear standard to provide safety to law-abiding small businesses while protecting the rights of legitimate employees."

CONFERENCE REPORT ON H.R. 1469

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $306,800,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,900,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $300,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $29,100,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,430,100,000: Provided, That the Secretary of Defense may transfer these funds only to Department of Defense operation and maintenance accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPLAN 34A/35 P.O.W. PAYMENTS

For payments to individuals under section 657 of Public Law 104–201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the "Reserve Mobilization Income Insurance Fund", $72,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 1

(TRANSFER OF FUNDS)

SEC. 101. The Secretary of the Navy shall transfer up to $23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

"Military Personnel, Marine Corps", $4,000,000;

"Operation and Maintenance, Marine Corps", $11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", $4,000,000; and

"Procurement, Marine Corps, 1996/1998", $4,000,000.

SEC. 102. In addition to the amounts appropriated in title VI of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading "Defense Health Program", $21,000,000 is hereby appropriated and made available only for the provision of direct patient care at military treatment facilities.

SEC. 103. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading "Operation and Maintenance, Defense-Wide", $10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

SEC. 104. In addition to the amounts provided in Public Law 104–208, $25,800,000 is appropriated under the heading "Overseas Humanitarian, Disaster and Civic Aid": Provided, That from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of $25,800,000 to the American Red Cross for Armed Forces emergency services.

SEC. 105. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.—(a) Not later than 60 days after enactment of this Act, the President shall submit to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 106. For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by 10 U.S.C. 2854.

CHAPTER 2

RESCISSIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $57,000,000 are rescinded.

MILITARY PERSONNEL, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $18,000,000 are rescinded.

MILITARY PERSONNEL, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

Military Personnel, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $23,000,000 are rescinded.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $196,000,000 are rescinded.

Operation and Maintenance, Navy

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $51,000,000 are rescinded.

Operation and Maintenance, Marine Corps

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $3,000,000 are rescinded.

Operation and Maintenance, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $117,000,000 are rescinded.

Operation and Maintenance, Defense-Wide

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,000,000 are rescinded.

Environmental Restoration, Army

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

Environmental Restoration, Navy

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

Environmental Restoration, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

Environmental Restoration, Defense-Wide

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

Environmental Restoration, Formerly Used Defense Sites

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

Former Soviet Union Threat Reduction

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

PROCUREMENT

Aircraft Procurement, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $13,000,000 are rescinded.

Missile Procurement, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $24,000,000 are rescinded.

Procurement of Weapons and Tracked Combat Vehicles, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $15,400,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

Procurement of Ammunition, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $18,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

Other Procurement, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

Aircraft Procurement, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $52,000,000 are rescinded.

Weapons Procurement, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $6,000,000 are rescinded.

Procurement of Ammunition, Navy and Marine Corps

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $812,000 are rescinded.

Shipbuilding and Conversion, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–139, $18,700,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $33,000,000 are rescinded.

Other Procurement, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

Procurement, Marine Corps

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1,207,000 are rescinded.

Aircraft Procurement, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $49,376,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $41,000,000 are rescinded.

Missile Procurement, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,020,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $163,000,000 are rescinded.

Procurement of Ammunition, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $7,700,000 are rescinded.

Other Procurement, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $20,000,000 are rescinded.

Procurement, Defense-Wide

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $8,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $16,113,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

National Guard and Reserve Equipment

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $5,029,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $18,000,000 are rescinded.

Research, Development, Test and Evaluation, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $16,878,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $9,600,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $24,245,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $172,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $95,714,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $87,000,000 are rescinded.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $6,692,000 are rescinded.

OPERATIONAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,200,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $456,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $27,000,000 are rescinded.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

GENERAL PROVISIONS, CHAPTER 2

(RESCISSIONS)

SEC. 201. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Air National Guard", $5,000,000;

"Military Construction, Defense-wide", $41,000,000;

"Base Realignment and Closure Account, Part II", $35,391,000;

"Base Realignment and Closure Account, Part III", $75,638,000; and

"Base Realignment and Closure Account, Part IV", $22,971,000:

Provided, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104–196), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Army", $1,000,000;

"Military Construction, Navy", $2,000,000;

"Military Construction, Air Force", $3,000,000; and

"Military Construction, Defense-wide", $3,000,000.

(RESCISSION)

SEC. 202. Of the funds appropriated for "Military Construction, Navy" under Public Law 103–307, $6,480,000 is hereby rescinded.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 301. The Department of Defense is directed to report to the congressional defense committees 30 days prior to transferring management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services: Provided, That the Joint Requirements Oversight Council is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Military Services with respect to development and deployment of the elements of the National Missile Defense Program: Provided further, That the analysis and recommendations shall be submitted to the congressional defense committees within 60 days of enactment of this Act: Provided further, That for 60 days following enactment of this Act, the Department of Defense shall take no actions to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of the Joint Requirements Oversight Council analysis.

SEC. 302. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 303. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.—

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not obligate or expend funds for the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

SEC. 304. Notwithstanding 31 U.S.C. 1502(a), 31 U.S.C. 1552(a), and 31 U.S.C. 1553(a), funds appropriated in Public Law 101–511, Public Law 102–396, and Public Law 103–139, under the heading "Weapons Procurement, Navy", that were obligated and expended to settle claims on the MK–50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 305. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 306. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of $61,300,000 during fiscal year 1996, pursuant to the "Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission," signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

SEC. 307. For the purposes of implementing the 1997 Defense Experimental Program to Stimulate Competitive Research (DEPSCoR), the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands of the United States, American Samoa and the Commonwealth of the Northern Mariana Islands.

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, $23,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $5,000,000 shall be available for subsidized guaranteed operating loans: Provided, That the entire amount shall be available only to the extent that an official budget request for $23,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress:

Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct operating loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $6,300,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program" for expenses, including carcass removal, resulting from flooding and other natural disasters, $70,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $9,000,000 is provided for assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters: Provided, That the entire amount shall be available only to the extent that an official budget request of $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

Commodity Credit Corporation Fund

DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to $50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, $166,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $166,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed $15,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such agricultural land inundated by floods: Provided further, That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.

Rural Housing Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Rural Housing Assistance Program

Any unobligated balances remaining in the "Rural Housing Insurance Fund Program Account" from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, Section 515 loans, and domestic farm labor grants to meet emergency needs resulting from natural disasters: Provided, That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: Provided further, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That notwithstanding section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service: Provided further, That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

Rural Utilities Service

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for "Rural Utilities Assistance Program", for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, $4,000,000, to remain available until September 30, 1998: Provided, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Food and Consumer Service

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" as authorized by section 17 of the Child
Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $76,000,000, to remain available through September 30, 1998: Provided, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17 (g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

GENERAL PROVISION, CHAPTER 1

SEC. 1001. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) Confidentiality.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) Report.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) Termination of Effectiveness.—The authority provided by subsection (a) terminates effective April 5, 1999.

CHAPTER 2

DEPARTMENT OF COMMERCE

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, $52,200,000, to remain available until expended, of which not to exceed $2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for "Salaries and Expenses": Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

National Institute of Standards and Technology

INDUSTRIAL TECHNOLOGY SERVICES

Of the amount provided under this heading in Public Law 104–208 for the Advanced Technology Program, not to exceed $35,000,000 shall be available for the award of new grants.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for "Operations, Research, and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to provide disaster assistance related to recent flooding and red tide pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, and not to exceed $2,000,000 is available until expended to implement the Magnuson-Stevens Fishery Conservation and Management Act: Provided, That the entire amount shall be available only to the extent that an official budget request for $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 2

SEC. 2001. Of the funds currently contained within the "Counterterrorism Fund" of the Department of Justice, $3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 2002. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "September 30, 1996" and inserting "September 30, 1997".

SEC. 2003. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

"(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

"(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

"(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

"(4) such taking is reported to the Secretary within 48 hours.".

SEC. 2004. Notwithstanding any other provision of law, the Secretary of Commerce shall have the authority to reprogram or transfer up to $41,000,000 of the amounts provided under "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" for Satellite Observing Systems in Public Law 104–208 for other programmatic and operational requirements of the National Oceanic and Atmospheric Administration and the Department of Commerce subject to notification of the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 and which shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses due to flooding and other natural disasters, $150,000,000, to remain available until expended: Provided, That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that fund: Provided further, That of the total amount appropriated, $5,000,000 shall be available solely for the Secretary of the Army, acting through the Chief of Engineers, to pay the costs of the Corps of Engineers and other Federal agencies associated with the development of necessary studies, an interagency management plan, environmental documentation, continued monitoring, and other activities related to allocations of water in the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins: Provided further, That no portion of such $5,000,000 may be used by the Corps of Engineers to revise its master operational manuals or water control plans for operation of the reservoirs for the two river basins until (1) the interstate compacts for the two river basins are ratified by the Congress by law; and (2) the water allocation formulas for the two river basins have been agreed to by the States of Alabama, Georgia, and Florida and the Federal representative to the compacts: Provided further, That the preceding proviso shall not apply to the use of such funds for any environmental reviews necessary for the Federal representative to approve the water allocation formulas for the two river basins: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" due to flooding and other natural disasters, $415,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That with $5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and the associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: Provided further, That of the funds appropriated under this paragraph, $5,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 3

SEC. 3001. (a) Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91–575), and the Delaware River Basin Compact (Public Law 87–328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.

(b) Section 2, Reservations, Paragraph (u) of Public Law 91–575 (84 Stat. 1509) and Section 15.1, Reservations, Paragraph (d) of Public Law 87–328 (75 Stat. 688, 691) are hereby repealed.

(c) Section 2.2 of Public Law 87–328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting the words "at the pleasure of the President".

SEC. 3002. Notwithstanding section 5 of the Reclamation Safety of Dams Act of 1978, Public Law 95–578, as amended, the Secretary of the Interior is authorized to obligate up to $1,200,000 for carrying out actual construction for safety of dam purposes to modify the Willow Creek Dam, Sun River Project, Montana.

SEC. 3003. (a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related

both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

ASSISTANCE TO UKRAINE

SEC. 4001. The President may waive the minimum funding requirements contained in subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104–208, for activities for the government of Ukraine funded in that subsection, if he determines and so reports to the Committees on Appropriations that the government of Ukraine:

(1) has not made progress toward implementation of comprehensive economic reform;

(2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or

(3) is not taking steps to cease the illegal dumping of steel plate.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $4,403,000 is to be derived by transfer from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104–134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands" to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104–134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $5,300,000, to remain available until expended, for technical assistance and fish replacement made necessary by floods and other natural disasters, for restoration of public lands damaged by fire, and for payments to private landowners for the voluntary use of private land to store water in restored wetlands: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $88,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

For an additional amount for "Land Acquisition", $10,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $187,321,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: Provided further, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: Provided further, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: Provided further, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: Provided further, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

For an additional amount for "Construction", $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $14,317,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $6,249,000, to remain available until expended, to repair damages caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104–208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from flooding and other natural disasters, $39,677,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction" for emergency expenses resulting from flooding and other natural disasters, $27,685,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services" for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities" for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced

Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 5

SEC. 5001. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".

SEC. 5002. Section 101(d) of Public Law 104–208 is amended as follows: Under the heading "Administrative Provisions, Indian Health Service" strike the seventh proviso and insert the following in lieu thereof: ": Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended".

SEC. 5003. (a) EXTENSION AND EFFECTIVE DATE.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "June 30, 1997" and inserting "March 31, 1999".

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

"(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.".

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting "Gila, Graham, Greenlee," after "Maricopa,".

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: "The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.".

(e) DEFINITIONS.—Section 3703 of such Act is amended by adding the following new paragraphs:

"(12) 'Morenci mine complex' means the lands owned or leased by Phelps Dodge Corporation, now or in the future, delineated in a map as 'Phelps Dodge Mining, Mineral Processing, and Auxiliary Facilities Water Use Area', which map is dated March 19, 1996, and is on file with the Secretary of the Interior.

"(13) 'Upper Eagle Creek Wellfield' means that area in Greenlee County which is bounded by the eastern boundary of Graham County on the west, the southern boundary of the Black River watershed on the north, a line running north and south 5 miles east of the eastern boundary of Graham County on the east, and the southern boundary of the natural drainage of Cottonwood Canyon on the south.".

(f) BLACK RIVER FACILITIES.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following:

"(d) BLACK RIVER FACILITIES.—(1) IN GENERAL.—The provisions and agreements set forth or referred to in paragraphs (2), (3), and (4) below shall be enforceable against the United States in United States district court, and the immunity of the United States for such purposes and for no other purpose is hereby waived. The provisions and agreements set forth or referred to in paragraphs (2)(A), (3), and (4) below shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe for such purposes and for no other purpose, is hereby waived. The specific agreements made by the Tribe and set forth in paragraph (5) shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe is hereby waived as to such specific agreements and for no other purpose.

"(2) INTERIM PERIOD.—

"(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944. On such date the United States, through the Bureau of Reclamation, shall enter, operate, and maintain the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

"(B) The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the diversion and use of up to 7,300 acre feet per year by the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment from July 23, 1997, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge and the Tribe shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

"(C) Notwithstanding any other provision of law, the contract referred to in subparagraph (B) between the United States and Phelps Dodge which provides for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location, is ratified and confirmed.

"(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5,000 per month, with an annual CPI adjustment from July 23, 1997.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Upper Eagle Creek Wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(3) FINAL ARRANGEMENTS AND TERMS.—The interim period described in paragraph (2) shall extend until all conditions set forth in paragraph (3)(B) have been satisfied. At such time, the following final arrangements shall apply, based on the terms set forth below. Such terms shall bind the Tribe, the United States, and Phelps Dodge, and shall be enforceable pursuant to subsection (d)(1) of this Act.

"(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

"(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the interim period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of 2 conditions—

"(i) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities; and

"(ii) execution of the contract described in paragraph (3)(E), which contract shall be executed on or before December 31, 1998. In the event that the contract is not executed by December 31, 1998, the transfer described in this subsection shall occur on December 31, 1998 (so long as condition (i) of this subparagraph has been satisfied), based on application of the contract terms described in paragraph (3)(E), which terms shall be enforceable under this Act. Upon the approval of the Secretary, the Tribe may contract with third parties to operate the Black River facilities.

"(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right-of-way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Prior to the surrender of the power lines, the Bureau of Reclamation shall arrange for an inspection of the power lines and associated facilities by a qualified third party and shall obtain a certification that such power lines and facilities are of sound design and are in good working order. Phelps Dodge shall pay for the cost of such inspection and certification. Concurrently with the surrender of the power lines and the right-of-way, Phelps Dodge shall construct a switch station at the boundary of the Reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right-of-way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation, or maintenance of the power lines, the right-of-way, or the switch station.

"(D) The Tribe and the United States will enter into an exchange agreement with the Salt River Project which will deliver CAP water controlled by the Tribe to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The exchange agreement shall be subject to review and approval by Phelps Dodge, which approval shall not be unreasonably withheld. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed.

"(E) The Tribe, the United States, and Phelps Dodge will execute a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the following terms:

"(i) The Tribe will lease to Phelps Dodge 14,000 acre feet of CAP water per year as of the

date on which the interim period referred to in paragraph (2) expires. The lease shall be subject to the terms and conditions identified in the Tribal CAP Delivery Contract referenced in section 3706(b). The leased CAP water shall be delivered to Phelps Dodge from the Black River pursuant to the exchange referred to in subparagraph (D) above, based on diversions from the Black River that shall not exceed an annual average of 40 acre feet per day and shall not cause the flow of Black River to fall below 20 cubic feet per second. Such CAP water shall be delivered to Phelps Dodge at that location where the channel of Eagle Creek last exits the Reservation, to be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and at no other location.

"(ii) The leased CAP water shall be junior to the diversion and use of up to 7,300 acre feet per year from the Black and Salt Rivers by the San Carlos Apache Tribe.

"(iii) The lease will be for a term of 50 years or, if earlier, the date upon which mining activities at the Morenci mine complex cease, with a right to renew for an additional 50 years upon a finding by the Secretary that the water is needed for continued mining activities at the Morenci mine complex. The lease shall have the following financial terms:

"(I) The Tribe will lease CAP water at a cost of $1,200 per acre foot. Phelps Dodge shall pay to the United States, on behalf of the Tribe, the sum of $5,000,000 upon the earlier of the execution of the agreement, or upon the expiration of the interim period referred to in paragraph (2) hereof, which amount shall be a prepayment for and applicable to the first 4,166 acre feet of CAP water to be delivered in each year during the term of the lease.

"(II) Phelps Dodge shall pay the United States, on behalf of the Tribe, the sum of $65 per acre foot per year, with an annual CPI adjustment for the remaining 9,834 acre feet of water to be delivered pursuant to the lease each year. Such payments shall be made in advance on January 1 of each year, with a reconciliation made at year-end, if necessary, in the event that less than 14,000 acre feet of CAP water is diverted from the Black River due to shortages in the CAP system or on the Black River.

"(III) Phelps Dodge shall pay in advance each month the Tribe's reasonable costs associated with the Tribe's operation, maintenance, and replacement of the Black River facilities for purposes of delivering water to Phelps Dodge pursuant to the lease, which costs shall be based upon the experience of the Bureau of Reclamation in operating the Black River facilities during the interim period referred to in paragraph (2), subject to an annual CPI adjustment, and providing for a credit for power provided by Phelps Dodge to the Tribe. In addition, Phelps Dodge shall pay a monthly fee of $30,000 to the United States, on behalf of the Tribe, to account for the use of the Tribe's distribution system.

"(IV) Phelps Dodge shall pay the United States operation, maintenance, and replacement charges associated with the leased CAP water and such reasonable interconnection charges as may be imposed by Salt River Project in connection with the exchange referred to in subparagraph (D) above.

"(iv) Notwithstanding the provisions of section 3707(b), any moneys, except Black River facilities OM&R, CAP OM&R and any charges associated with an exchange agreement with Salt River Project, paid to the United States on behalf of the Tribe from the lease referred to under paragraph (3)(D)(iii) shall be held in trust by the United States for the benefit of the Tribe. There is hereby established in the Treasury of the United States a fund to be known as the 'San Carlos Apache Tribe Lease Fund' for such purpose. Interest accruing to the Fund may be used by the Tribe for economic and community development purposes upon presentation to the Secretary of a certified copy of a duly enacted resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The United States shall not be liable for any claim or causes of action arising from the Tribe's use or expenditure of moneys distributed from the Fund.

"(v) The lease is not assignable to any third party, except with the consent of the Tribe and Phelps Dodge, and with the approval of the Secretary.

"(vi) Notwithstanding subsection (b) hereof, section 3706 shall be fully effective immediately with respect to the CAP water lease provided for in this subparagraph and the Secretary shall take all actions authorized by section 3706 necessary for purposes of implementing this subparagraph. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed and shall be enforceable in United States district court. In the event that no lease authorized by this subparagraph is executed, this subparagraph, notwithstanding any other provision of law, shall be enforceable as a lease among the Tribe, the United States, and Phelps Dodge in the United States district court, and the Secretary shall take all action authorized by section 3706 for purposes of implementing this subparagraph in such an event.

"(F) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek Wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(4) EAGLE CREEK.—From the effective date of this subsection, and during the Interim Period, the Tribe shall not, in any way, impede, restrict, or sue the United States regarding the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Reservation. Phelps Dodge agrees to limit pumping from the Upper Eagle Creek Wellfield so that the combination of water from the Black River facilities and water pumped from the Upper Eagle Creek Wellfield does not exceed 22,000 acre feet per year of delivered water at the Phelps Dodge Lower Eagle Creek Pump Station below the Reservation. In calculating the pumping rates allowed under this subparagraph, transmission losses from Black River and the Upper Eagle Creek Wellfield shall be estimated, but in no event shall such transmission losses be more than 10 percent of the Black River or Upper Eagle Creek Wellfield water. Based on this agreement, the Tribe shall not, in any way, impede, restrict, or sue Phelps Dodge regarding the passage of water from the Phelps Dodge Upper Eagle Creek Wellfield, except that—

(A) Phelps Dodge shall pay to the United States, on behalf of the Tribe, $5,000 per month, with an annual CPI adjustment from July 23, 1997, to account for the passage of such flows; and

(B) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the Upper Eagle Creek Wellfield, in accordance with paragraphs (2)(E) and (3)(F) above. In the event that a court determines that Phelps Dodge does not have the right to pump the Upper Eagle Creek Wellfield, the Tribe will no longer be subject to the restriction set forth in this subparagraph regarding the passage of water from the Wellfield through the Reservation. Nothing in this subsection shall affect the rights, if any, that Phelps Dodge might claim regarding the flow of water in the channel of Eagle Creek in the absence of this subsection.

"(5) PAST CLAIMS.—The Act does not address claims relating to Phelps Dodge's prior occupancy and operation of the Black River facilities. The Tribe agrees not to bring any such claims against the United States. The Tribe also agrees that within 30 days after Phelps Dodge has vacated the Reservation, it shall dismiss with prejudice the suit that it has filed in Tribal Court against Phelps Dodge (The San Carlos Apache Tribe v. Phelps Dodge, et al., Case No. C–97–118), which such dismissal shall not be considered a decision on the merits, and any claims that it might assert against Phelps Dodge in connection with Phelps Dodge's prior occupancy and operation of the Black River facilities shall be brought exclusively in the United States district court.

"(6) RELATIONSHIP TO SETTLEMENT.—

"(A) The term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge.

"(B) Section 3706(j) and section 3705(f) shall be repealed and shall have no effect.

"(7) RATIFICATION OF SETTLEMENT.—The agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation, and the Secretary of the Interior, as set forth in this subsection, is hereby ratified and approved.".

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking "qualification" and inserting "quantification".

SEC. 5004. Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking ", including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,".

(2) By adding the following new subparagraph at the end thereof:

"(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.".

SEC. 5005. (a) FINDINGS.—The Congress finds that—

(1) section 2477 of the Revised Statutes (R.S. 2477) was repealed on October 21, 1976 by the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.);

(2) the Federal Land Policy and Management Act did not terminate valid rights of way established under R.S. 2477 prior to its repeal;

(3) the Federal Land Policy and Management Act included four provisions which explicitly preserved "valid existing rights" and made the actions of the government "subject to valid existing rights";

(4) after the repeal of R.S. 2477, disagreement and confusion has surrounded the existence and extent of rights of way established under R.S. 2477;

(5) in 1994 the Secretary of the Interior published proposed regulations for processing claims regarding R.S. 2477 rights of way;

(6) in 1995 and 1996 the Congress passed, and the President enacted, three separate pieces of

legislation that prevented the Secretary of the Interior from finalizing those regulations;

(7) the Omnibus Consolidated Appropriations for Fiscal Year 1997 (Public Law 104–208) permanently prohibited the promulgation of final rules or regulations regarding the recognition, validity, or management of R.S. 2477 rights of way unless such regulations were specifically authorized by a subsequent Act of Congress;

(8) the position of the Clinton Administration on this issue is reflected in the written policy statement issued by the Secretary of the Interior in January 1997 regarding R.S. 2477;

(9) western State representatives strongly disagree with the Administration's policy guidance; and

(10) a process is needed to recommend expeditiously a legislative mechanism to resolve all outstanding R.S. 2477 claims.

(b) PROCESS.—

(1) ESTABLISHMENT OF COMMISSION.—

(A) There is established a commission to be known as the Commission on Section 2477 of the Revised Statutes (hereinafter referred to in this section as "the Commission"). The Commission shall be composed of 13 members, as follows:

(i) two officials from Federal land management agencies, which shall be the Secretary of the Interior and the Secretary of Agriculture, or their designees;

(ii) six Members of Congress (or their staff designee), of whom two shall be appointed by the Majority Leader of the Senate and one by the Minority Leader of the Senate, and of whom two shall be appointed by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives;

(iii) four State officials with land management or transportation development responsibilities, two of whom shall be from affected western States with a Republican Governor and two of whom shall be from affected western States with a Democratic Governor, with the four States selected by mutual agreement between the President, the Senate Majority Leader, and the Speaker of the House; and

(iv) a chairman, who shall be a former member of the Federal judiciary with experience in property and land management law, to be selected by consensus (or failing all reasonable attempts at consensus, majority vote) of the other 12 members of the Commission.

(B) The Commission shall be appointed within 90 days after the date of enactment of this section. The Secretary of the Interior shall provide any necessary support to the Commission.

(C) The chairman of the Commission shall receive compensation at the daily rate of GS–15, step 7 of the General Schedule, when engaged in the actual performance of duties for the Commission, and shall be reimbursed for actual expenses in the performance of such duties by the Secretary of the Interior. All other members of the Commission shall be reimbursed and compensated as appropriate by their respective employers and shall not be considered Federal employees solely because of their activities on the Commission.

(D) The Commission shall conduct its first meeting no later than 120 days after the date of enactment of this section, at which time the Commission shall select by consensus or majority vote the chairman. The Secretary of the Interior shall recommend to Commission members the names of at least three persons who meet the requirements of subparagraph (A)(iv) for consideration at the first meeting. Any other member of the Commission may also recommend persons who meet the requirements of subparagraph (A)(iv) for the consideration of the members at the first meeting.

(2) DUTIES OF COMMISSION.—

(A) The Commission shall recommend changes to law that should be enacted to provide for an expeditious resolution of all outstanding claims of a right of way across Federal lands established pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932).

(B) The Commission shall hold a public hearing in each affected State upon the request of the Governor of each such State, and shall consult with the Governor of each affected State in developing its recommendations. The Commission may hold such other hearings as it deems necessary. All hearings conducted by the Commission shall be open to the public, and notice of each hearing shall be provided in media of general circulation within the State at least 14 days prior to each such hearing. The Secretary of the Interior shall publish a public record of each hearing.

(C) The Commission shall make its recommendations and all decisions by consensus, or failing all reasonable attempts at consensus, by majority vote. The Commission shall keep a record of its discussions. The Commission may, by majority vote, open its meetings to the public. If the Commission does conduct public meetings, it shall provide public notice of the time and place at least seven days in advance of each such meeting.

(D) The Commission shall submit its recommendations to the Secretary of the Interior by March 1, 1998. Not later than 15 days prior to this date, the Commission shall provide a draft of its recommendations to the Governor of each affected State, and shall include any letters submitted by such Governors with respect to such recommendations as an appendix to the Commission's submission to the Secretary of the Interior.

(3) REVIEW BY SECRETARY; SUBMISSION TO CONGRESS.—The Secretary of the Interior shall review and either approve or disapprove of the Commission's recommendations in their entirety by March 31, 1998. If the Secretary of the Interior approves of the Commission's recommendations, the Secretary shall submit all of the Commission's recommendations to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives by April 1, 1998. If the Secretary of the Interior disapproves of the Commission's recommendations, the Secretary shall state the reasons in writing for such disapproval and send a copy of such reasons with the Commission's recommendations to the Congress.

(4) CONGRESSIONAL PROCEDURE.—

(A) INTRODUCTION.—The Chairman of the Committee on Energy and Natural Resources of the Senate and the Chairman of the Committee on Resources of the House of Representatives (or their designees) shall introduce the Commission's recommendations as a bill in their respective Houses no later than 10 calendar days after such recommendations are approved and submitted by the Secretary of the Interior pursuant to paragraph (3). The provisions of this paragraph hereinafter set forth shall not apply to any bill containing the recommendations of the Commission if the Secretary of the Interior disapproves the Commission's recommendations under paragraph (3).

(B) CONSIDERATION IN THE HOUSE.—

(i) Any committee of the House of Representatives to which a bill introduced pursuant to subsection (A) is referred shall report it, with or without amendment and with or without recommendation, not later than 60 days of session after the date of such referral. If any committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge the bill may only be made by a member favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion was agreed to or disagreed to shall not be in order.

(ii) After a bill introduced pursuant to subparagraph (A) is reported or a committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. If reported and the report has been available for at least one calendar day, all points of order against the bill and against consideration of the bill are waived. If discharged, all points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion was agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed four hours equally divided and controlled by a proponent and opponent of the bill. The bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. Consideration of the bill for amendment shall not exceed four hours excluding time for recorded votes and quorum calls. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(iii) Appeals from the decision of the Chair regarding application of the rules of the House of Representatives to the procedure relating to a bill introduced pursuant to subparagraph (A) shall be decided without debate.

(iv) It shall not be in order to consider under this subparagraph more than one bill introduced pursuant to subparagraph (A) except for consideration of a Senate bill introduced pursuant to subparagraph (A).

(C) CONSIDERATION IN THE SENATE.—

(i) A bill introduced pursuant to subparagraph (A) shall be referred to the appropriate committee or committees. A committee to which the bill is referred shall report the bill not later than 60 days of session after such referral. If any committee fails to report the bill within that period, that committee shall be automatically discharged from further consideration of the bill and the bill shall be placed on the calendar.

(ii) A motion to proceed to consideration of a bill introduced pursuant to subparagraph (A) and reported or automatically discharged pursuant to subparagraph (C)(i) shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this clause.

(iii) After no more than 30 hours of consideration of a bill introduced pursuant to subparagraph (A), the Senate shall proceed, without intervening action or debate, to vote on final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or to table. The time for debate on the bill shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(iv) Only relevant amendments to the bill shall be in order. Debate on any amendment shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(v) A motion to recommit a bill introduced pursuant to subparagraph (A) shall not be in order.

(vi) If the Senate receives a message from the House on a bill introduced pursuant to subparagraph (A), consideration in the Senate of all motions, amendments, or appeals necessary to dispose of such message shall be limited to four hours, equally divided in the usual form.

(D) EXERCISE OF RULEMAKING POWERS.—The provisions of this paragraph are enacted by the Congress—

(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent they are inconsistent therewith; and

(ii) with full recognition of the Constitutional right of either House to change such rules (so far as to relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(5) APPLICABILITY OF OTHER LAW.—

(A) NO EXPRESS AUTHORIZATION.—This section shall not be construed as an express authorization for any final rule or regulation under any law.

(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Commission established by this section.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading "Health Education Assistance Loans Program" is amended by inserting after "$140,000,000" the following: ": Provided further, That the Secretary may use up to $499,000 derived by transfer from insurance premiums collected from guaranteed loans made under Title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act".

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104–208, under the heading titled "Children and Families Services Programs" is amended by inserting after the reference to "part B(1) of title IV" the following: "and Section 1110".

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support high priority health research, $15,000,000, to remain available until expended: Provided, That the Secretary shall award such funds on a competitive basis.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $101,133,000, of which $78,362,000 shall be for Basic Grants and $22,771,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that will receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: Provided, That the Secretary of Education shall use these additional funds to provide those States with 50 percent of the difference between the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data and the allocations under the 1997 Appropriations Act: Provided further, That if any State's total allocation under that Appropriations Act and this paragraph is less than its 1996 allocation for that subpart, that State shall receive, under this paragraph, the amount the State would have received had that allocation been calculated entirely on the basis of child poverty counts from the 1990 census: Provided further, That the Secretary shall ratably reduce the allocations to states under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: Provided further, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): Provided further, That the funds appropriated under this paragraph shall become available on July 1, 1997 and shall remain available through September 30, 1998: Provided further, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

RELATED AGENCY

NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

SALARIES AND EXPENSES

For necessary expenses for the National Commission on the Cost of Higher Education, $650,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 6

SEC. 6001. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas, which were declared as such during fiscal year 1997, are available to those recipients for obligation until September 30, 1998: Provided, That for the purposes of assisting those recipients, the Secretary's waiver authority under section 14401 of the Elementary and Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996 and 1997.

SEC. 6002. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing at, or attending an institution of higher education, or employed within these areas on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): Provided further, That such authority shall be in effect only for awards for award years 1996–1997 and 1997–1998.

SEC. 6003. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

SEC. 6004. EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

EXTENSION OF SSI REDETERMINATION PROVISIONS

SEC. 6005. (a) Section 402(a)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—

(1) in subclause (I), by striking "the date which is 1 year after such date of enactment," and inserting "September 30, 1997,"; and

(2) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting "September 30, 1997,".

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

CHAPTER 7

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

For an additional amount for expenses of the "Office of the Secretary of the Senate", to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, $5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading "SENATE", subject to the approval of the Committee on Appropriations.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Marissa, Sonya, and Frank (III) Tejeda, children of Frank Tejeda, late a Representative from the State of Texas, $133,600.

OTHER AGENCY

BOTANIC GARDEN

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses, Botanic Garden", $33,500,000, to remain available until expended, for emergency repair and renovation of the Conservatory.

GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f)) is amended by adding at the end the following: "The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.".

SEC. 7002. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 7003. (a) Section 2 of Public Law 100–71 (2 U.S.C. 65f) is amended by adding at the end the following: "(c) Upon the written request of the Secretary of the Senate, with the approval of the Committee on Appropriations of the Senate, there shall be transferred any amount of funds available under subsection (a) specified in the request, but not to exceed $10,000 in any fiscal year, from the appropriation account (within the contingent fund of the Senate) for expenses of the Office of the Secretary of the Senate to the appropriation account for the expense allowance of the Secretary of the Senate. Any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.".

(b) The amendment made by subsection (a) shall be effective with respect to appropriations for fiscal years beginning on or after October 1, 1996.

SEC. 7004. The Comptroller General may use available funds, now and hereafter, to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter in multiyear contracts for the acquisition of property and nonaudit-related services, to the same extent as executive agencies under the authority of sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. sec. 253l and 254c).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $1,600,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for "Retired Pay", $9,200,000.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the December 1996 and January 1997 flooding in the western States.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–205 is increased by $694,810,534: Provided, That such additional authority shall remain available during fiscal year 1997: Provided further, That notwithstanding any other provision of law, the authority provided herein above shall be distributed to ensure that States receive an amount they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996: Provided further, That notwithstanding any other provision of law, $318,077,043 of the amount provided herein above shall be distributed to assure that States receive obligation authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: Provided further, That the remaining authority provided herein above shall be distributed to those States whose share of Federal-aid obligation limitation under Section 310 of Public Law 104–205 is less than the amount such States received under Section 310(a) of Public Law 104–50 in fiscal year 1996 in a ratio equal to the amounts necessary to bring each such State to the Federal-aid obligation limitation distributed under Section 310(a) of Public Law 104–50.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $18,900,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: Provided, That up to $900,000 shall be solely for damage incurred in West Virginia in September 1996 and $18,000,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997: Provided further, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: Provided further, That railroad rights-of-way, bridges, and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: Provided further, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for emergency expenses resulting from the crashes of TWA Flight 800, ValuJet Flight 592, and Comair Flight 3272, and for assistance to families of victims of aviation accidents as authorized by Public Law 104–264, $29,859,000, of which $4,877,000 shall remain available until expended: Provided, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, not more than $10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: Provided further, That notwithstanding any other provision of law, of the amount provided to the National Transportation Safety Board, not more than $6,059,000 shall be made available to the State of

New York and local counties in New York, as reimbursement for costs incurred in connection with the crash of TWA Flight 800: Provided further, That notwithstanding any other provision of law, of the amount provided, not more than $3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592: Provided further, That notwithstanding any other provision of law, of the amount provided, not more than $300,000 shall be made available to Monroe County, Michigan as reimbursement for costs incurred in connection with the crash of Comair Flight 3272.

GENERAL PROVISIONS, CHAPTER 8

SEC. 8001. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended under the heading "Federal Transit Administration—Discretionary Grants" by striking "$661,000,000" and inserting "$661,000".

SEC. 8002. Section 325 of Title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended by deleting all text following: "Provided, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.".

SEC. 8003. Section 410(j) of title 23, United States Code, is amended by striking the period after "1997" and inserting ", and an additional $500,000 for fiscal year 1997.".

SEC. 8004. Section 30308(a) of title 49, United States Code, is amended by striking "and 1996" and inserting ", 1996, and 1997".

CHAPTER 9

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount under the heading "Departmental Offices, Salaries and Expenses", $1,950,000: Provided, That the Secretary of Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado subject to verification of appropriate costs.

COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 104–208, $16,000,000 shall be available until September 30, 1998 to develop further the Automated Targeting System.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, $5,383,000.

GENERAL PROVISIONS, CHAPTER 9

SEC. 9001. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104–208 for construction of the Montgomery, Alabama courthouse.

SEC. 9002. None of the funds appropriated or made available in this Act or any other Act may be used by the General Services Administration to implement Section 1555 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) prior to the date of adjournment of the first session of the 105th Congress.

SEC. 9003. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP–97–13(TN) or Solicitation No. BEP–96–13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper "bridge" contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

SEC. 9004. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"§6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—

"(1) 'employee' means an employee as defined in section 6331(1); and

"(2) 'agency' means an Executive agency.

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office shall prescribe regulations necessary for the administration of this section.".

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"6391. Authority for leave transfer program in disasters and emergencies.".

CHAPTER 10

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $928,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the $1,000,000 appropriated for special purpose grants in Public Law 102–139, for a parking garage in Ashland, Kentucky, $500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and $500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

PRESERVING EXISTING HOUSING INVESTMENT

For an additional amount for "Preserving existing housing investment", to be made available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, $3,500,000, to remain available until expended: Provided, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

For "Capacity building for community development and affordable housing", as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: Provided, That at least $10,000,000 of the funding under this head be used in rural areas, including tribal areas.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund", as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, of which $250,000,000 shall become available for obligation on October 1, 1997, all of which shall remain available until September 30, 2000, for use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: Provided, That in administering these amounts, the Secretary may waive, or *specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grants funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: Provided further, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: Provided further, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursements and uses of funds for or associated with buyouts: Provided further, That for purposes of disasters eligible under this head the Secretary of Housing and Urban Development may waive, on a case-by-case basis and upon such other terms as the Secretary may specify, in whole or in part, the requirements that activities benefit persons of low- and moderate-income pursuant to section 122 of the Housing and Community Development Act of 1974, and may waive, in whole or in part, the requirements that housing qualify as affordable housing pursuant to section 290 of the HOME Investment Partnerships Act: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104–204, the Secretary of Housing and Urban Development shall enter into a contract with the National Academy of Public Administration not to exceed $1,000,000 no later than one month after enactment of this Act for an evaluation of the Department of Housing and Urban Development's management systems.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

STATE AND TRIBAL ASSISTANCE GRANTS

The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under this heading for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control, and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $3,300,000,000, to remain available until expended: Provided, That $2,300,000,000 shall become available for obligation on September 30, 1997, but shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: Provided further, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: Provided further, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: Provided further, That the entire amount appropriated herein shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 10

SEC. 10001. The Secretary shall submit semiannually to the Committees on Appropriations a list of all contracts and task orders issued under such contracts in excess of $250,000 which were entered into during the prior 6-month period by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract, and the subject matter and responsibilities of the parties to the contract.

SEC. 10002. Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out "Not less than one year prior to terminating any contract" and inserting in lieu thereof: "Not less than 180 days prior to terminating any contract".

SEC. 10003. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997".

SEC. 10004. Section 4(a) and (b)(3) of the HUD Demonstration Act of 1993 is amended by inserting after "National Community Development Initiative": ", Local Initiatives Support Corporation, The Enterprise Foundation, Habitat for Humanity, and Youthbuild USA".

SEC. 10005. Section 234(c) of the National Housing Act is amended by inserting after "203(b)(2)" the following: "or pursuant to section 203(h) under the conditions described in section 203(h)".

SEC. 10006. Section 211(b)(4)(B) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204) is amended by inserting the following at the end: "The term 'owner', as used in this subparagraph, in addition to it having the same meaning as in section 8(f) of the United States Housing Act of 1937, also means an affiliate of the owner. The term 'affiliate of the owner' means any person or entity (including, but not limited to, a general partner or managing member, or an officer of either) that controls an owner, is controlled by an owner, or is under common control with the owner. The term 'control' means the direct or indirect power (under contract, equity ownership, the right to vote or determine a vote, or otherwise) to direct the financial, legal, beneficial, or other interests of the owner.".

CHAPTER 11

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

FUND FOR RURAL AMERICA

Of the funds provided on January 1, 1997 for section 793 of Public Law 104–127, Fund for Rural America, not more than $80,000,000 shall be available.

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $10,000,000.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $6,400,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the amounts made available to the Attorney General on October 1, 1996, from surplus balances declared in prior years pursuant to 28 U.S.C. 524(c), authority to obligate $3,000,000 of such funds in fiscal year 1997 is rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

CONSTRUCTION

(RESCISSION)

Of the unobligated balances under this heading from amounts made available in Public Law 103–317, $1,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $7,000,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $1,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,180,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,352,000 are rescinded.

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $750,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $13,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), $588,000,000 are rescinded.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, $3,650,000,000 are rescinded: Provided, That the Secretary of Housing and Urban Development shall recapture at least $5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: Provided further, That all additional section 8 reserve funds of an amount not less than $2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104–204 shall be preserved under the head "Section 8 Reserve Preservation Account" for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: Provided further, That the Secretary may recapture less than $5,800,000,000 and reserve less than $2,150,000,000 where the Secretary determines that insufficient section 8 funds are available for current fiscal year contract obligations: Provided further, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine whether the Department's systems for budgeting and accounting for section 8 rental assistance ensure that unexpended funds do not reach unreasonable levels and that obligations are spent in a timely manner.

INDEPENDENT AGENCY

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–211 to NASA for "Space flight, control, and data communications", $4,200,000 are rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 30001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

BUY-AMERICAN REQUIREMENTS

SEC. 30002. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

TITLE IV—COST OF HIGHER EDUCATION REVIEW

SEC. 40001. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Cost of Higher Education Review Act of 1997".

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 40002. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the "National Commission on the Cost of Higher Education" (hereafter in this title referred to as the "Commission").

SEC. 40003. MEMBERSHIP OF COMMISSION.

(a) Appointment.—The Commission shall be composed of 11 members as follows:

(1) Three individuals shall be appointed by the Speaker of the House.

(2) Two individuals shall be appointed by the Minority Leader of the House.

(3) Three individuals shall be appointed by the Majority Leader of the Senate.

(4) Two individuals shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) Additional Qualifications.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) Chairperson and Vice Chairperson.—The members of the Commission shall elect a Chairman and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) Quorum.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) Appointments.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;

(2) the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;

(3) the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and

(4) the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) Voting.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) Vacancies.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) Prohibition of Additional Pay.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) Initial Meeting.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 40004. FUNCTIONS OF COMMISSION.

(a) Specific Findings and Recommendations.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) Final Report.—

(1) In general.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) Majority vote required for recommendations.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) Evaluation of different circumstances.—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

SEC. 40005. POWERS OF COMMISSION.

(a) Hearings.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) Rules and Regulations.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) Assistance From Federal Agencies.—

(1) Information.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) Facilities and services, personnel detail authorized.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) Contracting.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

(f) Staff.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

SEC. 40006. FUNDING OF COMMISSION.

There is authorized to be appropriated for fiscal year 1997 for carrying out this title, $650,000, to remain available until expended, or until one year after the termination of the Commission pursuant to section 40007, whichever occurs first.

SEC. 40007. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 40004(b).

TITLE V—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. 50001. SHORT TITLE.

This title may be cited as the "Depository Institutions Disaster Relief Act of 1997".

SEC. 50002. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than September 1, 1998.

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 50003. DEPOSIT OF INSURANCE PROCEEDS.

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than February 28, 1999.

(c) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 50004. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) EXPIRATION.—Any exception made under this section shall expire not later than February 28, 1998.

SEC. 50005. SENSE OF THE CONGRESS.

(a) FINANCIAL SERVICES.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

(b) APPRAISAL STANDARDS.—It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. 50006. OTHER AUTHORITY NOT AFFECTED.

No provision of this title shall be construed as limiting the authority of any department or agency under any other provision of law.

TITLE VI—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

SEC. 60001. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. 60002. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. 60003. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997-1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 60004. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. 60005. DATA.

(a) In General.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

SEC. 60006. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

"(i) Priority Payments.—

"(1) In general.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

"(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

"(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

"(2) Local educational agency described.—A local educational agency described in this paragraph is a local educational agency that—

"(A) received a payment under this section for fiscal year 1996;

"(B) serves a school district that contains all or a portion of a United States military academy;

"(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

"(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.".

SEC. 60007. TIMELY FILING UNDER SECTION 8003.

The Secretary of Education shall treat as timely filed, and shall process for payment, an amendment to an application for a fiscal year 1997 payment from a local educational agency under section 8003 of the Elementary and Secondary Education Act of 1965 if—

(1) that agency is described in subsection (a)(3) of that section, as amended by section 376 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201);

(2) that agency was not described in that subsection prior to that amendment; and

(3) the Secretary received the amendment to the agency's application prior to the enactment of this Act.

TITLE VII—FOOD STAMP PROGRAM

State Option to Issue Food Stamp Benefits to Certain Individuals Made Ineligible by Welfare Reform

(a) In General.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) in subsection (a), by inserting after "necessary, and" the following: "(except as provided in subsection (j))"; and

(2) by adding at the end the following:

"(j) State Option to Issue Benefits to Certain Individuals Made Ineligible by Welfare Reform.—

"(1) In general.—Notwithstanding any other provision of law, a State agency may, with the approval of the Secretary, issue benefits under this Act to an individual who is ineligible to participate in the food stamp program solely as a result of section 6(o)(2) of this Act or section 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612 or 1613).

"(2) State payments to secretary.—

"(A) In general.—Not later than the date the State agency issues benefits to individuals under this subsection, the State agency shall pay the Secretary, in accordance with procedures established by the Secretary, an amount that is equal to—

"(i) the value of the benefits; and

"(ii) the costs of printing, shipping, and redeeming coupons, and other Federal costs, incurred in providing the benefits, as determined by the Secretary.

"(B) Crediting.—Notwithstanding section 3302(b) of title 31, United States Code, payments received under subparagraph (A) shall be credited to the food stamp program appropriation account or the account from which the costs were drawn, as appropriate, for the fiscal year in which the payment is received.

"(3) Reporting.—To be eligible to issue benefits under this subsection, a State agency shall comply with reporting requirements established by the Secretary to carry out this subsection.

"(4) Plan.—To be eligible to issue benefits under this subsection, a State agency shall—

"(A) submit a plan to the Secretary that describes the conditions and procedures under which the benefits will be issued, including eligibility standards, benefit levels, and the methodology the State agency will use to determine amounts due the Secretary under paragraph (2); and

"(B) obtain the approval of the Secretary for the plan.

"(5) Violations.—A sanction, disqualification, fine, or other penalty prescribed under Federal law (including sections 12 and 15) shall apply to a violation committed in connection with a coupon issued under this subsection.

"(6) Ineligibility for administrative reimbursement.—Administrative and other costs incurred in issuing a benefit under this subsection shall not be eligible for Federal funding under this Act.

"(7) Exclusion from enhanced payment accuracy systems.—Section 16(c) shall not apply to benefits issued under this subsection.".

(b) Conforming Amendments.—Section 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)) is amended—

(1) in subclause (V), by striking "or" at the end;

(2) in subclause (VI), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(VII) waives a provision of section 7(j).".

TITLE VIII—2000 DECENNIAL CENSUS

(a) The Congress finds that—

(1) the decennial enumeration of the population is one of the most critical constitutional functions our government performs;

(2) it is the goal that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution;

(3) the Constitution clearly states that the census is to be an "actual enumeration" of the population, and section 195 of title 13, United States Code, states that sampling cannot be used for purposes of the apportionment of Representatives in Congress among the several States;

(4) the proposed use of statistical sampling by the Bureau of the Census exposes taxpayers to the unacceptable risk of an inaccurate, invalid and unconstitutional census; and

(5) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals that have historically been undercounted, and toward this end, the Congress is eager to see aggressive and innovative promotion and outreach campaigns in hard-to-count communities, the hiring of enumerators within those localities, continued cooperation with local government on address list development, and maximizing census employment opportunities for individuals seeking to make the transition from welfare to work.

(b)(1) Section 141(a) of title 13, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, no sampling or any other statistical procedure, including any statistical adjustment, may be used in any determination of population for purposes of the apportionment of Representatives in Congress among the several States.".

(2) The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(c) None of the funds made available in this or any other Act for any fiscal year may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling or any other statistical procedure, including any statistical adjustment, in any determination of population for purposes of the apportionment of Representatives in Congress among the several States.

TITLE IX—GOVERNMENT SHUTDOWN PREVENTION ACT

SEC. 90001. SHORT TITLE.

This title may be cited as the "Government Shutdown Prevention Act".

SEC. 90002. CONTINUING FUNDING.

(a) In General.—If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) Level of Funding.—Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 percent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) Period of Availability.—Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

SEC. 90003. TERMS AND CONDITIONS.

(a) IN GENERAL.—An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriations Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) EXTENT AND MANNER.—Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 90004. COVERAGE.

Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

SEC. 90005. EXPENDITURES.

Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

SEC. 90006. INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY.

No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

SEC. 90007. PROTECTION OF OTHER OBLIGATIONS.

Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

SEC. 90008. DEFINITION.

In this title, the term "regular appropriation bill" means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Departments of Veterans and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

This Act may be cited as the "1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia".

And the Senate agree to the same.

BOB LIVINGSTON,
JOSEPH M. MCDADE,
BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
JOHN EDWARD PORTER,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
RON PACKARD,
SONNY CALLAHAN,
JAMES T. WALSH,
CHARLES H. TAYLOR,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
LAUCH FAIRCLOTH,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1469 (H. Rept. 105–83) which is not changed by the Senate in the report accompanying S. 672 (S. Rept. 105–16), and Senate Report language which is not changed by the conference are approved by the committee of conference. The statement of the managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Title I of the conference agreement recommends a total of $1,929,480,000 in new budget authority for the Department of Defense, instead of $2,039,880,000 as proposed by the House and $1,805,480,000 as proposed by the Senate. This level is $168,734,000 less than the amount requested by the President. The new budget authority in this title is totally offset by rescissions of previously appropriated defense funds totaling $1,929,632,000 in chapter 2 of this title.

Of the amounts in this title, $1,774,200,000 is provided for contingency operations in Bosnia and Southwest Asia, instead of $1,910,400,000 as proposed by the House and $1,657,000,000 as proposed by the Senate. This recommendation is $232,014,000 below the amount requested by the President.

The following table provides details of the supplemental appropriations in Title I, Chapter 1 of the conference agreement:

TITLE I—SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE

[In millions of dollars]

	Budget request	House	Senate	Conference
Military personnel:				
Military personnel, Army	322.8	306.8	306.8	306.8
Military personnel, Navy	7.9	7.9	7.9	7.9
Military personnel, Marine Corps	0.3	0.3	0.3	0.3
Military personnel, Air Force	29.1	29.1	29.1	29.1
Total, Military personnel	360.1	344.1	344.1	344.1
Operation and maintenance:				
Overseas contingency operations transfer fund	1646.1	1,566.3	1,312.9	1,430.1
Bosnia:				
Army LOGCAP/Other Support	....	(−262.8)	(−146.0)	(−262.8)
Army OPTEMPO	....	(138.0)	(21.0)	(138.0)
Navy OPTEMPO Reduction	....	(−10.0)	(−10.0)	(−10.0)
NIMA	....	....	(−2.6)	(−2.6)
Overocean costs reimbursement to DBOF-T	....	....	(−62.0)	(−62.0)
SOCOM OPTEMPO Reduction	....	(−9.0)	(−9.0)	(−9.0)
Projected OPTEMPO and force reductions	....	....	(−66.0)	....
Subtotal	....	(−143.8)	(−274.6)	(−208.4)
Southwest Asia:				
Navy-Enhanced Southern Watch OPTEMPO	....	(20.0)	....	(15.0)
Air Force-Enhanced Southern Watch OPTEMPO	....	(8.0)	....	(15.0)
Air Force-Desert Focus (Force Protection)	....	(37.0)	....	(37.0)
OSIA Reduced Monitoring Activity	....	(−1.0)	....	(−1.0)
Projected OPTEMPO and force reductions	....	....	(−34.0)	(−34.0)
Subtotal	....	(64.0)	(−34.0)	(17.0)
Other Adjustments:				
Drawdown Recovery Costs	....	....	(−24.6)	(−24.6)
Total, Operation and Maintenance	....	(−79.8)	(−333.2)	(−216.0)
Total, Contingency Operations Funding	2,006.2	1,910.4	1,657.0	1,774.2
Operation and Maintenance, General:				
OPLAN 34A/35 P.O.W. Payments	20.0	20.0	20.0	20.0
Revolving and management funds:				
Reserve Mobilization Income Insurance Fund	72.0	72.0	72.0	72.0
Total, Supplemental Request	2,098.2	2,002.4	1,749.0	1,866.2

TITLE I—SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE—Continued

[In millions of dollars]

	Budget request	House	Senate	Conference
Other adjustments:				
Defense Health Program	....	21.0	....	21.0
O&M, Defense-Wide (Force Protection)	....	10.0	....	10.0
Overseas Humanitarian, Disaster and Civic Aid	....	....	50.0	25.8
Family Housing, Navy and Marine Corps	....	6.5	6.5	6.5
Total, Title I	2,098.2	2,039.9	1,805.5	1,929.5

BOSNIA OPERATIONS

The conferees agree with the concerns raised in the House report regarding the Bosnia deployment, and also concur with the position taken by the Secretary of Defense that the American ground force deployment to Bosnia should be ended by not later than June 1998. The conferees believe that should the President determine that events require U.S. participation in the Stabilization Force or any successor force in Bosnia beyond this date, the President should and must seek the approval of the Congress.

The conferees direct the President to provide the quarterly reports regarding the Bosnia deployment as described in the House report. The conference agreement also includes a general provision (Section 105) requiring the President to provide a report within sixty days of enactment regarding cumulative costs stemming from various U.S. efforts associated with Bosnia.

CONTINGENCY OPERATIONS COST CONTROLS

The conferees agree with language in the Senate report directing the Department of Defense to identify costs by individual contingency operation; to notify Congress 30 days in advance if the Department expects to exceed the budgeted amount for a contingency; and to continue to meet the quarterly reporting requirement for the use of funds provided in the "Overseas Contingency Operations Transfer Fund".

GENERAL PROVISIONS, CHAPTER 1

The conferees agree to retain Section 101, as proposed by the Senate, which allows the Secretary of the Navy to transfer up to $23,000,000 to reimburse accounts which have been depleted to repair Marine Corps facilities damaged by hurricanes, flooding, and other natural disasters during 1996 and 1997.

The conferees agree to restore Section 102, as proposed by the House, which provides $21,000,000 to the "Defense Health Program", only for direct patient care at military treatment facilities. These funds are to be used only to improve the level of direct care of military service members and their dependents at military treatment facilities. The conferees direct the Department of Defense to report to the Committees on Appropriations by July 1, 1997 on the use of these funds showing amounts, location, and justification for each project or activity.

The conferees agree to restore Section 103, as proposed by the House, which provides $10,000,000 to "Operation and Maintenance, Defense-Wide", only for additional force protection and counter-terrorism initiatives as directed in the House report language. Prior to obligation of these funds, the Vice Chairman of the Joint Chiefs of Staff shall provide to the Appropriations Committees a detailed plan for utilization of these funds.

The conferees agree to delete language proposed by the Senate which would have provided up to $100,000,000 of additional transfer authority for costs associated with ongoing operations in Bosnia and Southwest Asia.

The conferees agree to amend Section 104, as proposed by the Senate, to provide an additional $25,800,000 to the "Overseas Humanitarian, Disaster and Civic Aid" program, for a grant to the American Red Cross for armed forces emergency services.

The conferees agree to amend Section 105, as proposed by the Senate, requiring the President to submit to Congress 60 days after enactment of this Act a cost report which outlines all U.S. government expenditures in Bosnia since December 1, 1995.

MARINE CORPS FAMILY HOUSING

In section 106, the conferees agree to appropriate $6,480,000, as provided in both the House and the Senate bills, to partially reimburse the Family Housing, Navy and Marine Corps account for hurricane repair Operation and Maintenance costs that have been absorbed. This appropriation is offset fully by a rescission of $6,480,000 (in Title, Chapter 2, section 202).

In addition, if any foreign currency fluctuation savings are realized within the Family Housing, Navy and Marine Corps account, the conferees direct the Navy to further reimburse the Marine Corps for hurricane repair costs that have been absorbed.

CHAPTER 2

RESCISSIONS

The conference agreement rescinds a total of $1,929,632,000 from funds previously provided in Department of Defense and Military Construction Appropriations Acts, instead of $2,040,347,000 as proposed by the House and $1,905,943,000 as proposed by the Senate.

These rescissions include: $299,250,000 in various accounts resulting from revised inflation estimates, $420,000,000 due to revised foreign currency fluctuation requirements, $232,263,000 in unobligated balances in various accounts that are expected to expire at the end of the current fiscal year (based on estimates provided by the Department of Defense), and $782,639,000 in specific program reductions, all from previously enacted Department of Defense Appropriations Acts; and $195,480,000 from previously enacted Military Construction Acts.

The conference agreement specifically denies the $10,000,000 rescission in "Operation and Maintenance, Defense-Wide", as proposed by the President (R97–4), and the $62,000,000 rescission in "National Guard and Reserve Equipment", as proposed by the President (R97–5). The conferees agree with the direct in the Senate report regarding the release of National Guard and Reserve Equipment funds to the National Guard Bureau for obligation.

A summary of the rescissions from previously enacted Department of Defense Appropriations Act found in Title I, Chapter 2 is shown in the following table:

	House	Senate	Conference
Department of Defense—Military			
Fiscal year 1993:			
Shipbuilding and Conversion, Navy: Unobligated Balances	−$10,000,000	−$10,000,000	−$10,000,000
Fiscal year 1994:			
Shipbuilding and Conversion, Navy: Service Craft	−$28,700,000	$0	−$18,700,000
Fiscal year 1995:			
Aircraft Procurement, Army: Unobligated Balances	−$1,085,000	−$1,085,000	−$1,085,000
Missile Procurement, Army: Unobligated Balances	−$2,707,000	−$2,707,000	−$2,707,000
Procurement of Weapons and Tracked Combat Vehicles, Army: Unobligated Balances	−$2,296,000	−$2,296,000	−$2,296,000
Procurement of Ammunition, Army: Unobligated Balances	−$3,236,000	−$3,236,000	−$3,236,000
Other Procurement, Army: Unobligated Balances	−$2,502,000	−$2,502,000	−$2,502,000
Aircraft Procurement, Navy: Unobligated Balances	−$34,000,000	−$34,000,000	−$34,000,000
Weapons Procurement, Navy: Unobligated Balances	−$16,000,000	−$16,000,000	−$16,000,000
Procurement of Ammunition, Navy and Marine Corps: Unobligated Balances	−$812,000	−$812,000	−$812,000
Other Procurement, Navy: Unobligated Balances	−$4,237,000	−$4,237,000	−$4,237,000
Procurement, Marine Corps: Unobligated Balances	−$1,207,000	−$1,207,000	−$1,207,000
Aircraft Procurement, Air Force:			
JSTARS, Advanced Procurement	−$14,400,000	$0	−$14,400,000
Unobligated Balances	−$33,650,000	−$33,650,000	−$34,976,000
Missile Procurement, Air Force:			
Missile Replacement Equipment	−$4,000,000	$0	−$4,000,000
Unobligated Balances	−$7,195,000	−$7,195,000	−$12,020,000
Other Procurement, Air Force: Unobligated Balances	−$3,659,000	−$3,659,000	−$3,659,000
Procurement, Defense-Wide: Unobligated Balances	−$12,881,000	−$4,860,000	−$8,860,000
National Guard and Reserve Equipment: Unobligated Balances	−$5,029,000	−$5,029,000	−$5,029,000
Chemical Agents and Munitions Destruction, Defense: Unobligated Balances	−$456,000	−$456,000	−$456,000
Fiscal year 1996:			
Aircraft Procurement, Army:			
Blackhawk, Advanced Procurement	−$5,000,000	$0	$0
Spares	−$8,000,000	$0	$0
Avionics Support Equipment	−$5,000,000	$0	−$5,000,000
Procurement of Weapons and Tracked Combat Vehicles, Army:			
Carrier Mods	−$3,000,000	$0	−$2,000,000
Bradley Fighting Vehicle System	−$10,000,000	$0	−$5,400,000
Weapons/Combat Vehicle (Tank Carryover)	−$13,000,000	$0	−$8,000,000
Procurement of Ammunition, Army:			
Provision of Industrial Facilities	−$8,000,000	−$8,000,000	−$8,000,000
Layaway Industrial Facilities	−$6,000,000	−$6,000,000	−$6,000,000
Ammunition Base (Conventional Ammunition Demil)	−$20,000,000	$0	−$4,000,000
Procurement of Ammunition, Navy and Marine Corps: Unobligated Balances	$0	−$4,000,000	$0
Other Procurement, Navy: Shipboard Tactical Communications	−$3,000,000	−$3,000,000	−$3,000,000

	House	Senate	Conference
Procurement, Marine Corps: Unobligated Balances	$0	−$4,000,000	$0
Aircraft Procurement, Air Force:			
JSTARS	−$25,000,000	−$25,000,000	−$25,000,000
F–16	−$12,000,000	$0	$0
F–16 Post Production Support	−$15,000,000	−$15,000,000	−$15,000,000
Procurement of Ammunition, Air Force: CBU–87	−$21,100,000	$0	−$7,700,000
Other Procurement, Air Force: Strategic C2	−$10,000,000	−$10,000,000	−$10,000,000
Procurement, Defense-Wide:			
DISA	−$12,000,000	$0	−$8,000,000
Major Equipment	−$10,700,000	$0	−$8,113,000
SDIO Major Equipment	−$12,100,000	$0	$0
Research, Development, Test and Evaluation, Army: Unobligated Balances	−$4,366,000	−$4,366,000	−$4,366,000
Research, Development, Test and Evaluation, Navy:			
MK–48 ADCAP (CBASS—New Start)	−$4,000,000	$0	−$1,900,000
Standard Missile Improvements (LASM–New Start)	−$500,000	$0	$0
Unobligated Balances	−$14,978,000	−$14,978,000	−$14,978,000
Research, Development, Test and Evaluation, Air Force:			
Night Precision Attack	−$2,000,000	$0	−$2,000,000
Unobligated Balances	−$28,396,000	−$28,396,000	−$22,245,000
Research, Development, Test and Evaluation, Defense-Wide:			
University Research	−$9,200,000	$0	$0
Defense Reinvestment	−$6,200,000	−$6,200,000	−$6,200,000
Medical Electron Laser	−$3,300,000	$0	$0
High Performance Computer	−$1,600,000	$0	$0
Theater High Altitude Area Defense	−$40,000,000	−$40,000,000	−$40,000,000
NATO Research and Development	−$5,200,000	$0	$0
Office of Secretary of Defense Studies	−$5,700,000	$0	−$3,624,000
Unobligated Balances	−$55,973,000	−$34,890,000	−$45,890,000
Developmental Test and Evaluation, Defense:			
Central Test and Evaluation	−$2,200,000	$0	−$601,000
Foreign Cooperative Testing	−$6,200,000	$0	−$2,449,000
Test and Evaluation	−$3,800,000	$0	−$2,752,000
Unobligated Balances	−$890,000	−$890,000	−$890,000
Operatonal Test and Evaluation, Defense: Unobligated Balances	−$160,000	−$160,000	−$160,000
Chemical Agents and Munitions Destruction, Defense:			
Unobligated Balances	−$652,000	−$652,000	−$652,000
Procurement	−$22,000,000	−$20,000,000	−$20,000,000
Fiscal year 1997:			
Military Personnel, Army: Foreign Currency Savings	−$37,000,000	−$46,000,000	−$57,000,000
Military Personnel, Navy: Foreign Currency Savings	−$9,000,000	−$11,000,000	−$18,000,000
Military Personnel, Marine Corps: Foreign Currency Savings	$0	−$5,000,000	−$5,000,000
Military Personnel, Air Force: Foreign Currency Savings	−$12,000,000	−$15,000,000	−$23,000,000
National Guard Personnel, Air Force: Endstrength Pricing	−$7,600,000	$0	$0
Operation and Maintenance, Army:			
Capital Fund Transfer	−$17,000,000	$0	−$17,000,000
Inflation Adjustment	−$19,000,000	−$19,000,000	−$19,000,000
Foreign Currency Savings	−$124,000,000	−$155,000,000	−$160,000,000
Operation and Maintenance, Navy:			
Inflation Adjustment	−$24,000,000	−$24,000,000	−$24,000,000
Foreign Currency Savings	−$22,000,000	−$27,000,000	−$27,000,000
Operation and Maintenance, Marine Corps:			
Inflation Adjustment	$0	−$3,000,000	$0
Foreign Currency Savings	$0	−$14,000,000	−$3,000,000
Operation and Maintenance, Air Force:			
Inflation Adjustment	−$18,000,000	−$18,000,000	−$18,000,000
Foreign Currency Savings	−$79,000,000	−$99,000,000	−$99,000,000
Operation and Maintenance, Defense-Wide:			
Office of the Secretary of Defense	−$10,000,000	$0	$0
Inflation Adjustment	−$8,000,000	−$8,000,000	−$8,000,000
Foreign Currency Savings	−$14,000,000	−$17,000,000	−$17,000,000
Operation and Maintenance, Army Reserve: Inflation Adjustment	−$1,000,000	$0	$0
Operation and Maintenance, Navy Reserve: Inflation Adjustment	−$1,000,000	$0	$0
Operation and Maintenance, Air Force Reserve: Inflation Adjustment	−$1,000,000	$0	$0
Operation and Maintenance, Army National Guard: Inflation Adjustment	−$2,000,000	$0	$0
Operational and Maintenance, Air Natinal Guard: Inflation Adjustment	−$3,000,000	$0	$0
Environmental Restoration, Army: Inflation Adjustment	−$250,000	−$250,000	−$250,000
Environmental Restoration, Navy: Inflation Adjustment	−$250,000	−$250,000	−$250,000
Environmental Restoration, Air Force: Inflation Adjustment	−$250,000	−$250,000	−$250,000
Environmental Restoration, Defense-wide: Inflation Adjustment	$0	−$250,000	−$250,000
Environmental Restoration, Formerly Used Defense Sites: Inflation Adjustment	−$250,000	$0	−$250,000
Former Soviet Union Threat Reduction: Inflation Adjustment	−$2,000,000	−$2,000,000	−$2,000,000
Aircraft Procurement Army:			
Inflation Adjustment	−$8,000,000	−$8,000,000	−$8,000,000
Black Hawk, Advanced Procurement	$0	$0	−$5,000,000
Missile Procurement, Army:			
Inflation Adjustment	−$2,000,000	−$2,000,000	−$2,000,000
ATACMS (AP)	$0	−$69,000,000	−$22,000,000
Procurement of Weapons and Tracked Combat Vehicles, Army: Inflation Adjustment	−$5,000,000	−$5,000,000	−$5,000,000
Procurement of Ammunition, Army:			
Armament Retooling and Manufacutring Support	−$10,000,000	−$10,000,000	−$10,000,000
Inflation Adjustment	−$1,000,000	−$1,000,000	−$1,000,000
Other Procurement, Army:			
Family of Medium Tactical Vehicles	−$6,000,000	−$6,000,000	−$6,000,000
Inflation Adjustment	−$15,000,000	−$15,000,000	−$15,000,000
Aircraft Procurement, Navy:			
F–18 E/F, Advanced Procurement	−$48,000,000	$0	−$24,000,000
Inflation Adjustment	−$28,000,000	−$28,000,000	−$28,000,000
Weapons Procurement, Navy: Inflation Adjustment	−$6,000,000	−$6,000,000	−$6,000,000
Shipbuilding and Conversion, Navy: Inflation Adjustment	−$33,000,000	−$33,000,000	−$33,000,000
Other Procurement, Navy: Inflation Adjustment	−$8,000,000	−$8,000,000	−$8,000,000
Aircraft Procurement, Air Force:			
F–15	−$35,000,000	−$21,000,000	−$21,000,000
Inflation Adjustment	−$20,000,000	−$20,000,000	−$20,000,000
Missile Procurement, Air Force:			
Medium Launch Vehicles	−$5,000,000	$0	−$5,000,000
Titan IV	−$115,000,000	−$150,000,000	−$122,000,000
Inertial Upper Stage	$0	−$25,000,000	−$25,000,000
Inflation Adjustment	−$11,000,000	−$11,000,000	−$11,000,000
Other Procurement, Air Force:			
Inflation Adjustment	−$7,000,000	−$7,000,000	−$7,000,000
NIMA	$0	$0	−$13,000,000
Procurement, Defense-Wide: Inflation Adjustment	−$5,000,000	−$5,000,000	−$5,000,000
National Guard and Reserve Equipment: Inflation Adjustment	−$8,000,000	$0	−$8,000,000
Research, Development, Test and Evaluation, Army:			
C–3 Advanced Technology	−$7,000,000	$0	$0
Night Vision Systems	−$5,000,000	$0	−$5,000,000
155 mm Light Weight Howitzer	−$3,000,000	$0	−$3,000,000
Inflation Adjustment	−$10,000,000	−$10,000,000	−$10,000,000
Research, Development, Test and Evaluation Navy:			
Submarine Technology	−$12,000,000	$0	$0

	House	Senate	Conference
Advanced Submarine Combat Systems Development	$0	−$12,000,000	$0
Tomahawk	−$10,000,000	$0	$0
MK–48 ADCAP (CBASS-New Start	−$1,000,000	$0	−$600,000
Standard Missile Improvements (LASM-New Start)	−$5,500,000	$0	$0
Inflation Adjustment	−$9,000,000	−$9,000,000	−$9,000,000
Research, Development, Test and Evaluation, Air Force:			
AWACs	−$25,000,000	$0	−$12,500,000
Threat Simulator Development	−$5,000,000	$0	$0
Classified	−$200,000,000	−$100,000,000	−$130,000,000
WCMD	−$3,500,000	$0	−$3,500,000
JDAM	−$4,000,000	$0	−$4,000,000
Inflation Adjustment	−$22,000,000	−$22,000,000	−$22,000,000
Research, Development, Test and Evaluation, Defense-Wide:			
NIMA	$0	−$80,000,000	−$22,000,000
Dual-Use Funds (COSSI)	−$100,000,000	$0	−$50,000,000
Dual-Use Funds	$0	−$100,000,000	$0
Inflation Adjustment	−$15,000,000	−$15,000,000	−$15,000,000
National Defense Sealift Fund:.			
LMSR	$0	−$35,000,000	−$25,200,000
Defense Health Program:			
Inflation Adjustment	−$10,000,000	$0	−$10,000,000
Foreign Currency Savings	−$11,000,000	$0	−$11,000,000
Chemical Agents and Munitions Destruction, Defense:			
Inflation Adjustment	−$2,000,000	−$2,000,000	−$2,000,000
Operation and Maintenance	$0	−$5,000,000	−$5,000,000
Procurement	$0	−$20,000,000	−$20,000,000
Drug Interdiction and Counter-Drug Activities, Defense:.			
Inflation Adjustment	−$2,000,000	−$2,000,000	−$2,000,000
Total	−$1,853,867,000	−$1,664,463,000	−$1,734,152,000

APPLICATION OF RESCISSIONS

The conferees agree to the detailed instructions in the House report specifying the manner in which rescissions made to updated inflation estimates are to be applied to each budget activity, activity group, and subactivity group.

SERVICE CRAFT

The conferees agree to rescind $18,700,000 of fiscal year 1994 "Shipbuilding and Conversion, Navy" funds for service craft, rather than $28,700,000 as proposed by the House. The rescinded funds are for a barracks craft for which the Navy does not plan to obligate funds until fiscal year 1998. The conferees note there are additional funds in the 1998 budget for this purpose. This action is solely due to the three year delay in program execution, and does not preclude the Navy from reinstating these funds in future fiscal years if appropriate. None of the rescission is to be applied to the YDT 17 Diving Tender program.

ATACMS

The conferees agree to rescind $22,000,000 of fiscal year 1997 funds appropriated for economic order quantity (EOQ) purchases associated with a proposed ATACMS Block IA multiyear program, rather than the $69,000,000 proposed by the Senate. The conferees note that changing circumstances in the program have led the Army to defer its plans for a multiyear acquisition strategy for the ATACMS Block IA missile. However, the conferees note that there are outstanding requirements in the ATACMS program and therefore direct the Army to: (1) reprogram $3,200,000 to the Research, Development, Test and Evaluation, Army account to cover requirements associated with the extended ATACMS Block IA development program; and (2) with the remaining $43,800,000, procure additional Block I missiles in fiscal year 1997 and/or procure Block IA missiles as part of the fiscal year 1998 Block IA full rate production contract. The Army is directed to provide the Appropriations Committees within 30 days a detailed plan outlining its planned use of these funds.

CBASS TORPEDO PROGRAM

The conference agreement rescinds $2,500,000 from the CBASS torpedo program, rather than $5,000,000 as proposed by the House. The conferees direct that none of the rescission may be applied to ongoing torpedo test and evaluation support activities.

TOMAHAWK

The conferees do not agree to rescind $10,000,000 in fiscal year 1997 Tomahawk research and development funding, as proposed by the House. However, the conferees are aware the Navy is considering several alternatives with regard to the future direction of the Tomahawk program which could affect the Navy's use of these fiscal year 1997 funds as well as the fiscal year 1998 Tomahawk program. The conferees direct that the Secretary of the Navy submit a report to the Appropriations Committees detailing the Navy's plans to obligate these fiscal year 1997 funds, and further direct that none of these funds may be obligated until 30 days after submission of this report.

CLASSIFIED ACTIVITIES

The conference agreement includes rescissions against certain classified activities. The conferees direct these rescissions be carried out in conformance with the classified annex accompanying this conference report.

GENERAL PROVISIONS, CHAPTER 2

The conferees agree to delete specific general provisions, as proposed by the House, which rescinded funds to reflect savings from revised economic assumptions, revised foreign currency exchange rates, amounts associated with unobligated balances, and amounts associated with prior year appropriations that were expected to expire at the end of fiscal year 1997. Rescissions in these categories approved by the conferees are included in Title 1, Chapter 2 of the conference agreement.

The conferees agree to delete language, as proposed by the Senate, which recommended repealing Section 5803 of Public Law 104–208.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(RESCISSIONS)

In section 201, the conferees agree to rescissions of fiscal year 1996 appropriated amounts totaling $180,000,000 to offset unbudgeted costs associated with contingency operations, which is identical to the amounts in both the House and the Senate bills, with a technical correction to one account. In addition, the conferees agree to rescissions of fiscal year 1997 appropriated amounts totaling $9,000,000 to further offset unbudgeted costs associated with contingency operations, rather than $55,000,000 as proposed by the Senate. The House bill contained no rescission of fiscal year 1997 funds. These amounts are rescinded to reflect savings from revised economic assumptions, as follows:

Military Construction, Army	1,000,000
Military Construction, Navy	2,000,000
Military Construction, Air Force	3,000,000
Military Construction, Defense-wide	3,000,000
	9,000,000

The conferees direct that these rescissions reflecting savings from revised economic assumptions and program execution, totaling $189,000,000, shall not result in the delay or reduction in scope of any project for which funds have been appropriated.

In section 202, the conferees also agree to project cancellation and rescission of $6,480,000 from funds appropriated in fiscal year 1995 for a bachelor enlisted quarters project at Norfolk, Virginia, as provided in both the House and the Senate bills, to offset fully funds appropriated (in Title I, Chapter 1, section 106) for repair of hurricane-damaged family housing units.

GENERAL PROVISIONS, CHAPTER 3

The conferees agree to delete language proposed by the House limiting the obligation of funds to the current fiscal year unless otherwise specified. This language has been included in Title III which will apply to the entire Act.

The conferees agree to delete, without prejudice, language proposed by the House which placed certain administrative requirements on the Office of the Assistant Secretary of the Navy (Financial Management and Comptroller). The conferees share the concerns expressed in the House report, but do not believe that legislation is warranted at this time. The conferees commend the leadership of the Navy for its prompt attention to the concerns expressed by the House, as evidenced by recent written assurances from the Secretary of the Navy that Navy financial management procedures and processes are being reassessed and revised. The conferees expect the Navy to fully address the concerns expressed in the House report, advise the Appropriations Committees on its progress in developing a plan to strengthen its financial management procedures, and continue a dialogue with the Committees with the goal of attaining efficient program execution of appropriated funds. The conferees will monitor the Navy's progress in strengthening its financial management procedures.

The conferees agree to amend Section 301, as proposed by the Senate. The conferees understand that the Ballistic Missile Defense Organization (BMDO) has no plans to transfer management, development, and acquisition authority over the National Missile Defense Program from the military services until the contract for a Lead System Integrator (LSI) for the National Missile Defense Program is awarded. Section 301 of the conference agreement directs the Department of Defense to provide a report to the congressional defense committees 30 days prior to taking any action to transfer management, development, and acquisition authority over the National Missile Defense Program from the military services. The conferees further direct that BMDO provide a report to the congressional defense committees on the specific plans for transferring management responsibility under the LSI acquisition strategy within 30 days of enactment of this Act. Section 301 also directs an analysis by the Joint Requirements Oversight Council (JROC) regarding recommended roles of the military services in regards to National Missile Defense, with the results of said analysis to be provided to the congressional defense committees within 60 days of enactment, and directs that no actions shall be taken to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of this JROC analysis.

The conferees agree to retain Section 302, as proposed by the Senate, which allows the Secretary of Defense discretionary authority to allow his designee on the Board of the Panama Canal Commission to continue service.

The conferees agree to amend Section 303, as proposed by the Senate, allowing the Secretary of Defense to enter into a lease agreement in support of the Defense Finance and Accounting Service at Lexington Blue Grass Station, Kentucky.

The conferees agree to amend Section 304, as proposed by the Senate, with regard to the MK–50 torpedo program.

The conferees agree to retain Section 305, as proposed by the Senate, which limits manpower for the National Missile Defense Joint Program Office in the National Capital Region.

The conferees agree to amend Section 306, as proposed by the Senate, which provides the Air Force the authority to accept funds transferred by NASA in reimbursement of expenses incurred by the Air Force in support of the Cassini mission.

The conferees agree to include Section 307, which makes a technical correction requested by the Department of Defense regarding eligibility for the Defense Experimental Program to Stimulate Competitive Research.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

AIRBORNE MINE COUNTERMEASURES

The conferees support the intent of language in the House report regarding the need to acquire airborne mine countermeasures capability as soon as practicable. Therefore, they direct the Navy to complete the competitive flyoff directed in the report accompanying the conference agreement on the fiscal year 1997 Department of Defense Appropriations Act by September 30, 1997. The conferees note that the fiscal year 1997 Department of Defense Appropriations Act provided $12,000,000 for this flyoff, but stipulated that all concepts were to be given an opportunity to compete in this effort. The conferees further explained that they are aware of a system which uses hyperspectral data in meeting this requirement and strongly recommend that the Navy include this technology in its competitive flyoff.

ADVANCED SPACECRAFT TECHNOLOGY

The conferees direct that the Department of Defense proceed expeditiously with a thorough review of hyperspectral technology, existing hyperspectral sensors, planned sensors, and Warfighter–1. The review shall include representation from the Air Force Phillips Lab as well as experts outside the government. Based on this review, the Office of the Undersecretary of Defense for Acquisition and Technology shall make a decision whether to proceed with the current Warfighter program or a restructured hyperspectral program no later than June 30, 1997. The conferees further direct that none of the funds appropriated for Warfighter–1 shall be reallocated or reprogrammed until 15 days after the Congress is informed of the Department of Defense's plans.

U.S. FORCES KOREA POINT OBSTACLE BREACHING CAPABILITY

The conferees are aware of Army proposals to shift the point obstacle breaching mission in Korea from outdated and expensive Combat Engineer Vehicles mounted with 165mm guns to M1 Abrams tanks using special tank munitions (XM98). The Army is directed to report on the status of this plan to the Appropriations Committees no later than July 1, 1997. Such report shall describe the results of the XM908 test program, the status of changing the demolition mission in Korea, and the estimated future procurement requirement and cost for the XM908 round by fiscal year.

NEW START PROGRAMS

The conferees agree with the House position with regard to the Navy's initiation of new programs without the prior approval of the Office of the Secretary of Defense (OSD) and Congress. Advance Congressional review and approval is a fundamental requirement for proper use of appropriated funds. Therefore, the conferees fully expect the Navy to comply with the longstanding OSD reprogramming procedures on all proposed new start programs.

TITLE II

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

CHAPTER 1

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a subsidy level of $18,000,000 for emergency insured loans, as proposed by the Senate. This allows for a program loan level of approximately $59,000,000. The agreement also includes a subsidy level of $5,000,000 for guaranteed subsidized operating loans, instead of $10,000,000 as proposed by the Senate. This allows for a loan level of approximately $55,000,000. In addition, the conference agreement provides $6,300,000 for direct farm operating loans, instead of $12,600,000 as proposed by the Senate. This will fund approximately $50,000,000 in additional loans. The House had no similar provisions.

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides $70,000,000 for the emergency conservation program instead of $65,000,000 as proposed by the House and $77,000,000 as proposed by the Senate.

TREE ASSISTANCE PROGRAM

The conference agreement provides $9,000,000 for emergency assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters as proposed by the House instead of $9,500,000 as proposed by the Senate. These funds are available for all states affected by natural disasters. The agreement also deletes the use of $500,000 of this amount for the Forestry Incentives Program as proposed by the Senate. The House bill contained no similar provision.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

The conference agreement provides for a livestock indemnity program of up to $50,000,000 to be derived from proceeds from the sale of grain in the disaster reserve as proposed by the Senate. The House bill contained no similar provision.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $166,000,000 for emergency watershed and flood prevention operations, instead of $150,700,000 as proposed by the House and $171,000,000 as proposed by the Senate. These funds are available for all states affected by natural disasters. The agreement allows up to $15,000,000 of the total to be used for floodplain easements, instead of $10,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The agreement prohibits the use of these funds for the salmon memorandum of understanding as proposed by the House.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

RURAL HOUSING ASSISTANCE PROGRAM

The conference agreement deletes $250,000 in funding for Section 515 Rural Housing loans and $4,000,000 for the Rural Housing Assistance Program, as proposed by the Senate. The House bill had no similar provisions. The conference agreement retains Senate bill language providing that unexpended emergency funds from prior year disaster assistance acts may be used for Sections 502 and 515 rural housing loans, very low-income housing repair loans and grants, and domestic farm labor grants. The House bill had no similar provisions. The conference agreement includes bill language making the College Station area of Pulaski County, Arkansas, eligible for loans and grants from the Rural Housing Service, as proposed by the House and as referenced in the Senate report. The conference agreement also provides that the same eligibility criteria for community facility loans be used to determine eligibility for community facility grants to disaster-affected areas as proposed by the Senate. The House bill contained no similar provision.

The conferees support the continuation of New York State's Section 515 Rural Rental Housing Leveraged Loan Program. This pilot program would provide the Rural Housing Service with the flexibility to consider community based needs assessment criteria in its designation of new loans.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

The conference agreement provides $4,000,000 for the Rural Utilities Assistance

Program instead of $6,500,000 as provided in the Senate bill. These funds are available for all States affected by natural disasters. The House bill had no similar provision.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $76,000,000 for the special supplemental nutrition program for women, infants, and children (WIC) as proposed by the House instead of $58,000,000 as proposed by the Senate.

The Administration has stated that $76,000,000 in WIC supplemental funding is needed to maintain the fiscal year 1996 year-end participation level of 7,408,981. The conference agreement includes language as proposed by both the House and Senate which allows the Secretary to waive the regulatory funding formula when allocating the $76 million provided by this Act. It is the intent of the conferees that the Secretary use this authority to distribute these additional funds to prevent caseload reductions in state programs facing funding shortfalls. These funds are not intended to be used to expand enrollment beyond the fiscal year 1996 year-end participation level.

COMMODITY FUTURES TRADING COMMISSION

The conferees are aware of the Chicago Board of Trade's proposal relating to delivery specifications for corn and soybean futures contracts and the importance of this proposal to individuals and firms in proximity to current delivery points, such as Toledo, Ohio. The conferees urge the Commission to act promptly on the pending proposal for corn and soybean delivery specifications using the appropriate criteria under the Commodity Exchange Act, meeting the standards set forth in section 5a(a)(10) of the Act, which require delivery points that "will tend to prevent or diminish price manipulation, market congestion, or the abnormal movement of such commodity in interstate commerce." The conferees expect that the Commission will take all reasonable steps to solicit public comment on the proposal and will give due regard to the views of the full range or market users and others having an interest in its decision of the pending proposal for corn and soybean delivery specifications. The conferees also believe that a study by the General Accounting Office, provided to the Commission and to the appropriate Congressional committees, may be helpful to address issues relating to corn and soybean futures contract delivery specifications.

GENERAL PROVISION, CHAPTER 1

BULK CHEESE PRICE SURVEY

The conference agreement retains Senate bill language requiring the Department of Agriculture to provide a weekly report on prices and terms of trade involving the production of bulk cheese. The House bill had no similar provision.

CHAPTER 2

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

COUNTERTERRORISM

The conferees direct the Attorney General to provide $6,361,000 to the Federal Bureau of Investigation (FBI) from resources currently available in the Counterterrorism Fund to reimburse the State of New York and certain local jurisdictions in New York for their assistance in the investigation of the crash of TWA Flight 800, instead of providing $12,420,000 to the FBI from this Fund for this purpose, as proposed in the House report. The Senate bill included $12,420,000 under the Department of Transportation, Federal Aviation Administration for reimbursement of these expenses.

The amount included in the conference agreement represents costs for extraordinary expenses incurred by these jurisdictions in support of the FBI's investigation that the Department of Justice has verified to the Committee are appropriate for reimbursement from this Fund. The conference agreement also includes funding for other expenses related to the recovery operation, which are not covered by the Counterterrorism Fund, under the National Transportation Safety Board. In addition, the conferees expect the Attorney General to work closely with the Secretary of Transportation with respect to voluntary payment from the involved airlines and the airline carrier's insurance underwriter for these costs.

The conferees have provided $1,950,000 in Chapter 9 of this Act to help meet the security needs related to the Summit of Eight meeting in Denver, Colorado, making the House report language under this heading unnecessary.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $52,200,000 for emergency disaster assistance activities, instead of $54,700,000 as proposed in the Senate bill, $49,700,000 included in the House bill, and $1,200,000 proposed by the Administration to be derived by transfer from the Economic Development Revolving Loan Fund. The conference agreement makes funds available for emergency infrastructure expenses and capitalization of revolving loan funds for assistance related to recent flooding, as proposed in the House bill. The conference agreement does not allow $6,800,000 of the funds available to be used for planning and technical assistance grants, as included in the Senate bill. The conferees note that the EDA has already provided additional planning and technical assistance grants from regular fiscal year 1997 funds to those areas most severely impacted by recent natural disasters. The conference agreement designates up to $2,000,000 to be available for administrative expenses as proposed in the House bill, instead of $2,900,000 included in the Senate bill. In addition, these amounts are allowed to be transferred to and merged with the EDA "Salaries and Expenses" account, as included in the House bill. Finally, the conferees expect the EDA to submit a plan on the expenditure of these funds in accordance with the guidance included in the House report.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes language proposed in the House bill, and not included in the Senate bill, designating that not to exceed $35,000,000 of the amount provided under this account in Public Law 104–208 is available for new grant awards under the Advanced Technology Program. When combined with $27,000,000 in unobligated balances available from prior year appropriations, a total of $62,000,000 is available for new grant awards in fiscal year 1997, in addition to $6,000,000 previously awarded with fiscal year 1996 funds. In addition, $155,000,000 is available in fiscal year 1997 to pay the continuation costs of grants made in prior fiscal years, and $37,000,000 is available for administration, small business innovative research, and lab support. The conferees direct that any additional funds that become available through recoveries or any other means may be spent only after notification to the Committees on Appropriations of the House and Senate under standard reprogramming procedures.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $7,000,000 for disaster assistance for fisheries impacted by recent flooding and red tide as authorized by section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Of this amount, $3,500,000 is provided for the Pacific Northwest, and $3,500,000 is provided for the Gulf Coast region for impacts resulting from the opening of the Bonnet Carre Spillway and from red tide. The Senate bill proposed $7,000,000 for disaster assistance pursuant to the Magnuson-Stevens Act to continue a salmon fishing buyback program. The conferees are aware that recent flooding has impacted certain regions of the country and intends that this funding be used for activities which directly assist the fishermen in these areas. The conferees do not intend that any of these funds be used by NOAA to begin a new land acquisition program. Further, the conferees direct that NOAA submit an implementation plan to the Committees on Appropriations of the House and Senate in accordance with the reprogramming procedures set forth in section 605 of Public Law 104–208 prior to the expenditure of these funds. In addition, the conference agreement includes $2,000,000 for implementation of the provisions of the Magnuson-Stevens act in the North Pacific fisheries. The conference agreement includes language, similar to the Senate bill, making the entire amount contingent upon the President submitting a budget request designating the entire amount as an emergency requirement.

The conferees understand that there are concerns about National Weather Service plans for its regional headquarters and expect the Department to continue to work with those Members who have expressed concerns in order to resolve them, and to take into account any forthcoming GAO report and recommendations concerning this issue while remaining within the existing financial plan for the current and succeeding fiscal years.

CONSTRUCTION

The conference agreement includes $10,800,000, requested by the Administration, and included in both the House and Senate bills, to provide for repair of fish hatcheries along the Columbia River damaged by recent severe flooding.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement does not include supplemental funding of $100,000,000 for payment of United States arrearages to the United Nations, subject to authorization, as proposed in the Senate bill. The House bill provided no funding for this purpose. Recent developments related to the Balanced Budget Agreement negotiations indicate that the time frame for addressing the issue of arrearages is not intended to begin until fiscal year 1998.

RELATED AGENCIES

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

The conference agreement includes $2,000,000 for the Commission on the Advancement of Federal Law Enforcement as proposed in the House bill, instead of no funding as proposed in the Senate bill.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

The conferees direct the Small Business Administration to provide loan amounts under the disaster loan program sufficient to meet building code requirements for energy efficiency in accordance with the Senate report.

GENERAL PROVISIONS, CHAPTER 2

Section 2001. The conference agreement includes a provision that specifies that $3,000,000 currently available in the Department of Justice Counterterrorism Fund, be allocated to the appropriate unit of local government in Ogden, Utah, to upgrade security and communications infrastructure to counter any potential terrorism threat related to the 2002 Winter Olympic games, as proposed in the Senate bill as Section 302. The House bill did not include this provision.

Section 2002. The conference agreement includes a provision to extend the Small Business Competitiveness Demonstration Program for dredging through September 30, 1997, as proposed in the Senate bill as Section 329. The House bill did not address this matter.

Section 2003. The conference agreement includes a provision, as proposed in the Senate bill as Section 334, to provide for a good Samaritan exemption to the Marine Mammal Protection Act for the taking of a marine mammal if such taking results from an attempt to rescue a marine mammal entangled in fishing gear or debris. The House bill did not address this matter.

Section 2004. The conferees are aware that policy changes recently adopted by the National Aeronautics and Space Administration have resulted in reductions in fiscal year 1997 requirements within the National Oceanic and Atmospheric Administration's Satellite Observing Systems programs. The conferees are aware that the Department of Commerce is in the process of developing reprogramming proposals to reallocate these funds from this program to meet other operational requirements which the Committees will consider under standard reprogramming procedures. In addition, in consultation with the Committees, the Department is directed to develop a plan for the expenditure of the balance of these funds together with a reprogramming to be submitted to the Committees within 15 days of the enactment of this Act.

CHAPTER 2—A

DISTRICT OF COLUMBIA

The conference action deletes the Senate chapter which included the appropriation of an additional Federal payment of $31,150,000 to the District of Columbia for police pay raises and emergency school repairs. The House bill did not contain a similar chapter.

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

The conference agreement includes $20,000,000 for extraordinary maintenance needs on the Mississippi River and Tributaries project resulting from flooding in the lower Mississippi River valley as proposed by the House and the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conferees are in agreement with the language in the Senate report regarding Yazoo basin projects.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes $150,000,000 for the Corps of Engineers to undertake repairs and extraordinary maintenance of projects impacted by flooding and other natural disasters throughout the nation as proposed by the House instead of $137,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conferees are aware that a decision by the Administration to terminate the use of the existing ocean disposal site for material dredged from the Ports of New York and New Jersey has created an immediate need for additional funds in order for critical work to be accomplished prior to the closure of the disposal site. The conferees are concerned that the Administration did not anticipate the resource needs associated with the decisions related to dredged material disposal. The conferees urge the Corps of Engineers to reassess its maintenance dredging needs in an effort to make available additional funds for dredging during the current year.

The conference agreement deletes bill language proposed by the Senate directing the Secretary of the Army to use available funds to perform dredging and snagging and clearing of the Truckee River in Nevada, the San Joaquin River in California, and the Chena River in Alaska. The Secretary of the Army is directed, within existing authorities, to use available funds to perform emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River and Sacramento River channels, California; and to dredge shoaling which has occurred downstream from the Federal Chena River flood control facility.

The conferees are aware of the compacts between the States of Alabama, Florida, and Georgia for interstate cooperation, planning, and development of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins and have provided $5,000,000 for planning and studies related to consensus-based proposals for the allocation of water in these basins. The conferees direct the Corps of Engineers and other Federal agencies to limit those studies to issues agreed to by the States of Alabama, Florida, and Georgia until such time as the two compacts have been ratified by the Congress.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes $415,000,000 for Flood Control and Coastal Emergencies as proposed by the House instead of $390,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conferees are aware of the prolonged heavy rains, high surf, flooding, and land and mud slides which impacted Hawaii, including the area of the Lualualei Naval Magazine, last November. In light of this emergency, the conferees agree to consider solutions to this problem as the appropriations process continues for fiscal year 1998.

The conferees urge the Corps of Engineers to use available funds to assess the need for a flood preparedness and warning plan for the Reno, Nevada, area and to advise the House and Senate Committees on Appropriations on the need for such a plan in time for it to be addressed during the fiscal year 1998 appropriations process.

The conferees recognize the serious nature of the ongoing flooding at Devils Lake in North Dakota. In response to that situation, the conferees have provided $5,000,000 for the Corps of Engineers to initiate and complete preconstruction engineering and design for an emergency outlet from Devils Lake to the Sheyenne River as proposed by the Senate with an amendment which deletes the requirement that preconstruction engineering and design be at full Federal expense. However, given the emergency situation, the conferees direct the Secretary of the Army to incorporate as part of any cost-sharing agreement for the emergency outlet a provision which permits the non-Federal sponsor to use other available Federal funding sources to satisfy the non-Federal share of the preconstruction engineering and design costs. Further, the conferees direct that the policy requiring concurrent non-Federal financing of preconstruction engineering and design shall not apply. It is the intent of the conferees that none of the funds made available in this Act shall be used to initiate any project which would divert water from the Missouri River to Devils Lake.

The conferees concur with the Senate direction to the Corps of Engineers to expedite action to raise the emergency levees at Devils Lake, as appropriate, beyond 1445 feet using funding appropriated herein. The conferees have not waived the cost-share requirements for that work. However, the conferees support the use of other, Federal funding sources to satisfy the non-Federal share of that work.

The conference agreement includes language which provides $5,000,000 for channel restoration and improvements on the James River in South Dakota if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency instead of $10,000,000 as proposed by the Senate.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

The conference agreement includes $7,355,000 for the Bureau of Reclamation to undertake repairs to facilities, including damages to archeological collections and recently identified damages to fish handling and water release structures, impacted by flooding in the western states and the upper Midwest as proposed by the House and the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 3

RIVER BASIN COMMISSIONS

The conference agreement includes language proposed by the House requiring that the United States members and alternate members of the Susquehanna and Delaware River Basin Commission be officers of the Army Corps of Engineers who shall serve without additional compensation, instead of language proposed by the Senate requiring that the Secretary of the Interior or his designee serve as the alternate members of the Susquehanna and Delaware River Basin Commission.

The conference agreement includes language proposed by the House and the Senate establishing that the Federal representative on the Delaware River Basin Commission shall serve at the pleasure of the President.

The conference agreement includes technical and conforming language repealing reservations of the Susquehanna and Delaware River Basin Compacts.

WILLOW CREEK DAM, MONTANA

The conference agreement includes language which would increase from $750,000 to $1,200,00 the authority of the Secretary of the Interior to obligate funds for safety of dams construction work at the Willow Creek Dam, Sun River Project, Montana, without transmitting a modification report to Congress as required by section 5 of the Reclamation Safety of Dams Act of 1978, as amended. This new level of authority is necessary to permit completion of essential safety modifications at the Willow Creek Dam.

COMPLIANCE WITH THE ENDANGERED SPECIES ACT

The conference agreement includes a provision proposed by the Senate related to the application of the Endangered Species Act in emergency situations. The bill reported by the House Appropriations Committee contained a similar provision.

RED ROCK DAM, IOWA

The conference agreement deletes a provision proposed by the Senate providing relief to agricultural producers for flooding losses related to operation of Red Rock Dam in Iowa.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

ASSISTANCE TO UKRAINE

Section 3002 of the House bill allowed the President to waive any of the earmarks in subsections (k) and (l) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in Public Law 104–208, if he determined, and so reported to the Committees on Appropriations, that the Government of Ukraine—

(1) is not making significant progress toward economic reform and the elimination of corruption;

(2) is not permitting American firms and individuals to operate in Ukraine according to generally accepted business principles; or

(3) is not effectively assisting American firms and individuals in their efforts to enforce commercial contracts and resist extortion and other corrupt demands.

The Senate amendment contained no comparable provision.

The conference agreement, section 4001, allows the President to waive the minimum funding levels in subsection (k) only, for activities for the government of Ukraine funded in that subsection, if he determines, and so reports to the Committees on Appropriations, that the Government of Ukraine—

(1) has not made progress toward implementation of comprehensive economic reform;

(2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or

(3) is not taking steps to cease the illegal dumping of steel plate.

URUGUAY

The House bill did not contain any provision relating to Uruguay.

Section 328 of the Senate amendment prohibited funds made available in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, from being made available for assistance to Uruguay unless the Secretary of State certified to the Committees on Appropriations that all cases involving seizure of United States business assets have been resolved.

The conference agreement deletes the Senate language. The managers are concerned that trade and relations with Uruguay may be affected by the recent seizure of private American assets and urge the Administration to take all necessary actions to remedy this problem. The managers will review progress on this issue and may consider appropriate action in subsequent legislation.

CHAPTER 5

INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $4,796,000 for construction as proposed by the House and the Senate, of which $4,403,000 is to be derived by transfer from the Oregon and California grant lands account as proposed by the Senate instead of $3,003,000 by transfer as proposed by the House.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $2,694,000 for Oregon and California grant lands, using unobligated balances of funds made available as supplemental appropriations in Public Law 104–134, as proposed by the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $5,300,000 for resource management instead of $2,250,000 as proposed by the House and $8,350,000 as proposed by the Senate. Increases from the House proposed level include $550,000 for fire restoration at the Bosque Del Apache National Wildlife Refuge and $2,500,000 to pay private landowners for the voluntary use of private lands to store water in restored wetlands. The funds for use of private lands to store water are not provided for any specific region and should be allocated on a competitive basis taking into account the level of non-Federal cost sharing, associated benefits to fish and wildlife, and the degree to which future flood damage will be mitigated.

The conference agreement also provides for these resource management funds to remain available until expended instead of two-year funds as proposed by the House and a combination of two-year and three-year funds as proposed by the Senate.

CONSTRUCTION

The conference agreement provides $88,000,000 for construction instead of $81,000,000 as proposed by the House and $91,000,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Region: States	*Amount*
1: California, Idaho, Nevada, Oregon, Washington	$52,915,000
2: Oklahoma, Texas	7,310,000
3: Illinois, Indiana, Iowa, Minnesota, Wisconsin	5,474,000
4: Alabama, Arkansas, Louisiana, Mississippi, Tennessee	5,097,000
5: Maine, Massachusetts, West Virginia	1,662,000
6: Montana, North Dakota, South Dakota, Utah	15,542,000
Total	88,000,000

LAND ACQUISITION

The conference agreement provides $10,000,000 for land acquisition instead of $15,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

NATIONAL PARK SERVICE

CONSTRUCTION

The conference agreement provides $187,321,000 for construction to address emergency requirements as proposed by the Senate instead of $186,912,000 as proposed by the House. The conference agreement also provides $10,000,000 in non-emergency funding, as proposed by the House and the Senate. The managers agree to the following distribution of funds.

Site	*Amount*
Yosemite National Park, CA (emergency)	$176,053,000
transportation (non-emergency)	10,000,000
Devils Postpile National Monument, CA	74,000
Lassen Volcanic National Park, CA	171,000
Lava Beds National Monument, CA	49,000
Redwood National Park, CA	8,955,000
Sequoia/Kings Canyon National Parks, CA	331,000
Whiskeytown National Recreation Area, CA	216,000
Oregon Caves National Monument, OR	83,000
North Cascades National Park, WA	41,000
Mount Rainier National Park, WA	13,000
Olympic National Park, WA	130,000
Mammoth Cave National Park, KY	542,000
North Dakota group	210,000
Cape Cod National Seashore, MA	60,000
Fire Island National Seashore, NY	125,000
Minute Man National Historical Park, MA	79,000
Roosvelt/Vanderbilt sites, NY	189,000
Total	197,321,000

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $4,650,000 for surveys, investigations, and research as proposed by the Senate instead of $4,290,000 as proposed by the House. No funds are provided for post-flood data collection or risk assessment.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $14,317,000 for operation of Indian programs as proposed by the Senate instead of $11,100,000 as proposed by the House.

CONSTRUCTION

The conference agreement provides $6,249,000 for construction as proposed by the Senate instead of $5,554,000 as proposed by the House.

Bill language also is included, as proposed by the Senate, requiring that funds appropriated for fiscal year 1997 for repair of the

Wapato irrigation project are made available on a non-reimbursable basis. The House had no similar provision.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

The conference agreement provides $39,677,000 for the National forest system as proposed by the Senate instead of $37,107,000 as proposed by the House. The managers agree to the following distribution of funds:

Region: States:	*Amount*
1: Idaho, Montana	$1,361,000
4: Idaho, Nevada, California	5,596,000
5: California	14,816,000
6: Oregon, Washington, California, Idaho	14,362,000
9: Illinois, Indiana, Ohio	3,542,000
Total	39,677,000

RECONSTRUCTION AND CONSTRUCTION

The conference agreement provides $27,685,000 for reconstruction and construction as proposed by the Senate instead of $32,334,000 as proposed by the House. The managers agree to the following distribution of funds:

Region: States:	*Amount*
1: Idaho, Montana	$165,000
4: Idaho, Nevada, California	1,636,000
5: California	8,945,000
6: Oregon, Washington, California, Idaho	15,375,000
9: Illinois, Indiana, Ohio	1,564,000
Total	27,685,000

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $1,000,000 for Indian health services as proposed by the House and the Senate.

INDIAN HEALTH FACILITIES

The conference agreement provides $2,000,000 for Indian health facilities as proposed by the House and the Senate.

GENERAL PROVISIONS, CHAPTER 5

Section 5001.—The conference agreement includes language in section 5001 that amends the recreation fee demonstration program to permit the collecting agencies to keep 100% of the funds in excess of the amount collected for fiscal year 1994 as proposed by the House and by the Senate.

Section 5002.—The conference agreement includes language in section 5002, as proposed by the Senate, that permits the Indian Health Service to receive and retain reimbursements from tribes or tribal organizations in exchange for goods and services. The House had no similar provision.

Section 5003.—The conference agreement includes language in section 5003, modifies language proposed by the House which amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend the expiration date of the Act and to ratify the agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation and the Secretary of the Interior. The Senate had no similar provision. The conference agreement amends the House language to establish the final terms of the water lease, between the Phelps Dodge Corporation and the San Carlos Apache Tribe, under which the Corporation will pay the Tribe for water.

Section 5004.—The conference agreement includes language in section 5004 that amends the Marine Mammal Protection Act Amendments of 1994 to allow the import of polar bear trophies legally taken in Canada before April 30, 1994. This amendment will not affect the authority of the Fish and Wildlife Service to require that all polar bear trophies be imported through a designated port. This is important to ensure that there is no stimulation of illegal import or illegal trade in the United States in polar bear parts. The language also does not interfere with the Service's authority to collect a $1,000 fee for each polar bear trophy imported. The additional fees generated as a result of this amendment will provide increased benefits for polar bear conservation.

Section 5005.—The conference agreement includes language in section 5005 that modifies a Senate provision relating to rights-of-way established pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932). The new language establishes a commission to recommend to the Secretary of the Interior and the Congress changes in law to provide for an expeditious resolution of all outstanding claims regarding R.S. 2477 rights-of-way. The commission is required to make its recommendations by March 1, 1998. The Secretary of the Interior must approve or disapprove the commission's recommendations in their entirety by March 31, 1998. If the Secretary of the Interior approves the commission's recommendations, a "fast track" procedure is provided for Congressional consideration of the recommendations. Subsection (b)(5)(A) has been included to make it clear that this section does not provide the express authorization required by Public Law 104–208 for the issuance of final rules or regulations regarding R.S. 2477 right-of-way. The House had no similar provision.

CHAPTER 6

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

The conference agreement includes a Senate provision to allow the use of up to $499,000 in Health Education Assistance Loan (HEAL) premiums to support the Office of HEAL Default Reduction. The House bill contains no similar provision.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conferees are concerned by the high disease burden and mortality of hepatitis C, estimated to afflict 3.9 million Americans. This disease is under-recognized by health care provider and the public health community. Given these and other concerns recently defined by the National Institutes of Health Consensus Conference on Hepatitis C, the conferees encourage the Centers for Disease Control and Prevention to enhance efforts to define the burden of acute and chronic hepatitis C in the United States and risk factors for its acquisition. Better chronic liver disease surveillance will enhance determination of disease trends and provide a means to evaluate the effectiveness of various prevention or treatment strategies.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

The conference agreement includes a Senate provision making a technical change to the fiscal year 1997 appropriations act for this account by inserting a legal citation to section 1110 of the Social Security Act. The House bill included no similar provision.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement modifies language proposed by the Senate which would have appropriated $15,000,000 to the Public Health and Social Services Emergency Fund within the Office of the Secretary for competitively awarded research on the environmental links to breast cancer. The Senate language designated the funding as an emergency appropriation. The House bill had no similar provision.

The conferees agree that $15,000,000 is appropriated to support high priority biomedical research. These funds will be made available on a competitive basis and through mechanisms to be determined by the Secretary, in consultation with the Directors of the National Institutes of Health and the Centers for Disease Control and Prevention, and the Deputy Assistant Secretary for Women's Health. The conferees request that the Secretary provide a report to both Committees on the research plan and allocation methodology accompanying these additional funds by July 1, 1997. Among the priorities the conferees encourage the Secretary to consider is cancer research, especially research investigating the environmental factors that may be associated with breast cancer in communities with high incidence of the disease. The conferees have removed the emergency designation for these funds, offsetting the cost elsewhere within the bill.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The Conference agreement includes $101,133,000 in additional funding for title I, Grants to Local Education Agencies, instead of $198,176,000 as proposed by the Senate. Included in the agreement is $78,362,000 for basic grants and $22,771,000 for concentration grants. The House bill contained no similar provision.

The agreement provides additional title I funds to States that would have received a reduction in funds as a result of the Department of Education's decision to use a blend of 1990 and 1994 child poverty data. The 1994 reauthorization of the Elementary and Secondary Education Act required the National Academy of Sciences to study and recommend a safeguard against using census data if it was unreliable or inappropriate. The Academy recommended that the title I funds be distributed based on the blended rate which resulted in some of the poorest States in the Nation losing title I funds.

The conference agreement provides each state that would lose funds as a result of the use of new census data with one-half of the difference between what the state would have received had the 1990 data been used and then added the supplemental funds to the blended rate.

The agreement also provides authority to the Secretary of Education to distribute the additional funds to counties that would lose funds as a result of the shift in the population data; and, prorate payments, if necessary. Also included is a provision excluding these additional funds from the formula used to determine State allocations under any other education programs.

Finally, the agreement makes these additional funds available on July 1, 1997, instead of October 1, 1997 as proposed by the Senate.

The conference agreement does not include a provision in the Senate amendment reducing the advance appropriation for title I from $1,298,386,000 to $713,386,000.

RELATED AGENCY

NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

SALARIES AND EXPENSES

The conference agreement provides $650,000 as proposed by the House and as authorized in Title IV of this Act for the National Commission on the Cost of Higher Education. The Senate bill did not contain a similar provision.

GENERAL PROVISIONS, CHAPTER 6

EDUCATION FUNDING FLEXIBILITY IN DISASTER AREAS

The conference agreement includes provisions proposed by the Senate in section 311 that (1) extend the availability of fiscal year 1995 funds awarded under state-administered programs of the Department of Education and fiscal year 1996 Rehabilitation Act state programs until September 30, 1998 for obligation by areas that are Presidentially-declared areas; and (2) extend the waiver authority under section 14401 of the Elementary and Secondary Education Act to all state-administered programs of the Department for funds awarded for fiscal years 1995, 1996 and 1997. The agreement adds language specifying that the disaster areas must have been declared as such during fiscal year 1997. The House bill contained no similar provisions.

WAIVERS OF STUDENT AID STATUTE AND REGULATIONS

The conference agreement modifies section 312 of the Senate bill to permit the Secretary of Education to waive or modify regulatory or statutory provisions of title IV of the Higher Education Act (student aid) for funds awarded in school years 1996–1997 and 1997–1998 to individuals or institutions affected by natural disasters in areas declared to be such by the President. The provision specifically includes those who were operating, attending or residing in an institution of higher education or employed in a disaster area at the time of the disaster. The House bill did not contain a similar provision.

DENVER MEDICARE DEMONSTRATION

The conference agreement includes a provision (section 313 in the Senate bill) prohibiting the use of any fiscal year 1997 funds to implement a Medicare Competitive Pricing/Open Enrollment Demonstration Project in Denver, Colorado. The House bill contains no similar provision.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement deletes without prejudice a provision of the Senate bill directing the Secretary of Health and Human Services to obligate from previously appropriated funds $45,000,000 in emergency funding under the Low Income Home Energy Assistance Program (LIHEAP) to victims of flooding and other natural disasters in fiscal year 1997. The conferees note that of the LIHEAP emergency funds previously appropriated by Congress, $205,000,000 remain available and could be released by the President at any time. The conferees further note that the LIHEAP authorizing legislation permits these funds to be expended to meet the needs of one or more States arising from a natural disaster or other emergency. Therefore, additional appropriations are not necessary at this time, since the President has sufficient funding and authority to meet existing emergency conditions.

EMERGENCY USE OF CHILD CARE FUNDS

The conference agreement includes a provision to allow the use of previously appropriated Federal child care funds for victims of major disasters who are involved in unpaid work activities resulting from the recent flood emergency, including the cleaning, repair, restoration and rebuilding of homes, businesses and schools. The provision is operational only during the period April 30, 1997 to July 30, 1997. The Senate bill included a similar provision; the House bill contained no provision.

SUPPLEMENTAL SECURITY INCOME

The conference agreement includes a provision similar to those included in both the House and Senate bills amending the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the availability of Supplemental Security Income benefits for legal non-citizens who are current beneficiaries from August 22, 1997, through September 30, 1997. This provision reconciles several technical differences in citation and drafting between the House and Senate bills.

CHAPTER 7

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

A transfer of $5,000,000 is provided from funds available under the heading "Senate" to the Secretary of the Senate, to be available through September 30, 2000, for development and implementation of a comprehensive, Senatewide legislative information system [LIS]. The accounts from which the transfers occur are contingent upon the approval of the Committee on Appropriations of the Senate. Pursuant to section 8 of the Legislative Branch Appropriations Act, 1997, the Secretary is required to develop and implement LIS under the oversight of the Committee on Rules and Administration.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

Funds are provided for the customary death gratuity for children of Frank Tejeda, late a Representative from the State of Texas.

OTHER AGENCY

BOTANIC GARDEN

SALARIES AND EXPENSES

The bill provides $33.5 million, a reduction of $1.5 million under the amount estimated, for the emergency repair and renovation of the U.S. Botanic Garden Conservatory. The Architect of the Capitol has notified the Committees on Appropriations and the Joint Committee on the Library that the Conservatory must be closed for safety and accessibility reasons, due to the unacceptable risk of potential injury to the public and staff resulting from hazardous conditions in the Conservatory. By fully funding the necessary emergency repair and renovation, the Architect will be able to perform the necessary work over a two-year period instead of a phased four-year schedule, which had been estimated to cost $35 million.

GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. This provision allows for the establishment of a no-pay status for the Capitol Police appointed by the Senate. The provision is necessary to allow the Secretary of the Senate to transfer the payroll functions for the Senate Capitol Police to the National Finance Center pursuant to the requirement of a unified payroll under title 40 U.S.C. 207a. This provision does not alter any of the prerogatives of the Senate. The intention is to provide the Secretary of the Senate with the ability to outsource the payroll function for the Senate Capitol Police.

SEC. 7002. This provision provides the Sergeant at Arms and Doorkeeper of the Senate, with the approval of the Senate Rules and Administration Committee, the authority to provide temporary home State facilities, equipment, and office space to a Senator when there has been a disaster or emergency declared by the President. This provision is intended to provide the additional facilities, equipment, and office space consistent with those already provided to a Senator under current authority and regulation.

SEC. 7003. Authority is provided to transfer up to $10,000 within the funds available to the Office of the Secretary of the Senate, subject to approval.

SEC. 7004. This provision has been requested by the General Accounting Office (GAO) and extends to the agency the same flexibility in contracting that is currently available to executive branch agencies in the Federal Property and Administrative Services Act and the Federal Acquisition Regulation (FAR). Although not technically subject to the Property Act and FAR, GAO conforms to those provisions as a matter of policy. Providing this authority will yield savings due to flexibility in contracting. The Committees on Appropriations of the House and Senate expect that GAO will continue adhering to the requirements of the Property Act and FAR, in keeping with sound procurement policies.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

Appropriates $1,600,000 for incremental operating expenses of the Coast Guard related to support activities in the TWA Flight 800 crash investigation and recovery efforts instead of $6,473,000 as proposed by the Senate. The House bill contained no similar appropriation.

RETIRED PAY

The conference agreement provides a mandatory appropriation of $9,200,000 for the retired pay of Coast Guard military personnel. The House and Senate bills each included $4,200,000 for this purpose, as requested by the administration. However, more recent information from Coast Guard officials and the Office of Management and Budget has indicated that an additional $5,000,000 will be required during fiscal year 1997.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement deletes the appropriation of $40,000,000 proposed by the House to maintain the production line for certified explosives detection systems. The conferees believe that recent foreign orders of this equipment combined with Federal Aviation Administration actions designed to slow down the delivery rate now make it likely that this production line can be maintained well into fiscal year 1998, making additional funds in this urgent supplemental bill unnecessary. Should additional funds be necessary next year, the conferees agree to consider such funding during the regular appropriations process for fiscal year 1998. The

Senate bill contained no similar appropriation.

GRANTS-IN-AID FOR AIRPORTS

The conference agreement deletes the appropriation of $15,520,000 proposed by the Senate to reimburse state and local agencies for unanticipated costs associated with support activities related to the TWA Flight 800 and ValuJet Flight 592 tragedies. The House bill contained no similar appropriation.

The conference agreement provides funds for reimbursement to state and local agencies related to the TWA Flight 800 and ValuJet Flight 592 tragedies from funds appropriated to the National Transportation Safety Board. The conference agreement also directs that funds be made available from the Department of Justice's counterterrorism fund to reimburse state and local agencies for the TWA Flight 800 tragedy.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

Provides $650,000,000 for emergency relief activities of the Federal Highway Administration as proposed by both the House and Senate. The conference agreement deletes a provision proposed by the House that makes eligible for emergency relief funding a project to repair or reconstruct any portion of a federal-aid primary route in California which was destroyed as a result of storms in the winter of 1982–1983. The Senate bill contained a similar provision under "Federal-aid highways, limitation on obligations".

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement increases obligation authority for Federal-aid highways by $694,810,534, of which $139,733,491 is distributed to those states that had their fiscal year obligation authority reduced as a result of a clerical error made by the Department of Treasury in recording the Highway Trust Fund receipts in December 1994; $318,077,043 is distributed to those States who had their fiscal year 1997 obligation authority reduced as a result of the Treasury error; and $237,000,000 is distributed to those states whose fiscal year 1997 obligation authority is less than they received in fiscal year 1996.

The additional obligation authority of $694,810,534 is estimated to be distributed as follows:

	New Obligation Authority
Alabama	$20,931,160
Alaska	8,163,962
Arizona	12,007,562
Arkansas	6,506,921
California	50,711,555
Colorado	6,577,269
Connecticut	11,495,143
Delaware	2,503,194
Dist of Columbia	1,603,800
Florida	51,658,920
Georgia	56,862,527
Hawaii	3,845,863
Idaho	2,082,397
Illinois	21,890,066
Indiana	11,574,082
Iowa	6,556,907
Kansas	6,690,815
Kentucky	29,879,840
Louisiana	7,240,399
Maine	3,098,969
Maryland	13,390,159
Massachusetts	27,424,798
Michigan	14,747,139
Minnesota	12,888,358
Mississippi	5,314,543
Missouri	9,678,737
Montana	8,643,559
Nebraska	4,518,489
Nevada	3,483,013
New Hampshire	2,788,867
New Jersey	15,930,195
New Mexico	7,057,801
New York	34,185,699
North Carolina	15,054,880
North Dakota	3,373,984
Ohio	7,201,580
Oklahoma	7,096,552
Oregon	6,433,609
Pennsylvania	16,916,047
Rhode Island	5,465,112
South Carolina	18,202,593
South Dakota	3,671,957
Tennessee	9,427,283
Texas	64,694,961
Utah	5,215,722
Vermont	2,553,396
Virginia	13,986,103
Washington	11,971,851
West Virginia	5,353,926
Wisconsin	10,167,297
Wyoming	3,639,211
Puerto Rico	2,451,761

The House bill provided $318,077,043 in additional obligation authority to those states that had their fiscal year 1997 obligation authority reduced as a result of a recent correction of a clerical error made by the Department of the Treasury in recording Highway Trust Fund receipts in 1994. The Senate bill provided $933,193,000 in additional obligation authority, of which $318,077,043 would be provided to those states as proposed in the House bill; $139,733,491 would be provided to those states that had their fiscal year 1996 obligation authority reduced as result of the Treasury clerical, error; and $475,382,466 would be provided to hold harmless all states at their fiscal year 1996 obligation level. The conference agreement also deletes the projects specified in the Senate bill.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

Appropriates $18,900,000 for emergency expenses to repair and rebuild railroad bridges, rights-of-way, and other facilities of the regional and short line railroad system as a result of floods in September 1996 and March and April 1997 instead of $24,000,000 as proposed by the Senate and $10,000,000 as proposed by the House. the conference agreement provides that up to $900,000 shall be solely for damage incurred in West Virginia in September 1996 and $18,000,000 shall be for damage incurred in floods in the northern plains states in March and April 1997. Funds shall be available only to the extent an official budget request designating the funds provided as an emergency is transmitted by the President. The House bill provided funds to repair and rebuild rail lines resulting from the floods in the northern plains states in the spring of 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Appropriates $29,859,000 for salaries and expenses of the National Transportation Safety Board (NTSB) instead of $23,300,000 as proposed by the House and $14,100,000 as proposed by the Senate. The conference agreement provides funds for aviation accident investigation costs, NTSB travel and overtime, and for assistance to families of aviation accident victims as authorized by the Federal Aviation Reauthorization Act of 1996. Of the total provided, no more than $6,059,000 shall be available to reimburse the State of New York and local counties for the costs they incurred while assisting in the TWA Flight 800 accident investigation; no more than $3,100,000 shall be available to reimburse Metropolitan Dade county, Florida for costs it incurred as a result of the crash of ValuJet Flight 592; and no more than $300,000 shall be available to reimburse Monroe County, Michigan for the costs it incurred as a result of the crash of Comair Flight 3272. Before distributing these funds, NTSB shall verify the appropriateness of individual reimbursement requests to assure that these funds compensate local and state entities for the extraordinary, incremental costs related to the investigations. Funds shall be available only to the extent an official budget request designating the funds provided as an emergency is transmitted by the President. Of the total provided, $4,877,000 shall remain available until expended.

Although the conferees recognize that the recovery and accident-related costs of the TWA, ValuJet, and Comair tragedies have been significant and have provided sufficient funding to compensate the affected parties for these costs, the conferees agree that these reimbursements shall be a one-time occurrence. The NTSB has heretofore not been responsible for nor has it reimbursed local entities for wreckage and victim recovery or victim identification costs. As a general rule, the carrier's insurance underwriter has paid for wreckage recovery unless the aircraft crashed into water. Insurance coverage for victim recovery is a rare exception. In the past, such recovery activities have been the responsibility of state and local governments. However, following the passage of the Aviation Disaster Family Assistance Act of 1996, the carriers' underwriters have assumed that the NTSB is responsible for these expenses. The conferees believe that this is not the intent of the Aviation Disaster Family Assistance Act. The conferees further believe that the Chairman of the NTSB, the Secretary of Transportation, and the appropriate authorizing committees of Congress should take necessary action to address this situation so that a long-term approach that fairly allocates these costs to the aviation industry and the carriers' underwriters can be instituted. The Chairman of the NTSB and the Secretary of Transportation shall report to the House and Senate Committees on Appropriations and the appropriate authorizing committees of Congress not later than August 1, 1997, on their recommendations. Further, the Chairman of the NTSB and the Secretary of Transportation shall work to secure voluntary payment for any costs reimbursed under this provision from the involved airlines and the carriers' underwriters.

The conference agreement also requires that the NTSB reimburse the Department of the Navy no more than $10,330,000 from the total appropriation for the costs it incurred in connection with the TWA Flight 800 investigation.

GENERAL PROVISIONS, CHAPTER 8

Section 8001. The conference agreement modifies language proposed by the House that corrects an enrolling error in the Department of Transportation and Related Agencies Appropriations Act, 1997, relating to federal transit funds made available to DeKalb County, Georgia, as proposed by the Senate.

Section 8002. The conference agreement modifies language proposed by the House that corrects an enrolling error in the Department of Transportation and Related Agencies Appropriations Act, 1997, relating to user fees of the Bureau of Transportation Statistics as proposed by the Senate.

Section 8003. the conference agreement includes language proposed by both the House and Senate that makes available $500,000 in additional contract authority for Section 410 alcohol-impaired driving prevention incentive grants.

Section 8004. The conference agreement includes language proposed by the House that authorizes the National Driver Register for fiscal year 1997. The Senate bill contained no similar provision.

The conference agreement deletes language proposed by the Senate that would have exempted general aviation operations and Canada-to-Canada and Mexico-to-Mexico overflights from the overflight user fee if those two countries do not impose similar charges on flights operated by U.S. citizens. However, the conferees are concerned that the Federal Aviation Administration (FAA) would collect user fees under the interim final rule from general aviation users before certifying to the Congress that the anticipated fees from general aviation sources exceed the cost of administering the international overflight fee on general aviation users and other costs to the government of implementing the interim final rule on the general aviation community. The conferees are also concerned about the implications of the proposed Canada-to-Canada and Mexico-to-Mexico overflight fees in light of the objections of the Canadian Government and the international community. The FAA should work with the international community to ensure that the international obligations of the United States are adhered to. The House bill contained no similar provision.

The conference agreement also deletes, without prejudice, language proposed by the Senate that would authorize at least $50,000,000 in overflight user fees in fiscal year 1998 and each year thereafter. The FAA has assured the conferees that the anticipated revenues from international overflight user fees under the interim final rule for a full year are estimated to be in excess of $50,000,000. The House bill contained no similar provision.

CHAPTER 9

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

Department of the Treasury

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The Senate provided a supplemental of $1,950,000 and directed that the amount be used to compensate the city and county of Denver and the State of Colorado law enforcement agencies for costs associated with continuing to provide security support to Federal agencies for the Oklahoma City bombing trial while concurrently hosting the Summit of Eight. The House did not address this issue. The conferees have agreed to make these funds available, as proposed by the Senate.

The conferees are concerned that the State of Colorado, the County of Denver, and the City of Denver law enforcement agencies are facing extraordinary burdens associated with the security requirements of the Oklahoma City bombing trial while concurrently hosting an international event the magnitude of the Summit of Eight scheduled for June of 1997. The conferees recognize that hosting an event that includes eight heads of states and their accompanying delegations while simultaneously providing security surrounding a domestic terrorism trial is both extraordinary and unprecedented. The conferees have therefore included up to $1,950,000 to reimburse the State of Colorado, the County of Denver, and the City of Denver law enforcement agencies for costs associated with these events. The conferees have made this one time expenditure subject to verification by the Secretary of Treasury and expect that reimbursement will be made for only those expenses that are determined to be appropriate.

United States Customs Service

The House included a provision making $16,000,000 of fiscal year 1997 funds appropriated for Counter-Terrorism and Drug Law Enforcement available until September 30, 1998. The Senate did not include this provision. The conferees agree to make these funds available until September 30, 1998, as proposed by the House.

U.S. Postal Service

PAYMENT TO THE POSTAL SERVICE FUND

The House provided a $5,300,000 supplemental for payments to the Postal Service Fund for the revenue forgone program. The Senate provided $5,383,000, the amount requested by the Administration. The conferees agree to provide $5,383,000, as proposed by the Senate.

General Provisions, Chapter 9

MONTGOMERY, ALABAMA COURTHOUSE

The Senate included a provision which authorizes the General Services Administration to proceed with the construction of the U.S. Courthouse in Montgomery, Alabama. The House did not address this issue. The conferees agree to authorize the GSA to proceed with the construction of this project, as proposed by the Senate.

RESTRICTION ON FUNDS USED TO ENFORCE ELECTRONIC FUNDS TAX TRANSFER SYSTEM

The Senate included a provision which places a six month prohibition on the use of funds to impose or collect any Internal Revenue Service (IRS) penalty on small businesses which have failed to comply with the electronic funds transfer program. The House did not address this issue. The conferees agree to the House position and do not include this provision.

REPEAL OF SECTION 1555 OF THE FEDERAL ACQUISITION STREAMLINING ACT (FASA)

The Senate included a provision repealing Section 1555 of the Federal Acquisition Streamlining Act of 1994 (P.L. 103–355). The House did not address this issue. The conferees agree to modify the Senate provision by extending the current moratorium until the date of adjournment of the 1st session of the 105th Congress.

The conferees received a great deal of input on this issue from a variety of interest groups, the Office of Management and Budget, and various Congressional committees. This input was often conflicting. Therefore, the conferees agree that the most prudent course of action is to allow the authorizing committees of jurisdiction to conduct hearings on this issue and to address any required remedy in separate legislation.

The conferees are distressed that those with conflicting interests and concerns could not aid in coming to a compromise on this issue. The potential cost savings which could be realized by state and local governments through the purchase of supplies and equipment, especially in the area of medical supplies and equipment, is considerable. However, there is great concern that cost savings currently experienced by the Federal government could be reduced if these schedules were opened up to other large government organizations.

The conferees are especially distressed that this compromise means that drugs used to treat HIV and HIV-related illnesses will not be offered to state and local governments and Public Health Hospitals. However, the conferees agree that, at this time, this issue, as well as issues involving the impact on state and local governments and small businesses, must be addressed by the appropriate Congressional oversight committees.

PROCUREMENT OF DISTINCTIVE CURRENCY PAPER

The House included a provision to clarify Congressional intent respecting procurement of distinctive currency paper. The Senate did not include this provision. The conferees agree to modify the House provision by prohibiting the award of a new contract for the production of distinctive currency paper until certain requirements are met, limiting the "bridge" contract to 24 months, and requiring the Secretary of the Department of the Treasury to certify that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. The Secretary is also required to report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

The Bureau of Engraving and Printing (BEP) and the Department of the Treasury have had a 117-year virtual sole-source supplier of distinctive currency paper. The result is that the federal government has a single supplier of distinctive currency paper. The conferees believe the Congress should have a neutral-party assessment of the potential for disruption of currency paper production with a sole-source supplier and the optimum circumstances for government procurement of distinctive currency paper, including the benefits and costs and the advantages and disadvantages which might accrue from competition in the procurement of distinctive currency paper.

The Department of the Treasury prohibited the BEP from furnishing capital to contractors to induce competition, which was contained in Solicitation No. BEP–96–13 (TN). The Department of the Treasury directed the BEP to issue Solicitation No. BEP–97–13 (TN) which does not furnish capital to contractors to induce competition. Solicitation No. BEP–97–13 (TN) seeks bidders for a four-year, multi-hundred-million dollar contract, which commences on October 1, 1998.

The conferees agree that before the contract for this solicitation can be awarded, additional information and the opportunity for Congressional oversight is required. Therefore, the conferees have modified the House bill to prohibit the BEP and the Department of the Treasury from awarding the contract for the current solicitation until the General Accounting Office (GAO) has conducted a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper and has reported its findings to the House and Senate Committees on Appropriations. The conference provision also limits the "bridge" contract to 24 months, and requires the Secretary of the Department of the Treasury to certify that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. The "bridge" contract is necessary to ensure the supply of currency paper until such time as the aforementioned restrictions are removed.

The conferees direct the GAO to report on the current limitations on competition in currency paper procurement; the fairness and reasonableness of prices paid for currency paper and passport paper; possible alternatives to the current procurement situation, including the impact of Federal acquisition guidelines on supply competition; the potential for disruption of U.S. currency paper and passport paper supplies by the inability of the single government supplier to meet contract requirements and the adequacy of contingency supply arrangements made by the single government supplier, the impact of security requirements, especially the need for Federal law enforcement agencies to monitor paper production and security features, on any contract arrangements; the role of the Bureau of Engraving and Printing and the Department of the Treasury in the development of competitive proposals for the production of currency paper; and the impact of capitalization requirements on distinctive currency paper contracts.

EMERGENCY LEAVE TRANSFER FOR FEDERAL EMPLOYEES

The House bill includes a provision which establishes an emergency leave transfer program for Federal employees who are adversely affected by disasters and emergencies. The Senate did not include this provision. The conferees agree to include this provision, as proposed by the House.

PROHIBITION ON THE USE OF FUNDS TO STUDY OF THE MEDICINAL USE OF MARIJUANA

The House bill includes a provision which prohibits the use of funds in this Act for the study of the medicinal use of marijuana. The Senate did not include this provision. The conferees agree to the Senate position.

CHAPTER 10

VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

Inserts language appropriating $928,000,000 for compensation and pensions, instead of language appropriating $753,000,000 as proposed by the House and the Senate. The increase of $175,000,000 above the original supplemental estimate of $753,000,000 was recently requested by the Department of Veterans Affairs due to higher than expected payment costs. The VA indicates the additional funds will ensure adequate funding for compensation and pensions payments through the remainder of this fiscal year.

ADMINISTRATIVE PROVISIONS

Inserts language proposed by the Senate authorizing $12,300,000 for the parking facility component of the ambulatory care addition project at the Cleveland VA Medical Center.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Inserts language proposed by the Senate to reallocate $1,000,000 from a special purpose grant provided in P.L. 102–139 for Ashland, Kentucky.

PRESERVING EXISTING HOUSING INVESTMENT

Provides $3,500,000 as proposed by the House to correct a technical error which resulted in excluding inadvertently the Valley Vista Property in Syracuse, New York, from inclusion in the statutory standard for preservation carve-out properties. Without this correction, this 124-unit property would convert to elderly apartments or to a congregate care facility, increasing the chance that the current low-income residents, all of whom are elderly, could be displaced.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

Deletes language proposed by the House to provide $30,200,000 for Drug Elimination Grants for Low-Income Housing by transfer from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

Transfers $30,200,000 as proposed by the Senate, with modifications, from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account to the National Community Development Initiative (NCD) for capacity building activities. This issue is further addressed under general provisions, section 10004.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

Amends language proposed by the House and the Senate by providing $500,000,000 for community development block grants (CDBG) funds, of which $250,000,000 shall become available in fiscal year 1998. These funds are limited to buyouts, relocation, long-term recovery, and mitigation in communities affected by disasters occurring during fiscal year 1997 and other disasters that were designated 30 days prior to the start of fiscal year 1997. While the immediacy of reacting to a disaster event is often the focus of attention, the conferees are well aware that long-term recovery efforts are necessary to truly remedy the social and economic impacts of natural disasters. Whether relocating an upper Midwest town ravaged by floods, helping to rebuild a small Southern town ripped by a tornado, or replacing farm worker dwellings destroyed by flooding in the West, the conferees understand the importance that a community places in providing emergency funds to meet these challenges. The Department is thus urged to give full consideration to all appropriate applications for assistance.

In addition, the conferees make clear that these CDBG funds may be used for activities that are reimbursable by or for which funds are made available by the Federal Emergency Management Agency (FEMA), the Small Business Administration, or the Army Corps of Engineers. Finally, the amount is available only if the President transmits a budget request that meets the emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees recommend retaining language suggested by the House and the Senate (1) to allow the Secretary to waive certain statutes or regulations if necessary; (2) to require the Secretary to publish a notice of the Federal Register if CDBG funds are used in conjunction with any program administered by FEMA for buyouts in disaster areas; (3) to require the submission of a plan if a State or local government receives funds used for buyouts; and (4) to require HUD and FEMA to submit quarterly reports in the event any funds are used for buyouts.

Finally, to ensure the speedy distribution of CDBG funds, the language provides the Secretary with authority to waive provisions requiring that activities be limited to low- and moderate-income families. This authority is granted only on a case-by-case basis.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Directs HUD to provide $1,000,000 from its Salaries and Expenses account to fund a review of Departmental management systems. While the conferees are pleased that the Secretary has stated that improving HUD's management deficiencies is one of his priorities, it is impossible to overlook the fact that the Department remains designated "high risk" by the General Accounting Office. Therefore, HUD is directed to enter into a contract with the National Academy of Public Administration (NAPA) no later than one month after this legislation is enacted to review HUD's contracting procedures, basic administrative organization, and the development of personnel needs based on meaningful measures. The conferees expect NAPA to submit their report to the House and Senate Committees on Appropriations by March 1, 1998.

The Senate had proposed $1,500,000 for this purpose, the House had no comparable provision.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

Inserts language proposed by the House regarding EPA's Center for Ecology Research and Training instead of similar language proposed by the Senate.

HAZARDOUS SUBSTANCE SUPERFUND

The conferees have deleted language included in section 333 of the Senate bill which required that the Agency for Toxic Substances and Disease Registry (ATSDR) conduct certain studies regarding childhood cancer in Dover Township, New Jersey, authorized grants to the State of New Jersey, and authorized a specific appropriation for these purposes. The conferees agree that this provision is unnecessary because additional statutory authority is not needed for ATSDR to conduct such studies, provide grants, or for the Congress to provide appropriations. The conferees have in fact already appropriated some $1,200,000 for ATSDR to conduct various studies in this regard, and fully expect to provide the future resources necessary for EPA, ATSDR, and the State of New Jersey to investigate fully and completely this situation and provide appropriate remedies and restoration activities.

STATE AND TRIBAL ASSISTANCE GRANTS

Inserts language proposed by the Senate which permits EPA to use funds appropriated for State or tribal grants to implement certain grant programs in the absence of an acceptable State or tribal program.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Provides $3,300,000,000 for disaster relief instead of $3,100,000,000 as proposed by the Senate and $3,067,677,000 as proposed by the House. Of the approved amount, $2,300,000,000 will become available on September 30, 1997, but only after the Director of FEMA submits to the Congress a legislative proposal to control disaster relief costs. The conferees have also included language proposed by the Senate which provides authority to FEMA to transfer up to $20,000,000 from the Disaster Relief Fund to the Disaster Assistance Direct Loan Program for emergency education operations assistance. Any such transfer of funds to the Community Disaster Loan Program shall be solely for loans to municipal governments in communities stricken by federally-declared disasters in which school districts have incurred unanticipated requirements because of the displacement of students whose schools were damaged or destroyed by the disaster. The Committees on Appropriations are to be notified by FEMA of any transfer of funds for this purpose.

SALARIES AND EXPENSES

Deletes language proposed by the House to provide additional funds for salaries and expenses and deletes language proposed by the Senate to rescind salary and expense funds provided in Public Law 102–368.

The conferees understand that there may be a need for full-time Federal Coordinating Officers (FCO) to manage disaster response and recovery activities in the ten regions. At present, FEMA does not employ individuals with sole responsibility for federal coordinating officer activities. Individuals tapped to act as FCOs are detailed away from their normal day-to-day responsibilities, sometimes for months at a time, and often must abandon routine duties entailed in their official job. This has been disruptive and counterproductive at times. FEMA has been considering how to address this issue, including the possibility of hiring full-time FCOs, and the conferees are not necessarily opposed to this option. The conferees therefore direct FEMA to submit its plan for addressing the need for full-time FCOs to the Committees on Appropriations prior to mark-up of the fiscal year 1998 appropriations bill. The conferees expect to be fully apprised of any changes in policy or procedure, such as using disaster relief funds for full-time employees, with respect to this issue.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The conferees note that recent floods in Northern California have highlighted the lack of critical information relating to the levees and topography of the Sacramento and San Joaquin valleys. In this regard, the conferees are aware that new technologies which have previously been available only in a military context may prove particularly useful and cost-effective in providing this critical information in California as well as in other ares of the nation where flooding has been a recurring problem. One such technology is the so-called IFSAR–E digital mapping service.

Because of the potential benefits of the use of this technology, the conferees direct FEMA to review fully the matter and report back to the Committees on Appropriations within 30 days of enactment of this Act on the viability of using this and/or other technologies to assist in these important mapping requirements. Should FEMA determine that the IFSAR–E technology is in fact useful and appropriate, the conferees expect FEMA to use such Mitigation Program funds as are appropriate and which can be charged to the National Flood Insurance Fund in a manner consistent with FEMA's other flood mapping programs to enter into, within 60 days of enactment of this Act, a collaborative demonstration project with the Defense Advanced Research Projects Agency, the State of California Department of Conservation's GeoSAR Project, and Army TEC for the creation of a geographical information system for the collection, maintenance and analysis of data relevant to flood threats in the Sacramento and San Joaquin valleys.

Such a project should serve to assess potential improvements in accuracy and cost effectiveness of applying this technology broadly in the flood mapping program.

NATIONAL FLOOD INSURANCE FUND

Deletes language proposed by the House which reduced from 30 to 15 the number of days a purchaser of a flood insurance policy must wait before the policy goes into effect.

GENERAL PROVISIONS, CHAPTER 10

Amends language proposed by the Senate by directing the Secretary of HUD to provide twice annually a list of all contracts and task orders in excess of $250,000 entered into by the Secretary, GNMA, OFHEO, or any officer of HUD or these offices to the Committees on Appropriations (Sec. 10001).

Amends language proposed by the Senate. The new language reduces from one year to 180 days the notice period for tenants when a section 8 contract may not be renewed (Sec. 10002).

Inserts language proposed by the Senate authorizing the Secretary to increase commitments by 7,500 units under the Multifamily Risk Sharing Program (Sec. 10003).

Amends language proposed by the Senate providing $30,200,000 by transfer from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account to the National Community Development Initiative (NCDI) for the purpose of capacity building and technical support for community development organizations. The language makes a technical change to include certain participating intermediary organizations and to conform section 4 of the HUD Demonstration Act of 1993 to action taken in this supplemental. It is the intent of the conferees that funds available shall be equally divided among participating intermediary organizations (Sec. 10004).

Inserts language authorizing HUD to insure a condominium mortgage in an amount up to 100 percent of the appraised value of an FHA-approved property, where the mortgagor establishes that his or her home was destroyed or extensively damaged by a major disaster (Sec. 10005).

Inserts language amending section 211(b)(4)(B) of HUD's fiscal year 1997 Appropriations Act to clarify that the definition of "owner" includes not only the actual person or entity that owns the project, but includes persons or entities that control the owner, are controlled by the owners, or are under common control with the owner. This provision will ensure that HUD is able to opt against renewing contracts with an owner who has demonstrated a pattern of mismanagement (See. 10006).

CHAPTER 11

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

FUND FOR RURAL AMERICA

In order to provide assistance to natural disaster victims and for other high priority needs, savings had to be achieved which have included a reduction of $20,000,000 in the Fund for Rural America as proposed in the House bill. The Senate bill had no similar provision. The conferees are aware that while a portion of the Fund has been identified for obligation and, in some cases, announced as obligated, funds do remain in many of those accounts for which the Fund was used to supplement. The conferees are also aware of the recent closing date for research grants to be made available under the Fund and note the importance this effort will play in furthering a competitive applied research science base to complement the more basic research conducted under the NRI. In view of the importance of the Fund for Rural America, the conferees urge the Secretary to review all areas he has previously identified and make adjustments accordingly best to absorb this reduction in funding so as to minimize the impact on rural America and best to avoid duplication of research and other activities for which funds were provided in P.L. 104–108.

The conference agreement deletes House bill language permitting the use of the Fund for Rural America for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

NATURAL RESOURCES CONSERVATION SERVICE

WETLANDS RESERVE PROGRAM

The conference agreement deletes the House provision to reduce the unobligated balance remaining from the fiscal year 1996 wetlands reserve program by $19,000,000. The Senate bill contained no similar provision.

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

The Administration proposed a reduction for TEFAP commodity purchases through the food stamp program as an offset for supplemental requests. The conference agreement reduces the amount available through the food stamp program for TEFAP commodity purchases to $80 million as proposed by both the House and Senate.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

The conference agreement reduces the total amount available for the export credit guarantee program to $3,500,000,000 as proposed by both the House and Senate.

EXPORT ENHANCEMENT PROGRAM

The conference agreement retains House bill language limiting spending for the Export Enhancement Program to $10 million in fiscal year 1997. The Senate bill had a spending limit of $50 million.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

The conference agreement includes a rescission of $6,400,000,000 of unobligated balances in the Department of Justice Working Capital Fund, as proposed in both the House and Senate bills.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

The conference agreement includes a rescission of $3,000,000 from surplus balances available in the Assets Forfeiture Fund, as proposed in the House bill, instead of no rescission as proposed in the Senate bill.

IMMIGRATION AND NATURALIZATION SERVICE

CONSTRUCTION

(RESCISSION)

The conference agreement includes a rescission of $1,000,000 from unobligated balances from fiscal year 1995 appropriations in the Immigration and Naturalization Service (INS) Construction account related to the construction of a permanent checkpoint on Interstate 19, as proposed in the House bill, instead of no rescission as proposed in the Senate bill.

In addition, the conferees direct the INS to use $20,000 of funds made available from appropriations or fee accounts in fiscal year 1997 to install videophones in time for the 1997 boating season in the communities of Morristown, Ogdensbury, Waddington, and

Clayton, New York, in order to provide a means of inspection conducive to the boating traffic along the United States-Canada border in the St. Lawrence River. In addition, the conferees direct INS to use up to $100,000 of funds made available from appropriations or fee accounts in fiscal year 1997 for both an additional automated permit port on the United States-Canada border at Pittsburg, New Hampshire and an additional enrollment center at a site to be determined.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

The conference agreement includes a rescission of $7,000,000 from the unobligated balances under this account for the Advanced Technology Program, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill. This amount has been identified as in excess of requirements for existing award commitments due to unanticipated awards changes and project cancellations during the first quarter of fiscal year 1997.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

(RESCISSION)

The conference agreement does not include a rescission of $2,000,000 from this account that was proposed in the House bill. The Senate bill did not include a rescission from this account.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $1,000,000 from the unobligated balances available in this account, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill. These funds are available for rescission due to lower-than-expected staffing levels and higher-than-anticipated fee recoveries during fiscal years 1996 and 1997.

OUNCE OF PREVENTION COUNCIL

(RESCISSION)

The conference agreement includes a rescission of $1,000,000 from the Ounce of Prevention Council, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

The conference agreement deletes the rescission of $30,000,000 in Construction, General, funds proposed by the Senate.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

The conference agreement rescinds $11,180,000 instead of $22,532,000 as proposed by the House. This rescission reflects one-half of the level of unobligated carryover balances available for programs on October 1, 1996. The Department is directed to reduce programs in accordance with each program's share of the $11,180,000 as detailed in the following table:

Energy Supply, Research and Development

Solar and Renewable Energy:	
Solar energy:	
Solar building technology research	−193,000
Photovoltaic energy systems	−79,000
Solar thermal energy systems	−63,000
Biomass/biofuels energy systems	−325,000
Wind energy systems	−14,000
International solar energy program	−89,000
Resource assessment	−5,000
Geothermal technology development	−18,000
Hydrogen research	−13,000
Hydropower development	−16,000
Program direction	−1,374,000
Prior year projects, solar and renewable energy	−1,419,000
Nuclear energy:	
Nuclear energy R&D:	
Light water reactor	−8,000
Advanced reactor R&D	−4,000
Space reactor power systems	−22,000
Advanced radioisotope power system	−548,000
Oak Ridge landlord	−36,000
Advanced test reactor fusion irradiation	−23,000
Termination costs	−11,000
Soviet design reactor safety program	−644,000
Program direction	−1,298,000
Prior year projects, nuclear energy	−12,000
Civilian waste research and development	−238,000
Environment, Safety and Health:	
Environment, safety and health	−1,497,000
Energy Research:	
Fusion energy	−64,000
Basic energy sciences:	
Materials sciences	−9,000
Chemical sciences	−269,000
Applied mathematical sciences	−39,000
Engineering and geosciences	−25,000
Energy biosciences	−24,000
Other energy research:	
Advanced neutron source	−2,000
Energy research analyses	−166,000
Laboratory technology transfer	−19,000
SBIR	−38,000
Program direction	−2,100,000
Multiprogram energy labs—facility support	
Multiprogram general purpose facilities	−1,000
Energy Support Activities:	
University and science education programs:	
Laboratory cooperative science centers	−9,000
University programs	−1,000
Technical information management program	−100,000
In-house energy management	−187,000
Environmental Restoration & Waste Mgmt. (Non-defense)	
Waste management	−132,000
Nuclear materials and facilities stabilization	−46,000
Total, Energy Supply, Research and Development	−11,180,000

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

The conference agreement rescinds $11,352,000 from this account. The rescission reflects funds that are available and would otherwise be carried forward to supplement funds appropriated in fiscal year 1998.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

The conference agreement includes a rescission of $17,000,000 in clean coal technology funding as proposed by the House and the Senate.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

The conference agreement includes a rescission of $11,000,000 in strategic petroleum reserve funding as proposed by the House and Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

The conference agreement includes a provision contained in both the House and Senate bills rescinding unused fiscal year 1997 funds under the Job Opportunities and Basic Skills (JOBS) program.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds $750,000,000 in contract authority instead of $778,000,000 as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds $13,000,000 in contract authority instead of $10,600,000 as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds $271,000,000 in contract authority as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

Discretionary Grants

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds $588,000,000 in contract authority as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

GENERAL SERVICES ADMINISTRATION

Federal Buildings Fund—Repairs and Alterations

(RESCISSION)

(LIMITATION ON EXPENSES)

Agricultural Research Service Laboratory

The House included a rescission of $1,400,000 from funds made available in fiscal year 1997 for renovation of the Agricultural Research Service Laboratory in Ames, Iowa. The Senate did not include this rescission. The conferees agree with the Senate position. However, the conferees wish to restate the original Congressional position that the $8,000,000 provided in fiscal year 1997 shall be available only for the purpose for which it was appropriated: the renovation of an existing Agricultural Research Service (ARS) Laboratory. These funds may not be used for the construction of a new facility for use by any part of the Department of Agriculture. The Department of Agriculture is responsible for the construction of any such facilities.

The Administrator of the General Services shall provide a renovation status report on the ARS Laboratory to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

Presidential Transition

(RESCISSION)

Both the House and the Senate included a rescission of $5,600,000 from the amount appropriated in fiscal year 1997 for Presidential Transition. The conferees agree to include this rescission.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

Annual Contributions for Assisted Housing

(INCLUDING RESCISSION)

Rescinds $3,650,000,000 from excess section 8 reserve funds as proposed by the Senate instead of $3,823,440,000 as proposed by the House. The conferees have provided a Section 8 Reserve Preservation Account to ensure that adequate funding resources are present to cover a $5,600,000,000 budget authority shortfall expected in fiscal year 1998. Additionally, HUD must be able to account for the funds appropriated for the section 8 rental assistance programs. Therefore, the conferees recommend that GAO conduct an audit of HUD's budgeting and accounting systems for the section 8 rental assistance programs to ensure that unexpended funds do not reach unreasonable levels and that appropriated amounts are spent in a timely manner.

Federal Housing Administration

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

Deletes language proposed by the Senate to rescind $85,000,000 from available negative credit subsidy funds resulting from the sale of mortgage notes.

National Aeronautics and Space Administration

NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Rescinds $365,000,000 as proposed by the Senate instead of $38,000,000 as proposed by the House. The funds are available because NASA has decided to pursue improvements in the Nation's testing capability using lower cost technologies and computational methods which do not require construction of new facilities at this time.

FUNDS APPROPRIATED TO THE PRESIDENT UNANTICIPATED NEEDS

(RESCISSION)

Rescinds $4,200,000 as proposed by the Senate. The House did not have a rescission proposal for this account. The funds are available for rescission because the cost of repair of contractor facilities as a result of the Northridge, CA earthquake was less that anticipated.

TITLE III

GENERAL PROVISIONS—THIS ACT

BUY AMERICA

The conference agreement includes a House provision on "Buy America." This provision is substantially the same as ones included in recent regular appropriations acts.

UNIVERSITIES AFFECTED BY FLOODS

The conferees have directed the Office of Management and Budget to work with Federal agencies to support the extension and revision of Federal grants, contracts, and cooperative agreements with universities, or which flow to the universities through other entities, in designated Federal disaster areas where work was suspended due to severe flooding. It is the conferees understanding that these floods have severely damaged university buildings, research equipment, supplies, and documents, and it may be some time before work can recommence on their Federal grants, contracts, or cooperative agreements. Therefore, OMB is directed to ensure that the relevant Federal agencies work closely with university officials to assess and to compensate for the full impact of the flood disaster on all aspects of the grants, contracts, and cooperative agreements, including the revision of such agreements and the extension of time required to complete the tasks, redefining the scope of the tasks, payment of salaries and benefits, and other assistance, as appropriate, to reactivate university research laboratories and facilities as quickly as possible.

TITLE IV

COST OF HIGHER EDUCATION REVIEW

The conference agreement modifies a provision proposed by the House which authorizes $650,000 for the National Commission on the Cost of Higher Education which is funded in Title II, Chapter 6 of this Act. The agreement expands the membership of the Commission from seven as proposed in the House bill to eleven as follows: three each appointed by the Speaker of the House and the Majority Leader of the Senate, two each appointed by the Minority Leaders of the House and Senate, and one by the Secretary of Education. The agreement also deletes a provision proposed by the House to offset the cost of the Commission by rescinding $849,000 from Federal Family Education Loan administrative appropriations. The Senate bill did not contain similar provisions.

TITLE V

DEPOSITORY INSTITUTION DISASTER RELIEF

Both the House and Senate passed bills contain similar language providing regulatory flexibility for banks and other depository institutions to meet better the unique credit and banking needs of communities affected by the flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers. The conference report inserts the House version of this legislation amended by a Sense of the Congress that regulators should waive certain appraisal requirements for loans on real property located within the disaster areas as proposed by the Senate.

TITLE VI

Technical Amendments With Respect to Education

The conference agreement includes several technical provisions with respect to education. The conference agreement amends the Elementary and Secondary Education Act to (1) extend by one year the date by which the Title I evaluation must be completed, (2) deem Kansas and New Mexico to have made timely submission required by section 8009 of the Act, (3) extend hold harmless payments under section 2 of the Impact Aid program, (4) change the year for which data shall be used to calculate payments under section 8003(f) of the Act, (5) amend the formula for making certain payments under section 8002 of the Act, and (6) deem as timely filed the submission of certain applications filed under section 8003 of the Act. The conference agreement also amends the Higher Education Act to change the period for which certain institutions must report graduation rates.

The Senate bill contained the same provisions except those relating to the formula for making certain payments under section 8002 of the Elementary and Secondary Education Act and the timely submission of certain applications made under section 8003 of the Act. The House bill did not contain any similar provisions.

TITLE VII

Food Stamp Program

The conference agreement amends the language proposed by the Senate that would allow States to reimburse USDA for all costs related to the purchase and distribution of food stamps to continue benefits to legal immigrants. The House bill contained no similar provision.

TITLE VIII

2000 Decennial Census

The conference agreement includes a provision amending Section 141 of Title 13 of the United States Code to prohibit the use of sampling or any other statistical procedure, including any statistical adjustment, in any determination of population for the purposes of apportionment, and to prohibit the expenditure of any funds to plan or otherwise prepare for the use of sampling or any other statistical procedure, including statistical adjustment, for such purposes.

The Senate bill proposed a provision in Section 302 prohibiting any fiscal year 1997 funds available to the Department of Commerce from being used to make irreversible plans or preparations for the use of sampling or any other statistical method, including statistical adjustment, in taking the 2000 decennial census for the purposes of apportionment. The House bill did not address this matter.

TITLE IX

GOVERNMENT SHUTDOWN PREVENTION ACT

The conference agreement includes a provision contained in both the House and Senate versions of the bill that would provide automatic spending authority for those functions of government funded through regular appropriations bills in the event any of those bills are not enacted by the beginning of the fiscal year.

The total new budget (obligational) authority for the fiscal year 1997 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 budget estimates, and the House and Senate bills for 1997 follow:

Budget estimates of new (obligational) authority, fiscal year 1997	975,324,000
House bill, fiscal year 1997	1,678,834,000
Senate bill, fiscal year 1997	136,035,000
Conference agreement, fiscal year 1997	561,670,600
Conference agreement compared with:	
Budet estimates of new (obligational) authority, fiscal year 1997	−413,653,400
House bill, fiscal year 1997	−1,117,163,400
Senate bill, fiscal year 1997	+425,635,600

Bob Livingston,
Joseph M. McDade,
Bill Young, of Florida
Ralph Rugula,
Jerry Lewis, of California,
John Edward Porter,
Harold Rogers,
Joe Skeen,
Frank R. Wolf,
Jim Kolbe,
Ron Packard,
Sonny Callahan,
James T. Walsh,
Charles H. Taylor, of North Carolina
Managers on the Part of the House.

Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Christoper S. Bond,
Slade Gorton,
Mitch McConnell,
Conrad Burns,
Richard C. Shelby,
Judd Gregg,
Robert F. Bennett,
Ben Nighthorse Campbell,
Larry Craig,
Lauch Faircloth,
Kay Bailey Hutchison,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR of California (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of a family illness.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today after 12:30 p.m. and Thursday, June 5, on account of personal business.

Mr. GOODE (at the request of Mr. GEPHARDT) for today after 5:30 p.m. and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes each day, on June 4, 5, 6, 9, 10, and 11.

Mr. BOB SCHAFFER of Colorado, for 5 minutes, on June 11.

Mrs. CHENOWETH, for 5 minutes, today.

Mr. JONES, for 5 minutes, today and on June 5.

Mr. SESSIONS, for 5 minutes, today.

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. JACKSON of Illinois, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BRADY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. NORTHUP.
Mr. DAVIS of Virginia.
Mr. BALLENGER.
Mr. FORBES.
Mr. GILMAN.
Mr. GOODLING.
Mr. EHRLICH.
Mr. BASS.
Mr. SMITH of New Jersey.
Mr. HOUGHTON.
Mr. FAWELL.
Mrs. CHENOWETH.
Mr. COMBEST.

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH.
Mr. FRANK of Massachusetts.
Mr. HAMILTON.
Mr. SHERMAN.
Mrs. MALONEY of New York.
Mr. PAYNE.
Mr. VISCLOSKY.
Mr. TOWNS.
Mr. DEUTSCH.
Mr. SANDERS.
Mr. ACKERMAN.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. LAMPSON.
Ms. SLAUGHTER.
Mr. UNDERWOOD.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, June 5, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3609. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Apples; Grade Standards [Docket Number FV-97-301] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3610. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case number 95-15, which totaled $400,000, occurred at the Electronic Systems Center, located at Hanscom Air Force Base, Massachusetts, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3611. A letter from the Secretary of Defense, transmitting the Cooperative Threat Reduction (CTR) Multi-Year Program Plan for Fiscal Years 1998-2003, pursuant to section 1205 of the National Defense Authorization Act for Fiscal Year 1995; to the Committee on National Security.

3612. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Argentina, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3613. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 305, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

3614. A letter from the Assistant Secretary for Postsecondary Education, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3615. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the William D. Ford Federal Direct Loan Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3616. A letter from the AMD—Performance Evaluation and Record Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation [MM Docket No. 92-266] received May 29,1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3617. A letter from the AMD—Performance Evaluation and Record Management, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96-262] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3618. A letter from the AMD—Peformance Evaluation and Record Management, Federal

Communications Commission, transmitting the Commission's final rule—Price Cap Performance Review for Local Exchange Carriers; Access Charge Reform [CC Docket No. 94–1; CC Docket No. 96–262] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3619. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the 24 March 1979 report by the Committee on Foreign Affairs, and the Seventh Report by the Committee on Government Operations for the second quarter of Fiscal Year 1997, 1 January 1997—31 March 1997, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

3620. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 07–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3621. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Venezuela (Transmittal No. 17–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3622. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Algeria (Transmittal No. DTC–70–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3623. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3624. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulations (Bureau of Political-Military Affairs) [Public Notice 2539] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3625. A letter from the Secretary of the Interior, transmitting the semiannual report of the Inspector General for the period October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3626. A letter from the Secretary of Labor, transmitting the Semiannual Report of the Department's Inspector General and the Department of Labor's Semiannual Management report to Congress covering the period October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3627. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Agency's Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual report on audit management and resolution, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3628. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3629. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3630. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3631. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3632. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3633. A letter from the Chairman, United States International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3634. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Pennsylvania Regulatory Program [PA–117–FOR] received May 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3635. A letter from Tate & Tyron, Certified Public Accountants, U.S. Capitol Historical Society, transmitting the audited financial statements of the United States Capitol Historical Society for its fiscal year ended January 31, 1996, pursuant to 36 U.S.C. 1103, 1213, and 40 U.S.C. 193m–1; to the Committee on the Judiciary.

3636. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to reauthorize the National Railroad Passenger Corporation (AMTRAK) for inclusion as part of the National Economic Crossroads Transportation Efficiency Act of 1997 (NEXTEA), pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

3637. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Guidelines for Furnishing Sensori-neural Aids (i.e., eyeglasses, contact lenses, hearing aids) (RIN: 2900–AI60) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3638. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Muscle Injuries (RIN: 2900–AE89) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3639. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97–29] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3640. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting a copy of a report entitled "Medicare and the American Health Care System," pursuant to 42 U.S.C. 1886(e)(2)(C); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASICH: Committee of Conference. Conference report on House Concurrent Resolution 84. Resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 (Rept. 105–116). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 160. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 (Rept. 105–117). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 161. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 105–118). Referred to the House Calendar.

Mr. LIVINGSTON: Committee of Conference. Conference report on H.R. 1469. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 105–119). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOSS:

H.R. 1775. A bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. SHAYS (for himself, Mr. MEEHAN, Mr. WAMP, Mr. MORAN of Virginia, Mrs. ROUKEMA, Mr. MCHALE, Mr. HORN, Mr. BARRETT of Wisconsin, Mr. CASTLE, Mr. MINGE, Mr. LEACH, Mr. BILBRAY, Mr. CAMPBELL, Mr. DUNCAN, Mrs. MORELLA, Mr. GREENWOOD, Mr. FRANKS of New Jersey, and Mr. METCALF):

H.R. 1776. A bill to amend the Federal Election Campaign Act of 1971 to restrict the use of soft money in political campaigns, to improve the enforcement of campaign laws, to promote the disclosure of information on campaign spending, and for other purposes; to the Committee on House Oversight.

By Mr. MEEHAN (for himself, Mr. SHAYS, Mr. WAMP, Mr. MORAN of Virginia, Mrs. ROUKEMA, Mr. McHALE, Mr. HORN, Mr. BARRETT of Wisconsin, Mr. CASTLE, Mr. MINGE, Mr. LEACH, Mr. BILBRAY, Mr. CAMPBELL, Mr. DUNCAN, Mrs. MORELLA, Mr. GREENWOOD, Mr. FRANKS of New Jersey, and Mr. METCALF):

H.R. 1777. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal elections, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPENCE (for himself and Mr. DELLUMS (by request)):

H.R. 1778. A bill to reform the Department of Defense; to the Committee on National Security.

By Mr. BLUNT:

H.R. 1779. A bill to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, MO, to exclude a small parcel of land containing improvements; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 1780. A bill to amend the Federal Election Campaign Act of 1971 to expand the types of information on campaign spending required to be reported to the Federal Election Commission, to transfer responsibility for the enforcement of Federal laws governing the financing of campaigns for election for Federal office from the Commission to the Attorney General, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 1781. A bill to clarify the application of a certain transitional rule; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself and Ms. PELOSI):

H.R. 1782. A bill to provide for the medical use of marijuana; to the Committee on Commerce.

By Mr. HOUGHTON (for himself, Mr. LEVIN, Mr. CRANE, Mr. MATSUI, Mr. ENGLISH of Pennsylvania, Mr. HERGER, and Mr. SAM JOHNSON):

H.R. 1783. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of U.S. business operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 1784. A bill to amend the Internal Revenue Code of 1986 to modify the pension plan rules applicable to State judicial retirement plans; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 1785. A bill to amend title 31, United States Code, to provide an automatic continuing appropriation for the U.S. Government; to the Committee on Appropriations.

By Mr. PAYNE (for himself, Mr. HOUGHTON, Mr. CHABOT, Ms. McKINNEY, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. ACKERMAN, Ms. NORTON, Mr. PORTER, Ms. PELOSI, Ms. WATERS, Mr. BROWN of Ohio, Mr. OLVER, Mr. MANTON, Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DeLAURO, Mr. FILNER, and Mr. CLAY):

H.R. 1786. A bill to impose sanctions against Nigeria, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Mr. MILLER of California, Mr. BOEHLERT, Mr. COOK, Mr. CUNNINGHAM, Mr. EHLERS, Mr. FALEOMAVAEGA, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. GREENWOOD, Mr. HINCHEY, Mrs. KELLY, Mrs. MORELLA, Mr. OLVER, Mr. PALLONE, Mr. UPTON, and Mr. TRAFICANT):

H.R. 1787. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources of the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants; to the Committee on Resources, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mrs. MINK of Hawaii, Ms. CHRISTIAN-GREEN, Mr. LAFALCE, Mr. KANJORSKI, Mrs. MALONEY of New York, Mrs. MORELLA, Mr. NADLER, Ms. NORTON, Ms. PELOSI, Mr. STARK, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1788. A bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES; to the Committee on Commerce.

By Mr. STENHOLM:

H.R. 1789. A bill to reauthorize the dairy indemnity program; to the Committee on Agriculture.

By Mr. TAUZIN:

H.R. 1790. A bill to amend title 28, United States Code, to create two divisions in the Eastern Judicial District of Louisiana; to the Committee on the Judiciary.

By Mr. WEYGAND:

H.R. 1791. A bill to amend the Internal Revenue Code of 1986 to expand the opportunity to deduct expenses with respect to home offices at which administrative and managerial functions are carried out on a consistent basis; to the Committee on Ways and Means.

H.R. 1792. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct the full cost of their health insurance; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 1793. A bill to suspend temporarily the duty on Pyrithiobac Sodium; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SHERMAN introduced a bill (H.R. 1794) for the relief of Mai Hoa "Jasmine" Salehi; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. PASCRELL.

H.R. 68: Mr. TALENT.

H.R. 96: Mr. DEFAZIO, Mr. WISE, and Ms. BROWN of Florida.

H.R. 122: Mr. TAYLOR of Mississippi, Mr. NEUMANN, and Mr. WELDON of Florida.

H.R. 127: Mr. ETHERIDGE, Ms. DEGETTE, and Mr. ALLEN.

H.R. 135: Mr. BECERRA, Mr. COOKSEY, Mr. LANTOS, and Mr. HORN.

H.R. 145: Ms. LOFGREN, Mr. ROEMER, Mr. WEYGAND, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. OLVER, Mr. TURNER, Mr. SABO, Mrs. JOHNSON of Connecticut, Mr. CLAY, Mr. MARTINEZ, and Ms. PELOSI.

H.R. 165: Mr. SCARBOROUGH.

H.R. 168: Ms. WOOLSEY.

H.R. 169: Mr. SHUSTER.

H.R. 216: Mrs. McCARTHY of New York.

H.R. 304: Mrs. KENNELLY of Connecticut, Mr. McNULTY, and Ms. LOFGREN.

H.R. 306: Mr. MILLER of California and Mr. CLAY.

H.R. 320: Mr. SMITH of New Jersey.

H.R. 367: Mr. COBLE.

H.R. 399: Ms. NORTON.

H.R. 411: Ms. HOOLEY of Oregon.

H.R. 446: Mr. CANADY of Florida and Mr. BLILEY.

H.R. 475: Mr. HAMILTON, Mr. CHAMBLISS, Mr. CLYBURN, Mr. GOODLING, Ms. JACKSON-LEE, and Mr. SCHUMER.

H.R. 479: Mrs. NORTHUP.

H.R. 521: Mr. KLECZKA, Mr. MEEHAN, Mr. DICKEY, Ms. DEGETTE, and Mr. BOYD.

H.R. 530: Mrs. MYRICK.

H.R. 532: Mr. FROST and Mr. CALVERT.

H.R. 622: Mr. SHADEGG and Mr. SPENCE.

H.R. 641: Mr. HALL of Texas.

H.R. 659: Mrs. CUBIN, Mr. RAMSTAD, Mr. FOX of Pennsylvania, Mr. EHRLICH, Mr. POMBO, and Mr. SHIMKUS.

H.R. 695: Ms. DUNN of Washington and Ms. CHRISTIAN-GREEN.

H.R. 712: Mr. OLVER, Mr. RUSH, Ms. CHRISTIAN-GREEN, Mr. FROST, and Mr. GUTIERREZ.

H.R. 725: Mr. BONILLA.

H.R. 754: Mr. SANDERS.

H.R. 774: Mr. JOHNSON of Wisconsin.

H.R. 789: Mr. FRELINGHUYSEN.

H.R. 815: Mr. BLAGOJEVICH, Mr. BARCIA of Michigan, Mr. SABO, Mr. ALLEN, MR. BROWN of California, and Mr. PORTER.

H.R. 816: Mr. TAYLOR of Mississippi.

H.R. 849: Mr. MILLER of Florida, Mr. BAKER, and Mr. WATTS of Oklahoma.

H.R. 859: Mr. CALLAHAN.

H.R. 869: Mr. WALSH.

H.R. 885: Mr. CLAY.

H.R. 887: Mr. CLAY.

H.R. 915: Mr. CAPPS, Ms. DEGETTE, Mr. NADLER, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. WISE, Mr. SKAGGS, Mr. HOLDEN, Mr. TIERNEY, Mr. GEJDENSON, Ms. FURSE, Mrs. MCCARTHY of New York, Mr. SANDERS, Mr. KLINK, and Mr. RIGGS.

H.R. 921: Mr. TAYLOR of Mississippi, Mrs. KELLY, Mr. BEREUTER, Mr. CANADY of Florida, Ms. STABENOW, Mr. FROST, Ms. SLAUGHTER, and Ms. LOFGREN.

H.R. 953: Mr. MILLER of California.

H.R. 955: Mr. BOB SCHAFFER and Mr. FROST.

H.R. 961: Mr. KOLBE, Mr. HAYWORTH, Mr. MORAN of Kansas, Mr. SHADEGG, Mr. STUMP, Mr. WATKINS, and Mr. WATTS of Oklahoma.

H.R. 986: Mr. PAUL, Mr. NORWOOD, Mr. HAYWORTH, and Mr. BALLENGER.

H.R. 992: Mr. BARCIA of Michigan, Mr. HALL of Texas, Mr. PICKETT, Mr. CANADY of Florida, and Mr. TURNER.

H.R. 1010: Mr. BOEHLERT.

H.R. 1025: Mr. ADAM SMITH of Washington.

H.R. 1026: Ms. LOFGREN.

H.R. 1031: Mr. MANTON, Mr. BURTON of Indiana, Mr. HANSEN, and Mr. KOLBE.

H.R. 1037: Mr. COLLINS.

H.R. 1054: Ms. DUNN of Washington, Mr. CANNON, and Mr. GILLMOR.

H.R. 1060: Mr. BACHUS, Mr. SANDLIN, Mr. NUSSLE, Mr. MCGOVERN, Mr. PAUL, Ms. LOFGREN, and Mr. RAHALL.

H.R. 1114: Ms. LOFGREN and Mr. GUTIERREZ.

H.R. 1115: Ms. SLAUGHTER, Mr. WATT of North Carolina, and Mr. RUSH.

H.R. 1124: Mr. FORBES.

H.R. 1134: Mrs. FOWLER and Mr. CRAPO.

H.R. 1140: Mr. GOODE.

H.R. 1168: Mr. HILLEARY, Ms. DANNER, Mr. HERGER, and Mr. HASTINGS of Washington.

H.R. 1175: Mr. CONDIT and Mr. DREIER.

H.R. 1203: Mr. BONILLA.

H.R. 1206: Ms. KAPTUR.

H.R. 1246: Mrs. EMERSON, Mr. METCALF, and Ms. SLAUGHTER.

H.R. 1248: Mr. MURTHA.

H.R. 1260: Ms. WATERS, Mr. STRICKLAND, Mr. DOOLITTLE, Mr. STOKES, Mr. TURNER, Mr. LUCAS of Oklahoma, Mr. CLAY, and Ms. JACKSON-LEE.

H.R. 1270: Mr. KINGSTON, Mr. JONES, Mr. HILLIARD, Mr. DAVIS of Virginia, and Mr. OXLEY.

H.R. 1283: Mr. BLUNT, Mr. MORAN of Virginia, Mr. BILBRAY, Mrs. MYRICK, and Mr. HAYWORTH.

H.R. 1296: Mr. NADLER and Mr. SMITH of New Jersey.

H.R. 1311: Mr. RUSH and Mr. TOWNS.

H.R. 1315: Mr. HILLEARY, Mr. WAMP, Mr. GORDON, and Mr. FORD.

H.R. 1323: Mrs. MORELLA.

H.R. 1327: Mr. RYUN and Mr. BACHUS.

H.R. 1329: Mr. HALL of Texas and Mr. MARTINEZ.

H.R. 1334: Ms. CARSON, Ms. JACKSON-LEE, and Ms. CHRISTIAN-GREEN.

H.R. 1335: Mr. BECERRA and Mr. ROTHMAN.

H.R. 1348: Mr. DIAZ-BALART, Mr. UNDERWOOD, Mr. BAKER, Mr. ROHRABACHER, and Mr. SISISKY.

H.R. 1356: Mrs. EMERSON, Mr. WATKINS, Mr. FROST, and Mr. LUCAS of Oklahoma.

H.R. 1357: Mrs. EMERSON, Mr. WATKINS, Mr. GOODE, Mr. FROST, and Mr. LUCAS of Oklahoma.

H.R. 1373: Mr. WEYGAND, Mr. GEJDENSON, Ms. LOFGREN, Mr. FROST, Mr. FILNER, Mr. FORD, Mrs. CLAYTON, Mr. TIERNEY, Mr. DELLUMS, Ms. PELOSI, and Ms. SLAUGHTER.

H.R. 1379: Mr. TALENT.

H.R. 1382: Mr. FILNER and Mr. GEJDENSON.

H.R. 1398: Mr. LINDER.

H.R. 1401: Mr. DAN SCHAEFER of Colorado.

H.R. 1425: Mr. YATES.

H.R. 1434: Mr. CUNNINGHAM and Ms. CHRISTIAN-GREEN.

H.R. 1462: Ms. KAPTUR.

H.R. 1532: Mr. WALSH, Mr. FAZIO of California, and Mr. GALLEGLY.

H.R. 1559: Mr. BAKER, Mr. GILMAN, and Mr. TALENT.

H.R. 1573: Mr. SHAYS, Mr. GORDON, Mr. RUSH, Mr. TOWNS, Mr. DELAHUNT, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CLYBURN.

H.R. 1576: Mr. HORN.

H.R. 1591: Mr. DAN SCHAEFER of Colorado and Mr. CAMPBELL.

H.R. 1609: Mr. MASCARA, Mr. HOLDEN, Mr. KANJORSKI, Mr. KLINK, Mr. DOYLE, Mr. FATTAH, Mr. MCHALE, Mr. MURTHA, Mr. COYNE, and Mr. FOGLIETTA.

H.R. 1683: Mrs. JOHNSON of Connecticut.

H.R. 1689: Mr. SHIMKUS.

H.R. 1696: Mr. POMBO.

H.R. 1712: Mr. HASTERT.

H.R. 1715: Mr. PARKER, Mr. COMBEST, Mr. SMITH of Texas, and Mr. BROWN of Ohio.

H.R. 1716: Mr. ROTHMAN and Mr. BENTSEN.

H.R. 1743: Mr. RIGGS, Mr. BONO, Mrs. NORTHUP, and Mr. CALVERT.

H.J. Res. 54: Mr. REDMOND.

H.J. Res. 78: Mr. HASTERT, Mr. HULSHOF, Mr. EHLERS, Mr. HEFNER, Mr. SOUDER, Mr. BOEHNER, and Mr. MANZULLO.

H.J. Res. 79: Mr. FORBES, Mr. KENNEDY of Rhode Island, and Mr. KASICH.

H. Con. Res. 54: Mr. PORTER.

H. Con. Res. 65: Mr. HOUGHTON and Ms. MOLINARI.

H. Con. Res. 81: Mr. GEKAS, Ms. ROS-LEHTINEN, Mr. PAPPAS, Mrs. MORELLA, Mr. OBEY, Mrs. LOWEY, Mr. PALLONE, Mr. WAMP, Mr. KENNEDY of Rhode Island, Mr. TORRES, Mr. ACKERMAN, Mr. MCNULTY, Mr. SHERMAN, Mr. BONIOR, Mr. BROWN of Ohio, Ms. PELOSI, and Ms. FURSE.

H. Con. Res. 88: Mr. GALLEGLY.

H. Res. 37: Mr. MCDERMOTT.

H. Res. 131: Mr. WYNN, Mr. STARK, Mr. UNDERWOOD, and Ms. WATERS.

H. Res. 138: Mr. ADAM SMITH of Washington.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1757

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 5: At the end of title XVII insert the following new section:

"SEC. 1717. SENSE OF CONGRESS CONCERNING THE RIGHTS OF PRISONERS IN ANDEAN COUNTRIES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Several American prisoners have spent years in Ecuadorian prisons on drug-related offenses without having received a trial.

"(2) The prisoners include James Williams, a United States citizen who has been held for 9 months without any findings, and Sandra Chase, who has been held for more than 18 months and has never seen a judge.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Governments of the Andean countries of Peru, Ecuador, Bolivia, Columbia, and Venezuela, should respect the rights of prisoners, including United States citizens, to timely legal procedures and abide by international standards of due process."

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 6: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING THE NAGORNO-KARABAGH CONFLICT.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the United States should take a greater leadership role in working for a negotiated settlement of the Nagorno-Karabagh conflict; and

"(2) the Secretary of State should consider the participation of the United States as a co-chair of the OSCE's Minsk Group a priority of the Department of State; and

"(3) the United States reaffirms its neutrality in the conflict.

"(b) CONGRESSIONAL STATEMENT.—The Congress urges the President and the Secretary of State to encourage direct talks between the parties to the Nagorno-Karabagh conflict."

EXTENSIONS OF REMARKS

AMERICA'S HONG KONG

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. FORBES. Mr. Speaker, I would like to encourage my colleagues to read an article entitled "America's Hong Kong" in the current edition of the American Enterprise, the journal of the pestigious American Enterprise Institute. In the May/June edition, Ronald Bailey provides an indepth analysis of his recent fact-finding trip to the Commonwealth of the Northern Mariana Islands [CNMI].

Bailey recounts the history of the islands, which were the scene of some of the heaviest fighting during World War II. As he explains, it took more than 25 days of fierce fighting for the United States to secure the islands from Japan at a cost of more than 3,000 American casualties and more than 30,000 Japanese defenders.

He explains that after the war, the poor and underdeveloped islands were administered by the U.S. military until 1975 when a covenant was negotiated with the United States that established CNMI as a "self-governing entity under the sovereignty of the United States."

Until the covenant, Bailey points out that the islands "were an impoverished ward living off meager Federal handouts." By the mid-1980's, a series of factors "converged to create a remarkable economic boom."

Bailey refers to the Marianas as "a true free-market success story."

He details the growth of the economy, increases in per capita GDP, and the drop in unemployment from 15 to 4 percent. The economic growth enabled the government to reduce tax rates.

We can learn from their example. It is worth stressing that even though tax rates were cut, CNMI government revenue increased from $5 million in 1978 to $220 million in 1996. As a result, U.S. contributions to their government operation ended in 1992.

Bailey also addresses the charges of labor abuses and concedes that these existed, but that local officials were working to improve conditions. He cities Gov. Froilan Tenorio to the effect those who abuse workers "are being investigated, prosecuted and convicted of crimes or administrative violations."

Mr. Speaker, there are some in this body and this administration who believe that they can manage the islands better from Washington. Bailey responds by quoting the Governor's simple plea: "Don't permit Washington to micromanage us or impose its policies and theories on us. Don't send us back to the old cycle of dependency on Federal handouts."

I agree with this approach and hope that this article will serve to shed new light on how this American commonwealth has prospered and reduced its dependence upon the Federal bureaucracy.

AMERICA'S HONG KONG

The Commonwealth of the Northern Mariana Islands (CNMI) is a chain of 14 tiny islands directly north of Guam in the western Pacific. The island of Saipan is home to 90 percent of the commonwealth's population. For centuries, Spain administered the islands as colonial possessions; then they were sold to Germany and eventually handed over to Japan after World War I.

As the Second World War approached, the Japanese fortified the islands. U.S. troops invaded Saipan on June 15, 1944. It took 25 days of fierce fighting to secure the island at a cost of more than 3,000 dead American soldiers and more than 30,000 dead Japanese defenders. The islands are still littered with the debris of the battles: rotting gun emplacements, Japanese command posts and bunkers, rusting armored vehicles. Of the many war memorials that dot Saipan, the most sobering is at Suicide Cliff. From that precipice, hundreds of Japanese men, women, and children jumped several hundred feet to their deaths rather than surrender to the American invaders.

After the war, the poor and undeveloped islands were administered by the U.S. military, which closed them to outsiders because of a very elaborate, secret CIA covert operations base on Saipan. In the 1970s, this sleepy tropical backwater began to negotiate a new status with the United States. This eventually resulted in a 1975 covenant that established the Commonwealth of the Northern Mariana Islands as a self-governing entity under the sovereignty of the United States. The relationship is made clear on island license plates, which proudly read "CNMI USA."

Essentially, the locals became U.S. citizens, but without the right to vote in presidential elections, and without federal income taxes. Although most federal laws apply, the covenant reserved some crucial areas to the control of the CNMI government, including minimum wage rates, immigration rules, and customs. In 1978, the islands established a democratically elected bicameral legislature with a Senate and a House of Representatives, an executive branch headed by a governor, and an independent judiciary.

Until the covenant, the Mariana Islands were an impoverished ward living off meager federal government handouts. In 1970, the 1,000 or so indigenous people who were employed had annual wages totaling $1.5 million, and the largest employer was the Trust Territory government. In 1970, the total number of hotel rooms in the islands was 83.

Even after the covenant, full economic takeoff had to wait for the conferring of American citizenship on CNMI residents to be finalized by various bureaucrats. But by 1986, three factors—the stability assured by affiliation with the United States; the opening of air service to Japan; and the abandonment of restrictions on foreign investment—converged to create a remarkable economic boom. A tourist flood resulted—the number of hotel rooms rose from 740 accommodating 117,000 visitors who spent $59 million in 1980, to 3,600 rooms for 650,000 tourists who spent $522 million in 1995. The second pillar of the CNMI economic miracle in the garment industry. It rose from essentially nothing in 1985 to a $419 million business in 1995. Total gross commercial revenue in the islands has grown from $244 million in 1985 to $1.5 billion in 1994.

What I found on a recent fact-finding trip to the Marianas was a true free-market success story. The economy grew at 13 percent per year from 1980 to '90, and per-capita GDP quadrupled from $2,400 to $10,000. Unemployment dropped from 15 percent to 4 percent. In addition, the Commonwealth slashed income taxes by 90 percent, cut capital gains taxes to half the U.S. rate, reduced excise taxes, and eliminated import duties. There are no inheritance, property, or sales taxes on the islands. Meanwhile, CNMI government revenues have increased from $5 million in 1978 to $220 million in 1996, and the U.S. contribution to government operations ended entirely in 1992.

The flood of private investment in the Marianas soon ran up against a dilemma. There were not enough local people to fill the new jobs being created. The solution was hiring thousands of temporary "guestworkers."

Under the covenant, the CNMI has complete control over immigration. The hotels, garment factories, and construction firms currently employ 29,000 guestworkers, and guestworkers make up nearly half of the islands' population of 60,000. Some 20,000 of the nonresident workers are Filipinos, while 7,000 are from mainland China.

"If you look at a map, you will see that we are the first tropical beach immediately south of Japan, Korea, Taiwan, and the China coast. 'This means that we have enormous potential to reap the benefits of our geographic location. But we cannot achieve that potential with our tiny local population alone," says CNMI Governor Froilan Tenorio, "What kind of investment climate do you think we will have if I have to tell a prospective investor, 'Sorry, we can't supply enough local manpower, and the federal government won't let us bring in any more foreign workers?' "

The Government's question is not merely a rhetorical one. Pushed by U.S. labor unions—who are upset by the prospect of a laissez-faire, loose wage, low-tax economic model blossoming under American sponsorship—and emboldened by instances of guestworkers being cheated and mistreated, the Clinton administration is threatening to clamp down on this mini-Hong Kong.

Allen Stayman, Director of the Office of Insular Affairs in the U.S. Department of the Interior, has threatened to rake control of immigration and wage policy away from the CNMI government. Clinton officials "are firmly convinced that a gradual increase in the CNMI wage rate and the eventual full application of the Fair Labor Standards Act would benefit the economy," testified Stayman this past February in support of a bill that would force up CNMI minimum wages, Governor Tenorio, on the other hand, argued in his own House testimony that all such federal intervention will do "is ruin our economy. . .and assure that our Commonwealth will remain permanently dependent on federal assistance."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The irony is that these interventions are being proposed just when other Pacific territories are jealously eyeing the CNMI's humming economy. One hundred twenty miles to the south, Guam is trying to negotiate a covenant with the U.S. similar to the one the CNMI has, in which Guam would gain control over immigration and labor regulations. And even as Clinton administration officials attack the CNMI, they have had a change of heart that leaves them looking favorably at Guam's request. Why? In February, the Washington Post reported that Guam got the attention of the Clintonites after Governor Carl Gurierrez raised and delivered nearly $900,000 in combined contributions to the Clinton-Gore re-election campaign and the Democratic National Committee. These handsome campaign contributions made the citizens of Guam, who cannot vote in U.S. elections, the biggest donors to the Democratic Party per capita of any part of the U.S. Governor Gutierrez has met with President Clinton in person twice since making the contributions.

Maybe the CNMI missed a bet. If Governor Tenorio had hosted a fundraiser for Clinton, and then flown to the White House for a coffee date, he might not be facing today's threat to the common-wealth's right to direct it own economy.

Certainly there are problems in the CNMI. One is a large local bureaucracy. The 1997 budget shows that nearly 4,600 of the 27,500 U.S. citizens on the islands work for the government. The islands' long period of federal dependency fed cultural attitudes that are found all too often in poor countries around the world today. "Our people were enticed out of the fields and fishing boats and into desk jobs where they were taught that working for the government was the road to riches and that other people would do the dirty work," Governor Tenorio testified at a recent Congressional hearing. "Worse, we were inculcated with a welfare mentality. Uncle Sam paid the bills and cleaned up the messes, and we came to rely on that."

When I suggested to one government official on my recent visit that too many locals were working for the government, he answered: "Well, they're not trained for anything else. If we didn't pay them to work for the government, they'd be on welfare." A tourist boat captain joked to me that the traditional Marianas' greeting, "Hafa Adai," really means "half a day," which is all that an islander wants to work. Several other locals proudly cited the claim that islanders consume more Budweiser per capita than any other people in the world. Anheuser-Busch has twice sent out a vice-president to see what is going on.

There is also little question but that some guestworkers have been mistreated. Government officials do not deny this, and say they are making new officers to enforce contracts and apply existing labor standards. "Employers and others who abuse our guestworkers are no better than common criminals," testified Tenorio on Capitol Hill. "They are being investigated, prosecuted, and convicted of crimes or administrative violations."

The Governor argues "It would be impossible to understand how [federal agencies] could possibly do a better job in the CNMI than we are now doing." Taking over Immigration control and raising minimum wages would only destroy economic opportunities and hurt employees and employers alike. The current minimum in CNMI garment factories, $2.90 per hour, is already more than ten times the average wage in mainland China, which the *New York Times* has recently reported to be 28 cents per hour. The overwhelming majority of CNMI guest workers request that their labor contracts be renewed upon expiration. Governor Tenorio's summary plea to Congress is a simple one: "Don't permit Washington to micro-manage us or impose its policies and theories on us. Don't send us back to the old cycle of dependency on federal handouts."

IN HONOR OF RETIRING TEACHERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. KUCINICH. Mr. Speaker, teaching our children is one of the Nation's most important tasks. The professionals who devote their career to it are worthy of our highest praise.

Let us commemorate the careers of two fine teachers from Cleveland's public schools: Carolyn Harrison and Artha Mae Vincent.

Carolyn Harrison devoted 30 years of service to the Cleveland public schools where she taught social studies to hundreds of students and taught elementary school to many children. A mother, grandmother and great grandmother, Carolyn also found time to be active in her church and to serve on the mayor's parent involvement committee.

Artha Mae Vincent served Cleveland's parents and children for 30 years as a science teacher. She also served as the department chairperson at Wilbur Wright Middle School and was a winner of the Martha Holden Jennings Scholar. She was also active in her church, volunteered her time generously, and raised a family.

Thirty years of service to the cause of instructing America's youth is a landmark achievement. Mr. Speaker, we honor its attainment by two fine teachers from Cleveland. They retire with our unending gratitude and appreciation.

EXPERTS NOTE IMPORTANCE OF BURDEN SHARING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, rollcall recently put out a very useful supplement on the question of America's defense. One of the articles, written by two very well informed defense specialists, Michael O'Hanlon and William Durch, makes an important point which is often left out of discussions of how much America should be spending on the military. Much of what America spends on the military is essential for our national security. But a significant part—tens of billions per year I believe—is spent as an active international charity. That is, the United States continues to subsidize our wealthy European and East Asian allies, in a pattern which made sense when it began in the late 1940's after World War II, but no longer has any real justification. In the closing paragraphs of their report, the authors note that "those who argue for greater international burden sharing have a point: The United States does do more than its fair share today." And they go on to state, in what should be the central point of our defense budget debates, "it is time to start asking our major allies, especially the wealthy and well established democracies of Western Europe, to do their fair share."

These authors fully understand the importance of a strong national defense, and the point they make is that we could make considerable savings for the U.S. taxpayers in ways that would have no negative effect whatsoever on our national security or international objectives, simply by ending the unjustified policy of subsidy of the wealthy which is an unfortunate continuing part of our military spending. I am inserting the relevant part of their article here:

BEYOND QDR

At a more general level, those who argue for greater international burdensharing have a point: The United States does do more than its fair share today.

Not only in backstopping difficult peace operations, but in maintaining its forces from Korea to the Taiwan Straits to the Persian Gulf to Bosnia, the United States undertakes activities and maintains stability in a way that no other state can rival. It also spends a considerably higher share of its GDP doing so than most allies devote to their militaries—roughly 3.5 percent of the GDP in this country, versus an average of just more than 2 percent among the NATO allies and just over one percent in Japan.

Some of these costs and risks ought to be reallocated. For starters, US dues for U.N. peacekeeping should be reduced through negotiation with other countries. But that is not enough. Perhaps the most serious flaw of the QDR is that it lets the major allies off the hook. They have no role in US war plans under the Bottom-Up Review, and apparently will have no role under the QDR's assumptions either. That is partly because we cannot dictate political decisions to our allies about when to fight. But it is also because they have not done enough to equip their forces for the types of wars that are most likely in this post-Cold War era.

It is time to start asking our major allies, especially the wealthy and well-established democracies of Western Europe, to do their fair share. They should buy military airlift and sealift, more logistics capabilities like trucks, and other assets that would help them help us fight the next war in a place like Southwest Asia.

Though depending heavily on imported oil, they provided only one-tenth as many forces to Desert Storm as the United States—and could probably not do even that well today.

Overall, the Pentagon, has done a passable job with the defense review. Give the generals and Cohen a solid B. But rough spots remain—and plenty of defense challenges await lawmakers on Capitol Hill in the months and years ahead.

High on the list are implementing the recommendations of the ODR, further scrutinizing weapons modernization programs, finding money for unforeseeable needs like peace operations, and pressing our wealthy allies to reshape their policies and force structures for the post-Cold War world.

IN HONOR OF MR. AND MRS. CACCIAPAGLIA

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to and congratulate Frank and Kitty Cacciapaglia, a couple who have been helping to build and improve our community for many years. June 14, 1997, marks the 50th wedding anniversary for Frank and Kitty Cacciapaglia. The couple were married in Staunton, VA, before moving to northern Virginia, where they raised their five children.

During the couples first years of marriage, Frank was a chemist at the Food and Drug Administration. In 1955, he started at the Patent Office and served in numerous special assignments, including Primary Examiner of the Patent Drug Division, an Administrative Assistant to the President's Commission on the Patent System, Director of the Patent Office Speaker's Bureau, Executive Secretary of the Commerce Technical Advisory Board, and the Chairman of the Com-Sci Fellowship. Frank is also an active member of the Phi Alpha Delta Law Fraternity.

During the 50 years of their marriage, Frank and Kitty have witnessed the growth of northern Virginia from a sleepy bedroom community of the early 1950's to the large urban metropolis it is today. As a successful realtor, Kitty has watched and participated in the growth of our region. She has been an active member of her community by participating in many clubs and activities. She was a member of the Northern Virginia Board of Realtors for 17 years. Kitty has also been active in politics, serving as a member of the local Republican Women's Club.

Today, Frank and Kitty are the proud parents of 5 children and 10 grandchildren. They are enjoying their retirement years by wintering in Indialantic, FL, while maintaining their residence in Ravenwood Park, near Seven Corners in Fairfax County. They also spend a great deal of their time traveling and visiting with their children and grandchildren.

Mr. Speaker, I know my colleagues join me, their neighbors, family and friends in wishing Frank and Kitty Cacciapaglia, Jr., a happy 50th anniversary as the Cacciapaglias celebrates their special day on June 14, 1997.

TRIBUTE TO ELINOR AND RANDOLPH GUGGENHEIMER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to Elinor and Randolph Guggenheimer on the occasion of their 65th wedding anniversary. The Guggenheimers are graciously sharing their milestone this evening at a reception hosted by the Council of Senior Centers and Services of New York City, Inc. [CSCS]. Elly and Randolph have both devoted their lives to helping others and making New York City a better place to live.

Elly has spent most of her life volunteering her services to people of all ages and walks of life. She has played a significant role in improving many teenage girl's educations through her work with the Educational Alliance. Women have benefited from the organizations Elly has founded, including the National Women's Political Caucus, the New York Women's Forum, the National Women's Forum, the International Forum, and the New York Women's Agenda. Families have been afforded more options because of the Day Care Council of New York, the Day Care and Child Development Council of America, and the Child Care Action Campaign, all of which Elly founded.

Elly has also been a vocal advocate for the Jewish and elderly communities through her trustee position at the Federation of Jewish Philanthropies, her founding of the Jewish Association for Services for the Aged and through CSCS, as founder and former executive director. Among her many other achievements, Elly has been commissioner of consumer affairs of New York City, a television anchor, and a member of the City Planning Commission.

Randolph's contributions are equally impressive. He was almost solely responsible for the creation of the North General Hospital. Later, as chairman of the hospital's board, Randolph fought to save the troubled hospital from financial ruin. He has remained chairman of the board of the hospital, helping it survive and provide essential health care to the Harlem community. His leadership at the hospital also enabled the construction of a much-needed new medical facility at North General.

Randolph has dedicated his time to a variety of other philanthropic organizations and led a distinguished legal and military career. He is also the former chairman of the board of Mills College of Education and the Westchester Symphony Orchestra.

Mr. Speaker, I ask that my colleagues rise and join me in paying tribute to Elinor and Randolph Guggenheimer on their 65th wedding anniversary. The Guggenheimers are a couple whose dedication to each other and to the organizations they have founded and supported over the years should serve as a model of commitment to us all.

INTRODUCTION OF THE INTERNATIONAL TAX SIMPLICATION FOR AMERICAN COMPETITIVENESS ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. HOUGHTON. Mr. Speaker, I am joined by my colleague, Mr. LEVIN in introducing legislation to simplify and reform our current international tax laws. As all of you know, we are in a period of fundamental re-examination of the Internal Revenue Code. One of the most complicated and impenetrable areas of the Code and most in need of change is the foreign area. Our international trade laws have gotten ahead of our tax laws for this area. We consider our bill to be a down payment on needed changes in this area.

The focus of the legislation is to put some rationalization to the international tax area. In general, the bill seeks in modest but important ways to: (1) simplify this overly complex area, especially the foreign tax credit and the various antideferral mechanism; (2) encourage exports; (3) provide incentives for performance of R&D in the U.S.; (4) enhance U.S. competitiveness in other industrialized countries. And it seeks to achieve these objectives in a revenue-conscious manner.

For some period of time, the Committee on Ways and Means has been considering issues relating to international competitiveness and proper taxation of U.S. based multinational corporations. In 1991, the committee held 10 days of public hearings on the issues: international competitiveness including tax, trade, education, technology and other important issues affecting the nation's ability to compete internationally.

In 1992, two former members of the Ways and Means Committee, Messrs. Rostenkowski and Gradison, introduced H.R. 5270. It attempted to address many of the same issues included in our bill. More recently, the Department of Treasury introduced a new tax simplification package which included provisions similar to those contained in our legislation.

Now as we begin the process of re-examining in fundamental ways our income tax system, we believe it imperative to address the area of international taxation. In an Internal Revenue Code stuffed with eye-glazing complexity, there is probably no area that contains as many difficult and complicated rules as international taxation.

Neither one of us is under any illusion that the measure which we introduced removes all complexity or breaks bold new conceptual ground. We believe, however, that the enactment of this legislation would be a significant step in the right direction. The legislation would enhance the ability of America to continue to be the preeminent economic force in the world. If our economy is to continue to create jobs for its citizens, we must ensure that the foreign provisions of the U.S. income tax law do not stand in the way.

The law as now constituted frustrates the legitimate goals and objectives of American business and erects artificial and unnecessary barriers to U.S. competitiveness. In addition, the law stands as a monument to the fact that the conceptual complexity of man as applied to the Internal Revenue Code knows no limits. Neither the largest U.S. based multinational companies nor the Internal Revenue Service is in a position to administer and interpret the mind numbing complexity of many of the foreign provisions. Why not then move toward creating a set of international tax rules which taxpayers can understand, and the government can administer?

In summary, therefore the proposed changes we believe represent a creditable package and a down payment on further reform in the international tax area. We ask you to join us, in this bipartisan effort, by supporting our legislation.

A TRIBUTE TO MEADOWS ELEMENTARY SCHOOL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize excellence in education and to congratulate Meadows Elementary School as a U.S. Department of Education Blue Ribbon School.

The Blue Ribbon Schools Program is an outstanding program which challenges schools across the Nation to rise up and meet the educational goals of the 21st century. In order to qualify, schools must demonstrate clear leadership, high quality teaching, a solid commitment to parental involvement, and finally, evidence that the school helps all students to achieve high standards.

Meadows Elementary has not only achieved but has surpassed these goals. At Meadows teachers and students view themselves as a community of learners taking every opportunity to turn a problem into a chance to excel. It is this dedication to the true ideals of learning that I honor Meadows Elementary School.

Meadows Elementary is successful today largely because of the dedication of its parents and teachers. Every day teachers begin the school day before any other school in the district so that they can, have time to share ideas and train one another. Parents provide additional support in whatever form that they can, be it at home or school. One weekend several parents and teachers volunteered their time to help wire the school so that every classroom could have internet access. It is that extra effort to strive for scholastic achievement which has made Meadows a Blue Ribbon School.

I join the parents, teachers, staff, and students of Meadows Elementary and the city of Thousand Oaks in recognizing Meadows Elementary for its contributions toward teaching and the development of future leaders for our Nation. As a Blue Ribbon School, Meadows Elementary stands as an example for other schools in our community and our Nation.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. BALLENGER. Mr. Speaker, had I been present for rollcall votes 137 and 138 on May 16, 1997, I would have voted "no" on rollcall vote 137, an amendment to separate the Summer Youth Employment Program from the Disadvantaged Youth Block Grant Program included in the bill. I would have voted "yea" on rollcall vote 138, a vote on final passage of the Employment, Training, and Literacy Enhancement Act of 1997. As a cosponsor of this legislation, I support this program consolidation measure.

IN MEMORY OF BRIDGET SWEENEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Bridget Sweeney, an active citizen and participant in the political process, wife and mother.

Bridget was born in Carrickmacross, County Monaghan, Ireland. She came to the United States after graduating from high school in 1930. She worked as a domestic servant during the Depression. Later, she worked as a customer service representative for the Cleveland Division of Water.

Bridget was active in Cleveland's civic life. She made countless telephone calls, handed out reams of leaflets, and spoke with scores of her peers to promote a better community.

She raised three children and worked to elect her son, State Senator Patrick Sweeney of Cleveland.

She also volunteered with her church, St. Ignatius. She was a member of the Altar and Rosary Society, as well as the St. Ignatius Citizens Group.

Bridget leaves behind eight grandchildren and three great-grandchildren. We will all miss her.

THE PRESIDENT'S GRADUATION REMARKS AT WEST POINT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. GILMAN. Mr. Speaker, last weekend I had the honor and privilege of welcoming the President of the United States to the graduation ceremony at our Nation's military academy at West Point, NY, just outside of my congressional district.

The President's graduation remarks to the 896 graduates of the West Point class of 1997 was an inspirational and encouraging clarion call to our Nation's military leaders of tomorrow.

Many of us especially welcomed the President's underscoring the importance of NATO expansion, an issue which I have championed for many years because it will help ensure not only our Nation's own security, but also that of our allies and those nations struggling to achieve democracy.

Mr. Speaker, I welcome this opportunity to insert the President's remarks in full at this point in the RECORD:

REMARKS BY THE PRESIDENT AT THE U.S. MILITARY ACADEMY COMMENCEMENT

The President: Thank you very much. Please be seated, relax. Thank you, General Christman, for those kind introductory remarks and for your truly extraordinary service to your nation throughout your military career. Here at West Point, and before, when we had more opportunities to work together on a daily basis, I have constantly admired your dedication and your ability.

General Reimer, Secretary West, Senator Reed, Chairman Gilman, Congressman Shimkus, Congresswoman Kelly, Congressman Sessions, former Congressman Bilbray, parents and families and friends of the cadets, and especially, to the Class of 1997, I extend my heartfelt congratulations.

This has been a truly remarkable class. As General Christman said, you wrote an unparalleled record of academic achievement in the classroom. I congratulate you all, and particularly your number one honor graduate and valedictorian, Adam Ake. Congratulations to all of you on your accomplishments. (Applause.)

Now, General Christman also outlined the extraordinary accomplishments of your athletic teams, and he mentioned that I had the privilege of seeing Army win its first 10-win season in football and reclaim the Commander in Chiefs Trophy in Philadelphia. And he thanked me for that. But, actually, as a lifelong football fan, I deserve no thanks. It was a terrific game, and I'm quite sure it was the first time in the field of any endeavor of conflict where the Army defeated the navy not on land, but on water. (Laughter and applause.)

I know that in spite of all of your achievements as a class and in teams, a few of you also upheld West Point's enduring tradition of independence. It began in 1796 when President Adams' War Department ordered the first classes in fortification. And the troops here thought they already knew all about that, so they burned the classroom to the ground, postponing the start of instruction by five years. (Laughter.)

Today, I am reliably informed that though your spirits are equably high, your infractions are more modest. Therefore, I hereby exercise my prerogative to grant amnesty for minor offenses to the Corps of Cadets. (Applause.) The cheering was a little disconcerting—now, the operative word there was "minor." (Laughter.)

Men and women of the Class of '97, today you join the Long Gray Line, the Long Gray Line that stretches across two centuries of unstinting devotion to America and the freedom that is our greatest treasure. From the defense of Fort Erie in the War of 1812 to the fury of Antietam, from the trenches of Argonne to the Anzio in Okinawa, to Heartbreak Ridge, the Mekong Delta, the fiery dessert of the Gulf War, the officers of West Point have served and sacrificed for our nation.

In just the four years since I last spoke here, your graduates have helped to restore democracy to Haiti, to save hundreds of thousands of lives from genocide and famine in Rwanda, to end the bloodshed in Bosnia. Throughout our history, whenever duty called, the men and women of West Point have never failed us. And I speak for all Americans when I say, I know you never will.

I'd like to say a special word of appreciation to West Point and a special word of congratulations to the students in this class from other countries. We welcome you here; we are proud to have you as a part of our military service tradition. And we wish you well as you go back home. We hope you, too, can advance freedom's cause, for in the 21st century that is something we must do together.

Two days ago I returned from Europe on a mission to look back to one of the proudest chapters in America's history and to look forward to the history we all will seek to shape for our children and grandchildren. This week is the 50th anniversary of the Marshall Plan, what Winston Churchill described as the most unsordid act in all history.

In 1947, Americans, exhausted by war and anxious to get on with their lives at home, were summoned to embrace another leadership role by a generation of remarkable leaders—General George Marshall, Senator Arthur Vandenberg, President Harry Truman—leaders who knew there could be no lasting peace and security for an America that withdrew behind its borders and withdrew from the world and its responsibilities. They provided the indispensable leadership to create the Marshall Plan, NATO, and the first global financial institutions. They, in effect, organized America and our allies to meet the challenges of their time—to build unparalleled prosperity, to stand firm against Soviet expansionism until the light of freedom shown all across Europe.

The second purpose of my journey was inextricably tied to the first. It was to look to the future, to the possibility of achieving what Marshall's generation could only dream of—a democratic, peaceful and undivided Europe for the first time in all of history; and to the necessity of America and its allies once again organizing ourselves to meet the challenges of our time, to secure peace and prosperity for the next 50 years and beyond.

To build and secure a new Europe, peaceful, democratic and undivided at last, there must be a new NATO, with new missions, new members and new partners. We have been building that kind of NATO for the last three years with new partners in the Partnership for Peace and NATO's first out-of-area mission in Bosnia. In Paris last week, we took another giant stride forward when Russia entered a new partnership with NATO, choosing cooperation over confrontation, as both sides affirmed that the world is different now. European security is no longer a zero-sum contest between Russia and NATO; but a cherished, common goal.

In a little more than a month, I will join with other NATO leaders in Madrid to invite the first of Europe's new democracies in Central Europe to join our Alliance, with the consent of the Senate, by 1999—the 50th anniversary of NATO's founding.

I firmly believe NATO enlargement is in our national interests. But because it is not without cost and risk, it is appropriate to have an open, full, national discussion before proceeding. I want to further that discussion here today in no small measure because it is especially important to those of you in this class. For, after all, as the sentinels of our security in the years ahead, your work will be easier and safer if we do the right thing—and riskier and much more difficult if we do not.

Europe's fate and America's future are joined. Twice in half a century, Americans have given their lives to defend liberty and peace in world wars that began in Europe. And we have stayed in Europe in very large numbers for a long time throughout the Cold War. Taking wise steps now to strengthen our common security when we have the opportunity to do so will help to build a future without the mistakes and the divisions of the past, and will enable us to organize ourselves to meet the new security challenges of the new century. In this task, NATO should be our sharpest sword and strongest shield.

Some say we no longer need NATO because there is no powerful threat to our security now. I say there is no powerful threat in part because NATO is there. And enlargement will help make it stronger.

I believe we should take in new members to NATO for four reasons. First, it will strengthen our Alliance in meeting the security challenges of the 21st century, addressing conflicts that threaten the common peace of all.

Consider Bosnia—already the Czech Republic, Poland, Romania, the Baltic nations and other Central European countries are contributing troops and bases to NATO's peacekeeping mission in Bosnia. We in the United Sates could not have deployed our troops to Bosnia as safely, smoothly and swiftly as we did without the help of Hungary and our staging ground at Taszar, which I personally visited. The new democracies we invite to join NATO are ready and able to share the burdens of defending freedom in no small measure because they know the cost of losing freedom.

Second, NATO enlargement will help to secure the historic gains of democracy in Europe. NATO can do for Europe's East what it did for Europe's West at the end of World War II—provide a secure climate where freedom, democracy and prosperity can flourish. Joining NATO once helped Italy, Germany and Spain to consolidate their democracies. Now the opening of NATO's doors has led the Central European nations already—already—to deepen democratic reform, to strengthen civilian control of their military, to open their economies. Membership and its future prospect will give them the confidence to stay the course.

Third, enlarging NATO will encourage prospective members to resolve their differences peacefully. We see all over the world the terrible curse of people who are imprisoned by their own ethnic, regional and nationalist hatreds, who rob themselves and their children of the lives they might have because of their primitive, destructive impulses that they cannot control.

When he signed the NATO Treaty in 1949, President Truman said that if NATO had simply existed in 1914 or 1939, it would have prevented the world wars that tore the world apart. The experience of the last 50 years supports that view. NATO helped to reconcile age-old adversaries like France and Germany, how fast friends and allies; and clearly has reduced tensions between Greece and Turkey over all these decades. Already the very prospect of NATO membership has helped to convince countries in Central Europe to settle more than half a dozen border and ethnic disputes, any one of which could have led to future conflicts. That, in turn, makes it less likely that you will ever be called to fight in another war across the Atlantic. (Applause.)

Fourth, enlarging NATO, along with its Partnership for Peace with many other nations and its special agreement with Russia and its soon-to-be-signed partnership with Ukraine, will erase the artificial line in Europe that Stalin drew, and bring Europe together in security, not keep it apart in instability.

NATO expansion does not mean a differently divided Europe. It is part of unifying Europe. NATO's first members should not be its last. NATO's doors will remain open to all those willing and able to shoulder the responsibilities of membership, and we must continue to strengthen our partnerships with non-members.

Now, let me be clear to all of you, these benefits are not cost- or risk-free. Enlargement will require the United States to pay an estimated $200 million a year for the next decade. Our allies in Canada and Western Europe are prepared to do their part; so are NATO's new members. So must we.

More important, enlargement requires that we extend to new members our Alliance's most solemn security pledge, to treat an attack against one as an attack against all. We have always made the pledge credible through the deployment of our troops and the deterrence of our nuclear weapons. In the years ahead, it means that you could be asked to put your lives on the line for a new NATO member, just as today you can be called upon to defend the freedom of our allies in Western Europe.

In leading NATO over the past three years to open its doors to Europe's new democracies, I weighed these costs very carefully. I concluded that the benefits of enlargement, strengthening NATO for the future, locking in democracy's gains in Central Europe, building stability across the Atlantic, uniting Europe, not dividing it—these gains decisively outweigh the burdens. The bottom line to me is clear: Expanding NATO will enhance our security. It is the right thing to do. We must not fail history's challenge at this moment to build a Europe peaceful, democratic, and undivided, allied with us to face the new security threats of the new century. A Europe that will avoid repeating the darkest moments of the 20th century and fulfill the brilliant possibilities of the 21st.

This vision for a new Europe is central to our larger security strategy, which you will be called upon to implement and enforce. But our agenda must go beyond it because, with all of our power and wealth, we are living in a world in which increasingly our influence depends upon our recognizing that our future is interdependent with other nations, and we must work with them all across the globe; because we see the threats we face tomorrow will cross national boundaries. They are amplified by modern technology, communication, and travel. They must be faced by like-minded nations, working together. Whether we're talking about terrorism, the proliferation of weapons of mass destruction, or environmental degradation.

Therefore, we must pursue five other objectives. First, we must build a community of Asia Pacific nations bound by a common commitment to stability and prosperity. We fought three wars in Asia in half a century; Asia's stability affects our peace, and Asia's explosive growth affects our prosperity. That's why we've strengthened our security ties to Japan and Korea, why we now meet every year with the Asian Pacific leaders, why we must work with and not isolate ourselves from China.

One of the great questions that will define the future for your generation of Americans is how China will define its own greatness as a nation. We have worked with China because we believe it is important to cooperate in ways that will shape the definition of that great nation in positive, not negative, ways. We need not agree with China on all issues to maintain normal trade relations, but we do need normal trade relations to have a chance of eventually reaching agreement with China on matters of vital importance to America and the world.

Second, we are building coalitions across the world to confront these new security threats that know no borders: weapons proliferation, terrorism, drug trafficking, environmental degradation. We have to lead in constructing global arrangements that provide us the tools to deal with these common threats: the Chemical Weapons Convention, the Nonproliferation Treaty, the Comprehensive Test Ban Treaty, and our efforts to further reduce nuclear weapons with Russia.

Now our great task is also to build these kinds of arrangements fighting terrorism, drug traffickers and organized crime. Three weeks from now in Denver I will use the summit of the eight leading nations to press this agenda.

The third thing we have to do is to build an open trading system. Our security is tied to the stake other nations have in the prosperity of staying free and open and working with others, not working against them. In no small measure because of the trade agreements we have negotiated, we have not only regained our position as the world's number one exporter, we have increased our influence in ways that are good for our security. To continue that progress it is important that I have the authority to conclude smart, new market-opening agreements that every President in 20 years has had.

Some of our fellow Americans do not believe that the President should have this authority anymore; they believe that somehow the global economy presents a threat to us—but I believe it's here to say, and I think the evidence is that Americans, just as we can have the world's strongest and best military, we have the strongest and best economy in the world—the American people can outwork and out-compete anyone given a free and fair chance. (Applause.)

Not only that, but this is about more than money and jobs. This is about security. The world, especially our democratic neighbors to the south of us, are looking to us. if we don't build economic bridges to them, someone else will. We must make it clear that America supports free people and fair, open trade.

Fourth, we have to embrace our role as the decisive force for peace. You cannot and you should not go everywhere. But when our values and interests are at stake, our mission is crystal clear and achievable—America should stand with our allies around the world who seek to bring peace and prevent slaughter. From the Middle East to Bosnia, from Haiti to Northern Ireland, we have worked to contain conflict, to support peace, to give children a brighter future, and it has enhanced our security.

Finally, we have to have the tools to do these jobs. Those are the most powerful and best-trained military in the world and a fully funded diplomacy to minimize the chances that military force will be necessary.

The long-term defense plan we have just completed will increase your readiness, capabilities, and technological edge. In a world of persistent dangers, you must and you will be able to dominate the conflicts of the future as you did the battlefields of the past.

Fifty-five years ago, in the early days of World War II, General George Marshall, the man we honored this week, spoke here at your commencement about the need to organize our nation for the ordeal of war. He said, we are determined that before the sun sets on this terrible struggle, our flag will be recognized as a symbol of freedom on the one hand and of overwhelming power on the other.

Today, our flag of freedom and power flies higher than ever, but because our nation stands at the pinnacle of its power, it also stands at the pinnacle of its responsibility. Therefore, as you carry our flag into this new era, we must organize ourselves to meet the challenges of the next 50 years. We must shape the peace for a new and better century about to dawn so that you can give your children and your grandchildren the America and the world they deserve.

God bless you and God bless America. (Applause.)

TRIBUTE TO GIRL SCOUT JUNIOR/ CADETTE TROOP 659

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. BASS. Mr. Speaker, I rise today to pay tribute to Girl Scout Junior/Cadette Troop 659 of Lebanon, NH. On April 23, 1997, as part of their trip to our Nation's Capital, the girls of Troop 659 performed their Girl Scout American Flag Ceremony for me in my office in the Cannon House Office Building. These girls and their leaders, Suzi Madison and Mary Ames, represented their town, State, and country with the respect and class that the Girl Scout laws strive to uphold. Hence, I respectfully request that the copy of their ceremony, with the girls' names, be placed into the CONGRESSIONAL RECORD.

GIRL SCOUT AMERICAN FLAG CEREMONY

Anne Friedman: Red for Valor—For the courage of all women who, with a dream in their hearts, crossed the ocean to begin life anew in a free land. For the bravery of women who, with hope and faith, crossed the prairie and mountains of our vast land. For the steadfastness of these women who, through all adversities, shouldered the country's burdens to emerge as strong individuals. (Places red stripes into pot)

Sarah Ames: White for Purity—For the integrity of all women whose fortitude wove the strands of diverse cultures into an integral national heritage. For the piety of all women whose faith formed the foundation upon which our country was built and continues to grow. (Places white stripes into pot)

Kate Polito: Blue for Justice—For the foresight of all those women who created an atmosphere in which each of their children would develop to their fullest potential. For the perseverance of all those women who contributed their talents to further the development of our country. (Places blue rectangle into pot)

Elaine Morlock: Stars for Dreams—For the dreams of the future so that the generations of tomorrow may fulfill the promise of the past 200 plus years; so that the visions of our forebears will be revitalized and the future will hold hope and promise for all generations to come. (Places white stars into pot)

Lea McBain: Stirring are the stories of my stars and stripes. I symbolize the soul of America, typifying her ideals and aspirations, her institutions and traditions. (Stirs pot with spoon)

Christie Wentworth: (Pulls flag out from pot) This flag, which we honor and under which we serve, is the emblem of our unity, our power, thought and purpose as a nation. Please join us in saying the Pledge of Allegiance.

Holding pot: Crissa Owen.

Humming "America, the Beautiful" in the background were: Nicole Dolloph, Jessi Madison, and Nia Perkins.

FAITH AND LOVE MINISTRIES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. PACKARD. Mr. Speaker, in March, I became a member of the Renewal Alliance, a group of 28 Congressmen and Senators committed to promoting local volunteer-driven, faith-based solutions to problems associated with poverty and cultural decline. While at home in California for Memorial Day recess, I was able to further my efforts with the Renewal Alliance by joining forces with Faith and Love Ministries, a volunteer group that networks with several churches in my district to feed impoverished families while helping them regain self-sufficiency.

I served meals to needy families in the community because I believe that there are no limits to what a caring community can do to touch lives. Faith and Love Ministries in Vista, CA, is a wonderful example of what can result from a compassionate heart and a helping hand.

Mr. Speaker, Washington simply never had an answer or replacement for the family, community, or church. For 30 years, we have watched poverty rates rise and the quality of life decline, despite billions of Federal dollars and hundreds of programs. We must now refocus and empower families, churches, and community groups to heal broken spirits and restore hope.

Faith and Love Ministries is powered by volunteers from several local religious organizations and depends entirely on donated surplus foods and other items to meet the needs of the community. Last year, the group provided over 36,000 hot meals, as well as job-assistance, laundry service, haircuts, and showers to several hundred. This year, their food pantry is experiencing severe shortages which threaten the operation.

Mr. Speaker, many of us think of can-drives and other charitable causes only around the holidays. Unfortunately, hunger is a yearlong problem. Most groups that serve the needy, including Faith and Love Ministries, find themselves short on donations and volunteers through the long summer months. If we are going to heed Gen. Colin Powell's call in Philadelphia to become active in volunteering and serving others, this is where it must begin.

CONGRATULATIONS ON AN OUTSTANDING JOB BY LOUISVILLE MALE HIGH SCHOOL IN THE WE THE PEOPLE CONTEST

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mrs. NORTHUP. Mr. Speaker, on April 26–28, 1997 the We the People . . . The Citizen and the Constitution national finals were held here in Washington. More than 50 classes were represented by high schools around the Nation, and I would like to take this time to congratulate Louisville's Male High School on their outstanding job. These students showed a remarkable understanding of fundamental ideas and values of American constitutional government. The recognition of Male High School's accomplishments is a vital one, because it is important we encourage constitutional understanding in our Nation's schools.

Louisville Male High School teacher Sandy Hoover, brought to Washington the amazing talent of students: Alexander Cherise, Jessika Berry, Ryan Bigg, Matt Blanford, Christine Bowman, Carrie Cahill, Yvette Clay, Samantha Cline, Amy Elzy, Candice Faulkner, Crystal Haynes, Lisa Knight, Tia Mitchell, Trivis Newman, Katherine O'Niel, Emily Pittard, Tyra Redus, Dara Shirley, John Sponcil, Zach Storer, Kieth Thomson, Joyce Walker, Scott Walker, and Angie Wielage.

They are to be congratulated on a job well done.

IN HONOR OF DAVID LYNCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to one of northern Virginia's outstanding citizens, David Lynch. David is retiring after 50 years of Federal service to the U.S. Marine Corps and the Postal Service.

David Joined the U.S. Marine Corps in January 1947 and served 21 years in posts throughout the world including China, Korea, Vietnam, the Mediterranean region, and Puerto Rico. He served in the Korean war at Inchon where he was awarded the Navy Commendation Medal with Combat V recognition. Dave's entire military career was with the Fleet Marine Force except for his one tour of duty at Marine Corps Headquarters. He retired from the Marines in December 1967 and settled in the Woodbridge area.

Dave is a longtime resident of Dale City and has been very active in his community. In 1968 Dave joined the U.S. Postal Service as a letter carrier. He took this position because it allowed him to keep in close contact with the people in his community. The greatest testimony to his friendliness is exemplified by the children of Dale City. When Dave appears on his route, children rush to greet him with, "Hi, Mr. Sunshine." During his time as a letter carrier Dave has helped rescue small puppies from storm drains, helped lost children find their way home, and has fortunately not been bitten by a dog.

One of Dave's most spectacular achievements is the Safety Program. As the Safety Chairman, Dave transformed the program to one of the best working offices in Virginia. He spent much of his own personal time bringing the program to the local elementary schools where he demonstrated the importance of safety in our community by inviting fire marshals and police in for safety lectures, as well as providing helpful literature to the elementary schoolchildren.

Dave has been an active member in many veteran organizations such as the American Legion Post, Veterans of Foreign Wars, and the Marine Corps League. In 1977, he was appointed the National Deputy Chief of Staff of the Veterans of Foreign Wars. During the past 3 years, he conducted a highly successful Santa Letter Writing Program that won a national award from the Veterans of Foreign Wars. The program has grown to such proportions that it was turned over to the Salvation Army this past year. Dave is the founder of the Potomac Region Veteran's Council and was chairman for 2 years. He was instrumental in having a county park and road, the Veterans Memorial Park and Drive in Woodbridge, VA, named after veterans to honor their service to this Nation. In 1975, Dave was awarded the George Dalby Trophy as the outstanding veteran for the Commonwealth of Virginia.

Dave's two most outstanding accomplishments were his State and district support of the new National Cemetery at Quantico, VA, and his efforts for the continued support of funding to the Rehabilitation Center for Alcoholics at Lorton.

Dave has been instrumental in the growth of the Woodbridge community. He was influential in the planning and construction of the Dale City Recreation Center, a $1.2 million project dedicated to the youth of Dale City. Dave was also a key player in planning the successful preservation of the old court house site, Brentsville, Cedar Run, Grayson's Monument, and Lee Monument.

David Lynch is a remarkable man whose contributions to his community and his country as a leader and volunteer have made a great difference. I know my colleagues join me in honoring this outstanding man.

IN MEMORY OF "DR. JOHN" ELEFTERAKIS, M.D.

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SCHUMER. Mr. Speaker, I rise today, with a heavy heart, to ask my colleagues to join me in honoring the memory of Dr. John Elefterakis, a father, friend, and healer.

"Dr. John," as he was known to family, friends, and patients, was much too young when he was taken from our midst. However, I do not wish to stand here today and be sad for his passing; instead I would like to celebrate a life so richly lived and shared with others.

Dr. John came from humble beginnings, a son of immigrants, he quickly learned to work hard for a good life. He excelled in school, played sports and participated in a variety of clubs and other extracurricular activities in his academic days. As always, Dr. John quickly rose to the top.

Following his interest in science, he attended City College Center for Biomedical Education. He later went on to New York Medical School in Valhalla and graduated in 1982. He completed his rotations in local hospitals such as Lincoln, St. Vincent's, Metropolitan, Cabrini, and Lenox Hill. That next year he was accepted into the Lutheran Medical Center, completed his internship and became a permanent resident physician. Five years later, he opened his own medical offices, the Gerritsen Beach Medical Plaza on Gerritsen Avenue.

His commitment to the well-being of others extended well beyond the examination room. He was known to have generously donated of his time and his services to school football teams, religious groups, and scout troops; he worked with youngsters through the DARE organization. For 12 years he was the medical director of the Gerritsen Beach Volunteer Fire Department. And, he had a healthy passion for the Knicks which he shared with many of his patients.

He was the classic small-town doctor, who still made house calls. To borrow the words of another, he was a caring, straight forward, and down-to-earth individual. He knew the importance of a few kind words, a tender touch, and loving understanding. Sometimes that was all that was needed.

I ask my colleagues to join me today to posthumously honor Dr. John for living a rich, rewarding, and full life. For his generosity and bedside manner made him a favored son in the community. I, too, will miss you, Dr. John; thank you for showing us how to make use of our time here on earth wisely. Your legacy will live on in the hearts and minds of those fortunate individuals who had the chance to know you.

COMMEMORATING THE EIGHTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SMITH of New Jersey. Mr. Speaker, today we commemorate the eighth anniversary of the massacre in Tiananmen Square, and the task of people who believe in truth and justice is more difficult than ever before.

Eight years ago, the world watched in horror as the Chinese military, under the direction of General Chi Haotian, rolled into Tiananmen Square and gunned down thousands of people—young and old—who had gathered in the Square, the heart of China, to peacefully seek reform and greater freedoms from their government. In minutes, the hopes and dreams of people the world over united in solidarity with the Tiananmen Square protesters were destroyed, and millions stood in disbelief that any government could unleash such terror on its people while the world watched.

I am sure that Chinese Government officials believed that, in time, the world would forget what happened in the early hours of June 4, 1989. But the spirit of those thousands who died there lives on. Their blood cries out so that we will not forget. Our hearts still ache for the dead, the injured, the arrested. Mr. Speaker, the world has not forgotten the martyrs of Tiananmen Square.

But there is something going on now that would be even more tragic than forgetting the Tiananmen Square Massacre and those who gave their lives on that day 8 years ago.

Now, the Chinese Government does not want us to forget this event happened, it wants us to believe that it never happened—that thousands of peaceful young people were not shot down in cold blood, that hundreds more were not injured. The Chinese Government wants us to believe that what we witnessed, what has been reported by observers, is a fabrication. A big lie. That instead of innocent students who were attacked, it was the People's Liberation Army which was under attack and on the defense.

The Butcher of Beijing, Gen. Chi Haotian, who ordered the troops into Tiananmen Square, and who is ultimately responsible for every death, every injury, every arrest, is now the Defense Minister of China. Just 6 months ago, this man was the honored guest of the Clinton administration—meeting with the President, given full military honors, and addressing top U.S. military officials.

The civilized world was stunned during his visit when General Chi told us that "not a single person lost his life in Tiananmen Square" and that the People's Liberation Army did nothing more violent than the "pushing" of "hooligans."

But, Mr. Speaker, we know the truth. We know that thousands died and more were injured. Witnesses have told of the horrors as people died standing up for freedom, democratic reform, and human rights.

Mr. Speaker, today is not enough for us to just remember. We must raise our voices so that the lives and deaths of those martyred in Tiananmen Square will not be erased.

The memory of those who died 8 years ago must burn in our hearts not just today but every day. We must not allow their deaths to be in vain. We must not allow the deeds of evil people to be rewarded and their lies to go unchallenged.

Mr. Speaker, today, we stand as one, to remember the courage of those who gave their lives in Tiananmen Square, and to commit ourselves to continue working together to carry on their dreams to bring about a free and democratic China.

STATEMENTS BY TIM BLAIS, JOSEPH BOUSQUET, AND KEITH McMANIS, MONTPELIER HIGH SCHOOL REGARDING DOMESTIC AFFAIRS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Montpelier High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. BLAIS: Congressman SANDERS, in the early days of the Government, debt was considered to be a last resort. The only justification for debt of any kind was by war. In 1849, the Government had $70 million in the bank; after the Civil War we were down to about negative $3 billion. Ever since then it has gone down.

Debt is not really serious compared to the total assets of the country. That is from Congressman PETER STARKE.

Mr. BOUSQUET: Good afternoon, Congressman SANDERS. The remark by Congressman STARKE is not true. $5,403,449,382,255.58 is a problem. This country knows it just as well as I do that this country is in trouble. Although the national debt has gone down in the 1990's, it is still very, very high.

Some of the facts: There are 267,204,471 people roughly in America. The debt increases $722 million everyday. At this rate each citizen's contribution to the debt to make it go away is $222,000.15, and that means a baby, a child and a man, and infant, whatever.

Mr. BLAIS: What we are asking is why is it our responsibility to pay for Government debts and what is Congress doing honestly to bring us out of debt and what is the future for our kids going to be like? From what I have gathered there has been a lot of—I do not how to explain it but there have been many attempts to bring the debt down, and yes, it has gone down some by cutting budgets and whatnot, but in the last roughly 55 years there hasn't been any major decrease in the debt that we have.

Mr. BOUSQUET: It is obviously going down, and I see that. Why cannot we keep on going down and try to get it to a reasonable $50 million or a reasonable $25 million. The debt is still going up but it is not increasing as rapidly. The only possible solution that I can come up with is cutting back on something and it could be a number of things. The budget is divided up into sections, right? One of the highest is armed forces. We need defense, granted, but it is too high, I think, and that is my personal opinion. I do not know the background behind it.

Mr. BLAIS: Well I have to say like Government funding for—I mean, I cannot give you exactly but I know a lot of things that are Government-funded aren't going anywhere and haven't been going anywhere in the last I do not know how many years, and I would take a deep look at what everything is producing and how much money you are giving them and look at it from there.

THE BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 28, 1997 into the CONGRESSIONAL RECORD.

THE BALANCED BUDGET: AGREEMENT AND LONG-TERM CHALLENGES

Last week, with my support, Congress approved a budget resolution for fiscal year 1998 which provides a blueprint for how Congress and the President intend to balance the federal budget over the next five fiscal years. The budget resolution reflects the recent budget agreement worked out between the White House and congressional leaders, and marks the first concrete step in enacting a balanced budget. Congress will work over the next several months to make specific changes in law, including spending cuts, tax changes, and entitlement reforms, which will aim to bring the budget into balance by fiscal year 2002.

The budget resolution proposes to balance the budget over five years, while providing a net tax cut of $85 billion. The highlights of the budget plan include $139 billion in cuts in discretionary spending, $170 billion in entitlement spending cutbacks, and $13.2 billion in interest savings. Changes in the Medicare program will ensure the solvency of the hospital fund over the next 10 years. Defense and education spending will rise slightly. The resolution also assumes that $16 billion would be spent over five years to provide health insurance for up to 5 million children who are currently uninsured.

Congress must now work out the details of a balanced budget on several different tracks: discretionary spending, through the 13 annual appropriations bills; entitlement spending, including spending on Medicare and Medicaid; and a separate measure to make changes in tax law. The expectation is that the tax package will include a reduction in the capital gains tax and estate taxes, as well as a child tax credit and a deduction for higher education expenses.

GENERAL ASSESSMENT

I voted for the budget resolution because it provides a reasonable plan for balancing the federal budget in the next five years. A strong economy and two budget agreements in 1990 and 1993 have helped reduce the deficit from a high of $290 billion in the early 1990s to the current level of $70 billion. The recent agreement worked out between the President and Congress will close that gap, provided, of course, that the economy continues to grow.

The plan endorsed by Congress last week provides for an historically modest level of deficit reduction. This year's agreement is expected to reduce the deficit by a total of $204 billion over the next five years. The 1990 agreement, in contrast, produced $593 billion in deficit reduction and the 1993 accord $487 billion.

I do have some concerns with the current plan. First, it does not provide adequate funding for infrastructure. I voted for a substitute measure which would have increased highway and transit funding by $12 billion over five years and provided additional resources to Indiana and other states which receive less than they pay out in federal gas taxes. Unfortunately, the House defeated the amendment by a two vote margin. Second, the budget plan could have achieved balance more quickly if we had deferred or limited the scope of tax changes. Third, the package did not include enforcement mechanisms to ensure that we hit deficit reduction targets each year until the budget is in balance.

LONG-TERM BUDGET CHALLENGES

Most importantly, the budget agreement does not address long-term challenges to the federal budget. There is little in this agreement to avert the spending problems caused by our aging population. Once the Baby Boomers (i.e. those born between 1946 and 1964) start to retire early in the 21st Century, huge demands will be placed on Medicare, Social Security, Medicaid and other entitlement programs, but the budget agreement is silent on these issues. The Medicare reforms in the agreement, for example, would provide a ten-year fix to the Part A (hospital) trust fund. The budget plan makes no changes in the Social Security program, and only minimal changes to Medicaid, the program which pays for much long-term care for the elderly.

The demographic changes facing this country in the next century are staggering. First, the number of elderly Americans will increase very rapidly as Baby Boomers reach retirement age. The Social Security Administration estimates that over the next 35 years the number of people age 65 and older will double. This population change, combined with the fact that people will be living longer, will place strains on federal retirement and health care programs. Federal spending on Social Security and Medicare now constitutes almost 7% of national income. By 2030 those two programs will consume almost 14% of national income.

Second, the growth in the labor force will slow dramatically as the Baby Boomers retire. The Social Security Administration projects that, because of a declining birth rate and other factors, the average rate of growth of the labor force will slow from the current rate of 1% annually to 0.2% in 2010. This trend is significant because, under the current Medicare and Social Security systems, workers help pay for retiree benefits through payroll and income taxes. With more retirees and fewer workers, the average worker would have to pay significantly more in taxes to maintain the current level of benefits for the average retiree.

The challenge for Congress is to address these problems in the nearterm before they overwhelm the federal budget. There are numerous proposals for reforming entitlement programs. Some have called for raising the retirement age, reducing or means-testing benefits, of limiting cost-of-living adjustments. Others have called for privatizing the Social Security system so that government exposure to future costs is limited. Still others have proposed converting Medicare and Medicaid into managed care systems in an effort to curb costs and limit services.

CONCLUSION

Balancing the federal budget will be an important accomplishment. As the 1990 and 1993 deficit reduction agreements have shown, smaller deficits mean greater private investment, stronger economic growth, and more job creation. The real test will be keeping the budget in balance into the next century. This year's agreement, while providing a short-term fix, does not address the long-term problems associated with an aging population and shrinking workforce. We must now begin to find solutions to these challenges.

TRIBUTE TO KEY LARGO ELEMENTARY AND MIDDLE SCHOOL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the Key Largo Elementary and Middle School for being selected by the U.S. Department of Education as a 1996–97 Blue Ribbon School Award winner. The Key Largo School was given this prestigious award because of its excellence in preparing our young people for the challenges of the next century. Through the school's strong leadership, ingenuity in teaching, and commitment to the community, the Key Largo School is a model for all elementary and middle schools throughout the State and the Nation.

Located in the Upper Florida Keys, 105 miles from district services in the Lower Keys, the Key Largo School has used their geographical challenges as a way to enhance educational opportunities for the students as well as the community. For more than 20 years, the school has successfully practiced school based management which has encouraged risk taking, accountability, and the management of the entire school budget at the school level.

Today, the school educates 1,293 students from 3 years old to 15 years old providing them with an educational environment that is conducive for productive learning. Among their scholastic accomplishments, this past year Key Largo School scored above average on the Stanford Achievement Test in Reading and Math, scored an average of 3.9 on the Florida Writes Exam with 96 percent of the eighth grade students scoring three or above, and, since 1972, has received consecutive accreditation by the Southern Association of Colleges and Schools. In addition, the school has written and received many large and small grants including a Customer Focused School Grant, Retrofit Grant, Home School Connection Grant, and Learn and Serve Grant. The grants have helped to make the school a model technology school for the district and the State; initiate the research, development and implementation of a block scheduling program; develop a theme based alternative education program for at risk students from grade 4 through 8; and service more than 300 exceptional students ranging with disabilities from pre-school handicapped to severely emotionally disturbed to gifted. The support of the community, business partners, teachers, and parents has been instrumental to the successful learning behaviors of the students at Key Largo Elementary and Middle School.

I commend Key Largo Elementary and Middle School on receiving the distinguished 1996–97 Blue Ribbon School Award. I know that the students and faculty will continue to exceed beyond their scholastic abilities and continue to be a model for schools throughout the country.

IN MEMORY OF HENRIETTA LACKS

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. EHRLICH. Mr. Speaker, I rise today to pay tribute to Henrietta Lacks, a woman whose contributions to medical science and research have gone relatively unnoticed for the past 46 years. Ms. Lacks provided a crucial sample of cells that has furthered our knowledge of medical science and disease prevention, and for this contribution, we are all grateful.

Henrietta Lacks was born in 1920 in Clover, VA. At the age of 23 she moved to Turner's Station, near Baltimore, MD, joining her husband David. She had five children, four of whom—Deborah, David Jr., Lawrence, and Zakariyya—still survive. Ms. Lacks was known as pleasant and smiling, and always willing to lend a helping hand.

After the birth of her fifth child, Ms. Lacks was admitted to the hospital at Johns Hopkins University where she was found to have cervical cancer. Before her death, she donated a tumor biopsy section which became the first human cell line to survive outside the body. This cell line has proven instrumental to medical research.

Due to traditional patient confidentiality requirements, Ms. Lacks was not acknowledged as the donor of the cells. Instead, the donor remained anonymous, and the cell line was known only as the HeLa cells. Under the care of Dr. George O. Gey, the cells flourished due to his innovative methods of preserving them. Dr. Gey went on to cultivate more cells which could be used for a variety of medical research. These cells proved instrumental in polio research, and they helped establish the fields of molecular biology and virology. Henrietta Lacks' cells are still used in research today, more than four decades after her death.

Henrietta Lacks' selfless contribution to the field of medicine has gone without acknowledgment for too long. Her cells made her immortal: through her death, countless others have been saved by the research that was made possible through her cell line. It is for this reason that I extend my deepest thanks to Henrietta Lacks and her family. I sincerely hope her name will also be immortalized as one of courage, hope, and strength, and that due recognition will be given to her role in medicine and science.

THE CELEBRATION OF THE 50TH ANNIVERSARY OF THE PILOT CLUB OF YORK, INC.

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. GOODLING. Mr. Speaker, I would like to congratulate the Pilot Club of York on their 50th anniversary. This international organization, comprised of executive, business, and professional leaders, has worked for many years to improve the quality of life in local communities.

I am proud to say that the York Chapter, chartered on May 2, 1947, has one of the largest memberships. Since 1947, it has truly upheld its motto of "Friendship and Service" through extraordinary service to the York community. The organization has received many local and national awards for their volunteer activities which include sponsoring highway rest stops during the holiday season, financial contributions to the York Hospital, the York County Historical Society, Access York, the Moul Home and the Atkins Halfway House, and the establishment of a scholarship program. Their financial support and commitment to education has enabled 35 young people to attend college and pursue their dreams in fields such as medicine, engineering, and teaching.

On behalf of the residents of the 19th Congressional District, I want to thank each member of the Pilot Club for their years of service toward improving our community and enabling so many individuals access to the American dream. I hope the next 50 years are as fruitful as the past 50.

STATEMENTS BY TOM DOUTHAT AND KEVIN BELANGER, MONTPELIER HIGH SCHOOL REGARDING INTERNATIONAL RELATIONS.

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Montpelier High School in Vermont, who were speaking at my recent town meeting on issues facing young people:

Mr. DOUTHAT. I would like to thank you for coming to our school, Congressman Sanders, and we are going to be talking about some of the U.S. drug policies in South America.

Clinton proposed to spend $16 billion this year on the War on Drugs. This figure is up from $10 billion spent during the 1980s over the entire decade. 70 percent of the money spent on drugs is spent on actual prevention and keeping it out of the country, whether that be through South American programs or Border Patrol and 30 percent is spent on drug rehabilitation.

During the Bush Administration he proposed a five-year, $2.2 billion program for Bolivia, Colombia, Ecuador and Peru, and in 1993 he granted $716 million to the South American nations and Mexico as long as they committed themselves to reducing their product production and respect for human rights.

The U.S. also helped to train local police forces in these countries, to dispute drug trafficking and the destroying of cocoa. Also we sponsored their rates in any of these countries.

Although this policy has been in effect for a long time it really hasn't worked in curbing the influx of drugs into this country or the use of them once they are in here, and during this period of time spending has ballooned and the amount of drugs hasn't gone down. Basically, the only thing that this has affected now is there are 400,000 Americans in the jail on drug possession charges and trafficking charges.

Our question is do you think this policy could be used more effectively in the zero tolerance policy or do you think there is a better philosophy in and attacks at curbing drug production and use in the United States if you think that is a significant problem?

Mr. BELANGER. Well we basically got together and when we were talking, actually it was a little bit ago, we were thinking of proposals in which in order to cut the spending that the government could possibly use, so we thought of—we think it might be actually in the process the government is considering this, but we are thinking like what happens, instead of spending like the $16 million—billion I mean, fighting like the so-called War on Drugs and like cutting off the supply from the drugs coming up, maybe the government controlled as in they would—how would you say?

Mr. DOUTHAT. They would sell—the government would be sort of the handler of drugs, sort like methadone clinics but modified more than that, not quite suppliers but something near to that. And we think that is a good idea because really the only thing that our drug policy has affected in the last ten years, it is really gotten a lot of South American drug dealers and drug producers and drug traffickers in this country quite wealthy.

Mr. BELANGER. What we were thinking is if the government was basically like the pharmacist, like if you had any addiction whatsoever, you would go to them and like the government could actually make—I do not know if they would make money off this, so that is one aspect, but they also would lower the street value so that the drug dealers couldn't make a business.

Mr. DOUTHAT. It wouldn't be quite like methadone clinics and it wouldn't be completely medical. If they did also supply drugs to non-addicts it would virtually—for one thing, it would take away the AIDS threat from IV drug users and also it would make it—drugs have been in cultures for as long as humanity has existed, so I really do not think it is realistic to completely curb recreational drug use and it has been shown through prohibition of alcohol and marijuana and other drugs that it just doesn't work.

So I think that the government sponsoring it would make it clean, would make the drugs safer and it would make people who are occasional users, they wouldn't have to be criminals, they would be living much more normal lives.

Mr. BELANGER. Legalize drugs in the form where the government would be your supplier, so it is in a more controlled area, cleaner drugs.

Mr. DOUTHAT. And I think some drugs would have to be treated differently and I think cocaine and crack and heroine especially are the ones that are really addictive would have to be treated differently than the drugs like marijuana.

Mr. BELANGER. And maybe as a suggestion to you and the people you work with, treat like the U.K. and I think it is Denmark hashish bars, stuff like that and Holland has basically testers and like as examples like to see how things have gone over there, and if things have worked well.

EDUCATION STANDARDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 4, 1997, into the CONGRESSIONAL RECORD.

NATIONAL EDUCATION STANDARDS

Contrary to the grim portrait often painted of American education, I believe we do a reasonably good job of educating our students and preparing them for work. But I also believe we can do better, and so I have had an interest in the debate now building in the country as to whether there should be national education standards for U.S. schoolchildren. Central to this debate is the desire to ensure that our children have the base of knowledge they need to lead productive lives in a competitive workplace.

NATURE OF STANDARDS

Education standards set out what students should be expected to know at certain grade levels. For example, standards for math might say that by the 4th grade students should know how to work with fractions and decimals and by the 8th grade they should know how to apply algebra and geometry to real-world situations.

Most industrialized nations have stringent national academic standards and tests for core academic subjects. The U.S. does not. The U.S. has created some voluntary national education standards, most notably in math. Some states have used them as guidance for setting their own standards. Some 46 states have developed or are in the process of developing challenging standards in the core academic areas. In Indiana, for example, Hoosier students in grades 3, 6, and 10 must take tests measuring their mastery of essential math and English skills. But the standards and testing vary considerably across the country.

CONTROVERSY

To be sure, national standards are a controversial topic. Supporters see them as a way of giving content to national education goals and holding students and teachers accountable. They believe national standards provide a benchmark against which state and local curricula may be judged. They stress that students in every state need to know the same math and English and develop strong reading and problem-solving skills. They point out that U.S. students often score lower on achievement tests than students in other countries, and see standards as a way of encouraging equal opportunity and excellence in education.

Opponents think the national standards would do more harm than good. They think the likely result would not be better schools, but a shallow national curriculum and too large a federal presence in what has been an area of state and local control. They worry about what happens when students or schools fail to meet the standards, and think the states and localities can do a good job in determining what their students should know.

Most of the experts have endorsed the idea of national standards generally, pointing out that the new math standards have shown that standards can be done at the national level without federalizing the educational system. At the same time, the experts are cautious, saying that the standards should steer clear of too many specifics.

My view is that it would probably be useful to have more national standards of what students should be expected to know at given points along the educational path. Student advancement ought to be more or less the same thing in California or Indiana or Mississippi. It is difficult for me to see how we achieve both equity and excellence in education without high standards.

PROCESS

Yet I also realize that the prospect of national education standards makes a lot of people nervous, even if they are voluntary standards. That is why it is critically important that the standards be developed through a credible public process, one that relies heavily on consensus-building.

The standards should be national standards, not standards developed by the federal government. Developing credible national standards is going to take some time. The formulation of the standards should involve not just teachers and educators but members of the public. These standards should be reasonably precise and not too lengthy. They should cover both content and performance, and focus on what students should know so that they are well prepared for subsequent education and careers. They should be scrutinized in public forums and be widely distributed for comment. They will clearly have to be tested and revised as experience with them grows. The success or failure of national standards, quite simply, depends on how they are developed.

In addition, whatever is done, I think state and local officials should be free to adopt these standards as they please, as they set concrete, rigorous standards of what students must learn in basic areas such as math, science, and English. In addition, teachers and schools must remain free to use their own educational methods and their own judgment on how best to achieve the standards. That's the way it ought to be in a country as large and diverse as ours.

LINGERING QUESTIONS

Setting the standards does not by any means resolve all the tough questions, such as whether high standards alone will really increase achievement or whether high standards alone will really increase achievement or whether in the end states and communities will be committed to sanctions such as holding students back. One question that lingers in any discussion of national standards is how to measure whether the students are meeting the standards. Assessment is a very complex topic, posing questions of cost, equity, and political control. These questions have not all been worked out. But they should not deter us from proceeding with national standards, and I do think the debate over what we expect from our schools is healthy.

CONCLUSION

It will certainly take some time before voluntary national standards are available in every subject area, and it will also take some time before the standards are broadly accepted by school officials, teachers, and parents. But we must push ahead. Such standards clearly have the potential to improve the quality and equity of American education. They can represent a vision of what can be accomplished and can challenge a community or state to create circumstances in every classroom to achieve those standards. They should not be a national curriculum, nor should they imply a standardized education. They should be a goal that permits local administrators and teachers to find ways to achieve the standards. Excellence in education and equal opportunity will not be achieved without high standards.

TRIBUTE TO ARTHUR SOHIKIAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DIXON. Mr. Speaker, I rise today to extend my congratulations and best wishes to Arthur Sohikian, assistant director for government relations for the Los Angeles County Metropolitan Transportation Authority, as he prepares to leave his position to enter the private sector. Many of my colleagues in the House and Senate have had the opportunity to work with Arthur, and know of his intelligence, commitment, and effectiveness.

Arthur has contributed over 10 years of public service to the citizens of Los Angeles County. After working for California Assembly Speaker pro tempore Mike Roos from 1987 through 1991 in both Los Angeles and Sacramento, he began his career in transportation policy with the Southern California Rapid Transit District in Los Angeles. Since 1993, he has been the primary Los Angeles County MTA contact with the administration and Congress, developing legislative strategies and overseeing one of the most ambitious transportation policy and funding programs in the country.

It has been a pleasure to work with Arthur over the past 4 years as he has used his talent, energy, and persistence in advocating for the LACMTA and the residents of Los Angeles County. His knowledge of transportation policy, the political intricacies of transportation decisionmaking, and his commitment in pursuing short-term and long-range legislative objectives in Washington have served the MTA very well. Even in the most difficult circumstances, he has sought to keep Washington informed with an attention to detail and candor that is deeply appreciated. I have no doubt that the qualities that have served Arthur and the MTA so well, will lead to great success.

As he begins this next stage of his professional life, I want to extend my warmest wishes to Arthur, his wife Annee, and his daughter Audrey, as well as my congratulations on last week's birth of their son, Andrew Charles. In recognition of his service to Los Angeles County, I ask my colleagues to join me in commending him for his role in moving the region's transportation priorities forward and wishing him the best in his future endeavors.

RACE UNITY DAY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DEUTSCH. Mr. Speaker, there can be no greater cause in the United States of America today than the promotion of unity among the races. Recognition of unity in diversity is the foundation for true and lasting peace in our great country. Race unity is the most challenging issue facing our Nation. Only by achieving it can we aspire to exert moral leadership for peace among Nations.

June 8, 1977 marks the 38th annual observance of Race Unity Day, inaugurated by the National Spiritual Assembly of the Baha'is of the United States. The purpose of Race Unity Day is to focus our attention on the oneness of humankind and to celebrate our unity amidst our diversity. With its diverse ethnic and racial make up, the State of Florida is an excellent location for a state-wide celebration of this day.

The Honorable Lawton Chiles, Governor of the State of Florida, has proclaimed Sunday, June 8, 1977 as Race Unity Day in Florida. Many county commissioners and mayors are signing similar proclamations across the Sunshine State.

We commend the National Spiritual Assembly of the Baha'is of the United States for inaugurating Race Unity Day 38 years ago. We also commend Baha'i communities, throughout Florida and other groups like NAACP in Key West, and Multi-Ethnic Advisory Board of Broward County for initiating and cosponsoring State-wide celebrations of Race Unity Day.

The text of the Proclamation of the Honorable Governor:

> Whereas, the United States was founded and peopled by individuals of many different ethnic and racial origins; and
>
> Whereas, our nation's Declaration of Independence articulates the credo upon which our nation was built, that all men and women are created equal; and
>
> Whereas, we live in a world that makes universal peace our first priority if civilization is to survive and advance; and
>
> Whereas, the United States of America has sought to serve as an example to other nations of the world; and
>
> Whereas, the state of Florida has a population which represents highly diverse racial and ethnic backgrounds; and
>
> Whereas, a free people must remain vigilant and mindful of the goals of achieving peace and unity among all peoples; and
>
> Whereas, every individual is like a flower in the garden of humanity:
>
> Now, therefore, I, Lawton Chiles, by virtue of the authority vested in me as Governor of the state of Florida, do hereby proclaim June 8, 1997, as Race Unity Day in Florida with the fervent hope that Americans everywhere will take this time to accept and wholeheartedly celebrate unity in diversity.

IN RECOGNITION OF THE SEVENTH ANNUAL HALL OF FAME DINNER DANCE OF THE PORT WASHINGTON YOUTH ACTIVITIES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the residents of Port Washington as they gather with the members of the Port Washington Youth Activities [PYA] in celebration of their Seventh Annual Hall of Fame Dinner Dance.

The PYA is a volunteer youth organization dedicated to supporting sports programs for youngsters between the ages of 6 and 14. The goal of the organization is to teach children the valuable lessons of leadership and good sportsmanship. Induction into the PYA's Hall of Fame is reserved for those unique and caring individuals who have given so much to the support to the program over the years.

Three most unique and dedicated individuals, Bob Busby, Jack Eaton, and Vinnie Sombrotto will be so honored by induction into the Port Washington Youth Activities Hall of Fame. Bob Busby has been a significant contributor through his service as wrestling coach, commissioner, and director for over 10 years. Jack Eaton has greatly distinguished himself in the role of officer, commissioner, and coach of the baseball and basketball teams. Vinnie Sombrotto is being cited for his athletic achievements in lacrosse at the collegiate and professional levels. Many of his skills and dedication were developed in his active days as a youth in PYA football and lacrosse programs.

Mr. Speaker, I ask my colleagues in the House to join with me and rise to honor these community members for their individual and collective contributions to youth sports and all they embody. They are an excellent reflection upon themselves, their families, their community, and the volunteer spirit of American volunteer groups. They are most deserving of this great honor.

STATEMENT BY KAILEAH CHRISTIE, GAILER SCHOOL, MIDDLEBURY, VT REGARDING DEMOCRACY AND STUDENT PARTICIPATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Gailer School in Vermont, who was speaking at my recent town meeting on issues facing young people:

Ms. CHRISTIE. Good afternoon, Mr. Sanders. There are many high school students in Vermont between the ages of 14 and 17 who are not receiving the leadership skills they require to become like insightful world citizens in our society. It is required that governments and communities do as much as they possibly can to enhance these skills so that when we do become adults we can be productive.

Our school is the Gailer School in Middlebury and we are a small private school. We have been a member of a group called the Coalition of essential Schools since 1994 and we are the only school in Vermont that is a member. This coalition encourages student leadership. In December I started writing grants on trying to send a group of students from Gailer out to the coalition because they value the student leadership and we have been working with others or we are attempting contacts to work with other schools, but we have not found other schools in Vermont.

Vermont has—I have not noticed in other schools major leadership opportunities available for students. The most leadership I have seen, I was in public school in 7th grade and there was a school government, but majority of the talk was about having more dances or like pizza on Fridays.

And I realize that the Student Congressional Town Meeting is a very good start, it is giving students a chance to come and voice their opinions and make sure they are heard and we need to include more, and I thank you for having this.

An option that I have thought of is there would be one student from each county who could stay in steady contact with you, and that student would talk to other students in their county about issues that are in-house, that affect students, like year-round schooling or drug legalization, any of those issues, and they would report back to you what students think of those issues so that way you would have a better idea of how to represent the issues that deal with students more than parents or more than adults, or so that you can know how to deal with issues that really only affect whomever they affect, as long as they affect students. And I would be willing to develop this idea further and put it into a formal proposal if it is something in which you are interested.

I realize that for many people 14 is a young age, but I am almost 15 and I will soon be an adult, I will be the age of 18. And when those adults are older and retired they are depending on me to be a productive citizen and how can I be a productive citizen if you try and restrain my abilities to succeed as much as I can no matter what my age is.

Our school has a decision-making body called the school forum. In our school forum there are six students, one from each grade, grades 7 through 9, and all of the teachers and faculty. In the forum students have an equal say as the teachers and in a sense we are running the school and it has worked out very well. Whenever there is basically curriculum change, a suggestion as to how we should deal with the disciplinary process to how we should make decisions in the forum, those students in that room at that time have the same say or power as the teachers and they are valued just as much.

I think if you encourage and help students develop those leadership skills then they can run the school with adults, not by themselves.

TRIBUTE TO DR. LESLIE SINGER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. VISCLOSKY. Mr. Speaker, It gives me great pleasure to congratulate Dr. Leslie Singer on receiving the 1997 Indiana University-Northwest Chancellor's Distinguished Service Award. This award was presented to Dr. Singer earlier this spring in recognition of his lifetime of service to Indiana University-Northwest.

An economics professor at Indiana University-Northwest for 43 years, Dr. Singer has made numerous contributions to the fields of financial economics, regional and industrial economics, economic forecasting, and economics of art markets. His ground-breaking scholarly publications in the area of fine arts, for instance, have received world wide recognition and have been cited by numerous scholars. Such publications as The Wall Street Journal and Business News often quote Dr. Singer's opinions and forecast on the prices of fine art. In addition, Dr. Singer has written two economics text books, and has been published in several distinguished journals, including "The American Economic Review," "The Social Science Quarterly," "The Journal of Business Forecasting Systems and Methods," and "The Journal of Cultural Economics."

Through his extensive studies, Dr. Singer has also served to aid Northwest Indiana businesses, as well as Indiana governing bodies, in a variety of capacities. Throughout his career, he has written numerous articles pertaining to the local economy, with a specific emphasis on Northwest Indiana's steel industry. In addition, Dr. Singer participates in the Indiana Economic Outlook panel, which presents a forecast for the Northwest Indiana regional economy each year. Dr. Singer also served as an advisor to the budget committee of the Indiana General Assembly, as well as to the late U.S. Senator, Paul Douglass. Several major corporations and hundreds of local businesses have grown to rely upon Dr. Singer's expertise for location and market analysis.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Leslie Singer on his receipt of the 1997 Indiana University-Northwest Chancellor's Distinguished Service Award. His notable achievements in the field of economics have proven to be valuable assets to businesses within Indiana's First Congressional District and across the Nation.

TRIBUTE TO MRS. VATICE WALKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. PAYNE. Mr. Speaker, today I would like my colleagues here in the House of Representatives to join me in honoring the accomplishments of an exceptional person, Mrs. Vatice Walker, on the occasion of her retirement.

Mrs. Vatice Walker began her teaching career in Somerset County, MD in September 1959, serving the Maryland school system for 11 years.

Mrs. Walker continued to teach in Maryland until June 1970, at which time she moved to New Jersey. In the ensuing years she was employed as a teacher in New Brunswick and, in recognition of her outstanding ability, received tenure after her first year. Mrs. Walker served the New Brunswick school system for 2 more years, continuing her trend of noteworthy teaching.

Upon leaving New Brunswick, Mrs. Walker became employed by the East Orange School District, where she gave 24 years of dedicated service to the children of East Orange. Mrs. Walker has been involved in a wealth of activities pertaining to staff development and the training of future teachers. Her efforts include, but are certainly not limited to, the demonstration of teaching lessons, peer coaching, and facilitating workshops in classroom management and conflict mediation. In addition, Mrs. Walker has served as mentor for student teachers.

Mrs. Walker has received many accolades during her career as result of her innovative teaching techniques. For 2 consecutive years she was voted Teacher of the Year by her colleagues.

Her love and dedication to the East Orange school system has, undoubtedly, touched the lives of many children. Mrs. Walker is a distinguished professional. I know my colleagues join me in offering our appreciation to Mrs. Walker for her exemplary public service and offer her our best wishes in the coming years.

INTRODUCTION OF THE VOTER EMPOWERMENT ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. DREIER. Mr. Speaker, exactly 1 month from today is the deadline imposed by President Clinton in his State of the Union address for Congress to vote on a campaign finance reform bill. But the reality is that the deadline will come and go with no action taken because the most widely debated proposals, which violate our constitutional right to free speech and protect incumbents by imposing campaign spending limits, are rapidly losing support with each passing day.

It is time to consider new ideas that will enhance, rather than undermine, voter participation in our Federal elections process, and restore public accountability in the campaign process. That is why I have introduced H.R. 1780, the Voter Empowerment Act. It takes a different approach to addressing the problems of our campaign finance system. It will enable voters to make more informed voting decisions by giving them greater access to more campaign information. To this end, the legislation requires all disclosure information to be made available on the Internet, and establishes a disclosure limit for issue advocacy and soft money expenditures.

It also requires the Federal Election Commission [FEC] to facilitate disclosure by mandating electronic filing for individual Federal candidates, PAC's and national parties within the next 2 years. After the implementation of electronic filing, the FEC would publish an expansive Internet site on the World Wide Web which would contain a separate page for every congressional and Presidential candidate, each PAC, and every national party. A congressional candidate's page, for example, would contain the aggregate contribution and expenditure amounts for the previous and current election cycle. If a candidate received money from a PAC, a link would be available to the PAC's page so that the public could learn more about their goals and beliefs. With the disclosure information freely available in an understandable format on the Internet, Americans will no longer need to rely on special interests and the media to interpret the FEC data for them. And most important, the new information will allow voters to make more informed choices at the polls.

The Voter Empowerment Act will further increase the amount of information that is made available to the public by requiring persons or groups that spend more than $100,000 on specific advertisement to disclose to the FEC within 24 hours the amount of money spent, the type of communication and where it was broadcast or distributed. In 1996, issue advocacy communications inundated the voting public through voter guides and radio/television advertisements. Regrettably, the public had no idea who paid for or published these communications.

During the 1996 election, many of the issue advocacy communications were paid for with soft money contributions, which are not subject to Federal disclosure regulations. Recognizing the need to facilitate disclosure without impeding the free speech rights of contributors, the Voter Empowerment Act contains a disclosure provision for individuals who contribute $250,000 in soft money to national parties. The bill requires individuals who contribute more than a quarter of a million dollars to inform the FEC of that amount, and it requires national parties to disclose to the FEC where the soft money was spent or distributed.

Some of my colleagues, Mr. Speaker, may criticize these two disclosure provisions for either doing too much or too little. Some claim that increased disclosure provisions regarding soft money and issue advocacy communications will restrict an individual's free speech rights. However, the Supreme Court has upheld reasonable disclosure limitations on campaign expenditures. Furthermore, the limits have been set extraordinarily high so only the largest donors, not grassroots activists or small contributors, would be required to file with the FEC. On the other hand, some may argue that the advent of soft money marks the ruin of our campaign system, so it should be banned. According to the Supreme Court, independent expenditures and soft money must be considered as political speech and deserve to be protected under the first amendment. Therefore, efforts to ban soft money are blatantly unconstitutional.

In addition to facilitating disclosure, the Voter Empowerment Act encourages more individual participation in campaigns by indexing all Federal contribution limits to 1974 dollars. Established in the Federal Election Campaign Act of 1974, the current contribution limits were meant to lower the cost of campaigns and eliminate the advantages of incumbency. However, the opposite has occurred. Between 1974 and 1994, total campaign spending, in constant dollars, by House candidates has nearly tripled, and reelection rates for House incumbents hit an all time high in 1988. By raising the contribution limits, individuals will be able to exercise their right of free speech more effectively and candidates will not be forced to spend a large amount of their time raising campaign funds.

To further encourage increased participation by individuals, the Voter Empowerment Act reinstates the tax credit for individual contributions. Similar to the credit repealed in 1986, individuals would be able to claim a 50-percent tax credit up to $200—$400 for joint filers—if they contribute to a Federal candidate, PAC or national party. The credit would apply to the total contributions for the year.

Encouraging individual contributions to Federal candidates is one of the best ways to eliminate the advantages of incumbency. In a recent study, Dr. Gary Jacobsen, a political science professor who specializes in the American campaign system at the University of California, San Diego, found that the positive effect of increased expenditures on behalf of incumbents was low to nonexistent, while the positive effect of increased challenger spending was enormous. It was no coincidence that, in the last election, all of the incumbent Senators who spent less than the limits set in the so-called McCain-Feingold bill won their races, and the challengers who spent less than the limits lost. Incumbents have free mail privileges, paid staff and the ability to generate press coverage. For challengers, additional campaign contributions are the only equalizer to those inherent advantages.

I would also note, Mr. Speaker, that the FEC has become ineffective in its responsibilities to enforce our campaign finance laws. Frequently, the FEC takes an excessively long time to file a complaint against candidates or parties who violate campaign finance laws.

For example, last month the FEC filed suit against the California Democratic Party for violations of election laws in the 1992 election. Five years after the alleged violations, the FEC is finally getting around to prosecuting those who broke the law. The American public cannot rely on the FEC to prosecute violations 5 years after the fact. Certainly, the FEC cannot turn back the clock and redo the 1992 elections. The FEC can only ask for a monetary fine, which would be a small price to pay for winning the Presidency and two Senate seats.

Many other experts in campaign finance reform have suggested that the FEC is not capable of handling its enforcement authorities. In a 1989 report, common cause suggested, "the best * * * remedy may be to abolish the FEC altogether." While the Voter Empowerment Act does not pursue that goal, it does transfer the FEC's enforcement authority to the Department of Justice. The Attorney General would have the latitude to design and develop the campaign finance enforcement division. The task of establishing a new office to enforce campaign finance laws would not be impossible for the Justice Department. In the past, the Attorney General has been given the responsibility to create new offices within the Department of Justice. Three years ago, she formed a new office comprised of lawyers from different departments to compensate citizens who wwere exposed to nuclear testing.

Without its enforcement powers, the new FEC would be free to focus exclusively on those duties for which it was originally created. That is to facilitate disclosure and providing contribution and expenditure information to voters. With this limited responsibility, my legislation reduces the number of Commissioners from 6 to 2, with their terms staggered and limited to two full terms. In addition, the FEC would be required to work with the Justice Department in the development of new regulations, and would have to publish a compilation of advisory opinions with an index and publish names of candidates and committees who have accepted illegal contributions.

Finally, my legislation eliminates the Presidential Election Campaign Fund and tax checkoff. Thomas Jefferson wrote, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical." The Presidential Election Campaign Fund forces Americans to give their tax dollars to campaigns which they may not agree, and most Americans have not been supportive of the tax checkoff and campaign fund. Since 1981, the participation in the tax checkoff program has declined quite steadily. The repeal of taxpayer subsidies for Presidential candidates is what the American people want and it is long overdue.

Mr. Speaker, over 50 bills have been introduced to change the campaign finance system in this country. While we all agree that change is necessary and improvements are possible, I believe the Voter Empowerment Act offers a more reasonable approach to improving our campaign finance system without undermining public participation in our electoral process. I urge my colleagues to join with me in cosponsoring this legislation.

DESECRATION OF GOLDEN TEMPLE SHOWS INDIAN DEMOCRACY IS A FRAUD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to remember a tragic chapter in history, India's 1984 desecration of the Golden Temple in Amritsar, the highest shrine of the Sikh Nation. From June 3 through June 6 of that year, the Golden Temple and 38 other Sikh temples were subjected to the kind of military assault which would have stirred the world's outrage if it had occurred at the Vatican or Mecca. More than 20,000 Sikhs died at the hands of the Indian regime in these attacks. Yet the world hardly noticed.

On this sad anniversary, the Indian regime maintains police surveillance at the Golden Temple for no purpose other than to harass Sikhs who seek to worship at their holiest shrine. The newly elected Chief Minister of Punjab, Parkash Singh Badal, promised during his campaign that he would remove this intrusive, authoritarian presence. That pledge has not been carried out. There could be no more appropriate way to observe the anniversary of the Golden Temple massacre than for Chief Minister Badal to reiterate his order to remove the security forces and fire any officials who defy this order. If he cannot or will not do so, then we will be forced to conclude that the Punjab elections were a sham and the new government has no power. This will show that India's repression of the Sikhs in Punjab, Khalistan is just as tight as it ever was.

In this context, the Sikh Nation's demand for freedom is more urgent than ever. As many of us have pointed out, the Sikh Nation declared its independence on October 7, 1987. They called their new country Khalistan. The United States should go on record in support of freedom for Khalistan. If India is truly the democracy it claims to be, it should hold a plebiscite in occupied Khalistan to let the Sikh Nation decide its own political future. It should also end its campaign of ethnic cleansing against the Sikhs and other peoples of South Asia, such as the Muslims of Kashmir, the Christians of Nagaland, the Assamese, Manipuris, Tamils, and the aboriginal people of South Asia, the Dalits—also known as the untouchables.

If India is unwilling to do these few, simple things then it will prove once and for all that all of India's claims that it is the world's largest democracy are a cruel hoax. It will show the world that in reality, India is one of the world's most tyrannical police states.

The United States can and should encourage India to take these steps for freedom in the subcontinent. We can raise our voice on behalf of freedom by declaring our support for an independent Khalistan, cutting off U.S. aid to India, and hitting this repressive regime with an embargo similar to the one that helped bring down apartheid in South Africa. By these modest measures, we can help end the repression in South Asia so that the subcontinent can have a new birth of freedom. That is the best way to ensure peace, prosperity, and stability in this unhappy region. Let us honor the struggle of the Sikh Nation on this terrible anniversary by initiating these policies today.

LET'S HELP AND NOT HINDER SMALL BUSINESS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. PITTS. Mr. Speaker, during Small Business Week, I stand here to pay tribute to the engines of our economy—those small businesses across the country which provide goods and services—and most importantly jobs—to the American people.

I am here today to implore my colleagues to recognize how small businesses are improving our economy.

And I implore my colleagues to recognize that these job creators are being hassled and regulated by a Federal Government which has no regard for how much small businesses drive this Nation.

Mr. Speaker, small businesses account for 99.7 percent of the Nation's employers.

They employ 53 percent of the private work force, and they contribute 47 percent of all sales in the country.

In fact, small businesses are responsible for 50 percent of the private GDP of this country.

Yet, the small business owners of this Nation face a tax system and regulatory burdens which limit growth and discourage development.

If Government is meant to be the servant of the people, our current tax and regulatory systems are certainly not assisting our Nation's small businesses.

Even with the legislation Congress has passed to help small business get out from under the thumb of the Federal Government, more assaults are now being urged by the Clinton administration.

With such economic and growth potential within small businesses across this country, we should be doing all we can to assist them.

We must act as their servants—instead of hindering their progress.

They need relief from encumbering taxes and from job-killing regulation.

For starters—we could repeal an unfair estate tax which targets the very families and small businesses which are creating employment in their communities.

Because of this tax, millions of small business owners are in jeopardy of losing the businesses which they have spent their entire lives building.

Under this oppressive IRS Code, someone can work a lifetime—and the moment they die, so could all the jobs of the people who work for them.

Mr. Speaker, Ron Hill of Lancaster, PA is an entrepreneur.

He has spent a lifetime building a healthy business and generating jobs.

The state of his company has a direct effect on 35 families.

Is it justifiable that individuals like Ron Hill must worry that when he dies—his family won't be able to pay the hefty estate tax—and so the jobs of his employees will be in jeopardy.

For too long, the estate tax—in order to raise just 1 percent of total Federal revenues—has been burdening the people of this country with the increased cost of capital and stifled economic growth and higher interest rates.

Even though our budget agreement takes a step in the right direction by raising the ceiling on the taxed amount—we should not end there.

If the tax were repealed this year, the Nation's economy would increase by as much as $100 billion over the next 9 years.

This extra capital would also allow an average of 145,000 additional new jobs per year to be created.

Personal income would rise above current projections by an average of $8 billion per year.

Most importantly, small business owners in this country would be encouraged, and not discouraged, as they work hard to pass on an enterprise of value to their children.

We must not stop until this tax is repealed.

Another effort that the Federal Government can undertake to assist small businesses is to keep damaging and unnecessary regulations off their backs.

In November of last year, the Environmental Protection Agency proposed harsh new national Air Quality Standards.

Since then, there has been significant outcry over these regulations.

While the EPA is required to review standards every 5 years, they are not required to change them without sufficient proof of the benefit to public health.

It would be extremely difficult for the EPA to justify an additional $10 billion plus annual price tag for the American people if these new regulations go into effect.

This costly unfunded mandate will force many small businesses to close their doors—small businesses like dry cleaners, bakeries, and printers.

Mr. Speaker, I recently held a forum for small business leaders of the 16th Congressional District.

Small business representatives such as Carol Hess of Lancaster Labs, Andy Cuiffetelli of Custom Casings, and Howard Winey of Martin Limestone—each can tell a story of hardship caused to their growing businesses because of these regulations.

Not only do these companies deal with multiple permits from the Pennsylvania and the Federal Environmental Departments, but expanded regulations mean businesses spend time trying to bend over backwards to comply with Federal regulations.

This translates into an entire year's worth of capital spending which would otherwise go to improving quality and making businesses more competitive.

In the words of Howard Winey of Martin Limestone, "ours is a progressive area and one of the only areas of Pennsylvania that has sustained growth. If our growth is inhibited, everyone suffers."

We cannot afford to do this to our communities.

Yes, we must all support enhancing the quality of life—but this regulation solves no legitimate public health hazard.

These EPA regulations are bad science and bad for business.

Another important workplace issue to small businesses is allowing small business owners to deduct 100 percent of their health insurance costs when they fill out their tax returns.

Start-up and maintenance costs are far and above some of the toughest costs to overcome.

It is patently unfair that large corporations can deduct 100 percent of their share of employees' health-care costs while the self-employed farmer or home business owner can only deduct 40. Even though last year's bill increased the deductibility to 80 percent by 2006, that is not good enough.

Small business owners need a level playing field to assist their growth.

Additionally Mr. Speaker, 14 million Americans now operate home-based businesses.

Because of corporate downsizing, improvements in technology, and a desire to be close to family—individuals choose to work from home.

Tax equity between those who work from home and those who rent office space—and can deduct the costs of renting—is a reasonable request and should be allowed.

Mr. Speaker, I have listed just a few of the regulatory and tax relief measures which could go a long way in helping small businesses of this country to grow even faster and stronger than they are today.

It is these businesses which carry a large portion of the load for our Nation's economy.

We, here in Congress, have a responsibility to lighten their load—and help them along the road to economic prosperity—for their businesses and for our communities.

I salute the small business owners of America.

We must pledge to work to ease their burden.

I now yield back the balance of my time.

STATEMENT BY SPENCER CRISPE, BRATTLEBORO HIGH SCHOOL, REGARDING EDUCATION FUNDING AND TAX REFORM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Brattleboro High School in Vermont, who was speaking at my recent town meeting on issues facing young people.

Mr. CRISPE. Hello, Congressman Sanders. On February 6th the state Supreme Court ruled on the Brigham vs State of Vermont case claiming there is a statistically significant relationship between the wealth of a school district and its spending per student. They decided that there is a great disparity in the quality of education that a student in Vermont receives. It depends on where he or she resides; thus they ruled the current property tax for funding education is unconstitutional and it is up to the legislature to overhaul this unjust system.

The House Ways and Means Committee set to work and on March 19th of this year the legislature passed the controversial House Bill, 527 for property tax reform. I am a concerned Vermonter and so I want to see this new bill equalize educational opportunity.

The bill which the Senate is currently reviewing I believe to be better. I also understand that property tax reform is a tedious, confusing, and almost insurmountable task that legislatures have faced, and for me to try to understand how to make the bill better is even more difficult. However, I do believe there are some important additions that could be made.

There is a large, non-residential tax rate for second homeowners and large businesses of $1.32 per $100 value of property. Under this progressive tax formula people will pay based on their ability. Places like ski areas and second homowners in Vermont will pay more while residential property taxes will be cut by two-thirds. I believe the higher income earners should pay more; however, in Vermont the highest income earners are already paying the highest rates in the country.

The high non-residential tax could drive out businesses and hurt Vermont's largest industry, tourism. For a hypothetical example, Mt. Snow Ski Area has lots of money, but if it is taxed a lot more the ticket prices could go up and tourists refusing to pay the exorbitant amount will to Maine or New Hampshire to ski. All in all, it could create a cyclical domino effect that would end up hurting Vermont's economy and stunt its growth.

Furthermore, second homeowners in Vermont will be hit hard under the non-residential tax. I feel they should pay more, but we should keep in mind that many of them are already paying for their own children's education in their respective states. We should not place a burden so high that they move away or our state is less attractive to stay in. It is important that income earners at all levels pay their fair share, but the non-residential range should not be so high as to end up damaging Vermont's economy by making it unreachable to outsiders.

Also in the bill is the net residential tax of two acres of land. Basically any resident will pay the residential rate of 39 cents per $100 property value on up to two acres of land. After that two acres, they pay the large non-residential rate of $1.32 per hundred dollar value. This is unfair to Vermonters because two acres is a meager amount of land to only be able to afford. If people have to get rid of their land over two acres because they cannot afford the non-residential rate, we will not be using our land effectively and it is simply unfair.

Another last thing to think about is the local income tax. This would be the third tax Vermonters pay: State, federal, local. We want to equalize education but we are doing it at the local level with the presumption that the towns are going to tax themselves to raise money above the state block grant. This may be a poor presumption because honestly people care about education but gag when they hear anything about more taxes. If this presumption fails and the towns do not tax themselves as planned, we could end up with the same educational disparities as the present system.

House Bill 537 is generally good, but some of the aforementioned taxes could be eased by a couple of things: I propose to fix some of the problems of the bill by taxing heavily products totally unnecessary to Vermonters. We could put a larger tax on tobacco products, all lottery tickets and games, alcoholic beverages and even candy. I understand that in 537 there is going to be broad-based taxes on things like rooms, meals and gasoline, but a heavy tax on the mentioned products ought to generate a lot of additional revenue to ease the other taxes.

Also for revenue a higher tax should be put on inheritances and trust funds, but not for inherited agricultural land. With the revenue from these taxes we could put forth the money to fixing some of the problems with the bill. We could allow a residential tax for maybe up to six acres of land and reduce the monetary need for the local income tax by pouring some of the revenue into the state pool for block grants.

Other revenue could go to reducing the non-residential tax so businesses and non-residents won't move out or be discouraged from coming here. This can make our state attractive to prospective businesses which if they moved in could stimulate our economy.

Lawmakers need to move slowly and do this reform correctly. We definitely do not want as equally a poor system that will just have to be overhauled again in another couple of years. We should run statistic tests and implement the reform gradually to see how it evolves and works—I know the revenue from alcohol, tobacco and other products fluctuates—to examine the amount of the income the proposed taxes do indeed generate.

Lastly, politics should be left out of this bill. It is important to remember that the bill is for the kids and justice in funding education and remember that a good education makes for the best economic climate.

I think that everyone has made this bill so complicated, I didn't touch on a lot of the nitty-gritty complications of it and I think they get lost in all those complications, so if you just think about it sensibly and make it simple. As I mentioned in my presentation that people who earn more should pay more. The progressive tax format I believe works for property but I think and I do like House 527, I just think there are things that might be made better partly because they made it so complicated.

You can get into a whole other topic because sure, the federal government subsidizes or whatever education and you get into issues like how much—I mean if you look at the pie chart of what they spend each year, they spend five to ten percent on education and then you get into issues of how much they spend on defense and the military as opposed to education.

The present system basically there was a lawsuit that stemmed out of this whole thing and it is actually been a problem for a number of years. Matter of fact, in 1987 Madaline Kunin said years ago that the quality of education that a child in Vermont receives depends on where he or she resides, she just said it straight out, and people all the way back to the 70's and before. The problem—but it is being forced that the legislature has to do something and something has to be done because of the Supreme Court decision stemming from a lawsuit or whatever, the case of Amanda Brigham, and they ruled last February that it was unconstitutional and that they should totally—that it is going to be totally overhauled and the legislature should do it as fast as they can.

Some property-rich towns were spending twice as much, say between eight and $11,000 for people for education while other property-poor towns under the present and all funding systems were paying half that, 3,000, 4,000, $5,000 for people.

Thank you for your time, Congressman Sanders.

RECOGNITION OF TEACHERS OF THE YEAR

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. COMBEST. Mr. Speaker, I am delighted to bring to the attention of my colleagues several distinguished teachers from the 19th Congressional District of Texas. My home district extends from the Panhandle of Texas through the South Plains to the Permian Basin, and encompasses various cultures, personalities, and dreams. I am pleased to recognize these recipients of the Teacher of the Year Award who enable our students to understand and learn from each other, and strive to achieve their goals.

Good teachers nurture our country's best hope for tomorrow, her children. Their perseverance and dedication challenge and shape students to dream, and to work hard to make those dreams come true. Unfortunately, educators toil with little public thanks or appreciation, even though their efforts are essential to a strong future. These teachers, in particular, go beyond the call of duty and wholeheartedly devote themselves to this important mission.

It is my pleasure to present to you the 19th District of Texas' Teachers of the Year: Ms. Dee Ann Liles and Ms. Kathleen McDowell, Sunray ISD; Ms. Candace Dyer, Farwell ISD; Mr. W.W. "Bear" Mills and Ms. Rebecca T. Watson, Midland ISD; Ms. Narelle Horton, Bushland ISD; Ms. Ann Green, Hartley ISD; Ms. Julie Harris and Ms. Laura Landes, Amarillo ISD; Ms. Pam Perrin, Vega ISD; Ms. Connie Gilbert and Ms. Janie Rendon, Hereford ISD; Ms. Clarice Andres, Slaton ISD; Ms. Sonya Wilson and Dr. David LeMaster, Odessa ISD; and Ms. Jan Morris and Ms. Shelli Stegall, Odessa ISD.

As a former teacher, I know firsthand the importance of a quality education; however, it is outstanding teachers like these who strive for excellence, knowing the worth of this goal. I thank these educators for all they do for our children and our Nation.

THE PROMISE OF CONSERVATISM

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mrs. CHENOWETH. Mr. Speaker, in these trying times when many of our leaders appear to be second guessing our moral and political underpinnings, I commend to my colleagues' reading an address by former U.S. Senator Malcolm Wallop of Wyoming entitled, "The Promise of Conservatism." It is one of the best descriptions of the crossroads at which we find ourselves:

THE PROMISE OF CONSERVATISM, AN ADDRESS BY MALCOLM WALLOP

Before this audience of conservatives, most of whom are Republicans, I would enjoy setting forth a conservative agenda for the Republican Party. I would like to think that you could then put whatever insights I might give you to work for the Republican Party. But I'm afraid that the most useful insight I can give you is that the Republican Party seems well on the way to denying its conservative birthright, and that with every passing day you and I are becoming strangers to it.

The party's leadership seems determined to follow the disastrous example of the Canadian conservative party, which became afraid to challenge the socialists except with empty rhetoric, and which was entirely wiped out at the polls. But that's all right. Parties are born when they take up important tasks, and die when they let them drop. We cannot control the destiny of the Republican Party. We can control the destiny of the American conservative movement—and conservatism is a permanent fixture of American life, because the American people always need some shield against overweening government.

But I want to impress upon you that the character of conservatism is not written in the stars. It is subject to change for the better or the worse. It could just as easily come to resemble more the small and mean minded thing we see nowadays in Europe than the conservatism of Reagan, Goldwater, Coolidge, Lincoln, Clay, the Adamses, and Washington. My task here today is to help clarify the difference between the kind of conservatism that made this country great and a Republican Party so fearful of the shadow of principle that it is cowering before Bill Clinton. I suggest to you that Bill Clinton and all his works are examples of the difference between government as it has been practiced since the New Deal and the way of life established by the Founding Fathers. The exposure of President Clinton's conversion of power into money is giving the conservative movement a historic opportunity to instruct itself and the country about the consequences of discretionary government power. The conservative movement dare not let it pass because it makes our point: Big government is corrupting America. It deprives us of freedom, makes us poorer, sows strife among us, undermines our families, and debases our souls.

Let's first address the Republican default, then turn to the practical, everyday mission of American conservatism: to cut back the extent and power of government.

From the time of Abraham Lincoln, the Republican Party has been a party of principle. The Democratic Party lives now as it has lived for most of its history as a brokerage house for government favors. Lots of people make a living out of being Democrats. The teachers' unions, the government workers' unions, the abortion industry, and a host of well connected businesses, the kind who get the U.S. government to set up deals for them abroad or to tailor regulations for them—they make a living out of being Democrats. Very few people make a living out of being Republicans. Today, many of our party's leaders envy the Democrats' vast network of patronage, and they have begun using Republican presidential victories in the '80s and congressional victories in the '90s to try to set up shop like the Democrats.

In front of us all during the last campaign and now with the new Congress, Republican leaders are running away from the issues.

Nowhere was this clearer than in California, where the California Civil Rights Initiative, a reaffirmation of equality before the law, withstood a titanic campaign against it. It won by ten points, yet our Republican candidate, down by double digits, waited till the final week to associate himself with the issue, and then weakly. The Republican leadership's unwillingness to ride a horse that was obviously heading for victory, a horse that was so rightly its own, indicts its elementary political competence, as well as its commitment to conservative principles. Adding symbolic insult to injury, the Speaker decided to have as his guest to the State of the Union, not Ward Connerly, but Jesse Jackson—someone who stands for group rights over individual rights, who heads a federally financed patronage network, and who is supporting the proposition that the judiciary can overturn the result of the California referendum.

Our leaders seem tacitly to accept the liberals' premise that the voters disapprove of the conservative vision of American society, that piety, propriety, responsibility, standing for the rights of citizens and families against bureaucratic encroachment amount to extremism. So the Republican leadership now presses upon us an agenda best characterized as Rockefeller Republicanism—fiscal stringency combined with claims of superior competence in management, and guilty protestations of moderation.

On top of this, they timidly set a veneer of procedural, contentless conservatism: The balanced budget amendment instead of a commitment to cut taxes; the line item veto instead of commitments to cut entitlements and de-fund leftist advocacy groups; propping up a ponzi scheme going-broke instead of real efforts to privatize Social Security; a declaratory Defend America Act instead of a bill to build real missile defenses; touchy-feely talk about concern for the environment instead of reforming environmental laws so that they don't steal people's property. And then they wonder why Republican voters have lost their enthusiasm and why Bill Clinton, that thinly veiled blob of fraud, was able to cast himself as the defender of families, religion, indeed of "our values" and was able to cast the Republicans as dark forces threatening America.

On Election Day, according to exit polls, some 25% of self-described conservatives and a big majority of self-described moderates, most of whom share the cultural premises of conservatism, voted for Clinton. I stress that Clinton was able to occupy this conservative ground only because the Republicans vacated it. The cynically counterfeit character of Clinton's appeal to cultural conservatism could have been blasted away by a single picture of a partial birth abortion, or by a pointed reference to Romer v. Evans, or by a real commitment to tax reduction. But the Republican candidate and party seemed afraid of their own issues. The reason why our leaders flock to contentless issues is precisely that they spare them the trouble of taking on real interests and changing real habits.

The American conservative tradition, which began with Washington and Adams, is founded on human dignity and a concern for character. No phrase came from Washington more often than "We have a national character to establish." Following Aristotle, Cato the elder, and others, George Washington repeated that the Republic could only be built on the firm foundations of private morality. John Adams surveyed the world's peoples and found that only in America were there the same habits that under-girded freedom in a few ancient republics. In crafting our institutions, the Founding Fathers limited the power of government because only under limited government can we encourage those habits. The government established by the Founders did not make us moral. But it took pains to be on the right side of the great moral questions.

Now let me say a few words about our historic opportunity to make clear which way of life we want to foster and which way of life we abhor.

Republicans did themselves and the country a disservice in 1996 by talking about the "Character Issue" without ever mentioning Bill Clinton's specific misdeeds and above all without explaining what about them is wrong. They failed to make the essential political point: The conversion of power into money, or sex is corruption and is the inevitable result of big government. Corruption can be fought only by restricting the opportunities to profit from it. The late Christopher Lasch wrote that whereas the American dream once was that any person, no matter his circumstances, could make his way without having to curry anyone's favor, now that dream consists of the opportunity to rise out of the class of the ruled, into the class of the rulers. We conservatives want to do away with Bill Clinton's America, where people must wheedle and pay for privileges as well as to stay out of trouble with the government. We want to bring back the Founders' America of freedom, responsibility, and, yes, virtue.

Today government at all levels taxes, spends, and regulates roughly twice as much as when I grew up. It touches every aspect of our lives, and harms just about everything it touches. It will fine you for not wearing a seat belt, but will not protect your life from criminals. It will deliver contraceptives to your children, but cannot deliver the mail. It prohibits a Jewish community in New York from having a school district—who knows what politically incorrect things their kids might learn from reading the Bible—but it forces others to accept the normality of two moms. In the name of racial equality, the government forces us to discriminate on the basis of race. Once upon a time our government was a bulwark against domestic enemies. Now big government has become our chief domestic enemy.

That is why there is really only one issue. Who will stand on the side of the American people against their government gone bad? Make no mistake: America is rapidly dividing into two sets of people with two distinctive ways of life. One set has behind it the full power of Bill Clinton's corrupt state of clients and patrons. The other set, that tries to live virtuously and by their own hard work, is looking for political leadership. It is up to us to protect the vast majority of the American people against a government that is undermining our capacity for self government, our prosperity, our families, our spiritual lives, and even our capacity for self defense.

With each passing year, America resembles less and less what the Founders bequeathed us and looks more and more like the countries our immigrant forefathers tried to get away from. This is happening in large part because the ruling classes who run our government, the universities, the media, the entertainment industry, the arts, have gathered unto themselves enormously powerful means of governance.

They detest our patriotism. They dislike our people's prosperity. It is their policy that we consume too much of the world's resources.

But whether the excuse is environmentalism or poverty or crime, the recipe is always the same. Take money away from independent working people and give it to the favorites of the ruling class.

Of course, this is a recipe for economic decline. Nowhere in the writings of the Founding Fathers is there anything about managing the economy. Our Founders wanted to promote prosperity, not manage it. They set about ensuring that government would be small, frugal, impartial, and moral. We became rich because government, in Jefferson's words, would not "take from the mouth of labor the bread it had earned." If we abandon the Founders' mores, no economic policy can keep us out of the poorhouse.

The ruling class dislikes our tradition of self-government. They equate local control of crime with brutality and racism. Local zoning is racism. Local control of schools is racist. We are all racists—except they. They have turned laws that prohibit racial discrimination into mandates for racial preferences in everything from school admissions to hiring and firing. A whole industry has grown up to administer this American form of apartheid.

The ruling class does not care about public safety. Having made it very difficult for States and localities to police themselves, having left ordinary citizens with no choice but to protect themselves as best they can, they now try to take our guns away. In fact they blame us and our guns for crime. This is so wrong that it cannot be an honest mistake.

The ruling class does not care that our children are being diseducated, that schools are becoming factories of ignorance and decay. Every proposal regarding education that has come out of the establishment calls for more money and more union control.

Above all, the people who run this country have deep contempt for the culture on which it rests. They tell us we are zealots if we talk about social issues like abortion, education, homosexuality, race relations, and the role of religion in public life. Because liberals have failed the country on these issues, they would rather we not talk about them—I say we must.

In this period of capitulation and bewilderment, it would be easy to wring our hands and say that it's difficult to know what to do. But it isn't. It's easy. The tools and policies are right in front of us.

We can and should end welfare—not "as we know it." Just end it, period. Charity for those who deserve it is something with a long and honorable history in America.

We can and should privatize Social Security—obviously people who are already retired should get every penny already promised. But just imagine if every penny deducted from us henceforth went into individual retirement accounts of our choosing and to our families. We could all look forward to a lot more money, and the government would have a lot less to spend from day to day.

For the monsters of Medicare and Medicaid, we can and should substitute individual medical savings accounts, backed up by vouchers.

We can and should be rid of the monstrous educational establishment by giving parents vouchers for whatever amount any level of government taxes them to educate their children.

We can and should re-establish the line between what is individual property and what is the government's property by replacing the failed Endangered Species Act with conservation programs that really work because they do not pit the interests of wildlife against those of landowners.

We can be rid of the terrible bureaucracy of the IRS, and of all the distortive inequities of the current system just by instituting a flat tax.

We can restore self-government by reducing the power of the federal courts to review the acts of state courts and the enactments of citizens. The Founding Fathers wrote Article 3, Section 2 of the Constitution precisely to make sure that the judiciary would be, in Alexander Hamilton's words, "the least dangerous branch." Now that the courts have become a clear and present danger to our democracy, it is time to use the Founders' remedy.

We can and we should thwart the administration's devilish and dangerous Chemical Weapons Convention and just say no to dishonest diplomacy that makes our citizens feel secure while their danger increases.

Shrinking the government would yield many specific benefits. But these are not the main reasons why we should cut government.

We want to cut taxes not primarily because doing so will put more money in our pockets, but because it will put the means of freedom in our hands. We want to cut the government's power to grant privilege not primarily because privilege is economically inefficient, but because we don't want to be a nation of favor-seekers. We want to keep and bear our guns not because we want to shoot somebody, but because we have a right and duty to take care of ourselves. Moral leadership, today as in 1789, does not mean that the President of the United States forces anyone to go to church or synagogue. But it does mean that by word and deed he leads the country in giving unto God the things that are God's.

The dignity of citizenship has been coopted by laws and rules. These confine and direct the lives of Americans away from liberty, faith, and prosperity, into behavior defined by the ruling classes as acceptable to them. Thus denied the gifts endowed by our Creator, we become sheep to be shepherded.

My friends and colleagues, we cannot succeed by proposing to take over management of the redistributionist state from the Democrats and pat ourselves on the back for doing it more efficiently. We must attack it root and branch. We cannot prevail by continuing to hand out the favors and the goodies, only fewer than the Democrats.

At this time when all too many Republican leaders have lost their way and don't know what to do except capitulate to forces of big government, it is up to conservative activities in this room to provide the nerve and backbone that the leadership so noticeably lacks.

I do not say this casually. The organization I founded when I retired from the Senate in 1995, Frontiers of Freedom, supported any number of conservative initiatives in the last Congress. But when the Republican leadership strayed, we did not hesitate in crossing swords, even with the Speaker of the House.

And so I say to you, where does the strength come from to be a vigilant conservative? From:

The dignity of citizenship
the passion of patriotism
the honor of freedom
the security of property
the joy of opportunity in a free society
the nurture of family
and the love of God.

These things belong to tomorrow no less than the past. Rise up my friends and demand that if Newt and Jack and the others will not lead us there . . . then by golly, get out of the way because that is our destination. That is the promise of conservatism.

A MESSAGE FROM THE ROMANIAN PARLIAMENT TO THE CONGRESS OF THE UNITED STATES

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to discuss the United States' relationship with the Republic of Romania. Among the countries that were within the sphere of influence of the former Soviet Union, Romania stands out as a country that has made a rapid transition from an authoritarian form of government to a democratic nation and from a centrally planned economy to a free market economy. The road that Romania has traveled to arrive at a point where they now have a democratically elected government and a growing free market economy has not been an easy one; however, the Romanian people have been steadfast in their determination to keep traveling down that road.

Today, Romania is seeking to join the ranks of countries that are members of NATO. Significantly, among Central and Eastern European countries, Romania was the first country to join the Partnership for Peace program. The Government of Romania has also reached out to its neighbors to insure regional peace as illustrated by their concluding a political bilateral treaty with Hungary and initialing a similar document with Ukraine. Romania should also be commended for its participation in the peace-keeping missions in Angola and Bosnia.

Membership in NATO is a primary goal of the Romanian Government and people. In April 1997, the Romanian Parliament, in a joint session of the Chamber of Deputies and Senate, unanimously passed an "Appeal of the Parliament of Romania to the United States House of Representatives." The Parliament's appeal to us was that the House support Romania in its efforts to gain NATO membership. I would ask my colleagues read this appeal by the Romanian Parliament so that they can gain a fuller appreciation of this friend of the United States that desires to join NATO so that they can more fully participate in the promotion of peace and stability in Europe:

APPEAL OF THE PARLIAMENT OF ROMANIA TO THE UNITED STATES HOUSE OF REPRESENTATIVES

Now, at a time of crucial importance for Romania's destiny, we are writing, in hope and trust, to the members of the United States House of Representatives, having the profound conviction that the Romanian people will enjoy your help to build its future. Our country's choice for integration into NATO is a fundamental priority of the Romanian foreign policy, based on the natural and legitimate aspirations of the Romanian people to become a part of the Euro-Atlantic community of the states with which it shares the same values and principles of freedom and democracy.

Ours are strong arguments for having Romania included among the very first group of candidates—a democratic state governed by the rule of law, its internal stability, geostrategic position, economic and military potential, the political consensus and massive popular support for NATO, the interethnic harmony, a full civilian control over the army as well as over the institutions dealing with public order and national security, a high degree of interoperability with the armed forces of the Alliance.

The change of government following the November 1996 elections has demonstrated the consolidation and proper functioning of all institutions under the rule of law in Romania. Our new Executive has proved its commitment to a market economy and farreaching economic reforms, all of which are oriented towards this objective—to accelerate privatization, to restructure economy, to facilitate foreign investment—and has succeeded to conduct an active and coherent foreign policy. Romania has established a solid partnership with Hungary, with the other applicant countries, and is now perfecting its framework of relations with Ukraine whose stability and independence we regard as being essential for the security of this region. In this context, we will foster a dynamic dialogue and cooperation with the Russian Federation, in line with the new political relations existing on the European continent.

Romania is an active member of the various regional cooperation agreements, while its participation in the Partnership for Peace, in the peace-keeping missions in Angola and Bosnia and, more recently, in the protection force in Albania has shown its capability to make a contribution to strengthening the security and stability in this area as well as on the continent, to be a security builder and an important factor within the Euro-Atlantic security system.

We can assure you that we will undertake the costs of Romania's joining the Alliance structures. In response to the economic difficulties during transition, we have developed an ambitious and pragmatic economic program that has support from the International Monetary Fund and the World Bank, and gives prospects for a sustainable economic growth that will allow us to take the accession costs upon ourselves. Considering that Romania is, at present, one of the countries which is best prepared from the viewpoint of the criteria set for admission to the North Atlantic Alliance structures, we are submitting to you, before the Summit meeting in Madrid, our request to support Romania's application to be accepted as a member in the first round of NATO enlargement process.

Strongly believing that our appeal will find the desired interest and reception, we would like to assure you of our high consideration and extent our thanks for every action you may decide upon in order to back up our démarche.

This Appeal has been adopted by unanimous vote today, the 24th of April 1997, in a joint session of the Chamber of Deputies and the Senate.

IN MEMORY OF FRANCES MARIE QUINN

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. LAMPSON. Mr. Speaker, I rise today to honor the memory of Frances Marie Quinn, who recently left us. Like many women of her generation, she began her family during World War II. While her husband, Coridon John Quinn II served his Nation across the world as a pilot, Frances gave birth to her first child. The Quinns had eight children and two of their sons carried on the family tradition of military service. That proud family tradition is now carried on by two of Frances' grandchildren.

After a full life marked by a strong family and care for her community, Frances passed away at the age of 76. Her family and friends will miss her greatly.

DES EDUCATION AND RESEARCH AMENDMENTS OF 1997

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Ms. SLAUGHTER. Mr. Speaker, I am proud to introduce today the DES Education and Research Amendments of 1997.

Between 1938 and 1971, approximately 5 million pregnant American women took the drug diethylstilbestrol, or DES, in the belief it would prevent miscarriage. Tragically, DES failed to impact miscarriage rates and instead caused severe health consequences for many of the children exposed in utero.

DES is now known to damage the reproductive systems of those exposed in utero and to increase the risk for cancer, infertility, and a wide range of other serious reproductive tract disorders. These include a fivefold increased risk of ectopic pregnancy for DES daughters and a threefold increased risk for miscarriage and preterm labor. One in one thousand DES daughters will develop clear cell cancer of the vagina or cervix. If diagnosed early, survival rates for this cancer are around 80 percent. However, there is still no effective treatment for recurrence of this cancer.

DES sons experience adverse health consequences as well, including an increased incidence of undescended testicles and fertility problems. Studies also indicate a higher incidence of breast cancer among mothers who took DES during pregnancy.

In the 102d Congress, Senator TOM HARKIN and I sponsored the DES Education and Research Amendments of 1992. This legislation, signed into law by President Bush, established the first Federal DES research and education efforts. Since that time, DES research has yielded important insights into the impact of synthetic estrogens on the human body. The associated education program has helped to identify people who did not previously know they were exposed to DES and educate them about their special health needs.

Our understanding of DES is still evolving and incomplete. Two of the most pressing research concerns at present are whether estrogen replacement therapy is advisable for DES-exposed women and whether DES may have a genetic impact on the third generation—the children of parents exposed to DES in utero. In addition, many thousands of affected Americans and their health professionals do not have adequate information about steps they should take to deal with the effects of DES.

The DES Education and Research Amendments of 1997 would extend authorization for DES research at the National Institutes of Health. It would also instruct the Secretary of Health and Human Services to establish a national DES education program, based on the pilot projects conducted pursuant to the 1992 law.

The Federal commitment to DES education and research must continue. I urge my colleagues to support the DES Education and Research Amendments of 1997.

THE IMPORTANCE OF GUAM'S CORAL REEFS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. UNDERWOOD. Mr. Speaker, I was pleased that last month the House adopted House Concurrent Resolution 8, a resolution declaring the importance of maintaining the health and stability of coral reef ecosystems. On Guam, and throughout the Western Pacific, the importance of coral reefs is woven into almost every aspect of our lives. Healthy coral reefs are vital to our economy which is largely driven by our tourist industry, but they are also an important part of our island culture. Our reefs also serve as natural protection to our coastline from high waves, storm surges, and coastal erosion especially during typhoons and tsunamis. As is the case with most of the coral reef ecosystems in the world, Guam reefs are being threatened by a variety of enemies. Guam's reefs are being especially threatened by sewage outfalls, runoff, sediment, silt, and environmental stress from an increasing number of visitors.

Governor Gutierrez recently took action to preserve and protect this fragile ecosystem so central to both our culture and economy through the enactment of the Guam Coral Reef Initiative and signing the island's first marine life restoration bill passed by the Twenty-Fourth Guam Legislature. This new law will also have a significant impact on the life of our coral reef by setting aside designated reef preserves to allow various marine species to repopulate. Limits on the harvesting of fish and restrictions on fishing methods will also create a more healthy environment in which our reef can thrive.

The Guam Coral Reef Initiative ordered by the Governor is a comprehensive conservation and management plan for Guam's coral reef ecosystem including our mangroves and seagrass beds. This initiative seeks to bring together all of the stakeholders in Guam's coral reefs to coordinate solutions which take into account the wide variety of direct and indirect threats to our reefs. Education will also be a strong component of this initiative. Residents and especially visitors need to be educated about the importance of the reefs as well as how to take proper care of this fragile ecosystem.

In addition to establishing a process to improve the health of Guam's coral reefs, this initiative includes a monitoring and research element. In fact, the University of Guam's Marine Lab and the Guam Department of Agriculture held training sessions last week to teach the public how to help conduct reef surveys. These surveys will serve as a baseline from which researchers can compare future reef health.

The people of Guam have traditionally been exceptional stewards of our environment. These two actions again prove that the people of Guam, not the Federal Government, are the best stewards of our environment. Through this effort, Guam continues to stand as an example of local solutions to local problems.

A TRIBUTE TO THE MENORAH HOUSING FOUNDATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commend the excellent work of the Menorah Housing Foundation and to congratulate them for 20 years of superior service to our senior community.

The Menorah Housing Foundation is a management company subsidized by the Housing and Urban Development program. Menorah manages 613 units in nine locations around the Los Angeles area and has received funding for four more projects because of its success in improving the quality of life for thousands of individuals.

Those at the Menorah Foundation go beyond the call of duty in order to provide more than just safe, sanitary and affordable housing. The staff involves its residents in a vast array of social, recreational and educational activities, particularly reaching out to minorities. The foundation also cooperates with outreach programs including those of the Jewish Family Service and other Federal programs which provide nutritional assistance. In order to truly serve the residents each worker makes personal contact with each and every person in order to ensure that all tenants maintain the highest quality of life possible.

The success of the Menorah Housing Foundation is due largely in part to the leadership of Shirley Srery and her staff. I join the Los Angeles Community in recognizing the Menorah Housing Foundation for providing quality care combined with compassion and commitment to our senior community. The Menorah Housing Foundation stands as a model for all housing programs around the Nation.

CNA CELEBRATES ITS 100TH ANNIVERSARY

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. FAWELL. Mr. Speaker, this year marks the 100th anniversary of CNA, the third largest property/casualty insurer in the United States and the leading provider of commercial insurance.

Founded in Detroit by Collins Hubbard with 15 employees, CNA moved to Chicago in 1900. It employs over 6,000 people in Illinois—many of whom reside in my congressional district—and 20,000 throughout the country.

During its 100 years of providing security to Americans, CNA has been a pioneer in developing insurance products to respond to rapidly changing lifestyles in the 20th century.

Its first product, accident and health insurance, was offered at a time when most insurance companies provided only coverage for accidents. Responding to the needs of farmers as agricultural production grew, CNA developed special accident and health insurance. In 1910 CNA moved into auto insurance and burglary insurance. The next year life insurance was added to CNA's products. During World War I, as factories dramatically increased output to meet war needs, CNA offered workers' compensation coverage.

At this point, I ask unanimous consent to insert in the RECORD a more complete history of CNA which was prepared by the company in anticipation of this important anniversary. I congratulate CNA for its remarkable achievements and for its service to all Americans:

A Tribute to CNA in Celebration of Its Centennial, CNA Stands for Commitment, 1897–1997

INTRODUCTION

CNA, one of the country's largest commercial insurance groups, is celebrating one hundred years of commitment and service to the American people both at home and abroad. Since 1897, whenever America has sought a sense of security, CNA has been there, anticipating that need and forging its reputation as an industry innovator. Railroad workers, teachers, movie stars, athletes, even U.S. Presidents have depended on CNA's protection against both expected risks and unforeseen dangers.

Since its modest beginnings in Detroit, Michigan, with $100,000 in capital stock and a $60,000 surplus, CNA has become one of the largest property/casualty insurers in the nation, with over $60 billion in assets. Originally operating out of a two-room office with 15 employees, CNA today occupies some 400 office sites in over 100 cities and employs over 20,000 people nationwide. Now headquartered in Chicago, CNA directly employs more than 6,000 people in Illinois alone. Almost 80,000 agents currently represent CNA throughout the United States, testament to the company's successful alliance with independent agents.

CNA's exemplary accomplishment—a century culminating in financial stability and preeminence in the industry—attests to its history of astute leadership, integrity and commitment to quality service.

THE FOUNDING

Collins Hubbard, CNA's founder, set the course of perceptive leadership that has guided CNA to the top of the insurance industry. Calling together several of his colleagues, Hubbard proposed a company that would insure America's working class against unexpected disasters. The Continental Assurance Company of North America, as CNA was then known, provided coverage with an innovative twist: both accident and health insurance, at a time when most of its contemporaries offered only accident coverage.

Focusing on railroad workers as its initial customer base, CNA became the largest insurer in Michigan within two years of its founding. Despite its rapid growth, the fledgling company faced intense competition from other insurance companies. In light of this, the company underwent two major changes. First, it changed its name to the more forceful and representative, Continental Casualty Company. Then, in September 1900, the company merged with Metropolitan Accident Company, a Chicago insurer, and moved its headquarters to Chicago. This strategy catapulted the combined companies to fifth among the nation's accident insurers.

CNA BECOMES AN INDUSTRY LEADER

Early in the 20th century, CNA distinguished itself as a leader in the insurance industry by demonstrating the capacity for discerning new markets and developing innovative products. When women began to enter the work force, CNA was among the first to provide them with accident and health coverage. As agricultural production expanded, CNA devised new products specifically geared to farmers' accident and health concerns.

CNA reinforced its position at the forefront of the industry in 1910 by expanding beyond accident and health into different lines of insurance such as liability, auto insurance and burglary. In 1911, the company entered the life insurance field by forming the Continental Assurance Company. In 1915, CNA began offering workers' compensation coverage as factories employed more people to increase output for the World War I effort.

Policies combining multiple lines of insurance proved successful, particularly as automobiles—and accidents involving automobiles—became commonplace. Motorist coverage insured both the driver and any persons injured or property damaged.

The growth of an affluent American middle-class meant increased incidents of theft. Property owners' concerns were met by CNA's wide range of burglary insurance—protecting against bank robberies, home break-ins and safe deposit box theft.

GROUPS AND ASSOCIATIONS

By the early 1920s, the flourishing company was operating in every state and territory of the United States, as well as every province in Canada. That decade also marked the beginning of CNA's pioneering relationship with associations, a relationship that has lasted until the present day and has played a significant role in CNA's rise to the upper echelon of insurance companies.

CNA is credited with the first teachers association group policy, written for the Cleveland Teachers Association in 1921. CNA insured the American Society of Civil Engineers in 1945, becoming the first insurer to successfully install a group plan for a nationwide association. Teaming up with the American Camping Association in the 1950s, CNA initiated an educational campaign to promote camp safety and insure campers. Camp insurance led to the formation of "PONY," Protect Our Nation's Youth, a youth program offering medical expense reimbursement from kindergarten through college.

CNA has also demonstrated unwavering commitment to the nation's retirement-age population. In the 1930s, before compulsory Social Security, the company was among the first to offer retirement income annuities. By 1955, CNA had developed the first group health plan for those over 65. Originally conceived as a group medical insurance plan for retired teachers associations, the plan evolved into "Golden 65", a policy offered directly to the individual. After the implementation of Medicare in the summer of 1965, CNA redesigned Golden 65 to complement the Medicare plan, while other insurers exited the over-65 health insurance field.

DEPENDABILITY IN TIMES OF CRISIS

Dependability in times of crisis is a CNA hallmark. The company refused to exit the field of polio insurance at a time when the nation was literally crippled by the rampant, dreaded disease. CNA introduced its polio coverage the year of the worse polio outbreak in two decades. It continued to provide comprehensive and affordable polio coverage for the duration of the epidemic.

The company's willingness to take on the challenge of even the most unusual coverage request has marked its true American spirit—bold, enterprising and innovative. Where other companies see uninsurable risks, CNA sees possibilities—a company trait that has ensured its success and longevity in the insurance business. CNA has staunchly stood behind Americans in all manner of pursuits and ventures, these past 100 years.

CNA insured presidential hopefuls Adlai Stevenson and Dwight Eisenhower against accidents during their campaign trips in 1952. When John F. Kennedy was inaugurated as the nation's 35th president, CNA provided liability coverage for the ceremonial activities. In 1965, President Lyndon B. Johnson asked CNA to write the bond for the train that stood waiting in case emergency evacuation was necessary during Martin Luther King's civil rights protest march to Montgomery, Alabama. The 1968 Democratic Convention in Chicago was covered by CNA's liability insurance.

A special CNA reinsurance policy covered the cancellation or postponement of the 1965 Shea Stadium performance of the Beatles for the Ed Sullivan show. The Apollo 16 astronauts were insured in case of accidental death on their 1972 flight to the moon.

Little League teams around the country have enjoyed CNA protection since 1948, as have Indianapolis 500 drivers, pit crews and race officials. The American athletes competing in the 1952 Helsinki Olympic games were insured by CNA. Water events at the 1996 Atlanta Olympics were covered by MOAC, CNA's marine insurance unit.

CNA CARES ABOUT COMMUNITY

CNA's commitment to its employees, its clients, and the American people extends far beyond insurance. The company encourages and subsidizes both employees and CNA leadership in community projects. In the 1920's, the company sought to enrich the lives of its employees through its Continental Welfare Association which offered disability pensions, life insurance and retirement pensions.

Later, during World War II, the employees reached out to help in the war effort. CNA employees organized their own chapter of the Red Cross, calling it the Continental Red Cross. By the midpoint of the war, Continental employees had invested $232,418 in war bonds.

Today, in more peaceful times, CNA and its employees have dedicated time and resources toward the education of the nation's youth. In the early 1980's, CNA sponsored Illinois' first math contest. With the Chicago Urban League, the Chicago Board of Education, and the Illinois Council of Teachers of Mathematics, CNA developed MATHCOUNTS, a model math tutorial program. The program quickly garnered nationwide attention. By 1984, MATCHCOUNTS had evolved into the county's first nationwide math contest boasting as cosponsors the National Society of Professional Engineers, the National Council of Teachers of Mathematics, the National Aeronautics and Space Administration, and the U.S. Department of Education.

CNA's investment in the nation's future—its children—is evident in CNA's involvement with the Leadership for Quality Education, a coalition of business and civil leaders working to improve the Chicago school system. Out of this, CNA created Project Participate, providing paid time off, resources and training to employees wishing to run for Chicago's Local School Councils. CNA has also adopted Chicago's Mark Skinner School as part of the Chicago Board of Education's Adopt-A-School Program.

CONCLUSION

CNA stands for a century of commitment, stability and financial strength. Entering the final years of the 20th century, the company prepared for the 21st century in typical CNA fashion—it acquired the Continental Insurance Company in 1995. This merger, the most significant property/casualty insurance merger in the last 25 years, expanded CNA's scope—elevating its presence worldwide, adding new specialty operations and pooling the considerable talent and resources of both companies.

As the new millennium approaches, unfathomable leaps in technology, social transformations and economic upheaval are as much a source of apprehension today as in 1897. CNA saw the birth of a new century that brought with it several wars, a severe economic depression, fantastic advances in modes of travel and communication, social change and natural disasters. It has met the challenges of the past 100 years and stands poised for another century, confident of its continued success based on its core values: commitment, stability and financial strength.

IF MY SON WERE ALIVE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Ms. PELOSI. Mr. Speaker, today, as we mark the eighth anniversary of the Tiananmen Square massacre, I rise to bring to the attention of my colleagues a moving memorial statement by Ding Zilin, the mother of one of the young men killed by Chinese soldiers. This statement, which is being read at Tiananmen Square memorials in the United States, is an eloquent testament to the courage of Jiang Jielian, a 17-year-old high school student, and his mother, who has struggled to make sense of his tragic loss. I urge my colleagues to read this statement and to remember those who have given their lives and those who continue the struggle to promote democratic reform and basic human rights in China.

IF MY SON WERE ALIVE . . . ON THE 8TH ANNIVERSARY OF THE JUNE 4TH

(By Ding Zilin)

"If my son were alive . . ." For eight years I have been preoccupied with this thought, which cut deeper whenever I saw youths of his age. I would be struck with an empty feeling, a sensation that I was falling into an abyss. If he were alive, he would be 25 years old. At that time he was only 17, yet he stood more than six feet. Now, he would be taller.

On the evening eight years ago, that most sinister moment, he left home, determined. He went to a most dangerous place. He never came home again.

"If you fall, we will take your place!" This was the slogan they held up while marching in support of the college students on the hunger strike. The date was May 17, 1989. Those characters were written in black ink on a white background and were eye-catching. He was marching in the front row, holding the banner of "People's University High School" and followed by all his schoolmates. He did fall, fulfilling his promise with his young life.

I often think: what is a person living for after all? If my son were still alive, I would give him all my love. I would do everything to support him to put him through college, get degrees, and go abroad for further studies, just like many other mothers of my generation. He died, however, taking with him all my love and hope. Does life truly end up in "nothingness"?

But I cannot forget what he said to me on that evening before leaving home: "If all the parents in the world were as selfish as you are now, would our country and our nation have any hope?" Indeed, what we adults dared not or would not take responsibility for was placed on the shoulders of our young children. Perhaps his was only a momentary passion generated by idealism. However, why don't we adults give something for ideals?

A friend once tried to comfort me. She said: if a person lives just to be alive, his life would be meaningless even if he reached seventies. Although your son lived for only 17 years, he achieved a life full of value. I am not sure if my son's death was meaningful, because so-called meaning can only mean something to the living; some day the living might be talking about the "June 4th" and make only small talk about those who died on that day! But I still believe that people should not sustain a meager life, for such a life can only be sustained by compromising one's dignity.

I know my son. If he had not died during that massacre, if he were alive today, I believe he would not give up his pursuit for liberty. He would be fulfilling his duties to this era by plunging himself into the surging tide of democratization.

Here it suddenly occurs to me: what would I be if my son were still alive? After the "June 4th" disaster, perhaps I would be like a scared hen, to be more careful in protecting my son, to constrain his freedom in both thought and action with all the instinctive love of a mother, "making" him an obedient citizen. It is almost certain that such an attitude would give rise to conflict between mother and son, because he would not tolerate selfishness and cowardice. He would not despise me or sever the ties with me, because he loves his mother deeply, but he would take the road chosen by himself. In the end, I would have to go along.

It is often said that children are the continuation of parents' lives, which has been reversed in our family. I am still alive today. Moreover, I have awakened from ignorance and slumber, and have regained my dignity, but this rebirth has been achieved at the expense of my son's life. My breath, my voice, and my whole being are the continuation of my son's life, forever . . .

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. PICKERING. Mr. Speaker, I was unable to return to Washington, DC today due to a death in my family and missed the following votes:

Rollcall vote No. 157, ordering the previous question to H. Res. 159. Had I been present, I would have voted "aye."

Rollcall vote No. 158, passage of the rule on H. Res. 159. Had I been present, I would have voted "aye."

Rollcall vote No. 159, the Skaggs amendment (No. 45) as amended by Mr. DIAZ-BALART to H.R. 1486, to continue funding for TV Marti broadcasts to Cuba. Had I been present, I would have voted "aye."

Rollcall vote No. 160, the Hamilton amendment (No. 65) to H.R. 1486, to authorize the President to implement, in the most efficient and effective manner possible, the President's proposal to consolidate and reinvent the foreign affairs agencies of the U.S. Government. Had I been present, I would have voted "aye."

Rollcall vote No. 161, the Bachus amendment (No. 40) to H.R. 1486, to require the State Department to report to Congress by March 1 of each year a listing of overseas U.S. surplus properties for sale and require the amounts received from such sales to be used for deficit reduction. Had I been present, I would have voted "aye."

Rollcall vote No. 162, the Goss amendment (No. 108) to H.R. 1486, to strike bill provisions which establish new responsibilities for the Office of the Inspector General at the State Department. Had I been present, I would have voted "aye."

Rollcall vote No. 163, the Paul amendment (No. 47) to H.R. 1486, to add new provisions to the bill which repeal the United Nations Headquarters Agreement Act, the United Nations Educational, Scientific, and Cultural Organizations Act, and the United Nations Environmental Protection Act of 1973. Had I been present, I would have voted "no."

Rollcall vote No. 164, the Stearns amendment (No. 6) to H.R. 1486, to allow Congress, instead of the Secretary of State, to decide to withhold 20 percent of the funds appropriated to the United Nations. Had I been present, I would have voted "no."

IN HONOR OF ESSIE COLBERT'S DEDICATED SERVICE TO THE HOUSE OF REPRESENTATIVES

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to congratulate Ms. Essie Colbert on the occasion of her retirement on June 3, 1997, after 18 years of service to the U.S. House of Representatives. Essie Colbert works tirelessly during late night shifts cleaning congressional offices, including mine, with admirable attention to detail.

Walking into the office each morning, I inevitably notice how much pride Essie Colbert takes in her work. I have never been disappointed in her performance. I am, however, disappointed that she will be leaving us. My staff and I wish her a most relaxing and rewarding retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 5, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

9:30 a.m.

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on the replacement of the Woodrow Wilson Memorial Bridge.
SD–406

Joint Economic
To hold hearings to examine the employment-unemployment situation for May.
1334 Longworth Building

JUNE 9

2:00 p.m.

Armed Services
Readiness Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR–222

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on conserving judicial resources, focusing on the appropriate allocations of judgeships in the United States Court of Appeals for the Fifth and Eleventh Circuits.
SD–226

4:00 p.m.

Armed Services
Personnel Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR–232A

JUNE 10

9:30 a.m.

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on miscellaneous water and power measures, including S. 439, H.R. 651, H.R. 652, S. 725, S. 736, S. 744, and S. 538.
SD–366

Environment and Public Works
To hold oversight hearings on the relationship between the Federal and State governments in the enforcement of environmental laws.
SD–406

Labor and Human Resources
To hold hearings on proposed legislation relating to national labor relations.
SD–430

10:00 a.m.

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Senate Office of Compliance, and the Offices of the Secretary of the Senate,

Senate Sergeant at Arms, and the Architect of the Capitol.
S–128, Capitol

10:30 a.m.
Armed Services
Airland Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR–222

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine instances of gambling over the Internet.
SD–226

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR–232A

4:00 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR–222

6:00 p.m.
Armed Services
Acquisition and Technology Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1998.
SR–232A

JUNE 11

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Stateside of the Land and Water Conservation Fund.
SD–366

Labor and Human Resources
Business meeting, to mark up proposed legislation to reform the Food and Drug Administration, and to consider pending nominations.
SD–430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

Armed Services
Closed business meeting, to mark up a proposed National Defense Authorization Act for Fiscal Year 1998, and to receive a report from the Senate Select Committee on Intelligence on the Intelligence Authorization Act for Fiscal Year 1998.
SR–222

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine judicial activism and its impact on the court system.
SD–226

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH–216

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on recent administrative and judicial changes to Section 404 of the Federal Water Pollution Control Act.
SD–406

Small Business
To hold oversight hearings to review the Small Business Administration's microloan program.
SR–428A

10:00 a.m.
Armed Services
Closed business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1998.
SR–222

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on opportunity programs.
SD–430

JUNE 16

2:00 p.m.
Special on Aging
To hold hearings to examine the problem of pension miscalculations, focusing on methods for educating people on the steps they can take to protect themselves and their pension benefits.
SD–628

JUNE 17

10:00 a.m.
Labor and Human Resources
To hold hearings to examine women's health issues.
SD–430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

10:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 569 and H.R. 1082, bills to amend the Indian Child Welfare Act of 1978.
SD–106

JUNE 19

9:30 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on emergency medical services for children.
SD–430

JUNE 20

10:00 a.m.
Labor and Human Resources
To hold hearings on improving the quality of child care.
SD–430

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

JUNE 26

9:30 a.m.
Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD–430

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

CANCELLATIONS

JUNE 5

10:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA's international space station program.
SR–253

Judiciary
Business meeting, to consider pending calendar business.
SD–226

SENATE—*Thursday, June 5, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, Who has made work in Government one of the highest callings and the formulation of public policy a crucial ministry, we ask You to help us bless this weekday and keep it holy. Give us a renewed sense of mission today as we go about the tasks of this day. Help us to find a solution to the present impasse over the disaster relief bill. You are present in this Chamber.

May we keep our attention on You as the only One we must please. With that ever present before us, we will work with excellence because we are accountable to You. So may every word we speak, every relationship we enjoy, and every task we tackle be done with a sense of Your presence. May we never forget why we are here—to serve You by being servant leaders of the people of our land. Living and working is a privilege. Thank You for another day in which we can do both with enthusiasm. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business from the hour of 12 noon to 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator HUTCHINSON of Arkansas from 12 to 12:30 p.m., and Senator DORGAN, or his designee, from 12:30 to 1 p.m.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period for morning business until the hour of 2 p.m. to accommodate a number of Senators who have requested time to speak. At 2 p.m., it is my hope that we will begin debate on the supplemental appropriations conference report. We are working to get a 2-hour debate agreement on that supplemental conference report, of course, to be followed by a vote.

Then after that debate, the Senate will, hopefully, be able to begin consideration of the budget resolution conference report with 3 hours of debate on that. Therefore, Senators can expect votes on both the supplemental appropriations conference report and the budget conference report before the Senate adjourns this evening. I thank my colleagues for their attention.

I might also note, we hope to be able to confirm the nomination late this afternoon of Elizabeth Anne Moler to be Deputy Secretary of Energy.

I yield the floor, Mr. President.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

CHINA'S MOST-FAVORED-NATION STATUS

Mr. HUTCHINSON. Mr. President, I rise today to voice my strong opposition to the administration's proposal to renew most-favored-nation status for China, and I rise as an original cosponsor of Senate Joint Resolution 31, the resolution of disapproval of MFN.

First and foremost, I want to recognize my good friend and colleague from North Carolina, Senator JESSE HELMS. Over the years, Senator HELMS has dedicated himself to making this body and the American people aware of China's human rights record of abuse. I sincerely thank the Senator and his staff for their leadership on this very important issue.

Mr. President, yesterday, June 4, 1997, was the eighth anniversary of the violence in Tiananmen Square. It has now been 8 years since the suppression of prodemocracy protests in China; 8 years since the killing of hundreds of unarmed civilians by the army in Beijing. In 1989, we all watched with amazement as these courageous Chinese students marched in Tiananmen Square. Today, they are all gone.

During their struggle, they defied the tanks, they looked to the United States for inspiration, they quoted our Declaration of Independence and, through it all, Mr. President, United States policymakers have responded that economic engagement would stop China's abuses of human rights. As far as I can tell, it is, in fact, profit projections that are primarily driving our foreign policy.

How can the United States consider renewing MFN for China when the Chinese authorities still have taken no steps to publicly investigate the circumstances of the killings and bring to justice those found responsible for human rights violations? Instead, the families of victims and people attempting to gather information about those killed are themselves subjected to harassment and intimidation in a continuing attempt by authorities to conceal the facts of what occurred 8 years ago.

The Chinese Government defines the 1989 protest as a "counterrevolutionary riot." I believe this definition has been used since 1989 to justify the imprisonment of many people who are the victims of human rights violations. Thousands of political prisoners—thousands—arrested during the crackdown, including prisoners of conscience, are believed to be imprisoned today. How can this Congress accept the administration's proposal to renew MFN for China? How can we stand here in good faith and look the other way? By turning a blind eye to this oppression in the interest of trade opportunities, I believe the United States is sending a clear and unmistakable message. It is the wrong message. The message to the Government of China is one of commendation rather than one of condemnation.

It has been almost 3 years since the United States formally delinked American trade with China for its human rights performance of abuse. So I say to my colleagues, much has changed in China in the last 3 years, but the changes that have occurred in China have not been changes for the better. We now see a human rights situation in China that is worse by every measure—persecution of Christians, forced abortions, sterilizations of the mentally handicapped, kangaroo courts for Democratic dissenters, incarceration of political dissidents, and, Mr. President, the near extinction of the expression of any opinion contrary to that of the Communist regime.

I am deeply concerned with the mounting campaign of religious persecutions waged by the rulers of China. Regarding China's deprivation of fundamental human rights and religious aspirations, continuing MFN to China is effectively equivalent to a policy of appeasement.

The Roman Catholic Church has been made, for all practical purposes, illegal in China. Priests, bishops, and people of faith have been imprisoned and harassed. For example, Zheng Yunsu, the leader of a Jesus family, a Protestant community in Shadong Province, is one of many people who are behind

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

bars simply for practicing their faith. He was arrested during a police raid on the community in 1992. He was later sentenced to 12 years imprisonment for disrupting public order and "swindling." His four sons and other members of the group were also imprisoned. I believe that they are all prisoners of conscience.

Mr. President, such persecutions of religious groups has followed a substantial religious revival in China over the past 15 years. In the Christian community, much of the expansion has been in religious groups that conduct their activities outside the Protestant and Catholic churches still recognized by the government, though they are greatly restricted.

Many peaceful but unregistered religious gatherings have been raided by police, and those attending those services have been beaten, threatened, or detained, and many of those detained are required to pay heavy fines as a condition for their release. Those regarded as leaders are usually kept in custody and either sentenced to prison terms or administratively detained without charge, without trial. And this, Mr. President, is the regime to whom we would grant most-favored-nation status.

In January 1994, two national regulations on religious activities came into force. Notably, Mr. President, they banned religious activities which undermine national unity and social stability. Under the broad rubric of these two regulations, any activity could be construed as undermining the Chinese Government and, therefore, constitute a threat punishable by arrest, prosecution, imprisonment and bodily harm.

These regulations also require that all places of religious activities be registered with the authorities according to rules formulated by China's Religious Affairs Bureau, an innocuous-sounding agency. This means, in effect, that religious groups that do not have official approval may not obtain registration and that those involved in religious activities in unregistered places may be detained and punished. Provided in these new regulations are detention and criminal penalties for any violation. And this is the regime to whom we would grant normal trade relations and most-favored-nation status.

During this past year, police raids on religious gatherings organized by independent groups have continued, with hundreds of Protestants and Catholics reportedly detained as a result. More than 300 Christians were reported to have been detained in what appears to be a crackdown by police on unregistered Protestant houses and churches. And this is the Government to whom we want to extend MFN.

I believe there is evidence of an intensified Chinese repression of religious liberty. This repression ranges from ransacking homes in Tibet in search of banned pictures of the Dalai Lama to destroying or closing 18,000 Buddhist shrines last spring. Ministers, priests and monks are routinely arrested, imprisoned, tortured and sometimes killed for the mere expression of their faith. For example, let's take the case of Pastor Wong, who runs 40 evangelical churches. He was released in December after a fourth arrest for spreading the Gospel. This time, Mr. President, the government captors broke several of his fingers with pliers. This is the government to whom we would like to extend, again, MFN.

I believe it is the obligation of the American Government to uphold the principles of democracy and freedom that we claim to espouse. By renewing MFN status to China, we are turning a blind eye to the oppressed in the interest of expanded trade opportunities. There must be some things that are even more important than the almighty dollar.

Mr. President, in Paul Marshall's critically acclaimed book, "Their Blood Cries Out," an authoritative book of religious persecutions around the globe, the case of Bishop Su is documented. During Bishop Su's 15 years in China's prison system, he was subjected to various forms of torture. One beating was so severe that the instrument of the beating actually splintered. Then the police ripped apart a wooden door frame and used it to continue the beating until it, too, disintegrated into splinters. The bishop was then hung by his wrists from a ceiling and beaten around the head.

As appalling as this story is, in another encounter, this bishop was placed in a cell containing water at varying levels from ankle to hip deep where he was left for days unable to sit and unable to sleep. And, again, this is the regime to whom we would give most-favored-nation status.

Every year, countless numbers of people are detained without charge in breach of the law or sentenced without trial to years of reeducation through labor at the discretion of police and local officials. For those who are charged, sentences are frequently imposed after unfair trials, with the verdict decided beforehand. In many cases, such verdicts even carry the death penalty.

The Chinese legal system, like, I suppose, all legal systems, supports the established political and governmental institutions. However, it does not do so in a way that is consistent with the rule of law and fundamental human rights. The rule of law becomes subordinate to higher political goals, including the defeat of perceived political enemies within the nation of China.

The vagueness and contradictory provisions of the law in China lead consistently to Chinese arbitrary enforcement and provides an open invitation to abuse of power. Repressive criminal legislation and the extensive system of administrative detention means that virtually anyone can be detained at the whim of individuals who happen to be in a position of power.

As we discuss MFN for China, a vast array of laws and regulations continues to be used to detain or imprison political opponents or to warn political dissidents against opposition.

The Chinese say over and over again that there are no political prisoners in China. Such an assertion is absurd on the surface and it flies in the face of overwhelming evidence. People are routinely imprisoned because of their political views or beliefs, but are categorized simply as counter-revolutionaries, administrative detainees, or criminals. In January 1995, for instance, a Ministry of Justice official was cited as stating that 2,678 prisoners convicted of counterrevolutionary offenses were currently in jail. I believe, Mr. President, that this figure represents only a fraction of the real number of political prisoners held in China today.

Furthermore, I believe that this figure excludes many thousands of people who are jailed for political reasons but convicted of other offenses or held under various forms of administrative detention who have not even been charged or tried.

We all know that grave human rights violations have continued in China since 1995. They range from the arbitrary detention of people who peacefully express their views to gross violations of the physical integrity of the person and their very right to life. Dissent and any activity perceived as a threat to the established political order continues to be repressed.

So as we debate MFN for China, thousands of political prisoners, including members of religious and ethnic groups, are in jail simply for expressing their views. Torture and ill-treatment continue to be common practices during arrest in police stations, detention centers, labor camps, prisons, and this often results in the death of these victims.

It is my understanding, Mr. President, that at least a thousand people have been executed in China since the launch of a nationwide anticrime campaign in 1996. I call out to my colleagues that we must put pressure on China to stop these mass executions, many of which are carried out after only show trials.

The political authorities in China have instructed the judiciary to speed up procedures to sentence offenders, including those liable to the death penalty. And I believe the result is untold miscarriages of justice.

If we grant MFN to China in view of these practices, then we too are guilty of a miscarriage of justice. If we renew China's MFN status, as the administration wants us to, then I think we are derelict in our duty, this Congress' duty to uphold the principles of dignity and fundamental freedoms.

If we really want to engage the Chinese, we have to show that we are willing to confront them when they break the rules. We have not done that. And we will not do that by granting them most-favored-nation status.

For 4 consecutive years, from 1991 to 1995, the Chinese Government has successfully used a procedural motion to block any resolution critical of its human rights record being debated by the U.N. Commission on Human Rights. Mr. President, no government should be allowed to choose the extent to which it will abide by international human rights laws. No government should be allowed to manipulate human rights issues to further its political aims.

Newspapers in early April reported that China has been selling Iran the components of chemical weapons for several years. This was one in an ongoing series of reports about the Chinese military. The Chinese are also said to be dealing in nuclear weapons with Pakistan, buying advanced jet aircraft from Russia, and contracting for Russian-made aircraft carriers equipped with surface-to-surface missiles.

This is the nation, this is the government, this is the regime that we say, "You deserve again to have most-favored-nation status renewed," a nation that has a growing military capacity, that is increasing its military defense spending, has an expansionist view of its own territorial goals and has snubbed us at every turn in our seeking conciliation and moderation in their foreign policy?

It seems while the administration would like Congress to renew MFN to China, they were and are fully aware of China's supplying Iran, Iraq and other enemies of the United States with deadly weapons—conventional, chemical, and nuclear.

Robert Einhorn, Deputy Secretary of State for Nonproliferation, has recently stated:

> These dual-use, chemical-related transfers to Iran's chemical weapons program indicates that, at minimum, China's chemical export controls are not operating effectively enough to ensure compliance with China's prospective obligation not to assist anyone in any way to acquire chemical weapons.

Mr. Einhorn has also confirmed reports that China has been providing Iran with advanced C–802 cruise missiles capable of threatening United States warships in the Persian Gulf. Moreover, Mr. President, he testified to a Senate panel that:

> We have information of discussions between Iran and China about additional conventional weapons sales. We expect there will be more.

That is what our State Department is saying about China's export controls.

Mr. President, as for still other reports that China has been running a brisk sale of mobile, nuclear-capable M–11 nuclear components to Pakistan—2 years after it pledged not to do so—Mr. Einhorn said those reports are, in fact, correct.

Mr. President, I ask my colleagues, can China, under the current regime, be trusted to honor its treaty obligations? If China, our partner in engagement under the Clinton administration policy of constructive engagement, if China, our partner in engagement, supplies Iran, Iraq, and other enemies of the United States with deadly weapons, what in reality does that make China?

Mr. President, the biggest question of all in this year's MFN debate should be, is United States trade with China in effect subsidizing a military buildup that will soon threaten not only Taiwan, Japan, and China's other Asian neighbors, but even our own national security?

Mr. President, militarily, the administration has sought to strengthen Taiwan. We have shipped Patriot missiles to Taiwan, and Taiwanese pilots are at this moment in the United States being trained to use the F–16 jet fighters that America has also pledged to send to our ally.

When the Chinese in effect blockaded Taiwan during a missile-testing exercise off its coast in March of last year, the President—and I commend him—responded with a firm show of America's force dispatching the *Independence* in the area.

I ask, why, even though we deplore the Chinese military buildup in diplomacy and counter it in strategy, do we continue to help to finance it in trade?

Mr. President, these are some very serious questions that go unanswered by the administration in their attempt to renew MFN to China. I am very concerned with the administration's obvious neglect and disregard for the United States Department of State's "China Country Report on Human Rights" for 1996. Mr. President, the findings are absolutely horrific. I urge my colleagues to listen closely as I read one passage from this report. I quote:

> Overall in 1996, the Chinese authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.

I repeat, "No dissidents were known to be active at year's end."

I continue the report:

> Serious human rights abuses persist in minority areas, including Tibet and Inner Mongolia. Controls on religion and other fundamental freedoms in these areas have also intensified.

This report debunks the logic of engagement. We were told that the situation in China was going to get better. That is what I was told when I first came to Congress in 1993, that if we will grant MFN to China, if we will extend that again, that this policy of engagement would result in better human rights conditions in China. But they have not improved. The situation has only grown worse.

I am astonished that the administration can justify renewal of MFN status for China, with what is provided in the report: the sale of women, religious persecution, forced abortions, forced sterilizations, continued disappearances of political rivals, et cetera. This important and vital report, overlooked by the administration, clearly states there are no free dissidents left in China today—not one, none.

I understand the importance of trade. It is important to Arkansas. It is important to America. It is important to our farmers. It is important to our manufacturers. But, Mr. President, I am convinced either the President has not read the State Department's report and/or the administration has ignored its findings.

Furthermore, China's human rights abuses, as described by the State Department, should be met with a heavy price, not a prize. Granting China special status only perpetuates their illegal and indecent actions toward the Chinese people.

Some would say, you cannot talk that way about China. Some would say that this will offend China. But then Ronald Reagan had many critics when he called the Soviet Union the "evil empire." Our goal is not to isolate China, but to awaken China to its inhumanity to its own people.

Mr. President, before I yield the floor, I just want to make one more plea to my colleagues not to turn a blind eye to the oppressed in the interest of trade opportunities. I urge my colleagues to stand up and voice their opposition to the treatment of the Chinese Government toward their own people. Mr. President, I urge this administration to rethink a narrow-minded, nearsighted, and unengaging solution to human rights abuses.

For 16 years—for 16 years—the United States has extended MFN status to China, and in doing so, we have tacitly endorsed everything from forced abortions to the sale of dangerous weapons to our enemies.

I was talking to one of my colleagues early this week, and I told him that I have looked for 3 years for some scintilla of evidence that engagement has worked, I would like to vote for MFN, but I have not seen any evidence at all that this policy has improved the condition of the Chinese people or improved the human rights situation for those being oppressed in China. His response to me was, "TIM, it takes time."

Mr. President, time has run out for the thousands and thousands, who, today, find themselves in prison, and the families who have lost loved ones because of the oppressive regime that rules China.

The United States must stand for something once again. The debate is about more than dollars and cents. It is about our values as a nation. Others of my colleagues have said, "Well, we can't tell them what to do domestically." I would simply raise the question that it seems to be that the evidence is mounting daily that they have sought to tell us what to do domestically through influencing American elections.

Eight years ago, the world looked on in awe and admiration for those thousands of students who stood with courage in Tiananmen Square. Tiananmen Square must not become a haunting but fading memory to the world and to the American people.

So I ask my colleagues this question: Does not a little part, a little piece of the soul of this Nation die every time we turn away and allow freedom to be extinguished anywhere on this globe?

Let us make a difference. We must confront China's abuses. The price of not doing so is simply too high.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 1469

Mr. HUTCHINSON. Mr. President, I ask unanimous consent at 2:30 p.m. today the Senate begin debate on the conference report to accompany H.R. 1469, the supplemental appropriations bill, and there be 2 hours for debate, to be equally divided between the chairman and ranking minority member or their designees, and following the conclusion or yielding back of time, no further debate be in order, or motions to recommit, and the vote on adoption of the conference report occur at 5:05 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered. And, without objection, rule XII is waived.

Mr. HUTCHINSON. I am also asked to report to the Presiding Officer that all Members should be on notice that a vote will occur at 5:05 p.m. this evening on adoption of the supplemental appropriations conference report.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 831 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 100TH ANNIVERSARY OF THE 1897 ORGANIC ACT

Mr. MURKOWSKI. Mr. President, I rise today to advise my colleagues that yesterday, unfortunately, we were not in morning business so I could not make this statement, but yesterday marked the 100th anniversary of the passage of the 1897 Organic Act which created the Forest Service. On that day, June 4, 100 years ago, Congress passed the Forest Service Organic Act which allowed the first on-the-ground management of the forest reserves.

Prior to this date 100 years ago, forest reserves totalling approximately 17 million acres had been established in 1891 and 1893. In the spring of 1897, another 21 million acres of forest reserves were added to the system. This latter addition was the result of a Presidential Commission on National Forests established in 1896. The commission included notable scientific and conservation leaders at that time.

However, the addition of the second round of reserves was sufficiently controversial that Congress moved in early 1897 to attach an amendment to the 1898 general appropriations bill to eliminate the reserves and transfer the 21 million acres back into the public domain for disposal. Outgoing President Grover Cleveland pocket vetoed the bill on his last day in office. This created a situation in which the Government had no money to operate and the new President, William McKinley, quickly called Congress into an extra session on March 15, 1897, to reconsider eliminating the reserves.

In this special session of Congress a compromise was framed which took the form of the Forest Service's 1897 Organic Act and which restored the 21 million acres of forest reserves. I think it is rather ironic, Mr. President, as we consider today various and sundry conflicts over salvage riders and the management of various forests, including the Tongass National Forest in my State, that 100 years ago Congress had the same kinds of conflicts. But the national forests that we have today serve as a living testimony to our ability to resolve those conflicts.

My understanding is that other Members will join me today, Senator SMITH and probably Senator CRAIG, with regard to further statements on the significance of this particular date, June 4, 100 years ago, 1897, and further elaborate on the circumstances and conditions of the forests and the transition that has occurred in that 100 years.

However, I think it noteworthy that there are many changes in the names, many changes in the boundaries of the national forests in the years that have followed that event 100 years ago, but the basic land areas that were set aside in the Western States between 1891 and 1907 are still with us today. From 1907 until today another 44 million acres have been added to our national forests, mostly in the Eastern States. These lands, for the most part, were old, worn out farms, lands that were cut over, but today represent some of the most important forested recreation and timber producing areas that we have in the Eastern United States.

The Organic Act of 1897 allowed for the organization and active management of the reserves by forest rangers rather than no management at all, which had been the case from 1891 until that time. The well-known and revered Gifford Pinchot was hired on June 25, 1897, and he recommended the adoption of three basic goals for the management of the forest reserves. The first was permanent tenure of forest land; the second was continuity of management; and the third was the permanent employment of technical trained foresters. Because the tradition within the Department of the Interior was to hire political appointees rather than technically trained foresters, Pinchot was successful in 1905 in securing the transfer of the forest reserves to the Department of Agriculture where it is today.

I think it is a little bit ironic that today the new Chief of the Forest Service is a political appointee who most recently served in the Department of the Interior. Nevertheless, technically sound management continues within the Forest Service.

The major section of the 1897 act was a statement of reason for establishing the forest reserves. The act stated, "no public forest reservation should be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessity of citizens of the United States." Let me repeat that: "securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessity of citizens of the United States." That was the purpose.

Mr. President, for the most part of 100 years of management of the reserves, the Forest Service has relied extensively upon the double provisions of water flows and timber. Today, however, with ecosystem management as the Forest Service envisions it, improving and protecting the forests seems to have taken the forefront. I, for one, believe that all three criteria are important to assure that we can continue the balanced, predictable, and sustainable management of our national forests.

One interesting difference from the way the world seems to work today is the way the Forest Service was able to complete the implementation regulations for the Organic Act by June 30, 1897. Today it is difficult for the agency to produce regulations in 25 months, let alone get the job done in 25 days, which is what they did in 1897.

Pursuant to the provisions of the Organic Act, which established the philosophy of active management of the forest reserves, the first national forest timber sale occurred in the Black Hills National Forest in South Dakota in 1899. This sale was offered in the spirit of the then recently passed Organic Act because Gifford Pinchot believed that the science of forestry could be applied to manage the forest reserves on a sustainable basis.

We will be displaying a photograph as I speak. I think it is noteworthy, Mr. President, to recognize the significance of what this represents, because I have here for my colleagues' attention an enlarged photograph of the first timber sale that occurred in the United States on national forest lands. This is how it looks today, Mr. President. I think you will agree that this photograph shows a healthy, well-managed forest, which 100 years later confirms Pinchot's belief in forestry and the renewability of the resource. Since the time of that first sale, forestry and forest practices have progressed exponentially, reflecting modern knowledge and technologies and a heightened concern for ecology and all of the ecological functions of the forest.

This picture is an actual portrayal of the area in question today. This area in the Black Hills National Forest in South Dakota was cut in 1899. I am going to have an easel put up so that during the remainder of my remarks it can be viewed.

Finally, Mr. President, the Organic Act of 1897, although modified many times by the Congress, set the standards for the management of the national forests for an entire century. The vast national forest lands were set aside, and they are still in existence to this day. Controversy about the management of those forest lands, of course, continues, much as it did a century ago. The national forests are still under attack from some quarters. Management is being pressured to change. Special-interest groups are highly polarized. But the fact is that there are national forests, and I think it speaks well that 100 years ago a young country with vast resources would save and manage millions of acres for the people, and that is just what we have done. Were we less forward-thinking people then, as some people seem to believe we are today? If we were, there would be nothing left to argue about. But that is not the case.

In conclusion, Mr. President, for the most part, the legacy of the Forest Service for the last 100 years has been responsible stewardship by dedicated professionals within the Forest Service.

Finally, as a commemoration of today's anniversary, I am sharing with each of my colleagues a most important book on forest ecology called "Pacific Spirit: A Forest Reborn." This book, which was written by Dr. Patrick Moore, is going to be given to each Member of this body. Dr. Patrick Moore is a forest ecologist and is one of the cofounders of GreenPeace. That is a rather interesting reference. Here is a cofounder of GreenPeace writing a book on forest ecology—"Pacific Spirit: A Forest Reborn." It is interesting that Dr. Moore now advises the Forest Alliance of British Columbia, an industry-sponsored organization in Canada. Some Members might think it ironic that I would send my colleagues a work by a former GreenPeace activist and founder of GreenPeace. But Dr. Moore sums up his position in this way:

> As a lifelong environmentalist, I feel the need to speak out because I cannot agree with claims made to the world by some of my environmentalist colleagues about the total destructive impact of forestry in general and clear-cutting in particular.

It is the final irony today, I guess, that it takes a founder of GreenPeace to speak to us on the proposition that clear-cutting has value and is an adequate and recognized means of timber harvesting.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from North Dakota is recognized.

Mr. DORGAN. Am I correct that I am to be recognized under a previous unanimous consent agreement?

The PRESIDING OFFICER. Yes. The Senator has 30 minutes.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, I don't think I will use the entire 30 minutes. I wanted to come to the floor of the Senate today to speak again about a piece of legislation that we will take up in about an hour and 45 minutes. It is a supplemental appropriations bill to provide resources and money to help those who have been victims of a disaster in our country—especially, and most importantly, the disaster that has occurred in our region of the country, the Red River region, North Dakota, South Dakota, and Minnesota.

There are moneys in this bill for other regions as well, and there have indeed been other disasters, although none quite as substantial as the one that has occurred along the Red River; that is why this bill is so critically important to us.

I was a conferee on the conference committee and, last evening, the conference committee reported out the bill, H.R. 1469, an act making emergency supplemental appropriations for recovery from natural disasters and for overseas peacekeeping, and so on. It is emergency supplemental appropriations for recovery from natural disasters. That is the purpose for this bill. Congress will consider that, as I indicated, in about an hour and 45 minutes.

I want to make two points today. The first is short, and the second is a bit longer. The first is this: Inside this piece of legislation is a substantial amount of help, an enormous amount of additional resources that will go to a number of regions of the country, especially our region, to try to help the victims of the disaster that visited our region. We are enormously grateful for that. There are many Members of the U.S. Senate, on both sides of the political aisle here, who pulled together and rolled up their sleeves and said, "Let us help." The help in this bill is substantial. It is very substantial, and it will help our region in a manner that I can hardly describe. So we are enormously grateful to every Member of this Senate and this Congress who helped us get to this point. That is the first point. Thanks to everyone who helped.

The second point is this: The resources inside this legislation are only going to be available when the President signs the bill. Time is urgent to deal with the needs that exist in our part of the country and to respond to the victims of the massive flooding that occurred in the Red River Valley. The reason I mention that time is a serious problem is because, 14 days ago, the Congress left for the Memorial Day recess and left this bill unfinished, and so 14 days have elapsed since that time. Now it appears that Congress will pass this bill this afternoon, and it contains unrelated, controversial items that almost certainly will be vetoed by the President because he has said time and time again that if it contains especially the central item dealing with Government shutdowns, he will be constrained to veto the bill.

I rode with President Clinton on Air Force One to Grand Forks Air Force Base one morning, and he visited with several thousand people who were then living and sleeping in an airplane hangar, a series of four hangars, sleeping on cots because they had been evacuated from their homes. Two cities, Grand Forks, ND, and East Grand Forks, MN, were nearly totally evacuated due to the flood waters that destroyed the two communities. Thousands of people were in airplane hangars sleeping on cots, wondering what would come next. President Clinton came that day. One of the points he made was that the Congress and the President certainly will help. He said, "I hope very much that in the construction of a disaster relief bill, Congress will not add unrelated amendments, controversial, extraneous amendments that will slow down or derail the bill." He made that point in the airplane hangar to the thousands of people who were there for good reason —because there is a tendency in Congress to add unrelated things to other pieces of legislation. I don't expect that that habit will discontinue. But it is unusual for that to happen on a disaster bill. It is not the usual course of events for someone to seize a disaster bill like this and say, oh, by the way, I have an unrelated issue that is very controversial and I think we can force the President to sign it by including it in a disaster bill.

That is not the way most Members of Congress have treated disaster bills in the past. Disaster bills deal with disasters. They have resources that are needed by victims. The Congress, by and large, has decided that they will not toy with or play with or play political games with a disaster bill. Yet, today, despite my enormous gratitude for all of the wonderful resources that are in this bill, this bill contains a couple of—especially one—totally unrelated, very controversial items that the President certainly will veto.

So what happens as a result of that? More delay. Probably another week's delay, at least. What happens to the victims of the flood along the Red River during that week? They will wait, they will wonder, and they will not have answers about their future.

It is unfair to them to do this. Now, some say—and I read in the papers in the last few days—that delay doesn't matter; there is money in the pipeline. FEMA has money and they are helping the victims of this disaster. Why are you saying that delay is a problem here?

To anyone who says that, they must be saying it without the facts. The facts are this. In Grand Forks, ND, a city with which I am well familiar because I have been there many, many times prior to, during, and since the flood, about 600 homes were totally and completely destroyed as a result of the flood and probably another 800 were severely damaged. The people who lived in those 600 homes are not ever moving back. The question is, what happens to them? They are going to have to describe a new flood plain up in Grand Forks, and those homes are going to have to be bought out, and the money will hopefully be used to build new homes somewhere else. But there isn't money in the pipeline to buy out those homes. The HUD money in this bill is not available until the bill is signed. The result is that the city can't make decisions until the money is there, and the result is that all of those citizens and families, many of whom are now split, wake up in a bed that is not theirs, in the home of a stranger that took them in, or in a motel, or in a shelter someplace, or in a city 100 miles away, all of those people will continue to wait because the city can't give an answer because they don't have the money. And the city doesn't have the money because this is delayed.

Now, let me, if I might, go through a couple of charts to describe this point. The Grand Forks Herald runs this editorial every day. It is a city of 50,000 people, 90 percent of whom were evacuated. I have said that 600 homes were totally destroyed and another 800 were severely damaged. The Grand Forks Herald says in its editorials, "10 Days Since the Congress Let Us Down." That was actually a few days ago. But, today, they will have had a different number. Every single day, the number of days "since the Congress let us down." The Fargo Forum, 70 miles down the road, wrote "Act Now on Flood Relief Bill." It is a long editorial saying "don't delay and add extraneous amendments to this kind of legislation." The Grand Forks Herald, again, wrote: "11 Reasons to Pass Federal Disaster Bill Now." It describes the urgency and the need for the legislation.

Now, let me, just in case my colleagues don't recall—and I assume most of them do—review again how we got to where we are now. In our region of the country, we had nearly 10 feet of snow, 3 years worth of snow in 3 months. The last quantity of snow was nearly 2 feet—the worst blizzard in 50 years, we are told. This illustrates what happened during that blizzard. Telephone poles snapped like toothpicks and 80,000 people were out of power. In many cases, the power wasn't restored for some long while, despite the fact that day and night crews were working on poles. You can see these poles that were put in. These power poles were snapped off like toothpicks and 80,000 people were without power. In the middle of that, the Corps of Engineers is furiously building dikes because the Weather Service says we will now have a severe flood.

So the snow begins to melt. We have a 500-year flood.

This is farmland. It doesn't look like it. It looks like an ocean. All you can see is the barn and a silo, and water for as far as the eye can see.

This is a poster that shows one of our communities along the Red River. All of this is farmland. It now looks like a lake. This is before all of the snow had melted. This little Red River became a lake nearly 150 miles long and anywhere from 20 to 30 miles wide. That is what the citizens of this region face.

What did that look like? When that came through our town, it looked like this—a river that had no bank, a river that became part of the community in every home, in every business; Grand Forks, ND, and East Grand Forks, MN, totally inundated. In East Grand Forks, 9,000 people evacuated, most of them with only the shirts on their backs, totally evacuated. In Grand Forks, ND, 90 percent of the 50,000 population had to evacuate, many of them with no notice at all.

So here is what the Grand Forks neighborhoods looked like—all throughout the town with water reaching the tops of automobiles.

In the downtown area we had severe flooding. Then we had a severe fire. In the middle of the flood a fire destroyed 11 buildings; parts of three blocks in downtown Grand Forks.

These courageous firefighters fought that fire in some cases working only with fire extinguishers in ice cold water up to their waists and their chests, suffering hypothermia; and parts of three blocks of downtown Grand Forks burned down.

Here is what it looks like. Here was a block. There is nothing left. In the middle of the flood it looks like Dresden.

Here is another view of downtown Grand Forks flooded and destroyed and ravaged by fire; the fire skipped throughout the downtown.

I might say to the Presiding Officer that this downtown is still uninhabited. If you go there today—and I have been there very recently—there is almost nothing going on here because there is almost nothing left. Every one of these buildings was severely destroyed, and the new floodplain in any event when it is drawn, will take a major part of the downtown and destroy it further because the buildings will be uninhabitable.

The Grand Forks Herald in the middle of all of this says, What kind of flood is this? "Red Cross Tops 1 Million Meals." How bad was that disaster: People in shelters, people evacuated all across the region, and the Red Cross serving 1 million meals.

The water is gone. That water stayed a long, long time. The National Weather Service predicted a severe flood with a record 49 feet which would have been a record of all time on the Red River; 49 feet. But it wasn't 49 feet. It was 54 feet. And it inundated everything, and literally brought both of those communities to their knees; to a standstill.

What has happened in Grand Forks now? These are some pictures that are not quite as clear. But Grand Forks now has streets. When you drive down the street, there is only a narrow path to drive down because in all of these homes that were destroyed or severely damaged by this flood homeowners are ripping all of the things out of these homes that need to be taken out; the streets are littered as far as you can see up and down the street with just this kind of scene.

The citizens who go back and take a look at what they have see this. This is a home that I stopped at not too many days ago. This is a home that is sitting on top of a car. Incidentally, I was on a Coast Guard boat. And this is in an area called Lincoln Park. We were on a boat through this area. All of these homes were completely under water. It took those homes right off the foundation. And this home now comes back and sits on top of a car. It and 600 of the neighboring homes are destroyed and will never ever be inhabited again.

In the same neighborhood, this is what happened when the flood inundated the home.

The reason I am showing these pictures, Mr. President, is some say that there is not an urgency here at all. I don't know how many have seen what happens in a flood. But here is what Grand Forks residents, when they went back to homes that are now uninhabitable, see. They see personal belongings that are unrecognizable. They see all of the appliances that are destroyed. And they see the job of taking them out to the street and putting them on the sidewalk.

Then we have people now in Grand Forks and East Grand Forks—thousands of them—who this morning didn't wake up in their homes because their homes aren't available to them. They are destroyed. They wake up in a neighbor's home, a friend's home, or a stranger's home who took them in; a motel, a shelter, in a town 10 miles or 20 miles or 50 miles away, and in some cases 100 miles away. And they are asking the city of Grand Forks, "What next?" The city leaders of Grand Forks say to them, "Well, what we are going to do is we are going to help you. The Federal Government is going to give us the resources to help you. We are going to buy out some of these homes. We are going to help some of those businesses restart. We will help some of those folks in rebuilding a new home."

I talked to a couple down at the Lincoln Park area. They lived in their home for 43 years, and had a half-hour notice as the flood waters coursed through the dikes and destroyed their entire neighborhood. Now they are living in travel trailers, wondering about their future. "What next?"

Every one of those lives is on hold at this moment waiting and watching and wondering when Congress will pass the disaster relief bill. The answer is, this afternoon.

That is the good news.

The bad news is that what Congress passes this afternoon has in it unrelated, extraneous amendments put there, in my judgment, only for political purposes—only to bait the President; only to say to the President, "Sign this." We are going to shove it right down that narrow alley and dare him to sign it. The President has already said that he won't sign this. This is an amendment that deals with Government shutdowns on October 1. It doesn't have merit.

I don't know. Maybe we should debate that. It ought not be debated on a disaster bill. And Members of this Congress know it. If any other Member of this Senate was faced with the same circumstance with their constituents whose lives are on hold and who are waiting day after day after day—if anyone else were in the same situation, they would be here to do what I am doing to say this makes no sense.

Those who have visited my State and the Northern States in our country know that we have a very short construction season. We don't have 12 months out of the year to rebuild. We have a very short construction season. Every single week you lose means that part of your community begins to bleed to death. That is why this week and last week was so important. It is why next week is so important. It is why I am so upset with those who insist on putting unrelated amendments that they know will require a veto of this bill.

Mr. President, we are not the first region of the country to suffer a disaster—earthquakes, fires, flood, tornadoes all over this country. And in all of the years that I have been in both the U.S. House and the U.S. Senate I have been one who said my constituents in North Dakota want to be there to help. You are not alone when you suffer a disaster. We want to help you. I do not recall a time since I came to the Congress when in the middle of a disaster bill people said, "Oh, by the way, we are going to play this like a fiddle. We have an agenda here." This isn't about victims. It is about politics. I do not recall a time when that has happened on a disaster bill. It has happened on other bills, and it has happened on both political sides of the aisle—both Republicans and Democrats. We will probably never change that because of the rules of the Senate probably are never going to change. But, generally speaking, in most cases Members of the Congress and the Senate have not done this with disaster bills.

We are going to vote on this bill this afternoon. It contains critically needed aid for this region of the country.

There are thousands and thousands of people who are not back in their homes. Seven-thousand apartments in Grand Forks, ND, are uninhabitable right now. So the 7,000 people in the apartment complexes aren't back and won't be back until they get some answer; until some moneys are available, until the construction begins, until the money is in the pipeline to get that done. And there are those who say, "Well, gee, nothing is being held up. FEMA has money." They just do not understand it. They are plain flat wrong. Yes. FEMA has money. FEMA has money to deal with the day-to-day needs of someone who tomorrow needs money to buy a meal, or needs money to rent a hotel room. But FEMA does not have the money that gives a community the ability to make the decisions to buy out the neighborhoods, or to describe the new floodplain and help people rebuild homes and businesses. FEMA doesn't have that money. That money is not available. That money is only available when legislation of this type passes and is signed by the President of the United States.

So, if I hear one more time anyone in this Senate say, "Well, gee, there is money in the pipeline, no one is disadvantaged," I urge them to do this. Buy an airplane ticket, and I will go with you. And let's go to Grand Forks, ND. There is probably going to be a city council meeting the night that you get there, and there will probably be 500 or 1,000 people there. And every single one of them will ask you the question: "If there is money in the pipeline, show us where. Where is the money that will allow us to make the decisions to get on with our life? Where is it?" If anyone who alleges that, again, buy a ticket, and come to East Grand Forks, MN, or Grand Forks, ND, or Watertown, SD, and tell those citizens where the money is. They won't do that because they can't. This are dead flat wrong.

They are playing a game on this bill, and they ought not play a game on this bill. They know it.

I raised the question yesterday: "Why don't you pass this bill, and then extract the emergency portions of this bill; just the emergency portions alone?" Extract that, and pass it as a separately enrolled bill. And if the President vetoes it, then at least enact the emergency portions of it so people who have been victims of a flood and fire and blizzards are not going to be victimized again by delay.

But it fell on deaf ears because that is not what people want. There are some—not all—who want something more than this. They want political points. They want a political issue. I guess they will get it. Not from me, but they will get it because they will have a veto in a day or two, I suppose. And then people will go home for the weekend having not passed the disaster relief, and then come back next week and start juggling all of this again. In the meantime, 3 weeks will have gone by at a time when it is critical for the people of North Dakota and South Dakota and Minnesota to make decisions about their future.

Mr. President, I regret taking so much time of the Senate today. I know other Members wish to speak on other issues. We will also have a chance to discuss for 2 hours the disaster bill itself in the middle of the afternoon. But I wanted those who watch these proceedings to know what the facts are.

The facts are that there have been thousands—tens of thousands—of victims of a natural disaster. That disaster was visited on them through no fault of their own; jerked out of their school; pulled out of their homes. The homes destroyed; the schools are closed.

The timing is urgent that this get done.

Let me end the way I began with two points.

One, we are enormously grateful for what is in this bill for disaster relief. We are enormously troubled by the time and the delay it has taken and will take to get this to the President for signature. My hope is that very soon all Members will understand the urgency of disaster relief for those victims who need it today.

Mr. President, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 837 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. I thank the Chair. I thank my friend and colleague from Colorado for his courtesy in securing my recognition after him.

(The remarks of Mr. BRYAN and Mr. BOND pertaining to the introduction of S. 838 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, let me also ask unanimous consent that, following my comments, the Senator from Missouri be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, will the Senator yield?

Mr. CRAIG. I will be happy to yield.

Mr. WELLSTONE. I thank the Senator for his courtesy.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Nicole Elizabeth Narotzky and Margaret Joanna Smith be allowed to be in the Chamber during this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. I thank my colleagues.

100th ANNIVERSARY OF THE FOREST SERVICE ORGANIC ACT OF 1897

Mr. CRAIG. Mr. President, yesterday was the 100th anniversary of the passage of the Forest Service's Organic Act, so it is an appropriate time to reflect on how recent Congresses have addressed Forest Service issues.

Let me also say to my colleagues, yesterday had sent to each one of your offices a book by Douglas MacCleery called "The American Forests: A History of Resiliency and Recovery."

During the 104th Congress, the Senate Energy and Natural Resources Committee conducted the first extended series of oversight hearings on the management of our Federal forests in almost 20 years. As these hearings proceeded, we also consulted with experts in the field of forestry management, participated in and evaluated the results of the Seventh American Forest Congress, and asked the General Accounting Office and others to evaluate the current state of the management of our national forests. As a consequence of these efforts, we have formed some conclusions about the management of our national forests, and today I would like to share these with my colleagues.

Notwithstanding considerable contemporary controversy, the Forest Service remains a top performer among Federal agencies. The breadth of contemporary controversy over Federal forest management and the cacophony of interest group outcries from all ends of the spectrum tend to obscure the simple fact that much of the time the Forest Service carries out its duties quite effectively.

Over the decade, the quality of management employed on our Federal forests have been reflected in the integrity of the resources involved. Since the turn of the century, and particularly over the last several decades, the science of resource management has improved dramatically. Our federally owned forests are arguably managed under the most advanced scientific principles and the most stringent environmental controls that have been applied to any managed ecosystem in the world.

In a historic context, the return on this investment in scientific management is striking. Many Federal forests which some view today as pristine ecological preserves were, earlier in this century, little more than worn-out farm lots. Species of megafauna which were dangerously close to extinction at the turn of the century are now flourishing on our Federal forests.

The National Forest System provides more recreation opportunities than any other land ownership category in the country. Wood from our national forests made a significant contribution to the American dream of affordable housing for post-war America, and must still continue to make an important contribution to our national fiber needs today.

The heat generated by present-day conflicts over Federal forest management makes it easy to forget that our national forests are century-long success stories. But this perspective is essential to retain as we go about the task of addressing contemporary problems and improving on our performance in forest resource management.

Notwithstanding the barrage of negative publicity generated by the pleadings of special interests, I remain highly impressed by the commitment of Forest Service professionals of all disciplines and at all levels. Moreover, after more than 15 hearings on an array of related subjects, I am convinced that the majority of people—those not vested in a particular resource management outcome—are, after a reasonable opportunity to offer their thoughts, prepared to defer to the judgment and expertise of the Forest Service in resource management decisions. In this regard, I have reached four specific conclusions from our oversight.

First, budget reductions and downsizing have left the agency with significant management problems. Throughout the system their are national forests with critical gaps in resource management expertise and/or personnel shortages. I have come away from our oversight convinced that we simply must find a way to provide the agency with the resources to do the job we want done. I urge my colleagues to join me in this search.

Second, despite these current fiscal constraints and various and sundry controversies, the spirit of Forest Service employees remains surprisingly strong. This spirit shone through in much of the testimony received from agency employees, particularly during field hearings. I believe we must act now to avoid squandering this endangered resource.

Third, the breadth and quality of resource and environmental expertise within the Forest Service, even stressed by budget constraints, is nonetheless unique among related Federal agencies. For example, I have come to conclude that the Forest Service's specialists possess: as much or more expertise in endangered species conservation as the U.S. Fish and Wildlife Service; as much or more expertise in managing anadromous fish habitat as the National Marine Fisheries Service; and as much or more expertise in maintaining or restoring water quality in rural, forested watersheds as the Environmental Protection Agency.

Fourth, in response to probative questions, we finally began to hear the acknowledgment, from other Federal agencies that this expertise exists and that the Forest Service could, in their view, be trusted to use it. I am not convinced that their actions yet reflect these words, but I was glad to hear them, nonetheless.

Most people still strongly support multiple-use management despite well publicized assertions to the contrary. After listening to over 200 witnesses from all quarters, I have come away convinced that we should continue to use our federally owned forests for a wide variety of purposes as long as these activities do not damage the lands. I believe that the majority of the populace agrees that we should protect wildlife habitat, allow recreation, permit harvesting of trees, grazing of animals, and development of minerals on these lands, and that these activities—if conducted judiciously—can be compatible. I do not believe that the "zero harvest," or "cattle free" philosophies are as widely supported as their proponents maintain. For example, at the seventh American Forest Congress, the 1,500 participants voted 91 percent to 4 percent to defeat an extremist proposal to eliminate commercial harvest on public lands.

Moreover, I also strongly suspect from what we heard that most people believe that the way to decide the best mix of uses on Federal forests lands is to give the Forest Service—particularly the resource professionals on the ground—as broad and independent a responsibility as possible to conduct studies, develop comprehensive plans, consult with the public, and then implement the results. Unfortunately, most of the developments in contemporary resource policy over the past 15 years have worked to reduce the forest Service's responsibility.

That is why last December, I began circulating comprehensive revisions to the 1976 statutes that govern the management of our Federal forest lands. These statutes have not been changed since Congress passed them two decades ago and are in dire need of modernization. The world that we face today is much different than the one we faced in 1976, even as it is different than the one that we faced in 1897.

Over the course of the last 4 months I have held a series of six informal workshops on the draft that was circulated for the first time last December. These workshops included representatives from all points of view, and were conducted to be as informal and discoursive as possible in hearing all points of view. Since concluding these workshops a few weeks ago, we have been reworking our proposal for introduction this summer. I hope that we can, in this centennial year of the passage of the original Organic Act, make some positive changes—in a bipartisan fashion—that will provide a mandate to carry sustained and enlightened forest stewardship forward for another century.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Idaho. I commend him on the work he does in forestry, an area in which I have great interest. We have seen tremendous developments in this area. Agri-forestry and many related concepts are very important new ways in which we cannot only benefit our environment, but maintain profitable revenue-producing opportunities for landowners, and we think that updating the law is very important.

I look forward to working with my colleague. I appreciate his leadership.

Mr. SMITH of Oregon. Mr. President, we have just heard about the history and origins of the 1897 Organic Act of the U.S. Forest Service. I would like to describe what our forests were like a century ago and compare this to where we are today as a nation of enlightened forest stewards. Consider the following turn-of-the-century snapshot of the condition of the Nation's forests and wildlife that confronted our early conservation leaders:

Wildfires commonly consumed 20 to 50 million acres annually—an area the size of Virginia, West Virginia, Maryland, and Delaware combined.

There were about 80 million acres of cut-over land that continued to be either idle or lacking desirable tree cover.

The volume of timber cut nationally greatly exceeded that of forest growth.

There were no provisions for reforestation in our system of laws. Aside from a few experimental programs, long-term forest management was not practiced.

Also at the turn of the century, wood was still relatively cheap. Because of this, large quantities were left behind after logging. Sawmills were inefficient. The use of wood in buildings was based on custom, rather on sound engineering. Huge volumes of wood simply rotted.

Massive clearing of forest land for agriculture continued. In the last 50 years of the 19th century, forest cover in many areas east of the Mississippi had fallen from 70 to 20 percent or less. In the last decade of the 19th century, America's farmers cleared forests at the average rate of 13.5 square miles per day. And much of this land included steep slopes that were highly erodible.

Formerly abundant wildlife species were severely depleted or nearing extinction.

Now compare the unfortunate realities that the country faced at the turn of this century with a snapshot of how our forests look today as we prepare for a new millennium:

Following two centuries of decline, the area of forest land has stabilized. Today, the United States has about the same forest area as in 1920.

The area consumed by wildfire each year has fallen 90 percent. And this trend is continuing even with some severe fire seasons over the last couple of summers.

Nationally, the average volume of standing timber per acre in United States forests is about one-third greater today than in 1952. In the East, the average volume per acre has almost doubled.

Populations of whitetail deer, wild turkey, elk, pronghorns, and many other wildlife species have increased dramatically.

Tree planting on all forest lands rose significantly after World War II, reaching record levels in the 1980's. Many private forest lands are now actively managed for tree growing. 70,000 certified tree farms encompass 95 million acres of privately-owned land.

The tens of millions of acres of cut-over land that existed in 1900 have long since been reforested. Many of these areas today are mature forests. Others have been harvested a second time, and the cycle of regeneration to young forests has started again. Eastern forests have staged a major comeback. We are seeing an increase in forested acreage throughout the Eastern States.

Finally, forest growth nationally has exceeded harvests since the 1940's, with each subsequent decade generally showing increasing margins of growth over harvests. By the early part of this decade, growth exceeded harvest by 34 percent and the volume of forest growth was 360 percent greater than it had been in 1920.

Recreational use on national forests and other public and private forest lands has increased manyfold.

The efficiency of wood utilization has improved substantially since 1900. Much less material is left in the woods. Many sawmills produce more than double the usable lumber and other products per log than they did in 1900. Engineering standards and designs have reduced the volume of wood used per square foot of building space. Preservation treatments have substantially extended the service life of wood. These efficiencies have reduced by millions of acres, the area of annual harvest that otherwise would have occurred.

These comparisons demonstrate what huge strides have been made in forest management between the turn of the century and today. It is important that we recognize the Forest Service for its contributions to this progress. In my home State of Oregon, which has some of the most productive forest land in the world, the Forest Service has been a responsible partner in managing our Federal lands.

In fact, Forest Service employees in Oregon last year endured several physical attacks against their operations. Not only did arsonists burn the Oakridge Ranger Station to the ground, but they also destroyed a Forest Service truck at the Detroit Ranger Station. I want to thank those Forest Service employees in Oregon for enduring such deplorable acts of terrorism, and also recognize the agency's hard work all over the State.

Mr. President, I want to take this opportunity to commend the U.S. Forest Service for helping improve the stewardship of our natural resources over the last 100 years. The agency's efforts to use sound science and its ability to look forward have become a worldwide model for balancing the growing needs of our land. While we may not agree on every issue, I look to the Forest Service for equally successful leadership in the next 100 years.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

ALAN EMORY

Mr. D'AMATO. Mr. President, I rise today to recognize the work of someone who is rightly referred to as the dean of the New York press corps, Alan Emory, Washington bureau chief of the Watertown Daily Times. This Saturday Alan marks his 50th year with the Times, the last 46 have been spent here in Washington.

But more important than the length of Alan's service is the manner in which he has served his community. He has been a thoughtful, candid, and thoroughly professional reporter who has given the readers of the Watertown Times a clear view of the work of their elected officials in Washington.

Alan is tough but fair, and his influence extends far beyond Watertown. Never content to just follow the pack, Alan is constantly on the lookout for stories that may not make the network evening news, but which have a real impact on the lives of his readers.

Born in New York City, Alan was raised on Long Island and educated at Phillips Exeter Academy, Harvard University, and the Columbia Graduate School of Journalism. A World War II veteran, he arrived in Watertown in July 1947 and was one of three Columbia graduates hired that summer by Harold B. Johnson, the editor and publisher of the Watertown Times.

Alan's first beats included the Boy Scouts and the local railroad station, but he was soon assigned to cover the city of Massena where he got his day-to-day newspaper training.

It was also during this time that Alan began covering politics and his impressive work led to his editor assigning him to the St. Lawrence County political beat.

In October 1948 he was appointed State editor and the following year he was named Albany correspondent. During his time in Albany he met his wife of 47 years, Nancy, and they have two sons, Marc and John, and a daughter, Katharine.

In 1951, Alan was asked to go to Washington. For 46 years and the administrations of 10 Presidents, Alan has kept his readers informed about what's going on down here and how it affects them.

Alan has always been an example of the best in professional journalism and he has proudly served as president and director of the Society of Professional Journalists and as president of the Gridiron Club.

Mr. President, I want to extend congratulations to Alan Emory on 50 years of providing journalistic excellence to the readers of the Watertown Times.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that David Schindel of my staff, a fellow in my office, be allowed the privilege of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 839 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. ALLARD. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business with Senators permitted to speak up to 10 minutes.

A COMMONSENSE APPROACH IN THE COURTROOM

Mr. ALLARD. Mr. President, I commend the work of Federal District Court Judge Richard Matsch, the judge in the Oklahoma City bombing case tried in Denver, CO, as well as the prosecution team led by Special Assistant U.S. Attorney Joseph Hartzler.

I do not want to do anything that might prejudice the legal process and sentencing phase of this trial. However, on behalf of all of Colorado, I would like to recognize the outstanding work done thus far.

Prior to the trial, I took some time out and Judge Matsch took me through the Federal district court and explained to me the security measures that they had taken and explained to me how he wanted to proceed with the trial. I was very impressed with the forethought that had gone into making the proper setting for this very important trial in Denver, CO.

I realize that the success of something like this is not one man. I realize that a lot of very dedicated people had a role in the progress of this particular trial. But I believe that Judge Matsch has distinguished himself as a jurist and deserves our praise for overseeing the proceedings in this very high-profile case which brought justice for the victims and survivors of the worst act of terrorism ever to hit U.S. soil.

Confidence in our legal system has been renewed, thanks to the very tight ship run by Judge Matsch, who took a commonsense approach toward the courtroom. Judge Matsch appropriately protected the jurors in his courtroom from distraction and allowed the completely intact jury to reach a unanimous verdict in less than 6 weeks.

Judge Matsch did a good job because he focused on what was important and not television reaction, prime-time interviews, or book deals. Instead, Judge Matsch focused on justice—justice for the victims of the bombing, justice for their survivors, and justice to the defendant.

I hope that this commonsense approach is a model for future high-profile cases, and that Judge Matsch does an equally fine job during the sentencing portion of this trial.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Evan Berman, Evie Gissendanner, and Hassan Tyler of my staff be granted privilege of the floor for the duration of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 840 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, I have a request on behalf of the leader.

I ask unanimous consent that the previously scheduled vote on the supplemental appropriations conference report now occur at 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHIEF JUDGE KAZEN, U.S. DISTRICT COURT

Mr. GRASSLEY. Mr. President, In the past few months my Democratic colleagues have attempted to paint the picture of a national emergency regarding unfilled vacancies in the Federal courts. We hear talk of a judicial crisis, of justice suffering at the hands of overworked and over-burdened judges, and of the Senate Judiciary Committee creating this situation out of political motivation. A recent example is an article in the Washington Post which interviewed only one Texas district judge who described how he was plowed under with work ever since Congress decided to get tough on drug smuggling and illegal immigration.

And because his district has three open seats, he can't keep up with the caseload. Unfortunately this one judge has been used in an attempt to reflect some kind of a national crisis. Maybe some clarifying remarks regarding the central issues of this article will shed some light on this matter.

As the chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, I sent a comprehensive questionnaire to article III judges last year. This extensive judicial survey addressed the very concerns raised by the May 15 article in the Washington Post. The judge in question was kind enough to respond to the questionnaire, as were most of his colleagues. As a matter of fact, 12 out of 17 active judges over 70 percent of the southern district of Texas furnished my subcommittee with detailed replies. Of those 12 judges, only 2 other judges complained of an unmanageable caseload and of a growing backlog. That means that 9 out of 12 judges found their caseloads to be manageable. As a matter of fact, one judge even stated that: "there is absolutely no backlog whatsoever."

Of the three judges who did complain of not being able to keep up with their workload, one had been on the bench less then 2 years, and the other two were the only two judges in the southern district involved in extensive outside work activities beyond occasional speaking engagements. You would think that before judges complain about needing more help, they would be devoting 100 percent of their working time and energy to their caseloads. Unfortunately, it appears that is not the case here.

One must also keep in mind the organizational set-up of the district in question. The southern district has the highest number of judges in all of Texas, one of the highest in the Nation for that matter. Right now a total of over 30 active judges, senior judges, and magistrate judges are handling cases in that district. All but three of the active judges last year found their caseloads were manageable. Therefore, when one throws statistics and numbers around, we must be careful how to interpret those figures. For example, we must factor in the number of cases which are handled by staff attorneys. Prisoner petitions, for example, are rarely handled by a judge, but are routinely included in caseload statistics. As another Texas judge has told me, once prisoner petitions are factored out, the southern district's docket has actually decreased, not increased over the last 10 years. In addition, numerous judges have contacted me and praised the Prisoner Litigation Reform Act as having had a substantial and dramatic impact on the number of prisoner filings and as having caused that number to decrease enormously. I have asked the judge in question for more information on these issues.

We must also keep in mind that many senior judges are hearing cases. In the southern district of Texas there are at least three senior judges. In order to be certified, a senior judge must carry, at a minimum, a 25 percent caseload. And many senior judges maintain a full caseload. Yet, senior judges are not factored into the weighted caseload statistics when ascertaining whether new judges are needed. In other words, senior judges are not even counted, even though they make considerable contributions. Again, beware of the numbers you read in the paper.

As a matter of fact, nationally there are 48 seniors judges certified at 25 percent workload, with another 86 senior judges who are doing at a minimum at 25 percent workload. In addition, there are 206 senior judges certified at a 50 percent or more workload. Now lets add up the numbers: if you take 25 percent of the 48 senior judges, 25 percent of the additional 85 senior judges, and 50 percent of the 206 senior judges, you would have 136 full time judges, which more than makes up for the 100 or so vacancies nationwide. Now, while I would agree that there may be pockets of districts around the country that need some help, the overwhelming majority of the judges in the district named by the Washington Post, and across the Nation for that matter, are working diligently to serve justice and are doing so with a manageable caseload and without a backlog.

Mr. President, I ask unanimous consent to have the Washington Post article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 15, 1997]

Cases Pile Up As Judgeships Remain Vacant

(By Sue Ann Pressley)

Laredo, Tex.—The drug and illegal immigrant cases keep coming. No sooner does Chief U.S. District Judge George Kazen clear one case than a stack of new cases piles up. He takes work home at night, on weekends.

"It's like a tidal wave," Kazen said recently. "As soon as I finish 25 cases per month, the next 25 are on top of me and then you've got the sentence reports you did two months before. There is no stop, no break at all, year in and year out, here they come.

"We've already got more than we can say grace over down here," he said.

This is what happens to a federal judge on the southern border of the United States when Washington cracks down on illegal immigration and drug smuggling. It is a situation much aggravated by the fact that the Senate in Washington has left another federal judgeship in this district vacant for two years, one of 72 vacancies on federal district courts around the country.

As Border Patrol officers and other federal agents swarm this southernmost region of Texas along the Mexican border in ever-increasing numbers, Judge Kazen's docket has grown and grown. He has suggested, so far unsuccessfully, that a judgeship in Houston be reassigned to the Rio Grande Valley to help cope.

In Washington, where the laws and policies were adopted that has made Kazen's life so difficult, the Senate has made confirmation of federal judges a tedious process, often fraught with partisan politics. In addition to the 72 federal district court vacancies (the trial level), there are 25 circuit court vacancies (the appellate level) and two vacant international trade court judgeships across the country, leaving unfilled 99 positions, or 11 percent of the federal judiciary. Twenty-six nominations from President Clinton are pending, according to Jeanne Lopatto, spokeswoman for the Senate Judiciary Committee, which considers nominations for recommendation to the full Senate for confirmation.

Of those 99 vacancies, 24 qualify as judicial emergencies, meaning the positions have been vacant more than 18 months, according to David Sellers of the Administrative Office of the U.S. Courts. Two of the emergencies exist in Texas, including the one in Kazen's southern district.

Lopatto said the thorough investigation of each nominee is a time-consuming process. But political observers say Republicans, who run the Senate, are in no hurry to approve candidates submitted by a Democratic president. The pinch is particularly painful here in border towns. The nominee for Brownsville, in Kazen's district, has been awaiting approval since 1995. Here in Laredo, Kazen's criminal docket has increased more than 20 percent over last year.

"We have a docket," he said, "that can be tripled probably at the drop of a hat. . . . The Border Patrol people, the Customs people at the (international) bridges will tell you, they don't catch a tenth of who is going through. The more checkpoints you man, the more troops you have at the bridges, will necessarily mean more stops and more busts."

And many more arrests are expected, the result of an unprecedented focus on policing the U.S.-Mexican border. Earlier this year, Clinton unveiled a $367 million program for the Southwest for fiscal 1998, beginning Oct. 1, that includes hiring 500 new Border Patrol agents, 277 inspectors for the Immigration and Naturalization Service, 96 Drug Enforcement Administration agents and 70 FBI agents.

In Kazen's territory, the number of Border Patrol agents already has swollen dramatically, from 347 officers assigned to the Laredo area in fiscal 1993 to 411 officers in fiscal 1996. More tellingly, in 1993, agents in the Laredo sector arrested more than 82,000 people on cocaine, marijuana and illegal immigration charges. By 1996, arrests had soared to nearly 132,000, according to data supplied by the INS.

All of which is keeping Kazen and the other judges here hopping. "I don't know what the answer is," said U.S. District Judge John Rainey, who has been acting as "a circuit rider" as he tried to help Kazen out in Laredo from his post in Victoria, Tex. "I certainly don't see it easing up anytime soon. There still seems to be such a demand for drugs in this country, and that's what causes people to bring them in. Until society changes, we won't see any changes down here."

In a letter to Rep. Henry B. Gonzalez (D–Tex.) in February, Kazen outlined the need for a new judge in the Laredo or McAllen division, rather than in Houston, where a vacancy was recently created when then-Chief Judge Norman Black assumed senior status. "The 'border' divisions of our court—Brownsville, McAllen and Laredo—have long borne the burden of one of the heaviest criminal dockets in the country, and the processing of criminal cases involves special pressures, including those generated by the Speedy Trial Act," he wrote.

On a recent typical day, Kazen said, he sentenced six people on drug charges and listened to an immigration case. His cases tend to involve marijuana more often than cocaine, he said.

"The border is a transshipment area," he said. "The fact is, a huge amount of contraband somehow crosses the Texas-Mexican border, people walking through where the river is low, and there are hundreds and hundreds of miles of unpatrolled ranchland.

"In some cases," Kazen continued, "we're seeing a difference in the kind of defendant. We're almost never seeing the big shots—we're seeing the soldiers. Once in a while, we'll see a little bigger fish, but we're dealing with very, very smart people. We see some mom-and-pop stuff, too. There was a guy who came before me who had been in the Army umpteen years, and he needed the money, he was going bankrupt, so he did this 600-pound marijuana deal. He said he stood to pick up $50,000, and now he's facing five to 40 years.

"We see kids 18 and 19 years old," Kazen said. "We see pregnant women. We see disabled people in wheelchairs. This is very, very tempting stuff."

In Washington, the argument over court vacancies continues. On April 30, Attorney General Janet Reno told the Judiciary Committee, "Chief judges are calling my staff to report the prospect of canceling court sittings and suspending civil calendars for lack of judges, and to ask when they can expect help. This committee must act now to send this desperately needed help."

In remarks yesterday to the Federal Judges Association meeting in Washington, Reno warned that "the number (of vacancies) is growing."

"As you are no doubt aware," Reno told the judges, "the level of contentiousness on the issue of filling judicial vacancies has unfortunately increased in recent times."

FATHER WILLIAM CUNNINGHAM

Mr. ABRAHAM. Mr. President, I rise today to pay my deepest respects to Father William Cunningham. Detroit lost one of its favorite sons on Monday, May 26, when Father Cunningham died following a 7-month battle with liver cancer.

His passing, and the loss we now face, brings us great sorrow. True heroes, after all, are never easily replaced. However, it also provides us a moment's pause to reflect upon and celebrate the extraordinary deeds of a man too humble to accept any congratulations while still in our midst.

Rarely do individuals, by the sheer force of the power of their vision, manage to alter the destiny of an entire city. Father Cunningham, without question, was one of these individuals. His commitment to Detroit, and to eradicating the problems that plagued it, was unwavering. Where others decried the insurmountable obstacles, Father Cunningham optimistically advocated solutions.

William Thomas Cunningham grew up in Detroit's Boston-Edison neighborhood. He attended Sacred Heart and St. John's Provincial Seminaries and was ordained into the priesthood in 1955.

Father Cunningham was teaching English at Sacred Heart Seminary when widespread rioting broke out in Detroit in the summer of 1967. Just a few short blocks from his classroom Detroit was being torn apart, both literally and figuratively.

In the aftermath of this deadly summer, Father Cunningham and Eleanor Josaitis, a Taylor, MI, housewife and mother, joined forces. Angered by what they felt was an inadequate response on the part of the religious, academic, industrial, and government establishments, Cunningham and Josaitis formed a civil rights organization, Focus:HOPE, to work to ensure the summer of 1968 was a peaceful one.

In an effort to promote racial harmony, Cunningham and Josaitis began gathering and distributing food and clothing to riot victims. In the process of doing so, Cunningham learned of Agriculture Department warehouses stocked with food supplies. With the missionary's zeal and powers of persuasion that made him such an effective public servant, Cunningham convinced the USDA to donate these large stockpiles for assistance to the inner city poor.

Today, Focus:HOPE feeds 51,000 people a month. However, Focus:HOPE has evolved and grown into so much more than just an organization that feeds the hungry.

Father Cunningham was driven by the belief that the only thing separating the poor and unemployed in downtown Detroit from their better off counterparts in the surrounding suburbs was a lack of job training and education. So Focus:HOPE set out to make people more employable.

Two decades later, on a forty acre industrial and educational complex on Oakman Boulevard in Detroit, Focus:HOPE runs myriad highly successful enterprises. The Center for Advanced Technologies trains 85 people to graduate with bachelor's degrees accredited by Wayne State University. The Machinist Training Institute offers year-round classes and boasts of a 100-percent graduation and placement rate. Yet another program is Fast-Track, a training course to teach prospective job applicants the necessary math and communications skills to be competitive. Focus:HOPE also runs two for-profit auto parts manufacturing firms, High-Quality and Tec Express, not to mention a child care center, a communications center and a food distribution center.

Consider the following statistics as a measure of the success of Father Cunningham's work. At the time of its conception in 1968, Focus:HOPE had a budget of about $12,000. In 1996, that budget had grown to $76 million. Focus:HOPE currently employs over 800 people and has 45,000 volunteers.

Last October, Father Cunningham was diagnosed with cancer. He certainly wouldn't have been faulted had he chose to rest and enjoy his final days. Yet, as he had done his entire life, Father Cunningham chose to fight on. At the same time he battled his cancer, he continued to press forward with his latest project. In the days ahead, Focus:HOPE will open Tech Villas, an apartment complex of over 100 units, will be constructed within an empty former Michigan Yellow Pages building.

Father Cunningham was a man who had received the praise of presidents, heads of industry, and an entire city grateful for his vision. In the end, however, Father Cunningham still thought of himself as a simple parish priest, no more important than those he served.

It may be years before Detroit sees the likes of another leader as dynamic and committed as was Father Cunningham. No amount of tribute can ever begin to sufficiently repay our debt to Father Cunningham and Eleanor Josaitis, who will carry on their work.

Mr. President, on behalf of all my colleagues in the Senate and all those who live in my State of Michigan, I bid a fond farewell to Father William Cunningham. While he may no longer be with us, his legacy lives on in the institution he built, in the city he helped save, and in the countless lives he touched. We truly were blessed by his presence.

TRIBUTE TO SENATOR STROM THURMOND—THE SENIOR SENATOR

Mr. CRAIG. Mr. President, I rise today to add in a small way to the many tributes being offered on behalf of one of our colleagues.

There are persons lucky enough to witness history, and persons wise enough to study history. Then there are those few who are dynamic enough to make history.

This week we honor someone who has made more history than most—our distinguished President pro tempore, STROM THURMOND.

STROM THURMOND was born during the Presidential term of Theodore Roosevelt—probably the only other person in the 20th century to have a comparable energy level.

And in the same way TR launched America on the great adventure of the 20th century, STROM THURMOND has been a real force in building up and guiding America during that century.

A few of our colleagues may have been friends with Jack Kennedy; but STROM THURMOND is the one who ran against Harry Truman—and came within a hair of denying him the White House.

He is the only sitting Senator today who actually was on a general election ballot as a Presidential candidate.

STROM THURMOND has always been a man of the people.

In 1954, when the 31-member committee that represented the political establishment of South Carolina froze him out of a special election, STROM THURMOND did what no one before or since has done—ran and won as a write-in candidate for the U.S. Senate.

STROM THURMOND has always been ahead of his time, with his finger on the pulse of history.

In the middle of the Johnson landslide in 1964, he moved against the tide, from the Democrat to the Republican party.

With the next election, he became only the second elected Republican Senator from the deep South since Reconstruction.

By the time the next two sitting Senators changed party affiliation—30 years later—a majority of the Senators and Representatives from across the Nation—and, for the first time since Reconstruction, a majority from the South—were now in STROM THURMOND's adopted party.

In fact, he is the only Senator to have served as a Democrat in the majority and the minority, and as Republican in the majority and the minority.

When we look at the New South today, we see the fruits of the "Thurmond Revolution," or the "Thurmond Realignment." He showed the way.

The issue on which I've probably worked most closely with STROM has been the balanced budget amendment to the Constitution.

When you work with him closely on an issue like that, you see how, and why, his colleagues revere him.

I cosponsored the first balanced budget amendment that made it to the floor of the U.S. House in 1982. I've been a part of writing every one since.

But STROM cosponsored an earlier version in the 1950's. Once again, he was ahead of his time.

When we finally pass that constitutional amendment, and permanently lock in that balanced budget we achieve in 2002, it will be the "Thurmond Amendment."

When you ask STROM THURMOND what his secret is for stamina and energy, he may say something about diet, working out, swimming, or loving the work he does for the people of his State.

But his secret is, he thinks young—always.

He probably still considers himself the junior Senator from South Carolina—every time he stands with constituents for a picture in front of the portrait of John C. Calhoun just outside this Chamber.

One year, his campaign camper was the "Strom Trek." Another year it was the "Thurmon-ator."

And he loves to talk with young people.

He always has time to talk to the pages and visit with our staffers, treating them with respect and warmth, making them feel special.

He always remembers to ask about our families, and always imparts some of that joy of life to those around him.

STROM THURMOND has a joy of life, a love of people, and a sense of duty that give him purpose and energy.

In a world that we fear is becoming too coarse, he is gracious—and reminds us of the way back to civility.

He is devoted to God and country.

He is our most senior Senator and the highest-ranking constitutional officer of the Senate. Best of all for us, STROM THURMOND is our friend and teacher.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 4, 1997, the Federal debt stood at $5,358,712,178,993.49. (Five trillion, three hundred fifty-eight billion, seven hundred twelve million, one hundred seventy-eight thousand, nine hundred ninety-three dollars and forty-nine cents)

One year ago, June 4, 1996, the Federal debt stood at $5,139,964,000,000. (Five trillion, one hundred thirty-nine billion, nine hundred sixty-four million)

Five years ago, June 4, 1992, the Federal debt stood at $3,942,616,000,000. (Three trillion, nine hundred forty-two billion, six hundred sixteen million)

Ten years ago, June 4, 1987, the Federal debt stood at $2,302,258,000,000. (Two trillion, three hundred two billion, two hundred fifty-eight million)

Fifteen years ago, June 4, 1982, the Federal debt stood at $1,078,868,000,000 (One trillion, seventy-eight billion, eight hundred sixty-eight million) which reflects a debt increase of more than $4 trillion—$4,279,844,178,993.49 (Four trillion, two hundred seventy-nine billion, eight hundred forty-four million, one hundred seventy-eight thousand, nine hundred ninety-three dollars and forty-nine cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MAY 30TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 30, the United States imported 8,374,000 barrels of oil each day, 327,000 barrels less than the 8,701,000 imported each day during the same week 1 year ago.

While this is one of the few weeks that Americans imported less oil than the same period 1 year ago, Americans still relied on foreign oil for 56.5 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,374,000 barrels a day.

JUNK GUN BAN IN CALIFORNIA

Mrs. BOXER. Mr. President, I rise to mark a historic day in the nationwide movement to get junk guns, or Saturday night specials, off our streets. The California State Assembly and the California Senate passed legislation to prohibit the manufacture and sale of junk guns in California. The bills require that all guns made or sold in California meet the same quality and safety test currently required of imported firearms.

I applaud and thank each and every member of the California Legislature who voted for the bill for their courage in supporting this important legislation. I especially wish to acknowledge Assemblyman Louis Caldera and Senator Richard Polanco, whose leadership and tenacity contributed immeasurably to the passage of this legislation.

The bills passed by the California Legislature are nearly identical to a bill I introduced in the Senate last spring, the American Handgun Standards Act, which I have reintroduced this year. For the largest State in the Union to pass this legislation is extraordinary.

I trust that this important victory is just what we need here in Congress to move forward with junk gun legislation on the Federal level. Each year, nearly 40,000 Americans die from gunshots and more than 200,000 are injured. Gunshots are now the leading cause of death among children in California.

I have spoken on this floor many times before about the junk gun double standard that has flooded our streets with cheap, unsafe, easily concealable handguns. In 1968, Congress required that all handguns imported to the United States meet a tough quality and safety test. This import restriction virtually cut off the flow of foreign junk guns. However Congress failed to require domestically produced handguns to meet the same test. This double standard led to the creation of a domestic junk gun industry that has flooded our streets with these unsafe, ultracheap handguns.

Study after study has shown that these junk guns are the criminal's weapon of choice.

California has taken the lead in a nationwide movement to get these guns off our streets. Thirty-two cities and counties have enacted local ordinances banning junk gun sales within their jurisdictions. Now that the California Legislature has taken this courageous step, I urge Governor Wilson to sign this historic legislation.

Today, Californians who want an end to gun violence had a major victory, and the U.S. Senate should take notice. I hope that soon we will be able to pass the American Handgun Standards Act, which will make our children, our families, and our communities safer.

There is no reason why American-made handguns should not have the same quality and safety standards as imported handguns. This dichotomy is killing our people.

NATIONAL GUARD

Mr. FORD. Mr. President, over the last few days, I have been reading in newspapers and hearing on radio and television about the Quadrennial Defense Review [QDR] and the so called National Defense Panel [NDP]. The QDR is supposed to be a comprehensive assessment of current military strategy and force structure, as well as outlining a vision for the future. However, experts have called this QDR "A Cold War Relic" and when it comes to the Army, I agree with them.

I truly believe the citizens of Kentucky and the American people deserve the best national defense strategy the Nation can afford. Yet the Active Army wants to cling to their 10 divisions, while simultaneously calling for a new Base Closure Commission. This is especially ironic when you consider that during the 1995 Base Closure Commission, the Active Duty Army leadership insisted the Army could not afford to close any more bases. This was just 2 years ago. The Base Closure Commission said not to have another Commission until the year 2001.

Mr. President, I would urge my colleagues to read page 3–2 of the 1995 Defense Base Closure and Realignment Commission's report to the President, which says " * * * The Defense Department will be implementing the closures and realignments of the 1995 and prior Commissions through the end of this decade. The requirement in the Defense Base Closure and Realignment Act that all Closures be completed within 6 years means that the closures from the 1995 round will not be completed until 2001. For that reason, the Commission recommends that the Congress authorize another Base Closure Commission for the year 2001 similar to the 1991, 1993, and 1995 Commissions." I understand this is still the view of our former colleague Alan J. Dixon, the Chairman of the 1995 Base Closure and Realignment Commission.

The Active Army argues that they are going to cut the Active Force by 15,000 men and women. But my colleagues shouldn't be fooled. When you look closely, you will see that the 15,000 troops the Army wants to cut are nothing more than ghosts. What you have are 15,000 positions in the Active Army that have been left empty the last few years.

So the question remains: where does the Army plan to put these ten divisions—with no real reductions—if they close bases? How do they meet their budget target, while simultaneously protecting their general officer slots and keeping their 10 active divisions? Their answer? Cut the Army National Guard by approximately 38,000 people. That is a 10 percent reduction of the entire Army National Guard Force Structure.

This is the very same Army National Guard, Mr. President, that currently provides more than 55 percent of the ground combat forces, 45 percent of the combat support forces and 25 percent of the Army's combat support units, while only using 2 percent of the Department of Defense budget.

Why, my colleagues might ask, would the Active Duty Army leadership do such a thing? Well lets look. First, the Army leadership argues that the Guard divisions have no war fighting missions. This is true. But the Guard divisions have no war fighting missions because the Active Duty Army leadership has failed to give them a war fighting mission. And the reason they don't give them a war fighting mission is because then they would have to explain why they still wanted to keep 10 active duty divisions.

Also the Active Army does not consider members of the Army National Guard as soldiers. Instead they treat the men and women of the Army National Guard with contempt. These Active Duty types seem to forget that the men and women of the Army National Guard have undergone the same training as the active duty forces. Fifty percent of the entire Army National Guard are men and women coming off active duty with the Army.

The generals in the Active Army should look at their own figures regarding retention of their active duty members. The annual attrition of the Active Army is 36 percent, the attrition in the Army Reserve is 34 percent, while the attrition in the Army Guard is only 18 percent.

Perhaps what is most frustrating to me is the fact that the Active Army refused to consult with the Army Guard during the QDR. When asked about this oversight by the press, the Army spokesperson responded that "there is an Army Reserve colonel and a Guard colonel here in our offices. They get to weigh in on the issues." You don't need an extensive knowledge of military affairs to realize that a colonel doesn't pull much weight against a group of active duty Army generals protecting their turf.

Mr. President, there should be no reason for the poor working relationship between the Active Army and the Army National Guard. I look at the strong working relationship between the Active Air Force and Air National Guard and wonder why can't the Army have this kind of relationship. I look at the great relationship the Active Duty Marine Corps has with its reserve units and wonder why not the Army and the Guard?

Mr. President, Company A, 4th Tank Battalion, 4th Marine Division [REIN] which was deployed to Saudi Arabia in December 1990 is stationed at Fort Knox. This company of outstanding reservists was selected to lead the attack by the 6th Marine Regiment into the battle for Kuwait. This outstanding Marine Corps Reserve unit fought along side their active duty comrades and did a great job.

They were able to work side by side with their active duty counterparts because the Marine Corps Reserves play a vital role in the Marine Corps military strategy and because the Marine Corps integrates both reserve training and education with their active counterparts.

There are a number of plans I have been told about which could save more than $2.5 billion a year for the Army. They envision elimination of two Active Divisions. Two divisions could come out of Europe, and the Army could fly brigades from the United States to Europe on a rotational basis to serve a 3-month tour. The Army could take the equipment from these divisions and modernize Guard Divisions and give the Guard Divisions the war fighting missions of the two eliminated active divisions.

Remember, Mr. President we have a Marine Corps that we can send anywhere in the world. We can do the same with the Army. Look at the 101st, the 82d, the 10th Mountain, and the 3d Infantry Division. These are tough Active Duty Forces that the 15 enhanced National Guard Brigades and the 8 National Guard Divisions can support.

Given these tight fiscal times, I hope all my colleagues remember that an Army Guardsman can be kept combat ready for an annual cost of $17,000, while an active duty soldier costs more than $80,000. The Army Guard, just like its Active Duty counterpart, is trained for combat.

Up to this point, I have tolerated the Active Army's all-too-obvious bias. Yet the QDR represents the final straw. Some of my colleagues want to wait for the National Defense Panel to do their review and report to Congress. I was a cosponsor of the amendment that called for this panel. When Senator BOND and I agreed to cosponsor the amendment creating the Defense Panel, we did so only after we had received assurances that someone with a Guard background would be on the panel.

Mr. President, the National Defense Panel has been turned into a joke. It is nothing more than a warmed-over version of the failed Roles and Mission Commission—a Commission that spent more money in 2 years than the Base Closure Commissions spent in 5 years.

No one other than the outgoing Deputy Secretary of Defense has been interested in anything the Roles and Mission Commission reported and it should come as no surprise that this Commission also did not have a Guard representative. So what we have is a National Defense Panel appointed by the outgoing Deputy Secretary of Defense consisting of individuals from our cold war days who have no background in working day-to-day with the National Guard.

Even my friend Senator MCCAIN, an author of the amendment that created the National Defense Panel, expressed his disappointment with the lack of imagination in appointing the members of this Panel.

I think it's high time we put a stop to this childish bickering between the Army and the National Guard. The Active Duty Army needs to get its act together and accept the National Guard as an equal partner so they all can be the best Army they can be.

Mr. President, I ask unamious consent that the following articles, one from the National Guard magazine by Maj. Gen. Richard C. Alexander, be printed in the RECORD following my remarks, also that two articles from the Armed Forces Journal, May 1997, issue by former Congressman G.V. "Sonny" Montgomery and a second article by John G. Roos. I hope all my colleagues will read these articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Armed Forces Journal, May 1997]

AN APPLES-TO-APPLES COMPARISON

(By MG Richard C. Alexander, President, NGAUS)

The Pentagon announced this month that a Virginia Army National Guard rifle company has been notified to begin training for possible deployment to Europe in support of Operation Joint Guard, the Bosnia peacekeeping mission formerly known as Joint Endeavor.

Thousands of Guard members have deployed for this mission over the past several months, many of whom already have returned to home station. So, you may ask, what's the big deal? The big deal is that should the unit actually deploy, Virginia's C Company, 3d Battalion, 116th Infantry, would be the first National Guard infantry unit to be mobilized by the Department of Defense since the Vietnam War. It's fitting that this unit, which once fell under the command of Gen. Thomas "Stonewall" Jackson, might break the ice. I'm proud of C Company, just as I am of all our units.

At the same time, this newsworthy event adds poignancy to an ongoing debate about the Department of the Army's failure to include its National Guard combat troops in national military strategy. To this day, none of the Guard's eight combat divisions is in the nation's warfighting plans. The question is not only why it has taken so long for the Army to call up a Guard infantry unit, but also why Guard divisions are completely excluded from the war fight? Haven't our combat troops undergone the same training as our active-duty brethren? Isn't the Guard's training and readiness ultimately the responsibility of the active Army?

In fact, under the provisions of Title 11, the Army National Guard Combat Readiness Reform Act of 1992, the Army is supposed to provide 5,000 active-component advisors whose primary responsibility is to ensure National Guard and Reserve training standards are achieved. To date, the Army has not met this congressional mandate.

In this issue of National Guard Magazine, you will find strong evidence, despite what some Army leaders say, that Army Guard combat units can mobilize in time for war.

Let me point out a comparison that exposes the weakness in the active Army's straw man concerning the ability of Guard units to successfully mobilize for war. During the Gulf War mobilization, the 4th Tank Battalion, a United States Marine Corps Reserve unit in the 4th Marine Division, successfully transitioned from the M-60 to the M1-A1 Main Battle Tank in just 45 days. The battalion trained, shot and qualified, then deployed to the Gulf where it fought alongside its active Marine Corps counterparts. Indeed, one of its companies knocked out 35 of 36 Iraqi tanks in less than five minutes. This is just one example of the success the Marine Corps has had with putting all its units into the fight—by doctrine and by training.

The Army must be just as accountable for the relationship it has with Army Guard combat units.

In our Gulf War experience, the Tennessee Army Guard's 212th Engineer Company was the first American unit into Iraq after the ground war began, breaching the way for allied tanks. The 20th Special Forces Group, composed of National Guard units from Alabama, Florida, Maryland, Mississippi and Kentucky, completed their 90-day certification program in half the time. And, of course, our National Guard artillery units are legendary for their performance in the Gulf War, with such standouts as Oklahoma's 1st Battalion, 158th Field Artillery, (Multiple Launch Rocket System), which fired record numbers of missiles on target.

Those who pay close attention to national defense know the Guard and Reserve units are dependent upon how they are treated by their respective services. Army Guard members are ready, willing and motivated to take on real-world missions, if only given the chance. We've proven this in places like the Sinai, and we're proving it countrywide everyday.

The active Army leadership needs to be held accountable for the Army Guard's overall performance. The Army must foster a better working relationship among all of its officers and enlisted personnel, active, Guard and Reserve. Army leaders should not only be squelching myths about the Guard's combat units, but taking the lead in promoting our successes on and off the battlefield.

My hat is off to the Marine Corps leadership for fully integrating its reserve fighting units into its total combat force. The Marine Corps reserve forces play a vital role in the national military strategy. The Corps continues to integrate both reserve component training and professional military education with that of the active component.

Needless to say, news about the 4th Tank Battalion's feats during the Gulf War sparked a healthy competition within the Corps' ranks. Last October, five years after the war, the best tank crews from four Marine tank battalions—two active duty and two reserve—were pitted against each other in a showdown at Fort Knox's ultra-modern Yano Tank Range. Not surprisingly, the 4th Tank Battalion's crew came out on top.

To emphasize its policy of equal treatment between its components, the Corps dropped the term "reserve" in reference to its "part-time" soldiers. They train their soldiers for combat, and they send their soldiers to combat. They don't wallow in hypothetical arguments.

It's time the active Army leadership followed suit.

ENSURING THE STRENGTH OF OUR FUTURE—THE QDR AND THE FUTURE OF THE GUARD AND RESERVE

(By Hon. G.V. "Sonny" Montgomery)

Someone recently asked me, "Who's going to look out for the National Guard and Reserve now that you've retired from Congress?" I thought about the question, in light of the soon-to-be-released Quadrennial Defense Review (QDR) and the reality of today's changing defense environment, and the answer was simple: The nation, led by my colleagues in Congress, will safeguard the Guard and Reserve because the Guard and Reserve so effectively help protect our nation.

A public treasure, the National Guard is actually older than the United States, first convening in the 13 original colonies. Now, more than 220 years later, its two-fold mission remains the same: to protect the state and to be a part of the federal militia. From thwarting drug smugglers on our southern and western borders to fighting on the front lines in the Gulf War, today's guardsmen and reservists play a vital role in protecting America's interests and citizens.

A roadmap for the future of our defense requirements, the QDR must assess threats to our nation and our military's capability to meet them. This QDR intends to evaluate the changing nature of conflict in the world today and whether it is feasible for our services to fight and win two regional Gulf War-sized conflicts nearly simultaneously.

My colleagues in Congress, however, will continue to base decisions to allocate funds less on the threat of regional conflicts and more on meeting anticipated global contingencies around the world. A keen eye will also be kept on such potential flash points as China, North Korea, Iran, Iraq, and possibly even Russia.

I have heard some concerns voiced that QDR's bottom-up review isn't appropriate given that many members of Congress who will evaluate the report lack military backgrounds. In my view, the process is still effective. Worldly in experience and highly educated, men and women in Congress, regardless of having served in wartime, possess the most important quality—the power to listen—to the QDR commission, to military experts, and most importantly, to the people they serve—their constituents, the American people.

When I was elected to Congress in 1967, more than 50 percent of the national budget went to the military. Now, less than 20 percent of our nation's budget funds the military. With the threat of further reductions of up to 40,000 active military personnel, the fate of our nation's security—and of the Guard and Reserve—is in question.

MORE CUTS AHEAD

The Guard and Reserve have shared the pain of the overall cutbacks, facing reductions in end strengths each year since 1980.

With total active military personnel expected to shrink by 21 percent from FY96 to FY98, selected Reserves are expected to be reduced by 10 percent, and civilians (FTEs) will shrink by 27 percent.

These numbers seem staggering; we simply cannot set in motion the bleeding of the nation's National Guard and Reserve's fighting strength.

A few things to consider: The Guard and Reserve are perhaps one of the best values for the American taxpayer today. In times of conflict, the Guard and Reserve participate equally in the fighting force, side by side with their active-duty counterparts. But personnel costs for Guard and Reserve are only half as much as for the full-time military. And let's remember that these citizen-soldiers are an important link between the public and the professional military.

Some have questioned whether the Guard and Reserve, in their present forms, are still pertinent in today's changing environment. But their existence has become more appropriate than ever before, given the expanded domestic role they fulfill. For example, just in the past few years alone, the Guard and Reserve have been called to perform a wide range of missions here at home, from reacting to the Los Angeles riots, to supporting community rebuilding efforts in the current aftermath of the Midwest flooding, to protecting our borders in the drug interdiction program. These domestic activities should not, however, take the place of combat missions and combat support.

The Air National Guard and the Air Force Reserve, for example, with the highest number of full-time technicians, have done an excellent job of training and planning for missions, sometimes a year or more in advance. While other components have so far been prepared to move out despite shorter planning cycles, they are moving to adopt the Air Force's successful advance planning structure. Through proper training, Guard and Reserve units are ready to deploy in a reasonable time.

As with anything, the role of the Guard and Reserve is only as good as we make it. In the last 15 years, I worked with my colleagues in Congress toward the billion-dollar package of add-ons to fortify the Guard and Reserve. But today my colleagues in Congress must be more vigilant than ever before in protecting this extremely valuable national resource.

STEM THE DRAWDOWN

I urge Congress to restore defense budget spending levels to maintain our strength and capability to fight any conflict or mission we encounter. We must also stem the massive drawdown in the Total Force. We've gone about as far as we can or should go.

As a way of strengthening and preserving the Guard and Reserve, I offer the following recommendations:

The Department of Defense and all service branches must continue to accept the role of their National Guard and Reserve counterparts as part of the Total Force. This includes assigning them more combat and combat support missions.

DoD must offer equitable benefits and enticements to gain and retain the best men and women for our Guard and Reserve. This includes expanding health care and dental benefits, offering combat pay for overseas missions, and confirming legislation to provide health care coverage for victims of Gulf War Syndrome rather than waiting indefinitely for the results of lengthy medical research.

The active force must continue to play an important role in improving training for the Guard and Reserve.

Just as for active personnel, we must continue to provide the same state-of-the-art, properly maintained equipment and tools, and the proper personnel to sustain them. Further, we must make Operations and Maintenance funds readily available to keep that equipment in top fighting shape.

Whatever the outcome of the QDR process, the Total Force—Active, Guard, and Reserve—will continue to provide for the defense of this great nation and for the freedom of our people.

Enter Assistant Secretary of Defense for Reserve Affairs Deborah Lee. At her direction, early last year the Institute for Defense Analyses (IDA) was told to conduct a comprehensive inquiry to determine how long it would take to get the most complex type of division in the National Guard force structure ready to deploy for combat. The Texas National Guard's 49th Armored Division was selected as the test unit, and the actual readiness conditions prevailing in the 49th were used in establishing the study's baseline.

Drawing on the expertise of officers from HQDA and the Army's Training and Doctrine Command, Forces Command, and other appropriate organizations, a seven-month study began last July. Using relatively conservative planning assumptions for such things as the availability of training areas and the amount of training support that could be expected form active-duty army elements, the IDA-led inquiry determined that the 49th Division could achieve a validated readiness status in 94 days and could get to either a port of debarkation or an airhead in 132 days.

Not surprisingly, when these conclusions made their way to the Army staff early this year, they created more than a bit of heartburn. As things now stand, active-duty Army officials believe that the study results are probably flawed because—get this—the Active Army probably wouldn't be able to deliver the types of training and other support that the Active Army is supposed to provide to the National Guard during the mobilization process. They're not sure though, since there is no standard procedure for validating the readiness status of a National Guard division; in fact, there's no Army field manual that lays out the process by which a division is supposed to mobilize and prepare for deployment.

It's ironic that while most elements of America's military force structure would like nothing better than to find a place to hide during QDR deliberations, the Army National Guard is crying out for attention. But some National Guard officials clearly feel that years of benign neglect have put their divisions in a perilous position for QDR-prompted cuts. With the IDA-led study results in hand, these officials vow, they aren't about to disappear quietly.

UNEQUAL PARTNERS—NATIONAL GUARD'S COMBAT DIVISIONS REMAIN HIDDEN BENEATH MANTLE OF BENIGN NEGLECT

(By John G. Roos)

Today's "Total Army" includes eight National Guard combat divisions. This substantial slice of America's combat power is in addition to the National Guard's 15 "Enhanced Readiness Brigades" that presumably would be used to augment active-duty forces in the event of an all-out national emergency. But those eight divisions haven't attracted much attention during the nearly completed Quadrennial Defense Review (QDR), since they're not even included in America's war plans.

Ever since the contentious issue of Georgia's 48th Infantry (Mechanized) Brigade's purported inability to achieve ready-for-deployment status during Desert Storm, Army planners have shed away from relying on National Guard combat units to augment active-duty Army forces during the early stages of a conflict. In spite of the special attention the Army continues to devote to its Enhanced Brigades in order to keep them at relatively acceptable levels of combat readiness, they still remain far from the tip of the spear in the Service's deployment plans. But at least those Enhanced Brigades do come into play at some point during Army warfighting planning sessions. The same can't be said of the eight National Guard divisions.

In the wake of the "come-as-you-are" planning assumptions that flowed from the Bottom-Up Review's short-notice, two-MRC strategy, those eight divisions were deemed so unlikely to be ready to deploy in time to make a difference in the conflicts the Army would most likely face that they were quietly flushed from Army war plans. The plug was pulled more than five years ago, when former Army Chief of Staff General Gordon Sullivan told the House Armed Services Committee that it would take 365 days to prepare a National Guard division for deployment to a combat arena. After the howls of protests from National Guard leaders subsided, the Army revised its estimate downward to 270 days. But that three month chop by the Army headquarters staff did little to assuage the Guard's leadership: Even a nine-month mobilization, training, and deployment cycle, they argued, was blatantly pessimistic and would continue to exclude National Guard divisions from the Army's warfighting planning process.

Mr. BOND. Mr. President, I join with my friend and cochair of the National Guard Caucus when I call the attention of my colleagues to an editorial found in today's issue of the Washington Times by Mr. Philip Gold, entitled "The Army vs. The National Guard" which I ask unanimous consent to be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. This editorial outlines succinctly the issues facing the National Guard in the debate surrounding its force structure and its very future. I have said before and reiterate now in the strongest of terms, that rather than bill payer, the Guard's role should be vibrant, viable, and adequately funded by the Department of Defense.

National Guard units from every State are, today, involved in operations domestically in their State roles, and globally in their national role. Recently, units from my home State have been involved in missions in accordance with United States directives in Bosnia, Hungary, the Persian Gulf, and continue to serve our interests there. Units from States which have experienced natural disasters have traditionally been the "Cavalry to the rescue." Even the U.S. Air Force was a recipient of the National Guard's professional response when and A-10 aircraft which had crashed in a remote area was initially discovered by a National Guard Team involved in the search.

With the fiscal constraints being imposed on our military force while simultaneously increasing their roles and missions, we need the Guard now, more than ever. We need it to be trained, we need it to be well equipped, and we need it funded.

Mr. President I call upon all Senators to join with me and Senator **FORD** along with the other members of the National Guard Caucus in a pledge to insure the robust nature of the National Guard, a service from which we ask so much.

EXHIBIT 1

[From the Washington Times, June 5, 1997]

THE ARMY VS. THE NATIONAL GUARD

(By Philip Gold)

The fracas was inevitable. Several weeks ago, the National Guard's senior leadership concluded that they hadn't been given a fair chance to make their case before the Quadrennial Defense Review (QDR). They also concluded that the Army was systematically lying to them about the extent of the Guard reductions they wanted. So they requested a meeting with Defense Secretary William Cohen and were told to "go through their chain of command."

So they did . . . through their other chain of command. They went to the governors, who started writing the president, cc: the Pentagon. That got Mr. Cohen's attention and Mr. Cohen's attention—to adapt a venerable adage—started flowing downhill. As of this writing, the secretary was ordered an Army/National Guard "off-site" at the Pentagon (great place for an "off-site") to work it out the first week in June. Also as of this writing, the Guard has received seven contradictory letters from Mr. Cohen, army secretary Togo West and senior army generals on structuring the meeting. About the only thing that hasn't been suggested is a United Nationals peacekeeping force in the room.

Maybe not such a bad idea, given the acrimony on both sides.

Whatever the "off-site" producers, it won't last long. The Army and the National Guard have been at it for centuries. The Guard has survived through a combination of domestic political savvy and foreign threats that seemed to require a large reserve. But does this venerable (some would say archaic) institution have any relevance to today's world and tomorrow's missions?

The answer is that the Guard has a greater relevance today than during the Cold War—exactly the kind of relevance the Founding Fathers envisioned when they elected to place the preponderance of the nation's military strength in the state militias.

Three facts vindicate the Guard. First, the U.S. simply cannot afford to maintain a large standing army. The force that did Desert Storm is long-gone. Nor can the United States afford to maintain large portions of the present force at high readiness. Reserves are far cheaper, especially in a world where mass armies are vanishing, and where those that remain grow ever more obsolete and vulnerable to other forms of American power.

Second, the Guard and service reserves provide a de facto "people's veto" on major foreign involvements. If a president lacks the popular support to mobilize, he lacks the popular support to go to war—and has better not do it.

Third, the Guard is a classic "dual use" system, available for foreign and domestic tasks. The Guard's experience in domestic emergencies offers a capability of major military significance. For example, the Guard, not the standing Army, should be given the nuclear/biological/chemical weapons disaster relief mission. The standing Army doesn't need this capability in peacetime, so it should be in the part time forces. Given the likelihood of future terrorist actions on American soil, the Guard, with thousands of sites around the country and local expertise, offers a far superior means of deploying this capability for domestic emergencies.

Further—and this is not easy to say—the standing Army, is an institution in profound disarray, trashed by scandal and, in many ways, looking for work that will generate hard cash and renewed respect. Almost inevitably, that points toward more domestic missions, especially counter-terrorism in its various aspects. One need not conjure up lurid thoughts of military coups or images of an alienated, embittered officer corps to understand that this is a bad idea. The less the standing military is involved in domestic affairs, the better. Not because they're evil people, but because their professional methods and loyalties may do more harm than good. The Founders knew it; the Army's domestic intelligence activities during Vietnam proved it. To the extent that military force may have to be used in this country in the decades ahead, it ought to be the Guard, with its complex set of responsibilities to and relationships with country, state, and community.

But the political and cultural justifications for the Guard don't address one practical question: Can they be ready to do the job? Obviously, the answer depends on what the job is and what you mean by ready. Still, one thing is clear. There is no inherent reason the Guard cannot perform adequately across the range of its missions. The Marine Corps and the Air Force have demonstrated what can be accomplished when reserves are treated as assets, not rivals. New tools and methods, from tank and cockpit simulators to computerized command post exercises, offer training possibilities unimaginable even 10 years ago. High-priority units can be filled with people willing to accept high levels of contractual obligation, including extended active duty and early call-up. In short, the Guard's proficiency is limited only by resources and creativity—and by a standing Army that, for reasons of its own, prefers not to acknowledge it.

Again, that standing Army isn't evil. It's simply fighting for its institutional life and soul. The current off-site, and the next one, and the one after that, will no doubt reflect the desperation of the struggle. But the Army should not be permitted to sacrifice the Guard to protect its own turf bowls. The current military situation, and the wisdom of centuries, should preclude it.

TRIBUTE TO LORD MICHAEL JOPLING

Mr. STEVENS. I come to the Senate floor today to tell the Senate that a very special and dear friend to many of us who serve in the Senate, the Right Honorable Michael Jopling, has now been honored in his country with a life peerage and will join the House of Lords.

Those of us who know Michael Jopling have known him as a Member of Parliament who has served more than three decades in Britain as a Member of Parliament. He served as a Minister of Agricultural, Fisheries, and Food in the British Government for two 4-year periods between 1979 and 1987. Those of us here in the Senate who know him, know him because of his active participation in the North Atlantic Assembly sessions and particularly in the British-American Interparliamentary Conference meetings which many of us have participated in from time to time.

He continues to serve, Mr. President, as the Secretary for the Interparliamentary Exchange. Senator **BYRD** and I will lead a Senate delegation in August to meet with our British counterparts, and for the 10th year in a row it will be Lord Jopling, now, who will meet us. He brings great energy and enthusiasm to the meetings we have held and, really, his participation has been unparalleled.

As a matter of fact, I am sad to report to the Senate that with his youthful exuberance he got the better of himself recently when he suffered an accident in a Go-Kart race. He broke some ribs and had some damage to his lungs, but he is on the mend now. I understand that he will have full recovery.

I further bring greetings to the Senate from our friend Senator Heflin. Senator Heflin has written to me about his real joy to see our friend, Michael Jopling, so honored. I am reminded of a speech that Sir Winston Churchill made in the House of Commons on August 20, 1940. He said:

> The British Empire and the United States will have to be somewhat mixed together in some of their affairs for mutual and general advantage. For my own part, looking out upon the future, I do not view the process with any misgivings.

It is, in fact, the British-American interparliamentary process that has given great effect to those words, and Lord Jopling has been a leader of that effort. He has made a lasting contribution to the great relationship between our two countries. He and his wife Gail have always been gracious hosts, and they really are wonderful goodwill ambassadors for Britain.

I come to offer my congratulations to Lord Jopling. I think others who know him will want to congratulate him, also. We particularly thank him for years of dedication to his country and to the cause of world peace and understanding. He is a great personal friend. I am delighted to see a friend honored.

Mr. HOLLINGS. Will the Senator yield?

Mr. STEVENS. I yield to the Senator.

Mr. HOLLINGS. As they say in England, hear, hear. We are delighted to hear of the elevation of our friend Michael to Lord Jopling. It shows, amongst other things in England, that you do not only have to be young, you can be old and still succeed.

I wish him well, too, in his recovery, and I appreciate the Senator from Alaska pointing out this wonderful happening.

Mr. STEVENS. I thank the Senator from South Carolina for those remarks, and I know I reflect the sentiments of my great friend Howell Heflin in reporting to the Senate this great news.

Mr. DODD. Will the Senator yield?

Mr. STEVENS. I yield to the Senator.

Mr. DODD. I do not know Michael Jopling as well as our good friends from Alaska and South Carolina, but I have met him on numerous occasions, having attended a couple of the sessions of the North Atlantic Assembly with Judge Heflin, our former colleague.

I remember when I left the other body, Mr. President, and came to the U.S. Senate, our former colleague and delightful raconteur, Morris Udall, pulled me aside and said, "I want you to know I do not approve of your moving to the U.S. Senate. All I can say is by this move you have improved the intelligence of both bodies," and one might suggest I suppose here with our good friend Michael Jopling, being elevated to the status of Lord, that he is certainly going to improve the intelligence of that body.

He is a wonderful person, a great individual, and I wish him well.

Mr. STEVENS. I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR OF 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate on the subject of the conference report on H.R. 1469.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I yield myself such time as I may use. I state to the Senate that I don't intend to use the whole hour, unless it is necessary to respond to some comments that may come up. It is my hope that we can finish debate on this bill and then turn to the budget resolution.

The conference report on the defense and emergency disaster supplemental bill will soon be before us. It is not before us yet. In the interest of time, we hope that we can get this matter resolved so that we may vote upon the bill as soon as it is received from the House.

Mr. President, the conferees completed their work yesterday afternoon and the conference report was filed in the House last night. The final bill keeps faith with the version that passed the Senate last month. It provides needed relief for the victims of disasters in 35 States. The bill also provides $1.8 billion for military operations in Bosnia, Southwest Asia, and foreign deployments. Those amounts replace funds already spent by the administration. Without this funding for the Defense Department, we face a severe reduction in training, readiness, and quality of life for our troops worldwide.

The bill continues to exceed the levels requested by the President for the Federal Emergency Management Agency [FEMA], the community development block grants, economic development, agriculture, and for the Corps of Engineers. I might say, however, Mr. President, while this bill involves increases of $8 billion, we have offset $8.4 billion. There is no net increase in this bill. We actually have a $400 million net reduction in spending for fiscal year 1997 as a result of this bill.

Each of our subcommittees have carefully reviewed the amounts proposed by these agencies, and working with the Members from the impacted States, we have arrived at these funding levels. The new budget authority is offset by corresponding rescissions, as I have indicated. Those exceed the total spending.

Again, let me say, all defense spending is offset by reductions available to the Department of Defense in terms of prior appropriations. Again, consistent with the Senate version of the bill, additional amounts are provided for needed highway programs. Mr. President, there was a request from the administration for some highway money. We added to that. We have reached a compromise now by virtue of the work that was done by Senator SHELBY and Senator LAUTENBERG. That results in an increase for the so-called donor States, compared to the bill that passed the Senate. But I believe it keeps faith with the commitment that we have made to provide more funding to the donee States. We did not rewrite the highway formula. We reached an honest compromise with the House, where the House is dominated primarily by donor States and this Senate has more votes from the donee States. Now, this is a legitimate compromise on the money without rewriting the highway formula.

The conferees maintained the continuing resolution language; it is unchanged. It was the same version in both the House and Senate bills. It was not before the conference, actually. The levels of the continuing resolution version provide 100 percent of the fiscal year 1997 enacted rate of appropriations in the event a bill is not passed by the end of the fiscal year. This is more generous than most continuing resolutions that have been passed by the Congress in prior years. Typically, past resolutions provided that the money to be available during the period of a continuing resolution was the lower of the two amounts provided by the House or the Senate. This is not that case. This continuing resolution would be 100 percent of the amount that has been available in 1997.

I might say to the Senate that, after considerable debate, the conferees modified the language on the 2000 census; that is, we modified the provision adopted by the Senate. The conference agreement prohibits the use of sampling and mandates a full enumeration of Americans for the apportionment of the House of Representatives. This is nothing more than maintaining current law, Mr. President, the constitutional requirement for a real census. It does not permit a political polling type of census.

I think we should state to the Senate that the Appropriations Committee in the House and the Senate each have recognized that this decision will increase the cost of the census for the year 2000. We are prepared to fund that additional cost within the total available under the bipartisan budget agreement, which we will vote on later today. I regret that no Member of the minority has chosen to sign the conference report, but I do understand and respect Senator BYRD's decision. I knew of his objection from the very beginning to the continuing resolution provision that is in the bill. But I want to assure Senators that, as far as the appropriations aspects of this bill, it is not a partisan bill. The agreements reached on the appropriations for disaster relief and for the recovery from the disasters were adopted with complete consultation with all Members of each body, regardless of party.

I hope the President will closely evaluate the total bill before he reaches the decision on a veto. We know that there is a threatened veto. We hope to work with the President to meet the needs of the victims of these disasters and to maintain our national defense, which is our constitutional duty. Vetoing this bill will simply delay further the aid and support that is needed by the citizens of more than 30 States.

I do want to state, Mr. President, that this is the first bill that I have been privileged to handle as chairman of the Senate Appropriations Committee. I offer my thanks to Chairman BOB LIVINGSTON for his courtesy and cooperation in working with Members of the Senate on this bill. It is a very complex bill, Mr. President. At times, this was a very contentious conference.

But the House chairman, who was the chairman of the conference, presided over the conference with considerable grace, diligence, and good humor. I do believe that all Members will agree that anyone who wanted to participate in the debate concerning this conference was able to do so. I do urge the adoption of the bill by the Senate today so the bill can reach the President as soon as possible.

It will be a difficult vote, Mr. President, and I expect a very close vote on whether the bill goes to the President at all. Thank you.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following staff members of the Appropriations Committee and various subcommittees be granted floor access during the consideration of the conference report on H.R. 1469:

Christine Ciccone, Becky Davies, Sid Ashworth, Alex Flint, Bruce Evans, Wally Burnett, Jon Kamarck, Jay Kimmitt, Michele Randolph, Jack Conway, Jim Morhard, Mary Beth Nethercutt, Robin Cleveland, Craig Higgins, Pat Raymond, Dona Pate, Susan Hogan, and Kevin Johnson.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I yield myself some of the time assigned to the minority side.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair. Mr. President, this bill is critically important because it responds to the disasters in many States. Obviously, of greatest concern and interest to this Senator are the disasters that have occurred in North Dakota. Perhaps I could give a brief review for my colleagues and people who might be watching on the need for this disaster legislation. Before I do that, I want to thank those who helped write this legislation. I specifically want to thank the chairman of the Senate Appropriations Committee, Senator STEVENS. I also want to thank his staff because they listened to our plea for help and they responded. We deeply appreciate that. There were some heated moments as we discussed this legislation, but much of what is here is very good and critically important to our recovery.

As I say that, I must also register disappointment for the unrelated matters that have been included in this legislation, which the President has indicated will compel him to veto the legislation. We asked for and pleaded for a clean disaster bill, one that did not contain extraneous matters. But that did not happen.

Mr. President, I want to go now to a review of the disasters that occurred and led to the necessity for this kind of legislation. North Dakota has been hit with the most extraordinary set of disasters in our State's history. First, we had, as this chart shows, "Snow Foolin', Fargo-Moorhead Sets Record." Mr. President, that is not an athletic record, it is a record for snowfall. At the time they wrote this article, we had received almost 95 inches of snow. Before we were done, we reached over 10 feet of snow that fell in North Dakota during the winter season.

Next, we were faced with an extraordinary ice and blizzard storm, which was the most powerful winter storm in the last 50 years in North Dakota. That occurred in the first week of April. This picture shows downed power lines. It just snapped power lines all across the northeastern part of the State, and 80,000 people were without power. Many were without power for over a week. Not only were power lines affected by this incredible storm, but, as this picture shows, we had thousands of cattle that were killed by this extraordinary blizzard. This shows a mother who is licking one of her calves. This calf, by the way, did not survive. You can see another dead animal, another dead cow. We lost over 150,000 head in this incredible blizzard in early April.

This is a circumstance in which some cows froze to death and many died by suffocation because in the blizzard the winds were so powerful that it blew snow up into their nostrils, and it compacted. And then the cows actually suffocated, an especially gruesome death for these animals.

It didn't end there, unfortunately, because not only did we have record snowfall followed by the most powerful winter storm in 50 years but then we had on top of it a 500-year flood; a flood that in Grand Forks was 26 feet above flood stage. And the dikes could not hold. As this headline says, "Broken Dikes, Shattered Hopes," and a picture of just one part of Grand Forks.

Grand Forks is a city of 50,000 people. Ninety-five percent of the people were evacuated. Eighty percent of the homes were badly damaged. Tens of thousands of structures were just devastated. In fact, if you go to Grand Forks now—this is 6 weeks after the flood devastation—on every corner, on every boulevard are stacked the personal belongings and the personal effects of the people of the city of Grand Forks. It is like a giant junkyard because everything has been destroyed. This water was contaminated. All of these things are ruined. The carpets, the drapes, all of the furniture, all of their clothing and personal effects destroyed; all of it. It is amazing to go through town. You can see what everybody's refrigerator looked like; everybody's washer and dryer—because they are out on the curb. They are out on the boulevard waiting to be picked up because they are all destroyed. It is really an incredible experience.

This picture shows the extraordinary extent of the flooding that occurred once those dikes broke. I went on a helicopter and flew north of Grand Forks. This shows from horizon to horizon water. In fact, the water was 40 miles wide. Remember. This river is normally 75 to 100 yards wide. But after the dikes burst, the water spread and was 40 miles wide.

You will remember—I think the President has North Dakota roots—you may recall, Mr. President, that we used to have a lake thousands of years ago, Lake Agassiz, that covered much of eastern North Dakota. A lot of us said it looks like Lake Agassiz is reforming because to be up in a helicopter and as far as the eye can see was water; really a stunning sight.

The disaster didn't end there because in the middle of the 500 year flood we had an incredible fire break out. The headline in the paper was, "Red Overruns Heart of Forks." Of course, they are referring to Grand Forks. The picture shows amidst the flooded streets this fire that broke out. This fire devastated much of three blocks of downtown Grand Forks. Many buildings were destroyed. This picture shows the headline, which says it well, "A City Scarred."

This shows the National Guard with the firemen fighting that incredible inferno. I mean it was an inferno. This fire was so intense and so powerful that giant support beams for office buildings actually went up and were forced by the convection, by the power of these air currents, they blew up into the air and went across the street to the next block. That is how this fire spread, block to block, and destroyed much of three city blocks.

You can see. This is one of the major commercial buildings in the city of Grand Forks. It looks like it went through the raids of Dresden. It is just a shell. It was block after block that looked just like this. Over 150 business structures were destroyed in the combined flood and fire; 156 business structures in Grand Forks alone, housing about two businesses per structure on average. So about 300 businesses had their property wiped out.

This headline came in the Grand Forks Herald, which says it all: "Come Hell and High Water". It shows the little street sign with the water right up to the top; 6 feet of water standing right in the middle of town. Here is again the burned-out shell of a three-block area where the people have been absolutely devastated.

Mr. President, we have another headline that comes from the Grand Forks Herald: "4 Days Since Congress Let Us Down."

This was after Congress failed to act after the Memorial Day recess, and they gave 11 reasons to pass the disaster bill now.

We have heard a lot of talk that, "There is money in the pipeline. Don't worry about anything. Nothing is being held up because there is money in the pipeline." We just had the mayors of the affected communities in town yesterday. The business leaders of Grand Forks were here. One of them said, "You know. I hear all of this talk about money in the pipeline. All I can say is there must be cement in the pipeline because the money is not getting through."

The fact is there is no money in the Housing Department's pipeline for the buyout and relocation of the thousands of homes that have been destroyed. There is no money in that pipeline. We met yesterday with Secretary Cuomo. We asked him. "Do you have any money anywhere that could be diverted to go to work immediately so these homes can be bought out and relocated so we can start to rebuild this community?"

His answer was, "No, I don't."

We met yesterday with Secretary Daley, the Secretary of Commerce. We asked him. "Do you have EDA funds that are in the pipeline that could be used to help rebuild the business community that has been devastated?"

He said, "No, I do not."

There is no money in the pipeline to reimburse the school districts who took the kids from the disaster areas. Those school districts stepped forward and said, "Yes. We will take your children. We will put them in our schools. We will transport them. We will feed them. We will give them books. We will provide teaching"—because the schools in Grand Forks are devastated.

There is no money in the pipeline to reimburse the school districts that stepped forward. There is no money in the pipeline for the Department of Agriculture to help the ranchers who lost hundreds of thousands of heads of cattle in this remarkable winter that we have just been through.

So when people say there is money in the pipeline, that no project is being delayed, that is just not accurate. That is just not accurate. We had the direct testimony of the mayors of the affected cities, of the business leaders of these cities, and they are saying to us: "We are stopped cold until and unless this disaster bill passes."

So, Mr. President, I am here today with two messages. No. 1, a message of thanks to those who have supported a disaster package that is meaningful and critically important for recovery. But I am also here today to say that I am also disappointed that we don't have before us a clean disaster bill—one that does not have unrelated provisions so that the President can sign this legislation and we can move forward with the recovery and rebuilding. That is unfortunate, and one that I hope is not repeated any time in the future.

I have been in the U.S. Senate for 10 years. And when others had disasters, we never offered amendments that were controversial, that would hold up the legislation, or that would cause a Presidential veto. We never did that. We never even thought of doing such a thing. I wish others would have extended the same courtesy to us that we have extended to them.

Some said, "Well, you offered amendments." Yes. That is true. I have offered amendments to disaster legislation before—noncontroversial amendments that were supported on both sides of the aisle, that were supported by the administration, that didn't hold up anything. I certainly have done that. But I would never have even thought of offering an amendment that would compel a Presidential veto. I mean I really do not understand why that would be done.

I do not want to lose sight of the important provisions that are in this legislation—provisions that will help rebuild the homes and businesses that have been destroyed; provisions that will help farmers and ranchers in many cases who have lost their foundation herds; provisions that will help them recover; provisions that will allow the Corps of Engineers to rebuild and repair and reconstruct levies and dikes so that we don't go through this again next year.

Believe me. We are acutely aware that in North Dakota we could face another disaster next year if we do not act and act quickly. Again, remember, we have a very short construction season. We need to go to work now to get these projects completed. The money that is here for the Federal Highway Administration to rebuild roads, highways and bridges—many of the bridges up and down the Red River have been destroyed by this series of disasters—the funds for the school districts that have been impacted, and the funding for Devil's Lake because we have another disaster that is occurring in North Dakota: Devil's Lake. This lake is raising inexorably. It has tripled in volume and doubled in size in the last 3 years. It is like a cancer eating more and more of the countryside, eating up homes, eating buildings, eating up roads and bridges. And we are grateful to the committee for having included $5 million for the work that needs to be done this year on an outlet from that Devil's Lake; and, for the money to rebuild the rural sewer system; the money to provide floodplain easements for those whose land is flooded and who have now been denied any ability to earn an income necessary for their families.

Mr. President, I want to end on this note, as I started, by saying:

No. 1, we are deeply grateful for the response of so many in this Chamber who came to help out.

The occupant of the Chair wrote me a very gracious note reminding me of his North Dakota roots and offering to help out with this disaster. We appreciate that.

We appreciate again especially the assistance of the chairman of the Senate Appropriations Committee. We appreciate the help of his staff. We appreciate the ranking member of the Appropriations Committee and his staff for the great assistance they have provided in getting this legislation in shape.

Finally, Mr. President, we also have a disappointment. The disappointment is that we have these unrelated measures that are in this legislation. Hopefully, this will all be resolved as quickly as possible so that the relief can start to flow to those communities that have been so badly hurt.

I thank the Chair. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I shall be very brief. I had a chance to speak at some length about the need for disaster relief, and the need for emergency assistance for Minnesotans and the Dakotas. I want in less than 3 minutes to just say two things on the floor today.

I would like to thank my colleagues. This started out in the hope that eventually it will end up as a bipartisan effort, and a lot of cooperation to get help to people, our neighbors. This is help that doesn't make everybody whole again, but at lease it gives people a chance to rebuild their lives. I hope that next week that is where this ends up. It started out on a very positive note, and I hope it will end up there.

My second point is my colleague from North Dakota said he was disappointed. I am actually outraged. I think it is transparent. I think what is going on here is silly.

There are some extraneous amendments on what should be a straight disaster relief bill—the way we collect census data; having to do with a continuing resolution; having to do with a budget resolution; and, if there is any kind of crisis a Government shutdown next fall; having to do with parks; you name it. This shouldn't be on this bill.

I think what people know here—for some reason they think people in the country don't know it—that it is going to go to the President, the President is going to veto it, and it is going to be sent back. If it is an effort to embarrass the President, what is accomplished? Because when it gets sent back here, it is my fervent hope—and I believe this will happen—that these extraneous provisions will be taken off the bill. Then it will go back to the President, and then it will be signed.

What has been accomplished? Is the point to embarrass the President? Is it just a game?

I think we are going to be faced next week with one of two scenarios: Either it goes to the President, the President vetoes it—and everybody here knows it. But so do people back in our home States. They have intelligence. The President will veto it. Then it will come back here. And one of two things will happen: Either the bill will be stripped of these provisions that have nothing to do with the compelling need to get help to people, in which case, great. Thank you. Fine. But what was the point?

Or that will not happen. And if that does not happen, then I will use every measure I know how to use as a Senator to stop this process here. I will do everything I can next week if we do not get a clean bill. Everything I can do to fight for the people in Minnesota I will do. So my hope is that this ends up on the positive note that it started out on because this is really not about a kind of strategy or tactics. It is just about getting help to people, and it is time. It is time to do the right thing.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I believe the distinguished Senator from California [Mrs. BOXER], has been waiting.

How much time does she wish?

Mrs. BOXER. Up to 10 minutes.

Mr. BYRD. Mr. President, I yield 10 minutes from the time under my control to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I thank the Senator from West Virginia for his leadership on all of this, and the chairman of the committee. This is his first time as chairman bringing a bill to the floor. I know that both sides have worked very, very hard.

Mr. President, this is a good news-bad news day for the people in North Dakota and for the people in the 21 other States who are waiting to see this Congress finally pass an emergency bill and send it to the President. It is a good news day because the bill is before us.

As has been said many times, and I repeat it again, for both sides, from the chairman, Senator STEVENS, to the ranking member, Senator BYRD, to their staffs, to all of the members of the Appropriations Committee, of which I am a new member, I cannot tell you how grateful we from California are for the patience and understanding and the work that went into this bill, for the things we have in this bill to help our people. We have had devastating floods, and we have many things to do to pick up the pieces for the people who were hit hard, for the people who have to replant orchards, for the people who depend on Yosemite National Park and the tourism that it brings to give them livelihood and sustenance.

Those funds are in this bill, and they do not come from FEMA, I say to my colleagues. And, as my friend, Senator CONRAD from North Dakota, said, they are not in the pipeline. These funds must come through the pipeline, and until this bill passes they will not be there because they are from agriculture, they are from the highway fund, they are from the Army Corps of Engineers, and they are from housing.

So the funds that are in the pipeline—and I think it is important we all understand this—are the FEMA funds. By the way, if we have another tragedy in our country—we never know when disaster strikes—even that could be jeopardized. I watched with horror the tornado that hit Texas, and I thought to myself here we are on a break and another natural disaster hits. I hope FEMA does have the wherewithal to meet that disaster.

So, my friends, we are playing with fire. We are playing with flooding. We are playing with earthquakes. We are playing with disaster here. We need to be sure that the funds in this bill which have been put together in such a careful way get to the people who need them the most.

I am glad my colleague from North Dakota showed the photographs again of the devastation because sometimes we have a short attention span and we forget, but when we see those buildings as they looked when they were in flames in the middle of a flood, it really did remind you of World War II pictures, of the worst kind of attack, and this was an attack from nature.

We need to do what we can to make these people whole, to work with their private insurers, to work with communities, to work with local and State governments to do what we can do. It is a very basic question: What are we here for? Are we here to play political games? Are we here to win a political skirmish? Or are we here to help the people who so need that help? I hope that, after we get through today, because clearly we have these riders attached to this bill that have nothing to do whatsoever with the emergency, I hope when this bill comes back from the President, who has been forthright about the fact he will veto a bill with these riders, we will strip these controversial riders from the bill and move on.

Mr. President, my people in California are waiting. They do not understand it. I went home, and they said, "Well, why, Senator, is this all taking so long?" I explained that there were three controversial riders placed on this bill that have nothing to do with the emergency. And one of them, the most controversial, undermines the budget agreement that we were all so proud to say we support. It is almost as if the majority is protecting the Senate from the majority.

Why do I say that? Because there is no reason why we have to put this Government on automatic pilot. There is no reason why we cannot do our work and pass our appropriations bills. We do not need an automatic pilot budget process in place. If we had that in place, why do we need the Senate? We would not need it; we would just put everything on automatic pilot. The only people who can cause a shutdown are the people right here in this Senate. If we agree we are never going to shut down the Government, let us agree to do our work and pass our bills and compromise and move forward.

I do not blame the President for being outraged on this. Here he holds a press conference; everyone is hugging everyone, Democrats and Republicans; they passed the budget. Everyone gave a little and everyone got a little. Now we have this automatic CR placed on an emergency bill, which, if it passes, will totally undermine that agreement there. There are harsh cuts in education and the environment. This does not belong on this bill.

Here is the point. These riders should stand on their own two feet. They should come here as separate bills. We should debate them and vote them out. They should not be attached to legislation to help people who have been thrown off their feet by disasters. This is wrong. We do not have to do this.

So, yes, it is a good news-bad news day for people in 22 States—good news because we are moving the supplemental, bad news because it has these extraneous matters attached that undermine the budget agreement and do other things and do not belong on this bill. The bill will be vetoed, and we will be back to square one. And people in the country will scratch their heads and wonder what on Earth are we doing. That is not a proud moment for this Senate.

Mr. President, on an unrelated matter, I want to mention that something historic happened in California yesterday that does deal with another type of emergency, and that is the passage of junk gun laws.

Let me tell my colleagues what happened in California yesterday.

The California State Assembly and the California State Senate passed legislation to prohibit the manufacture and sale of junk guns in California, Saturday night specials. Those guns that have not one quality of safety standard are now banned from manufacture in the State of California, assuming the Governor signs this bill.

Mr. President, we talk about emergencies; 40,000 people a year are killed by gunshots in this great Nation, almost 300,000 a year are wounded, and the criminal gun of choice is the Saturday night special, the junk gun, the only product in America today that has not one quality of safety standard. In 1968, those guns were outlawed from importation after Robert Kennedy was assassinated. I have to say there was a big loophole that allowed American companies to make these guns. I am proud that the State assembly and the senate passed this bill. It is modeled after my bill that I introduced last year and again this year.

I hope that as we deal with emergencies and we look at the emergency of gun violence, we will recognize we have guns on the market today that are banned from importation because they are so poorly made, and at the minimum people deserve to have safety standards and quality standards on guns that they purchase.

So, Mr. President, it is a great day for Californians. Even with the worst, heaviest type of heavyhanded lobbying, these bills passed, and I am very excited about it. I hope that we will have the courage to do the same in the Senate. I will give the Senate a chance to cast that courageous vote.

I close, Mr. President, by again thanking my colleagues from Alaska and West Virginia for their assistance to the good people of California and the 21 other States, particularly the heartrending photos we saw today that just reminded us of what happened in North Dakota. I thank them for working in a bipartisan fashion to get a bill to us that is an excellent bill, and I pray and I hope that we can get these extraneous riders stripped off of this bill so that the people in North Dakota and the people in the 21 other States can say this Senate did something to really help the people of America.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 28 minutes.

Mr. BYRD. How much time did the Senator from California [Mrs. BOXER], use?

The PRESIDING OFFICER. She used 10 minutes.

Mr. BYRD. All right. I thank the Chair.

Mr. President, I will yield myself such time as I may consume from the time under my control.

Mr. President, I regret that I am unable to support the conference agreement on the emergency disaster assistance appropriations bill, H.R. 1469, now before the Senate. I am unable to do so despite my total support for the more than $5 billion in disaster assistance payments which are included in this measure for the hundreds of thousands of people across the country who are the victims of the many natural disasters that have occurred in recent months.

I also support the nearly $2 billion contained in the measure for aid to our men and women in uniform around the world, particularly in Bosnia, engaged in peacekeeping operations, as well as the nearly $1 billion contained in the measure for payment of veterans' compensation and pensions.

These funds are all vitally needed for the purposes for which they are appropriated and should be made available at the earliest possible time. Indeed, it is my view Congress should not have recessed for the recent Memorial Day break without having enacted into law these funds that are contained in this bill.

Unfortunately, as did the bill when reported out of the Senate Appropriations Committee and after Senate action, this conference agreement contains a number of controversial, extraneous legislative provisions which have no business being included in an emergency disaster assistance bill. The President has never wavered in his statement that he will veto the measure despite the critical nature of funding it contains for hundreds of thousands of people. He has urged Congress to remove the extraneous provisions and send him a clean disaster assistance bill which he can sign. Regrettably, the leadership in Congress has chosen to use this bill as a vehicle for making political points on such things as keeping the Government operating on automatic pilot for the entirety of fiscal year 1998 at 1997 levels regardless of merit and ignoring the fact that a number of activities throughout the Federal Government should not continue and should be cut or eliminated altogether.

This so-called automatic CR and other extraneous provisions need not be on this bill. They can be raised at any time and debated in their own right as freestanding measures. They can be raised by the leadership at any time. What other reason can there be then to insist on including them in this disaster assistance measure than to make purely political points?

I am disturbed by this decision to proceed in this fashion. I note that no Democratic Member of the conference on H.R. 1469, no Democratic Member signed the conference report. In not signing a conference report, I find no fault with and intend no disrespect toward the chairmen of the conference. I congratulate Chairman LIVINGSTON on conducting a very fair and evenhanded conference. I congratulate our own chairman of the conference, chairman of the Senate conferees, Senator STEVENS, who also, likewise, is very aware of and always considerate of the needs of the constituencies of the Members of this body. I have always found him, over the long years of friendship that I have enjoyed with him, to be most considerate, charitable and fair. In the conduct of this conference, these two chairmen were courteous to all members and showed great patience and eminent skill in completing the conference as expeditiously as possible. Unfortunately, they had no ability to remove these controversial matters that have caused me to oppose the measure and have caused me not to sign the conference report, and I speak for others on my side of the aisle who, likewise, did not sign this conference report. Only the leadership of the two Houses could have accomplished that result.

To those Senators who have chosen to delay the enactment of the measure in order to make political points which they hope to gain from forcing the President to veto it, I say consider this: Next time it may be your State, it may be your people, it may be your constituents.

For the reasons I have stated, I will not vote for the adoption of the conference report.

We must not continue to play cynical games with people who need help when a disaster has taken lives, taken homes, taken farms, taken livestock, taken livelihoods. I hope that this will be the last time such tactics are employed on an emergency disaster bill.

Mr. President, I reserve the remainder of my time. Does the Senator from North Dakota wish to have some time?

Mr. DORGAN. Mr. President, I ask the Senator to yield for 5 minutes.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from North Dakota, [Mr. DORGAN].

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. Mr. President, I spoke earlier today on the floor for about 30 minutes on this subject. I shall not extend much beyond that. But I did want to add my voice to the voice of Senator BYRD and express, as I indicated previously, two things. First, my gratitude for the resources that are in this bill that would be available and helpful to the victims of the flood in my State; and, second, and also important, my concern about the unnecessary delay.

I was looking for a copy of the conference report. It is not yet available here in the Senate. The conference report is a conference report to provide emergency appropriations. The emergency appropriations are necessary to respond to natural disasters. But, of course, there are issues in this conference report that determine that it will not become law. The conference report, if it were on my desk, I would hold it up and say, "This is not going to be law, and everyone in this Chamber knows it."

It is part of the process that is so frustrating from time to time in this Chamber. It is a process that goes on from time to time on a lot of legislation—and the Democrats do it, the Republicans do it: Put extraneous or unrelated amendments on a bill. That is not unusual. The rules of the Senate allow that. What is unusual is that a bill providing for disaster relief to thousands and thousands of people is now being used for that purpose. That's unusual. That's unprecedented. That didn't happen previously. A disaster bill, generally speaking, was a piece of legislation that most understood should not be used for the traditional kinds of political games that are played here in the U.S. Congress. That is what is different this time.

This aid will come. The resources in this bill will be available. Recovery will take place, but after, now, 2 weeks' delay. Two weeks ago today, the Congress left for the Memorial Day recess without having enacted a conference report. Now, today, the conference report is before us and it will be undoubtedly approved. It will not be signed into law, and everyone in this Chamber knows it.

Some say, and they make the case with great forcefulness, "It doesn't matter. Nothing that needs to be done is not now being done. There is money in the pipeline." I have heard it a hundred times this week from people who don't have the foggiest idea about what the facts are.

Will Rogers once said, "It's not what he knows that bothers me so much, it's what he says he knows for sure that just ain't so." There is some money in the FEMA pipeline to deal with emergency immediate relief—food today, housing tonight in a motel. But there is no money in the pipeline from HUD to rehabilitate the housing, to begin the construction that is necessary—in a State, by the way, that has a very short construction season. Losing 3 weeks in North Dakota, in a construction season where we have to replace probably 1,000 to 1,500 homes, is devastating. It is a delay that is devastating to the region.

That is the point that drives us and compels us to say, thanks for this aid. It will get there. We appreciate very much the cooperation of everyone. But we remain enormously disturbed by the fact that this conference report is not going to be law and everybody in this Chamber knows it, and the result will be another week of delay. There will be 1 more week with thousands of people who wake up in the morning not in their own beds, somewhere else—a shelter, a neighboring town, a hotel, a home of a stranger who took them in. There are thousands of them, thousands of them today without a home, waiting for the fundamental decisions that will be unlocked by this bill. And the strategy today, by some, is to include in this bill something that will certainly gain a veto, because it has no relationship to this bill and the President has said it is something he cannot support. The result will be 1 more week, 7 more nights, 14 more nights, for people who don't have a home. That's the dilemma.

Mr. President, I have consumed my time. I thank the Chair and the ranking member of the committee. I hope, when all of this process is complete and the dust settles, that the quantity of resources involved in this bill finally, even if belatedly, will be there to provide some hope and help to those families who now feel hopeless and helpless. There is help on the way.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes and 40 seconds.

Mr. BYRD. I thank the Chair. I yield 10 minutes to the distinguished senior Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the distinguished ranking member of the Appropriations Committee.

Mr. President, I very much agree with the Senator from North Dakota, the Senator from West Virginia, my colleague from California, and all who have really very sincerely expressed their dismay on the way this bill has been handled. I would like to just take a few minutes and remind my colleagues that this started with a flood in California in January, and it is now June. According to the California Office of Emergency Services, California sustained $1.8 billion in damages during last winter's flooding. In California alone, 9 people died and 100,000 people lost their homes. They were forced to flee from their homes. This was the third 100-year flood in the last 10 years. It gives you the idea of the impact on part of the State.

Mr. President, 48 out of 58 counties in California were declared Federal disaster areas. Damage to levees, to roads, and other infrastructure was severe. There were over 60 levee breaks in the delta area of California. Many of those breaks have yet to be repaired. These levees do two things. Because the land behind the levee is below sea level, the levees protect homes and agricultural land from the rivers. Now, when the levees break, the land behind the levee is peat, and the peat comes out into the water. That water is the drinking water for two-thirds of the people of the State; that is 20 million people. And when you treat the water for drinking and it has been infested by peat soil, the chlorine throws off carcinogens. So the longer you leave these levees unattended and the longer you have the intrusion of the peat-infested water into the drinking water, you increase problems in California.

So far, out of this more than $1.8 billion, California has only received $27 million for FEMA, for flood fighting, for debris removal, and for infrastructure repair. Fully repairing the damage to public facilities will take months, if not years.

I spent 3 days in these areas. I have flown over most of the levee breaks. I saw the extent of the damage. In places where I flew in a helicopter, let's say maybe 300, 400 feet above the ground, you could not see anything that was not flood-affected on either side. As far as your vision could go, flat land, from 300 to 500 feet above the ground, it was all water. You only saw rooftops.

I talked with people who lost as many as 14,000 trees in their orchard, who were wiped out of their dairy farms, wiped out of their homes. I went into the homes of people who were not farmers. I saw water halfway up the ceiling, everything ruined. Wiring, everything was ruined in the house. If only everyone could see this, I don't think they would want to play these games with this vital piece of legislation.

Let me remind my colleagues of the emergency relief provision and exactly what is in the bill: $5.6 million, 22 States. According to OMB, the bill allocates $3.3 billion out of new money and existing FEMA funds for disaster aid to California. Additionally, the bill provides another $780 million for disaster-related work in California. This is $200 million for Federal highway work, $176 million for repairs at Yosemite, $300 million for the Army Corps of Engineers, and $47 million for the Department of Agriculture.

I want, just for a moment, to try to debunk the implication that no family has been denied assistance due to delays in the bill. This might be true for agencies like FEMA, which has the disaster trust fund to draw from. But other Federal agencies responding to the disasters are depending on this funding.

HUD currently has no CDBG funds to dedicate to disaster recovery efforts, and both the House and Senate bills contained a half a billion dollars for CDBG disaster recovery efforts. So without this bill, there is no money for these efforts.

Other Federal programs are also waiting for this funding: the Department of Agriculture's Emergency Conservation Program, which assists farmers in rehabilitating flooded farmland and clearing debris from the fields. Without this bill, farmers in the upper Midwest have to delay planting and will see their costs driven up.

The Watershed and Flood Prevention Program, the Tree Assistance Program—now, this is important. I mentioned losing 14,000 trees. Crops that are permanent, like vines and trees, are eligible for grants through the Tree Assistance Program for replanting. There are no moneys for that without this bill. So it is necessary, if you are going to get the tree in the ground, to get it done as fast as possible.

Let me talk about one of our Nation's jewels—Yosemite National Park. Delaying this bill closes off parts of this park for millions of visitors, no question. The Park Service is proceeding with the most pressing needs, but funds in this bill are now going to arrive too late to affect this summer. That means that contracts to begin the permanent road widening and the permanent utility repairs need to be let as soon as possible to minimize the impact on the park. If it can't be done soon, we are into winter again and then it is not going to be for another year.

The President has made no secret about the fact that he will veto this bill when it hits his desk. We all know the problems with the automatic CR. I, for one, believe that this killer provision is really not necessary. We have shown that when we want to work together in a bipartisan way and make the necessary compromises that we can do it. All we have to do is pass appropriations bills on time. Two weeks ago we voted for a balanced budget. I think it is somewhat disingenuous to include the automatic CR in this legislation.

Let me spend a few moments on another killer issue, because I have spoken to a few Members on the other side about it, and that is the census sampling. I had hoped the conferees would have been able to accept the Senate compromise. The conference report prohibits the use of statistical sampling. This impacts every high-growth State in the United States. I know there is politics in it, let's face it, because lower-income people, minorities, are the most affected if you don't sample. So, if you don't sample, you cut down your numbers in that category. That might be one thing in elections, but let me tell you it is also another thing in funding formula. So by not accepting the sampling, the high-growth States are essentially deprived of vital formula.

Without sampling, the 2,000 census undercount would reach more than 18 million households, it would miss about 1 million people in California; it would miss 5 to 6 million in other States.

Let me give you one example. California's share of Federal vocational rehabilitation funds total about 8 to 9 percent of the Federal funds in the program. These funds would be 11 percent going to California if based on an accurate census. If we don't do the sampling, the cost to the State is $70 to $100 million in just this one program alone. You can multiply that all across the board in title I moneys for schools, for poor children, and so every State that has a growth in these numbers, if you don't use the sampling, for political reasons you are sacrificing formula dollars for your State. I might tell you, I find that very hard to do.

I intend to vote for this bill because the bulk of this bill is money for California. I recognize that the President will veto it. I will also vote to sustain his veto when this comes back. I am hopeful that the rumors I hear about the House are correct, that there will be another bill and it will be a basic disaster relief emergency supplemental so we can get on with other things.

I thank the Chair. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I yield the Senator from Arizona such time as he may require.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank you, and I thank the distinguished chairman and ranking member of the Appropriations Committee. As always, they have done a very dedicated and very important job here.

As I always do on these bills, Mr. President, I am compelled to talk about some of the parts of this bill which were added which I find very objectionable and which I find unacceptable. I, again, lament that these really nonessential and sometimes wasteful appropriations are added to a bill that is labeled an "emergency supplemental appropriations bill."

Mr. President, in this bill, some that I have found—I am sure there are others—are that it makes an additional $35 million available for new grants under the Commerce Department Advanced Technology Program. I am the chairman of the Commerce Committee. The Advanced Technology Program falls under the responsibility of the Commerce Committee. We have been investigating that program. We have had a lot of effort put in to making sure the best methods are used for selecting the recipients of these grants. And now in an emergency bill, we see $35 million for new grants under the Advanced Technology Program.

It earmarks $5 million for the study of water allocation issues in Alabama, Florida and Georgia; $10 million for transportation planning and other purposes at Yosemite National Park; $15 million for research on environmental factors affecting breast cancer; $650,000 for the National Commission on the Cost of Higher Education. Someone has to help me out here. Where is the emergency? Where is the emergency that requires $650,000 for the National Commission on the Cost of Higher Education?

It earmarks $5 million for the development of a legislative information system in the Office of the Secretary of the Senate;

And $16 million to continue development of an automated targeting system for the Customs Service; a set-aside, Mr. President—a set-aside—of $12.3 million for discretionary authority to construct a parking garage at a VA medical center in Cleveland, OH. Do you want me to tell you that again? Mr. President, $12.3 million for the construction of a parking garage at a VA medical center in Cleveland, OH. I know this bill covers a lot of disaster areas. I don't believe Cleveland, OH, was an area that was afflicted, and certainly I do not suspect that a garage for a VA medical center would be an emergency.

There is an earmark of $500,000 from previously appropriated funds for a parking garage—another parking garage—in Ashland, KY, to instead restore the Paramount Theater in that city; authorization to make grants under the Center for Ecology Research and Training for Bay City, MI.

There are others, Mr. President. This is really not fair to the American people, it is not fair to the taxpayers, and I wish we would stop these things. I, frankly, grow weary.

I want to talk about an important part of this bill, and that is the provision which has been put in the bill which prevents the President from shutting down the Government. That is what it is all about. It prevents the President from shutting down the Government.

As we know, in the last 2 years, one time he shut down the Government and another time the Congress was forced to add some $8 to $9 billion in additional spending which they otherwise wouldn't because of a threat to shut down the Government. Why would I care and why should we care, when we are talking about disasters, about the shutdown of the Government? Because the shutdown of the Government was a manmade disaster, Mr. President.

The shutdown of Government was a manmade disaster that afflicted the lives of millions of Americans and if it happens again because of our failure to do our work, we will, again, inflict pain and punishment on the American people.

I was interested in and I appreciate the comments just made by the Senator from California about Yosemite National Park. There is a report on the "Economic Importance of National Parks: The Effects of the 1995–96 Government Shutdown on Selected Park-Dependent Businesses and Communities." This is a report of the National Parks and Conservation Associations.

On page 8 it says:

> Impacts were substantial in and around California's national parks, in spite of the fact that they were not in their peak seasons when the shutdowns occurred.

The report goes on to say:

> At Yosemite National Park, an off season hardly exists. Impacts in and around the park, which normally receives more than 120,000 visitors in December, were the worst encountered in our investigation.

And then it goes on to quote Gilbert Ghyselinck, owner of Yosemite Gateway Inn, estimated loss, $45,000; Jim Houtz, owner of the Cedar Lodge Inn and Parkline Restaurants in El Portal, CA, south of Yosemite, estimated loss, $40,000 to $50,000. "We put about 50 people on unemployment. It was pretty rough. The part that hurt us the worst was putting those people on unemployment when they were trying to put away for the winter."

Mr. President, I want to point out they were not Federal workers. They were people who were never repaid, never repaid for our shutdown of the Government.

A gentleman in Oakhurst, CA:

> That Christmas and New Year's shutdown was the toughest on us. We're close to full that time of year—90 percent occupancy. I think we barely made 50 percent. It was only 10 days, but it was the 10 days you want. It's also had some lingering effect.

Cheryl Tyler, of Oasis of Eden Inn, Yucca Valley, CA, estimated loss, $30,000. Cheryl Tyler said:

> It really killed us. They were canceling as fast they could get on the phone. People booked for 5 days. They stayed one night and left. We lost half our business.

It goes on and on. Mr. President, this is what happens when you shut down the Government. I am totally and completely in sympathy with my colleagues who are seeking disaster relief. We, on this side of the aisle, are also seeking disaster relief. We are seeking relief from a disaster to ensure that it will never happen again.

I would like to quote from a study that was made by the Congressional Research Service, a CRS report for Congress entitled "Shutdown of the Federal Government: Effects on the Federal Workforce," James McGrath, analyst, National Government Division, updated June 17, 1996, conducted by the Congressional Research Service. Let me just tell you some things they talk about.

Examples of Federal services adversely affected by the shutdowns include those related to health, welfare, law enforcement, public safety, financial services, parks, museums, monuments, visas, passports, services to American Indians and services to veterans, among many others as listed below.

Health: New patients not accepted into clinical research. Toxic waste cleanup at 609 sites stopped; 2,400 Superfund workers sent home.

Welfare: 10,000 new Medicare applications, 212,000 Social Security card requests, 360,000 individual office visits, 13 million recipients of aid to families with dependent children, 273,000 foster care children, over 100,000 children receiving adoption assistance services, and over 100,000 Head Start children experienced delays.

There were 10,000 home purchase loans and refinancing applications totaling 800 million dollars worth of mortgage loans for moderate- and low-income working families nationwide that were delayed.

Law enforcement and public safety: Well, there is one good piece of news here, Mr. President, the suspension of investigative activities by the IRS. So I guess something good comes out of every disaster. But on a far more serious note, the Department of Justice suspended work on more than 3,500 bankruptcy cases. Delinquent child support cases were suspended, the deadbeat dads program. Closure of 368 National Park Service sites. Loss of 7 million visitors. Grand Canyon National Park, closed for the first time in its 76-year history.

Local communities near national parks lost an estimated $14.2 million per day in tourism revenues. I point out, again, Mr. President, the people who lost those tourism revenues never got them back. It was not like the Federal workers, where they were repaid when we started the Government up again.

Closure of national museums and monuments—the loss of some 2 million visitors; 20,000 to 30,000 applications by foreigners for visas to come to this country went unprocessed each day; 200,000 U.S. applications for passports went unprocessed; U.S. tourist industries and airlines sustained millions of dollars in losses because of visa and passport curtailment.

The American Indians. I will quote Deborah Maddox, the acting deputy commissioner for the Bureau of Indian Affairs:

> We are getting close to an emergency situation. This week, we would be generating our general assistance payments for 53,000 individuals and families. These grants are for very basic needs and are for people who are not eligible for other services.

Mr. President, American veterans sustained a major curtailment in services as a result of the Federal shutdown, ranging from health and welfare to finance and travel. They include cancellation of vocational rehabilitation appointments; nonprocessing of payments for compensation, pension and education claims; delayed payments of GI bill education checks and insurance death claims; and canceled counseling services to avoid foreclosures. It goes on and on.

Mr. President, what we did when we shut down the Government was unconscionable and unacceptable, and it cannot be repeated. And for the life of me—for the life of me—I do not understand why. There is some connection being made between the extension of emergency disaster relief services and this provision in the bill. The only reason, Mr. President, there is a distinction being made is the President of the United States does not want to have to sign the bill with this in it because the President of the United States does not want to see legislation which would prevent his ability to shut down the Government.

Mr. President, in the Washington Post not long ago, a few days ago, there was a letter from Mr. ALBERT R. WYNN, who is a U.S. Representative to Congress representing a district in the State of Maryland, very close to here in the District of Columbia, it is a letter to the editor of the Washington Post.

> While I recognize that The Post considers itself a national newspaper, as a U.S. Representative from the Washington region, I find portions of The Post's May 15 editorial "Fooling Around in the House" very troubling.
>
> I cosponsored the bipartisan "Government Shutdown Prevention Amendment" to the "Disaster Recovery Act of 1997." The amendment guarantees that the federal government will remain open and functioning at current funding levels if Congress and the administration cannot agree on the details of the Federal budget. Basically, this amendment provides a safety net for federal employees and the American taxpaying public, which expects its government to provide uninterrupted service. Given the devastating psychological and economic effect the last government shutdown had on our region, I am concerned that The Post considers such an amendment "fooling around."
>
> The Post's assertion that this amendment "would change the balance of power between the elected branches" and that "the effect would be to lock in place a new norm in which an agency's appropriations would be frozen from year to year unless Congress acted to raise—or lower—it" is just plain wrong. The amendment clearly sunsets in 1998, and thus would affect only the appropriations bills now under consideration . . .
>
> Let me remind The Post of the effects of the last shoutdown: The cost to the federal government was $1.5 billion; 170,000 veterans did not receive December 1995 Montgomery GI Bill education benefits on time; more than 200,000 passport applications were not processed; pay for more than 750,000 federal employees was delayed; 7 million national parks visits were prevented; 2 million visits to historic museums were prevented; 5,200 small businesses did not receive guaranteed financing; 1,036 contract bid opportunities were lost for small businesses, and 30,000 FHA single-family home loans could not be insured.
>
> For those who apparently think the Republicans are so humbled that they wouldn't shut the government down again, I would remind them that we never thought the government would shut down during the Christmas season 1995.
>
> Thus, in the final analysis, I do not believe federal employees or taxpaying citizens think keeping the government open with a continuing resolution is "Fooling Around in the House."

Mr. President, I cannot say it any better. We have an obligation to provide for the needs of those who have suffered natural disasters. There is no one who sponsors this amendment who disagrees with that. And we want that money there as quickly as possible.

But I would allege, Mr. President, that when we ignore the possibility and fail to address the looming possibility of a manmade disaster which would be caused by the shutdown of the Federal Government, again, Mr. President, I cannot quite comprehend why we would not understand that we also have that obligation as well.

So I hope the President of the United States will change his mind. The Senator from Alaska, the distinguished chairman of the Appropriations Committee, has said, and I have said, we would be willing to negotiate the details of this amendment. We would be more than happy to talk about satisfying some concerns as long as we preserve the basic principle of keeping the Government open.

So, Mr. President, I believe we are going to pass this bill. I believe it is going to the President with it included in the bill. And I hope that the President of the United States will sign the bill, and then we would prevent again the disasters that we inflicted upon the American people during Christmas of 1995, for which not only did the American people suffer, but I have to tell you, in all candor, the reputation of the legislative branch of Government and the entire Federal Government, the governing body, suffered as well.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I reluctantly rise to oppose the supplemental appropriations bill currently before us.

But first, let me once gain take this opportunity to extend my deepest sympathies to those communities and families in the Upper Midwest who have had to deal with the loss and anguish caused by the terrible flooding several weeks ago.

I know all Marylanders join me in extending our thoughts and prayers to everyone in the Midwest.

Like many of my colleagues, I had hoped for a quick and speedy passage of this critically needed assistance to the disaster victims. I know they are counting on us to help them get back on their feet—to help them rebuild their homes and businesses.

I am therefore deeply troubled by the fact that what should have been a speedy, nonpartisan targeted relief bill has instead turned into yet another nasty partisan battle that is designed to divide us and provoke a veto from the President.

I have several major concerns with the supplemental, the first of which is the census sampling amendment that prohibits the Census Bureau from using funds to conduct statistical sampling in the year 2000 census. While to many this is a dry, academic topic, it impacts all Americans on a daily basis.

In addition to being the manner for determining representation in the Congress, the census has become the basis for which billions of dollars in Federal assistance are allocated. Programs such a low-energy assistance, community block development grants, and other vital programs to Maryland for transportation, housing, and education all rely on accurate census data.

This amendment does not follow the congressionally sought recommendation of this Nation's top statistical experts who advise using statistical sampling to get accurate data. Instead this provision would result in an undercount of many of the Nation's citizens. Especially hard hit would be those in rural areas and the inner city poor. That's wrong.

There is no reason to play games with the census, particularly when so many people's lives are at stake. Everybody counts in America, and everybody should be counted.

Mr. President, I am also very concerned by the continued inclusion in this disaster relief package of what has artfully been called the Shutdown Prevention Act.

Nobody knows the pain of a Government shutdown better than me and the Marylanders I represent. When the last shutdown occurred, numerous people from across my State felt the shock and dislocation of those events.

When I visited the Government agencies that had to remain open, I saw the frustration on the faces of the workers and the financial hardship it caused for all Federal employees.

Let there be no mistake, I do not want another shutdown and will do everything I can to prevent it. But this bill is not the answer.

Instead, this bill which provides for a permanent continuing resolution, is nothing more than a partisan exercise designed to hamstring Congress from exercising its constitutional role in the legislative process.

If we fail to enact our appropriations bills on time, the continuing resolution contained in this bill simply prevents Congress from increasing spending on such crucial items as cancer research, crime fighting, and education. It also hampers Congress in cutting unnecessary spending and eliminating waste.

Lastly, I am disappointed by the method we have chosen to pay for this bill. By taking over $3 billion in unobligated funds from HUD's section 8 public housing program to pay for FEMA's disaster relief fund, we are simply robbing Peter to pay Paul.

We cannot keep on raiding this program to pay for disaster funding. We must find a new way to pay for emergency supplemental appropriations bills because these disasters are not going to end.

We could be facing even more expensive disasters in the near future. Are we going to continually rob one or two agencies to pay for these bills?

I believe we need a new system or a new arrangement to deal with these types of disasters—a new system that is off-budget.

Mr. President, because of the census sampling amendment, the continuing resolution, and the way in which we have chosen to pay for the bill, I am forced to oppose this bill.

It is my sincere hope that in the future we can avoid these partisan fights over disaster relief bills and find a more equitable way to pay for them.

Mr. McCONNELL. Mr. President, I wanted to take a minute to express my deep satisfaction with the results produced by the conference on the emergency supplemental bill. The negotiations were complicated by how many issues were in play, but the chairman did a masterful job at methodically and successfully working through each and every item. Chairman STEVENS' patience and perseverance are why we are here today.

I want to take note of two sections of particular importance to me. First, the transportation chapter includes language which is essential to Kentucky. This legislation provides for a long overdue funding correction in Federal-aid highway funding. As a result of an accounting error, Kentucky's highway funding in 1996 resulted in a loss of Federal funds. This bill will provide Kentucky with $29.8 million to correct this funding shortfall. I am pleased to report that this level exceeds the $12.6 million requested by the Governor to complete the William H. Natcher Bridge. I know the people of Daviess County and western Kentucky look to the completion of this bridge.

Second the foreign operations chapter in the House bill included language giving the President permission to waive earmarks for Ukraine which the Senate had included in last year's bill. This waiver authority was being offered in response to a deteriorating situation involving corruption and a slow down on crucial economic reforms. Congressman CALLAHAN and I have very different views on the need for earmarks, but we share a concern about the trends in Ukraine. We were able to craft a compromise which made clear we are not content with the pace or scope of reform by allowing the President to waive any earmark as it affects aid to the Government of Ukraine. The compromise exempted important projects such as nuclear safety and all activities carried out by the private sector and nongovernment organizations. Most importantly, we did not permit any reduction in the overall level of the aid we provided—the $225 million stands intact. Should the administration choose to withhold or suspend funds for the government, they must reallocate the funds to other programs within Ukraine.

We have sent a clear and focused message to the government that reforms are essential if businesses are going to have the confidence to invest. But, we have narrowly crafted that message so that we do not damage our bilateral relationship or the support we provide to organizations committed to advancing both Ukrainian and American interests. Both Congressman CALLAHAN and I will review the progress made on this important issue when we take up the fiscal year 1998 bills in the coming weeks. I want to congratulate him on concentrating our attention on Ukraine's problem and working so effectively with me and my Senate colleagues to produce a compromise which we all hope will generate real results.

DIRECT OPERATING LOAN FUNDS FOR LOW-INCOME AND MINORITY FARMERS

Mr. ROBB. Mr. President, I want to mention another group of Americans who are suffering as Members of Congress continue to hold up the disaster relief supplemental appropriations bill and prevent us from passing a funding measure that the President can sign. That struggling group is our Nation's low-income farmers.

Back in April of this year, a group of farmers came to my office and described to me a crisis as real as the floods faced by Americans in the Upper Midwest. It is planting season and many States, including Virginia, have exhausted their total allocation of direct operating loans. Direct operating loans are the funds made available by the U.S. Department of Agriculture to cover the costs of planting and repaid when crops are harvested. Without operating funds, the livelihoods of many farmers, mostly on small farms, are threatened.

The Operating Loan Program is especially important for minority farmers, many of whom have suffered from the well-documented discrimination within the Department of Agriculture. Discrimination has caused or contributed to the financial ruin of minority farmers nationwide and has resulted in bankruptcies and impoverished retirements. But as the number of black farmers in the United States has dwindled at three times the rate of other farmers nationwide—nearly to the point of extinction—a few farmers have managed to survive and keep their struggling farms afloat. USDA acknowledges that "having direct operating loan funds is critical for low-income minority farmers in their effort to become self-sustaining, successful, contributing members of rural communities."

After speaking with Agriculture Secretary Dan Glickman and with the assistance of Senators COCHRAN, BUMPERS, STEVENS and BYRD, we were able to include an appropriation in the supplemental to provide $100 million in direct operating loan funds to those low-income farmers who cannot obtain credit elsewhere. I believe these funds are as critical to serving the needs of small and limited-resource farmers as implementing the recommendations outlined in the Civil Rights Action Team report to remedy many of the long-standing problems plaguing the Department and eradicating, once and for all, the discrimination that has plagued the Department for decades.

Unfortunately for Virginia and the other Southern States, it is now June, and we have reached the tail end of the planting season. As we waste time disputing controversial provisions attached to a disaster relief funding bill, we've denied farmers access to loan assistance and prevented the farmers who have survived decades of discrimination the money needed to get their crops in the ground and to keep their farms afloat.

Mr. President, I find this situation frustrating, but my frustration must pale in comparison to the low-income and minority farmers who have struggled and, thus far, have managed to survive this manmade disaster. Again I want to thank my colleagues who are interested in helping our Nation's farmers and helped add my language to the supplemental. But, I ask my colleagues who are keeping this desperately needed money out of the field and out of the hands of our Nation's farmers to stop playing politics and let us pass a bill that the President is willing to sign.

Mr. KYL. Mr. President, let me say, as I did when this legislation originally came before the Senate a month ago, that I fully support the disaster relief that is being provided here. My heart goes out to the families that have lost their homes, their businesses, and their schools in the recent floods and snows. We have all seen the devastation on the evening news, in the newspapers. It is tragic, and we owe it to the people in the Midwest and elsewhere to put the full resources of the Federal Government behind the relief effort to help them get on their feet as soon as possible and restore some sense of normality to their lives.

Mr. President, the relief in this bill is urgently needed. So are the provisions that would prevent another shutdown of the Federal Government this fall. It seems to me that we are taking the very responsible step of acting now to prevent another shutdown of the Government—something President Clinton says he, too, wants to prevent. Yet the President is threatening to veto the disaster relief, of all things, on account of the antishutdown provisions.

Why would a President who says he opposes Government shutdowns threaten to veto a bill that would prevent Government shutdowns?

I will tell you why. Recognizing how anxious Members of Congress were about being perceived as responsible for another Government shutdown last fall—recognizing that Congress would do just about anything to avoid another shutdown—the President was able to demand and win an additional $6.5 billion for his favorite programs. Majorities in the House and Senate went along. I did not. The threat of a shutdown proved to be a valuable part of the President's arsenal then, and it will be again unless we put a mechanism in place to keep the Government open while we continue to negotiate acceptable spending levels.

There are other good things in this bill as well, including provisions to extend the expiration date of the San Carlos Apache Tribe Water Rights Settlement Act of 1992, and to ratify the agreement between the tribe, Phelps Dodge Corp., and the Secretary of the Interior for long-term water use.

Yet, Mr. President, I find myself in the position of having to vote against this bill for the very same reason I did when it first came before this body last month: it is yet another in a long line of spending bills that merely add to the deficit. It is business as usual, and it comes at a time when we supposedly have reached agreement on a plan to eliminate deficits by the year 2002.

It would be one thing if there were no other way to get aid to the flood victims except to borrow. But it is quite another thing when we ignore other options in order to keep spending on other programs.

The Senator from Texas, Senator GRAMM, offered an amendment that would have reduced spending across the board by a grand total of 1.9 percent. One point nine percent. That is less than 2 cents on the dollar in other programs to pay for this disaster relief and other spending. That is all it would have taken, yet there were only 38 of us in the Senate who voted for that amendment.

Later today, we will be asked to vote on the so-called balanced budget agreement that our leadership struck with the White House. The ink on the budget agreement is not even dry. Yet the supplemental appropriations bill we are about to vote on would add $6.6 billion to the deficit over the next few years. It busts the budget agreement before the final vote is even taken.

What does that say about the budget agreement, which does not even begin to reduce the deficit until the year 2001? Consider the deficits that are projected under that plan. The deficit this year is expected to total $67 billion. We are trying to get to a zero deficit—to balance—by the year 2002. But under the budget agreement, the deficit goes up, not down. It climbs 34 percent—to $90 billion next year—and then remains in that range for 2 more years. Only in the final 2 years of the 5-year plan—in 2001 and 2002—would the deficit drop dramatically.

If anyone thinks that we are really going to be able to eliminate a $90 billion deficit in those final 2 years—when we cannot even find a way to pay for less than $7 billion in disaster relief in the bill before us today—they are mistaken.

Mr. President, we all know that disasters can and will occur on a regular basis. Unfortunately, they will happen—floods, hurricanes, earthquakes, and the like. We know it, and we should plan for it.

The Appropriations Committee acknowledged in its own report that the number of major disaster declarations in the 1992–1996 period has increased 54 percent. In other words, we had ample warning that something would occur somewhere.

Had we prepared for the need for disaster assistance last fall, instead of using every extra dollar to meet President Clinton's demands for new spending, we would already have been able to respond to the emergency in the Midwest and elsewhere around the country. But by ignoring the potential for disasters last fall, we merely paved the way for adding to the deficit now when the need for relief takes precedence over budget concerns.

Mr. President, this bill is more expensive than when it left the Senate a month ago. It is still not paid for. It busts the budget agreement that we will vote on this evening. We can and we must do better.

Mr. GLENN. Mr. President, I want to voice my very strong objections to the 2000 census language in this bill. It bans the use of sampling—and any other statistical technique—to count the American population for purposes of apportionment. It's unfair—it will cost the American tax payers about a billion dollars—it's political—it just doesn't make sense.

Let's talk about fairness. Without sampling, the Census bureau tells us that the 2000 census may be about as accurate as the 1990 census. That's the best case scenario. But in 1990, the census missed 10 million people. It counted 6 million people twice. And it counted another 10 or 20 million people in the wrong place—maybe even in the wrong congressional district. Is that our idea of fairness? Is that our idea of "one man, one vote?"

And many of the people undercounted in the last census are poor. Many of them belong to ethnic and racial minorities. We excluded some of America's most vulnerable people from the democratic process. Is that our idea of fairness? Of course not. But that's the kind of census we will have if this language passes into law.

Let's talk about cost. The Census Bureau tells us that a non-sampling census could cost almost a billion dollars more than a non-sampling census. Much of that additional cost will go toward various efforts that the Bureau knows will have only marginal pay-off. But if the Bureau can't sample, it will have to make every effort—even marginally effective efforts—to count people the traditional way. Without sampling, we're talking about a higher cost census to deliver a less accurate population count. Is that a responsible use of tax payer dollars? Does that make sense at the precise moment in time when both Congress and the American people are committed to the painful process of balancing the budget?

And let's talk about common sense. Statistical sampling is a rigorous, reliable, scientific tool. You can't find a statistician who disagrees with that. That view is supported by GAO, the Commerce inspector general, the National Academy of Sciences, and a host of professional organizations.

The Bureau has been using statistical sampling in the decennial census for decades. The census long form—which goes to only one in six households—is a perfect example of a kind of sampling that is widely accepted. Virtually every arm of Government—Federal, State, and local—uses long-form data for enforcement of laws like the Voting Rights Act and for tailoring programs to the cultural diversity of our population. And we are not plagued with law suits challenging the reliability of this data because it is based on sampling.

Ironically, the language in this bill would allow continued use of sampling for the long-form. In fact, it allows sampling for every purpose except that most important one—counting the American people for purposes of apportionment. On the one hand, it acknowledges that sampling is valid and valuable—a scientific tool. But on the other hand, it denies us the use of that tool just where it would be most valuable. That makes no sense at all.

Finally, despite what I read in the newspapers, I have seen no data whatsoever validating the apparent political assumption that an accurate census means fewer House seats for Republicans. It is true—as I have already stated—that many of the undercounted people are poor or members of minority groups. But other groups are undercounted, too. We undercount people in rural areas—that's a third of the 1990 undercount—and many of those areas are Republican strongholds. We undercount people who are renters rather than homeowners, and statisticians tell us that disadvantages the Sun Belt States—where Republicans are also strong. Just last week the 2000 Census Advisory Committee discussed the politics of the undercount. That committee consists of census and population experts representing the statistical community, every level of Government, and every large minority group. The committee was unable to determine who would be the political winners and losers in an accurate census.

This isn't about Democrats versus Republicans. We undercount people of every race, gender, age, State, and political persuasion. The real winners and losers in the sampling debate are the American people. Our system of Government guarantees equal representation for all Americans—regardless of race, ethnicity or economic circumstances—whether they live in the country or the city—whether they own their homes or rent them. That should be our goal—our only goal—in planning the 2000 census.

In my home State of Ohio, we had a slight overcount in 1990. But I don't fear the political consequences of an accurate census. My commitment is to the fundamental principles of America's system of Government. And I'm confident that the citizens of Ohio feel the same way. Give us a fair, accurate census, and let the political chips fall where they may.

I know full well that the Census Bureau's plan to use sampling is highly controversial. I have some reservations about it myself. Some people say that sampling doesn't meet the constitutional requirement for an "actual enumeration." Some say that sampling is inherently subjective because it is based on statistical assumptions. These are questions that must be resolved.

On the constitutional issue, however, the Governmental Affairs Committee recently heard testimony from a panel of attorneys who are not friends of sampling. The panel included Wisconsin's Attorney General James Doyle. He led the charge against sampling in 1990 because statistical adjustment of that census would have given California an additional House seat at Wisconsin's expense. We also heard from Stuart Gerson, the Assistant Attorney General who advised the Bush administration not to adjust the 1990 census. Both testified that the constitutional requirement for an "actual enumeration" doesn't require a headcount. What it requires—what the Framers intended—is the most accurate census possible. That's what we should be aiming for. And those who tell us that sampling is inherently unconstitutional are trying to scare us into a census process that doesn't meet the Framers' goal.

What's critical right now is for census to continue its planning process—continue to appear before congressional committees—as it is doing before the Governmental Affairs Committee—and continue to explain its plans. Most importantly, the Bureau must test the proposed census plan in the 1998 dress rehearsal. Only after this process is complete will we know whether sampling will yield a better census—a census that includes every American. The census language in this bill would make that impossible.

My heart goes out to all the Americans who are counting on us for the disaster relief this bill will provide. I want to give them that relief. It is extremely regrettable that in our legislative process this has also become a bill that jeopardizes the most fundamental principle of our Democratic society—every American's right to equal representation. If the census language in this bill passes Congress today, it will add to the other reasons that may persuade the President to veto the bill—and send it right back to us. Then perhaps we can get on with the job of providing relief to the thousands of people who are counting on us, and let the Census Bureau get on with planning the best decennial census in American history.

Mr. LAUTENBERG. Mr. President, I reluctantly rise to oppose this conference report. Regrettably, the majority has decided to play politics with the lives of disaster victims. This is a tragedy.

Mr. President, I don't have a particular dog in this fight. My State has been fortunate to be free of disasters recently. But it pains me to look at television footage of homeless people in the Dakotas and Minnesota and know that they are not getting all needed assistance because of two unrelated political riders to this legislation.

Mr. President, I oppose this conference report because it includes the so-called automatic CR. I want to be clear with my colleagues—this provision violates the bipartisan budget agreement. Let me repeat this, the automatic CR violates the bipartisan budget agreement.

It violates the budget agreement for two reasons:

First, it would lower the total amount of discretionary spending available for fiscal year 1998. The budget agreement calls for $527 billion in discretionary spending for fiscal year 1998, which is a $17 billion increase over last year's level. If the automatic CR is enacted, the majority could refuse to pass the 13 appropriations bills and they would succeed in a $17 billion cut in discretionary spending. This would violate one of the basic Democratic accomplishments in the budget agreement.

Second, the automatic CR would make deep cuts in programs that are protected in the bipartisan budget agreement. The bipartisan negotiators agreed to provide large increases in 13 major discretionary programs.

Examples of these programs include: Elementary and secondary education improvement, Pell grants, child literacy, Head Start, national parks, job training, the Clean Water Act, Superfund, and the COPS Program.

Mr. President, the automatic CR would freeze these programs at last year's levels. Therefore, these programs would not get the increases promised in the bipartisan budget agreement if Congress did not pass certain appropriations bills.

Mr. President, as ranking member of the Budget Committee, I am concerned that the majority is violating the bipartisan budget agreement before the ink is dry.

First, they include this automatic CR that cuts overall discretionary spending and specific programs that were protected by the bipartisan budget agreement. Second, a House Ways and Means Subcommittee has approved welfare provisions that are in direct violation of the terms of the bipartisan budget agreement.

This is a disturbing trend. If we are to maintain bipartisan cooperation in the coming weeks, the majority will need to drop their efforts to move legislation that directly violates the bipartisan budget agreement, like the automatic CR.

Mr. President, I also oppose the census provision in the supplemental bill. This is not a provision based upon statistical science, it is a provision based upon politics. It is the latest attempt by the Republican National Committee to try to increase its political fortunes in the next century.

My Republican colleagues, at the request of the RNC, have proposed to throw hundreds of millions more at the 2000 census. This additional money, we have been told by the National Academy of Sciences, will not make the census any more accurate, just more expensive. The Census Bureau estimates that spending up to $800 million more than planned would reduce the undercount only marginally.

This provision does not belong in a disaster relief bill and it should be stripped out and sent back to the Government Affairs Committee for further consideration.

Mr. President, I hope that the President will immediately veto this bill and that the majority will then pass a clean disaster relief bill so that people suffering all over this country will be able to begin the process of rebuilding their lives and communities.

I yield the floor.

Mr. DORGAN. Mr. President, I sincerely regret that the bill before us today is not the one which will get relief to the flood victims of the Upper Midwest. Why, because it is laden with extraneous, highly political provisions which the President has told us for months that he could not and would not sign.

What are those provisions? The first is an automatic continuing resolution which, if enacted, would put the Government on automatic pilot if Congress is unable to complete its work on appropriations bills by the end of the fiscal year. While that may sound like a good idea, it is not. It would serve as a disincentive for Congress to complete their work in a timely fashion, and it would remove any leverage the President would have on appropriations bills not enacted by the end of the fiscal year.

The second extraneous provision prohibits the Bureau of the Census from using statistical sampling in preparing the 2000 census. Never mind that statistical sampling was proposed by the National Academy of Sciences after a lengthy study as the best way to ensure an accurate count. There is no question that this attempt to prohibit such sampling is politically motivated. While I oppose both provisions on their merits, neither, in any case, belongs on an emergency disaster appropriations bill.

The sole purpose of the bill before us today is to try to embarrass the President, not to help disaster victims. This is a sad day in the annals of congressional history. It is political one-upmanship at its worst. It is not about helping the people we were elected to serve. It is not about helping thousands of people in Grand Forks who are trying to rebuild their homes and their lives. It is about raw politics, pure and simple. Never, to my knowledge, has a disaster bill been held up for purely political, partisan advantage. That is what we are doing today, and that is just plain wrong.

A group of business and political leaders from Grand Forks were in Washington yesterday, including Mayor Pat Owens. They were here to meet with officials of the various agencies that will receive emergency funds in this bill. Our officials were discussing how the money contained in this measure could help their devastated community. A couple of them sat in on the appropriations conference. They were appalled at what they saw and heard. They heard about the census, the Ukraine, Uruguay, a continuing resolution, but they heard almost nothing about disaster funds. The people of Grand Forks are in dire straights. Their needs are urgent. Their lives are on hold, yet their problems were barely discussed in the conference.

We North Dakotans are a strong, proud, and resolute people. We will face the challenges ahead with courage and commitment. But with damages expected to be in the billions, we can not fully recover without the Federal help provided in this bill. As I stated earlier today, I am enormously grateful for all the resources provided in this bill to help our disaster stricken region. I am particularly grateful to Senators STEVENS and BYRD who were extremely helpful and supportive throughout every step of the process. Without their personal intervention and continuous support, many items and millions of dollars would not be in the bill we have before us today.

I want to thank their staffs as well—Steve Cortese and Jim English—who gave me wise advice and counsel on my maiden voyage as a member of the Committee on Appropriations. On behalf of all the people of North Dakota, I want to thank them as well as all the members of the committee for their understanding and their generous assistance. I hope that by next week, we will be able to deliver the resources promised in this bill.

Let me just list a few of the items in the bill that will have a direct bearing on our ability to recover, and for which there is currently no money available in the pipeline:

$500 million in community development block grants. This is the most flexible funding and the most crucial component to allow for buyouts. While all disaster States are eligible for this assistance, we anticipate that the majority will go to the Dakotas and Minnesota;

$50 million for a new Livestock Indemnity Program which will help

North Dakota farmers and ranchers who have lost close to 125,000 head of livestock;

$15 million in Department of Agriculture funds to purchase floodplain easements to reduce hazards to life and property due to the floods;

$5 million for the Interest Assistance Program to provide additional funding for guaranteed, low-interest loans to farmers;

$20 million to reimburse school districts who have had to educate additional children who were dislocated by the floods;

$5 million for all preconstruction and design work for an outlet from Devils Lake to the Sheyenne River;

$27.9 million in Corps of Engineers funding for North Dakota from the Flood Control and Coastal Emergencies Program;

$600,000 for Ramsey County to mitigate damages to the sewer system from flooding, if necessary;

Up to $20 million for the Corps of Engineers to raise the levees at Devils Lake;

$210,000 for North Dakota's national parks;

$3.9 million for the BIA in North Dakota;

$265,000 for the Indian Health Service in North Dakota;

$6.1 million for North Dakota to repair damaged freight rail lines;

$9.3 million to the Fish and Wildlife Service in North Dakota;

$840,000 for the U.S. Geological Survey in North Dakota;

Department of Education waiver authority language which will permit the Department to help students having difficulty meeting application and other statutory deadlines regarding Federal education funds; and

Language that allows disaster States greater flexibility in using child care and development block grant funds to help families in nonemployment-related activities relating to the cleanup and recovery.

My purpose in providing this list is to illustrate the urgent need to pass a bill the President can sign. Those who argue that there is plenty of money in the pipeline to respond to our needs are just plain wrong, as the list above so aptly demonstrates. None of funds listed above will be available until the President signs a disaster bill.

There are many people beyond the Congress to thank for their support in the wake of a series of historic and devastating disasters in North Dakota. Above all, I want to thank the people of North Dakota who, despite their losses, have refused to be overcome. They have displayed a remarkable sense of courage, caring, and conviction throughout the ordeal. Never have I been more proud to represent the State of North Dakota than I am now. They are wonderful people. They know the meaning of neighbor. Whenever and wherever they were able, they extended a hand to those less fortunate.

The great spirit of our people is embodied in the mayor of Grand Forks, Pat Owens. While small in stature, she has the heart of a giant. She gave us the courage not to lose courage. Her indomitable spirit held the citizens of Grand Forks together during the worst days of the tragedy, and now is guiding us patiently and compassionately through the recovery.

Finally, I want to thank all the Federal agencies for their long hours and hard work in bringing emergency assistance to relieve the immediate suffering of our citizens. They have done a magnificent job under extremely trying circumstances, and we are grateful for their superhuman efforts. James Lee Witt, the Director of FEMA, has been the guiding light in this endeavor. He came to North Dakota and personally witnessed the devastation, and then rushed personnel and resources into the State to assess damages and provide emergency assistance. He has also coordinated the activities of other Federal agencies in trying to get assistance to those in need as quickly as possible. That process is ongoing, and James Lee remains the stalwart in that endeavor. We thank him for all he has done and continues to do.

I intend to support this bill even though I know it is headed for a veto because of the extraneous provisions contained in it. I am voting for it to keep faith with my constituents, and to give them hope that a very similar bill, absent the political riders, will be passed next week. That bill will provide us with the helping hand we need to rebuild our communities, reunite our families and restore our economic base. We will face the challenge ahead with courage and commitment. With our prairie faith to guide us, we will rebuild, we will recover, and we will be a stronger community.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 36 minutes, and the Senator from West Virginia has 5½ minutes remaining.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

Mr. FORD. And it be charged to the majority.

Mr. STEVENS. We will take it off our time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. DASCHLE. Mr. President, I want to add my comments to those already expressed about how important it is that this legislation be passed, that it be acted upon rapidly, that people understand the extraordinary emergency that we are experiencing, that money is not adequately found in the pipeline today to meet all of the contingencies that are currently affecting communities all through the Midwest.

A delay by any other means will send exactly the wrong message to so many people who are waiting for us to act. We know that the legislation in its current form will be vetoed. It is a very dark day in the Senate, and, in my view, it is an extraordinarily unfortunate set of circumstances that today when we have an opportunity to send the right message to all the people who have contacted us, when we have an opportunity to say we do understand, we find many of our colleagues pushing a political agenda that has nothing to do with this legislation at all.

Mr. President, I would hope that the Senate would not adjourn until we find a bill signed by the President. I would hope that once this bill is vetoed, we will move a clean bill immediately, send it back to the President immediately, that we will not allow that veto to be any cause for delay in responding as comprehensively as we know how to respond to the needs we find across this country.

The balanced budget agreement we all voted on just 2 weeks ago makes a continuing resolution virtually unnecessary. We do not need to have a continuing resolution given the fact that we are working now in good faith on both sides of the aisle to resolve what remaining problems there may be with regard to budgetary policy. And I have every expectation we will be able to pass these appropriations bills and we will pass the reconciliation bill along the lines of the agreement that we have just voted on.

We know that there are contentious issues that have to be addressed outside the budget itself. The census sampling question is one that understandably is controversial. But I must say, the National Academy of Sciences was charged with the responsibility of coming up with a way with which to improve upon the accuracy of the census.

We know that, because of methods used in 1990 by the Bureau of the Census, we were not even as accurate in 1990 as we were in 1980. And as we examine all the other possibilities for attaining a greater degree of accuracy, the one that is universally accepted is the one subscribed to and incorporated in the policy that is the subject of this controversy right now.

This is not something dreamed up by a Democratic or a Republican administration. This is something calculated to be the most accurate response by the National Academy of Sciences. But regardless of how one may view that particular issue, it ought not be in a bill to address the disasters that we face across this country.

There are many, many needs that are unmet. We received letters from communities across South Dakota, across North Dakota. Every one of them has made it very clear that the immediate passage of this supplemental is crucial to their economic viability. No contracts can be awarded to repair the sewer system in Watertown, SD, until this bill is passed.

I have a letter from the mayor of Watertown, who has asserted once more the extraordinary difficulties that she, as mayor, is facing. I will just read a couple of passages.

I ask unanimous consent that the entire text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF WATERTOWN,
Watertown, SD, June 3, 1997.

Senator TOM DASCHLE,
Hart Senate Office Bldg.,
Washington, DC.

DEAR SENATOR DASCHLE: I appreciate the opportunity to provide information which underscores the need for the immediate passage of the Supplemental Disaster Relief Appropriation bill.

On April 4th, the City of Watertown, a City of approximately 20,000 residents suffered a 500 year flood event which was fought by City, County and State resources in the midst of a 60 mph blizzard in subfreezing temperatures. Flood waters froze and remained for 4–5 weeks. Over 4,000 residents were evacuated during the flood and storm. Approximately seven hundred and fifty homes were left without sewer and water for over four weeks. The sanitary and storm sewer systems were inundated and our wastewater treatment facility which was designed to treat 3.5 million gallons of sewage per day was flooded by over 18 million gallons per day.

Substantial damage was done to the sewer and infrastructure system. Many homes were severely damaged by water and ice. A substantial number of residents remain displaced today.

Both FEMA and SBA, along with Red Cross and the Salvation Army were enormously helpful in meeting the emergency needs of the affected residents and continue to assist to this day; however, without the Supplemental Appropriations bill, it is impossible to begin to fully recover.

As a City, it now becomes our responsibility to prioritize needs, both short term and long term. As we proceed to do so, it is incredibly difficult to make firm plans without the commitment of Federal emergency dollars. Certain emergency projects, which have not been budgeted, must now be done to protect the community from experiencing further damage: the capping of storm sewer pipes from the river to prevent the reflooding of an entire quadrant of the City; significant sections of sewer must be repaired to prevent the system from being flooded by extremely high groundwater levels, streets must be patched or repaired due to extensive water damage and shorelines along the lake area must be reinforced to stop the ongoing damage due to high water and wave action. No contracts can be awarded without confirmed sources of revenue for projects which the City cannot accommodate due to lack of dollars. In addition, South Dakota construction seasons are very short. Without immediate passage of the Supplemental bill, Watertown will be unable to make many necessary repairs during the current construction season.

Mitigation issues, both short term and long term are dependent on immediate Federal assistance: flood control projects cannot be accurately assessed without the consideration of the buy-out program which serves to relocate businesses and residences out of the flood plain. The degree to which buy-outs or flood prevention structures are necessary cannot be determined without the knowledge of available assistance levels. Residents whose homes would be excellent candidates for buy-outs are in limbo, unable to make decisions about reconstruction or completing the recovery process because the City is unable to negotiate unless firm funding commitments have been made. And, in fact, the result of delayed passage of the Supplemental bill may be that the City is forced to eventually pay more for homes which were repaired in the meantime.

CDBG funds are incredibly important to the States and Cities because they are flexible funds, allowing dollars to be delivered to priority projects in a timely manner. Leveraged with local and EDA funds, communities can get the most for the dollars being spent. No community or State is prepared for the immediate incredible costs of additional staffing needs, mitigation planning and project costs resulting from such devastating, unexpected occurrences. Immediate dollars for planning and technical assistance are critical to our recovery.

In the case of northeast South Dakota, communities such as Watertown continue to be threatened by record high water tables, aquifers and saturated watersheds which bleed into one another increasing the likelihood that flooding will continue to be a problem. Unless necessary measures can be undertaken to reduce our exposure to future floods now, future costs will continue to mount . . . Immediate and future mitigation needs require dollars for both local and State governments working as partners to solve problems as quickly as possible.

Watertown's economy will be enormously impacted by the devastating floods of 1997. Our very livelihood centers around the agricultural community for 100 miles in all directions. With many of the roads under water, travel to patronize our businesses is severely impacted. Without immediate assistance for animals killed during the disastrous winter and historic floods, herds will not be revitalized, profits will plunge and dollars for commerce will be few. Fields unable to be planted will equate into diminished dollars long term for businesses on main street. The very economy of Watertown and many affected rural towns like it, are dependent upon the immediate response of Congress. We are so grateful for the generosity and assistance provided to us from throughout the United States. We are now in need of dollars to rebuild for the future. The very well-being and livelihood of thousands of affected disaster victims in the upper midwest cries out for assistance in picking up the pieces of their lives and rebuilding the affected areas of their communities.

In closing, Senator Daschle, I would remind members of Congress that the bottom line in all of this is people. As I have stated before, Watertown is determined to recover and become stronger than ever. The incredible community spirit I have witnessed throughout these very difficult days has been nothing short of inspiring. We simply ask that the Supplemental Appropriations bill be passed as soon as possible to enable our community and others to recover and to heal.

Sincerely,

BRENDA S. BARGER,
Mayor.

Mr. DASCHLE. Mr. President, it is addressed to me. It says:

> [I want to underscore] . . . the need for the immediate passage of the Supplemental Disaster Relief Appropriations Bill . . .
>
> As a city, it now becomes our responsibility to prioritize needs, both short term and long term. As we proceed to do so, it is incredibly difficult to make firm plans without the commitment of Federal emergency dollars. No contracts can be awarded without confirmed sources of revenue for projects which the City cannot accommodate due to lack of dollars. . . .
>
> Watertown's economy will be enormously impacted by the devastating floods of 1997. Our very livelihood centers around the agricultural community for 100 miles in all directions. . . . Without immediate assistance for animals killed during the disastrous winter and historic floods, herds will not be revitalized, profits will plunge and dollars for commerce will be few. Fields unable to be planted will equate into diminished dollars long term for businesses on main street. The very economy of Watertown and many affected rural towns like it, are dependent upon the immediate response of Congress.

Mr. President, I do not think you can say it any clearer than that. These people need help. They need it now. They do not understand all these complicated, misguided and extraordinarily problematic extraneous matters added to this legislation at the worst possible time. It is not just mayors, it is not just the people living in most of our communities in eastern South Dakota, North Dakota and Minnesota that are struggling. Farmers and ranchers have also expressed themselves in a myriad of ways.

Mr. President, 350,000 livestock in South Dakota alone were lost in the storms and flood—350,000. We have never had an experience of that magnitude in my lifetime. We have $145 million in livestock losses alone. Not one dime has been provided or can be provided to indemnify producers for livestock losses until this bill passes. There is no possibility of providing any meaningful relief to livestock producers anywhere in the country until this legislation passes.

Mr. President, I have received so many remarkable letters from people all over South Dakota. I want to read excerpts of one, and I ask unanimous consent the entire letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 14, 1997.

Senator TOM DASCHLE,
Hart Office Bldg.,
Washington, DC.

TO WHOM IT MAY CONCERN: We live in the far North West corner of South Dakota. We have had a devastating winter to say the least. This last storm just added a finishing flair to the proverbial cake. When the winds

> finally died, we went to check our cattle. We had bedded heavily and created the best protection we could for them.
>
> We found a horrifying sight; the cows looked as if they were walking snowballs. They had suffocated from ice covering their nostrils. As we went along we found dead calves scattered and tromped into the earth. Some stood like statues froze over with snow, blinded by the same. Our hearts ached, we spent the day dragging in cold calves that were trying their best to hold onto life. We saved what we could, others just gave up hope, as are we
>
> Our daughter who is eighteen, had never seen such a heinous sight. It is seven days past since the storm. We are still losing calves from the effects. Our greatest fear is not only financially, but that our daughter is tremendously stressed, as well as we. There is no greater pain than watching a child agonize.
>
> As we heard of losses through the community our hearts were further pained. All have lost livestock, all are in pain. Some losses have been such as extreme ones we wonder how any human can live through it. Some are not or have chosen not to.
>
> We implore you to please send some relief our way. A 70/30 deal is to no benefit if you can't afford the 70. We have lost 12 cows and approximately 30 calves. We know people that have lost 100 head to 150 head so we feel fortunate.
>
> Ironically this loss could financially devastate us, so far this winter has costed us $82,000 more than usual. Yet we feel fortunate it isn't more. We also feel fortunate to still have each other and God to hold us up.
>
> PLEASE.....................................S.O.S.!!
>
> Sincerely,
>
> NOLAN L. SEIM,
> *Shadehill, SD.*

Mr. DASCHLE. The letter is from Nolan Seim:

> To whom it may concern,
>
> We live in the far North West corner of South Dakota. We have had a devastating winter to say the least. This last storm just adding a finishing flair to the proverbial cake. When the winds finally died, we went to check our cattle. . . .
>
> We found a horrifying sight; the cows looked as if they were walking snowballs. They had suffocated from ice covering their nostrils. As we went along we found dead calves scattered and tromped into the earth. Some stood like statutes froze over with snow, blinded by the same. Our hearts ached, we spent the day dragging in cold calves that were trying their best to hold on to life. We saved what we could, others just gave up hope, as are we. . . .
>
> We implore you to please send some relief our way.

Mr. STEVENS. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. STEVENS. My question to the leader is I hope he realizes this is new law. Never before in the history of the United States have we assisted people who lost cattle during a disaster. So we are making new law. It is not just an appropriation. It is an authorization bill, too.

I accept what the Senator says. It would be nice to get the bill passed, but I want the Senate to know that we took it upon ourselves to not only appropriate money but to change the law so that disaster aid would be available to people who lost cattle. I understand this is a bad disaster, but there have been many disasters where people have lost cattle before and they received no aid.

Mr. DASCHLE. If I could respond to the distinguished chairman. He has done an outstanding job, and I appreciate his responsiveness to this particular need. We have had other disasters where cattle were detrimentally affected, and ranchers have been compensated for livestock, but they have never been compensated, as he has indicated, for losses as a result of floods or winter snowstorms.

But we have clearly set precedent with regard to the reimbursement of ranchers, and, in fact, that happened in 1992. This legislation is modeled after that particular legislation, and I appreciate greatly his support and the effort he has made to respond to this circumstance as Congress has responded to situations in the past involving livestock.

Mr. President, it is not just livestock producers, it is not just communities. People in South Dakota and across the Midwest have been hit across the board in a number of different ways. It has been the coldest winter on record, we have had the most severe blizzards in our history, a 500-year flood, and there were only 2 days in 1997 when a Presidential disaster was not in effect for South Dakota. The winter storms produced winds chills of 90-degrees-below-zero and 70-mile-an-hour winds, 13,000 miles of road were impassable, and lives and livelihoods were threatened in ways we have never seen before.

My point in reminding all of my colleagues about this loss, Mr. President, is simply this: There is no patience left out there. They have endured the winter. They have endured the floods. They have endured this long, deliberative process about how we respond in the most effective way to all the problems we have across the country in emergencies and disasters where declarations have been made, but they do not understand this. They do not understand how anyone can take a bill this important and use it for vehicles that have nothing to do with the disaster, nothing to do with an emergency, nothing to do with responding as effectively as we possibly can, given the circumstances that they have had.

I do not understand it either, Mr. President, and I just hope that we can collectively respond as soon as the veto is made in a way that will give them more hope and less frustration, more belief in what we as Republicans and Democrats can do to respond more effectively than we are this afternoon. We have to get rid of the extraordinary cynicism that comes so often when people in the country affected by these circumstances watch what we do. We cannot effectively deal with that cynicism so long as cynical uses are made of legislation this important.

So, again, let me thank the chairman for his best effort in trying to resolve any of these difficulties. Let me thank the ranking member. Senator BYRD has been extremely responsive and cooperative in all ways, as he is in so many instances. I thank the Members for their efforts.

I must say, this is a disaster in and of itself. For us not to be able to respond, for us not to resolve these matters, for us to know that this bill will be vetoed, and do it anyway, is inexcusable and inexplicable. I just hope we can find a way to resolve these matters this week and decide in a mutual fashion that we will get a new bill that will be signed by the President in the shortest possible time.

I yield the floor.

Mr. STEVENS. Mr. President, I appreciate the kind words that the Democratic leader has made here on the floor. My response to him would be that no President in the history of the United States has closed down the Government like President Clinton did. There are hundreds of thousands of people who were put in a position of being told to stay home, they could not go to work. When they did not go to work, facilities all over this country were closed. People were told they could not get their veterans checks, they could not get any assistance from the Social Security Administration. They were totally closed down.

Now, to use the first vehicle available to us in the appropriations process to try to prevent that, I do not think is a cynical act. I am sorry that he used that word with regard to this provision. It is a legitimate difference of opinion with the administration and with the minority, but I do not believe we are being cynical in trying to protect the people of the United States from another shutdown, which I foresee is going to happen unless we find some way to come to an agreement with this President about the misuse of the Presidential power to shut down the Government when we were not out of money, by the way. We were not out of money. There were funds that could have been used to keep the office open.

Mr. DASCHLE. Mr. President, let me respond very briefly, and I know there are Senators who are seeking recognition. We will differ as to who it was that shut the Government down. I think many of those in the Republican leadership have already admitted themselves that they hold the larger share of the responsibility.

The question is, do we need this vehicle, this bill, as the only means by which we can resolve that problem in the future? That, in my view, is the cynical part of this. We know we can resolve it. We know we can find a way with which to deal with shutdowns in Government. We know that we can find other ways to resolve our differences. But to use this must-pass piece of legislation to do it, in my view, is wrong. A lot of our colleagues know it is wrong, and I just hope we can put those issues aside and deal with them at another time and get this legislation passed the way it should be passed.

I yield the floor.

Mr. STEVENS. I yield the remaining time to the Senators from Texas.

The PRESIDING OFFICER. Senator HUTCHISON.

Mrs. HUTCHISON. What is the remaining time?

The PRESIDING OFFICER. Thirty minutes, twenty-one seconds.

Mrs. HUTCHISON. I will speak for 5 minutes, and then I will yield the floor to my colleague from Texas.

Mr. President, I would like to speak on two issues that were brought up by the Senator, the distinguished minority leader, and also others on the floor, and that is, we keep hearing, "Send the President a bill he can sign." Mr. President, we are sending the President a bill that he can sign.

It is like we have a responsibility in Congress just to please the President. Mr. President, I think this is a two-way street. Pennsylvania Avenue runs two ways.

It is well settled in American law that there is a Congress that passes laws and a President who signs or vetoes those laws. So it is not, "Send the President a bill he can sign." We are sending the President a bill he can sign. We are sending the President a bill that he has asked for, to replenish the FEMA funding. The people of North Dakota and South Dakota and Minnesota are getting the help they need—and they should, and we want them to—and we are going to replenish those funds.

In addition, we are providing the notice and the process to not only the people who work for Government, the people who depend on it, about what is going to happen, what process are we going to use for appropriations bills so they can plan, so they will know that the veterans checks will be there, so they will know, if they plan their family vacation on October 2, that they will be able to get into the Grand Canyon, so that if they have a problem with a passport, they will know that there is not an artificial disruption of Government on October 1 because the President and Congress have not agreed. What better time to provide that process than right now in the first appropriations bill of this year?

Mr. President, we are sending the President of the United States a bill that he can sign to replenish the FEMA funding, and we are acting in a most responsible way so that the veterans of this country will never again have to worry if their check is going to be there on time, so that the very disaster victims that we are trying to assure have coverage will never have to worry that the check is going to get there on time because they will never have to worry that Government might shut down if Congress and the President have not agreed to one or two appropriations bills by the September 30 deadline. We want Congress and the President to have a level playing field, to negotiate in good faith, as Congresses and Presidents have done for years in this country.

The second issue I want to talk about is why we have to do these things in this bill, why we can't do it in a separate bill, as the distinguished minority leader has asked that we do? It is because there is urgency. There is urgency in determining how we are going to do the processes of Government, whether it is census, whether it is just the functions of Government. There is an urgency that we set that process right now. So, Mr. President, when we hear all of the talk about sending the President a clean bill, we are sending the President a clean bill. We are sending the President a bill that provides for the funding for our armed services, to replenish their accounts; we are sending the President the replenishing of the Federal Emergency Management Account; we are providing for the people who are in need as we speak, and we are making sure that there is not a disruption today, nor on October 1 or 2 of this year, because we are providing for the orderly transition of Government from fiscal year to fiscal year.

Mr. President, when you hear all of the horror stories about this bill not being clean, having political overtones, we need to set the record straight. The President can sign the bill that we are sending him, or he can tell us what he doesn't like about it and negotiate in good faith. But to tell the American people that any victim of a disaster is not getting funding, especially when he has not even made a decision yet to declare the victims of a tornado in Texas last week a disaster so that they will know the funding is coming, I think is a specious argument.

I ask the President and the minority leader to cease and desist from telling the American people something that is not true, and that is that we are not providing for the disaster victims and the armed services of our country. We are doing it, and we are providing responsible Government for the people who depend on Government checks, whether it is the worker or a citizen of our country, so they will be able to plan on October 1 of this year that there will not be a disruption for any reason in the normal processes of Government.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me make a very brief comment on this issue that the minority leader has raised. Then I want to turn to the real purpose that I have come to the floor to speak on today.

What we have done in this bill, recognizing what happened last year when the Government shut down, is simply say to the President that if we have an impasse in deciding on how much money we are going to spend in any given area, while we are working out those differences, the Government, in that area, will have the same level of funding that it had this year, and so the Government will not be shut down and services won't be disrupted.

There is only one reason the President would refuse to go along with this imminently reasonable proposal, and that reason is that the President believes that by having the leverage of shutting down the Government, he can extract additional spending from the Congress. That is what happened in the last week of the session last year. We increased spending by about $7 billion in that year, and about $20 billion over the next 4 years, basically because of the power of the President to intimidate a Congress that was frightened because the Government might shutdown.

So I hope nobody is confused. This issue is about spending money. The President wants to spend more of it. We would like to begin by saying that while we negotiate on that subject, we will not shut the Government down; we fund it at the existing year's level.

I am sorry to have to come over to be, apparently, the last speaker of the day on a bill that everybody will rejoice in and pound on their chest and say, "Look what we have done for our fellow citizens who had the misfortune of having terrible floods." We have all seen the pictures, and those of us who represent States that weren't flooded have all been thankful that it didn't happen to us. Our hearts have gone out to those who have been victims.

I want to end this debate today by pointing out why this bill represents a failure. It represents a failure for the Congress and the American people, not because we are helping people who suffered from a disaster, but because we are not paying for it. We want to get all this credit for being compassionate. We want to fulfill the obligation that the Government has taken on itself to help people who suffer from natural disasters. But when it comes right down to it, we don't want to do what families have to do in America, or what businesses have to do when they undertake similar activities—that is, we don't want to spend less money on other things. In fact, when we considered this disaster funding bill on the floor of the Senate, I offered an amendment to reduce spending across the board in other areas by .7 percent—hardly massive cuts—so that we could help those who suffered from natural disasters, but do it in such a way as to pay for it. I am sorry to say that my amendment got only 38 votes. I personally believe that if the American people had the right to vote on paying for the disaster assistance by cutting other programs, they would have voted for that amendment and it would have passed. So I somewhat feel here in the Senate as if my views on this subject are kind of hopelessly out of fashion. But I do believe that when families sit around kitchen tables every night and write their budgets and make tough decisions when they have emergencies, they have to take money away from things they want to do, and I believe they would have been on the side that I took on this issue.

This bill, as now written, with all the good things it will do, will raise the deficit this year by $760 million. It will raise the deficit, over the next 5 years, by $6.6 billion. We are going to adopt a budget resolution. We have already adopted it in both Houses of Congress—we are going to work out the differences and adopt it shortly—that is going to set out the claim of balancing the budget. I am not going to drag that dead cat back across the table by pointing out again in great detail that 97 cents out of every dollar of deficit reduction in that budget is simply assumed. It doesn't represent any policy change. But I have to lament, in passing, that before that budget is adopted, we are already busting that budget by $6.6 billion. The deficit spending in the Senate and the deficit spending in Washington never comes to an end.

I wish we were having a different battle today rather than fighting over continually funding the Government—which I think we should—instead of allowing it to be shut down. But I wish we were having a fight about the fact that this bill doubles the level of funding that was originally requested. I wish we were having a battle about the fact that this bill spends $8.6 billion—twice as much as originally requested—for flood damage and for replenishment of money for Bosnia. I wish there were greater concerns about the fact that this bill will raise the deficit by $6.6 billion. But that concern today, while it exists in the Senate, is certainly a minority view. I think it is important on these occasions to simply point out that we have done the right thing in helping our fellow Americans who have had terrible things happen to them that were beyond their control. But we have done the wrong thing by not paying for it, because in helping people that have suffered from a natural disaster, we are contributing once again to not only a man-made, but a Government-made disaster called the deficit. I simply want to predict that this problem is not going to go away and that we are going to be back here some day worrying about the deficit again, and that we might wish that we had not raised it by $6.6 billion today.

I thank our distinguished chairman of the Appropriations Committee for giving me this time.

I yield the floor.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. Sixteen minutes, forty-two seconds.

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, this has been cleared with the Democratic leadership and our leadership. I ask unanimous consent that the vote on passage of the conference report accompanying H.R. 1469 occur at 6 p.m., as ordered, notwithstanding the fact that the Senate may not have received the official papers from the House by that time, and that when and if the Senate does receive those papers, the vote at 6 p.m. be considered as a vote on final passage of the conference report, provided that the papers received from the House are identical to the conference report filed in the House last evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I note that the distinguished Senator from Oklahoma is here. How much time remains?

The PRESIDING OFFICER. Fifteen minutes, forty-eight seconds.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from Oklahoma may speak within the balance of our time on a subject other than the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 842 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, is there any time remaining?

The PRESIDING OFFICER. There are 3 minutes and 17 seconds.

Mr. STEVENS. I yield that time.

The PRESIDING OFFICER. All time has been yielded.

The vote, pursuant to the previous order, will take place at 6 o'clock.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the vote at 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUR TROOPS IN BOSNIA

Mr. INHOFE. Mr. President, I just wanted to share a few thoughts with you on something that came up this last week.

I was quite distressed when I heard that the President of the United States—the administration—suggesting that maybe our troops in Bosnia are going to be there for a longer period of time than the deadline having been established of June 30, 1998. This bothers me a great deal, for one reason in particular, and that is, I am chairman of the Readiness Subcommittee of the Senate Armed Services Committee. Back when the decision was made in 1995 to send troops to Bosnia, many of us felt this was not a good idea—not that we are not compassionate, but that we were using our very rare, precious resources, after this administration has decimated virtually our defense budget to send troops over to areas and endanger their lives where we have no national security interest at stake.

This is something that bothers quite a few of us. So we introduced back in November 1995 a resolution of disapproval to stop the President from sending troops over to Bosnia. This only lost by four votes, or we could have perhaps kept our troops from being sent over to Bosnia.

I was concerned about this because I went to Bosnia to see what our interests might be over there. When I went up to the northeast sector, the northeastern part of Bosnia, where it would be under the jurisdiction of the support of the United States for our station troops to be stationed, I got up there, and when I told the people up there that it was going to be 12 months, as the President promised, that our troops would be over there—this is November 1995, keep in mind—General Hoagland, in charge of the northeast sector for the United Nations, made this statement. He started laughing. He said, "You mean 12 years, don't you?" I said, "No, 12 months. The President has promised that this is a 12-month operation, that if we deploy the troops to Bosnia, they would be back in 12 months."

So nobody really believed rationally that would happen. However, because of the President's promise that the troops would be back in 12 months, they were able to get enough votes to defeat our resolution of disapproval. And they sent the troops over to Bosnia.

Now we are in a position where we will do everything in our power to support the troops over in Bosnia. But at the time when he said they would all be back by December 1996, all of a sudden, as soon as the election was over, we find that the troops are going to be extended over there another 18 months, or until June 30 of 1998.

This is kind of a creeping thing that we go through, such as we experienced many years ago with our Marines in Guatemala. We have many other examples where we have gone in for a limited period of time. I can remember when we sent troops over to Somalia and they were going to be over there for a short period of time. And they stayed. It wasn't until 19 of our Rangers were murdered and their bodies dragged through the streets of Mogadishu that finally there was enough pressure to bring our troops back home.

I am very concerned now because, as I suspected would be the case, the President, who, again, has promised the second time that all the troops would be back home now by June 30, 1998, has started to renege on that. We can't let this happen.

The cost they talked about for the Bosnian operation initially was $2 billion. It has now turned out to be closer to $8 billion, as I predicted over 18 months ago it would be, and we are at least creeping up to $6.5 billion.

Where does that money come from? We are going to be asked to vote for an emergency supplemental. That is to pay for the additional cost over there, along with other problems, other flood problems and emergencies that existed, and a few cats and dogs thrown into the bill. However, in this case, we have to spend the money.

Where does it come out of? It comes out of our defense budget, which is already strained to the point where we can't carry out the minimum expectations of the American people, and that is to defend America on two regional fronts.

So we have a second reason. Not only are we endangering the lives of our troops over there, but we are also spending money that should be going into building and rebuilding our Nation's defense system.

So, Mr. President, I want to get on record, as I did in Brussels when I gave the speech to NATO, that I would do everything, with every fiber in my being, to make sure that the troops come back.

I would suggest this, however. I think the President is in the bully pulpit on this. I think he keeps continuing to want to leave them over there knowing full well that once the troops leave, it will go back to just like it was before. The Croats, Muslims, the Serbs, the Mujaheddin, the Arkan Tigers, the Black Swans—all of the other rogue forces—will be over there fighting as they were before. And then he can say, well, if we had left them their longer, that would not have happened. Recognizing that is going to happen regardless, I still say, Mr. President, we should all resolve to ourselves that our troops should come on the second deadline that we have standing. That is June 30, 1998.

I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998—CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I submit a report of the committee on conference on the concurrent resolution (H. Con. Res. 84), establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 84) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 4, 1997.)

Mr. GRASSLEY. Mr. President, I would like to bring to the attention of the Senate a typographical error contained in the statement of managers to accompany the conference report on the fiscal year 1998 budget resolution. During the course of the conference some language was worked out to include in the statement of managers with respect to the section 8 housing allowance—which is set out in section 203 of the conference report. This language was mistakenly included in the description of section 203 of the Senate amendment rather than in the description of section 203 of the conference agreement. The language at issue reads as follows:

> The agreement creates an allowance of $9.2 billion in budget authority with an associated, but unspecified, amount of outlays to be released by the Budget committees when the Appropriations committees report bills that provide for renewal of Section 8 housing assistance contracts that expire in 1998. The conference agreement assumes that the amount of the allowance to be released (estimated to be $3.436 billion for outlays) will not be reduced to the extent that the appropriations and authorizing committees produce Section 8 savings that were proposed in the President's 1998 budget.

Mr. President, the conference report on the concurrent budget resolution of the budget for fiscal year 1998 now before the Senate, represents the first major legislative step—in what will be a number of steps—to implement the bipartisan budget agreement announced by President Clinton and the bipartisan congressional leadership almost exactly 1 month ago today.

As those in this Chamber will understand, but maybe not as obvious to those watching this debate, this conference agreement is the blueprint that will guide the building and enforce the adjustments to legislation throughout the summer. When the legislation is finished following this blueprint, and when it is sent to the President and signed, we will have built a house that is fiscally strong for the future.

So today's vote on this conference agreement should be identical to the 78 to 22 vote taken in this Chamber just before the Memorial Day recess. And that is as it should be, because the conference agreement is based on the Senate-passed budget resolution and the House-passed budget resolution which both followed the agreed on budget levels of the announced bipartisan budget agreement. In other words the aggregate numbers in the two Chambers' resolutions were almost identical, resulting in hardly any need for a conference.

In fact, it wad initially felt that since both resolutions followed the agreement, there was not even a need or a conference. It was held by our joint leadership that merging the two resolutions—because of the normal differences in House and Senate committees of jurisdiction under the reconciliation instructions—that this could have been done by simply adopting a House amendment to the Senate amendment, a procedure clearly authorized under the Budget Act. However, this procedure would have put us in the posture of possibly having amendments to that House amendment, the leadership concluded we should expedite the process by simply having a conference meeting and avoiding possible amendments.

So on Tuesday afternoon when the House returned from the Memorial Day recess, they appointed conferees and Tuesday evening the conference met. As I indicated, since the two resolutions were almost identical in the numbers, the only issues to conference were related to some procedural reserve fund mechanisms, and nonbinding sense-of-the-Senate, sense-of-the-House, and sense of-the-Congress resolutions.

Yesterday these minor issue were resolved and last evening the conference agreement and accompanying statement of managers was filed. The House of Representatives just acted on the budget resolution conference agreement by a vote of 327 to 97, almost identical to the vote when it first passed the House on May 20. The House-passed budget resolution passed on a vote of 333 to 99. Today, nearly 90 percent of the House Republicans voted for his conference agreement, and almost two thirds of the House Democrats voted for it. Clearly this is a bipartisan budget agreement as reaffirmed in this vote today in the House.

And now the Senate is about to follow suit. If you voted for the Senate-passed budget resolution on May 23, then you have no reason not to vote for this conference agreement on June 5.

For the record, through it is probably unnecessary, I might remind the Senators and those watching what this blueprint for a balanced budget means. It means that when our fiscal house is finished following this blueprint, the Federal deficit, which would have topped $150 billion in 2002 if nothing was done, will be balanced. And if the policies that get us to balance in 2002 are continued unchanged beyond 2002, we will reduce spending over the next 10 years almost $1.1 trillion.

The blueprint for the balanced budget agreement before us this afternoon means that spending which would have grown at 4.4 percent annually over the next 5 years will now grow at slightly over 3 percent, about the rate of growth in the overall economy.

The blueprint for the balanced budget agreement means that the size of the Federal Government will decline. Federal spending which today represents 20.8 percent of the economy today, will decline to 18.9 percent in 2002.

The blueprint for the balanced budget agreement means that the Medicare part A program will remain solvent for nearly a decade and that the spending on all of Medicare that is now projected to grow at nearly 9 percent annually over the next five years, will be reduced to a more manageable growth rate of about 7.5 percent annually.

The blueprint for the balanced budget agreement means that Federal taxes will be reduced on hard working American families with children and on small business and farms. Taxes will be reduced by $85 billion over the next 5 years, and if these tax cuts are extended over a 10-year period, total tax reductions not exceeding $250 billion will be given to the American public.

We are going to let them keep their money. It is their money.

Finally, the blueprint does assume that some additional resources are needed for high priority Federal programs in education, environment, justice, transportation, children's health, work welfare reform, and some safety net programs. But I would remind the blueprint critics that the some $33.6 billion in additional resources spent on these priority programs represent less than 0.37 percent of the total $9.0 trillion in total Federal spending we expect over the next 5 years.

This is a good blueprint. Like all blueprints, as the building actually begins in the committees of jurisdiction these next few weeks, it will require some adjustments in the actual building phase and from time to time, as has already begun, there will be disputes as to how to read the blueprint. In those cases, I am long with my ranking member and the bipartisan leadership will work with the committee chairman to insure that we are making a good faith effort to stick to the agreement. But today the design is clear and the builders can go to work.

In closing let me say that the passions of the Federal budget debate lie at the very essence of our free, democratic governmental system. The questions of the role of the Federal Government, how much of our national wealth should be spent on the public good and who should pay for it, are questions that date back to the beginning of this great republic.

In recent years, however, the obstacles to the Federal budget have been primarily a question of finding a working consensus between the executive and the Congress. Today we have a consensus on this issue. Of course, each of us alone might have designed the plan differently, but then we might not have had a consensus. Yes, I personally think we should have done more in entitlement spending programs that still threaten the foundation of this house we build today, but for today we must do what we can. And I ask you to vote as you did on May 23 and adopt this conference agreement.

Then we will be one step further on the road to the future of restoring the American dream for the young people of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I am pleased to join the manager of the Budget Committee in supporting the conference report on the budget resolution. Perhaps it is unnecessary to recall what constitutes this agreement, a consensus agreement. Consensus is a fairly simple word with very dramatic meaning. It is the majority view—not the unanimous view but the majority view—of the participants in an agreement in a debate.

And I want to just take a moment to remind everybody about the fact that this is a consensus agreement. Those who are looking for total victory are not going to find it here and those who are looking for total defeat are not going to find it here. A consensus view, the majority view is what we strove for. I am unhappy with some things, and I am sure my colleague on the other side of the aisle is also unhappy with some of these things. But we struck an agreement in good faith. We worked very hard. We worked hard to get it through the conference and we thought that we had a continuation of the understanding that was arrived at when we shook hands a few weeks ago and presented the Senate side of the budget understanding, the budget resolution.

As I said in my first remarks, I fully support this agreement. That doesn't mean I support it enthusiastically, but it means that it has my commitment because we worked so hard and we got so many good things in this budget resolution. What I am concerned about—if there seems to be evident a note of reluctance or wariness in my comments, it is true. It is true because what I have heard already, and I have read in the papers, as it is said, is that there are those who want to reinterpret what it is that we agreed upon when we concluded this Senate budget resolution, what we agreed upon when we had the conference concluded; those who are saying, well, not this many immigrants are going to be taken care of; or not this proposal on containing the tax cut, $250 billion over the 10-year period; or not making certain that the investments in the principal passenger railroad in this country are going to be made, as it was understood by me and others sitting there.

So I want to throw out that word of caution. This is, as I think everyone knows, nonamendable. It is a budget conference report. There is no room for amendment. There is no opportunity for amendment. The conference report before us is very similar to the budget resolution that the Senate approved on May 23, by a vote of 78 to 22. It provides a framework to get our fiscal house in order while protecting critical national priorities. Last fall, the American people spoke at polling booths. They elected a Democratic President and a majority of the Republicans in both Houses. Yet, despite this divided Government, they have been clear about what they want. They want the gridlock to end. They want the bickering to end. They want us to get to work. They want us to do the best we possibly can to get this house in fiscal order and get on with the business of our country.

At the same time, Americans asked that Washington focus on the issues that matter most to us: Education, Medicare, children's health, environment, fighting crime, and other Government responsibilities that make a difference in the way people live. I believe the conference report before us keeps our trust with the people. It is not, as I earlier said, a perfect agreement. It is not exactly as I would have written it. But I consider it an enormous step forward. It will, as we see it now, relieve future generations of having to continue to pay for borrowing that we have done or that we are doing now. But it is going to stop in 2002—that's my belief and that's the belief of those who negotiated in good faith to get this agreement done. It calls for the largest investment in education and training since the Johnson administration. It is phenomenal. It says we are going to put money into our children. We are going to prepare for the future. We are agreed on that. And with that, it combines tough fiscal discipline with a strong commitment to Medicare, environment, transportation, and other national priorities.

Throughout this process, President Clinton has insisted and I have agreed that an agreement that imposes real fiscal discipline, that builds on President Clinton's tremendous successes in reducing the deficit, and balances the budget in a real, credible way, is the way we have to go. The President has insisted and I have insisted that we make education the priority that it is.

I strongly supported some amendments that were dropped in the process of discussion, like the Dodd amendment. I commend the distinguished Senator from Connecticut for his leadership. His was the amendment that said that we would not go beyond $250 billion worth of tax cuts over the 10 years. A point of order could have been raised against any of the tax cuts in the bill and that point of order could have been waived only with the votes of 60 Senators. But it was dropped in the conference.

Instead, there is a commitment that says that $250 billion over the next 10 years, $85 billion in the first 5 years and $165 billion in the second 5, is the most that can be had by way of tax cuts. There are letters supporting it. There are letters from the chairman of the Ways and Means Committee in the House, there is a letter from the chairman of the Finance Committee in the Senate, there are letters from the Speaker of the House, and there is a letter from the distinguished majority leader here, that confirms the position that we took. So, while there is some disappointment that the language that we originally anticipated would be in there is not part of the record, but it is indirectly recognized. It is there.

I ask unanimous consent that a copy of letters from the Speaker and Senate majority leader and the letter from Senator ROTH and Congressman ARCHER be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1997.

Hon. WILLIAM J. CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We would like to take this opportunity to confirm important aspects of the Balanced Budget Agreement. It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007. We believe these levels provide enough room for important reforms, including broad-based permanent capital gains tax reductions, significant death tax relief, $500 per child tax credit, and expansion of IRAs.

In the course of drafting the legislation to implement the balanced budget plan, there are some additional areas that we want to be sure the committees of jurisdiction consider. Specifically, it was agreed that the package must include tax relief of roughly $35 billion over five years for post-secondary education, including a deduction and a tax credit. We believe this package should be consistent with the objectives put forward in the HOPE scholarship and tuition tax proposals contained in the Administration's FY 1998 budget to assist middle-class parents.

Additionally, the House and Senate Leadership will seek to include various proposals in the Administration's FY 1998 budget (e.g., the welfare-to-work tax credit, capital gains tax relief for home sales, the Administration's EZ/EC proposals, brownfields legislation, FSC software, and tax incentives designed to spur economic growth in the District of Columbia), as well as various pending congressional tax proposals.

In this context, it should be noted that the tax-writing committees will be required to balance the interests and desires of many parties in crafting tax legislation within the context of the net tax reduction goals which have been adopted, while at the same time protecting the interests of taxpayers generally.

We stand to work with you toward these ends. Thank you very much for your cooperation.

Sincerely,

NEWT GINGRICH,
Speaker.
TRENT LOTT,
Senate Majority Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1997.

MR. ERSKINE BOWLES,
Chief of Staff to the President,
Washington, DC.

DEAR MR. BOWLES: We are writing to express our desire for continued cooperation between Congressional staff and the staff of the various Administration agencies during the development of the current budget agreement.

Much of the most difficult work in connection with the budget agreement will involve the development of the revenue provisions that will satisfy the parameters of the agreement. Historically, the staff of the Joint Committee on Taxation has provided technical legal and quantitative support to the House and Senate. The Budget Act requires the use of Joint Committee on Taxation revenue estimates. Ken Kies and his staff are committed to facilitating our work on the tax provisions of this budget agreement. You can be assured that they will cooperate with Administration counterparts in receiving Administration input as they carry out their statutory responsibilities.

The revenue estimating staffs of the Joint Committee on Taxation and the Office of Tax Analysis at Treasury have a long history of cooperation and communication among analysts. It is our understanding that steps have already been taken to insure that the cooperative efforts of these two staffs will be intensified during the current budget process. It is also our understanding that the professional staffs at the Office of Tax Analysis at Treasury and the Joint Committee on Taxation will consult and share information necessary to understand fully the basis of their revenue estimates and to minimize revenue estimating differences. The proposal shall not cause costs to explode in the outyears.

Now that we have agreed upon the overall parameters of this significant agreement, an inordinate number of details concerning specific provisions must be drafted and analyzed by the JCT and the committee of jurisdiction. We look forward to working with the Administration.

Sincerely,

NEWT GINGRICH,
Speaker.
TRENT LOTT,
Senate Majority Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 1997.

Hon. PETE V. DOMENICI,
Chairman, Senate Budget Committee,
Washington, DC.

Hon. JOHN R. KASICH,
Chairman, House Budget Committee,
Washington, DC.

DEAR PETE AND JOHN: Our Committee will soon begin marking up tax legislation to meet the reconciliation directives of the 1998 Budget Resolution. We will meet the Resolution's instructions of reducing revenues by $85 billion over the five year period 1998–2002 and by no more than $20.5 billion in 2002.

Furthermore, we can assure you that, consistent with the May 15, 1997 letter from the Speaker of the House and the Majority Leader of the Senate to the President which stated, "It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007," the ten year net revenue loss in the tax reconciliation bill will not exceed $250 billion.

Sincerely,

WILLIAM V. ROTH,
Chairman, Finance Committee.
BILL ARCHER,
Chairman, Ways and Means Committee.

Mr. LAUTENBERG. I note also that this resolution does include the sense of the Congress resolution that again reaffirms that $250 billion 10-year tax limit on tax cuts is clarified, in a way. I just want to remind everybody what it says here:

> The 10-year cost of the tax reconciliation bill resulting from this resolution shall not exceed $250 billion and any revenue loss shall be certified by the Joint Committee on Taxation in consultation and cooperation with the Office of the Tax Analysis of the Department of the Treasury.

To make the point by continuing to emphasize it, I don't think anyone should have any doubts that the tax cuts in the reconciliation will be limited. We are not going to suffer a repeat of exploding deficits that flowed from the disastrous policies of the Reagan era. We will not go down that road again.

So as we wrap up our work on this budget resolution, I congratulate the President for his leadership in this effort. We are here today on a bipartisan basis, only because the President decided to lead the effort to make it happen. He deserves enormous credit for it. When we look back at the results of the legislation that the President wanted to put forward some years ago, in 1993, and we see the incredible results, we see reports by a publication like Fortune magazine saying this is one of the greatest economies that this country has ever had, you can sense the strength of the economy, you can sense the confidence that the people have in their ability to take care of their families and to provide, hopefully, with the programs that we are outlining here today, education for their children in the future, security for the aged, to make sure that these investments will produce job opportunities and a better quality of life for all our people. That is what we want to see.

So, I yield the floor and I say to my colleagues, even if there is some disagreement, even if there is some question, I hope we will get the fullest support that we can obtain for this agreement. It does, once again, put the fiscal house in order. It maintains the important priorities that we all, I think it is fair to say, would like to see.

I am sure if I talk to my colleague to my right here, if we talk about education for our children, he will say we want to invest in education for our children.

Mr. GRASSLEY. I will.

Mr. LAUTENBERG. We want to have Medicare more secure. Our approaches might be slightly different, but the fact is we want the same objective.

So, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Ms. Collins). The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I would like to have my fellow manager enter into a unanimous-consent agreement, if we could, so every Member can plan on when we would be able to speak; that we would do what we traditionally do, to have one Republican and one Democrat, then back to the Republican, back to the Democrat, to yield for speeches in that way?

Mr. WELLSTONE. Will the Senator yield for a question? In the unanimous-consent agreement, which I think makes all the sense in the world, will the Senator be kind enough in the rotation, since we have Senator Faircloth here and Senator Hollings, and I am pleased to follow Senator Hollings, could we be listed in order right now, since we are here?

Mr. GRASSLEY. And then, beyond that, it will be one Republican and one Democrat—I would agree to that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. OK. I think it was understood we would yield now to Senator Faircloth. I yield to Senator Faircloth such time as he might use.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Madam President, I take the floor to rise to discuss a serious issue, and my concern is this. The ink isn't even dry on this budget agreement and I have heard nothing, yesterday and today, but rumors that there are plans to change radically and have a major tax increase put into this agreement. Specifically, there is much talk, and it is far beyond rumor, of increasing the tobacco tax from 21 cents to 50 cents per pack, which would raise $15 to $30 billion a year.

The problem is, of course, the tax cut in the budget plan is too small. But that is not news to anybody; it was always too small. The Republicans wanted to cut taxes by $188 billion. We now have a net tax cut of $50 billion, and that is to cover several initiatives such as capital gains, estate tax, and child credit. As I view choices, we should live by the budget agreement we passed in the Senate, and the one we want to pass. Now, if we can't do that, if there is some reason we cannot do that—and we want to cut taxes further, which I agree to—then there is a simple choice that it would be a wonderful thing if this body could learn—to cut spending, to spend less money. That is a wonderful alternative that we need to know about. Not every time we are short of money, raise taxes.

If there is intent on the part of some of those who are having this discussion to change the budget agreement, I wonder why we are even having a budget resolution. What else are we going to change? Are we going to expand the deficit? Are we going to expand spending? Apparently we are. Is a deal not a deal? We either agree not to raise taxes any farther or we do not agree, and it looks like we do not agree. But I think it is an outrage that it is even under consideration at this point in the negotiations.

When I came to the Senate I said I would never vote for a tax increase. I never have and I never will. We have plenty of money. We are spending it in too many places.

We do not need a tax increase. Taxes are already too high. The average American works until mid-May to pay his or her taxes now. One-third of the money the average citizen earns goes to pay taxes. A tax increase of any kind is the last thing the working men and women of this country need now. What they truly need is a tax cut.

But we say we are going after the tobacco industry, which really doesn't count, but when we drive the tobacco industry into bankruptcy, what product do we want to attack next? To each Senator, what product from your State will we decide to drive into bankruptcy? This is a Government that has an insatiable appetite for tax money—money of any kind, borrowed, taxes, there is never enough.

The net tax cut in the budget resolution is only 1 percent of revenues over the next 5 years, a pretty minuscule amount. It is hardly a windfall. Yet, here we are before we even get the resolution passed and we are considering raising taxes.

Again, I have to ask, what is the budget agreement for? Why do we even call it an agreement, if we fully intend to come back and rewrite it in the Finance Committee? Why debate it and argue over it on this floor when the real decision is going to be made in the Finance Committee? It is a waste of our time.

The agreement is not worth the paper it is written on if we are going to haul it over into the Finance Committee and they are going to make the decision.

Madam President, I can give every assurance that if the Finance Committee intends to raise taxes beyond what is called for in the budget resolution, passing this bill is going to be extremely difficult. I will say now, we are heading into dangerous territory in raising taxes. There is not support for it, even if it is on tobacco. This isn't a case of reading anybody's lips. We don't have to read lips. We can read the budget resolution. We don't need new taxes. I will forcefully oppose any kind of effort to increase them. Frankly, given that this is going on and has been for 2 days, I think the Senate is wasting its time on a budget resolution that will be rendered meaningless within a week.

I thank you, Madam President, and I yield back any time I might have remaining.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, let me talk to a very, very important point other than taxes and the increase thereof.

What we have is the jargon of "I'm against taxes, I'm against taxes, I'm against taxes," but now we have reached the point where we are increasing spending, because we are not paying our bills. We are increasing spending by $1 billion a day. That is the interest cost on the national debt.

When Reaganomics commenced in 1981, the interest costs on the national debt were $74.8 billion. We had less than $1 trillion debt, and the interest cost was only $74.8 billion. So looking at it in a historical sense, for 200 years of our history, with the cost of all the wars, we had never reached a $1 trillion debt. We had paid for the Revolution, right on up through World War I, World War II, Korea, Vietnam, and yet, in the last 16 years, without the cost of a war, we have jumped to a $5.4 trillion debt. And it is all because you wouldn't pay the bill. You were against taxes, and you were against paying the bill. It is wonderful to go home with that singsong and continue.

I have a chart right here to show exactly what I am talking about. There is the $74.8 billion in interest costs at the time of President Reagan. This has all the Presidents since Truman, the actual deficits, the actual debt and thereby the forced interest costs, which I call interest taxes. You know, they say death and taxes can't be avoided; neither can interest costs on the national debt. So beware of the colleague who comes and says, "I am against taxes, and I'm never going to vote for taxes," like this is a luxury we all can afford. I would love that. I can just come here and join in the spending. We would never have any taxes and we would all get reelected, but the country would go broke because you have to pay, as this debt goes through the ceiling, the interest cost.

It is now, as shown here by the CBO figures, at 359 billion, and this chart is somewhat outdated by several weeks. Its actually higher now. Still, there is no question it is $1 billion a day we are spending for nothing. I know my distinguished colleague from North Carolina is interested in highways. So is the Senator from South Carolina. This $1 billion doesn't pay for a single road or a single bridge. It doesn't engage us in any research. It helps us not with health research at the National Institutes of Health. It doesn't pay for defense. It doesn't give foreign aid. It doesn't do anything but represent waste, and we are determined to continue this waste.

Let me get right to the point about this particular budget resolution because, Madam President, I say advisedly, if there ever was a fraud, this particular budget resolution is a fraud. I say that advisedly to my colleagues in the Senate. The distinguished Senator from Iowa gets up and says, "This is bipartisan, this is bipartisan, and it just passed the House with 350 votes." Then our distinguished ranking member on this side of the aisle on the Budget Committee said, "This is consensus, we had to get together, we got a consensus," and thereby is the sizzle that is supposed to sell this steak when the truth of the matter is it is one piece of meat that is an outrageous fraud.

Let's go to the partisan resolution that we passed in 1993. If you want to see frauds, it is when they get together. When they don't get together, you are getting nearer the truth in budgeting. Back in 1993, Madam President, we cut some 250,000 Federal employees off the payroll. We came in and we created savings, spending cuts of $500 billion, and, yes, we increased taxes. We taxed beer, we taxed gasoline and, yes, we taxed Social Security.

I can see my colleague on the other side of the aisle talking about that Social Security tax increase that the Senator from South Carolina voted for and, pointing over to this side, the distinguished Senator said, "Ah, they will be hunting you down like dogs in the street and shooting you." The chairman of the Finance Committee was willing to bet everything on it. He said he would bet his home and everything else. Of course, the poor gentleman is not here anymore, but he was going to bet it all.

Another distinguished Senator said, "Wait a minute, these tax increases, they'll take the money and spend it, it won't be allocated to the deficit." And they went down the list deriding, if you please, the partisan budget of 1993, that budget plan.

What has it given us, without a single Republican vote? The partisan budget is what I want to talk about. This morning, I was listening to early morning TV. I turned on CNN at 6 o'clock, a little before 6, and they had the chief economist for Bear Stearns, and he said this economy is the strongest that he had ever experienced in 24 years. We have the lowest unemployment in those 24 years. We've got inflation down to its lowest point in 35 years. We have created 12.1 million jobs. Business investment is up to the highest point since World War II. The stock market has doubled and, ah, deficits, Madam President, deficits, the deficits for the first time are really starting to increase. I was with President Johnson here in the Senate when we balanced the budget back in 1968 and 1969. Since that time, deficits have been going up, up, and away; the national debt is up, up, up, and away; interest cost spending for nothing is up, up, up, and away. But, Madam President, under President Clinton's plan of 1993, deficits have been declining each year, every year, for 5 years.

Heavens above, what does this instrument do? I hold in my hand the conference report. On page 4, I looked for the word balance. Instead, you see the word deficit. If you want to know what the actual deficit is, all you need do is go to the public debt. For fiscal year 2001, it is $6,307,300,000,000. For fiscal year 2002, instead of balance, it goes up to $6,481,200,000,000. So the actual deficit is $173,900,000,000. Here is the figure, here is the document, here is the truth. And while the Senator from South Carolina cries fraud, we have this so-called bipartisan consensus, where we say "I'll take your tax cuts if you take my spending increases and we'll all run around on the floor of the Congress hollering balance, balance, balance." Everywhere man cries balance, but as for me, give me balance or give me staying the course. I wanted staying the course, but here is what they did instead.

I hope they get ashes in their mouths, that media crowd, when they say "balance," "the balanced budget plan," "the balanced budget resolution that passed," "the balanced budget." It is time we stop lying to the American people and tell the truth and show the page. I dare them to refute it. I have the document right here right now.

So what has happened? Instead of staying the course, Madam President, we have gone off the wagon.

President Clinton put us on the wagon. We stopped drinking that old deficit whiskey, but now we are taking the bottle back up and we are going to start drinking again. And we are going to get drunk on the wonderful balance—balance, 200-proof—excuse me, $173,900,000,000-proof. That is what we have to drink here this afternoon.

And how do they do it? It is similar to another time, back in 1990, when I was on the Budget Committee trying to hold the line on Gramm-Rudman-Hollings, with the automatic spending triggers across the board. They abolished them at 1:45 a.m., October 21, early in the morning. And I raised a point of order. They voted me down. That is when I asked for a divorce from Gramm-Rudman-Hollings. It was supposed to be a solid boost toward fiscal responsibility, not a shield they started hiding behind.

But, again, what they do is take unrealistic savings or spending cuts. We have it over in the Commerce Committee. I talked to the distinguished chairman this morning. You are not going to find $26 billion in spectrum auctions.

What we did back in 1990 was to revise the economics. We did the same thing again this year. What we did here is, we found $225 billion the day before they made the agreement. That was convenient, wasn't it? They found $225 billion.

And they came again with backloading, just as they did in 1990. I looked at this particular instrument here, the 1997 conference report, and saw that 72 percent of the spending cuts occur in the last 2 years. They backload it. Unrealistic—not going to happen.

But worst of all, they go again and start looting the trust funds of America—looting the trust funds, the pension funds, to the extent where we now owe, in 1997, $1.484 trillion. Under this particular resolution, by the year 2002, we will owe just under $2 trillion—$1.992 trillion.

Now, here is how they do it. They use Social Security moneys. They use the military retirees' money, civilian retirees' pension funds, the unemployment compensation moneys, the highway trust funds—and we are not building highways—and the airport moneys. That is scandalous.

Right to the point, Madam President, they are going to continue the tax increases that the Senator from North Carolina talks about. They will continue the airport and airways tax on passenger taxes that we pay as airline travelers. But that is not going to airlines. That is going to give you an inheritance tax cut or capital gains tax cut. That is outrageous, scandalous. That is a breach of trust.

If you want to talk about a breach of trust, I was reading Bob Reich's book. Former Secretary of Labor, Secretary Reich, said, "I'm proud of two things: One, during my 4-year tenure I got a minimum wage; and the second thing, I passed the Pension Reform Act of 1994."

And what did that provide? All of us in the Congress said, "Corporate America, you have got to fully fund your pensions so the employees can count on it. You can't use it, you can't raid those trust funds, those pension funds."

Madam President, guess what? Just 3 weeks ago, Denny McLain, the all-star championship pitcher for the Detroit Tigers, was sentenced to 8 years in prison because, as head of a corporation, he used the pension funds to pay a corporate debt.

Here we are using trust funds to pay the Government debt. In private, outside-the-beltway America, you get a prison sentence for this. Here in the wonderful Congress, heavens above, you get the "Good Government Award," you get consensus, you get bipartisanship, you get one grand fraud. It is time we stopped lying to the American people.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota is recognized under the previous agreement.

Mr. WELLSTONE. Mr. President, I see my colleague from Alaska. I say, I will try to stay under 10 so he will have time to speak. We had an agreement, those of us here earlier, if that would be OK. I will try to be quite brief, because we have been through a tremendous amount of this debate.

Mr. President, first of all, let me just say that I appreciate the work of my colleagues. I know that my friend from New Jersey is committed to many of the same issues that I am. Whatever he does, he does in good faith. I think this budget agreement is a profound mistake. I have said I think it is a budget without a soul. I believe that very honestly and truthfully.

I worry about so much of these cuts in capital gains and estate taxes going to the very top of the population, those that really do not need any assistance. Mr. President, really, I hate the tradeoff. I think it is a budget without a soul. And I think it is a profound mistake as a blueprint for our country for the following reasons.

First, let me just start with the justice, just by raising the question of simple justice. In the last Congress, all in the name of deficit reduction, in the welfare bill we made huge cuts. Almost all of the cuts we made were targeted to low-income people. We made cuts totalling about $26 billion in food nutrition programs, food stamp programs. We do not restore any of that by way of a blueprint in this budget agreement. Then we made cuts in benefits for legal immigrants.

Now, my colleague from New Jersey expressed some of his dismay about what is going on in the House side, in the House Ways and Means Committee. And I am quite in agreement with him. But I also just want to say I guess it is how you look at what is progress.

The fact we restored some benefits for legal immigrants who are elderly and disabled, that is a good thing. And the fact that we restored some benefits for children, that is a good thing. But the fact of the matter is, if you are elderly, if you are 80 years old and you are not disabled, you are just old and poor, you are elderly and poor, your benefits were not restored in the budget agreement. I do not think that is enough.

The fact of the matter is, for children who need food nutrition help or for elderly people, there was no restoration of funding for food nutrition programs. I do not think that is enough. Just as a matter of elementary fairness, we should have done much better.

Mr. President, my colleagues have talked about our priorities. I guess I will be honest. I really understand that everybody votes in good conscience—and I know this budget agreement is going to get a good vote—but to have tax cuts, and I think my colleague from South Carolina is on the mark, to backload it, and with enormous revenue loss, the vast majority of the benefits going to those people who least need it, and what is the tradeoff? The tradeoff is what is unacceptable. This is a budget without a soul.

Mr. President, we had an amendment that would have at least restored the $5 billion in investment in dilapidated school infrastructure. It was voted down. Why are we doing tax cuts for wealthy people and we are unwilling to invest in rebuilding our schools?

Mr. President, I had an opportunity to go to Delta, MS. I visited a school. There is going to be some renovation now, but the ceiling was just practically caving in. The toilets were so decrepit, no child should ever have to go into a bathroom like this. You could not wash your hands after going to the bathroom because there was no running water in the sink.

Now, that is not just in the South. These schools exist in the North and the Midwest and the West. These are the schools that too many of our children go to every day. And we did not invest one penny in rebuilding these schools for America's children, for some of the poorest children in America. I just think that this is unacceptable. And I think that this budget is a budget without a soul.

Mr. President, we have talked so much about early childhood development, and we have been reading all these reports, all the neuroscience evidence. It is so compelling. The evidence is irreducible and irrefutable that if we do not invest in the nutrition—and I could talk about each one of these areas at great length—if we do not invest in the health care, if we do not invest in really good child care, really good child care, if we do not get it right for these children, that by age 3 they are not going to be ready for school and they will never be ready for life.

Mr. President, with all due respect, what are we doing with cuts in capital gains and estate taxes, disproportionately going to the very top of the population, not even targeting that, and at the same time we make a pittance—I am sorry—a pittance of investment when it comes to the most critical years that affect whether children are going to do well in education, and those are in the very early years?

We have White House conferences that talk about the development of the brain. We have speeches that are given. And yet, when it comes to where the rubber meets the road, when it comes to what are our priorities, we have a budget agreement here that does not make the investment in these children, does not make the investment in early childhood development, barely scratches the surface. It is not even a baby step.

How much longer are these children going to have to wait? Everybody keeps talking about how we have to balance the budget for the sake of our children, our children's future. How about these children right now? And let us go ahead and balance the budget. But, first of all, why do we have these tax cuts that go to some of our wealthiest citizens? Why are we backloading it? Why are we eroding our revenue base? Why are we building here a straitjacket which will prevent us from making any of these investments in rebuilding rotting schools, in health and nutrition and child care for children at a very early age?

This is a budget without a soul. I think this budget as a blueprint for our country is a profound mistake. It is a profound mistake for America.

Mr. President, one final point because I promised to be brief. I could go on and on, but I have spoken on these issues before.

There was a cut in this budget—and really, it was not very well publicized—in veterans health care, $2.3 or $2.7 billion. I just want to make it very clear to my colleagues that when we got briefings from the White House—and everywhere else nobody talked about this. We had a flat-line budget we were worried about, but $2.3 or $2.7 billion—

a couple different figures are out there—over the next 5 years in veterans health care.

Dr. Ken Kizer, who runs those health care programs, was out in Minnesota. He did not know about it. I do not think Secretary Jesse Brown knows about it. And I will tell you something, the veterans organizations, all of the organizations I know that I have had the honor of working with, are really indignant about this. They are angry not only about the substance of it, but also the manner in which it was done. So I will have an amendment and I certainly hope my colleagues will join me to restore that funding for veterans health care. I think it is critically important.

Mr. President, let me conclude. I do not understand why we have accepted this tradeoff of tax cuts disproportionately benefiting the people on the top, not even targeting them to middle income or small businesses, and at the same time not investing in rebuilding our schools, not investing in early childhood development, not investing in making sure that every child has a head start, not investing adequately in veterans health care.

I just think that this tradeoff is unacceptable. Yes, let us have an agreement. But what is the price? The price of this agreement is that we have, as a Senate, I think—I know some colleagues disagree with me, I know many do, I know most do—I think we have abandoned a principle that has been so important to our country. I think it has been a principle which, in many ways, has led to our resilience as a nation.

It is a principle that has to do with the very meaning of our Nation, it is the principle of justice, it is the principle of expanding opportunities for our citizens, and it is that American dream that every child—no matter color of skin, no matter income, no matter boy or girl, no matter urban or rural, —that every child will have the same chance to reach his or her full potential. We have not met that standard in this budget agreement. We are nowhere near that standard. That is why, again, I will vote no.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I want to begin by commending our colleagues from New Mexico and from New Jersey, Senator DOMENICI and Senator LAUTENBERG, for their herculean efforts on this budget process. This is a very difficult task.

I had—I say guardedly—the privilege of serving on the Budget Committee for a number of years, and it is more of a sentence than a duty in many ways, considering the laborious task day in and day out of going through the number-crunching process. I feel a special sense of appreciation for the work of those who serve on the committee, and for those who lead the committee in the case of the chairman and the ranking Democratic member.

I would like to take a few moments if I could to discuss just one aspect of this budget resolution, one that has already been addressed by Senator LAUTENBERG, the ranking Democratic member of the committee. It is a provision that started out as a rather innocuous suggestion that was adopted unanimously by this body as part of the budget resolution and then became the source, Mr. President, of some controversy over the last several days. But the issue has been resolved, due to the efforts of Senator LAUTENBERG, Senator DOMENICI and others, to the satisfaction of everyone, including the author of the original provision, and that is myself.

The budget agreement, as we all know, was reached by the President and the Congress and includes a number of provisions designed to protect the priorities that Americans care about while ensuring that the budget would reach balance in the year 2002 and thereafter.

One of the stipulations of the budget agreement specified that the cost of the tax cuts would be a net $85 billion over 5 years and a net $250 billion, one-quarter of a trillion dollars, over 10 years. There was a letter, in fact, signed by the majority leader of the Senate, Mr. LOTT, and the Speaker of the House, Speaker GINGRICH, and sent to the President. I quote it here: "It was agreed that the net tax cut shall be $85 billion through the year 2002 and not more than $250 billion through the year 2007."

As I say, this letter was signed by both leaders. I was surprised, however, Mr. President, when the budget resolution came to the floor more than 2 weeks ago with no mention whatever of the cost of the tax cuts over 10 years. The resolution fulfilled the first part of the agreement by instructing the tax-writing committees to craft legislation that would cost no more than $85 billion over the first five years. But when it came to the understanding on the $250 billion, that had been left out of the resolution, entirely. That is a large amount indeed, a quarter of a trillion dollars.

Mr. President, in my view, again, I think this budget resolution is a good resolution. I offered amendments to shift some of the priorities here. I lost in that effort. I wish we had done more in the area of early childhood development, Healthy Start, Head Start, child care. I will still make those arguments from time to time. But there are improvements clearly in many important areas of this budget.

Even though I disagreed in part with it, I think it is a good resolution. But the provisions on tax cuts left me with a great deal of concern because you could write the tax cut part of this budget resolution, much of which I agree with, in such a way that for the first 5 years the revenue losses would be limited to $85 billion. But we all know how to write these in such a way that the second 5 years they could blow totally out of proportion and we end up where we were in the mid-1980s, again looking at a huge deficit. I might add that even with my language, there is no guarantee that that will not happen after 10 years. But at least over the first 10 years with the agreement we have reached here, we are left with an assurance that that is not going to happen in the short term, and future Congresses will have an opportunity to examine how these tax cuts are working.

So this new language that will be included in the agreement, I think, will be a major step forward.

I should tell my colleagues what happened procedurally. My amendment to put in place a cap of $250 billion over 10 years was accepted on a voice vote. The distinguished Senator from New Mexico and my colleague from New Jersey agreed with the amendment. It was adopted. In fact, Senator LAUTENBERG enthusiastically supported the amendment. It ended up in conference, but there was no similar language in the House version. But then JOHN SPRATT, the distinguished Congressman from South Carolina, went to the floor on the House side and instructed the House conferees that my amendment should be adopted. To the credit of many of the Republican Members of the House, as well as Democrats, they agreed with JOHN SPRATT. So he carried overwhelmingly in a House vote to accept my amendment.

So we were left with a situation where the House instructed conferees to take the amendment that had been accepted on a voice vote here, but for reasons that I will allow them to explain, the majority decided on our side that they could not continue to hold this amendment. Instead, they offered a compromise. That was a sense-of-the-Congress resolution that would limit the tax cut to $250 billion over 10 years, and require that the Joint Tax Committee and others would certify that we had not broken that ceiling of $250 billion over 10 years. In addition, a letter has been signed by our colleagues Senator ROTH, the chair of the Finance Committee, and Congressman ARCHER, chairman of the Ways and Means committee. Mr. President, I ask unanimous consent that the Roth and Archer letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 1997.
Hon. PETE V. DOMENICI,
Chairman, Senate Budget Committee, Washington, DC.
Hon. JOHN R. KASICH,
Chairman, House Budget Committee, Washington, DC.

DEAR PETE AND JOHN: Our Committees will soon begin marking up tax legislation to meet the reconciliation directives of the 1998 Budget Resolution. We will meet the Resolution's instructions of reducing revenues by $85 billion over the five year period 1998–2002 and by no more than $20.5 billion in 2002.

Furthermore, we can assure you that, consistent with the May 15, 1997 letter from the Speaker of the House and the Majority Leader of the Senate to the President which stated, "It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007," the ten year net revenue loss in the tax reconciliation bill will not exceed $250 billion.

Sincerely,
WILLIAM V. ROTH,
Chairman, Finance Committee.
BILL ARCHER,
Chairman, Ways and Means Committee.

Mr. DODD. Let me read from that letter:

> Furthermore, we can assure you that, consistent with the May 15, 1997 letter from the Speaker of the House and the Majority Leader of the Senate to the President which stated, "It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007," the 10-year net revenue loss will not exceed $250 billion.

This language confirms the agreement made by the President, the Senate, and the Congress, as well as the sense-of-the-Congress resolution and the certification.

Some may argue you have given up, it is not exactly law. I do not see it that way. I am satisfied people have made their commitments, and those commitments have been confirmed. This letter has been signed by the two chairs of the committee, and that ought to be satisfactory enough for people that we mean what we say in these resolutions. What good is it going to be to have a budget in balance by the year 2002 that goes immediately out of balance in 2003 because we did not keep an eye on the tax expenditure side of this equation?

So, with this new language that Senator LAUTENBERG and Senator DOMENICI worked on here, I am very satisfied this is a good resolution. I believe that those of us who have been concerned that this resolution, while balanced in the initial stages, could end up out of balance very quickly, have seen our concerns eased by this progress.

So I want to thank once again the leadership of Senator LAUTENBERG, Senator DOMENICI, Senator ROTH and Congressman ARCHER, as well as Congressman SPRATT, for their work in this regard, and lastly just point out, Mr. President, I know that there are legitimate issues that have been raised by those who say, "Well, what happens in the second 10 years? You can craft the tax expenditure provisions so they could end up pushing us out of balance in the second 10 years." I cannot argue with that. That could happen. We will have to look at it very closely. Obviously, the economy could change dramatically in 10 years. We may have to come back and revisit parts of this.

So there are no reassurances for the second 10 and there are those who will lay out for you scenarios that show there is significant ballooning, if you will, of those tax cuts in the second 10 years. We may have to come back and revisit that. But by putting in the net cap of $250 billion over the next 10 years, I think we have done a great deal to avoid the kind of problem that occurred in the early 1980's when no such caps were put in place and we saw as a result of the 1981 tax program a major deficit created in this country.

I voted against that 16 years ago. I am glad I did. I think I was proven correct by what happened. I think we have avoided any likelihood of that occurring, certainly in the short run, here, and we will have plenty of opportunities in the Congress to respond if for whatever reason that begins to happen later on.

I thank the leadership and my colleague from New Mexico and the Senator from New Jersey for this agreement and look forward to supporting the resolution.

Mr. COCHRAN. Mr. President, the Budget Resolution assumes reductions in spending of $290 billion over the next 5 years. To accomplish this goal we, of course, must adopt changes in federal programs.

The Governmental Affairs Committee has received reconciliation instructions requiring $4.8 billion in savings over a 5-year period be obtained from programs under our committee's jurisdiction. Most of this committee's programs involve Federal employees and retirees.

In March, the President sent his budget proposal to Congress in which he recommended $6.5 billion in savings from Federal employee and retiree benefit programs. Included in the President's proposal was $1.7 billion to be saved by delaying annual cost-of-living adjustments for Federal retirees. As chairman of the Subcommittee with jurisdiction over this subject I opposed that proposal, and so did the chairman of the full Committee, Senator FRED THOMPSON.

The President's Federal employee-related proposal had four basic components:

First, the President proposed delaying the receipt of civilian Federal retiree cost-of-living adjustments from January until April through the year 2002, which would have cost the typical Federal retiree $726 over the next 5 years.

I thought the proposal was unfair since it singled out Federal civilian retirees for this change. No other group of retirees was treated this way.

Most Federal retirees are not wealthy people. Most are like other Americans who have retired from private sector jobs and are just barely making ends meet. The average yearly income for a Federal retiree—after taxes and out-of-pocket costs of health care and life insurance premiums—is $14,864. This hardly allows for a comfortable lifestyle, considering the average Federal retiree faces annual living costs of $22,098.

Our subcommittee opposed the singling out of Federal civilian retirees for a COLA delay, and this position was adopted by Governmental Affairs Committee Chairman THOMPSON in his Annual Views and Estimates report submitted to the Senate Budget Committee. I was very pleased that Budget Chairman DOMENICI agreed with us and not the President.

Second, the President's budget also assumed a savings starting in January 1999 be achieved by requiring employees to pay a greater share of their health care premiums.

Under current law, the Government pays, on average, 71 percent of the premiums of the health insurance plans in which Federal employees and retirees enroll. That calculation is based on 60 percent of the average premium of the Federal Employee Health Benefit Program's Big Six health insurance plans.

In 1990, Aetna—one of the Big Six high-option plans—dropped out of the Federal Employee Health Benefit Program. In order to prevent enrollees' share of the premium from rising, Congress enacted legislation establishing a proxy plan. The President's budget proposal allowed for the expiration of the proxy plan, thereby shifting approximately $4 billion of health care premium costs from the Government to the employee over 5 years.

The Federal Employee Health Benefit Program, unlike Medicare, is not facing a fiscal crisis. In fact, it works so well, I believe we should use it as a model for future health care reform. However, I do not think the President's willingness to simply accept conversion to a Big Five-based formula by default, thereby lowering the government's share of the premium to about 67 percent, is equitable. Doing so would not only shift substantial costs to enrollees but it would allow for the continued use of an outdated formula. As subcommittee chairman, I intend to propose a new formula— possibly based on a weighted average of all plans—which will maintain the current rate of contributions to the FEHB plans by the government and its employees.

Regardless of any change in the FEHBP formula, it is possible health insurance premiums will increase over the next year due to medical inflation and federally mandated increases in basic coverage. Congress should not aggravate the situation by shifting an additional $4 billion in costs onto enrollees.

Third, the President's budget plan also increased Federal agency contributions to the retirement fund for civil service retirement system employees by 1.51 percent beginning October 1, 1997 and ending September 30, 2002. Currently, agencies match employee contributions of approximately 7 percent.

Fourth, the President recommended an increase in Federal employee retirement contributions—0.25 percent of base pay in 1999, another 0.15 percent in 2000, and a final 0.10 percent in 2001—adding up to a total of 0.50 percent increase. The higher contribution rate would expire on December 31, 2002.

I believe the President's proposed Federal employee budget package goes far beyond fairness. President Clinton has advocated a disproportionate contribution by those who have been asked to give again and again over the past several years. Federal employees and retirees across the country know there is no justification for the President's proposed package of changes—and it does not serve the interest of fairness to the Federal workforce.

The Federal Government may be the largest employer in the Nation, but it is far from being a model employer. You might ask, what is the Federal Government offering its workforce in order to attract and retain qualified personnel who can respond to the challenges of providing efficient, effective service to the American people? Federal employees have witnessed the slow erosion of their pay and benefit package over the last several years.

Because of the requirements of the budget resolution some changes must be adopted. As we work toward the goal of achieving the $4.8 billion in savings required of our committee, Federal employees will have to share the burden of deficit reduction, but they will not be singled out to accept burdens not imposed upon other Americans.

Without question, public employees play an important role in our society. The hope is that by offering a balanced and fair compensation package, we can continue to attract and retain a talented and skilled workforce to deliver federal services. The reconciliation package which I will work to develop will have that as a goal as well as deficit reduction.

Mr. DORGAN. Mr. President, I rise to discuss the conference report on the budget resolution and to say that I am pleased that this year is shaping up to be a historic year in the fight to balance the budget. Democrats and Republicans have worked together to fashion a bipartisan agreement that is projected to balance the unified budget in 5 years, in the year 2002.

I will support this budget plan because it will help maintain the superb economy we are now enjoying. The budget plan will build on the 1993 deficit reduction bill, which has cut the unified budget deficit by 77 percent. The budget plan also makes room for priorities that are important to the American people, such as middle-class tax relief, greater funding for education, more attention to our environment, and health care for the young and the elderly.

We have been able to agree on a balanced, commonsense package—one that avoids extreme cuts to programs that Americans depend on and includes some tax cuts. This agreement is balanced because it builds on the economic gains that America has made since 1992.

THE BEST ECONOMY IN 30 YEARS

We need to remember how far we have come since 1992, when this country was in the depths of a recession. In the past 5 years, we have had so much economic growth and so little inflation that the experts are describing today's economy as the best in 30 years. Let me briefly describe some of these gains—gains that have made a budget agreement possible today.

Unemployment has fallen from 7.5 percent in 1992 to an annual rate of 4.9 percent. The last time unemployment was at 4.9 percent or less, it was 1973.

For the first 3 months of this year, inflation ran at an annual rate of 1.8 percent. The last time inflation was this low, it was 1965.

The economy has created 12.5 million jobs since President Clinton was first inaugurated.

There were nearly 1.5 million housing starts in 1996, the most since 1988.

The economy grew at an annualized rate of 5.6 percent in the first quarter of this year. This is truly a stunning rate of growth at this point in our economic recovery.

The economy has responded beautifully to the economic plan that Senate Democrats passed in 1993—without one Republican vote. The measure of our achievement is that today's economy is the best economy America has had in 30 years.

BUILDING ON DEMOCRATIC DEFICIT REDUCTION

However, the 1993 bill didn't just spark our economy into recovery. It also cut the unified deficit by 77 percent.

Let's recall when the real heavy lifting occurred with respect to deficit reduction. It was only Democrats who voted for President Clinton's deficit reduction bill in 1993. And what has that bill done to the deficit since? The unified deficit has fallen dramatically, from $290 billion in 1992, to $255 billion in 1993, to $203 billion in 1994, to $164 billion in 1995, and $107 billion last year.

Most importantly, the Congressional Budget Office estimates that the deficit for 1997 will be only $67 billion.

That's a cut of 77 percent in the unified deficit. Under President Clinton, for the first time since the Civil War, we will slash the deficit 5 years in a row.

Let's put it another way. The budget plan we are voting on today will provide $204 billion in deficit reduction over the next 5 fiscal years. In contrast, the 1993 bill provided 5 times that amount of deficit reduction. If you compare the actual deficits for fiscal years 1994 to 1998 to what CBO in 1993 expected those deficits to be, you realize that the 1993 bill achieved $922 billion in deficit reduction for the years 1994 to 1998.

Let's put it yet another way. If you calculate the improvements in the deficit from 1994 through 2002, you realize that the 1993 bill cut future deficits by $2.4 trillion. Again, if we do get to a balanced budget in 2002, Democrats will have done the heavy lifting.

So there's some justice, Mr. President, in the fact that this balanced budget deal contains Democratic priorities and protects Democratic programs that Americans depend on. We today are standing on the shoulders of the Democratic Members of Congress who voted to cut the deficit in 1993.

BUDGET PLAN PROTECTS AMERICA'S PRIORITIES

Besides the economic record of the past 5 years and the dramatic deficit reduction that Democrats have achieved, the third thing that makes this agreement possible is that it allocates resources to the priorities that the American people care about: education, the environment, health care, and middle-class tax relief.

On education, this budget plan includes the President's budget proposal for Head Start, which puts us on the road to enrolling 1 million children in Head Start in 2002. Only 714,000 kids were enrolled in 1993. In addition, the budget would fund a child literacy initiative. The more we learn about education and child development, the more we realize that early intervention is vital to enabling a child to gain the skills and knowledge that are vital in today's economy. That's why Head Start and the literacy initiative are so important to our Nation's future.

At the higher education end, this budget would fund the largest Pell Grant increase in two decades. Four million students could receive grants of $3,000 a year, which is $300 higher than the current annual grant. The plan also includes $35 billion worth of higher education tax cuts, including a credit and a deduction. In total, this will be the largest increase in higher education funding since the G.I. Bill in 1945. These resources are sorely needed today. As every American knows, college costs have been spiraling upwards, putting college out of reach for too many families. I am pleased that this budget plan will address this issue.

The budget plan will also devote resources to preserving our environment.

This agreement would provide $3.4 billion in 1998 for the Environmental Protection Agency, which is a 9 percent increase over last year's level, for its research and enforcement work to protect the public from environmental threats. The agreement would enable the expansion of the Brownfields Redevelopment Initiative to help communities clean up and redevelop contaminated areas. And it could double the pace of Superfund cleanups, leading to 500 additional sites being cleaned up by the year 2000.

With respect to health care, this budget plan is a marked departure from the extreme budget plans we saw here in the Senate back in 1995. In 1995 the majority tried to slash $270 billion from Medicare in order to provide $240 billion in tax cuts for the rich. Fortunately that plan never became law. This bipartisan agreement would cut projected Medicare spending by $100 billion over the next 5 years, but those cuts will largely come from health care providers. And these savings will extend the life of the Medicare trust fund for at least a decade. The agreement would also provide 4 major new preventive Medicare benefits: mammography, colorectal screening, diabetes self-management and vaccinations. What a far cry this plan is from the plan 2 years ago.

I would also like to mention that the budget plan contains a major new initiative to provide health care for kids. It would provide $16 billion over the next 5 years to cover 5 million children. This coverage will take the form of either improvements to Medicaid or a new mandatory grant program to the States in order to supplement their efforts to cover uninsured children in working families.

Lastly, I remain hopeful that this budget agreement will cut taxes for America's hard-working families. We do not know the details of the proposed tax legislation yet, but the Republican leadership has assured us that the tax bill will include a $500-per-child tax credit to make it easier for families to raise their kids. It will contain $35 billion in higher education tax credits to make college more affordable. It will expand the tax advantages of individual retirement accounts.

I have some concerns about the eventual shape of the tax bill, but this budget plan does not specify the distribution of the tax cuts. It does not specify the details of the estate tax or capital gains tax cuts. Those details may well be controversial. But I will wait to see the tax bill before I make that judgment.

FURTHER DEFICIT REDUCTION NEEDED

Besides the eventual shape of the tax cuts, I want to raise one other concern about this budget plan. Many of my colleagues are describing this budget as a balanced-budget agreement, and indeed it does balance the unified budget, as I have said. However, as I made clear during the debate on the balanced budget amendment, I do not think the unified budget accurately portrays our fiscal situation. This budget plan is projected to balance the unified budget, but the unified budget counts the Social Security surplus, which is estimated to be $104 billion in 2002, in order to reduce the deficit.

Congress has recognized that it is not appropriate for us to count the Social Security surplus in this way. And we have said so in the law. Section 13301 of the Budget Enforcement Act of 1990 forbids us from doing it. So if you look at the text of this conference report, which is about the only place where we actually observe section 13301, you will find a revealing statistic. The conference report lists the projected budget deficits in each fiscal year. And guess what? In 2002, if you take out the Social Security trust fund surplus, we will have a deficit of $108 billion.

So, Mr. President, in my view the Congress still has some deficit reduction left to do if we are to truly balance the budget. And I am pleased that the final version of the budget plan contains my amendment, which the Senate approved when I offered it here 2 weeks ago. My amendment simply says that we should continue to work to reduce the true deficit, so that we can balance the budget without relying on the Social Security trust fund.

A BALANCED AGREEMENT

However, Mr. President, I do not intend to make the perfect enemy of the good in our budgeting. In general, I believe this budget agreement meets America's expectations and addresses America's priorities. That is why I will vote for it, and why I will work to see the budget deal implemented this summer in a way that carries out the bipartisan agreement that we have achieved this spring.

• Mr. JEFFORDS. Mr. President, as we are now within 1,000 days of the new millennium, we need to begin to think about what our Nation should look like in the next 1,000 years. For in the last 1,000 years we have discovered new continents and new planets, we have conquered deadly diseases and created new technology. As we stand at the threshold of the next century we need to take the steps to prepare the Federal Government and all Americans for the path that lies ahead.

This budget resolution is based on principles which are reasonable, credible, solution-oriented, and are based on common sense. It is because of those principles, Mr. President, that I rise today to support this bipartisan balanced budget resolution. For today we begin the process to bring fiscal security and greater economic opportunity to our children.

For over 25 years, the Federal Government has been unable to balance the budget. We now owe more than $5.3 trillion. Therefore, we spend over $900 million on interest every day. We send more to our bondholders in 3 days than we do to every man, woman, and child in Vermont over the course of an entire year.

The interest payment on our national debt is five and half times more than we spend on all education, job training, and employment programs combined. If one was to ask the question what should be the Federal priorities of this Nation? Should we spend more money on education for the future of this Nation, or more money on interest? Well, it is clear what our choice would be—education. Yet, we have precisely reversed our priorities because we have been imprudent with our fiscal policy.

Balancing the budget is what we need to do to ensure a brighter future for America. Lower interest rates will allow American families to purchase their first home, send a child to college, and buy a new automobile. The real benefits of a balanced budget will be realized in the increased standard of living for each American family.

Mr. President I would now like to take a moment to speak about some of the provisions in this agreement.

Medicare serves a 37.5 million elderly and disabled individuals in this country. For several years the trustees of the Medicare program have continued to send notice to Capitol Hill that steps needed to be taken or this program will go bankrupt. This budget resolution keeps this program solvent for the next 10 years. We now can take the steps to make fundamental changes to preserve and strengthen Medicare for the current recipients and future generations.

Through the effort of several of my colleagues, children's health was put in the forefront during these first few months of the 105th Congress. Senators came up with different proposals due to one fundamental thing—the need to provide health insurance to the estimated 10 million low income children. I commend both the administration and the leadership for realizing the importance of this issue and to providing the needed resources for these children.

In many families today, both parents need to work in order to get by. They work in order to give their children a chance at a better future. Dinner tables in the past were filled with lively conversation. Conversation centering on discussions of values and goals and the other important issues which bring a family together. These tables are now silent. Empty tables due to the fact parents come home from work just too tired.

It is time for we in Congress to take some steps to provide relief for the American family. The tax reduction package is not going to solve all the problems that each family faces in this country. But what it will do is leave some additional dollars in the pockets of our hard-working Americans in order for them to spend those funds on their family needs. As a member of the Finance Committee, I look forward to working with Chairman ROTH on the specific provisions dealing with tax relief.

One of the reasons I first got involved in public service was to make a difference in the educational system of our Nation. As chairman of the Labor and Human Resources Committee I feel that it is important that we continue to improve our school system. We have all read stories about children who go to class but just don't learn. Each day is a lost opportunity to shape and prepare these children for the future. A generation is leaving high school unable to meet the challenges that lay ahead.

When a high school graduate is unable to read, what we find is that we sent an individual into the world who will live a life of missed opportunities. Every year America becomes a more technological country. Distances which used to be measured in the time it took for a plane travel across this country are now measured in the time it takes for a signal to be bounced off a satellite. Children need to graduate from high school not just able to read but to understand the changing nature of the workplace.

Over my many years in Congress, I have championed educational opportunities for our children. This budget provides additional funding for programs that will help students throughout this Nation prepare for the future. Even though, for every dollar of increased spending for certain specific programs, this budget has made a $15 reduction in spending. Today we begin to prepare our students with greater educational opportunities and our Federal Government will lower deficit spending, both which will help meet the demands of a global economy.

Mr. President, in closing, the American people in 1996 sent a message to our Nation's Capital. They wanted an administration and Congress of different political parties to work together to solve common problems. Though this agreement is not perfect, and there are some in this Chamber that feel that we have gone too far and some who feel we have not gone far enough, it is an important step forward. This is not a budget based on party, or one that was written exclusively in the Halls of Congress or in the Oval Office, this is a budget of compromise. This is a first step toward a new millennium. A time where America is going to need the ability to meet the challenges that lie ahead.

I want to commend Budget Committee Chairman PETE DOMENICI and Majority Leader LOTT for their determination, their hard work, and their vision in putting together this historic budget resolution. This is the first step to ensure a brighter tomorrow for our nation.

Mr. President, I yield the floor.●

Mrs. MURRAY. Mr. President, I rise today in support of the conference report on the fiscal year 1998 budget resolution, which puts us on a path to a balanced budget by the year 2002. As a member of the Budget Committee, I am proud to have been a part of the process that created this agreement. While I recognize that it is not perfect and that the real work is still ahead of us, I still believe that it represents a legitimate and fair plan to ensure that we achieve a balanced budget.

This agreement builds on the historic and successful deficit reduction package enacted in 1993, which resulted in a real reduction in the Federal deficit. This 1993 package not only brought the deficit down from a high of $290 billion in 1992 to an estimated $70 billion for 1997, but it has achieved real economic growth and expansion.

The agreement before us today is another step in making sure that our fiscal house is in order. Developing this agreement was not an easy task, and required some tough choices, but the bipartisan approach succeeded.

Throughout the process, significant improvements were made to the original agreement. I believe that some of these improvements are essential to protecting the integrity of the agreement. I am pleased that most of these improvements remained in agreement throughout the conference process.

One of these improvements is an amendment that I offered to ensure that in meeting the deficit reduction target for Medicaid, the authorizing committees will not look to a per-capita cap as a mechanism for savings or for controlling future spending. I believe that this was an important message to send; a per-capita cap is not an acceptable mechanism for controlling Medicaid costs and could seriously jeopardize the quality of care for millions of children, senior citizens, and the disabled.

Along these same lines, I was pleased to join with my colleague from Missouri, Senator BOND, in support of an amendment that expresses the sense of the Senate, that any changes in the Medicaid disproportionate share hospital payments not jeopardize the ability of hospitals, especially children's hospitals to serve the most neediest and the most vulnerable. We have to be absolutely sure that the numbers do not drive the policy. If savings can be achieved through reforming DSH without jeopardizing access to quality health care for the most needy than these policy changes should be considered. But, if the motive is simply a number and develop the policy around the cut, than this is unacceptable.

Working with my good friend from Minnesota, Senator WELLSTONE, we were successful in including the family violence option amendment to the Senate resolution. This amendment simply recognizes the need to properly clarify the ability of the States to include a family violence option as part of their welfare reform plans without facing any penalty. During Senate debate on welfare reform in the 104th Congress, Senator WELLSTONE and I included this option as guidance to the States. Unfortunately, there is now some dispute as to congressional intent. The family violence option amendment that Mr. WELLSTONE and I offered to the budget resolution is intended to address this confusion. The amendment is simple: It allows the States to waive work or training requirements for victims of domestic violence and abuse without being forced to count these individuals as part of the 20 percent hardship exemption. Proper implementation of a family violence option guarantees that women who have been victims of domestic violence or abuse do not become victims of welfare reform. Placing barriers to welfare simply means that these women and their children are trapped in a violent and in some cases, life threatening environment. For many, welfare is the only way to escape the violence.

While I believe that this agreement is a major step forward, I am deeply concerned that efforts already underway would ignore the agreement. In developing the reconciliation bills, we must adhere to the goals and principles of this agreement. I am hopeful that there will be no effort to ignore the policy assumptions in this agreement. We must also be absolutely sure that any tax cut proposal is fiscally sound and does not explode the deficit. Not only would this be unethical, but it would be economically foolish.

I want to thank both Chairman DOMENICI and Senator LAUTENBERG for their efforts in bringing this conference report together and for working with me to improve the final agreement.

CHILDREN'S HEALTH INITIATIVE

Mr. LAUTENBERG. Mr. President, I would like to clarify for the record, a procedural point in the budget resolution. The budget resolution conference report currently before the Senate includes language which would permit the chairman of the Budget Committee, with the concurrence of the ranking member, to revise the reconciliation instructions to the Finance Committee and to adjust other budget resolution levels in amounts which are intended to reflect the children's health initiative. In this regard, I would direct the attention of our colleagues to the children's health section of the bipartisan budget agreement, which provides that the $16 billion in funding "could be used for one or both of Medicaid (provisions) * * * and a program of capped mandatory grants to States." The agreement further provides that other possibilities for implementation of the child health initiative may be considered if mutually agreeable. Would the chairman of the committee agree that the budget agreement therefore requires the concurrence of all parties to the agreement—the majority and minority in Congress and the President—before other policy options may be considered?

Mr. DOMENICI. Yes, I concur with the Senator from New Jersey that agreement of the President and the majority and minority leadership in Congress are necessary to consider children's health options beyond the specified Medicaid and capped mandatory alternatives.

HIGHWAY RESERVE FUND

Mr. BYRD. Mr. President, I would like to engage in a colloquy with the distinguished Chairman of the Senate Budget Committee regarding the highway reserve fund in the conference agreement on H. Con. Res. 84.

Mr. President, as my colleagues know, I strongly support increased Federal infrastructure spending. This budget resolution, while providing for increased transportation spending, does not provide as much infrastructure spending as I would have liked. During floor consideration of this budget resolution, I offered an amendment to provide for a reserve fund for highways that would allow for increased spending on highways above the amounts called for in the budget resolution so long as appropriate offsets are found. I believe that, once the Senate begins debate on the reauthorization of the Intermodal Surface Transportation Efficiency Act or ISTEA, there will be strong interest on the part of many Members on both sides of the aisle to find additional resources to produce a highway bill that is balanced and meets the transportation needs of all regions of the country. As such, I am very pleased that the conference agreement on this budget resolution includes a highway reserve fund that is effectively identical to the one provided for in my amendment.

I wish to thank the distinguished Chairman of the Budget Committee for his cooperation on this matter and ask if I am correct that the main purpose of this reserve fund is to accommodate higher contract authority and outlays for highway programs if this additional spending is offset by direct spending reductions or revenue increases?

Mr. DOMENICI. Yes, the Senator is correct. We have provided $8.5 billion in outlays above the President's budget request for transportation. Even more critical, the bipartisan budget agreement and this budget resolution has as one of its primary discretionary assumptions that Congress will spend all of the highway trust fund receipts over the next 5 years. This will allow for increased highway obligations by the Appropriations Committee of $9.3 billion over the President's budget request for highways between 1998 and 2002.

Mr. BYRD. Would the Chairman also take a moment to describe how the reserve fund would be used to create this additional deficit-neutral spending for highways?

Mr. DOMENICI. I thank the distinguished Senator from West Virginia for raising this issue and would be happy to explain the operation of the reserve fund. As the Senator knows, the authority to fund highway programs is split between the Environment and Public Works Committee, which provides budget authority through contract authority, and the Appropriations Committee, which controls outlays of the highway program through annual obligation limitations.

The bifurcated funding nature of these programs made it difficult to design a reserve fund to allow for additional funding. I appreciate the Senator from West Virginia's assistance in crafting the highway reserve fund.

The highway reserve fund in this resolution has separate components to allocate funding from additional savings to the Environment and Public Works Committee for additional contract authority and to the Appropriations Committee for additional outlays for highway programs.

The first provides a mechanism to increase budget authority levels in the budget resolution to accommodate additional highway contract authority. If legislation is reported to the Senate, or an amendment is offered on the Senate floor, that reduces nonhighway direct spending or increases revenues above the levels contained in the budget resolution, these savings will be made available for highway spending.

The savings would be captured by adjusting the budget resolution's levels to ensure these savings are not spent for other programs. Next, the budget authority levels in the resolution would be adjusted upwards to accommodate higher contract authority for highways. In order for the Budget Committee to determine how to adjust budget authority levels, the provision of the bill or the amendment must either provide the contract authority for highway programs or dedicate the savings in some fashion for highway programs.

These savings must be either direct spending savings—a reduction in mandatory spending—or an increase in revenues. Other changes, such as a reduction in an authorization of appropriations or the diversion of revenues from the general fund to the highway trust fund, will not qualify. In addition, the savings will qualify only if the committee of jurisdiction from which the savings are found is already within its section 602 ceiling. Savings cannot be used for additional highway spending if the Senate committee of jurisdiction has already used such savings to meet its reconciliation targets.

The second component of this reserve fund allows for these savings, once they have been enacted, to be reserved for future appropriations bills to accommodate additional outlays that would result from an increase in the obligational ceilings for highway programs.

When the legislation that generates the direct spending savings or revenue increases is enacted, I, as Budget Committee chairman, will submit to the Senate a document that will reflect the revisions to the budget resolution levels to ensure these savings are not spent on other programs. This document also would provide the amount on a year-by-year basis of the outlay adjustment that could be made to the discretionary caps for additional highway spending.

As with the adjustment for budget authority I have just discussed, these additional savings must be in addition to the budget resolution savings. It is my belief this reserve fund will allow for a deficit-neutral way of providing additional infrastructure resources.

Mr. BYRD. I thank the Chairman. Am I correct then, that an amendment on the ISTEA reauthorization bill or other legislation that makes the necessary savings and provides additional funding for highways in the manner you have described will not be subject to a Budget Act point of order in the Senate?

Mr. DOMENICI. That is correct. The reserve fund ensures that budget levels are adjusted to accommodate such legislation and avoid Budget Act points of order for exceeding committee allocations or budget aggregates.

Mr. BYRD. I thank the distinguished Chairman for taking the time to clarify this very important issue and I look forward to working closely with him to provide additional highway resources for our Nation during the reauthorization of the ISTEA or other legislation.

Mr. KENNEDY. I would inquire of the Senator from New Jersey and the ranking Democratic Senator for the Budget Committee, as he knows, on a vote of 51–49, the Senate passed the Coverdell amendment to the budget resolution, increasing aggregate budget authority in the year 2000 by $2.539 billion and function 500 budget authority in the year 2000 by the same amount. The stated purpose of the amendment was to permit States and local education agencies to create voucher programs that would take Federal dollars away from public schools and divert those Federal dollars to support private schools and religious schools. It is my understanding that the entire Coverdell amendment has now been dropped. Is that correct?

Mr. LAUTENBERG. The Senator is correct.

Mr. KENNEDY. Is there anything in the budget agreement or this budget resolution or the report, that reflects any language similar to the purpose of the Coverdell amendment?

Mr. LAUTENBERG. No, there is not.

Mr. KENNEDY. Does the final budget resolution include any of the numbers that were included in the Coverdell amendment?

Mr. LAUTENBERG. No, it does not.

Mr. KENNEDY. I thank the Senator for his response. Obviously, any such voucher program would be highly objectionable because of its serious harmful effects on the Nation's public schools. It's the wrong education priority, and I hope it will continue to be rejected by Congress and the President.

FOOD STAMP PROGRAM

Mr. DOMENICI. Mr. President, before we pass the final version of the budget resolution, on behalf of myself and the ranking member, Senator LAUTENBERG, I would like to engage in a colloquy with the distinguished chairman and ranking member of the Agriculture Committee.

Mr. President, the final budget resolution contains an unusual reconciliation instruction to the Agriculture Committee. Unlike the other committee reconciliation instructions, it calls for an increase in direct spending of $1.5 billion over 5 years. This instruction is designed to fulfill the bipartisan budget agreement between the President, the Speaker of the House, the Senate majority leader and the Senate minority leader. These parties agreed to add $1.5 billion in new spending for the Food Stamp Program for increased work slots and expanded waiver authority in the jurisdiction of the Agriculture Committee. The specific details of the bipartisan budget agreement can be found on page 89 of the committee print that accompanies Senate Concurrent Resolution 27.

Mr. President, I would therefore ask the chairman and ranking member of the Agriculture Committee about their intentions regarding the bipartisan budget agreement's provisions of $1.5 billion in new food stamp spending consistent with the details that can be found on page 89 of the committee print that accompanies Senate Concurrent Resolution 27?

Mr. LUGAR. Mr. President, I would respond to the distinguished chairman of the Budget Committee by saying that I intend to work with the ranking member of the Agriculture Committee, Senator HARKIN, to craft a bill that will comply with the bipartisan budget agreement's food stamp provisions.

Mr. HARKIN. Mr. President, I associate myself with the remarks of the chairman of the Agriculture Committee.

Mr. DOMENICI. I thank the Chairman and ranking member for these responses.

Mr. LAUTENBERG. Mr. President, I am very pleased to hear the distinguished chairman and ranking member of the Agriculture Committee commit to fulfill the bipartisan agreement's food stamp provision.

Mr. STEVENS. Mr. President, section 6005 of the conference agreement on H.R. 1469 contains a substitute for the original Senate prohibition on the expenditure of funds to advocate certain policies with respect to the recognition, validity, or management of rights of way established pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932), more commonly referred to as R.S. 2477.

Section 6005 establishes a commission to recommend a long-term solution to the administration and Congress. The commission is bipartisan—6 Republicans and 6 Democrats—plus a retired Federal judge selected by the other 12 to chair the commission. The commission has representatives from the administration, Congress, and the States.

The commission is cost effective—the only new cost is the salary of the retired judge. All other members are Federal, State, or congressional employees who would serve on the commission within the scope of their existing duties. The Secretary of the Interior is responsible for payment of the chairman's salary and expenses, and for providing, and paying for any necessary staff, office space, and expenses out of existing funds provided for the Department of the Interior.

Based on concerns raised by the administration, the provision waives the Federal Advisory Committee Act to avoid lengthy procedural delays. However the commission's hearings are open to the public, and a public record is required to be kept of those hearings. In addition, the commission must keep a record of its deliberations.

The commission is tasked with recommending changes in law to expeditiously resolve outstanding right of way claims under R.S. 2477. Those recommendations are to be made in consultation with the governors of affected States. It is my hope that working together this commission can reach consensus on this difficult issue.

This commission must make its recommendations by March 1, 1998, and must include with their submission any comments they receive from governors. The Secretary of the Interior must approve or disapprove the recommendations in their entirety by March 31, 1998. If the Secretary approves the commission's recommendations, then a fast track procedure is provided in Congress to ensure those recommendations are considered. If the Secretary does not approve the commission's recommendations, then the fast track procedure is not available. Under the fast track procedure only relevant amendments are allowed in the Senate during floor consideration of the bill, and any message from the House on such a bill.

The conference agreement leaves intact the permanent prohibition on the issuance of final rules or regulations on R.S. 2477 without express authorization of such rules or regulations by a subsequent act of Congress, and specifically states in section 6005(b)(5)(A) that this provision does not constitute such express authorization. Section 6005 does not repeal or modify any existing law, and takes no position regarding the legitimacy of the R.S. 2477 policy announced by the Secretary of the Interior on January 22, 1997.

Mr. LAUTENBERG. Mr. President, as we finish our work on the conference report. I want to express my appreciation to Jodi Grant, who has provided invaluable assistance to me and my staff. Jodi served as counsel to the Democratic staff before leaving us recently to work on the leadership staff of the distinguished Senator from Massachusetts, Senator KERRY. However, she has taken time from her busy schedule to give us the benefit of her special expertise on budget matters. I very much appreciate her assistance, and thank her for her willingness to help.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR 1997—CONFERENCE REPORT

The PRESIDING OFFICER. The hour of 6 o'clock has arrived. The question is on agreeing to the conference report on the supplemental appropriations bill, H.R. 1469.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

I further announce that if present and voting the Senator from Vermont [Mr. JEFFORDS] would vote "yea."

Mr. FORD. I announce that the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—67

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Enzi
Feinstein
Frist
Glenn
Gorton
Grams
Grassley
Hatch
Hutchinson
Hutchison
Inhofe
Johnson
Kempthorne
Kerrey
Kerry
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Reed
Reid

Robb
Roberts
Rockefeller
Roth
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—31

Akaka
Biden
Bingaman
Byrd
Cleland
Dodd
Durbin
Faircloth
Feingold
Ford
Graham
Gramm
Gregg
Hagel
Harkin
Helms
Hollings
Inouye
Kennedy
Kohl
Kyl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Nickles
Santorum
Sarbanes
Sessions
Smith (NH)

NOT VOTING—2

Jeffords
Lieberman

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998—CONFERENCE REPORT

The Senate continued with the consideration of the concurrent resolution.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are going to vote on the budget resolution in just a moment.

I want to announce that the House passed the Senate budget resolution 333 to 99. We passed it 78 to 22.

I believe the reason we have not gotten a balanced budget in the past is we have not had a President and a Congress in accord. And I think we are going to get a balanced budget.

In recent years, however, the obstacles to the Federal budget have been primarily a question of finding a working consensus between the Executive and the Congress. Today we have a consensus on this issue. Of course, each of us along might have designed the plan differently, but then we might have had a consensus. Yes I personally think we should have done more in entitlement spending programs that still threaten the foundation of this house we build today, but for today we must do what we can to. And I ask you to vote as you did on May 23 and adopt this conference agreement.

Mr. LAUTENBERG. We yield all the time we had.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. STEVENS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

I further announce that, if present and voting, the Senator from Vermont [Mr. JEFFORDS] would vote "yea."

Mr. FORD. I announce that the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—76

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inouye
Johnson
Kempthorne
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thurmond
Torricelli
Warner
Wyden

NAYS—22

Allard
Ashcroft
Bumpers
Coats
Enzi
Faircloth
Gramm
Grams
Helms
Hollings
Inhofe
Kennedy
Kerry
Kyl
Moynihan
Reed
Sarbanes
Smith (NH)
Specter
Thomas
Thompson
Wellstone

NOT VOTING—2

Jeffords
Lieberman

The conference report was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will shortly adjourn over until Monday at noon, 12 o'clock. I announce to all Senators that no votes will occur on Monday prior to the hour of 5 p.m. I expect a lengthy period of morning business on Monday to accommodate a number of requests, and I will update the Democratic leader at a later time with respect to potential legislation the Senate may consider on Monday. We have already had one conversation about that, and we will have some more here in a few minutes.

Before I consider two housekeeping items, I would like to thank all Senators for their cooperation this week. The Senate has now passed a budget resolution outlining a long overdue balanced budget for our Nation, and I congratulate all those Senators who have participated in the negotiations. Again, I thank Senator DOMENICI, the chairman of Budget Committee, and Senator LAUTENBERG, who also has worked with us getting through some problems we ran into. They both did an excellent job. The Senate also adopted the supplemental appropriations conference report. Consequently, I think this has been a good week, and I hope we can continue that next week.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY TO THE THREAT POSED BY WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month report on the national emergency declared by Executive Order 12938 of November 14, 1994, in response to the threat posed by the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction") and of the means of delivering such weapons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 5, 1997.*

MESSAGES FROM THE HOUSE

At 3:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

At 7:04 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House agrees to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2058. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the Selected Acquisition Reports for the period October 1 through December 31, 1996; to the Committee on Armed Services.

EC–2059. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "State Program" (CO-034-FOR) received on May 23, 1997; to the Committee on Energy and Natural Resources.

EC–2060. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "The Railroad Retirement Financial Improvement Act of 1997"; to the Committee on Labor and Human Resources.

EC–2061. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "The Railroad Retirement and Railroad Unemployment Insurance Amendments Act of 1997"; to the Committee on Labor and Human Resources.

EC–2062. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "The Railroad Retirement and Railroad Unemployment Insurance Penalty Amendments Act of 1997"; to the Committee on Labor and Human Resources.

EC–2063. A communication from the Assistant Secretary of Labor for Employment Standards, transmitting, pursuant to law, a rule entitled "Nondisplacement of Qualified Workers Under Certain Contracts" (RIN1215-AA95) received on May 22, 1997; to the Committee on Labor and Human Resources.

EC–2064. A communication from the Chairperson of the U.S. National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–2065. A communication from the Secretary of Health and Human Services, transmitting, drafts of legislative proposals relative to public health for fiscal year 1998; to the Committee on Labor and Human Resources.

EC–2066. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, two rules including a rule entitled "Food Labeling"; to the Committee on Labor and Human Resources.

EC–2067. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, two rules entitled "The William D. Ford Federal Direct Loan Program" (RIN1840-AC42) received on June 2, 1997; to the Committee on Labor and Human Resources.

EC–2068. A communication from the Congressional Review Coordinator of the Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Gypsy Moth Generally Infested Areas" received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2069. A communication from the Acting Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "1997 Marketing Quota" received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2070. A communication from the Chief of the Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "The Environmental Quality Incentives Program" (RIN0578-AA19) received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2071. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled "U.S. Standards for Grades of Apple"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2072. A communication from the Administrator of the Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled "Exemptions of RUS Operational Controls" received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2073. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2074. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Argentina; to the Committee on Banking, Housing, and Urban Affairs.

EC–2075. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of two rules including a rule entitled "Community Support Requirements," received on June 2, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2076. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2077. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–2078. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–2079. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to Endangered and Threatened Wildlife and Plants, (RIN1018-AE10) received on June 4, 1997; to the Committee on Environment and Public Works.

EC–2080. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, a report of a building project survey for the Department of Transportation; to the Committee on Environment and Public Works.

EC–2081. A communication from the Administrator of the General Services Administration, transmitting, a prospectus for construction of a building for the Bureau of Alcohol, Tobacco, and Firearms; to the Committee on Environment and Public Works.

EC–2082. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, two rules including a rule relative to Approval and Promulgation of Implementation Plans, (RIN2070-AB78, FRL-5829-9) received on June 4, 1997; to the Commmittee on Environment and Public Works.

EC–2083. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, the report on the Toxic Release Inventory (TRI); to the Committee on Environment and Public Works.

EC–2084. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on Environmental Monitoring of Organotin; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–123. A resolution adopted by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, New Jersey relative to the Mud Dump Site; to the Committee on Environment and Public Works.

POM–124. A resolution adopted by the Borough Council of the Borough of Tinton Falls, New Jersey relative to the Mud Dump Site; to the Committee on Environment and Public Works.

POM–125. A resolution adopted by the Mayor and Council of the Borough of Fair Haven, New Jersey relative to the Mud Dump Site; to the Committee on Environment and Public Works.

POM–126. A resolution adopted by the Romanian Community of Sacramento, California relative to the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

POM–127. A resolution adopted by the Board of Commissioners of the Metropolitan Knoxville (Tennessee) Airport Authority relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

POM–128. A resolution adopted by the Legislature of the State of Michigan; to the Committee on Finance.

SENATE RESOLUTION NO. 20

Whereas, The federal unified gift and estate tax generates a minimal amount of federal revenue, especially considering the high cost of collection and compliance, and in fact has been shown to decrease these federal revenues from what they might otherwise have been; and

Whereas, This "Death Tax" has been identified as destructive to job opportunity and expansion, especially to minority entrepreneurs and family farmers; and

Whereas, The "Death Tax" causes severe hardship to growing family businesses and family farming operations, often to the point of partial or complete forced liquidation. This deprives state and local governments of an important, ongoing source of revenue; and

Whereas, Critical state and local leadership assets are unnecessarily destroyed and forever lost to the future detriment of the community through the relocation and liquidation associated with the tax; and

Whereas, Local and state schools, churches, and numerous other charitable activities would greatly benefit from the increased employment and continued family business leadership resulting from the repeal of the tax; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to repeal the federal unified gift and estate tax; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the Treasury of the United States, and the members of the Michigan congressional delegation.

POM–129. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, Since its establishment following World War II, the North Atlantic Treaty Organization has played a key role in helping to bring stability to the world. In addition to its strategic significance, NATO has fostered economic and social benefits through increased communications and various programs. This success is built on the commitment of its member nations to ideals of democracy and opposition to oppression; and

Whereas, The role that NATO plays in encouraging peace and progress is especially apparent to the Baltic nations of Estonia, Latvia, and Lithuania. The Baltic states, through their individual histories, especially their common experiences in this century, are well aware of the need for unity among people devoted to self-determination. The irreversible commitment to democracy in Estonia, Latvia, and Lithuania is among the many conditions that are the foundation of NATO; and

Whereas, While much has changed in Europe over the past decade, there remain many reminders of threats to security in the region. Situations in several areas illustrate the role for NATO and the need for it to include the nations of the Baltic states; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President and the Congress of the United States to work for the admission of Latvia, Estonia, and Lithuania into the North Atlantic Treaty Organization; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–130. A resolution adopted by the House of the General Assembly of the Commonwealth of Kentucky; to the Committee on Foreign Relations.

HOUSE RESOLUTION

Whereas, the noble people of Ethiopia have developed and nourished a proud and distinguished culture that has endured for three millennia; and

Whereas, Ethiopia has had a long and productive friendship with the United States of America; and

Whereas, the people of the United States have responded generously and magnificently to the plight of Ethiopian famine victims through the provision of humanitarian aid; and

Whereas, the winds of democratic change have blown dramatically and ferociously across the former Soviet Union, Eastern Europe, Latin America, many parts of Africa, and now to Ethiopia; and

Whereas, Ethiopia is poised at a crucial juncture in its history because it is making a regression toward non-democratic one-party rule of Ethiopian People's Revolutionary Democratic Front (EPRDF); and

Whereas, the ascendance of the Ethiopian People's Revolutionary Democratic Front and its policy of promoting ethnic federalism have engendered animosity among nationalities of Ethiopia; and

Whereas, such governmental policies and practices have contributed to the severity of strained relations in Ethiopia by misdirected bureaucratic cleansing, arbitrary arrest, and detention of the prominent physician professor Asrat Woldeyes and many other prisoners of conscience, recognized as such by Amnesty International and the indigenous Ethiopian Human Rights Council (EHRC); and

Whereas, the people of Ethiopia are aspiring to resolve their complicated problems through the formation and utilization of democratic institutions and maximum citizen input; and

Whereas, the basic underpinning of democratic institutions in the new Ethiopia should be the supremacy of the will of the people and the guarantee of the rule of the people; and

Whereas, the Ethiopian government should adhere to the United Nations Universal Declaration of Human Rights, which encourages freedom of speech, assembly, religion, and press, guarantees all basic rights, and discourages ethnocentric politics and ethnic reservations; and

Whereas, it is crucial that the diverse voices, opinions, and philosophies of the people be expressed in promoting political, economic, and social progress and justices in Ethiopia; and

Whereas,, a multiparty government may be the most egalitarian, feasible, and productive political arrangement in providing suffrage and in overcoming monumental obstacles; and

Whereas, the President Bill Clinton and the Congress of the United States will play a crucial role in promoting the peaceful resolution of the immense problems of war ravaged Ethiopia; and

Whereas, the implementation of a democratic, multiparty government in Ethiopia should be a long-range foreign policy goal of the United States Government;

Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That the Honorable House of Representatives continue to encourage the formation of democratic institutions, multiparty participation, progressive social change, and respect for fundamental human rights in Ethiopia, including freedom of association and expression.

SECTION 2. The President and the Congress of the United States should be encouraged to use every possible means at their command to examine the policy, that recognizes and evaluates the political conditions that exist in Ethiopia with a view to ensure the prevention of the shocking brutality of ethnic warfare elsewhere in Africa from spreading to Ethiopia.

SECTION 3. The Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to the Honorable Bill Clinton, President, 1600 Pennsylvania Avenue, Washington, D.C. 20500; the Honorable Albert Gore, Vice President, Old Executive Office Building, Washington, D.C. 20510; the Honorable Madeleine K. Albright, 2201 "C" Street, N.W., Washington, D.C. 20520; His Excellency Berhane Gebre-Chrispof, Embassy of Ethiopia, 2134 Kalorama Road, N.W., Washington, D.C. 20008; the Honorable Newt Gingrich, Speaker of the House of Representatives, 2428 Rayburn House Office Building, Washington, D.C. 20515–1006; the Honorable Wendell H. Ford, 173A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Mitch McConnell, 361A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Ed Whitfield, 236 Cannon House Office Building, Washington, D.C. 20515; the Honorable Ron Lewis, 412 Cannon House Office Building, Washington, D.C. 20515; the Honorable Anne Northup, 1004 Longworth Office Building, Washington, D.C. 20515; the Honorable Jim Bunning, 2437 Rayburn House Office Building, Washington, D.C. 20515; the Honorable Harold Rogers, 2468 Rayburn House Office Building, Washington, D.C. 20515; and the Honorable Scotty Baesler, 113 Cannon House Office Building, Washington, D.C. 20515.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 289. A bill to designate the United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

S. 347. A bill to designate the Federal building located at 100 Alabama Street NW, in Altanta, Georgia, as the "Sam Nunn Federal Center."

S. 478. A bill to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse."

S. 628. A bill to designate the United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, as the "Reynaldo G. Garza United States Courthouse."

S. 681. A bill to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Courthouse."

S. 715. A bill to redesignate the Dublin Federal Courthouse building located in Dublin, Georgia, as the "J. Roy Rowland Federal Courthouse."

S. 819. A bill to designate the United States courthouse at 200 South Washington

Street in Alexandria, Virginia, as the "Martin V.B. Bostetter, Jr. United States Courthouse."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Michael J. Armstrong, of Colorado, to be an Associate Director of the Federal Emergency Management Agency.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Brigadier General Robert Bernard Flowers, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Jackie M. Clegg, of Utah, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2001.

James A. Harmon, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2001.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS:

S. 830. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SHELBY (for himself, Mr. Bond, Mr. Hagel, Mr. Hutchinson, and Mr. Coverdell):

S. 831. A bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KOHL (for himself, Mr. Kerrey, Mr. Harkin, Mr. Hatch, Mr. Hagel, and Mr. Grassley):

S. 832. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. DeWine, Mr. Glenn, and Mr. Hatch):

S. 833. A bill to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the "Howard M. Metzenbaum United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. Reed):

S. 834. A bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself and Mr. Levin):

S. 835. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of effectively connected investment income of insurance companies; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. McConnell, Mr. Coverdell, Mr. Santorum, Mr. McCain, and Mr. Ashcroft):

S. 836. A bill to offer small businesses certain protections from litigation excesses; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. Hatch, and Mr. Craig):

S. 837. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

By Mr. BRYAN (for himself, Mr. Bond, and Ms. Moseley- Braun):

S. 838. A bill to amend the Securities Exchange Act of 1934 to eliminate legal impediments to quotation in decimals for securities transactions in order to protect investors and to promote efficiency, competition, and capital formation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mrs. Murray):

S. 839. A bill to improve teacher mastery and use of educational technology; to the Committee on Labor and Human Resources.

By Mr. GRAHAM:

S. 840. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from tax gain on sale of a principal residence; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. Baucus):

S. 841. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. Breaux, Mr. Craig, and Mr. Hutchinson):

S. 842. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. Baucus, and Mr. Mack):

S. 843. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 844. A bill to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998; to the Committee on Governmental Affairs.

By Mr. LUGAR (for himself, Mr. Harkin, Mr. McConnell, Mr. Santorum, Mr. Roberts, Mr. Cochran, Mr. Craig, Mr. Grassley, Mr. Daschle, Mr. Leahy, Mr. Kerrey, Mr. Baucus, Ms. Landrieu, Mr. Johnson, and Mr. Conrad):

S. 845. A bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes; to the Committee on Governmental Affairs.

By Mr. AKAKA:

S. 846. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Mr. COATS (for himself, Mr. Lieberman, Mr. Brownback, Mr. Ashcroft, Mr. Coverdell, and Mr. Gregg):

S. 847. A bill to provide scholarship assistance for District of Columbia elementary and secondary school students; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI (for himself and Mr. Baucus):

S. 848. A bill to direct the Secretary of Health and Human Services, through the Health Care Financing Administration, to expand and strengthen the demonstration project known as the Medicare telemedicine demonstration program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 96. A resolution proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. Robb):

S. Res. 97. A resolution expressing the sense of the Senate that the President should designate the month of June 1997, the fiftieth anniversary of the Marshall Plan, as George C. Marshall month, and for other purposes; considered and agreed to.

By Mr. D'AMATO (for himself, Mr. Bond, Mr. Mack, and Mr. Specter):

S. Con. Res. 31. A concurrent resolution concerning the Palestinian Authority and the sale of land to Israelis; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS:

S. 830. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

Mr. JEFFORDS. Mr. President, today I am introducing legislation to modernize the Food and Drug Administration [FDA] and reauthorize the Prescription Drug User Fee Act for 5 years. This legislation comes as result of over 3 years of consideration by the Congress on steps that could be taken by the agency that would contribute to its mandate to protect the American public while ensuring that life-saving products could be made more readily available.

FDA acknowledges that its mandate also requires it to regulate over one-third of our Nation's products. Within its purview the FDA regulates virtually all of the food and all of the cosmetics, medical devices, and drugs made available to our citizens. I believe, and several members of the Labor Committee share my belief, that in an organization the size of FDA there is always room for improvement and modernization. Our objective, which this legislation achieves, was identify areas where improvements could be made that will strengthen the agency's ability to approve safe and effective products more expeditiously.

Last year, both the House and the Senate held numerous and extensive hearings on countless proposals for modernizing and reforming the FDA. The Senate Labor and Human Resources Committee successfully reported a bipartisan bill that sought to accomplish many of those reforms. But last year, acrimonious issues remained, time ran out and the bill did not receive floor consideration. This year I have resolved to move forward. I have been committed to addressing last year's most controversial issues. I believe that the legislation I am introducing today addresses virtually all of objections raised last year both in process and in content. This is a better bill and I believe that upon examination, my colleagues will agree that it accomplishes its goal.

I want to comment a moment on the open, consensus-building process we followed in developing this legislation. The Labor Committee held two hearings. During the first the committee received testimony from the principal FDA Deputy Commissioner, Dr. Michael Friedman, and all of the FDA Center Directors. The second hearing included representatives from patient and consumer coalitions and from the food, drug, and medical device sectors regulated by the FDA. Committee members learned from the agency of the administrative reforms and the progress it has already undertaken, areas that remain a challenge, and those areas that require legislative authority to change. The committee listened to consumers' concerns with provisions that were considered last year that they felt would weaken the FDA's ability to protect the public health. Finally, the committee learned of the ongoing and needless delays and frustrations facing health care and consumer product sectors of our economy in working with the FDA. The committee learned of the frustrated attempts to work through the bureaucratic labyrinth of needless regulatory delays. Delays that prohibited people from getting access to vitally needed, life saving medical treatments, drugs, and devices.

Since the finish of the committee's hearings we have engaged in an open, collaborative process that has given voice to each party wishing to be heard. For many of these meetings it is worth noting that the agency was a full, cooperating participant and we would not have been able to make the progress made without FDA's collaboration. Several meetings, essentially roundtable discussions, have occurred with bipartisan committee staff, the FDA, and each of the several sectors regulated by the agency. These meetings have given all the participants an opportunity to discuss problems and potential solutions and have been the basis for the consensus bill I am introducing today. Finally, committee staff have had numerous meetings to discuss key provisions in the bill with a wide range of consumer groups including, among others, the Patient Coalition, Public Citizen, the Centers for Science in the Public Interest, the Pediatric AIDS Foundation, and the National Organization for Rare Diseases. It should be clear that no person or group was excluded from this deliberative process.

Let me turn to the content of this measure and the steps we have taken to respond to the controversies raised last year. Five key objections were raised against the FDA reform bill that had been reported on a strong bipartisan vote from the Labor and Human Resources Committee during the last Congress. In that vein, we have sought to and have accomplished addressing each of the substantive concerns raised by the minority.

Last year's measure was criticized by some for the number of mandatory, but shortened, product review time frames that critics said would overburden the FDA and for the hammers that would have required FDA to contract out some product reviews or to give priority to products approved abroad. Today's legislation eliminates most of the mandatory time frames and retains only those necessary to ensure collaborative, more efficient reviews or to facilitate quick reviews of low risk products. The contracting out and European review hammers that would have forced FDA actions have been eliminated.

Last year's provision allowing for third party, outside expert review were criticized for turning central regulatory authority decisions over to private industry, creating conflicts of interest, and depriving FDA of resources and expertise. Today's legislation adopts FDA's current system for accrediting and selecting third-party review organizations. The bill expands FDA's current pilot third-party review program beyond just the lowest risk devices and FDA retains final approval for all devices. Devices that are life-supporting, life-sustaining, or implantable are excluded from third-party review. FDA may allow third-party review for higher risk devices at its sole discretion. This approval will allow FDA to retain, augment, and focus its expertise, at its discretion, on critical areas of its expanding workload.

Last year's bill would have required FDA to contract out review of food additive petitions, medical devices, and drugs. Critics argued these changes would weaken consumer protections. We have modified these provisions to give FDA express authority to contract out when deemed by FDA to be more efficient or to add needed expertise.

This year the collaborative effort has continued. During our meetings FDA identified a number of enforcement powers that the agency believes will enhance its ability to protect the public health. We have included a number of FDA's specific requests. Many patient and consumer groups raised concerns about insufficient safeguards related to the fast-track drug approval process and the provision improving accelerated access to investigational products and we have adopted several of their key concerns.

I would close by saying that this measure embodies a reasonable, moderate approach to balancing the agency's mandate to regulate over one-third of our Nation's economy and provide for the public health and safety with the compelling need to provide new, improved, safe, and effective products to the American public. It is a good bill and I look forward to working with my colleagues to improve it even further.

By Mr. SHELBY (for himself, Mr. BOND, Mr. HAGEL, Mr. HUTCHINSON, and Mr. COVERDELL):

S. 831. A bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes; to the Committee on Governmental Affairs.

THE STEALTH TAX PREVENTION ACT

Mr. SHELBY. Mr. President, I rise today to introduce the Stealth Tax Prevention Act. Perhaps the most important power given to the Congress in the Constitution of the United States is bestowed in article I, section 8—the power to tax. This authority is vested in Congress because, as elected representatives, Congress remains accountable to the public when they lay and collect taxes.

Last year, Mr. President, Congress passed the Congressional Review Act of 1996, which provides that when a major agency rule takes effect, Congress has 60 days to review it. During this time period, Congress has the option to pass a disapproval resolution. If no such resolution is passed, the rule then goes into effect.

The Internal Revenue Service, as the President here knows, has enormous power to affect the lives and the livelihoods of American taxpayers through their authority to interpret the Tax Code. The Stealth Tax Prevention Act that I am introducing today, along with Senator BOND and Senator HAGEL, will expand the definition of a major rule to include, Mr. President, any IRS regulation which increases Federal revenue. Why? Because we desperately need this today.

For example, if the Office of Management and Budget finds that the implementation and enforcement of a rule has resulted in an increase of Federal revenues over current practices or revenues anticipated from the rule on the date of the enactment of the statute under which the rule is promulgated. Therefore, the Stealth Tax Prevention Act will allow Congress to review the regulation and take appropriate measures to avoid raising taxes on hardworking Americans, in most cases, small businesses.

Mr. President, the Founding Fathers' intent, as you know, was to put the power to lay and collect taxes in the hands of elected Members of Congress, not in the hands of bureaucrats who are shielded from public accountability. It is appropriate, I believe, that the IRS's breach of authority is addressed, in light of the fact that we are celebrating this week Small Business Week.

The discretionary authority of the Internal Revenue Service exposes small businesses, farmers, and others to the arbitrary whims of bureaucrats, thus creating an uncertain and, under certain cases, hostile environment in which to conduct day-to-day activities. Most of these people do not have lobbyists that work for them, other than their elected Representatives, the way it should be. The Stealth Tax Prevention Act will be particularly helpful in lowering the tax burden on small business which suffers disproportionately, Mr. President, from IRS regulations. This burden discourages the startup of new firms and ultimately the creation of new jobs in the economy, which has really made America great today.

Americans pay Federal income taxes. They, Mr. President, as you well know, pay State income taxes. They pay property taxes. On the way to work in the morning they pay a gasoline tax when they fill up their car, and a sales tax when they buy a cup of coffee.

Mr. President, average Americans in small businesses are saddled with the highest tax burden in our country's history.

Allowing bureaucrats to increase taxes even further, at their own discretion through interpretation of the Tax Code is intolerable. The Stealth Tax Prevention Act will leave tax policy where it belongs, to elected Members of the Congress, not unelected and unaccountable IRS bureaucrats.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL REVIEW OF INTERNAL REVENUE SERVICE RULES THAT INCREASE REVENUE.

(a) SHORT TITLE.—This Act may be cited as the "Stealth Tax Prevention Act".

(b) IN GENERAL.—Section 804(2) of title 5, United States Code, is amended to read as follows:

"(2) The term 'major rule'—

"(A) means any rule that—

"(i) the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

"(I) an annual effect on the economy of $100,000,000 or more;

"(II) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

"(III) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

"(ii)(I) is promulgated by the Internal Revenue Service; and

"(II) the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds that the implementation and enforcement of the rule has resulted in or is likely to result in any net increase in Federal revenues over current practices in tax collection or revenues anticipated from the rule on the date of the enactment of the statute under which the rule is promulgated; and

"(B) does not include any rule promulgated under the Telecommunications Act of 1996 and the amendments made by that Act.".

Mr. BOND. Mr. President, I rise today to join my distinguished colleague from Alabama, Senator SHELBY, in introducing legislation to ensure that the Treasury Department's Internal Revenue Service does not usurp the power to tax—a power solely vested in Congress by the U.S. Constitution. The Stealth Tax Prevention Act will ensure that the duly elected representatives of the people, who are accountable to the electorate for our actions, will have discretion to exercise the power to tax. This legislation is intended to curb the ability of the Treasury Department to bypass Congress by proposing a tax increase without the authorization or consent of Congress.

The Stealth Tax Prevention Act builds on legislation passed unanimously by the Senate just over 1 year ago. As chairman of the Committee on Small Business, I authored the Small Business Regulatory Enforcement Fairness Act—better known as the Red Tape Reduction Act—to ensure that small businesses are treated fairly in agency rulemaking and enforcement activities. Subtitle E of the Red Tape Reduction Act provides that a final rule issued by a Federal agency and deemed a major rule by the Office of Information and Regulatory Affairs of the Office of Management and Budget cannot go into effect for at least 60 days. This delay is to provide Congress with a window during which it can review the rule and its impact, allowing time for Congress to consider whether a resolution of disapproval should be enacted to strike down the regulation. To become effective, the resolution must pass both the House and Senate and be signed into law by the President or enacted as the result of a veto override.

The bill Senator SHELBY and I introduce today amends this law to provide that any rule issued by the Treasury Department's Internal Revenue Service that will result in a tax increase—any increase—will be deemed a major rule by OIRA and, consequently, not go into effect for at least 60 days. This procedural safeguard will ensure that the Department of the Treasury and its Internal Revenue Service cannot make an end-run around Congress, as it is currently attempting with the stealth tax it proposed on January 13.

As my colleagues are aware, the IRS has issued a proposal that is tantamount to a tax increase on businesses structured as limited liability companies. The IRS proposal disqualifies a taxpayer from being considered as a limited partner if he or she "participates in the partnership's trade or business for more than 500 hours during a taxable year" or is involved in a "service" partnership, such as lawyers, accountants, engineers, architects, and health-care providers.

The IRS alleges that its proposal merely interprets section 1402(a)(13) of the Tax Code, providing clarification, when in actuality it is a tax increase by regulatory fiat. Under the IRS proposal, disqualification as a limited partner will result in a tax increase on income from both capital investments as well as earnings of the partnership. The effect will be to add the self-employment tax—12.4 percent for social security and 2.9 percent for Medicare—to income from investments as well as earnings for limited partners that under current rules can exclude such income from the self-employment tax.

Under the bill introduced today, the tax increase proposed by the Internal Revenue Service of the Treasury Department, if later issued as a final rule, could not go into effect for at least 60 days following its publication in the Federal Register. This window, which coincides with issuance of a report by the Comptroller General, would allow Congress the opportunity to review the rule and vote on a resolution to disapprove the tax increase before it is applied to a single taxpayer.

The Stealth Tax Prevention Act strengthens the Red Tape Reduction Act and the vital procedural safeguards it provides to ensure that small businesses are not burdened unnecessarily by new Federal regulations. Congress enacted the 1966 provisions to strengthen the effectiveness of the Regulatory Flexibility Act, a law which had been ignored too often by Government agencies, especially the Internal Revenue Service. Three of the top recommendations of the 1995 White House Conference on Small Business sought reforms to the way Government regulations are developed and enforced, and the Red Tape Reduction Act passed the Senate without a single dissenting vote on its way to being signed into law last year. Despite the inclusion of language in the 1996 amendments that expressly addresses coverage of IRS interpretative rules, we find ourselves faced again with an IRS proposal that was not issued in compliance with the Regulatory Flexibility Act.

As 18 of my Senate colleagues and I advised Secretary Rubin in an April letter, the proposed IRS regulation on limited partner taxation is precisely the type of rule for which a regulatory flexibility analysis should be done. Although, on its face, the rulemaking seeks merely to define a limited partner or to eliminate uncertainty in determining net earnings from self-employment, the real effect of the rule would be to raise taxes by executive fiat and expand substantially the spirit and letter of the underlying statute. The rule also seeks to impose on small businesses a burdensome new recordkeeping and collection of information requirement that would affect millions of limited partners and members of limited liability companies. The Treasury's IRS proposes this stealth tax increase with the knowledge that Congress declined to adopt a similar tax increase in the Health Security Act proposed in 1994—a provision that the Congressional Joint Committee on Taxation estimated in 1994 would have resulted in a tax increase of approximately $500 million per year.

The Stealth Tax Prevention Act would remove any incentive for the Treasury Department to underestimate the cost imposed by an IRS proposed or final rule in an effort to skirt the administration's regulatory review process or its obligations under the Regulatory Flexibility Act. By amending the definition of major rule under the Congressional Review Act, which is subtitle E of the Red Tape Reduction Act, we ensure that an IRS rule that imposes a tax increase will be a major rule, whether or not it has an estimated annual effect on the economy of $100,000,000. Our amendment does not change the trigger for a regulatory flexibility analysis, which still will be required if a proposed rule would have a significant economic impact on a substantial number of small entities. We believe the heightened scrutiny of IRS regulations called for by this legislation will provide an additional incentive for the Treasury Department's Internal Revenue Service to meet all of its procedural obligations under the Regulatory Flexibility Act and the Red Tape Reduction Act.

I urge my colleagues to join Senator SHELBY and me in supporting this important legislation to ensure that the IRS not usurp the proper role of Congress—nor skirt its obligations to identify the impact of its proposed and final rules. Rules such as that currently proposed by the IRS should be carefully scrutinized by Congress. When the Department of the Treasury issues a final IRS rule that increases taxes, Congress should have the ability to exercise its discretion to enact a resolution of disapproval before the rule is applicable to a single taxpayer. The Stealth Tax Prevention Act Senator SHELBY and I introduce today provides that opportunity.

By Mr. KOHL (for himself, Mr. KERREY, Mr. HARKIN, Mr. HATCH, Mr. HAGEL, and Mr. GRASSLEY):

S. 832. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service; to the Committee on Finance.

THE BUSINESS MEAL DEDUCTION FAIRNESS ACT OF 1997

Mr. KOHL. Mr. President, as my colleagues know, I am one of this body's strongest advocates for deficit reduction. I attribute much of my deep commitment to this goal to my days in business. As a businessman, I learned that you must balance your books and live within your means. I also learned that you must treat people fairly and admit when you have made a mistake. I have come to the floor to acknowledge that a mistake has been made, and must be corrected.

In August 1993 we passed the omnibus budget reconciliation bill. I am proud to say that this legislation has helped to produce falling deficits and sustained economic growth. However, in our efforts to get our fiscal house in order we unfairly penalized a group of hard working, middle-class Americans: transportation workers. It is for this reason that I rise today, to reintroduce the business meal deduction fairness bill. This measure would increase the deductibility of business meals, from 50 to 80 percent, for individuals who are required to eat away from home due to the nature of their work.

In the 1993 reconciliation bill was a provision which lowered the deductible portion of business meals and entertainment expenses from 80 to 50 percent. The change was aimed at the so-called three martini lunches and extravagant entertainment expenses of Wall Street financiers and Hollywood movie moguls. Unfortunately, the change also hit the average truck driver who eats chicken fried steak, hot roast beef sandwiches, and meatloaf in truck stops. And while those who entertain for business purposes can change their practices based on the tax law change, long-haul transportation workers often have no choice but to eat on the road.

For these workers, the 1993 decrease in the meal deduction has translated into an undeserved decrease in take home pay. For example, when the allowable deduction was dropped in 1993, it increased taxes on an average truck driver $700 to $2,000 per year. This is a huge increase for a truck driver who normally earns $27,000 to $35,000 per year.

Our legislation would increase the take-home pay of hard working, middle-class Americans who were inadvertently hurt by changes in the tax law in 1993. Workers who, due to regulations limiting travel hours, must eat out. They have no control over the length of their trips, the amount of time they must rest during a delivery, or, in many cases, the places they can stop and eat. This legislation is straight forward. It would simply restore the business meal expense deduction to 80 per cent for individuals subject to the Department of Transportation's hours-of-service limitations.

I will be the first to admit that the budget deficit is the No. 1 economic problem facing this country. Since being elected to the Senate, I have fought to eliminate this destructive drain on our ability to grow and compete in the world economy, but I have fought to do so in a fair manner. The 1993 reconciliation bill closed a loophole and unintentionally trapped some very hard working Americans. We need to acknowledge that a mistake was made and take the opportunity of a tax bill moving this year to fix that mistake. Therefore my colleagues, Senators KERREY, HARKIN, HATCH, HAGEL, GRASSLEY and I are requesting the support and assistance of this entire body to ensure that the business meal deduction fairness bill becomes law. Mr. President, I ask unanimous consent that a copy of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed by an individual during, or incident to, any period of duty which is subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1997.

By Mr. LAUTENBERG (for himself, Mr. DEWINE, Mr. GLENN, and Mr. HATCH):

S. 833. A bill to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the "Howard M. Metzenbaum United States Courthouse"; to the Committee on Environment and Public Works.

THE HOWARD M. METZENBAUM UNITED STATES COURTHOUSE DESIGNATION ACT OF 1997

Mr. LAUTENBERG. Mr. President, I rise today to congratulate my dear friend and former colleague, Howard Metzenbaum, on the occasion of his 80th birthday. In his honor, I am introducing a bill that would designate the Federal Building Courthouse in Cleveland, OH, as the "Howard M. Metzenbaum United States Courthouse." I am joined by Ohio's two Senators, Senator GLENN and Senator DEWINE.

Mr. President, I propose naming a courthouse after Howard because a courthouse is a symbol of justice where all people can come and be treated equally under the law. Howard Metzenbaum deserves this honor because he was a dedicated public servant, who served his home State of Ohio for 18 years in the U.S. Senate. Howard's sense of fairness and equality for all Americans led one of his former colleagues to suggest that Howard would have made an exceptional U.S. Supreme Court Justice when he retired from the Senate in 1994.

Mr. President, naming a courthouse after Howard is only a small gesture in attempting to remember a man so committed to justice and fairness. Howard's contributions to the Senate are extraordinary, so we should commemorate his unique contribution by celebrating his 80th year, his 18 years in the United States Senate, and also the special character he brought to our body.

I pay tribute today to a man who always stood up for what he believed was right, fighting hard to preserve opportunity for those yet to come. As a Senator, Howard had a broad range of interests and he pursued them with dogged perseverance, sincerity, and clarity.

Howard and I worked on many issues together during our time in the Senate. Individual rights and environmental preservation were major concerns. He poured his energy into clean air protection, nuclear regulation, cleaning up superfund sites, and recycling. Howard provided strong leadership on antitrust issues as Chairman of the Subcommittee on Antitrust, Monopolies and Business Rights on the Judiciary Committee.

He was a persistent gun control advocate, taking the lead on many antigun initiatives in the Senate. He was one of the lead sponsors of the Brady bill handgun purchase waiting period, as well as the bans on assault weapons and plastic explosives.

But Howard's true passions lay with America's underprivileged and needy communities, which never had a bolder champion. His work on behalf of the poor, the disabled, and the elderly reflect his remarkable compassion for those members of society who face challenges that many of us cannot fully appreciate. He tirelessly defended their interests and fought for their protection. He was dedicated to eradicating discrimination, ensuring adequate health care to those in need, and boosting public education. It has been said many times, but for good reason, that Howard brought not only his conscience to the Senate, but also the courage to act on his convictions.

Howard remains a good friend to me, but he was also a mentor and a teacher during his years in the Senate. He gave me good advice and plenty of it. And, I might add, he continues to do so today, which I welcome. But more than that, his dedication to the office of United States Senator is an example by which to live. He stood tall for the little people.

Some will affectionately remember Howard as determined, argumentative, and even "irascible." I cannot deny that those words come to my mind every now and then, when describing Howard. He was always at his best then, and for good reason. I heard it said by one Senator, and not a good friend: "If there wasn't a Metzenbaum here, we'd have to invent one to keep us alert."

I have missed working with Howard Metzenbaum in this great institution, a place that has been truly enhanced by his presence. I salute him on celebrating his 80th year.

I ask unanimous consent that the text of the bill appear at the appropriate place in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HOWARD M. METZENBAUM UNITED STATES COURTHOUSE.

The Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, shall be known and designated as the "Howard M. Metzenbaum United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building courthouse referred to in section 1 shall be deemed to be a reference to the "Howard M. Metzenbaum United States Courthouse".

By Mr. HARKIN (for himself and Mr. REED):

S. 834. A bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES; to the Committee on Labor and Human Resources.

THE DES RESEARCH AND EDUCATION AMENDMENTS OF 1997

Mr. HARKIN. Mr. President, today I am pleased to be joined by my distinguished colleague from Rhode Island, Senator REED, in introducing an important women's health initiative. The DES Research and Education Amendments of 1997 would extend and expand our effort to assist the over 5 million Americans who have been exposed to the drug, DES. Representative LOUISE SLAUGHTER, a long-time leader on this issue, is introducing companion legislation today in the other body.

Between 1938 and 1971, some 5 million American women were given the synthetic drug, diethylstilbestrol, commonly known as DES. Women were given the drug during pregnancy in the mistaken belief it would help prevent miscarriage. The drug was pulled from the market based on studies that found that it was ineffective and might result in damage to children born to the women who had been given it.

Since the 1970's, studies have shown that DES does damage the reproductive systems of those exposed in utero and increases these individuals' risk for cancer, infertility, and a wide range of other serious reproductive tract disorders. The women exposed in utero to DES are five times more likely to have an ectopic pregnancy and three times more likely to miscarry when they in turn try to have children. Studies also show that one of every thousand women exposed to DES in utero will develop clear cell cancer. Women who took DES have also been found to face a higher risk for breast cancer.

In 1992, while there had been a number of research studies on DES exposure and its effects, much more research was necessary. That year, President Bush signed legislation introduced by myself and Representative SLAUGHTER, that mandated a significant increase in DES research supported by the National Institutes of Health [NIH]. Our legislation also required NIH to support long-term studies of Americans impacted by this drug. Those studies are now underway and must be continued. The legislation we are introducing today will ensure that this critical medical research continues. In addition, there is now preliminary evidence that the grandkids of women who took DES may also be at higher risk for certain health problems, and this legislation would help ensure that further research into this is supported.

Another major problem in this area is that millions of Americans don't know the risks they face because of their exposure to DES. Many health professionals who see these people also lack sufficient information about DES exposure and the appropriate steps that should be taken to identify and assist their patients. As a result, many people do not seek or get the appropriate preventive care or take appropriate preventive measures to reduce their risks of adverse affects. For example, women exposed to DES in utero and therefore at higher risk of miscarriage may be able to reduce their risks with appropriate precautionary steps.

In an initial attempt to address this need for better information, our 1992 legislation required NIH to test ways to educate the public and health professionals about how to deal with DES exposure. The legislation we are introducing today would give people across the Nation access to the information developed through these pilot programs by requiring a national consumer and health professional education effort.

Mr. President, we took a very important step in 1992 to begin to address the significant problem presented by DES exposure. And we did it with strong bipartisan cooperation between a Democratic Congress and a Republican President. That legislation expires this year. We need to make sure that the progress we've made is continued. The 5 million Americans whose health is at risk are depending on us to work together to make sure that happens. I urge my colleagues to join me in support of that effort. I ask unanimous consent that a copy of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DES Research and Education Amendments of 1997".

SEC. 2. FINDINGS.

With respect to diethylstilbestrol (a drug commonly known as DES), the Congress finds as follows:

(1) DES was widely prescribed to American women from 1938 to 1971 in the mistaken belief it would prevent miscarriage. Approximately 5,000,000 pregnant women took the drug, resulting in DES exposure for approximately 5,000,000 daughters and sons.

(2) Studies conducted since the 1970s have shown that DES damages the reproductive systems of those exposed in utero and increases the risk for cancer, infertility, and a wide range of other serious reproductive tract disorders. These disorders include a five-fold increased risk for ectopic pregnancy for DES daughters and a three-fold increase in risk for miscarriage and preterm labor. Studies have indicated that exposure to DES may increase the risk for autoimmune disorders and diseases.

(3) An estimated 1 in 1,000 women exposed to DES in utero will develop clear cell cancer of the vagina or cervix. While survival rates for clear cell cancer are over 80 percent when it is detected early, there is still no effective treatment for recurrences of this cancer.

(4) Studies also indicate a higher incidence of breast cancer among mothers who took DES during pregnancy.

(5) While research on DES and its effects has produced important advances to date, much more remains to be learned.

(6) Preliminary research results indicate that DES exposure may have a genetic impact on the third generation—the children of parents exposed to DES in utero—and that estrogen replacement therapy may not be advisable for DES-exposed women.

(7) All DES-exposed individuals have special screening and health care needs, especially during gynecological exams and pregnancy for DES daughters, who should receive high risk care.

(8) Many Americans remain unaware of their DES exposure or ignorant about proper health care and screening. There remains a great need for a national education effort to inform both the public and health care providers about the health effects and proper health care practices for DES-exposed individuals.

SEC. 3. REVISION AND EXTENSION OF PROGRAM FOR RESEARCH AND AUTHORIZATION OF NEW NATIONAL PROGRAM OF EDUCATION REGARDING DRUG DES.

(a) PERMANENT EXTENSION OF GENERAL PROGRAM.—Section 403A(e) of the Public Health Service Act (42 U.S.C. 283a(e)) is amended by striking "for each of the fiscal years 1993 through 1996" and inserting "for fiscal year 1997 and each subsequent fiscal year".

(b) NATIONAL PROGRAM FOR EDUCATION OF HEALTH PROFESSIONALS AND PUBLIC.—From amounts appropriated for carrying out section 403A of the Public Health Service Act (42 U.S.C. 283a), the Secretary of Health and Human Services, acting through the heads of the appropriate agencies of the Public Health Service, shall carry out a national program for the education of health professionals and the public with respect to the drug diethylstilbestrol (commonly known as DES). To the extent appropriate, such national program shall use methodologies developed through the education demonstration program carried out under such section 403A. In developing and carrying out the national program, the Secretary shall consult closely with representatives of nonprofit private entities that represent individuals who have been exposed to DES and that have expertise in community-based information campaigns for the public and for health care providers. The implementation of the national program shall begin during fiscal year 1998.

By Mr. ABRAHAM (for himself, Mr. MCCONNELL, Mr. COVERDELL, Mr. SANTORUM, Mr. MCCAIN, and Mr. ASHCROFT):

S. 836. A bill to offer small businesses certain protections from litigation excesses; to the Committee on the Judiciary.

THE SMALL BUSINESS LAWSUIT ABUSE PROTECTION ACT OF 1997

Mr. ABRAHAM. Mr. President, I rise today to introduce the Small Business Lawsuit Abuse Protection Act of 1997. This bill will provide targeted relief from litigation excesses to small businesses.

Small businesses in Michigan and across the Nation have faced increasingly burdensome litigation and desperately need relief from unwarranted and costly lawsuits. While other sectors of our society and our economy also need relief from litigation excesses, small businesses by their very nature are particularly vulnerable to lawsuit abuses and especially unable to bear the high costs of unjustified and unfair litigation against them.

As this week is Small Business Week, it provides a fine opportunity for us to focus on relieving the burdens faced by small businesses. Small businesses represent the engine of our growing economy and provide countless benefits to communities across America. The Research Institute for Small and Emerging Business, for example, has estimated that there are over 20 million small businesses in America and that small businesses generate 50 percent of the country's private sector output.

When I was in Michigan last week over the Memorial Day recess, I heard story after story from small businesses about the constraints, limitations, and fear imposed on them by the threat of abusive and unwarranted litigation. I also heard about the high costs that they must pay for liability insurance. Those represent costs that could be going to expand small businesses, to provide more jobs, or to offer more benefits. According to a recent Gallup survey, one out of every five small businesses decides not to hire more employees, expand its business, introduce a new product, or improve an existing one out of fear of lawsuits.

Before the Memorial Day recess, Congress passed the Volunteer Protection Act, which—if signed by the President—will provide specific protections from abusive litigation to volunteers. The Senate passed that legislation by an overwhelming margin of 99 to 1. That legislation provides a model for further targeted reforms for sectors that are particularly hard hit and in need of immediate relief.

Small businesses have carried an often unbearable load from unwarranted and unjustified lawsuits. Data from San Diego's superior court published by the Washington Legal Foundation revealed that punitive damages were requested in 41 percent of suits against small businesses. It is unfathomable that such a large proportion of our small businesses are engaging in the sort of egregious misconduct that would warrant a claim of punitive damages. Unfortunately, those sort of findings are not unusual. The National Federation of Independent Business has reported that 34 percent of Texas small business owners have been sued or threatened with court action seeking punitive damages. Those figures are outrageously high and simply cannot have anything to do with actual wrongdoing.

We know of far too many examples of expensive and ridiculous legal threats faced by our small businesses that they must defend every day. In a case reported by the American Consulting Engineers Council, a drunk driver had an accident after speeding and bypassing detour signs. Eight hours after the crash, the driver had a blood alcohol level of 0.09. The driver sued the engineering firm that designed the road, the contractor, the subcontractor, and the State highway department. Five years later, and after expending exorbitant amounts on legal fees, the defendants settled the case for $35,000. The engineering firm—a small 15 person firm—was swamped with over $200,000 in legal costs. That represents an intolerable amount for a small business to have to pay in defending a questionable and unwarranted lawsuit.

There are more examples. In an Ann Landers column from October 1995, a case was reported that involved a minister and his wife who sued a guide dog school for $160,000 after a blind man who was learning to use a seeing-eye dog stepped on the woman's toes in a shopping mall. The guide dog school, Southeastern Guide Dogs, Inc., which provided the instructor supervising the man, was the only school of its kind in the Southeast. It trains seeing-eye dogs at no cost to the visually impaired. The couple filed their lawsuit 13 months after the so-called accident, in which witnesses reported that the woman did not move out of the blind man's way because she wanted to see if the dog would walk around her.

The experiences of a small business in Michigan, the Michigan Furnace Co., is likewise alarming. The plawsuit in the history of her company has been a nuisance lawsuit. She indicates that if the money the company spends on liability insurance and legal fees was distributed among the employees, it would amount to a $10,000 annual raise per employee.

These costs are stifling our small businesses and the people who work there. The straightforward provisions of the Small Business Lawsuit Abuse Protection Act will provide small businesses with relief by discouraging abusive litigation. The bill contains essentially two principal reforms.

First, the bill limits punitive damages that may be awarded against a small business. In most civil lawsuits against small businesses, punitive damages would be available against the small business only if the claimant proves by clear and convincing evidence that the harm was caused by the small business through at least a conscious, flagrant indifference to the rights and safety of the claimant. Punitive damages would also be limited in amount. Punitive damages would be limited to the lesser of $250,000 or two times the compensatory damages awarded for the harm. That formulation is exactly the same formulation that appears in the small business protection provision that was included in the product liability conference report that passed in the 104th Congress.

Second, joint and several liability reforms for small businesses are included under the exact same formulation that was used both in the Volunteer Protection Act passed this Congress and in the product liability conference report passed last Congress. Joint and several liability would be limited so that a small business would be liable for noneconomic damages only in proportion to the small business's responsibility for causing the harm. If a small business is responsible for 100% of an accident, then it will be liable for 100% of noneconomic damages. But if it is only 70%, 25%, 10%, or any other amount responsible, then the small business will be liable only for that same percent of noneconomic damages.

Of course, small businesses would still be jointly and severally liable for economic damages, and any other defendants in the action that were not small businesses could be held jointly and severally liable for all damages. This should provide some protection to small businesses so that they will not be sought out as "deep pocket" defendants by trial lawyers who would otherwise try to get them on the hook for harms that they have not caused. The fact is that many small businesses simply do not have deep pockets, and they frequently need all of their resources just to stay in business, take care of their employees, and make ends meet.

The other provisions in the bill specify the situations in which those reforms apply. The bill defines small business as any business having fewer than 25 employees. That is the same definition of small business that was included in the Product Liability Conference Report. Like the Volunteer Protection Act, this bill covers all civil lawsuits with the exception of suits involving certain types of egregious conduct. The limitations on liability included in the bill would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, or civil rights law violation, or which occurred while the defendant was under the influence of intoxicating alcohol or any drug.

Also like the Volunteer Protection Act, the bill includes a State opt-out. A State would be able to opt out of the provisions of the bill provided the State enacts a law indicating its election to do so and containing no other provisions. I do not expect that any State will opt-out of these provisions, but I feel it is important to include one out of respect for principles of federalism.

I am pleased to have Senators McCONNELL, COVERDELL, SANTORUM and McCAIN as original cosponsors of the legislation and very much appreciate their support for our small businesses and for meaningful litigation reforms. The bill is also supported by the National Federation of Independent Business and by the National Restaurant Association. I ask unanimous consent that letters from those two organizations be inserted in the RECORD.

Finally, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD, as well as the full text of the bill, and I encourage my colleagues to support this simple and much-needed legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Lawsuit Abuse Protection Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States civil justice system is inefficient, unpredictable, unfair, costly, and impedes competitiveness in the marketplace for goods, services, business, and employees;

(2) the defects in the civil justice system have a direct and undesirable effect on interstate commerce by decreasing the availability of goods and services in commerce;

(3) there is a need to restore rationality, certainty, and fairness to the legal system;

(4) the spiralling costs of litigation and the magnitude and unpredictability of punitive damage awards and noneconomic damage awards have continued unabated for at least the past 30 years;

(5) the Supreme Court of the United States has recognized that a punitive damage award can be unconstitutional if the award is grossly excessive in relation to the legitimate interest of the government in the punishment and deterrence of unlawful conduct;

(6) just as punitive damage awards can be grossly excessive, so can it be grossly excessive in some circumstances for a party to be held responsible under the doctrine of joint and several liability for damages that party did not cause;

(7) as a result of joint and several liability, entities including small businesses are often brought into litigation despite the fact that their conduct may have little or nothing to do with the accident or transaction giving

rise to the lawsuit, and may therefore face increased and unjust costs due to the possibility or result of unfair and disproportionate damage awards;

(8) the costs imposed by the civil justice system on small businesses are particularly acute, since small businesses often lack the resources to bear those costs and to challenge unwarranted lawsuits;

(9) due to high liability costs and unwarranted litigation costs, small businesses face higher costs in purchasing insurance through interstate insurance markets to cover their activities;

(10) liability reform for small businesses will promote the free flow of goods and services, lessen burdens on interstate commerce, and decrease litigiousness; and

(11) legislation to address these concerns is an appropriate exercise of Congress powers under Article I, section 8, clauses 3, 9, and 18 of the Constitution, and the fourteenth amendment to the Constitution.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" has the same meaning as in section 2331 of title 18, United States Code).

(2) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 16 of title 18, United States Code.

(3) DRUG.—The term "drug" means any controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802(b)) that was not legally prescribed for use by the defendant or that was taken by the defendant other than in accordance with the terms of a lawfully issued prescription.

(4) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(5) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(6) HATE CRIME.—The term "hate crime" means a crime described in section 1(b) of the Hate Crime Statistics Act (28 U.S.C. 534 note)).

(7) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, and all other nonpecuniary losses of any kind or nature.

(8) SMALL BUSINESS.—

(A) IN GENERAL.—The term "small business" means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has less than 25 full-time employees.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly-owned corporation includes the employees of—

(i) a parent corporation; and

(ii) any other subsidiary corporation of that parent corporation.

(10) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

SEC. 4. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 6, in any civil action against a small business, punitive damages may, to the extent permitted by applicable State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant through willful misconduct or with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages shall not exceed the lesser of—

(1) two times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) $250,000.

(c) APPLICATION BY COURT.—This section shall be applied by the court and shall not be disclosed to the jury.

SEC. 5. LIMITATION ON SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 6, in any civil action against a small business, the liability of each defendant that is a small business, or the agent of a small business, for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—In any civil action described in subsection (a)—

(A) each defendant described in that subsection shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable; and

(B) the court shall render a separate judgment against each defendant described in that subsection in an amount determined pursuant to subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the harm to the claimant, regardless of whether or not the person is a party to the action.

SEC. 6. EXCEPTIONS TO LIMITATIONS ON LIABILITY.

The limitations on liability under sections 4 and 5 do not apply to any misconduct of a defendant—

(1) that constitutes—

(A) a crime of violence;

(B) an act of international terrorism; or

(C) a hate crime;

(2) that involves—

(A) a sexual offense, as defined by applicable State law; or

(B) a violation of a Federal or State civil rights law; or

(3) if the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or a drug at the time of the misconduct, and the fact that the defendant was under the influence was the cause of any harm alleged by the plaintiff in the subject action.

SEC. 7. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this Act preempts the laws of any State to the extent that State laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protections from liability for small businesses.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act does not apply as of a date certain to such actions in the State; and

(3) containing no other provision.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a small business, if the claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

SECTION-BY-SECTION ANALYSIS—THE SMALL BUSINESS LAWSUIT ABUSE PROTECTION ACT OF 1997

SECTION 1. SHORT TITLE

This section provides that the act may be cited as the "Small Business Lawsuit Abuse Protection Act of 1997."

SECTION 2. FINDINGS

This section sets out congressional findings concerning the litigation excesses facing small businesses, and the need for litigation reforms to provide certain protections to small businesses from abusive litigation.

SECTION 3. DEFINITIONS

Various terms used in the bill are defined in the section. Significantly, for purposes of the legislation, a small business is defined as any business or organization with fewer than 25 full time employees.

SECTION 4. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES

The bill provides that punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant that is a small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

The bill also limits the amount of punitive damages that may be awarded against a small business. In any civil action against a small business, punitive damages may not exceed the lesser of two times the amount awarded to the claimant for economic and noneconomic losses, or $250,000.

SECTION 5. LIMITATION ON SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES

This section provides that, in any civil action against a small business, for each defendant that is a small business, the liability of that defendant for noneconomic loss will be in proportion to that defendant's responsibility for causing the harm. Those defendants would continue, however, to be held jointly and severally liable for economic loss. In addition, any other defendants in the action that are not small businesses would continue to be held jointly and severally liable for both economic and noneconomic loss.

SECTION 6. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY

The bill preempts State laws to the extent that any such laws are inconsistent with it, but it does not preempt any State law that provides additional protections from liability to small businesses. The bill also includes an opt-out provision for the States. A State may opt out of the provisions of the bill for any action in State court against a small business in which all parties are citizens of the State. In order to opt out, the State would have to enact a statute citing the authority in this section, declaring the election of the State to opt out, and containing no other provisions.

SECTION 7. EXCEPTIONS TO LIMITATIONS ON LIABILITY

The limitations on liability included in the bill would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, or civil rights law violation, or which occurred while the defendant was under the influence of intoxicating alcohol or any drug.

SECTION 8. EFFECTIVE DATE

The bill would take effect 90 days after the date of enactment, and would apply to claims filed on or after the effective date.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, June 4, 1997.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC

DEAR SENATOR ABRAHAM: On behalf of the 600,000 small business owners of the National Federation of Independent Business (NFIB), I am writing to commend you for your efforts to put an end to abusive litigation and restore common sense to our civil justice system.

Legal reform is a small business issue and was listed as to top priority at the 1995 White House Conference on Small Business. The frequency and cost of litigation have been exploding at an alarming rate. Our civil justice system is becoming increasingly inaccessible, unaffordable and intimidating, not to mention unfair. It is now so strained that it threatens not only the fair judicial process but also has become a huge disincentive to business start-ups. The cost and availability of liability insurance was listed as a top concern to small business owners in a survey conducted recently by the NFIB Education Foundation.

Small business owners now see the legal system as a "no win" situation. If sued—even if completely innocent—it means either a costly, protracted trial or being forced into an expensive settlement to avoid a trial. Thousands of small business owners across the country are having their business, their employees, and their future put at risk by a legal system that is out of control.

Small business owners support any measures that inject more fairness into our civil justice system and allow for the affordable pursuit—or defense—of legitimate cases. Your legislation, the Small Business Lawsuit Abuse Protection Act of 1997, is an important vehicle for those goals. With our courts facing an extraordinary backlog with delays up to several years in some jurisdictions, your bill will discourage frivolous or malicious cases, and help streamline and balance the system.

Thank you for your continued support of small business.

Sincerely,

DAN DANNER,
Vice President, Federal Governmental Relations.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, June 4, 1997.

Hon. SPENCE ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: The National Restaurant Association—the leading representative for the nation's restaurant industry which employs more than nine million Americans—strongly applauds your effort to protect small businesses from Litigation excesses.

Many small businesses, particularly restaurants, have become vulnerable to excessive litigation in recent years. Indeed, our members are all too familiar with the rising costs of liability insurance and with the reality that a single frivolous lawsuit can be enough to drive a restaurant out of business. We strongly support the Small Business Lawsuit Abuse Protection Act of 1997 and believe it will go a long way toward curbing lawsuit abuse.

Because of the fear of unlimited punitive damages when faced with a claim, many small business owners settle out of court for significant award amounts, even if the plaintiff's claim is frivolous and unwarranted. Plaintiffs' attorneys take advantage of a small business owner's fear, pursuing claims against businesses that they know will have "settlement value." The Small Business Lawsuit Abuse Protection Act limits the amount of punitive damages that may be awarded against a small business. In any civil action against a small business, punitive damages may not exceed the lesser of two times the amount awarded to the claimant for economic and noneconomic losses, or $250,000. Putting a cap on the amount of punitive damages would help to reduce frivolous suits and would enable businesses to obtain more equitable settlements and avoid costly and unnecessary legal fees.

In addition to limiting punitive damages, we are pleased that your legislation includes a provision to limit several liability for noneconomic damages. Under joint and several liability, small business owners are often dragged into lawsuits with which they had little, or nothing, to do. The Abraham Small Business Lawsuit Abuse Protection Act takes an important first step by limiting the liability for noneconomic loss to the proportion of the small business' responsibility. The limitation on several liability would apply in any civil action against a small business.

Senator Abraham, we appreciate your continued commitment to small business and to legal reform. We look forward to working with you to pass the Small Business Lawsuit Abuse Protection Act.

Sincerely,

ELAINE Z. GRAHAM,
Senior Vice President, Government Relations and Membership.

CHRISTINA M. HOWARD,
Senior Legislative Representative.

Mr. MCCONNELL. Mr. President, I rise today to join my esteemed colleague from Michigan in the introduction of the Small Business Lawsuit Abuse Protection Act of 1997.

Over the past 30 years, the American civil justice system has become inefficient, unpredictable, and costly. Consequently, I have spent a great deal of my time in the U.S. Senate working to reform the legal system. I was particularly pleased to help lead in the efforts to pass the Volunteer Protection Act, which offers much-needed litigation protection for our country's battalion of volunteers. America's litigation crisis, however, goes well beyond our volunteers.

Lawsuits and the mere threat of lawsuits impede our country's invention, innovation, and the competitive position our Nation has enjoyed in the world marketplace. The litigation craze has several perverse effects. For example, it discourages the production of more and better products, while encouraging the production of more and more attorneys. In the 1950's, there was one lawyer for every 695 Americans. Today, in contrast, there is one lawyer for every 290 people. In fact, we have more lawyers per capita than any other western democracy.

Mr. President, don't get me wrong—there is nothing inherently wrong with being a lawyer. I am proud to be a graduate of the University of Kentucky College of Law. My point, however, is simple: government and society should promote a world where it is more desirable to create goods and services than it is to create lawsuits.

The chilling effects of our country's litigation epidemic are felt throughout our national economy—especially by our small businesses. We must act to remove the litigation harness from the backs of our small businesses.

The Small Business Lawsuit Abuse Protection Act is a narrowly crafted bill which seeks to restore some rationality, certainty, and civility to the legal system. Specifically, this bill would offer limited relief to businesses or organizations that have fewer than 25 full-time employees.

First, the bill seeks to provide some reasonable limits on punitive damages, which typically serve as a windfall to plaintiffs. The bill provides that punitive damages may be awarded against a small business only if the claimant establishes by clear and convincing evidence that the business engaged in wanton or willful conduct. The bill would also limit the amount of punitive damages that may be awarded against a small business to, the lesser of: First, $250,000, or second, two times the amount awarded to the claimant for economic and noneconomic losses. Third, the bill provides that a business' responsibility for noneconomic losses would be in proportion to the business' responsibility for causing the harm. Any other defendants in the action who are not small businesses would continue to be held jointly and severally liable.

Now, let me explain what this bill does not do. It does not close the courthouse door to plaintiffs who sue small businesses. For example, this bill does not limit a plaintiff's ability to sue a small business for an act of negligence, or any other act, for that matter. The bill also does not abolish joint and several liability for economic losses.

Mr. President, this is a sensible, narrowly tailored piece of legislation that is greatly needed to free up the enterprising spirit of our small businesses. I look forward to Senate's consideration of this important legislation.

Mr. COVERDELL. Mr. President, I rise today to join my good friend, Senator ABRAHAM, in introducing the Small Business Lawsuit Abuse Protection Act. As a member of the Senate's Small Business Committee, I have focused on helping small businesses succeed in an increasingly competitive environment.

Small businesses are vulnerable to abusive lawsuits. Take for example the case of Dixie Flag Manufacturing, a small business in Texas that manufactures American flags. The company was named in an injury lawsuit claiming it manufactured an unreasonably dangerous product—a flag—that failed to carry proper instructions or warning labels. Ironically, Dixie Flag Manufacturing did not even make the flag involved in the injury prompting the lawsuit. In fact, its only connection to the incident was that it happened to be in the business of manufacturing American flags. Nevertheless, this mall family-owned business was forced to settle out of court in order to avoid large legal fees.

The cost of obtaining product liability insurance has skyrocketed over the last 20 years, and small businesses have been disproportionately affected. A recent Gallup survey found that the fear of lawsuits drove 20 percent of small businesses not to hire more employees, expand the business, introduce a new product, or improve an existing one.

I recently authored the Volunteer Protection Act to shield volunteers from unreasonable and costly lawsuits, and it received overwhelming support in Congress because it takes real action to promote voluntarism. Frivolous and absurd lawsuits are having a chilling effect on the volunteer community. Consequently, the Volunteer Protection Act deserves the President's unqualified support.

The Gallup study demonstrates that the threat of frivolous lawsuits is having a similar chilling effect on small business. Simply put, the Small Business Lawsuit Abuse Protection Act, which has been modeled after the Volunteer Protection Act, would provide needed protections for small businesses from abusive and frivolous lawsuits.

Let me take this opportunity to briefly describe how the Small Business Lawsuit Abuse Protection Act would protect small businesses, specifically those with fewer than 25 full-time employees.

First, it would require that clear and convincing evidence of gross negligence must be present before punitive damages could be awarded against a small business. Second, it would place sensible limits on punitive damages, which could potentially bankrupt a small business. Third, it would provide for proportionate liability for small business.

It is important to note that this legislation would give States the flexibility to impose conditions and to make exceptions to the granting of liability protection. In addition, it would allow States to opt for cases where all parties are citizens of that State.

Finally, it is important to note that the bill clearly states which actions would not entitle a small business to protection. Any misconduct constituting a crime of violence, an act of international terrorism, a hate crime, a sexual offense, or a civil rights violation or misconduct occurring while under the influence of alcohol or drugs would not be covered.

Mr. President, this is Small Business Week. Accordingly, all citizens should take a moment during this year's Small Business Week to recognize our economy's dependence on small business and realize the importance of nurturing their development. For Georgia, as is the case for the whole Nation, small businesses are the jobs provider and the backbone of our economy. The Small Business Administration reports that nearly 98 percent of the firms in Georgia that provide employment are small businesses. Moreover, it is estimated there are an additional 213,000 self-employed entrepreneurs in my State.

What better time to highlight the importance of providing small business much-needed relief from abusive lawsuits than during Small Business Week? I urge my colleagues to join us in supporting the Small Businesses Lawsuit Abuse Protection Act and in protecting small businesses from abusive litigation.

By Mr. CAMPBELL (for himself, Mr. HATCH, and Mr. CRAIG):

S. 837. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

CONCEALED WEAPONS PERMITS LEGISLATION

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by the chairman of the Judiciary Committee, Senator HATCH and Senator CRAIG as original cosponsors of this legislation.

This bill would both authorize States to recognize each other's concealed weapons laws and would exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms. This legislation is designed to support the rights of States and to facilitate the right of law-abiding citizens as well as law enforcement officers to protect themselves, their families, and their property.

The language of this bill is similar to a provision in S. 3, the Omnibus Crime Control Act of 1997, introduced earlier this year by the chairman of the Senate Judiciary Committee, Senator HATCH. In light of the importance of this provision to law-abiding gunowners and law enforcement officers, I am introducing this freestanding bill today for the Senate's consideration and prompt action.

This bill allows States to enter into agreements known as compacts to recognize the concealed weapons laws of those States included in the compacts. This is not a Federal mandate; it is strictly voluntary for those States interested in this approach. States would also be allowed to include provisions which best meet their needs, such as special provisions for law enforcement personnel.

This legislation would allow anyone possessing a valid permit to carry a concealed firearm in their respective State to also carry one in another State, provided that the States have entered into a compact agreement which recognizes the host State's right-to-carry laws. This is needed if you want to protect the security individuals enjoy in their own State when they travel or simply cross State lines to avoid a crazy quilt of differing laws.

I use my own experience in Colorado as a former deputy sheriff and as a person who just lives 9 miles from the New Mexico border and within an hour's drive of both Arizona and Utah as a person who is caught in this kind of crazy quilt. I have always been a law-abiding citizen. I have a permit to carry a gun in Colorado, but if I go south just 5 minutes into New Mexico, I have to comply with a different standard, and this bill would correct this different standard.

Currently, a Federal standard governs the conduct of nonresidents in those States that do not have a right-to-carry statute. Many of us in this body have always strived to protect the interests of States and communities by allowing them to make important decisions on how their affairs should be conducted. We are taking to the floor almost every day to talk about mandating certain things to the States. This bill would allow States to decide for themselves.

Specifically, it allows that the law of each State govern conduct within that State where the State has a right-to-carry statute, and States determine through a compact agreement which out-of-State right-to-carry statute will be recognized.

To date, 31 States have passed legislation making it legal to carry concealed weapons. These State laws enable citizens of those States to exercise their right to protect themselves, their families, and their property.

Applicants, of course, must be law-abiding citizens and pass their State's firearm training requirements. In my State of Colorado, the State legislature has passed a bill which puts into place statewide uniform standards for concealed weapons permits.

The second major provision of this bill would allow qualified current and former law enforcement officers who are carrying appropriate written identification of that status to be exempt from State laws that prohibit the carrying of concealed weapons. This provision sets forth a checklist of stringent criteria that law enforcement officers must meet in order to qualify for this exemption status. Exempting qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed weapons, I believe, would add additional forces to our law enforcement community in our unwavering fight against crime.

I share the view of the Judiciary Committee chairman, Senator HATCH, as reflected in his legislation, that the need to establish greater national uniformity concerning the entitlement of active and retired law enforcement officers to carry weapons across State lines is paramount. That is why I have included this provision in this bill. To our friends who do not believe in the right to bear arms, I recommend reading this morning's Washington Post. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 5, 1997]

SEVEN SLAIN IN DISTRICT IN 36 HOURS OF VIOLENCE

(By Brian Mooar and Avis Thomas-Lester)

Two men were fatally shot yesterday in separate incidents in Southeast Washington in a deadly 36-hour period in which seven people were killed in the city, police said.

At least four other people were wounded by gunfire.

the unusual flurry of violence stretched the resources of the D.C. police homicide branch, sending investigators from one end of Washington to the other as reports came in about shootings.

"Everybody has their hands full, running here and running there," Sgt. Marvin Lyons, a homicide squad supervisor, said last night.

"My detectives have been working around the clock and on the multitude of different cases, and then this latest group of homicides happens," said Capt. Alan Dreher, head of the homicide unit for the last two years. "I don't know if it's a record, but it is certainly the highest number of homicides I've seen in a 24- or 36-hour period since I've been commander of homicide."

The latest shooting occurred about 11 p.m. in the Washington Highlands neighborhood in far Southeast Washington. Police said that a woman and two men were shot and wounded by gunfire in the 4200 block of Sixth Street SE.

That scene was not far from a shooting about eight hours earlier that left one man dead near Sixth and Chesapeake Streets SE.

Another man was killed about 1:30 p.m. yesterday near the Kentucky Courts apartment complex in the 200 block of Kentucky Avenue SE.

The names of those shot, including a man wounded on 50th Street NE about 9 p.m., had not been released last night.

While keeping up with the two fatal shootings yesterday, homicide detectives were investigating Tuesday's fatal shootings of three young men in Northeast Washington and the discovery of two bodies in Northwest.

Officers on patrol in the 5800 block of Blaine Street NE about 4 p.m. Tuesday saw what appeared to be two men sitting in a car in an alley. But when the officers checked on them, officials said, they discovered that both men had been shot several times.

They were identified as Norman Isaac, 18, of the 100 block of 59th Street NE, and William Alonzo Powell III, 23, of the 100 block of 58th Place NE, police said.

Later Tuesday, Bernard Campbell Allen, 17, was shot multiple times about 11 p.m. at 16th and E streets NE. Allen, of the 9300 block of Edmonston Road in Greenbelt, was taken to D.C. General Hospital, where he was pronounced dead a few hours later, police said.

About 9 a.m. Tuesday, police found the body of an unidentified woman who had been stabbed to death and left in an alley in Columbia Heights. Later in the day, the body of an unidentified man was found in the trunk of a car in the 1400 block of Chapin Street NW.

Mr. CAMPBELL. This appeared this morning, and is a story about seven people slain in violence in the last 36 hours in Washington, DC, four or more wounded in just that same 36-hour period. And I would point out that this is a city that has the tightest gun control laws in the Nation, so tight in fact that not a Senator or Congressman, not a Supreme Court Justice, for that matter, can carry a concealed weapon. It seems like only the bad guys can carry them in this town.

I do ask unanimous consent that Senator HATCH be added as an original cosponsor to this bill and it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Protection Act of 1997".

SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§926B. Carrying of concealed firearms by qualified current and former law enforcement officers

"(a) IN GENERAL.—Notwithstanding any provision of the law of any State or any political subdivision of a State, an individual may carry a concealed firearm if that individual is—

"(1) a qualified law enforcement officer or a qualified former law enforcement officer; and

"(2) carrying appropriate written identification.

"(b) EFFECT ON OTHER LAWS.—

"(1) COMMON CARRIERS.—Nothing in this section shall be construed to exempt from section 46505(B)(1) of title 49—

"(A) a qualified law enforcement officer who does not meet the requirements of section 46505(D) of title 49; or

"(B) a qualified former law enforcement officer.

"(2) FEDERAL LAWS.—Nothing in this section shall be construed to supersede or limit any Federal law or regulation prohibiting or restricting the possession of a firearm on any Federal property, installation, building, base, or park.

"(3) STATE LAWS.—Nothing in this section shall be construed to supersede or limit the laws of any State that—

"(A) grant rights to carry a concealed firearm that are broader than the rights granted under this section;

"(B) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(C) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(4) DEFINITIONS.—In this section:

"(A) APPROPRIATE WRITTEN IDENTIFICATION.—The term 'appropriate written identification' means, with respect to an individual, a document that—

"(i) was issued to the individual by the public agency with which the individual serves or served as a qualified law enforcement officer; and

"(ii) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

"(B) QUALIFIED LAW ENFORCEMENT OFFICER.—The term 'qualified law enforcement officer' means an individual who—

"(i) is presently authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of criminal law;

"(ii) is authorized by the agency to carry a firearm in the course of duty;

"(iii) meets any requirements established by the agency with respect to firearms; and

"(iv) is not the subject of a disciplinary action by the agency that prevents the carrying of a firearm.

"(C) QUALIFIED FORMER LAW ENFORCEMENT OFFICER.—The term 'qualified former law enforcement officer' means, an individual who is—

"(i) retired from service with a public agency, other than for reasons of mental disability;

"(ii) immediately before such retirement, was a qualified law enforcement officer with that public agency;

"(iii) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(iv) was not separated from service with a public agency due to a disciplinary action by the agency that prevented the carrying of a firearm;

"(v) meets the requirements established by the State in which the individual resides with respect to—

"(I) training in the use of firearms; and

"(II) carrying a concealed weapon; and

"(vi) is not prohibited by Federal law from receiving a firearm.

"(D) FIREARM.—The term 'firearm' means, any firearm that has, or of which any component has, traveled in interstate or foreign commerce.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United

States Code, is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified current and former law enforcement officers.".

SEC. 3. AUTHORIZATION TO ENTER INTO INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given to any 2 or more States—

(1) to enter into compacts or agreements for cooperative effort in enabling individuals to carry concealed weapons as dictated by laws of the State within which the owner of the weapon resides and is authorized to carry a concealed weapon; and

(2) to establish agencies or guidelines as they may determine to be appropriate for making effective such agreements and compacts.

(b) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal this section is hereby expressly reserved by Congress.

By Mr. BRYAN (for himself, Mr. BOND, and Ms. MOSELEY-BRAUN):

S. 838. A bill to amend the Securities Exchange Act of 1934 to eliminate legal impediments to quotation in decimals for securities transactions in order to protect investors and to promote efficiency, competition, and capital formation; to the Committee on Banking, Housing, and Urban Affairs.

THE COMMON CENTS STOCK PRICING ACT OF 1997

Mr. BRYAN. Mr. President, today Senator BOND, Senator MOSELEY-BRAUN, and I are introducing legislation to require stocks to be traded in a much more consumer-friendly fashion with the added benefit of saving investors billions of dollars.

Mr. President, I send that legislation to the desk for its introduction.

Let me just say parenthetically this is not the first time that I have had the privilege of working with the senior Senator from Missouri on legislation that affects vital consumer interests. He and I had the opportunity to work over several previous Congresses and secured in the last Congress significant changes to Federal law that protect consumers in terms of correcting information on their consumer histories, the largest single complaint before the Federal Trade Commission, and through his leadership and support and sustained efforts we were able to accomplish that. So I look forward to working with him on the piece of legislation that we introduce today, with the only caveat that I hope my distinguished colleague and I might be more helpful in getting this passed in a sooner period of time than we did on our previous enterprise which took three successive Congresses to work through.

This legislation would bring to an end an antiquated pricing system currently used by Wall Street to buy and sell stocks that dates back to colonial times when the New York Stock Exchange was founded in the 18th century and the dollar was denominated in pieces of eight. While every other pricing system in our country has moved to dollars and cents, Wall Street continues to use this outdated eighths pricing system.

As one article pointed out, and I quote, "Imagine going to the grocery store and seeing bacon selling for $3⅜ and chicken potpies for $1⅝." Mr. President, not only has every other pricing system in America moved to dollars and cents, but all other major stock exchanges in the world—all—have abandoned the antiquated eighths system and now trade in decimals.

The bill that we are introducing today is a companion piece of legislation to H.R. 1053 sponsored in the House of Representatives by Congressmen OXLEY, MARKEY and BLILEY. This legislation would direct the Securities and Exchange Commission to, within 1 year after the enactment of the legislation, adopt a rule to transition the stock and option markets away from their current trading practice in eighths to trading in dollars and cents.

Currently, the New York Stock Exchange has a rule which mandates a minimum quote of an eighth for a share of stock trading in excess of $1. This rule is sanctioned by the Securities and Exchange Commission. Otherwise, it would be a blatant example of price-fixing. This legislation would require the SEC to revise this sanction to better represent the interests of consumers and investors throughout the country.

I must say, Mr. President, I have been encouraged by recent newspaper reports which suggest that the New York Stock Exchange plans to move to one-sixteenth of a dollar and in 2 years to switch to decimals. If those reports are in fact confirmed—and I am informed that there is a meeting today in which formal action will be taken to that effect—then the members of the New York Stock Exchange are to be commended for moving in the right direction. I would note, however, that there are other stock exchanges in the United States which have not yet indicated that is their course of action, and so this legislation will be necessary to ensure that all take that step.

There are currently 60 million Americans who participate directly in the stock markets who would benefit from change. Large pension funds and small investors alike would benefit. According to SEC Commissioner Steven Wallman, investors would end up saving between $5 billion to $10 billion each year if stocks were traded in increments of dollars and cents rather than in the current practice of trading in eighths. It is not uncommon for a 500-million share day to occur on a given day, so a small change in the spread would mean enormous savings for investors.

Many of us are reluctant to have Government intervene in the marketplace. Private sector determinations ought to be the rule, not the exception, here in America. In point of fact, we do not have a free market at work here. In fact, we have a classic example of price collusion. Wall Street dictates that this antiquated system be used and that all dealers must adhere to it. In essence, we are not interfering with the free market system; we are stepping in to help the stock market act more like a free market.

We are not trying to dictate the spreads that could be charged in the buying and selling of stocks or the profits that Wall Street can make. In my judgment, that would be appropriate. If this legislation is enacted, however, stocks would be traded in dollars and cents and then the free market can more accurately determine what the prices and spreads should be. This is the essence of a free market. This is the essence of free enterprise. It seems appropriate as we move into the 21st century. It is time the United States joined the rest of the world in using a more rational, understandable system of stock transactions.

Mr. BOND. Mr. President, I am pleased to join Senator BRYAN in introducing the Common Cents Stock Pricing Act of 1997. I thank Senator BRYAN for his leadership in this measure. As he indicated in his comments, we worked together through three sessions of Congress to pass the Fair Credit Reporting Act. Numerous members of staff came and went while we were trying to get this commonsense consumer measure passed, and I only hope, as he indicated, that we will not have a similar 6-year battle on this one, because I think the bill is very simple, very straightforward, and reflects common sense. It calls for the markets to get on in the business of trading in plain numbers, dollars and cents, instead of fractions.

The Common Cents Stock Pricing Act will make stock prices easier to understand for the average small investor. It will also force stock dealers to compete in pennies, which should result in lower transaction costs and investor savings.

Our Nation's stock markets use pricing methodologies which date back to the 18th century, when colonies used Spanish dollars as their currency. Traders would chisel these ancient coins into "pieces of eight" or "bits" and use them to purchase commodities. When organized stock trading began in New York in 1792, stock prices were quoted in bits, or eighths.

Mr. President, 200 years later, the time has come to move beyond this pricing system. We don't use Spanish coins today, we don't use bits, and we don't need confusing price systems.

The pricing system based on ancient coins is not only out of date, but it is difficult for the average investor to understand. At least one newspaper has recognized this fact. The San Francisco

Chronical recently began printing its tables in dollars and cents, instead of fractions. Others, including the Boston Globe and USA Today have called on the stock exchanges to move to a penny pricing system.

Small investors also stand to benefit financially from the move to pricing by the penny rather than by the bit. SEC Commissioner Steve Wallman estimates investors lose a minimum of $1.5 billion a year under the current system. Other experts put the figure in the $4 to $9 billion range.

Let me just explain why small investors lose in the current environment. Stock exchange rules effectively limit the minimum spread between a stock's buy-and-sell price to one-eighth of a dollar, or 12.5 cents. This means that floor traders earn at least 12.5 cents from investors on every trade. Large investor institutions can get better deals on their trades by negotiating prices on block trades, but the average small investor has to pay the full fare.

Penny stock pricing is also in step with the rest of the world. The U.S. is the only major market that trades in eighths; every other country uses decimal pricing. If we are going to maintain our role as the dominant player in world markets, the U.S. must keep pace and move to a system of decimal pricing.

The bill we are introducing today is straightforward. It simply calls on the Securities and Exchange Commission to promulgate a rule, within 1 year after the enactment date of the legislation, to transition the stock and option markets away from fractionalized trading, bits trading, into dollars and cents pricing.

I think the bill is an appropriate way for the Government to regulate financial markets. The Common Cents Stock Pricing Act does not micromanage the markets by dictating what the spread will be. The competition and the markets will determine the spread. The implementation of the SEC will allow competitive forces to decide what the spread will be.

Let me close by saying I also noted the New York Stock Exchange announcement has been made that it will begin trading in sixteenths and eventually in decimals. I commend Senator BRYAN and the sponsors of the companion House legislation, because their bill was cited as one of the reasons that the New York Stock Exchange was moving forward. I plan to review the language to ensure that their efforts clearly commit them to move to decimals, and that other exchanges will move to decimals. We need to do so in a reasonable timeframe and not wait until the forecasted computer crisis of the year 2000, when all of the computers go back to 1900.

Big investors get good deals every day in negotiating stock trade prices. I think it is time for the average investor to get a good deal too. I encourage my colleagues to join me in making sure average investors are treated equitably. I thank my colleague from Nevada for his work on this issue, and I encourage and invite other Members of the Senate to join us in supporting this bill.

By Mr. BINGAMAN (for himself and Mrs. MURRAY):

S. 839. A bill to improve teacher mastery and use of educational technology; to the Committee on Labor and Human Resources.

THE TECHNOLOGY FOR TEACHERS ACT

Mr. BINGAMAN. Mr. President, I rise today, with the support of Senator MURRAY from the State of Washington, to introduce legislation that will increase the effectiveness of our efforts to improve education in the country. I send to the desk the legislation and ask that it be referred to the appropriate committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. BINGAMAN. Mr. President, the bill is entitled the Technology for Teachers Act. Its purpose is to increase the ability of millions of new and current teachers to use technology in the classroom.

Every school day in my home State of New Mexico and across the country, computers are being purchased, are being unpacked and are being delivered to classrooms in the hope that the teachers there will do wonderful things with those computers to assist the educational process. Sometimes that happens, but most of the time, the computer that is delivered and unpacked is just one more challenge to that teacher, one more demand on that teacher's time and one more drain on the energy of that teacher, because no one has given the teacher the training necessary to be able to do wonderful things with the computer.

Most of the teachers in our public schools today started teaching before the era of personal computers really began and was established.

The problem begins with low standards for the preparation of teachers to use this new technology and for the licensing of new teachers. This is reflected in a chart I have, Mr. President, that I would like to call attention to. This chart demonstrates the following. On the left-hand side, we have the States that now require one course in education technology. You can see that the red area indicates that 32 States now require a course in education technology. Eighteen of our States require no instruction in education technology today.

But the more problematic part of this chart is the right-hand side, where we try to depict the new teachers who feel prepared to use technology in the classroom.

You can see that the green area indicates that 90 percent of our new teachers do not feel prepared to use technology in the classroom. That means 90 percent have not had adequate training, including the 90 percent who have had that one course that is required in those 32 States. So there is a serious problem.

We also have a disturbing imbalance between the high investment we are making in equipment on the one hand and our inadequate investment in teachers on the other. Let me show a couple of other charts to make that point.

This chart tries to make the distinction between the high availability of computers in our schools versus the low amount of teacher training to use them. Ninety-eight percent of our schools today are equipped with some computers. So, clearly, that is a major step forward from where we were, for example, 5 or 10 years ago. But if you look at the teachers who took more than 1 day of training in a single school year on how to use those computers, it is 15 percent of our teachers. Clearly, that imbalance exists.

We are investing in the hardware; we are not investing in training the teachers to use that hardware effectively.

Let me show one other chart to make the same point. This is connections to the Internet. This shows a 1997 estimate of the percent of schools that are connected to the Internet. About 65 percent of our schools have at least some connection to the Internet. When you look, though, down at the classroom level, you see that only 14 percent of our classrooms actually have a connection to the Internet.

Only 13 percent of schools require some kind of advanced training for teachers so that they would know how to take advantage of that hookup to the Internet. And teachers who are actually using the Internet to help with their instruction is only 20 percent. So, again, we have a major imbalance between the investment in the equipment on the one hand, and the inadequate investment in training our teachers on the other. The experts say that 30 percent of the total investment we make in education technology should be used to train teachers, but right now we spend only 9 percent on teacher training. In my own State of New Mexico, only 4 percent of the $33 million spent on education technology goes for training teachers. That's less than half the national average and less than one seventh what we should be spending on teacher training.

I am not saying that the Federal Government has not invested in teacher training as a part of school reform. There is a lot of money which is available for this, but also for a great many other needs. Clearly, this chart shows that. When we talk about general reform of education, there are four large programs that the Federal Government has. Of course, Title I is by far the largest, Title VI, Goals 2000, the Eisenhower Professional Development Program—all of those programs have funds that arguably can be used for training of teachers in this respect but, in fact, there are other great demands on those funds.

When you look at technology for education, we now have the Technology Literacy Program that is funded at $257 million. The request from the President and the agreement in this year's Budget Resolution is to substantially increase that in the coming years. But when you look at technology training for teachers, there is absolutely nothing planned for that or required to be spent on that. This legislation tries to correct that deficiency.

There are no Federal programs today devoted exclusively to technology training for teachers—either technology training for new teachers that are being trained, or technology training for current teachers in the work force.

Let me briefly describe what our bill would do, Mr. President. This bill has two parts. One would improve the technology training that 2 million new teachers will get while they are in college during the next decade to try to ensure that as they begin their teaching careers, they have had this instruction.

The other part involves the technology training that millions of our current teachers will need throughout their teaching careers.

For both parts, our legislation provides that the Department of Education would make competitive grants to the States, to the States' departments of education that are responsible for the licensing of teachers and for maintaining high teaching standards. Those States' departments would then set up competitive grant programs, one to go to colleges of education for innovative programs to train new teachers to use technology; the other set of grants would go to local school districts for innovative professional development of current teachers.

The bill would require that the States' departments of education, the colleges of education, the local school districts, and the education technology private sector all work together to create these innovative teacher training programs. This bill would be a major step forward in providing the necessary training to our teachers so that they can benefit from new technologies and integrate those new technologies into their instruction.

There are some very good examples, happening in a few places, of what should be happening all over the country. For example, the University of Missouri has a program that issues a laptop computer to incoming freshmen in their College of Education. It has built telecommunications links to K-through-12 schools throughout the State of Missouri.

This bill would also support some innovative programs similar to the program we have in New Mexico called the Regional Education Technology Assistance Program; it trains five teachers from each of the school districts in my State. In fact, we have only reached out now and gotten the involvement of 52 of our 89 school districts. But the idea here is to get a cadre of teachers who are comfortable with the use of technology who can then work in their school district to train other teachers so that they, too, can be comfortable with the use of that technology and not have the technology just be a frill which is put over in the corner of their classroom for people to use when they don't have other more important activities to pursue.

Mr. President, I think this legislation is particularly important because it tries to deal with the very real resource constraints that some of our school districts face. In my home State, we have a school district in Cuba, NM, where they have had to give up their music instruction, they have had to give up their home economics program, in order to acquire technology to try to enrich their curriculum. This would provide some additional sources of funds for them so that they could get that technology, they could get the training for the use of that technology. That is the great need that we have at this particular time.

I hope very much that we can get a hearing on this bill this summer, move ahead with it, and enact this legislation before the conclusion of this session of the Congress. I think this is a step forward.

We have seen significant progress over the last few years in Federal support for technology and the use of technology in education. The one great deficiency today is that we do not put enough into training teachers so that that technology can be used effectively. This legislation will help to correct that problem.

I thank Senator MURRAY for cosponsoring the legislation. I hope other colleagues will do so as well.

By Mr. GRAHAM:

S. 840. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from tax gain on sale of a principal residence; to the Committee on Finance.

THE PRINCIPAL RESIDENCE TAX EXCLUSION ACT OF 1997

Mr. GRAHAM. Mr. President, today I introduce the Principal Residence Tax Exclusion Act of 1997. Earlier this year, Representatives ROB PORTMAN and BEN CARDIN introduced similar legislation, styled H.R. 1391, in the House of Representatives. In addition, both President Clinton and former Senator Dole have expressed strong support for a capital gains exclusion for our Nation's homeowners.

This is a proposal that enjoys widespread bipartisan support. Now is the time to make good on our promises to help our Nation's families.

As everyone knows, moving is a stressful and complicated process. Besides worrying about whether to take advantage of a job opportunity in another State or to move closer to family members or to accept some other reason for relocation, such as a change of residence at retirement, people should not have added to all of those complex decisions the worry about paying taxes on the sale of their permanent residence.

This act will get the Tax Code out of the family's decisionmaking process. It will allow the family to make decisions based on the family's specific circumstances, not based on constraints imposed by the tax law.

What is the current law? Under the current law, capital gains from the sale of principal residences are subject to taxation. However, two provisions exclude many homeowners from the effect of that taxation.

First, under the so-called rollover provision, taxpayers can roll over gains from the sale of a principal residence into a new residence and defer any capital gains tax under certain conditions. One of those is that the purchase price of the new residence must exceed the adjusted sales price of the previous principal residence. The new residence must be purchased within 2 years of the date of sale of the first home.

There is a second provision which results in many homeowners not paying a capital gains tax on a principal residence. And that is the age 55 exclusion, a taxpayer is eligible for a one-time permanent exclusion of up to $125,000 on any accumulated gain from the sale of their principal residence. In addition to meeting the age 55 requirement to qualify for this exclusion, the taxpayer must have owned the residence and used it as their principal residence for at least 3 years during the 5 years prior to the sale.

A taxpayer is eligible for the exclusion only if neither the taxpayer nor the taxpayer's spouse has previously benefited from this exclusion. Consequently, Mr. President, to avoid the tax, most people wait until they are eligible for the one-time exclusion or they make what may be uneconomic decisions regarding the sale of their home.

Mr. President, this is not right. People should be able to move when they want to, not when the Tax Code makes it financially possible. They should be able to buy a smaller home, if that is what they desire, without having to pay a tax on the difference between their profit on the sale of the first home and the price of the new home.

Mr. President, this is an issue of removing governmental intrusion from family matters. This is an issue of allowing Americans to be free from unnecessarily burdensome requirements. This is an issue of permitting people to make decisions that will ultimately have a positive impact on the American economy.

The Principal Residence Tax Exclusion Act would go a long way toward resolving each of these issues. I hope that my colleagues will join me in supporting this proposal.

Under this act, the Principal Residence Tax Exclusion Act, taxpayers of any age—I underscore "any age"—could exclude the gain on the sale of a principal residence of up to $500,000 for a married couple filing a joint return, and up to $250,000 for a single taxpayer.

To be eligible, the taxpayer must have owned and used the home as the principal residence for at least 2 of the last 5 years prior to the sale. The exclusion will generally be available once every 2 years.

This legislation would have a far-reaching impact on the families of our Nation. Under the current law, approximately 150,000 families annually have taxable gain on the sale of their homes. This number would be even higher. However, concern about the tax causes most people to wait until they are eligible for the one-time exclusion or to buy increasingly more expensive homes over time regardless of whether such purchases are economically wise or otherwise meet the family's needs.

Under the new proposal, the Department of the Treasury estimates that only about 10,000 transactions annually would be subject to taxation. So nearly all families would be relieved of the burdensome recordkeeping requirements and constraints on decisionmaking which are part of the current law.

Mr. President, I would like to bring to your attention one such family, a family who I believe represents the concerns of many American families. Rudy and Lynn Saumell of Valrico, FL, retired and moved to Florida several years ago after working for a combined total of 60 years in the Connecticut school system. Lynn taught remedial math in the elementary school for 25 years. Rudy taught for 15 years before serving as an assistant principal for 20 more years. The Saumells lived in their Connecticut home with their two daughters for 23 years. When the Saumells retired 5 years ago, their girls had long since left home; the family's needs had changed.

Lynn and Rudy decided to move to Florida to be near some of their relatives and to enjoy the warm climate and a hospitable neighborhood. They no longer needed such a large home. They were moving to a lower cost area. But the Saumells were concerned about being taxed on the sale of their Connecticut home. So, upon their accountant's advice, they bought a more expensive home than they needed and used both the one-time exclusion and the rollover provision to avoid paying tax on their previous residence's sale.

In order to qualify under current law, the Saumells had to keep extensive records of all of the improvements they made to their previous residence. For over two decades, they complied with the law to the best of their abilities despite the difficulties they encountered in doing so.

I commend the Saumells for their diligence. I agree with them that these requirements seem unnecessarily burdensome and nearly impossible to fulfill without error, omission, or honest misunderstanding.

The act I propose would eliminate the need to keep these detailed records for 99 percent-plus of all Americans. After spending 5 years in their new home, the Saumells still want to move to a smaller home in a retirement community. They are paying more than they would like in property taxes. Their heat, water, and electric bills would be greatly reduced. Instead, Rudy and Lynn would rather spend the money they have saved for traveling and helping their daughters buy homes for their new families. Lynn and Rudy do not need such a big home for just the two of them.

But the Saumells are stuck between a rock and a hard place. Under the current law, if they keep their house they will not be able to spend their savings as they would like. But if they sell their home and buy a less expensive one, they cannot use the over-55 exemption again since it is only available once in a lifetime and the rollover provision would not apply since they are not moving to a more expensive home.

Thus their savings would be eaten up by a large capital gains tax, defeating the purpose of selling their current residence. So they are locked in the dilemma: Do we stay in a home that is larger than we need, more expensive than we can afford, or do we sell the home and suffer a substantial capital gains tax?

Mr. President, why should the Saumells have to base their housing decisions on the Tax Code rather than their family requirements? Why should they be prevented from spending their savings on what they deem to be important?

Like many Americans who are affected by the capital gains tax on home sales, Rudy and Lynn have spent their entire lives working and saving for their retirement and to assist their daughters in starting their new families' lives. It is unfair to deny them the freedom to spend these savings as they wish. So I offer this legislation to allow the Saumells and all of our Nation's families more freedom in their decisionmaking, to be able to decide where to live based on their families' circumstances, not on the Tax Code.

Rudy now volunteers with a local television station to help people recover money that has been wrongfully withheld from them. Isn't it time that we remove the Tax Code restraints on Rudy and help him get back the free use of his own money?

Mr. President, we have the means, the opportunity, and the support to help our Nation's families in a very significant way. Passing this legislation is more than providing relief to our Nation's homeowners. It is the right thing to do.

Mr. President, I ask unanimous consent that a letter from the ERC, the Employee Relocation Council, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE EMPLOYEE RELOCATION
COUNCIL,
Washington, DC, June 4, 1997.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: The Employee Relocation Council ("ERC") strongly supports your efforts to introduce legislation that would provide a $500,000 exclusion of gain on the sale of a principal residence and we urge that this proposal be included as part of the tax package to be assembled by Congress in the coming weeks. Reducing the tax cost of relocations and improving the economics of home purchase decisions would be beneficial not only to individual taxpayers, but to companies and the economy as well.

Currently, taxpayers can rollover gains from their principal residence into a new residence and defer any capital gains tax to the extent that the purchase price is equal to or greater than the adjusted sales price of the old residence. Additionally, a one time $125,000 exclusion ($62,500 for separated individuals) is provided at age 55. These tax rules are extremely complex; encourage relocating employees to purchase increasingly expensive homes regardless of their economic situation and can prevent companies from relocating those employees because of increased relocation costs (attached is an analysis of the benefits to employers and employees that would result from enactment of this proposal).

ERC is an association whose members are concerned with employee transfers, the sale and purchase of real estate related to the movement of household goods and other aspects of relocation. ERC's members include some sixty percent (60%) of Fortune 1000 corporations as well as real estate brokers, appraisers, van lines, relocation management companies and other industry professionals. ERC supports initiatives that case the constraints and reduce the costs of moving employees and that allow companies and individuals to relocate based on sound economic decisions. ERC believes that one of the keys to success in today's international marketplace is workforce mobility, which enhances the ability of companies to compete internationally and is reflected in improved national productivity and efficiency. The complexity and costs imposed by the current tax rules act as a detriment and forces employers and employees to make decisions based on tax law and not economic soundness. Accordingly, ERC endorses your efforts to enact legislation that would provide for a $500,000 exclusion of gain on the sale of a principal residence.

Sincerely,

H. CRIS COLLIE,
Executive Vice President.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 841. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

THE FORT PECK RESERVATION RURAL WATER SYSTEM ACT OF 1997

Mr. BURNS. Madam President, today I introduce a bill that will ensure the Assiniboine and Sioux people of the Fort Peck Reservation in Montana a safe and reliable water supply system. The Fort Peck Reservation is located in northeastern Montana. It is one of the largest reservations in the United States, and has a population of more than 10,000. The Fort Peck Reservation faces problems similar to all reservations in the country, that of remote rural areas. This reservation also suffers from a very high unemployment rate, 75 percent. Added to all this, the populations on the reservation suffer from high incidents of heart disease, high blood pressure, and diabetes. A safe and reliable source of water is needed to both improve the health status of the residents and to encourage economic development and thereby self-sufficiency for this area.

This legislation would authorize a reservation-wide municipal, rural, and industrial water system for the Fort Peck Reservation. It would provide a much needed boost to the future of the region and for economic development, and ultimately economic self-sufficiency for the entire area. My bill has the support of the residents of the reservation and the endorsement of the tribal council of the Assiniboine and Sioux Tribes.

The residents of the Fort Peck Reservation are now plagued with major drinking water problems. In one of the communities, the sulfate levels in the water are four times the standard for safe drinking water. In four of the communities the iron levels are five times the standard. Sadly, some families were forced to abandon their homes as a result of substandard water quality. Basically, the present water supply system is inadequate and unreliable to supply a safe water supply to those people that live on the reservation.

Several of the local water systems have had occurrences of biological contamination in recent years. As a result, the Indian Health Service has been forced to issue several health alerts for drinking water. In many cases, residents of reservation communities are forced to purchase bottled water. Not a big deal to those who can afford it, but difficult to a population that has the unemployment rate found on the reservation. All this, despite the fact that within spitting distance is one of the largest man-made reservoirs in the United States, built on the Missouri River.

Agriculture continues to maintain the No. 1 position in terms of economic impact in Montana. In a rural area like the Fort Peck Reservation agriculture plays the key role in the economy, more so than in many areas of the State. The water system authorized by the legislation will not only provide a good source of drinking water, but also a water supply necessary to protect and preserve the livestock operations on the reservation. A major constraint on the growth of the livestock industry around Fort Peck has been the lack of an adequate watering site for cattle. This water supply system would provide the necessary water taps to fill watering tanks for livestock, which in normal times would boost the local economy of the region and the State. An additional benefit of this system would be more effective use of water for both water and soil conservation and rangeland management.

The future water needs of the reservation are expanding. Data shows that the reservation population is growing, as many tribal members are returning to the reservation. It is clear that the people that live on the reservation, both tribal and nontribal members, are in desperate need of a safe and reliable source of drinking water.

The solutions to this need for an adequate and safe water supply is a reservation-wide water pipeline that will deliver a safe and reliable source of water to the residents. In addition this water project will be constructed in size to allow communities off the reservation the future ability to tap into the system. A similar system for water distribution is currently in use on a reservation in South Dakota.

The surrounding communities have also agreed with the importance of this system. Last year when I introduced this bill, there were no additional communities signed on to the system. Today, the surrounding communities have signed on and look at this system as a means of supplying clean, safe drinking water to their residents.

The people of the Fort Peck Reservation, and the State of Montana are only asking for one basic life necessity. Good, clean, safe drinking water. This is something that the more developed regions of the Nation take for granted, but in rural America we still seek to develop.

I realize the importance of getting this bill introduced and placed before the proper committee. This action will allow us to move forward and provide a basic necessity to the people of this region in Montana. Good, clean, safe drinking water.

Mr. BAUCUS. Mr. President, I am pleased to join Senator BURNS today in introducing legislation that authorizes the construction of a municipal, rural, and industrial water system for the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

The reservation has long been plagued by major drinking water problems including both inadequate supplies and unacceptable water quality. Ground water, the primary source of drinking water for many reservation residents, often exceeds the standards for total dissolved solids, iron, sulfates, nitrates, and in some cases for selenium, manganese and fluorine.

Bacterial contamination of domestic water supplies has also been a recurring problem. On several occasions the Indian Health Service and Tribal Health Office have had to issue public health alerts regarding drinking water. In short, the very health of residents of the Fort Peck Reservation depends on construction of this pipeline.

A safe and adequate supply of water is a necessity if the Fort Peck Nation is to realize its dream of economic development and full employment. The reservation economy is based on ranching and farming but expansion of agricultural operations is severely limited by the lack of adequate stockwater supplies. Additionally more effective distribution of water would result in more effective soil conservation and improvement of the native rangeland.

The Bureau of Reclamation has determined that a regional MR&I water supply system using water from the Missouri River is a feasible alternative for addressing the serious water problems facing Fort Peck. This legislation will make that alternative a reality for the people of the Fort Peck Reservation.

I urge my colleagues to join me in supporting authorization of this critical project.

By Mr. INHOFE (for himself, Mr. BREAUX, Mr. CRAIG, and Mr. HUTCHINSON):

S. 842. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

REVOCATION OF CERTIFICATIONS LEGISLATION

Mr. INHOFE. Mr. President, I have been working with representatives of the aviation industry on legislation that will address a problem with the Federal Aviation Administration. Let me, first of all, say that back in real life I have been a professional pilot for some 40 years. I am a little bothered, too, at some of the things taking place in the aviation industry. I have seen great injustice done many, many times, having to do with the emergency revocation powers of the FAA. In a revocation action, brought on an emergency basis, the certificate holder loses use of his certificate immediately, without an intermediary review by an impartial third party. The result is that the certificate holder is grounded and, in most cases, is out of work until the issue is adjudicated. I believe the FAA unfairly uses this necessary power to prematurely revoke certificates when the circumstances do not support such drastic action. A more reasonable approach, Mr. President, when safety is not an issue, would be to adjudicate the revocation on a nonemergency basis, allowing the certificate holder to continue use of his certificate.

Please don't misunderstand me. In no way do I want to suggest that the FAA should not have emergency revocation powers. I believe it is critical to safety that the FAA can ground unsafe airmen and other certificate holders. However, I also believe that the FAA must be judicious in its use of this extraordinary power. A review of recent emergency cases clearly demonstrates a pattern by which the FAA uses their emergency powers as standard procedure rather than an extraordinary measure.

Perhaps the most visible case is that of Bob Hoover, who happens to probably be the best pilot in America today. He is up in age. I have watched him and have been in a plane with him. He can set a glass of water on the panel of an airplane and do a barrel roll without spilling any of the water. He is highly regarded as an aerobatic pilot. In 1992, his medical certificate was revoked based on alleged questions regarding his cognitive abilities. After getting a clean bill of health from four separate sets of doctors—just one of the many tests cost Bob $1,700—and over the continuing objections of the Federal air surgeon, who never even examined Bob Hoover personally, his medical certificate was reinstated only after then-Administrator David Henson intervened. And I want to take this opportunity to tell David Henson what a great job he did for aviation, and for one person.

Unfortunately, Bob Hoover is not out of the woods yet.

His current medical certificate expires on September 30, 1997. Unlike most airmen who can renew their medical certificate with a routine application and exam, Bob has to furnish the FAA with a report of a neurological evaluation every 12 months.

It is a very expensive and unnecessary process.

Mr. President, Bob Hoover's experience is just one of many. In a way, his wasn't as bad, because some of them do this—like professional airline pilots—for a living.

I have several other examples of pilots who have had their licenses revoked on an emergency basis. Pilots such as Ted Stewart who has been an American Airlines pilot for more than 12 years and is presently a Boeing 767 captain. Until January 1995, Mr. Stewart had no complaints registered against him or his flying. In January 1995 the FAA suspended Mr. Stewart's examining authority as part of a larger FAA effort to respond to a problem of falsified ratings. The full NTSB board exonerated Mr. Stewart in July 1995. In June 1996, he received a second revocation. One of the charges in this second revocation involved falsification of records for a flight instructor certificate with multiengined rating and his air transport pilot [ATP] certificate dating back to 1979.

Like most, I have questioned how an alleged 17½-year-old violation could constitute an emergency; especially, since he has not been cited for any cause in the intervening years. Nonetheless, the FAA vigorously pursued this action. On August 30, 1996, the NTSB issued its decision in this second revocation and found for Mr. Stewart. A couple of comments in the Stewart decision bear closer examination. First, the board notes that:

> The administrator's loss in the earlier case appears to have prompted further investigation of respondent . . .

I find this rather troubling that an impartial third party appears to be suggesting that the FAA has a vendetta against Ted Stewart. This is further emphasized with a footnote in which the Board notes:

> [We,] of course, [are] not authorized to review the Administrator's exercise of his power to take emergency certificate action . . . We are constrained to register in this matter, however, our opinion that where, as here, no legitimate reason is cited or appears for not consolidating all alleged violations into one proceeding, subjecting an airman in the space of a year to two emergency revocations, and thus to the financial and other burdens associated with an additional 60-day grounding without prior notice and hearing, constitutes an abusive and unprincipled discharge of an extraordinary power.

Joining with me today is JOHN BREAUX of Louisiana. JOHN has a constituent, Frank Anders who has taken the lead gathering other examples of FAA abuses with regard to their emergency revocation authority. One in particular is Raymond A. Williamson who was a pilot for Coca-Cola Bottling Co. Like Ted Stewart, he was accused of being part of a ring of pilots who falsified type records for vintage aircraft.

As in all of the cases received by my office, Mr. Williamson biggest concern is that the FAA investigation and subsequent revocation came out of the blue. In November 1994, he was notified by his employer—Coca-Cola—that FAA inspectors had accused him of giving illegal check rides in company owned aircraft. He was fired. In June 1995, he received an emergency order of revocation. In over 30 years as an active pilot, he had never had an accident, incident, or violation. Nor had he ever been counseled by the FAA for any action or irregularities as a pilot, flight instructor or FAA designated pilot examiner.

In May 1996, FAA proposed to return all his certificates and ratings, except his flight instructor certificate. As in the Ted Stewart case, it would appear that FAA found no real reason pursue an emergency revocation.

Mr. President, I obviously cannot read the collective minds of the NTSB board, but I believe a reasonable person would conclude that in the Ted Stewart case the Board, believes as I do, that there is an abuse of emergency revocation powers by the FAA.

This is borne out further by the fact that since 1989, emergency cases as a total of all enforcement actions heard by the NTSB has more than doubled. In 1989 the NTSB heard 1,107 enforcement cases. Of those, 66 were emergency revocation cases or 5.96 percent. In 1995, the NTSB heard 509 total enforcement cases, of those 160 were emergency revocation cases or 31.43 percent. I believe it is clear that the FAA has begun to use an exceptional power as a standard practice.

In response, I and Senators CRAIG, HUTCHINSON, and BREAUX are introducing legislation that would establish a procedure by which the FAA must show just cause for bringing an emergency revocation action against a certificate holder. Many within the aviation community have referred to this needed legislation as the Hoover bill.

Not surprisingly, Mr. President, the FAA opposes this language. They also opposed changes to the civil penalties program where they served as the judge, jury, and executioner in civil penalty actions against airmen. Fortunately, we were able to change that so that airmen can now appeal a civil penalty case to the NTSB. This has worked very well because the NTSB has a clear understanding of the issues.

Our proposal allows an airman within 48 hours of receiving an emergency revocation order to request a hearing before the NTSB on the emergency nature of the revocation. NTSB then has 48 hours to hear the arguments. Within 5 days of the initial request, NTSB must decide if a true emergency exists. During this time, the emergency revocation remains in effect.

That means that the pilot does not have his certificate and cannot fly an airplane. In many cases, this is a means of a living. But that is for 7 days.

In other words, the certificate holder loses use of his certificate for a maximum of 7 days. However, should the NTSB decide an emergency does not exist, then the certificate would be returned and the certificate holder could continue to use it while the FAA pursued their revocation case against him in an expedited appeal process as provided for by the bill. If the NTSB decides that an emergency does exist, then the emergency revocation remains in effect and the certificate holder cannot use his certificate while the case is adjudicated.

This bill is supported by: the Air Line Pilots Association, International; the Air Transport Association; the Allied Pilots Association, Aircraft Owners and Pilots Association; the Experimental Aircraft Association; National Air Carrier Association; National Air Transportation Association; National Business Aircraft Association; the NTSB Bar Association; and the Regional Airline Association.

Mr. President, I ask unanimous consent that a letter dated March 11, 1997, to me from the above mentioned organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 11, 1997.

Hon. JAMES M. INHOFE,
U.S. Senator,
Washington, DC.

DEAR SENATOR INHOFE: The undersigned associations and organizations endorse and support your proposed legislation, the FAA Emergency Revocation Act of 1997, to reform the Federal Aviation Administration enforcement process in an important respect.

It has become apparent to us in recent years that the FAA has significantly increased its use of its emergency authority to immediately suspend or revoke airmen, air carrier, and air agency certificates, thereby avoiding the automatic stay of such action provided by law pending appeal to the National Transportation Safety Board. This legislation will accord due process to certificate holders by providing a more adequate forum for promptly adjudicating the appropriateness of the FAA's use of this authority. The forum, the same one which will adjudicate the merits of the FAA action, will also adjudicate, on a more timely basis, whether aviation safety requires the immediate effectiveness of a certificate action. The effect will be that in an appropriate case, a certificate holder will be able to exercise the privileges of its certificate while an FAA certificate action is on appeal, all without compromise of aviation safety.

We thank you for introducing this legislation, and we look forward to working with you toward its passage.

Sincerely,

Air Line Pilots Association, International; Allied Pilots Association; Experimental Aircraft Association; National Air Transportation Association; NTSB Bar Association; Air Transport Association; AOPA Legislative Action; National Air Carrier Association; National Business Aircraft Association; Regional Airline Association.

Mr. INHOFE. Mr. President, in closing, this bill will provide due process to certificate holders where now none exists, without compromising aviation safety. This is a reasonable and prudent response to an increasing problem for certificate holders. I hope our colleagues will support our efforts in this regard.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK):

S. 843. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS LEGISLATION

Mr. HATCH. Mr. President, I rise today to introduce a bill that would provide much-needed tax relief for American-owned companies that are attempting to compete in the world marketplace. I am joined by Senator BAUCUS in introducing the International Tax Simplification for American Competitiveness Act.

Mr. President, our country's economy has entered into an environment like no other in our history. The success of the American economy is becoming more and more intertwined with the success of our businesses in the global marketplace. As the economic boundaries from country to country merge closer together, and competition begins to arise from previously lesser-developed nations, it is imperative that American owned businesses be able to compete from the most advantageous position possible.

There are already barriers the U.S. economy must overcome to remain competitive that Congress cannot hurdle by itself. I know that we have international trade negotiators working hard to eliminate those obstacles, such as barriers to foreign markets, but we can do more than just open barriers. We can reform our Tax Code in such a way that would ensure continued success by American-owned companies in today's highly competitive international market. There is no need to further impede the economy by saddling it with an outdated and extremely complex Tax Code.

If we pass on this opportunity, Mr. President, we run the risk of jeopardizing the international competitiveness of the U.S. economy, as American companies are lured to other countries with simple, more favorable tax treatment.

The business world is changing at a more rapid pace than any other time in history. Tax laws, unfortunately, have failed to keep pace with the rapid changes in the world economy. The last time the international provisions of the Internal Revenue Code were substantially debated and revised was in 1986. Since that time, existing economies have changed, and new economies have been created, all while our tax policy regarding this changing market has remained the same. And in several cases, our foreign competitors operate under simpler, fairer, and more logical tax regimes. The continued use of a confusing, archaic tax code results in a mismatch with commercial reality and creates a structural bias against the international activities of U.S. companies. We cannot, and should not, continue to impede the progress of our economy.

Mr. President, the bill that I am introducing today seeks to simplify and correct various areas in the Internal Revenue Code that are unnecessarily restraining American businesses competing in today's global market. Some of these provisions are similar to those contained in the President's recently released simplification package. Some changes come in areas that are in dire need of repair, and others are changes that take into consideration international business operations that exist today, but were either nonexistent, or limited to domestic soil in 1986, when the tax reform laws were put into place.

An important correction to current rules relates to Foreign Sales Corporation [FSC] treatment for software. When the current FSC rules were implemented 11 years ago, the level of software exports was nowhere near the level it is today. Because the Tax Code was not modified with the evolution of the high-technology business world, American software exports are currently discriminated against. This proposal would clarify that computer software qualifies as export property eligible for FSC benefits. These benefits are currently available for films, records, and tapes, but not software.

The United States is currently the global leader in software production and development and employs nearly 400,000 people in high-paying software development and servicing jobs. The industry has experienced a great deal of growth in the past decade, primarily due to increased exports. If the FSC benefits to software continue to be denied, we are creating another obstacle to the competitiveness of American manufactured software, ultimately harming the U.S. economy, and putting American jobs at risk.

Another important change included in the bill would repeal the 10/50 tax credit rules. Currently, the code requires U.S. companies to calculate separate foreign tax credit limitations for each of its foreign joint venture businesses in which the U.S. owner owns at least 10 percent but no more than 50 percent. In addition to creating administrative headaches for American owned companies that may have hundreds of such foreign joint venture operations, these rules impede the ability of U.S. companies to compete in foreign markets.

It is necessary for businesses in the United States to operate in joint ventures worldwide, particularly in emerging, previously closed markets such as the former Soviet Union and the People's Republic of China. Many times, the joint ventures are needed to assist the United States investor to overcome significant local country and political obstacles involved with taking a controlling interest in foreign companies. This applies particularly to regulated businesses, such as telecommunications companies. While this type of joint venture is necessary for companies to enter and compete in foreign markets, the current tax law in our country discourages such operations.

The bill would permit U.S. owners to compute foreign tax credits with respect to dividends from such entities based on the underlying character of the income of these entities, or the so-called look-through treatment, provided that the necessary information is available. Moreover, the bill includes a provision that would eliminate the overlap in the rules between passive foreign investment companies [PFIC] and controlled foreign companies [CFC]. PFIC rules were never intended to apply to CFC's. In the Tax Act of 1993, changes were made that created unnecessary duplication in PFIC and CFC rules. Currently, there are several CFC's that are caught under both sets of rules. This proposal would eliminate these duplications. If a PFIC is also a CFC, the proposal generally would treat the foreign corporation as a non-PFIC with respect to certain 10-percent U.S. shareholders of the CFC.

Mr. President, I ask that my colleagues take a close look at this bill. This is not partisan legislation. It is an attempt to give fair tax treatment to American companies who operate abroad, and that, I think, is an objective we all support. The bill is truly a technical correction and simplification, designed to correct the inequities in our Tax Code, and to help place U.S. companies on a level playing field with their competitors in the foreign market. If we do not step up and make these corrections, American companies will lose ground to their foreign counterparts, eventually losing their power to operate successfully at home and harm our Nation's economic potential. American workers are the most creative, competitive, and hard-working in the world. It is our duty, Mr. President, to release them from any unnecessary constraints at home. Their hard work and perseverance will enable us to maintain and strengthen our lead in the global marketplace, resulting in more quality, high-paying jobs on American soil, and an even stronger national economy.

I ask unanimous consent that a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT—SUMMARY OF PROVISIONS

TITLE I—TREATMENT OF PASSIVE FOREIGN INVESTMENT COMPANIES

Section 101. PFIC/CFC overlap: The overlap between the PFIC and CFC rules would be eliminated. In the case of a PFIC that is also a CFC, the proposal generally would treat the foreign corporation as a non-PFIC with respect to certain 10-percent U.S. shareholders of the CFC. The change generally would be effective for taxable years of U.S. persons beginning after December 31, 1997, and to taxable years of foreign corporations ending with or within such taxable years of U.S. persons, subject to certain holding period requirements.

Section 102. PFIC mark-to-market election: A shareholder of a PFIC would be allowed to make a mark-to-market election for PFIC stock that is regularly traded on a qualifying national securities exchange or is otherwise treated as marketable. A similar election generally would be available for regulated investment companies. The provision would be effective for taxable years of U.S. persons beginning after December 31, 1997, and to taxable years of foreign corporations ending with or within such taxable years of U.S. persons.

Section 103. Clarification of passive income definition: The definition of passive income would be amended for purposes of PFIC provisions by clarifying that the exceptions from the definition of foreign personal holding company income under section 954(c)(3) (regarding certain income received from related persons) do not apply in determining passive income for purposes of the PFIC definition. The change would be effective for taxable years of U.S. persons beginning after December 31, 1997, and to taxable years of foreign corporations ending with or within such taxable years of U.S. persons.

Section 104. Effective date of new PFIC provisions: The changes made by the new PFIC provisions (sections 101–103, above) would apply to taxable years of U.S. persons beginning after December 31, 1997, and to taxable yeas of foreign corporations ending with or within such taxable years of U.S. persons.

TITLE II—TREATMENT OF CONTROLLED FOREIGN CORPORATIONS

Section 201. Extension of divided treatment to dispositions of lower-tier CFCs: Section 1248 dividend treatment would be extended to the sale of a CFC by a CFC where such dividend treatment is provided under current law upon the sale of a CFC by a U.S. shareholder. In addition, a provision added to section 904(d)(2)(E) by the 1988 Act (TAMRA) would be repealed. That provision requires the recipient of a CFC distribution to have been a U.S. shareholder in the CFC when the related earnings were generated to avoid subjecting the distributions to the separate foreign tax credit basket applicable to section 902 corporations. The changes would be effective for gains recognized on transactions or distributions occurring after the date of enactment.

Section 202. Miscellaneous modifications to subpart F: The following changes would be made to subpart F:

Subpart F inclusions in year of acquisition: The subpart F inclusions of an acquirer of CFC stock would be reduced in the year of acquisition by a portion of the dividend deemed recognized by the transferor under section 1248. The provision would apply to dispositions after the date of enactment.

Adjustments to basis of stock: The income inclusion to a U.S. shareholder resulting from an upper-tier CFC's sale of stock in a lower-tier CFC that earns subpart F income would be adjusted, under regulations, to account for previous inclusions by adjusting the basis of the stock. The provision would apply for purposes of determining inclusions for taxable years of U.S. shareholders beginning after December 31, 1997.

Certain distributions of previously taxed income: The IRS would be authorized to issue regulations to prevent multiple inclusions in income or to provide appropriate basis adjustments in the case of cross-chain section 304 dividends out of the earnings of CFCs that were previously included in the income of a U.S. shareholder under subpart F, or in other circumstances in which there would otherwise be a multiple inclusion or a failure to adjust basis. The provision would be effective on the date of enactment.

U.S. income earned by a CFC: A treaty exemption or reduction of the branch profits tax that would be imposed under section 884 with respect to a CFC would not affect the general statutory exemption from subpart F income that is granted for U.S. source effectively connected income. The provision would apply to taxable years beginning after December 31, 1986.

Section 203. Indirect foreign tax credit allowed for lower tiers: The availability of indirect foreign tax credits would be extended to certain taxes paid or accrued by certain fourth-, fifth-, and sixth-tier foreign corporations. The provision generally would be effective for taxes of a CFC with respect to its taxable years beginning after December 31, 1997.

Section 204. Exemption for active financing income: Income earned in the active conduct of a banking, financing, or similar business by a CFC would not be treated as foreign personal holding company income if (1) a significant portion of the CFC's income for that business is derived from transactions with unrelated customers in the jurisdiction in which the CFC is organized and the CFC is predominantly engaged in the active conduct of such business, or (2) the CFC's income is derived in the active conduct of a securities or banking business within the meaning of the PFIC rules. In addition, the bill would exclude from subpart F income a qualifying insurance CFC's income from the investment of its assets, subject to certain limitations. The provision would apply to taxable years of foreign corporations beginning after December 31, 1997, and to taxable years of U.S. shareholders with or within which such taxable years of foreign corporations end.

Section 205. Provide look-through treatment for 10/50 companies: Current law requires U.S. companies operating joint ventures in foreign countries to calculate separate foreign tax credit basket limitations for income earned from each joint venture in which the U.S. owner owns at least 10 percent but no more than 50 percent. The proposal would permit U.S. owners to compute foreign tax credits with respect to dividends from such entities based on the underlying character of the income of these entities (i.e., "look-through" treatment), provided that the necessary information is available. Dividends from entities for which the necessary information is unavailable would be aggregated in a single foreign tax credit basket. The provision would apply to dividends paid out of earnings and profits accumulated during taxable years of foreign corporations beginning after December 31, 1997.

Section 206. Study of treating European Union as a single country: The Treasury Department would be directed to conduct a study on the feasibility of treating all members of the European Union as a single country for purposes of applying the same country exceptions under subpart F. This study would include consideration of methods of ensuring that taxpayers are subject to a substantial effective rate of foreign tax if such treatment is adopted. A report would be required within six months.

Section 207. Expand subpart F de minimis rule: The subpart F de minimis rule under current law excludes all gross income from foreign base company income or insurance income if the sum of the gross foreign base company income and the gross insurance income of the CFC for the taxable year is less than the lesser of five percent of gross income or $1 million. The proposal would expand this rule to the lesser of 10 percent of gross income or $2 million. The provision would apply to taxable years beginning after December 31, 1997.

Section 208. Use U.S. GAAP for determining subpart F earnings and profits: Taxpayers would be allowed to use U.S. generally accepted accounting principles to determine subpart F earnings and profits. The provision would apply to distributions during, and the determination of the inclusion under section 951 with respect to, taxable years of foreign corporations beginning after December 31, 1997.

Section 209. Clarify treatment of pipeline transportation income: The proposal would exclude income from the pipeline transportation of oil or gas within a foreign country from the statutory definition of "foreign base company oil related income." The provision would apply to taxable years beginning after December 31, 1997.

Section 210. Expand deduction for dividends from foreign corporations with U.S. income: Under the proposal, the constructive ownership rules of section 318 would apply in determining whether the 80-percent ownership threshold of section 245(a)(5) is satisfied, and the term "dividend" would include subpart F inclusions. The provision would apply to taxable years beginning after December 31, 1997.

TITLE III—OTHER PROVISIONS

Section 301. Translation, redetermination of foreign taxes: Current law requires U.S. taxpayers making foreign tax payments to translate each payment made during the year into U.S. dollars at the exchange rate on the day of payment. The proposal would simplify this rule by generally permitting accrual-basis taxpayers to translate foreign taxes at the average exchange rate for the taxable year to which such taxes relate. In addition, it generally would provide for any subsequent adjustments to or refunds of accrued foreign taxes to be taken into account for the taxable year to which they relate. The provision would apply to taxes paid or accrued in taxable years beginning after December 31, 1997, and to taxes that relate to taxable years beginning after December 31, 1997.

Section 302. Election to use simplified foreign tax credit calculation under AMT: Taxpayers would be permitted to elect (with certain limitations) to use, as their alternative minimum tax (AMT) foreign tax credit limitation fraction, the ratio of foreign source regular taxable income to entire AMT income. This would eliminate the need to calculate a separate AMT foreign tax credit limitation. The election would apply to all subsequent taxable years and could be revoked only with IRS consent. The provision would apply to taxable years beginning after December 31, 1997.

Section 303. Outbound transfers: The excise tax under section 1491 on certain outbound transfers would be repealed and, in its place, full recognition of gain would be required on a covered transfer of property by a U.S. person to a foreign corporation, foreign partnership, or foreign estate or trust. The provision would apply to transfers after December 31, 1997.

Section 304. Inbound transfers: Regulatory authority generally would be provided to require income recognition, to the extent necessary to prevent U.S. federal income tax avoidance, in the case of certain otherwise tax-free corporate organizations, reorganizations, and liquidations in which the status of a foreign corporation as a corporation is a condition for nonrecognition by a party to the transaction. The provision would apply to transfers after December 31, 1997.

Section 305. Increase in reporting threshold: The ownership threshold triggering the requirement to file information returns regarding the organization or reorganization of foreign corporations and the acquisition of their stock would be increased from 5 percent to 10 percent, effective January 1, 1998.

Section 306. Exempt foreign corporations from uniform capitalization rules: Under the proposal, the uniform capitalization rules would apply to foreign taxpayers only for the purposes of subpart F or the taxation of income effectively connected with the conduct of a U.S. trade or business. The provision would apply to taxable years beginning after December 31, 1996. Section 481 would not apply to any change in a method of accounting by reason of the provision.

Section 307. Extend FTC carryforward: The proposal would extend the carryforward period for excess foreign income taxes and extraction taxes form five years to 10 years. The provision would apply to excess foreign taxes for taxable years beginning after December 31, 1997.

Section 308. Domestic loss recapture: The proposal would make symmetrical the overall foreign loss provisions by recharacterizing overall domestic losses recaptured in subsequent years as foreign source income. The provision would apply to losses for taxable years beginning after December 31, 1997.

Section 309. FSC rules for computer software and military property: The proposal would clarify that computer software, whether or not patented, qualifies as export property eligible for FSC benefits. The provision would apply to sales, exchanges, or other dispositions after the date of enactment. Also, the proposal would remove the 50-percent limitation on foreign trading gross receipts attributable to military property. This amendment would apply to taxable years beginning after December 31, 1997.

Section 310. Special rules for financial services income: The foreign tax credit limitation provisions generally would be amended to exclude from high withholding tax interest any interest on a security held by a dealer in connection with its activities as such. The foreign tax credit limitation for financial services income would be amended to include the entire gross income of any person for which financial services income exceeds 80 percent of gross income. In addition,the section 904(g) source rules for U.S.-owned foreign property would be amended to exclude income derived by a securities dealer on securities. The proposals generally would apply to taxable years beginning after December 31, 1997. In the case of deemed paid credits, the proposal would apply to taxable years of foreign corporations beginning after December 31, 1997 and to taxable years of U.S. shareholders in such corporations with or within which such taxable years of foreign corporations end.

Section 311. Exclusion of certain dealers' assets from section 956 definition of U.S. property: The provision would exclude from the definition of "United States property" under section 956 certain assets acquired by a dealer in securities or commodities in the ordinary course of its trade or business. Excluded assets would include certain assets posted as collateral or margin, certain obligations of U.S. persons acquired in connection with a sale and repurchase agreement, and certain securities acquired and held by a CFC primarily for sale to customers. The provision would be effective for taxable years of foreign corporations beginning after December 31, 1997, and to taxable years of U.S. shareholders with or within which such taxable years of foreign corporations end.

Section 312. Foreign investment in mutual funds: The proposal generally would exempt from U.S. taxation certain dividends received by nonresident aliens or foreign corporations from regulated investment companies (RICs) to the extent the dividends are attributable to interest or short-term capital gains. Also, for U.S. estate tax purposes, the proposal would treat stock in certain RICs as property without the United States. Finally, the proposal would expand the special rules for REITs under section 897(h) to cover domestically controlled RICs as well. The first provision would apply to dividends with respect to taxable years of RICs beginning after the date of enactment; the other provisions generally would take effect on the date of enactment.

Section 313. Exclude preliminary agreements from definition of intangible property: The proposal would exclude from the section 936(h)(3)(B) definition of intangible property any "preliminary agreement" that is not legally enforceable. This provision would apply to agreements entered into after the date of enactment.

Section 314. Study of affiliated group interest allocation: The Treasury Department would be directed to conduct a study of the rules under section 864(e) for allocating interest expense of members of an affiliated group. This study would include an analysis of the effect of such rules, including the effects such rules have on different industries. A report would be required within six months.

Mr. BAUCUS. Mr. President, I am very pleased today to join my colleague, Senator HATCH, to introduce a bill to help American-owned companies compete in the world marketplace by simplifying our overly complicated international tax rules.

America's economic success depends more than ever before on our ability to succeed in the international economy. When I came to the Senate, imports and exports together made up about 12 percent of our economy. Today it is 30 percent and growing every day. So more jobs than ever depend on exports and overseas operations.

I have worked through the Trade Subcommittee to lower foreign trade barriers and encourage agreements to keep trade free and fair. I have sought to open foreign markets for Montana products like beef to wheat. And this work pays off.

According to a report prepared by the accounting firm Price Waterhouse last month, exports of goods alone in the United States in 1996 supported almost 7 million direct and indirect jobs and account for over 11 percent of our Gross Domestic Product. In Montana, these exports totaled almost one-half billion dollars and supported 58,000 jobs in 1996.

But while our trade policies have been successful in many areas, our Tax Code has failed to keep up. Its international provisions are outdated, unclear, complex, and duplicative. And the result is fewer jobs and less prosperity here at home.

So Senator HATCH and I have joined in an effort to simplify our Code, remove duplicative or outmoded provisions, and provide incentives for trade whenever possible.

This bill does not by any means cure all of the problems in the international tax arena. But it is a good starting point which simplifies existing law, reduces the cost of compliance, and begins to make rules more rational and more mindful of the competitiveness of U.S. businesses. The major provisions include:

Putting U.S. companies entering into joint ventures in foreign markets on an equal footing with their foreign competitors by eliminating the so-called 10-50 foreign tax credit basket rules.

Rationalizing the anti-deferral rules by eliminating provisions that duplicate other clauses of the Internal Revenue Code. This is essential if U.S. financial services companies are to keep their leading edge in foreign markets.

Guaranteeing that the export tax incentive provided by the foreign sales corporation rules would apply to U.S. software sold overseas, and to approved sales of U.S.-made military goods overseas.

Putting mutual funds on the same footing as individual companies in their ability to attract foreign investors, increasing their investment capital.

And making it easier for utilities to bid for construction projects overseas.

These things will make us more efficient and more competitive. It will allow companies to put less effort into accounting and filling out tax forms, and more into producing, competing, and creating jobs. And that is what we need, today, and even more so tomorrow.

We live in a global economy, Mr. President, and we must help American companies compete in this economy if we hope to continue an expansion in which a quarter of our growth already comes from exports. The International Tax Simplification for American Competitiveness Act is a major step in that direction.

I look forward to working with Senator HATCH and my other colleagues on the Finance Committee to have its provisions incorporated into the reconciliation bill we will soon be considering.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. MCCONNELL, Mr. SANTORUM, Mr. ROBERTS, Mr. COCHRAN, Mr. CRAIG, Mr. GRASSLEY, Mr. DASCHLE, Mr. LEAHY, Mr. KERREY, Mr. BAUCUS, Ms. LANDRIEU, Mr. JOHNSON, and Mr. CONRAD):

S. 845. A bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes; to the Committee on Governmental Affairs.

THE CENSUS OF AGRICULTURE ACT OF 1997

Mr. LUGAR. Mr. President, today I rise to introduce legislation that will transfer the census of agriculture from the Department of Commerce to the Department of Agriculture [USDA]. I am pleased that the distinguished ranking member of the Agriculture Committee, Senator HARKIN, as well as Senators MCCONNELL, SANTORUM, DASCHLE, ROBERTS, LEAHY, KERREY, BAUCUS, LANDRIEU, COCHRAN, CONRAD, JOHNSON, CRAIG, and GRASSLEY have joined me as cosponsors of this bill.

In recent years the census of agriculture has been conducted every 5 years. Agricultural producers nationwide are asked questions regarding their production and sales. The census of agriculture is the only source of consistent, county level statistics on agricultural operations throughout the United States. It also provides national and State data. The census of agriculture is useful in monitoring the current status of, as well as documenting changes in, the agricultural industry. The number of farms, a major piece of data resulting from the census, is taken into account in the allocation of funding for several USDA programs.

Last year Congress provided funds to USDA to allow USDA, in cooperation with the Department of Commerce, to conduct the next census without any substantive changes in scope, coverage, or timing. This transfer of funding necessitates the transfer of the authority.

Transferring the authority for the census of agriculture to the USDA makes common sense. This move would integrate the agricultural statistics programs of the two Departments and eliminate duplication. USDA states that cost savings will result with one agency given primary authority over the content of the census as well as dissemination of its results.

The issue of moving the census surfaced during final conference committee deliberations on the 1996 Federal Agricultural Improvement and Reform Act. Given the time constraints of that conference, a provision to transfer the census of agriculture to USDA was not included in the bill. Subsequent legislation was passed by the House, but did not receive approval from the Senate before the end of the session.

Last year, the Department of Commerce expressed some interest in changing the definition of a farm, which is now defined as sales of $1,000 or more per year. While USDA has stated there will be no substantive changes with how the upcoming census is carried out, it is more logical to provide the authority to set the definition to the Department whose programs would be most affected by a change.

Many agricultural associations and organizations, including the American Farm Bureau Federation, support the transfer of the census of agriculture to USDA. Last month, USDA proposed legislation which is virtually identical to this bill.

I ask my colleagues for their support of this legislation. I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Census of Agriculture Act of 1997".

SEC. 2. TRANSFER TO THE SECRETARY OF AGRICULTURE OF THE AUTHORITY TO CONDUCT THE CENSUS OF AGRICULTURE.

(a) IN GENERAL.—Section 526 of the Revised Statutes (7 U.S.C. 2204) is amended by adding at the end the following:

"(c) CENSUS OF AGRICULTURE.—

"(1) IN GENERAL.—In 1998 and every 5th year thereafter, the Secretary of Agriculture shall take a census of agriculture.

"(2) METHODS.—In connection with the census, the Secretary may conduct any survey or other data collection, and employ any sampling or other statistical method, that the Secretary determines is appropriate.

"(3) YEAR OF DATA.—The data collected in each census taken under this subsection shall relate to the year immediately preceding the year in which the census is taken.

"(4) ENFORCEMENT.—

"(A) FRAUD.—A person over 18 years of age who willfully gives an answer that is false to a question submitted to the person in connection with a census under this subsection shall be fined not more than $500.

"(B) REFUSAL OR NEGLECT TO ANSWER QUESTIONS.—A person over 18 years of age who refuses or neglects to answer a question submitted to the person in connection with a census under this subsection shall be fined not more than $100.

"(C) SOCIAL SECURITY NUMBER.—The failure or refusal of a person to disclose the person's social security number in response to a request made in connection with any census or other activity under this subsection shall not be a violation under this paragraph.

"(D) RELIGIOUS INFORMATION.—Notwithstanding any other provision of this subsection, no person shall be compelled to disclose information relative to the religious beliefs of the person or to membership of the person in a religious body.

"(5) GEOGRAPHIC COVERAGE.—A census under this subsection shall include—

"(A) each of the several States of the United States;

"(B) as determined by the Secretary, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and Guam; and

"(C) with the concurrence of the Secretary and the Secretary of State, any other possession or area over which the United States exercises jurisdiction, control, or sovereignty.

"(6) COOPERATION WITH THE SECRETARY OF COMMERCE.—

"(A) INFORMATION PROVIDED TO THE SECRETARY OF AGRICULTURE.—The Secretary of Commerce may, on a written request by the Secretary of Agriculture, provide to the Secretary of Agriculture any information collected under title 13, United States Code, that the Secretary of Agriculture considers necessary for the taking of a census or survey under this subsection.

"(B) INFORMATION PROVIDED TO THE SECRETARY OF COMMERCE.—The Secretary of Agriculture may, on a written request by the

Secretary of Commerce, provide to the Secretary of Commerce any information collected in a census taken under this subsection that the Secretary of Commerce considers necessary for the taking of a census or survey under title 13, United States Code.

"(C) CONFIDENTIALITY.—

"(i) IN GENERAL.—Information obtained under this paragraph may not be used for any purpose other than the statistical purposes for which the information is supplied.

"(ii) CENSUS INFORMATION.—For purposes of sections 9 and 214 of title 13, United States Code, any information provided under subparagraph (B) shall be considered information furnished under the provisions of title 13, United States Code.

"(7) REGULATIONS.—A regulation necessary to carry out this subsection may be promulgated by—

"(A) the Secretary of Agriculture, to the extent that a matter under the jurisdiction of the Secretary is involved; and

"(B) the Secretary of Commerce, to the extent that a matter under the jurisdiction of the Secretary of Commerce is involved.".

(b) CONFORMING AMENDMENTS.—

(1)(A) Subchapter II of chapter 5 of title 13, United States Code, is amended by striking the subchapter heading and inserting the following:

"SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT".

(B) Section 142 of title 13, United States Code, is repealed.

(C) The analysis of chapter 5 of title 13, United States Code, is amended—

(i) by striking the item relating to the heading for subchapter II and inserting the following:

"SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT";

(ii) by striking the item relating to section 142; and

(iii) by inserting after the item relating to section 161 the following:

"163. Authority of other agencies.".

(2) Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking "taken under section 142 of title 13, United States Code".

SEC. 3. CONFIDENTIALITY OF INFORMATION.

(a) INFORMATION PROVIDED TO THE SECRETARY OF AGRICULTURE.—

(1) AUTHORITY TO PROVIDE INFORMATION.—Section 9(a) of title 13, United States Code, is amended by inserting after "chapter 10 of this title" the following: "or section 526(c)(6) of the Revised Statutes (7 U.S.C. 2204(c)(6))".

(2) CONFIDENTIALITY OF INFORMATION.—Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by striking paragraph (5) and inserting the following:

"(5) subsections (a) and (c) of section 526 of the Revised Statutes (7 U.S.C. 2204);".

(b) INFORMATION PROVIDED TO THE SECRETARY OF COMMERCE.—Section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) is amended by adding at the end the following:

"(e) INFORMATION PROVIDED TO THE SECRETARY OF COMMERCE.—This section shall not prohibit the release of information under section 526(c)(6) of the Revised Statutes (7 U.S.C. 2204(c)(6)).".

AG CENSUS BILL—SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. Section 1 would provide that the act may be cited as the "Census of Agriculture Act of 1997."

Section 2. Transfer to the Secretary of Agriculture of the Authority To Conduct the Census of Agriculture. Section 2(a) would amend section 526 of the Revised Statutes (7 U.S.C. 2204) to require the Secretary of Agriculture to take a census of agriculture in 1998 and every 5th year thereafter. The data collected in each census would relate to the year preceding the year that the census was taken. Any person who refuses to answer or provides false answers to questions in connection with the census would be subject to penalties, except if the refusal is to disclose the person's social security number.

Section 2(a) also would authorize the Secretaries of Agriculture and Commerce to share information necessary for taking a census. Upon written request by the Secretary of Agriculture, the Secretary of Commerce would be authorized to furnish certain information to be used for statistical purposes. Upon written request by the Secretary of Commerce, the Secretary of Agriculture would be authorized to furnish census information to be used for statistical purposes.

Section 2(b) would repeal section 142 of title 13, United States Code. Section 142 of title 13, United States Code, requires the Secretary of Commerce to take the census of agriculture. This repeal is a confirming amendment necessary to effectuate the transfer of the authority to conduct the census of agriculture from the Secretary of Commerce to the Secretary of Agriculture. Section 2(b) also would make a conforming amendment to the Consolidated Farm and Rural Development Act to refer to the census of agriculture as under section 526(c) of the Revised Statutes.

Section 3. Confidentiality of Information. Section 3 would make amendments to ensure the confidentiality of information furnished for the census of agriculture.

By Mr. AKAKA:

S. 846. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

THE FEDERAL POWER ACT AMENDMENT ACT OF 1997

Mr. AKAKA. Madam President, the State of Hawaii, its delegation in Congress, and conservation organizations throughout the State are deeply concerned about Federal efforts to regulate hydroelectric projects on State waters. Across the United States, the question of who should have authority for hydropower regulation—the State or the Federal Government—is very contentious. But in the case of the fresh water streams of Hawaii, the answer is clear. The State of Hawaii, not the Federal Energy Regulatory Commission, should have the authority for hydropower regulation in Hawaii, if the Commission finds it has no mandatory jurisdiction under the Federal Power Act.

Those who care for Hawaii's rivers and streams recognize that unnecessary Federal intervention may have serious repercussions for our fresh water resources and the ecosystems that depend upon them.

The State of Hawaii has demonstrated its commitment to protect stream resources by instituting a new water code, adopting instream flow standards, launching a comprehensive Hawaii stream assessment, and organizing a steam protection and management task force.

The Federal interest in protecting the vast interconnected river system of North America is misplaced in our isolated mid-Pacific locale. The issues of interstate commerce, protecting military ports, or long interstate rivers are not applicable.

Therefore, I am introducing legislation to terminate FERC's voluntary jurisdiction over hydropower projects on the fresh waters of the State of Hawaii. This legislation is nearly identical to one passed by the Senate during the 103d Congress. In 104th Congress, the Senate Energy and Natural Resources Committee again approved the bill. I will continue to fight for the passage of this legislation in the 105th Congress.

By Mr. COATS (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ASHCROFT, Mr. COVERDELL, and Mr. GREGG):

S. 847. A bill to provide scholarship assistance for District of Columbia elementary and secondary school students; to the Committee on Governmental Affairs.

THE DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 1997

Mr. COATS. Mr. President, today is a very important day for students in the District of Columbia. Today, I join Senator LIEBERMAN, Senator BROWNBACK, Senator ASHCROFT, and Senator GREGG in introducing the District of Columbia Student Opportunity Scholarship Act of 1997, also known as the DC SOS Act. The DC SOS Act provides immediate relief to thousands of the District's neediest students who are consigned to failing, violent public schools. This bill is a direct response to the needs of thousands of families in our Capital City who have, for too long, been expected to accept underperforming and often violent schools for their children. The DC SOS Act provides real educational opportunities to almost 4,000 District students.

Many of you may remember that a very similar initiative was introduced by former Representative Gunderson, and included in the 1996 D.C. appropriations bill. At that time, a majority of the Senate, 56 Senators in all, were supportive of the idea to provide scholarships to poor students in the District of Columbia. Tragically, that program, which would have benefited 5,000 of our Nation's most needy students, was blocked by the threat of a filibuster.

During the 1996 D.C. Appropriations debate, many of those who opposed providing scholarships for poor District students argued that the initiative was opposed by the residents of the District. That argument cannot be used this time. A recent bipartisan survey conducted in the District of Columbia found that fully 64 percent of Washingtonians would send their children to private school if they had the option and if money were not an issue; 61 percent of single parents think that creating a school choice program for the District is an excellent or good use of taxpayer dollars. And those most likely to opt out of the public system are residents of the wards 7 and 8, the areas with the most troubled public schools. Clearly, the residents of the District are ready for a change.

But these surveys should not surprise us. The D.C. schools have not improved since the defeat of the D.C. scholarship program in 1996. Rather, the schools got so bad that the D.C. Control Board fired Superintendent Franklin Smith, stripped control of the school from the D.C. Board of Education, and installed a new Chief Executive and Superintendent, retired Army Gen. Julius W. Becton, Jr. Perhaps General Becton can turn the D.C. school system around. But I am not willing to tell a family who fears for the safety of their child that they should wait and given General Becton 5 or 10 years to test his approaches, especially because changes have been promised by five new superintendents in the last 15 years.

In February of this year, the Washington Post ran a five-part series on the D.C. school system, chronicling its complete breakdown. A school system where jobs for bureaucrats are more important than providing textbooks. A school system that employs almost nine times more central office administrators than the national average, despite a decreasing student population, and a shortage of qualified teachers and principals.

Many of the district's 152 schools are in a state of terrible disrepair. Students and teachers contend with leaking roofs, bitterly cold classrooms, and thousands of fire code violations. Yet, in 1996, the D.C. Board of Education allocated $1.4 million for its own use, an amount far greater than that spent by neighboring counties, and $200,000 more than is spent by the Chicago school system, which is five times larger.

Unfortunately, these problems of infrastructure are minor concerns compared to violence and basic educational failure. Violence in the schools is at an alltime high—both student on student, and student on teacher—even as the violent crime rate in the country as a whole drops. And stories of academic mediocrity have become so common that they have lost their power to shock. Why is there no public outcry that the D.C. school district, which spends the most per pupil of any district in the country, has the Nation's lowest reported scores on the NAEP exams? Where is the outrage that only 35 percent of students are reading at grade level?

Students are routinely promoted regardless of whether they have progressed in their studies and graduate from the school system with little to show for their 12 years of schooling. Eighty-five percent of D.C. public school graduates who enter the University of the District of Columbia need 2 years of remedial education before beginning their course work toward degrees. And more than half of all graduates who took the U.S. Armed Forces Qualification Test in 1994 failed. This last statistic is particularly troubling, because it blocks a traditional escape route from disadvantage.

We are asking poor, inner-city children and their parents to tolerate circumstances that most middle-class and affluent Americans would not tolerate for one moment. Why should these families have to suffer violence and the lack of educational opportunities for another week, let alone the years that General Becton himself admits it will be before reform has any effect?

But those of us concerned about this issue face an obstacle. No one seems outraged enough about the betrayal of these children by indifferent adults to make major changes. Not suburban whites, who are often satisfied with their schools. Not politicians, some of whom are either blindly obedient to teachers unions or may simply have different political constituencies than these kids and their parents.

The DC SOS Act is an attempt to end this conspiracy of complacency. In introducing this bill today, I join with a coalition of members in both House of Congress who seek to provide scholarships for low-income students in the District of Columbia to enable them to attend the public or private school of their choice or to receive tutoring assistance. This bill is the single most practical, immediate, effective way to help actual children, with flesh and blood and futures, rather than continuing to ignore this very serious situation.

I find it inconceivable that anyone, in good conscience, could condemn the District's low income children to attend schools that not only fail to educate them, but cannot even assure their personal safety. Some of the public schools in this city have become wastelands of violence and despair. We cannot begin to imagine the fears of a mother who is forced, required, compelled to send her child through barbed wire and metal detectors into a combat zone, masquerading as an educational institution.

The introduction, and ultimate passage of this bill, will signal a fundamental shift in priorities. It would indicate to parents in the District of Columbia and all across America that we care about their children more than we care about maintaining the status quo; that we understand the depth of the problem in our Nation's public schools and that we are finally willing to address it.

Opponents of this bill should carefully consider what they would do if they had a child assigned to a school where physical attacks, robberies, and drug sales were rampant. Low-income parents, who face this circumstance every day, deserve a voice and a choice.

I urge my colleagues to join me in supporting the D.C. Student Opportunity Scholarship Act of 1997. With this bill we signal our intention to provide a safe and effective school for every child in the District of Columbia.

Mr. President, I ask unanimous consent that this act, the District of Columbia Student Opportunity Scholarship Act of 1997, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PRECEDENTS.

(a) SHORT TITLE.—This Act may be cited as the "District of Columbia Student Opportunity Scholarship Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

(B) fostering diversity and competition among school programs for the children;

(C) providing the families of the children more of the educational choices already available to affluent families; and

(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

(3) The 350 private schools in the District of Columbia and the surrounding area offer a

more safe and stable learning environment than many of the public schools.

(4) Costs are often much lower in private schools than corresponding costs in public schools.

(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

(1) Wisconsin v. Yoder, 406 U.S. 205 (1972); Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Meyer v. Nebraska, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

(2) Mueller v. Allen, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

(3) Witters v. Department of Services for the Blind, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

(4) Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Board" means the Board of Directors of the Corporation established under section 3(b)(1);

(2) the term "Corporation" means the District of Columbia Scholarship Corporation established under section 3(a);

(3) the term "eligible institution"—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 4(d)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 4(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 4(d)(2); and

(4) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 3. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this Act, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this Act shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this Act shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than $500,000 of the amount appropriated to carry out this Act for any fiscal year may be used by the Corporation for any purpose other than assistance to students.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this Act as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this Act, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of

the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this Act.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this Act, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this Act.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 13(c).

SEC. 4. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation shall first award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia kindergarten, except that this subparagraph shall apply only for academic years 1997, 1998, and 1999; or

(B) have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

(c) SPECIAL RULE.—The Corporation shall attempt to ensure an equitable distribution of scholarship funds to students at diverse academic achievement levels.

(d) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees at a public, private, or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition and mandatory fees at a public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) NOT SCHOOL AID.—A scholarship under this Act shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 5. SCHOLARSHIP PAYMENTS AND AMOUNTS.

(a) AWARDS.—From the funds made available under this Act, the Corporation shall award a scholarship to a student and make payments in accordance with section 10 on behalf of such student to a participating eligible institution chosen by the parent of the student.

(b) NOTIFICATION.—Each eligible institution that desires to receive payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this Act is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this Act, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this Act is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

SEC. 6. CERTIFICATION OF ELIGIBLE INSTITUTIONS.

(a) APPLICATION.—An eligible institution that desires to receive a payment on behalf of a student who receives a scholarship under this Act shall file an application with the Corporation for certification for participation in the scholarship program under this Act. Each such application shall—

(1) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

(2) contain an assurance that the eligible institution will comply with all applicable requirements of this Act;

(3) contain an annual statement of the eligible institution's budget; and

(4) describe the eligible institution's proposed program, including personnel qualifications and fees.

(b) CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of an application in accordance with subsection (a), the Corporation shall certify an eligible institution to participate in the scholarship program under this Act.

(2) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subsection (d).

(c) NEW ELIGIBLE INSTITUTION.—

(1) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this Act for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(A) a list of the eligible institution's board of directors;

(B) letters of support from not less than 10 members of the community served by such eligible institution;

(C) a business plan;

(D) an intended course of study;

(E) assurances that the eligible institution will begin operations with not less than 25 students;

(F) assurances that the eligible institution will comply with all applicable requirements of this Act; and

(G) a statement that satisfies the requirements of paragraphs (2) and (4) of subsection (a).

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (1), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this Act unless the Corporation determines that good cause exists to deny certification.

(3) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under paragraph (1) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this Act unless the Corporation finds—

(A) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in section 7(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this Act and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(4) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(d) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this Act for a year succeeding the year for which the determination is made for—

(A) good cause, including a finding of a pattern of violation of program requirements described in section 7(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this Act and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(2) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this Act.

SEC. 7. PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.

(a) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this Act shall—

(1) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(2) charge a student that receives a scholarship under this Act not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this Act.

SEC. 8. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this Act shall comply with title IV of the Civil Rights Act of 1964 and not discriminate on the basis of race, color, or national origin.

(b) REVOCATION.—Notwithstanding section 7(b), if the Secretary of Education determines that an eligible institution participating in the scholarship program under this Act is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 9. CHILDREN WITH DISABILITIES.

Nothing in this Act shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 10. SCHOLARSHIP PAYMENTS.

(a) IN GENERAL.—

(1) PROPORTIONAL PAYMENT.—The Corporation shall make scholarship payments to participating eligible institutions for an academic year in 2 installments. The Corporation shall make the first payment not later than October 15 of the academic year in an amount equal to one-half the total amount of the scholarship assistance awarded to students enrolled at such institution for the academic year. The Corporation shall make the second payment not later than January 15 of the academic year in an amount equal to one-half of such total amount.

(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

(A) BEFORE PAYMENT.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

(B) AFTER PAYMENT.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

(b) FUND TRANSFERS.—The Corporation shall make scholarship payments to participating eligible institutions by electronic funds transfer. If such an arrangement is not available, then the eligible institution shall submit an alternative payment proposal to the Corporation for approval.

SEC. 11. APPLICATION SCHEDULE AND PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this Act that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

SEC. 12. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this Act shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 13. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this Act, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 14. JUDICIAL REVIEW.

(a) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the scholarship program under this Act and shall provide expedited review.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

Mr. LIEBERMAN. Mr. President, I rise today to join my colleagues Senators COATS and BROWNBACK in introducing the District of Columbia Student Opportunity Scholarship Act of 1997, also known as the DCSOS Act.

This legislation is quite similar to the provision that passed the House last year as part of the D.C. appropriations bill but failed to make it through conference. It would create a modest tuition scholarship fund that would enable 2,000 low-income students in the District to attend the public, private, or parochial school of their choice. It would also provide direct aid to an additional 2,000 public school students who want to improve their academic skills through after-school tutoring.

But the circumstances surrounding this proposal have changed dramatically since it was considered last year, and I think it's important to make our colleagues aware of what's happened over the course of the last several months as they consider the bill we're introducing today.

Most immediately, the deeply troubled D.C. school system has now hit rock-bottom. Last fall, the District Control Board officially declared the schools in crisis, stripped the elected school board of its authority, and authorized an emergency board of trustees to take over the city's public schools.

In taking these drastic steps, the Control Board issued a report documenting the utter dysfunction of this school system—test scores ranking among the worst in the Nation, students and teachers subjected to violence at twice the national average, gross mismanagement of budget and personnel, buildings literally falling apart, and a tragic misplacement of priorities that puts job preservation ahead of the job of educating the city's children.

But perhaps the most damning indictment of the D.C. schools came in a single sentence included in the report: the longer students stay in the District's public school system, the Control Board concluded, the less likely they are to succeed educationally. I would urge my colleagues to think about the import of that statement. Instead of helping these children learn more with each passing year, the D.C. schools in many cases have actually become hazardous to the academic health of its students.

This conclusion should not be all that surprising when you take a closer look at the environment in which these kids are trying to learn. For instance, in April we saw a shocking breakdown of discipline at the Winston Education Center. Several fourth-graders slipped unnoticed into a sideroom right outside an ongoing class and engaged in oral sex, with two of the children's parents claiming their children were sexually assaulted. When the principal learned of the incident, his first reaction was to judge the sexual activity consensual. And earlier this month, Washington Post columnist Colbert King reported that a fifth-grade class at the Harrison Elementary School had gone without a teacher for the past 4 months. This outrageous situation may well have continued had King not exposed it and put pressure on the administration to correct it.

To force children to attend these schools, where the breakdown is so complete a class can go four months without a teacher, is simply unconscionable. But that is exactly what is happening in the District of Columbia, where thousands of students are trapped in decrepit, dangerous, and disenfranchising schools simply because they cannot afford any alternative.

That is why we believe there is an urgent need to pass the DCSOS Act. That acronym is not an accident, for this program would provide at least 2,000 of the most disadvantaged families in the District with an educational lifeline, a chance to seek out a school that they believe will offer their child a brighter future. It would give these families the same option that thousands of other families have already exercised by pulling their children from the D.C. public schools or moving out of town altogether.

Some defenders of the status quo have tried for some time to get us to believe that the residents of this city don't want that kind of choice. But a poll that was released this week should shatter that misguided myth once and for all. This survey found that nearly two-thirds of public school parents would send their kids to private schools if money weren't an issue. The poll also shows that there is a strong base of support for the scholarship program we're proposing right out of the gate, before we've done anything to educate the public about it. And most important, it shows that the families we're trying to help would welcome this assistance, with 62 percent of low-income parents saying that the kind of choice we're offering would improve the quality of education for District children.

Some of the opponents of this legislation will continue to argue that this program, like other attempts to expand opportunities for poor families, will harm or actually ruin the public schools. To suggest that this modest program could make a school system already in crisis any worse defies common sense. In truth, this is a case of the only thing we have to fear is fear itself—that is, the fear of moving beyond the status quo. Knowing that the D.C. schools have hit rock bottom, we shouldn't be closing off any options, which is exactly what influential columnist William Raspberry wrote last week when he endorsed giving choice a chance in the District.

We need to get past the red herring argument that we must choose between choice and the public schools. Simply put, supporting this scholarship program is not the same as abandoning the public school system. This is not an either-or equation. And to help prove that to the citizens of the District, we have gone out of the way in this legislation to make sure that the funding for these scholarships does not come at the expense of the city's public schools. This is new money and that point should not be overlooked.

Mr. President, the truth is that we fervently hope that the Board of Trustees and CEO Gen. Julius Becton can rescue this system and make the fundamental reforms necessary to give these students the education they deserve, and we will do what we can to support their efforts. Senator BROWNBACK and I, as chairman and ranking member of the Senate's D.C. Oversight Subcommittee, made that very pledge to General Becton at a hearing we held in April.

But this mission is at a minimum going to take several years, which begs the question, what happens to those many students who have no choice but to attend schools that most parents who could afford it have long since abandoned?

We believe that we have a moral obligation to offer those children a way out. That is why many of us view this question not just as a matter of education, but a question of fairness. This is all about our values, specifically the value we place on giving every child—no matter their income, where they live or how they live—the opportunity to fulfill their God-given promise.

No one is claiming that this scholarship program is a magic bullet. But we strongly believe it will give at least 2,000 disadvantaged students a shot at a better life. We also believe that by providing some competition to the public schools, this program will accelerate the pace of reform within the D.C. school system. Across the country, the growing numbers of charter schools and private scholarship programs are forcing public school systems to confront their failures and building pressure on them to take radical actions to improve the quality of their educational programs. This is starting to happen already in the District, and we are optimistic that this legislation will intensify that movement here.

If nothing else, this legislation will create a program that will help us test what impact choice has on improving the educational opportunities of poor families in urban areas, and thereby help us make informed decisions in the future about whether to expand this kind of initiative to other cities. There have been some promising signs coming out of the choice programs in Milwaukee and Cleveland, but the reality is we don't know with much certainty whether expanding choice will produce noticeable results. This legislation could establish a national experiment, and provide us with some real answers to the critical questions we've been wrestling with. It's for that very reason we call for a thorough evaluation of the D.C. scholarship program in our legislation.

The bottom line, Mr. President, is that it is time to give choice a chance in the District. We cannot in conscience continue to ignore the plight of these children any longer. They deserve an opportunity to break out of the nightmarish cycle of poverty, dependency, and violence and to live the American dream. This bipartisan legislation will begin to restore hope to some of these families, and I would strongly urge my colleagues to support it.

Mr. BROWNBACK. Mr. President, one of my highest priorities as the chairman of the Senate Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, is to make sure the children in the Nation's capital are receiving the quality education they deserve. The District's public schools, unfortunately, have failed too many students in providing the education they deserve. The District of Columbia Student Opportunity Scholarship Act of 1997 would change this by giving low-income students the chance to get the education they need.

Our subcommittee held a hearing a few weeks ago to explore options to improve public education in the District. Mr. President, I know there are schools which are working and where students are thriving in their learning environment. I had the privilege to visit Stuart-Hobson Middle School. I was impressed by the success of the program at Stuart-Hobson and how the students took pride in their education. This school, however, is one of a few exceptions in the District Public School System.

The facts about the District public schools speak for themselves: only 22 percent of fourth grade students are at or above basic reading achievement levels; students on average consistently score below the national average of the Comprehensive Test of Basic Skills; students consistently score below the national Scholastic Aptitude Test [SAT]. We cannot continue to trap these students in an educational system that is failing them.

Gen. Julius Becton, chief executive officer and Superintendent of the District of Columbia Public Schools, and the District of Columbia Emergency Transitional School Board of Trustees have said that they will make significant improvements by the year 2000, and I recognize and respect the work that lies ahead of them. But, Mr. President, the year 2000 is 3 school years away. In 3 school years, a child progresses through grades one through three in which they learn to read, write, add, subtract, etc. In 3 school years, a high school student gains the skills and preparation they need for college or for a job. These 3 school years are too valuable to trap these students in the public school system that has not delivered.

Mr. President, I am pleased to join my colleagues Senator COATS and Senator LIEBERMAN in introducing this legislation that focuses on the individual student in the District of Columbia Public Schools. By providing up to $3,200 in individual scholarships to low-income families who will choose the school for their children, this bill would give these students the chance to make sure the next 3 school years do not go to waste. Improving the chances for these children to get the education they need is one of the most fundamental elements to restore the Nation's capital into the shining city the United States deserves.

By Mr. MURKOWSKI (for himself and Mr. BAUCUS):

S. 848. A bill to direct the Secretary of Health and Human Services, through the Health Care Financing Administration, to expand and strengthen the demonstration project known as the Medicare Telemedicine Demonstration Program; to the Committee on Finance.

THE RURAL TELEMEDICINE DEMONSTRATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to introduce, along with my colleague, Senator BAUCUS of Montana, the Rural Telemedicine Demonstration Act of 1997.

The vast potential of telemedicine technology is clearly under-utilized. I believe that the answer to growing concerns regarding access and affordability of quality health care services in rural America is telemedicine. Let me describe just a few of the difficulties of rural health care in my home State of Alaska and explain why telemedicine is our long-awaited answer.

Alaska encompasses 586,412 square miles. It is one-fifth the size of the contiguous United States; 120 times larger than the State of Rhode Island; and larger than the three largest States in the union combined. If a map of Alaska were superimposed on a map of the lower 48 States, Alaska would touch South Carolina, Mexico, California, and the United States-Canadian border. In short, Alaska has 1 million acres of land for every day of the year.

Geography is another defining characteristic of Alaska. My State has a climate characterized by significant season fluctuations in temperature and precipitation and a topography characterized by mountains, wetlands, forests, and rugged coastlines.

Communities and villages are scattered throughout the vast regions of Alaska. And though Alaska contains 586,412 square miles, it only has 12,200 miles of roads. Vast areas are completely unconnected by roads, with access only available by airplane, boat, snowmachine, or dogsled.

Meeting the health care needs of these communities and villages is a daunting task. Residents have difficulty due to geography, lack of providers and poverty. Although excellent medical facilities and tertiary care centers are available in Anchorage, direct connection to these facilities from most of the State is not possible other than by air transportation. Consequently, geographically, 74 percent of the State is in medically underserved areas.

Telemedicine is the cost-effective and practical answer to the Alaska dilemma. Currently, there is an exciting project underway known as the Alaska Telemedicine project. This consortium of Alaskan health care providers and telecommunication carriers has been diligently working to unite health care in Alaska. This project has successfully united the Native health corporations, military medical facilities, and public and private hospitals of Alaska.

The fragmented nature of health care delivery in Alaska and Alaska satellite-based narrow-band telecommunications infrastructure, along with the geography and climate of Alaska, make Alaska an ideal place for the Alaska Telemedicine project to flourish.

In 1995, the Health Care Financing Administration [HCFA], pursuant to a mandate in 42 U.S.C. 1395(b)(1) which directs HCFA to establish demonstration projects that explore innovative methodologies of Medicare cost-savings, developed a telemedicine Medicare reimbursement project for rural America. Five demonstration sites were established in four States: Iowa, West Virginia, North Carolina, and Georgia. The purpose of these programs was to investigate Medicare reimbursement for telemedicine in rural locations.

Unfortunately, the HCFA study of rural telemedicine contains a glaring omission: The study does not include any sites in rural Western locations. The omission of the rural West, which contains extremely remote and frontier locations will result in a deficient and likely inaccurate study for rural telemedicine.

Our legislation will expand the HCFA project to better represent rural America. A site in Alaska and in Montana will be included. Montana, like Alaska, experiences significant difficulties in providing health care services in rural areas. Montana's five independent telemedicine projects that have formed a united alliance will also be included in the HCFA project.

Mr. President, the goal of telemedicine Medicare reimbursement is to ensure that the elderly of America who reside in inaccessible rural areas will be allowed to have access to quality health care in the most cost-effective manner—via telecommunication networks. Establishing Medicare reimbursement stabilizes telemedicine technology, and will likely lead to widespread coverage of telehealth services by private insurers.

Senator BAUCUS and my bill, will merely expand the current demonstration project conducted by HCFA. By this expansion, the HCFA study will better represent rural telemedicine in the Nation. I ask that my colleagues support the Rural Telemedicine Demonstration Act of 1997.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Telemedicine Demonstration Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Access to health care providers is critically important to improving the health of individuals residing in rural areas.

(2) Individuals residing in the rural areas of the Western United States are severely underserved by both primary and specialty health care providers.

(3) Telecommunications technology has made it possible to provide a wide range of vital health care services to individuals residing in remote locations and over vast distances at a fraction of the costs associated with the provision of such services without such technology.

(4) On February 17, 1997, the General Accounting Office reported that Federal involvement in telehealth systems is needed for the success of such systems.

(5) In order for telehealth systems to continue to benefit rural communities, the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) must eventually reimburse the provision of health care services to remote locations via telecommunication.

(6) The current Medicare telemedicine demonstration program conducted by the Secretary of Health and Human Services, through the Health Care Financing Administration, does not include any sites in rural areas of the Western United States. Without such sites, such demonstration program will not provide accurate indicators of the success of telemedicine.

(7)(A) The fragmented nature of Alaska's transportation infrastructure, as well as extremes in geography, climates, and ethnography create severe problems for health care providers to provide health care services to the individuals residing in Alaska.

(B) The Alaska Telemedicine Project is a statewide telehealth project which overcomes infrastructure problems within Alaska by uniting 40 public and private health care providers across Alaska to provide health care services to the residents of Alaska.

(8)(A) Health care providers in Montana also experience significant difficulties in providing health care services in rural areas. Five independent telemedicine networks in Montana have formed the Montana Healthcare Telecommunications Alliance (MHTA), an association of telemedicine service providers representing not-for-profit and public medical and mental health facilities throughout the State.

(B) The goal of the MHTA is to promote cost effective statewide deployment of telemedicine services thereby supporting public and private health care providers and improving access to quality medical and mental health services for all individuals residing in Montana.

SEC. 3. EXPANSION OF DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary, through the Health Care Financing Administration, shall expand the demonstration project known as the Medicare telemedicine demonstration program to include within such demonstration program the Alaska Telemedicine Project (described in section 2(7)) and the Montana Healthcare Telecommunications Alliance (described in section 2(8)).

(b) REPORT TO CONGRESS.—Not later than March 1 of each year that the demonstration project described in subsection (a) is being conducted, the Secretary, through the Health Care Financing Administration, shall submit a report to Congress that contains—

(1) an evaluation of the effectiveness of such demonstration project; and

(2) any legislative recommendations determined appropriate by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to the Secretary of Health and Human Services to carry out the purposes of the demonstration project described in subsection (a).

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 98, a bill to amend the Internal Revenue Code of 1986 to provide a family tax credit.

S. 100

At the request of Mr. KERRY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 100, a bill to amend title 49, United States Code, to provide protection for airline employees who provide certain air safety information, and for other purposes.

S. 127

At the request of Mr. MOYNIHAN, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Illinois [Mr. DURBIN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 220

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 220, a bill to require the United States Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to United States meat and pork exporting facilities, and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 249

At the request of Mr. D'AMATO, the names of the Senator from South Dakota [Mr. JOHNSON] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 249, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.

S. 278

At the request of Mr. GRAMM, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 293

At the request of Mr. HATCH, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 335

At the request of Mr. WARNER, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 335, a bill to authorize funds for construction of highways, and for other purposes.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 375

At the request of Mr. MCCAIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 377

At the request of Mr. BURNS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 377, a bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 385

At the request of Mr. CONRAD, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 385, a bill to provide reimbursement under the medicare program for telehealth services, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 398

At the request of Mrs. MURRAY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 398, a bill to amend title 49, United States Code, to require the use of child restraint systems approved by the Secretary of Transportation on commercial aircraft, and for other purposes.

S. 404

At the request of Mr. BOND, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 404, a bill to modify the budget process to provide for separate budget treatment of the dedicated tax revenues deposited in the Highway Trust Fund.

S. 427

At the request of Mr. SHELBY, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation.

S. 460

At the request of Mr. BOND, the names of the Senator from Tennessee [Mr. FRIST] and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 472

At the request of Mr. CRAIG, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 474

At the request of Mr. KYL, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 474, a bill to amend sections 1081 and 1084 of title 18, United States Code.

S. 492

At the request of Mr. SARBANES, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 492, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 493

At the request of Mr. KYL, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 505

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 505, a bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 509

At the request of Mr. BURNS, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 509, a bill to provide for the return of certain program and activity funds rejected by States to the Treasury to reduce the Federal deficit, and for other purposes.

S. 511

At the request of Mr. CHAFEE, the names of the Senator from California [Mrs. BOXER] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 511, a bill to require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, to promote the adoption of children with special needs, and for other purposes.

S. 524

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to remove the requirement of an x ray as a condition of coverage of chiropractic services under the Medicare Program.

S. 535

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 598

At the request of Mr. DOMENICI, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 598, a bill to amend section 3006A of title 18, United States Code, to provide for the public disclosure of court appointed attorneys' fees upon approval of such fees by the court.

S. 607

At the request of Mr. COATS, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 607, a bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs.

S. 623

At the request of Mr. INOUYE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 649

At the request of Ms. SNOWE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 649, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program.

S. 693

At the request of Mr. D'AMATO, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 693, a bill to amend the Internal Revenue Code of 1986 to provide that the value of qualified historic property shall not be included in determining the taxable estate of a decedent.

S. 709

At the request of Mr. HAGEL, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 709, a bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts.

S. 716

At the request of Mr. CRAIG, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 716, a bill to establish a Joint United States-Canada Commission on Cattle and Beef to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the countries with respect to the production, processing, and sale of cattle and beef, and for other purposes.

S. 718

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 718, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 763

At the request of Mr. HELMS, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 763, a bill to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun.

S. 765

At the request of Mr. ENZI, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 765, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Georgia [Mr. CLELAND] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 775

At the request of Mr. JEFFORDS, the names of the Senator from South Dakota [Mr. JOHNSON] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

S. 779

At the request of Mr. REID, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 779, a bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes,

S. 785

At the request of Mr. SMITH, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 785, a bill to convey certain land to the City of Grants Pass, Oregon.

S. 819

At the request of Mr. WARNER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 819, a bill to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V.B. Bostetter, Jr. United States Courthouse".

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 28

At the request of Mr. GLENN, his name was added as a cosponsor of Senate Concurrent Resolution 28, a concurrent resolution expressing the sense of Congress that the Administrator of the Environmental Protection Agency should take immediate steps to abate emissions of mercury and release to Congress the study of mercury required under the Clean Air Act, and for other purposes.

SENATE RESOLUTION 92

At the request of Mr. LAUTENBERG, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Vermont [Mr. LEAHY], the Senator from Rhode Island [Mr. REED], the Senator from Oklahoma [Mr. INHOFE], the Senator from Washington [Mrs. MURRAY], the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. BRYAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Maine [Ms. SNOWE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mr. GRAHAM], the Senator from North Dakota [Mr. DORGAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Resolution 92, a resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of Senate Resolution 94, a resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health."

SENATE CONCURRENT RESOLUTION 31—CONCERNING THE PALESTINIAN AUTHORITY

Mr. D'AMATO (for himself, Mr. BOND, Mr. MACK, and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

Whereas the Palestinian Authority Justice Minister Freih Abu Medein announced last month that anyone selling land to Jews was committing a crime punishable by death;

Whereas since this announcement three Palestinian individuals were murdered in the Jerusalem and Ramallah areas for, what would anywhere else in the world be considered normal business activity—selling real estate;

Whereas recently Israeli police managed to foil the attempted abduction of a fourth person;

Whereas Israeli security services have acquired evidence indicating the intelligence services of the Palestinian Authority were directly involved in at least 2 of these murders;

Whereas subsequent statements by high-ranking Palestinian Authority officials have justified these murders which have further encouraged this intolerable policy;

Whereas the Palestinian Authority has failed to condemn the policy of murdering people for business transactions;

Whereas this policy is in direct contravention to the peace agreements already reached between the Palestinian Authority and the State of Israel; and

Whereas credible evidence exists that the Palestinian Authority has played an active role in these murders and in enforcing this policy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Clinton administration should thoroughly investigate the Palestinian Authority role in enforcing this racist policy and should immediately report to the Congress its findings;

(2) the Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and this policy;

(3) this policy is an affront to all those who place high value on peace and basic human rights; and

(4) the United States should not provide foreign assistance to the Palestinian Authority until this policy is reversed.

Mr. D'AMATO. Mr. President, I rise today, along with Senators CONNIE MACK, KIT BOND, and ARLEN SPECTER to introduce a concurrent resolution condemning the Palestinian Authority for the killing of Palestinians for selling land to Israelis. This legislation is being offered concurrently in the House by my colleagues, Congressmen JON FOX and JERRY WELLER.

Mr. President, we are offering this resolution because it is appalling that Yasir Arafat, to whom we provide millions of dollars in aid, is allowing his so-called police officers from the Palestinian Authority to carry out assassinations of Arab land dealers for their sales of land to Jews. Arafat terms these dealers "isolated traitors" for their actions and has thereby given his approval to these killings.

Thus far, three land dealers have been killed, execution style with a bullet to the back of the head, all by Palestinian Authority police officers. The Israeli police have already arrested one man in the killing of the first land dealer, Farid Bashiti, and earlier in the week they arrested four Palestinian officers attempting to kidnap another land dealer. According to a story in today's Ha'aretz (a newspaper in Israel) the detained Palestinian police officers have given information that links Tawfik Tirawi, the head of security in Ramallah, under Palestinian Authority control.

At this time, I would ask unanimous consent that the text of this article be included in the RECORD.

This is an interesting state of affairs that we have here. The United States provides funding to the Palestinian Authority, they violate the agreements they have signed with the Israelis, and we go about our way as if nothing has happened. Arafat's Palestinian Authority mismanages the funds it has and we provide more. This is outrageous and unfortunate.

The world must realize that Israel, while keeping its agreements with the Palestinians, is held to a different standard, harassed, criticized, and denigrated for building condominiums at Har Homa, on territory that is its own, perfectly legal according to the Oslo agreement but nevertheless condemned as flagrantly violating the peace. Yet where is the criticism of the terrorism practiced by the Palestinians? Where are the U.N. resolutions condemning these summary executions by the Palestinian police? Yasir Arafat pushed for the U.N. to condemn the building at Har Homa, yet he brands extrajudicial killings as justifiable for traitors. What a despicable contradiction.

Mr. President, we offer this resolution to call attention to these horrible killings by Palestinian police, sanctioned by the PLO in violation of every standard of international human rights, and to call attention to the fact that Yasir Arafat's PLO has not changed its spots; it has not reformed. Why, we ask, does the United States continue to allow these acts to take place?

I urge my colleagues to support this resolution as well as to examine this issue to understand Yasir Arafat's behavior.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Ha'aretz, June 5, 1997]

PALESTINIAN SECURITY OFFICIAL DETAINED IN ISRAEL: COLONEL TIRAWI ORDERED LAND DEALERS MURDERS

(By Eitan Rabin and Amira Hass)

Israeli security officials rejected the claims of their Palestinian counterparts that no Palestinian agents were involved in the recent murders of land dealers.

"The Palestinians have made a political decision to kill anyone who sells land to Jews, and in recent days they have even added names to their list of suspected dealers," a senior security source said.

Three land dealers were killed in the past month following the declaration of the Palestinian Authority official in charge of justice, Freih Abu-Meddien, that selling land to Jews is a crime punishable by death.

The Palestinian Authority has repeatedly denied any involvement in the murders. The head of Palestinian intelligence, Amin al-Hindi said reiterated this at a Ramallah news conference yesterday. Commenting on reports that Israel had issued a warrant for the arrest of a Palestinian Authority official, Al-Hindi said the Palestinians had not received any information to this effect. But he warned of a grave escalation in the situation if any senior Palestinian was detained.

Al-Hindi added that the Palestinian security branches are investigating the land dealer murders, even though the killings took place in areas under Israeli security responsibility.

Al-Hindi charged Israel of using the murders to cover up its own failure to fulfill its commitments in the peace accords and to deflect debate over settlement policy.

From questioning Palestinian security officials detained in Israel, Israeli security forces have obtained testimony linking the Palestinian Authority to the murders. One testimony points to specific involvement of Tawfik Tirawi, the head of security in Ramallah. According to questioning of the detainees, orders to security forces to act came in part from Abu-Meddien.

In one case, security forces met with a land dealer from East Jerusalem, and forced him to pay a ransom to save his life.

In a related development, a Nazareth-based weekly put out by the Democratic Front for Peace and Equality, headed by Knesset member Azmi Beshara, has published a list of names of well-known Palestinians who are believed to have sold land to Jews between 1918–1945.

The list includes the name of Palestinian Arab leaders from the period. The Voice of Palestine radio sharply attacked the article, primarily because the list included the name of the grandfather of Faisal Husseini, who holds the Jerusalem portfolio in the Palestinian Authority.

SENATE RESOLUTION 96—PROCLAIMING NATIONAL SAFE PLACE WEEK

Mr. CRAIG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 96

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy; and

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety; and

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the nation's youth; and

Whereas the Safe Place program is committed to protecting our nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where more than 2,500 trained volunteers are available to counsel and advise youth seeking assistance and guidance; and

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis; and

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the federal runaway and homeless youth guidelines; and

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth; and

Whereas currently 34 states and more than 6,000 business locations have established Safe Place programs; and

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the nation's youth throughout the country: Now, therefore, be it;

Resolved, That the Senate—

(1) Proclaims the week of March 15 through March 21, 1998, as "National Safe Place Week"; and

(2) Requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place organization, and to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 97—TO DESIGNATE GEORGE C. MARSHALL MONTH

Mr. WARNER (for himself and Mr. ROBB) submitted the following resolution; which was considered and agreed to:

S. RES. 97

Whereas 1997 marks the fiftieth year since the European Recovery Program, or what came to be called the Marshall Plan, was first conceived and proclaimed by General George Catlett Marshall while he was serving as Secretary of State of the United States.

Whereas the Marshall Plan has been hailed by leaders of World War II allied and enemy countries alike as the most magnanimous act by Americans in history;

Whereas the Marshall Plan made possible new measures of trans-Atlantic cooperation through the North Atlantic Treaty Organization and other institutions;

Whereas these institutional developments have profoundly enhanced the security, freedom, and prosperity of the United States and the Atlantic Community generally;

Whereas new challenges have arisen which call for recommitment to and reinvigoration of these institutions and for their continued viability;

Whereas creative thought and rededication to the ideals and principles undergirding the Marshall Plan are now necessary in order to assure the preservation and perfection of these institutions; and

Whereas the occasion of the fiftieth anniversary of the Marshall Plan provides a fitting opportunity for rededication of commitments to these institutions: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that magnanimity underlies the Marshall Plan, the dedication to public service and integrity of its author, and the efforts by the Marshall Foundation in Lexington, Virginia, the Marshall International Center in Leesburg, Virginia, and the Friends of Marshall, Uniontown, Pennsylvania, to continue in American life the values for which General George Catlett Marshall stood;

(2) that all Americans should rededicate themselves to the ideals of public service, hard work, integrity, and compassion which General Marshall represents to this day in American society; and

(3) that the values that inspired the initiation of the Marshall Plan should continue to be cherished by the people of the United States.

SEC. 2. It is, further, the sense of the Senate that the President should issue a proclamation designating the month of June 1997 as "George C. Marshall Month" and calling upon the people of the United States to observe George C. Marshall Month with appropriate programs, ceremonies, and activities.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, June 10, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Divided Loyalties: The Impact of Salting in the Workplace. For further information, please call the committee, (202) 224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES—SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 12, 1997, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place Wednesday, June 18, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the following general land exchange bills: S. 587, a bill to require the Secretary of the Interior to exchange certain lands located in Hindsdale County, CO; S. 588, a bill to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, CO, to include land known as the Slate Creek Addition; S. 589, a bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys; S. 590, a bill to provide for a land exchange involving certain land within the Routt National Forest in the State of Colorado; S. 591, a bill to transfer the Dillion Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado; 541, a bill to provide for an exchange of lands with the city of Greeley, CO, and the Water Supply and Storage Co. to eliminate private inholdings in wilderness areas, and for other purposes; S. 750, a bill to consolidate certain mineral interests in the National Grasslands in Billings County, ND, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes; and S. 785, a bill to convey certain land to the City of Grants Pass, OR.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 19, 1997 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony regarding entrance and special use fees for units of the National Park System and the status of the Fee Demonstration Program implemented by the National Park Service in 1996.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources will hold a workshop to review reform of the Public Utility Holding Company Act.

The hearing will take place on Tuesday, June 24, in room SD–366 of the Dirksen Senate Office Building starting at 9:30 am. Those who wish to participate or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information please contact Shawn Taylor at (202) 224–6567.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place Thursday, June 26, 1997 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 783, the Boundary Waters Canoe Area Wilderness Accessibility and Fairness Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 26, 1997 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 308, a bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges; and S. 360, a bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, June 5, 1997, at 9 a.m. in SR–328A to receive testimony regarding contaminated strawberries in school lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 5, 1997, to conduct a markup on S. 621, the Public Utility Holding Company Act of 1997, and of certain pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 5, 1997, at 9:30 a.m. on Asia trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President. I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet to consider pending business Thursday, June 5, 9:30 a.m., hearing room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Aging be authorized to meet for a hearing on Challenges of Alzheimer's Disease: The Biomedical Research That Will Carry Us Into the 21st Century during the session of the Senate on Thursday, June 5, 1997, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Children and Families be authorized to meet for a hearing on Pre-to-3: Policy implications of Child Brain Development during the session of the Senate on Thursday, June 5, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Thursday, June 5, 1997 at 2:00 p.m. for a hearing on Proliferation: Russian Case Studies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Thursday, June 5, 1997, at 9:30 a.m. in open session, to receive testimony on gender integrated training and related matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. GRASSLEY. Mr. President, the Finance Committee Subcommittee on Taxation and IRS Oversight requests unanimous consent to conduct a hearing on Thursday, June 5, 1997, beginning at 2 p.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

• Mr. McCONNELL. Mr. President, I rise today to salute an outstanding group of young women who have been honored with the Girl Scout Gold Award. The Gold Award is the highest achievement a Girl Scout can earn and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14–17, or in grades 9–12.

The young ladies from the Kentuckiana Council who will receive this honor are: Jodi M. Akin, Millie M. Cook, Miranda S. Der Ohanian, Alicia M. Franken, Julie W. Goodwin, Meghan K. Horan, Jean E. Hiter, Tricia J. Johnson, Casey J. Lightfoot, Susan D. Martin, Sarah J. Pershke, Leslie A. Rowland, Amy E. Shelton, Tiffany L. Skeens, Melissa C. Smith, Whitney A. Sylvester, Molly D. Taylor, Catherine T. Tomassetti, and Andrea D. Warwick.

The young ladies from the Licking Valley Council are: Kelly Buten, Mary Jane Hendrickson, Alyssa Hensley, Mandy Radle, and Becky Thomas.

The young ladies from the Wilderness Road Council are: Carlye Ann Burchett, Stephanie Ann Eads, Ericka Lee Harney, Adrienne Mira Winkler, Cassie Domek, Tina Gelgleln, Lela Nichole Woods, Sabra Goble, Valerie Ann Petty, Tracey Lynn Isaacs, and Elizabeth Anne Van Orden.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

Mr. President, I ask you and my colleagues to join me in paying tribute to these outstanding young ladies. They deserve recognition for their contributions to their community and their country, and I wish them continued success in the years ahead.•

SMALL BUSINESS WEEK 1997

• Mr. SARBANES. Mr. President, as we mark the annual celebration of Small Business Week, I take great pleasure in acknowledging the achievements of the estimated 22.1 million small businesses in this country. Small businesses play an integral role in the American economy, generating half the gross domestic product, and driving America forward in terms of product development, employment, and ingenuity.

Small businesses employ more than 50 percent of our private work force and have been credited with the creation of two out of every three jobs. Studies have also shown that they produce more than twice as many significant innovations per employee as large firms. But beyond the statistics, the successes of small businesses continue to prove that the American dream is still a reality.

Small businesses provide most American workers with their first jobs. And for each job that a small business creates, one more American has the opportunity to prosper. Small businesses also play a major role in moving our economy forward, creating jobs, generating revenue, and developing new products and services that keep American business on the cutting edge.

In my own State of Maryland, we have seen the extraordinary things that can be accomplished when creative entrepreneurs are determined to succeed. I want to share just a few of those stories.

The 1997 Maryland Small Business Person of the year is Jamie Clark, who began his Internet service company, ClarkNet, out of a family barn in Ellicott City, MD. Jamie is deaf, and recognized the Internet as a powerful resource, a place where he and other deaf people could conduct business as easily as the hearing. With a $35,000 loan and three volunteers, who were also deaf, Jamie built a company that today employs well over 30 people and had sales totaling $2.5 million last year, up from less than $60,000 when ClarkNet began just 4 years ago.

As someone with deep roots in Maryland—Jamie's grandfather was a circuit court judge in Howard County and his father a State senator for 24 years, 4 of those as president of the Senate—Jamie is an active member of the community, serving on the Deaf and Hard of Hearing Entrepreneurs Council, the Howard County Chamber of Commerce, the Better Business Bureau, and the Baltimore-Washington Venture Group.

Maryland's Small Business Exporter of the Year last year, Bruce Lawson of Finksburg, MD, has turned a hobby into a business that is an industry leader. Bruce started his company, Brass Instruments, after helping his father—a retired french horn player in the Baltimore Symphony Orchestra—repair his friends' musical instruments. Appalled at the quality of the horns they were repairing, Bruce started making horns himself. Today, Brass Instruments is the top french horn maker in the world.

Another former Maryland Small Business Person of the Year is Dorothy White, of Columbia, MD, who started cleaning houses when her husband fell ill. Dorothy's work was so impressive that her employers began asking her to clean their offices as well. What evolved was Dorothy's multimillion-dollar business, Miracle Services. Like many Maryland businesses, Dorothy's company also has flourished under the 8(a) program, through which she has received numerous Government contracts.

The 1995 Regional Small Business Exporter of the Year also hails from Maryland. After immigrating from Poland to Baltimore, Jon Sakowski realized that plastic piping could make all the difference in Poland's plumbing system. When he could not find a Polish buyer who could afford the product, Jon began installing the piping for free in Poland's churches, schools, and hospitals. Then, taking a major financial risk, Jon exported the piping to Poland—without a buyer—and warehoused it himself, selling the piping off piece by piece rather than in bulk.

We in Maryland are very proud of individuals like Jamie Clark, Bruce Lawson, Dorothy White, Jon Sakowski and the many other operators of small businesses in our State who, often beginning with very little, have accomplished so much. More than 97.8 percent of Maryland's full-time firms have fewer than 500 employees, and there are an additional 131,000 individuals who are self-employed. The significance of these businesses to Maryland's economy is evident in study after study, such as the Small Business Administration's recent report that Maryland firms with fewer than 20 employees increased employment by 10.4 percent between 1991 and 1995.

Minority-owned businesses also have made great strides in recent years. Between 1987 and 1992, Maryland's number of women-owned businesses rose by 48.7 percent, its number of African-American owned firms rose 65 percent and its number of Hispanic-owned firms rose 148.7 percent.

Yet despite this progress, much remains to be done. Minority-owned firms in Maryland are selling 30 percent below the national average, and bankruptcies and failures have increased. Given the important economic and social roles played by minority-owned businesses, it is essential that we strengthen our efforts to help these underserved markets succeed.

Mr. President, as someone who has benefited personally from the opportunities afforded to small business in this country—I spent my youth working in my parents' Greek restaurant on Maryland's Lower Eastern Shore—I know how important it is to small business owners, employees, and customers that they continue to thrive. Small business success not only translates into jobs and economic growth, it also translates into a sense of pride and self-respect on the part of owners and workers and the heartening affirmation that the American dream is still alive.•

THE CONGRESSIONAL AWARD

• Mr. SANTORUM. Mr. President, in 1979, Congress created an award which is specifically designed for young people. This special program, the Congressional Award, recognizes young Americans who make commitments to community service and self-improvement. I would like to take a few moments of Senate business to discuss this program and the important role it plays in promoting volunteerism.

The Congressional Award is a nonpartisan, public-private partnership which teaches young people that they can make a difference in their communities. The program is noncompetitive. Participants set individual goals based on their own abilities. Once these goals are achieved, they can earn bronze, silver, or gold medals. I would emphasize that each Congressional Award is earned—not won. Any 14- to 23-year-old, regardless of their life circumstances or physical and mental abilities, can earn the award.

Mr. President, this program truly promotes community service. Since the first award was presented in 1982, 1.5 million hours have been attributed to volunteerism. In the last 12 months alone, recipients of the Congressional Award throughout the country performed more than 63,000 hours of community service. Some examples of the volunteer projects include assisting elderly shut-ins, distributing food for the needy, producing a handbook of volunteer opportunities at the United Way, and donating a narcotics K–9 to a sheriff's department.

Recently, I have chartered the Congressional Award Program in my own State, along with the other members of the Pennsylvania delegation. I encourage each of my colleagues to promote this valuable program. The Congressional Award benefits everyone involved—the participants, their adult sponsors, and the communities at large. I would also note that while this program is a public-private partnership, it does not receive its funding from the Government. It is funded entirely through the private sector.

Not long ago, I had the honor of participating in the Volunteer Summit in Philadelphia, PA. The success of this event suggests that Americans are eager to help those in need. They simply need more information about how to do so.

Mr. President, I am a strong advocate of volunteerism, and I sincerely believe that this program inspires a sense of civic responsibility in our young people. The Congressional Award is an effort Congress can be proud it initiated on behalf of our next generation. By working together, we can make this volunteer opportunity and learning experience available to all young Americans.•

THE "BILL AND SHEL SHOW" CELEBRATES 40 YEARS ON THE AIR

• Mr. BREAUX. Mr. President, I rise to pay tribute to two men who have become an institution in my hometown of Crowley, LA.

For 40 years now, Bill Williams and Shel Kanter have hosted the very popular "Bill and Shel Show" on radio station KSIG–AM. Each weekday morning, Bill and Shel have entertained and informed thousands of listeners throughout Acadia Parish and the surrounding area. For most listeners of the "Bill and Shel Show," it's hard to imagine starting the day without them and their reports of the latest local news, community events, and the all-important school updates, including the school lunch menus.

As anyone who has tried to raise funds for a charitable cause in Crowley knows, a kind or encouraging word from Bill and Shel can sometimes make the difference between success or failure. Bill and Shel, of course, have always been most generous with kind words for the various worthy causes in and around Crowley.

It wasn't too long ago that the "Bill and Shel Show" was threatened with extinction. When KSIG Radio changed ownership, the new owners briefly considered canceling the show. Of course, as one might imagine, the enormous outcry of protest from the community quickly persuaded the station's new management that its initial decision had been perhaps hasty and unwise. Today, I am happy to report that Bill and Shel continue to entertain and inform their many listeners and, presumably, will continue to dominate the local airwaves for many years to come.

In this day and time when all of us decry the decline in the spirit of community and cohesiveness that once was the hallmark of small towns all across our land, the "Bill and Shel Show" serves as a reminder of a time when small towns like Crowley—where neighborliness, community spirit, and civic pride still thrive—were the norm, not the exception. It is people like Bill Williams and Shel Kanter who help make Crowley a place where people are truly connected by a common purpose and a sincere concern for the well-being of the entire community.

I congratulate the owners and management of KSIG Radio for their decision to keep Bill and Shel on the air. And I congratulate Bill and Shel for 40 years of broadcasting excellence.•

THE EIGHTH ANNUAL REMEMBRANCE OF THE TIANANMEN SQUARE MASSACRE

• Mr. MACK. Mr. President, on June 4, 1989, the People's Republic of China perpetrated a bloody massacre against her own people. Thousands of freedom-seeking people took to the streets only to be put down violently by the long arm of the Chinese Government. Today, 8 years later, what has changed with that Government to reassure us that such atrocities will not happen again? Not much. Those in power remain in power, and they express no remorse. The only significant change is that every major dissident in China today is imprisoned.

Today, those same rulers in Beijing, their princeling children, and the military leaders of the People's Liberation Army strengthen themselves through operating commercial activities in the United States. We allow a regime willing to use violence against its own people, surely capable of directing that violence outwardly, to develop and strengthen through profits obtained in the United States. This is intolerable and must be stopped.

On the occasion of the eighth annual remembrance of the Tiananmen Square massacre, I call upon the President and Congress to work together to address this gross error in U.S. policy which threatens even our own national security. This must be an essential element of a new China policy which creates effective ways to address U.S. trade, human rights, and security concerns.

We have the opportunity of the 1997 MFN debate to address our concerns with, and even support for, China. We must use this opportunity to engage in an earnest debate over the proper form of engagement. We should not accept the simple refrain, engagement is better than containment as a substitute for a substantive policy.•

TRIBUTE TO THE TINNER HILL HERITAGE FOUNDATION

• Mr. ROBB. Mr. President, I rise today to pay tribute to the Tinner Hill Heritage Foundation. This Saturday, just across the Potomac River in Falls Church, VA, a street festival will celebrate the birth of the modern civil rights movement in Virginia.

In the late 1800's, Charles and Mary Tinner bought the top of a hill in Falls Church and it has been known as Tinner Hill ever since. Currently, the seventh generation of Tinners now live on the hill that bears the family name. While the longevity of the Tinner family in and of itself is impressive, what transpired in June 1915 is what will be celebrated this weekend. That year, the Falls Church Town Council adopted an ordinance to segregate the residences of the town. This would mean that many families of African ancestry would have to give up the homes they owned. Dr. E.B. Henderson, a resident of Tinner Hill, organized the Colored Citizens Protective League and filed a suit to prevent enforcement of the ordinance. Dr. Henderson then called a meeting to form the first rural branch of the NAACP in the Nation. Joseph Tinner, son of Charles, became its first president. As a result, the town council reversed the ordinance. Over the next 50 years, the Hendersons, Tinners, and others organized civil rights activities that set a precedent and a model for the rural South.

Today, the Tinners and the Hendersons share the hill with a diverse mix of businesses that represent many cultural backgrounds. We all owe a great debt to the brave former inhabitants of Tinner Hill who risked there lives and livelihoods to defend the Bill of Rights and to start a movement that has had far reaching consequences.•

TRIBUTE TO THE NORTHEAST PEANUT LEAGUE

• Mr. SANTORUM. Mr. President, the Northeast Peanut League [NEPL] will celebrate its annual All-Star Day on June 8. I would like to take a few moments of Senate business to recognize the NEPL and to discuss the opportunities it offers to more than 7,000 boys and girls between the ages of 5 and 16 in the Philadelphia area.

Founded in 1981, the NEPL provides recreational activities for children who are not as advanced in their athletic abilities. This organization is based on the concept of simply having fun. The league makes sports a positive learning experience by enhancing the emotional, physical, social, and educational well-being of children. These teams allow children to realize their potential in elaborate all-star events, playoff games, and league awards. In short, the NEPL provides a nurturing environment where all children—regardless of their physical or mental abilities—can play, develop a sense of pride, and receive the fanfare previously reserved for the "A" leagues.

Another important service the NEPL provides is substance abuse education. Each year, the league distributes thousands of drug prevention brochures to the children and their parents. Moreover, the league sponsors essay contests which encourage children to express their concerns about the drug epidemic. Winners of this essay contest and the Youth Work Award receive their prizes on the annual All-Star Day.

Mr. President, I commend the Northeast Peanut League for the athletic and educational opportunities it offers to the children of Philadelphia. I ask my colleagues to join me in extending the Senate's best wishes for continued success to the children, coaches, parents, officials, staff, and sponsors of the Northeast Peanut League.•

THE POLITICS OF THE YEAR 2000 COMPUTER PROBLEM

• Mr. MOYNIHAN. Mr. President, I spoke on Tuesday of this week about recent findings on the technological dimension of the year 2000 computer problem. I rise today to warn of the yet unseen political dimension of the problem.

Newsweek's June 2d cover story, "The Day the World Shuts Down," offered a telling scenario in which Vice President GORE, while campaigning for President in 2000, spends all of his time trying to justify why he hadn't addressed this issue. To wit: "imagine Al Gore's spending the entire election campaign explaining why he didn't foresee the crisis."

Vice President GORE is not alone here. Imagine 4 to 500 Congressmen doing the same. Come 2000, each of us will be held accountable if we have failed to deal effectively with the "Y2K" problem. Not a single Member of Congress right now, excepting those who can successfully pass the blame, will be absolved. Both parties will face a wholesale clearing of the decks. The deluge of blame will occur in the legal community, as well. Newsweek cited a conservative estimate of 1 trillion dollars' worth of litigation resulting from this crisis—more than three times the yearly cost of all civil litigation in the United States.

Make no mistake, almost all experts agree there will be no "silver bullet" fix. Correcting this problem is labor intensive and very time consuming. Millions of lines of computer code have to be reviewed and changed—in many computer languages so outdated they are foreign to younger programmers. And as Newsweek stated, the bug "affects everything from ATM's to weapons systems. Virtually every government, State, and municipality, as well as every large, midsize, and small business in the world, is going to deal with this—in fact, if they haven't started already its just about too late."

If American families are overtaxed by the IRS, improperly charged by their creditors, denied Social Security benefits, and faced with a constantly malfunctioning civil infrastructure, the blame will fall squarely on the shoulders of their Representatives in Washington.

As Samuel Johnson observed, the prospect of hanging concentrates the mind. This prospect—the political repercussions—could finally get us up and running. We are not now. I have a first day bill, S. 22, creating a joint commission to take on the task as a national emergency. It is just that. No movement on my bill thus far. At this rate be ready to be out of a job in 2001.•

THE 100TH BIRTHDAY OF COURTNEY WHEELER

• Mr. INHOFE. Mr. President, I rise today to congratulate Courtney Wheeler of Beckley, WV, who celebrated her 100th birthday on May 29, 1997.

Courtney Wheeler was born in 1897 in Summers County, WV, the oldest of 13 children born to Thomas Joseph and Rosa Belle Berkley. She married her husband, Roy Wheeler, in 1913 and the two of them had six children before he passed away in 1936. Courtney has shown tremendous courage in life in dealing with the loss of her husband at an early age and the loss of four of her children. She has been an inspiration to all who know her on how to deal with life's tragedies in a strong and graceful manner.

In addition to her six children, Courtney Wheeler has a total of 94 descendants. She has 22 grandchildren, 36 great grandchildren, 29 great-great grandchildren and 1 great-great-great grandchild. She has definitely been blessed with a large and loving family.

Throughout her life, Courtney has been a loving and caring person to her family and friends. She has always maintained a cheerful spirit and has been an example to all. She has been an avid gardener of both flowers and vegetables her entire life, and is known far and wide for her cooking skills. I encourage my colleagues to join with me in congratulating Courtney Wheeler on this milestone birthday.•

THE FISCAL YEAR 1997 SUPPLEMENTAL APPROPRIATION CONFERENCE REPORT AND THE FISCAL YEAR 1998 BUDGET RESOLUTION CONFERENCE REPORT

• Mr. LIEBERMAN. Mr. President, I am entering this statement into the RECORD because I am unable to return to Washington for the votes on the fiscal year 1998 supplemental appropriation conference report and the fiscal year 1998 budget resolution conference report due to my son's out-of-town college graduation today. Had I been there, I would have voted for the budget resolution and against the supplemental appropriation because of the automatic continuing resolution and other extraneous provisions in the bill.•

TRIBUTE TO ALICE LIEBERMAN

• Mr. SPECTER. Mr. President, I have sought recognition today to pay tribute to Alice Lieberman, the mother of my former executive secretary Sylvia Nolde. Alice Lieberman is a woman of grace and strength and a role model for all ages. In testament of her service to her community and her positive impact on the youth of our Nation, I am submitting "A Senior Portrait", written by Ms. Abby Altshcul. The following was written by Abby for her essay on her college admissions application to Cornell University, where she was accepted.

A SENIOR PORTRAIT

With Congress pushing for cuts in Medicare and the baby boomers struggling to stay young, irreverence for old age seems to be at an all time high. Fortunately, a few teenagers, who have at one point lived in Charlottesville, Virginia still hold great respect for their elders. The reason for this is Alice Lieberman, an 85-year-old Jewish grandmother who has become the matriarch for the city's Jewish community. These teems fondly remember chicken dinners at her house and Friday night services by her side at congregation Beth Israel. She had been a role model as a long-time active member of Hadassah (a Jewish women's organization), even assuming the presidency at the age of eighty. Her fifty plus year marriage to Myer Lieberman and commitment to her family has been an inspiration in this age of high divorce rates and dysfunctional families. Her care for her husband when he went to a nursing home led the way to her volunteer work at Cedars Nursing Home. Alice even influenced a girl named Abby to join her and work at the Cedars for her bat mitzvah community service project and to continue to visit the elderly friends they had made after the bat mitzvah. Alice inherited this sense of duty from her mother and passed it on to her two daughters, a teacher and a congressional aide, who continue to volunteer while retired.

For many of her "young friends" it became a threat rather than a chore to go to synagogue on Friday night and sit quietly next to her. She transmitted the comfort and tranquility she received from the prayers to Abby and anyone else who was lucky enough to be seated beside her. One of Abby's earliest memories is of sitting in services and drawing a picture of her best friend, Alice, who sat next to her. Alice still proudly displays the drawing next to Abby's senior photo in her dining room. Ever since Abby moved away two years ago, services haven't been as meaningful or enjoyable without Alice. Her devotion is an inspiration to many Jews especially the young people whom she effects.

The vitality Alice displays brings a whole new meaning to the phrase "aging gracefully." She goes everywhere and does everything on her own without fear, even after a fall a few years ago that resulted in a broken hip and landed her in a nursing home for a few weeks. She entertains often and continues to be an important part of Hadassah as head of their ongoing and most successful fundraiser. Some people use their golden years to relax and let the world serve them, but for Alice Lieberman it is a chance to imbue the next generation with motivation.•

RURAL DEMONSTRATION ACT OF 1997

• Mr. BAUCUS. Mr. President, today Senator MURKOWSKI and I introduced a bill called the Rural Telemedicine Demonstration Act of 1997.

As the Senate knows, Senator MURKOWSKI and I represent States where a good number of our constituents live in rural areas. Individuals living in States like Montana often live in counties that are underserved by specialty health care providers.

Due to new technology made possible by advances in fiber optics, it is now easier for rural citizens to be seen by specialty health care providers.

Using this technology, a person living in Culbertson, MT, who would normally drive 300 miles for specialty medical care in Billings, can now be "seen" by a physician via telemedicine. But, in order for telemedicine systems to be a success in rural States like mine, Medicare must eventually reimburse telemedicine providers. This bill is the first step in that direction.•

REMARKS OF FORMER SENATOR ROMAN L. HRUSKA (R–NE) AT THE DEDICATION OF THE NEW FEDERAL COURTHOUSE IN OMAHA, NE

• Mr. HAGEL. Mr. President, last Friday a distinguished former Member of the United States Senate, Roman Hruska, was honored during a groundbreaking ceremony for a new Federal courthouse to be constructed in downtown Omaha. This new Federal facility will be named the Roman L. Hruska United States Courthouse.

I had the honor of knowing Senator Hruska when I served as administrative assistant to former Congressman John Y. McCollister (R–NE), my friend and mentor, in the 1970's. Senator Hruska served on the Senate Appropriations Committee and the Senate Judiciary Committee as its ranking member. Several of my colleagues still serving today no doubt recall Senator Hruska and his contributions to our work here in the Senate. He is still going strong at 92 years of age and continues to stay involved in the Omaha community.

Much of his work on the Senate Judiciary Committee remains with us today. Whether it was the creation of the Legal Services Corporation, revision of the Federal bankruptcy laws, reform of the Federal criminal code or amendments to the Federal antitrust laws, his imprint can be found. Senator Hruska always considered himself a work horse rather than a show horse and his numerous contributions to our Federal legal and justice system bear that out.

That is why it is so fitting that the new Federal courthouse in Omaha has been named after him. His lifelong work as a public servant and lawyer was dedicated to making our system of laws fair, just, and workable for all citizens not just a privileged few. This is especially true with the Federal judiciary. Senator Hruska worked tirelessly to ensure that the Federal court system and the judiciary would be run by people of integrity, intellect, courage, and empathy for all the people—traits that he exhibited throughout his career.

Mr. President, the new Hruska Courthouse is a welcome addition to downtown Omaha. It will meet the immediate needs of the Federal judiciary and other agencies that support the judicial system like the U.S. Marshals Service, U.S. Attorneys Office, U.S. Probation Service, U.S. Pretrial Service and several other Federal agencies. The complex is designed to permit future expansion if needed. It will fit the traditional solid architecture of downtown Omaha but have new technology to meet the demands of the 21st century.

Mr. President, I ask that the remarks delivered by Senator Hruska at the groundbreaking ceremony be printed in the RECORD.

The remarks follow:

REMARKS BY SENATOR ROMAN L. HRUSKA

> It is with great humility that I thank my friends for their many kind remarks here this afternoon. In particular, I wish to single out the graciousness of my friend Jim Exon for his selfless contribution to this special honor I receive today. I also thank Senator Kerrey for his kind remarks.
>
> For me, there is no better way to join together my love for Nebraska, the City of Omaha, and a commitment to our system of justice and the federal judiciary than being honored by having my name associated with the new federal courthouse to be built on this site.
>
> Throughout my many years of service in Washington, DC, my heart still remained in Omaha. As I addressed the business of the U.S. Senate, the interests of Nebraska were always foremost in my mind. Since retiring from the Senate more than twenty years ago, I have tried to continue that commitment to our community.
>
> During my years as a public servant, I tried to follow a simple set of principles which I believe also represent the basic beliefs and feelings of my fellow Nebraskans.
>
> I believed then and still believe in less government, not more. I believed then and still believe that the courts should defer to the legislatures in the matter of law-making. I believed then and still believe that a truly independent judiciary of the highest order of excellence is essential to enforcement of the expressed will of the majority and the protection of the fundamental rights of those in the minority. I believed then and still believe that our judicial system is the last bulwark against attacks on individual liberty and freedom.
>
> Democracy and individual freedom are sometimes fragile things. Fortunately, they are now on the march around the world. Gratefully, they have become our birthright and will be further nurtured by this new complex.
>
> But, the challenge remains great. Crime, breakdown of the family, corruption and civil disorder are still present in our society; even here in Omaha. We need to support actively our police, prosecutors and judges as they carry out their important responsibilities to uphold the law.
>
> Looking at all of you assembled here and thinking about the many years I have devoted to public service, I am heartened for our future. Young leaders are emerging—many gathered here today—who will carry on the principles I believe in and who represent the best of our nation and state.
>
> I am gratified and truly humbled by this occasion. Thank you all for being here. Thank you all for your many kindnesses and courtesies over the years. Thank you all for this wonderful honor which you have bestowed upon me.
>
> God bless the State of Nebraska and God bless America.•

THE 175TH ANNIVERSARY OF THE RHODE ISLAND HISTORICAL SOCIETY

• Mr. REED. Mr. President, I rise to recognize the Rhode Island Historical Society on the occasion of its 175th anniversary.

Founded in 1822, the Rhode Island Historical Society was established for the purpose of rescuing artifacts and records pertaining to the history of our State and spreading the legacy of Rhode Island history. The society today represents the fourth oldest historical society in the United States and remains as one of the noble guardians of American history and culture. Over the years the society's repository of Rhode Island history and culture has grown under the stewardship of generations of knowledgeable scholars, dedicated staff, and the generosity of gracious benefactors.

From its humble beginnings, the society has served as a haven for precious artifacts which serve to record and preserve the rich history of Rhode Island. Today, we mark not only the past accomplishments of the Rhode Island Historical Society, but we pause at an exciting threshold as we embark upon the creation of Heritage Harbor.

Housed at the site of a former power plant at the head of Narragansett Bay, the historical society will lead a consortium of museums and cultural organizations in forming Heritage Harbor. The new community will bring together the stories and treasures of the Ocean State through entertainment and enlightenment. Remaining true to Rhode Island's founder Roger Williams, this new endeavor will be a lively experiment. It will teach, entertain, and inspire. The Heritage Harbor promises to bring together the diverse cultures and communities of Rhode Island to celebrate the time, traditions, and our many contributions to collective greatness of this Nation.

Mr. President, I would ask that my colleagues join me in applauding the Rhode Island Historical Society as we mark this milestone of 175 years, celebrating its legacy, both past and future.•

TRIBUTE TO VINCENT MARCONI JR., PORTSMOUTH STUDENT, AND WINNER OF THE NATIONAL PEACE ESSAY CONTEST

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Vincent Marconi Jr., a Portsmouth Senior High School student, on winning the first place in the State-level competition of the 10th annual National Peace Essay Contest sponsored by the United States Institute of Peace. This is certainly an accomplishment of which he should be very proud and I salute him for his achievement.

The contest, which is open to students in all American high schools, is designed to encourage serious and realistic thinking about issues of international conflict resolution. Vincent was asked to write an essay on managing and implementing peace agreements.

Vincent will receive a $750 college scholarship and will compete for national awards of up to $5,000. Vincent has also been invited to represent the Granite State in a special program for State-level winners in Washington, DC.

I congratulate Vincent Marconi Jr. on his outstanding accomplishments. I commend his hard work and perseverance and wish him luck in competition for national awards.•

CONNECTICUT STUDENTS' ESSAYS ABOUT ELIMINATING RACISM

• Mr. DODD. Mr. President, I rise today to recognize a group of outstanding students from my home State of Connecticut. Each of these young people has been recognized by the greater Hartford regional YWCA for essays they wrote on the elimination of racism. As authors of the winning essays, these young people attended the second annual "In the Company of Women" luncheon with featured speaker Maya Angelou. I was privileged to attend that luncheon and meet some of the essay contest winners. Their words have inspired me and I am proud to share some of their insight with you today.

Danalyn Elder of Weaver High School in Hartford, says "I do not consider color (except perhaps if I am saying it is beautiful.)" Courtney Yuen of Hall High School in West Hartford talks about dreams "* * * that offer a glimpse of a world without racism * * *" Richardo Solomon of Bloomfield High School quotes Dr. Martin Luther King in considering whether people can "* * * search deep down in their hearts to see a world without racism."

In her winning essay, Julie Meslin explains that "A world without racism would not be an easy place to live." Julie concludes, however, that * * * "we would be pioneers in a movement that the human soul has longed for since the beginning of time. And it would be worth it." Frederick Jelks of Bloomfield High School describes the pursuit of a world without racism as a collective effort of individuals regardless of race or heritage. This effort, he explains, "will not happen over night. The change will come about gradually * * * we may speed up that day when we can all kiss the glass of equality."

In his essay entitled "Color Me This," Greg Binstock of Hall High School considers the innocence of a young girl who loves all the colors of the rainbow equally and sees no reason to segregate the black and red pieces in a checkers game. In a moving biographical sketch, Radmila Khamzina shares her experiences with racism in her home country of Azerbaijan, and her insights on racism here in America.

Cheryl Vasquez of Wethersfield High School also uses personal experiences to share her thoughts on a world without racism. As a Puerto Rican girl, Cheryl has felt the pain of racism. In the end, she concludes that "A world without racism would be a world of more hope, a world of more dreams and a world of equality as God intended it to be." Samantha Allaire of Manchester High School discusses a world without racism in which all employees receive equal opportunity and equal pay. This would produce a "more efficient and productive workforce altogether."

In his short story about a world without racism, Jamilla Deria of Weaver High School imagines a scenario in which his "Little Africa" is inhabited by people of every nationality, living in harmony. In this world, Jesus has "an afro and piercing black skin instead of having blonde hair and blue eyes." This seemingly mixed up world is, in the end, "groovy man, real groovy." Simshindo Msola of Weaver High School talks about the devastating effects that racism has had on members of the black community. The elimination of racism would enable African-Americans and indeed all people to perform to their fullest potential and "People would begin to have a positive and good attitude about themselves, and society at large would benefit and improve."

Nayoka Rose of Weaver High School sees a world without racism at ". . . the time of birth and death." Infants lay side by side in a nursery, regardless of color, creed or heritage, and at death we lay side by side as ". . . death knows no color or race." Michelle Davis of Weaver High School imagines a world without racism in which we would not have war, fewer people would be incarcerated and more people would have jobs. This world, Michelle says, does not have to be a dream.

Mizzara Belton of Weaver High School says that "The thought of excluding racism from my world is a joy." She envisions a society where the color of one's skin would not affect the treatment you receive in a department store, your educational opportunities or prospects for employment. Finally, Kelly Citroni of Bolton High School considers those who have died as a result of racism. The holocaust and slavery might never have happened, there would be no Ku Klux Klan, and Dr. Martin Luther King would not have been killed at the hands of a ". . . person prejudiced against his skin color." Our world, Kelly concludes, would experience "dramatic change for the better" without racism.

I am extremely proud of these young people and their thought-provoking essays. Each student is able to describe the beauty of a world without racism while sharing personal experiences and dreams.

These Connecticut students are well aware of the effects of racism. Most of them have experienced first-hand the pain of hatred and prejudice. Their essays, however, illustrate the hope that lies in each and every city throughout our great country. One must only stop to listen to the dreams of our youth to see that blossoms of hope and optimism are flourishing among us. These young people can help us appreciate that we do not have to live with racism. If we close our eyes and imagine all people are one, we can envision the joy of a world without racism.•

RECOGNIZING DAVID GIULIANI

• Mr. GORTON. Mr. President, it is no secret to my colleagues that perhaps the greatest contributor to our Nation's economic success is the hard work, perseverance and entrepreneurial spirit of America's small businessowners. It is, therefore, appropriate that the U.S. Small Business Administration has honored Washington State businessman, Mr. David Giuliani, as the National Small Business Person of the Year. Mr. Giuliani is president and chief executive officer of the Bellevue, WA, based Optiva Corp. which manufactures the Sonicare brand of toothbrushes. Starting Optiva as a technology transfer project from the University of Washington in 1988, Mr. Giuliani has overseen the company's progression from a startup business to an employer of 250 with sales of over $50 million in 1995. With growth of this kind it is not surprising that, last October, Inc. Magazine recognized Optiva as the second-fastest growing private company in the entire nation. To celebrate its success at the production of its millionth toothbrush last year, Mr. Giuliani's company gave away more than 1,000 Sonicare toothbrushes to individuals who couldn't afford them on their own.

Mr. President, I am proud to represent a State that is home to such an outstanding businessman and citizen. Mr. Giuliani certainly deserves the title of Small Business Person of the Year.•

COMMENDING MARK D. CHAMBERLAIN FOR HIS ACT OF BRAVERY

• Mr. LEAHY. Mr. President, I recently received a letter that remarked upon the bravery and fortitude of a former U.S. Coast Guard member, Mark D. Chamberlain.

On a chilly, rainy winter day, three generations of the Chamberlain family, Dale, Mark, and Justin set out on snowshoes in a wooded area of Lyndonville, VT. After 5 hours of trekking in the woods, the eldest Chamberlain, Dale, attempted to forge an ice-covered river when the ice gave way and dragged him under. Mark, his son, managed to grab a hold of his coat and pull him back to safety amid the chunks of ice and strong river currents. Despite the fact that Dale was numb with cold, Mark assured his father that he would be fine and convinced him to begin walking. Mark led the party back to their vehicle and the three Chamberlains returned safely to the warmth of their home.

Mark Chamberlain, not only set an heroic example for his son, Justin, to admire and follow, he also demonstrated the strength of the bonds that tie families together.

Mr. President, I ask that an article about this experience which appeared in the Caledonian-Record be reprinted in the CONGRESSIONAL RECORD.

The article follows:

[From the Caledonian-Record, March 10, 1997]

ST. JOHNSBURY—FATHER CREDITS RESCUE TO DARING SON

(By Andrew Turner)

Dale Chamberlain knows a thing or two about life, now that he's looked death in the face and survived to tell about it.

On March 2, Chamberlain was snowshoeing with his son Mark and grandson Justin on his property in Lyndonville when tragedy nearly struck.

As Chamberlain tells it, the weather was about 45 degrees and drizzly that day, the kind of mid-winter thaw that deceives snow travelers so often

Chamberlain, his son and grandson, had been trekking the woods near the South Wheelock River for about five hours, he estimated, before coming to the river.

"We were making tracks back to the river. I could hear the roar of the water draining into channels in the ice Arriving at the river, I could see a possible way to cross," Chamberlain stated.

He said he began the attempt to cross and the way was slippery. Water covered the ice to roughly 6 inches deep in parts and he was able to use his ski poles to stabilize himself, poking the ice ahead of him to make sure that it was solid.

"I punched a hole in one area (and) the ice let go in the whole area around me. I went into the water and under the ice," Chamberlain recounted.

Chamberlain floundered in the water helplessly, his head just above the surface as ice continued to break away, making it impossible to grasp onto anything firm. Hindering him was the fact that his snowshoes had become tangled around each other. He couldn't move his arms or legs.

"My muscles were going numb. The only thing I was really aware of was the roar of the rushing water," he said.

The next thing that he remembered was the feeling of his son's hand on the back of his waterlogged jacket, tugging him out of the current of the water and eventually to the shore.

"He talked to me and assured me I was OK. He said he was going to stand me up. He said it wouldn't do me any good to just lie there," Chamberlain said.

Eventually they were able to get to their cars and make it home, and to warmth. Chamberlain never received medical treatment but was comforted by the fact that he had a son who challenged adversity to save his father's life.

"Thanks to the quick thinking and strength of my son I am still among the living. I now know that no matter how much experience you have in the woods the unexpected can always happen. I just thank God for Mark's ability to analyze the situation and spring into action immediately," he said.•

NATIONAL RACE FOR THE CURE

• Mr. THOMPSON. Mr. President, I want to lend my voice today to the thousands of women and men who are supporting the search for a cure to breast cancer.

Breast cancer is still the leading cause of mortality among American women between the ages of 35 and 54. In fact, odds are that one in every eight women will develop breast cancer in her lifetime.

The encouraging news is that early detection is very effective in curbing this disease. At the same time we continue efforts to find a cure, we must be equally diligent in our efforts to educate women about the importance of regular clinical and self examinations for breast cancer.

On June 7, Americans all over the country will again have the opportunity to show their concern by participating in the 1997 National Race for the Cure. The race is a series of 5k runs and a 1-mile walk sponsored by the Susan G. Komen Breast Cancer Foundation in Dallas.

I urge all of my colleagues, their spouses and staff to support the Capitol Hill Race for the Cure on June 7, where more than 50,000 are expected to participate. This event will help raise money for breast cancer research and education and bring us all closer to the day when a cure is found. •

TRIBUTE TO MERCYMOUNT COUNTRY DAY SCHOOL, 1997 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

•Mr. REED. Mr. President, I rise today to recognize the achievement of Mercymount Country Day School of Cumberland, RI, which was recently honored as a U.S. Department of Education Blue Ribbon School.

As I think all in this chamber know, it is a highly regarded distinction to be named a Blue Ribbon School, since these schools represent some of the cream of our educational crop. Through an intensive selection process beginning at the State level and continuing through a Federal Review Panel of 100 top educators, many of the very best public and private schools in the Nation are identified as deserving of this honor. These are schools that are particularly effective meeting local, State, and national goals. But, Mr. President, this honor is not about determining who is best, it is about learning what works in educating today's children—the leaders of tomorrow.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. At the Mercymount Country Day School in Rhode Island, partnerships between parents and teachers have made an enormous difference in the education of their students. They have understood that the quality of education depends not only upon the efforts of schools and government; it also depends upon the ideas and innovation of parents and community. At Mercymount, parent-teacher cooperation has brought computers into the classroom, and their "Pull the Plug" on TV initiative has helped students get away from television sets and into reading and other challenging activities. Mercymount has also developed a wonderful fine arts program, and as research has shown, the pursuit of education in the arts at an early age improves a child's cognitive ability. Again, Mercymount is making a huge difference in the lives of its students.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students, and the techniques that can be replicated in all schools to help all students learn. I am proud to say that in Rhode Island we can look to a school like Mercymount Country Day. Under the leadership of its principal, Sister Martha Mulligan, its capable faculty, and its improved parents, Mercymount will continue to be a shining example for years to come.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
Singapore	Dollar		311.29						311.29
Malaysia	Dollar		143.02						143.02
Taiwan	Dollar		846.00						846.00
United States	Dollar				4,429.85				4,429.85
Patrick Von Bargen:									
Singapore	Dollar		1,003.50						1,003.50
Malaysia	Dollar		228.00						228.00
Taiwan	Dollar		846.00						846.00
United States	Dollar				4,429.85				4,429.85
Steve Clemons:									
Singapore	Dollar		1,003.50						1,003.50
Malaysia	Dollar		228.00						228.00
Taiwan	Dollar		846.00						846.00
United States	Dollar				4,429.85				4,429.85
Marshall Salter:									
Guatemala	Dollar		378.00						378.00
El Salvador	Dollar		191.00						191.00
Nicaragua	Dollar		263.00						263.00
Panama	Dollar		139.00						139.00
United States	Dollar				1,001.95				1,001.95
Senator John McCain:									
Guatemala	Dollar		378.00						378.00
El Salvador	Dollar		191.00						191.00
Nicaragua	Dollar		263.00						263.00
Panama	Dollar		139.00						139.00
United States	Dollar				1,522.87				1,522.87
Richard D. DeBobes:									
Belgium	Franc		20.00						20.00
Bosnia and Herzegovina	Dollar		257.00						257.00
Richard D. DeBobes:									
Croatia	Dollar		185.00						185.00
Serbia	Dollar		236.00						236.00
Serbia	Dollar						48.00		48.00
Senator Carl Levin:									
Belgium	Franc		20.00						20.00
Bosnia and Herzegovina	Dollar		250.00						250.00
Croatia	Dollar		169.00						169.00
Serbia	Dollar		220.00						220.00
Serbia	Dollar						68.00		68.00
Marshall Salter:									
Bulgaria	Dollar		810.00						810.00
United States	Dollar				4,119.75				4,119.75
Senator John McCain:									
Bulgaria	Dollar		603.00						63.00
United States	Dollar				4,119.75				4,119.75
Frederick M. Downey:									
Hong Kong	Dollar		548.00						548.00
China	Dollar		996.00						996.00
United States	Dollar				4,699.95				4,699.95
Senator Joseph I. Lieberman:									
Hong Kong	Dollar		548.00						548.00
China	Dollar		996.00						996.00
United States	Dollar				4,699.95				4,699.95
Lucia Monica Chavez:									
Belgium	Franc	10,083	292.00						292.00
Poland	Zloty	1,604	526.00						526.00
Hungary	Forint	43,341	247.00						247.00
Hungary	Dollar		247.00						247.00
United States	Dollar				3,418.75				3,418.75
Senator James M. Inhofe:									
Belgium	Dollar		614.00						614.00
United States	Dollar				1,496.27				1,496.27
Total			15,181.31		38,368.79		116.00		53,666.10

STROM THURMOND,
Chairman, Committee on Armed Services, May 8, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Ashby:									
Switzerland	Franc	1,552.89	1,090.74					1,552.89	1,090.74
United States	Dollar				909.75				909.75
Kenneth I. Levinson:									
Switzerland	Franc	1,520.51	1,068.00					1,520.52	1,068.00
United States	Dollar				899.95				899.95
Carl W. Bentzel:									
Panama	Dollar		537.00						537.00
United States	Dollar				628.00				628.00
France	Franc	5,209.50	906.00					5,209.50	906.00
United States	Dollar				794.85				794.85

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
TOTAL			3,601.74		3,232.55				6,834.29

JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Apr. 28, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David K. Garman:									
Russia	Roubles		847.00						847.00
United States	Dollar				1,753.55				1,753.55
New Zealand	Dollar	3,484.84	2,334.90					3,484.84	2,334.90
Western Samoa	Dollar		218.00						218.00
Judith Brown:									
Puerto Rico	Dollar		1,640.67				142.74		1,783.41
Senator Frank Murkowski:									
New Zealand	Dollar	3,484.84	2,334.90					3,484.84	2,334.90
Western Samoa	Dollar		218.00						218.00
Senator Daniel Akaka:									
New Zealand	Dollar	3,484.84	2,334.90					3,484.84	2,334.90
Western Samoa	Dollar		218.00						218.00
Senator Slade Gorton:									
New Zealand	Dollar	3,484.84	2,334.90					3,484.84	2,334.90
Western Samoa	Dollar		218.00						218.00
Senator Craig Thomas:									
New Zealand	Dollar	3,484.84	2,334.90					3,484.84	2,334.90
Western Samoa	Dollar		218.00						218.00
James O'Toole:									
New Zealand	Dollar	3,484.84	2,334.90					3,484.84	2,334.90
Western Samoa	Dollar		218.00						218.00
Kira Finkler:									
New Zealand	Dollar	3,484.84	2,334.90					3,484.84	2,334.90
Western Samoa	Dollar		218.00						218.00
Tortal			20,357.97		1,753.55		142.74		22,254.26

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, May 1, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Chafee:									
England	Pound	319.52	533.42					319.52	533.42
Germany	Mark	466.40	286.52					466.40	286.52
Bosnia	Dollar		172.00				294.00		466.00
Italy	Lire	275,250	163.45					275,250	163.45
United States	Dollar				1,246.25				1,246.25
Daniel J. Corbett:									
England	Pound	389.52	636.98					389.52	636.98
Germany	Mark	566.40	348.32					566.40	348.32
United States	Dollar				1,095.85				1,095.85
John E. Seggerman:									
Germany	Mark	175.20	116.64					175.20	116.64
Bosnia	Dollar		172.00				294.00		466.00
Italy	Lire	363,260	215.71					363,260	215.71
United States	Dollar				1,079.75				1,079.75
Total			2,645.04		3,421.85		588.00		6,654.89

JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, April 30, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Canada	Dollar	535.55	387.15				75.60	535.55	462.75
United States	Dollar				629.00				629.00
Daniel Bob:									
Canada	Dollar	440.98	318.18					440.98	318.18
United States	Dollar				671.40				671.40
Total		705.33		1,300.40			75.60		2,081.33

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Feb. 28, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.:									
Russia	Dollar		800.00						800.00
Czech Republic	Dollar		282.00						282.00
Hungary	Dollar		247.00						247.00
Slovenia	Dollar		125.00						125.00
Italy	Dollar		556.00						556.00
United States	Dollar				3,141.85				3,141.85
Steve Biegun:									
Slovenia	Dollar		191.00						191.00
Austria	Dollar		217.00						217.00
Slovakia	Dollar		166.00						166.00
Romania	Dollar		495.00						495.00
United States	Dollar				2,211.15				2,211.15
Germany	Mark	695.31	407.91					695.31	407.91
United States	Dollar				3,048.15				3,048.15
Michael Haltzel:									
Russia	Dollar		450.00						450.00
Czech Republic	Crown	4,418	150.17					4,418	150.17
Hungary	Forint	20,161	118.00					20,161	118.00
United States	Dollar				3,359.85				3,359.85
Gina Marie Hatheway:									
Canada	Dollar	387.81	295.55					387.81	295.55
United States	Dollar				884.10				884.10
Beth Wilson:									
Slovenia	Dollar		191.00						191.00
Austria	Dollar		217.00						217.00
Slovakia	Dollar		166.00						166.00
Romania	Dollar		495.00						495.00
United States	Dollar				2,211.15				2,211.15
Senator Charles S. Robb:									
Saudi Arabia	Dollar		142.00						142.00
Egypt	Pound	768.40	232.84					768.40	232.84
Bosnia	Dollar		314.00						314.00
Italy	Lira	503,700	300.00					503,700	300.00
United States	Dollar				5,281.85				5,281.85
Peter Cleveland:									
Saudi Arabia	Dollar		142.00						142.00
Egypt	Pound	768.40	232.84					768.40	232.84
Bosnia	Dollar		314.00						314.00
Italy	Lira	503,700	300.00					503,700	300.00
United States	Dollar				5,281.85				5,281.85
Total			7,547.31		25,419.95				32,967.26

JESSE HELMS,
Chairman, Committee on Foreign Relations, Apr. 28, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JAN. 1 to MAR. 31,1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Durbin:									
United States	Dollar				4,426.75				4,426.75
Lithuania	Lita	3,721.30	935.00					3,721.30	935.00
Poland	Zloty	572.10	190.70	1,239.72	413.24			1,811.82	603.94
Dan O'Grady:									
United States	Dollar				1,714.75				1,714.75
Lithuania	Lita	3,721.30	935.00					3,721.30	935.00
Poland	Zloty	725.82	241.94	1,239.69	413.23			1,965.51	655.17
Trina Vargo:									
United States	Dollar				1,145.95				1,145.95
United Kingdom	Pound	298.13	477.00	143	229.60			441.13	706.60
Ireland	Pound	421.88	675.00	19	30.40			440.88	705.40
Total			3,454.64		8,373.92				11,828.56

ORRIN HATCH,
Chairman, Committee on the Judiciary, Apr. 14, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alfred Cumming			852.00						852.00
Randall Schieber			804.00						804.00
Senator Bob Graham			274.15						274.15
Senator Richard Bryan			153.45						153.45
Total			2,083.60						2,083.60

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, May 5, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JANUARY 1 TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janice Helwig:									
United States	Dollar				3,092.65				3,092.65
Austria	Dollar		12,682.53						12,682.53
Marlene Kaufmann:									
United States	Dollar				1,307.85				1,307.85
Germany	Dollar		430.00						430.00
Austria	Dollar		422.00						422.00
Total			13,534.53		4,400.50				17,935.03

ALFONSE D'AMATO,
Chairman, Commission on Security and Cooperation in Europe, Apr. 2, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM NOV. 21 TO NOV. 23, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
England	Pound	552.32	927.00					552.32	927.00
Senator Howell Heflin:									
England	Pound	487.43	814.00					487.43	814.00
Senator Ernest Hollings:									
England	Pound	552.32	927.00					552.32	927.00
Senator Orrin Hatch:									
England	Pound	552.32	927.00					552.32	927.00
Senator Charles Grassley:									
England	Pound	506.00	897.00					506.00	897.00
Senator Frank Murkowski:									
England	Pound	552.32	927.00					552.32	927.00
Senator John Breaux:									
England	Pound	552.32	927.00					552.32	927.00
Senator Daniel Akaka:									
England	Pound	552.32	927.00					552.32	927.00
Julia Hart:									
England	Pound	552.32	927.00					552.32	927.00
Ian Brzezinski:									
England	Pound	552.32	927.00					552.32	927.00
Virginia Koops:									
England	Pound	494.15	877.00					494.15	877.00
Barry Phelps:									
England	Pound	552.32	927.00					552.32	927.00
Delegation expenses:[1]									
England							3,355.00		3,355.00
Total:			10,931.00				3,355.00		14,286.00

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Public Law 95-384.

TRENT LOTT, Majority Leader, and TOM DASCHLE, Democratic Leader,
May 23, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher S. Bond:									
Indonesia	Rupiah	2,197.56	946.00			924.72	398.07	3,122.28	1,344.07
Malaysia	Dollar	906.48	359.00			922.28	365.26	1,828.76	724.26
Philippines	Peso	17,204.23	655.00			14,791.44	563.14	31,995.67	1,218.14
United States	Dollar				4,901.85				4,901.85
Senator Bill Frist:									
Indonesia	Rupiah	2,295.12	988.00			924.74	398.08	3,219.86	1,386.08
Malaysia	Dollar	1,530.15	606.00			922.28	365.26	2,452.43	971.26
United States	Dollar				6,286.85				6,286.85
Mark Tipps:									
Indonesia	Rupiah	2,295.12	988.00			924.72	398.07		1,386.07
Malaysia	Dollar	1,340.78	531.00			922.28	365.26	2,263.06	896.26
United States	Dollar				6,179.95				6,179.95
Total			5,073.00		17,368.65		2,853.14		25,294.79

TRENT LOTT,
Majority Leader, May 17, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JAN. 1 TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Connie Mack:									
Morocco	Dirham	2,677.83	305.34					2,677.83	305.34

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JAN. 1 TO MAR. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		14.00						14.00
Randy Scheunemann:									
United States	Dollar				1,732.05				1,732.05
Slovenia	Dollar		229.00						229.00
Hungary	Forint	81,263.52	468.00					81,263.52	468.00
Romania	Dollar		497.00						497.00
Senator Connie Mack:									
Hong Kong	Dollar	4,698.18	607.00					4,698.18	607.00
China	Yuan	5,928.48	716.00					5,928.48	716.00
Japan	Yen	22,376.90	182.00	348,540	2,834.81			370,916.90	3,016.81
United States	Dollar				2,689.00				2,689.00
Gary Shiffman:									
Hong Kong	Dollar	3,939.66	509.00					3,939.66	509.00
China	Yuan	5,787.72	699.00					5,787.72	699.00
Japan	Yen	67,622.50	550.00	348,540	2,834.81			416,162.5	3,384.81
United States	Dollar				2,672.00				2,672.00
Total			4,776.34		12,762.67				17,539.01

TRENT LOTT,
Majority Leader, Apr. 28, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM JAN. 1, TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jack Reed:									
Bosnia and Herzegovina	Dollar		267.00						267.00
Croatia	Dollar		165.00						165.00
Serbia	Dollar		269.00						269.00
United States	Dollar				2,692.15				2,692.15
Total			701.00		2,692.15				3,393.15

TOM DASCHLE,
Democratic Leader, Apr. 28, 1997.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: Calendar No. 115, Elizabeth Moler, to be Deputy Secretary of Energy. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. DASCHLE. Mr. President, reserving the right to object, and I will be brief because I know a lot of Senators want to depart, this will be the only opportunity we will have to express the hope that we could do better than what we have done this week, as good as it has been. The President has indicated tonight that he would be prepared to return the bill, the supplemental bill, to us tonight. There is no reason why, given that we could not vote on it tomorrow and send it back in time for him to sign it before the end of the week, because we are not going to be in—that is the announcement made by the majority leader—many of us believe that we need to vote against adjournment simply because it is our hope to stay in until the President returns the bill, giving us the opportunity to vote on it one more time this week.

I thank the majority leader for yielding. I have no objection to the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF ENERGY

Elizabeth Anne Moler, of Virginia, to be Deputy Secretary of Energy.

Mr. DOMENICI. Mr. President, Elizabeth Anne (Betsy) Moler brings a strong record to the Deputy Secretary of Energy position. She has performed very ably in her previous leadership of the Federal Energy Regulatory Commission, and her past background with the Senate Energy and Natural Resources Committee will stand her in good stead in dealings with Congress. Two of her many accomplishments with FERC involved crafting order 636, which unbundled and largely deregulated the natural gas pipeline industry. And since 1992, she has led the Commission's deregulation of electricity utility markets—and she can now continue that leadership through her role within the Department. In all her previous assignments, Betsy Moler has demonstrated a keen analytical approach to complex issues. The Department will benefit from her abilities.

She has a formidable task ahead of her, together with Secretary Peña, to attack the stifling bureaucratic foundations of the Department and root out the serious inefficiencies that plague the Department's operations. Quickly moving to external safety and health regulation of the national laboratories, on a time scale far shorter than the leisurely one proposed by the Department, and slashing the micro-management of the Department will be challenges exceeding those that she faced at FERC.

I look forward to working with Deputy Secretary Betsy Moler and Secretary Peña to help shape the Department into a critical and highly valued contributor to national priorities.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

EMERGENCY SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR 1997—CONFERENCE REPORT

Mr. LOTT. Mr. President, I will observe that I am expecting and hoping that the President will sign the bill, and therefore there would be no necessity for further action. But if he does not, we will act further as soon as we get that information.

I might also note that the House has not yet acted, and I do not know when that may be, although I presume it will be sometime later on in the evening. As soon as they act, we will move expeditiously to get the enrollment and send the package down to the President.

GEORGE C. MARSHALL MONTH

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 97 submitted earlier today by Senator WARNER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 97) expressing the sense of the Senate that the President should designate the month of June 1997, the 50th anniversary of the Marshall Plan, as George C. Marshall Month, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, on June 5, 1947—50 years ago today—Gen. George Catlett Marshall, delivered remarks at Harvard University's commencement exercises which would change the course of history. In that speech, General Marshall outlined the necessity for and goals of what would later be known as the Marshall plan.

In 1947, 2 years after the end of World War II, Europe was struggling to recover from the devastation of the war. Millions were dead, 5,000 cities had been destroyed, and countless industries laid in ruin. Yet, while recognizing the very apparent physical destruction, Marshall remarked during his speech that, "this visible destruction was probably less serious then the dislocation of the entire fabric of European economy."

Marshall continued, "It is logical that the United States should do whatever it is able to do to assist in the return of the normal economic health in the world, without which there can be no political stability and no assured peace."

In the following years, over $13 billion in economic relief and technical assistance was provided to the 16 European nations which chose to participate in the program. From 1948 to 1951, the 4 years of the Marshall plan, industrial production in Europe increased 36 percent.

With the return of economic stability, political stability throughout Western Europe soon followed. As a result, Europe—and indeed the entire Western World—has enjoyed an unprecedented period of peace and prosperity.

For his vision and commitment, General Marshall received the Nobel Peace Prize in 1953.

Several years after the enactment of the Marshall plan, Winston Churchill wrote, "Succeeding generations should not be allowed to forget his achievements and his example." I am proud to say that two organizations in the Commonwealth of Virginia are dedicated to preserving and promoting in society Marshall's ideals and values of disciplined selfless service, hard work, integrity and compassion. They are the George C. Marshall Foundation and the George C. Marshall International Center.

The George Marshall Foundation, located in Lexington, VA, overlooks the campus of Marshall's alma mater, the Virginia Military Institute. In addition to a memorial to a great American leader, the George Marshall Foundation building contains a museum, archive and library for research concerning his life and times. The foundation's programs include scholarly publications and conferences and public education on U.S. military and diplomatic history in the 20th century.

The George C. Marshall International Center is located in Leesburg, VA, at the Dodona Manor, the home of George Marshall. The George Marshall International Center seeks to ensure that Marshall's vision and legacy are not forgotten by preserving Dodona Manor for posterity and fostering educational programs. "The Marshall Plan: Against All Odds," a documentary film underwritten by the center will air on PBS on Saturday, June 6 at 9 pm.

Tonight, the George Marshall International Center and George Marshall Foundation will host a gala dinner honoring the Soldier-Statesman and his influence on the 20th century.

On April 23, 1997, I introduced Senate Joint Resolution 27 to designate the month of June 1997, the 50th anniversary of George Marshall's speech, as George C. Marshall Month. The resolution recognizes the efforts of the George Marshall Foundation in Lexington, VA, the George Marshall International Center in Leesburg, VA, and the Friends of Marshall in Uniontown, PA, to continue in American life the values for which Gen. George Catlett Marshall stood.

Further, this resolution calls upon all Americans to rededicate themselves to the ideals of public service, hard work, integrity, and compassion which General Marshall represents to this day in American society.

Senate Joint Resolution 27 was favorably reported out of the Judiciary Committee on June 3 and is before the full Senate today. I ask my colleagues to support this important resolution today as a fitting tribute to an extraordinary American.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 97), with its preamble, reads as follows:

S. RES. 97

Whereas 1997 marks the fiftieth year since the European Recovery Program, or what came to be called the Marshall Plan, was first conceived and proclaimed by General George Catlett Marshall while he was serving as Secretary of State of the United States.

Whereas the Marshall Plan has been hailed by leaders of World War II allied and enemy countries alike as the most magnanimous act by Americans in history;

Whereas the Marshall Plan made possible new measures of trans-Atlantic cooperation through the North Atlantic Treaty Organization and other institutions;

Whereas these institutional developments have profoundly enhanced the security, freedom, and prosperity of the United States and the Atlantic Community generally;

Whereas new challenges have arisen which call for recommitment to and reinvigoration of these institutions and for their continued viability;

Whereas creative thought and rededication to the ideals and principles undergirding the Marshall Plan are now necessary in order to assure the preservation and perfection of these institutions; and

Whereas the occasion of the fiftieth anniversary of the Marshall Plan provides a fitting opportunity for rededication of commitments to these institutions: Now, therefore, be it.

Resolved, That it is the sense of the Senate—

(1) that magnanimity underlies the Marshall Plan, the dedication to public service and integrity of its author, and the efforts by the Marshall Foundation in Lexington, Virginia, the Marshall International Center in Lessburg, Virginia, and the Fiends of Marshall, Uniontown, Pennsylvania, to continue in American life the values for which General George Catlett Marshall stood;

(2) that all Americans should rededicate themselves to the ideals of public service, hard work, integrity, and compassion which General Marshall represents to this day in American society; and

(3) that the values that inspired the initiation of the Marshall Plan should continue to be cherished by the people of the United States.

SEC. 2. It is, further, the sense of the Senate that the President should issue a proclamation designating the month of June 1997 as "George C. Marshall Month" and calling upon the people of the United States to observe George C. Marshall Month with appropriate programs, ceremonies, and activities.

Mr. WARNER. Mr. President, may I just express my appreciation to the distinguished leadership and to the Members of the Senate.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, June 9, and that on Monday, immediately following the prayer, the routine requests through the morning hour be granted.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move the Senate stand in adjournment until 12 noon on Monday, June 9.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire [Mr. JEFFORDS], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Oklahoma [Mr. INHOFE] are necessarily absent.

I further announce that if present and voting, the Senator from New Hampshire [Mr. JEFFORDS] would vote "yea."

Mr. FORD. I announce that the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 51, nays 45, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Coats
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—4

Inhofe
Jeffords
Lieberman
Santorum

The motion was agreed to.

ADJOURNMENT UNTIL MONDAY, JUNE 9, 1997

The PRESIDING OFFICER. The Senate stands adjourned until 12 noon Monday next.

Thereupon, the Senate, at 7:09 p.m., adjourned until Monday, June 9, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 5, 1997:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. BEGERT, 2790

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. ERIC K. SHINSEKI, 3256

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT S. COFFEY, 3824

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

MAJ. GEN. JOHN W. HENDRIX, 7900

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED WHILE IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be colonel

ROBERT R. BOTTIN, JR., 3640
JAMES E. LOUIS, 1781
DIANE P. ROUSSEAU, 0742

THE JUDICIARY

ROBERT CHARLES CHAMBERS, OF WEST VIRGINIA, TO THE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA VICE ELIZABETH V. HALLANAN, RETIRED.

CHRISTOPHER DRONEY, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT VICE ALAN H. NEVAS, RETIRED.

JANET C. HALL, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT VICE T.F. GILROY DALY, DECEASED.

KATHARINE SWEENEY HAYDEN, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE H. LEE SAROKIN, ELEVATED.

CONFIRMATION

Executive nomination confirmed by the Senate June 5, 1997:

DEPARTMENT OF ENERGY

ELIZABETH ANNE MOLER, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, June 5, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. NEY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 5, 1997.

I hereby designate the Honorable ROBERT W. NEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Steve Kummernuss, Zion Lutheran Church, Doylestown, OH, offered the following prayer:

Let us pray.

Almighty God, You have given us this good land as our heritage. Make us always remember Your generosity and constantly do Your will. Bless our land with honest industry, truthful education, and an honorable way of life. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil course of action. Make us who came from many nations with many different languages a united people. Defend our liberties and give those whom we have entrusted with the authority of government the spirit of wisdom, that there might be justice and peace in our land.

Bless those who hold office in our Government that they may do their work in a spirit of wisdom, kindness, and justice. Help them use their authority to serve faithfully and to promote the general welfare, through Your Son, Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada [Mr. GIBBONS] come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

WELCOME TO REVEREND KUMMERNUSS

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, we are pleased to welcome today Reverend Kummernuss from the Zion Lutheran Church in the 16th District of Ohio, who gave the invocation, a very thoughtful one, I thought. And this is a little bit special because Reverend Kummernuss' son, Matthew, is one of our outstanding pages this session.

We are pleased that we could have Reverend Kummernuss here today to join in our opening and also to give him an opportunity to see where his son has spent his past several months. If we have any errands that we need run, just summon him. Since Reverend Kummernuss has the privileges of the floor today, he also has the privilege of asking Matt to do his errands.

We are happy that Reverend Kummernuss joined us for today's invocation.

BOY SCOUTS AND GIRL SCOUTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a California court ruled that the Boy Scouts do not have to accept girls. Scouts honor. Check this out, 13-year-old Katrina Yah sued, her attorney said the Boy Scouts of America is a business, therefore under California law, she should be allowed in. Beam me up, Mr. Speaker. What is next?

Boys suing the Girl Scouts. Sons suing the Daughters of the American Revolution. Grandpas suing the Brownies. Teenagers suing the AARP? Think about it. I believe that there is really nothing wrong in America with boys being boys and girls being girls. Think about it. Yield back the Cub Scouts.

SHORTFALLS IN DEFENSE FUNDING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Committee on National Security will meet soon to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense. When voting on the defense authorization bill in the coming weeks, we must consider our Reserve component forces and the shortfalls in their funding. What will happen to our Reserve component readiness, compatibility and equipment interoperability with the Active Force if we continue to shortchange these forces?

We must remember that as the American defense budget continues to dwindle, we will be relying more on these dedicated men and women who choose to serve in the Guard and Reserve.

If we continue to ask these troops to do more with less, more operations and contingencies with less equipment, less training and fewer troops, we will see significant problems with recruiting, retaining the same caliber people that we choose to serve in this All Volunteer Force. Our Armed Forces, Mr. Speaker, are more than just Active Forces. They are a total force component comprised of Active, Reserve, and Guard members.

EDUCATIONAL STANDARDS OF EXCELLENCE

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, today I rise to call on my colleagues to join me in support of educational standards of excellence for our Nation's students and parents and communities. As a former State superintendent of schools in North Carolina, I have seen firsthand how much progress can be achieved when we aim high in education and give our children and teachers the tools they need to get the job done. I call on this House to go on record in favor of this commonsense approach to improving education in America.

Last week I participated in an educational town hall meeting with the Vice President in my home area. The voice I heard from North Carolina students and citizens came through loud and clear. An America needs educational standards of excellence.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I have drafted legislation in support of voluntary standards of educational excellence. I urge my colleagues to join me in support of this important legislation.

BE FAIR TO OUR NATION'S POLICE AND FIREFIGHTERS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today I will be introducing a bill that is aimed at benefiting our Nation's police officers and firefighters. My bill will rescind the dollar limitation on police and firefighter benefit laws allowing these employees to collect the money that they have rightfully earned by contributing to their benefit fund, to their pension fund.

Currently, under section 415 of the Tax Code, police officers and firefighters are not eligible to collect the funds that they have earned and instead are required to retire with benefits generally based on the percentage of their highest 3-year salary average. Regrettably the average in most instances does not exceed 65 or 75 percent. Thus many officers living along the east coast or in large metropolitan and surrounding suburban areas throughout our Nation are forced to work past their general retirement age in order to afford the high cost of living in these areas.

This bill will not initiate a tax revenue loss. In fact, under my bill, we would gain Federal revenues due to the disbursement of previously uncollected funds to retirees.

I invite my colleagues to support this measure. Let us be fair to those who day in and day out place their lives on the line for our protection.

SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, it is time to stop the political games. The Republican leadership's failure to pass a clean supplemental appropriations bill is denying our troops in the field the resources they need to carry out their mission. The supplemental appropriations bill provides $2 billion to pay for our operation in Bosnia. If we do not enact this bill swiftly, their readiness will suffer.

I am holding letters from Secretary of Defense Cohen, and the Chiefs of Staff of the Army and Air Force, which describe the effects on the military of the Republicans' failure to pass a clean bill. Training is curtailed. Maintenance is delayed. Rotations are canceled. Inventories are drained. Our soldiers, sailors, marines and airmen need a clean supplemental appropriations bill.

Mr. Speaker, there is a time for partisan politics and there is a time to put it aside. But when Americans are hit by a natural disaster, we must act together and act quickly. When American troops need our help, we must do our job and do it today.

Let us support our troops in Bosnia and our people at home. Pass a clean supplemental.

VOTE "NO" ON CAMPBELL-GREENWOOD

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, today two diametrically opposed resolutions will be on the floor, in the next order of business dealing with population control. The Campbell-Greenwood substitute, which is a substitute to a bill or amendment that I am offering along with the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Illinois [Mr. HYDE], and the gentleman from Michigan [Mr. BARCIA], promotes abortion on demand overseas and not family planning.

The Campbell-Greenwood amendment does not add any pro-life conditions to current law. Rather, it blurs the distinction between abortion and family planning in U.S.-supported programs overseas. It allows U.S. dollars to go to the U.N. Population Fund, the UNFPA, even though that organization continues to support China's brutally enforced one-child-per-couple policy, and to nongovernmental organizations that are engaged in a crusade for abortion on demand around the world.

My amendment does not reduce family planning by even one penny. It conditions those funds to those organizations that are all about family planning and not about abortion promotion. I urge a "no" vote on the Campbell-Greenwood, a "yes" vote on Smith-Barcia-Hyde-Oberstar.

IN OPPOSITION TO REPUBLICAN AMENDMENTS TO DISASTER RELIEF BILL

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, there are people in the Midwest who are suffering. Their homes have been destroyed by floods and they need our help. The Democrats in Congress have an emergency spending bill that will help them put their shattered lives back together.

We want to help these victims but the Republicans will not let us.

Instead, the Republicans are attaching language to a flood relief bill that would stop an accurate count of minorities in the census. The Republicans are so afraid of an accurate count of minorities that they are willing to let flood victims suffer.

Mr. Speaker, the Republicans do not mind playing politics with the American people. They already shut down the Federal Government twice. Now they are fiddling while the Midwest drowns.

THE NEED TO FUND FEDERAL JUDGESHIPS IN MIDDLE FLORIDA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I want to make my colleagues aware of a crisis existing in the middle district of Florida. The current Federal case load is one of the worst in the country. The population continues to increase. If no additional judgeships are approved, by 2005 there will be only one-third of the State's Federal judges assigned to two-thirds of the State's population.

As case loads increase, current judges cannot simply shoulder the additional burden. By failing to create additional positions, we are producing a backlog of cases, increasing legal costs for citizens and undermining the Federal courts.

Lately much attention has been focused on getting tough on crime. We must remember the only path from indictment to incarceration is through the judiciary. It must receive adequate resources, otherwise the process is brought to an absolute standstill.

Only judges can exercise judicial power. There is no substitute. I urge my colleagues to fill and fund these vacancies and provide much needed help to judges, not only in Florida but across this Nation.

FLOOD RELIEF

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, the Government shutdown artists are at it again. Americans watched with disgust as this House Republican leadership shut down the Government and frittered away one and a half billion dollars of taxpayers' hard-earned money. Well now, this same crowd is in control, and they propose to shut down flood relief moneys to families desperate for assistance throughout the American Midwest.

□ 1015

Even though the Joint Chiefs of Staff and the Secretary of Defense say that our troops in Bosnia cannot rotate out in order and cannot come home after placing their lives at risk for our security, they would shut down those funds.

Mr. Speaker, I believe that the American people can see that this same shutdown fervor for partisan political advantage is wrong and they can recognize when they look at North Dakota that it is not the only disaster area in this country. One of those disasters is occurring right here, when the needs of the American people are forgotten in the race for partisan political advantage.

DOUBLE STANDARD EXISTS IN THE AIR FORCE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, it was only 1 week ago that a junior officer in the Air Force was discharged without honor for engaging in an extramarital affair. This junior officer was a woman. Today, 1 week later, a general in the same Air Force is up for promotion to the pinnacle of military responsibility after engaging in an extramarital affair. The general was a man.

Whether this double standard is because of military rank or of gender, it is still a double standard and it is simply wrong. Secretary Cohen said today he wanted to stop the feeding frenzy surrounding allegations in the Armed Forces. I understand his goal and believe he is trying to do what he feels is the right thing; however, if he wants to promote General Gaston to the Chair of Joint Chiefs of Staff, he should invite Lt. Kelly Flinn to rejoin the Air Force as a B–52 pilot.

This morning women all over America are scratching their heads wondering what kind of double standard exists in the Air Force. The Secretary should rectify that immediately and reinstate Lieutenant Flinn.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to House Resolution 159 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1757.

☐ 1017

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, with Mr. NEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 4, 1997, pending was the amendment by the gentleman from New Jersey [Mr. SMITH] adding a new title to the bill.

Pursuant to the order of the Committee of that day, debate on that amendment and all amendments thereto will be limited to 1 hour and 20 minutes, equally divided and controlled by the following Members or their designees:

The gentleman from New Jersey [Mr. SMITH] for 20 minutes;

The gentleman from California [Mr. CAMPBELL] for 20 minutes;

The gentleman from Indiana [Mr. HAMILTON] for 20 minutes; and

The gentleman from Michigan [Mr. BARCIA] for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume, and let me just begin this debate by saying that today one of the most important pro-life amendments will be up before this Congress.

It is the amendment that separates abortion from family planning in our overseas population control programs. It is a policy that was in effect during the Reagan-Bush years and effectively erected a fire wall between family planning and the promotion of abortion on demand around the world, where approximately 100 countries protected their unborn. And regrettably they are under siege by organizations like Planned Parenthood and others in trying to bring down these laws.

So that is what the amendment is all about. I understand there will be a substitute that, frankly, is a fake, and we will talk about that during the debate.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is the gentleman from California [Mr. BERMAN] the designee for the gentleman from Indiana [Mr. HAMILTON]?

Mr. BERMAN. Yes, Mr. Chairman, I am.

The CHAIRMAN pro tempore. The gentleman from California [Mr. BERMAN] is recognized for 20 minutes.

Mr. BERMAN. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I continue to reserve the balance of my time.

We have 25 speakers, many of whom thought this would be starting at 10:30, so many are probably on their way over at this time.

PARLIAMENTARY INQUIRIES

Mr. BERMAN. Parliamentary inquiry, Mr. Chairman. Presently before us is the Smith amendment?

The CHAIRMAN pro tempore. That is correct.

Mr. BERMAN. And we are operating under a unanimous-consent request with respect to the Smith amendment, a substitute amendment to be offered by the gentleman from California [Mr. CAMPBELL], and time limits for debate on both of those measures; is that correct?

The CHAIRMAN pro tempore. On the Smith amendment and all amendments thereto.

Mr. BERMAN. But at this point, though, Mr. Chairman, the only amendment in front of us is the Smith amendment?

The CHAIRMAN pro tempore. That is correct.

Mr. BERMAN. I thank the Chair, and I continue to reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, first of all, a parliamentary inquiry. Is my understanding correct that there will be a unanimous-consent request to divide time?

The CHAIRMAN pro tempore. The unanimous-consent agreement has already been ordered. The time has been divided.

Mr. CAMPBELL. Further inquiry, Mr. Chairman, before proceeding, and that is whether the Campbell-Greenwood-Lowey amendment is to be the only amendment included during this time period?

The CHAIRMAN pro tempore. On the clarification, the time restriction is on the Smith amendment and any amendments thereto.

Mr. CAMPBELL. Further inquiry, Mr. Chairman, if I may proceed, it is my understanding that that is the only amendment; otherwise we might want to divide the time differently.

Mr. BERMAN. Mr. Chairman, if the gentleman will yield, it is my understanding that presently before us is the Smith amendment, the Campbell-plus amendment will be offered as a substitute to that amendment, and the time limit is for the two amendments together, three 20-minute segments.

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman's clarification.

One last inquiry of a parliamentary nature, Mr. Chairman. Is it now appropriate or necessary for me to actually move the Campbell-Greenwood-Lowey amendment as a substitute for the Smith amendment?

The CHAIRMAN pro tempore. It would be in order for the gentleman to offer an amendment at this time.

AMENDMENT OFFERED BY MR. CAMPBELL TO THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. CAMPBELL. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL to the amendment offered by Mr. SMITH of New Jersey:

Page 1, strike all following the title designation and insert the following:

SEC. . POPULATION PLANNING ACTIVITIES OR OTHER POPULATION ASSISTANCE.

(a) IN GENERAL.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds authorized to be appropriated by this Act for population planning activities or other population assistance may be made available to pay for the performance of abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases or rape or incest.

(2) The limitation contained in paragraph (1) shall not apply to the treatment of injuries or illness caused by unsafe abortions.

(b) Limitations on Lobbying Activities.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds authorized to be appropriated by this Act for population planning activities or other population assistance may be made available to lobby for or against abortion.

(2) The limitation contained in paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

SEC. . UNITED NATIONS POPULATION FUND.

(a) Limitation.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) Prohibition on Use of Funds in China.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) Conditions on Availability of Funds.—(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Populations Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) Reports.—(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

Mr. CAMPBELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer to the Smith amendment restores the agreement that was reached last year on U.N. family planning assistance, and its purpose is that we would have exactly the same compromise which allowed us to go ahead with necessary family planning assistance through the U.N. population fund that we had last year and that was made law last year.

Let me be explicit in noting that it does not permit the United States contributions to go for any abortion purposes; and, also, it states that there is to be no contribution at all to China. So those two issues really should be taken off the table. In the Campbell-Greenwood-Lowey amendment funds may not be used in China, even if it is for family planning in China.

So the substance of the amendment is, I repeat, what we had last year. Money is to be cut into two parts, that which is available for disbursement before March 1 and that which comes after March 1. That which comes after March 1 goes to the U.N. population fund, as the first half does as well; but, dollar for dollar, if the United Nations family planning fund gives money to China, then dollar for dollar we restrict, we take that dollar out of what the United States is contributing to the UNFPA.

So, as a result, it is simply not true that any of our taxpayers' money will go to fund abortion. It is also untrue any of our taxpayers' money will go to assist even family planning in China. What the amendment permits, however, is the continuation of successful participation in family planning, which, I suggest, is a very great benefit to the U.S. interests and to those in need throughout the world.

I draw attention to the fact that family planning is a substitute for abortion. It is just essential to recognize that if a country is attempting to bring down its birthrate, and if there is a temptation to have abortion as a means of doing that, family planning is far preferable.

The Smith amendment, by contrast, runs a tremendous risk. What it does is to say unless the President can certify that the entire United Nations fund does not go to assist in China, or unless the President can assert that there are no coerced abortions in China, then all United Nations family planning assistance contributions by the United States must end.

Let me be very clear about that. Even if the assistance is to Bangladesh, even if the assistance is to sub-Saharan Africa—because of China, the United Nations family population assistance, the part that comes from the United States, may not go ahead. Whatever one's views happen to be about China, it is simply wrong to punish the good essential functions of international family planning in destitute areas of the world because of China, which is what the Smith amendment does.

Last, Mr. Chairman, I want to draw attention to the fact that contraception diminishes abortion. The facts are indisputable. I cite the AID studies in this area involving Russia, Kazakhstan, Hungary, where there was an increase in the use of contraception, a dramatic drop in abortions followed.

Russia, 1990 to 1997, contraceptive use went up 30 percent, abortion dropped 22 percent; Kazakhstan, 1993 to 1994, contraception went up 59 percent, abortions dropped 41 percent; Hungary, from 1968 to 1988, contraceptive use more than tripled and abortion dropped more than half.

Examples of this nature are obvious because the need for family planning removes the occasion for abortion.

Mr. Chairman, I reserve the balance of my time.

Mr. BARCIA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to clarify some of the information relative to the Smith-Barcia-Oberstar-Hyde amendment and mention a few of the points that the amendment attempts to address and focus the issue and the discussion back on the issue of the amendment itself as opposed to debate between of course the concept of contraception, which many of us support and certainly should support, and the actual language of the amendment.

The Mexico City policy would ensure, of course, it would certainly address the point in the policy and it would ensure that U.S. tax dollars will not be allocated to foreign nongovernmental organizations unless they agree not to violate the laws or lobby to change the laws of other countries with respect to abortion and agree not to perform abortions in those countries, except in the cases of rape, incest, or where the life of the mother is in danger.

□ 1030

Second, it closes the loophole that allows U.S. tax dollars to subsidize organizations which perform abortions. Currently, law under the 1973 Helms amendment prohibits the direct use of U.S. foreign aid funds to pay for most abortion procedures. U.S. funds and tax dollars are being used indirectly by organizations claiming that they are using their funds and not U.S. tax dollars to perform abortions.

Third, the amendment will prohibit any U.S. funds to the United Nations Population Fund, the UNFPA, until they cease their support for China's coercive abortion and involuntary sterilization policy. The actions of the Chinese toward their citizens are beyond description. The forced abortion of their unborn and mandatory sterilization of their people, regardless of the economic hardship in their country, is inexcusable. U.S. funds should not be used to support those actions.

This amendment does not decrease funding for population assistance. In fact, spending for population control programs increased over the time the Mexico City policy was in effect from $318 million for fiscal year 1985 to $448 million for fiscal year 1993. This amendment continues to fund international population assistance but limits the availability only to those organizations who do not perform abortions.

Finally, this amendment will not prevent funding for most family planning organizations. Virtually all family planning organizations agreed to the terms of the Mexico City policy.

Mr. Chairman, those are the points that I wanted to make. I know we will be hearing additional debate on these very important amendments, and I hope that those of us who are concerned about this issue will get to the floor on our side to be recognized for statements they might wish to make, recognizing of course that it is a very busy and hectic time this morning as we try to complete the session business this week. But I am delighted to join my cochair, the gentleman from New Jersey [Mr. SMITH], who has done a fine job in leading the discussion and offering these amendments which I was very pleased to offer bipartisan support to.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my colleague from California, the author of the substitute which we are now considering, made the essential point. It is counterproductive, it is wrong to seek language which would restrict the disbursement of contraceptive services in the name of opposition to abortion when the consequence of that very conduct will be to increase abortion. That point needs to be made over and over again.

I want to just take what little time I have yielded myself to point out the other language in the amendment of the gentleman from California. There is a clear prohibition on the use of U.S. funds to pay for abortions or for abortion counseling in any foreign country except in cases of rape, incest, or where the life of the mother is in danger. No U.S. funds will be used for these purposes.

The goal of the Campbell amendment is to free up family planning funds and contraceptive services so that people can make their decisions about how to avoid the problem of having to have abortions. It also prohibits lobbying on the issue.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman from New Jersey [Mr. SMITH] for yielding me the time.

Mr. Chairman, I rise in strong support of the Smith language and in very strong opposition to the Campbell-Greenwood amendment. I would like to clarify the debate at hand here. This is a funding issue, what are we going to do with our U.S. taxpayer dollars. While there are prohibitions against U.S. taxpayer dollars being used for purposes like providing abortions, for lobbying to overturn pro-life laws in foreign capitals, or to go to an organization that promotes the forced abortion issue that is going on in China, United Nations funds right now are going to China and they are using it to force women who do not want to have abortions to have abortions.

Our colleagues will claim that that is OK and that they can play this numbers game, and they can use our U.S. taxpayer dollars to provide condoms or other contraceptive services and then use dollars from somewhere else for forced abortions, for providing abortions or lobbying to overturn abortion laws in foreign capitals.

The Smith amendment very clearly just says we are not going to give it to those organizations, we do not want to give U.S. taxpayer dollars that come out of the pockets of hard-working Americans, millions of whom are pro-life, millions of whom are pro-life Catholics and Protestants who have a strong religious prohibition against this.

We do not want to give our U.S. taxpayer dollars to those organizations. Why would we want to give U.S. taxpayer dollars to an organization that is going to do forced abortions in China, and then we are going to get up here on the floor of the House and smile and say, well, our dollars did not go for that purpose.

I mean, what a joke. They have got $1 million in the account, and they get $500,000 from the United States and $500,000 from their private sources, and they say the $500,000 going for abortions comes from the private sources. I say support the gentleman from New Jersey [Mr. SMITH] and support his amendment, vote against the Campbell-Greenwood amendment.

Mr. CAMPBELL. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], the coauthor of the amendment.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, what is this all about? The base bill does the right thing. The base bill holds true to America's commitment to population control.

This is the history of population growth on planet Earth. We can say that in the second half of this century we headed off on an explosive growth of population worldwide, and most of that growth is in underdeveloped nations, in places like India and China and Africa.

The purpose of these funds is to simply enable families, particularly poor families, to have the number of children that they want to, as many children as they want to or as few as they want to.

My colleague and friend, the gentleman from New Jersey [Mr. SMITH], has an amendment. His amendment would say that none of the funds to help control population development may go to an organization if that organization, with its own money, not with American taxpayers' dollars but with the money of the woman who seeks an abortion, provides that service as well.

My colleague stands on a moral point. I respect him for that. But there is a time in public policy where morality becomes hypocrisy and morality becomes hypocrisy, when what we are trying to achieve does far more harm and in fact goes counterproductive to what we are trying to accomplish.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. GREENWOOD. Mr. Chairman, I will say that I am not suggesting that the gentleman from New Jersey [Mr. SMITH] is hypocritical, if that is his point.

Mr. SMITH of New Jersey. I appreciate that.

Mr. GREENWOOD. I am suggesting that public policy can make us all hypocrites. The point is that without these funds, the consequences are real. The consequences are 1,600 women dying every day because their pregnancies are too closely spaced together, because their bodies are too young, their bodies are too old to sustain that pregnancy, they die of postpartum hemorrhage.

Five hundred eighty thousand women die a year because they do not have access to good reproductive health services, and it is hypocritical for any of us to suggest that we want to, in the name of reducing the number of abortions, allow that to occur. It is wrong to allow 7 million infants a year around the world to die because they are born to women who cannot nourish them, they are born into families that cannot sustain them. That is an awful consequence to pay for a moral principle.

It is wrong and most ironic that the consequence of the Smith amendment is millions and millions of more abortions around the world, because we will not stop abortions by simply prohibiting agencies from participating in family planning funds. That defies common sense on its face. In fact, what we do have is an explosive growth of abortions in those places around the world where women do not have access to family planning.

My colleagues, please support the Campbell-Greenwood amendment. It accomplishes what we all want to accomplish. It reduces human suffering. It empowers poor families to develop their families, to grow their families as they are able, to prevent this awful toll of human suffering, and it ensures that not a penny, not a dime of taxpayer moneys goes to pay for abortion.

Let us talk about the realities of this process. We know that if the Smith amendment prevails unamended by Campbell-Greenwood, that this will not be accepted by the Senate and it will be vetoed by the President, so this will not stand. This is the time for compromise. We have found ourselves compromising on this issue year after year, session after session. Let us be realistic. Let us understand the political realities as well as the realities in human suffering and support the Campbell-Greenwood amendment.

Mr. BARCIA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just also like to comment on the Campbell-Greenwood amendment and say that it simply does nothing to end United States support for the UNFPA's continued activities in China that have already been referenced, and I think are certainly viewed in a very negative fashion by the taxpayers across this country. It also does nothing to end United States tax dollars being used to promote and perform abortion around the world.

Pro-life Americans believe that it is improper use that any tax dollars go to organizations that perform or promote abortions, even though these organizations may claim that U.S. dollars are not used for abortion-related activities. We should not support any organization that fails to adhere to our unyielding belief in the right to life.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Alabama [Mr. ADERHOLT].

Mr. ADERHOLT. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from New Jersey [Mr. SMITH], an amendment that would save literally countless children throughout the world, and in opposition to the alternative amendment which would only continue the status quo, dodging the real issue at hand.

I would like to commend my colleague from New Jersey for taking action to try and prevent the use of hundreds of millions of taxpayer dollars for promoting abortion and funding the international abortion industry. How can we justify using our hard-earned money for the purpose of helping foreign nations take the lives of innocent children? This is not what I would call foreign aid.

I also commend my colleague for taking steps to save children from a death sentence. Just yesterday in Poland, Pope John Paul II stated that the right of life is not a question of ideology, not only a religious right, it is a human right. He also restated his belief that a nation which kills its own children is a nation without a future.

The question we will vote on today is quite simply whether you oppose taxpayer funds being used to promote abortion in foreign countries or whether you support it, pure and simple.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes on behalf of the Campbell-Greenwood-Lowey amendment to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, our world's population is growing at an alarming rate. Resources are being consumed faster than they can be renewed. This exploding population is leaving poverty, malnutrition, widespread transmission of disease, and environmental degradation in its wake. That is why, Mr. Chairman, support for reproductive health services is becoming more important every day.

□ 1045

Voluntary family planning services give mothers and families new choices and hope. They increase child survival and promote safe childhood and safe motherhood. Without our support for international family planning, women in developing nations will face more unwanted pregnancies, more poverty, more despair.

Mr. Chairman, it continues to be extremely ironic that the same people who would deny women in the developing world the choice of an abortion would also seek to eliminate support for family planning programs, programs that reduce the need for abortion in the first place. Without access to safe and affordable family planning services, there will be more abortions, not fewer, the abortions will be less safe and put more women's lives in danger.

To this end, Mr. Chairman, the very least we can do is pass the Campbell-Greenwood-Lowey amendment. We should not be playing political football with international family planning funds. Let us allow international family planning programs to do what they were designed to do, maintain sustainable levels of population, giving people in the developing world better health, greater prosperity and more hope for the future.

Mr. CAMPBELL. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise today in opposition to the Smith amendment which would reinstate the so-called Mexico City policy.

Once again we have this unnecessary debate. Once again those of us who are strong supporters of international family planning have to remind Congress that we already prohibit U.S. funds for abortion in international family planning through a 1973 Helms amendment that is part of the permanent foreign aid statute. Once again we have to remind Congress that family planning is not abortion, that family planning prevents abortion. Once again we stand here today debating an issue of women and infant mortality.

This amendment uses scare tactics to prevent nongovernmental organizations from discussing issues pertaining to reproductive rights. The Smith amendment gags foreign nongovernmental organizations from talking to their own governments with their own funds about abortion law or policy, even when it might involve discussions about making abortions safer.

The effects of the Mexico City policy are far-reaching and negative. According to UNICEF, each year 600,000 women die of pregnancy-related causes; 75,000 of these deaths are associated with self-induced unsafe abortion. Is this the result we want? Do we want the blood of 75,000 women on our hands year after year after year?

In addition, this amendment would terminate the entire U.S. contribution to the U.N. Population Fund unless the President certifies that the U.N. Population Fund has terminated all activities in China. This is simply not fair.

The U.N. Population Fund's country program in China ended in 1995. Currently they maintain a liaison office only in Beijing for programs in Mongolia and North Korea. This amendment seeks to use the U.N. Population Fund's past program in China and its small presence in China as a basis for withdrawing all support of the U.N. Population Fund altogether.

Lastly, I would like to emphasize that to call family planning abortion is to trivialize a critical and complex issue. Family planning is prenatal care. Family planning is child nutrition. Family planning is followup and preventive care. It is the education provided by international family planning that is often what enables children to survive the first year and what enables women to survive their pregnancies.

Do not impose this gag order. Provide the world with family planning education that works to eliminate the need for abortion. Defeat the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, today, I rise in strong support of the Smith amendment and in opposition to the Campbell amendment. The Smith amendment is about abortion and it is about prohibiting the use of Federal dollars for the promotion of abortion. Do not be misled. Promoting abortion is never about family planning.

This administration would have us believe that once we give away millions of dollars to contractors or grantees in faraway countries, how these dollars are used is irrelevant as long as their money is not being used to directly perform abortions. Since when is it irrelevant that U.S. tax dollars are being used to harm innocent human life? Since when are Americans obligated to finance efforts to dismantle the laws of foreign countries who have so appropriately chosen to protect human life? And since when has this Government simply turned over tax dollars to any individual, organization or entity and simply said, "What you do with this is irrelevant," especially when lives are at stake?

Mr. Chairman, human life is relevant. Nothing is more relevant. It matters to that innocent baby that may be killed because laws that protect it are being dismantled with U.S. tax dollars. It matters to the families of these children. Quite frankly, it should matter to us. It is our obligation as elected officials to actively protect innocent human life. Abortion is a disgrace to society and to civilization. Let us not degrade ourselves and our reputation abroad any longer. Please support the Smith amendment and defeat the Campbell amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise respectfully in disagreement with the Smith amendment and support of the Greenwood-Campbell-Lowey amendment and thank them for their leadership in bringing this amendment to the floor.

It seems repetitive to say what some of my colleagues have already said on the floor on this issue, but obviously the issue needs repetition because it does not seem to be clear that this provision, the Smith amendment, is unnecessary. No United States funds can be used by UNFPA in China. Current appropriations law, and I speak as ranking member of the subcommittee on appropriations for foreign operations, so I know intimately the details of our legislation. Current appropriations law already denies foreign aid funding to any organization or program that, quotes, supports or participates in the management of a program of coerced abortion or involuntary sterilization in any country, and this is under the so-called Kemp-Kasten amendment. Further, current appropriations law also ensures that none of the United States contribution to UNFPA may be used in China, and United States funds are maintained in a segregated account and may not be commingled with other UNFPA funds.

I understand and appreciate the concern that my colleague has spoken out on in terms of China and their forced abortion program. But the United States Government should not as a matter of principle hold family planning and UNFPA hostage to a legitimate concern that my colleagues and I share about the conduct of the Chinese Government. There is a well-founded concern about China's family planning program but not UNFPA's. UNFPA is already subject to more restrictions that are more punitive than those imposed on other multilateral organizations working in countries considered to be rogue nations or guilty of human rights abuses.

We must not hold our policy hostage to the politics of the House of Representatives. We must not hold the poor families and the poor women of the world hostage to the politics of the House of Representatives.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 20 seconds to respond.

This is not about politics. This is about life and death. We are talking about not reducing family planning by a dime. That is a priority issue and that is a money issue. We are talking about erecting a wall of separation between promotion and performance of abortion overseas by groups like Planned Parenthood Federation of America and their international branch and the IPPF and all these other groups who have it as their mission to promote abortion on demand globally. That is what we are talking about. This is not about politics.

Mr. BARCIA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. I thank the gentleman for yielding me this time.

Mr. Chairman, I come forward today to express my strong support for the Smith amendment that would essentially restore two policies that were in effect during the Bush and Reagan administrations. I totally support and identify with the comments of the gentleman from New Jersey. One concerns future U.S. funding of the United Nations Population Fund. The second is intended to prevent U.S. funding of nongovernmental organizations which perform or promote abortion as a method of family planning.

Mr. Chairman, current law, known as the 1973 Helms amendment, already bans direct funding of abortions. But I have learned that Planned Parenthood Federation of America—now, this is a fact—Planned Parenthood Federation of America provides direct assistance to family planning projects through its Family Planning International Assistance Program. That is not fiction. That is fact.

In Kenya, for instance, the Family Planning International Assistance Program began supporting a project designed to remedy the serious problem of unsafe abortions. The project offers feminine cyclical regulation and post-cyclical family planning services. The other projects, in Bangladesh and Nicaragua, also provide abortion and cyclical regulation services. Altogether these projects perform nearly 10,000 abortions a year.

Mr. Chairman, this news makes me very angry, because we have to deal with the facts. We cannot be fooled by the false claims of many international population groups who state that this is not an abortion issue. It is an abortion issue.

We must be firm and stipulate that no population funds will go to foreign nongovernmental organizations that, No. 1, perform abortions, except in the case of criminal rape, incest, or when the mother's life is in imminent danger; or, two, violate the laws of any foreign country. We must respect their laws with respect to abortion. Or, three, engage in any activity or effort to alter the laws or governmental policies of any foreign country with respect to abortion.

My position on abortion is very clear and consistent. I oppose it except in the case of the imminent life of the mother being threatened, or criminal rape or criminal incest, where that has occurred.

Our system of laws, our American heritage, is based on the idea that people have certain God-given rights, and those rights are life and liberty and the pursuit of happiness. Those rights existed before laws were established. In fact, it is because of those rights that existed that laws were established in order to protect those rights.

Mr. CAMPBELL. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I thank the gentleman for yielding me this time.

Mr. Chairman, I have the highest respect for the gentleman from New Jersey. He has been and is one of the great leaders in this Congress in supporting human rights and the rule of law across the world. Yesterday, he stood up and ensured that Voice of America and Radio Free Asia got additional funds so that we can broadcast the message of freedom to the people of China hourly.

We have had this debate so many times. Sometime I hope that I can convince the gentleman from New Jersey that voluntary family planning, the right to plan the number and spacing of one's children by the spouses of a family, is a basic human right for all people across this planet and that the United States of America ought to be the strongest supporter of that basic human right.

□ 1100

Mr. Chairman, yes, I agree there is absolutely no question that abortion is not a legitimate family planning method. The United States has never provided $1 for abortion as a family planning method, and we do not do so today. Unfortunately, some have seen an opportunity to address a tangential issue in the context of voluntary family planning, and in the meantime, 75,000 women a year all across this world are dying from botched abortions.

In the year 2025, the world's population is projected to be 8.2 billion people; 85 percent of this population will live in less developed countries. Thirty-five percent of the developing world is under the age of 15, compared to 20 percent in an industrialized country. In nearly all sub-Saharan African countries close to half the population is under the age of 15. What opportunity do those people have to a life of any hope?

In 1994, the average gross national product per capita in the United States was $25,860; in Africa, $660. With the population rate increasing faster than an economic growth rate, people are simply assigned to the dustbin of a life of no hope, no future, and no chance.

We are talking about international family planning. The abortion issue has been brought into this debate sideways, as a tangential issue. Some day we have to realize that access to family planning is a basic human right. I would say to the gentleman from New Jersey, that, since we are both strong supporters of human rights worldwide, I hope we can find common ground to support family planning and to ensure that abortion is never considered as a legitimate option.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Smith amendment and in strong support of the Campbell-Greenwood-Lowey substitute. My good friend, the gentleman from New Jersey [Mr. SMITH], and other proponents of the Smith amendment, claim that the amendment simply cuts abortion funding. What they do not tell us is that abortion funding overseas has been prohibited since 1973.

This amendment would cut abortion funding from its current level of zero to zero. Therefore, the Smith amendment must be after something more. That something is family planning.

One of the most important forms of aid that we provide to other countries is family planning assistance. No one can deny that the need for family planning services in developing countries is urgent.

Let us not forget what family planning assistance means to women around the world. Complications of pregnancy, child birth, unsafe abortion are the leading killers of women of reproductive age throughout the third world. One million women die each year as a result of reproductive health problems; each year 250,000 women die from unsafe abortions. Only 20 to 35 percent of women in Africa and Asia receive prenatal care. Five hundred million married women want contraceptives but cannot obtain them. Most of these deaths can be prevented.

The Smith amendment would impose a gag rule on U.S.-based organizations, nongovernmental organizations, multilateral organizations that provide U.S. supported family planning aid overseas. The gag rule is written, in fact, so broadly that it would prohibit the publishing of factual information about maternal morbidity and mortality related to unsafe abortion.

Finally, the Smith amendment cuts funds to UNFPA, an organization that provides family planning and population assistance in over 140 countries.

Mr. Chairman, I urge my colleagues to oppose the Smith amendment and to support the Campbell-Greenwood-Lowey amendment.

Mr. BARCIA. Mr. Chairman, I yield myself as much time as I may consume.

I would just like to respond to the gentlewoman from New York's comments, a Member who I have a great deal of respect for, but again we emphasize this amendment does not decrease funding for population control assistance. In fact, spending for population control programs, as I mentioned in my earlier remarks, increased over the time the Mexico City policy was in effect from some $318 million for fiscal year 1985 to over $448 million for fiscal year 1993. The intent of the Smith amendment is to restrict those dollars from being used through subterfuge for the performing of abortions.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. BARCIA. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would like to remind my good friend and colleague that I recently came back from a trip to Egypt. This amendment would have a chilling effect on programs such as exist in Egypt which are lifesaving to women and children, helping them space their children, giving them the information. If an organization such as we find in Egypt that provides these valuable services to these women uses their own money or even provides some factual information in response to a question, they could be defunded.

So we are saying here, and I believe with all due respect to my friend and colleague, that this is not about family planning; it is because, in speaking to the health professionals, they make it very clear that this would have a tremendous impact on family planning.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT], my good friend and colleague.

Mr. TIAHRT. Mr. Chairman, I rise today to support a strong wall between abortion and other health-related services. This Congress should do nothing to spend U.S. tax dollars overseas to promote abortion. We as Members of Congress should not help abortionists push abortion.

If my colleagues want to hear the type of philosophy this administration wants to fund, listen to a quote from the director of the U.N. Population Fund. China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy and control of its population growth. Now the country could offer its experiences and its special experts to help other countries.

This is a shameful statement. The forced abortion policy in China is wrong and immoral. This Nation should not use our hard earned tax dollars to push China's policy or this administration's abortion philosophy on other nations in the world.

Mr. Chairman, we should build a strong wall between the abortion industry and other health-related services. We should promote health-related services, but let us stand up to the most pro-abortion administration in our history. Please support the Smith amendment.

Mr. GEJDENSON. Mr. Chairman, I yield myself 3 minutes.

The CHAIRMAN pro tempore (Mr. NEY). Is the gentleman the designee for the gentleman from Indiana [Mr. HAMILTON]?

Mr. GEJDENSON. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I think there is one fact that cannot be argued here. If the Smith amendment wins, as well-intentioned as it is, there will be more abortions because every time we shut down a family planning project we end up with unwanted pregnancies, and the only alternative we are going to leave for these women are abortions. In many instances not only will the fetus die, the mother will die because they do not have the kind of conditions that a safe abortion can be performed in. So my colleagues can be on lots of sides on the issue of abortion, but they cannot argue with one central fact here:

If the Smith amendment wins, women will die, and more abortions will occur because when we take away the choice of family planning, when we reduce the leverage of the dollars we have that provide for education and family planning, contraceptives and other methods of reducing the need for abortion and reducing unwanted pregnancies, we end up with one unarguable fact, that the number of abortions worldwide will increase.

Now my colleague's intent may be another category. People's intent may be completely honest here. I am sure the gentleman from New Jersey [Mr. SMITH], who I know to be a genuine individual and cares deeply about this issue, has the best intent possible. But the results of his amendment, if it succeeds, will be to increase abortions around the world in communities that cannot afford it. They cannot afford the economic consequences, they cannot afford the loss of life of mothers who are mothering children already born, and so the policy that we will send from this Chamber will have the exact opposite result than the one the gentleman from New Jersey [Mr. SMITH] is seeking.

We need to defeat the Smith amendment to make sure that people have an alternative to abortion around the world, that family planning, that contraception is the way that we can do that, and so I say to my colleagues, "Don't just walk into this Chamber and think about where you normally line up on this issue, because if you really want to cut the number of abortions worldwide, vote against the Smith amendment. If you're really against abortion, if you want to see fewer abortions than we had yesterday, then oppose the Smith amendment because it is the only way to reduce the number of abortions. You can't hope it is going to do it, you can't do anything else to reduce it except to increase family planning and education."

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 30 seconds just briefly to respond.

First of all, we are saying in my amendment, "Divest yourself of abortion and you get family planning funds." The gentleman from Connecticut in 1984–85, when I first offered this amendment, said none of the nongovernmental organizations would accept those conditions. Well, over the course of the years in the 1980's, early 1990's, virtually every family planning provider except for the International Planned Parenthood Federation in London and Planned Parenthood Federation of America accepted those conditions. They separated themselves from the killing of babies through abortion and took the money and did family planning. We want to erect that wall again in my amendment.

Mr. Chairman, I yield 2½ minutes to my good friend, the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise today in strong support of the Smith-Oberstar-Hyde-Barcia amendment.

I find it ironic that today the U.S. Congress is honoring Mother Teresa for her devotion to protecting the lives of the world's children, born and unborn, and yet the American government is contradicting itself by sending money to pay for abortions in other countries. This is an outrage. Each year Congress authorizes hundreds of millions of dollars for family planning organizations which in turn use the money for population control activities. These groups perform and promote abortion worldwide so in essence this American money ends up paying for abortions.

The majority of the American public is opposed to spending their tax dollars on federally funded abortions. Let us not forget that we are elected to serve the people of America. Surveys have shown time after time that the people, no matter how they feel on the abortion issue, are adamantly opposed to their tax dollars paying for abortions. It is not fair and it is wrong that the U.S. Government continues to go against the will of the taxpayer.

The fact that American tax money is spent overseas on abortion not only goes against the wishes of the taxpayer, it is anti-family. We are talking about the lives of innocent children. The allocation of this foreign aid money contradicts the ideals that this Congress claims to support. It is wrong for the U.S. Government to set the social agenda for other countries.

I urge my colleagues to protect life. Support the Smith amendment.

Mr. BARCIA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Chairman, I rise in strong support of the Smith amendment to prevent taxpayer dollars from promoting abortion overseas, and I want to thank my colleague, the gentleman from New Jersey [Mr. SMITH], for offering this important amendment and for his unwavering support for the unborn.

As many of us know, the House has already endorsed several of the provisions of the Smith amendment in a vote earlier this year, and in passing H.R. 581 we affirm the wisdom of the Reagan-Bush Mexico City policy, which does prevent taxpayer dollars from going to international organizations which promote or perform abortions as a method of family planning. Today the House has an opportunity to again make it clear that the U.S. Government must not be in a position of encouraging abortion.

The second part of the Smith amendment, which would prohibit funding of the United Nations population fund until that body ceases activities in China or until China abandons its policy of forced abortion, is equally as important as the first. It is a terrible injustice that the UNFPA would allow China's abuses to go unchecked, but worse still that the United States taxpayer may be a partner to this crime.

□ 1115

The safeguards contained in the Smith amendment are the only way to be sure that we are not fostering the policies of the Chinese Government, or making it possible for the UNFPA to do so.

I urge the House to say no to a policy of exporting abortion and yes to support the Smith amendment.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in opposition to the Smith amendment. I strongly support international family planning because we know it will improve women's health, it reduces poverty, and it protects our global environment.

Some people claim that our family planning efforts increase the number of abortions. This is not true. This amendment is not only harmful, it is unnecessary as well. By law and by practice, U.S. funds cannot be used today to provide abortion services, either in the United States or abroad. AID has implemented procedures that carefully monitor the spending of these funds, and independent audits confirm that not one dollar of U.S. funds is used today to perform abortions.

While I personally support a woman's right to choose strongly and I disagree with this policy, it is, nonetheless, the current policy and the current law with or without this amendment.

The real problem with this amendment is that it forces family planning clinics that receive U.S. funding abroad not to use their own resources to provide abortion counseling or to perform abortions. Clinics that accept these restrictions will be limited in the services they are able to provide, and many health clinics will not accept such restrictions on the use of their own resources and may be forced to close for lack of funding.

These closed clinics will no longer help women receive prenatal care, will no longer prevent more women from dying during childbirth, will no longer prevent unintended pregnancies, and therefore will no longer help reduce the number of abortions. The number of abortions will increase, not decrease, if this amendment were to pass.

This amendment is unnecessary, pernicious, and harmful. It will simply result in more unwanted pregnancies, more fatalities among women in childbirth, and more abortions. It makes no sense on any grounds, and I strongly urge a yes vote for the Lowey-Greenwood substitute and a no vote on the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I heard the comments on that side of the aisle, and I would say to my good friend from Connecticut and the gentlewoman from New York, if we knocked on the door of the people who live in Danbury, CT, in Torrington, CT, and in Hartford and we said to them, we want to tax you and take the dollars that you are paying for your automobiles and dollars you are paying for your food and we want to send them over, as the gentlewoman from New York [Mrs. LOWEY] would like to do, to Egypt, we are sending them over to Egypt to a group that is involved with family planning. What do you think the people of Westchester and Armonk, New York and Torrington and Danbury and Hartford would say. Get a life. They would not say, here are my dollars, run over to Egypt and give them to a family planning organization. How ridiculous. They would say no, I want to keep my dollars here.

Then we would say, well, we are going to put in a very strict accounting mechanism that is going to say, wait a second, these dollars will not be used for abortion, they will only be used for the health and welfare of the child and the mother. They would say, well, maybe, just maybe, but by and large every one of the people in Torrington and Hartford and Armonk and Westchester County would say, you know what? I would like to keep my tax dollars here.

We are talking about taxpayers money. We are talking about people who pay taxes. My colleagues on the other side want to send this money way over to these countries and let these people use it for anything they want. And the gentleman from New Jersey [Mr. SMITH] here, all he is saying is, I want to put a mechanism in place to protect the taxpayer. Good Lord. Let us support the taxpayers and support the Smith amendment.

Mr. Chairman, since his first days in office, President Clinton has pushed for abortion on demand, both domestically and abroad. His policies undermine the laws of several foreign countries where abortion is illegal, particularly in Africa and parts of Latin America.

With his repeal of the Mexico City policy in 1993, President Clinton has granted United States funds to organizations heavily involved in promoting both the legalization and provisions of abortion in foreign nations.

Supporters of worldwide family planning legislation say that this vote has nothing to do with abortion, but everything to do with family planning.

We must understand that abortion is a central element to what many countries consider family planning. Whether or not U.S. funds pay for the actual abortions themselves, nothing is preventing pro-abortion organizations from spending more of their own money on abortion when U.S. funds are there to fill the caps.

Congress must assure that international population assistance dollars will not support organizations which perform or actively promote abortion as a method of family planning. Representative SMITH'S amendment assures the American taxpayers that their money will not fund any program which not only performs abortions but attempts to change abortion laws in other countries.

This amendment reinstates the Mexico City restrictions on international family planning by prohibiting United States funding to any organization that directly or indirectly performs abortions in a foreign country.

Furthermore, this amendment will prevent the United States Government from funding any aspect of China's horrific population control programs. United States policy must stand against China's brutal policies toward its women and baby girls. But we don't have a chance of succeeding until we stop pouring I we stop pouring money into programs that force abortions and sterilizations without consent.

nce said, "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government." I share this commitment to actively support legislation that sustains the Federal Government's traditional goals in family planning.

Therefore, I urge my colleagues to support Representative SMITH'S amendment which will restore the program's original purpose—promoting family planning, not abortion.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. WOLF], my friend and colleague.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Smith-Oberstar-Hyde-Barcia amendment. I also want to make it clear, as Members who are listening, I favor family planning, so I think one can strongly favor family planning and be for the Smith amendment.

Also, this just merely returns us back to the policies of previous Congresses. This is not something dramatic or new, it just previously goes back to where we were, and more importantly, this is the House of Representatives. This returns us to the position of the American people. The American people, if they were voting today in the Congress, would clearly support the Smith amendment.

Third, this is about China. This is about China. The gentleman from New Jersey [Mr. SMITH]) and I were in China together where we talked to people where we had cases of women who were literally tracked down in villages and forced to have an abortion. So this is about China, and it is about forced abortion with regard to China.

Lastly, under the Smith amendment, I believe as someone who strongly favors family planning, there will be more money for family planning, and I strongly urge Members on both sides to support the Smith amendment.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding me this time.

We have this debate almost every year here and it always makes me sad. I think those of us who are fortunate enough to live in America where we have good access to health care and information probably do not understand what it is like in a Third World country where one does not have it.

Frankly, I think the harshest kind of birth control on Earth is to live in a place where women kill themselves trying to abort. They have not been able to get the information they need to help space their families or even to plan them, and we rise to the floor year after year after year and say that we don't care.

Is there anything worse than the children who are left motherless because their mother could not face one more child, and we could have helped her, had we been able to give the family planning information that she needed?

I want to give two quotes this morning which I think are very succinct. One of them has to do with the Helms amendment, and I know everybody in the majority strongly believes that the Helms amendment is quite good. The first is no U.S. foreign aid funds are used to perform abortions. It is explicitly prohibited in the annual appropriations law and the underlying statute, which is the Helms amendment. USAID has been scrupulous in complying with the law, and even the gentleman from New Jersey [Mr. SMITH], who is my good friend, agrees that the Helms amendment stopped the direct funding of abortions.

The second is what Vice President GORE has said, and I quote,

> Our administration believes that the United States Constitution guarantees every woman within our borders the right to choose. We are unalterably committed to that principle, but let us take a false issue off the table. The United States has not sought, does not seek, and will not seek to establish any international right to abortion.

He said that at a national press conference in 1994, and that has not changed.

The Smith amendment is absolutely unnecessary and it is simply again another way to punish women in other countries and to provide some sense in the House that we are helping children, which is absolutely untrue.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, this has to be emphasized. The vote today is not about whether we are pro-choice or pro-life on abortion, it is about whether life for thousands, hundreds of thousands of families who choose to plan their families will include a real chance to do so, not whether or not abortion is available to that family.

I say to the gentleman from Florida [Mr. STEARNS], yes, I think most Americans support U.S. assistance for voluntary family planning.

Since 1973 the Helms amendment has prohibited the use of U.S. dollars to perform, support, or encourage abortion overseas. That mandate has been followed in good faith by the U.S. Government. And in order to ensure its implementation and sensitive to the argument about fungibility of moneys, when I was assistant administrator of AID, we instituted in the late 1970's a rigorous system to separate out U.S. moneys from other funds spent by organizations receiving American funds, and that practice has been followed assiduously by every administration. Audits show not one dollar of American funds is being used for abortion-related activities overseas.

So this is the basic question. When the United States is fully abiding by the Helms amendment, when the Government has taken every possible step to separate American funds so no American money is being used for abortion-related activities, and when there is no real fungibility as to U.S. dollars, do we want to stop the availability of critical funds for voluntary family planning for millions of families in fast-growing developing countries?

Mr. Chairman, I urge that the answer for each of these is no. I urge a vote against the Smith amendment and for Campbell–Greenwood.

Mr. BARCIA. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Chairman, I rise today to urge Members to support the Smith amendment. The Campbell amendment merely creates a scheme which frees up more of the organization's own resources for the promotion of abortion overseas. In contrast, the Mexico City policy places a wall of separation between abortion and family planning.

The Smith amendment prevents U.S. funding for such things as China's deplorable population control program, which includes coercion, forced abortion, forced sterilization for Chinese men and women alike. Women all over China are victimized daily due to their ability and desire to bear children. China's so-called family planning policy includes the following methods, and it is documented in this book by the anthropologist Steven Mosher and others, entitled "The Broken Earth". This is the international family planning program the UNFPA has publicly praised.

First, arresting pregnant women and taking them to abortion clinics tied up or in handcuffs. Second, incarcerating pregnant women in barracks until they acquiesce to abortions and/or sterilization. Third, forcing pregnant women to attend study sessions away from their families until they agree to have abortions. Carrying out sterilization or abortion without the consent or knowledge of the women while rendering other medical services. Imprisoning husbands until wives submit to abortion procedures. Cutting off food, electricity, water and wages for couples who refuse to comply with the Chinese Government's barbaric policies. Confiscating furniture, livestock and even homes of families who refuse to comply. And fourth, demolishing the homes of people who refuse to comply as reported in the two Catholic villages at Hepel Province.

Mr. Chairman, this is not family planning. These are outright human rights abuses. I do not believe this is a pro-life or pro-choice issue; this is a human issue, this is a woman's issue, this is a family issue. This is an issue of blatant governmental abuse, and the United States should not be in any way a part of it through the United Nations or any other agency.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, let us be clear what this amendment is about. This amendment is not about abortion. This amendment is about family planning. If we went to the door of every household in this country and said, do you think our Government should be involved in family planning efforts throughout the world so that women are not forced against their will to have countless unwanted children, children who will be subject to starvation, children who will be subject to disease, so that the women can avoid the pregnancy to begin with, so that the woman can avoid abortion, these families across America would say yes, we think that that is a high use of our taxpayer dollars. We think that America should be working across the world to prevent unwanted pregnancies and to help increase the quality of life for citizens around the world.

□ 1130

That is a noble purpose. Let us be clear. The current U.S. policy prevents Federal funds from being used for abortions anywhere in the world. This is not going to be changed.

What this amendment will do is prevent women across the world from planning their pregnancies and avoiding unwanted pregnancies. That is not the policy the United States should pursue. That is why just last month or the month before, this Congress affirmed the right of the United States to increase its family planning efforts nationwide.

I urge Members to defeat this amendment, to keep our appropriate policy throughout the world, and prevent unwanted pregnancies to begin with.

Mr. BARCIA. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Chairman, today I rise in strong support of the Smith amendment. My time is short, so let me get to the point: the U.N. funds. My parents had more than one child. Because they had the freedom to do so, I have a wonderful sister named Olga. However, parents in China do not have a similar basic right. Brothers and sisters are illegal. Until the UNFPA strongly condemns and disassociates itself from this brutal coerced abortion policy in China or any other country, no United States tax dollars should go to this misguided program.

Second, Mr. Chairman, I would like to raise this Congress' and in fact our Nation's attention to this irony of our entire overseas abortion debate. Many of our colleagues who will stand here on this floor and oppose this amendment to restore the successful Mexico City policy are many of the same Members who regularly lambasted this body for not moving campaign finance reform.

If they truly believe in campaign finance reform, this is their vehicle. This is the first campaign finance reform vote of this session of Congress. Vote for the Smith amendment and Members will walk the walk of campaign finance reform. Otherwise, they are saying it is OK for U.S. foreign aid money, America's hard-earned tax dollars, to be used as soft money to lobby and change abortion laws throughout the world.

Make no mistake about it, failure to enact the Smith amendment will be interpreted by the world community that this Congress wants our tax dollars going to foreign lobbyists to change other countries' laws. I am against welfare for lobbyists for the abortion industry, and so is the vast majority of the American people. The Smith amendment will prevent this. I urge my colleagues to support it.

Mr. CAMPBELL. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, if it seems we just had this debate, it is because we just had this debate. On February 13, this House by a vote of 220 to 209 decided to release these international family planning funds. We did so, 44 Republicans, 175 Democrats, and one Independent to 20 in all, so we knew at the end of the day if we are going to achieve the goals that we share, that we all share, including the gentleman from New Jersey [Mr. SMITH] that international family planning funds be available to help empower families to control the number of children that they have, that the only way to get that done is to do it without the entanglements of the Smith language, to pass language that is straightforward, that prevents these funds from being used for abortion, can be adopted by the Senate and signed by the President.

When all is said and done, if we adopt the Smith amendment, we know that one of two things will happen: Either we will come back on another day and undo it, as we have in the past, or we will kill the program. Neither of those, certainly killing the program makes no sense. It makes no sense to do this simply for rhetorical reasons today, and come back and compromise as we have done each and every year.

Let us do what is reasonable. Let us do what is sensible. Let us adopt the compromise which is embodied in the Campbell-Greenwood-Lowey amendment now, get it over with, and move on to the next issue.

I want to particularly address those colleagues who equivocate on this issue to be consistent and vote today as they did in February.

Mr. CAMPBELL. Mr. Chairman, I yield 2½ minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I want to thank first of all the gentleman from New Jersey [Mr. SMITH] for his dedication to this issue. While we disagree on the major issue, I think his dedication is certainly something we all commend. I value his participation in our committee.

Mr. Chairman, I rise in strong support of the Campbell amendment. As Members know, I am a strong supporter of voluntary family planning programs. It is important to note that after almost 30 years of U.S. assistance to the voluntary family planning programs, the health of millions of women and children has been improved throughout the world.

I also note that the voluntary family planning programs have led to the reduction of abortions in key countries and in newly independent States of the former Soviet Union, where abortion used to be the only method of family planning.

Mr. Chairman, family planning is good for mothers, for children, for the environment, and for economic growth. The Smith amendment would impact upon voluntary family planning programs by blocking assistance to key providers of family planning programs in the U.N. Fund for Population Activities.

Permit me to review a couple of basic facts about the family planning program. First, the Hyde amendment is part of the current U.S. law which prevents any U.S. funds from being used for abortion. Second, the U.N. Fund for Population Activities no longer has a family planning program operating in China. Accordingly, the Smith amendment is language in search of a problem that essentially does not exist. Please permit me to repeat: United States funds are not now used for abortion and the UNFPA does not have any program in China.

I would also like to bring Members up to date as to how this issue affects the rest of this important issue. The Committee on International Relations, when it met to consider this bill, rejected language offered by the gentleman from New Jersey [Mr. SMITH] and included language offered by the gentleman from California [Mr. CAMPBELL] on this very point. I remind our colleagues that the Committee on International Relations strongly favored the Campbell language and supports the voluntary family planning program.

Accordingly, I urge Members to support the Campbell amendment and oppose the Smith amendment.

I thank the gentleman for yielding time to me.

MR. SMITH of New Jersey. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would remind Members that the U.N. Population Fund was there on the ground in 1979 when the one-child-per-couple policy was crafted. They were one of the cocrafters. Over the years they have praised this coercive population control program, given it highest praise.

Dr. Sadik, the executive director of the U.N. Population Fund, has said it is a "totally voluntary program," a total lie. It is not a voluntary program. It is a coercive program.

Let me also add that they are now in negotiations with the Beijing dictatorship to decide what kind and the scope of any new programs that they will be involved in. We send a clear, nonambiguous message: Get out of China; do your family planning elsewhere, but do not comanage and support that program.

Mr. BARCIA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I just want to congratulate the gentleman from New Jersey, Mr. CHRIS SMITH, and his associates for bringing this very important issue to the floor. We ought to stop funding the international abortion industry. Family planning and abortion are two separate things. Family planning asks the question, do you want a baby or not? Once you are pregnant, you have a baby. Abortion helps you dispose of that baby by killing it. It has been our policy and it ought to continue to be our policy not to subsidize that function on an international basis.

The amendment offered by the gentleman from California [Mr. CAMPBELL] and the gentleman from Pennsylvania [Mr. GREENWOOD] ignores the concept of fungibility. If you give money and say do not spend it for this, only spend it for this, who are you kidding, because it frees up other money to be spent for the forbidden function. It does not matter whether they are using ourmoney or their money. If we give money, we empower all of their activities, so it is a distinction without a difference.

The Mexico City policy simply says that we will continue to generously fund family planning, but we will not subsidize abortion, we will not subsidize organizations that lobby to change laws in countries that forbid abortion, and it is in keeping with, I believe, the best ideals and policy certainly under the Reagan and under the Bush administration. I regret keenly that it was changed.

I ask Members to vote "no" on the amendment offered by the gentleman from California [Mr. CAMPBELL] and the gentleman from Pennsylvania [Mr. GREENWOOD], which is more obfuscation than clarification, which ignores the fact that money is fungible, and if you forbid it for one purpose you free up other money for the other purpose.

I hope that Members will support the amendment offered by the gentleman from New Jersey, Mr. CHRIS SMITH, who has been a real hero in this very difficult fight. When my friend, the gentleman from New York [Mr. GILMAN] says the United Nations is out of China, that is rather superficial. They are not out of China.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

Mr. GILMAN. That is a U.N. program.

Mr. HYDE. They have an office here, and they said they are negotiating for more programs.

Mr. BARCIA. Mr. Chairman, I yield 1 minute and 30 seconds to the distinguished gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, let us make it very clear. The Smith-Barcia-Oberstar-Hyde amendment does not reduce by one penny the amount spent on international family planning. It merely ensures that the money we do spend and commit to population control goes to family planning, not to abortion. American taxpayers who believe that abortion is morally wrong should have their voice expressed on this floor in support of this amendment; and likewise, those who believe abortion is acceptable, and that abortion ought to be made safe and rare, ought to have assurance that their tax dollars do not go to groups who do not share that viewpoint, who see abortion as a means of family planning.

Both sides have an interest in the outcome. I believe that our side is on the side of justice, that it is morally wrong for the United States to support with its taxpayer dollars abortion as a means of family planning control, and this amendment will assure that none of those dollars go to that purpose.

□ 1145

That is what we are trying to accomplish; that just as we have pursued the policy at home of not funding abortion with taxpayer dollars, that we should not fund it abroad with taxpayer dollars. Family planning is a legitimate objective, but it should not include abortion as a means of family planning. That is what we are asking. That is what this amendment does. I ask Members to support the Smith-Barcia amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute and 15 seconds to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, let me rise briefly to support the Smith amendment and to say that the Mexico City policy that we propagated under the Reagan administration sent a moral message to the world. As I understand it, most of the organizations that heretofore had performed abortions stopped them as an effect and impact of that policy. If we still have that moral policy, and that is my feeling that we do have that and that that is exactly what we are voting on, then we should not support abortions through middlemen. We should not support organizations that support abortion. We ought to keep that message as clear as we did under the Reagan administration, under the Mexico City policy. I would urge a strong yes for the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, let me remind Members that we do not cut family planning by a dime in this amendment. We condition it. We put on human rights, pro-family, pro-baby conditions. Abortion takes the life of a baby. We do not think that we should be giving to organizations that are promoting abortion overseas. That is the simple reality of what we are trying to do today. Any other characterization misses by a mile.

Mr. HUNTER. Mr. Chairman, I think the gentleman is right on point. The facts are that the taxpayers of the United States have a right to put conditions on money that they earn with their hard work that we send to international organizations. This has been one of the important conditions that we historically have put on, and we should put it on whether the organization indirectly supports abortion or does it directly.

Mr. GEJDENSON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. MORAN].

The CHAIRMAN pro tempore [Mr. NEY]. The gentleman from Virginia [Mr. MORAN] is recognized for 2½ minutes.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the Smith amendment and in favor of the Campbell-Greenwood amendment because I, like my colleagues, love children and love families. I have five children of my own, my parents had seven children. Their parents had 14 children. But all those children were born into a world that is vastly different than the world that we are talking about and that would be affected by this amendment.

We in this Nation are so blessed with such prosperity and high living standards that it is often very difficult to relate to people that are born into a world of such abject poverty and desperation that parents would be willing to sell their children into a life of virtual slave labor or prostitution. How can life be so cheap? How can suffering and human degradation be so tolerated?

It is largely because people in that other world have so little control over their lives because they have so little ability to control the size and the timing of their families. Ironically, this amendment further limits that control over their lives. This amendment in effect diminishes the value of those children's lives, when we have a moral responsibility to be increasing, enhancing the value of children's lives, and that is what family planning information is all about. With proper education, those in developing countries can plan their families just as we in the United States do.

It is unconscionable as leaders of the most prosperous, blessed Nation on Earth that we would deny these vital resources to the least fortunate people on Earth. Yet that is precisely what this amendment does. This, the Mexico City policy that the gentleman from New Jersey [Mr. SMITH] wants, restricts funding to groups who offer reproductive educational services to families in need of those services.

We decided in February that denying those funds had a negative impact on population control efforts internationally and that decreasing family planning funding increases the number of abortions. This has not changed since our vote in February.

Mr. Chairman, we need to understand that family planning in this other world can prevent about 10,000 deaths that are due to pregnancy complications, low birth weight babies born to women who are neither ready nor desirous of having children. Defeat the Smith amendment.

Mr. BARCIA. Mr. Chairman, I yield myself 30 seconds.

I would ask my pro-life colleagues in the House to oppose the Campbell substitute, which is not a compromise but in fact would continue the current policy of abortion on demand around the world. Organizations can use simple bookkeeping to create the impression that U.S. taxpayer funds are not being used for abortion while in fact they are substituting other moneys for that purpose in their respective facilities around the world. I just hope that our pro-life Members of the House today will cast a strong vote against the Campbell substitute amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. SMITH] has 7½ minutes remaining, and the gentleman from California [Mr. CAMPBELL] has 1½ minutes. The time of gentleman from Connecticut [Mr. GEJDENSON] and the gentleman from Michigan [Mr. BARCIA] has expired. There was a half minute yielded to the gentleman from New Jersey by the gentleman from Michigan.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 15 seconds to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I want to express my support for the Smith amendment. I believe it is appropriate and right, and I want to express my strong support on behalf of the people of my district.

Mr. Chairman, 50 years ago, the Nuremburg Tribunal condemned population control policies enacted by the Nazis as "crimes against humanity," and yet today, not only does China engage in the same barbaric practices but our tax dollars support them.

Every year since 1985, we have denied funds to the U.N. Population Fund because it provides financial support for China's brutally coercive one-child policy. But, Mr. Chairman, in 1993, the administration changed the rules. They reinterpreted U.S. law in order to claim opposition to coercive population control programs, but then actually provide for their financial support.

The administration's policy prohibits our tax dollars from providing direct support for forced abortion and sterilization, but that doesn't stop our money from freeing up funds in other accounts to be used for these barbaric acts. This is an unconscionable deception which must be brought to an immediate end.

Mr. Chairman, the Smith amendment simply interprets United States law as it was originally intended—it stops all payments to the U.N. Population Fund until it withdraws its financial support for China's draconian population control programs. Mr. Chairman, as a nation deeply concerned about China's human rights record, we have no business sending such mixed signals. For these reasons I urge a yes vote on the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the balance of my time.

Many of our colleagues were shocked and angered to learn that the big name pro-abortion population control organizations like Planned Parenthood Federation of America, the Alan Guttmacher Institute, Zero Population Growth and others had grossly misled Congress, the President, and the American people about partial-birth abortion. In one letter sent to every Member of Congress signed by those organizations and many others, we were solemnly assured that, and I quote: This surgical procedure is used only in rare cases, fewer than 500 per year. It is most often performed in cases, it goes on to say, of severe fetal anomalies.

Mr. Chairman, we now know that the abortion lobby's campaign to defeat the partial-birth abortion ban was and is riddled with lies and distortions. It is one thing to have an honest difference about policy. Congress after all is a marketplace of disparate opinions and ideas, but do not lie to us.

Mr. Chairman, interestingly, it was one of their own, Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who blew the whistle on their fraudulent tactics.

Members will recall Mr. Fitzsimmons came forward and said that he was lying through his teeth about the circumstances and the incidences surrounding partial-birth abortion. Having raised serious questions concerning the credibility and the reliability of Planned Parenthood and others, Mr. Fitzsimmons admitted, and I quote, that thousands of partial-birth abortions in the vast majority of cases are performed on healthy mothers with a healthy fetus.

Why is this relevant to the amendment the gentleman from Michigan [Mr. BARCIA] and the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Illinois [Mr. HYDE] and I are offering this morning? Because each year Congress authorizes hundreds of millions of dollars; this is not an entitlement, these are discretionary funds, hundreds of millions of dollars for population control organizations. And much of that cash will wind up in the hands of the very same abortion industry that so skillfully lied to my colleagues and me.

After lying through their teeth on the partial-birth abortion ban here in the United States, is it so unreasonable to doubt the abortion lobby's commitment to truth-telling elsewhere? Who then will expose their deceptive tactics in Warsaw or Lima or Cairo or Pretoria or San Salvador? I believe that we need to steer family planning funds to those who will pledge neutrality on abortion rather than promote abortion in foreign capitals.

Today the pro-life laws and policies of almost 100 countries that restrict abortion are under siege, and the engine driving this global pro-abortion push are the nongovernmental organizations like Planned Parenthood funded by the U.S. Government. Let me remind Members, we provide almost 50 percent of all the money that goes into their coffers. That is why we need to make a difference with the amendment that I and my friends are offering today.

Our amendment permits the flow of funds to those organizations that pledge to provide family planning and only family planning and not abortion. This is all about abortion, Mr. Chairman. The innocent children are held harmless. Who we subsidize, not just what, but who we subsidize and who we give millions of dollars to does matter.

Some Members have argued today that U.S. funds will not be used for abortion. That is already the underlying law. An amendment simply restates current law. But money is fungible. The millions of dollars we give to a group immediately frees up other non-U.S. funds that can be used, and in this case are used, for performing and aggressively promoting abortion around the world. If we give millions of dollars to those for whom abortion on demand is a way to plan family size, we put unborn babies at grave risk of death.

It should matter greatly to each of us not just what an organization does with our specific donation but the rest of its agenda as well. It is a package deal. Many groups use family planning as the Trojan horse to conceal their real agenda, which is abortion.

Let me remind Members of Vision 2000, that abortion manifesto in 1992 that was agreed to by International Planned Parenthood Federation based in London and its 140 affiliates. It said these are their marching orders that they will, quote, "bring pressure on governments and campaign for policy and legislative change to remove restrictions against abortion."

Fred Sai, who used to be chairman of IPPF, a Planned Parenthood group, said, now for the first time the IPPF plan Vision 2000 outlines activities at both the secretary and the family planning association level to further their explicit goal of increasing the right of access to abortion. Again let me remind Members, 100 countries protect their babies. These people to whom we are giving millions of dollars want to bring down those right-to-life laws. Let me give some examples.

In Poland, the chairman of the Parliamentary Group on the Family, Stanislaw Kowolik, recently lashed out at external factions in Poland for meddling in that country and pushing for liberalized abortion. As a result of strong lobbying by family planning groups, Poland recently reversed the pro-life policies of Lech Walesa and Solidarity and put in its place the pro-abortion policy of the Communists.

Another example of backlash over United States and Planned Parenthood pressure to legalize abortion on demand is the Philippines. A headline in the Philippine Daily Inquirer last July said Senator "Flavier Hits U.S. Pressure on Abortion." And he writes: We had just celebrated our 50th anniversary of independence from America, but we can still see insidious methods of imperialism trying to subvert our self-determination by using funds as subtle leverage," and then he goes on to say he strongly opposes abortion, that his constitution prohibits it. And then he said, finally, "we should be prepared to lose foreign funding rather than be pressured into causing the death of unborn children."

The abortion promotion by Planned Parenthood is so extreme in the Philippines that the head of their IPPF affiliate, the Planned Parenthood president, quit. He said it was because a "hidden agenda of" and that his affiliate was being used as a Trojan horse to legalize abortion. They talk family planning, the real agenda is abortion on demand.

The pro-life safeguards say: We will provide money for family planning. There is not one penny lost as a result of this amendment. But we will give it only to those groups that are committed to family planning and not abortion on demand.

Let me also say on the China provision, since 1979, the U.N. Population Fund has been there on the ground promoting the one-child-per-couple policy. We have heard testimony, Members should be fully aware by now that forced abortion is commonplace in the People's Republic of China. Yet Dr. Sadik, who is the executive director of the UNFPA, has said, and I quote: "UNFPA firmly believes, and so does the government of the People's Republic of China, that their program is a totally voluntary program. It is not. It is a totally coercive program, and the UNFPA has been whitewashing these crimes since 1979.

Let me also point out to my colleagues that the amendment, the substitute amendment, is a fake. With all due respect to my good friend, the gentleman from California [Mr. CAMPBELL], it is cover. It does not stop abortions. It does not do anything meaningful relative to China, and it actually trivializes this crime against humanity, against women, of forced abortion because again in China there is the UNFPA doing its work day in and day out. And we understand now that they are in negotiations for new programs in the PRC. We are saying you can have your $25 million. Just get out of China. Stop being complicit. Stop the hand and glove relationship with the dictatorship of the PRC.

Mr. Chairman, many of our colleagues were shocked and angered to learn that the big name pro-abortion/population control organizations like Planned Parenthood Federation of America and the Alan Guttmacher Institute, had grossly misled Congress, the President, and the American people about partial-birth abortion.

In one letter sent to every Member of Congress, signed by Planned Parenthood and the others, we were solemnly assured that:

> This surgical procedure is used only in rare cases, fewer than 500 per year. It is most often performed in the case of wanted pregnancies gone tragically wrong, when a family learns late in pregnancy of severe fetal anomalies or a medical condition that threatens the pregnant woman's life or health.

We now know the abortion lobby's campaign to defeat the partial-birth abortion ban was and is riddled with distortion and lies.

It's one thing to have honest differences about policy—Congress is, after all, a marketplace of disparate opinions and ideas.

But don't lie to us.

Interestingly, it took one of their own, Ron Fitzsimmons, Executive Director of the National Coalition of Abortion Providers, to blow the whistle on their fraudulent tactics. You will recall that Mr. Fitzsimmons admitted "lying through (his) teeth" in spouting the pack of lies dished out by the abortion lobby. Having raised serious questions concerning the credibility and reliability of Planned Parenthood and others, Mr. Fitzsimmons admitted that of the thousands of partial-birth abortions "in the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus * * *."

Why is this relevant to the amendment Messrs. BARCIA, OBERSTAR, HYDE, and I are offering today?

Because each year Congress authorizes hundreds of millions of dollars for population control organizations—and much of that cash will wind up in the hands of the very same abortion industry that so skillfully lied to you and me. After "lying through (their) teeth" on the partial-birth abortion ban here in the United States, is it so unreasonable to doubt the abortion lobby's commitment to truth-telling? Who then will expose their deceptive tactics in Warsaw of Lima or Cairo or Pretoria of San Salvador? We need to steer family planning funds to those who will pledge neutrality on abortion rather than the promotion of abortion in foreign capitals.

Today, the pro-life laws and policies of almost 100 countries that restrict abortion are under siege and the engine driving this global pro-abortion push are the nongovernmental organizations funded by the U.S. Government.

My amendment permits the flow of funds to those organizations that pledge to provide only family planning, not abortion. The innocent children are held harmless.

Who we subsidize—not just what—but who we give millions of dollars to, does matter. Some Members will argue today that no U.S. funds will be used for abortion. But money is fungible. The millions of dollars we give to a group immediately frees up other non-U.S. funds that can be used—and, in this case, are used—for performing and aggressively promoting abortion. If we give millions of dollars to those for whom abortion on demand is a way to plan family size, we put unborn babies at grave risk of death. It should matter greatly to each of us not just what an organization does with out specific donation, but the rest of its agenda as well. It is a package deal. Many groups use family planning as the Trojan horse to conceal their real agenda—abortion on demand.

I urge Members to carefully consider the 1992 International Planned Parenthood Federation abortion manifesto called Vision 2000, a global strategic plan that Planned Parenthood and its 140 country affiliates adopted and have been implementing ever since to promote abortion in every corner of the world.

The Vision 2000 strategic plan says, and I quote, that family planning organizations should "bring pressure on governments and campaign for policy and legislative change to remove restrictions against abortion." Can anything be more clear? Pressure governments to nullify their pro-life policies. Campaign for abortion on demand. And we are providing many, many millions of dollars to this group.

Fred Sai, who is the former chairman of International Planned Parenthood, put it very succinctly:

> Now, for the first time, the IPPF strategic plan, Vision 2000, which was unanimously adopted at the Members' Assembly in Delhi, outlines activities at both the Secretariat and FPA level to further IPPF's explicit goal of increasing the right of access to abortion.

IPPF has plans of action, as they call them, to promote abortion in Central and South America where unborn children are now legally safeguarded. They have plans to repeal the pro-life laws in Africa, the Muslim countries in the Middle East, and several Asian countries.

In Poland, the chairman of the Parliamentary Group on the Family, Stanislaw Kowolikveouk recently lashed out at external factions in Poland for meddling in that country and pushing for liberalized abortion. As a result of strong lobbying by family planning groups, Poland recently reversed the pro-life policies of Lech Walesa and Solidarity and put in its place, the pro-abortion policy of the Communists.

Only last week's action by Poland's high court stopped the new abortion law from going into effect.

Another example of backlash over United States and Planned Parenthood pressure to legalize abortion on demand is the Philippines.

A headline in the Philippine Daily Inquirer last July: "Flavier Hits U.S. Pressure on Abortion." The article quotes Senator Juan Flavier:

> We had just celebrated our 50th anniversary of independence from America, but we can still see insidious methods of imperialism trying to subvert our self-determination by using [population control] funds as subtle leverage * * *. I strongly oppose abortion. It is prohibited by our laws and the Philippine Constitution. Hence, we should be prepared to lose foreign funding rather than be pressured into causing the death of unborn children.

The abortion promotion by Planned Parenthood is so extreme in the Philippines that the president of IPPF's affiliate—the Family Planning Organization of the Philippines [FPOP]—resigned over what he called International Planned Parenthood Federation's "hidden agenda" and use of his affiliate as a Trojan horse to legalize abortion.

The use of family planning as cover—the use of family planning as a Trojan horse for abortion law liberalization is now commonplace and must be stopped.

Let me remind Members that the pro-life safeguards included in my amendment are nothing new; they were in effect for almost a decade. And they worked.

The pro-life safeguards often referred to as the Mexico City Policy were in effect during the Reagan and Bush years as a principled way to fully fund family planning without promoting abortion.

Specifically, the safeguards say this: We will donate funds only to those organizations that will not perform abortions except in the cases of rape, incest, and life of the mother. Funds may go to those organizations that will not lobby for or against abortion.

We should have no part in empowering the abortion industry to succeed in its war on the unborn.

If Members want to promote abortions, be up-front and legislate that. But don't hide behind counterfeit amendments like the Campbell substitute. The Mexico City Policy makes it very clear that there ought to be a wall of separation between abortion and family planning. The Campbell amendment—with all due respect to its author, a friend of mine—is a fake and a counterfeit.

The second part of our amendment relates to forced abortion.

Every day, forced abortion and forced sterilization devastate the lives of women and families in China while the U.N. Population Fund provides political cover and sustenance to those who practice these abuses. The Government of China compels women to abort their so-called unauthorized, illegal unborn children. It starts with intense persuasion using all of the economic, social, and psychological tools a totalitarian State has at its disposal. If these methods fail, women are taken physically to abortion mills. Forced abortions are often performed very late in pregnancy, even in the ninth month. Sometimes the baby's skull is crushed with forceps as the baby emerges from the birth canal. Other times the baby gets an injection of formaldehyde or some other poison into the baby's cranium. The mass murderers, euphemistically called family planning cadres, are at it every day—killing babies, devastating women's lives.

Forced abortion was properly construed to be a crime against humanity at the Nuremberg war crimes tribunal. Today, it is employed aggressively and with chilling effectiveness and unbearable pain upon women in the People's Republic of China. Women in China are required to obtain a birth coupon before conceiving a child. Chinese women are hounded by the population control cadres and even their menstrual cycles are publicly monitored as one means of ensuring compliance.

The New York Times has pointed out in an exposé that the authorities, when they discover an unauthorized pregnancy, an illegal child, normally apply a daily dose of threats and browbeating. They wear the women down. Eventually, if the woman does not succumb to the abortion, she is physically forced to submit.

In the mid-1990's, the PRC issued a decree on eugenics which nationalizes discrimination against the handicapped. In a move that is eerily reminiscent of Nazi Germany, the Communist Chinese Government is implementing forced abortion against handicapped children simply because they suffer an anomaly like Downs Syndrome, and forced sterilization against parents who simply do not measure up in the eyes of the State. Since 1979, the U.N. Population Fund has provided funds, materiel, people on the ground and what no money could buy, the sort of shield of respectability that the PRC Program so desperately wants.

Mr. Chairman, in July 1995, victims of the Chinese forced abortion program testified to the truth. Our Subcommittee on International Operations and Human Rights heard the testimony of three women who testified that they had been forced to have abortions.

One of those witnesses, Li Bao Yu [Lee Bough You], told us how her troubles started in earnest after she removed an IUD that the population cadres had forced her accept, but which had been making her sick. She became pregnant. The family planning program officials, who came to inspect every woman in the village several times a year—the involuntary inspections a serious violation of each woman's privacy—discovered her pregnancy and threatened that if she did not have the abortion, her first child would be denied education and health care. In her own words,

> They threatened me that I do not agree to have this abortion, then my first child will

forever have no chance of being a registered, normal citizen.

Mr. Chairman, this is the human cost of the shameful program that for years has been assisted, praised, coddled, and protected by the U.N. Population Fund, the UNFPA. The supporters of this amendment argue that if it were not for UNFPA, the Chinese program would be even worse. But this is an assertion without evidence. UNFPA officials including Nafis Sadiq have repeatedly praised the Chinese program. UNFPA has provided demographic capabilities—a tracking system that hunts down women bearing babies—a system that enables the Beijing population commissars to tell where they need to enforce their program more vigorously. They have trained thousands of cadres—the implementors of this egregious policy. They have provided major elements of the infrastructure that systematically oppresses the women of China and murders their babies. They are part of the problem, not part of the solution.

The Campbell amendment would delete the pro-human rights language in my amendment and insert a substitute that looks good and does next to nothing. UNFPA could spend all the money it wanted in China so long as it kept a separate set of books that showed our money going only for projects outside China. There would also be a reduction in the U.S. contribution—but past experience has shown that a reduction is not enough. The language of the amendment is almost identical to language that has been adopted in the past by the Appropriations Committee, and when this language has been adopted, UNFPA has stayed in China. Only when there was a real threat of serious action—an absolute condition that UNFPA get out of China or lose our money—did UNFPA even go through the motions of getting out. So the substitute language is simply not enough. It absolutely trivializes these crimes—it should not be enough for those of us who are pro-life, and it should not be enough for those who think of themselves as pro-choice. If there is anything UNFPA's involvement in China is not about, it is not about free choice.

This House has voted countless times to condition United States funding for UNFPA on its disengagement from the PRC forced abortion program. Last year, we gave UNFPA some flexibility. They insisted they were no longer giving grants in China. They still had an office there, which they said they were using to administer old grants. Now it turns out that they are actively negotiating with the Chinese Government for future grants and contracts. So we were misled last year: UNFPA was not getting out of China and, unless we take decisive action, has no intention of getting out of China. Congress gave UNFPA the flexibility their supporters said they needed. This is as far as we can go. Loyalty to these women—these victims of unspeakable torture—will allow us to go no further.

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Mr. CAMPBELL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I address to the gentleman from New Jersey [Mr. SMITH], one simple question. I have 1 minute, so if he could please confine his answer, if he can.

Under the gentleman's amendment, if the U.N. spends one dime to advise one person in China about contraception, would not all United States assistance to U.N. family planning throughout Africa and Latin America be terminated?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I would say to the gentleman that the language in our amendment says if the President can certify that there is no more forced abortion, and if they get out of China, which is what we are advocating, because they have had this duplicitous, egregious policy, working hand in glove with the dictatorship, we are saying get out and they get their full $25 million. And there will also probably be about $400 million of other family planning money that is also in the bill that is conditioned by the first part of the amendment.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, is the answer to my question yes?

Mr. SMITH of New Jersey. If the gentleman will continue to yield, unless the forced abortion is ended, sure. They have had a hand-in-glove relationship.

Mr. CAMPBELL. Mr. Chairman, I yield myself the balance of my time.

My colleagues, we have heard the fundamental problem with the Smith amendment. It is not simply Mexico City. It terminates all United States contribution to all family planning around the world, in Africa, in Latin America, in Indonesia, in desperately poor parts of this world, all of it, if the U.N. spends a dime for family planning in China. It was crafted with that intention and it is cruel and wrong.

For whatever motive we have regarding China, to punish the destitute, the poor, the needy in Africa and Latin America, compassion suggests a "no" vote on the Smith amendment and a "yes" vote on the Campbell-Greenwood-Lowey amendment.

Mr. SAWYER. Mr. Chairman, I rise today in support of this amendment and in opposition to the amendment by the gentleman from New Jersey.

I have some concerns about the fact that we are even debating this issue today; especially since most of the foreign aid sections were stripped from this legislation.

I am also disappointed that the gentleman from New Jersey has insisted on offering his amendment. The legislation that was reported out of the International Relations Committee would have provided women and families worldwide with the maximum access to essential family planning services. At the same time, it called for a dollar-for-dollar reduction in United States funding to the UNFPA for any amount spent in China. I think we can all agree that U.S. funds should not be used to pay for "forced abortions" in that country.

The gentleman from New Jersey will attempt to equate support for family planning with support for abortion. That is simply not the case. U.S. law already prohibits the use of Government international family planning funds for promoting or providing abortion services. These programs are carefully monitored to ensure that U.S. policy is strictly followed. At the same time, studies have shown that the availability of family planning services actually reduces the incidence of abortion.

The support for international family planning is instead equivalent to the support of women and families and of sustainable economic growth worldwide.

I have long been interested in the cause and effect relationship between rapid population growth and movement and worldwide environmental degradation, dwindling natural resources, urban poverty, malnutrition, and social unrest.

This is especially disconcerting given that more than 90 percent of the annual population increase of 100 million people is in the developing world.

International family planning funds allow women and families to make responsible and informed choices about when and whether to have children. These are choices that many Americans take for granted; they are also choices that many parents in the developing world do not realize they have.

Giving people in the developing world the resources to make informed reproductive choices can help to control the population growth in those countries and decease the strains that such growth would place on society and on natural resources.

It is in our national interest, and in the global interest, to support voluntary international family planning. Efforts to slow population growth, elevate the status of women, reduce poverty, and promote sustainable development will lead to a more stable global system.

In short, it bears repeating: in so many important ways, family planning saves lives.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment by the gentleman from New Jersey to restrict international family planning.

We should not, we cannot return to the days when the so-called Mexico City policy dictated the flow of America's family planning dollars. That policy had a chilling effect on family planning in developing countries.

There is no evidence that Mexico City restrictions reduced abortions in developing countries. On the contrary, there is strong evidence that gag rule increased abortions and decreased the quality of life for many women.

The Mexico City policy denied many women access to family planning. Without these services, women lack the help they need to protect themselves from disease and to regulate childbearing.

The Mexico City policy restricted women from learning how to reduce unintended pregnancies. And, in the developing world, 40 percent of unintended pregnancies end in abortion.

Clearly, the Mexico City policy is at odds with itself. We would be wrong to restore it.

Nor should we ban aid to the U.N. population fund.

The U.N. population fund does not support abortion as a family planning method. It does not fund abortions. And it does not condone coerced abortions in any country.

But, the U.N. population fund does provide women in 140 countries with family planning services.

These services help women choose the number and spacing of their children. In doing so, the U.N. fund has saved women's and children's lives, and reduced population growth.

Population growth affects all of us through its impact on the economy, environment and national security.

Population pressures on ecologically fragile areas lead to increased environmental degradation. Unchecked population growth where job opportunity is lacking threatens the political stability of the entire planet.

The Smith amendment would undermine years of progress in battling unchecked population growth and the problems it causes.

I urge my colleagues to oppose the Smith amendment. Oppose a return to the past. And vote in favor of the future.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Campbell-Greenwood-Lowey substitute to the Smith amendment. This is a commonsense measure which restates current law and will protect the lives of women and children around the world.

This vote is not about supporting abortion. Under current law, not $1 of U.S. family planning funds can be used to perform—or even counsel women to obtain—abortions anywhere in the world. The substitute would retain that prohibition. I urge my colleagues to vote "yes" on the substitute. Vote to prevent abortion. Vote to improve the health of women and children. Vote to save lives.

U.S. family planning aid saves the lives of women. Around the world, 600,000 women die in childbirth every year. Access to family planning in the developing world would reduce unintended pregnancies by one-fifth, and could save the lives of as many as 120,000 of those women.

U.S. family planning aid saves the lives of children. Family planning allows women—and men—to choose how many children they want and when to have them. Spacing children further apart and breast feeding them can improve a child's chance of survival by up to 20 percent in most developing countries. Evidence from across the developing world shows that increased contraceptive use reduces abortion, raises families out of poverty, and increases the life expectancy of all of the children in the family. The Smith amendment, which would halt U.S. family planning aid, condemns hundreds of thousands of women to poor health and possibly death.

If we fail to pass this substitute today, family planning and health clinics across the developing world will close. For many women, these health clinics are the only source of preventative health care that can detect diseases such as cervical cancer in the early stages and save lives.

By voting "yes" to this substitute, you vote to save the lives of women. You vote to reduce unwanted pregnancies. You vote to reduce abortions across the world. You vote to improve children's health and life expectancy. Support women's health. Support children's health. Vote "yes" on the Campbell-Greenwood-Lowey substitute, and vote "no" on the Smith amendment.

Mrs. MALONEY of New York. Mr. Chairman, I rise today to speak out against the Smith amendment which seeks to reinstate the so-called Mexico City restrictions on international family planning and to cut funding for the U.N. Fund for Population Activities [UNFPA]. This is really nothing more than a global gag rule.

First of all, no U.S. foreign aid funds are used to either promote, or perform abortions. So this amendment is really unnecessary and antifamily planning. The amendment also seeks to ban aid to UNFPA based on its past involvement in China. But UNFPA is in no way linked to reported family planning abuses in China.

UNFPA does not support abortion and has never funded an abortion. The UNFPA does work in 140 countries where people are desperately seeking assistance in preventing unintended pregnancies. Holding these funds hostage hurts women, children, and families around the world.

UNFPA programs have achieved better nutrition, better health, longer life expectancy and a reduced toll of infectious disease for people all around the world. Their programs have increased the use of family planning from about 15 to 60 percent of couples. And they ensure that young women, whether in Bangladesh or Botswana, have access to reproductive and other basic health care services.

A basic principle that has governed UNFPA's work for many years is that abortion should never be promoted as a method of family planning. Families which lack access to adequate public health services deserve our understanding and our help. Vote "no" on the Smith amendment. Vote "yes" on Campbell-Greenwood.

Mr. WATTS of Oklahoma. Mr. Chairman, I rise in support of the Smith amendment and I congratulate the gentleman from New Jersey for offering this important amendment to reinstate what we refer to as "The Mexico City Policy."

The wording in that policy is direct, simple, and straightforward, and from 1985 to 1993 this "Mexico City" language protected the American taxpayers from having their tax dollars spent on abortion. For 8 years, this language assured that our great Nation would not, directly or indirectly, support or promote abortion throughout the world. With all the world's great crying needs, we should not spend our scarce foreign aid dollars to subsidize and promote abortion.

The world looks to America for moral leadership. The world looks to America for justice for the weak and the disenfranchised. We should respond to this call for leadership not by promoting abortion for the children of the poorest peoples of the world, but rather by helping them develop the economic and political infrastructure that encourages development, peace, and progress.

I urge my colleagues to support the Smith amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL] to the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 158, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] will be postponed.

AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

At the end of the bill add the following section:

SEC. . SENSE OF CONGRESS RELATING TO THE ABDUCTION AND DETAINMENT OF DONALD HUTCHINGS OF THE STATE OF WASHINGTON.

(a) FINDINGS.—The Congress makes the following findings:

(1) Al-Faran, a militant organization that seeks to merge Kashmir with Pakistan, has waged a war against the Government of India.

(2) During the week of July 2, 1995, Al-Faran abducted Donald Hutchings of the State of Washington, another American John Childs, and 4 Western Europeans in the State of Jammu and Kashmir. John Childs has since escaped.

(3) Al-Faran has executed one hostage and threatened to kill Donald Hutchings and the remaining Western European hostages unless the Government of India agrees to release suspected guerrillas from its jails.

(4) Several militants have been captured by the Indian Government and have given conflicting and unconfirmed reports about the hostages.

(5) Donald Hutchings and the 3 remaining Western European hostages have been held against their will by Al-Faran for nearly 2 years.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the militant organization Al-Faran should release, immediately, Donald Hutchings and 3 Western Europeans from captivity;

(2) Al-Faran and their supporters should cease and desist from all acts of hostage-taking and other violent acts within the State of Jammu and Kashmir.

(3) the State Department Rewards Program should be used to the greatest extent possible to solicit new information pertaining to hostages; and

(4) the governments of the United States, the United Kingdom, Germany, Norway, India, and Pakistan should share and investigate all information relating to these hostages as quickly as possible.

Mr. NETHERCUTT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NETHERCUTT. Mr. Chairman, I am introducing this amendment today for myself and for the distinguished gentleman from New Jersey, Mr. PALLONE, who has worked with me, with the two Senators from the State of Washington, Senator GORTON and

Senator MURRAY, as well as the gentleman from Pennsylvania, Mr. MCHALE, the distinguished gentleman from New Mexico, the former Congressman, Bill Richardson, who is now Ambassador Richardson, the distinguished gentleman from Indiana, Mr. HAMILTON, and certainly the gentleman from Georgia, Mr. GINGRICH, the distinguished Speaker of the House, over the last 2 years to raise the awareness about a constituent of mine, Donald Hutchings from Spokane, WA, who was taken hostage nearly 2 years ago on foreign soil.

On July 2, 1995, Donald Hutchings was on a mountain climbing expedition in Kashmir with his wife and other climbers when they were abducted by a shadowy group of militants known as Al-Faran. Don's wife, Jane Schelly, was released immediately, and another American, John Childs, escaped his captors.

This group has repeatedly threatened Donald Hutchings, to kill him, and the other three remaining Western European hostages, unless the Government of India agreed to release suspected guerilla fighters from its jails. One hostage was found brutally murdered in August 1995, but the location of the other hostages is unknown. A number of militants have been captured by the Government of India, but they have given conflicting and unconfirmed reports about the hostages.

This amendment, Mr. Chairman, expresses the sense of Congress that Al-Faran should immediately release all the hostages from captivity and cease all violent acts in India. It urges the use of the State Department Rewards Program, which this bill, H.R. 1757, improves by raising the cap on available funds in order that those funds can be used to solicit new information pertaining to the hostages.

The Nethercutt-Pallone amendment also urges that the Government of the United States, the United Kingdom, Germany, Norway, India, and Pakistan continue to work together to share all investigative information relating to these hostages.

Mr. Chairman, this amendment also sends a strong message to Al-Faran that the United States believes such terrorism is reprehensible, we condemn it; and, at the same time, it encourages the flow of new information which will allow Don's courageous wife, Jane Schelly, to know where her husband is being held.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I want to tell the gentleman from Washington that it is an excellent amendment, the committee agrees to accept the amendment, and I think the minority has also expressed a willingness to accept the amendment.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time, I am delighted the chairman would do that. I would just conclude by saying that Jane Schelly has been halfway around the world in order to raise the level of the interest of this amendment and in the finding of her husband.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I want to thank the gentleman from Washington as well as the chairman of the committee. I totally support this amendment.

I am not going to repeat the background of what occurred there and the brutal killing of the second hostage that was mentioned by the gentleman, but I do feel that we need to send a message to the Al-Faran and I believe that this will accomplish that.

I just wanted to say that while I was in India, I talked to former Prime Minister Devde on the hostage situation, and he informed me he could not confirm nor deny the status of Donald Hutchings, but he did assure me he would continue to investigate the situation and the Indian Government would do all it can to find and release the hostages.

Before my trip to India this year, I had the opportunity to meet with Donald Hutchings' wife, Jane Schelly. Obviously, she was upset and would like the safe return of her husband, and although the safe return of her husband does not look promising, she continues to hope. In her heart she believes her husband is alive and will return back to home in the United States.

Mr. Chairman, we cannot lose hope. We need to support this amendment and we must urge the State Department to work with India, Pakistan, the United Kingdom, Germany, and Norway in securing the release of these hostages. I think the gentleman's amendment will help in that regard and thank him for sponsoring it.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time, I thank the gentleman from New Jersey, and I would hope we can have a recorded vote on this to make certain the whole Congress weighs in very heavily on the importance of this issue.

Mr. Chairman, I ask for the adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. NETHERCUTT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NETHERCUTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from Washington [Mr. NETHERCUTT] will be postponed.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to advise the House that late last night, when the Committee of the Whole was meeting, there were three Members, I believe, three Members at most, in the Chamber. One of our colleagues introduced an amendment to the legislation that is being debated at this point which is replete more than with irony, with cynicism.

It was an amendment introduced by a gentleman from New York that says more or less the following: If the terrorist state, the Cuban terrorist state, complains about any United States citizen, makes a complaint, then the State Department, paid for by United States taxpayer funds, will have an obligation to report to Congress on the complaints of the Cuban terrorist state.

I have rarely seen examples of such advocacy directly, directly in favor of a state on the terrorist list of the State Department. That is the amendment that was introduced last night by one of our colleagues.

So I want to advise the House that I will demand a separate vote in the House at the time that the Committee of the Whole rises on this unfortunate amendment.

I think that it is important for our colleagues to know, for this House to know what was introduced into this legislation last night. It was truly unfortunate, and it was truly something that I think should be and, hopefully, will be stricken at the time that the Committee of the Whole rises and we have a separate vote in the House.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we will soon be voting on final passage and I alert my colleagues that, as my colleague from Florida has stated, we will be calling for a recorded vote on the amendment introduced by the gentleman from New York [Mr. SERRANO] last night. For various reasons, the Committee felt it was best to allow a voice vote and wait until final passage to raise the question of recorded votes.

This amendment does not even belong within the scope of a debate concerning U.S. foreign policy and the protection of U.S. national security interests. The amendment places a greater emphasis on the false and distorted allegations of a terrorist regime, a pariah state, than on safeguarding persons of the United States. It places the activities of the U.S. Government in jeopardy and potentially endangers the lives of some U.S. Government personnel who risk their lives every day in Castro's Cuba in an attempt to assist human rights dissidents and the pro democracy movement inside the island.

The Serrano amendment would essentially turn our U.S. State Department into an instrument of Castro's propaganda machine. It will waste thousands of U.S. taxpayers' dollars, forcing the U.S. Government to act based on the rumblings and idiotic attacks of officials from a regime which is desperately trying to cling to the reins of power.

Time and time again Castro officials have accused falsely the United States Government and falsely accused United States nationals of the most ridiculous actions, such as the United States launching of biological warfare against the Cuban people. That was an actual Castro accusation. They have also said that we have launched insect warfare to destroy Cuba's agricultural sector.

This is what Fidel Castro has actually accused the U.S. Government of doing. This is absolutely ridiculous, and the Serrano amendment, introduced last night, would want us to pay attention to and would tell the State Department to monitor such attacks. So if Castro says the United States is waging a chemical war against the Cuban people, which is exactly what Castro has said, we, the taxpayers of this country, would have to foot the bill to make sure that will we monitor these criticisms.

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I think it is the wrong action for the U.S. Congress to take and that is why we will be calling for a vote on this Serrano amendment at the proper time.

So to force the State Department, our own Government, to turn against our own people, U.S. citizens, falls dangerously close to doing the same things that Castro's apparatus intimidation does on a daily basis. For anyone to suggest that this body should violate the privacy of the American people for the purposes of granting credence to the rantings of oppressors and terrorists is ludicrous. It is shameful, it is ridiculous. It is so far beyond the stretch of the imagination that it does not even merit further discussion in any serious debate of U.S. foreign policy objectives and national security interests.

In fact, if this amendment were to pass on a recorded vote, that would mean that our own State Department would have to then report on the activities of this very body. Why do I say that? Just last week, on Friday, the president of Cuba's national assembly, a nondemocratically elected group, denounced this very bill as, quote, anti-Cuban actions and rendered an official complaint, which is the only criteria required by the Serrano amendment. So according to this amendment introduced last night, our very own State Department would have to investigate us and put us on the State Department list.

I know, Mr. Chairman, that my colleagues will vote against the Serrano amendment and I reiterate our call for a recorded vote against it. I wish that the Member of Congress who proposed this amendment would instead be trying to pass legislation calling for free elections in Cuba. I wish that our colleague on the other side of the aisle would instead be denouncing the human rights violations that occur daily in Cuba. But instead he is doing Castro's work for him in this body. I think that he should rethink that decision and I know that this body will rethink our vote on that amendment, and that is why we will be proud to call for a recorded vote at the proper time.

I ask Mr. SERRANO, shouldn't U.S. taxpayer money be put to better use? Wouldn't U.S. foreign policy objectives be better served by requesting reports on human rights abuses; on Castro's narcotics trafficking; on Castro's support for terrorism worldwide?

I know this would be a better use of funds, time, and effort for the U.S. Government and specifically the State Department.

AMENDMENT OFFERED BY MS. BROWN OF FLORIDA

Ms. BROWN of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. BROWN of Florida:

At the end of title XVII insert the following new section;

SEC. 1717. SENSE OF CONGRESS CONCERNING THE RIGHTS OF PRISONERS IN ANDEAN COUNTRIES.

. (a) FINDINGS.—The Congress makes the following findings:

(1) Several American prisoners have spent years in Ecuadorian prisons on drug-related offenses without having received a trial.

(2) The prisoners include James Williams, a United States citizen who has been held for 9 months without any findings, and Sandra Chase, who has been held for more than 18 months and has never seen a judge.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Governments of the Andean countries of Peru, Ecuador, Bolivia, Columbia, and Venezuela, should respect the rights of prisoners, including United States citizens, to timely legal procedures and abide by international standards of due process.

Ms. BROWN of Florida. Mr. Chairman, my amendment addresses one of the most basic issues that ties together every country in this globe. This issue is respect for human rights—including the rights of people accused of crimes. My amendment expresses the sense of Congress that the Governments of the Andean countries, including Peru, Ecuador, Bolivia, Columbia, and Venezuela, should respect the rights of prisoners, including United States Citizens, for timely legal procedures and international standards of due process. This is a simple amendment—one that would be difficult to vote against because it simply asks for due process, nothing more.

On my recent trip to Ecuador, I witnessed extreme human rights violations in this nation's prisons, and in their justice system. I traveled to Ecuador to visit American prisoner James (Jim) Williams in the Guayaquil Penitentiary. Jim Williams is a businessman from Jacksonville, FL, and he has been held in this prison for the past 9 months. On my trip one factor became very apparent. Like several other South American countries, Ecuador's judicial system—including the courts and prisons—is in shambles. It is a country where poverty is the norm and typewriters are a luxury. Thousands of people linger in prisons for years without a trial.

Officials related to me that because of U.S. pressure for drug suspects to be apprehended, there is a focus by an overwhelmed local police force to bring in anyone suspected of drug use, drug trafficking, or money laundering. Local police lock up persons who associate with even suspected drug dealers. Hence, prisons are overcrowded with suspected drug users, drug dealers, or money launderers. But because of the rampant, corruption and bribery, the most dangerous narcotics offenders—the traffickers—are able to buy their freedom.

Because of the rampant corruption and bribery, most people sit in jail for years without every going to trial. And some of the most dangerous drug dealers buy their way out of the system.

Within this corrupt system are Jim Williams, Sandra Chase, and 40 other Americans. They are in jails where most people have no toilets. There are only six public defenders for 10 million people. Most prisoners become hopelessly lost in a broken judicial system. Children grow up in prisons with imprisoned mothers.

The prison I visited in Guayaquil has 2,500 prisoners; only 400 have ever received a trial. Because of the extensive bribery, simply getting a trial can cost the prisoner up to $30,000. Wealthy people simply buy their way out. But Jim Williams has insisted on proving his innocence. Unfortunately, those who plead innocent spend more time in the system battling the charges than if they had first plead guilty to the crime and served their time.

The good news is that we can make a difference. When I was in Ecuador, I met one prisoner who had been in jail for 4 years on charges that he had a single marijuana cigarette. He was 16 when he entered this prison. Last week, he and 11 other prisoners who spent years in jail without a trial, were released.

I believe this is a direct result of the publicity we brought to these prisoners, and I am even more committed that we can work with our neighbors in Latin America to ensure that all people have access to due process.

I ask my colleagues to support this amendment, and send a message to our neighbors that the U.S. Congress will not stand by while prisoners lie suffering, waiting indefinitely for justice.

Ecuador's judicial system is in shambles. There are few typewriters, cases lie in paper heaps on office floors where there is no air conditioning and the humidity is usually at very high levels.

Poverty in Ecuador is the norm.

U.S. officials in Ecuador have an overriding role to combat drug trafficking.

Local police lock up persons who associate with even suspected drug dealers.

Because of bribery, wealthy drug offenders go free.

Forty Americans are imprisoned within this system.

Ecuador has 6 public defenders for 10 million people.

One prisoner was in jail for 4 years without a trial for having one marijuana cigarette.

The jails have no phones and no toilets.

Children grow up in prison with imprisoned mothers.

Each lingering case represents a person out of work and a family that suffers.

I visited a prison with 2,500 prisoners—only 400 had ever received a trial. A trial can cost $30,000.

COMITE DE INTERNOS,
DEL C.R.S.V.-G.,
Guayaquil, 31 de Mayo de 1.997.

MS. CORRINE BROWN,
Congresswoman of the U.S.A.,
Washington.

MY DEAR LADY: Thanks to your visit to this Penitenciary some changes have occurred and we, the inmates, wish to thank you for your kind intervention and interest in our plight

First of all, we wish to inform you that the inmate Jose Ayala Gomez, after 4 years and 6 months of prison, for possessing one marijuana cigarette, was finally released. He went to the press and T.V. to publicly thank you for your help.

On the other hand, we have seen that judges have started to take depositions from the inmates and some progress seems to be underway. This all has happened after your visit to this center.

Two thousand prisoners that have been relegated and remain without sentence for years are still waiting for justice.

We wish to ask you to keep your kind interest in our suffering so that the international organization of Human Rights pressures the Ecuadorian authorities to comply with the law and cease the abuse of the civil and human rights of Ecuadorian citizens.

We are pleased to remain yours very truly.

FRANCISCO BAQUERIZO VILLAO,
President.
ROBERT VERA,
Secretario.

Guayaquil, 31 de Mayo de 1.997.

MS. CORRINE BROWN,
Congresswoman U.S.A., Washington.

DEAR LADY: I wish to send you by this letter, my deep feeling of gratitude for my release from prison.

After four years and six months I have managed to get out of hell, thanks to your kind help. I will always remember the beautiful lady that came here as an aparition from heaven.

Now I must seek my wife and three children that I have lost. I will also try to recover my health. Hundreds of companions that are left behind wait also for justice.

I pray so hard that you are well and that your efforts be successful.

FRANKLIN AYALA GOMEZ.

Mr. GILMAN. Mr. Chairman, would the gentlewoman from Florida yield?

Ms. BROWN of Florida. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I am pleased to support our colleague from Florida, Ms. BROWN, in offering this amendment. I have been monitoring closely the case of James Wilson who is being held in prison in Ecuador. Without prejudging the merits of any particular case, I am proud to join the gentlewoman in expressing the sense of Congress that all such persons should be afforded timely legal procedures. And by passing this amendment, we would be making a strong unequivocal statement in favor of justice and due process. I commend the gentlewoman for her amendment and I would like to note to the gentlewoman that the majority accepts the amendment.

Ms. BROWN of Florida. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Florida [Ms. BROWN].

The amendment was agreed to.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was in my office listening to the comments by the two Members from Florida on an amendment that was passed last night concerning the ever-present and sad Cuban issue. Let me first set the record straight.

I presented the amendment because I felt it was right. I printed it under the rules of the House. I presented it under the procedures set up by the Republican majority, the amendment was voted on by voice vote and it was passed. If they desire now to quiet me and quiet the issue by bringing up the vote, that is fine; they have a right to do that. But I think we have to understand what is going on here. This bill includes provisions that ask the administration and other agencies to report to the Congress every 3 months on how the administration is enforcing the Cuban embargo. I am an opponent of the Cuban embargo. I feel it is improper and I feel it is foolish and it has not gained any success for our country.

Therefore, in a desire to strike some balance, I have said on many occasions that there are complaints that come from the Cuban Government that deal with the behavior of some American citizens and American residents, complaints such as, on more than 10 occasions before the tragic downing of 2 airplanes flown by Florida residents, on more than 10 occasions prior to that time, the Cuban Government had officially complained to our Government that these planes and planes from the same organization were violating Cuban air space.

On that July, prior to that tragic incident, the Cuban Government had complained officially to the United States and to the rest of the world, if anybody wanted to listen, that planes from that organization had flown over Havanna, dropped leaflets, dropped paint, and incited or attempted to insight a riot. Now please understand what I am talking about. If Cuban airplanes flew over the capital, each one of us would expect our Government to shoot them down immediately. And I would be the first one to say that that would be the proper action to take, but because it is Cuba and it is the desire of this country and of some people to continue to press them until they come begging forgiveness for their different form of government, nothing gets done.

So all my amendment does, the amendment that was passed properly last night, is to say every 3 months tell us what official complaints have been brought forth by the Cuban Government, complaints that deal with violation of air space, complaints that deal with American citizens or residents who enter Cuban territory, complaints that deal, official complaints with ships getting beyond international waters into Cuban territory, and recently complaints that deal with American residents or citizens that have been accused by the Cuban Government of being involved in what we would call terrorist actions.

What is it that some people want to hide that they do not want simply the truth to come out? I am not suggesting in my amendment that we do anything about those actions. Interestingly enough, I am not suggesting in my amendment that we arrest anyone, I am not suggesting in my amendment that we stop anyone from doing these things. All I am suggesting is that we know as Members of Congress so that we can balance the Cuban issue and the Cuban approach.

Now, there are people who stand on this floor and accuse my amendment of being the worst amendment they ever saw and accuse my actions of being the worst actions any Member can take, but let me say something. I strongly believe that we are wrong in our policy toward Cuba and I will not rest until my country, this country, realizes that the best way to deal with this issue is the way we dealt with the Soviet Union, the way we are dealing with China, the way we are dealing with Vietnam, the way we are dealing with Korea.

If there are Members that do not like that, I apologize for bringing grief upon their lives. But I will not move back, nor any approach on their part will make me move back from this that I believe so strongly. What is right is to let the amendment go through. What are we afraid of? To learn the truth?

The vote will be taken today. I would hope that all Members on both sides take into consideration the fact that an amendment properly presented before this House was approved. If they want to kill it, there are other ways to do that, in conference, in the Senate, but they should let this amendment go through because I presented it properly and it was approved properly.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to yield to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I wanted to engage our colleague from New York, Mr. SERRANO in a series of questions about some of the statements that he has made. For example, he said that the amendment that we passed yesterday had to deal with how the United States is monitoring Cuban embargo. That is not the case.

The amendment that we will pass deals with how the State Department is or is not administering the laws that the U.S. Congress has passed with almost 400 votes in favor in a strong bipartisan way. We would like the State Department to administer the law. The U.S. Congress approved it. We would like the State Department to approve it, to implement it.

Furthermore, the gentleman from New York [Mr. SERRANO] is saying that Castro was so upset about the U.S. planes flying so close to his territory. Too bad that the facts of the case are that every international body, including the United Nations, that has looked at this incident has said that it was an unarmed, humanitarian flight that took place in international waters and Castro killed American citizens, shot them from the sky.

But my colleague is not concerned with that. He is concerned with Castro's accusations. He is not concerned about our constituents that died, and he is not concerned about the thousands of Cubans that die every year trying to get to liberty. He wants to do Castro's work in the U.S. Congress.

Mr. GILMAN. Mr. Chairman, it is my intention, in coordination with our committee's ranking minority member, Mr. HAMILTON, to move at a subsequent time to seek an agreement to limit consideration of any further amendments to this bill, the bill that is now before us.

Mr. Chairman, I am pleased to yield to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I was just trying to understand what the gentleman from New York [Mr. GILMAN] was saying. Would he repeat, please. I apologize, I was distracted.

Mr. GILMAN. Mr. Chairman, I intend to move at a subsequent time to seek an agreement to limit consideration of any further amendments to this bill.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from Indiana.

Mr. HAMILTON. I commend the chairman for his statement. I think it is important that we give Members notice that we are going to cut off amendments to this bill. I think the chairman is taking the right approach on it, and I will work with him on it.

REQUEST FOR MODIFICATION TO AMENDMENT OFFERED BY MR. SCARBOROUGH TO TITLE XVII, FOREIGN POLICY PROVISIONS

Mr. SCARBOROUGH. Mr. Chairman, I ask unanimous consent to make a technical amendment on my amendment regarding Sudan to add the sentence: "This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities."

Mr. GILMAN. Mr. Chairman, we accept the amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. SCARBOROUGH:

At the end of the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH] insert: "This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities."

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

□ 1230

Mr. HAMILTON. Reserving the right to object, Mr. Chairman, I understand the amendment has been adopted. The gentleman is seeking a unanimous-consent change in the text of the amendment. I just had it handed to me. I do not want to object to the gentleman's request, but I would request that we be given a little time to examine it. It is new to me. I would like to check it out. May I request that the gentleman withdraw his unanimous consent and let me have a couple of hours here to check it and renew it at a later point?

Mr. SCARBOROUGH. If the gentleman will yield, I thank the gentleman for asking. This vote is going to be coming up early this afternoon, after 1:30. The objection last night was that this would somehow affect NGO's. We actually have talked to NGO's that are going into Sudan. They have said this would not have any impact on them whatsoever. But we wanted to just bend over backwards to make sure that everybody knew that humanitarian assistance was cleared.

Let me just say that after this passes, we will certainly be glad as we go to conference to do whatever it takes to make sure that the minority has no concerns regarding it.

Mr. HAMILTON. Mr. Chairman, further reserving the right to object, I do not have any doubt about the gentleman's intent here, but since I have only had a very few minutes to look at it, I still feel like I need some additional time to review it, so I would be constrained to object to the unanimous consent at this point. However, I would anticipate we could work this out.

Mr. SCARBOROUGH. If the gentleman will yield further, would the gentleman agree to possibly, if I come back to amend it before the vote, when we come back in later today, would that be all right with the gentleman?

Mr. HAMILTON. Yes. I understand there is a vote pending on the gentleman's amendment. I do not want to delay that. Let us proceed quickly here to find out about it. Then the gentleman can renew his unanimous-consent request.

Mr. SCARBOROUGH. I thank the gentleman.

Mr. Chairman, I withdraw my unanimous-consent request.

Mr. HAMILTON. I will be back in touch with the gentleman.

Mr. GILMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SNOWBARGER) having assumed the chair, Mr. NEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–120) on the resolution (H. Res. 162) waiving points of order against the conference report to accompany the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 160 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 160

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 160 is the customary rule for considering a conference report on a budget resolution.

The rule waives all points of order against the conference report to accompany House Concurrent Resolution 84, the budget resolution for fiscal years 1998 through 2002, and against its consideration.

The rule provides for 1 hour of debate on the conference report, divided equally between the chairman and ranking member of the Committee on the Budget. This 1 hour is instead of the 5 hours called for under section 305(a) of the Budget Act. However, a review of the budget conference report rules over the last decade or so reveals that most of them provided for only 1 hour of debate, so this is customary, what we are doing here today.

Finally, the rule does not address the issue of a motion to recommit, since section 305(a)(6) of the Budget Act states that a motion to recommit the conference report is not in order under the rules of the House. Therefore, Mr. Speaker, this is a customary rule for the consideration of a budget resolution conference report.

Turning to the conference report itself, it is extremely important to recognize that this is a dramatic and a very positive shift in the direction of this country. This improvement is in large part due to the steadfast leadership and the committed drive of the gentleman from Ohio [Mr. KASICH] and the bipartisan members of the Committee on the Budget. They and the other Members who worked with them deserve our commendation.

Our former colleague and leader, Bob Michel, used to say on this floor that "in political decision-making, we must never let the perfect become the enemy of the good." This sage advice I think applies here today.

Mr. Speaker, this balanced budget agreement is not perfect and it does not reflect the complete priorities of any one Member of this House. In fact, I think that I can say with certainty that every Member of the House would probably have written this differently if he or she were the only one making that decision.

I know that if I were writing this budget, I would have had deeper spending cuts, much deeper. I would have had more tax cuts, more entitlement reform to get these entitlements under control, and certainly more spending for defense, which is really why this Congress exists, is to provide for a common defense for the 50 States against those that would take away our freedoms.

However, it is important to recognize once again that the nature of a democracy rests on the art of compromise, a compromise not in principle but in approach and in process. This principled compromise is epitomized in the leadership of the Committee on the Budget in crafting a bipartisan agreement that reflects the principles of balanced budgets, lower taxes, lower spending, and a smaller Federal Government. That is what this budget is all about.

Second, on balance it is a good budget. It is built upon permanent spending savings and permanent tax cuts. These are specific changes that are being written into the law by the adoption of this budget, something radically different than the procedural spending caps and deficit targets included in previous budget agreements such as Gramm-Rudman-Hollings, and my colleagues all know that that did not work at all.

This one is going to work. These principles deliver real benefits for the American people. Listen to these facts.

First, this agreement balances the budget for the first time in 30 years, and for the second time in 40 years. Government spending will be less than 20 percent of the gross domestic product for the first time since 1974. Think about that. American taxpayers will save $600 billion over the next 5 years in entitlement spending reform, the fastest growing portion of the budget. Finally, this Congress has got the guts to stand up here and do something about it.

Most importantly of all, Mr. Speaker, nondefense discretionary spending will grow at one-half of 1 percent a year over the next 5 years, one-half of 1 percent per year over the next 5 years compared with 6 percent per year over the last 5 years. What a difference that is going to make.

Contrary to what some have asserted, this budget is also built on conservative economic assumptions that the economy will grow at 2.1 percent over the next 5 years, that unemployment will rise to 6 percent, and that the Consumer Price Index will continue to go up.

However, the economy has actually been growing stronger, reaching 5.6 percent in the last quarter alone. The unemployment rate has remained below 5 percent, I think it is 4.9 percent right now, and the CPI may actually be going down. This budget is built on sound economic assumptions as well as a strong and vibrant national economy.

Furthermore, the chairman of the Federal Reserve, Alan Greenspan, has stated, and again this is very important, that balancing the budget will further improve the performance of the economy.

Why is that so? One-third of all the interest that the American people pay on their home mortgages, one-third of it, let us say that their total mortgage interest rate per year is $6,000, $2,000 of that is caused by the Federal deficits. If we get these deficits under control, we are putting $2,000 back into the pockets of families with mortgages. That is nontaxable money. That is money they have already paid taxes on, so that they can go out and spend it or save it, and either way it certainly stimulates the economy.

While this conference report is good, the reconciliation and appropriation bills that follow it are perhaps the most important bills that we will pass in this Congress this year, important in the sense that they will also directly benefit every single American family.

I think we owe it to those families to pass this budget and then once that is done, Mr. Speaker, to summon the courage to vote "yes" on these enabling authorization and appropriation measures that will cut spending, that will cut taxes, and end the deficits that are bankrupting the future generations of Americans. I, for one, pledge here today, right now, that I will vote for every one of those spending cuts that are going to bring some fiscal sanity back to this Federal Government.

This budget is a victory for America's children, and I believe something this Congress and even this President should be proud to support.

Mr. Speaker, Thomas Jefferson in a letter to a friend back in 1816 gave the following charge: "To preserve people's independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude."

I urge my colleagues to follow Thomas Jefferson's instructions to preserve independence and to maximize liberty by supporting this rule and supporting this balanced budget here today.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on May 20 when the House considered the rule providing for the consideration of the budget resolution, I said that the vote on the resolution was but the beginning of what promises to be a difficult process. I also said that even if individual Members supported the framework of the agreement to balance the Federal budget, such a vote would not obligate any Member to support the separate pieces implementing that agreement that he or she might consider unfair or ill-conceived.

Mr. Speaker, even before this conference report has been adopted, we are seeing pieces of the implementing package which might indeed be considered unfair. Many Members supported the budget agreement because it promised to right a wrong that had been part of the welfare reform legislation enacted in the last Congress. I am referring, of course, to the removal of thousands of elderly disabled legal immigrants from the SSI program.

This House agreed during the consideration of the supplemental appropriation to provide funding to keep disabled elderly legal immigrants on the rolls until the Congress had an opportunity to revisit the issue and correct what is an unjustifiable inequity. Yet, Mr. Speaker, the Republican majority is now offering the House what can only be called a bait-and-switch deal.

This budget agreement came about as a result of long and difficult negotiations between the administration and the Republican leadership. Democrats in the House were subsequently assured that the agreement ensured that disabled elderly legal immigrants would be protected as part of those negotiations. Mr. Speaker, how is it, then, that the Republican majority is now proposing to fulfill perhaps only a part of that agreement?

□ 1245

The Committee on Ways and Means now has pending before it a proposal which will fulfill at least that part of the agreement that might save the Republican majority a major public and political embarrassment. To avoid what would surely create a public furor the Republicans have agreed that they will not kick those elderly disabled illegal immigrants who currently receive SSI off the roles. Thus the Republicans will ensure that they will not be blamed for kicking sick old people out of their nursing home beds and onto the streets.

But, Mr. Speaker, this is only half of the deal. What about the future? Mr. Speaker, I ask this question in the context that this is the same Republican majority who left Washington for a 10-day break without addressing the urgent necessity of providing money to the flood ravaged regions of the Dakotas and the Midwest. This is the same Republican majority that is now going to send a supplemental appropriation to the President knowing full well that he will veto it because of the extraneous political issues which are designed to save them future political embarrassment are attached to a bill that was supposed to help families begin to put their lives back to order. What next Mr. Speaker?

Mr. Speaker, I will not oppose this rule providing for the consideration of this conference report, but I caution my colleagues to examine closely every bill that comes to the floor which will implement this budget agreement. Some parts may indeed be fair and equitable and deserve the support of all Members, but others, Mr. Speaker, deserve to be exposed for what they are, Republican proposals which will fill only part of an agreement and are not part of the agreement at all.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleagues know, we have debated this at length, and we have with us speakers that could speak, but I would just as soon expedite this, and if the gentleman is willing to yield back his time, I would do so right after he does.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, the distinguished Member from Texas is always agreeable, and because of that I also yield back the balance of our time, and I move the previous question on the resolution..

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this measure will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1330

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LAHOOD] at 1:30 p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the resolution (H. Res. 160) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SERRANO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 47, not voting 14, as follows:

[Roll No. 165]

YEAS—373

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (WI)
Johnson, E. B.

Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
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Traficant
Upton
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Walsh
Wamp
Watkins
Watts (OK)
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Kennedy (RI)
Kilpatrick
Kucinich
Lampson
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Martinez
McCarthy (NY)
McDermott
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Nadler
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Pelosi
Rahall
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NOT VOTING—14

Andrews
Barton
Farr
Goode
Greenwood
Istook
Jefferson
Johnson (CT)
Lantos
Meek
Pickering
Schiff
Souder
Turner

□ 1351

Messrs. OLVER, RUSH, and WATT of North Carolina changed their vote from "yea" to "nay."

Mr. JACKSON of Illinois changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1525

Mr. PASCRELL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1525.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

Mr. KASICH. Mr. Speaker, pursuant to House Resolution 160, I call up the conference report on the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 160, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 4, 1997, at page H3358.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KASICH] and the gentleman from South Carolina [Mr. SPRATT] each will control 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I rise for the purpose of engaging the chairman in a colloquy.

This budget resolution contains an intercity passenger rail reserve fund, which originated in the other body, whereby if there is a reduction in direct spending or an increase in revenues additional funding could be provided for intercity passenger rail on a deficit neutral basis.

Is this the chairman's understanding of the intercity passenger rail reserve fund?

Mr. KASICH. Yes, it is.

Mr. SHUSTER. The chairman is probably also aware the reserve fund in the budget resolution links additional funding for intercity passenger rail service to the enactment of authorizing legislation for Amtrak. The enactment of reforms for Amtrak is absolutely critical to the future of intercity rail in this country. Amtrak, as it is currently structured, cannot survive into the future.

My committee produced reform legislation in the last Congress that passed this House by a vote of 406 to 4. This legislation relieved Amtrak of burdensome statutory mandates, imposed caps on liability exposure, and restructured the Amtrak board of directors to make Amtrak more streamlined and able to make customer-based business decisions. Unfortunately, the other body never considered the legislation, so 2 years later Amtrak is still subject to onerous statutory requirements that prevent it from providing quality service at a reasonable cost.

In my view, it would be a grave disservice to the American taxpayers to provide additional funding for Amtrak if no legislation is enacted. That is why I want to be sure that if additional funding is provided to Amtrak through the reserve fund it will happen only if the reform legislation has been enacted.

Mr. KASICH. I agree entirely. Additional funding for Amtrak through the intercity passenger rail reserve fund established in the resolution should only be permitted if reform legislation is enacted. In my role as chairman of the House Committee on the Budget I will categorically refuse to release funds from the reserve fund for Amtrak if authorizing legislation reforming Amtrak has not been enacted into law or if the additional funds are not made contingent upon the enactment of such reforms.

Mr. SHUSTER. Mr. Speaker, I thank the distinguished chairman for his support.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I rise to enter into a colloquy with the chairman of the Committee on the Budget.

As I read the budget resolution and the conference report, together with some additional documents that the Committee on the Budget and the administration have issued, there are three separate items concerning Superfund. The bipartisan budget agreement establishes a reserve fund to provide $200 million per year in mandatory spending for so-called orphan share spending for the Superfund program; is that correct?

Mr. KASICH. Mr. Speaker, the gentleman is correct.

Mr. OXLEY. Mr. Speaker, if the gentleman will continue to yield, it is my further understanding that in order to obtain the additional funding from the reserve fund, the budget resolution requires Congress to pass legislation providing for that additional mandatory spending; is that correct?

Mr. KASICH. The gentleman is correct.

Mr. OXLEY. Did the budget negotiators specifically contemplate that such legislation would be a comprehensive Superfund reform bill?

Mr. KASICH. Yes, section 204 of the conference report specifically states the additional funds will be available only after the authorizing committees report a Superfund reform bill.

Mr. OXLEY. I thank the gentleman. And did the negotiators also specifically contemplate a comprehensive Superfund reform bill when they wrote, in the addendum to the budget agreement, that "Superfund appropriations will be at the President's level if policies can be worked out?"

Mr. KASICH. The Superfund appropriations will be at the President's level if policies can be worked out.

Mr. OXLEY. We in the Committee on Commerce interpret that as the need for a comprehensive reform bill.

Finally, the addendum states that the Superfund tax shall not be used as a revenue offset. Does that reflect an agreement among the negotiators that the Superfund taxes will not be used to pay for tax relief?

□ 1400

Mr. KASICH. The gentleman is correct. Superfund taxes cannot be used for tax relief, as specified in section 105 of the conference report.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this budget resolution in order to balance the budget in 5 years caps discretionary spending and issues reconciliation directives to a number of House and Senate committees. These directives simply set forth targets that each committee must meet, but behind these reconciliation directives are major policy and procedural agreements.

Mr. KASICH. Mr. Speaker, I would ask the gentleman, could we get unanimous consent to submit this entire colloquy?

Mr. SPRATT. I believe in order to be effective, it has to be read aloud.

Mr. KASICH. Mr. Speaker, I ask unanimous consent that this entire colloquy language be put in the RECORD.

The SPEAKER pro tempore. A colloquy is not permitted to be entered into the RECORD.

Mr. KASICH. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, the Committee on the Budget leadership, the congressional leadership, and the White House have negotiated in earnest over the past 4 months. Our negotiations culminated in a document called the Bipartisan Budget Agreement of 1997, which is incorporated by reference in the committee report. In issuing reconciliation directives, what the resolution seeks is compliance with this agreement, and compliance is critical if we are to implement in good faith the bipartisan budget agreement of 1997.

To that end, I would like to engage the chairman of the Committee on the Budget in a colloquy to confirm his understanding of this bipartisan budget agreement and this budget resolution.

First, does the chairman remain committed to House consideration of two separate reconciliation bills, first, the spending bill, second, the bill providing for $85 billion in net tax reduction from 1998 to 2002?

I raise this question because the House reconciliation directive allows either two bills or a single omnibus bill, and on May 19, 1997, Chairman KASICH sent me a letter to clarify that provision. In that letter the gentleman from Ohio [Mr. KASICH] stated:

> The procedural obstacles in the Senate may preclude the consideration of two separate reconciliation bills. For that reason, the committee reported budget resolution includes a contingency for the consideration of a single bill. I remain firmly committed to considering and presenting to the President two separate reconciliation bills, as envisioned in the Bipartisan Budget Agreement, and will work in good faith with all parties to achieve that end.

I understand that the other body has now resolved the major procedural problem by granting unanimous consent to waive the so-called Byrd rule, a provision that might otherwise have precluded consideration of a separate tax reconciliation bill.

Mr. Speaker, I include for the RECORD the letter just referred to.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 19, 1997.

Hon. JOHN SPRATT,
Ranking Minority Member, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. SPRATT: This letter is a follow-up to my comments at last Friday's mark up on the structure of the reconciliation process.

As you know, the budget resolution, as reported, establishes a structure for the consideration of two separate reconciliation bills in the House, the first for entitlement reform due on June 12 and the second for tax relief due on June 13.

The two-bill structure is consistent with the Bipartisan Budget Agreement which noted that "It is the intention of the Leaders that Congress shall present the revenue reconciliation bill to the President after the spending reduction reconciliation bill. This assumes a good faith effort by all parties to enable such a legislative process to succeed."

Unfortunately, procedural obstacles in the Senate may preclude the consideration of two separate reconciliation bills. For that reason, the committee-reported budget resolution includes a contingency for the consideration of a single omnibus bill.

I remain fully committed to considering and presenting to the President the two separate reconciliation bills, as envisioned in the Bipartisan Budget Agreement, and will work in good faith with all parties to achieve that end.

Sincerely,
JOHN R. KASICH,
Chairman, Committee on the Budget.

Mr. KASICH. Mr. Speaker, reclaiming my time, the bipartisan budget agreement clearly states it is the intention of the leaders that Congress shall present the revenue reconciliation bill to the President after the spending reduction reconciliation bill. This assumes a good-faith effort by all parties to enable such a legislative process to succeed. I remain committed to House consideration of two separate bills, one for spending, another for tax cuts, as I stated in a letter to the gentleman from South Carolina [Mr. SPRATT]; however, the budget resolution does provide for the possibility of a one-bill reconciliation process and we consider this an option only if the good-faith efforts to proceed with two bills proves to be unsuccessful.

Mr. SPRATT. Mr. Speaker, I would also like to ask about targets for spending and tax cuts. The budget agreement and budget resolution call for $85 billion in net tax cuts over the 5-year period 1998 to 2002 to be enacted in the second reconciliation bill.

The first reconciliation bill includes entirely spending items, with two small exceptions, the increase in Federal employee retirement contributions, as technically a revenue increase, and the administration's proposal to tighten compliance with the earned income credit is actually scored as generating a small revenue increase as well as reduction in outlays.

Some have suggested that section 310(c) of the Congressional Budget Act could allow the first bill to include tax cuts offset by spending reductions that are deeper than those specified in the reconciliation directive. If so, tax cuts in the first bill, with $85 billion of tax cuts in the second bill, could bring net tax reduction to more than the $85 billion agreed upon in the first 5 years.

However one interprets section 310(c), I would maintain that it would breach the terms of the budget agreement to include tax cuts in the first reconciliation bill or to include tax cuts exceeding $85 billion over 5 years in the second bill. This would also breach the revenue floor set by this resolution and trigger a point of order.

Does the chairman agree that the budget agreement calls for $85 billion in net tax cuts over 5 years and that any greater amount would violate the agreement?

Mr. KASICH. Mr. Speaker, the House majority fully intends to fulfill the bipartisan budget agreement by providing $85 billion in net tax relief for the next 5 years and 250 in net tax relief over 10 years.

I would like to point out one possible exception. The text of the bipartisan budget agreement when speaking of $16 billion over 5 years to increase health care coverage for uninsured children says that the money could be used for Medicaid, for a program of cap mandatory grants to States or for other possibilities mutually agreeable.

Equally important, the agreement states that resources will be used in the most cost effective manner possible to expand coverage and services for low-income and uninsured children. To me, other possibilities do not exclude tax incentives or other tax provisions that assist in expanding health insurance coverage for our Nation's children.

I would further point out that the gentleman from South Carolina is correct that the $85 billion in net tax relief over 5 years and the $250 billion in net tax relief over 10 years does not include the revenue impact of the earned income tax credit reforms or changes in the contribution rates paid by Federal employees into their retirement programs.

Mr. SPRATT. Mr. Speaker, with respect to expanding health insurance coverage for uninsured children, I would like to note the following: First, the budget agreement specifies the $16 billion provided as outlay increases and refers to it as funding. Neither term implies a tax cut.

Second, the budget resolution treats the entire $16 billion provided as an outlay increase. And third, the phrase "mutually agreeable" refers to the parties who negotiate the agreement, the White House, the congressional leadership, the Committee on the Budget leadership.

Does the chairman understand the phrase "mutually agreeable" to mean these parties?

Mr. KASICH. Mr. Speaker, to me mutually agreeable means that the leaders of the Congress and the President must agree on the construction of a children's health initiative.

Mr. SPRATT. Mr. Speaker, there is one final issue that bears repetition even though you and I have been very clear on the matter.

The budget agreement and the budget resolution both include funds for five Presidential initiatives, $16 billion for children's health care coverage, to which we were just referring, $9.7 billion over 5 years to restore SSI and Medicaid benefits to legal immigrants already in the country who are or may become disabled, $1.5 billion for food stamps, $1.5 billion to ease the impact of increasing Medicare premiums on low-income beneficiaries, and $3 billion for welfare to work.

In each case, amounts have been allocated to the committees of jurisdiction and netted into the reconciliation targets for each committee. Although these committees have been given directives and targets that would allow them to spend these amounts, the agreement specifically provides additional resources solely for the stated purposes. The agreement in no way contemplates that this spending can be diverted to another program within a committee's jurisdiction or that it can be withheld to meet spending reductions that that committee is called upon to make.

This is my view. Is it also the view of the gentleman from Ohio [Mr. KASICH]?

Mr. KASICH. Mr. Speaker, in each of the cases, the gentleman from South Carolina [Mr. SPRATT] listed the additional resources provided for these programs are the only agreed upon purposes.

Mr. SPRATT. Mr. Speaker, is it understood that we are evenly dividing the time between us?

Mr. KASICH. Mr. Speaker, I ask unanimous consent that the remaining time, the total time to discuss the conference report, be equally divided between the gentleman from South Carolina [Mr. SPRATT] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KASICH. So how much time do we have, Mr. Speaker?

The SPEAKER pro tempore. To clarify, the remaining time that the gentleman from Ohio [Mr. KASICH] has and the gentleman from South Carolina [Mr. SPRATT] has will be added together and split down the middle.

Mr. KASICH. Just like Solomon. How much time would that then give each side, Mr. Speaker?

The SPEAKER pro tempore. Each side has 24 minutes remaining.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are about to vote in this House on a conference report that would produce an agreed upon balanced budget, the first balanced budget we have seen since 1969. It will have historic levels of mandatory savings, approaching $700 billion over the next 10 years. It would extend the life of Medicare for 10 years, accompanied with structural changes of the program, including an adjustment of the reimbursement for managed care in Medicare that would allow rural Americans to have as much choice of the kind of health care they would like to receive as we get in urban areas.

Furthermore, it would change the payments to a prospective basis for home health care and skilled nursing facilities. It would also include in the premium the cost of the shift of home health care but, at the same time, allowing our poorest senior citizens to escape that burden.

But at the end of the day, the $700 billion in mandatory savings has never been accomplished before in the history of this House. At the same time, those areas of spending, called the nondefense discretionary, the programs that run the operation of the Federal Government, will grow over the next 5 years at one-half percent. They have grown by 6 percent over the last 10 years. So we have had a significant reduction in the increase of that program, with those programs only growing by one-half percent.

At the same time, Mr. Speaker, of course contained in here is a tax cut that would be $135 billion over 5 years that could be used to provide a capital gains tax cut to provide incentives for people who take risks, a lowering of the cost of the death tax, allowing people who spent a lifetime building small businesses to be able to pass on what they have earned and worked for for a lifetime to their children at a lower rate of taxation by the Government. It would also provide for family tax credits, something that we believe would help to provide incentives to keep the American family together, to help reinforce the purposes of the American family, which is to build a stronger society. In addition, there will be tax relief for moms and dads and students who have had to spend an enormous amount of money on the cost of education.

Mr. Speaker, this agreement is underlaid by very conservative economics. This presumes that the economy will grow over the period of the next 5 years by a very conservative estimate of 2.1 percent. That presumes at some point the economy will grow faster. It also presumes at some point the economy will grow slower.

To put that in perspective, the Reagan program of the 1980's had a projected growth in order to get this budget under control of about 4.4 percent. This is a far more conservative foundation, only arguing that this economy would grow by 2.1 percent.

Furthermore, Mr. Speaker, I believe this agreement has bipartisan support and, therefore, will result in bipartisan enforcement. And in case any of my colleagues question it, as we know, we had a major fight here in the House of Representatives over transportation funding. Republicans and Democrats worked together to reject that amendment that we thought would begin to unravel this agreement. We were successful in being able to defeat that amendment in the U.S. Senate.

The President of the United States actually lobbied against the proposal by Senator KENNEDY and Senator HATCH to raise cigarette taxes to expand certain programs in the Federal agreement, and that was defeated.

I think we will have a commitment on both sides to try to enforce this, and I would ask my colleague from South Carolina [Mr. SPRATT], to really work hard diligently with me, as I know he will, in trying to enforce this agreement. I have got news for everybody, this is not an agreement only to be enforced against the Democrats. It is an agreement to be enforced against the Republicans as well.

We have reached an agreement, honorable people have reached an agreement. We have got to do our best to keep that agreement, even at times when it is uncomfortable and even at times when particular Members of both parties might get very upset about it. I came on this floor last night and had four or five chairmen tackle me as I got into the well telling me how difficult it was and how we needed to have change.

Frankly, Mr. Speaker, it is going to be necessary for us to maintain the integrity of this agreement. We need to do it as much as we can on a bipartisan basis. And frankly, our job is to call them like we see them, to make sure that we keep our word, and that is very, very important.

□ 1415

I know a lot of people in the country, a lot of the American people really wonder whether we can get a balanced budget under this agreement. The fact is there have been countless politicians who have promised it in the past. I think we have got the best opportunity that we have had at least during my career, because we have the specifics that will drive the policy changes that will begin saving money in the area of entitlements from the moment we pass those permanent changes in the law that will occur this year. I also believe the American people will see these tax cuts. There will in fact be an opportunity to give power back to people by putting more money in their pockets.

In my judgment, Mr. Speaker, it is important for the House, for Republicans and Democrats, to keep their word, to deliver a budget that the people have asked for in this country, accompanied by a return of their power and money, and influence. This is not the end of the day. Obviously we have tremendous challenges as it relates to the problems of Social Security, where in fact we are going to have to give Americans more control over their earnings and their investment opportunities. We are going to have to develop a more effective voucher program on Medicare, so in fact our seniors can have the same kind of choices that their adult children have. And clearly we are going to have to talk to the baby boomers about the concept of long-term managed care insurance and trying to move Medicaid into the area of help for the disabled and the children.

But we have got a huge challenge as baby boomers begin to retire. The Committee on the Budget is going to conduct a series of hearings about the coming wave. We will have to move forward with more creative and more innovative and more imaginative plans and programs, but this is a very big first step. If we can get this done, Mr. Speaker, then I believe we communicate to the American people that we are capable of handling a myriad of very sensitive programs in a very responsible way, gaining the support of the American people that as we move to enact more bold initiatives affecting entitlement programs that affect their lives, they will have a higher level of confidence that we can get it right.

Furthermore, I do not believe this is the end of the day on the issue of tax cuts. I think there will be a lot more to be said about this issue, that in fact the Republicans will continue to push for more growth-oriented tax cuts, more tax cuts that enforce the American family but, bottom line, that reflect the values of rewarding people for hard work and investment and risk-taking and at the same time create the power in the pockets of the American people. We believe that is where the power ought to be.

For about 40 or 50 years Americans gave up a lot of their power, money, and influence in the name of justice and progress, and frankly a lot of justice and progress was achieved in the United States. But many of us have gotten the sense, in fact the vast majority of Americans have gotten the sense over the last decade that frankly it is time to shrink the Government and let the American people have more power and more influence to heal the problems in their neighborhoods, in their States, in their communities and in their families. That is going to be the watchword, Mr. Speaker.

But I think we should celebrate today an agreement that will in fact bring about that balanced budget in a real way, with tax cuts provided, and something that represents a first step toward hope that at the end of the day the next generation, in fact, is going to have a beautiful America, consisting of the same kind of opportunities that we had as young men and young women. At the same time I believe, Mr. Speaker, this is the first step toward beginning to deal significantly with entitlement programs that really have resulted in less savings, less productivity, less wage increases, and have placed a tremendous burden on the American family.

Mr. Speaker, this is not the end of the day but it is a very, very bright start; really, frankly, more than that first glorious sunrise. The sun is above that right now. It has actually risen above the mountains, but we have got a way to go before we can ensure to everybody that the next generation of Americans are going to have the kind of security that we all pray that they will.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume. I would simply like to say that the gentleman stated as well as possibly could be stated the spirit of this agreement. I walked us through a tedious colloquy about compliance with different fine points in the agreement and important points in the agreement, but the gentleman stated it well when he stated that we all have to work together, Democrats and Republicans alike, to see that this agreement is fulfilled in the form that it is intended as we pass a budget resolution.

Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in support of the budget resolution agreement. An agreement is a compromise, a settlement, a consensus. An agreement does not necessarily provide all that we want but it does provide some things we want.

This agreement is no different from that. It does provide a balanced budget in 5 years that is good for the Nation, but it continues to have very harsh provisions that allow access to food stamps for hungry people only 3 months out of 3 years. That provision will prove to be bad for the Nation.

The agreement provides an additional $16 billion over 5 years which will mean health insurance for 5 million children who are currently uninsured, and that is good. These additional moneys will help us, certainly, to have healthy children.

But the agreement does not extend health coverage for another 5 million children that would be left out, Mr. Speaker, and, worse, the agreement hurts hospitals in rural communities, although I know that the chairman does not think so. The agreement hurts hospitals in rural communities that face increases in their Medicaid disproportionate share hospital payments. We must work on this issue beyond this conference report.

This agreement is good for education, a national priority. The $35 billion investment in education tax cuts, the increase of $300 in Pell grants and the expansion of Head Start go a long way to feed the minds of our American children.

This agreement is also charitable to this Nation's hard-working families. The $500 per child tax credit, the welfare-to-work credit, and the establishment of additional empowerment zones and enterprise communities are important. Those will go a long way to boost our economy. But the agreement is bad for those who want to work and cannot find a job.

I do look forward in the Committee on Agriculture next week to passing language governing the $1.5 billion increase in funds to allow States to exempt up to 15 percent of their food stamp load. But those funds and the $3 million in additional funds for welfare-to-work simply will not go far enough. Many who find themselves without work, without income, many without the ability to feed their families certainly need help. Again, we must continue to work on this issue beyond this resolution.

Mr. Speaker, indeed there are things we like about this. There are many things we do not. We will work, Mr. Speaker, to make sure that those who are left out of this compromise be a part of the American dream.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference agreement, and I want to congratulate the gentleman from Ohio [Mr. KASICH], the chairman, and the gentleman from South Carolina [Mr. SPRATT], the ranking member, for their ability to bring forward a conference report on the budget that carries out the spirit of the bipartisan agreement.

The key to our ability to balance the budget in 5 years and protect the priorities that are important to the American people is the fact that we have had Democrats and Republicans working together in a bipartisan manner in the best interests of our country. But now it is time for the committees to act. That is going to be more difficult.

Let me say on an optimistic note that yesterday the Committee on Ways and Means Subcommittee on Health met on the Medicare provisions and voted by unanimous vote on the Medicare provisions providing for $115 billion of savings. Democrats and Republicans working together, we have a good Medicare proposal to include in the budget reconciliation. I would urge all the committees to work together in a bipartisan way.

Let me just say a word of caution. We have already seen in regards to legal immigrants that we have not had that type of working together between Democrats and Republicans on the committee of jurisdiction. I am deeply concerned that we have Democrats and Republicans working together to make sure that the revenues stay true to the agreement, that we do not have more revenue lost than the $85 billion net over the 5-year period and $250 billion over the 10-year period. We do not want exploding deficits. But unless we have Democrats and Republicans working on the bill that come forward in reconciliation to make sure that is the case, then I am afraid we will not enjoy the same type of bipartisan support that we see here today.

My word of caution is let us follow the example that we have seen to date and work together in a true bipartisan manner on all the ingredients of budget reconciliation. If we continue to work together as Democrats and Republicans, we will have a good budget reconciliation bill that will be in the best interests of the American people.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I rise in support of this conference report and in support of the bipartisan agreement to balance the Federal budget.

What a long way we have come since 1995 and 1996, to have an agreement that got a majority of both caucuses of the House and of the other body to support it. This is a bill which strikes the right balance between fiscal responsibility and making those investments which are needed to address the challenges facing our Nation, especially in the areas of children's health care, education and environmental protection.

But this agreement is only the first step. Now we must write reconciliation and appropriation bills to implement it. Our challenge is now to remain faithful to the agreement in writing the implementing legislation and to act in the same bipartisan good faith that has brought us to this point. And, as my colleague from Maryland just spoke, we must resist any temptation to undermine the agreement with extreme provisions or to fudge the numbers.

In particular, I would like to talk briefly about the Medicaid reconciliation language. I think we need to be very cautious with respect to disproportionate share as it affects heavily impacted hospitals, including our children's hospitals, and as it relates to protecting lower income elderly with the change in home health care to part B.

Overall, Mr. Speaker, I think this is a budget in the right direction. It is one where we showed that we could compromise and try and reach the goals that both parties seek. I am eager to see it come to conclusion, and hopeful that we can all support the reconciliation and appropriations bills in the same way we have this outline.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, I rise to support the budget resolution and the conference agreement. Like any agreement or compromise, it is imperfect, but it does provide some very essential elements. It provides that we will balance the budget by the year 2002, and as the chairman pointed out, it reaches that conclusion based on conservative economic assumptions.

I believe that a balanced budget will do more to spur business in this country than any of the business incentive proposals that may have arisen on the Republican side of the aisle, and will do more to help the poor than any of the Great Society programs that are popular on this side of the aisle.

It does not mess with the cost of living increases promised to Social Security recipients, and leaves the calculation of the CPI in the hands of the Bureau of Labor Statistics.

Finally, and I want to bring this to the attention of the House, this budget agreement is particularly good for the environment, particularly when it comes to the acquisition of environmentally important lands. As Tony Beilenson's successor, when I found myself on the Committee on the Budget, I wanted to focus on an issue that was not making the biggest headlines but where I thought I could have an impact, and I wanted to focus on making funds available for parklands acquisition.

I want to thank the President for making parklands acquisition a priority. When the budget agreement came to the Committee on the Budget, I put forward an amendment that would specify that $700 million of additional funds would be spent to acquire environmentally sensitive lands and that those funds would be spent in 1998.

□ 1430

I want to thank the chairman, who in a bipartisan fashion urged the support of that amendment, I want to thank the ranking member who prevailed in the conference, who fought to include that amendment in the conference report, and I want to urge my colleagues to support the conference agreement because it moves us forward. It quadruples the funds available, 1997 to 1998, for the acquisition of environmentally sensitive lands.

We need to balance the budget, and we also need to balance the use of our lands between economic activity and preservation for posterity. This budget moves in that direction.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, how many times have each of us heard from the people we represent, "Why can't you guys just get together in Washington and balance the budget?" I have heard it scores of times. Of course, there is nothing easy about getting together to balance the budget. That budget reflects innumerable spending priorities. There is wide difference of opinion between the parties in terms of some of those priorities. That budget contemplates the entire Tax Code of this country. Of course there is broad disagreement within this Chamber among Members in terms of how the Tax Code ought to be structured.

So there is nothing easy about getting together to balance the budget. But on the other hand, the facts surrounding our tackling this task this year have made it, if not now, never.

Four years ago, nearly $300 billion deficit; this year looking at a deficit in the range of $68 billion. We are almost there, just that final push required.

And so I salute the budget chairman in the House, budget chairman in the Senate, commitment of majority leadership in the Congress working with the President to reach this balanced budget reflecting agreements worked out between the parties, between the philosophies, on how to bridge the gap and finally get the job done.

As has been mentioned before, no agreement is perfect. I certainly would have written this differently. But on the other hand, I do think it is a reasonable balancing of interests, reasonable compromising of perspectives, and it leads us to a balanced budget.

Today is only, in a way, the ratification of the agreement, the committing of the promise for a balanced budget plan. The actual doing of the plan rests before the respective committees of jurisdiction, most particularly the Committee on Ways and Means, as this goes forward. It is in this respect the final tale of this bill will be told. Will it work, will it hold, or will it fall apart as the committees of jurisdiction simply refuse to live within the bounds of this agreement?

We are all going to have to swallow hard, both sides, members of every committee of jurisdiction, in abiding by the terms of this agreement, but failure to do so would be deeply disappointing to the people of this country. For too long they have asked us to work together to balance the budget, and we have told them no, we have not gotten the job done. Now we can get it done, and I am very pleased to urge a yes vote on this agreement.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Speaker, I rise today in support of the balanced budget agreement of 1997. With the passage of this agreement today, we can move to the task of enacting the balanced budget plan. This agreement is a good first step toward the goals of balancing our budget, providing permanent tax relief for American families and reducing the size and scope of the Federal Government.

Mr. Speaker, I believe today that the American families deserve a break, a tax break, and the balanced budget plan will give American families some of the tax relief they deserve. Our congressional leaders and the President have come up with a plan which will give Americans $135 billion in tax relief over 5 years and $250 billion over 10 years in tax relief.

The tax relief package in this budget ensures that all Americans win. With it we can provide relief for families with children with a per child tax credit, the opportunity for people to keep their family farms and businesses with death tax relief, incentives for job creation and economic growth with capital gains tax relief, incentives for savings and investment with IRA expansion and relief for families who send their kids to college.

Some on the other side say that is too much. They claim American families can actually afford to pay more to Washington. I say they cannot. I urge the liberals to join their President in supporting real permanent tax relief for the American family by supporting this balanced budget agreement.

Mr. Speaker, not only does this conference report give tax relief, it reduces the size and scope of the Federal Government. In current dollars Washington will spend less than over the next 5 years in nondefense discretionary spending than it has since 1969. That is the last time Washington balanced its books.

The congressional leaders and the Presidents have worked together to create a plan which will save the taxpayers $961 billion over the next 10 years. Mr. Speaker, I urge passage of this important balanced budget agreement.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in support of this conference resolution. I commend the gentleman from Ohio [Mr. KASICH], the chairman, and the gentleman from South Carolina [Mr. SPRATT], the ranking member, for the work they have put into this resolution in setting the numbers into order for bringing about a balanced budget in 2002. That is something that certainly I and most Members of this body, both sides of the aisle, have agreed to in principle.

Two concerns I express today, and it has been gratifying to me to hear from the gentleman from Ohio [Mr. KASICH] as well as from the gentleman from South Carolina [Mr. SPRATT] the importance of enforcing these numbers. It is one thing today to pass this beginning, and that is the budget agreement that we have today. The proof of the pudding will be in the eating, though, and that is whether or not we actually make it to those numbers, and only by enforcing not only discretionary spending levels, but also entitlement spending levels and the tax cut levels, because if we cut more taxes than we have agreed to in this, the deficit will go up and we will not achieve that which we have said we intend to do today.

So I am very glad to hear the spirit in which both sides of the aisle, at least on the budget committees, have agreed that we will see to it that each bill, the tax bill and the other enforcement bills, will stand to the test of whether or not they meet these numbers so that we can all celebrate in 2002 by actually getting to that promised land of a balanced budget.

Again, I close by saying I commend the chairman for his work in this endeavor, the gentleman from South Carolina [Mr. SPRATT], other Members who have been responsible for getting us to this point. I look forward to rolling up my sleeves now through a long hot summer and seeing that we actually do that which we say we are doing today.

Mr. KASICH. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin [Mr. NEUMANN], a member of the committee.

Mr. NEUMANN. Mr. Speaker, it is my great privilege to rise in support of this budget agreement today and to talk about just how important it is for the future of this great country that we live in.

A lot of people forget that it was back in the late 1980's that we had Gramm-Rudman-Hollings, and they promised the people that we were going to get to a balanced budget, and they went along for about a year, and then they gave up on that promise up and deficits went up, and then they made a new promise. It was Gramm-Rudman-Hollings of 1987, and they went along for about a year, and then they gave up on that promise and they missed their targets.

A lot of folks forget that we are in the third year of a 7-year plan to balance the Federal budget. For 3 years now the Republican Party after the takeover in 1994 has been talking about getting to a balanced budget by 2002, and we are in the third year. First 2 years are in the bank. They are done, and we are not only on track, we are ahead of schedule, and we are now passing our third budget resolution, I am happy to say, with support from both sides of the aisle. In a bipartisan way, working together, we have come to see how good this can be for the future of the country.

Because, see, our theory was this. The theory was if the Government borrowed less money out of the private sector; that is, we controlled the growth of Government spending, the deficit came down; Government borrowed less money out of the private sector, that meant there would be more money available in the private sector. With more money available, the interest rates would stay down, and if the interest rates stayed down, we expected then that people would buy more houses and cars and other things because the interest rates were low, and when they bought houses and cars, other people would go to work building those houses and cars, and that would mean the welfare rolls would come down and those folks would start paying taxes in what worked better than anyone ever imagined. There are job opportunities, unemployment is down. The deficit, in fact, is $100 billion below what we projected just 2 short years ago.

And under this budget resolution that we are working with today, we are on track to balance by the year 2000. Medicare is restored for a decade. The American people get to keep more of their own money, and I think this is real significant.

I talked to some friends back in Janesville, Wisconsin, and they may not understand what CBO and OMB and all of these numbers really mean, but I said to them they have got one headed off to college, would a college tax tuition credit help? They said it sure will. And there are 2 kids that are still home in their house; they get $1,000 for those 2 kids, $500 per child. Do they understand the meaning of the $500 per child and the college tax credit, and they sure understood those things. To a family earning 40 or $50,000 a year, keeping $2,500 more in their pockets, in their home, instead of sending it out here to Washington, they understood that real well, and that is the significance of this budget agreement. We are not only balancing the budget, but we are letting the American people keep more of their own money.

And the picture gets even brighter. In this budget resolution we may even hit a balanced budget by the year 2000, and think what that means for the future of this great Nation.

So the chairman, congratulations on the great work, and as always to the people on the other side of the aisle.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman for his kindness. He knows I rise in opposition to this budget resolution. The remarks from the gentleman from Wisconsin [Mr. NEUMANN] about how well we are doing economically and what path we are on, I wish someone from that side had said such kind words back in 1993 when we passed the legislation that led us onto that path.

Yes, there are some good things in this budget deal, but this budget is a bad deal for the residents of my city of San Diego, and it is a bad deal for America.

Yes, it is a balanced budget, but it is balanced on the backs of our Nation's veterans, children, the elderly, and working families. It is a bad deal that puts a deep freeze on funding for our Nation's veterans, and I speak here as a member of the Committee on Veterans' Affairs. It cuts real dollars from the Department of Veterans' Affairs.

Mr. Speaker, if this is such a good deal, why are so many veterans organizations opposed to it: Paralyzed Veterans of American, AmVets, Blinded Veterans Association, Disabled American Veterans, Military Order of the Purple Heart, Veterans of Foreign Wars, Vietnam Vets of America?

These organizations know that this deal reneges on the promise America has made to our veterans. It cuts pensions for the neediest of veterans, freezes funding for veterans hospitals for the next 5 years and permanently cuts compensation for service-connected disabled veterans.

What happened to the promise that America made with our Nation's veterans? That promise has been forgotten in this deal.

The budget agreement compromises these promises to the past, it ignores our commitments to the future. It underfunds the Nation's infrastructure needs by billions of dollars and dramatically cuts investments in our Nation's future workers. Head Start, summer jobs, and education funding overall are cut while billions of dollars in corporate welfare are kept safe and sound. It makes the transition from welfare to work more difficult, and half of the Nation's 10 million uninsured children remain uninsured in this budget while lavish tax cuts are doled out to those making over a half million a year.

Americans deserve a better deal, a real balanced budget through kept promises, shared sacrifices, and necessary investments in the future. Today's budget resolution fails that test.

Mr. SHAYS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, today we are taking an important step toward making the balanced budget agreement a reality. While approval of the conference agreement is just one step toward a balanced budget, this agreement is a giant step for America's future.

The last time we balanced the budget was 1969, the year my first child was born. I proudly watched that young man walk down the aisle to receive his Doctor of Jurisprudence just 3 weeks ago. That means my oldest child has not seen a balanced budget from this Federal Government since the day he was born.

□ 1445

My twins, a son and daughter, have never seen a balanced budget in their lifetimes.

Our children do not remember a balanced budget, so they do not know what difference it will make in their lives; but they are not alone, because millions of Americans have forgotten what it is like for the Federal Government to treat their money responsibly.

Today I would like to take a moment just to remind us. I have had a lot of different jobs in my life, and each position has taught me why this opportunity to finally produce a balanced budget is really important. I was the mayor of Fort Worth, TX, and as the mayor I learned that local communities need more power and less mandates from Washington. A balanced budget we will consider today will return power, money, and decisions back to families and communities.

I also founded two insurance companies, and as a small businesswoman I discovered that new jobs and opportunities can only be created with a growing economy. By forcing the Government to balance its books, a balanced budget will yield more than 4 million new jobs over 10 years and raise incomes by 16 percent. And this balanced budget includes a capital gains tax cut to unleash a rising tide of new jobs, higher incomes, and raised hopes. The capital gains tax reduction of this balanced budget will make the American dream a reality for millions of people.

I also was a public school teacher. I taught for 9 years, and I know there is nothing more important than education. By eliminating the deficit, a balanced budget will lower the cost of a student loan by nearly $9,000. A college education will be more affordable to young men and women across the United States.

But my most important job convinced me the most critical reason why a balanced budget is so important, and that is my role as the mother of three children. By reforming entitlements and providing a child tax credit, this balanced budget will make sure that America looks toward the future. It will make my sons and daughter, and your children, have the same kind of opportunities that people in this Congress have had.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I do not wish to oversell this budget agreement. There is certainly much to criticize in the agreement. Some of the previous speakers have dwelt on these shortcomings, but I would like to begin my remarks by pointing out some of the positive qualities of this agreement.

First and foremost, it is bipartisan. There are many Democrats and there are many Republicans who will not vote for this agreement. But conversely, the majority in both Caucuses will no doubt be supporting the agreement, and it will pass by a substantial margin in this body.

That is important because we need a budget agreement that will survive the next election, whoever may be the majority in this body, and bipartisanship is critical if we are going to make some of the tough decisions and expect to make them stick for the length of time necessary to reach our goal; namely, eliminating the deficit.

Second, this budget agreement does rely on realistic economic assumptions, forecasts about what the economy will do, forecasts about the demands that will be placed upon the Federal Government for programs that are already well-established. It is critical that we have realistic assumptions, because altogether too often this country has based its so-called budget agreements on phoney assumptions, smoke and mirrors, and what we have seen is an unraveling of what was supposed to have been dramatic corrective action.

Third, this budget agreement does contain reforms and limitations on spending and on programs. This is not easy. There are many who are affected by these cutbacks in programs, and I think that we owe an explanation to these folks. Yet at the same time, we know that we cannot have long-term solvency in Federal operations without making some tough decisions. Yet, we must make these decisions in such a way that we know that in the outyears we can live with them. We will not see a future administration repudiate the agreement.

So these are positive attributes that I wish to emphasize, and at a later point I am sure we will have a chance to revisit some of the downside considerations.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me this time. I would also like to congratulate the chairman and the ranking committee member for the work that they have done on this process, because I think what they have really enabled us to do is that they have taken away the debate about the size of Government, at least for the next 2 to 4 years; they have enabled us to develop a path to getting to a surplus budget.

We can start the discussion on how to pay down the debt. But they are also going to liberate all of the authorizing committees to really focus on solving the problems facing this country within the context and the framework of this budget, so that we can take a look at how more effectively and more efficiently we can address and solve the problems facing this country.

Specifically, the other committee that I serve on, the Committee on Education and the Workforce, we can now go back and take a look at the 760 education programs that we have, the 40 different agencies that are working on educating our kids, the $100 billion that we spend each and every year and say, how can we improve education in America? In meeting with our ranking member, the gentlewoman from Hawaii [Mrs. MINK], we have already agreed that we can go forward and we can eliminate the 100 programs that have not been funded over the last number of years.

We know that we can work on consolidating programs. I expect that we are going to be able to work together on focusing on how to get parents more involved in the education process of our children, how we can get more dollars to the classroom.

We can take a look at why are we losing 30 to 40 cents of every dollar we spend in education, why are we losing it in the bureaucracy, so that we can definitely have more effective plans to deliver safe schools, so that we can move control back to the local level.

We can answer the question of why a local school may only get 6 percent of their dollars from Washington, but 40 to 50 percent of their paperwork, so that we can focus on developing an emphasis on basic academics in the classroom.

Education needs a major focus. We now have the framework to get that done. I thank the ranking member and the chairman for giving us this opportunity.

Mr. SHAYS. Mr. Speaker, I yield myself 2 minutes.

I would just say to my colleagues, I am amazed at this debate. I think of how far we have come. As far as the press is concerned, there is no story here, because Republicans and Democrats are not fighting like little kids. When Republicans and Democrats get together and help save this country for future generations, no story here.

Mr. Speaker, I think of this Chamber in 1989, when the gentleman from Ohio [Mr. KASICH] introduced an amendment to start to balance our budget, get our country's financial house in order. Each year he took on that effort. It is the culmination, since 1989, what we are seeing today with the work on a bipartisan basis, with the help of the gentleman from South Carolina [Mr. SPRATT] and others. I just first want to congratulate him for what he has done over these many years, with such good nature and freshness.

We are going to get our country's financial house in order and balance the Federal budget, and I think we are going to do it in less than 5 years with this agreement. We are going to save our trust funds for not just future generations, but for present generations, because Medicare is running out of money as we speak. Our plan will save it for the next 10 years. We are going to transform this caretaking society into a caring society. We are not just ending welfare and moving mothers into work, we are ending corporate welfare, we are ending welfare for farmers as well in this budget agreement.

We are moving from a caretaking society to a caring society, and in the process we are moving the power and the money and the influence back home where it belongs.

This agreement is not everything everyone wants it to be, but it does the basic things that both sides felt were important. We want it to slow the growth of entitlements and save our trust funds and we are doing that. We wanted tax cuts, meaningful tax cuts in particular areas, and we are doing that.

The other side in particular, and the President of the United States wanted some priorities for domestic spending, education, health care, and we are doing that.

So hats off to both sides of the aisle. Congratulations, in my judgment, on a job well done. Our work is cut out for us in the next few years to make sure we all live up to it.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, having no further requests for time, I will close for our side.

Mr. Speaker, this is the last lap in a long race. I came here in 1983, and we were just beginning to recognize and struggle with the long-term implications of the deficit then. There was Gramm-Rudman-Hollings, there was a budget summit in 1990, there was a Deficit Reduction Act in 1993. And in every one of those cases, which I supported deficit reduction, the best that we could say, the best that we could reach for was a partial effort. We did not even pretend in any of those cases to have a solution in the short term for the deficit we face down the road.

Today we are able to say credibly to the country and to our colleagues in the Congress, we are within reach of a balanced budget. Within the next 5 years, we can get it done, because today in truth we stand on the shoulders of those who came before us and acted before us in 1990. It cost us some of the people who supported what we did then. The results were largely eclipsed by a recession, but it was significant. Among other things, we put on the statute book to this country two rules: the pay-go rule, which essentially says, if we want to expand or liberalize entitlements, we either have to pay for it or identify commensurate spending cuts elsewhere in another entitlement program; and the discretionary spending caps, which have worked. They have not been breached since 1991.

In 1993 we came back, because in 1990 the budget summit had not really yielded measurable significant results. We laid out a 5-year plan to cut the deficit, we hoped, by half; we barely claimed we would do that much. We extended the discretionary spending caps for 5 years, we reduced entitlement spending, and we were brazen enough, brave enough, some would say, to raise taxes.

The result was not, as some predicted, a disaster in the economy. The economy took note of what we did, the financial markets were pleased, revenues began picking up, interest rates started down, the inflation rates stabilized; and guess what? The revenues of the Federal Government began to pick up again. We restored the revenue basis of this Government.

For example, corporate income taxes have risen by $71 billion between 1992 and 1996, up more than 70 percent, and that is part of the reason, at the end of the last fiscal year, fiscal year 1996, the deficit was $107.8 billion, down 65 percent from the deficit predicted in 1993 when President Bush left office. That is substantial progress, and that is why I say we have come several laps, and we are not at the last lap. We are really talking about an effort today that is only partially the same size as the two previous efforts in 1990, and particularly in 1993.

Because we are within reach, and because we did this in a bipartisan way, this is as much a budget agreement as a balanced budget agreement. We have set this goal realistically and conservatively, and I think credibly before us, and I think we will achieve it if the economy does not go south on us. But at the same time, we have recognized that the country has other problems and the Government has other pressing priorities than just balancing the budget. And we do not make a lot of room for these other priorities, but we do recognize, for example, that middle income American families are struggling with the way and whether or not they can pay for their children's education. We are going to bring them more tax relief in the bill that we are authorizing in this budget resolution and anything that has been done in the last 20 to 25 years.

A couple of years ago we tried to enact universal health care, and we bit off more than we could chew. We have decided to back up and take it step by step, incrementally. We did Kennedy-Kassebaum last year. This year in this bill we set aside $16 billion over the next 5 years in order to implement measures so that America's children, mostly in working families who do not enjoy the benefit and security of health insurance coverage, can have health insurance coverage, another incremental step toward providing health insurance coverage by Americans who need it.

□ 1500

We went back to welfare reform. We took some of the hard and harsh edges off, particularly as they impact legal immigrants in this country. We did some things that needed to be done and could not have been done unless we did it in a bipartisan way. I am proud of the fact that these accomplishments can be accounted for by this agreement.

A lot of people, some commentators, some editorial writers, have said, can all of this be done? Can you really go after these ends and other policy goals and at the same time balance the budget? What about this $25 billion a year in extra revenues that you added at the last minute to make this agreement possible?

In truth if we look, as the gentleman from Ohio [Mr. KASICH] said, at the underlying economic assumptions, the economic forecast that underlies this budget, most of the premises are very basic and very conservative. For example, in no year over the next 5 years do we assume growth exceeding 2.3 percent. Compared to what is happening now, that is a very conservative assumption.

This agreement has not come easily. We have been at work at it for the last 4 months, long days, late nights, weekends, some bitter dissension. But I will say this: Throughout all of the negotiation, we have maintained a spirit of common purpose, cordiality, and civility which will serve us well now that we go into the implementation phase.

The gentleman from Ohio was correct to anticipate that there will be struggles, there will be problems as we deal with the authorizing committee and the Committee on Appropriations and try to bring them to fruition in the form it is conceived in this budget resolution. That is the big challenge before us. But if we maintain that same spirit of civility, cordiality, and common purpose, we can do it. We can put them to bed. We can carry it out as intended, and we can balance the budget in 5 fiscal years.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I include for the RECORD a letter from Senator ROTH, chairman of the Finance Committee, and the gentleman from Texas, [Mr. ARCHER], the chairman of the Committee on Ways and Means, with respect to the tax bill.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 1997.

Hon. PETE V. DOMENICI,
Chairman, Senate Budget Committee, Washington, DC.
Hon. JOHN R. KASICH,
Chairman, House Budget Committee, Washington, DC.

DEAR PETE AND JOHN: Our Committees will soon begin marking up tax legislation to meet the reconciliation directives of the 1998 Budget Resolution. We will meet the Resolution's instructions of reducing revenues by $85 billion over the five year period 1998–2002 and by no more than $20.5 billion in 2002.

Furthermore, we can assure you that, consistent with the May 15, 1997 letter from the Speaker of the House and the Majority Leader of the Senate to the President which stated, "It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007," the ten year net revenue loss in the tax reconciliation bill will not exceed $250 billion.

Sincerely,

WILLIAM V. ROTH,
Chairman, Finance Committee.
BILL ARCHER,
Chairman, Ways and Means Committee.

Mr. Speaker, I yield back the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the next speaker is my dear friend, the gentleman from Ohio, Mr. DAVE HOBSON. He has been of enormous help to me through this program, really since 1993. I have personally been working on this since 1989. But the gentleman came on the committee, along with my dear friend, the gentleman from Connecticut, Mr. CHRIS SHAYS and the gentleman from New Jersey, Mr. BOB FRANKS, and they were all particularly special, particularly my friend, the gentleman from Ohio, Mr. DAVE HOBSON, who would take my calls at 1:30 in the morning. I would wake him up, try to get his advice in certain areas. We had a lot of struggles and we have developed some very deep friendships on this committee as a result of this effort.

I want to suggest to the people here in the House and to the Speaker that what is remarkable about this debate is I thought that this was going to be like game one against Utah, where we would have to sink a basketball at the buzzer, and in that famous pose of Michael Jordan at the end, he just gave him that hand. We thought it would be a buzzer-beater to balance the budget. What we are seeing happening is a sea change in the attitude of the House of Representatives. Frankly, it is a sea change we are seeing in the Congress. It is one to embrace, it is one to be joyful about, it is one to celebrate, rather than the fighting, the dynamics of this whole debate of change to an era of less government and more power back to the people.

Mr. Speaker, I yield the balance of my time to the very distinguished gentleman from Ohio [Mr. HOBSON].

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Ohio [Mr. HOBSON] is recognized for 3 minutes.

Mr. HOBSON. Mr. Speaker, this is an exciting day for this Chamber and this country. This plan that we are going to approve today is one more example of our Congress keeping its promises to the people of this country. We said we would balance the budget and save Medicare, and we are. We said we would cut taxes, and we are. These are the things that this Congress came to Washington to do, and we are making good on our promises to the American people by passing this conference report today. The House and Senate worked closely on this budget, and the administration is also on board. Frankly, this is the way we should be doing legislation. This is the way people want us to do legislation, by people coming together, putting aside our partisan differences, and passing legislation that is good for the country as a whole, both today and tomorrow.

I just had my fourth grandchild, and I know a lot of times other people's grandchildren are not the most exciting things to hear about, but they are to them. But frankly, without this balanced budget plan, my grandchild will face a very tough future. Without this balanced budget, Government is going to go on spending and go on racking up more debt and mortgaging her future.

But we are going to put a stop to that right now. Like every American family and business, the Federal Government is now going to have to live within this budget, with less Government spending. We will see more job creation, more money for investment, and more private sector growth.

This budget also preserves one of our most important programs, Medicare. Millions of Americans have been spared crushing poverty because Medicare was there to share the cost of health care for seniors. But without some reform, this 30-year-old program was going to go out of date and Medicare would be doomed. This budget prevents medicare bankruptcy and also gives seniors new health care options. As a new senior myself, I do not mind that much. As a grandfather, I am interested in making sure my grandchildren get the benefit from Medicare also when it comes their time.

The Earth is not going to shake when we pass this conference report and the heavens will not part, as nice as the weather is outside. But in 20 or 30 years we just might hear people talking in such terms when they recollect the importance, frankly, of what we are going to do here in a few minutes. It is just one more example of this Congress doing what it said it would do to make our country a better place for everyone to live in.

I urge the passage of this conference report, and I want to thank both my chairman, the gentleman from Ohio [Mr. KASICH], my special friend; our staff, who has done a great job; all the members of the Committee on the Budget; and the gentleman from South Carolina [Mr. SPRATT] and his staff.

This has been one of the few times in recent memory when we have had a true bipartisan agreement, an agreement with ourselves and the President, and frankly, one we can all be very proud of, not only now but in the future. So let us all go out and pass this conference report, and move forward so all of our children and grandchildren are going to have the future we want them to have.

Mr. STUMP. Mr. Speaker, veterans health care needs are critically important to the VA Committee. We will maintain a close watch on the impact of this year's budget development on veterans health care concerns. The administration's budget was a package flawed from the beginning. According to the Congressional Budget Office, the President's proposal did not balance. The administration also predicated a substantial portion of their veterans health care budget on an untested and risky legislative proposal allowing VA to retain and use third-party receipts.

I want to make that clear—it was an administration proposal that recommended a switch from fully appropriated funding of veterans health care to the use of third-party receipts. I have always supported using third-party receipts as a supplement, not a substitute, for veterans health care funding. Our committee believed that reliance upon keeping insurance receipts as part of the budget this year was premature. However, the budget agreement ignored our concerns, so we're going to do what we can to make this proposal work.

According to an analysis which came to light after the agreement was announced, there is a $2.2 billion difference between proposed discretionary spending, mainly in VA health care, and what had been proposed in the President's budget for veterans.

Approximately $1.1 billion is due to use of the CBO baseline projections for discretionary veterans spending—a technical estimating difference.

The other $1.1 billion issue to agreements made by the negotiators to protect spending for certain priorities of the President.

During budget negotiations, the administration asked that spending for certain programs—not including veterans health care—be protected from future reductions. For instance, in 1998, the President insisted that of about $258 billion in projected spending for nondefense discretionary spending, approximately $127 billion be protected for categories such as international affairs, natural resources and environment, transportation, and education, training, employment and social services. The Budget Agreement includes $33.6 billion in funding over 5 years for the President's domestic initiatives such as assistance to immigrants, nutrition assistance, welfare to work, children's health, Federal land acquisition, environmental reserve, and an offset for low-income Medicare premiums.

Under the agreement, total spending for veterans benefits and services would rise very slightly over the next 5 years, from $40.5 billion in 1998 to $42.6 billion in 2002, a 5-percent total increase over this period—compared with almost a 13-percent increase in overall Federal spending authority over the same period.

Spending for discretionary programs, mainly veterans health care, would remain at between $18 and $19 billion, while spending for mandatory benefits, mainly veterans compensation and pension benefits, would increase from $23.3 to $24.6 billion.

Ultimately, I support the budget agreement as one that is good for the country. This is a package that at least permits the advancement of the critically important third-party receipts issue. The bottom line is that discretionary spending levels were largely dictated by the President's negotiators, who worked overtime to protect his priorities. Since this budget—unlike the President's—actually eliminates the deficit in 2002, the rest of the discretionary categories, including veterans, had to pay the price for these decisions. However, the Appropriations Committee still has the flexibility within the discretionary caps to change the VA spending levels. thus, it is just as important as ever to work with the Appropriations Committee to see that veterans health care and other needs are met, and I intend to work to that end.

Mr. EVANS. Mr. Speaker, I know of no other group who loves our country more than our Nation's veterans. They have answered our country's call, proudly worn our Nation's uniform and gone into harm's way when asked to do so.

Mr. Speaker, I believe most veterans support a balanced Federal budget which is fair and honest. This should come as no surprise to anyone. Again and again veterans have signaled their willingness to do their fair share to achieve this important goal. While veterans are clearly willing to do their fair share, our Federal budget should not be balanced on the backs of those men and women who have served our country honorably and well.

For many, their military service meant great hardship and sacrifice. Our Nation's veterans should not be asked to bear an unfair burden in balancing the budget—but that is exactly what is being asked of America's veterans today.

Earlier this year, the House Committee on Veterans Affairs considered the budget proposed for veterans. At that time, our committee expressed strong reservations about the budget proposed for veterans health care. That proposal called for a 5-year freeze in appropriations for veterans health care. To offset the devastating impact of this freeze, the Department of Veterans Affairs was to be given the opportunity to retain receipts it was able to collect from third-parties, such as insurance companies, for care which VA provided to some veterans.

After careful consideration and deliberation, our committee concluded, "in our view, there is too much uncertainty about the reliability of VA's projected third-party collections to hinge the provision of health care on these projections." Mr. Speaker, my view remains unchanged.

The budget plan before us jeopardizes the ability of VA to provide health care to veterans who have honorably served our Nation. Our Nation has a moral obligation to meet the health care needs of these veterans. Indeed, we have a special obligation to those veterans who have a service-connected disability and those veterans who otherwise would not receive the health care they need.

Many veterans' service organizations understandably have decided to oppose the budget resolution before us. I understand the Veterans of Foreign Wars, the American Legion, Paralyzed Veterans of America, Vietnam Veterans of America, and the Disabled American Veterans are among the major veterans organizations to speak out in opposition to this budget resolution.

I believe their opposition is easily understood. Freezing appropriations for veterans health care and making VA health care delivery dependent on third-party collections clearly jeopardizes the health care benefits our veterans have earned. This policy simply asks too much of veterans who have already answered this Nation's call. Our veterans are right to oppose this budget resolution.

Mr. CASTLE. Mr. Speaker, I rise in support of House Concurrent Resolution 84, the fiscal year 1998 budget resolution that outlines the parameters under which this Congress will balance the Federal budget and reduce the deficit to zero by the year 2002. This is a truly historic achievement that proves that when we work in a bipartisan fashion, we can achieve our goals of a smaller Government, lower spending, lower taxes, and a balanced budget that our constituents elected us to achieve. There is no such thing as a perfect agreement, but this plan is the best agreement we could develop, and is a tremendous step forward not only for the Congress, but more importantly, for the American people. This agreement demonstrates that by working in a bipartisan fashion, we have the capacity to govern and to compromise—and to listen to the voice of our constituents, which has clearly called for fiscal restraint.

Though our constituents have become increasingly cynical about Government, this agreement will help restore confidence in the institutions and processes of government, and it represents a triumph of the political system and a fulfillment of the voters' 1996 command to Congress to solve our budget problems in a bipartisan fashion. Passing the first balanced budget since man walked on the Moon, for all its faults, is a solid and constructive beginning.

We need to look no further than the States to find evidence of precedent for this balanced budget accord. In almost every State where a balanced budget requirement exists, their economies are rated "excellent" or "very good". The States have set the trend for this, and it is time the Federal Government began to operate in a similar manner and live within its means.

Our constituents will benefit unlike at any time in recent history if we truly place ourselves on a path to a balanced budget. The economic impact that the balanced budget agreement will have manifests itself to the typical family by lowering interest rates by up to 2 percent, raising investment returns, lowering credit card and car loan rates, reducing mortgage payments, lowering consumer product costs, and creating more jobs.

In March, when the budget talks seemed to be breaking down, I introduced a balanced budget outline that showed that we could achieve a balanced budget essentially by splitting the difference between the President's 1998 budget and the 1997 Republican budget plan. I am pleased that this budget agreement reflects many of the goals and principles I outlined by using budget principles like a deficit reduction glidepath to zero with the deficit declining each year, reforming entitlement programs that preserve and protect Medicare and Medicaid, using Congressional Budget Office economic estimates, assumptions and scoring; introducing no new taxes; and forwarding tax cuts that are affordable and permanent—I forwarded a net tax cut of $77 billion; the agreement is for a net $85 billion tax cut.

Though we have a good starting point, we must remain steadfast in our desire to ensure that this budget agreement translates into a budget that does not inflate the deficit or tax cuts, and does not undermine the carefully crafted plan before us. I am concerned that we are including tax cuts without the assurance of a balanced budget, and am also concerned that stronger budget enforcement mechanisms were not included to ensure that the budget reaches balance by 2002. Though this legislation continues "pay-go" budget rules and discretionary spending caps, there are a number of other additional enforcement mechanisms that should have been included that would assure us that spending and revenue fulfill their estimates in the agreement so that deficit targets will be met and the budget can finally be balanced.

Congress must not rest on the initial success of this agreement, but must move forward—using the same framework used to reach this accord—to better address the long-term concerns of further entitlement and budget reform. We have some time to prepare, but we must begin that work soon. I am proud to have played a part in facilitating this agreement and to have the opportunity to see that it is properly implemented, that important Federal priorities continue to be met, and that the budget reconciliation process includes additional budget enforcement mechanisms that will place us, more firmly than ever, on a course to a balanced budget by 2002.

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the conference report. Although there are other reasons to oppose this budget agreement, I did want to highlight the progress that the conferees have made in regard to the provision of funds for the acquisition of lands for our national system of parks, refuges, forests, and public lands.

In recent years the administration has failed to request, and the Congress has failed to appropriate, adequate funding for Federal and State land acquisition for conservation and recreation. Despite a growing backlog of needs and willing sellers who desire that their lands be used for public purposes, the Land and Water Conservation Fund Act has not been used as intended for conservation purposes. Oil and gas revenues from offshore leasing, which are by law dedicated to the fund, have been coming at a rate of $900 million annually, accumulating to total of over $12 billion in the current fiscal year. Yet the amount appropriated in fiscal year 1997 for the National Park Service, Fish and Wildlife Service, Forest Service, and Bureau of Land Management was only $179 million. The popular State Grant Program, which has been used to build recreation facilities across the country, has been zeroed out entirely.

Land acquisition is a vital part of our efforts to safeguard public health and enhance the environmental assets of the Nation. Many municipal drinking systems depend on pristine watersheds for clean water which can be protected by acquisition of forested lands. Threats to fish and wildlife species can be mitigated by acquiring prime refuge habitat. Acquisition for park enhancement can contribute to growth of the recreation industry, which already provides many more land-dependent jobs than logging, grazing, and mining. Tens of millions of fishermen and hunters depend on access to clean public waters and productive public lands.

The conference report has responded to these needs by including the President's budget requests for land acquisition, State assistance, and Everglades restoration as protected domestic discretionary priorities. The Interior Appropriations Subcommittee deserves a greater section 602(b) allocation of funds than it has received in the past, for these and other important priorities.

In addition, the budget agreement includes $700 million over and above the President's requests for priority land acquisition. I applaud Chairman KASICH for this commitment of resources. This offers a much more sensible alternative to the complicated asset and land exchanges that have been proposed by the administration to acquire the Headwaters Redwood Forest in California and to protect Yellowstone National Park ecosystem by eliminating the threat of pollution from the New World mine. We have seen extraordinary success in Alaska with over 500,000 acres of land acquisition and conservation easements acquired by using funds provided through the *Exxon Valdez* settlement trust. The resources provided by the budget agreement can and should be used to duplicate that success across the country. This is a good step forward toward better utilization of the Land and Water Conservation Fund in the future.

Mr. KASICH. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD a table displaying the policy assumptions in the reconciliation instructions set forth in the conference report accompanying House Concurrent Resolution 84.

RECONCILIATION ASSUMPTIONS BY AUTHORIZING COMMITTEE

(In billions of dollars)

Function	Proposal	1998	1999	2000	2001	2002	1998-2002
	AGRICULTURE						
600	Food stamps	0.300	0.300	0.300	0.300	0.300	1.500
	Subtotal, Agriculture	0.300	0.300	0.300	0.300	0.300	1.500
	BANKING AND FINANCIAL SERVICES						
370	FHA single family assignment program	-0.136	-0.145	-0.147	-0.128	-0.110	-0.666
600	Assisted housing	0.000	-0.088	-0.218	-0.294	-0.324	-0.924
	Subtotal, Banking and Financial Services	-0.136	-0.233	-0.365	-0.422	-0.434	-1.590
	COMMERCE						
270	Lease excess SPR capacity	0.000	-0.001	-0.002	-0.004	-0.006	-0.013
550	Medicaid	-0.237	-1.771	-2.651	-3.901	-6.565	-15.125
550	Medicare low-income assistance	0.200	0.300	0.300	0.300	0.400	1.500
550	Children's Health Initiative*	2.500	2.700	3.200	3.700	3.900	16.000
570	Medicare *	-6.500	-16.800	-22.700	-29.000	-40.000	-115.000
950	Spectrum Auctions	0.000	-3.500	-3.500	-4.500	-14.800	-26.300
	Subtotal, Commerce	-4.037	-19.072	-25.353	-33.405	-57.071	-138.938
	EDUCATION AND THE WORKFORCE						
500	Repeal appropriations. under Smith-Hughes	-0.001	-0.007	-0.007	-0.007	-0.007	-0.029
500	Student Loans	-0.241	-0.240	-0.151	-0.081	-1.050	-1.763
600	Welfare-to-Work grants*	0.700	0.700	1.000	0.600	0.000	3.000
	Subtotal, Economic and Educational Opportunities	0.458	0.453	0.842	0.512	-1.057	1.208

ReportTables reconcilliation (2)
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RECONCILIATION ASSUMPTIONS BY AUTHORIZING COMMITTEE

(In billions of dollars)

Function	Proposal	1998	1999	2000	2001	2002	1998-2002
	GOVERNMENT REFORM AND OVERSIGHT						
Direct Spending:							
370	FECA reimbursement to Postal Service	-0.035	-0.034	-0.033	-0.032	-0.031	-0.165
950	Agency contributions to CSRS	-0.597	-0.591	-0.586	-0.582	-0.577	-2.933
	Subtotal, Government Reform and Oversight	-0.632	-0.625	-0.619	-0.614	-0.608	-3.098
Deficit Reduction:							
rev	Increase employee retirement contribution	0.000	-0.214	-0.423	-0.571	-0.621	-1.829
	Subtotal, Government Reform and Oversight	0.000	-0.214	-0.423	-0.571	-0.621	-1.829
	TRANSPORTATION AND INFRASTRUCTURE						
800	Asset sales	0.000	0.000	0.000	0.000	-0.540	-0.540
400	Extend vessel tonnage fees	0.000	-0.049	-0.049	-0.049	-0.049	-0.196
	Subtotal, Transportation and Infrastructure	0.000	-0.049	-0.049	-0.049	-0.589	-0.736
	VETERANS AFFAIRS						
700	Withholding for VA overpaid benefits*	-0.090	0.000	0.000	0.000	0.000	-0.090
700	Extend VA income verification (pensions) *	0.000	-0.004	-0.008	-0.012	-0.016	-0.040
700	Extend OBRA home loan provisions	-0.011	-0.228	-0.227	-0.224	-0.219	-0.909
700	Medical care income verification *	0.000	-0.018	-0.019	-0.019	-0.020	-0.076
700	Extend medical care collections	0.000	-0.232	-0.241	-0.252	-0.262	-0.987
700	Medical care administrative cost	-0.118	-0.123	-0.128	-0.133	-0.139	-0.641
700	Extend nursing home pension provisions	0.000	-0.129	-0.203	-0.131	-0.174	-0.637
700	Loan sales enhancements	-0.005	-0.005	-0.005	-0.005	-0.005	-0.025
700	Round Down Compensation COLA	-0.023	-0.051	-0.088	-0.101	-0.128	-0.391
	Subtotal, Veterans Affairs	-0.247	-0.790	-0.919	-0.877	-0.963	-3.796

ReportTables reconciliation (2)
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RECONCILIATION ASSUMPTIONS BY AUTHORIZING COMMITTEE

(In billions of dollars)

Function	Proposal	1998	1999	2000	2001	2002	1998-2002
	WAYS AND MEANS						
Direct Spending:							
550	Children's Health Initiative*	2.500	2.700	3.200	3.700	3.900	16.000
550	Assistance to immigrants (Medicaid portion)	0.400	0.400	0.300	0.300	0.300	1.700
570	Medicare *	-6.500	-16.800	-22.700	-29.000	-40.000	-115.000
600	Earned Income Credit (outlays)	0.000	-0.010	-0.028	-0.029	-0.030	-0.097
600	Raise unemployment. ceiling	0.000	0.000	-0.200	-0.208	-0.216	-0.624
600	Assistance to immigrants	1.800	1.800	1.700	1.400	1.300	8.000
600	Welfare-to-work grants*	0.700	0.700	1.000	0.600	0.000	3.000
600	Administrative Fees on State SSI Supplements	-0.035	-0.075	-0.080	-0.090	-0.100	-0.380
700	Withholding for VA overpaid benefits*	-0.090	0.000	0.000	0.000	0.000	-0.090
700	Medical care income verification *	0.000	-0.018	-0.019	-0.019	-0.020	-0.076
700	Extend VA income verification (pensions) *	0.000	-0.004	-0.008	-0.012	-0.016	-0.040
	Subtotal, Ways and Means - Direct Spending	-1.225	-11.307	-16.835	-23.358	-34.882	-87.607
Revenue:							
rev	Earned Income Credit (revenue)	0.000	-0.003	-0.008	-0.008	-0.008	-0.027
rev	Net tax relief	7.400	11.300	22.400	23.400	20.500	85.000
	Subtotal, Ways and Means - Revenue	7.400	11.297	22.392	23.392	20.492	84.973

ReportTables reconciliation (2)
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RECONCILIATION ASSUMPTIONS BY AUTHORIZING COMMITTEE

(In billions of dollars)

Function	Proposal	1998	1999	2000	2001	2002	1998-2002
	TOTAL						
Direct Spending:							
	Total	-5.519	-31.323	-42.998	-57.913	-95.304	-233.057
	Dual Assignments	-3.390	-13.422	-18.527	-24.731	-36.136	-96.206
	Total less dual assignments	-2.129	-17.901	-24.471	-33.182	-59.168	-136.851
Revenue:							
	Total	7.400	11.083	21.969	22.821	19.871	83.144
	Dual Assignments	0.000	0.000	0.000	0.000	0.000	0.000
	Total less dual assignments	7.400	11.083	21.969	22.821	19.871	83.144
	Items Which Are Assumed But Not Reconciled						
	COMMERCE						
	Extend Nuclear Regulatory Commission Fees	0.000	-0.325	-0.336	-0.347	-0.359	-1.367
	Items to Be Allocated When Legislation is Reported						
	COMMERCE AND TRANSPORTATION						
	Environmental Reserve Fund	0.200	0.200	0.200	0.200	0.200	1.000

Only FY 1998, 2002, and 1998 - 2002 amounts are reconciled.

* Denotes items reconciled to more than one committee

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

Mr. KASICH. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 327, nays 97, not voting 10, as follows:

[Roll No. 166]

YEAS—327

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—97

Barton
Becerra
Blumenauer
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Chenoweth
Clay
Coburn
Conyers
Cox
Coyne
Crane
Crapo
Cubin
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Engel
Evans
Filner
Frank (MA)
Ganske
Gephardt
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hunter
Hyde
Istook
Jackson (IL)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
King (NY)
Klug
Kucinich
Largent
Lewis (GA)
Lipinski
Markey
McCollum
McDermott
McGovern
McNulty
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Pombo
Rahall
Rangel
Rohrabacher
Roybal-Allard
Rush
Salmon
Sanders
Sanford
Scarborough
Scott
Serrano
Shadegg
Shuster
Slaughter
Stark
Stearns
Stokes
Thompson
Tierney
Torres
Towns
Traficant
Velázquez
Waters
Watt (NC)
Waxman
Weldon (FL)
Weygand
Yates

NOT VOTING—10

Andrews
Deutsch
Diaz-Balart
Farr
Goode
Jefferson
Lantos
Pickering
Schiff
Turner

□ 1529

The Clerk announced the following pair: On this vote:

Mr. Turner for, with Mr. Jefferson against.

Messrs. CRAPO, MOAKLEY, and COYNE changed their vote from "yea" to "nay."

Messrs. STUMP, MARTINEZ, and SKELTON changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 166, House Concurrent Resolution 84—conference report on the budget—I was absent. Had I been present, I would have voted "yes."

□ 1530

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 84.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Ohio?

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to House Resolution 159 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1757.

□ 1530

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Florida [Ms. BROWN] had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The perfecting amendment offered by the gentleman from California [Mr. CAMPBELL] to the amendment offered by the gentleman from New Jersey [Mr. SMITH]; and a recorded vote on the amendment by the gentleman from New Jersey [Mr. SMITH], if requested.

Proceedings on the other postponed amendments will resume at a later time.

The Chair will reduce to 5 minutes the time for the electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CAMPBELL TO THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. CAMPBELL] to the amendment offered by the gentleman from New Jersey [Mr. SMITH] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 218, not voting 16, as follows:

[Roll No. 167]

AYES—200

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Coyne
Cramer
Cummings
Danner
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klug
Kolbe
Lampson
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn
Yates

NOES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Davis (IL)
Deal
DeLay
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Fox
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Martinez
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Burton
Davis (FL)
Deutsch
Diaz-Balart
Farr
Goode
Jefferson
Lantos
McIntosh
Neumann
Nussle
Pickering
Schiff
Smith (MI)
Turner

☐ 1548

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVIS of Florida. Mr. Chairman, on rollcall No. 167, I tried to record "yes" on this vote but the system did not register my vote. Please let the RECORD reflect I intended to vote "yes" on this amendment.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 167, I was seconds late to cast my vote. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Chairman, on rollcall No. 167, the Campbell amendment to H.R. 1757, I was absent. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED vote

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 189, not voting 13, as follows:

[Roll No 168]

AYES—232

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Molinari
Mollohan
Moran (KS)
Murtha
Myrick

Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Petri
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Klug
Kolbe
Lampson
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Andrews
Deutsch
Diaz-Balart
Farr
Goode
Jefferson
Lantos
Matsui
Peterson (PA)
Pickering
Schiff
Turner
White

☐ 1558

Mr. FORD changed his vote from "aye" to "no."

Mr. MOAKLEY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Chairman, on rollcall No. 168, I was unavoidably detained and missed the vote by seconds. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Chairman, on rollcall No. 168, the Smith of New Jersey amendment to H.R. 1757, I was absent. Had I been present, I would have voted "yes."

Mr. PAYNE. Mr. Chairman, I want to raise an issue in regard to the Foreign Relations Authorization Act.

Sudan is located south of Egypt with its eastern boundary facing the Red Sea. It is one of the largest countries in Africa in terms of geographical area, approximately the size of one quarter of the United States with a population of some 29 million people.

Almost from the very time of independence from Britain and Egypt in 1956 the country has been divided by ethnic and religious differences. The largely Arabic Muslim North against the Sub-Sahara African Christian and Animist South.

Guerilla warfare in the south has persisted for at least 32 years of their 41 years of independence. But, not until 1983 when the Sudan People's Liberation Army [SPLA] was created were substantial gains made in capturing towns from the control of the Khartoum Northern Government. The SPLA is under the leadership of Col. John Garang, a military officer, trained in the United States.

Following the 1989 coup, the relative free press was put under strict censorship.

I say all of this because the geostrategic importance of the Sudan is vital to our national interest. And Sudan's stability is vital to the region's stability. I too support sanctions which our administration already has put on them. Economic sanctions, military sanctions, visa restrictions on the government and its forces should be enforced; however, this places restrictions on humanitarian assistance that affects the poor and the innocent.

I went to southern Sudan in January of this year and meet with John Garang, the leader of the Sudanese Peoples Liberation Movement in the south and they seem to be conquering much of the northern territory.

As much as I believe that the Sudanese Government should not operate with immunity, we can not at this time in good faith cancel all the assistance to the men, women, and children that so badly need this. I agree that we should use sticks with the Sudan in that they have exhausted all of their carrot options. Yet this is not a stick, this hurts. It hurts the wrong people.

Mr. RADANOVICH. Mr. Chairman, thank you for the opportunity to stand beside Mr. PALLONE in offering this important amendment to H.R. 1757, the Foreign Affairs Authorization Act.

As with everything we do in this House, expenditures for foreign aid must be evaluated to ensure fiscal discipline. H.R. 1757 makes great strides toward reducing wasteful spending, and proposes to make a vital shift in how the United States meets its foreign policy challenges.

One of the significant shifts will be to improve the operations of the State Department by consolidating into its structure two Federal agencies—the U.S. Information Agency and the Arms Control Disarmament Agency. As we proceed with these long overdue changes in the U.S. foreign affairs establishment, we must not lose sight of our Nation's ability to affect change abroad. The United States must remain engaged and sensitive to our strategic interests in ambitious but fragile democracies like Armenia.

Armenia finds itself at a crossroads. The young republic is in a delicate rebuilding process and struggles to reconstruct itself after having its growth impeded by harmful policies of the former Soviet Union. Armenia is striving to establish the type of government and free-market economy which will enable it to more easily integrate itself into the region. Regional integration in the Caucasus is of vital importance of U.S. foreign policy. Integration will yield additional economic stability for the region and help it to become a more attractive sector for U.S. investment. We must take action which facilitates the process.

Therefore, Mr. Chairman, I am, with Congressman PALLONE, offering this reasonable amendment which encourages the President to seek cooperation from the governments of Armenia, Azerbaijan, and Turkey, as well as private companies with an interest in developing Azerbaijan's Caspian Sea petroleum reserves.

This amendment serves to encourage the construction of a pipeline route from Azerbaijan through Armenia. This pipeline would likely extend to Turkey and Mediterranean sea ports. No doubt, such an effort will improve relations between the neighboring countries by spreading the seeds of cooperation. The venture will serve the overall objectives the United States has for peace and prosperity in this region.

I encourage my colleagues to support this amendment.

Mr. FARR of California. Mr. Chairman, as the House of Representatives debates the Foreign Relations Authorization Act, I wish to raise several issues that I believe deserve our close attention.

We must not neglect foreign affairs. As a former Peace Corps volunteer, I have seen first hand the tremendous need of people in other countries for basic assistance, and the enormous value of even our most modest assistance programs overseas. Unfortunately, our foreign assistance budget has suffered severely in our efforts to balance the budget. Development aid, disaster assistance, hunger and malnutrition programs, educational assistance, conflict resolution, and medical aid have all been cut drastically over the past several years, with serious consequences for the poorest and neediest people of the world.

I especially urge that we maintain our support of the United Nations. Although our country's many complaints about the United Nations receive the most attention, we rarely hear of the United Nation's tremendous good work: peacekeeping, assistance to children, conflict resolution, nuclear non-proliferation, and development assistance are just a few. Part of our support must include repaying our enormous debt to the United Nations, and I urge my colleagues to work to meet our unpaid U.N. obligations.

I also urge that we keep our focus on Latin America. Although the area has made great progress in democratization and free elections, less attention has been paid to the increasing problem of human rights abuses. Colombia and southern Mexico are just two areas where increasing militarization has led to greater violence and has put serious political and social pressure on local governments. We should give close examination to this problem and determine ways that the United States can help these countries demilitarize and reduce the level of violence.

Unfortunately, as in past years, this year's bill has become a battle over a woman's right to choose. I must express my strong opposition to any amendments to this bill that would restrict the reproductive rights of women or, in an attempt to do so, limit or end all funding for international family planning. Earlier this year, a majority of the House recognized the importance of family planning to the health and welfare of our planet and voted to maintain U.S. family planning programs. Let us not go back on our own commitment to these important programs.

I thank my colleagues in the House and look forward to working with them to address these important issues.

Mr. GILMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

□ 1600

ESTABLISHING TIME LIMITATIONS FOR CONSIDERATION OF ADDITIONAL AMENDMENTS TO H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1757 in the Committee of the Whole, pursuant to House Resolution 159, that each further amendment to the bill, and all amendments thereto, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, except for the following amendments:

Amendments en bloc offered by the chairman of the Committee on International Relations pursuant to this unanimous consent agreement; the gentleman from Rhode Island [Mr. KENNEDY] regarding Indonesia; the gentleman from California [Mr. MILLER] regarding Cuba; the gentleman from New York [Mr. SCHUMER] regarding Egypt; the gentleman from New York [Mr. PAXON] or the gentleman from New York [Mr. ENGEL] regarding Palestinian land transactions; the gentleman from Ohio [Mr. NEY] regarding Libya; the gentleman from South Carolina [Mr. SANFORD] regarding authorization levels; the gentlewoman from Georgia [Ms. MCKINNEY] regarding arms transfer code of conduct; the gentleman from California [Mr. CAPPS] regarding Tibet; the gentleman from New York [Mr. GILMAN] regarding counternarcotics authorities; the gentleman from Indiana [Mr. HAMILTON]; and the gentleman from New York [Mr. GILMAN].

It shall be in order at any time for the chairman of the Committee on International Relations or a designee, with the concurrence of the ranking minority member of that committee or a designee, to offer amendments en bloc. Amendments en bloc offered pursuant to this unanimous-consent agreement shall be considered as read, shall not be subject to amendment, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and may amend portions of the bill previously read for amendment. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The SPEAKER pro tempore [Mr. BARRETT of Nebraska]. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Speaker, reserving the right to object, I do not intend to object but I would like to ask a question or two about the unanimous-consent request. As I understand the unanimous-consent request, amendments that are not specifically listed will be allowed only 10 minutes of debate, 5 on each side?

Mr. GILMAN. If the gentleman will yield, the gentleman is correct.

Mr. HAMILTON. And the amendments that are listed which the gentleman has read would have unlimited debate?

Mr. GILMAN. The gentleman is correct.

Mr. HAMILTON. With respect to the votes pending, I think there are three, does the gentleman expect to have a vote on those today?

Mr. GILMAN. We are awaiting instructions from the majority leader.

Mr. HAMILTON. Can the gentleman tell us anything about the rest of the schedule with respect to the bill?

Mr. GILMAN. We anticipate taking up the rest of the bill next week.

Mr. HAMILTON. Will we also take up the European security bill next week?

Mr. GILMAN. We anticipate taking up the European security bill next week.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. STEARNS. Mr. Speaker, reserving the right to object, this is a question I think that the gentleman from Indiana [Mr. HAMILTON] mentioned. I think there were three of us that have amendments from last night. We have been sitting on pins and needles hoping that we could vote on these. We thought these three amendments would be voted on before the Campbell amendment and the Smith amendment. Now they have not. At this point we still are not clear when our three amendments would be voted on.

I would just like to urge on behalf of my colleagues that we vote on them today. If we do not vote on them and adjourn for next week, then the debate is lost for all the time we spent yesterday evening when we were here until 8:30 talking about this. I will not object, but I would like the chairman, if he could, just to clarify again for me and for the other Members, when will we expect a vote on those 3 amendments?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. Further reserving the right to object, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, we have not had full clarification yet from the majority leader, but anticipate we will probably vote next week on the remaining amendments.

Mr. STEARNS. I will not object but I do protest that, that we are delaying them that much.

Second, it is very difficult for the Members that have these amendments to sit around their office and try and find out what is going on and then if they do not come down, the way we structured this, as I understand it, Mr. Speaker, is that if we do not show up these amendments will not even be voted on. Could the Speaker clarify that for me?

The SPEAKER pro tempore. It occurs to the Chair that a recorded vote has been requested in each instance.

Mr. STEARNS. But even though it has been requested, if the Member who has the amendment, if he or she is not here on the floor at the rostrum, as I understand, that amendment will not be voted on because it was presented in a manner that it has to be presented by the Member again. Could the Chair clarify that? I was not clear on that last night.

The SPEAKER pro tempore. A sufficient number of Members would have to stand at that appropriate time.

Mr. STEARNS. What this means is that we would have to stand and say there is a quorum not present, Mr. Speaker, and pending that, a quorum not being present, we request a quorum before we get a recorded vote, and then pending the quorum, then we would go ahead with the procedure asking for a recorded vote? Is that what we would have to do?

The SPEAKER pro tempore. The committee would proceed under the way it normally disposes of requests for recorded votes.

Mr. STEARNS. The difficulty with that is last night we were here, we asked for a recorded vote, the assumption we had is we would get a recorded vote. Now the Chair is saying we will not get a recorded vote unless we are here.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield, I want to assure the gentleman that our staff will do everything possible to alert the gentleman if and when there is a vote so that the gentleman will be prepared to come to the floor to be present during that vote.

Mr. STEARNS. Mr. Speaker, with that assurance from the chairman, that is as good as gold.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1714

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 5 o'clock and 14 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONFERENCE REPORT ON H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that it be in order at any time today to consider a conference report to accompany the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, and that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters and overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, June 4, 1997, at page 10063.)

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY], each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

□ 1715

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 1469, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it is my pleasure to once again come to the House with the conference report on the fiscal year 1997 emergency supplemental appropriations bill, H.R. 1469.

As Members of the House may recall, on April 24 of this year, the Committee on Appropriations reported out the bill, and roughly 2 weeks ago we had the bill on the floor. Unfortunately, we were unable to complete the conference quickly, and we had to adjourn over the Memorial Day recess prior to the completion of this very, very important bill that will provide disaster relief to the citizens of some 35 States.

Today we hope to remedy that situation because, after several weeks of negotiating with the Senate on the differences between the House and the Senate versions of this legislation, we have concluded conference yesterday and are able to bring this conference agreement to the House so that the process of providing that very necessary recovery for the vast number of natural disasters that have occurred around the country this year can be maintained.

This conference agreement includes $8.9 billion in new spending authority for fiscal year 1997, of which the discretionary portion is fully offset by the rescission of previously appropriated funds and by including other offsets.

I might stress, Mr. Speaker, that the conference report, as promised when we debated this issue on the floor 2 weeks ago, is fully, and I repeat fully, offset in budget authority.

The major reasons for the increase over the House reported bill are an increase for veterans compensation and pensions and SSI, Supplemental Security Income, benefits for legal aliens. These were deemed by the administration to be necessary to provide for those benefit programs through the end of the fiscal year, and the conference agreed that the benefits, if not paid for, might leave some individuals without compensation before October 1, 1997. It is intended that these sums, these additional sums, be included in this bill so that those people might be provided for.

A summary of the total conference report on the supplemental includes the following major categories: Nearly $5.6 billion for disaster recovery, as I said earlier, for 35 States; another $268 million for other appropriations; $240 million for SSI benefits for legal aliens. All of that is offset in the domestic category of the budget by $6.092 billion in rescissions. That leaves a deficit, or an extra amount of offset by about $21 million.

In the peacekeeping provisions or the defense side of the bill we have some $1.929 billion allocated to repay the Defense Department for what has already been outlaid in Bosnia and elsewhere in other operations around the world, and that is offset with moneys provided from the Defense Department of exactly that same amount of money.

Likewise, there are mandatory appropriations in the conference agreement, mostly for VA, of $937 million.

And, as I indicated, the entire discretionary amount is offset in budget authority.

There is $3.3 billion of disaster relief bill going directly to FEMA, the Federal Emergency Management Agency, so that they can assist those people who have been devastated by floods, tornados, and other natural disasters.

There is $500 million in this bill going to Community Development Block Grants. The people in Minnesota and the Dakotas have indicated that they are concerned that the traditional assistance of FEMA has not been direct enough, has not been flexible enough to go to the people who have lost their businesses, lost their homes, and who are virtually thrown out of their entire towns. And in order to get those folks back and their cities working, they feel that the Community Development Block Grants will be more effective in solving these problems. Hopefully, that will be the case.

There is $650 million to be applied to transportation facility repair; $585 million for flood control and navigation facility repair; $166 million for watershed and flood prevention; $197 million for the national park repairs; $928 million for veterans compensation and pensions, as I mentioned earlier; and $240 million for continued SSI benefits for legal aliens; $1.26 billion for peacekeeping efforts in Bosnia and $510 million for peacekeeping efforts in southwest Asia.

I would like to remind all my colleagues again that at the beginning of the 104th Congress; that is, the Congress preceding this one, we in the majority, the Republicans, began a policy of paying for all supplemental appropriations, saying to the country that no longer will we opt for the tradition that has been established in the past of simply adding supplemental appropriations to what had previously been appropriated and not worrying about where the money comes from.

We adopted the policy of offsetting any additional or supplemental appropriations which had not been encompassed in the traditional appropriations process, which occurs in the fall, with rescissions of previously appropriated funds; that is, taking money out of other programs that we have already paid for and applying it to these supplemental needs so that there is no net cost to the taxpayer.

We have been successful. Every time we have come up with an additional or supplemental appropriation bill, we have offset it, since January 3, 1995, and I am pleased to say that we have done so again today. We have offset it with budget authority from other programs and other agencies. So I am proud to say again that this conference report complies with this policy, and that it is totally offset in budget authority.

The bill we brought to the House complied with this policy as does in this conference report. Mr. Speaker, the President has indicated, however, that because of two items, that do not have much to do with disaster relief, that he is going to veto the bill. I regret that. I hope that he does not do that.

Included in this conference agreement are matters that are very, very important to the majority of the Members of Congress and, admittedly, while they are not appropriation matters, I believe that the portions of this bill dealing with appropriations are not only acceptable but endorsed by the vast majority of the House, and I am proud of that.

But I believe also that the best thing to do is to go ahead and proceed with these extra issues because they are not consequential enough to deny aid to victims of natural disasters. One involves simply directing the Census Bureau not to sample, not to provide estimates of numbers of people in conducting the census every 10 years, as required by the Constitution, but to actually numerically count each and every person. Every person. No matter what background, no matter what ethnic identity, race, sex, or any other religious affiliation, count each and every person in America. And if the Census Bureau will do that, we will pay the bill for it, but we think that that is what the Constitution envisioned.

We hope that, in fact, the President would not veto this vital bill by saying, oh, well, let us just sample whoever is in America and not worry about counting them. We think that would be a terrible mistake, and so we have a provision in the conference agreement directing an actual count, and we have to do it this early because, otherwise, the Census Bureau will go ahead and make their plans. If we do it later on, they will say we were too late. So we have to address that issue now, and we just hope that that would not prompt the President to veto this very important bill.

Likewise, there is much concern from Members on both sides of the aisle about the fact that 2 years ago the Government closed down after the President did not sign four appropriations bills. A lot of people believe that that was unfortunate and that we should have avoided that mishap, and that we can avoid it by including in this bill what is known as a continuing resolution which says that if all of the appropriations bills for fiscal year 1998 are not passed, that full funding at 1997 levels will continue until such appropriations bills are passed.

That continuing resolution is included in this bill. All it says, or all it is, is an expression by the majority that says, Mr. President, we do not want to close down the Government. Just sign this bill with this continuing resolution and Government will stay open. If the President chooses to veto the bill because of that provision, I guess, in effect, he is saying that, well, he does not mind closing down the Government and he does not want to have a fail-safe that will keep the Government operating.

Be that as it may, he has given strong signals that he is prepared to veto the bill and I regret that, as I have said. I hope that he does not, but we will just have to confront it.

I believe the best thing to do at this point is for the Congress to express its views on the conference report and then let the President express his views. This will move the process forward. Should he veto it, we will readdress this bill. And it would be my expectation that we will still have a supplemental appropriations bill that provides disaster relief to the people that need it within a very few days under any circumstance.

But we are prepared to move this bill forward now. We hope that it will gain a majority of votes so that we can send it to the President for his signature, and we hope that he will sign it, and then we will be done with this and go on to the regular fiscal year 1998 appropriations process.

Mr. Speaker at this point I would like to insert a table reflecting the conference agreement into the RECORD.

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469)

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE I - DEPARTMENT OF DEFENSE - MILITARY						
	CHAPTER 1						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
	Military personnel, Army (emergency appropriations)		306,800,000	306,800,000	306,800,000		
	Military personnel, Navy (emergency appropriations)		7,900,000	7,900,000	7,900,000		
	Military personnel, Marine Corps (emergency appropriations)		300,000	300,000	300,000		
	Military personnel, Air Force (emergency appropriations)		29,100,000	29,100,000	29,100,000		
	Total, Military personnel		344,100,000	344,100,000	344,100,000		
	Operation and Maintenance						
	Operation and maintenance, Marine Corps (by transfer) (sec. 101)		(23,000,000)	(23,000,000)	(23,000,000)		
104-3	Overseas contingency operations transfer fund (emergency appropriations)	2,006,214,000	1,566,300,000	1,312,900,000	1,430,100,000	-136,200,000	+117,200,000
104-3	OPLAN 34A/35 P.O.W. payments	20,000,000	20,000,000	20,000,000	20,000,000		
	Total, Operation and maintenance	2,026,214,000	1,586,300,000	1,332,900,000	1,450,100,000	-136,200,000	+117,200,000
	Revolving and Management Funds						
104-3	Reserve mobilization income insurance fund (emergency appropriations)	72,000,000	72,000,000	72,000,000	72,000,000		
	General Provisions						
	Defense health program (sec. 102)		21,000,000		21,000,000		+21,000,000
	Force protection initiatives (sec. 103)		10,000,000		10,000,000		+10,000,000
	Additional transfer authority			(100,000,000)			(-100,000,000)
	Red Cross reimbursement (sec. 104)			50,000,000	25,800,000	+25,800,000	-24,200,000
	Family housing, Navy and Marine Corps (sec. 106)		6,480,000	6,480,000	6,480,000		
	Total, general provisions		37,480,000	56,480,000	63,280,000	+25,800,000	+6,800,000
	Total, Chapter 1:						
	New budget (obligational) authority	2,098,214,000	2,039,880,000	1,805,480,000	1,929,480,000	-110,400,000	+124,000,000
	Appropriations	(20,000,000)	(57,480,000)	(76,480,000)	(83,280,000)	(+25,800,000)	(+6,800,000)
	Emergency appropriations	(2,078,214,000)	(1,982,400,000)	(1,729,000,000)	(1,846,200,000)	(-136,200,000)	(+117,200,000)
	(Additional transfer authority)			(100,000,000)			(-100,000,000)
	(By transfer)		(23,000,000)	(23,000,000)	(23,000,000)		
	CHAPTER 2						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
	Military personnel, Army (rescission)			-46,000,000	-57,000,000	-57,000,000	-11,000,000
	Military personnel, Navy (rescission)			-11,000,000	-18,000,000	-18,000,000	-7,000,000
	Military personnel, Marine Corps (rescission)			-5,000,000	-5,000,000	-5,000,000	
	Military personnel, Air Force (rescission)			-15,000,000	-23,000,000	-23,000,000	-8,000,000
	Total, Military personnel			-77,000,000	-103,000,000	-103,000,000	-26,000,000
	Operation and Maintenance						
	Operation and maintenance, Army (rescission)			-174,000,000	-196,000,000	-196,000,000	-22,000,000
	Operation and maintenance, Navy (rescission)			-51,000,000	-51,000,000	-51,000,000	
	Operation and maintenance, Marine Corps (rescission)			-17,000,000	-3,000,000	-3,000,000	+14,000,000
	Operation and maintenance, Air Force (rescission)			-117,000,000	-117,000,000	-117,000,000	
104-44	Operation and maintenance, Defense-wide (rescission)	-10,000,000	-10,000,000	-25,000,000	-25,000,000	-15,000,000	
	Environmental restoration, Army (rescission)			-250,000	-250,000	-250,000	
	Environmental restoration, Navy (rescission)			-250,000	-250,000	-250,000	
	Environmental restoration, Air Force (rescission)			-250,000	-250,000	-250,000	
	Environmental restoration, Defense-wide (rescission)			-250,000	-250,000	-250,000	
	Environmental restoration, Formerly used defense sites (rescission)				-250,000	-250,000	-250,000
	Former Soviet Union threat reduction (rescission)			-2,000,000	-2,000,000	-2,000,000	
	Total, Operation and maintenance	-10,000,000	-10,000,000	-387,000,000	-395,250,000	-385,250,000	-8,250,000
	Procurement						
	Aircraft procurement, Army (rescission)			-9,085,000	-19,085,000	-19,085,000	-10,000,000
	Missile procurement, Army (rescission)			-73,707,000	-26,707,000	-26,707,000	+47,000,000
	Procurement of weapons and tracked combat vehicles, Army, (rescission)			-7,296,000	-22,696,000	-22,696,000	-15,400,000
	Procurement of ammunition, Army (rescission)			-28,236,000	-32,236,000	-32,236,000	-4,000,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Other procurement, Army (rescission)			-23,502,000	-23,502,000	-23,502,000	
	Aircraft procurement, Navy (rescission)			-62,000,000	-86,000,000	-86,000,000	-24,000,000
	Weapons procurement, Navy (rescission)			-22,000,000	-22,000,000	-22,000,000	
	Procurement of ammunition, Navy and Marine Corps (rescission)			-4,812,000	-812,000	-812,000	+4,000,000
	Shipbuilding and conversion, Navy (rescission)			-43,000,000	-61,700,000	-61,700,000	-18,700,000
	Other procurement, Navy (rescission)			-15,237,000	-15,237,000	-15,237,000	
	Procurement, Marine Corps (rescission)			-5,207,000	-1,207,000	-1,207,000	+4,000,000
	Aircraft procurement, Air Force (rescission)			-114,650,000	-130,376,000	-130,376,000	-15,726,000
	Missile procurement, Air Force (rescission)			-193,195,000	-179,020,000	-179,020,000	+14,175,000
	Procurement of ammunition, Air Force (rescission)				-7,700,000	-7,700,000	-7,700,000
	Other procurement, Air Force (rescission)			-20,659,000	-33,659,000	-33,659,000	-13,000,000
	Procurement, Defense-wide (rescission)			-9,860,000	-29,973,000	-29,973,000	-20,113,000
104-44	National Guard and Reserve equipment (rescission)	-62,000,000		-5,029,000	-13,029,000	-13,029,000	-8,000,000
	Total, Procurement	-62,000,000		-637,475,000	-704,939,000	-704,939,000	-67,464,000
	Research, Development, Test and Evaluation						
	Research, development, test and evaluation, Army (rescission)			-14,366,000	-22,366,000	-22,366,000	-8,000,000
	Research, development, test and evaluation, Navy (rescission)			-35,978,000	-26,478,000	-26,478,000	+9,500,000
	Research, development, test and evaluation, Air Force (rescission)			-150,396,000	-196,245,000	-196,245,000	-45,849,000
	Research, development, test and evaluation, Defense-wide (rescission)			-176,090,000	-182,714,000	-182,714,000	-6,624,000
	Developmental test and evaluation, Defense (rescission)			-890,000	-6,692,000	-6,692,000	-5,802,000
	Operational test and evaluation, Defense (rescission)			-160,000	-160,000	-160,000	
	Total, Research, development, test and evaluation			-377,880,000	-434,655,000	-434,655,000	-56,775,000
	Revolving and Management Fund						
	National Defense Sealift Fund (rescission)			-35,000,000	-25,200,000	-25,200,000	+9,800,000
	Other Department of Defense Programs						
	Defense health program (rescission)				-21,000,000	-21,000,000	-21,000,000
	Chemical agents and munitions destruction, Defense (rescission)			-48,108,000	-48,108,000	-48,108,000	
	Drug interdiction and counter-drug activities, Defense (rescission)			-2,000,000	-2,000,000	-2,000,000	
	Total, Other Department of Defense programs			-50,108,000	-71,108,000	-71,108,000	-21,000,000
	General Provisions						
104-3	DOD-wide savings proposals (offset)	-4,800,000,000					
	Dual-use applications program (rescission)			-100,000,000			+100,000,000
	Revised economic adjustments, FY 1997 (rescission)		-307,000,000			+307,000,000	
	Foreign currency savings, FY 1997 (rescission)		-308,000,000			+308,000,000	
	Prior year unobligated balances (rescission)		-246,367,000			+246,367,000	
	Prior year rescissions		-982,500,000			+982,500,000	
	Military construction, rescissions (sec. 201)		-180,000,000	-235,000,000	-189,000,000	-9,000,000	+46,000,000
	Military construction, Navy (rescission) (sec. 202)		-6,480,000	-6,480,000	-6,480,000		
	Total, general provisions	-4,800,000,000	-2,030,347,000	-341,480,000	-195,480,000	+1,834,867,000	+146,000,000
	Total, Chapter 2:						
	New budget (obligational) authority	-4,872,000,000	-2,040,347,000	-1,905,943,000	-1,929,632,000	+110,715,000	-23,689,000
	Rescissions	(-72,000,000)	(-2,040,347,000)	(-1,905,943,000)	(-1,929,632,000)	(+110,715,000)	(-23,689,000)
	Offsets	(-4,800,000,000)					
	Total, title I:						
	Discretionary budget authority (net)	-2,773,786,000	-467,000	-100,463,000	-152,000	+315,000	+100,311,000
	Appropriations	(20,000,000)	(57,480,000)	(76,480,000)	(83,280,000)	(+25,800,000)	(+6,800,000)
	Rescissions	-72,000,000	-2,040,347,000	-1,905,943,000	-1,929,632,000	+110,715,000	-23,689,000
	Offsets	(-4,800,000,000)					
	Emergency appropriations	(2,078,214,000)	(1,982,400,000)	(1,729,000,000)	(1,846,200,000)	(-136,200,000)	(+117,200,000)
	(By transfer)		(23,000,000)	(23,000,000)	(23,000,000)		

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE II - EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Farm Service Agency						
104-58	Emergency conservation program (emergency appropriations)	20,000,000					
104-58	Contingent emergency appropriations	17,000,000	65,000,000	77,000,000	70,000,000	+5,000,000	-7,000,000
	Tree assistance program (contingent emergency appropriations)		9,000,000	9,500,000	9,000,000		-500,000
	Total, Farm Service Agency	37,000,000	74,000,000	86,500,000	79,000,000	+5,000,000	-7,500,000
	Agricultural Credit Insurance Fund Program Account						
	Loan subsidies:						
	Farm operating loans:						
	Direct			12,600,000	6,300,000	+6,300,000	-6,300,000
	Guaranteed subsidized (contingent emergency appropriations)			10,000,000	5,000,000	+5,000,000	-5,000,000
	Subtotal			22,600,000	11,300,000	+11,300,000	-11,300,000
	Emergency disaster loans (contingent emergency appropriations)			18,000,000	18,000,000	+18,000,000	
	Total, loan subsidies			40,600,000	29,300,000	+29,300,000	-11,300,000
	Loan authorizations:						
	Farm operating loans:						
	Direct			(100,000,000)	(50,000,000)	(+50,000,000)	(-50,000,000)
	Guaranteed subsidized			(110,000,000)	(55,000,000)	(+55,000,000)	(-55,000,000)
	Subtotal			(210,000,000)	(105,000,000)	(+105,000,000)	(-105,000,000)
	Emergency disaster loans			(59,000,000)	(59,000,000)	(+59,000,000)	
	Total, loan authorizations			(269,000,000)	(164,000,000)	(+164,000,000)	(-105,000,000)
	Commodity Credit Corporation Fund						
	Disaster reserve assistance program:						
	Livestock indemnity program				(50,000,000)	(+50,000,000)	(+50,000,000)
	Natural Resources Conservation Service						
104-58	Watershed and flood prevention operations (emergency appropriations)	66,100,000					
104-58	Contingent emergency appropriations	18,000,000	150,700,000	171,000,000	166,000,000	+15,300,000	-5,000,000
	Total, Natural Resources Conservation Serivce	84,100,000	150,700,000	171,000,000	166,000,000	+15,300,000	-5,000,000
	Rural Housing Service						
	Rural Housing Insurance Fund Program:						
	Rental housing (sec. 515):						
104-58	Loan subsidy (emergency appropriation)	250,000		250,000			-250,000
104-58	(Loan authorization)	(488,000)		(488,000)			(-488,000)
104-58	Rural housing assistance program (emergency appropriations)	750,000					
	Contingent emergency appropriations			4,000,000			-4,000,000
	Total, Rural Housing Service	1,000,000		4,250,000			-4,250,000
	Rural Utilities Service						
104-58	Rural utilities assistance program (emergency appropriations)	1,000,000					
	Contingent emergency appropriations			6,500,000	4,000,000	+4,000,000	-2,500,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Food and Consumer Service						
104-3	Child nutrition programs	6,250,000	....	....	....	....	....
104-3	Special supplemental nutrition program for women, infants, and children (WIC)	100,000,000	76,000,000	58,000,000	76,000,000	....	+18,000,000
	Total, Food and Consumer Service	106,250,000	76,000,000	58,000,000	76,000,000	....	+18,000,000
	Total, Chapter 1:						
	New budget (obligational) authority	229,350,000	300,700,000	366,850,000	354,300,000	+53,600,000	-12,550,000
	Appropriations	(106,250,000)	(76,000,000)	(70,600,000)	(82,300,000)	(+6,300,000)	(+11,700,000)
	Emergency appropriations	(88,100,000)	....	(250,000)	....	....	(-250,000)
	Contingent emergency appropriations	(35,000,000)	(224,700,000)	(296,000,000)	(272,000,000)	(+47,300,000)	(-24,000,000)
	(Loan authorization)	(488,000)	....	(269,488,000)	(164,000,000)	(+164,000,000)	(-105,488,000)
	CHAPTER 2						
	DEPARTMENT OF COMMERCE						
	Economic Development Administration						
....	Economic development assistance programs (emergency appropriations)	....	....	54,700,000	50,200,000	+50,200,000	-4,500,000
....	Contingent emergency appropriations	....	47,700,000	....	....	-47,700,000	....
104-58	(By transfer)	(1,200,000)	....	....	....	....	....
....	Salaries and expenses (emergency appropriations)	....	....	....	2,000,000	+2,000,000	+2,000,000
....	Contingent emergency appropriations	....	2,000,000	....	....	-2,000,000	....
	Total, Economic Development Administration	....	49,700,000	54,700,000	52,200,000	+2,500,000	-2,500,000
	National Oceanic and Atmospheric Administration						
104-58	Operations, research and facilities (emergency appropriations)	12,000,000	....	....	....	....	....
104-58	Construction (emergency appropriations)	10,800,000	10,800,000	10,800,000	10,800,000	....	....
	Total, National Oceanic and Atmospheric Administration	22,800,000	10,800,000	10,800,000	10,800,000	....	....
	Total, Department of Commerce	22,800,000	60,500,000	65,500,000	63,000,000	+2,500,000	-2,500,000
	DEPARTMENT OF STATE						
	International Organizations and Conferences						
....	Contributions to international organizations, current year assessment	....	....	100,000,000	....	....	-100,000,000
104-3	Arrearage payments (advance appropriation, FY 1999)	921,000,000	....	....	....	....	....
	RELATED AGENCY						
	Commission on the Advancement of Federal Law Enforcement						
....	Salaries and expenses	....	2,000,000	....	2,000,000	....	+2,000,000
	Total, Chapter 2:						
	New budget (obligational) authority	943,800,000	62,500,000	165,500,000	65,000,000	+2,500,000	-100,500,000
	Appropriations	....	(2,000,000)	(100,000,000)	(2,000,000)	....	(-98,000,000)
	Emergency appropriations	(22,800,000)	(10,800,000)	(65,500,000)	(63,000,000)	(+52,200,000)	(-2,500,000)
	Contingent emergency appropriations	....	(49,700,000)	....	....	(-49,700,000)	....
	Advance appropriation, FY 1999	(921,000,000)	....	....	....	....	....
	(By transfer)	(1,200,000)	....	....	....	....	....
	CHAPTER 2A						
	FEDERAL FUNDS						
....	Federal payment to the District of Columbia	....	....	31,150,000	....	....	-31,150,000
	DISTRICT OF COLUMBIA FUNDS						
....	Public safety and justice	....	....	(8,800,000)	....	....	(-8,800,000)
....	Capital outlay	....	....	(22,350,000)	....	....	(-22,350,000)
	Total, District of Columbia funds	....	....	(31,150,000)	....	....	(-31,150,000)
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
....	Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (emergency appropriations)	....	20,000,000	20,000,000	20,000,000	....	....

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
104-58	Operation and maintenance, general (emergency appropriations)	39,000,000	150,000,000	137,000,000	150,000,000		+13,000,000
104-58	Flood control and coastal emergencies (emergency appropriations)	201,700,000	415,000,000	390,000,000	415,000,000		+25,000,000
104-58	Contingent emergency appropriations	50,000,000					
104-58	Advance appropriation, FY 1998	30,500,000					
	Total, Department of Defense - Civil	321,200,000	585,000,000	547,000,000	585,000,000		+38,000,000
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
104-58	Operation and maintenance (emergency appropriations)	4,500,000	7,355,000	7,355,000	7,355,000		
	DEPARTMENT OF ENERGY						
104-78	Energy supply, research and development activities (by transfer)	(19,700,000)					
	Total, Chapter 3:						
	New budget (obligational) authority	325,700,000	592,355,000	554,355,000	592,355,000		+38,000,000
	Emergency appropriations	(245,200,000)	(592,355,000)	(554,355,000)	(592,355,000)		(+38,000,000)
	Contingent emergency appropriations	(50,000,000)					
	Advance appropriation, FY 1998	(30,500,000)					
	(By transfer)	(19,700,000)					
	CHAPTER 5						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
	Construction (emergency appropriations)		1,793,000	393,000	393,000	-1,400,000	
104-58	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	(4,403,000)	(4,403,000)	(+1,400,000)	
	Total, Bureau of Land Management		1,793,000	393,000	393,000	-1,400,000	
	United States Fish and Wildlife Service						
104-58	Resource management (emergency appropriations)	2,000,000	2,250,000	8,350,000	5,300,000	+3,050,000	-3,050,000
104-58	Construction (emergency appropriations)	32,000,000	81,000,000	91,000,000	88,000,000	+7,000,000	-3,000,000
104-58	Land acquisition (emergency appropriations)	15,000,000	15,000,000	5,000,000	10,000,000	-5,000,000	+5,000,000
	Total, United States Fish and Wildlife Service	49,000,000	98,250,000	104,350,000	103,300,000	+5,050,000	-1,050,000
	National Park Service						
104-58	Construction	10,000,000	10,000,000	10,000,000	10,000,000		
104-58	Emergency appropriations	147,779,000	156,912,000	157,321,000	157,321,000	+409,000	
104-58	Contingent emergency appropriations	30,000,000	30,000,000	30,000,000	30,000,000		
	Total, National Park Service	187,779,000	196,912,000	197,321,000	197,321,000	+409,000	
	United States Geological Survey						
104-58	Surveys, investigations, and research (emergency appropriations)	1,300,000	4,290,000	4,650,000	4,650,000	+360,000	
	Bureau of Indian Affairs						
104-58	Operation of Indian programs (emergency appropriations)	5,800,000	11,100,000	14,317,000	14,317,000	+3,217,000	
104-58	Construction (emergency appropriations)	5,000,000	5,554,000	6,249,000	6,249,000	+695,000	
	Total, Bureau of Indian Affairs	10,800,000	16,654,000	20,566,000	20,566,000	+3,912,000	
	Total, Department of the Interior	248,879,000	317,899,000	327,280,000	326,230,000	+8,331,000	-1,050,000
	RELATED AGENCIES						
	DEPARTMENT OF AGRICULTURE						
	Forest Service						
104-58	National forest system (emergency appropriations)	25,000,000	37,107,000	39,677,000	39,677,000	+2,570,000	
104-58	Reconstruction and construction (emergency appropriations)	13,000,000	32,334,000	27,685,000	27,685,000	-4,649,000	
	Total, Forest Service	38,000,000	69,441,000	67,362,000	67,362,000	-2,079,000	

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Indian Health Service						
....	Indian health services (emergency appropriations)	....	1,000,000	1,000,000	1,000,000	....	....
....	Indian health facilities (emergency appropriations)	....	2,000,000	2,000,000	2,000,000	....	....
	Total, Indian Health Service	....	3,000,000	3,000,000	3,000,000	....	....
	GENERAL PROVISIONS						
....	Recreation fees (sec. 5001)	....	7,000,000	7,000,000	7,000,000	....	....
	Total, Chapter 5:						
	New budget (obligational) authority	286,879,000	397,340,000	404,642,000	403,592,000	+6,252,000	-1,050,000
	Appropriations..	(10,000,000)	(17,000,000)	(17,000,000)	(17,000,000)	....	....
	Emergency appropriations	(246,879,000)	(350,340,000)	(357,642,000)	(356,592,000)	(+6,252,000)	(-1,050,000)
	Contingent emergency appropriations............	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	....	....
	(By transfer) (emergency appropriations)............	(3,003,000)	(3,003,000)	(4,403,000)	(4,403,000)	(+1,400,000)	....
	CHAPTER 6						
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
....	Health education assistance loans program	....	....	499,000	499,000	+499,000	....
	Office of the Secretary						
....	Public health and social services emergency fund.......	....	....	....	15,000,000	+15,000,000	+15,000,000
....	Emergency appropriations	....	....	15,000,000	....	....	-15,000,000
	Total, Department of Health and Human Services..	....	....	15,499,000	15,499,000	+15,499,000	....
	DEPARTMENT OF EDUCATION						
....	Education for the disadvantaged..............................	....	....	585,000,000	101,133,000	+101,133,000	-483,867,000
....	Advance appropriation, FY 1998	....	....	-386,824,000	....	....	+386,824,000
	Total, Department of Education..............................	....	....	198,176,000	101,133,000	+101,133,000	-97,043,000
	RELATED AGENCY						
	National Commission on the Cost of Higher Education						
....	Salaries and expenses..	....	650,000	....	650,000	....	+650,000
	GENERAL PROVISIONS						
....	Child care and development block grant (sec. 6004)....	....	....	1,000,000	1,000,000	+1,000,000	....
....	Supplemental security income program (sec. 6005)	....	240,000,000	240,000,000	240,000,000	....	....
	Total, Chapter 6:						
	New budget (obligational) authority	....	240,650,000	454,675,000	358,282,000	+117,632,000	-96,393,000
	Appropriations..	....	(240,650,000)	(826,499,000)	(358,282,000)	(+117,632,000)	(-468,217,000)
	Emergency appropriations	....	....	(15,000,000)	....	....	(-15,000,000)
	Advance appropriation, FY 1998	....	....	(-386,824,000)	....	....	(+386,824,000)
	CHAPTER 7						
	CONGRESSIONAL OPERATIONS						
	SENATE						
	Contingent Expenses of the Senate						
....	Secretary of the Senate (by transfer)	....	....	(5,000,000)	(5,010,000)	(+5,010,000)	(+10,000)
	HOUSE OF REPRESENTATIVES						
	Payments to Widows and Heirs of Deceased Members of Congress						
....	Gratuities, deceased Members	....	....	....	133,600	+133,600	+133,600
	OTHER AGENCY						
	BOTANIC GARDEN						
....	Salaries and expenses..	....	....	....	33,500,000	+33,500,000	+33,500,000
	Total, Chapter 7:						
	New budget (obligational) authority	....	....	....	33,633,600	+33,633,600	+33,633,600
	(By transfer)..	....	....	(5,000,000)	(5,010,000)	(+5,010,000)	(+10,000)

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 8						
	DEPARTMENT OF TRANSPORTATION						
	Coast Guard						
....	Operating expenses	....	....	6,473,000	1,600,000	+1,600,000	-4,873,000
104-3	Retired pay	4,200,000	4,200,000	4,200,000	9,200,000	+5,000,000	+5,000,000
	Total, Coast Guard	4,200,000	4,200,000	10,673,000	10,800,000	+6,600,000	+127,000
	Federal Aviation Administration						
....	Facilities and equipment (Airport and Airway Trust Fund)	....	40,000,000	....	....	-40,000,000	....
....	Grants-in-aid for airports	....	....	15,520,000	....	....	-15,520,000
	Federal Highway Administration						
	Federal-aid highways (Highway Trust Fund):						
104-56	Emergency relief program (emergency appropriations)	276,000,000	276,000,000	276,000,000	650,000,000	+374,000,000	+374,000,000
104-58	Contingent emergency appropriations	15,000,000	374,000,000	374,000,000	....	-374,000,000	-374,000,000
104-3	(Limitation on obligations)	(318,077,043)	(318,077,043)	(933,193,000)	(694,810,534)	(+376,733,491)	(-238,382,466)
	Total, Federal Highway Administration	291,000,000	650,000,000	650,000,000	650,000,000	....	....
	Federal Railroad Administration						
....	Emergency railroad rehabilitation and repair (emergency appropriations)	....	....	....	18,900,000	+18,900,000	+18,900,000
....	Contingent emergency appropriations	....	10,000,000	24,000,000	....	-10,000,000	-24,000,000
	Total, Department of Transportation	295,200,000	704,200,000	700,193,000	679,700,000	-24,500,000	-20,493,000
	RELATED AGENCY						
	National Transportation Safety Board						
104-3	Salaries and expenses (emergency appropriations)	20,200,000	....	14,100,000	29,859,000	+29,859,000	+15,759,000
....	Contingent emergency appropriations	....	23,300,000	....	....	-23,300,000	....
	GENERAL PROVISIONS						
	Highway traffic safety grants (Highway Trust Fund):						
....	Alcohol-impaired driving prevention incentive grants (sec. 8003)	....	500,000	500,000	500,000	....	....
....	National Driver Register (sec. 8004)	....	2,500,000	....	2,500,000	....	+2,500,000
	Total, Chapter 8:						
	New budget (obligational) authority	315,400,000	730,500,000	714,793,000	712,559,000	-17,941,000	-2,234,000
	Appropriations	(4,200,000)	(47,200,000)	(26,693,000)	(13,800,000)	(-33,400,000)	(-12,893,000)
	Emergency appropriations	(296,200,000)	(276,000,000)	(290,100,000)	(698,759,000)	(+422,759,000)	(+408,659,000)
	Contingent emergency appropriations	(15,000,000)	(407,300,000)	(398,000,000)	....	(-407,300,000)	(-398,000,000)
	(Limitation on obligations)	(318,077,043)	(318,077,043)	(933,193,000)	(694,810,534)	(+376,733,491)	(-238,382,466)
	CHAPTER 9						
	DEPARTMENT OF THE TREASURY						
	Departmental Offices						
....	Salaries and expenses	....	....	1,950,000	1,950,000	+1,950,000	....
	U.S. POSTAL SERVICE						
104-3	Payment to the Postal Service Fund	5,383,000	5,300,000	5,383,000	5,383,000	+83,000	....
	FUNDS APPROPRIATED TO THE PRESIDENT						
104-71	Unanticipated needs for natural disasters (emergency appropriations)	200,000,000	....	....	....	....	....
	INDEPENDENT AGENCY						
104-61	Federal Election Commission	1,709,000	....	....	....	....	....
	Total, Chapter 9:						
	New budget (obligational) authority	207,092,000	5,300,000	7,333,000	7,333,000	+2,033,000	....
	Appropriations	(7,092,000)	(5,300,000)	(7,333,000)	(7,333,000)	(+2,033,000)	....
	Emergency appropriations	(200,000,000)	....	....	....	....	....
	CHAPTER 10						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Benefits Administration						
104-3	Compensation and pensions	753,000,000	753,000,000	753,000,000	928,000,000	+175,000,000	+175,000,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
	Preserving existing housing investment		3,500,000		3,500,000		+3,500,000
104-3	Drug elimination grants for low-income housing (by transfer)	(30,200,000)	(30,200,000)			(-30,200,000)	
	Capacity Building for Community Development and Affordable Housing						
	National community development initiative (by transfer)			(30,200,000)	(30,200,000)	(+30,200,000)	
	Community Planning and Development						
104-71	Community development block grants fund (emergency appropriations)	100,000,000	500,000,000	500,000,000	250,000,000	-250,000,000	-250,000,000
	Emergency advance appropriation, FY 1998				250,000,000	+250,000,000	+250,000,000
	Total, Department of Housing and Urban Development	100,000,000	503,500,000	500,000,000	503,500,000		+3,500,000
	INDEPENDENT AGENCY						
	Federal Emergency Management Agency						
104-58	Disaster relief (emergency appropriations)	541,000,000	3,067,677,000	3,100,000,000	3,300,000,000	+232,323,000	+200,000,000
104-58	Contingent emergency appropriations	438,000,000					
	Disaster assistance direct loan program account:						
	Community disaster loans (by transfer) (contingent emergency appropriations)			(20,000,000)	(20,000,000)	(+20,000,000)	
	Salaries and expenses		5,000,000			-5,000,000	
	Total, Federal Emergency Management Agency	979,000,000	3,072,677,000	3,100,000,000	3,300,000,000	+227,323,000	+200,000,000
	Total, Chapter 10:						
	New budget (obligational) authority	1,832,000,000	4,329,177,000	4,353,000,000	4,731,500,000	+402,323,000	+378,500,000
	Appropriations	(753,000,000)	(761,500,000)	(753,000,000)	(931,500,000)	(+170,000,000)	(+178,500,000)
	Emergency appropriations	(641,000,000)	(3,567,677,000)	(3,600,000,000)	(3,550,000,000)	(-17,677,000)	(-50,000,000)
	Contingent emergency appropriations	(438,000,000)					
	Emergency advance appropriation, FY 1998				(250,000,000)	(+250,000,000)	(+250,000,000)
	(By transfer)	(30,200,000)	(30,200,000)	(30,200,000)	(30,200,000)		
	(By transfer) (contingent emergency appropriations)			(20,000,000)	(20,000,000)	(+20,000,000)	
	CHAPTER 11						
	OFFSETS AND RESCISSIONS						
	DEPARTMENT OF AGRICULTURE						
	Office of the Secretary						
	Fund For Rural America (offset)		-20,000,000		-20,000,000		-20,000,000
	Natural Resources Conservation Service						
	Wetlands reserve program (offset)		-19,000,000			+19,000,000	
	Food and Consumer Service						
104-3	The emergency food assistance program (offset)	-6,000,000	-20,000,000	-20,000,000	-20,000,000		
	Foreign Agricultural Service						
	Export credit (offset)		-16,000,000	-16,000,000		+16,000,000	+16,000,000
	Export enhancement program (offset)		-23,000,000	-13,000,000		+23,000,000	+13,000,000
	Total, Foreign Agricultural Service		-39,000,000	-29,000,000		+39,000,000	+29,000,000
	Public Law 480 Program Account:						
	Title I - Credit sales:						
104-44	Ocean freight differential (rescission)	-3,500,000					
104-44	Loan subsidies (rescission)	-46,500,000					
	Total, Public Law 480 program account	-50,000,000					
	Total, Department of Agriculture	-56,000,000	-98,000,000	-49,000,000	-40,000,000	+58,000,000	+9,000,000
	DEPARTMENT OF JUSTICE						
	General Administration						
104-44	Working capital fund (rescission)	-6,400,000	-6,400,000	-6,400,000	-6,400,000		
	Legal Activities						
	Assets forfeiture fund (rescission)		-3,000,000		-3,000,000		-3,000,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Immigration and Naturalization Service						
....	Construction (rescission)	....	-1,000,000	....	-1,000,000	....	-1,000,000
	Total, Department of Justice	-6,400,000	-10,400,000	-6,400,000	-10,400,000	....	-4,000,000
	DEPARTMENT OF COMMERCE						
	National Institute of Standards and Technology						
....	Industrial technology services (rescission)	....	-7,000,000	....	-7,000,000	....	-7,000,000
	National Oceanic and Atmospheric Administration						
....	Fleet modernization, shipbuilding and conversion (rescission)	....	-2,000,000	....	....	+2,000,000	....
	Total, Department of Commerce	....	-9,000,000	....	-7,000,000	+2,000,000	-7,000,000
	RELATED AGENCIES						
	Federal Communications Commission						
....	Salaries and expenses (rescission)	....	-1,000,000	....	-1,000,000	....	-1,000,000
	Ounce of Prevention Council						
....	Direct appropriation (rescission)	....	-1,000,000	....	-1,000,000	....	-1,000,000
	Total, related agencies	....	-2,000,000	....	-2,000,000	....	-2,000,000
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
104-3	Construction, general (offset)	-50,000,000	....	-30,000,000	....	....	+30,000,000
	DEPARTMENT OF ENERGY						
....	Energy supply, research and development activities (rescission)	....	-22,532,000	....	-11,180,000	+11,352,000	-11,180,000
	Power Marketing Administrations						
104-44	Construction, rehabilitation, operation and maintenance, Western Area Power Administration (rescission)	-2,111,000	....	....	-11,352,000	-11,352,000	-11,352,000
	Total, Department of Energy	-2,111,000	-22,532,000	....	-22,532,000	....	-22,532,000
	DEPARTMENT OF ENERGY						
104-57	Clean coal technology (rescission)	-10,000,000	-17,000,000	-17,000,000	-17,000,000	....	....
104-44	Strategic petroleum reserve (rescission)	-11,000,000	-11,000,000	-11,000,000	-11,000,000	....	....
	Total, Department of Energy	-21,000,000	-28,000,000	-28,000,000	-28,000,000	....	....
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Administration for Children and Families						
....	Job opportunities and basic skills (JOBS) (offset)	....	-700,000,000	-700,000,000	-700,000,000	....	....
	DEPARTMENT OF EDUCATION						
....	Federal family education loan program account (rescission)	....	-849,000	....	....	+849,000	....
	DEPARTMENT OF TRANSPORTATION						
	Federal Aviation Administration						
....	Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authorization)	....	....	-778,000,000	-750,000,000	-750,000,000	+28,000,000
	National Highway Traffic Safety Administration						
....	Highway traffic safety grants (Highway Trust Fund) (rescission of contract authorization)	....	....	-10,600,000	-13,000,000	-13,000,000	-2,400,000
	Federal Transit Administration						
....	Trust fund share of expenses (Highway Trust Fund) (rescission of contract authorization)	....	....	-271,000,000	-271,000,000	-271,000,000	....
....	Discretionary grants (Highway Trust Fund) (rescission of contract authorization)	....	....	-588,000,000	-588,000,000	-588,000,000	....
	Total, Federal Transit Administration	....	....	-859,000,000	-859,000,000	-859,000,000	....
	Total, Department of Transportation	....	....	-1,647,600,000	-1,622,000,000	-1,622,000,000	+25,600,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	INDEPENDENT AGENCY						
	General Services Administration						
	Federal Buildings Fund:						
	Repairs and alterations (rescission)		-1,400,000			+1,400,000	
104-44	Expenses, presidential transition (rescission)	-5,600,000	-5,600,000	-5,600,000	-5,600,000		
	Total, General Services Administration	-5,600,000	-7,000,000	-5,600,000	-5,600,000	+1,400,000	
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
104-44	Annual contributions for assisted housing (rescission).	-250,000,000	-3,823,440,000	-3,650,000,000	-3,650,000,000	+173,440,000	
	Federal Housing Administration						
	FHA - General and special risk program account:						
	Rescission			-85,000,000			+85,000,000
	Total, Department of Housing and Urban Development	-250,000,000	-3,823,440,000	-3,735,000,000	-3,650,000,000	+173,440,000	+85,000,000
	INDEPENDENT AGENCIES						
	Federal Emergency Management Agency						
	Salaries and expenses (emergency rescission)			-5,000,000			+5,000,000
	National Aeronautics and Space Administration						
	National aeronautics facilities (rescission of advance appropriation, FY 1998)		-38,000,000	-365,000,000	-365,000,000	-327,000,000	
	Funds Appropriated to the President						
	Unanticipated needs (emergency rescission)			-4,200,000	-4,200,000	-4,200,000	
	Total, Chapter 11:						
	New budget (obligational) authority	-391,111,000	-4,739,221,000	-6,575,800,000	-6,456,732,000	-1,717,511,000	+119,068,000
	Rescissions	(-335,111,000)	(-3,903,221,000)	(-3,775,000,000)	(-3,725,532,000)	(+177,689,000)	(+49,468,000)
	Rescission of contract authorization			(-1,647,600,000)	(-1,622,000,000)	(-1,622,000,000)	(+25,600,000)
	Rescission of advance appropriation		(-38,000,000)	(-365,000,000)	(-365,000,000)	(-327,000,000)	
	Offsets	(-56,000,000)	(-798,000,000)	(-779,000,000)	(-740,000,000)	(+58,000,000)	(+39,000,000)
	Emergency rescissions			(-9,200,000)	(-4,200,000)	(-4,200,000)	(+5,000,000)
	Total, title II:						
	Discretionary budget authority (net)	2,991,910,000	1,162,101,000	-280,702,000	-135,511,000	-1,297,612,000	+145,191,000
	Appropriations	(123,342,000)	(392,450,000)	(1,075,075,000)	(508,515,000)	(+116,065,000)	(-566,560,000)
	Rescissions	(-335,111,000)	(-3,903,221,000)	(-3,775,000,000)	(-3,725,532,000)	(+177,689,000)	(+49,468,000)
	Rescission of contract authorization			(-1,647,600,000)	(-1,622,000,000)	(-1,622,000,000)	(+25,600,000)
	Offsets	(-56,000,000)	(-798,000,000)	(-779,000,000)	(-740,000,000)	(+58,000,000)	(+39,000,000)
	Emergency appropriations	(1,740,179,000)	(4,797,172,000)	(4,882,847,000)	(5,260,706,000)	(+463,534,000)	(+377,859,000)
	Contingent emergency appropriations	(568,000,000)	(711,700,000)	(724,000,000)	(302,000,000)	(-409,700,000)	(-422,000,000)
	Emergency rescissions			(-9,200,000)	(-4,200,000)	(-4,200,000)	(+5,000,000)
	Advance appropriation, FY 1998	(30,500,000)		(-386,824,000)			(+386,824,000)
	Advance appropriation, FY 1999	(921,000,000)					
	Emergency advance appropriation, FY 1998				(250,000,000)	(+250,000,000)	(+250,000,000)
	Rescission of advance appropriation		(-38,000,000)	(-365,000,000)	(-365,000,000)	(-327,000,000)	
	(Limitation on obligations)	(318,077,043)	(318,077,043)	(933,193,000)	(694,810,534)	(+376,733,491)	(-238,382,466)
	(Loan authorization)	(488,000)		(269,488,000)	(164,000,000)	(+164,000,000)	(-105,488,000)
	(By transfer)	(51,100,000)	(30,200,000)	(35,200,000)	(35,210,000)	(+5,010,000)	(+10,000)
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	(4,403,000)	(4,403,000)	(+1,400,000)	
	(By transfer) (contingent emergency appropriations)			(20,000,000)	(20,000,000)	(+20,000,000)	
	Mandatory budget authority	757,200,000	757,200,000	757,200,000	937,333,600	+180,133,600	+180,133,600

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Grand total, all titles:						
	Discretionary budget authority (net)	218,124,000	1,161,634,000	-381,165,000	-135,663,000	-1,297,297,000	+245,502,000
	Appropriations	(143,342,000)	(449,930,000)	(1,151,555,000)	(591,795,000)	(+141,865,000)	(-559,760,000)
	Rescissions	(-407,111,000)	(-5,943,568,000)	(-5,680,943,000)	(-5,655,164,000)	(+288,404,000)	(+25,779,000)
	Rescission of contract authorization	....	....	(-1,647,600,000)	(-1,622,000,000)	(-1,622,000,000)	(+25,600,000)
	Offsets	(-4,856,000,000)	(-798,000,000)	(-779,000,000)	(-740,000,000)	(+58,000,000)	(+39,000,000)
	Emergency appropriations	(3,818,393,000)	(6,779,572,000)	(6,611,847,000)	(7,106,906,000)	(+327,334,000)	(+495,059,000)
	Contingent emergency appropriations	(568,000,000)	(711,700,000)	(724,000,000)	(302,000,000)	(-409,700,000)	(-422,000,000)
	Emergency rescissions	....	....	(-9,200,000)	(-4,200,000)	(-4,200,000)	(+5,000,000)
	Advance appropriation, FY 1998	(30,500,000)	....	(-386,824,000)	....	....	(+386,824,000)
	Advance appropriation, FY 1999	(921,000,000)	....	....	....	....	....
	Emergency advance appropriation, FY 1998	....	....	....	(250,000,000)	(+250,000,000)	(+250,000,000)
	Rescission of advance appropriation	....	(-38,000,000)	(-365,000,000)	(-365,000,000)	(-327,000,000)	....
	(Limitation on obligations)	(318,077,043)	(318,077,043)	(933,193,000)	(694,810,534)	(+376,733,491)	(-238,382,466)
	(Loan authorization)	(488,000)	....	(269,488,000)	(164,000,000)	(+164,000,000)	(-105,488,000)
	(By transfer)	(51,100,000)	(53,200,000)	(58,200,000)	(58,210,000)	(+5,010,000)	(+10,000)
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	(4,403,000)	(4,403,000)	(+1,400,000)	....
	(By transfer) (contingent emergency appropriations)	....	....	(20,000,000)	(20,000,000)	(+20,000,000)	....
	Mandatory budget authority	757,200,000	757,200,000	757,200,000	937,333,600	+180,133,600	+180,133,600
	Total appropriations in bill (net)	975,324,000	1,918,834,000	376,035,000	801,670,600	-1,117,163,400	+425,635,600
	SUMMARY OF 1997 SPENDING						
	Total discretionary spending, title I	2,098,214,000	2,039,880,000	1,805,480,000	1,929,480,000	-110,400,000	+124,000,000
	Total rescissions and offsets, title I	-4,872,000,000	-2,040,347,000	-1,905,943,000	-1,929,632,000	+110,715,000	-23,689,000
	Total discretionary spending, title II	2,431,521,000	5,901,322,000	6,681,922,000	6,071,221,000	+169,899,000	-610,701,000
	Total rescissions and offsets, title II	-391,111,000	-4,701,221,000	-6,210,800,000	-6,091,732,000	-1,390,511,000	+119,068,000
	Total mandatory spending, title II	757,200,000	757,200,000	757,200,000	937,333,600	+180,133,600	+180,133,600
	Total spending in bill	5,286,935,000	8,698,402,000	9,244,602,000	8,938,034,600	+239,632,600	-306,567,400

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, on March 19 the President sent a request to this Congress for an emergency supplemental to pay for flood damage relief in some 35 States and to reimburse the Pentagon for additional costs incurred by America's responsibilities in Bosnia. That request was for around $5 billion.

Today is June 6, almost 80 days after the President sent his request to this Congress. Today, this House is apparently about to send to the President a bill that contains considerably more money and, unfortunately, it also contains three blatant political riders which have nothing whatsoever to do with disaster recovery or military readiness. Those riders will, and, in fact, they are doing it right now, they are, for all practical purposes, resulting in a second Government shutdown for the areas of the country who are desperately awaiting relief from Washington and are not getting it because of these three riders.

The first rider is a political restriction on the census. Now, I happen to agree with the language of that rider. I do not like the idea of having sample census supplement the enumeration in the census. But I also recognize that that fight ought to be made on the State-Commerce-Justice appropriation bill. It does not belong on an emergency proposal to get help to 35 States which need it very badly.

□ 1730

There is also a second rider which has to do with constructing roads on environmentally sensitive public lands in some 17 States across the country, most especially Alaska. No matter how one feels about the provision, that language does not belong on an emergency appropriation bill trying to help the American people.

Thirdly, there is another rider, which is posed as being a benign rider, which will simply extend the activities of Government at the end of the fiscal year. In fact, that rider is a pernicious effort to create a new imbalance of power between the Congress and the Presidency, because the effect of that rider is to essentially allow the majority in this House to pass through the Congress those appropriation bills which they want to cut, but it allows them to hold back any appropriation bill which contains administration priorities. That means that the President is being asked to put himself in a hole in terms of being able to defend what he considers to be legitimate national priorities. No matter how one feels about that, that language again does not belong on an emergency appropriation bill.

Now, this bill is going nowhere. It is going to be vetoed over those three riders. The American people know that once again Congress is putting, by its action on these three riders, it is putting partisan political considerations ahead of the needs of the American people, and I think we ought to see to it that that does not happen this evening.

What we ought to do is to stop the political games. We ought to stop the delays which are preventing real help from getting out there to real people. So I am simply going to ask people tonight to vote "no" on the proposition. A "no" vote will actually speed up the needed relief to the affected areas of the country because we could, in fact, tonight go back to conference, strip that bill of these three offending riders, and in that way enable aid to get to these areas in the fastest possible way.

That is what I think we should do. We should pass the effective equal, H.R. 1796, which I have deposited at the desk today, which will contain all of the provisions in this proposition before us today except those three riders that are causing this bill to go nowhere. That is the responsible thing to do if we are worried about meeting the needs of our troops in Bosnia, if we are worried about meeting the needs of the Americans in the affected areas.

I would urge a "no" vote on this bill, not only because it is delaying the needed aid to these areas, but because it also is rapidly getting us into a place where our military is going to have to take a number of actions which are not in the national interest of this country.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], who deserves all the credit as the prime sponsor of the continuing resolution involved in this bill.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding.

Mr. Speaker, we are talking about a resolution that is geared to prevent the shutdown of Government. What is so wrong about that? The same voices that are saying we cannot pass legislation to prevent Government shutdown are the voices that the last time were heard, "You have shut down the Government. Why did you shut down the Government?"

This is a simple way, a commonsense way, and maybe that is why I cannot get it through to everybody, it is a commonsense way to prevent Government shutdowns.

What did the President say during the last time when the Government was shut down that should be part of the record for this debate here today? He said, and I quote, "It is deeply wrong to shut the Government down while we negotiate under the illusion that somehow that will affect the decisions that I would make on specific issues. As I said, this is only casting a shadow over our talks. I will continue to do everything I can in good faith to reach an agreement, but it is wrong to shut the Government down."

The President should be addressed in a way to indicate that this is exactly what we are doing: We are listening to his words, we should not shut down the Government. Same President, same arena.

In the last shutdown alone, the Federal Housing Administration was unable to insure single-family home loans for tens of thousands of deserving applicants, and many, many thousands of citizens could not get passports. Some veterans could not get benefits. Many Medicare claims could not be processed. Small businesses, lots of them, could not get loans to create new jobs, all of because of a shutdown.

We are asking in this particular amendment that we permit a commonsense way to prevent Government shutdown. The President said this about the cost of a shutdown on Saturday, January 20, 1996: "We believe that we can go a long way towards bringing the forces of goodwill to a measure that everyone agrees should occur to prevent Government shutdown."

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, let me talk a little bit about the problems we have in defense. I include for the RECORD three letters, one addressed to the chairman of the Subcommittee on National Security, the other addressed to Secretary Cohen from the Army, and the other addressed to Secretary Cohen from the Air Force.

THE SECRETARY OF DEFENSE,
Washington, DC.

Hon. C.W. BILL YOUNG,
Chairman, Subcommittee on National Security, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR BILL, I want to thank you for your action to date on the FY 1997 Bosnia/Southwest Asia Supplemental request, but I want to share with you my concern and that of the Service Chiefs about the impact on operations and training if the supplemental is not approved soon.

In my testimony and discussions with Congress, I have emphasized the need for early action on the supplemental. Based on its likely passage by Memorial Day, few actions were taken by the Department to offset supplemental costs. However, since our request was not approved last month, the Chiefs of Staff of the Army and the Air Force have renewed their concern over the possibility of delayed passage of the supplemental. I have enclosed copies of recent memoranda from them. To ensure that their overall operations are properly funded, the Chiefs have indicated that they cannot risk being left with no options for funding Bosnia/Southwest Asia costs if the supplemental is delayed much longer.

I remain hopeful that quick action can be taken on the supplemental to preclude the disruptive impact to the Department's programs, especially those related to maintaining our readiness capability.

Sincerely,

BILL.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, June 3, 1997.

Hon. WILLIAM S. COHEN,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: I need your assistance in expediting the Bosnia Supplemental currently on the Hill. In early April, I advised Congress that in the absence of supplemental funding or the clear assurance that such funding would be forthcoming, I would be forced to begin actions in early May that would result in a degradation of readiness. I have not initiated the planned actions to deal with the lack of supplemental funding because the progress made had convinced me that supplemental funding would be forthcoming.

Recent developments indicate passage of the supplemental may be at risk. This puts the Army in the position of having to provide fourth quarter resource allocation to the field without having supplemental funding in hand. We have a fiscal responsibility to ensure that the allocation of fourth quarter resources is done within current limitations. There are several actions presently under consideration to cope with this situation. Each will have direct readiness and quality of life implications. Actions include the cancellation of Army participation in JCS exercises, Combat Training Center (CTC) rotations, home station training, weapons qualification training, and the deferral of some real property and depot maintenance. Some of these actions could carry over into the next fiscal year. For example, canceling home station training in the fourth quarter of this fiscal year could impact on CTC rotations in the first quarter of FY 1998.

We continue to monitor the supplemental very closely. As the situation develops, the Army will initiate any and all actions necessary to train and operate within the means available to us.

Very Respectfully,

DENNIS J. REIMER.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, June 3, 1997.

Memorandum for the Secretary of Defense

From: HQ USAF/CC, 1670 Air Force Pentagon, Washington, DC 20330–1670

Subject: FY97 DoD Contingency Supplemental

I understand that quick passage of the Supplemental may be in jeopardy. The purpose of this memorandum is to make you aware of the impacts of delayed passage (beyond June) on Air Force day-to-day operations.

The Air Force is currently cash flowing over $700 million in support of Bosnia and SWA operations. We are doing so out of third and fourth quarter funding but are fast running out of flexibility and must soon take very dramatic action to avoid incurring an anti-deficiency in our O&M appropriation. On or about 1 July, Air Force commanders must begin taking the following kinds of actions:

Severely curtail or cease non-flying training—skill and proficiency levels reduced, e.g., weapons maintenance.

Severely curtail or cease flying training—squadrons and wings stand down—aircrew readiness degraded.

Cease all non-mission critical travel.

Defer further depot maintenance inductions—aircraft grounded.

Terminate benchstock fills—aircraft spares and consummables inventories drained.

Park non-mission critical vehicles.

Place moratoriums on all but safety related facility maintenance, including runway repair.

Impose civilian hiring freezes.

I know you are aware of the importance of this issue. We are well beyond the point where we can avoid serious disruption to Air Force operations if there is no supplemental. Timing is now critical.

RONALD R. FOGLEMAN,
General, USAF, Chief of Staff.

Mr. Speaker, we started doing our business as soon as we got the request. Chairman YOUNG called the subcommittee together. We recognized the concern of the military if we did not replenish their supplies, because of the Bosnia operation. There are a number people that were against the deployment to Bosnia, but our position in the Congress has always been, we are going to take care of the troops.

So we went to work immediately trying to make sure that we did our part in this supplemental. The chairman of the Committee on Appropriations recognized the need. He has been on this subcommittee for years, and he recognized the need to do something immediately about it. Let me say that the military is really in a bind. The quicker we get this done, the sooner we will alleviate the problems in the military. But let me go back a few years and show you the difference.

In 1977, Johnstown, PA had a disastrous flood. The legislation had run out for flood relief. At that time it was handled by the Small Business Administration. I stayed for 2 or 3 days in Johnstown, and I recognized we could not do anything until we got legislation to extend and extended the coverage for the Small Business Administration.

I came back to Washington, talked to the Speaker at that time, who was Tip O'Neill. He called the President of the United States, Jimmy Carter. Within a week, we had passed the necessary legislation and we could go forward with opening up the disaster relief centers that were needed so desperately in our area.

The Federal Government spent $350 million in a very small area, within about a 4- or 5-month period, because of the cooperation of everybody in the House Chamber. There were no extraneous matters on the legislation. Everything was done in order to expedite it.

I know how those people feel. I understand their pain. We went through it. Three times we have had disastrous floods in our area. We are, in effect, shutting down the Government because of extraneous material. Here we are with the CR. If we could not do our job, the Government shuts down. The Committee on Appropriations realizes the importance of passing this legislation without a continuing resolution.

I remember the President of the United States standing up there with a continuing resolution passed under the Democrats, it was 2 or 3 feet thick, and he said this should never happen again. What we are doing here is trying to pass a continuing resolution, when we do not even know what would be in this, because we shut down the Government a year ago.

That is a mistake, and I feel very strongly that the Committee on Appropriations does not need the advice of the Whole House in telling us how to do our business. We do our business. We pass the legislation. If we had an opportunity, we would pass this legislation without any extraneous matters.

The census hurts Pennsylvania, this census matter that they are trying to pass in this legislation. So I would hope that we would pass this quickly, the President will veto it and get it back here, so we can get this flood relief and this defense relief that is so desperately needed for the people out there passed and signed into law and get help to them.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. YOUNG], the very distinguished chairman of the Subcommittee on National Security.

Mr. YOUNG of Florida. Mr. Speaker, I rise to echo some of the thoughts that my distinguished colleague from Pennsylvania [Mr. MURTHA] has just spoken of. I would remind the Members, and as I have told Mr. MURTHA, when I was 5 years old and lived in a little house on the banks of the Allegheny River in western Pennsylvania, I had an opportunity to watch that little house get knocked off of its foundation by the flooded Allegheny River, and at that point we had no idea where we might be going to live. So I know firsthand, although it has been a while ago, I know firsthand the feeling and frustration of people that lose their homes because of natural disasters, and in this case floods.

Also, I would say that the needs of the Army and the Navy and the Air Force and the Marine Corps and the Coast Guard need to be met and need to be met quickly. In support of the work of the Committee on Appropriations, and especially the Subcommittee on National Security, we have done our job. We did it well.

When we got the request for the supplemental for the Armed Services, we were asked to wait until the disaster supplemental was sent also from the White House, so we did wait for that. It arrived at the end of March. The subcommittee marked up the defense supplemental on April 16. We were through the full committee on markup on April 24. The Senate passed the supplemental on May 8. The supplemental went to the House floor, was defeated by an overwhelming vote on that side, unfortunately. So we had to bring the supplemental rule back to the House again on May 15. We finally passed it and went to conference on May 20.

On the first day of the conference, the conferees on the national security issue, the defense supplemental, settled our differences with the other body, and we were prepared to move that legislation then. We recognized the need that the Armed Services had. We did not delay. We have been prepared to go on this issue ever since May 20.

So I hope that we can settle this issue today. I hope that we can send it to the White House. I hope the President will recognize that what we are doing here is in good faith, sign this bill, get the disaster relief where it is needed, and get the money to the military before they have to stand down their training and other issues that might seriously affect readiness.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I rise today in strong opposition to the sampling prohibition buried deeply within this measure. Legislating census methodology is not only wholly inappropriate, but holding disaster victims hostage to its political aims is unconscionable. For them, this is a Government shutdown.

Consider this: We have just told the world's premier statistical agency that they cannot use statistical methods. The truth is that sampling and statistical methods are not new to the census, but even decades-old traditional uses would be banned, and would guarantee that tens of millions of Americans all across this country will be missed and millions more will be double-counted. Even worse, errors resulting from this count will reverberate and compound themselves year after year in the maldistributions of hundreds of billions of dollars over the next decade.

Without sampling, we will never be able to count every head by simply relying on return census forms and dedicated amateur enumerators. Who says so? Well, in 1991 the now Speaker of the House urged the use of statistical methods to improve the count. GAO and the Commerce Inspector General criticized the Census Bureau for not going far enough to incorporate sampling, and three separate panels of the National Academy of Sciences recommended the use of sampling and statistical methods to make the count more accurate.

Dr. Barbara Bryant, President Bush's director of the Census, said that the most accurate count possible will be the one that combines the best techniques for direct enumeration with the best known technology for sampling and estimating the unmeasured.

□ 1745

The bill before us rejects those judgments. There is nothing unconstitutional about the use of sampling or statistical methods. But prohibiting its use and holding disaster victims hostage to this very bad idea is unconscionable. This is for them a government shutdown. I strongly urge my colleagues to vote against this conference report.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WALSH], the chairman of the Subcommittee on Legislative.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding. I rise to ask the chairman of the Subcommittee on Legislative Branch Appropriations to engage in a colloquy.

The conference agreement contains an appropriation for the emergency repair and renovation of the Botanic Garden, which we all know is absolutely necessary. As the gentleman knows, the Joint Committee on the Library has jurisdiction over that program. Does the jurisdiction of the Joint Committee on the Library extend to the direction of the expenditure of the funds for the renovation project that is contained in this supplemental?

Mr. WALSH. My response is yes. This is a supplemental appropriation which supplements the regular fiscal year 1997 appropriation for the salaries and expenses of the Botanic Garden. The language in that supplemental says, and I quote, "for an additional amount that is an additional amount over and above the appropriation in the regular appropriations bill and under the same terms and conditions as the regular fiscal year appropriation."

The regular fiscal year appropriation clearly states, at 110 statute 2406 in Public Law 104–197, that "all necessary expenses for the maintenance, care and operation of the Botanic Garden are under the direction of the Joint Committee on the Library."

I confirm, therefore, that the repair and renovation project are covered by the terms and conditions of the basic appropriation. That means it will be conducted under the direction of the Joint Committee on the Library.

Mr. THOMAS. I thank the chairman of the subcommittee and I thank the chairman of the full committee.

Mr. WALSH. I thank the gentleman.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I rise in strong opposition to the U.S. census sampling language contained in the emergency supplemental appropriations bill. The prohibition of sampling will guarantee a miscount of the American people. The U.S. Census Bureau and the National Academy of Science's research and evaluations have proven that statistical sampling is absolutely necessary to improve the accuracy of the census count. In addition, the U.S. Department of Commerce inspector general has determined that the use of sampling to measure and correct the census undercount is the only way to eliminate the historic disproportionate undercount of people of color and the poor.

Mr. Speaker, the House leadership must not deny the American people their constitutional right to be counted. This is an issue of fundamental fairness and basic economics. Not only is the count used for reapportioning the House of Representatives, it is used in determining the allocation of billions upon billions of hard-earned taxpayer dollars.

To deny the American people their right to be accurately counted in the U.S. census is not only a blatant act of discrimination, it is also irresponsible. The 1990 census failed to count an estimated 4 million people and cost the American people a record high of $2.6 billion. The census counting system is broken and must be fixed. I ask my colleagues to join with me in voting "no" on the conference report.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I speak as the representative of the citizens of this country that have perhaps been hit the hardest by all of the natural disasters addressed in this bill.

The bill before us represents some of the very best and some of the very worst inclinations of this body.

Six days after the dikes broke in Grand Forks and the city was inundated, the chairman of the Committee on Appropriations was kind enough to add relief in the markup on this bill to respond to our situation. The very next day, the Speaker of the House gave up personal family time over the weekend to come and view the area. Two days after that the majority leader led a bipartisan delegation also to view the area and assess the damages. The very next week meaningful relief was added to the bill on the House floor, thanks to the work of the gentleman from South Dakota [Mr. THUNE], another bipartisan effort.

Then, just when it looked to the people of the country that Congress perhaps could act in a bipartisan way to meaningfully respond to a disaster, the games started and brought the whole effort to a screeching halt, leading up to the disgraceful exit of this body at Memorial Day recess without addressing the flood disaster.

The bill before us still contains the political games that have slowed this effort and delayed relief to the people that need it, but I ask that it be enacted and sent to the White House. I have become convinced that we need to move this relief measure forward and that playing this silly game out, sending the bill up with the veto bait attached, ensuring the veto which will come, ensuring the sustaining of the veto which we know will then come, will then get us to a position where the bill can be passed, as it should have been all along, with just the relief component, so that at last, at long last, the families that I represent and others throughout the area that I am from, families that in some instances do not have homes to go to tonight, families that will not have seen their children for 6 weeks, a city that does not know which way to turn until this bill is passed, only then can we begin the process of moving forward. Despite the reservations, I urge a "yes" vote.

Mr. LIVINGSTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi [Mr. WICKER], a very distinguished member of the Committee on Appropriations.

Mr. WICKER. I thank the gentleman for yielding me this time.

Mr. Speaker, I certainly rise this afternoon in favor of the conference report. I would like to address one of the three objections mentioned by the distinguished ranking member of the full committee, the gentleman from Wisconsin, and that deals with the issue of census sampling. The distinguished gentleman from Wisconsin says that he agrees with the language of the conference report on sampling but he simply does not believe it is appropriate in this particular piece of legislation.

What are we talking about? There are people in the administration and in the Census Bureau who are proposing essentially to count approximately 90 percent of the people of our country and then to guess at the other 10 percent based on a computer sampling. That is the issue we are talking about.

Mr. Speaker, we need an accurate count of every American. Constitutional principles dictate that we count every American. I am constantly amazed by the wisdom and foresight of our Founding Fathers. The U.S. Constitution, in Article I, section 2, calls for "an actual enumeration" of the people. Not a sample, not a guess.

Further, the 14th Amendment of the Constitution calls for apportionment based on "counting the whole number of persons in each State," not just some of them and not guessing at the others. Each and every one of our constituents needs to be counted.

This "Census Guessing Scheme 2000," as I call it, is not only unconstitutional but it is also inaccurate. According to independent studies from Congress, the proposal has a margin of error of up to 35 percent. We do not need to have an estimate where there are 100 people and it could be 65 or it could be 135. That is not the way it should be done. We will provide the money to count each and every American.

This issue is essential. It goes to the franchise of our citizens. It rises to constitutional dimensions, and it needs to be settled right now. I cannot for the life of me understand why the President of the United States would veto this essential bill on this particular issue.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today in support of this conference report because it has the needed resources that we need in our community. I would also like to thank my friends in the majority for putting this bill together and making this a priority coming out and seeing our area. I represent the city of East Grand Forks and some other communities that have been damaged by this flood and, believe it or not, we have I think more damage to homes and more damage to businesses in our community than they have had in Grand Forks. We are a smaller community, a community of 9,000 people. We do not have the resources of some of the bigger communities, and we really need this legislation to help us put this community back together. We have to move probably 40 percent of this community. We have to rebuild the entire downtown area. We have got a lot of work ahead of us. We very much need this legislation.

One thing that really disturbs me and disturbs the people of our area is that we have got these extraneous items that are attached to this bill. The mayor was here yesterday. They are very frustrated that we are getting partisan political issues added to this bill that have no business being included, they have nothing to do with this bill, and it is really unfortunate that we are in this situation. This bill is going to be vetoed, and we are going to have to go through this process.

The other thing I would say is am really disappointed that we are not going to be here tomorrow and we are not going to be here Monday. We were planning on being here and I think we ought to be here. That way we could have the President veto the bill and we could have this thing shuttle back and forth and we could get it passed.

Every week that we lose is more of a problem for us. We are in a very cold climate. We have a very short window of opportunity to rebuild this community. If we have to wait until Tuesday and we have got more vetoes and more going back and forth, it is going to put us in a bigger problem. I reluctantly support this agreement in its current form and hope that we can get through this process, get to a clean bill and get the money to the people of the area that need it.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, it is tragic that we now see Members whose districts have been impacted seriously by the floods being put in the situation of a bill that is now unacceptable because it continues to carry riders.

One of the most egregious riders in this legislation is the one that deals with the issue of roads and public lands, the RS–2477 roads, if you will. Just as the floods destroyed much of the property of the people in the upper Midwest and in California earlier this year, this rider is designed to destroy much of the wilderness and the public lands in the United States. The reason it is on this legislation is very simple. It could not pass the House of Representatives any other way and it cannot pass the Senate any other way. It may not even be able to get out of a Senate committee. Yet what we find is the sponsors of this measure are the chairs of those committees but they do not want to subject it to public scrutiny. They want to put it on a rider in appropriations that is supposed to speak to the desperate situation of people who have lost their homes, their lives, their property. That ought not to be allowed. This amendment ought not to be allowed. This amendment suggests that if you find any historical trail, any tracings of somebody going across public lands, that somehow that can then be exploited and turned into an improved road. Then of course that improved road is used to say that that land will not qualify for wilderness because it has a road on it. It is a little bit like the young man who killed his mother and father and then pleaded for mercy from the court because he was an orphan. This ought not to be allowed. This should be subjected to hearings in committees. This should be subjected to a full debate in the House of Representatives where it will be overwhelmingly on a bipartisan basis rejected. But the senior Senator from Alaska decides that he would rather hold the flood victims hostage. The senior Senator from Alaska has decided rather than have open debate, he would rather stick it into a bill for people in a desperate situation.

POINT OF ORDER

Mr. LIVINGSTON. Point of order, Mr. Speaker. I think that the rules prohibit the last statement.

The SPEAKER pro tempore (Mr. COMBEST). Is the gentleman making a point of order against the words?

Mr. LIVINGSTON. I do not ask that the gentleman's words be taken down because of the lateness of the day. But I would make a point of order that the gentleman's words were out of order.

☐ 1800

PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. COMBEST). The gentleman will state his inquiry.

Mr. MILLER of California. Mr. Speaker, I am perfectly clear to stand to be corrected, if that is the case, and I guess I need to be reminded again about how we identify who is being talked about if we are talking about somebody in the Senate? What does one say? A Senator?

The SPEAKER pro tempore. The Chair would remind all Members not to mention specific Senators in a derogatory manner.

Mr. MILLER of California. Can we get fingerprints on the resolution then, or how do we do this?

Mr. OBEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, I would request the opportunity to place in the RECORD an earnest letter from my colleague, the gentleman from Georgia [Mr. GINGRICH], urging the Secretary of Commerce to adjust the population numbers to support sampling to reflect the fact that 300,000 people were missed in Georgia. The letter is dated April 30, 1991.

How times have changed. I feel it is very wrong to legislate on the CR and certainly to change the census law banning sampling on the CR.

The letter referred to follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 30, 1991.

Hon. ROBERT A. MOSBACHER,
Secretary of Commerce, Department of Commerce, Washington, DC.

DEAR ROBERT: Based on recent press reports, it appears that there has been an undercount of the Georgia population in an amount in excess of 200,000. I respectfully request that the Census numbers for the state of Georgia be readjusted to reflect the accurate population of the state so as to include the over 100,000 which were not previously included.

Needless to say, if the undercount is not corrected, it would have a serious negative impact on Georgia. For example, if the population is adjusted to reflect the 200,000, then Georgia would be entitled to an additional congressional seat. In addition, without the adjustment, minority voting strength in Georgia will be seriously diluted. Based on available information, without an adjustment to compensate for the undercount, minorities in Georgia could lose two State Senate seats and 4-5 House seats. As a result of conversations with black legislators, it is my understanding that they have not only concurred with this request, but stated that they believe it is required under the Voting Rights Act.

In addition to these repercussions, the failure to make an adjustment based upon the admitted undercount would seriously affect federal funding which Georgia receives. In effect, Georgia would be required to utilize funds to provide for an additional 200,000 for which it was not receiving funding.

Based on these factors, I strongly urge you to adjust Georgia's population figures to reflect the correct population. I would appreciate your assistance in this matter.

Sincerely,

NEWT GINGRICH.

By including the sampling ban in the disaster relief bill you're effectively dumping on two segments of the population. Those who need flood relief, so they can recover their homes and businesses, and those minorities and poor—who are constantly overlooked by the majority in this House.

The House leadership talks a lot about inclusion. What's worse, the language in this bill prevents the bureau from checking for duplications, or even from making sure enough people are employed to do the door-to-door visits.

This bill even forces the Census Bureau to make mistakes and not tell anyone about it. I want to be clear about this. The 1990 census missed 10 million people. It then overcounted 6 million. It was the most inaccurate, unfair census in history.

Sampling would correct this attack on democracy. We need to let Americans know they can count on us not to count them out.

In fact one House leader talked a little more about inclusion. I have an earnest letter from my colleague, NEWT GINGRICH, urging the Secretary of Commerce to adjust the population numbers to reflect the fact that 300,000 people were missed in Georgia. The letter is dated April 30, 1991. How times change.

Banning sampling from the year 2000 census is a tidy way of making sure millions of Americans, mostly minorities and poor people, are not counted, and therefore have no representation on this floor.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding this time to me.

Mr. Speaker, I will vote no on this supplemental. I voted yes the first time, hoping that it would be fixed in conference frankly. The ravages of rain and flood have victimized hundreds of thousands of our fellow citizens. Yet we are holding them hostage, very frankly, holding them hostage so that we can get some special issues addressed and to try to hold the President of the United States in a position of being hostage himself.

That is not what this body ought to do. We should have long before this passed a clean supplemental appropriation for the victims of the floods and to supplement our troops keeping peace in Bosnia.

Mr. Speaker, I want to congratulate the chairman of our committee who would have tried to do that and who wanted to do that, in my opinion. His leadership was sound, it should have been followed.

Mr. Speaker, I will not support this supplemental.

I rise in opposition to this conference report.

We are simply continuing the delay in getting much-needed aid out to the Midwest. The President has made it clear that he will veto this bill based on provisions that have nothing to do with providing disaster relief to our fellow Americans.

This bill provides more than $5 billion for victims of disasters in 33 States. I support that funding which could have been approved before the Memorial Day recess, sent to the President, and signed into law.

I voted against the Memorial Day adjournment because I felt we could and should have finished work on a clean supplemental bill.

Instead, about a month after House passage, all we have is a bill that will be vetoed. How many more days, weeks, or months do my Republican friends want these disaster victims to wait?

Ironically, one of the administration's chief concerns is the automatic CR provision. In the name of preventing another Government shutdown next fall, the Republican leadership has sacrificed relief for victims of disasters. By giving the President a bill he cannot sign, we will effectively shut down many Federal disaster relief efforts. If we get about the business of getting our work done, there would be no fear of a shutdown.

The time we have spent dickering over extraneous provisions could have been used getting to the regular appropriations bills.

Holding disaster relief political hostage is not fair and it's not responsible. We ought to pass a clean appropriations measure and we ought to do it today.

In addition, Mr. Speaker, I find our failure to reach agreement on the provision of funds for sorely needed public school repairs, and a deserved and overdue pay raise for police officers in the District of Columbia, highly regrettable.

District Subcommittee Chairman TAYLOR's concern and frustration with the pace of reforms in the District and with the District's leadership are not without some justification. However, I would remind my colleagues that these funds were sought by the control board, not the mayor.

Moreover, such concerns, however justified, must not lead us to turn a blind eye to the legitimate and pressing needs of both the District's citizens and those who do their very best, day in and day out, to serve and protect them—and us.

It will be unfortunate indeed if the District's schools are not able to open on time this September because we, who are in a position to preclude that outcome, declined to do so—and purely out of spite.

Mr. Speaker, the District's children, and the courageous Metropolitan police officers who protect the public safety of the District's residents and visitors—using scant resources, and in the face of increasing danger to their own lives—deserve better.

I look forward to working with my colleagues on the Appropriations Committee to craft a fiscal year 1998 funding bill which will address responsibly the education and public safety needs of the District.

In the meantime, I hope, for the sake of the victims, that we will soon put politics aside and pass a disaster relief bill the President can sign.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, this is a critical issue. This is a rider based on whim and certainly not science. In fact, the National Academy of Sciences has endorsed sampling as an accurate and effective way of doing the census.

The census spent $35 million in 1995 in 3 communities in the United States to carry out this sampling. This is not guess, this is not whim, this is science. We have the state-of-the-art. We cannot count heads by counting noses. We have done it in the 1970, 1980 and the 1990 census.

Follow the science like it's always being talked about. We have the facts; let us use it, Mr. Speaker. This is not doing it by whim or guessing.

Mr. LIVINGSTON. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. Both gentleman have 9½ minutes remaining.

Mr. LIVINGSTON. Then I yield 2 minutes to the very distinguished gentleman from South Dakota [Mr. THUNE], Mr. Speaker.

Mr. THUNE. Mr. Speaker, I want to thank the gentleman, the distinguished chairman of the Committee on Appropriations, for yielding this time to me.

I do not have to tell my colleagues how frustrating this entire process has been for me, and I would add that I believe that the patience of the people in the heartland is wearing very thin, and to the credit of the Committee on Appropriations they have tried under, I think, some very trying circumstances to move this process forward, but we are here today, it has been frustrating. This process has certainly tried my soul.

But the disaster victims cannot wait any longer, and I believe that the credibility of the Congress and the Presidency is at stake if we fail to deliver on the commitment that we have made to the people who are in need.

Now I have been a proponent from the very start of this thing to keep this particular disaster relief bill clean from all the unrelated things that have been attached, but nevertheless the fact is that we are going to be voting on a bill today that includes those provisions, and I would simply ask that as we send this bill to the White House that the White House would not delay disaster assistance any further and not veto the bill over a provision that asks that we count people accurately or over a provision that will keep the government from shutting down. Those are both things that are attached to this bill.

I believe that we cannot afford to wait any longer. In my State, in particular, the construction season is very short. We have very short summers and long winters, and we have to get the work underway. There are things in this bill that are important to the people that I represent as well as to many other people around this country.

We have made a commitment. The Congress, the House and the Senate have approved this legislation. It is time that we deliver and that we get on with it and send it to the President, and I would call on the President as well to sign this bill and to get the disaster assistance out there, and I thank the gentleman from Louisiana for having yielded this time to me.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 1 minute to point out that the gentleman from South Dakota has from the very inception of the floods in his State, in Minnesota, and North Dakota been there along with the gentleman from North Dakota [Mr. POMEROY]. They have been working very, very hard to try to move this bill forward. The gentleman from Minnesota [Mr. PETERSON] and others; the gentleman from Minnesota [Mr. GUTKNECHT] likewise, have all really knocked themselves out to try to move and progress this bill and make sure that it was signed into law by the President so that we could quit dickering with it legislatively.

Through no fault of theirs has this process been prolonged, and I just want to compliment the gentleman from South Dakota as well as the others for their strenuous hard work. They have made their case here. It is up to us to produce, and I urge the President to sign this bill so it will not go on any longer as well.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, this is an exceedingly important bill for hundreds of thousands of victims of disasters in 35 States. The area I represent has seen $2 billion in losses and nine people die in the floods of January. We need this bill. But sadly it has become for those people in the affected areas another Government shutdown because we are walking right into the face of an inevitable veto, deferring even longer than is necessary the help that the people who elected us to come here and deal with their basic problems fundamentally need.

My constituents understand a Christmas tree. They understand how in Congress so often we tack on extraneous amendments that really impede our ability to get the job done. In this case there are two giant ornaments, one of which is an attempt, a partisan political attempt, to frustrate the most accurate census we could have, that census which the National Academy of Sciences and judicial experts say is not only constitutional, most accurate.

In addition, they attempt to cut back on the budget agreement in the name of keeping Government open.

This bill needs to go to the President, come right back here to be passed again.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding this time to me, and, Mr. Speaker, when the worst flood in 500 years swept through the Northern Plains 2 months ago, it was a natural disaster of historic proportions. Neighborhoods were evacuated, city blocks went up in flames, entire towns were under water. Overcome by these waters, the people called out for help. And how have the Republicans in Congress answered this call for help?

Well, I will tell my colleagues how. They have tried to high-jack this disaster relief legislation, loading it down with unrelated, politically motivated provisions that have nothing to do whatsoever with disaster relief, provisions that would slash student aid, deny veterans medical aid, devastate our national parks, and prevent the Census Bureau from taking an accurate census in the year 2000.

The American people know what an emergency is. They know that an emergency demands help and it demands help immediately. So what is the leadership of the majority doing in response to this flood? They are tinkering with mathematical formulas for the census in the year 2000.

Now what if the Founding Fathers had sent Paul Revere out on his midnight run, but asked him to drag along an iron bathtub, pick up a kitchen sink on his way to Lexington? Now, sadly, this disaster relief bill, with all of this political baggage, turns this into a legislative pack horse that will not be able to get out of the starting gate. The Republican leadership should send the President a clean disaster relief bill that deals with just that, disaster relief.

This whole process, Mr. Speaker, reminds me of how the Republicans shut down the Government not once, but twice, in an attempt to force their agenda on the American people. That was wrong, and this is wrong.

I urge my colleagues to quit holding flood victims hostage. Exploiting these suffering families for their own political agenda is just plain wrong. Let us get on with the business of a clean bill that we can send to the President and take care of the needs of the American people.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Kentucky [Mr. ROGERS], chairman of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. ROGERS. Mr. Speaker, I rise in strong support of this conference report.

I want to talk briefly about the census. My subcommittee supervised, and funded the census in 1990, and we are doing the same, of course, for the year 2000 census. We want every American counted, not guessed at, not estimated, not manipulated. Counted. Nothing less than the U.S. Constitution says that every American shall be actually enumerated. It does not say guess, estimate, pontificate, manipulate. It says count, enumerate, and we are following the U.S. Constitution when we say there shall be no sampling.

We have never done sampling in the history of this country. This is a complete new departure. We insist in the House that there not be manipulation of the population count used to make up this body that governs the country. If one does what they want to do, if they want to guess, if they want to manipulate, try it. We will not stand for it because the Constitution says you shall actually enumerate citizens for the purpose of the apportionment of the U.S. House.

That is the way it has been, that is the way it shall be, and that is the way the Founding Fathers said that it should be done. We will not allow sampling. It is unconstitutional.

Lower courts have issued contradictory opinions on whether or not sampling is even possible.

Sampling is not the solution to the problem that we encountered in the 1990 census. The undercount in 1990 was because we had a cumbersome form, we did not market it, we did not send people out to find correct addresses. We had bad address lists. There was ineffective advertising, promotion, outreach and the like. We are correcting that in the census for 2000. We are appropriating nearly $4 billion to the 2000 census for the purpose of counting Americans.

Mr. Speaker, we want to count everyone in the inner cities, in the rural areas and every part of the country, and that is why we are spending $4 billion for that very purpose.

Now if we use sampling in the census, we are going to have the courts questioning the result for years to come, and we will have the census thrown out. We will have wasted $4 billion. More importantly, we will have a defective census and count of citizens that will not gain any confidence anywhere in the country. It is a prescription for chaos, Mr. Speaker. The bill that is before us prohibits sampling in the census and requires that we count every single American because we think every single American is important.

So, Mr. Speaker, I urge the adoption of the conference report.

Mr. LIVINGSTON. Mr. Speaker, I yield 2½ minutes to the very distinguished gentleman from California [Mr. LEWIS], chairman of the Subcommittee on VA, HUD and Independent Agencies.

Mr. LEWIS of California. Mr. Speaker, I appreciate my chairman yielding this time to me, and, Mr. Speaker, I currently have the privilege of being the chairman of the subcommittee of appropriations that deals with the disaster relief part of this bill. Throughout my career I have made a very serious effort to attempt to, where I could, eliminate partisan vitriol from subjects that relate to our subcommittee, but specially in the area of disaster relief.

☐ 1815

When we recessed not so long ago, I was working in the conference dealing with this major bill. During that conference we had two or three items that were hanging up the bill, so we could not get the work done before that recess. Everybody but everybody knew there was enough money in the FEMA, that is the Federal Emergency Management Agency pipeline, to fund that which we could do in the very short term. There was some discussion of a slimmed-down version to make people feel good, but the facts were there was enough money to cover that 10-day period.

Because of that, I was astonished, while working in my district, to hear the President of the United States using his weekly radio address to suggest that one way or another, the Congress had walked away from those disaster victims. He suggested that they were unconcerned about the people of South Dakota, North Dakota, and Minnesota, and he said, as they go on vacation, ladies and gentlemen, disaster does not know of a vacation.

I was astonished that the President would take that position, when he knew full well, or at least he should have known, that there was money in the pipeline to cover that very short recess.

Now we find ourselves, we found ourselves today considering legislation in which the Republican committees have added $3.5 billion more than the President requested for disaster relief and put extra money in a housing program to make sure we can solve the problems of moving families from the floodplain way beyond the President's request in these cases, way beyond the President's request. And now we find ourselves with that same President who is talking about our vacation, threatening to veto this very important measure, because of two technicalities really, one having to do with the census in which we suggest at least everybody ought to be counted; and the other end has to do with whether we allow the President to deal with a continuing resolution, shutting down the House or not. He wants to strike the language that would eliminate the shutting down of the House.

I cannot understand why he would want to do that. Nonetheless, on technicalities, he is going to veto this bill and presume that that is not a vacation, presume these people do not have this problem any further.

Mr. President, you should sign this bill if you really care about those people in the disaster areas of this country.

Mr. OBEY. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, I have a great deal of respect and affection for my friend from California [Mr. LEWIS], but I come from a rural area, and I know that a lot of folks in this Congress do not understand much about small towns in rural America. In fact, a lot of them do not know the difference between a jersey and a guernsey. But I have to say that, if my colleagues think that there is enough money in the disaster pipeline to deal with the problems of rural areas, my colleagues need to think again.

There is not enough money in the pipeline to help with the crop planting that is essential if farmers are to recover in a number of States in this country. There is not enough money in the pipeline to deal with livestock replenishment, which is crucial to any farmer who has lost his operation orhis herd. There is not enough money in the pipeline to deal with the long-term housing problems that each of these mayors have. They need to know how to plan, and they cannot plan if they do not know what this Congress is going to do.

There is enough money in the pipeline to deal with the short-term emergency problems that people have, with the exceptions of some of the agricultural problems I have just laid out, but there is not enough money in the pipeline to enable people to plan for the long-term recovery of these communities. When one is a mayor trying to hold one's city together, every day counts.

What I want to say to my colleagues is simply this: The committee majority knows that these riders should not be in this bill. The committee majority tried to cooperate. In fact, the chairman of the committee—and I have great respect for him—the chairman of the committee tried to bring a clean bill to this House. But the leadership of his party had other ideas. So now, the gentleman from Louisiana [Mr. LIVINGSTON], my good friend, is once again being asked to make a good argument for a bad case. He makes a very good argument, but the case is still bad.

I want to suggest that the 80-day delay which has been caused by the insistence of the majority party leadership in adding these three extraneous riders has effectively resulted in a second government shutdown for all of the areas of the country who need this help. There are 35 States who are still waiting for government to work for them, now, in their area on their problems. They are not interested in Washington games or Washington problems. They are interested in the problems of Carolina, of Florida, of California, of North Dakota, South Dakota, and Minnesota, and the other areas. That is what they want to see action on.

In my view, the quickest way to end this political nonsense is to vote no on this bill, make the committee go back to work tonight, strip those riders out of this bill so that we can send the President a bill which is respectable, responsible, and can be signed. If we do not do that, this bill is going nowhere. We will all simply be back here next week doing what duty ought to require us to do this week, which is to end the Washington games and get on with helping real people with real things.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of my time.

This bill provides $8.9 billion for people who are afflicted by disasters in 35 States, as well as to repay the Defense Department for the money that has been spent in Bosnia and Southwest Asia and elsewhere.

This money is needed. Yes, there are two extraneous provisions. There has been some criticism from the other side of the aisle that those extraneous provisions are in there. But, as recently as 1993 the other side put extraneous provisions on supplemental disaster bills. This is not new. It has always happened. Throughout the history of Congress it has happened. These are important provisions. If the President wants to veto the bill and say to the American people that he does not want to count each and every American in the census, if he wants to say that he does not mind shutting down Government, he will veto this bill. I hope he does not. People need help, and this bill will let them have the opportunity to get that help.

I urge my colleagues, do not get caught up in the political squabbles, do not rationalize this bill to death. Move the bill, vote for the bill, and, Mr. President, sign the bill.

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the conference report. I do so reluctantly because it has many important provisions, including badly needed funding for flood relief measures in California and elsewhere across the country. As senior Democrat on the House committee with prime stewardship responsibilities for natural resources, I recognize that the conference report would provide significant assistance for repairs and enhancement of Yosemite National Park facilities and also would help with the restoration of watersheds, road decommissioning, and other flood-related priorities in our national forests.

But what makes this conference report unacceptable are the utterly nongermane legislative riders stuck into this conference report that have absolutely no relationship to the plight of flood victims and the needs to restore flood damage national parks. They will bring down this conference report, and make no mistake, they will delay much-needed, and unanimously supported, relief for the victims of the recent flooding as well as for peacekeeping in Bosnia.

The nongermane rider on RS 2477 road rights-of-way, a matter within jurisdiction of the Committee on Resources, should concern every Member of this House regardless of your position on the issue, because it is an insult to the jurisdiction and the rules of this House.

RS 2477 is a 19th-century statute enacted in the same era of Western giveaways of public resources that also produced the Mining Law of 1872. RS 2477 was repealed by Congress in 1976, so the current debate concerns only rights-of-way which were valid at that time. An amendment narrowly adopted in the other body was intended to overrule the Secretary of the Interior's current policies, leaving it to the States to determine which rights are valid and where roads can be built in national parks and other public lands.

The conferees have adopted an alternative that will establish a commission with members from affected States to determine the fate of these public lands that belong to all the American people. The commission is mandated to recommend changes in Federal law regarding road rights-of-way on Federal lands, ignoring the option that current policy on the Department of the Interior should be maintained and implemented. Should the Secretary of the Interior agree with the commission recommendations, the legislation provides for fast track consideration of legislation implementing the changes, including discharging of committees from consideration of the bill, limitations on amendments, and restrictions on debate time on the House floor.

Let me make a few clear statements on this provision.

First, this legislation is an insult to the House.

This is a big issue for the chairman of the Appropriations Committee on the other side, and he demanded that this section be inserted into the report. Last year, he brought us the Government shut-down by demanding inclusion in a continuing resolution of a nongermane rider concerning the Tongass Forest in Alaska. Apparently, the chairman of the Senate Appropriations committee intends to use every appropriations bill, CR, and supplemental to promote his personal anti-environmental agenda. The House had better think about whether that is the way in which we will allow major environmental issues to be resolved.

Second, we don't need a commission to get this issue before the Congress. All the chairman of the Senate committee needs to do—if this is so important to his State—is to call up his Alaska colleagues who chair the respective authorization committees and demand that they bring such legislation out of the committees through the normal legislative process. Instead, we are subjected to this utter contempt for the regular legislating process.

Third, this provision allows Members of the other body, who surely are neither members of the House Resources committee nor the House Rules Committee, to dictate with no input whatsoever from those committees of jurisdiction the provisions of important national legislation to be considered by the House, as well as the conditions under which that legislation will be considered: who gets to speak, for how long, and what form the resulting bill may take.

With all due respect, any member of either committee who votes to sanctify this process needs to reconsider why he or she is serving on that committee.

We don't mandate fast track for bills affecting health care for children. We don't mandate fast track for bills to assist farmers, or seniors, or students, or taxes. We don't even fast track emergency supplementals. But now, we are told, we must fast tract RS 2477, and we have nothing to say about it. Just how much insult is this body prepared to accept?

The reason that we have not considered RS 2477 road right-of-way claims is because Senator STEVENS and others know full well that the House and the Senate would reject this giveaway for many of the same reasons that we have repeatedly voted to stop the giveaway of land claims under the Mining Law of 1872. Because it is a huge ripoff that threatens taxpayers and our public resources.

What is at stake here is a very serious threat to the integrity of our national parks, forests and other public lands throughout the West. In Alaska, Congress has created a world-class system of over 100 million acres of parks and other conservation areas which is riddled with claims to road access by miners with bulldozers, among others. In Utah, local development interests are anxious to use these road claims to prevent Congress from designating new wilderness areas on the public lands, and even illegally bulldoze to assert claims that the products of such activity negate inclusion of the area in future wilderness designations.

Mr. Speaker, the President made a serious error when he agreed to accept the anti-environmental the timber salvage rider on the 1995 Rescissions Act. We all learned a lesson from that experience, and he was right to veto Interior appropriations riders like the plan to increase logging in the Tongass National Forest. He should not be held hostage to this attempt to carry this pave-the-parks rider on the backs of flood victims. And I urge my colleagues to stand up for themselves and for the rights of this House and reject this conference report so that this insulting and inappropriate rider will be removed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the conference report on H.R. 1469, the emergency supplemental appropriations for fiscal year 1997.

This conference report will allow for supplemental appropriations which was originally introduced to provide assistance to flood victims. Unfortunately, the pain and suffering of those flood victims was not enough to prevent good old-fashioned partisan Hill politics from corrupting this bill.

There are serious problems with the emergency supplemental appropriations which are so great that the President indicated early in the conference process that if they were included he would veto the bill.

The conference on H.R. 1469 today will only delay the much-needed assistance that the flood victims are waiting on.

Contained in the emergency supplemental appropriation's conference bill is a provision to create an automatic continuing budget resolution if funds have not been appropriated at the close of an agency's fiscal year.

There is an important reason that this Nation's Founding Fathers explicitly established that Congress is accountable for administering the Federal Government. We must remain accountable for tough decisions and not allow ourselves to give into anxiety over how or when we will resolve budgetary matters between the Congress and the administration.

We should not place the Federal Government on automatic pilot with changes like the one suggested in this emergency supplemental funding legislation. There are programs which should be reduced in funding or changes made to meet current or foreseeable future situations.

A major part of the Congress' work deals with the authorization and appropriation of the Federal Government's spending.

Last year, I joined with many of our colleagues to address the problems of the last Congress' budget disagreements. I attempted to avoid the Government shutdowns which occurred by introducing legislation to raise the debt ceiling limit to avoid a Federal Government default of its financial obligations and insulate critical agencies.

I stood with many Members on the issue of the budget crisis and fought to resolve the issue.

I believe that this conference report would complicate the budget process by attempting to meet the Government's obligations without requiring the Congress to do its job.

The reconciliation directives in a budget resolution usually require changes in permanent laws. They instruct each designated committee to make changes in the laws under the committee's jurisdiction that will change the levels of receipts and spending controlled by the laws.

The 435 Members of the House who have the honor of being Members of this body must and should insist on remaining accountable for all of their actions.

The constituents of the 18th Congressional District deserve no less than my best effort to participate actively and enthusiastically in all of the business of the people's House as their elected representative.

We should not give into the anxiety created by our experience of the last Congress. We should work with each other during the budgetary process through our management of this House to do this job well.

With over 200 years of history to support the way we have provided funds to operate the U.S. Government there is no precedent for making this amendment law.

I am further concerned with the supplemental appropriation's legislation by the inclusion of language which would effectively and permanently bar the use of statistical sampling for the 2000 Census and beyond.

The subject of the Census was so serious that it was addressed in article I, section 2 of the Constitution of the United States. It explicitly states that, "The actual Enumeration shall be made within three years after the first Meeting of the Congress of the United States, and within every subsequent Term of Ten Years." The proposed change to the 2000 Census and beyond would require large increases in funding to attempt to physically count every resident of the United States, which would be a tremendous waste of taxpayer dollars.

Three separate panels convened by the National Academy of Sciences have recommended that the Census Bureau use sampling in the 2000 census to save money and improve census accuracy. The conclusions of this unbiased professional group of scientists should be respected by allowing the version of the conference bill to reflect their conclusion regarding statistical sampling.

The ability to take samples during the 2000 census will insure that any undercounting which may occur in this census because of sparsely populated regions of our State and the dense populations of our cities, can be held to a minimum. Undercounting the results of the 2000 census would negatively impact Texas's share of Federal funds for block grants, housing, education, health, transportation and numerous other federally funded programs. The census, as you know, is also used in projections and planning decisions made by every State, all counties within those States and their city governments.

I would like to ask that my colleagues join in opposition of this conference report.

Mr. POMBO. Mr. Speaker, I rise in support of H.R. 1469, the Disaster Recovery Act of 1997. The disastrous floods of January 1997 had an enormous impact on my congressional district in California and the effects of the flooding will be with us for years to come.

The scenes last month of the Red River flooding in North Dakota and South Dakota are very familiar to my constituents. The flooded homes, the damaged businesses, and the destroyed crops are what people in my district will remember of this winter's floods. What they will also remember is the tremendous outpouring of help from their neighbors and friends. The community response to the flood disasters was truly overwhelming.

I would like to take this opportunity to personally thank those men and women in the various agencies of the Federal, State, and local governments that worked tirelessly to ensure that all residents were protected from harms way. I am certain that my fellow northern California colleagues will agree with me when I say they did an extraordinary job considering what they were up against. I know that my constituents will be forever grateful.

I think it is very important to note that, just as bad as the Red River flood damage was, my district was equally crippled by the floods. My constituents have an incredible challenge ahead of them to rebuild and recover from the damage. Damages from the California floods are expected to exceed $1.6 billion. In my district alone, San Joaquin County endured an estimated $59 million in damages to homes, over $12.5 million to businesses, $13 million to agriculture, and $14.7 million to infrastructure. Of the area I represent in Sacramento County, the damages to agriculture have not yet been determined, but it is estimated that there is over $1 million in damages to homes.

I would like to bring to the attention of my colleagues just one of the very important issues that have arisen from the California floods this winter. This issue concerns the Cosumnes River in the northern part of my district, which lies in Sacramento County. The levees along the Cosumnes suffered catastrophic failure resulting from this year's California floods. More than 30 levee failures allowed river waters to flood homes and destroy fertile farmlands along the Cosumnes. H.R. 1469 provides assistance to local officials in my district for the repair, restoration, reconstruction, and replacement of the levees along the Cosumnes River.

I would like to reinforce that the figures listed above are purely estimates and more than likely will increase as floodwaters subside. However, we all need to recognize that the flooding in northern California is not necessarily over. More flooding is expected in the near future when the Sierra Nevada snowpack begins to melt. Since final estimates of damage caused by the floods have not been determined in all cases, I believe Congress must be vigilant in its efforts to ensure that additional emergency funding requests are met if they become necessary.

It is my hope that I do not have to return to the House floor next year and speak on this subject again because my district is underwater. However, I feel that without common sense policy towards flood control systems to prevent future flood calamities, we will continue to live with the fear of future flooding.

It is unfortunate that flooding has become a way of life for many communities throughout the United States. As my constituents in the 11th Congressional District of California can attest to, flooding at any level can be devastating. It is essential that this Congress pass H.R. 1469, which provides much needed assistance for urgent levee repair programs as well as other Federal natural disaster emergency programs.

In the interest of protecting the lives and property of my constituents, Mr. Speaker, I urge my colleagues to support H.R. 1469 to assist in resolving these problems caused by the California floods.

Mr. KOLBE. Mr. Speaker, I am very pleased that we are finally considering the conference report to the emergency supplemental appropriations bill. Our Nation has faced an unusual array of natural disasters recently and the bulk of the money in this bill is earmarked for recovery efforts. It is my hope that the President will sign this legislation so that Americans impacted by these disasters can continue the process of rebuilding their lives.

Mr. Speaker, as the author of a provision in the conference report that extends the San Carlos Apache Tribe Water Rights Settlement Act of 1992, I want to clarify one aspect of the settlement agreement. Section 6003 of the conference report to H.R. 1469 contains a section allowing the United States, and subsequently, the San Carlos Apache Tribe, to take over the operation of the Black River Pump Station from Phelps Dodge Corp. This section also provides for the lease of 14,000 acre feet per year of the tribe's Central Arizona Project [CAP] water to Phelps Dodge Corp. for a term of up to 50 years, with a right of renewal based upon a finding by the Secretary of the Interior.

The language is clear, understandable, and supported by Department of Interior officials, the San Carlos Apache Tribe, and Phelps Dodge Corp. But to avoid any confusion regarding the intent of the provision, I want to further clarify the language relating to the $5 million lease payment which Phelps Dodge is required to make to the tribe at the beginning of the initial lease term. This sum constitutes a one-time prepayment for the first 4166 acre feet of water which will be delivered in each year during the 50 year term of the lease. In effect, Phelps Dodge Corp. will be paying the tribe in advance for the delivery of 208,300 acre feet of CAP water, that will be delivered under the lease at the rate of 4166 acre feet per year over the 50 year initial lease period. The remaining water to be delivered each year under the lease will be paid for by Phelps Dodge Corp. as provided in the legislation.

Thank you and I appreciate the opportunity to clarify this provision.

Mr. PETRI. Mr. Speaker, I rise in support of the inclusion of provisions in this conference report to require the Census Bureau to conduct, as the Constitution says, an "actual enumeration" rather than using the statistical technique known as sampling. Following the 1990 census we had a debate over whether to use the number resulting from the actual enumeration or a number adjusted by sampling. This time the bureau does not even intend to try to count everyone. As I understand it, the plan is to try to count 90 percent of the people and estimate the rest.

I oppose the use of sampling for several reasons. It would leave the census numbers open to political manipulation and would tend to undermine the public's confidence in the census. We have seen various administrations manipulate the FBI, IRS, and reportedly even the Immigration and Naturalization Service for political gain. Once we move away from a hard count what guarantee do we have that this or a future administration will not manipulate the census numbers for partisan gains?

A member of the other body has recently stated that we should all support sampling since we all rely on something similar, public opinion polls, to get elected. The problem with this thinking is that we may use polls to guide us but we don't let them determine the winner. I would have no objection if the bureau uses sampling to determine where there may have been an undercount, and then goes back in and redoubles its efforts to count those people. That would be analogous to the way we use opinion polls. But to rely on sampling rather than a physical count is comparable to changing election returns if they are at variance with the polls.

Sampling is said to adjust for undercounts in major cities. But once you estimate how many people are in a given city, to what wards, neighborhoods and precincts do they belong? How can State legislatures and school boards and city councils be apportioned if we don't know where these estimated people live? Is sampling really accurate enough to tell us if some small town has 3,300 people instead of the 3,000 from a hard count? When a State, such as Wisconsin, has hundreds of towns of such size, will sampling adjust for an undercount there the way it might in Los Angeles or some other major city? In 1990 an entire ward in one town in my district was missed. The community leaders pointed this out during the postcensus review and the mistake was corrected. For 2000 the bureau will not do a postcensus review, presumably because no one can know what mistakes were made since everyone wasn't supposed to be counted anyway.

Will the undercount of Indian reservations, of which there are several in Wisconsin, be corrected? My understanding is that the bureau plans to do a hard count on Indian reservations. Yet native Americans were among the most undercounted in the last census. How then can it be claimed that the reason the bureau wants do use sampling is to correct for past undercounts?

I do believe that it is appropriate to bring this issue up in an appropriations bill as the main argument of those supporting sampling is that it will save money. Well that may or may not be true but that can't be the only basis for designing the census. The cheapest possible census would be if the numbers were just made up altogether. We obviously aren't going to do that but the point is that saving money is not the one and only goal. Fairness is a goal and sampling is unfair to smaller communities and rural States. Following the Constitution, which calls for an actual enumeration, is a goal and the Supreme Court has never ruled on the issue.

What happens if we complete the 2000 census using sampling to estimate 10 percent of the population and then the Supreme Court throws it out? Then we will have wasted the $4 billion spent on the original census not to mention who knows how much in litigation. Rather than saving money, sampling could end up costing the taxpayers two or three times as much money as a hard count if we have to redo the whole thing.

I believe a greater effort should be made to reach all Americans to provide an accurate hard count. 50 percent of the undercount from the last census was caused by people never receiving the forms. Better mailing lists and better coordination with the Post Office and local governments can correct this problem. Approximately 32 percent of the undercount can be corrected through the use of easier to read forms and perhaps an 800 information number. The rest will have to be reached through better outreach. Instead the bureau plans to spend less money on outreach, figuring that sampling can make up the difference.

I don't believe the bureau's plan will provide for the fairest and most accurate census.

Also, Mr. Speaker, I am concerned, however, about rescissions of trust fund moneys and additional transportation spending that is included in this bill and is unrelated to disaster relief.

The bill rescinds almost $1.6 billion in contract authority, including nearly $900 million from the transit program.

These rescissions were included in the House bill and were stricken by the Transportation Committee on a point of order. Yet this bill adds them back in.

The spending provided for highways by the Senate goes beyond correcting any error and directs funding to specific States. This is unnecessary and I am opposed to this type of extraneous provisions in a disaster supplemental bill.

Mr. VENTO. Mr. Speaker, I rise in opposition to this supplemental emergency assistance measure. I very much regret that the substance of this proposal has superimposed issues on the emergency response provisions included in the bill. This is being used as a way of avoiding full debate and attempting to force the President to accept such policy and law that he and others oppose.

The emergency funding in this measure is very much needed in Minnesota, North Dakota, South Dakota, and the other States affected by flooding and natural disasters this spring. I supported the House-passed measure and helped improve that measure when we initially considered this matter 3 weeks ago, with the expectation that in counsel with the Senate and administration the differences concerning the controversial unrelated riders could be resolved.

I was very disappointed that the House didn't conclude its work on this emergency measure prior to the Memorial Day congressional recess, and now after nearly 2 weeks of delay, the end product before the House, and to be sent to the President not only doesn't resolve the matter of the controversial riders and changes in law, but increases the total number of problems and exceptions.

Our GOP colleagues in the past Congress shut down the Government in an attempt to enact into law massive cuts in health care, education and the environment—a GOP retreat from basic programs that form the foundation of trust and the tools that the American families need to care for themselves and one another. And the GOP Congress in the last session proposed a massive tax break giveways which would have made deficit reduction and the goal of balancing the budget a mirage.

When the Government was shut down for months, based on the GOP refusal to back down from these radical positions and wild proposals, the American people rightly rejected the GOP tactics just as they rejected the policies on their merits. The fight to add antishutdown language to this bill is an effort to rewrite history and in the bargain to try and gain an advantage for GOP spending priorities. The American people need neither revisionist history or a rearrangement of the congressional powers regarding the power of the purse. Congress should accept its responsibility with the constitutional and legal framework to pass the annual spending measures and work out differences with the President in time to avoid government shutdowns.

The GOP census rider is a blatant attempt to attack the technical and scientific means of counting our population every decade for a Republican partisan advantage—it is unfair, unworkable, and unacceptable.

The new GOP rider from the Senate in this conference report undercuts the Federal Government's role to manage public lands in the 17 Western States and would slice and dice the Federal lands, parks, and wilderness into pieces and in the end cost billions of taxpayer dollars to buy back that which the American people already own. This legislative blackmail under the guise of "rights of way access" and a newly minted Commission is just one more in a series of ongoing efforts to deny the American people their natural heritage of landscapes and public domain. This Civil War era policy made little sense in 1866 and makes no sense in 1997.

Mr. Speaker, in spite of the much-needed help for natural disasters and Bosnia peacekeeping, we must not permit this pattern of policymaking to become successful. Vote "no," and if this passes, the President will veto it. Hopefully, we will uphold such a veto and then enact a measure which will not include these controversial provisions in a timely manner.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise this evening to oppose the Emergency Supplemental Appropriations Act conference report. Although this bill will provide needed relief for disaster victims—which I support—for the victims of this bill, it will be a disaster. This is not a clean bill—this is not a good bill.

This bill is loaded down with extraneous items that have no place in this measure. One item is an antienvironmental rider which diminishes the quality of our public natural resources.

However, the most disturbing item is the prohibition of statistical sampling in the census. This language, inserted by the conferees, was not agreed to by the full House. This is a blatant attempt to legislate through an appropriations bill.

As a representative of California's 37th Congressional District, I am particularly opposed to any language that would impair the Census Bureau's ability to make an accurate count of the U.S. population. Too many Americans were left out of the count during the last census. Ten million Americans were not counted and 6 million were counted twice—which distorted our attempts to ensure equal representation for all Americans. In 1990, 800,000 people were undercounted in California. California represented 20 percent of the 1990 undercount.

This undercount was not uniform across the population. The undercount between the African-American population and the non-African-American population rose dramatically to reach the highest level since 1940. In 1990, the census was six times more likely to leave out an African-American than a non-Hispanic white American. The 1990 census left out Hispanic-Americans at a rate of seven times the undercount for non-Hispanic white Americans.

The Census Bureau is developing a design for the 2000 census that corrects past mistakes and makes the upcoming census the most accurate in our history—and sampling is one tool that will help. An accurate count of the population is required to apportion congressional seats. An accurate count brings fairness to the distribution of billions of dollars in funding and planning decisions such as school and highway construction.

We can't afford to leave Americans out of the census. This bill is, in fact, muddier than the flood waters it purports to clean up. I urge my colleagues to vote against this conference report.

Mr. COX of California. Mr. Speaker, I regretfully must oppose this spending legislation, which commits taxpayers to foot the bill for dozens of special-interest items having nothing to do with disaster relief.

First, the House-Senate compromise bill costs $200 million more than the House bill.

Second, it includes $262.2 million in nonemergency spending, an increase of $150.4 million over the House passed version.

Third, it includes such nonemergency items as: $35 million for the Advanced Technology Program of the National Institute for Standards and Technology under the Commerce Department; $2 million for the Commission on the Advancement of Law Enforcement; $3 million for Ogden, UT, in anticipation of the 2002 Winter Olympics; $650,000 for the National Commission on the Cost of Higher Education; $101 million in education grants; $33.5 million for Botanic Garden Conservatory in DC; $15 million for health research; $1.9 million for the Denver Summit of the G–8, June 20–22, 1997; $16 million to the Customs Service for the Automated Targeting System; $5.383 million to the U.S. Postal Service to subsidize free and reduced rate mail; $12.3 million for a multistory parking lot in a Cleveland, OH, Veterans' Administration facility; $1 million "special purpose grant" of which $500,000 goes to a parking lot and $500,000 for renovation of the Paramount Theater in Ashland, KY; and $30.2 million for HUD Demonstration Act purposes.

This is supposed to be an emergency measure to help flood and disaster victims. The inclusion of such expenditures indicates it is not. In the exercise of fiscal prudence, I must therefore vote "no".

Mr. McDADE. Mr. Speaker, I rise in support of the conference report to accompany H.R. 1469, the emergency supplemental appropriations bill for fiscal year 1997. This important legislation is key to the long-term rehabilitation of communities devastated by natural disasters across this great country. It is also essential to ensure our continued military preparedness through the replenishment of critical defense accounts.

Mr. Speaker, the Energy and Water Development chapter of the emergency supplemental appropriations bill represents the dedicated efforts of Members from both sides of the aisle and from both sides of the Hill to deliver needed assistance to those areas of our country which have suffered the crippling effects of uncontrolled floods. From the Pacific Northwest to the Ohio Valley, from the Deep South to the Great Plains, floodwaters have been especially furious during the past year. We have all been deeply touched by the heart-wrenching images of dislocated families, destroyed homes, and inundated cities. Recognizing the emergency nature of these consequences, the Subcommittees on Energy and Water Development have acted expeditiously, responsibly, and in good faith to help flood victims get back on their feet.

The conference agreement includes $585 million for the Corps of Engineers and $7.4 million for the Bureau of Reclamation to address flood related needs. These desperately needed funds will support the rehabilitation of levees, the repair of Federal flood control works, and the performance of emergency dredging. These public works are more than mere infrastructure; they represent a foundation for the continued vitality, protection, and economic viability of the towns, villages, and cities that constitute a free and strong America.

In order to help pay for emergency disaster assistance, the conference agreement includes a rescission of $11.2 million from the Energy Supply, Research and Development account of the Department of Energy. Another rescission of $11.3 million from the Western Area Power Administration will also help offset the costs of this supplemental bill.

Mr. Speaker, I would like to congratulate and thank the members of the Subcommittee on Energy and Water Development for their dedicated efforts in producing this critical legislation. I am especially appreciative of the efforts of the ranking minority Member, the Honorable VIC FAZIO. His cooperation and hard work have been indispensable, and I look forward to continuing our bipartisan working relationship as we move on to the consideration of the regular appropriations bill for fiscal year 1998.

Mr. Speaker, I urge all Members to support the conference report.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in firm opposition to a ban in the fiscal year 1997 Supplemental Appropriations Conference Report that disallows the use of statistical sampling in the 200 census. We must not dictate to the experts in the U.S. Census Bureau how they are to conduct this most important, Constitution mandated count of our population. Furthermore, this ban would ignore the need to restore accuracy to the census by accounting for groups grossly undercounted in the last decennial census—minorities and low-income individuals.

The bill language states, "the proposed use of statistical sampling by the Bureau of the Census exposes taxpayers to the unacceptable risk of an inaccurate, invalid, and unconstitutional census." Rather, a ban on the use of sampling poses this unacceptable risk and increases the cost to taxpayers for the 2000 census.

All evidence reviewed from the 1990 census clearly demonstrates the inaccuracy of a persistent undercount. The Census Bureau acknowledges that this last decennial count failed to include more than 4 million residents—the highest undercount ever recorded. These included a disproportionate number of racial and ethnic minorities in this country. Hundreds of thousands of Asian-Pacific-Americans were not counted by census, at an estimated rate of 2.3 percent. For Hispanics this rate was 5.0 percent and for African-Americans, 4.4 percent. It is inexcusable that these rates were two times, five times and four times greater than the undercount for white Americans. Inaccuracy to this degree itself is an invalidation.

As to the claim of unconstitutionality, a letter of May 8, 1997, from Census Bureau Director D. Martha Farnsworth Riche to Speaker GINGRICH recapped three options from the U.S. Department of Justice under the Carter, Bush, and Clinton administrations: "All three opinions concluded that the Constitution and relevant statutes permit the use of sampling in the decennial census. Every federal court that has addressed the issue had held that the Constitution and federal statutes allow sampling." the clear constitutionality of the use of census sampling has been stated repeatedly, in a nonpartisan manner.

Sampling opponents further claim that this new methodology would only be to the benefit of large cities. A recent dear colleague from a supporter of the ban stated "If a smaller town in undercounted, chances are we would never even know about it much less be able to adjust the census." This situation existed under previously used methods. However, under new sampling methods, the Census Bureau would in 2000 adjust for the undercount to the census block level in every single poor and rural community, rural and urban, for greater accuracy and fairness. The sampling plan would also:

Complete the count of those who do not mail back their form or phone in the answers—only 65 percent of households mailed back the census form;

Include those people missed in the census—about 10 million in 1990—and remove duplications—about 6 million in 1990; and

To collect information from a sample of the population for poverty, highway, and housing programs.

Sampling is necessary because it would:

Save approximately $500 million in taxpayer dollars, rather than spend more money for a census that is less accurate;

Locate those people traditionally missed and take out those counted twice; and

Allow the census to provide correct numbers for the distribution of Federal funds.

By the words of the Commerce Department's Inspector General, in a recent report to the Senate, the use of sampling to measure and correct the undercount is the "only proven method to correct the greatest obstacle to an accurate count." The General Accounting Office supports this recommendation as well.

Three separate panels convened by the National Academy of Sciences [NAS] recommended the use of sampling in the 2000 census for improved accuracy and savings, instead of greater cost, "Simply providing additional funds to enable the Census Bureau to carry out the 2000 census using traditional methods, as it has in previous censuses, will not lead to improved data coverage or data quality." We must not ignore the counsel from these scientific, statistical experts.

We are here today to say that everyone counts—whether you are a person of color, poor or elderly, whether you are a recent immigrant or a citizen, whether you live in an urban or rural area. The charge of the Census Bureau is to make an accurate count of all those within our borders.

The simple fact is that in a country as immense and diverse as ours, we should use the most advanced methodologies to assure an accurate census count of all our population, even those that are hard to reach. Not because we want a certain political party to gain seats in the Congress. Not because we want to favor urban areas over rural areas, but because we want a fair and accurate enumeration of our population.

Too many times in our history it has been the person of color and the poor that have gone uncounted. If we do not allow sampling in the 2000 census history tells us that we will once again make many of these individuals invisible, like they simply do not exist.

This attack on utilizing a scientifically proven method of enumeration is an attack on the people of color in this country. It is another example of the Republican effort to downgrade, to diminish the voice of minorities in this country. We cannot allow this to happen.

This is not simply a technical issue of concern only to statisticians. The accurate count of our population has enormous consequences from the apportionment of our elected offices to the allocation of Federal and State funds. And if people of color and the poor are not accurately accounted for their voice in our Government and our communities is weakened.

For the sake of an accurate and fair census, we must reject any legislation to limit the use of sampling in the 2000 census. We must ensure that everyone counts. I urge my colleagues to oppose this egregious language in the fiscal year 1997 supplemental appropriations bill.

The SPEAKER pro tempore (Mr. COMBEST). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 201, not voting 13, as follows:

[Roll No. 169]

YEAS—220

Aderholt
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Chabot
Chambliss
Chenoweth
Christensen
Coble
Combest
Condit
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
DeLay
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King (NY)
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
Meek
Metcalf
Minge
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Saxton
Sessions
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Campbell
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Conyers
Costello
Cox
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hoyer
Hulshof
Inglis
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E.B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Klink
Klug
Kucinich
LaFalce
Lampson
Largent
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McGovern
McInnis
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Poshard
Price (NC)
Rangel
Rivers
Rodriguez
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Andrews
Archer
Deutsch
Diaz-Balart
Farr
Goode
Jefferson
Lantos
McKinney
Pickering
Schiff
Schumer
Turner

☐ 1841

The Clerk announced the following pair:

On this vote:

Mr. Goode for, with Mr. Turner against.

Messrs. MORAN of Virginia, BROWN of Ohio, and INGLIS of South Carolina changed their vote from "yea" to "nay."

Mrs. TAUSCHER changed her vote from "nay" to "yea".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, on Rollcall No. 169, the Conference Report for H.R. 1469, I was absent. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, I was unable to return to Washington, DC, today due to a death in my family and missed the following votes:

Rollcall vote No. 165, passage of the rule on House Resolution 160. Had I been present, I would have voted "aye."

Rollcall vote No. 166, on agreeing to the Conference Report House Concurrent Resolution 84, the FY 1998 Budget Resolution. Had I been present, I would have voted "aye."

Rollcall vote No. 167, the Campbell Amendment (No. 52) to the Smith Amendment (No. 41) on H.R. 1757, the Foreign Relations Authorization Act. Had I been present, I would voted "nay."

Rollcall vote No. 168, the Smith Amendment (No. 41) to H.R. 1757, to prohibit U.S. population assistance for foreign organizations that perform abortions in foreign countries, or lobby for changes in such laws. Had I been present, I would have voted "aye."

Rollcall vote No. 169, on agreeing to the Conference Report H.R. 1469, the Disaster Recovery Act. Had I been present, I would have voted "aye."

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–94)

The SPEAKER pro tempore [Mr. COMBEST] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month report on the national emergency declared by Executive Order 12938 of November 14, 1994, in response to the threat posed by the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction") and of the means of delivering such weapons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 5, 1997.*

☐ 1845

TRIBUTE TO DEPARTING PAGES

(Mrs. FOWLER asked and was given permission to address the House for 1 minute.)

Mrs. FOWLER. Mr. Speaker, I rise today as chairman of the House Page Board to pay tribute to our departing pages. I know I speak on behalf of all of my House colleagues when I say thanks for a job well done. You, the pages, have had a unique and historic experience and one which we hope will serve you well as you continue your education and begin your careers.

So much of what we do in Congress is done for the next generation, for you, our pages, who are here in the back of the room today are the next generation. You can be proud that what we have done in this Congress has not only been done for you but with you. Like each Member of Congress, you are now a part of this institution, and as of Friday you will be a part of its history. Some of you may even be part of its future, returning some day as staff members or even Representatives yourselves like the gentleman from Michigan [Mr. DINGELL], the gentleman from Pennsylvania [Mr. KANJORSKI], the gentleman from Arizona [Mr. KOLBE], the gentleman from Virginia [Mr. DAVIS], and the gentleman from Mississippi [Mr. WICKER], or our late colleague, Representative Emerson, the former chairman of the Page Board.

We know that whatever path you choose in life, it will have been enriched by your experience here in the United States House of Representatives. As you prepare to graduate on Friday, we want you to know that this entire House is grateful for your service to us and to our country. We wish you all well.

Mr. Speaker, at this time I will include for the Congressional RECORD the names of the pages that we salute today:

Joshua Abrons, Clinton Bonelli, Joshua Booth, Justin Boyson, Elizabeth Bracken, Brett Bruen, William Carr, Marny Cavanaugh, Holli Cavender, Amanda Charters, Kari Charters, Virginia Clotutier, Sara Cobb, Katie Dewberry, Kathryn Eddy, Ryan Edmunds, Jami Feinberg, Ashley Fellers, Lisi Fernandez, Elizabeth Frank, Stephanie Freund.

Wayne Green, Page Griffin, Ryan Hemker, Antonia Henry, Kim Holcomb, Edward Holman, Peter Janelle, Christina King, Todd Koehler, Mary Konitzer, Matt Kummernuss, Sam Langholz, Sarah Lash, Melissa Leuck, Mary Elizabeth Madden, Jennifer Madjarov, Kevin Marlow, Kevin McCumber, Aric Nesbitt, Erik Newton.

Philip Nielsen, Luke Peterson, Melissa Poe, Aaron Polkey, Sabrina Porcelli, Jenifer Scott, Mary Megan Siedlarczyk, Lizzie Smart, Brandon Snesko, Howard Snowdon, Paul Soderberg, Katie Sylvis, Megan Taormino, Erin Tario, Maria Toler, Tyson Vivyan, Pete Voss, Angela Williams, Timothy Willimason, Sarah Wilson.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, on behalf of minority leader GEPHARDT and minority whip BONIOR and the chairman of our Caucus, the gentleman from California, Mr. FAZIO, all of the leadership and all of the Members on this side of the aisle, I am very pleased to join the distinguished gentlewoman from Florida in congratulating our pages.

Mr. Speaker, the pages represent, as the gentlewoman from Florida [Mrs. FOWLER] said, the future. I have risen before on this floor and talked about the page program. I was privileged to be President of the Maryland Senate, and one of the duties of the President of the Maryland Senate was to recruit high school students for the page program.

I would tell, Mr. Speaker, the young people, if I could address them directly, consistent with the rules, I would tell them that this experience will affect you for all of your lives. You will be better citizens. You have had an experience that few citizens in our Nation have. You have been on this floor and seen democracy in action. You have seen how conscientious the Members of this House are.

Too many Americans, I say, Mr. Speaker, if I could directly to the pages, too many Americans do not have a full understanding of how hard Members work. How conscientious they are and how much they care about doing the right thing for their country, irrespective of whether they are conservatives or liberals, moderates, Republicans, Democrats or Independents. You have learned that firsthand. So you will have something that millions and millions of your neighbors and friends and relatives will not have had: firsthand experience, how the greatest democratic institution in the world works.

And you will have the opportunity to go back and tell our fellow citizens, too many of whom tend to be cynical, that the system works and that they need to participate, not necessarily run for Congress, maybe some of you will do that, but to participate by voting, by speaking out, by writing, communicating, by involving themselves in the democratic process.

I am very pleased, Mr. Speaker, to join the very distinguished gentlewoman from Florida as a former member of the Page Board, never a page but an intern to a Member here, so like you, having had an early experience, I say to our young people, go back to your communities, go back to your schools, go back to your States and help teach democracy. Make our country better. We will be the better for it.

Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. KOLBE. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from Arizona, former member of the Page Board.

Mr. KOLBE. Mr. Speaker, I thank the gentlewoman for yielding to me. I thank her for taking this time for those who serve here to take a moment out of our day at the end of this week and at the end of a year of experience for our pages to thank them. Normally we stand in the well of this House here and we address our colleagues who are out here in front of us. But this evening we stand here and address the pages who stand behind the rail over there and have served us so well and, I might add, the pages who sit behind me over here at the documentarian's table.

To all of these pages, let me say that we thank you. We thank you for the service that you have given, we thank you for the confidence that you give us in the future of our country.

I began, as I think most of the pages know, I began my own service in public service, my own service in Government nearly 40 years ago when I came here as a page. In those days the program was quite different and I came as a sophomore in high school and stayed through my senior year.

I know from that experience what a difference it has made in my life, how it has fundamentally changed my own life. When I think back on the class of 1960, two of whom in addition to myself have served this House so ably, Donn Anderson, the Clerk of the House, Ron Lasch, who is the Republican floor assistant over on our side. And I think of the others who have not chosen to participate in the Congress of the United States but participate in their own communities and participate in our public life in other ways.

So what the gentleman from Maryland [Mr. HOYER] said is so very true, that no matter where you go, no matter what career, no matter what profession you follow, no matter where life takes you, this experience will always be a profoundly important one for you. I cannot make any other prediction for you, but I can guarantee you that, 40 years from now, you will look back on this experience and say that it has been an extraordinarily important one for you.

There are many people who have said that the page program is unnecessary, that it is too difficult, that we really ought to change it, that we ought to not have high school students, that we ought to have regular employees doing the work. We have resisted that through the years. I think there has been strong support in this House of Representatives to keep the page program as it is for young men and women who come to us from all over the country, from all walks of life, all communities, from every kind of ethnic and economic background because of what they represent and because of what they stand for as the future of our country and for the hope that they give us and the message that they take back to their communities. So you are a part.

The gentlewoman from Florida [Mrs. FOWLER] has said, now, of the history of this House of Representatives and your service is not forgotten. We have a lot of people who make the flow and the work in this House go well. It takes a lot of people for an organization this big to carry on its daily activities. It may seem to you sometimes that your work has not been that important, but collectively and together it is a vital cog of the machinery of the House of Representatives that makes this place function smoothly, not always so smoothly but usually smoothly, to function smoothly and to function well.

I think that each and every one of us has enjoyed the opportunity over the course of this last year or, for some of you, the last 5 months to get to know you, to get to understand your hopes and your dreams, your aspirations. Through you we also understand just a little bit better about the young people of America, about the hopes for our country and for ourselves. So we thank you for the service that you have given us and we thank you even more for what you represent for this country.

Speaking personally, I want to say I wish you all very well. I know that you are going to go back to your schools and your communities and I predict each and every one of you is going to be a great and wonderful success with your life. We hope we have contributed to a little bit of your understanding and we hope that when you go home to your schools next year, to your communities this summer, and you hear somebody say about how bad government is and they express the cynicism that I know you have heard before and we will all hear again, that you will say, stand up and say, but there are a lot of good people that are involved and there are a lot of people that work hard, a lot of people that care. And this is what the process is all about and this is what democracy, this is what liberty, this is what our freedoms are all about. You are a part of that and we thank you for that service. Godspeed.

Mr. KILDEE. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from Michigan, another member of the Page Board.

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding to me.

The very first vote I cast in the House of Representatives in January 1977 was to cast my vote to elect Tip O'Neill Speaker of the House. And the best assignment that Tip O'Neill gave to me many, many years ago was to serve on the Page Board. It has been a very enjoyable assignment. It has been an assignment where my hope for the future has been sustained every year as class after class of pages have come through.

Let me say this from the bottom of my heart. No class, no group of pages has surpassed or been better than this class this year. Indeed, you made the chairman, myself as ranking member, our job very, very easy this year. You have been extraordinarily good. There is a program in America, a very good program for young people called Close Up, and it is a great program. And I always meet with my Close Up students. Some of you may have participated in that at one time. But no group of young people see the Congress and the Government as close up as you. You have seen history. You have seen us at our best, and sometimes perhaps you have seen us at our worst. But you have seen Government. I think that you leave here not with cynicism but with hope and trust in the Government.

When I was about your age, Franklin D. Roosevelt was President of the United States. He spoke these words many, many years ago, but I think they are as applicable today, perhaps even more so, than when he spoke them. He said there is a strange cycle in human events; to some generations much is given, of other generations, much is expected. This generation of Americans has a rendezvous with destiny.

□ 1900

Meeting you, the pages, this year, I am very confident that all of you can meet the challenges of that rendezvous, and I ask that God bless you.

Mr. DAVIS of Virginia. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, I want to take this opportunity to say, as my colleagues, to all of the pages who will be leaving this evening, thank you very much for a job well done. I guess tomorrow night is the time. But thank you very much for a job well done.

This has been an outstanding class. Many of you know that I served 4 years as a page in Congress from 1963 to 1967. Some of the defining moments in my life were based on that time period: The day President Kennedy was shot, the vote on the test ban treaty, the debates over civil rights.

Paging has changed since that time. It is a much more select group, for one, than when I started. Screened academically. A very carefully run program today, producing some outstanding results.

We have talked about how hard Members work, but we need to take note of how hard you have worked, and, hopefully, you have learned some lessons during this time. Hard work and attention to academics, focus, the long hours you put in and the discipline that you have had to find in yourself, with all of the different things going on around you has been helpful and will put you in great stead as you progress through life, whether you stay active in politics and government or whether you do not. But we have seen some good results.

And we have shared some good times together. The passage of the balanced budget today, I think, is a fitting tribute to you, because we do this with our next generation in mind, as we put together a balanced budget resolution that hopefully will lead to the first balanced budget in a generation by the year 2002, to give your generation an opportunity to succeed. And it is with you in the future that we did this.

The experiences that I have had have stayed with me through my life and defined what I have done. I have always had an appreciation for government, but whether you end up running for office, staying active in government and politics, or just going out and being ambassadors to your community, we have given you an opportunity that few young people have. I know you have learned from this and will take it with you.

And from our experience here and from our perspective as Members, we wish you Godspeed in the time ahead and thank you for a job very well done. We are proud to have been a part of the process that you have undergone in the last few months.

Mrs. FOWLER. Before I yield further, Mr. Speaker, I understand that we can have the pages come up and sit. The Parliamentarian says it is okay, so that their parents and friends at home can see you better.

So while we complete honoring you, why do you not come have a seat in our chairs so that you can enjoy this better.

So if the gentleman from Mississippi does not mind for just one minute, hopefully the cameras will get a good view of them and the folks back home can see them as well and these great young men and women that we are honoring now.

And I want to thank the gentleman from Arizona [Mr. HAYWORTH] for coming up with this great idea of having them come forward. We should know someone from the media would come up with this sort of idea.

Mr. WICKER. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I thank the gentlewoman for yielding and also thank the gentleman from Arizona for his excellent idea of bringing these young people forward.

Let me add my comments to those very eloquent remarks that have been made this evening on behalf of the pages and to thank you for your time of service here.

The gentleman from Virginia [Mr. DAVIS] mentioned that he was a page for 4 years in the United States Senate. I was a page for only 1 month, and that was in 1967, in October of 1967, and it is hard for me to believe that it has been almost 30 years since I came here to serve as a congressional page for the honorable Jamie Whitten, who later on became chairman of the Committee on Appropriations and served 53 years in the United States House.

But this is a very excellent group of young people, Mr. Speaker. They are a particularly good looking group, too. And they worked mighty hard for us and they performed good service for their country and for the United States House of Representatives.

They have seen us on the floor in debate, they have seen us also in a more human sense walking up and down the back aisles there and in the cloakrooms. And I simply would say to these young people, I hope you will go back as goodwill ambassadors for this House of Representatives and for our system of government; the greatest system of government ever known to the mind of man, the oldest Constitution existing on the planet today.

You have seen a great deal of history. You saw the second inauguration of President Clinton, you saw the reelection of a Republican majority for the first time since the 1920's, therefore you saw divided government and all of the challenges that that brought for us, a President of one party and a Congress of the other party having to come together. And today you saw the fruition of that, rising to the occasion to pass on a bipartisan basis a balanced budget which will bring us to the first balanced budget since I was in high school.

Some of you today had the opportunity to see Mother Teresa of Calcutta. Others may have had to see that on closed circuit. But you really saw a remarkable little piece of history there with Mother Teresa. And to see this distinguished lady receive the Medal of Honor from Congress, a woman slight of stature, with very little personal wealth, and to think of the impact that that one individual has had across the face of the globe. I am certainly glad that you had that opportunity.

Mother Teresa wished for us today and for our children joy, peace and love, and she expressed the prayer that we would persevere in the time to come, and that is my wish and my prayer for you as you leave this job. Godspeed to you and thank you very much.

Mrs. MORELLA. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, first of all, I want to thank the page board for making such a great selection of such a fine group of young people to be here to serve their country and to specifically help us.

We heard my colleagues all say about the fact that they were pages or they worked as a staff member here when they were very young and the memories they had. I was never a page. The first time I came on the floor of the House of Representatives was when I was sworn in in 1987. And so I say to you what a grand opportunity you have had at such a young age to be here in the Chamber of the House of Representatives where all the joint sessions are held, where all of the policy is molded here, where your friends and families can turn on C-SPAN and see what is happening, but you are here and you have been part of it and it is going to continue to be part of you. You will have been touched in so many ways that you will realize many of them at a later time.

I very much appreciate the kind of service that you have given us. I have always found, and I know my colleagues agree, I have always found that despite the hour, you have been upbeat, you have been enthusiastic, you have at least smiled and pretended to have been enthusiastic about what you did. When we had requests, you were always there, always responded to us.

As a matter of fact, I was always amazed, I think that you could recognize more Members of Congress than I thought I could at times, because you had the pictures and you knew who it was.

I can remember sometimes in the Cloakroom where you had a message for somebody and somebody might have been sleeping, and you say is that so-and-so; now, do I dare to wake him? It happened very rarely, but there were nights when we were here very, very late and you were here very, very late.

I recognize the fact that you also had to go to classes, and I think 10 o'clock was the cutoff; that if you were here up until 10 o'clock, you might not have class the next day, but you would have to make up for it. Whatever. My point is, for young people you had to juggle a very burdensome schedule that was exceedingly difficult, because you had to study, you had to be awake, you had to be alert, you had to follow through with your own studies as well as come here and move around and move with the rhythms of this very vibrant House of Representatives.

I am sure at times you wanted to change the schedule yourself, and you might have felt that had you been there you would have had voting in a more timely manner.

I was lucky this time, too, because I was able to nominate somebody who became a page with you, Christina King, and I know she did a great job, and I have always been very proud of her and she would pop into the office to say hello. But I felt that each and every one of you were my pages. It is because of the way you handled yourself, the way you handled your jobs. Any one of you I could have stopped and asked for something and you would have been very responsive.

I know there were times when we were rather tired, and maybe despondent, although we do not really get too despondent around here, but we would look to you and you would enliven us because you represented the future and you represented people who have an enthusiasm, who have an energy, who have personality, who work hard and who are driven by ethics.

So I commend you. I want to thank you. Again, I know that this will be part of your lives in the future; that you will all do well. I know you have all met each other, and I think that is pretty exciting, people from so many different States, and you realize that each State is not an individual country, that each State does have much in common with the other and that people are people.

So when you go out into the world, and I remember something from "Everything I Needed to Know About Life I Learned in Kindergarten," and that is when you go out into the world, watch out for traffic, hold hands, and stick together. And I hope that you will have an opportunity to be able to stick together as you go out into the world. And I personally thank you very much.

Mr. PAYNE. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Speaker, I am happy to have an opportunity to say a few words. I am actually here by mistake. I was just passing by and stumbled in and said, wow, look at this. This is a great looking group, I said to myself. I think you would probably look better than the crowd that sits in here every day. So I decided to sit and to listen, and I am glad I did.

I would like to first of all congratulate the page board members who have taken an interest, and to the chairperson, the gentlewoman from Florida [Mrs. FOWLER], for the outstanding job that she has done with the leadership of this very important board, and also the ranking member, the gentleman from Michigan [Mr. KILDEE], who I have the privilege of serving with on the Committee on Education and the Workforce.

Let me just echo what my colleagues have said. It just has not been said by everyone, so I am going to simply join in with the praises to you.

I have the opportunity sometimes, when I bump into some of you as I ride the trolley, and I will say hello and ask your names and where you are from and what grade you are in, because I am always curious and interested in young people. I think that young people are indeed our most valuable possessions and as a nation we have an obligation to try to make opportunities for young people because that will guarantee that this great Nation will continue to be great.

I started my career as a schoolteacher. I was a secondary schoolteacher in the city of Newark. Many of the young people there did not have many opportunities. I brought them to the local YMCA and they were able to have opportunities at the local YMCA in Newark. They became involved in a program called Youth in Government, where they were able to become mock legislators, and they would go to the statehouse to be legislators during a period of time where they would learn legislation. So you have had that opportunity to really be here to see how legislation is crafted and created.

Your work is so important. When you go back, I think you have to be diplomats. You have to talk to your colleagues and tell them about your opportunities, and you have to encourage them to become interested in government. You know, young people are not as interested in our elective process as they ought to be, and I think you have a responsibility now, an obligation, to go back and tell young people when they become 18 that they should register to vote; that we need to have people participating in the electoral system to make it strong and to make it good.

So you have an obligation that goes forth from this place and this time to tell them, the cynics, that they have to get involved, that if they dislike what is going on, they have to change it.

□ 1915

Senior citizens vote. That is why we have so much senior citizens, housing. Have you heard of any young people's housing lately? No. Well, we have got to get young people involved. We have to get them participating.

So I am just here, like I said, to congratulate all of the pages. I, too, will have the opportunity to have my first page that will be coming in on Sunday, Andre, from the town of Irvington; and I feel very, very excited about it. Our Page Board selected him, and I really have not met him yet. I am going to meet him on Saturday and his family before he comes down. So I am just as excited, I think, as he is. It is a tremendous program. Keep up the good work.

Just one other thing. There is an interesting thing that happened in my district. Three little boys, 9, 10 and 11, found $500 in Newark, cash. But they also found the name of the person with this $500, and what these boys did was to go to a lady in the neighborhood and said, "We found this $500," it was about a week ago, and they said that it should be returned to the person.

When we found out about it, we found out that none of these three boys ever owned a bike, none of them had ever been to a summer camp, they lived in public housing, and they lived in very impoverished situations, lived with relatives, grandparents. But for them to say that this did not belong to them and to try to find the person that it belonged to, and actually these little boys, and it just happened a week ago, were ridiculed by some of the kids in the neighborhood. How stupid it was, they said, for them to give back $500 that they found, that they should try to get it back to the person who lost it and that they do not even own a bicycle.

I do not know, but they probably got about five bicycles each by now because the community came out. They are going to go to camp for the first time in their lives. They are going to go there with all nice new clothes on because we want to make sure all of that happens.

So I just say that to say that the future belongs to those who prepare for it. Our Nation, I believe, is in good hands because of people like you. You have to go back to your neighborhoods and convert others to being just like you.

Mrs. FOWLER. On behalf of all of the Members of the House, we want to thank the pages for their service and wish them well in their future endeavors.

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment from our legislative business to recognize and commemorate the end of a tour of duty for our 1996–97 House pages. This year, 61 young men and women from across America took time away from their families and friends to come to Washington and perform a time-honored public service.

The tasks of a House page are not always glamorous, but are nonetheless necessary and valuable. They serve as messengers and aides. They learn about the workings of Government and observe history being made. In fact, I believe some of my colleagues in this House once had the honor of serving in the page program.

I wish I could take the time to name all of our pages, but allow me to at least make mention of those in our Michigan delegation: Ryan Hemker, Virginia Cloutier, Antonia Henry, Paul Soderberg, and Aric Nesbitt.

I have had the privilege of sponsoring one of these fine pages: Ryan Hemker of Coldwater, MI. Ryan, a top student at Quincy

High School, has demonstrated all of the characteristics we have come to expect from our pages. He is industrious, intelligent, and a true leader in the page program. It was my privilege to have the opportunity to get to know him and the other pages in this year's program.

Now, as their term as pages comes to a close, I wanted to salute these young people for their efforts, their dedication, and their enthusiasm to serve the Members of this, the people's House. I am confident that their contributions here will be long remembered and that they will distinguish themselves in their communities just as they have here in Washington.

To all of our pages, I offer my best wishes and thanks.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1469) an act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 84) a concurrent resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

HOUR OF MEETING ON SATURDAY, JUNE 7, 1997

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, June 6, 1997, that it adjourn to meet at 10 a.m. on Saturday, June 7, 1997.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT FROM SATURDAY, JUNE 7, 1997, TO TUESDAY, JUNE 10, 1997

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Saturday, June 7, 1997, it adjourn to meet at 10:30 a.m. on Tuesday, June 10, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, as Members know, this is National Small Business Week. I want to take time out to recognize the thousands of men and women back home in Missouri's Ninth Congressional District who run and own small businesses. I cannot think of a more worthy group to honor.

Small business, as is often said, is the backbone of our economy, accounting for 99.7 percent of the Nation's employers and for 47 percent of all sales in this country. In fact, in the 12 calendar months between December 1994 and December 1995, employment in small business-dominated industries increased 2.7 percent, creating 1.25 billion new jobs, or 75 percent of the total new jobs in the economy.

There are many small businesses back in Missouri's Ninth Congressional District that deserve praise, but tonight I want to highlight one of them, the Twainland Cheesecake Co. and Cafe in Hannibal, MO, owned by Lynn Carr. Twainland Cheesecake Co. and Cafe employes 14 women in a cheesecake-making operation where they make 110 types of cheesecakes. I am sorry, Mr. Speaker, I have not brought samples for the House. But I would extend a personal invitation for Members to come to Hannibal, MO to try some of Ms. Carr's famous turtle cheesecake. Nonetheless, Lynn Carr is an American success story.

At age 29, Lynn Carr could not read. In the mid-eighties, for a period of time Lynn Carr was homeless. Lynn Carr spent most of her adult life either on welfare or in low-paying jobs. She continued to believe in the American dream. She prayed for a better life. She kept in her heart a ray of hope, a sliver of self-esteem.

Eventually Lynn learned how to read and earned a GED, the equivalent of a high school diploma. She got a loan, she put her talents to work, and the rest is history in the making. She started a cheesecake business in Hannibal, MO's historic downtown.

This is a success story, Mr. Speaker, but there is more. Lynn Carr has decided to launch her own private welfare-to-work program, giving other women a chance to succeed just like she did. Using her words, she says, "Such as I have been given, I want to give back to the community." Lynn knows that some people will never break out of the welfare cycle. "But," she adds, "then you have people who were like myself who are just down on their luck and need a hand up instead of a handout." She went on to say, "If we could just save one or two families and change their lives for the better, then it is all worth it."

To further give back to the community, Lynn Carr plans to open a larger factory employing up to 50 women. She wants to give jobs to unemployed and undereducated women living in poverty. She hopes to have a learning center and a day-care center on site. Women will enter the program by working in the day-care center, where they can learn parenting and nutritional skills. After several weeks, the women will then divide their time between the cheesecake factory and the learning center. In order to qualify for work, a woman would be required to get a GED certificate. While doing this, Lynn Carr hopes to inspire others with motivational programs.

Mr. Speaker, motivation is not a problem once you get the chance to meet Lynn Carr. Lynn Carr is a living example of how an individual can lift themselves up one rung of the ladder at a time, become a successful business person, and then, to make the picture complete, invest in other individuals living in the community.

Congratulations are in order for Lynn Carr and the thousands of other men and women who are responsible for the thriving small businesses in Missouri's Ninth Congressional District and across this great country.

FLOOD RELIEF AND FLOOD PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I voted against the emergency supplemental flood relief measure with heavy heart. I voted against it even though it had some funds for West Virginia. But the problem was that, as this bill moved along designed to provide flood relief and flood prevention for hard-hit areas, it got loaded up with things having nothing to do with floods.

My constituents sometimes express wonder and confusion and anger at the fact that the Congress can start out with goal A in mind and somehow load it up with not just goal A but goals B, C, and D even though they have nothing to do with goal A, and that is what happened here.

I want flood relief as much as anyone does. The people who already need flood relief, the people who need emergency housing and emergency response, that money is there. This goes to stream bank rehabilitation, assistance to farmers to assist with their crops where fences were damaged, rebuilding streams, that sort of thing.

I want that as much as anybody. But in order to get that, I was going to have to vote for a lot of other extraneous language that had nothing to do with flood prevention and flood rebuilding. I was going to have to vote for controversial language dealing with potential Government shutdowns. So I was faced with a quandary hereof, if I voted for the money to rehabilitate the river bank around flood-hit Herbert Hoover High School, I could in the future be endangering some level of Pell grants for students attending that high school. That did not make any sense to me.

This bill got loaded up with controversial language about how to conduct the census in the year 2000. We have got floods in 1997, and somebody wants to put in controversial language about conducting a census in this country in the year 2000. We better hurry up and pass this clean flood relief bill or there will not be as many of us to count in that next census if we do not do something about flood prevention.

It is quite clear that the President has already said, and he said weeks ago, that if we load this bill up and do something besides flood relief, he is going to veto it. So this bill, because it has passed the Senate and passed the House, will go to the President hopefully this weekend. He will veto it. It will come back to the Congress right away, and hopefully next week it can be a clean bill, one that deals only with flood relief and flood protection.

I voted 2 weeks ago, maybe more than 2 weeks ago, for a version of this bill as it left the House. And the reason was that I wanted to keep it moving, hoping that in the other body and that in the congressional deliberations that take place between the House and the Senate that it would get cleaned up, the extraneous provisions would be taken off and it would deal with just flood protection and flood relief. Not only were those provisions not taken off, more were added, including the controversial census counting measures.

So Mr. Speaker, it is my great hope that when the bill is vetoed, it will be back on the floor next week, little time will be lost, and it will come back as a clean bill. I was greatly frustrated when, after having voted for this bill just 2 weeks ago, the Congress immediately took a 10-day break over Memorial Day to go home. So where was the sense of urgency that I think was so important?

So Mr. Speaker, it is my great regret that what started out as flood protection and flood relief turned into a vehicle for everybody's wish list, having nothing to do with flooding. Unfortunately there were a lot of provisions that stayed in this bill that had nothing do with flood relief and flood protection. But the good news is that the Congress can correct that, it ought to be in session this weekend, but the Congress can correct that early next week, pass a clean bill, and get it back to the President.

Mr. Speaker, let us make sure that everyone in this country understands we can have flood protection and flood relief. It should be done immediately. That should be the goal of this Congress. We should debate controversial measures that have nothing to do with flood protection and flood relief; we can debate those other days, other times, when there is not as much urgency around those issues as there is around this one.

I am looking forward, Mr. Speaker, next week to seeing a clean bill so that Republicans and Democrats alike can join in providing what everyone agrees needs to be done, genuine flood protection and flood relief.

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AMERICAN TROOPS IN BOSNIA

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, when it comes to the issue of United States troops in Bosnia, I sincerely believe enough is enough. First President Clinton said that America's commitment in Bosnia would only last one year. Then he announced the extension of our military presence in Bosnia until June 1998. Now, Mr. Speaker, I am extremely disappointed to learn that the President has indicated that American troops may be there even longer.

Our troops have been in Bosnia long enough. They should not spend another day in Bosnia. I believe that our soldiers should not be placed in harm's way for a mission that is not in America's vital national interest.

Our troops have been in Bosnia for 2 years and the American public still questions our role. Mr. Speaker, is this mission truly in our national interest? Have we not achieved our goal? When will we be able to bring our troops home?

President Clinton stated this past weekend that progress in Bosnia has been slow. As we all know, the conflict in Bosnia is a regional conflict that resulted from centuries of hate among ethnic groups. It cannot be solved quickly.

The fact is America has already fulfilled our commitment made under the Dayton peace accord. At present, America has dedicated more than $6 billion to the Bosnia mission. I want to repeat that, Mr. Speaker. At the present time America has dedicated more than $6 billion to the Bosnia mission.

Every dollar we spend on this mission is a dollar we cannot spend on critical military priorities, like research and development, procurement or troop readiness. The military budget is already being drained and costs like this one in Bosnia only makes it harder.

I hate to think that we are closing military bases due to the shrinking defense budget and yet we continue to spend billions of dollars on a regional conflict in Bosnia. This is not in the best interests of the American people. The United States can no longer afford to be the world's policeman. Although we are the most powerful Nation in the world, the simple fact is we just cannot have American troops peacekeeping between every warring faction around the world.

Although the President is the Commander-in-Chief, Congress has a vital role and a necessary role in determining military policy. President Clinton has misled us long enough about the troops in Bosnia. At this point there is no telling how long he plans to keep our troops in Bosnia.

When the lives of American soldiers are at stake, we in Congress have a responsibility to make our voices heard. For too long our troops in Bosnia have been forgotten. I urge my colleagues to join the bipartisan effort to bring our troops home by the end of this year, 1997.

MFN FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken out this time to talk about an issue which has come to the forefront. Many people are addressing it, and we apparently will be voting on this issue the week of June 23, most likely the 25th of June, that being whether or not we should renew most-favored-nation status for the People's Republic of China.

There are a wide range of issues that are addressed here, whether it is arms proliferation, human rights, the kinds of things that have come to the forefront, trade issues. I will say that I am very concerned about every single one of them. But I would like to take this few minutes to talk about an issue which has troubled me greatly.

I should say at the outset that, as has been the case in the past, I am very, very strongly supportive of maintaining most-favored-nation trading status for the People's Republic of China because in the 4,000-year history of China, the single most powerful force for positive change in that period of time has been economic reform. Let me say how important that has been and an issue which is of concern to me and many others, and that is the policy of forced abortion that exists in China.

It is terrible to have the so-called one-child policy that exists there. I believe that we should do everything that we can to change that, because that policy cannot be tolerated. Mr. Speaker, not many people know that the policy of engagement and economic reform which has existed in China is undermining the one-child policy there.

There is a young woman, 27 years old, who lives in a tiny town called Dongguan which is in the Guangdong Province which adjoins Hong Kong. Her name is Ye Xiuying. She worked for $35 a month as a factory worker in this area. A plant was opened up from a U.S. business, and she was able to establish her own small business near this plant. Her income went from $35 a month to $1,200 a month, an amazing growth, something that has empowered her.

Because of the fact that she was able to gain such economic strength, she was able to pay the government the one-time $1,800 charge, and in fact not suffer an abortion as many of the provinces have imposed in China but in fact have her second child. She in fact had a girl, something that the government opposes. They want to have boys. She was able to have a second child; she was able to have a girl.

As I listen to many of my colleagues talk about the idea of sending a message to the government of China by bringing an end to most-favored-nation trading status, that kind of policy would in fact encourage more abortions in China. As we listen to people regularly claim that we will be able to bring an end to the human rights violations, the saber rattling in the Taiwan straits, the horrible treatment of Tibet, the transfer of weapons, the military buildup in China if we end our contact with them through most-favored-nation trading status, clearly they are wrong.

Because if we look at the recent past in China, during the great leap forward under Mao Zedong, 60 million people were starved. Also under Mao, during the cultural revolution, 1 million people were murdered by the government. And, of course, the world was not made aware of this.

What has happened? As we opened up China, and did in fact what Ronald Reagan said he wanted to have done in Eastern and Central Europe when he said, "Mr. Gorbachev, tear down this wall," so that those in Eastern and Central Europe could mingle with the West, the same thing has been happening with China. It would be tantamount to declaring economic and political war with China if we were to tamper with or revoke what is an inappropriate name to describe it, most-favored-nation trading status, which simply means regular trading arrangements that exist there.

Mr. Speaker, if we look at the fact that we have not solved every problem there, and I demonstrate my outrage over the human rights violations, I have talked with dissidents, I marched to the Chinese Embassy following the Tiananmen Square massacre to demonstrate my outrage, I have come to the conclusion that what would happen if we revoked MFN would be that we would not be isolating China from the world but we would in fact be isolating the United States of America from the most populous nation on the face of the earth.

There are many missionaries today who are very involved in China and, yes, there is religious persecution and it is unacceptable, reprehensible and should be addressed. But if we ended MFN, we would clearly jeopardize the chance for those missionaries who are there from the United States and other parts of the world to be successful.

Mr. Speaker, I simply say when this vote comes up in 2 weeks, I urge a vote against the resolution of disapproval so that we can do everything, including undermining the one-child policy.

REVITALIZING AMERICAN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. GRANGER] is recognized for 5 minutes.

Ms. GRANGER. Mr. Speaker, the poet Maya Angelo once said a cynical child is one who has made the transition from knowing nothing to believing nothing.

Mr. Speaker, the goal of education is not just to grant knowledge to our students, it is also to give them hope. Sadly, many of our schools today fail on both counts. Yes, it is true that many of our young people today are not able to write words or calculate numbers as they should, but perhaps more profoundly, many of our young people are discouraged and disillusioned. They have lost hope in themselves and they have lost hope in America. That is an American tragedy.

The effects of this tragedy are felt everywhere. We can sense it in our inner cities where crime is rampant and violence is a way of life. We can see it in the eyes of an 18-year-old dropout who has aged far beyond his years and lives life knowing his best years are already over. We can hear it in the voices of thousands of young people, people for whom the promise of America has long since been lost.

These precious young people are the ones who ultimately pay the price when our schools fail. These young people are the victims of schools that have failed them and communities that have given up on them. This is a situation we must and we can do something about.

I believe that no first-class nation can have second-class citizens. But being an optimist, I believe there are also answers. To those parents and students who have been failed by our schools, I say yes, you have lost much but you have not lost everything. To those teachers and principals who are trying to make a difference, I say yes, you are doing many good things, you are building their futures and you are building ours.

Tonight I rise not to condemn American education but to challenge it. I want to challenge teachers to work harder and students to study longer. I want to encourage school administrators, school board members and school principals to create safe environments, better schools, and more creative classrooms. I want to urge moms and dads not just to be parents at home but also partners in the schools.

We can revitalize American education. We have all the necessary ingredients. We have the best teachers in the world and the brightest young minds, if only we can create a climate where teachers and students can do what they do best, teach and learn. I believe we can do that and I know we should. Today more than ever our schools and our children need our help.

When our children head off to college, they need our help even more. Tonight I think help has arrived. Tonight, I am pleased to introduce, along with the gentlewoman from Washington [Ms. DUNN], the gentleman from Pennsylvania [Mr. PITTS], the gentleman from Texas [Mr. DELAY], the majority whip, and others, the HELP Act, the Higher Education and Learning Promotion Act.

This legislation is designed to give families an additional option for their $500-per-child tax credit which both the President and the Congress are pledged to support. This historic legislation would allow our families to begin financing higher education through savings instead of debt.

As an incentive to encourage families to save and invest for their children's college education, this legislation would allow parents to invest this child tax credit in an education savings account. These accounts will earn interest tax free and can be withdrawn tax free for their child's education, and families will be able to double the amount of the tax credit if they choose to invest in an education savings account.

This would give families the option of using this tax credit and other savings to help plan for their children's future. A family with two children will be able to invest $1,500 each year for each of their children in an education savings account. That is $3,000 for their children's education.

Mr. Speaker, I believe the HELP Act is an important part of revitalizing American education, and I urge my colleagues to include this important proposal in the upcoming tax relief package for families.

Mr. Speaker, with the help of parents and teachers and the hope of our young people, we can build schools which will train fertile minds, prepare young lives and foster dreams. Our vision is a glorious one, an America where our children are not only well educated but, more importantly, an America where our children believe in themselves and they believe in their country. Mr. Speaker, the future is theirs but the responsibility is ours.

TRIBUTE TO SMALL BUSINESS ENTREPRENEURS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota [Mr. THUNE] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, it is my privilege this evening as well to pay tribute as we are this week to the small business entrepreneurs in our country, those who continue to drive the economic engine that makes this the greatest economy in the world. I have some personal history with that. My grandfather came to this country from Norway back around the turn of the century to pursue his American dream, and he and my great uncle, who did not speak a word of English, came through Ellis Island, ended up in the middle of South Dakota, and went into the hardware business and had the opportunity like so many people at that time who came here, the freedom to succeed and the freedom as well to fail. But they came here because the opportunity existed in America. The South Dakota landscape just abounds with wonderful stories of entrepreneurial success, people who have taken risks. Some have succeeded, some have failed.

□ 1945

But many out there have been willing to move forward in a way that will continue to advance the American dream in this country, and I look at countless examples of those, and particularly in my State of South Dakota most of the businesses in our State are small businesses. We are a State which consists of many small towns and many main streets, and without those small businesses our State would not have the economic life that it does. It is our life blood.

So this evening and this week we have paid tribute to those many people.

I had the opportunity to have lunch 2 days ago with Richard and Janet Cone of Cone Ag Service, Inc., in Pierre, which is this year's small business award winner in South Dakota. They were here to celebrate and to be recognized, and they are just one of many who have taken again advantage of the opportunity that is afforded us in this country and then part of the American dream.

As you look at those that have succeeded in South Dakota I harken back to, and for those who have traveled in my State you will know as you drive down Interstate 90 you will see countless signs for a place called Wall Drug. Wall Drug is a wonderful story about someone who started with an idea of free ice water and 5-cent coffee, and to this day those continue to be their trademarks, free ice water and 5-cent coffee, and they have turned that into a wonderful marketing masterpiece. It has been incredibly successful and provides jobs and opportunities in that small community.

I think of Mike's Jack and Jill in Webster, SD, a good friend of mine. The mayor of that community is someone who is very involved in the community. And one of the things that I think you witness when you see small businesses that have success in this country is the commitment that they have to corporate and to civic responsibility and citizenship. They have enjoyed the freedoms that we have in America, and they have also taken very seriously the responsibility to contribute and to give back, and most of the people in those small towns are those who are consistently involved in their municipal governments and their civic organizations and their service organizations and the Little League baseball teams, and I can give you many, many examples of that.

But we have a small business culture in this country, an entrepreneurial culture that we want to continue to promote, and one of the things I think that we can do is encourage the self-sufficiency, the independence that will allow and give those people the environment they need in which to prosper and to continue to succeed in their businesses. Most of the people who are in small business are people of character. They are visionaries. They are people of incredible commitment and dedication, and they have a very, very strong work ethic, and that is something I think we want to continue to encourage.

One of the things in the debate that we are about today, this week and just earlier today approved the budget resolution which includes some tax relief for those who are out there creating the jobs and making the investments and taking the risks that continue to drive this economy forward, and I believe that we need a government that lends them a helping hand, that will be a partner with them and that reinforces those values and those traditions rather than destroying them. And one of the things that we are talking about doing in this budget resolution is bringing estate tax relief, and that is something that I think will encourage the family farms to continue, the small businesses to continue as we allow and make it easier for small business entrepreneurs to pass on that family business to the next generation.

We are talking about lowering the tax burden on savings, investment and job creation, the capital gains tax, and that is something as well that I think will be an enormous benefit to the small businessowners in this country and enable them again to continue to do what they do best, and that is to make those investments that build the economies in those small towns and continue to contribute to the fabric of this Nation and to encourage innovation, entrepreneurship, and many things and many qualities that we look to in this country and the things that I think have for so long defined what we have come to know as the American dream, and that is that when you come to this country, we have the opportunity again to succeed, the freedom to fail. But we have remarkable success stories out there, and I think it is very fitting that this week we pay tribute to those small businesses that continue to drive this economy and renew our commitment to making, creating an environment that is conducive for them to succeed and to prosper.

So I look forward to working toward that end.

THE CENSUS HAS NOTHING TO DO WITH HELPING FLOOD VICTIMS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is very important to bring some light and some sense to the actions of this House just a few minutes ago. Unfortunately, I think that there was more of an eagerness to play politics as opposed to responding to a simple question that my 11-year-old son, Jason Lee, raised with me last evening, and that was a concern for those individuals in South Dakota and other parts who suffered a lot this spring, Americans who we have a great concern for and have really attempted for the past couple of weeks to effectively and through the right way provide funding for their needs. Unfortunately, a political game was played tonight, and in this emergency supplemental appropriations we did not do the right thing. We did not do the right thing because we did not get to the bottom line, and that is to provide the support needed for those in the military who needed training to be able to provide assistance to these communities that have suffered from this terrible flooding and fires. We did not do the right thing by providing the moneys for community development funds for rebuilding of their housing.

Mr. Speaker, what we actually did was play politics. We proceeded to cut the moneys less than what was already included in the budget. We proceeded to cut discretionary funding and defense funding, although there are some who think that that money was included.

We also tried to do damage to a very important aspect of the American psychic and the American responsibility, and that is to count its citizens.

We did tonight something that had nothing to do with helping the citizens in South Dakota and other places that were negatively impacted. We put a straightjacket on the census. We declared Americans uncountable. We said that they are not important to find out who lives in the rural communities and urban centers. In an emergency appropriations bill we put in a straightjacket on taking the census for the year 2000.

I would argue does that make any sense? It certainly does not. Apples and oranges; somebody said mangoes and papayas.

What we did was to deny to American cities and rural communities the right to get their fair share of the tax dollars by denying the procedure of sampling and taking the census. Do you realize that we counted some 6 million people twice in the last census in 1990 and did not count 10 million citizens? It does not make sense when we began to distribute funds that we would find a circumstance where this Congress will straightjacket a function that is so very important to this Nation. In fact, the Constitution said the actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, with every subsequent term of 10 years.

Mr. Speaker, the census is written into the Constitution, and yet playing politics instead of voting and putting forth the response to those citizens in the West who need our help, we now have intermingled and strangled this emergency supplemental appropriations bill so that the President will veto it because what it says is that we are not going to count our citizens and distribute our tax dollars fairly.

I almost wish we could go back to the drawing board and answer the question of my son, age 11: Why can we not simply just give them the money and give them the money fairly and straightly to deal with their problems and stop the politics?

I hope that we will be able to clear the air, if you will, to take this terrible language out of this supplemental appropriations bill so that we do not stranglehold the counting of citizens and we be able to move forward in the year 2000 and use a sampling that gets every one of our citizens. No matter where they are, whether they are homeless or not, they deserve to be counted so that we in America can distribute funds for education, the environment, Medicare and Medicaid, and not use your moneys frivolously, so that States who need more money because there are more people can fairly receive those funds instead of looking into smoke and mirrors and trying to decide who is in our State and who is in our country.

Every child, every senior citizen, every working man and woman, every person in this country deserves to be counted in the census, and yet on this day of June 5, 1997, instead of giving money to the people who need it, we are fooling around and hiding the ball in the census in the year 2000.

Someone said it does not seem to match two things: census and money for the folks who need it. You are right, it does not. Let us do the right thing and make sure that we pass a appropriations bill that serves those folk in South Dakota and other places who just simply ask to be treated like Americans.

LEGISLATIVE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has finished its legislative business for the week.

The House will meet for pro forma sessions at 9 a.m. tomorrow and 10 a.m. Saturday. Of course there will be no legislative business and no votes on those days.

On Tuesday, June 10, the House will meet at 10:30 a.m. for morning session and 12 noon for legislative business. Members should note that we do expect recorded votes soon after 2 p.m. on Tuesday.

As our first order of business on Tuesday, June 10, the House will consider the following four suspensions: H.R. 848, Extending the Deadline for AuSable Hydroelectric Project in New York; H.R. 1184, Extending the Deadline for Bear Creek Hydroelectric Project in Washington; H.R. 1217, Extending the Deadline for Hydroelectric Project in Washington State; and H. Con. Res. 60—Relating to the 30th Anniversary of the Reunification of the City of Jerusalem.

After suspensions, the House will resume consideration of H.R. 1757, the Foreign Relations Authorization Act. The House will also vote on previously ordered amendments to that bill.

On Wednesday, June 11, and Thursday, June 12, the House will meet at 10 a.m. and on Friday, June 13, the House will meet at 9 a.m. to consider the following bills, all of which will be subject to rules: H.R. 1758, The European Security Act; H.R. 437, The National Sea Grant College Program Reauthorization Act of 1997; and H.J. Res. 54, Proposing an Amendment to the U.S. Constitution Authorizing the Congress to Prohibit the Physical Desecration of the U.S. Flag.

Mr. Speaker, we should finish legislative business and have Members on their way home by 2 p.m. on Friday, June 13.

THE CONTINUING EDUCATION DISASTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have had two important pieces of legislation in the past few days, one related to disaster. As the gentlewoman from Texas has just related, we had a bill to deal with the disaster relief. I think the whole bill is about $8 billion, and $5 billion of that was for disaster relief for places that are very much in need of help and they need it now. We recognize in this Nation and repeatedly the Congress comes to the aid of any States, any communities that have natural disasters.

Today I want to talk about the continuing education disaster that many of my colleagues, Democrats as well as Republicans, who just do not believe that we have an education disaster raging in our big cities, our inner city communities, and New York is just one, but Chicago, Los Angeles, Cleveland, Philadelphia, Pittsburgh, all over, you have a problem that cannot be resolved or solved with business as usual.

We have a disaster. It is a man-made disaster, but it is a continuing disaster in that we are not providing education of the kind that is needed in order for young people to cope with the 20th century demands, let alone to go into the 21st century.

We talk a lot about the need for computer education, computer literacy. We applaud the fact that telecommunications are being introduced, and now at an affordable rate in schools. Recently we had a landmark action by the Federal Communications Commission where they followed the mandate of legislation that we had passed, and they created a universal fund for schools and libraries so the schools and libraries can get at a 90-percent discount in the poorest areas the wiring for telecommunication services, computers, even just more telephones, and they can have a 90-percent discount indefinitely. They will be able to pay a telephone bill that costs $1 with 10 cents. That is what a 90-percent discount means.

The poorest districts in America will have a 90-percent discount, and even the wealthiest districts in America will have a 20-percent discount. That is a major piece of government action that creates hope. But in the big city school systems there is not enough in place at this point to take advantage of this new revolution in the provision of assistance for telecommunications to schools and libraries.

The education disaster is there now, the education disaster grows worse because of demands on our school systems and the need for education and the complexities of the kind of education needed are increasing while our schools are falling further and further behind.

I want to speak in particular about New York City because we have just returned recently from a recess where I had the opportunity to get closer to problems in my district, problems that I thought I understood very well before. I find that they are even worse than I have imagined, that there are problems with dimensions that shock even myself, and I have been in Congress now for 15 years. Before that I was an elected official in the New York State Senate, and before that I was an official in the New York City government. But the magnitude of these problems in New York City education are staggering, and an experienced observer is shocked by some of the things that happen, and I want to talk about that.

Just first a footnote on the two important pieces of legislation that passed this past few days. One, the budget conference report that passed today where the Senate and the House now agreed on a budget, and basically I think the White House has agreed on most of the elements of that budget too.

□ 2000

It is important to note that that budget agreement does not have to go to the White House for the signature of the President. Budgets do not have to go to the White House. They are agreements between the Senate and the House.

The President started the process with his budget. In this case, the President sat in with the representatives of both Houses and they reached an agreement. I did not vote for that agreement because there were a lot of things missing there that I felt ought to be there.

One of those things, of course, is the $5 billion for construction initiatives for schools which was proposed by the President to help stimulate construction of new schools or to renovate existing schools or to rehabilitate existing schools, to remove the danger of safety hazards from schools. If schools have asbestos problems, if they have lead pipe problems, any of those problems could have been taken care of in this $5 billion initiative.

Now, the President initiated this, and we thought that in the budget agreement this would be a major item that would emerge intact. But unfortunately, Members of Congress, either in the House of Representatives or the other body, insisted that the $5 billion initiative for school construction be taken out. They were adamant, and the President finally yielded. Many of them insisted it should be taken out because they want to make the argument that local governments, the cities, the States, and the citizens of the States must be fully responsible for school construction.

I want to just quickly note that they would still be mostly responsible, no matter what the Federal Government does. A $5 billion initiative to help with school construction would be just a tiny portion of the amount of money needed. The General Accounting Office estimates that we need $135 billion to bring our schools into the 21st century, $135 billion. So if the Federal Government is responsible for just $5 billion, it will not begin to solve the problem, but it will be a stimulant, and evidently, because we continue to fail to make the necessary promises at the State and local level, we need this Federal stimulant.

So it is unfortunate that the budget conference report that went forward today does not have that $5 billion for school construction.

We will not cease the fight, we will not give up. We are not elected to give up, we are not elected to stop the fight. Between now and the time that we adjourn sometime in the fall, we will continue to fight. The members of the Congressional Black Caucus have made this a priority item. We appeal to all of our comrades, all of our colleagues, to make certain that they keep sight of the fact that this is a major item of the budget.

There is a bill that has been introduced by my colleague, the gentlewoman from New York [Mrs. LOWEY], and 190 signatures were on that bill to carry forward the President's $5 billion construction initiative. So we think there is enough support to keep this item on the agenda. We think that it is not incompatible with the budget agreement that has already been made.

Within the context of that budget agreement there is room for the school construction initiative to be revitalized. In the area of capital gains tax reductions, maybe corporate tax credits, corporate tax writeoffs of some kind could be used as a device to return to some kind of school construction initiative of an appropriate magnitude.

We also passed the supplemental appropriation that I just mentioned before, which contains the disaster relief for communities that are suffering from floods and from exorbitant amounts of natural disasters that have occurred in the last 6 months. We think that is very much in order, but as I said before, disaster relief of another kind is needed in our big cities.

Mr. Speaker, I have no problem with voting for disaster relief. I voted for $8 billion for California with its earthquakes and mud slides. I voted for $6 billion when we had to give money for the hurricane that took place in Florida, and $6 billion for flood relief in the Midwest several years ago. We apportion large amounts of Federal resources into helping people who need help.

Of course, Mr. Speaker, New York does not have earthquakes, it does not have floods. We have not had any mud slides. So New York is a donor State. We continue to pay more into the Federal Treasury than we ever get back, so we deserve some consideration, and probably most of the big cities deserve some consideration in terms of another kind of disaster relief. First of all, of course, our colleagues here in the Congress have to recognize that it is a disaster. What is happening in our big city schools is a disaster.

I had a discussion with one of my Democratic colleagues just yesterday who insisted that we should not have the Federal Government involved in school construction. It is a disaster. We find no other way to relieve the disaster. Bad decisions have been made, the wrong decisions have been made by local officials in some cases and by State officials. We have unfortunately allowed a situation to develop which is so far out of hand now that it has to have help from the outside, we must have help from the outside.

Most of the help, as I said, will not come from the outside, but we need the stimulus. We need every public official at the city level, county level, and the Federal level, every public official should be put on the spot by having the Federal Government say, "Here is part of the money, a small part of it. If you will just match it, if you will show some incentive, some initiatives, then we can go forward and provide the additional share to accomplish the task."

I am not apologizing at all for local officials or for State officials. The mayor of the city of New York cut the school budget by more than $1.5 billion over the last 3 years. Part of the cuts that took place there were cuts that had an effect on the budget for renovation and for repairs and for school construction. So decisions being made by local elected officials are part of the problem. The State has not come forward with any great new initiative on construction in a long time. Decisions being made at the State level are part of the problem.

Recently we had a State environmental bond initiative on the ballot, and the Governor came out and campaigned for that, identifying with the environmentalists, whom he had previously called beatniks and in various ways ridiculed, but suddenly the power of the environmentalist vote led the Governor to come out and campaign.

The Senator from that State came out and campaigned, and they all are now on the environmentalist bandwagon.

We are happy about that. We passed the bond. I was happy to note that in that bond issue they specifically said that they would give some small amount of the environmental cleanup money to New York City so that New York City could get rid of its coal-burning schools. Coal-burning schools in New York City. We still have coal-burning schools.

They said in the brochure that urged people to come out and vote that funds would be available for 30 schools to change their boilers from coal-burning boilers to gas or oil boilers, eliminating the coal dust in the air that is perpetuating and increasing epidemic asthma and some other respiratory diseases. So we were proud of the fact that specifically they had mentioned relieving us of coal-burning furnaces.

Despite the fact that I have been in New York a long time, I thought well, that would be the elimination of a major problem, 30 coal-burning schools will be no longer there. I did not know it at the time, but throughout the city we have almost 300 coal-burning schools, almost 300, and 30 means that we are going to eliminate 10 percent with this environmental bond issue.

I know the numbers, when we start talking about New York City, always people's eyes glaze over or they just lose track because the numbers are so great. We have 1,100 schools in New York City, 1,100 schools serving nearly 8 million people, so the numbers are great. But out of that 1,100 schools, we have some which are way back in the previous century. They burn coal, and that coal in a city of 8 million people living in a relatively small space, we can see how the coal dust alone is a major environmental hazard being perpetrated at a place where young kids congregate on a regular basis. So we are creating a major problem. It is a disaster.

If one will not accept the general condition of the school system as a disaster, then at least accept the fact that when it comes to safety and health, we have a disaster in 300 schools that burn coal. In our Federal construction initiative, if nothing else, the Federal construction initiative should set us free from those coal-burning schools, but that is not the case.

We have in the budget conference report a proposal for tax cuts, and some colleagues have said well, since we did not get the President's initiative in terms of the budget as an outright item, then let us look at the tax cuts that are proposed in the budget agreement. There is a provision for 85 billion dollars worth of tax cuts over a period of 5 years, $85 billion in tax cuts are part of the agreement, and $35 billion of that $85 billion are related to education, related to tax credits for tuition, to merit scholarships, to a number of items that are important, and they belong in there and they should be in there.

However, in addition to that, we ought to have at least $5 billion more of that tax cut dedicated to doing something to deal with the construction crisis, the school facility crisis, the safety and health crisis in our schools with respect to the big cities. Fifty billion dollars in tax cuts, somehow there ought to be created an imaginative way to get corporations and businesses involved to the tune of $5 billion in tax writeoffs or tax credits, or some way to have $5 billion of that $50 billion in tax cuts contributed toward solving the construction problem, the facility problem, contributed toward being a stimulant to solving the construction and facility problem in our school systems.

Construction is a major kingpin in the whole effort to improve our schools. Construction is at the core of it in the sense that if we do not have buildings that are adequate, then nothing else that we do will have the proper impact. If children are in overcrowded schools as they are in New York City, we had a finite, very dramatic example of what the problem is last September, when on the day the school opened 91,000 children did not have a place to sit.

Now, it did not mean that we did not have 91,000 seats, but it meant we had a lot of the 91,000 with no place to sit anywhere. No matter how much we adjusted the system, transferred the schools from one community to another, busing youngsters further away, we still had large numbers who had no place to sit and places had to be found in hallways, places had to be found in storage rooms, places had to be found in corners of cafeterias, in assembly halls, all kinds of places that were not classrooms.

In addition to that, we had to increase the size of the classes. Even if we had the money for additional teachers, we did not have a place for the teachers to teach, so the number of children in each class had to be increased. So all of the classes in certain areas of our city have more children than they are supposed to have according to the agreed-upon contract with the teachers. Instead of 26 at certain grade levels, you have 35. That is a big difference in terms of the quality of teaching.

So just the magnitude of the problem that you see in numbers and in overcrowding creates a situation that makes it harder for the teacher to do their job. But of course if you add to that the safety hazards, the asbestos that is a problem that we still have not dealt with in many of the schools, and we add to that the lead poisoning, lead being in some of the pipes and the paint.

We add to that of course the fact that some schools are so old that the top floor, they have two floors, if one goes up to the second floor one will find that the walls of the classrooms on the second floor are continually shedding off because of the dampness, and the roofs that have been repaired over and over again no longer can be repaired to keep the water out, it just keeps coming in, or the money needed to properly repair the roofs and the walls is just not there.

So we have manifestations of a physical problem that directly impacts upon the children in the school. If the walls of the room are damp, there is a health hazard and a distraction. If windows are knocked out and not replaced right away, that is a distraction. If the lighting of the school is improper, that is a distraction. We know what good schools look like. We can travel from New York City to the suburbs and find what good schools look like.

□ 2015

Even within the city we have a two-tiered system. There are some neighborhoods that have excellent schools that would pass muster anywhere, but there are too many that have schools that belong to another century. Instead of carrying us forward to the 21st century they are still lingering in the 19th century.

So we have right now a window of opportunity to do something about education in general, and the effort to improve education in general has to start specifically with the physical facilities, or the physical facility improvement becomes symbolic of what we really want to do. If we are not willing to do the basics, if we are not willing to give a child a comfortable place to sit, a place to sit which is conducive to learning, then the other efforts become a little ridiculous.

We talk about all third-grade children should learn to read and be reading on third-grade level when they get to third grade. We talk about the fact that we want all students when they graduate to be able to measure up to certain standards. We want to be first in math and science. We have six goals that became eight or nine goals. They are all laudable goals, but how do you recognize these goals when you cannot provide a safe place to sit? How do you talk about a national curriculum, we would impose a national curriculum, where every subject of five or six subjects will be more or less taught the same way and have the same outcome aspirations, the same attempt to get to certain levels? When we talk about that in the context of falling schools, walls crumbling down, leaking roofs, and asbestos in the wall, you begin to generate cynicism and hopelessness.

We have a revolution going on with telecommunications, but if you cannot bore a hole in the wall because when you bore the hole the asbestos comes out, then we cannot wire the schools that have the asbestos problem. So construction becomes a symbol. It becomes a kingpin.

Construction of facilities, if they are not proper, then we usually find that other matters are not being taken care of either. Where we have construction problems, when we start asking questions, we find we have other problems. If we do not have school facilities that are proper, then usually those same schools do not have adequate supplies. The same schools have broken machinery or broken equipment. The same schools do not have quality teachers.

In my district, one of the districts that we have, they have the largest number of substitute teachers in the city, teachers who are not really certified teachers. The requirement is that you be certified, or the requirement is that teachers have to meet certain standards, but if they are not there and you have to hire substitutes, you take people who are not well trained.

This problem takes place in the same places where you have the space and facilities problem. It is symbolic. Communities that do not take care of their schools physically are not doing other things that are necessary to promote opportunities to learn.

Opportunity to learn standards, as I said before on this floor many times, is a set of standards that nobody wants to talk about. Everybody wants to talk about new curriculum standards, all across the Nation to have the same set of curriculum standards. They want to talk about new testing standards, where we test students across the Nation and compare their achievements. But in order to have students master the new curriculum, in order to have them pass the test, we need to create an opportunity to learn. It is simple common sense and simple logic. Part of the creation of an opportunity to learn, of course, is they have to have a safe place to sit, a place that is conducive to learning.

So cities are neglected. They are neglected partially for racist reasons. Large numbers of minority groups are congregated in cities. Cities are neglected partially because of income numbers. Large numbers of poor people are congregated in cities. Poor people do not vote in the same percentages as other people. It is a political problem. It is a problem that local officials and State officials have neglected.

How do we break out of it? Large percentages of our population live in cities. Large percentages of our population that are the work force of tomorrow are not being appropriately educated. We have an anti-city bias in this country. The anti-city bias is played out in the compromise that we have to make on the Constitution.

The Constitution appropriates Representative's seats by population, so that is a one man-one vote ratio. Places which have the most population get the most power, the most votes in the House of Representatives. But the great compromise was that each State should have two Senators. No matter how small the State is, they have two Senators, so we have Senators in large numbers who are elected by rural and suburban constituencies and they do not have big city populations, and the policy-making in this country has gone that way over the last 50 years: more and more neglect of big cities by the Federal Government, and the same pattern is played out often at the State level, where you have Governors being elected by non-city populations also.

So we have a problem that cries out for resolution. We have a disaster that needs attention. We have a window of opportunity now. I am standing here because I will not give up. I hope my colleagues will not give up. I appeal to everybody out there with common sense to understand this magic window of opportunity.

The cold war is over. We do not have to dedicate large amounts of resources to fighting the evil empire of the Soviet Union anymore. We have a President who wants to be known as the education President. He has put forward a very progressive, a very comprehensive program.

We have the leadership of the majority in the House of Representatives stating that they are committed to the improvement of education in America. There is a disagreement on how we should approach it, but we can resolve that disagreement probably sometime in the future, maybe, but the important thing is that both parties, both houses of Congress and the White House, are committed to improving education.

We have a window of opportunity. There is a need for people to come to this floor and talk specifically about how we take advantage of that window of opportunity. There is a need for us not to allow a Potemkin Village approach to be taken to education; that is, we have a few outstanding examples of what is happening that is progressive and positive in the country, and we hold up those examples and say, great, we are doing a great job, and we fool ourselves and we fool the American people in general, and make them think that we are really progressing and we have an appropriate education system.

Any system of education in America which does not educate most of the population is a failure. We cannot exist, we cannot survive if the total population is not educated. The elite education may be the best in the world, the education of the graduate students and the scientists and technicians at the very top. The Ph.D. degrees in our higher education institutions, they may be the very best education in the world but they are educating a very small percentage of the total population. The world does not run on the basis of Ph.D's, top scientists, or top technicians. The world runs only when people all up and down the scale have some degree of education.

The example I have used before is when you get on an airplane, do not worry about the pilot. The pilot has the best training in the world. I think we spend more to train pilots than we do any other occupation. Pilots of airplanes in America especially have the best training that you can get, the most up-to-date training. They have rigorous standards imposed upon them.

We may complain about the FAA not being tough enough on airlines in terms of certain safety requirements of the planes and certain equipment failures, et cetera, but nobody ever complains about inadequate training of pilots. So they are well educated.

But when you get on a plane, you had better worry about the guy who put the oil in the oil pits. You have to worry about the man who put the gasoline in, if he read the meters right. You have to worry about the mechanic who tightened the bolts, and a whole array of people who did not go to graduate school, who did not receive very expensive and thorough training. All of them, too, they have to be educated.

It is true of our total society. There is hardly an operation within our society where we do not have people all up and down the scale who need more education in order to do the job well. If they do not do the job well, then we may have some disasters resulting. Serious things happen when people who do not necessarily have high education credentials do not have the education they need to do their job at whatever level they have to do it.

We have serious consequences when the productivity of the total society goes down, because the people who are needed for those production jobs at various levels are not there. We cannot exist and compete as a Nation if we neglect large numbers of our students in our inner-city communities. We need an across-the-board approach where the suburbs, the cities, everybody is keyed to being given the best education possible. Opportunities to learn and opportunity to learn standards have to be important to everybody.

I want to describe the comprehensive approach that we talked about when I was the chairman of the Subcommittee on Select Education. We reorganized the Office of Education, Research, and Improvement. We said, you have to take a comprehensive approach. I am talking mainly about construction and the need to address ourselves to school facilities and provide a safe environment, a healthy environment as step one. But we have to have an overall comprehensive approach. That is basic and that is No. 1. The comprehensive approach means that every aspect of the problems related to education have to be examined.

A comprehensive approach means that Americans should stop oversimplifying what is necessary to educate our children. Everybody is an expert on education. They think they are experts in education.

While it is important that everybody be in on the dialogue, because the dialogue means that maybe they will wake up to how important it is, and when the time comes to vote for elected officials, the time comes to select the people who are going to educate our children, we are aware; everybody needs to be aware. But let us not assume that everybody is qualified to determine how our schools should operate.

We should not oversimplify. We do not oversimplify in the area of defense and armaments. We know experts are needed. All of us have a stake in what happens in terms of the protection we receive from the Department of Defense, but we do not oversimplify and assume we can do it. We should not oversimplify in education. We should understand everything across-the-board, and that is one point we tried to make when we reorganized the Office of Education, Research and Improvement.

We called for certain institutes: an institute for the education of at-risk students to deal with some of the problems that our inner cities face with our students.

We called for an institute for early childhood education. More and more we are learning that early childhood education is critical, because children learn more in their early years than we imagined, and what happens in those early years can set the tone for the ability of a child to learn for the rest of their lives.

We called for an institute for curriculum improvement. We also called for an institute for governance and management. I am going to talk a bit about governance and management of schools, because I think that governance at the macrolevel, governance at the level of the Congress of the United States, means we ought to make decisions here about education which are really going to promote the improvement of education.

Governance at the microlevel means that down at the local education level, the superintendents of schools, the school principals, we have to have the best governance and the best management there, too.

Although improving facilities and physical environments is critical, there are other problems. One of those problems I stumbled upon when I was in my district for the past district work period that surprised me greatly.

We have a space problem in New York, as I said before. There were 91,000 young people that did not have a place to sit when school opened last September. As a result of that space problem, one group that I worked with, the Central Brooklyn Martin Luther King Commission, which is dedicated to improving education in central Brooklyn, that group decided to join with me in making a survey of the schools in my congressional district.

We wanted to make a survey to find out who are these schools, which schools still have a major space problem, which schools have overcrowding to a degree that is unacceptable. As we started to make the survey, we started by checking written documents and found that they were of little use, because people were not telling the truth. You would have a situation where a school would state that they had no overcrowding problem, but when you went to the school you found out that they had three lunch periods. One school had five lunch periods.

□ 2030

Why do schools have three lunch periods? Because they are overcrowded, and they cannot get the students a lunch period in a reasonable amount of time. So instead of having one or two lunch periods, there are so many children they have to have three. I found one school that had to have five. Most people cannot comprehend this because even I find it hard to comprehend.

I discovered in my district a school where children start eating lunch at 9:45. They have to eat lunch at 9:45 because the school is so crowded that is the only way they will get lunch served. The last ones are served at 2:30. The first lunch period begins at 9:45. It is that overcrowded. So no matter what they say on paper about not being overcrowded, you can tell by just asking how many lunch periods do you have.

But then you can walk around and find groups of kids sitting in the halls. You can find storage rooms which have groups of kids, obvious things are happening when you walk around and look that you see that indicate that you still have a major overcrowding problem.

There is one overcrowding problem, there is one aspect of this problem that really shocked me that I could not see with my own eyes, and that is in one of the districts, district 23. I do not want to bore anybody, but in New York City we have 32 school districts which are subunits of the local education agency. The board of education comprises the local education agency for New York City. It is broken down into 32 subdivisions. Each one of the subdivisions has a superintendent. And the overall board of education has a chief executive officer who is called the chancellor.

So in my district I have parts, in my congressional district I have parts of five subunits, five local school districts. These local school districts are all shaped by natural neighborhood boundaries so they are not all the same size. But if you have a situation in a city as a whole where overcrowding is taking place, the last thing you expect is to find any district that does not have an overcrowding problem. You certainly do not expect to find a district that has empty classrooms, that has a situation where construction is not the problem but governance and management are the problem. And because of the governance and management of this particular district, because of its problems, you have overcrowding increased in the surrounding districts. And I am talking about district 23, which covers an area that became famous in 1967 and 1968, the Ocean Hill-Brownsville District.

Ocean Hill-Brownsville became famous because it was one of the first experiments of community control and the local community control effort clashed with the teachers union. And we had a long strike in New York City that got national and sometimes international attention. So Ocean Hill-Brownsville is the place, a district that comprised the district boundary of district 23.

Our overcrowding survey led to this discovery: that district 23 does not have an overcrowding problem but a shrinkage problem, where despite the fact that districts all around it are overcrowded and getting worse in terms of their population increase, the number of pupils going to school at district 23 is shrinking. It was a phenomenon which I decided to look at in far greater detail, and you cannot examine the overcrowding problems in this district without knowing some of the history.

Ocean Hill-Brownsville had national attention when they had the great teachers strike, but then it moved off the front page when peace came. There was a settlement. Unfortunately that settlement included a takeover by the local political club, the assemblymen of the local political club politically moved in in an election and they gained control of the local school board. And you had peace, but the peace was a peace with corruption, a peace with violence in the schools, low attendance. The district became known as a place which was an extension of the patronage system, the local clubhouse. It did not matter whether people did their job right or not, as long as they were approved by the local clubhouse.

It took a long fight to get rid of the political takeover of district 23, Ocean Hill-Brownsville. I was a part of the struggle to set the district free. We finally freed it of political control, and one of our rallying cries was, stop political interference and let the educators educate.

As the State senator for that area, I certainly worked hard to make certain that other elected officials would not get involved anymore in hamstringing the quality of education within the Ocean Hill-Brownsville school district. The problem is that that was a stupid position to take.

Politicians, public officials should never say that they are not going to be involved in local schools or education at any level. Yes, public officials should not interfere. They should not seek to use schools for patronage, but district 23 is a perfect example how when the public officials back away, they are no longer looking, leave it to the educators, terrible things can happen.

What has happened in district 23, because we took it out of the spotlight for 14 years, minimum political scrutiny, certainly no political interference, a superintendent was selected 14 years ago. And that superintendent has been there 14 years in a situation which is very unusual in New York City. Most school superintendents do not survive, do not stay in one place for 14 years. So we have a superintendent of this particular district who has been there 14 years.

The district is so bad, however, parents are fleeing the district. They have no overcrowding problem because parents have decided they do not want their kids to go to the school, to the district schools. So large numbers of schools have empty space in a city which is racked by the problem of overcrowding. District 23 has no overcrowding problem. The parents are pulling their kids out in great numbers.

The same district, the State has been observing the quality of education there. The overall citywide school board of education has been observing and several schools are under probation to make it simpler. They call them cert schools, schools which are under review. At least five schools are under review. Two schools recently were taken over by the chancellor for the overall school system. And the chancellor has what he calls a chancellor's district where he has created a district out of the 32 districts. Any long time, low performing schools are taken and put into a special supervisory situation where the chancellor's office oversees these schools. So two schools have been taken and at least three more are on the list in district 23.

I am giving you a case history related to governance and management and how governance and management in this particular case exacerbates our space problem.

The parents have made a decision. They know what is going on. Instead of fighting to improve the school district, they are just pulling the children out. Parents voted, nevertheless, to get rid of the old school board. They voted out the old school board. So in addition to understanding what is going on to the extent where they refuse to let their children go to school in the district, they also put forth an effort to get rid of the old school board and voted a new school board.

The new school board now decides that the district superintendent who has been there for 14 years has had an opportunity to prove that he can educate children and can run a decent system. He can meet the challenges of that particular district or he cannot. They assume he cannot. Things have steadily gotten worse. District 23 is now at the very bottom of the list in terms of math and reading achievement. They have citywide tests, and you compare the scores from one district to another, this district is on the bottom. So it is pretty clear that the superintendent cannot, who has been there 14 years, cannot do the job.

The new school board votes not to renew his contract. Instead of him gracefully admitting he cannot do the job, this particular superintendent has decided to wage war against the new school board. They voted not to renew his contract. That is the procedure. You start advertising for other superintendents and they are in the process of doing that. But in the meantime the present superintendent is using the resources of the school system, the children, the parents to fight against the policy decision of the present local school board and he is determined to stay there. They are now reviewing resumes of people who want to become superintendents in the district. Among the resumes the old superintendent, who has been there 14 years and failed miserably, has submitted his resume. The old superintendent, still the present superintendent until June 30, also recommended five principals for tenure. As he is going on, he recommends principals for tenure. Once principals are recommended for tenure and receive tenure, they cannot be fired. According to the way the system operates, tenure means you are there and you cannot be moved.

Three of these five principals that were recommended were from these lowest performing schools. Again, the new school board decided to meet the challenge. They challenged the superintendent's recommendation of the five principals for tenure and said these are people who have failed and the failure is illustrated dramatically and documented by State records and by the chancellor's own criticisms of the district. Nevertheless, because of the arcane laws that relate to tenure, they will receive tenure, five failed principals will receive tenure. That is the way the law is written. If the superintendent recommends you, all the years that you have been there he has given you a satisfactory rating, there is no way to deny tenure.

So we are saddled probably with five principals who have created a problem by overseeing the lowest performing schools. The majority of the teachers in this district are also substitute teachers, because the word gets around that it is not a good place to be and it is hard to get good teachers to come in. Those old teachers who were there, were the best, lured out to other districts or they were even encouraged to retire because part of the mayor's reduction of the budget for the board of education in the past 3 years has been an incentive plan to encourage the most experienced teachers and administrators to retire. More experienced people make higher salaries. If you get rid of the experienced people with the higher salaries, you lower your budget. But nobody bothered to use common sense and said, if you get rid of experienced people, you also lower the quality of everything there: administration, teaching.

So we have a massive failure that is exacerbated by the fact that the city and the State are encouraging experienced people to leave the system and new people coming in have no mentors, no way to be trained.

We have one element after another which piles on this disastrous situation within district 23. Most of the teachers who teach math and science in junior high schools did not major in math and science in junior high schools. You have a situation where there is a total collapse. There is a total collapse.

Education is not taking place in district 23, Ocean Hill-Brownsville; 11,000 children go to school here. Again, the figures in New York are very grandiose figures. This is one of the smallest districts in New York City. Each school district is supposed to comprise no less than 15,000 youngsters. They only have 11,000 because so many have fled. They have fled the disaster.

The district right next to it, district 17, has 30,000 pupils. District 18 has 20,000 pupils. They have an overcrowding problem in that district because the parents do not want their children to go to school in district 23.

You have a situation where education is not taking place in district 23. There has been a total collapse. But nevertheless the superintendent, Michael Vega—I am using his name because I think it is outrageous what is happening there—Superintendent Michael Vega is still insisting that he should remain a superintendent. He is waging war against the school board that is trying to remove him.

He is using the resources of the school, sending notes home with kids to parents. He has parent-teacher associations that he has cultivated over the years, very small groups, only a handful of parents involved. But they are the ones who get involved so they are elected. They are the officers. He has cultivated them and they are assisting him as he wages war against the district to try to remain in the district where he has been for 14 years, failed totally. The district has collapsed all around him and we have a war going on.

For that reason, Michael Vega becomes a parasite. Michael Vega in that district becomes the enemy of education. All the parents need to understand, he is the enemy of education. We have a situation where moral indignation is appropriate from every level. We should have moral indignation by every elected official in the area.

The chancellor of the whole school system was given new powers by the State legislature just this year in early January. No, late last fall, he was given new powers, and he can move in and do things that he could not do before in local districts. So the moral indignation of the chancellor is needed. The chancellor has criticized the system for its failure. Nevertheless, Michael Vega continues to move in ways which might result in him being reappointed as the superintendent.

We have a commissioner of education for the State. The moral indignation of the commissioner, the powers of the commissioner should be brought to bear to get rid of a situation with respect to governance and management which is totally unacceptable.

We have a powerful United Federation of Teachers, a union. They should weigh in against this immoral situation. The mayor should weigh in against this situation where because of our arcane procedures and laws, a superintendent who has been there 14 years, failed, and an attempt is being made by the newly elected board to move him out, he still feels that he has the power. And he is still using the resources of the taxpayers, the resources of the district to fight the decision to be moved.

□ 2045

I have given this case history example, because I want to admit that all of the problems of our schools are not going to be resolved by any action by a government at the Federal level or by action at even State level. There are problems at the local level that have to be taken care of, and we have to deal with them as elected officials by confronting our own constituencies with the problems.

I served as a commissioner of a community development agency in New York with responsibility for the community action program, and we were major proponents of community control. We pushed hard for community control. And when the law was changed to set up community school districts, we were the major advocates and major proponents of community control.

What we have witnessed is that when we put local people in control, parents of the students in that area, poor people who live in the neighborhood, we can have some dramatic results that we would never expect. Corruption is not limited to middle class or rich people. Corruption takes place quickly also among people who are poor and who are local and who have something at stake in the system.

We were shocked to find that we could have a situation where one job, maybe pays $15,000, to get one job secured, a member of a school board will move to ruin the lives of 15,000 youngsters. They do not care. They logroll with each other about jobs and they put in people who are not responsible and they allow all kinds of horrible situations to go on when their kids are in the schools and their neighbors' children are in the schools. It is shocking. And for that reason, of course, I supported reforms which allowed the chancellor to have the power to step in.

Well, superintendents, like Michael Vega, chief executive officers, they are paid very well. They are supposed to make certain that laymen do not get away with these kinds of excesses. But instead of being the force that makes certain that professional education goes on, many superintendents become part of the problem. The corruption is driven from the office of the superintendent, a kind of corruption which we cannot arrest anybody for, a corruption which is an acquiescence to low standards, an acquiescence to mediocre, incompetent people in order to gain friendships.

For this superintendent, the most important thing is that he maintain friendships with enough people to get the votes he needs in order to continue there. And since the votes were taken away and the old school board that supported him was thrown out, he now is attempting to go to another level and get the power of the parents in each individual school, those few that he has nurtured along, and will promote a little revolution to maintain himself in power.

We should not let this exist, and I am taking this opportunity to give this case history here because I want to sound the alarm for people back in the 11th Congressional District, those who live in the District 23 area. The people who live in District 17, which is next to District 23, this is their fight too because their district is overcrowded as a result of kids fleeing from District 23. People whose children go to school in District 18, their district is overcrowded because children are fleeing from District 18.

It is a ridiculous situation, because throughout the whole city we have a shortage of places to sit, of classroom space, and District 23 has a surplus because nobody wants to go to school in District 23. We must deal with that situation.

We have a window of opportunity to really improve education in America. From where I stand, from where we are placed in the hierarchy of decision-making, the Members of Congress are not to take lightly this opportunity. We have a window of opportunity where the Nation is not faced with any great crisis, the Nation can focus its attention on education in a way it never could before, starting with the Federal Government.

We are not the major players in the education scenario. At best, we have only a minor role, but that role is important. The Federal Government is the stimulant. The Federal Government pushes things. The percentage of money spent by the Federal Government on education at most is about 7 percent. States and local governments provide the rest of the money for education, but despite this small percentage, Federal participation in education, through title I, through Head Start, through various programs at the higher education level, Federal participation has a stimulant effect that is a very positive one.

We would not have certain kinds of standards that exist in our school settlements if it had not been for the impetus of the Federal Government. The education of children with disabilities, special education programs, would not exist if it were not for the Federal Government. The States and the localities are paying a greater percentage of the money, but the standards are being set and the high quality of education is being driven by the fact that the Federal Government is involved.

We have an opportunity to take advantage of certain historical events that have occurred recently. The fact that the Congress passed the Telecommunications Act of 1996 and in that act they mandated that the FCC should find a way to give some kinds of special attention to schools and libraries with respect to lowering the cost for telecommunications by having the providers pay into a universal fund, that has happened now. It has come to pass.

On May 7 the Federal Communications Commission voted to establish a universal fund for libraries and schools. That universal fund will provide the necessary funding at a 20-percent discount for the richest schools and a 90-percent discount for the poorest schools. That is an opportunity we should not pass up.

We have an opportunity in that there is agreement between both parties that the Federal Government has a major role in education, and in this Congress, the 105th Congress, there is a greater possibility that we will have some positive steps taken on a bipartisan basis than ever before.

So let us not fail to understand how serious it is. We have a disaster out there. It may not be in all our communities, in the suburbs, in the rural areas, but we might want to take a look and accept the fact that in the inner cities of our Nation we have a disaster.

We have a disaster that is not unique to New York. It exists in practically all of our inner-city communities. We need help. We need disaster relief. We do not have floods, we do not have earthquakes, we do not have mud slides. God did not do it directly, it is a man-made crisis, and partially it is made by bad decisions that have been made at every level, bad decisions by the Governors, bad decisions by the local mayors, and of course at the local level the school boards often make bad decisions also, but the Federal stimulus is the best thing that we have to offer, and we should make certain that from where we are we continue the Federal stimulus to assist education, starting with a revival of the construction initiative that the President put forth before.

Let us not give up. We need the $5 billion construction initiative in the Federal budget.

ENVIRONMENTAL PROTECTION AGENCY RULES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 60 minutes.

Mr. KLINK. Mr. Speaker, my colleague in the chair, and to everyone else who is here, let me first of all apologize for making you stay late, but I have delayed my own departure this evening. I could be almost home with my family. I have delayed my own departure this evening by better than 3 hours, because I think what I have to talk about is very important.

And regardless of what my colleagues may think about my legislative voting record and regardless of what they think about anything else, I hope they realize that I am not one of the Members of the House who rises to speak every day; I am not up on every subject every day acting as though I am an authority on everything, but when I do know something, and when it is important to my district and when it is important to this Nation, I think I have a responsibility to speak up on it.

The matter I am going to talk about now is a matter that is of importance to everyone throughout this entire Nation. It is going to mean whether or not our economy expands, it is going to mean whether or not we have jobs or whether or not our industry moves offshore. That is what I believe. That is what many other people across this country believe. That is what many other Members in this Chamber believe.

We will get the answer to this question, I believe, by the middle of July. We do not have to wait very long. Probably, at most, about 6 weeks. Because the Environmental Protection Agency is in the process of recommending new air quality standards, this at a time when we have been cleaning our air, the air quality. And, believe me, my district is around Pittsburgh, PA, once described as hell with the lid off. Back in the days when people had to sweep off their lawns because of the dust that came from the mills. Back in the days when if we hung our clothes out, they probably were dirtier when we took them off the line than when we washed them and hung them out. We had to shake off those clothes to get the dust off. People would go to work in the morning, and by the time they got to work they had black rings around their collars from the dust that would settle on their bodies.

We had tremendous problems with air quality. Towns like Donora, PA, saw people dropping dead in the street from the pollution. We know about air pollution.

A group called GASP, the Group Against Smog and Pollution, was born in Pittsburgh out of this fear for people's health. As a news reporter for 24 years, I covered our city as we were cleaning up the air. As a father of two young children, I want clean air. But I am convinced by the EPA making these standards more stringent, while we are cleaning our air, that in fact our air will remain dirtier longer, and there are scientists who agree with me on that.

We have already set the finish line in this race to clean our air. We have definitive goals that we want to reach. And once we begin this process, those goals are erased and we extend the time out 10 years, 12 years, in fact, we really do not know how long, until we will actually have to hit those very same goals or goals which may be a tiny bit more stringent.

So if we are concerned, for example, about the health of that asthmatic 8- or 9-year-old child on the playground, and we do not want that child to breathe dirty air, to have to gasp to get air in their lungs, then we should agree with what Carol Browner of the EPA is about to try to do, unless we want action now. Because what she wants to do will perhaps clean the air up, but it will do it when that 8- or 9-year-old child is in college.

So instead of hitting ozone targets that say, for example, if we have a goal that we have to reach by 1999, well, we may not have to hit that goal until the year 2010. So we are going to wait 10 more years, 11 more years, 12 more years until we hit those goals.

There is not only the problem of making that asthmatic child wait longer for the air to be clean, there is the problem that we have with our economy. Industries across this Nation have spent tens of millions of dollars, hundreds of millions of dollars individually, billions of dollars untold since the 1990 clean air amendments to clean the air. And now, all of a sudden, we are saying, wait a minute, what we said to spend money on, the particulate matter, that is the soot that is in the air, the soot which rises up out of the smokestacks of this country, we are not measuring it in a small enough measure. Instead of 10 microns, we want to make it 2.5 microns.

Sounds very scientific, but what we are saying is we want to measure smaller particles, but we are not saying what those particles should be. And we do not have enough science because, understand, we only have 50 monitors in this whole Nation which can measure 2.5 microns of the soot, the particulate matter, that EPA now wants us to go to. Fifty monitors are not enough and do not supply enough data that we can be sure that we are going to take this course of action which will cost over a million jobs, I believe, and others agree with me, and will cost untold billions of dollars.

Let me tell my colleagues about my district a little bit and why I am probably a little more concerned, and other people who are from what we call Rust Belt regions, have the same concerns.

In southwestern Pennsylvania, as we cleaned up that air that I talked about a few moments ago, partly because we were cleaning that air up, partly because the companies were investing in those air pollution control devices instead of making capital improvements in the processes in which they were manufacturing the product, in other words dollars are going in to scrubbers in their smokestacks, where we needed that, we needed that to improve our health, but those dollars were not available to upgrade their manufacturing base, to buy new equipment, to invest in R&D and new technologies. And so many of our manufacturers fell behind.

☐ 2100

Over a 13-county area in southwestern Pennsylvania we lost in the 1970's and 1980's 155,000 manufacturing jobs. As I said earlier, I was a reporter back then. I stood outside many of those steel mills, many of those glass plants, car manufacturing plants, car part manufacturing plants, and watched as thousands upon thousands of workers walked out of the door for the last time.

Now, as we are trying to rebuild that economy, we had a chance, at least a shot, a few weeks ago to lure back an automobile manufacturing plant. They were looking to occupy a 1,000-acre site, provide 2,500 families in southwestern Pennsylvania with jobs. But when they took a look at Pennsylvania being part of the Northeast ozone transport region, when they took a look as what was going to happen or what was going to be proposed perhaps with these new air pollution regulations, they said, we are not going to move there, we are not going to provide that opportunity.

I am not making this story up. It was published in the Pittsburgh Business Times. The company said they would have had to purchase over $3 million in pollution credits to locate in Pennsylvania. But if they went upwind, where much of our pollution comes from, to our sister States to the west, they would not have had to purchase those very expensive credits.

What the EPA is proposing to do in tightening the regulations does not do anything to improve those States like Pennsylvania, which are getting dirty air from other States. And we have counties across this Nation, we have cities across this Nation, if we vacated them completely, moved all the manufacturing out, took all the cars out, moved all the vehicle traffic out, moved all the people out, those regions at certain days of the year would still be out of compliance.

Much of this particulate matter is found in nature. What are we going to do about that particulate matter in the air, that dust that is found in nature? Let me tell my colleagues, I understand that the EPA has a pretty bad track record in my State of Pennsylvania. It is a real credibility problem. So when they say, trust us, we are going to improve air quality by tightening these regulations in the midst of the air getting cleaner, so they are going to tell us, first of all, stop doing what is working, stop doing what we told you to do before, do something new.

I am saying to them in Pennsylvania, your word is not very good. Because you see, you told us in Pennsylvania that we needed to go to a centralized emissions testing and then Gov. Robert Casey began to implement that system. He moved the necessary legislation. And we even had a contract with a company called Envirotest Systems. It was a company out of Arizona. They were hired to run this testing system. It was a 7-year contract that could have given this Envirotest Systems company profits of over $100 million a year.

Many of us knew that this was a bad idea. The people of Pennsylvania did not want it. We fought it. We gathered over 100,000 signatures on petitions and we opposed the testing system. As it turned out, EPA had misled Pennsylvania, we did not have to go to that centralized system.

This was not necessary for Pennsylvania to comply with the Clean Air Act amendments of 1990. But by this point, we had the contract. By this point, we were stuck with 86 E-check centers built around the State's 67 counties. In late 1995, Envirotest threatened to sue Pennsylvania on that contract. They wanted more than $350 million for expenses and for loss of profits.

But then we had a new Governor, Tom Rich. His administration decided it was better to deal with them, to strike an agreement. So he reached a settlement calling for the State of Pennsylvania, the citizens of Pennsylvania, to pay $145 million to Envirotest. We settled it. Of that $145 million, that big whoops by the EPA that they misled Pennsylvania, not one penny of that $145 million cleaned up one speck of air.

I believe that these EPA proposed revisions to the national ambient air quality standards for ozone and particulate matter are really going to be costly to us as a Nation. It will, in fact, keep the air dirtier longer, as I said. It will cost industry. It will cost jobs. We really have to take time to think about what we are doing.

First of all, there is a question as to why we are moving ozone standards, which is, in effect, smog, at the same time we are moving the particulate matter standard, which of course particulate matter, as I said, is soot. We have to do something in regard to particulate matter, but all we have to do is review it.

Why do we have to review it? Well, the American Lung Association filed suit against the Environmental Protection Agency because every 5 years they are to review these standards. They had not done that since 1987. In 1992, 5 years later, they were to review these standards, but they had not. They do not have to tighten, they do not have to make it harder for Americans to clean up the air. All they have to do is stick with what is working still, stick with good science, stick with what is improving the health of this Nation. But they have decided, I think, that they are going to take another course of action.

We have a problem with the fact that they have put ozone in with us because there was no lawsuit involving ozone. But they have thrown ozone in. What is the reason that they have decided to include ozone with the particulate matter? We do not know exactly what that reason is.

We had Ms. Browner in front of the Committee on Commerce, two of our subcommittees, for over 8 years. I am still not sure why it is that she has decided to blend those two issues together. But for sure, they would not have to do anything regarding the smog issue or ozone until next year. But for some reason, we are moving these two very complex issues together. The present standard for ozone is 0.12 parts per million averaged over a 1-hour period. The Scientific Advisory Board said that they thought it would be better to reduce that to a range from 0.12 parts per million to somewhere between 0.07 and 0.09 and do it over an 8-hour period.

I have no problem with going to an 8-hour period. But also we heard from one scientist after another is that there is no bright line where there are health benefits derived by the public within this range. So they have chosen somewhere in the middle that have range 0.08, which will in fact throw 400 counties, distribute counties across this Nation out of compliance.

What happens when you are out of compliance? Well, businesses in your region, businesses in the noncompliance area will not expand. They are not going to invest more money, and certainly other companies like that automobile plant that I mentioned are not going to move into your region. So economically you are strangled, you are hung up, you are not going to grow, jobs will not occur. And when you do not have jobs, people do not have health benefits, cannot afford to go to the doctors and they derive bad health benefits from that, just as if they were breathing the dirty air.

Let me take time right now to recognize my dear friend from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce and the Dean of the House of Representatives. He has been here continuously longer than any other Member of the House. And I think, beyond a shadow of a doubt, everyone recognizes that he knows more about the Clean Air Act, the clean air, and the amendments and this issue than anyone else in the House of Representatives. It has been my pleasure to work with my colleague and to learn from him as we have moved through with this issue.

I recognize now the gentleman from Michigan, [Mr. JOHN DINGELL].

Mr. DINGELL. Mr. Speaker, I want to commend my dear friend from Pennsylvania [Mr. KLINK], who has provided such valuable leadership in addressing the important issue that he now raises in the House. I want to commend him for his distinguished and able service here on behalf of the people that he serves and on behalf of the people of the United States. I also want to thank my colleague for his kind remarks towards me

Mr. Speaker, the situation here is a serious one. It is interesting to note that we are making, according to Administrator Browner, significant progress in cleaning up the air and that that progress will continue for at least 5 years and that no change in the Clean Air Act is necessary to continue significant progress in terms of evading pollution. It is interesting that in the same appearance before the Committee on Commerce, in which she said those things, she had to admit that much of what are the supporting facts or science with regard to the changes that EPA proposes with regard to particulates and ozone, she does not know the answer and she does not have the science upon which she can base the judgments that she needs to.

Certain facts are very clear. The air is getting better, the air is getting cleaner. Significant progress will be made. One of the admissions made by Ms. Browner before the Committee on Energy and Commerce was that the changes she is suggesting will not significantly result in major improvement in air quality between now and the year 2002.

In addition to this, it is plain that the economic consequences of the rulemaking now proposed by EPA will be very, very significant in terms of jobs, opportunity for our people, and competitiveness. It is very plain that the jobs in industrialized America will move to unindustrialized areas and that new brownfields will be created and new greenfields will be torn up for industrial change.

It is also very plain that significant loss of economic opportunity and economic impetus for this country impends and that the consequences of these rules being adopted will be that the United States will see significant jobs lost to Mexico, Canada, and other places around the world as American industry moves out.

One might ask why that situation will obtain. The answer is very simple. What is going to transpire is that the rules suggested by EPA will create no less than 400 nonattainment areas in the United States and those areas, while getting cleaner, will be legislated into nonattainment by the rules that are being suggested by EPA.

The consequences of this are that those areas will become subject to sanctions, will become subject to transportation limitations, will become subject to losses of jobs stemming from losses of building permits, and to changes which will be imposed on industry with regard to the fashion in which business is conducted.

More importantly, business will be faced with the significant problems of achieving building permits. Ordinary citizens will face significant risk to lifestyle; and while those lifestyle changes are impossible to predict at this time, the rules which could be imposed on those areas could include things like controls on barbecuing, house painting, on running of power mowers, operation of motor boats, and other things in the areas which are nonattainment.

The consequences in terms of lost jobs, lost opportunity, loss of quality of life by Americans is indeed significant. While it is impossible to predict exactly what the consequences of this will be, they will be extremely onerous and need not be imposed upon American industry and upon American citizens.

The cost to the American people of the changes that this is going to impose will be enormous. One of the interesting things is that if we had, for example, a fourth grader playing in a grade school playground here in Washington, DC, under existing rules and regulations, that child is going to live in an area that meets existing standards by 1999, a mere 2 years from today. If EPA adopts the new standard, EPA hopes to force continued progress. But this attainment deadline will not be enforced, at least according to the transitional guidance issued by EPA with the proposed rules.

Instead, EPA will provide a new attainment date with the new standard. That allows States to take up to 12 years to bring an area into attainment. So in point of fact, what will transpire to this child is that 12 years after today he will live in an area which has reached attainment if all goes well.

If the past is prologue for the future, we know that EPA and the States will use the maximum amount of time allowed. So in point of fact, that child, instead of seeing the cleanup of his area or her area in 2 years, will observe it in a period of 12 years.

The number of counties that are going to be put into nonattainment area is significant, as I mentioned, better than 400 in the United States. It is interesting to note that amongst that number will be a significant number of counties in the State that I have the privilege and the pleasure to represent. Some 26 counties in Michigan will be legislated from attainment into nonattainment. Some 26 counties in Ohio will find same situations.

EPA's standards may result in cleaner air, but they may also result in significant hardship which will be imposed because of the requirements for sanctions and other things to be imposed.

□ 2115

It should be noted that of the 50 States, all 50 will see questions raised about the validity and the propriety of their State implementation plans. The consequence of this is again to subject every county within those States to the possibility of sanctions, penalties and other things. And failure to comply with these will subject the cities, the counties and the States to the strong possibility of citizen suits which will take control away from the local units of government, away from the States and put them into the courts. The consequences of this, I reiterate to my colleagues, are indeed serious. I commend again the distinguished gentleman from Pennsylvania for his leadership. One of the questions I did not mention that is going to confront us is the Clean Air Act as now constituted requires all Federal highway funds to be withheld by EPA as an automatic sanction for nonattainment areas, whether they be counties, whether they be cities or whether they be States. As a result, industrial and transportation projects can be delayed years and decades by the Clean Air Act requirements in nonattainment areas where good faith effort is now being made by the citizens and by their governments to comply with the law. These changes suggested by EPA are extremely destructive, hazardous of economic growth, unneeded and will result in serious hardship not only for American industry and competitiveness but also for the people of the United States. I would hope that those who are within reach of my voice or are observing what I am saying will take to heart what I have said and communicate with the administration about their concerns of the unwisdom of this kind of unnecessary step.

Mr. KLINK. I thank the gentleman for his input again and just laud him for everything that he has done to help us on this issue. The gentleman from Michigan [Mr. DINGELL] was the author and worked with us all on a letter to the administration where we as Democrats sought to sit down with our President to talk about the seriousness of this matter. We have been relatively quiet up until now, working very hard behind the scenes, trying to get through to the administration, trying to talk to Administrator Browner. The administration has dragged their feet. They do not want to seem to want to sit down and talk to us. We have issued letters, we have made phone calls. Many of us have buttonholed people who work at the White House who we think are close to the President trying to impress upon them how serious we are. I will not stand idly by and watch the same kind of degradation to our industrial base that I watched during the 1970's and 1980's. I know that the gentleman from Michigan [Mr. DINGELL] likewise will not watch that in his State of Michigan or anywhere else in this country. Yet we have not heard from the administration. So now we have prepared a piece of legislation. I am hoping, and we have gotten a great start, it is going to be a bipartisan bill. We are working with our friends on the Republican side to say, "Don't change the standards. We're cleaning the air. The economy is moving forward." This is not something where we want to have EPA say 5 years from now, billions of dollars later, millions of jobs lost later, "Whoops, we made a mistake."

We know that it will take at least 2 years, Mr. Speaker, for the only 2 companies that manufacture these PM–2.5 monitors to make enough to get them distributed around this Nation. Then according to the law, it has to be monitored for at least 3 years to have the data. Two years to manufacture and distribute, 3 years to collect the data, adds up to 5 years. At the end of that 5 years, by law, this matter will have to be reviewed again or there will be another group suing the EPA. We are saying, take that 5 years, make sure that the science is right and as Carol Browner said herself, as other people in the administration have said, as scientists have said, during that 5 years nothing is lost because we are cleaning the air. We are moving forward with improving the breathability and the healthiness of the air across this country.

I would mention one other thing that really bothers me. Industry is on our side on this issue. Labor is on our side on this issue. In southwestern Pennsylvania, the American Lung Association of western Pennsylvania is on our side on this issue. Also on our side are the State legislatures of Alabama, Arkansas, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Rhode Island, South Carolina and South Dakota, along with Tennessee, Utah and West Virginia. All of these legislatures and many of them, both the State House as well as the State Senate have passed resolutions or concurrent resolutions saying, "Don't do this. You're throwing it back on us, Federal Government. It is up to us, the State, to do the State implementation plan. We've begun our State implementation plan. We're cleaning the air. Now you're moving the finish line farther down the road, making it more expensive, making it more difficult and in fact stopping us from cleaning the air."

Who else is on our side? The Governor of Arizona, two Governors of Arkansas, both of which followed the current President into the governor's mansion. The Governor of Delaware has written a letter. The Governor of Florida, the Governor of Georgia, the Governor of Illinois, the Governor of Indiana, the Governor of Kansas, the Governor of Kentucky, the Governor of Louisiana, the Governor of Michigan, the Governor of Mississippi, the Governor of Missouri, the Governor of Montana, the Governor of North Carolina, the Governor of Ohio, the Governor of Pennsylvania, the Governor of South Carolina, the Governor of Tennessee, the Governor of Texas, the Governor of Utah, the Governor of Virginia is with us as is the Governor of Wisconsin, the Governor of Wyoming, and then we have had many governors join together and sign letters together. We have had letters from people within the Clinton administration, including Jerry Glover of the Small Business Administration, the Department of Air Force at Wright Patterson because you understand, Mr. Speaker, that the Defense Department may not be able to have aircraft flying in certain areas at certain times of the day because of the particulate matter given off by the exhaust of those aircraft. The same goes for commercial aircraft. I do not know what we would do, and we would really be in a pickle, it would seem to me, if our Nation would be attacked during a bad pollution day. I do not know if EPA would try to stop us from defending ourselves with these aircraft taking off or not.

That is almost how stupid all of this sounds. But we have a stack of resolutions, and I would tell my colleagues they are better than a foot high. These are letters, they are resolutions from industries and from State legislatures and governors across this Nation, telling us, this will impact their area negatively. It will inhibit their ability to clean the air. We talk about particulate matters. As I said this is something, the smaller particulate matter which is soot is composed of sulfates and nitrates and acids and ammoniums and elemental carbon and organic compounds, but a lot of this particulate matter also can be derived through industrial activities, through farming, mining, through driving down a dirt road. Because the particulate matter is 2.5 microns, which again I hate to get technical, but because it is of a certain size, does not necessarily mean it is as toxic as some other substance of that size. It does not mean it is as dense as another substance of that same size. Do toxicity and density and other kinds of things like this cause one particular PM–2.5 particle to cause you worse health effects than others? Is it when you have a blend of various substances that are taken into your lungs that you have a worse health matter? We do not have the answer, but yet it appears that the EPA and Director Browner are on their way down this pathway to hell for this country economically by rushing us into this before we know that we have all the scientific facts.

Again I would not ask my colleagues to depend on me because I am not a scientist, I am a lowly former news reporter, who has now been elected to Congress, who studied this issue. Let me call on those who I do know and I want to give Members some quotes.

Dr. Joe Mauderly is the current chairman of the scientific panel who has made their recommendations. As he appeared before the Committee on Commerce, he said, "While I support the proposed change for ozone as logical from a scientific viewpoint, I have to point out that it should also be considered that an equal or greater overall health benefit might be derived by using the Nation's resources to achieve compliance with the present standard in presently noncompliant regions, than by enforcing nationwide compliance with a more restrictive standard."

In other words, what he is saying is we might be better off to make sure that we continue to clean the air to the specifications that we must adhere to now in areas that are in noncompliance rather than put everybody else to new levels of compliance and just start throwing money at that before we have all of the science.

He also points out that he is concerned about New Mexico and other arid regions with alkaline soil. He says, "The substantial portion of soil derived PM, particulate matter, that can exist as PM–2.5 may cause noncompliance with a standard aimed at controlling a different class of PM." In other words, what we are saying is you can have no industrial activity, none. But if you live in an arid region with alkaline soils, such as New Mexico, in nature, you might find yourself out of compliance. Yet we will be forcing industries across this Nation into trying to attain goals that are not attainable.

Let me just again go to Dr. Joe Mauderly, present chairman again of CASAC. He said, "I do not believe, however, that our present understanding of the relationship between PM and health provides a confident basis for implementing a standard that necessitates crippling expenditures or extreme changes in life-style or technology." That is exactly what this would do. First of all, we are going to have a crippling change in technology because we have got to get those PM–2.5 monitors manufactured. We have to get them out there. We have to get the readings and we have to make a determination as to exactly what is the impact of that.

It is going to cause crippling expenditures for industry. They know that. I have a little company that is in my district that was formerly owned by Arco, it is now owned by a company from Canada and we are happy to have Canadian companies come here and provide jobs for Americans. It is always good when that can occur. It is called Nova Chemical. They make styrofoam like you would find on the underside of the dashboard of your car or sometimes in the roof and the other components of the automobiles.

This is a small company, a small chemical company down in Beaver County, PA. But since the 1990 standards went into effect, this small company has spent $40 million cleaning up the air. Just down the Ohio River a little bit farther in Midland, J & L Specialty Steel, they make stainless steel. We are proud because they are expanding right now, they are putting in a new specialty steel line. I do not know if they would or would not have done this if they when they began the process had been threatened with these new pollution regulations, because they have spent about $160 million cleaning the air. And they have given us great benefits. They are not complaining about that because they live in the community, just like the folks at Nova Chemical and Zinc Corp. of America, and USX and Allegheny Teledyne. They live in our community, they want the air to be clean, they have made the expenditure, but now we are moving the finish line farther away from them. That is a problem which all of this country will have to deal with. We have just reached for better or for worse, we will see how it goes, a balanced budget agreement, very historic, the first time since 1969. It was derived as the President sat down with the majority in the House of Representatives. But the basis for that agreement, as I understand, not having been in the room, were some very rosy economic assumptions. Those economic assumptions that we have made would go right out the door if all of a sudden our industry across this Nation were crippled by these new proposed standards. You can forget about it. People will not be taxpayers, they will be tax recipients because the jobs will not be created and in many regions they will lose the jobs. I know that the President, I know the administration, I know that Ms. Browner is hearing from the same mayors that we are hearing from, from the same county commissioners, and other local officials that we are hearing from. They are concerned about the impact that these kinds of changes at the midpoint of this race would have on their ability not only to clean up the air but their ability likewise to have a vibrant economy. Eventually it is up to them, it is up to the States to reach attainment, it is up to the locale to reach the attainment.

□ 2130

Yvonne Atkinson Gates, who is on the board of commissioners of Clark County, NV; that is where Las Vegas is, and everybody knows Clark County. It is booming, they are building homes, they got tremendous amounts of economic growth. But she told our committee this:

Since the economy of Clark County is almost entirely based upon tourism, EPA's designation of our county as nonattainment will do damage to our ability to market our community as safe and clean.

When you are in nonattainment, and as the gentleman from Michigan [Mr. DINGELL] said, 400 counties like this would be out of attainment; when you are out of attainment, there is a stigma that is involved. If you want to apply to expand your plant or to put a new plant in, you are in nonattainment, you have got problems. It is going to cost a lot more. You probably will not even attempt to do it. If people are seeking building permits as they are in Clark County to build those thousands upon thousands of homes each month as that area booms and grows, they will not be able to have building permits.

Now a lot has been said about the change of lifestyle, would people be able to burn their wood burning stoves, would they be able in rural areas to burn brush and leaves and trash as they have in the past? That is going to be up to the local communities to have to make that decision as to how they comply. They may feel and they may indeed not have any alternative but to say to the citizens of this country you are going to have to change your lifestyle, you are going to have to have a new vehicle that burns reformulated gas whether you like it or not. You might have to have a car that is the California style car with the air pollution control, and the cost, 1,500 or $2,000 more. What will that do for your ability to be able to afford to buy new cars? What will that do to the automobile industry in this country? What will that do for the auto parts industry of this country?

Let me jump just across the border. Let us go to San Jose, CA. Trixie Johnson, vice chair of the National League of Cities, told the Committee on Commerce about this proposed change of air pollution standards. Many of the State implementation plans developed as a result of the 1990 Clean Air Act amendments are just now being implemented. The implementation strategies incorporated in these plans have not been in effect long enough to determine their impact. And now we are saying to the States with that plan you have been working on, that plan that you have had in mind to clean up the air in your state so that you can comply with the federal law, forget about it. Start over again. The target used to be here. Now we are moving it way over there. See if you can hit that. And it is up to you and your industries and your citizens to figure out how to do it. We are out of it, we are the EPA. We are bigger than you. We could change the rules as we move along.

That is exactly what we are being told.

Dr. Barbara Beck I thought was very good when she was in front of the committee. She was from Gradient Corporation. About the ozone standard she said again remember we do not have to move on ozone now. We have to take a look at PM. We do not have to change it; we just have to review it according to the courts. But ozone could wait a year. But about this she said although the approach used by EPA in support of its recommendations is conceptually sound, multiple biases in the analysis result in an overall over estimate of the risk and hence an over estimate of the potential benefits.

Well, if their science is so good, let us take time while we are still cleaning the air, and I remind you again I cannot say it enough that the folks at EPA, including Miss Browner, agree with me, we are still cleaning the air. No matter what we do, the air is going to get cleaner. So let us make sure we are doing it right. Let us make sure that something good is happening.

And I would say to the administration sit down and talk with us. Do not meander into this. You are taking on this Nation. You are taking on these State legislators, these Governors, these industries, these labor unions. This is a government of the people, by the people, for the people. We want clean air, we are getting clean air. You are ignoring us. You are saying you do not have to sit down and talk to us.

And I am saying we have waited patiently long enough. Now it is time for us to take matters into our hands so that we have a fallback position. We cannot depend on the fact that you are going to talk to us. We cannot depend on the fact that you are going to say to us the industries in your state will be fine because we are going to be realistic about dealing with this. We have to go back to that centralized emission system that you forced Pennsylvania to go to that cost us $145 million to settle with that Envirotest company from Arizona that did not clean up any of the air.

Now that $145 million, they will take it kind of personally because that money came out of the pockets of the taxpayers of the Commonwealth of Pennsylvania. It was money we could of used to educate our children. We could have used it for mass transit improvements that would have certainly cleaned up the air. We could have used it for so many things, for Medicare or Medicaid payments to take care of the needs of our citizens. But we had to use it because EPA said, whoops. Now I am afraid what they did to Pennsylvania they may be on the brink of doing to the entire United States of America.

And there are other complications. You see, a corporation could take this as an excuse and say you know we really got this agreement called NAFTA which gives us an ability to move south of the border or north of the border and sell our goods in the United States just as if we were located there and we do not have pollution standards like we have in the United States, but of course that air is going to blow across the border to Texas and across the border to the northern States from Canada, but companies would be able to do that. They would have that option.

This issue does not stand unto itself. There are other issues that come into play as to whether or not these jobs will still be American jobs, these plants will still be American plants.

So we are concerned. We have some very grave concerns about whether or not we are headed in the correct direction.

I want to just mention again something that I think is extremely important, and that is this issue of the slower cleanup, and I mentioned this before, and I know that Mr. DINGELL talked about it. This, I think, and the reason I repeat it is because it is probably the most important issue; we are, Mr. Speaker, going to continue to make progress in seeing the air get cleaner. Regardless of whether we have a new ozone standard or new particulate standard, we are cleaning up our air as it pertains directly to ozone though. For the next 5 years we know that the air is going to continue to get cleaner through the continued implementation of the existing ozone provisions of the 1990 Clean Air Act amendments. However EPA has stated now that the existing attainment deadlines for ozone are not going to be enforced.

You understand this; we have got a rule right now that says this is the standard, .12 parts per million over a 1-hour period. They want to go to .08 parts per million over an 8-hour period, and I will admit an 8-hour period makes sense, but why from .12 to .08 throwing hundreds of counties out of attainment because when you do that the EPA said that they will not enforce the deadline at which those standards must be reached.

So now you have said, as I said in the very beginning, as Mr. DINGELL reiterated, to that child who is 8 or 9 years old who is on the playground having problems breathing, you said to the location where they are located if 1999 is the deadline that you have to reach .12 parts per million, forget about it, we have got a new standard, and we are going to give you 10 or 12 years longer to reach that deadline.

In addition, the States that have implementation plans are going to stop right now. They are going to quit because now we have moved the target. This is bad policy. We need to know more about the science. We have to do more studying. The ramifications are hard for all of us to grasp, but we know they will not be good. This new standard is going to disrupt the clean air progress that we could make under existing ozone standards, and we do not have to do it. There is no reason that we should be taking this on.

Let me reiterate again about these PM-2.5 monitors, 50 of them exist. We have to manufacture more, we have to get them implemented, get them located, rather, around this country, gather the information. That also is going to cause a long delay in knowing where we stand with PM-2.5.

Is there a combination of PM-2.5 molecules that is worse than others?

We have other questions. Why in the Pittsburgh region and other regions across this country as we clean up the air have we seen increased incidences of asthma?

There are more asthma cases as the air has gotten cleaner. Why is that? Well, there is speculation it may have to do in poorer areas with the fact that we have insect infestations in homes. There is speculation it could have to do with the fact at one time we had hardwood floors and now we have gone to wall to wall carpeting and there is dust mites and all kinds of particles like this in carpeting. But we do not have the answer. Without having that answer, without understanding why we are seeing more asthma as the air is cleaned up, we have got this rush to judgment on behalf of the EPA.

It is a bad policy. It is going to hurt the country, and it is not going to benefit the children and other asthmatics across this country. That is the problem that we have. The EPA is charging forward without the ability to implement the new PM standard. They are charging forward on ozone without really having to do that, without really having the answers to many of these questions.

Again, I know the White House has heard from us, the White House has heard from local officials, from State officials, from State legislators. They have heard from people in the administration that have the same concerns that RON KLINK has, that the gentleman from Michigan, [Mr. DINGELL] has, and thus far the silence from the White House has been deafening.

I will say one more time we have lost enough jobs in southwestern Pennsylvania and other industrial regions of this country. We have felt the implications of those job losses. Families have been ruined, lives have been ruined, individuals have been ruined, communities have been ruined. We now have one of the largest populations percentagewise of senior citizens in the entire Nation because many of our youngest and best and brightest had to move away. We are finally getting to the point where we are regrowing our industries and what we are saying to our children and grandchildren: Come back to Pennsylvania. Jobs exist again. And now the EPA wants to bring all of that crashing down around our ears.

If we must go to war on this issue, then, Mr. Speaker, we will go to war on this issue. We have done it before. I have been involved in some battles that I have lost, but I have been involved in some that I have won. I hope that we still have time to sit down and to work this matter out and that cooler heads and calmer minds and good science and the best interests of the people, the workers across this country, will prevail.

But I am preparing a piece of legislation that will keep the standards as they are, maintain the status quo and continue to clean the air at the rate we are cleaning it, and we are ready to move that. We have got Republicans working with us, Democrats working with us, and we will move that legislation, and I think that we can get it moved through the House. I think there is enough interest in it.

Let us make those on the other side tell us why they want to delay cleaning up the air, why they want children to be gasping longer, why they want to cost people their jobs, why they want to shut down industries in this Nation.

As for me, let us continue the progress that we have made in rebuilding the industrial base of this Nation, the industrial might of this Nation, and let us keep making the progress that we have done on cleaning the air and seeing the health improvements that we have seen across this country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TURNER (at the request of Mr. GEPHARDT) for today on account of family business.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) after 5 p.m. today on account of official business.

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today on account of attending son's school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes,, on June 6.

Ms. GRANGER, for 5 minutes, today.

Mr. BRADY, for 5 minutes, today.

Mr. ARMEY, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. LANTOS.
Mrs. MALONEY of New York.
Mr. ROTHMAN.
Mr. KLECZKA.
Mr. SANDERS.
Mr. VISCLOSKY.
Mr. KUCINICH.
Ms. KAPTUR.
Mr. TOWNS.
Mr. TORRES.
Mr. CONYERS.
Mr. ORTIZ.
Mrs. MEEK of Florida.
Mr. KLINK.
Mr. BERMAN.
Mr. MOAKLEY.
Mr. KENNEDY of Massachusetts.
Mr. HINCHEY.
Mr. FORD.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. GILMAN.
Mr. KING.
Mr. DAVIS of Virginia.
Mr. LARGENT.
Mr. FORBES.
Mr. KASICH.
Mrs. ROUKEMA.
Mr. HOUGHTON.
Mr. RADANOVICH.

Mr. SAXTON.
Mr. COMBEST.
Mr. MCINTOSH.
Mr. POMBO.
Mr. COBLE.
Mr. PAUL.
Mr. HUNTER.
Mr. PAPPAS.
Mr. SMITH of Michigan.
Mr. SPENCE.

(The following Members (at the request of Mr. KLINK) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Jersey in two instances.
Mr. BURTON of Indiana.
Ms. ROS-LEHTINEN.
Ms. WATERS.
Mr. DOYLE.
Ms. ESHOO.

ADJOURNMENT

Mr. KLINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, June 6, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3641. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Regulation Governing the Fresh Irish Potato Diversion Program, 1996 Crop [FV–97–80–01] received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3642. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Limes Grown in Florida and Imported Limes; Change in Regulatory Period [Docket No. FV–97–911–1A IFR] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3643. A letter from the Acting Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Quality Control Provisions of the Mickey Leland Childhood Hunger Relief Act [Workplan Number 93–018] (RIN: 0584–AB75) received May 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3644. A letter from the Assistant Secretary of the Navy (Installations and Environment), Department of the Navy, transmitting notification of the Secretary's intent to study a commercial or industrial type function performed by 45 or more civilian employees for possible outsourcing, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

3645. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Eighty-Third Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 1996, pursuant to 12 U.S.C. 247; to the Committee on Banking and Financial Services.

3646. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—State Energy Program (Office of Energy Efficiency and Renewable Energy) [Docket No. EE–RM–96–402] (RIN: 1904–AA81) received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3647. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Child Restraint Systems (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 119] (RIN: 2127–AG82) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3648. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources; Standards of Performance for Nonmetallic Mineral Processing Plants; Amendments [IL–64–2–5807; FRL–5836–2] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3649. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Arizona—— Maricopa County Ozone Nonattainment Area [AZ 68–0011; FRL–5835–8] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3650. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NOx RACT Determinations [PA83–4062a; FRL–5835–2] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3651. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources [SIPTRAX No. PA–4057a; FRL–5835–4] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3652. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the Phoenix, Arizona Moderate Ozone Nonattainment Area [FRL–5834–4] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3653. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins [AD–FRL–5836–6] (RIN: 2060–AE37) received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3654. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions from Wood Furniture Manufacturing Operations [AD–FRL–5836–8] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3655. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Des Arc, Arkansas) [MM Docket No. 97–31, RM–8930] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3656. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Idaho Falls, Idaho) [MM Docket No. 97–14, RM–8916] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3657. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Driggs, Idaho) [MM Docket No. 97–39, RM–8905] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3658. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Homedale, Idaho) [MM Docket No. 97–15, RM–8927] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3659. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 96F–0370] received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3660. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by David J. Scheffer, of Virginia, to be Ambassador at Large for War Crimes Issues, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

3661. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by John Christian Kornblum, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Federal Republic of Germany, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

3662. A communication from the President of the United States, transmitting a letter notifying Congress that on May 29 and May 30, due to the uncertain security situation and the possible threat to American citizens and the American Embassy in Sierra Leone, approximately 200 U.S. military personnel, including an 11-member special forces detachment, were positioned in Freetown to prepare for the evacuation of certain U.S. Government employees and private U.S. citizens (H. Doc. No. 105–93); to the Committee on International Relations and ordered to be printed.

3663. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General for the period October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b);

to the Committee on Government Reform and Oversight.

3664. A letter from the Secretary of Education, transmitting the semiannual report to Congress on Audit Follow-up for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3665. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3666. A letter from the Secretary of Transportation, transmitting the annual report on the valuation of the U.S. Coast Guard Military Retirement System for plan year ending 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

3667. A letter from the Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—General Provisions, Definitions: Change in Organizational Title from Field Director and Field Area to Regional Director and Region (National Park Service) (RIN: 1024–AC60) received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3668. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Hook-and-Line Gear in Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 052897B] received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3669. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 052897A] received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3670. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector [Docket No. 970403076–7114–02; I.D. 053097A] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3671. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Pollock in the Western Regulatory Area [Docket No. 961126334–7025–02; I.D. 053097B] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3672. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Resources.

3673. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Big Sandy River, mile 2.1 to mile 3.1 (Coast Guard) (RIN: 2115–AA97) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3674. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Security Zone; Elizabeth River, Norfolk, VA (Coast Guard) [CGD 05–97–032] (RIN: 2115–AA97) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3675. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Fireworks Displays within the First Coast Guard District (Coast Guard) [CGD01–97–009] (RIN: 2115–AE46) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3676. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–33] received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3677. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Information Reporting on Transactions with Foreign Trusts and on Large Foreign Gifts [Notice 97–34] received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3678. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Investment Credit on Transition Property [Utilities Industry Coordinated Issue] received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3679. A letter from the Secretary of Health and Human Services and the Commissioner of the Social Security Administration, transmitting the report of the 1994–1995 Advisory Council on Social Security, Volumes I and II, pursuant to 42 U.S.C. 907(d); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 162. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 105–120). Referred to the House Calendar.

Mr. CANADY: Committee on the Judiciary. House Joint Resolution 54. Resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 105–121). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1277. Referral to the Committee on Commerce extended for a period ending not later than June 9, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN:

H.R. 1795. A bill to amend the Internal Revenue Code of 1986 to remove the dollar limitation on payment of benefits from a defined benefit plan maintained by a State or local government for the benefit of employees of the police department or fire department; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 1796. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including Bosnia, for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY (for himself, Mr. Lipinski, Mr. Riggs, Mr. Goodling, Mr. Davis of Virginia, Mr. Flake, Mr. Watts of Oklahoma, Mr. Talent, Mr. Bob Schaffer, Mr. Hoekstra, Mr. Hall of Texas, Mr. Ensign, Mr. Bliley, and Mr. Boehner):

H.R. 1797. A bill to provide scholarship assistance for District of Columbia elementary and secondary school students; to the Committee on Government Reform and Oversight.

By Mr. BAKER (for himself and Mr. Bachus):

H.R. 1798. A bill to reform the program of the Department of Housing and Urban Development for disposition of single family properties in the inventory of the Department for use for the homeless; to the Committee on Banking and Financial Services.

By Mr. BARCIA of Michigan (for himself, Mr. Dingell, Mr. LoBiondo, Mr. Camp, Mr. Dellums, Ms. Kilpatrick, Ms. Jackson-Lee, Mr. Solomon, Ms. Stabenow, Mr. Strickland, and Mr. Stupak):

H.R. 1799. A bill to amend title 23, United States Code, to provide for greater local input in transportation planning, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Mr. Houghton, Mr. Baldacci, Mr. English of Pennsylvania, Mr. Holden, Mr. Walsh, Mr. McHugh, and Mr. Kind of Wisconsin):

H.R. 1800. A bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit; to the Committee of Ways and Means.

By Mr. BROWN of California (for himself and Mr. Miller of California):

H.R. 1801. A bill to authorize the United States Man and the Biosphere Program, and for other purposes; to the Committee on Science.

By Mr. BURTON of Indiana (for himself and Mr. CONDIT):

H.R. 1802. A bill to suspend United States development assistance for India unless the President certifies to Congress that the Government of India has taken certain steps to prevent human rights abuses in India; to the Committee on International Relations.

By Mr. CLAY (for himself and Mr. MARTINEZ both by request):

H.R. 1803. A bill to assist State and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CRAMER:

H.R. 1804. A bill to designate the Federal building located at 210 Seminary Street in Florence, AL, as the "John McKinley Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. DOOLITTLE:

H.R. 1805. A bill to amend the Auburn Indian Restoration Act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and for other purposes; to the Committee on Resources.

By Mr. DOYLE (for himself, Mr. CALVERT, Mr. BROWN of California, Mr. ROEMER, Mr. MOLLOHAN, Mr. COYNE, Mr. COBURN, Mr. GORDON, Mr. KLINK, Mr. MASCARA, Mr. NEY, Mr. FOLEY, Ms. LOFGREN, Mr. ENGLISH of Pennsylvania, and Mr. ROHRABACHER):

H.R. 1806. A bill to provide for the consolidation of the Office of Fossil Energy and the Office of Renewable Energy and Energy Efficiency of the Department of Energy; to the Committee on Science.

By Ms. ESHOO (for herself, Mr. MCDERMOTT, Mr. SCHUMER, Mr. MILLER of California, Mr. TIERNEY, and Mr. WEYGAND):

H.R. 1807. A bill to impose a limitation on lifetime aggregate limits imposed by health plans; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1808. A bill to prohibit the relocation of certain Marine Corps helicopter aircraft to Naval Air Station Miramar, CA; to the Committee on National Security.

By Mr. FOX of Pennsylvania:

H.R. 1809. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Ms. DUNN of Washington, Mr. PITTS, Mr. DELAY, Mr. SAM JOHNSON, Mr. WELLER, Mr. RIGGS, Mr. WATTS of Oklahoma, Mr. SHIMKUS, Mr. PAUL, Mr. COMBEST, Mr. THORNBERRY, Mr. SESSIONS, Mr. BRADY, and Mrs. MYRICK):

H.R. 1810. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for higher education; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington (for himself, Ms. DUNN of Washngton, Mr. NETHERCUTT, Mr. SMITH of Oregon, Mrs. CHENOWETH, and Mr. HILL):

H.R. 1811. A bill to ensure the long-term protection of the resources of the portion of the Columbia River known as the Hanford Reach; to the Committee on Resources.

By Mr. HEFLEY (for himself, Mr. INGLIS of South Carolina, Mr. CRANE, Mr. STENHOLM, Mr. BARTLETT of Maryland, Mr. HERGER, and Mr. HOSTETTLER):

H.R. 1812. A bill to provide for the elimination of the Department of Education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA (for himself, Mr. FRANKS of New Jersey, Mr. ENGLISH of Pennsylvania, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. BROWN of California, Mr. HASTINGS of Florida, Mr. BARRETT of Wisconsin, Ms. CARSON, Mr. MORAN of Virginia, Mr. STARK, Mr. CLAY, Mrs. CLAYTON, Mr. KILDEE, Mr. FROST, Mr. LUTHER, Mr. FILNER, and Mr. COOK):

H.R. 1813. A bill to protect the privacy of the individual with respect to the social security number and other personal information, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUTHER (for himself and Mr. RAMSTAD):

H.R. 1814. A bill to provide for the termination of further production of the Trident II (D–5) missile; to the Committee on National Security.

By Mr. MCDERMOTT (for himself, Mr. NADLER, Mr DELLUMS, Ms LOFGREN, Mr. RUSH, Mr. BARRETT of Wisconsin, Mrs. MINK of Hawaii, Mr. FROST, Mr. MILLER of California, and Mr. TORRES):

H.R. 1815. A bill to protect the privacy of health information in the age of genetic and other new technologies, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1816. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for public and nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 1817. A bill to require that employers offering benefits to associates of its employees who are not spouses or dependents of the employees not discriminate on the basis of the nature of the relationship between the employee and the designated associates; to the Committee on Education and the Workforce.

By Mr. RIGGS (for himself, Mr. MARTINEZ, Mr. GOODLING, Mr. SCOTT, and Mr. GREENWOOD):

H.R. 1818. A bill to Amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1998, 1999, 2000, and 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROTHMAN (for himself, Mr. FROST, and Ms. CHRISTIAN-GREEN):

H.R. 1819. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of lifetime learning accounts for the purpose of accumulating funds to pay the qualified expenses related to higher education and job training of the taxpayer and the taxpayer's family; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. CAMP):

H.R. 1820. A bill to delay the application of the substantiation requirements to reimbursement arrangements of certain loggers; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 1821. A bill to require the Attorney General to add to schedule III of the Controlled Substances Act, the "club" drugs ketamine hydrochloride and gamma hydroxybutyrate; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself, Mr. MCINTYRE, Ms. LOFGREN, Mr. FROST, Mr. FARR of California, Mr. ENGLISH of Pennsylvania, Mr. MORAN of Virginia, Mr. DOOLEY of California, Mr. ROEMER, Mr. MILLER of California, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. LAMPSON, Mr. MCGOVERN, Mr. BROWN of California, Mr. BOYD, Ms. STABENOW, Ms. HOOLEY of Oregon, Mr. PAYNE, Mr. FORD, Mr. MATSUI, Mr. SNYDER, Ms. CHRISTIAN-GREEN, Ms. ESHOO, Ms. SANCHEZ, Mr. FILNER, Mr. PETERSON of Minnesota, Mr. MINGE, Mr. CONDIT, Mr. HOLDEN, Mr. FAZIO of California, and Mr. TIERNEY):

H.R. 1822. A bill to establish State infrastructure banks for education; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEYGAND:

H.R. 1823. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

By Mr. WYNN (for himself, Mr. RUSH, Mr. CUMMINGS, Ms. LOFGREN, Mrs. MEEK of Florida, Ms. HOOLEY of Oregon, Mr. FROST, Mr. FARR of California, Mr. UNDERWOOD, Mr. BROWN of California, and Mr. BALDACCI):

H.R. 1824. A bill to amend the Small Business Act to increase the annual Government-wide goal from 20 percent to 25 percent for procurement contracts awarded to small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women; to the Committee on Small Business.

By Mr. GILMAN (for himself, Mr. YOUNG of Alaska, and Mr. FALEOMAVAEGA):

H. Con. Res. 92. Concurrent resolution to recognize the value of continued friendly relations between the United States and the Republic of the Marshall Islands, and for other purposes; to the Committee on International Relations.

By Mr. FOX of Pennsylvania (for himself, Mr. WELLER, Mr. GILMAN, Mr. LINDER, Mr. LAZIO of New York, Mr. PAXON, Mr. SAXTON, Ms. MOLINARI, Mr. FORBES, Mrs. LOWEY, Mr. ENGEL, Mr. ACKERMAN, Mr. MANTON, Mr. ORTIZ, Mr. WAXMAN, Mr. KENNEDY of Massachusetts, Mr. WELDON of Pennsylvania, Ms. SLAUGHTER, Mr. HOYER, Mr. CARDIN, Mr. STARK, and Mr. SOLOMON):

H. Con. Res. 93. Concurrent resolution concerning the Palestinian Authority and the sale of land to Israelis; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 94. Concurrent resolution condemning the military coup d'etat of May 26, 1997, in Sierra Leone; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

116. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 2 memorializing the President, Congress, and the Secretary of Agriculture of the United States to design and implement adjustments to the Federal milk marketing order system that are equitable to Minnesota's family dairy farmers; including reassessment of the use of wholesale price indicators derived from trade on the Green Bay Cheese Exchange; to the Committee on Agriculture.

117. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 107 memorializing the United States Department of State to adopt a guarantee of unimpeded access to orphaned and abandoned children by Americans as a tenet of foreign policy when negotiating treaties; to the Committee on International Relations.

118. Also, a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution 9 urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production; to the Committee on Resources.

119. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution 8 requesting the United States Congress to enact legislation requiring out-of-state mail order sellers to collect and submit use taxes on goods delivered in those states that impose them; to the Committee on the Judiciary.

120. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 1 memorializing Congress to support legislative initiatives to mitigate the economic competition among the states that has resulted from the adoption of targeted business incentive programs; to the Committee on the Judiciary.

121. Also, a memorial of the General Assembly of the State of Iowa, relative to House Concurrent Resolution 23 requesting that the Congress of the United States maintain and renew its commitment to America's corn growers and this Nation's ethanol industry by supporting a tax exemption and by taking other actions to increase this Nation's commitment to the production and use of ethanol; to the Committee on Ways and Means.

122. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution 177 urging the United States Congress to adopt a local purchase requirement for the purchase of cigarettes by military and Coast Guard facilities in Alaska and Hawaii; jointly to the Committees on National Security and Transportation and Infrastructure.

123. Also, a memorial of the General Assembly of the State of Rhode Island, relative to Senate Resolution 97–S 971 memorializing the President and the Congress to improve funding for Federal assistance programs for legal aliens; jointly to the Committees on Ways and Means and Agriculture.

124. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution 242 urging Hawaii's Congressional Delegation to support Federal proposals to redirect revenues from the Federal motor fuels tax increases into the Highway Trust Fund; jointly to the Committees on Ways and Means, the Budget, and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Ms. KAPTUR introduced a bill (H.R. 1825) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Mighty John III;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. SNYDER.

H.R. 18: Mr. COOKSEY, Mr. LIVINGSTON, Ms. CHRISTIAN-GREEN, Mr. PAUL, Mr. HEFNER, Ms. MOLINARI, and Mr. BARRETT of Wisconsin.

H.R. 45: Mr. FILNER.

H.R. 66: Mr. HOLDEN and Mr. MCCOLLUM.

H.R. 76: Mr. WAMP, Ms. BROWN of Florida, Mr. GILCHREST, Mr. STARK, Mr. ENGEL, Mr. FOX of Pennsylvania, Mr. SKEEN, and Mr. CUMMINGS.

H.R. 123: Mr. LAHOOD, Mr. COOK, Mr. STEARNS, Mr. SHADEGG, Mr. SPENCE, and Mr. FRANKS of New Jersey.

H.R. 158: Mr. CLAY, Mr. MCHUGH, Mr. SAM JOHNSON, Mr. STUMP, Mr. ROYCE, Mr. BISHOP, Mr. PETERSON of Minnesota, Mr. FOX of Pennsylvania, Mr. LATOURETTE, Mr. CAMP, Mr. FORBES, Mrs. EMERSON, Mr. MCINTYRE, Mr. BONIOR, Mr. TURNER, Mr. REYES, Mr. HASTINGS of Washington, Mr. CHAMBLISS, Mr. GALLEGLY, Mr. LINDER, Mr. LAHOOD, Mr. BLUNT, Mr. THORNBERRY, and Mr. FAZIO of California.

H.R. 159: Ms. DUNN of Washington.

H.R. 160: Mr. BARRETT of Nebraska.

H.R. 176: Mr. FOX of Pennsylvania, Mr. EHLERS, and Mrs. LINDA SMITH of Washington.

H.R. 195: Mr. FOX of Pennsylvania.

H.R. 197: Mr. FRANK of Massachusetts.

H.R. 198: Mr. BAKER and Mr. TOWNS.

H.R. 218: Mr. CHAMBLISS and Mr. ENGLISH of Pennsylvania.

H.R. 222: Mr. PORTER and Mr. BAKER.

H.R. 404: Mr. PACKARD.

H.R. 409: Mr. PALLONE, Ms. CHRISTIAN-GREEN, Mr. BISHOP, Ms. MOLINARI, Mr. LAMPSON, Mr. BILBRAY, Mr. BARTLETT of Maryland, Mr. FRELINGHUYSEN, Mr. LARGENT, Mr. WELDON of Pennsylvania, Mr. RAMSTAD, Mr. COOK, and Mr. HUNTER.

H.R. 411: Ms. KILPATRICK.

H.R. 465: Mr. LEWIS of Georgia.

H.R. 484: Mr. CHABOT and Mr. STUMP.

H.R. 536: Ms. MOLINARI.

H.R. 586: Mr. BUNNING and Mr. MALONEY of Connecticut.

H.R. 588: Mr. GOODLATTE and Ms. MCCARTHY of Missouri.

H.R. 611: Mr. STOKES, Mr. SAWYER, Mr. GREENWOOD, Mr. POSHARD, Mr. KLINK, Mr. PETERSON of Minnesota, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 612: Mr. MEEHAN, Mr. SPENCE, and Mr. BALDACCI.

H.R. 674: Mr. PICKERING.

H.R. 712: Mr. WISE.

H.R. 768: Mr. CALVERT and Mr. CANADY of Florida.

H.R. 807: Ms. DELAURO.

H.R. 836: Ms. CHRISTIAN-GREEN, Mr. EVANS, Mr. MATSUI, Mr. PICKETT, Mr. FARR of California, Mr. DAVIS of Virginia, and Mr. GILLMOR.

H.R. 840: Mr. ENSIGN, Ms. LOFGREN, Mr. EVANS, and Mr. CLYBURN.

H.R. 883: Mr. NETHERCUTT.

H.R. 901: Mr. FOLEY, Mr. RIGGS, Mr. BRADY, Mr. SCARBOROUGH, Mr. DELAY, and Mr. TAYLOR of Mississippi.

H.R. 939: Mr. BACHUS.

H.R. 955: Mr. CLYBURN.

H.R. 978: Ms. VELÁZQUEZ and Mr. GIBBONS.

H.R. 981: Mr. CANADY of Florida, Mr. YATES, Mr. DELLUMS, Mr. FILNER, and Mr. BLAGOJEVICH.

H.R. 982: Mr. CANADY of Florida.

H.R. 1010: Mr. BARRETT of Nebraska.

H.R. 1022: Mr. WEXLER.

H.R. 1031: Mr. CUMMINGS.

H.R. 1032: Mr. KOLBE.

H.R. 1068: Mr. DEAL of Georgia and Mr. WELDON of Pennsylvania.

H.R. 1070: Mr. WATTS of Oklahoma and Mr. ACKERMAN.

H.R. 1077: Mrs. KENNELLY of Connecticut.

H.R. 1104: Mr. RUSH, Mr. WATT of North Carolina, and Ms. STABENOW.

H.R. 1126: Mrs. MCCARTHY of New York, Mr. POMEROY, Mr. Bentsen, and Mr. ABERCROMBIE.

H.R. 1129: Mr. MCCOLLUM, Mr. DICKS, Mr. MCHUGH, Mr. MCDADE, Mr. CUMMINGS, and Mr. GILCHREST.

H.R. 1146: Mr. DOOLITTLE.

H.R. 1151: Mr. OBERSTAR, Mr. MASCARA, Mr. FOGLIETTA, Mr. DICKS, and Mr. CALVERT.

H.R. 1153: Mr. PAUL.

H.R. 1160: Mr. HINCHEY.

H.R. 1165: Mr. FRANK of Massachusetts.

H.R. 1169: Mr. BENTSEN, Mr. LAMPSON, Mr. LUCAS of Oklahoma, Mr. CAMPBELL, Mr. OLVER, Ms. DEGETTE, and Mr. MALONEY of Connecticut.

H.R. 1176: Mr. TOWNS.

H.R. 1219: Mr. Vento and Mr. Fattah.

H.R. 1220: Mr. Hastings of Washington and Mr. Sensenbrenner.

H.R. 1231: Mr. LaFalce and Mr. Collins.

H.R. 1247: Mr. Forbes, Mr. Baker, and Mr. Crapo.

H.R. 1288: Mr. Linder.

H.R. 1290: Mr. Ehlers.

H.R. 1298: Mr. Ensign and Mr. Norwood.

H.R. 1299: Mr. LaHood, Mr. Filner, Mr. Canady of Florida, Mr. Blunt, Mr. Bateman, Mr. Bachus, Mr. Graham, Mr. McIntyre, and Mr. Smith of Michigan.

H.R. 1320: Ms. Lofgren.

H.R. 1354: Mr. Thompson and Mr. Kind of Wisconsin.

H.R. 1355: Mr. Dellums, Mr. McGovern, and Mr. Bliley.

H.R. 1357: Mr. Canady of Florida.

H.R. 1373: Mr. Lewis of Georgia and Mr. Moakley.

H.R. 1375: Ms. Jackson-Lee, Mr. LaFalce, and Ms. Molinari.

H.R. 1380: Ms. Woolsey.

H.R. 1404: Mr. Markey, Mr. Kucinich, Mr. Hinchey, Mr. Olver, Mr. Rush, Ms. Christian-Green, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Kennedy of Massachusetts, Mr. Filner, Ms. McKinney, Mr. Blumenauer, Ms. DeGette, Mr. Gutierrez, Mr. Farr of California, Ms. Rivers, Mr. Lampson, Mr. Evans, Mr. Barrett of Wisconsin, Mr. Delahunt, Mr. Payne, Mr. Dellums, Mr. Clay, Mr. Sanders, Ms. Furse, Mrs. Kennelly of Connecticut, Mrs. Lowey, Mr. Berman, Ms. Roybal-Allard, Mr. DeFazio, Mr. Thompson, Mr. Pastor, Mr. Pascrell, Mr. Dixon, Mr. Sherman, and Mr. Schumer.

H.R. 1427: Mr. Mica.

H.R. 1437: Mr. Nadler, Mr. Moran of Virginia, Mr. Dellums, and Mr. Filner.

H.R. 1441: Mr. McIntosh, Mrs. Thurman, and Mr. Hulshof.

H.R. 1442: Ms. Waters, Mr. Barrett of Wisconsin, and Mr. Hinchey.

H.R. 1456: Mr. Filner.

H.R. 1474: Ms. Sanchez.

H.R. 1504: Mrs. Emerson, Mr. Gordon, and Mr. Boehlert.

H.R. 1506: Mr. Lewis of Georgia, Mr. Oberstar, and Mr. Hastings of Florida.

H.R. 1507: Mr. Lewis of Georgia and Mr. Wise.

H.R. 1519: Mr. Gallegly, Ms. Woolsey, and Mr. Jackson.

H.R. 1524: Mr. Snyder and Mr. Dickey.

H.R. 1525: Ms. Jackson-Lee, Mr. Maloney of Connecticut, and Mr. Hilliard.

H.R. 1532: Mr. Lazio of New York, Mr. Young of Alaska, Mr. Largent, Mr. Combest, Mr. Latham, Mr. Bartlett of Maryland, Mr. Houghton, Mr. Ewing, Mr. Ehlers, Mr. King of New York, Mr. Doolittle, Mr. Bachus, Mr. Deal of Georgia, Mrs. Emerson, Mrs. Myrick, Mr. Paxon, Mr. Fox of Pennsylvania, Mrs. Chenoweth, Mr. Horn, Ms. Pelosi, Mr. Chambliss, Ms. Molinari, Mr. Kingston, Mr. Dreier, Mr. DeLay, Mr. Nethercutt, Mr. Shaw, Mr. Forbes, Mr. Hoekstra, Mr. Wolf, Mr. Packard, Mr. Oxley, Mr. Castle, Mr. Bunning of Kentucky, Mr. Pombo, Mr. Bliley, Mr. Skeen, Mr. Boehlert, Mr. Crane, Mr. Jones, Mr. Baker, and Mr. Collins.

H.R. 1565: Mr. Watkins and Mr. Wicker.

H.R. 1572: Mr. Clement and Ms. Hooley of Oregon.

H.R. 1573: Mr. Bonior, Mr. Barrett of Wisconsin, Mr. Adam Smith of Washington, and Mr. Poshard.

H.R. 1580: Mrs. McCarthy of New York, Mr. Ackerman, Ms. Slaughter, and Mr. Engel.

H.R. 1583: Mr. DeFazio.

H.R. 1596: Mrs. Meek of Florida, Mr. Berman, Mr. Bryant, Ms. Lofgren, and Mr. Bono.

H.R. 1620: Mr. Riggs.

H.R. 1682: Mr. Frost and Mr. Wynn.

H.R. 1683: Mr. Frost.

H.R. 1711: Mr. Reyes, Mr. Pickett, Mr. Sisisky, and Mr. Bonilla.

H.R. 1719: Mr. Clement, Mr. Blunt, Mr. Stump, Mr. Pickett, and Mr. Livingston.

H.R. 1737: Mr. Boucher.

H.R. 1765: Mr. Snyder and Mr. English of Pennsylvania.

H.R. 1766: Mr. Watts of Oklahoma, Mr. Skeen, Mr. Gonzalez, Mr. LaTourette, and Mr. Combest.

H.R. 1776: Mr. Blumenauer and Mr. Capps.

H.R. 1777: Mr. Blumenauer and Mr. Capps.

H.R. 1783: Mr. Neal of Massachusetts.

H.R. 1789: Mr. Pombo.

H.J. Res. 54: Mr. Rodriguez and Mr. Castle.

H.J. Res. 64: Mr. Calvert, Mr. Deutsch, and Mrs. Myrick.

H.J. Res. 67: Mr. Sam Johnson, Mr. Stenholm, Mr. Condit, and Mr. Goode.

H.J. Res. 76: Mr. Schumer and Mr. Crapo.

H. Con. Res. 19: Mr. Lantos.

H. Con. Res. 60: Mr. Bass, Mr. Strickland, Mr. Weygand, Mr. Cooksey, Mr. Ehlers, Mrs. Tauscher, Mr. Ortiz, Mr. Dicks, Mr. Delahunt, Mr. Holden, Mr. Saxton, Mr. Dixon, Mr. Quinn, Mr. Sisisky, Mr. Owens, Mrs. Kennelly of Connecticut, Mr. Tiahrt, Mr. Skelton, Mr. Filner, Mr. Frost, Ms. Rivers, Mr. Davis of Illinois, Mr. Talent, Mr. Meehan, Mr. Nadler, Mr. Hall of Texas, Mr. Ehrlich, Mr. Levin, Mr. Linder, Mr. Clyburn, Mr. Markey, Mr. Sanders, Ms. Furse, Mr. DeLay, Mr. Berry, Mr. Gibbons, Mr. Frank of Massachusetts, Mr. Coble, Mr. Hunter, Mr. Hastings of Florida, Ms. Slaughter, Mr. Jones, Mr. Paxon, Mr. Bunning of Kentucky, Mr. Radanovich, Mr. Payne, Mr. Torres, Mr. Collins, Mr. Shays, Mr. McCrery, Ms. Eshoo, and Ms. DeLauro.

H. Con. Res. 75: Ms. Furse.

H. Con. Res. 80: Mr. Towns, Mr. Doyle, Mr. Dickey, Mr. Rush, Mr. Lipinski, Ms. Kaptur, Mr. Clyburn, Mr. Bonior, Mr. Klug, Mr. LaTourette, and Mr. Gordon.

H. Con. Res. 91: Mr. McNulty and Mr. Waxman.

H. Res. 139: Mrs. Myrick and Mr. Ballenger.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1525: Mr. Pascrell.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

16. The SPEAKER presented a petition of the Board of Directors, Federation of Asian People on Guam, relative to Resolution No. 97–1 commending and supporting Representative George Miller on his legislation to strip CNMI of many of its immigration and labor powers; to the Committee on Resources.

EXTENSIONS OF REMARKS

H.R. 1795, RESCIND DOLLAR LIMITATION ON POLICE AND FIREFIGHTER BENEFIT PLANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 1795, legislation to amend the Internal Revenue Code of 1986 to remove the dollar limitation on payment of benefits from a defined benefit plan maintained by a State or local government for the benefit of employees of the police department or fire department.

I am introducing this bill in an attempt to be fair to our local and State fire and police officials—those who day in and day out place their lives on the line for our protection.

As my colleagues may know, police officers and firefighters throughout most of the country are eligible to retire under certain defined benefit plans which generally allow for retirement after a fixed number of years of service. Typically, such services entails 20 or 25 years, regardless of age. Retirement benefits generally are based on a percentage of the retiring officer's highest 3-year salary average, and start at about 50 percent of that average. The average in most instances increases with additional years of service but usually does not exceed 65 to 75 percent.

Accordingly, many officers, living along the east coast or in large metropolitan and surrounding suburban areas throughout the country, are forced to work past their general retirement age in order to afford the high cost of living in these areas.

If we are going to continue to expect these men and women to protect our neighborhoods, we should at least allow them the opportunity to collect the money they have paid into their own pension. After all, under the Tax Code we allow those participants in private pension funds to collect the money they have paid, once vested. Why then don't we allow those who risk their lives and protect our streets on our behalf to collect the money they have both paid and earned?

H.R. 1795, does not provide any loss in Federal tax revenue dollars and, in fact, will increase revenue. Under current practice the moneys paid into these municipal pension funds are not required to be accounted for by the IRS unless collected by the retiree. Should we repeal these special provisions, under section 415, tax revenue would now be collected on the funds dispensed to retired police officers and firefighters.

H.R. 1795 is an issue of fairness.

I urge all of my colleagues to cosponsor this legislation and support our police and fire officials' efforts to collect their full pension benefits upon retirement.

H.R. 1795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF DOLLAR LIMITATION ON BENEFIT PAYMENTS FROM A DEFINED BENEFIT PLAN MAINTAINED FOR CERTAIN POLICE AND FIRE EMPLOYEES.

(a) IN GENERAL.—Subparagraph (G) of section 415(b)(2) of the Internal Revenue Code of 1986 is amended by striking "participant—" and all that follows and inserting "participant, subparagraphs (C) and (D) of this paragraph and subparagraph (B) of paragraph (1) shall not apply."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 1996.

CONGRATULATING PHIL FRIEDMAN ON HIS RECEIVING THE LIFETIME ACHIEVEMENT AWARD FROM THE EMANUEL FOUNDATION FOR HUNGARIAN CULTURE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in congratulating Mr. Phil Friedman, founder of Computer Generated Solutions [CGS], who is receiving on June 8, 1997, the Lifetime Achievement Award from the Emanuel Foundation for Hungarian Culture. This richly deserved recognition highlights the outstanding accomplishments of a remarkable man.

An immigrant from the Soviet Union in 1976, Phil came to the United States with his wife, Rose, a few hundred bucks, even fewer English words, and a determination to succeed. In this new chapter of his life, Phil became a model immigrant and lived the American dream. From his business success to his impressive charitable and philanthropic commitments to his community, he has become an inspiration to all who know him.

Although he was trained in both electronic engineering and in accounting and finance, Phil discovered that the first requirements of life in America were learning both the language and cutting edge skills. He went to school to learn English and study computers, while Rose studied accounting. Much to his surprise, his first job lasted only 6 months before he was laid off for lack of work. Although the shock of unemployment was a new sensation to a man from the Soviet Union, Phil landed on his feet as a programmer, and then director of management information systems, in a major apparel firm. From his experience integrating software for the firm, he developed the innovative idea that would change his life yet again.

In 1984, Phil discovered that the systems integration software and techniques he had mastered could serve the entire fashion industry and not just one firm. He formed CGS and immediately landed a number of major companies as clients. In 1994, he bought out the software company on which his business depended and has invested millions to upgrade the products and remain competitive.

Today CGS employs nearly 1,000 people with offices in seven major cities and business partnerships throughout Europe, North America, and East Asia. Phil's 5-year plan to expand his operations and dramatically increase CGS revenues is well underway.

Mr. Speaker, Phil Friedman is a man who started with virtually nothing but the determination to not only survive, but succeed, in a new, unfamiliar, and highly competitive country. From his spectacular success he has sought to return as much as possible to his community and adoptive country. I am proud to invite my colleagues to join me in congratulating Phil and celebrating his lifetime of achievement.

SUPPORT FOR AUTISM FUNDING

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. ROTHMAN. Mr. Speaker, I rise today to share some facts about a disease that is very close to my heart—as it is to thousands of other Americans—autism. My nephew, Jack, the son of my twin brother, is afflicted with this disease and his illness has educated our entire family about how little is known, and how much still needs to be learned, about autism.

I want to tell my colleagues a few things about autism that will not be learned from watching the movie "Rain Man." Autism is not rare. It affects 400,000 people in the United States. One in 500 children born today will be autistic. Though 5 percent will make strides with early intervention, 95 percent of those affected will never marry, have a meaningful job, or live on their own. More than half will never learn to speak.

Autism affects more people than multiple sclerosis, cystic fibrosis, and childhood cancer combined, yet autism still receives less than 5 percent of the research funding of these other diseases. Autism costs America over $20 billion dollars each year, yet just last year the NIH spent only $31 per child on autism research, significantly less than what is spent on other diseases which affect fewer individuals.

Until very recently, there was no hope for people with autism. For 30 years, psychiatrists mistakenly thought of autism as an emotional problem, the fault of bad parenting. As a result of this tragic mistake, parents did not organize, no medical research was funded, no scientists were encouraged to enter the field, no progress was made and another generation of autistic children was lost.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

But while the world ignored people with autism, science marched on, largely through the support Congress has given to the National Institutes of Health. The strides that science has made in neurology, immunology, and genetics are unbelievable. We have gone from penicillin to gene therapy in the span of a single lifetime. We live in a world of miracles and wonders. In an age when important discoveries are being made in other diseases every day, we cannot let another generation of children slip away.

I have recently met with the parents and professionals of a group called CURE AUTISM NOW, and they have let me know that there is hope for people with autism. The top neurologists and geneticists in the country say that autism will yield to medical research, there will be prevention, treatments, and maybe even a cure. It is only a question of time, energy, money, and will.

Sick children are at a special disadvantage in this world. They cannot raise money for research, they do not vote, they have no political access. Their voices are small and soft. This is even more so for autistic children, many of whom have no voice at all and whose parents are distracted and depleted by the challenges of caring for them, fighting for insurance coverage, fighting the State for services, and fighting exhaustion, disillusionment and despair. It is, therefore, no surprise that pediatric illnesses are funded at a level far below diseases that affect adults.

Recently, the parents of autistic children have visited me and many other Members and their staffs to inform us about autism and the deficiency in current spending. We hope that Congress will support strong report language encouraging the NIH to redouble its efforts in the fight against autism. In particular, I encourage my colleagues to support Centers of Excellence for Autism modeled after the very successful center program for Alzheimers.

I know that every disease is worthy and every parent's pain is deep. Human suffering is not a competitive sport to be ranked or rated. But in autism we have been so behind for so long, and there is so much progress to be made at this critical moment. I ask all of my colleagues to give us a helping hand, and find a cure for autism.

STATEMENT BY KRISTINA SWEET, HARWOOD UNION HIGH SCHOOL, REGARDING CHILD POVERTY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Harwood Union School in Vermont, who was speaking at my recent town meeting on issues facing young people.

Ms. SWEET. The instances of young children, children under age of 6 living in poverty in the United States has risen dramatically over the last two decades. Child poverty is a problem that encompasses urban, suburban, and rural areas and affects children of all ethnic backgrounds.

Between the years of 1975, 2 years after the lowest recorded child poverty level, 11.1 percent, the rate increased 39 percent, so that by 1994, one in four young children lived in poverty in the United States. Forty-five percent of all children under the age of 6 lived in poor or nearly poor families.

Because poverty has proved to be more detrimental to young children than to any other age group, because poverty often means hunger, poor health care, poor education, and even because of the economic problems of a future ill-prepared work force the issue of child poverty is one that necessitates immediate action.

Why the great rise in child poverty? Over the past two decades and especially since the beginning of the 1980's there has occurred an increasing gap between the rich and poor in this country. The average workers wages have declined since 1970 while the wealthiest fifth of the population has seen their incomes increased. This small distribution of wealth significantly affects the poverty of children when 62 percent of all poor children live with at least one working relative.

Even more important than reforming the welfare system will be the reform of an economy that has created the largest gap between the rich and the poor in any industrialized nation. In the past 2 years because of the increased funding of the welfare system and other programs, poverty rates have made a moderate decline. With the new welfare reform bill passed in 1996, loss of funding may cause another increase in child poverty. The work requirement of the new welfare bill will not be affected until backed up with adequate child care and health care programs and a reform of the economy.

Many welfare recipients also because they are unable to find work for a living wage and unable to care for their children while at work, single parents especially need to be provided with access to affordable and adequate child care and health services if they are to work outside of the home.

Children are the future leaders, the future work force, the future citizens of the United States of which one in four even today is living in poverty or near poverty or without many of the opportunities needed to live successfully as citizens of the United States.

Congressman SANDERS, I thank you for your time and urge you to consider the children of the Nation as much as possible in the future.

Poverty gives young children, especially young mothers, pregnant mothers, children can end up with low-birth weight and are more—after they are born—are more susceptible to disease and malnutrition and other health problems and are also more unable to get a good education as children of welfare.

It generally impacts the future of a child who grows up poor who has considerably less access to a good education, is less motivated in school and doesn't really see a way out of poverty.

Considering that welfare only takes up 2 percent of the Federal budget I think that more funding could be put into helping people who have children who are unable to make a decent wage, to help the children get a better education and get decent health care.

Most people that are receiving welfare are unable to make a decent wage and even if they are unable to pay for education that would provide them with a better job.

The percentage that I found was that only 2 percent of the population is receiving Federal aid and is entirely unemployed, so 62 percent of all families with four children are working, have at least one relative that is working, so I think that we need to provide people with better jobs, with better pay.

With the new computer technology there are a lot of jobs predicted but I do not think most people who are poor are properly educated to go in those sorts of fields.

CONGRATULATIONS TO ADAM JAMES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. VISCLOSKY. Mr. Speaker, it is truly my pleasure to rise today to congratulate Mr. Adam James on winning the 1997 Veterans of Foreign Wars of the United States and its Ladies Auxiliary Voice of Democracy broadcast script writing contest for Indiana. A resident of Hobart, IN, Adam is one of 54 high school students Nation wide to win a college scholarship for his script on the topic, "Democracy—Above and Beyond."

The Veterans of Foreign Wars of the United States and its Ladies Auxiliary is now in its 50th year of sponsorship for the Voice of Democracy audio-essay scholarship competition. The program requires high school student entrants to write and record a 3- to 5-minute essay on an announced patriotic theme. Adam James was sponsored by VFW Post 5365 and its Ladies Auxiliary in Hobart, IN. He was named the recipient of the $1,000 Department of Arizona and Auxiliary Harry A. Kosht Memorial Scholarship Award earlier this year. A junior at Hobart High School, Adam aspires to pursue a career in law.

Adam's winning broadcast script reads as follows:

Living in the United States, the one thing that I cherish is democracy. Waking every morning and not donning this cloak of freedom is a notion I cannot fathom. Many Americans, myself included, often take our freedom for granted. We treat it as a right instead of the privilege that it is. Fortunately for us, in our democratic society, freedom is a right.

I wish that I could praise my ancestors for providing me with freedom, but I cannot. I am not related to any of the soldiers who fought or played a part in the American Revolution. My father's family were immigrants who came here in the 1800s. My mother's side of the family came to the states after World War II.

Although they did not fight for America's freedom, my grandparents on my mother's side are subjects of a story that truly demonstrates what democracy is. My grandfather Nikola was a leader of a European underground movement against the Communist government. He used to tell stories about having to carry a semi-automatic pistol with his whenever he took my grandmother on a date. In fact, on the day he died, three years ago, he was still wanted dead or alive in the former Yugoslavia. In the 1940s, my grandfather was fighting against his government when Adolf Hitler invaded Eastern Europe. Being a high-ranking soldier, my grandfather knew that Hitler would imprison him, so he and my grandmother packed up their few possessions and escaped. They made it back on foot to middle Italy, where they were captured by German soldiers and placed in a work camp. Held as prisoners there, they slaved until the United Nations freed Europe from the grasp of the demoniacal Hitler. After the war, my grandparents were put in a detention camp, where my mother was born. Later, they moved to America, settled in the Midwest, and my grandfather became a steelworker. Here they bought a home and raised five children.

This is what makes democracy what it is. In their former country, my grandparents had to hide to prevent being killed and would have been lucky to live to the age of thirty. In America, they had a choice of how they wanted to live their life, and how they wished to raise a family. Few countries of this world would allow this to happen. Many countries claim to be democratic but impose laws similar to those of a third world dictatorship. If these and all other countries had a government like the one in the United States, the world would not carry the burden of wars, both civil and global. These disputes claim thousands of lives and ruin the families of those who die. Besides wars, millions of people die each year from starvation because of dictators withholding food from the poor citizens. If these people lived in the United States, they would still be alive today.

A democracy has many benefits for its citizens. Those who live in a democratic system are allowed to make choices that those in a communist or socialist society are not allowed to make. We are allowed to choose what career to pursue, and the amount of education we need in order to train for this career. Communist societies choose careers for their people at an early age and force them to endure the government's choice. Even if the people are successful with this venture, they cannot keep all profits made. These governments take all money earned by their subjects, then dole out an equal amount to each of them.

Although this provides a proverbial safety net for people, this monotonous equality cannot make for an enjoyable life. Under the quilt of democracy, people are allowed to choose their livelihood. People are allowed to strive to be better and not worry about giving extra earnings to the government. Democratic societies are fertile fields of hopes and aspirations.

Democracy is a way of life that all people should respect, although some people do not. I often become angry when I see images of people burning American flags or building militias against our government. I cannot comprehend how anyone could disagree with the concept of democracy. Then I have to stop and think of why this angers me. These people are just expressing themselves as our democracy allows them to do. This ability to express ourselves freely is what makes democracy so great. Burning the symbol of freedom that thousands of men have given their lives for is ignorant and wholly disrespectful, but these people are entitled to their opinion in a country such as America. The human mind has no boundaries in democracy. People can choose to do what they please, even if it is disrespecting the very idea that allows them to be free. This is what first attracted my grandfather to this great country. I am proud to live in a country where democracy is the type of government practiced.

Mr. Speaker, I would like to once again extend my most heartfelt congratulations to Mr. Adam James on his receipt of the Veterans of Foreign Wars and its Ladies Auxiliary "Voice of Democracy" national scholarship. His parents, Doug and Zagorka James, can be proud of their son for the tenacity he has displayed in achieving this most noteworthy accomplishment. This young man has a promising future ahead of him, which will undoubtedly include improving the quality of life in Indiana's First Congressional District.

IN HONOR OF ELLSWORTH G. STANTON III

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Ellsworth G. Stanton III. Tonight, the James N. Jarvie Commonweal Service will be celebrating his ministry in New York City.

Mr. Stanton, an Illinois native who is currently living in New York, has dedicated his life to serving others. As a ruling elder in the Presbyterian Church, he is the executive director of the James N. Jarvie Commonweal Service, an endowment administered by the church to provide services and financial assistance to elderly people in the New York area. Before joining the Commonweal Service, Mr. Stanton served the National Council of Churches of Christ, UNICEF and CARE, Inc.

Mr. Stanton's contributions to the community touch a wide variety of people. Among his many affiliations, he is a trustee of the New York Theological Seminary, the director of the New York City Mission Society, president of the John Milton Society for the Blind, president of the Brookwood Child Care Agency, president of the Third Street Music School Settlement and a delegate to the White House Conference on Aging.

Mr. Speaker, I ask my colleagues to join with me in saluting Ellsworth G. Stanton III. He has made innumerable contribuitions to many people in need in the New York metropolitan area. It is with gratitude that we honor him.

CONGRATULATING AMBASSADOR RONALD S. LAUDER ON BEING HONORED BY THE EMANUEL FOUNDATION FOR HUNGARIAN CULTURE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in congratulating Ambassador Ronald S. Lauder who is being honored June 8, 1997, at the annual dinner of the Emanuel Foundation for Hungarian Culture. Each year the Emanuel Foundation honors outstanding individuals whose service to the community and whose dedication to teaching current and future generations the history and lessons of the Holocaust deserve the highest recognition. Ambassador Lauder's unparalleled efforts toward these worthy goals merit our praise. I am delighted that the Emanuel Foundation has chosen to honor him this year.

Ambassador Lauder demonstrates his active support for culture and education in the United States through his leadership positions in some the our most distinguished institutions. He was elected chairman of the Board of Trustees of the Museum of Modern Art in New York, serves as a trustee for the New York Landmarks Conservancy and the World Monuments Fund, and is a member of the Board of Governors of the Joseph H. Lauder Institute of Management and International Studies at the University of Pennsylvania and the Visiting Committee of the Wharton School.

Ambassador Lauder's commitment to advancing our Nation's democratic and free market principles is underscored by his activities to assist in the economic, social, and political transformation of Central and Eastern Europe. A leading proponent of private enterprise in that region and in the former Soviet states, he is chairman of the Central European Development Corp. chairman and primary stockholder of Central Media Enterprises, Ltd., and has formed RSL Communications, Inc., a company involved exclusively in telecommunications investments. He has been involved in such projects as the privatization of Hungary's oldest bank, the development of the American Business Center at Checkpoint Charlie, and the opening of NOVA TV in Prague, which is the first privately owned television station in a former Communist country. Through his active involvement the economies of the former Soviet bloc and his efforts to build free and private media resources in those societies, Ambassador Lauder is making a tremendous contributions to the future prosperity and freedom of millions of people in Central and Eastern Europe.

Ambassador Lauder is being honored also for his passionate commitment to protecting and teaching Jewish culture and history, and preserving the Jewish legacy to the world. He serves as president of the Ronald S. Lauder Foundation which he founded in 1987 in response to the need to revitalize Jewish life across Central and East Europe where it has been devastated by the Holocaust. The foundation supports Jewish schools camps and community centers stretching across Eastern Europe from Austria to Ukraine.

Ambassador Lauder has further demonstrated his commitment to Jewish education and cultural prosperity by this leadership activities in some of the most important Jewish organizations and institutions in American and around the world. He is chairman of the International Public Committee of the World Jewish Restitution Organization and treasurer of the World Jewish Congress. He serves as President of the Jewish National Fund, chairman of the Jewish Heritage Council, director of the International Board of Governors of the International Society of Yad Vashem, member of the U.S. Holocaust Memorial Council, member of the Board of Directors of the Jewish Theological Seminary, member of the Board of Directors of the American Jewish Joint Distribution Committee, member of the Board of Trustees of the Anti-Defamation League Foundation, member of the Board of Trustees of the Abraham Fund, chairman of the Board of Trustees of the Sakharov Archives at Brandeis University, and member of the International Board of Governors of the Tel Aviv Museum.

Mr. Speaker, Ambassador Ronald Lauder is a man of outstanding commitment and accomplishment in the noblest of pursuits. His contributions to culture, education, and the spreading of democratic and free market principles is truly awe inspiring. Through his vast commitments to preserving and nurturing Jewish communal life both in the United States and in Eastern Europe, Ambassador lauder has made a tremendous and enduring contribution to the education of future generations about the Holocaust. I applaud the Emanuel Foundation for choosing to honor this remarkable American citizen and I invite my colleagues to join me in applauding Ambassador Lauder's continuing mission.

THE PERSONAL INFORMATION PRIVACY ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to introduce the Personal Information Privacy Act, a bill to protect individual privacy.

My legislation amends the Fair Credit Reporting Act to make it illegal for credit bureaus to release or sell Social Security numbers, unlisted phone numbers, birth dates, and mothers' maiden names. It also revises the Social Security Act and the Drivers' Protection Act of 1994 to ban the commercial use of Social Security numbers. Under the bill, victims can sue willful violators for up to $50,000 for damages and attorneys' fees. Businesses have 2 years after the date of enactment to comply with the new provisions.

This legislation is the House companion bill to the bi-partisan Personal Information Privacy Act, S. 600, introduced by Senators FEINSTEIN and GRASSLEY.

It's no secret that it is easier than ever before to learn private details about your friends, neighbors, strangers and even Members of Congress, whether from the Internet, credit bureaus, governments, or a variety of other sources. Time magazine has a story about it in this week's issue—it's called "No Privacy on the Web."

Nor can we soon forget the public uproar that resulted when the Social Security Administration put its earnings data on the World Wide Web. Thousands of users flocked to the site, knowing they could access personal data by just a Social Security number, birth date, mother's maiden name, and a few other bits of information. I was among those in Congress who urged the agency to discontinue the practice, which, thankfully, it did.

Few will dispute that the crime of identity-fraud is on the rise. Criminals steal their victims' account numbers, run up debts and even rent apartments in their name, then leave the victims with bad credit reports and a lengthy battle to reclaim their good name. Polls show that the number of Americans who are concerned about privacy is at an all-time high.

Unfortunately, this problem does not end with simple fraud. Stalkers can easily gain access to a person's unlisted phone number and home address. Before the passage of the 1994 Drivers Privacy Protection Act, there were no rules preventing any kind of personal information from being sold by State departments of motor vehicles. Now, over 40 States have laws preventing DMVs from selling this information. However, stalkers and other criminals can still access private information from DMVs in many States in order to find their victims much more easily.

Robert John Bardo, an obsessed fan of actress Rebecca Schaeffer of the television show, "My Sister Sam," wanted to find out her home address. When he got it, he went to her home and shot her to death. How did he get this unlisted address? From the California Department of Motor Vehicles, which included this information on its database.

As the Time magazine article pointed out, a little effort and ingenuity is all that is needed to access personal information about Members of Congress. The reporter was able to quite easily obtain information about Senator FEINSTEIN, including her driving record, lawsuits in which she is involved, her unlisted phone number, current and past addresses, campaign donations, and even her credit report.

Mr. Speaker, the Personal Information Privacy Act transcends party lines. Democrats and Republicans are equally at risk of having their identities stolen on their lives threatened. I hope that my colleagues will join me in supporting this legislation.

IN TRIBUTE TO RECIPIENTS OF THE GIRL SCOUT WOMEN OF DISTINCTION AWARD

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. COMBEST. Mr. Speaker, it is my distinct pleasure to rise today to give tribute to the three women of the Permian Basin who have been presented with the Girl Scout Women of Distinction Award. Shatzie Tighe of Midland, Betsy Triplett-Hurt of Odessa, and Kathlyn Dunagan of Monahans have distinguished themselves as positive role models for young women in their respective areas, and have been honored and recognized for their efforts both locally and now at the State level.

In our uncertain world, having positive influences in young people's lives is essential, but making time to spend with young people is not always easy for adults when demands are great. In touching these young women's lives, in helping them to grow into responsible and giving adults, and in giving them the best possible example to follow wherever they live in the future, these Texas women are truly women of distinction and I salute them.

I congratulate Shatzie Tighe, Betsy Triplett-Hurt, and Kathlyn Dunagan for their extraordinary efforts and for all they have done for their neighbors, their community, their State, and our Nation.

STATEMENT BY MARK OLSON, CHAMPLAIN VALLEY UNION HIGH SCHOOL, REGARDING COLLEGE FUNDING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Champlain Valley High School in Vermont, who was speaking at my recent town meeting on issues facing young people.

Mr. OLSON. Yes, hello. I am here today, Representative SANDERS and classmates, to talk about an issue that is very pressing for most of us high school students, the increase in college financing and the troubles around it.

If we look at the last ten years, since 1995 actually, at the money that has been put into the cost of college financing it has for the most part stayed the same. Government funding toward financial assistance has for the most part stayed the same. I know there was in a projected budget next year a $27 million increase, but that is not—for a national figure that is not a large increase whereas the costs of going to college since 1985 have been 2½ times that of inflation which is over 10 percent.

If you look at the people who applied for financial aid in the 1985 and received the funds compared to what their tuition costs were and then did a cost comparison today, the comparison will be hard to make. We need to increase educational funding at the equal rate of the rising college expenses if we plan to send students who are talented and motivated, ambitious and want to go to college. And I think it is the duty of the Government to not necessarily directly fund but at least provide a means so that a student who is college bound in the sense, literal sense that he is able to go to college.

I know that finance is certainly a contributing factor to a college decision, but in 1985 there were students who were deciding to go to one university or college over another because of financial reasons and there is nothing wrong with that competition, but now it has become not just a persuading factor, but I know there are a lot of students who apply to college and are forced to go to universities or colleges strictly because of unmet financial need, and I am curious about how we plan to remedy that situation.

I think that any student who has the potential to be a college graduate and is unable to finance their way there should not be held back, and it needs to be allowed and the Federal Government is certainly involved in that as it is now, but needs to allow it to happen, whether it needs to come out of their budget or needs to come out of a program.

There is a difference there because pleasure and—I do not want to say extra things, postsecondary school but a higher education right now is not a right, it is not, but I think it needs to be considered that we should not as a nation, not just the Government but as a nation discriminate against the less financially advantaged.

My problem is that my kids are smarter than yours, they work harder than yours, and they are being born into a life that is less fortunate and it is a cycle that has been repeating in this Nation for a long period of time and needs to stop.

I think that they should invest in me because I am an investment that is going to pay off and I am going to pay for their Social Security and I am going to undoubtedly—I mean, the students who are going to go to college have put in the hard work and are going to graduate are not just—I mean that money is not disappearing, it is being invested.

In the last 10 or so years a lot of these programs, like corporate welfare, national defense, they have not stayed the same and there have been in the last—if you look at the last 10 years every year there has been slight increases, increases, increases, and I want to know why those same moneys didn't go to VSAC Program and TRIO?

There has to be initiative taken because while these things were increasing, they were increasing with inflation so in order to have the military and the corporate welfare slowly increase year to year it is sort of like putting it on autopilot in some ways.

They were going up every year and that was actually considered traditional, regular, accepted where it should have stayed the same, so someone had to have gone out of their way to make the initiative to make sure it didn't grow.

TRIBUTE TO JOYCE BAYNES

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Joyce Baynes from Teaneck—a woman from my district who represents all that we aspire to be.

Her life story was told in a newspaper from my district, The Bergen Record, in its weekly "Inspirations" column.

Ms. Baynes did not quit when her husband died 2 days after her third child was born. She did not quit when she only had one salary and some survivor benefits to feed four hungry mouths. She did not quit when one of her children was diagnosed with Tourette's syndrome.

She persevered. She did all the things that a mother should do. And she did all the things a father should do. She is an example which we all should follow. Her success and that of her children is humbling to all.

Instead of using the challenges she faced as excuses for failure, Ms. Baynes used them as motivations to excel. She is unique and worthy of our mention on the floor of the U.S. House of Representatives today.

I submit the news article for the RECORD so that my colleagues, present and future, can draw inspiration from her.

The article follows:

[From the Bergen (NJ) Record, Apr. 27, 1997]

HARDSHIP ONLY DEEPENS A MOM'S LOVE

(By Caroline Brewer)

March 6, 1978, found Joyce Baynes reveling in one of the happiest days of her life. Her third son, Marcus, had just been born.

Two days later, she was writhing in the pain and sadness of one of the worst days of her life. Her 31-year-old husband, Walter Jay Baynes, had just died of systemic lupus disease.

The awesome collision of a son's birth and a husband's death left Joyce Baynes crushed. It was the end of the world she knew and loved and had hoped to spend the rest of her days delighting in.

"I felt totally helpless. Everything became just a fog," she recalled.

But with four mouths to feed on one salary and survivors' benefits, Baynes didn't have the luxury of disappearing into the fog. So she created a new world in the two-parent-flush suburb of Teaneck, a world centered on devotion to her sons.

Nearly 20 years later, Baynes basks in the light of three well-rounded young men—one a graduate of Dartmouth, one a junior at Princeton, and one a freshman at the Massachusetts Institute of Technology.

She's sure their father would have been proud. After all, Walter had degrees in physics and medicine from Dartmouth and Harvard and worked as an ophthalmologist and emergency room doctor.

Baynes herself has math degrees from Swarthmore and Harvard. A longtime educator, she joined Teaneck schools in 1988 as mathematics supervisor and in 1995 was promoted to assistant superintendent of curriculum and instruction.

She managed to juggle career and parenthood only by staying organized.

"I shopped on the weekends and cooked enough meals on Sundays to last the whole week," said Baynes, who is 50. "If you're going to try to beat all these odds, you have to plan."

Her plan was to keep sons Jeffrey, Jason, and Marcus busy. They were taught piano and played midget league baseball and basketball. They also sang in the choir of Christ Episcopal Church in Teaneck and were acolytes.

Despite Baynes' own hectic schedule, she was in the bleachers for all of the boys' sporting events, and, like a lot of fathers, coached them on their performance. "Arch it up! Bend your legs!" the tall, curly-haired mom would cry out during basketball games, to her sons' embarrassment.

Baynes' consistent presence made an impression.

"I remember one time I was supposed to play in a baseball game, and she got dizzy [from exhuastion] and had to go to the hospital. I wasn't going to go to the game, but she told me to go. Then, she came, too!" said Jason, now 21.

"I see how a lot of parents put their jobs first. But not my mom. Sometimes I'd call her and she'd be in an important meeting and she'd come to the phone," he added.

When she did come to the phone, Jeffrey, always a worry-wart, was struck by how she never seemed stressed.

"She could have a paper due Tuesday, a board meeting Wednesday, and be dealing with seven employees," he said. "But she would seem very calm and have a plan for how she's going to handle each thing."

Looking like a force of calm in the midst of a storm was just one way Baynes mothered by modeling the behavior she expected from her children.

"They didn't hear me cursing or lying or see me smoking. They also saw that the rules I set up for myself, I followed," Baynes explained.

"I remember Jason asking me how it is that [they] never had a desire to smoke or do drugs. It was just kind of our existence that we never had those desires," she elaborated.

Baynes' sons didn't have those desires, but they don't pretend to be angels. Jeffrey battles selfishness. Jason believes he's kin to Mario Andretti; one night two years ago, he was caught speeding down a highway at 100 mph.

Marcus had a long bout of immaturity, but now says his mother's integrity is so powerful, it haunts him hundreds of miles away at Cambridge, Mass.

"She's turned us into such honest people. I have some people say, 'Your mom's at home, you can do whatever you want.' But I won't. The respect for her is so great," Marcus said.

When Marcus turned 5, doctors confirmed that he had a mild case of Tourette's syndrome, which causes facial and vocal tics, jerking, and, in some people, involuntary uttering of obscenities.

Marcus displayed compulsive behavior, such as rewinding taped songs dozens of times to catch the lyrics. But he never cursed. Baynes believes that's because she didn't.

The Tourette's did boost Marcus' already high energy level, which in turn made the job of raising the three boys that much more difficult.

They argued, wrestled, and banged holes in the walls. Jason would scream and holler when it was time to go to bed. During their younger years, Baynes couldn't even take a bathroom break until her sons were in bed.

By day's end, she was drained.

"I used to just think I had bright kids, but when I reflected on all that I did, I realized I did play a big part in this," she laughed.

A big part, indeed. Even though the boys were intelligent, the eventual Teaneck High graduates weren't always motivated. Though Jeffrey was a fixture on the honor roll, Marcus and Jason didn't really focus on academics until their sophomore years. It was not any lecture from their mother, but her years of setting high standards, that eventually brought them around.

After graduation, Jeffrey, the oldest, tallest, and most reserved son, walked in his father's shoes to Dartmouth. He graduated in 1993 with a degree in math and works at the agricultural firm of American Cyanamid in Parsippany. He's also pursuing a master's degree.

Jason, the middle son, whose face and personality are most like his father's, is a junior at Princeton. Like Walter, the self-assured Jason plans to be a doctor, specializing in the study of the brain.

Marcus, the youngest son, who with his mother's love and patience mastered his academics as well as his Tourette's, is winding up his freshman year at Massachusetts Institute of Technology.

As for Joyce Baynes, the struggle is not over. Her income was too high for the boys to qualify for full scholarships to college. So she footed the $20,000-a-year bill for Jeffrey's stay at Dartmouth and still shells out more than $20,000 a year for schooling for Jason and Marcus.

Yet no one in the Baynes quartet would trade the creature comforts they've sacrificed, or even a new dad, for the new world that was forced on them when fate took an unexpected and agonizing turn.

"It would have been nice to have remarried," Baynes said, "but after three or four years of dating and nothing working or feeling right, I felt I had built such a relationship with the boys that it would have been hard to bring in someone new."

Jason, a toddler when his father died, always felt secure with just his mom. "I didn't even know people had two parents until maybe I was 9. I thought my life was great with just one parent," he said with the deep, throaty laugh the Baynes' boys share.

Marcus, too, likes his family as it is. He, most of all, used to pine for a father figure. "Sometimes I would get jealous when I'd see commercials and TV shows with kids playing with their father. We never got to do that.

"But," Marcus concluded, "I've lived a happy life. When people say a child needs a father and a mother, it depends on who you have. Not every child has a mother as wonderful as Joyce Baynes."

A SPECIAL SALUTE TO ARTISTIC DISCOVERY WINNERS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. STOKES. Mr. Speaker, I rise today to salute young students from the 11th Congressional District of Ohio who participated in the annual An Artistic Discovery competition. Later this month, student artwork from around the Nation will be placed on display in a special corridor of the U.S. Capitol. I take special pride in sponsoring the Artistic Discovery competition for students in my congressional district. The art contest provides an important means for recognizing the creative talent of our Nation's youth.

I am proud to report that An Artistic Discovery is enjoying great success in the 11th Congressional District. This year, students from 12 schools submitted a record 403 art entries. Our judge had the difficult task of selecting a winning entry from this outstanding collection of artwork.

Mr. Speaker, I want to offer a special salute to Monica Grevious, who is a 12th grade student at Bedford High School . Monica's work, a charcoal piece entitled "Mr. Armstrong" was judged Best-in-Show and the winner of the 1997 art competition. This represented another important stepping-stone for this young artist. I was pleased to learn that Monica also had two pictures commissioned for the new wing at Rainbow Babies and Children's Hospital in Cleveland. In addition, Monica plays the flute in the Cleveland Orchestra's Youth Orchestra and will study music next year at the Conservatory of Music in Cincinnati. I look forward to welcoming Monica to Washington, DC, for the grand opening of the Artistic Discovery national exhibition.

As we conclude the districtwide 1997 Artistic Discovery competition, I want to express my appreciation to Carol Edwards, mayor of the City of Cleveland Heights; Ted Sherron, vice president for student affairs at the Cleveland Institute of Art; Ernestine and Malcolm Brown, owners of the Malcolm Brown Gallery; and the Cleveland Institute of Art. I also want to thank the Cleveland Museum of Art; Richard J. Bogomolny and First National Supermarkets, Inc.; and the Cleveland Foundation. I am indebted to these individuals and others who have continued to support our annual competition.

Mr. Speaker, the 1997 Artistic Discovery competition was a tremendous success. As a supporter of the arts, I recognize the need to invest in our artists at a very early age. I offer my personal congratulations to students throughout the 11th Congressional District who participated in the art competition. Each student is a winner and should be saluted.

1997 ARTISTIC DISCOVERY COMPETITION PARTICIPANTS

BEAUMONT SCHOOL

Elise Birkmeer, Missy Blakely, Jennifer Bockmuller, Kim Cunningham, Cathy Davenport, Mary Katherine Fejes, Carol Ferkovic, Kit Gabele, Laura Golombek, Roberta Hannibal, Meredith Harger, Chrissy Havach, Sara Jenne, Molly Kohut, Raina Kratky, Quinn Kucia, Natalie Lanese, Megan Lewicki, Carmen Licate, Lindsay Maurath, Lisa Mawby, Aurora Mehlman, Christine Miller, Julie Miller, Hafzah Mueenuddin, Erin Oldenburg, Kristyn Rainey, Jennifer Reali, Jamie Reynolds, Christine Schneider, Carly Small, Daniela Tartakoff, Tracie Tegel, Jennifer Traverse, Julia Wadsworth, Lisa Wilke, Maggie Wojton; and Lisa Yafanaro.

Art Teachers: Kim Bissett, Ellen Carreras, and Sr. M. Lucia, O.S.U.

BEDFORD HIGH SCHOOL

Joe Allie, Dan Apanasewicz, Shannon Bakker, Wendy Bascombe, Antoine Bates, Jashin Bey, Shakhir Warren Bey, Robert Boone, Roxanne Boyce, Bryan Braund, Jessica Bruening, Karen Certo, Robert Cooper, Stacie Cooper, Melissa Day, Heather Duber, Sarah Etling, Becky Frank, Dionysios Giatis, Monica Grevious, Angela Gschwind, Brenna Halloran, Holly Hegedes, Bryan Howard, Aaron Hulin, Richard Jastrzebski, John Jones, William Keenan, Jabaar Keyes, Chris Lawrence, Mario Levy, Aurora Mallin, Maria Mecone, Becky Miklos, Antoinette Moss, Misty Neal, Cormaic O'Melia, Kevin Osei-Kofi, Jennifer Palicka, Kelly Patton, Melissa Petro, Sarah Pinto, Erin Posanti, Quiana Redd, Cheryl Ress, Kristen Roberts, Marc Roberts, Rachel Roberts, Ariel Robinson, Nik Rongers, Stephani Rowe, Kareem Sharif, Farryn Shy, Sabrina Simpson, Jarrod Skinner, K.C. Skufca, Carnel Sledge, Kendra Tence, Talia Thomas, Mark Tyler, Trudy Whitt, Kevin Williams, and Maurice Wright.

Art Teachers: Robert Bush, Dagmar Clements, and Lou Panutsos.

CLEVELAND HEIGHTS HIGH SCHOOL

Jo Anna Adorjan, Aria Benner, Demetrius Carter, Keith Cavey, Pei Chen, Rebecca Chizeck, Jennie Coyle, Evan Currey, Liza Goodell, Melissa Hancock, Katie Heile, Ronald Jackson, Lauren Kalman, Jessica Lee, Abby Maier, Sarah Mansbacher, Kelsey Martin-Keating, Leland Mays, Elise McDonough, Corinne Miller, Robert Peacock, Alisha Pickering, William Smalls, Katie Thurmer, Rachel Christina Truitt, Rebecca Turbow, Theresa Vitale, and A'ja Wainwright.

Art Teacher: Susan Hood-Cogan.

CLEVELAND SCHOOL OF THE ARTS

Amy Ankrom, Erin Bryson, Lateta Burns, Andrea Teri Buzeman, Erica Dye, and Albert Hale III. Ricardo Jackson, Michael Manning, Davonne Mitchell, Phillip Roberts, Joseph Sellars, and Sahara Williamson.

Art Teacher: Andrew Hamlett.

COLLINWOOD HIGH SCHOOL

Derek Cleveland, Cortez Corley, Timothy Gee, Edwin Jeffry, Harold McQueen, Damon Murphy, Vincent Purnell, and Cornell Vernon.

Art Teacher: Jerry Dunnigan.

EAST HIGH SCHOOL

William Thomas Green, Anthony Johnson, LeAnna Kennedy, and Jeffrey Lewis.

Art Teacher: Jaunace Watkins.

GARFIELD HEIGHTS HIGH SCHOOL

Bill Baczkowski, Amanda Bujak, Anthony Evers, Jen Fields, Jan Greathouse, Lauren Harper, Jon Jackson, Michael Johnson, Suzanne Jones, Leslie Kloepfer, Chris Stiles, Mike Yates, and Amy Zmarowski.

Art Teacher: Christine French.

JOHN HAY HIGH SCHOOL

Lakisha Belford, George Booth, Arneisa Collins, Charles Cooper, Shalana Davenport, J.D. Davison, Phillip Dillard, Quan Duong, Anita Gamble, Marquitta Hubbard, Phuong Huynh, Isabel Irizarry, Gregory Jackson, Johnny Kaye, Elicia King, Lakeya Lipscomb, Lung Luong, Jennifer Mash, Shawnta McMillian, Jason Moorman, Letletta Newson, Frances Nguyen, Crystal Pemberton, Kenneth Roberts, DeQuana Robinson, John Smith, Jessica Vigilante, Kenneth Wallace, and Andre Whittingham.

Art Teachers: Richard Chappini, Harriet Goldner, and Kathleen Yates.

MAPLE HEIGHTS HIGH SCHOOL

Ricky Arnold, Rahan Boxley, Emily Bryant, Jason Brynak, Matthew Burdyshaw, Karen Curtis, Kimberly Filipic, Jennifer Gedeon, Christine Jones, Maria Kopec, Alex Mismas, Stacy Perry, Brent Peters, Jesse Ruffin, Carla Ruffo, Henry Sharpley, Otis Thomas, Manjot Tukhar, and Dan Wintrich.

Art Teachers; Karen Mehling-DeMauro, and Jody Trostler.

SHAKER HEIGHTS HIGH SCHOOL

Geof Agneberg, Elizabeth Cooperman, Shannon Cunningham, McCarthy Elee, Ambreese Hill, Destiny Irorere, Rebecca Lynne Jones, Jennifer Kaufman, Djenaba Lewis, Erica Manley, Tim McLoughlin, Jonathan Munetz, Emily Phillips, William Stenson, and Max Wolf.

Art Teachers: Malcolm Brown, James Hoffman, and Susan Weiner.

SHAW HIGH SCHOOL

David Black, Shalisha Brown, Nicole Greene, Faceta McMichael, Vance McKissack, Dionne Moton, Donna Parker, Marvin Washington, Katrelle Williams and Brian Wright.

Art Teacher: Susan Lokar.

WARRENSVILLE HEIGHTS HIGH SCHOOL

Donald Hayes.

Art Teacher: James Evans.

CELEBRATING THE 200TH ANNIVERSARY OF FRANKFORD TOWNSHIP NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Frankford Township on the 200th anniversary of its founding along the southern ridge of the Kittatinny Mountains in Sussex County, NJ. There are few places that can equal Frankford Township as a place to live and raise a family.

The earliest settlers from German, France, and Holland arrived in what is now Frankford in 1797, among them the Price, Hagerty, McDanolds, Pellett, Roe, Stoll, Stivers, and Wyker families.

The early years of the settlement found the Frankford with few of the modern amenities we take for granted today. The dire condition of the earliest roads, for example, made an overseer of roads one of the earliest local government officials appointed. Improvement of roads was often left to the families who lived along them. It was not until the widespread use of the automobile in the beginning of the 20th century that good roads were common.

Churches were among the earliest community buildings to follow the construction of individual homes. One of the oldest was the Frankford Plains Church, which served many denominations.

Many schools dotted the landscape, with as many as 13 in operation at one point. The number had declined to six before the Frankford Township Consolidated School was created. The Augusta School remains in use as the Frankford Township Municipal Building.

The first named villages within the township included Wykertown, named for the Wyker brothers; Augusta, where Col. John Gustin built a stagecoach inn, and Pellettown, later known as Coursenville and eventually Papakating.

Colonel Gustin, proprietor of the stagecoach inn, was one of the community's great entrepreneurs of his day. He built not only the inn and his own home but a store and post office as well.

Farming was the area's first industry, as necessitated by subsistence. Dairy farms came to flourish in later years, with as many as 89 in operation at the peak of the diary industry. Two railroads allowed farms and creameries to transport their product to city markets. A wide variety of mills also thrived, making use of the area's many brooks and streams for water power.

Hotels also became successful as Frankford found its place as a tourist destination thanks to Lake Owassa and Culver Lake.

There are many others, of course, who contributed to Frankford's history. I cite these as only a few examples of the wealth of history in a small town that might easily be overlooked by the pages of history books.

Frankford today is one of the best places in New Jersey to call home. A strong, diversified local economy, sound schools, strong public safety programs, and an outstanding sense of community are clearly evident. With a population of 5,100, it is the type of town where you know your neighbor's name, the clerk at the store is a friend, and people speak to one another on the streets.

Frankford's importance in our State's history cannot be ignored. I congratulate Frankford on its history and accomplishments, and wish all the people of Frankford an equal amount of success in the town's future.

LETTERS OF PRESIDENT CLINTON ON THE STATE VISIT OF PRESIDENT ARPAD GONCZ OF HUNGARY TO ROMANIA AT THE INVITATION OF PRESIDENT EMIL CONSTANTINESCU

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. LANTOS. Mr. Speaker, last week an event of historic international importance took place in Bucharest, Romania. The President of the Republic of Hungary, His Excellency Arpad Goncz, paid a state visit to Romania at the invitation of His Excellency Emil Constantinescu, the President of Romania. This visit marks a new milestone in the efforts of both countries to reconcile historical differences that have divided the two for most of this century.

I have been a strong and consistent advocate and supporter of the efforts of Hungary and Romania to improve their relations. The expansion of democracy in both countries since the collapse of the Soviet Union and the dissolution of the Warsaw Pact six years ago has been an important element in the reconciliation that we have witnessed over the past few years. Changes in Romania have permitted that government to recognize the civic rights of the minority of ethnic Hungarians which live within the borders of that country. The recently elected Romanian Government includes, as one of the partners in the governing coalition, representatives of the Union of Democratic Hungarians in Romania.

Last year, in September of 1996, the Governments of Romania and Hungary signed a "Treaty of Understanding, Cooperation and Good Neighborliness" in the most significant concrete realization of this reconciliation to that point. These steps set the stage for the recent visit of President Goncz to Romania.

It is important to note, Mr. Speaker, that this reconciliation began under the previous government of Romania led by former President Ion Iliescu, and it has continued and expanded under the present government led by President Constantinescu. This reflects the broad national consensus in Romania in support of this effort.

I congratulate the leaders of both countries on their continuing efforts to improve the relationships between their countries.

Mr. Speaker, I had the honor of meeting in Bucharest with the two presidents—President Goncz of Hungary and President Constantinescu of Romania—during the historic visit to Romania. On the occasion of the state dinner, which was the formal highlight of the visits, at the request of President Clinton, I read and delivered to the two presidents letters from our own President commending the two leaders for their efforts and their contribution to this unprecedented reconciliation. Mr. Speaker, I place in the RECORD the text of the letter from President Clinton to the Presidents of Hungary and Romania:

THE WHITE HOUSE,
WASHINGTON,
May 22, 1997.

DEAR MR. PRESIDENT: Please accept my congratulations and profound support on the occasion of your historic meeting with President [Constantinescu/Goncz].

The reconciliation and strengthened friendship that Hungary and Romania have pursued in recent months are an inspiration for Europe and the world. We have all witnessed too many rivalries the world over, conflicts that are not resolved but become endless cycles of recrimination and bitterness. Today, Romania and Hungary are showing that with wise leadership, democracies can chart a better course; that the values of tolerance, understanding, and common purpose can overcome division, with benefits for all.

Through your meeting and the other steps being taken to cement the growing friendship between your two nations, Romania and Hungary are demonstrating that they share the deepest values of our common Western civilization and have the strength and conviction to put these values into practice to the benefit of all their citizens. I know that the governments and peoples of both nations are determined to continue on this path as they move toward joining an undivided Europe.

Sincerely,

BILL CLINTON.

IN TRIBUTE TO RECIPIENTS OF THE GOLD AWARD

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. COMBEST. Mr. Speaker, I rise today with great pride to give tribute to the three young ladies who have earned the highest award possible for a Girl Scout. The Gold Award is awarded for distinguished achievement and has been presented to Ms. Miranda Peek, Ms. Jacque McAnally, and Ms. Elena Pearce

The Gold Award is notable in that its award recognizes those special young women who display great spirit and deep commitment to themselves, their troop, their community, and their Nation. In reaching this Gold Award level, they affirm that they possess two important characteristics which will serve them well in years to come—setting goals and working hard to achieve them. This achievement further recognizes that they have chosen to rise beyond expectations by assuming the responsibility of leadership roles.

I wish to congratulate them, their families, and their fellow Scouts, and I wish them nothing but success in any endeavor they undertake in the future.

STATEMENTS BY KAREN RICE AND DANIELLE INKEL, CANAAN HIGH SCHOOL, REGARDING CHILD ABUSE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Canaan High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Ms. Inkel: Good morning, Congressman SANDERS. We would like to bring your attention to the issue of child abuse. Child abuse is a serious problem in today's society. We need to focus on it and we need to fight it.

One specific thing that we feel needs to be done is to start a child safety network. This is sort of like a criminal network. As of right now when there is a complaint of child abuse to Child Protective Services, a case is opened and an investigation is begun. If this family moves to another State the case is closed. The former State can warn the new State, but because of confidentiality, the case stays closed. This means that the abuse will most likely continue.

We feel that all the States should work as one to unite to fight this problem. Across the United States why cannot we unite to fight this problem.

Ms. Rice: In order to start this child safety network we need to come up with something for funding. We suggest that we increase alcohol, tobacco and other consumption-based taxes by about 0.5 percent. The money generated from these taxes would be used to start up a child safety network.

If this program were started the lives of many innocent children would be saved. We understand that a few people will lose their incentive to buy, but there are still many other users willing to buy at any cost. Therefore, we believe that there will still be left money earned to go into a desperately needed program, one that protects the wellbeing of children.

Child abuse is wrong and it is a disgrace that so many cases go undetected and unpunished. It is time that the government do something about this atrocious problem.

Child abuse is a very serious problem. Last year there were 200,000 cases of child abuse reported. One female in every three or four is likely to be sexually victimized before she is 18 years old. Data for males is more scarce and less reliable, but it is 1 in 10 and 1 in 6, and 2 percent of Americans will be sexually victimized in childhood; child abuse is one of the most unreported of all crimes.

It is a problem everywhere. There is child abuse in every State, and what we really want to—first of all, we need more money because there are some caseworkers that are getting 50 or 60 kids a week to have to take care of and that doesn't give them much time to actually sit down and work with these kids, so more money needs to be put to that. And we wanted money for this program of the child safety network because of these families who are just moving out of the State and the cases are just being closed because they cannot say anything because of confidentiality and these kids are just going to be moved everywhere and nothing is being done about what is going on.

Ms. Inkel: I have no idea really why someone would ever imagine hitting a child. Some say it is because they were abused when they were younger, some blame it on alcohol and drugs,

TRIBUTE TO MICKEY AND WILMA HIRNI FOR 40 YEARS OF MARRIAGE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Mickey and Wilma Hirni on the occasion of their 40th wedding anniversary. the event will be celebrated on June 19, 1997.

Attending Exeter High School in Exeter, CA, these high school sweethearts, discovered their love was strong enough to last a lifetime, prompting their marriage on June 19, 1957. The Hirnis continued to pursue their individual interest after getting married, never letting the importance of their relationship escape them. They have three children: Marlene, Karrie, and Mark; all of whom are married and have children themselves.

Agriculture has always surrounded the life of Mickey Hirni. Following his graduation from Exeter High School he continued his education and agricultural interest at California State Polytechnical University. He has now become a prominent figure in the community with the success of his business, Sierra Western Agricultural Services, Inc. and his membership on the school board. As president of the Exeter Lyons Club, Mickey Hirni is respected for his adherence to moral values and hard work. Among all of his achievements and responsibilities, he reflects on his family as the most important aspect of his marriage, both past and present.

Credit for the success of this 40-year anniversary also belongs to Wilma Hirni. Having graduated from Exeter High School in 1956, Mrs. Hirni pursued her interest in nursing at Fresno City College and is currently an operation room registered nurse at the Visalia Center for Ambulatory Medicine and Surgery. Her dedication and hard work in the area of nursing has made it possible for her to become operating room director. Her feelings about her marriage mirror that of Mr. Hirni, and during the course of all her responsibilities she has upheld her devotion to the marriage.

Mr. Speaker, it is with great honor that I pay tribute to the 40th wedding anniversary of Mickey and Wilma Hirni. Their commitment to each other serves as a model for all men and women and should be held in the highest respect. I ask my colleagues to join me in wishing Mickey and Wilma Hirni my best wishes for future success.

IN MEMORY OF THE GOLDEN TEMPLE MARTYRS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. KING. Mr. Speaker, on this 15th anniversary of the massacre of over 20,000 Sikhs at the Golden Temple in Amritsar, I join many of my colleagues in rising to remember and condemn that terrible act.

How could anyone not condemn such a brutal act?

It is ironic that June 6, the last day of this military assault, was the 40th anniversary of D-day, the day on which the Allies began the invasion of Europe which ultimately destroyed the Nazi empire. The Golden Temple massacre, called Operation Bluestar, kicked off a campaign of state terror against the Sikh Nation which is still going on.

According to estimates from the Punjab State Magistracy and a coalition of human rights groups and journalists, more than a quarter of a million Sikhs have died at the hands of the Indian regime since 1984. Christians in Nagaland, Kashmir's Muslim community, and many others have also been subjected to this brutality.

American support for freedom in South Asia is essential. The best thing that this country can do to honor the victims of the Golden Temple massacre is to use our strength to see to it that the people of South Asia can live in freedom. We can do this by cutting United States aid to India, and declaring our strong support for the people of Khalistan. These are reasonable measures that will induce India to begin observing the basic principles of democracy and human rights so that freedom and stability can reign all through South Asia. We should move now to enact these measures in memory of the Golden Temple martyrs.

A TRIBUTE TO THE ST. MAXIMILIAN MARIA KOLBE SCHOOL OF RIVERHEAD

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the St. Maximilian Maria Kolbe School of Riverhead, Long Island as it celebrates its 25th year of keeping the Polish language and culture alive on the east end of Long Island. In just a quarter century, St. Maximilian Maria Kolbe School has established an integral role in Long Island's Polish tradition, and as a beacon of pride to the Polish community around the world. The school educated 99 students this past year, all of whom have benefited from the simple dream of parents in 1972—to instill the language and culture of the Polish people in their children.

The school's patron saint gave his life in the Oswiecim concentration camp during World War II, and the school was aptly named in honor of a man who sacrificed so much for his people. It is a great and worthy honor of his memory that Feliksa Sawicka, the school's principal since its inception, has made it her goal to create an environment in which children of Polish descent can be instilled with the pride and the storied legacy of their ancestors. Ms. Sawicka has been honored on numerous occasions for her work on behalf of Polish-American children. Just last year, Poland's President Aleksander Kwasniewski bestowed upon her the honorable Gold Cross of Merit, and she has received a commendation from the Polish Institute of Education.

St. Maximilian Maria Kolbe School has taken is students and educators around the world in pursuit of greater cultural and historical knowledge. In 1982, students journeyed to Rome, where they witnessed the canonization of St. Maximilian Maria Kolbe. The school's teachers participate in Polish American Congresses throughout the United States, where they have reached out to members of the Polish community from different walks of life, and have enriched their own cultural awareness. Students toured Ellis Island, where they traversed the same ground where their ancestors first stepped foot on America—and envisioned the educational opportunities for their grandchildren and great-grandchildren that so many are receiving at the St. Maximilian Kolbe School.

Students are introduced to traditional Polish dances and songs, and participate in cultural events such as Manhattan's annual Pulaski Parade. Furthermore, they learn the importance of community involvement while performing traditional Polish dances and songs at Long Island nursing homes, fairs, and schools, parents and students volunteer to represent the school at Polish fairs throughout the year. The St. Isidore's School in Riverhead has displayed great and contagious generosity by allowing the Polish school to operate within its own facilities for the past 25 years.

On the occasion of the school's 25th year in educating Polish students, I ask my colleagues in the House of Representatives to join me in applauding the efforts of Ms. Sawicka, of her fellow educators, and of the parents who have enrolled their children in the St. Maximilian Maria Kolbe School, keeping their culture and language alive through the next generation of Long Islanders.

TRIBUTE TO MAYOR BRADLEY, DOLORES HUERTA, ABE LEVY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Tom Bradley, Dolores Huerta, and Abe Levy, who this year are each receiving awards from the Jewish Labor Committee, western region. It is impossible to exaggerate the impact Tom, Dolores and Abe have had on the lives of working men and women. They are three people who truly made a difference.

I have been fortunate to benefit from their friendship and learn from their efforts. As an attorney, Abe Levy has fought for the rights of workers and their unions throughout the legal system, including arguing before the Supreme Court. He has also appeared on their behalf before the National Labor Relations Board, the Agricultural Labor Relations Board, and the Railway Labor Board. Abe has devoted his professional life to fighting for decency and justice in the shops, factories and workplaces. Abe also had the great wisdom to hire me for his labor law firm—and the patience to keep me.

As time goes by, Tom Bradley's many accomplishments seem even more impressive. His first successful campaign for Mayor of Los Angeles, in 1973, was a model effort which brought together people from all races and ethnic groups in pursuit of a common goal. It is the rare politician who can reach across communities and transcend barriers as effectively as Tom.

I have worked with my dear friend Dolores Huerta for over 20 years. When I think of Dolores, words such as courageous, compassionate, and determined come easily to mind. As a member of the California Legislature, we worked closely to create the Agricultural Labor Relations Act in 1975. For the first time, farmworkers were given the right to organize and vote for a union. This remains among my most cherished political memories—in no small part because of Dolores.

Our collaboration continued when I went to Congress. Literally since the moment I arrived in 1983, we have worked together to fight continual attempts by growers to bring back the bracero program, or to create a new guest worker program. Dolores simply never lets up in her efforts to improve wages and working conditions for farmworkers—the poorest workers in the country.

I ask my colleagues to join me today in saluting Tom Bradley, Dolores Huerta, and Abe Levy, who have dedicated themselves to bringing a sense of dignity and a feeling of hope to those in need of both. Their lives and achievements inspire us all.

STATEMENTS BY MATTHEW NESTO AND LUCASS HERSEY, ESSEX HIGH SCHOOL, REGARDING SOCIAL SECURITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Essex High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. Nesto: Good morning, Congressman Sanders. Social Security first began August 14, 1935 when President Franklin Delano Roosevelt signed the Social Security Act. Social Security was started because people began facing the uncertainty of debt in old age. After Social Security numbers were signed the first taxes were collected beginning in January 1937, and until 1940 Social Security paid benefits in the form of single lump sum payments.

In January of 1940, Ida Mae Fuller became the first person to receive new monthly Social Security benefits. She received $22.54 payment per month for the rest of her life.

In 1950, there was new legislation to increase the checks to offset the increase in the price of living and inflation.

In the 1960s the age requirement for Social Security was lowered to 62. Also Medicare was added so that people age 65 years and older could receive health care.

In the 70s it became clear that Social Security was having a problem. Programs were run by the state and local government. The programs became more complex and inconsistent with each other. They decided to convert over three million people from state control to federal control to solve the problem, but in the '80s more problems formed. Social Security ran into long-term financial problems which led to many cut-backs.

Today many believe that Social Security—some people believe that Social Security is in trouble. People who have reached the age for benefits expect to be paid what they have put into the system all their lives. During the month of December, 1996, $28,147,981 was paid out nationally. In Vermont there was $6,280,000 paid out. There is currently 43,557,700 people who receive money nationally. This right here shows the breakdown of different people that receive payments. It is broken down into widowers and retired people, too. 98,316 people receive that in Vermont.

Mr. Hershey: According to the Social Security Administration there is currently more money going in than there is being paid out. This is to create a surplus for baby boomers.

The problem we foresee is the amount of money we receive. 7.65 percent of your paycheck goes to Social Security, and your employer pays out 7.65 percent. Out of that 15.3 percent, 10.5 percent goes to retirement, survivor's, dependents and trust fund insurance. the total reserve for that category for one year is $416 billion. 1.7 percent goes to disability insurance which has a reserve of $6 billion. 2.9 percent goes to Medicare and we reserve $127 million and currently we have a .02 percent that is unaccounted for.

For retired workers per month average payout is $745. Disabled workers will have about $704 and nondisabled widows and widowers will have $707. Even the maximum of $725 a month is not enough for a person to live. This is our biggest concern. Many retired people have many problems because Social Security doesn't pay enough, plus added to the problem is the government needs more money; Social Security is an easy target.

Our solutions are short and simple. The easiest thing is for Social Security to be set aside like a piggy bank making it a law for the Government not to take out of it. The other is that a person who works for about 50 years should have built up enough money to pay for themselves for at least a half of that time. We recommend that the taxes be put in a fund that gains interest over the time they work. A certain amount will go to a fund for disabled people who have had to stop work earlier. If the first taxes are left alone and allowed to make interest over 50 years we should be able to have every two or three working months to pay for one month of retirement.

There is a chart here, it sort of maps out the government mandates savings which go to a direct fund and basically it will be there for you when you retire. We hope you will take our ideas into consideration and practice.

Mr. Nesto: Right now the Social Security Administration is taking in more money than they are giving out right now and so they do not have any problems right now. But speculation in the upcoming years, people believe, and I do not necessarily believe that there is going to be a problem but it is speculation because as the baby boomers age, pretty soon as those people are going to be retiring and that's why we are taking in more money now so we can give them back their funds. So when that money is used for the baby boomers is there going to be enough money to pay for our retirement?

Right now there is not really any education on this. A lot of people believe that the Social Security Administration is going bankrupt and stuff like that, but they do not really—if they research the subject they wouldn't really—they'd find out it is not really a problem right now.

Mr. Hersey. I have seen a lot of like news shows where people are living on Social Security where there is a company that is creating insurance funds so people pay for it and perhaps those companies are creating that impression so they can make more money in their fund.

HONORING REV. DICKSON MARSHALL FOR HIS SERVICE TO THE PEOPLE OF LAWRENCE COUNTY

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. KLINK. Mr. Speaker, I rise today to honor an exceptional individual from may community, Rev. Dickson Marshall of New Castle.

Reverend Marshall enlisted in the U.S. Navy to serve in World War II. Afterward, he attended Northwestern Bible College for 2 years before he was ordained in the Gospel Ministry on April 15, 1949. Since then, Reverend Marshall has selflessly devoted himself to providing food and shelter to those in need of assistance.

Working through the city rescue mission of New Castle, Reverend Marshall succeeded in making a difference. In 1965, Reverend Marshall opened the Ira D. Sankey Memorial Youth Center to provide a place where boys and girls from crisis homes can go and play sports and games, go camping, and experience the joys of childhood.

In 1982, Reverend Marshall began the Inter-Church Food Bank, which helps provide food and counseling for families who have fallen upon hard times. Reverend Marshall's work has done much for those in need of help. Each year the ministry provides a helping hand to some 9,000 people.

We need people like Reverend Marshall, who work tirelessly so that people in need of temporary relief will always find a helping hand. Reverend Marshall's efforts are part of a proud tradition our Nation has for aiding those who find themselves in need of assistance. His deeds serve as a shining example that people today can make a difference in their local community.

Mr. Speaker, once again I want to thank Reverend Marshall for his years of service to the people of New Castle and I sincerely hope that he will continue with many many more. He is a credit to the people of New Castle and an inspiration to all citizens of the Fourth Congressional District of Pennsylvania. I hope my colleagues will join me in recognizing the extraordinary work of a truly extraordinary man.

HONORING MR. JAMES C. CLEVELAND

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it give me great pleasure to rise today and pay tribute to Mr. James Cleveland, who is an outstanding member of the Reston community. James is retiring as president of Mobil Land Development Corp., Virginia Region.

Jim is a native of Arlington, VA. After college James remained in the area to help develop the virtually untouched Western Fairfax County. He began working for the residential sales staff of Reston, Virginia Inc. in the summer of 1967, several months prior to the purchase of the project by the Gulf Oil Corp. For the next 11 years, James served in all facets of Gulf Reston's, Inc. home and land sales management. In July, 1978 James joined the newly formed Reston Land Corp. Reston Land is wholly-owned subsidiary of the Mobil Land Development Corp., Mobil Corporation's real estate development affiliate. After serving as director of marketing, and marketing vice president, he was promoted to executive vice president and general manager in April 1981. Jim assumed his duties as regional president and president of the operating companies in June, 1984.

His dedication to the community has proven instrumental to the achievement of many important developments in the Reston area. The Reston Land Corp. is a growing 7,400 acre community with over 55,000 residents and 20,000 homes. Jim Cleveland is responsible for the evolution of the Reston Town Center, a bustling retail and industrial plaza filled with fine restaurants, an ice skating rink, and multiplex theater, located in the heart of downtown Reston. One of the best aspects of Reston Town Center's numerous amenities are their summer concerts which draw thousands of citizens each weekend.

A dynamic real estate professional, Jim has become an active community participant and leader by contributing his endless energy and vast knowledge to many civic organizations, services and local legislative bodies. He is a founder and past president of the Northern Virginia Chapter of the National Association of Industrial & Office Properties. He is a life member of the Million Dollar Circle of the National Association of Home Builders' Sales and Marketing Council. Jim is also a charter member of the board of directors of the Washington airports task force, which promotes the growth of Washington Dulles and National Airports. Jim's community involvement extends to the arts as well as youth programs. He has given his incredible skills and talents to these special programs by serving on the board of directors of the Greater Reston Arts Center and the YMCA of Metropolitan Washington.

Mr. Speaker, I know my colleagues join me in honoring and thanking Jim Cleveland for his achievements in nurturing and developing the Reston area. We appreciate all the hard work he has done in making Reston one of the finest places in American to live and work, and we wish him all the luck in his future endeavors.

INTRODUCTION OF THE DOE RESEARCH CONSOLIDATION ACT

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. DOYLE. Mr. Speaker, as we move forward with the glidepath towards a balanced budget, it is essential that the Federal Government make every possible effort to decrease costs and increase efficiencies in its operations. This must be done in a way which does not harm the important functions of government.

The Science Committee has certainly taken this view to heart, and has served as an example of responsible governance. Chairman SENSENBRENNER should be congratulated for moving forward with authorization bills for all the programs in the jurisdiction of Science Committee. And Ranking Member GEORGE BROWN has demonstrated through his investment budget that it is possible to fund programs that provide pivotal support for education and R&D while remaining true to the constraints of a balanced budget.

Today, I am pleased to announce the introduction of another initiative in this spirit of responsible investment. Along with Chairman CALVERT of the Energy and Environment Subcommittee, I am introducing the Department of Energy Research Consolidation Act. This bill will combine the administrative functions of the Office of Fossil Energy [FE] and the Office of Energy Efficiency and Renewable Energy [EE].

This consolidation will achieve budgetary savings while preserving the programmatic efforts of these offices. This merger can be achieved with little disruption to the core R&D initiatives of the two offices as they have similar missions which overlap in areas such as advanced materials, biomass, alternative fuels, high-temperature superconductivity, and hydrogen.

More importantly, a unified organizational structure provides opportunities to eliminate duplicate work, improve program integration, and achieve savings in such crosscutting areas as program planning, policy analysis, external communications, and administrative services. For example, there is little need to preserve two autonomous press operations for the scope of work undertaken by FE and EE.

A consolidated office would allow reductions in administrative staff in a manner which should not adversely impact our commitment to meeting our future energy needs. This legislation eliminates one assistant secretary position at DOE and would reduce by 25 percent administrative positions at DOE headquarters.

When DOE was originally formed, the research conducted by FE and EE were all located under the jurisdiction of a single assistant secretary for energy technology. While at one time there may have been a reason for having two separate offices, that time has clearly passed. Not only have trends in energy R&D policy led towards this consolidation, political developments have also contributed to the need to unify the management of energy technology R&D.

In the past, there has been a politically-motivated rivalry between congressional support of FE and EE, one that is based on labels rather than fact. This has been detrimental to both programs. This bill eliminates that rivalry, so we can make decisions about our priorities within this area without being saddled with counterproductive rhetoric.

This legislation is another example of the recognition that we all have a responsibility to tighten our belts. Energy R&D is very important to my district, and there are agencies in which it would be a lot easier for me to seek cuts. But having been closely involved with the DOE R&D budget during my time on the Science Committee, I believe that this consolidation is both realistic and necessary.

I recognize that downsizing is not an easy task. Last year, a DOE facility in my district combined with a similar facility in West Virginia. While the transition has required both commitment and sacrifice by all those involved, it was a necessary step given current budgetary constraints. The combined entity, the Federal Energy Technology Center, is the best example of what Secretary O'Leary had hoped to achieve with the Strategic Alignment Initiative.

In conclusion, let me say how pleased I am with the cooperation and support I have received from Members of both parties and all across the political spectrum. Chairman CALVERT has been indispensable in helping garner support for this initiative. He has run our subcommittee in a fair and unbiased manner, which has created the climate which allows for this type of consensus bipartisan initiative. He, and Ranking Member TIM ROEMER have provided a shining example of how, when we take the time to listen to one another, we can work together on initiatives that are to the benefit of everyone.

CONGRATULATIONS AND GOD SPEED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Ms. KAPTUR. Mr. Speaker, I wish to commend a group of explorers from our Ninth Congressional District who are on the verge of an extraordinary accomplishment: becoming the first expeditionary group ever to traverse the length of the Indus River.

Led by D.S. Amjad Hussain, professor of surgery at the Medical College of Ohio and a writer and photographer, this expeditionary team last year reached the headwaters of the Indus River in the Kailas Mountain range in western Tibet.

This year, the group plans to complete the Ladakh segment of their expedition and will then become the only expedition in history to have covered the entire length of the Indus River.

Other members of the expedition team from Toledo included: Qarie Hussain, a student at the Royal Academy of Dramatic Art in London, England; Monie Hussain, a student at the University of Michigan; and, James Adray, a practicing attorney, along with his son, Sam, a high school student. The team was privileged to carry the flags of the United States, Pakistan, and the prestigious Explorers Club on their expedition.

The Indus, one of the largest rivers in the world, arises in Tibet and winds 2,400 miles through Tibet, India, and Pakistan before emptying into the Arabian Sea near Karachi. It carries twice the annual flow of the Nile and three times that of the Tigris and Euphrates combined. Like those other great rivers, the Indus also cradled a glorious civilization along its banks as long as 5,000 years ago.

From their base camp, the expedition team traveled on foot and by yak to reach the river's source. Despite mountain sickness due to the extremely high altitudes, the team also endured a blizzard while crossing the 18,500-foot Tseti Lachen pass. They also had to cross numerous rivers swollen with late summer rains while traveling on yaks.

The team offered prayers of thankgiving when they arrived at Senge Kabob, 17,000 feet above sea level, a sacred site for Buddhists. Only two previous visits to this sacred site have been recorded.

The team now has four difficult expeditions behind them, including a photography trip on or along the Indus and its surroundings and a 2,000-mile trek in 1994 through the length of Pakistan. After completing the Ladakh segment later this year, the group will earn its place in the history books.

Congratulations and Godspeed.

TEAM INDUS

Team Indus is a series of Indus river expeditions designed to study and photograph the river and its inhabitants along its entire length. In 1987 the team travelled on rafts from Attock in the north to Karachi on the Arabian Sea in the south for a distance of 1400 miles. During that expedition the team also carried out depth survey of the river for Planning Commission of the Government of Pakistan.

During the second expedition in 1990, the team trekked the river from Jaglot (near Gilgit) to Tarbela for a distance of 400 miles, part of it along the north-south Silk Route, now the Karakoram Highway.

In 1994, the team trekked the remaining part of the river in Pakistan from the line of control in Baltistan to Jaglot for a distance of 170 miles. On that expedition the team carried the coveted flag of the Explorers Club.

The team explored the headwaters of the river (called Senge Kabob or the mouth of the lion in Tibetan) in the Kailas mountain rangers in Western Tibet in July-August, 1996. The team covered the river close to the point where it enters Ladakh, India. On this expedition the team also carried the flag of the Explorers club.

Team Indus V, scheduled for 1997–98, will cover the remaining 200 miles of the river in Ladakh.

The team has already achieved a landmark in covering the Indus River in its entirety in Pakistan and trekking to the headwaters of the river in Tibet. With the completion of the segment in Ladakh, Team Indus would be the first in history to have accomplished trekking and photographing the entire 2400 miles of the Indus.

Team Indus I, Attock to Karachi, December 1987. S. Amjad Hussain, Maj. Syed Azam, S. Waqaar Hussain, Syed Azhar Ali Shah, S. Sardar Hussain, Najamuddin, Tony Glinke, Bahu S. Shaikh, Shehzad Nazir, Nasim Zafar Iqbal, and Ron Euton.

Team Indus II, Jaglot To Tarbela, July 1990. S. Amjad Hussain, Maj. Syed Azam, James Adray, S. Waqaar Hussain, S. Osman Hussain, and Syed Azhar Ali Shah.

Team Indus III, Line of Control to Jaglot, August 1994. S. Amjad Hussain, Lt. Col. Syed Azam, S. Waqaar Hussain, S. Osman Hussain, and Syed Azhar Ali Shah.

Team Indus IV, Headwaters of Indus to near the Ladakh border, July-August 1996. S. Amjad Hussain, Syed Azhar Ali Shah, S. Waqaar Hussain, S. Osman Hussain, James Adray, and Sam Adray.

ARTICLES AND TELEVISION PROGRAMS ABOUT TEAM INDUS EXPEDITIONS

Articles by S. Amjad Hussain:

1. Adventure on the Indus, Toledo Magazine, April 9, 1988. (Cover Story).

2. People of Indus, Toledo Magazine, April 9, 1988.

3. The Lost Civilization of the Indus, Toledo Magazine, May 28, 1988 (Cover Story).

4. Adventure on the Indus, HUMSAFAR, November/December, 1988. (Cover Story).

5. My 1400 Mile Journey Through 5000 Years of History, Medical Economics, February 6, 1989.

6. The Mound of the Dead, HAMSAFAR, May/June, 1990.

7. A Day in the Life of Indus Valley Inhabitants, HUMSAFAR, July/August, 1990. (Cover Story).

8. A Journey to the roof of the World, Toledo Magazine, January 20, 1991. (Cover Story).

9.The People of the Hindu Kush Mountains, Toledo Magazine, January 20, 1991.

10. A Journey on the Roof of the World, The Explorers Journal, Summer 1992. (Cover Story).

11.Pilgrimage Turns Dream into Reality, Sunday Blade, Op-Ed section. September 8, 1996. (Column).

By Steve Pollick, Outdoors Editor, The Blade:

12. Toledo Surgeon Operates as River Explorer, Sunday Blade, July 7, 1996.

Television Programs:

1. Pakistan Television, Islamabad, Paristan. 'INDUS RIVER EXPEDITION 1987'' (1/2 hour interview). January 1988.

2. Pakistan Television, Peshawar, Pakistan. 'TEAM INDUS EXPEDITIONS'' (1/2 hour interview). April 15, 1995.

A TRIBUTE TO THE QUOGUE LIBRARY ON THE CELEBRATION OF ITS 100TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Quogue Library, a haven of literature in the small south shore Long Island village of Quogue, that is celebrating its 100th anniversary this year.

From modest beginnings as a single shelf of books in the local general store, the Quogue Library has grown to become a cornerstone of this tight-knit, seaside village. Save our houses of worship, there is no more important community pillar than libraries, these wondrous storehouses of tales of Biblical heroes, historical figures, corruptible rogues, and honest men and women who achieved greatness in their lifetimes. The village of Quogue would be a poorer place, indeed, had its founders not had the foresight to build their library 100 years ago.

The effort to create a local library started in 1897 with 20 local women of the Quogue Library Association, each of whom donated $1 and a book. Soon they had collected 200 more books, that they shelved at Jessups General Store using just record book and a pencil on a string to allow library patrons to check books out themselves in an era when the honor system prevailed.

In just 1 year the library's burgeoning collection could not be contained on Jessup's shelves. Thankfully, local benefactor Abram S. Post and his family donated the property and funds needed to construct a library building. In the summer of 1897, the new library opened with its collection of 500 works. Described at the time as "a neat wooden structure of much beauty," the library was introduced to the Quogue community at a July 29 reception attended by many in the village. On the front lawn of the library lay a large anchor that came from the ship *Nahum Chapin*, which went down with all hands in January 1897. The anchor was a gift from library patron Selden Hallock of Quogue.

Through its first 60 years, the small library served the Quogue community well, charging its members just $3 annual fees and relying on the generosity of patrons. Unable to contain its growing collection anymore, on July 8, 1978, the library dedicated the Mary Sage Williams Room, in honor of the woman who served as library president for 11 years. At the same time, office space was added for the Quogue Historical Society, whose 1822 Schoolhouse Museum occupies the same property.

Few in the Quogue community have been better served than the children who have found adventure, world travel, romance, and history among the stacks of books at the local library. For the past 100 years, the Quogue Library has opened a vast world of knowledge to the youth of this small east end village, instilling in them a lifelong love for literature and learning.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring the Quogue Library on its 100th anniversary. With the grace of God, I am certain our great-grandchildren will celebrate the Quogue Library's bicentennial in another 100 years. Congratulations.

TRIBUTE TO CATHERINE M. MARINO

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise in recognition of a highly respected, singularly effective, and most popular educator, Catherine M. Marino. Cathy Marino is retiring this June as principal of the Henrietta Hawes Elementary School in Ridgewood, NJ, after a long and distinguished career as a highly respected and beloved teacher, spanning three decades.

Cathy Marino, one of my closest and dearest personal friends, is a dedicated and caring educator who has committed her life to helping young people and truly has the best interests of children at heart. She has been in the forefront of innovation and progress, improving the standards of public education at every turn. As a former teacher myself, I can tell you she has always put the individualized social and educational needs of each student first. She has been at the cutting edge of educational innovation and is truly "a teacher for all seasons." She always put children first.

Cathy's career began as a teacher of mentally retarded children at Travis Air Force Base in California, immediately after her graduation from Russell Sage College in Troy, NY, with a bachelor's degree in elementary education. She later worked with blind, deaf, and physically handicapped children in Colorado before returning to the East Coast in 1970, as a special education teacher in Saratoga, NY.

Cathy came to New Jersey in 1972, as a resource room teacher at Tenakill Elementary School in Closter. She served at Tenafly Middle School as a special education teacher before joining the Ridgewood school system in 1974, as a first grade teacher at Hawes Elementary.

Cathy taught first grade until 1977, when she switched to kindergarten and split her time between the Hawes, Glen, and Willard elementary schools. In September 1996, she returned to Hawes Elementary School as principal.

As principal, Cathy has been responsible for supervision of planning, development implementation, and evaluation of all school programs and activities under a site-based management structure. She supervised 42 certificated and 8 non-certificated staff members, provided leadership for staff development and community relations, prepared and implemented budgets, led efforts to accomplish school and district goals, and supervised monitoring of students' social, emotional, and academic progress.

In addition, she has worked as an adjunct professor at William Paterson College and as a consultant on educational videos for young children.

Cathy's commitment cannot be fully conveyed by her employment history alone, however. To begin with, she believes strongly that learning never ends and has constantly worked to extend her own education. In addition to her bachelor of arts degree in elementary education from Russell Sage College, she holds a master's degree in learning disabilities from Fairleigh Dickinson University, where she graduated summa cum laude. She has taken graduate courses at William Paterson College, Syracuse University, the University of Auckland and Adelphia University. She has attended lectures, workshops and other special programs at Harvard and Yale universities.

Recognizing the need to prepare others to carry on after her retirement, Cathy has been active in sharing her knowledge with fellow and future educators through a variety of forums. For more than a dozen years, she has served on panels at the annual Renaissance Weekend Program in Hilton Head, SC, including the landmark "A Nation at Risk" panel with president Clinton. She has spoken at Columbia University, the State University of New York, and before the New Jersey Kindergarten Teachers Association, to name a few. She has led countless staff development programs in the Ridgewood school system and in other school systems as well. She is the author of The Wonderful World of Kindergarten: A Handbook for Parents and Connections, Problem Solving and Thinking Skills for Young Children.

Cathy has been the recipient of a large number of awards and honors, including the Governor's Award for Outstanding Teachers. She was chosen as a member of the President's National Teachers Advisory Council during the Reagan administration.

Throughout her years of innovative teaching, Cathy was always looking ahead to keep education contemporary and relevant to the current needs of families and the community—she was a true pioneer.

Recognizing the changing responsibilities that challenged working families and putting her knowledge of the developmental needs of children to use, Cathy in 1982 founded New Jersey's first child care program for infants and toddlers. In partnership with Valley Hospital, this school-based program was open to workers in the local community. Cathy staffed the facility with highly qualified personnel trained to serve the needs of children from the earliest months of life. This was not merely "custodial" child care. This was an early childhood education center before most communities were aware of these innovational needs and long before the Federal Government adopted Early Start as an adjunct to the much-heralded and well-established Head Start.

Recently, extensive documentation has been advanced by the National Institute of Mental Health and other research centers that proves the importance of proper care and development during early childhood. Proper nurturing during the first few months can improve IQ and academic performance later, for example. Positive playtime activities lead to an improved ability to make friends and function socially as an adult.

So you can see why I call Cathy not only a role model for American educators but "an educator for all seasons."

Cathy and her husband, Ben, make their home in Ridgewood. They have a loving and close-knit family that includes their children, Michael, Christopher, and Stephen, and grandchildren, Mitchell and Katherine.

Members of the Ridgewood school system staff, members of the community and countless former students and their parents all have fond memories and are deeply indebted to the dedication of this outstanding educator. I wish her much-deserved health and happiness in her retirement. But, knowing Cathy's inquiring mind and sense of dedication to children, I doubt that this will be a true retirement. I am certain she will continue to find ways to serve children and make our world a better place for all.

STATEMENT OF THE HON. EARL POMEROY ON HOUSE CONCURRENT RESOLUTION 84

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. KASICH. Mr. Speaker, I am submitting the views of Representative Earl Pomeroy for inclusion in the Congressional Record. Representative Pomeroy submitted his views in a timely manner and in accordance with the provisions of House Rule XI, clause 2(l)(5). Unfortunately, the Government Printing Office inadvertently omitted his name from the views that he submitted, which were printed on page 123 of House Report 105–100, the report to accompany House Concurrent Resolution 84. To remedy this oversight, the views of Representative Pomeroy are submitted for publication in the Congressional Record:

The Honorable Earl Pomeroy Fiscal Year 1998 Congressional Budget Resolution Additional Views—May 17, 1997

I want to commend the Chairman and Ranking Member of the Committee for their outstanding efforts in forging this bipartisan balanced budget agreement. I am pleased to support this agreement that balances the federal budget in five years while protecting important national priorities including the education of our children and quality health care for our senior citizens. Importantly, the agreement also provides tax relief for middle income working families.

While I support this budget resolution, I am seriously concerned about the lack of funding allocated to the discretionary account for agriculture, function 350. The resolution assumes a cut of $1.4 billion below a freeze for agriculture over the next five years. Without adjusting for inflation, agriculture spending will be $400 million lower in 2002 than in 1997. In real dollar terms, discretionary funds for agriculture will be cut by more than 22 percent under this budget agreement. Unfortunately, several additional factors will constrain agriculture investment even further.

In 1994, Congress enacted sweeping reforms of the federal crop insurance program by providing catastrophic crop failure coverage to all producers and deleting the authority for congressional provision of ad hoc disaster assistance. As part of this crop insurance agreement, the federal reimbursement to private companies for the sales and service of crop insurance was to be provided for three years from the crop insurance fund, a mandatory expenditure account in the federal budget. Previously, half of the reimbursement had been provided in the agriculture appropriations bill as a discretionary expenditure.

Under the 1994 agreement, provision of the traditionally discretionary half of the delivery cost reimbursement was to be resumed by the Agriculture Appropriations Subcommittee in the 1998 appropriations bill. The problem we now face is that the Congressional Budget Office baseline contains no projection for this delivery cost reimbursement because it was not provided in the 1997 appropriations act.

The Agriculture Appropriations Subcommittee is further burdened in 1998 with requirements to offset $350 million of expenditures in the food stamp program that was displaced by prior enactment of last year's welfare reform bill. In addition, there is an expectation that $375 million more will be required for the WIC program.

Adding together the $350 million for foods stamps, $375 million for WIC and $200 million needed to provide the sales and service of crop insurance, the Agriculture Subcommittee is expected to be $900 million over their 1997 allocation, which would be the basis for establishing the 1998 allocation. To reflect the 1994 crop insurance agreement, the discretionary expenditure in function 350 would have to be increased by $200 million in FY98 and by $1.1 billion through FY02.

Agriculture programs have already been reduced more than any other function of government. I would like to remind my colleagues that American agriculture provides this nation with the safest, most abundant, and most affordable food supply in the world. In addition, agriculture exports contribute more toward a positive trade balance than any other sector of the economy. It is vitally important that we not abandon federal investment in agriculture research, trade and other programs to the detriment of American farmers, consumers and our national economy.

A GREAT PLACE TO CALL HOME

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to express my congratulations to the residents of a beautiful municipality, the Village of Pinecrest, for its first successful year of incorporation. Over a year ago, on March 12, 1996, the Village of Pinecrest became the 29th municipality of Dade County.

As a result of this anniversary, the Village of Pinecrest is celebrating many firsts this year, including the first anniversary of its first mayor, Mayor Evelyn Greer, and the first meeting of the Pinecrest Village Council. The council members include Cindie Blanck, Barry Blaxberg, Leslie Bowe, and Robert Hingston. In addition, the citizens of the Village of Pinecrest recently inaugurated the Village Hall of Pinecrest.

I was pleased to be a participant in the Founders Day Parade of the Village of Pinecrest on March 15 of this year where I witnessed the pride of the residents of the village, as well as the unity and cooperation that they possess as a community.

My sincerest and deepest congratulations to the Village of Pinecrest, its mayor, village council, and most of all, its residents, for making the village a great place for many to call home.

H.R. 531—A BILL TO AMEND THE GENERATION-SKIPPING TRANSFER TAX LAW

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. HOUGHTON. Mr. Speaker, my colleague, Mr. MATSUI and I, introduced H.R. 531 on February 4, 1997. The legislation will add two amendments to the generation-skipping tax [GSTT] law which we believe were unintentionally omitted by Congress at the time the original provisions were enacted. The changes recommended by H.R. 531 were adopted by Congress as section 11074 of the Balanced Budget Act of 1995 which was eventually vetoed by the President. The legislation concentrates on the "predeceased parent exclusion" of the GSTT law, which provides that GST tax is not applied to direct gifts or bequests made by a grandparent to a grandchild where the grandchild's parent—the transferor's child—is deceased at the time of the transfer. When this situation occurs, there is no generation-skipping, since the child—grandchild's parent—is dead; therefore, it is not appropriate to add GST tax on top of ordinary estate or gift taxes, and the predeceased parent exclusion properly excludes such transfers from the GST tax.

Our bill would expand the predeceased parent exclusion to apply to gifts by persons without lineal descendants and to trust gifts.

First, gifts or bequests by a childless individual to collateral descendants would be treated as the same as transfers by persons with lineal descendants. Accordingly, the exclusion would be extended to apply to transfers made by a childless individual to his or her grandniece and grandnephew in the situation where the individuals siblings and nieces and nephews are all deceased at the time of transfer.

Second, the bill applies the predeceased parent exclusion to transfers made through a trust. Under current law, the predeceased parent exclusion is limited, unintentionally, we believe, to direct gifts and bequests, and does not apply to trusts gifts even if the parent of the receiving beneficiary was deceased at all relevant times. In addition to other trusts, this provision particularly affects certain charitable trusts where the charity would have an interest for a period of years before distributing property to the individual beneficiaries. In the situation where the beneficiary's parent is dead, and was dead when the trust was created, there is certainly no generation skipping involved which would justify the levy of an additional tax. It is important to note that these trusts are significant sources of financial support for many charities, and should not be discouraged, unintentionally, where not necessary for the policy of underlying tax provisions. The bill would remove this obstacle.

The terminations, distributions, and transfers to which this bill would apply are those occurring on or after the date of enactment, which would be generation-skipping transfers as defined in section 2611 of the Internal Revenue Code and subject to the GST tax, except for the application of the predeceased parent exclusion as amended by this legislation.

The proposed legislation has substantial support from charities, both large and small, and of all types, such as: social services providers, museums, libraries, hospitals, and universities, from around the country. We urge our colleagues to join us in support of this legislation.

TRIBUTE TO 1997 HONOREES OF BLACK WOMEN OF ACHIEVEMENT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Ms. WATERS. Mr. Speaker, we often hear the complaint that people just don't care anymore; that the "I've got mine, you get yours" mentality permeates all segments of our society. People who say that, obviously, haven't crossed the path of Black Women of Achievement. This volunteer, professional women's organization has spent 14 years quietly working to raise funds to support the NAACP Legal Defense and Educational Fund and honor black women for outstanding achievements and significant contributions to their communities. The NAACP Legal Defense and Educational Fund is an organization that uses the law to pry open the doors of opportunity for African-Americans, other people of color, women, and the poor.

BWA has been on a mission, and it has succeeded over and over and over. In just the last 3 years, the organization has raised over $500,000 for LDF. In addition, some 200 African-American women have been honored at its annual fund raising luncheons.

On June 20, 1997, BWA will honor 16 extraordinary African-Americans. It is my pleasure to enter into the CONGRESSIONAL RECORD, this tribute to Black Women of Achievement and its 1997 honorees. They represent the best of America. I commend them for their tenacity, determination, and spirit. They are blazing a trail that gives future generations hope for a world of equality, fairness, and justice.

The 1997 honorees are: actress/minister Della Reese; actress JoMarie Payton-Noble;

renowned entrepreneur-artist Synthia Saint James; Rachel Marie Burgess, division chief, Los Angeles County Sheriff's Department; Adrienne Y. Crowe, regional senior vice president, Bank of America; Shirley Douglas, vice president, business development, Bechtel Infrastructure Corp.; Sheila Frazier, producer, Black Entertainment Television; Angela Gibson, public affairs director, Pacific Telesis; Carolyn L. Green, director of government and public affairs, Ultramar Diamond Shamrock Corp.; Rae Franklin James, executive officer, customer relations and communications, Los Angeles County Metropolitan Transit Authority; Jacqueline E. Massey, administrator, network design, GTE; Iris Stevenson, teacher/director, Crenshaw High School Elite Choir; Debra J. Williams, program manager, Southern California Edison; Rhonda Windham, general manager, LA Sparks; and Della Walton York, district sales manager, AVON.

BWA also pays special recognition to the outstanding achievements of others who support the goals of the organization and their communities. Special recognition has gone to such notables as actor-activist Ossie Davis and veteran news anchor Pat Harvey. The 1997 special recognition award will go to John W. Mack, president of the Los Angeles Urban League.

The 1997 luncheon will be opened with an invocation by Rev. Dr. O.C. Smith, City of Angeles Church of Religious Science.

BWA Committee members are: Beverly Whitaker, 1997 chair, Occidental Petroleum Corp.; Betty A. Johnson, 1997 cochair, Department of Water & Power; Pat Johnson, 1997 cochair, Health Point Services of America; Josephine Alexander, Chi Eta Phi; Berlinda Fontenot-Jamerson, Pacific Enterprises/The Gas Co.; Carolyn J. Fowler, AT&T; Angela Gibson, Pacific Telesis; Jackie Hempstead, Bank of America; Karen (Kay) Hixson, Karen Hixson & Associates; Beverly A. King, King & Wright Consulting; Doris LaCour; Office, Supervisor Yvonne Brathwaite Burke; Jackie Massey, GTE; Gloria Pualani, Northrop Grumman; Natalie L. Sanders, M.D., Association of Black Women Physicians; Rose Mary Spriggs, consultant; Sylvia Swilley, M.D., Kaiser Permanente; Pat Watts, Edison International/retired; and Linda Young, public relations consultant.

REGARDING THE ASIAN ELEPHANT CONSERVATION ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. SAXTON. Mr. Speaker, yesterday, I introduced the Asian Elephant Conservation Act which would set up a special elephant fund for the Interior Department to administer and would authorize $5 million annually over the next 5 fiscal years to be spent on Asian elephant conservation.

At an educational event held yesterday on the Capitol Grounds, I was able to share with other Members all the majesty and wonder of the Asian elephant. It was evident that these creatures are formidable, and one would think they are invincible. Sadly they are not. Indeed, the Asian elephant is in grave danger of extinction. And that is why the United States, as a world leader in conservation, must step forward and assist in Asian elephant conservation.

Unlike the African elephant whose recent decline has been caused by the dramatic large-scale poaching for ivory, the Asian elephant is faced with more diffuse threats. The increasing pressures of human population growth, along with the necessary changes in land use, has caused habitat destruction that now has elephants and people in direct competition for resources.

Because of incremental habitat loss and degradation, Asian elephant populations are highly fragmented. Drastic fragmentation has increased chances of extinction to each fragmented population. Our hope is that this bill will reverse this trend.

For the record, I am including statements on the Asian elephant by Dr. Raman Sukumar, chairman of the IUCN/SSC Asian Elephant Specialist Group; Mr. Douglas H. Chadwick, a wildlife biologist, and author of "The Fate of the Elephant"; Ms. Ginette Hemley, director of international wildlife policy for the World Wildlife Fund; Dr. Mary Pearl, executive director of the Wildlife Preservation Trust International, Inc.; Dr. Chris Wemmer, associate director for conservation and research at the Smithsonian Institution; and Ms. Shanthini Dawson, wildlife ecologist and steering committee member on the IUCN Species Survival Commission.

The Asian Elephant—An Appeal To Save a Flagship in Distress

(By Dr. Raman Sukumar—Chairman, IUCN/SSC Asian Elephant Specialist Group, and Author of "Elephant Days & Nights," 1994)

The Asian elephant has enjoyed an intimate relationship with people for over 4000 years. It has carried our heaviest burdens, and transported us across the widest rivers and over the steepest mountains. Kings have used the elephant as a machine of war and an ambassador of peace. It has been worshipped by Hindus in the form of Ganesha, the elephant-headed god, while the Buddha himself is considered to be the reincarnation of a sacred white elephant. No other relationship between man and beast equals the splendor of the elephant-human relationship.

More important, the elephant is a keystone species across the tropical forests of South and Southeast Asia, arguably one of the biologically most diverse regions in the world. The elephant is thus the ultimate flagship for conserving the biodiversity of the Asian region.

Yet, ironically the Asian elephant faces a crisis that is largely hidden from the international community. Its population in the wild is under 50,000 individuals, perhaps as few as 35,000, a level which is less than 10% of that of its more publicized African cousin. Its range once stretched widely from the Tigris-Euphrates basin in West Asia through the Indian sub-continent eastward up to the Yangtze River and beyond in China. Today, it has been wiped out entirely from West Asia and has virtually disappeared from China. In 13 Asian countries the elephant is found, with few exceptions, as a series of small populations, isolated from each other through habitat fragmentation or even low density.

Fewer than 10 populations, 6 of them of India, have over 1000 elephants. The rest have much fewer numbers, often less than 100 or 50 individuals each.

The reasons for the decline of this Asian giant are many. Historically, the elephant has been captured in large numbers for taming and use by man. During the past century alone up to 100,000 elephants have been captured in Asia. Most countries have stopped capturing elephants now, but some illegal capturing still continues in Southeast Asia. The most serious threat faced by the elephant is the loss of habitat through clearing of tropical forest for traditional and commercial agriculture, and developmental projects. Whether it be rubber and oil plantations in Malaysia and Indonesia, tea and coffee plantations in India, sugar cane in Sri Lanka or shifting agriculture in Indo-China, the result is practically the same—a loss of space for elephants. Added to this developmental projects—roads, railway lines, dams, mines, and industries—burgeoning across Asia threaten to further fragment the elephants' habitat. Elephant-human conflict is increasing in many regions. Crops are trampled and eaten by elephants, and several hundred people killed each year. The traditional tolerance of farmers towards the elephant is disappearing in a world undergoing a rapid socio-economic transformation.

Equally alarming today is the wave of ivory poaching sweeping across Asia, to feed the demand from the rich East Asian countries. India has been hit hard by the lust for white gold, and so have many other countries. As the number of male elephants with tusks declines, the sex ratios become more unequal, genetic variation is lost, and the health of populations threatened.

Seventeen years ago, I began my tryst with this magnificent animal, a symbol of what my country stands for and has to offer to the world. During this short time I have witnessed the elephant decline rapidly in Thailand and Indo-China, lose its traditional migratory routes in India, and killed for its ivory. I have also been privileged to watch the elephant lead its natural life, courting, giving birth, feeding, playing, bathing and enjoying life in general. This tryst with the elephant is a passion and an addiction, which one does not have to apologize for. Just as we cannot imagine an India without the Himalaya, the Ganges or the Taj Mahal, I cannot imagine an India without the elephant. I am sure that many from my neighboring Asian countries would feel the same about the elephant.

I make this appeal to friends of the elephant in the United States to join hands with us to save one of the most magnificent of our fellow creatures on earth. Surely, the trumpet of the elephant should continue to echo through the hills and forests of Asia in the decades and centuries to come.

Statement of Douglas H. Chadwick, Wildlife Biologist and Author of "The Fate of the Elephant," Supporting the Asian Conservation Act

Elephants are one of those animals by which we define the grandeur of creation. No larger life forms walk our earth, and precious few are more intelligent—or more emotional. Elephants live 60 to 70 years, learning and storing knowledge the entire time. They maintain close, complex bonds with other family members throughout that human-length span. They are also intimately tied to the cultures of many nations. And now they are in danger of disappearing. The question is whether or not there is still room for giants among us. On my own behalf, and for the sake of people everywhere, including generations yet to come, I urge you to answer Yes by making the Elephant Conservation act part of the species's life support system.

The American public and Congress have worked hard to reverse the decline of African elephants, *Loxodonta africana*. And the effort has succeeded in many respects, helping boost the population to more than half a million. In the meantime, however, Asian elephants, *Elephas maximus*, have declined to one-tenth that number. Where they once inhabited a range that swept from southern China to the Middle East, they find themselves confined to fragments of countryside too small and scattered to guarantee survival. I have seen three-legged elephants whose last homeland was laced with explosive mines, elephants whose trunk had been claimed by snares, and elephants patterned by bullet scars and acid hurled at them by angry farmers.

Others have probably pointed out to you the value of Asian elephants as an umbrella species. That is, by safeguarding forest tracts large enough to sustain these giants, we ensure sufficient habitat for countless smaller fauna from tigers and sloth bears to peacocks and emerald doves. But elephants are more than just part of the extraordinary variety of plants and animals found in Asia's tropical forests. Elephants are one of the main reasons that genetic bounty is there in the first place with the potential to provide humanity with new sources of food, fiber, and pharmaceutical products.

You see, elephants distribute the seeds of perhaps one-third of all tropical trees. In some cases, elephants are the only known agents of dispersal. Plants germinate in elephant dung at twice the rate found in ordinary forest soil. Through their grazing and trampling, elephants create openings dominated by monocots—grasses and certain starchy herbs—throughout dense woodlands. Those patches in turn host a special array of animals from insects to Asian rhinos. Used wisely, the same forests essential to elephant survival already provide a perpetual source of raw materials, food, and traditional medicines for local people. Those woodlands also absorb and slowly release a reliable supply of good water. Deforested, the landscape offers rapid runoff followed by drought and withered crops instead.

To save Asian elephants is to save one of the principal shapers of biological diversity. To maintain Asian elephant habitat is to maintain the resources that enrich human communities over the long run. To pass an Asian Elephant Conservation Act would be one the most foresighted and yet practical, cost-effective things we could do for the benefit of Americans, people throughout Asia, and the world we all share. Thank you for taking the time to listen.

WORLD WILDLIFE FUND,
Washington, DC, May 23, 1997.

On behalf of World Wildlife Fund and its 1.2 million members in the United States, I am writing to enlist your support for one of the world's most endangered large mammals—the Asian elephant.

Few species capture the public's imagination as do elephants. And few species are as intimately tied to the cultures of so many nations. Yet the Asian elephant faces extinction in the wild today. The combined impact of habitat loss, poaching for ivory, meat, and hides, and increasing conflicts with people threaten the species' survival in the next century. With a total wild population of 35,000 to 50,000, the Asian elephant (Elephas maximus) numbers less than one-tenth of its African counterpart. Although the Asian elephant did not suffer the ravages of excess poaching that reduced African elephant numbers by half in the 1980s, the erosion of its habitat over the past century has fragmented populations to the point that fewer than ten populations comprising more than 1,000 individuals are left throughout the species' range, greatly diminishing long-term viability.

The Asian elephant urgently needs your help. Securing its survival requires stronger protection measures for remaining herds in the 13 countries where the species lives, establishing corridors and linkages between existing forest reserves to allow for natural migration, stopping illegal killing for ivory, and integrating protection measures with the development needs of local people. Addressing these broad needs requires financial and technical assistance from the international conservation community.

Congress has shown important global leadership in protecting endangered species such as the African elephant, rhinos, and tigers, through landmark legislation that has provided modest yet critically-needed financial support for conservation projects. We now call on Congress to extend that leadership to the Asian elephant by enacting the Asian Elephant Conservation Act. Representatives JIM SAXTON and NEIL ABERCROMBIE plan to introduce this legislation on June 4. We ask you to consider cosponsoring this important legislation as an emergency response to helping one of the world's most endangered species.

Living in the world's most densely populated region presents daunting challenges for the Asian elephant. But because elephant herds range over such large areas, protection is more difficult than for tigers and other imperiled species. At the same time, protection measures for the Asian elephant provide broad benefits for countless other species that share its habitat. The Asian elephant is not only ecologically significant as a keystone species in Asia's tropical forests, it is truly a flagship for conservation of the region's tremendous biological diversity.

As the world's largest wildlife conservation organization, WWF is committed to helping save the Asian elephant through projects in Thailand, Vietnam, China, India, Sri Lanka, Indonesia, Bhutan, Nepal, and Malaysia. We look forward to working with Congress and the U.S. government to further these conservation activities. Passage of the Asian Elephant Conservation Act is one important and practical step toward securing the future of this magnificent species for generations to come.

Sincerely,

GINETTE HEMLEY,
Director,
International Wildlife Policy.

WILDLIFE PRESERVATION TRUST
INTERNATIONAL, INC.

WILDLIFE PRESERVATION TRUST INTERNATIONAL SUPPORTS THE ASIAN ELEPHANT CONSERVATION ACT OF 1997

The worldwide population of Asian elephants is down to around 50,000 animals, isolated in small pockets in India, Myanmar, Sri Lanka, Nepal, Thailand, Laos, Cambodia, Malaysia, Indonesia, and Vietnam. The Chinese population is dying out. Up to one-third of remaining elephants live in captivity.

The endangered status of Asian elephants is poignant, because for thousands of years, they have lived in close association with humans, as an integral part of religions and cultures. In the United States, working and zoo Asian elephants have inspired awe, respect, and affection for generations.

WPTI, in cooperation with the India-based Asian Elephant Conservation Centre and the Asian Elephant Specialist Group of the World Conservation Union, has adopted a program to ensure the survival of this species. We have begun surveys in habitat nations, preparations of national plans for elephant conservation in each country, work towards resolution of human-elephant conflicts in agricultural areas, and management strategies for the captive population of elephants for the species' conservation. We are training veterinarians, elephant care givers, and wildlife officials in wild elephant health care.

We have the professionals in place and ready to work, but financial resources to accomplish the important task of rescuing elephants are stretched very thin. The John D. and Catherine T. MacArthur Foundation has sponsored surveys, and the Liz Claiborne Art Ortenberg Foundation has underwritten the costs of finding some solutions to elephant-human conflicts over agricultural lands. Our many members from all over the United States have pitched in with their contributions. But the small amount from private sources cannot address the overwhelming and urgent need. The Asian Elephant Conservation Act will provide the additional assistance that those of us working to save the elephant need to ensure their survival.—Mary C. Pearl, Ph.D., Executive Director, May 1997.

CONSERVATION AND RESEARCH CENTER,
Front Royal, VA, May 9, 1997.

Hon. JIM SAXTON,
Chairman, Subcommittee on Fisheries, Wildlife and Oceans, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN SAXTON: We understand that you are preparing legislation designed to ensure the conservation of the Asian Elephant.

Beginning in the late 1960's the National Zoo undertook several field studies in Sri Lanka (then Ceylon) which resulted in the first ecological information of its kind. Since the early 1980s, the National Zoo's Conservation & Research Center has pursued several collaborative initiatives on Asian Elephants with the assistance of the USAID's Program in Science and Technology Cooperation. Some of these projects have aimed at getting a better understanding of the man-domestic elephant relationship, while others attempt to find solutions to the human-elephant conflict. We have trained local wildlife officers how to survey elephant populations, and have examined the population genetics throughout the geographic range. We are currently using satellite telemetry to evaluate the success of trans-locating crop-raiding elephants to protected areas in Malaysia. In India's southern state of Kerala, we just initiated a study to examine the economics of rural elephants. We have also been seeking funds to complete a study of stress levels in work elephants. In all of these projects we have worked closely with government agencies and non-governmental organizations in different elephant range countries.

No matter where one travels in wild Asia, the tenuous situation of wild elephants is apparent to the critical observer. Relentless human population growth and timber exploitation have fragmented and degraded most forested areas. Ironically, the loss of these vast green spaces will ultimately have dire consequences for people too. The immediate result is competition with people for the same forest and agricultural resources. The reverence with which rural people held elephants in the past to suffice to overcome these conflicts. Human life and livelihood are in danger, and elephant populations are in retreat. Many populations are simply doomed, but large areas can be conserved for the benefit of elephants, wildlife, and people who rely upon ecosystem services such as watersheds, and forest products, etc.

The legislation you are sponsoring is likely to generate public awareness and much needed funds which could be used to solve the recurrent management problems in the conflict areas. Great strides could be made towards the conservation of this magnificent animal on the Asian continent.

We very much hope you are successful in pursuing this legislation and encourage you in your efforts. Please feel free to contact us at any time for any information you may need in putting the bill together.

Respectfully,

CHRIS WEMMER, Ph.D.,
ASSOCIATE DIRECTOR FOR CONSERVATION.

HANOI, VIETNAM,
May 3, 1997.

Hon. DON YOUNG,
Chairman, Resources Committee, U.S. House of Representatives, Washington, DC.

DEAR SIR: I am writing to you in my capacity as a member of the Steering Committee of IUCN's Species Survival Commission (SSC). The SSC is one of six volunteer Commissions with IUCN—The World Conservation Union. The SSC's mission is "to conserve biological diversity by developing and executing programs to study, save, restore and manage wisely species and their habitats". The SSC is made up of over 100 Specialist Groups comprising more than 7,000 scientists, field researchers, natural resources managers, government officials and conservation leaders from almost every country in the world. This global network represents the single greatest source of scientific knowledge about species conservation in existence. At a regional and national level, the SSC provides advice to governments and NGOs about species conservation needs and helps in identifying priorities.

My own area of specialisation, deep concern and commitment is the conservation of the Asian elephant and its habitat. Over the last 10 years my work in south and southeast Asia has led me to see first hand the enormous problems being faced by this magnificent animal. The species is on the brink of extinction in a vast proportion of its range. This is primarily due to the increasing loss of tropical forests and competition for the remaining resources between growing human populations and elephants. This competition invariably leads to destruction of crops, homes and human lives by elephants wandering out of their limited forest homes, and enraged people retaliating by killing elephants.

We have heard and seen the dramatic decline in numbers of the African elephant in recent years. It is now on the road to recovery due to the tremendous international support given to its plight and the numerous conservation initiatives. The US Government through an Act of Congress has been very much a part of this support mechanism, which is highly commendable. I would urge that a similar initiative on behalf of the Asian elephant be considered by yourself and your eminent colleagues at the Resources Committee. The challenges ahead for us in the field are overwhelming. In spite of the almost intractable problems, many national and international agencies have taken up the challenge and developed strategies to protect this mighty species and its habitat. The support and commitment of your committee to these and other initiatives would be invaluable to the conservation of the Asian elephant.

Yours faithfully,

SHANTHINI DAWSON.
Wildlife Ecologist.

COMMENDING READER'S DIGEST FOR HELPING PARENTS

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. LARGENT. Mr. Speaker, today, I rise to commend Reader's Digest for the April 1997 article "How to Raise Drug-Free Kids." Authors Per Ola and Emily D'Aulaire focus on the vital role that parents play in preventing teenage drug use. I am encouraged by Reader's Digest's positive piece to help parents and encourage others in the media to follow suit.

The authors of the article point out that the love and guidance that parents show toward their children have a profound impact on their children's development and potential drug use. As children go through the normal stages of growth from infancy to adolescence, they develop relationships with their peers that are based on the early bonds that they have formed with their parents. To help prevent drug use, parents need to take an active role in their children lives and establish strong bonds of love, dedication, and honesty.

Again, I commend Reader's Digest and authors Per Ola and Emily D'Aulaire and encourage others in the media to follow their example. I believe we should encourage parents toward positive solutions to help our kids.

A GOOD BEGINNING

(By Per Ola and Emily D'Aulaire)

When Lauri and Ted Allenbach of Redding, Conn., were married in 1975, they talked about how their kids should be raised. Ted, then 33, had grown up before the drug culture of the '60s. But Lauri, 25, had seen drugs all around her in high school. One girl, high on marijuana, was involved in a near-fatal auto accident. Another got pregnant while stoned on pot. A single evening of "experimentation" would alter her life forever. Together, Ted and Lauri made a commitment to do whatever it took to raise their children to be drug-free.

Early Steps. A parent's actions even before a child's birth are critical to helping that child stay off drugs in later years. Drugs, including nicotine and alcohol, can cross the placental barrier and damage a fetus as early as three weeks after conception. And some research suggests that babies born to addicted mothers may be at higher risk of addiction later in their lives.

In addition, experts agree that loving attention is important in developing lifelong self-worth—and that lack of self-worth is a major reason for drug use. Long before your children are ready for school, establish family guidelines for behavior: honesty, fairness, respect for others and for the law.

First Lessons. As soon as they're old enough to understand, teach your children that some products found around the house, including household cleaners, aerosols and medicines, can be poisonous.

As an adult, Ted Allenbach learned he had diabetes. As part of his treatment, he took prescription medication. He explained to his children—Danna, born in 1978, and Mark, born in 1981—that though the pills were good for him, they could be bad—for them. Drill it into your child: "Don't ever swallow anything new without talking to me first."

ELEMENTARY SCHOOL

Children five to nine years old still learn mainly by experience. They can slide from fact to fantasy and back again without even realizing it. What they see, however, is very real to them.

Though teachers often achieve herolike status, it's what children encounter at home that counts the most.

"With young children, what's important is not what parents say but what they do," says Ruth-Ann Flynn, a grade-school teacher from Ridgefield, Conn. "If children see their parents drinking and smoking, they're more likely to follow that example."

Most experts agree that it is okay if your kids see you having an occasional drink. But if they see you using alcohol as a regular coping mechanism, it is not. Moreover, don't let your children be involved in your drinking by having them make you a cocktail or bring you a beer.

Good Choices. Now is when to begin teaching your children to make decisions on their own, and to impart "don't be a follower" lessons.

Says Flynn, "I try to make children understand that just because someone tells them to do something, that doesn't mean it's the right thing to do. If they're in doubt, they should ask someone they trust."

By the late elementary-school years many children know of classmates who have begun to smoke, drink or use drugs.

Sniffing Danger. Now is also when kids begin to encounter inhalants: pressurized aerosol products such as paints and cooking sprays or model glue. Kids inhale these volatile substances in order to experience a high. The fact that the momentary "buzz" can cause permanent brain damage, even death, doesn't occur to these youngsters.

One of the most important lessons parents can teach their children at this age is how to say no. Lauri Allenbach advised her kids to give reasons, such as: "I signed an agreement with my coach that I won't smoke or drink." If all else fails, she told Danna and Mark to make her the villain: "No way. My mom would kill me."

Escape Routes. Help kids stay away from places where they may be pressured to use illegal drugs. If there's a party, they should ask, "Who else is coming?" and "Will your parents be home?" As a last resort, tell your kids if they sense trouble brewing, just get out. Says Viola Nears, a mother of a youngster at an inner-city school, "I tell him if he smells pot in the bathroom at school, leave. Go to another bathroom fast."

Teach your children to be aware of how drugs and alcohol are promoted. Kids nearing their teens are increasingly tuned in to TV, movies and music that bombard them with images of drug and alcohol use. Donna Bell, a Wichita, Kan., coordinator of community participation for the Koch Crime Commission and mother of two drug-free children, kept tabs on what they were watching and listening to. "Just telling me they were going to the movies wasn't enough. My husband and I would ask what movie and check it out. It's work, but you've got to do it."

She also took advantage of "teaching moments." As she says, "If we were watching Saturday TV together and saw an anti-drug commercial, I'd use that as a jumping-off point. You can't start talking to your kids too soon—and as long as you're not badgering or threatening them, and you keep your message brief and upreaching, you can't do it too often."

How do you talk to your kids about drugs? Start anywhere, advises the Partnership for a Drug-Free America, a national coalition. Don't worry about how you kick off the discussion, and don't get discouraged if it seems your kids aren't listening. Make one thing crystal clear: you feel strongly that drugs are dangerous, and you do not want your child to use them.

MIDDLE-SCHOOL MANIA

This is probably the most vulnerable period in a child's life, a time when peer pressure hits with a vengeance. Their hair gets longer or maybe disappears. Their clothes are bizarre, their music funky. Hormones bubbling, kids this age are curious about everything—and willing to try just about anything that makes them look cool.

"This is a vital time for parents to keep all lines of communication open," stresses Caitlin Sims, science teacher and head of the after-school drug program at Usher Middle School in Atlanta. "Too often parents relax their guard, thinking the kids are on their own now. But rushing them into freedom is a recipe for disaster."

Sims advises parents to think of the first year of middle school as a new kindergarten. "There're starting over, suddenly thrown in with older; more sophisticated students," she explains. "Check their book bags. Ask to see their homework. Let them earn their new middle-school responsibility."

Facts, Not Fear. Sims and other educators believe that if kids this age are going to resist the peer pressure and temptations around them, they need to be armed with information—not scare tactics.

"Many messages kids hear are designed to frighten them," notes Lauri Allenbach. "'If you drink, you'll become an alcoholic; anyone who does drugs is bad.' Then, guess what? They see a friend smoking a little pot at parties, and she's still getting A's. They see a basketball player take a drink, and he's still playing well. The contradiction makes them question the whole message."

One teen reported coming home after having smoked some pot at a party. "My parents were like, 'You're going to be a drug addict and die.' They didn't have a clue about drugs." Without intending to do so, his parents had closed the door to further discussion.

"Most kids today know more about drugs than their parents," says Alan Leshner, director of the National Institute on Drug Abuse (NIDA). "That's why parents need to do their own research and speak accurately about what drugs do."

Keep advice in the here and now. At middle-school age, talking about long-term health threats doesn't have much effect. Kids are concerned with looking good to their peers. Point out that cigarette smoking causes bad breath and could give them yellow fingers, or that if they drink, they might become ill and throw up in front of their friends.

Setting Limits. Many young people use drugs simply because their friends do. To reinforce a child's ability to resist, get to know your child's friends and their parents, and monitor your child's whereabouts.

Steering children toward the right crowd is not always easy. Declaring a friend "off limits" may only make that person more appealing. Says Wichita's Donna Bell: "I advised my girls to choose their friends wisely. 'You lie down with the dogs,' I'd say, 'you're going to get up with fleas.' They'd laugh—but they knew exactly what I meant.

Keeping Busy. Research has shown that when teens are unsupervised and have little to do, they are more likely to experiment with drinking and drugs. Keep children involved and busy.

When Atlanta's Caitlin Sims first began teaching, her principal gave a friendly warning: "If you don't give them something to do, they'll give you something to do."

As Sims recalls, "It was good advice for me, but in truth it's good advice for the parents of any middle-school child." Extracurricular activities and chores at home keep kids busy and add to their sense of responsibility.

Staying Involved. "Twenty years of scientific research have shown that direct parental involvement in the life of the child is the most protective factor in increasing the odds that a kid will remain drug-free, " says NIDA's Alan Leshner.

Lithangia Murray, an Atlanta mother of two, puts involvement at the top of her list of ways to raise a drug-free child. "Parents aren't a key—they're the key," she says. "You have to be a part of your children's lives and be aware of any changes in their behavior."

U.S. Secretary of Education Richard W. Riley urges parents to visit their child's school and talk to teachers and administrators. Find out what you can do to improve drug-prevention programs.

HIGH-SCHOOL TESTS

Peer pressure still holds sway. Being accepted as one of the gang is a top priority. And though susceptibility to influence may be less than it was during the middle-school years, exposure to drugs and alcohol is even greater—especially once a teen gets a driver's license.

Kids this age need to be reminded that as bad as drugs and alcohol are for their bodies, what those substances can make them do can be equally dangerous. Joseph A. Califano, Jr., former Secretary of Health, Education and Welfare and now president of The National Center on Addiction and Substance Abuse at Columbia University in New York City, notes that getting involved in an automobile accident when high can result in being killed or maimed, or killing or maiming someone else. "Smoking marijuana," he warns, "is like playing Russian roulette. Some kids are going to get hit with the bullet in the chamber and have their lives permanently affected."

A hot question among baby-boomer parents today is: "What can I say to my kids if I smoked pot when I was younger?" If confronted by your children, be open and honest. Author Peggy Noonan, who experimented with pot in college, offers this advice to other parents: "You did it, and it was wrong—be an adult and say so. It's one thing to be ambivalent about your own choices. It's another to be ambivalent about your child's."

To every parent the U.S. Department of Education offers these words of advice: "Setting rules for a child is only half the job. Parents must be prepared to enforce the penalties when the rules are broken." Experts recommend:

Be specific. Make sure your child knows what the rules are, the reasons for them and what the consequences will be if they're broken. When Mark and Danna Allenbach neared driving age, their father told them, "If either of you ever drink and drive, you can say goodbye to anything to do with our cars. There will be no second chances. Once, and it's over. You're too important to lose."

Be consistent. "Just saying no" can be as hard for parents as it is for a kid. Sometimes caving in to a persistent request is the path of least resistance. But if the answer to a request should be no, stick to it.

Be reasonable. Don't add new consequences after a rule is broken, and make sure the punishment is appropriate. "Consequences are most effective when they fit the infraction," says Olive O'Donnell, education director of the National Family Partnership, a substance-abuse prevention group in St. Louis. "Grounding may be appropriate for a broken curfew, but it's meaningless when applied to something such as not making the bed."

Keep Listening. According to the Partnership for a Drug-Free America, it's important that parents "don't do all the talking." If you listen carefully to your children and read between the lines, you can learn a lot about what they think about drugs—and help them avoid the pitfalls.

To keep children away from drugs, one thing is clear: schools, community, religious institutions, the police—all of them can help. But no one can replace the family.

Lauri and Ted Allenbach invested a lot of time fulfilling their commitment to raise their children to be drug-free. It has paid off—neither child has been involved with alcohol or drugs. "You have to have control over your life," says Danna, now a freshman at James Madison University in Harrisonburg, VA. Mark, a high-school sophomore, has no interest in drugs. "I'm pretty confident," he says. "I don't think I'm going to fold."

The work that parents do is critical. Experts agree it is highly likely that youngsters who don't do drugs as teens will not do drugs as adults.

Talk to your children. Listen to them. Set standards of right and wrong. Keep in mind that they learn by example. Love, support and praise them so they will have a sense of self-worth. Keep them busy. Be involved with—and on top of—their lives. Educate yourself about drugs.

Remember, don't let your silence be acceptance.

TRIBUTE TO EDWARD A. CARTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Edward A. Carter, a man who believes in working within his community as though it is his home, and with his neighbors as though they are his family. Mr. Edward A. Carter was born in Richmond, VA. At the age of 2 he moved to the Bensonhurst section of Brooklyn where he attended public school and graduated with honors.

Mr. Carter enlisted in the military services in 1950 and served in the 715th AA Battalion. After receiving his B.S. degree at LaSalle University, Mr. Carter enlisted in the U.S. Air Force and served overseas. Edward Carter received several commendations of merit and four honorable discharges, one from the U.S. Army, and three from the U.S. Air Force.

After retiring from the Armed Forces, he moved to the Fort Greene section of Brooklyn where he has participated in many social, civic, and fraternal organizations. As the executive director and founder of the Fort Greene Youth Patrol Inc., Mr. Carter serves the needs of hundreds of inner city youth, young adults, and senior citizens. As a founding board member of the Brooklyn Navy Yard, he served as chairman of the Parks and Public Safety Committee for 20 years. Mr. Carter is also the cofounder and vice chairman of the Fort Greene Senior Citizens Council which serves 900 or more senior citizens, Greene Community Corp.

Mr. Carter is extremely active in veterans affairs and simultaneously works with Cumberland Neighborhood Family Clinic and the Veteran Association. Mr. Carter is a 20-year board member for the Selective Services No. 145 in Brooklyn, and a member of the American Legion.

Mr. Speaker, I ask you to join me in saluting Mr. Edward A. Carter for his outstanding contribution to the Armed Forces and to the people of the Fort Greene community in Brooklyn.

TRIBUTE TO REV. JAMES L. GLEESE

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. FORD. Mr. Speaker, I rise today to ask my colleagues to remember and pay tribute to the late Reverend James L. Gleese. Reverend Gleese's recent passing will result in a tremendous void in our community. He was a selfless and giving man, seeking to serve rather than be served, to praise rather than be praised, and to glorify rather than be glorified.

After entering the ministry in 1945, Reverend Gleese acted in the benevolent service of his fellow man. In 1954, he founded and operated the Beale Street Mission, which housed homeless men, giving them counseling, employment assistance, and spiritual guidance. He devoted his evenings to the Youth For Christ Ministry, an outreach to young people in the Beale Street area of Memphis. Reverend Gleese lead the A.M.E. Church as presiding elder of the North Memphis district. Through his vision, hard work, and determination, he founded Pearl Street A.M.E. Church and West Point A.M.E. Church. He also fulfilled his service to the greater community by involving himself extensively in civic affairs.

Reverend Gleese will be remembered as a noble spirit and fearless warrior, one who stood tall among his peers and who stood firm in his beliefs. His work in the church and the community and his devotion to his family and friends will be his enduring legacy. Mr. Speaker, I ask my colleagues join me in honoring and remembering this paragon of inspiration and decorated soldier of the cloth, the late Reverend James L. Gleese.

INTRODUCTION OF LEGISLATION TO RAISE THE INDIVIDUAL LIFETIME CAP ON HEALTH INSURANCE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Ms. ESHOO. Mr. Speaker, I'm pleased today to introduce legislation to raise the individual cap on lifetime health insurance payments to $10 million for group insurance coverage.

The current standard lifetime cap is like a dinosaur from Jurassic Park—a relic from another age that can still be hazardous to those who get in its way. A million dollar cap was fine when it was established in the early 1970's. But inflation has sent medical costs skyrocketing and forced thousands of Americans to bump up against that payment ceiling. As a result, some patients who desperately require medical attention are plowing through their savings and ending up on public assistance just to pay their doctor bills. Since anyone can be hit at any time with a disabling disease or traumatic injury—resulting from everything from AIDS to car accidents—this initiative will benefit a wide range of people.

The legislation would amend the Employee Retirement Income Security Act and the Public Health Service Act to raise the lifetime cap from the typical exisiting limit of $1 million to $5 million in 1998 and $10 million in 2002. It would exclude employers with fewer than 20 workers. Over 150 national health-related nonpartisan groups have endorsed the measure.

At present, approximately one quarter of employer-sponsored health plans have no lifetime limit. Unfortunately, many people don't realize that their health insurance policies have a lifetime cap that could be easily exceeded if a catastrophic illness or injury occurred. If the industry standard of a $1 million cap were indexed for medical inflation since 1970, it would be worth between $10 million and $15 million today. The American Academy of Actuaries found that raising the lifetime cap on large employers would likely require a premium increase of only $7 per year per adult to cover between $500,000 and $1 million.

According to the accounting firm of Price Waterhouse, 1,500 people exhaust their lifetime payments under their private health insurance each year and have no choice but to impoverish themselves and their families to qualify for Medicaid. The firm estimates that an additional 10,000 people will reach their lifetime payment limits in the next 5 years. Lifetime caps are particularly devastating to those who become seriously ill, disabled, or injured at an early age. Some children born with certain cancers or hemophilia reach their lifetime cap by the time they are 10 years old.

Raising the payment cap will not only provide more payments for patients, but also save money for the Federal Government. Price Waterhouse estimates that raising the caps would save approximately $7 billion for the Medicaid program over 7 years because people would not be forced to turn to the Federal Government as the health-care provider of last resort.

I urge my colleagues to support this important legislation.

IN MEMORY OF JOE MAYER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Joe Mayer, whose radio show and personality were known to many admirers in Cleveland, the rock 'n' roll capital of America.

Joe was born in Cleveland and went to high school in Fairview Park. He served in the U.S. Navy as a radioman during World War II.

Joe's radio career spanned more than 34 years. He made his debut in 1953 at WEOL in Elyria. He grew in popularity along with rock 'n' roll at stations WHK and WGAR.

When the Beatles came to Cleveland in 1964, Joe put them up in his home. He was master of ceremonies for the Rolling Stones' first Cleveland concert.

Joe and rock 'n' roll were bound together in Cleveland's music consciousness.

His voice, energy, and personality will be greatly missed.

CELEBRATING THE LEGACY OF ADOLPHUS ANTHONY "DOC" CHEATHAM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. CONYERS. Mr. Speaker, I rise this evening to pay tribute to Adolphus Anthony "Doc" Cheatham who died Monday, June 2, at age 91, at George Washington University Hospital in Washington, DC. A native of Nashville, TN, Cheatham would have celebrated his 92nd birthday on June 13. He had just completed an engagement at Blues Alley, a world renowned jazz club.

The Nation and the African-American community have lost a major cultural figure. Cheatham was one of the few musicians still active whose career reached all the way back to the beginnings of the jazz revolution in American music. He could count the legendary Joe "King" Oliver as a mentor, and the even more legendary Louis "Pops" Armstrong as a peer.

It was remarkable and quite wonderful that "Doc," as he was affectionately known, was still performing on so demanding an instrument as the trumpet at 91. At the time of his passing, Cheatham was touring with 23-year-old trumpet phenomenon Nicholas Payton. Their performances, as well as their recently released recording, were widely praised in both the general and the jazz press.

Washington Post writer Richard Harrington characterized their efforts as a "cross-generational communion full of timeless verve and abundant joy." His colleague Geoffrey Himes noted that "despite their immense age difference Cheatham and Payton find common ground in their shared affection for Louis Armstrong." Whitney Balliet of the New Yorker described Cheatham's playing as "complete and jubilant."

Early in his career, Cheatham played saxophone, in addition to cornet and trumpet. In fact, on one of his earliest recordings he accompanied the classic blues singer Ma Rainey exclusively on soprano saxophone. Accompanying blues and jazz vocalists was one of Cheatham's strengths. He was a favored accompanist for such outstanding vocal stylists as Bessie Smith, Ethel Waters, and Billie Holiday.

For most of his career, Cheatham was highly regarded as a first chair trumpeter. At one point or another Cheatham was associated with just about every significant big band, including those of Chick Webb, Cab Calloway, Teddy Wilson, Benny Carter, Benny Goodman, and Count Basie. He was also active in Latin Jazz, performing with the likes of Perez Prado, Tito Puente, Ricardo Rey, and the great Machito. His small group associations included stints with the Eddie Heywood Sextet, Herbie Mann, and the Wilbur DeParis' "New" New Orleans Jazz Band.

Late in his career, Cheatham remade himself as a jazz soloist, vocalist stylist, and raconteur. He became a regular on the festival circuit. Among the club venues he frequently played was New York City's Sweet Basil, where he held forth at Sunday Brunch nearly every Sunday for 17 years. He was fond of telling his audiences that he had earmarked [illegible]s second career.

Cheatham was one of the most beloved figures in Jazz and a true national treasure. He was a link to the beginning, a first person witness who had also been an important practitioner from the very early days of Jazz. He breathed the essence of Jazz through his horn and did so with a great sweetness and humility. The jazz world was fortunate that he was active for so long and that he was able to pass along his knowledge and understanding to artists who will carry the flame of Jazz into the next century.

SALUTE TO THE MAYOR'S CHARITY BALL

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to recognize this year's 5th annual Township of Marlboro Mayor's Charity Ball. The ball will take place tomorrow at the Robert B. Meyner Reception Center at the P.N.C. Arts Center in Holmdel, NJ.

The mayor's ball was an initiative that Mayor Scannapieco first began working on some years ago. The ball is the largest annual event to raise funds for the Marlboro Improvement and Cultural Fund, Inc.

The fund is a charitable, nonpartisan organization which raises money, instead of utilizing tax dollars, to have some of the community needs met. In the past, this innovative fund has assisted by purchasing needed equipment, supporting summer concerts, supporting the Memorial Day parade, little league, the young ambassador program, soccer activities, Pop Warner football, Holocaust programs, and other special projects.

At a time when so many townships and local governments must stretch every dollar, it is reassuring to see such innovative measures by the Township of Marlboro to find ways of providing for the needs of the Township and its residents.

This year, the honoree for the ball is Nancy Horowitz, chairperson and founder of the Marlboro Township Municipal Alliance, a group that works to combat substance abuse.

Nancy is a 22-year resident of Marlboro Township and she has been a volunteer for 21 of those years. A teacher for 33 years and a drug and alcohol abuse counselor for 12 years, Nancy has brought to Marlboro Township her expertise, concern and dedication to the welfare of others. In 1990, Nancy founded and continues to chair the Marlboro Township Alliance for the Prevention of Substance Abuse.

Nancy has raised the consciousness of the people of Marlboro Township from school children to senior citizens, making them aware of the effects of drugs and alcohol and of their responsibility to make the right choices for themselves and the community at large. Nancy has helped to continue Marlboro's commitment of taking care of its own.

I applaud the efforts of those involved that have worked so hard on the mayor's ball, Nancy Horowitz, this year's honoree, the Marlboro Township Municipal Alliance, and the citizens involved with the Marlboro Improvement and Cultural Fund.

TRIBUTE TO DARREN K. PEARSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. TOWNS. Mr. Speaker, I rise today to commend an established entrepreneur, Darren K. Pearson. He developed and is currently running three businesses in Brooklyn and Queens, NY.

Mr. Pearson's businesses include a full-service real estate firm, apartment building management, and construction and maintenance. Before becoming involved in real estate, Darren worked as an account executive for Amergold Corp. He also worked for Vanguard Oil as a fuel salesman in the commercial and barge departments. His duties included fuel sales to Con Edison, PSE&G, and LILCO. He was subsequently promoted to director of public relations for Vanguard and was responsible for the home oil transfer program, which provided oil to needy families at either a discount or no cost. His success in that position led to his promotion to vice president of procurement and industrial sales for Vanco Oil Co., a subsidiary of Vanguard.

Darren is the chairman of the Men's Caucus for Congressman TOWNS, a member of 100 Black Men, Inc., and senator David Patterson's Progressive Professional Network. As a young businessman, Darren hires and trains college-bound students as trainees in real estate management and office administration. I am pleased to introduce him to my House colleagues.

IN COMMEMORATING THE 25TH ANNIVERSARY OF THE VILLAGE CONDOMINIUM

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I join my colleagues in celebrating the twenty-fifth anniversary of the Village Condominium.

In 1910, the site of the Village Condominium was a working farm and piggery. It was not until 1947 that 308 apartments were built on the site of this farm. In 1971 these apartments became condominiums in the largest condominium conversion in Massachusetts. No one could have imagined that 25 years later, the Village Condominium would set standards for other condominiums statewide.

The Village Condominium pressed for certain rights which they were entitled to, thus providing strong leadership for all other condominiums in the area. The Village Condominium Association is an example of citizens working together to achieve a common goal. The result is an affordable, efficiently run condominium.

I am pleased to join my colleagues in commemorating the 25th anniversary of the Village Condominium.

TRIBUTE TO JOHN H. SENGSTACKE

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. FORD. Mr. Speaker, I rise today to ask my colleagues to remember and pay tribute to the late John Herman Henry Sengstacke, a pioneer in journalism and an ardent defender of the first amendment.

As founder of the Chicago Defender and the National Newspaper Publishers Association and publisher of the Tri-State Defender in Memphis and many other African-American newspapers, John Sengstacke made African-American journalism a potent force in journalism, as well as social and political change in the United States. Through his coverage of and participation in the major civil rights issues of his day, Mr. Sengstacke created opportunities for hundreds of thousands of Americans.

During the Roosevelt administration, he became the first African-American journalist to gain press credentials to cover the White House. He was a war correspondent in Europe during World War II and played an influential role in integrating the Armed Forces by convincing Eleanor Roosevelt to visit the Tuskegee Institute, leading to the establishment of the Tuskegee Airmen. After World War II, President Harry S. Truman appointed Mr. Sengstacke to serve on the Presidential committee to end segregation in the military.

He served on a subsequent committee overseeing military integration in the Kennedy administration.

Mr. Sengstacke was highly respected by all of his colleagues as a newspaperman and a journalist. He was the first African-American member of the American Society of Newspaper Editors, the American Newspaper Publishers Association, and the Pulitzer Award Committee.

Mr. Speaker, President Lyndon B. Johnson once said our "freedom is fragile if citizens are ignorant." John Sengstacke, through his commitment to getting facts to the public, strengthened freedom in the United States. I ask my colleagues to join me in honoring and remembering him.

TRIBUTE TO THE 25TH ANNIVERSARY OF THE MS. FOUNDATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today in tribute to the Ms. Foundation for 25 years of championing the rights and needs of women and girls. The Ms. Foundation celebrated this milestone on Thursday, May 29, 1997, with a gala dinner and awards ceremony in New York City.

The Ms. Foundation for Women is a national, multi-issue, public fund. It was founded in 1972 and supports the efforts of women and girls to govern their own lives and to influence the world around them. The mission of the foundation is to fund and assist women's self-help organizing efforts, and pursue changes in public consciousness, law, philanthropy, and social policy. In the 1996 fiscal year, the Ms. Foundation awarded a total of $1,665,700 in grants and technical assistance to programs in the areas of economic security, leadership for young women and girls, and health and safety. I am pleased to add that the Ms. Foundation is the creator of the Take Our Daughters to Work Day campaign.

This year the Ms. Foundation honored nine 1997 Women of Vision Awardees. Those honored for organizing work were Justine Andronici, Nohelia Canales, and Dee Martin for a project of the Feminist Majority Foundation; Ellen Bravo of the National Association of Working Women, Frances Kissling from Catholics for a Free Choice; Rinku Sen of the Center for Third World Organizing. For philanthropy, Ann R. Roberts, the Ford Foundation and the American Express Company were each honored.

It is my great pleasure to acknowledge the 25-year anniversary of the Ms. Foundation. With the very capable stewardship of Marie Wilson, executive director and the dedicated board of trustees, the Ms. Foundation will continue to provide an essential resource for those who strive to improve the lives of women. I ask my colleagues in this Chamber to rise with me in honor of the extraordinary contribution the Ms. Foundation has made.

HAPPY ANNIVERSARY TO RAUL AND MINA BESTEIRO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to ask my colleagues to join me in celebrating the 40th anniversary of two truly great Americans, Raul and Mina Besteiro of Brownsville, TX, on June 8, 1997.

I cannot begin to tell you how much the Besteiros have given to Brownsville, the greater south Texas area, and our country. Raul Besteiro, an adjunct professor with the Alternative Certification program at the University of Texas-Brownsville, was recently elected president of the Southern Association of Colleges and Schools, a 101-year-old educational institution. Mr. B began his teaching career in 1958, moving quickly up through the leadership of the Brownsville Independent School District, eventually becoming superintendent and introducing a new educational concept at the State's largest high school.

Mr. B, as Raul is known affectionately known around south Texas, has spent his entire life working to make our community a better place. He has made our community a better place by serving as a consultant to the Port of Brownsville, making the local concerns of the community and the port authority known to lawmakers. His expertise is focused on matters relating to the Gulf of Mexico and the south Texas rail system. He has served as a member of the Brownsville Rio Grande International Railroad and the Texas Turnpike Authority.

The love and strength of his wife, Mina, has made all these things possible. Without her constant support and understanding, he would not be able to do the demanding work he does on behalf of the community. Mina is also an educator, starting as a school teacher at BISD. She has dedicated her life to her children and her family. Her long-term commitment has enabled her husband and her children to be so wildly successful.

People say the measure of a family's character is most evident in their children. The Besteiro children are a tribute to the loving foundation built by their parents. Mr. B and Mina raised children, all of whom are professionals and many of whom have following in their father's footsteps and chosen education as a vocation. All the Besteiro children—Mina, Pila, Lucy, Adriana, Cess, and Raul III—are valuable citizens in the south Texas community.

I ask my colleagues to join me in commending Raul and Mina for their long-lasting journey of marriage and family.

SALUTING NEW YORKERS WHO SUPPORT ISTEA

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. HINCHEY Mr. Speaker, I would like to rise today to applaud and thank a group of bicyclists from New York State who I had the pleasure of meeting with yesterday. They had biked from Hastings, NY, to Washington, DC, to demonstrate their commitment to alternative transportation—most especially to the bicycle and pedestrian provisions which are currently contained in the intermodal Surface Transportation Efficiency Act [ISTEA].

I especially want to salute one of my constituents, Dave Gordon, who was injured on the bike ride to Washington. Because of his injury, Dave could not complete his mission, but I for one do not doubt his commitment to a cleaner environment and to transportation alternatives. We need more people like him in this world.

Mr. Speaker, because of the example and fortitude of these bicyclists I would like to urge all of my colleagues to seriously consider renewing our commitment to transportation alternatives and to a cleaner environment, for ourselves and for future generations, as we debate the reauthorization of ISTEA this summer.

TRIBUTE TO SENATOR STROM THURMOND

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. SPENCE. Mr. Speaker, on May 25, Senator STROM THURMOND became the longest serving U.S. Senator in the history of our Nation. It is a pleasure for me to join those who are honoring him on his distinguished career.

Senator THURMOND is a truly amazing person. He has served the people of South Carolina as a teacher, athletic coach, county superintendent of education, city attorney, county attorney, State senator, State circuit judge, Governor, and U.S. Senator. He has also been a candidate for President of the United States, carrying four States and receiving 39 electoral votes, and he is the first person in the history of our country to be elected to a Federal office as a write-in candidate, in his election to the U.S. Senate in 1954. He volunteered for active duty in World War II on the day that war was declared by the United States against Germany, serving with distinction in the American, European, and Pacific Theaters, and he participated in the "D-Day" invasion in Normandy. He also served in the U.S. Army Reserve for 36 years, retiring as a Major General.

Throughout his outstanding career, Senator THURMOND has tirelessly dedicated himself to helping others. So many people have benefited from his efforts on their behalf. Also, Senator THURMOND has an extraordinary legislative record. During his service in the Senate, he has crafted volumes of key legislation and he has led the debate to keep our country strong and free.

Senator THURMOND is a true patriot, a valiant Army officer, a statesman of the highest order, and a true friend to all who know him. Our Nation has been blessed with his leadership and stewardship. Senator STROM THURMOND is a great American hero. He is wished much continued success.

HONORING BARBARA FAISON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. TOWNS. Mr. Speaker, I rise today to commend Barbara Faison who is a hard worker and is dedicated to her family, friends, and community.

Barbara Faison started her community in the late sixties, when East New York was experiencing a race riot. She worked with the Congress of Racial Equality [CORE], under the leadership of Roy Innis. She also worked for former New York Mayor John Lindsey who asked her to serve as a youth liaison in the East New York community.

Barbara became a union representative of Local 144 and a housing activist where she assisted homeowners who were confronted with eviction. She also established "hot lines" for abused children and served on the area policy board. Her community work at St. Gabriel's Church also included efforts to feed sick, poor, and homeless people in the surrounding neighborhoods. Additionally, Ms. Faison is a member of the Rosetta Gaston Club. Barbara has remained active in both youth and senior citizen issues. I an pleased to recognize her many contributions.

RECOGNIZING THE DELHAVEN COMMUNITY CENTER ON THE OCCASION OF ITS 25th ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize the Delhaven Community Center of La Puente, CA, on the occasion of its 25th anniversary. On Saturday, June 7, 1997, Delhaven will celebrate its 25th annual volunteer recognition dinner, honoring those who have helped in Delhaven's growth and service to the San Gabriel Valley.

Delhaven's successful growth is a result of the exemplary services the center provides and offers to area residents. Founded in June 1972 by Barbara and Wyatt Seal, Delhaven serves the greater La Puente community through numerous services at no or low cost to residents. Programs for the developmentally disabled, for children, and for youth are the central focus of Delhaven's efforts. These services include after school activities, a social service club, assistance programs for at risk children, and social welfare programs which include emergency food and clothing assistance programs. The growth of these programs is testimony to the successful efforts of the Seal family and the thousands of volunteers who give selflessly of their time.

Among its many offerings, Delhaven's summer camp program exemplifies the tremendous growth the center has undergone over the past 25 years. In 1972, Delhaven began a 2-week summer camp with 23 participants. Since that time, it has grown to 14 weeks of summer camp with over 900 participants. It has also grown from just 6 volunteers to over 600, and has increased the programs it offers from 6 to over 20. Additionally, Delhaven has grown from 2 volunteer staff members to 28 full- or part-time paid staff.

Delhaven has been able to provide these services over the past 25 years because of its volunteers. Throughout the years, over 3,500 selfless individuals have helped Delhaven in its efforts to meet the community's needs. I commend each and every one of the volunteers who, over the past 25 years, have helped to make Delhaven a model community center.

Mr. Speaker, I proudly ask my colleagues to join me in saluting the spirit of voluntary service that has flourished at Delhaven Community Center under the leadership of the Seal family over the past 25 years, and to join me in congratulating Delhaven on its 25th anniversary.

INTRODUCING THE FAMILY EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. PAUL. Mr. Speaker, I rise today to introduce the Family Education Freedom Act of 1997, a bill to empower millions of working-and-middle class Americans to choose a nonpublic education for their children, as well as making it easier for parents to actively participate in improving public schools. The Family Education Freedom Act accomplishes it's goals by allowing American parents a tax credit of up to $3,000 for the expenses incurred in sending their children to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to America's education system; what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education market. Funding decisions are increasingly controlled by the Federal Government. Because "he who pays the piper calls the tune," public and even private schools, are paying greater attention to the dictates of Federal educrats while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control.

Loss of control is a key reason why so many of America's parents express dissatisfaction with the educational system. According to a study by the well-respected public opinion firm Fibrazio, McLaughlin and Associates, Americans want Congress to get the Federal bureaucracy out of the schoolroom and give them more control over their children's education.

Today, Congress can fulfill the wishes of the American people for greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to send it to Washington to support education programs reflective only of the values and priorities of Congress and the Federal bureaucracy, not the parents.

The $3,000 tax credit will make a better education affordable for millions of parents. Mr. Speaker, many parents who would choose to send their children to private, religious, or parochial schools are unable to afford the tuition, in large part because of the enormous tax burden imposed on the American family by Washington.

The Family Education Freedom Act also benefits parents who choose to send their children to public schools. Although public schools are traditionally financed through local taxes, increasingly, parents who wish their children to receive a quality education may wish to use their credit to improve their schools by helping financing the purchase of educational tools such as computers or extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services for their children.

Greater parental support and involvement is surely a better way to improve public schools than funneling more Federal tax dollars, followed by greater Federal control, into the public schools. Furthermore, a greater reliance on parental expenditures rather than Government tax dollars will help make the public schools into true community schools that reflect the wishes of parents and the interests of the students.

The Family Education Freedom Act will also aide those parents who choose to educate their children at home. Home schooling has become an increasingly popular, and successful method, of educating children. According to recent studies, home schooled children outperform their public school peers by 30 to 37 percentile points across all subjects on nationally normed, standardized achievement exams. Home schooling parents spend thousands of dollars annually, in addition to the wages foregone by the spouse who foregoes outside employment, in order to educate their children in the loving environment of the home.

Ultimately, Mr. Speaker, this bill is about freedom. Parental control of child rearing, especially education, is one of the bulwarks of liberty. No nation can remain free when the State has greater influence over the knowledge and values transmitted to children than the family.

By moving to restore the primacy of parents to education, the Family Education Freedom Act will not only improve America's education, it will restore a parent's right to choose how best to educate one's own child, a fundamental freedom that has been eroded by the increase in Federal education expenditures and the corresponding decrease in the ability of parents to provide for their children's education out of their own pockets. I call on all my colleagues to join me in allowing parents to devote more of their resources to their children's education and less to feed the wasteful

Washington bureaucracy by supporting the Family Education Freedom Act.

THE IMPORTANCE OF OUR BILATERAL RELATIONSHIP WITH THE REPUBLIC OF THE MARSHALL ISLANDS: A 50TH ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. GILMAN. Mr. Speaker, today I am introducing House Concurrent Resolution 92, a resolution that reconfirms the importance of our bilateral relationship with the Republic of the Marshall Islands.

April 2, 1997 was the 50th anniversary of a special political relationship and strategic partnership between the United States and the people of the Marshall Islands. On that date in 1947, the Security Council of the United Nations approved the Trusteeship Agreement for the Former Japanese Mandated Islands.

This agreement was negotiated by the Truman administration and gave the United States strategic control of a vast area of the Pacific formerly held by Japan as a League of Nations Mandate. What became known under U.S. law as the Trust Territory of the Pacific Islands [TTPI] was the only U.N. trusteeship out of eleven created after WWII classified by the Security Council as "strategic."

Recognition of the strategic nature of the U.S. administration of the TTPI was appropriate in light of the fact that in 1946, while the islands were still under military occupation following the end of hostilities that ended Japanese rule, the U.S. already had commenced its vital nuclear weapons testing program at Bikini in the Marshall Islands.

In 1946 President Truman had sent a young Congressman from Montana on an inspection trip to the region. Mike Mansfield came back and argued eloquently on the floor of the House that the Congress should approve the trusteeship agreement with the United Nations because the U.S. national interest would be served by strategic control of the islands. He was right.

The 2,000 Marshall Islands became the focal point of the U.S. strategic program. In addition to the nuclear testing program at Bikini and Enewetak from 1946 to 1958 the United States has maintained one of its most vital military installations anywhere on Earth in the Marshall Islands throughout the second half of this century; the Mid-Pacific Missile Testing Range at Kwajalein Atoll

Thus, while the U.S. also has maintained relations with the other island groups in the region, the relationship with the Marshall Islands has been a special strategic partnership. This was recognized in the bilateral agreements between the U.S. and the Marshall Islands which were concluded at the time the U.N. trusteeship was terminated based on entry into force of the Compact of Free Association.

For example, the separate bilateral agreements with the Republic of the Marshall Islands included not only the military base rights at Kwajalein, but the agreement establishing the framework within which the U.S. would continue after termination of the trusteeship to address the effects of the nuclear testing program on the people of the Marshall Islands and their homelands. For these island peoples, the nuclear testing program is a legacy that looms as large in their lives as WWII does in the American experience.

In other words, it is a legacy of fortitude in the face of a threat to survival itself. The U.S. nuclear testing program in the cold war era, far more than the fact that major battles of WWII itself had taken place in the Marshalls, was the defining experience of the Marshallese people in this century.

Obviously, there have been legal claims and controversies arising from the intrusion of the nuclear age into the world of the islanders. But this resolution recognizes that out of the adversity there was also forged an alliance that has been sustained throughout the years. The Marshallese people had the wisdom to recognize that the United States was playing a vital role in the maintenance of international peace and security, and although they demanded justice and the redress of injuries as all people have the right to do, the Marshallese people and their leaders never turned their back on the U.S. when we needed them as a strategic partner.

During the twilight years of the cold war the Marshall Islands stood by the United States even though they had far more reasons—if they had wanted them—to move out of alignment with this nation than many of those governments which did just that. The Marshalls, however, never viewed the close political and strategic partnership with the U.S. as an unmanageable constraint on their cultural and political identity as a nation.

Thus, the relationship between the Republic of the Marshall Islands and the United States represents not only a successful strategic partnership, but a successful process of decolonization consistent with the goals of the U.N. trusteeship system. This is a foreign policy success of which the Congress and the people of the United States should be proud. Understanding and sustaining this success may have significance for the U.S. in its relations with other peoples and nations as well, and this should not be overlooked.

This is a special relationship which we cannot allow to be neglected or unduly diminished as a result of ill-conceived policies which do not take into account the legacy of the past and the prospects for the future. Narrow thinking based on short-term priorities should not control the determination of how this relationship will be managed as the first term of the Compact of Free Association comes to an end. Congress must take responsibility to exercise oversight with respect to the formulation of a long-term policy for our bilateral relationship with the Marshall Islands.

As an ally and strategic partner, the Republic of the Marshall Islands has paid a uniquely high price to define its national interest in a manner that also has been compatible with vital U.S. national interests. That is what an alliance is in its most essential form, and that is what Congress will recognize by adopting this resolution. I urge my colleagues to support House Concurrent Resolution 92.

Mr. Speaker, I submit for the RECORD a copy of the resolution.

H. CON. RES. 92

Whereas on November 3, 1986, President Reagan issued Proclamation 5564, implementing a Compact of Free Association between the United States and the newly formed governments of Pacific island areas which had been administered by the United States since 1947 under a United Nations trusteeship;

Whereas the Compact of Free Association was approved by the United States Congress with overwhelming bipartisan support on January 14, 1986, under the terms set forth in the Compact of Free Association Act of 1985 (P.L. 99-239);

Whereas, in addition to providing the multilateral framework for friendly political relations with the new Pacific island nations, the Compact of free Association established, on a bilateral basis, a long-term military alliance and permanent strategic partnership between the United States and the Republic of the Marshall Islands;

Whereas for 50 years the Marshall Islands has played a unique and indispensable role in maintaining international peace and security through activities of the United States in the Marshall Islands which were essential to the feasibility and ultimate success of the United States-led strategy of nuclear deterrence during the Cole War era, as well as the United States Strategic Defense Initiative which contributed significantly to the end of the nuclear arms race;

Whereas, the Republic of the Marshall Islands, includes Bikini Atoll and Enewetak Atoll, which were the nuclear weapons proving grounds for Operation Crossroads from 1946 to 1958, as well as Kwajalein Atoll, which was the site of the mid-Pacific missile testing range for intercontinental ballistic missiles fired from the Vandenberg facility, a vital installation of the United States Army's ballistic missile systems command and a key support facility for the National Aeronautics and Space Administration and other programs critical to the promotion of vital national interests;

Whereas the people of the Marshall Islands and the United States have a close and mutually beneficial relationship which evolved from liberation and military occupation at the end of World War II to United States administration under the United Nations trusteeship from 1947 to 1986 and which is now maintained on a government-to-government basis under the Compact of Free Association;

Whereas this relationship was forged through a process of self-determination and democratization which reflects the common values and cross-cultural respect that the people of the Marshall Islands and the people of the United States have developed since the middle of the last century when American missionaries first came to the Marshall Islands;

Whereas the people of the United States and its allies paid a high price, including great loss of life and injuries in the heroic battles for Kwajalein and Roi-Namur, to liberate the Marshall Islands during World War II and again made sacrifices as a result of the Cold War nuclear arms race;

Whereas the people of the Marshall Islands suffered great injury and hardship due to the exposure of individuals to nuclear test radiation and the radiological contamination of the Marshall Islands;

Whereas, in recognition of the unique role of the Republic of the Marshall Islands in supporting the United States during the Cold War, the 104th Congress provided additional assistance, pursuant to the Compact of Free

Association Act of 1985, to meet the special need of the people of the Marshall Islands arising from the nuclear testing program, including funding for radiological monitoring, island rehabilitation, and community resettlement programs;

Whereas within the framework of the settlement of all legal claims under section 177 of the Compact of Free Association Act of 1985, the Congress continues to monitor and evaluate measures being taken to implement programs authorized under Federal law to promote the recovery, resettlement, health, and safety of individuals and communities affected by the nuclear testing program in the Marshall Islands;

Whereas the special relationship between our nations and our peoples is a bond that has grown strong as a result of our shared history and common struggle and sacrifices in the cause, not of conquest, but to promote international peace and security and secure liberty for future generations; and

Whereas, just as the extraordinary demands of world leadership fell on the United States in this century, among this Nation's allies the Marshall Islands bore an immensely disproportionate share of the burden of the Cold War, and this remote island nation continues to play an important strategic role in the preservation of global peace as well as in the military and scientific programs which promote the United States, the Republic of the Marshall Islands, and the other people of the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the value of continued friendly relations between the United States and the Republic of the Marshall Islands;

(2) intends to maintain, through appropriate mutually agreed political and economic measures, the long-term military alliance and strategic partnership defined by the Compact of Free Association as a primary element of bilateral relations between the United States and the Republic of the Marshall Island in the future;

(3) recognizes the importance of ongoing measures to address, in accordance with the legal settlement set forth in section 177 of the Compact of Free Association of 1985, the impact on the Marshall Islands of the nuclear testing program; and

(4) intends, through its oversight responsibilities and the exercise of its Constitutional authority regarding negotiation and approval of bilateral agreements with respect to those provisions of the Compact of Free Association which expire in 2001, to exercise vigilance in preserving the strategic interests of the United States in ensuring that the friendship between the United States and the Republic of the Marshall Islands is sustained as mutually agreed pursuant to their respective constitutional processes.

REPORT FROM INDIANA—RON CLARK

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. MCINTOSH. Mr. Speaker, I rise to give my Report from Indiana.

In the Second Congressional District of Indiana there are so many good people.

Good people doing good things.

In my book, these special individuals are Hoosier Heroes.

Hoosier Heroes because they have dedicated their lives to helping others.

Mr. Speaker, Ron Clark of Anderson, IN, is a Hoosier Hero.

For the past 31 years of his life, he has dedicated himself to the admirable profession of teaching.

He taught honors English and drama with passion that inspires.

This senior thespian enthusiastically directed lives on and off the stage, offering guidance to the young men and women of Highland High School

He touched young lives in their formative years, building up their self-confidence and nurturing their love for theater. Ron left an indelible impression on all those who took his class.

He took kids with special needs and nurtured them with an unconventional teaching style, engaging children at their own level.

Principal Brown of Highland High School called him an "exemplary teacher and excellent role model."

Mr. Brown told the tale of how Mr. Clark took a troubled child who was misguided and got him on the right path by involving him with acting.

Ron inspired a number of students to pursue theater in college. But regardless of whether they pursued theater or not, each developed a special appreciation of the stage, giving them a taste of the magic that so many dream of.

Former drama department chair and colleague Linda Trout remarked, "He always picked challenging plays and put on two a year, which is one more than people usually do. And he got students involved with everything from directing to making the props. He even wanted to get kids from the junior high school involved.

Ron was always going out of his way to help the students, conducting numerous workshops for the local junior high school. In fact, he took students to New York every year for workshops and Broadway plays. This is the kind of man he was.

He was given the "Hoosier Teacher of the Year" award by the Indiana Teachers of English in recognition for his excellence in teaching.

At the farewell production, a play of Dickens' "A Tale of Two Cities" was performed to an audience of grateful students, parents, and alumni.

Former students from across the country embarked on the pilgrimage back to their old high school, just to see their beloved mentor.

They brought gifts and congratulations, thanking Ron for making such an impact on their lives. His wife, Sandra, compiled a book of letters written by appreciative faculty, staff, and students.

This was the last play in the career of Ron Clark—the final act in a rich and memorable life of teaching children.

On the final day at school, he said to Principal Brown, "I'm retired but I'm not done. If you ever need me to come and help at school, just let me know."

And for that reason, Ron Clark of Anderson, IN, is a Hoosier Hero.

Mr. Speaker, that is my Report from Indiana.

TRIBUTE TO WES BISGAARD

HON. DUNCAN L. HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. HUNTER. Mr. Speaker, I rise today to recognize the remarkable dedication and contributions of a constituent in my district, Mr. Wes Bisgaard of Holtville, CA. Wes is the manager of the Imperial County Farm Bureau, but he will soon be retiring and I would like to take a moment to commend his devoted service to his community.

The Bisgaard family's move to California reads like the "Grapes of Wrath". After the dust bowl the family moved from their farm in North Dakota to California where they joined other family members in operating a dairy farm. Later, the family members began their own farm in Holtville, CA, where they remain today.

During World War II, Wes worked for Douglas Aircraft on the new DC–3, and later became a quality control supervisor as the DC–4, the first pressurized aircraft, was developed. This plane was later appropriated by the Federal Government as a war transport plane and renamed the C–54. During this period Wes met and married Mildred "Millie" Eppleman.

In 1952, Wes and Millie along with their two children, Karen and Christopher, moved to Imperial Valley to join his brother and once again take up his first love: farming. The Bisgaard brothers farmed 1,000 acres in alfalfa, lettuce, cotton, sugar beets, barley, cabbage, and later wheat for seed.

Agriculture is of critical importance to Imperial Valley. Since he arrived in Holtville, Wes has been a very active member of the local and State farming community, serving on a number of advisory boards and commissions. Wes has been a director of the Imperial County Farm Bureau for over 40 years. During that time he served as president of the bureau early in its history, then again from 1990 through 1994, and is now its manager. He served as director for District 1, San Diego and Imperial Counties, of the California Farm Bureau Federation for 11 years, as well as director for its Cal-Farm Insurance Bureau and the Cal-Farm Life Insurance Co. Wes is a 30-year member, and first chairman, for the Cotton Pest Control Board of the California Department of Food and Agriculture. On the international front, Wes has served for nearly 30 years as cochairman of the International Cotton Pest Work Committee, which coordinates scientific information developed by both the United States and Mexico.

Salinas Lettuce Marketing Coop helped Imperial Valley farmers form the Highline Lettuce Coop with Wes as one of the founding directors. During a time when farm workers were often sacrificed in favor of increased profits, Wes successfully encourage Highline to build for the Bracero Mexicans a permanent labor camp constructed of block, with showers, a walk-in cooler, air conditioning, etc. These are just a few of Wes Bisgaard's accomplishments.

Although Wes is formally resigning from the management of the Imperial County Farm Bureau, his contributions to our community and our State will be long remembered. In fact, if I know Wes, his gifts of time to and his love for our Valley are far from over. I am joined by the many families involved in the farming community of Imperial Valley when I say thank you for all that you have done, and we look forward to working with you in the future. Although the Farm Bureau will miss him, I am certain that he will continue to fight for the needs of the Valley.

THE HONORABLE CARRIE P. MEEK HONORS MR. ODELL JOHNS, SOUTH DADE'S GREAT COMMUNITY LEADER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of Miami's unsung heroes, Mr. Odell Johns. His untimely demise from the scourge of diabetes last Monday, June 2, 1997 will truly leave a deep void in our community.

Mr. Johns, 65, represented the best and the noblest of our community. Having dedicated a major portion of his life to the civil rights movement since the early sixties, he tirelessly continued his historic struggle to ensure the creation of employment services and equal educational opportunities for our South Dade residents, regardless of ethnic background, creed, or gender.

"He was known in his community as the man to turn to when a job needed to get done in South Dade," said Col. Brodes Hartley, president of Community Health Initiative. "Whether it was public housing, economic development for local business or the health care needs of the community, he always found time to get involved."

A meticulous father and a firm believer in the centrality of God in his family and his community, he was driven by his Christian stewardship on behalf of others, especially those who could least fend for themselves. Because of his missionary zeal of consecration to the well-being of others, many of South Dade's impoverished residents can now have access to primary health care and mental health services. His brand of leadership was genuinely anchored on his sterling integrity and resilient initiative. Most of my district's South Dade constituency has credited him with virtually every major improvement that is now benefiting the community for which he cared so deeply.

In 1953 Mr. Johns graduated from my Alma Mater, Florida A&M University, with a political science degree. He subsequently responded to his country's calling by joining the U.S. Army, serving as an officer with the rank of lieutenant in the Artillery Corps.

During the civil rights movement the acumen of his intelligence and the longevity of his commitment was felt at a time when our community needed someone to put in perspective the pains and agonies of disenfranchised African-Americans and other minorities yearning to belong and participate in the American dream. Along with Col. Hartley, he was one of the leaders in the bus boycott in Tallahassee, FL, that subsequently followed the landmark boycott involving Rosa Parks and Martin Luther King, Jr., in Montgomery, AL.

He demonstrated that same dogged tenacity to the people of South Dade. He thoroughly understood the accouterments of power and leadership, and he wisely exercised them alongside the mandate of his conviction in hastening the emergence of equal opportunity and justice for all.

Our community was immensely touched and comforted by his undaunted leadership, kindly compassion, and personal warmth. To his daughters, Kim and Linda Joyce, to his sons Ricardo, Odell III, Dyke Earl Martin, along with his 11 grandchildren and the rest of his South Dade family, he preached and lived by the adage that, with God's help, the quest for personal integrity and professional achievement is not beyond the reach of those willing to dare the impossible and advocate for the well-being of the least fortunate and the disenfranchised.

This is the great legacy Mr. Odell Johns has bequeathed to our community. I am greatly privileged to have earned his friendship and to have been given the opportunity to learn and live by his noble credo.

HUMAN RIGHTS IN INDIA ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. BURTON of Indiana. Mr. Speaker, this weekend will mark a tragic turn of events in the history of the Sikh Nation. Thirteen years ago this Saturday, June 7, more than 20,000 Sikhs were massacred in Punjab at the Golden Temple and 38 other Sikh temples by India's military.

India's genocide against the Sikh Nation has taken the lives of a staggering 250,000 Sikhs. I rise today to introduce legislation that will send a clear message to a government that has spent years practicing the torture of its own people. However, when you go home and turn on the evening news, good luck trying to find any story that reveals the plight of the Sikhs—the plight of the Kashmiris—the plight of Christians—and the plight of the untouchables, the lowest group in India's caste system.

In Congress, we speak of the many tragedies that occur all over the world, especially around this time of year when this legislative body deals with the foreign aid legislation. We talk about the ongoing violent struggles between the people in Bosnia, Croatia, and Serbia. We reprimand China for its draconian abortion policies. We admonish Cuba for its human rights abuses. We threaten to withhold international military and educational training [IMET] money from Indonesia for its brutal treatment of the citizens of East Timor.

Mr. Speaker, the Indian Government is one of the worst human rights abusers in the world. You might say, if that is happening, why does the world not know about it? Because since the 1970's, India has barred monitoring organizations like Amnesty International from entering the country. In fact, they are the only democracy in the world that refuses to allow Amnesty International to operate independently within the country. Mr. Speaker, what does the Indian Government have to hide? There are a half-million Indian soldiers occupying the province of Punjab and another half-million occupying Kashmir. This is a recipe for disaster my friends.

For the last 15 years, I have been coming to this well to call attention to Punjab, where Indian forces have received cash bounties for the murder of innocent civilians. To justify their actions, the police label these individuals, sometimes young children, as "terrorists". Also in Punjab, Sikhs are picked up in the middle of the night, only to be found floating dead in canals with their hands and feet bound together. Some Sikhs are not so fortunate, because many of them are never found after their abduction. Recently, India's Central Bureau of Investigation [CBI] told the Supreme Court that it had confirmed nearly 1,000 cases of unidentified bodies that were cremated by the military.

And it does not get any better in Kashmir. Women, because of their Muslim beliefs, are taken out of their homes in the middle of the night and are gang-raped, while their husbands are forced to wait inside at gunpoint.

These military forces operate beyond the law with complete impunity. America should not be supporting a government that condones these widespread abuses with United States tax dollars. Now is the time for India to be held accountable for its continued violation of basic human rights. Mr. Speaker, the Sikhs, Muslims, Christians, "Untouchables", and women of India are desperately looking to this Congress for help. The time has come for action, it is time for America to take a stand.

The Human Rights in India Act, introduced by me along with my good friend and colleague GARY CONDIT of California, will bar development aid to India unless the government releases prisoners of conscience, ends the practice of torture by police and military forces, permits impartial investigations of reported torture and disappearances of those in custody, brings to justice police forces responsible for human rights abuses, and permits critics of the government to travel abroad.

My colleagues, from this well of the House of Representatives you will hear many stories of human abuses from all around the world. Today, I ask that you think of the hundreds of thousands suffering in India. Please do not turn your back on the innocent. Give them a flicker of hope and send a strong message to the Government of India. I urge my colleagues to give the Human Rights in India Act their full consideration, and their strong support.

EXTENSION OF REMARKS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. KING. Mr. Speaker, I rise today to pay tribute to Lt. Col. Noreen Holthaus of the U.S.

Army Congressional Liaison Office. Noreen will be leaving Capitol Hill next week for a new assignment in the Pentagon.

Over the past 3½ years I have had the pleasure and privilege of working with Colonel Holthaus as she has tirelessly assisted both my New York and Washington offices on numerous occasions. Whether it was constituent casework, defense legislation, an overseas trip itinerary or a phone number for an obscure Deputy Assistant Secretary in the Pentagon, Colonel Holthaus always did her level best to solve the problem at hand.

The services provided by our Armed Forces liaison offices are truly invaluable to our constituents and our staffs and should not be taken for granted. We are very fortunate to have their vast knowledge and technical expertise at our disposal.

Throughout Colonel Holthaus' tour here in the House of Representatives she has consistently performed her duties in a superb manner. I believe I can speak for all the Members of Congress who have had the honor to work with Colonel Holthaus when I say that she will indeed be missed.

ON THE ANNIVERSARY OF THE MARSHALL PLAN, A SALUTE TO COLD WAR VETERANS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. SMITH of New Jersey. Mr. Speaker, today marks the 50th anniversary of former Secretary of State George Marshall's commencement address to the graduating class at Harvard University. In that address, Secretary Marshall laid the foundation for the historic foreign aid program that would come to be known as the Marshall plan.

Mr. Speaker, most historians would agree that the Marshall plan was the most dramatically successful peacetime foreign policy implemented by the United States. However, when our Nation moved so swiftly and sincerely to assist the war-ravaged landscape, economy and political structure of Europe in the late 1940's, it also marked the beginning of the United States' role as worldwide peacekeeper and protector of democracy.

Beginning with the Yalta Conference in 1945—when some argued that President Franklin Delano Roosevelt had given away Eastern Europe to Joseph Stalin—the world entered a new arena of confrontation unlike any before. When Winston Churchill referred to the borders of the Eastern Bloc Communist countries as the "Iron Curtain", the stage had been set for the cold war.

The Revolutionary War brought us our independence; the Civil War gave us our national identity; the First World War made us players in the international arena; and the Second World War turned America into a superpower. For those veterans, there can be no doubt. Their participation in the combat theater ensures that their selflessness and contribution to our great Nation will never be overlooked or be taken for granted.

Yet, Mr. Speaker, for those veterans who gave just as selflessly to this country, but may have never looked directly into the eyes of the enemy, there is honor for them as well. From the policy of containment in the late 1940's to detente in the 1970's to confrontation in the early 1980's to the revolution in 1991, the veterans of the cold war stared unwaveringly into the depths of communism, and they did not blink for an instant. Rather, these veterans made it manifestly clear that democracy—that government by, of, and for the people—would be secure not only for America, but also for the entire world.

Therefore, Mr. Speaker, from Capt. Gary Powers to every sailor who stood ready off the shores of Cuba, I salute all cold war veterans, and thank them for their service to our great Nation.

CONGRATULATIONS TO THE SOUTHWEST GUILFORD HIGH SCHOOL WOMEN'S SOCCER TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. COBLE. Mr. Speaker, this year, women's high school soccer was extremely exciting in the Sixth District of North Carolina. For the second time in 3 years, the Southwest Guilford High School women's soccer team captured the 1A/2A/3A State championship. Southwest Guilford High School, located just outside of Greensboro, NC, secured the women's soccer state championship with a 1–0 win over Charlotte Catholic High School.

This win could not have come at a better time. Just 2 days before the title contest, two Southwest classmates Emily Parker and Sharon Thoma were tragically killed in a car accident which also injured two others. However, the Cowgirls resolved to attain victory, despite their sorrow. The girls dedicated the game to the memory of the two students who were killed and to those who remain injured.

This victory momentarily helped the team to forget about the loss of their friends and classmates. But this year's win most certainly made them forget about the loss they had last season against Northwest Guilford in a playoff game. At the final moment, the team pulled together to win the one game that could destroy the memory of last year's defeat.

To cap an impressive 24–1 record this season, Freshman Sheconda Douglas scored the game-winning goal in the last 4 minutes of the championship match. Ironically, the Cowgirls won the game after rebounding a Charlotte Catholic free kick.

Senior Kelly Allison, named the MVP, played an integral part in the game and credited the win to hard work and the realization of goals the team had set earlier in the season. Allison, a defensive player helped to capture the win by sticking close to Catholic player Carrie Hughes, 36-goal scorer this season.

Kelly Allison's two sisters Abbie and Bree, also contributed to the successful season, ensuring that the game would be a family affair. Southwest players Catey Conner, Shannon Ratcliff, Kristen Carter, Charlotte Acker, Meredith Ledwell, Brooks Gonzalez, Cori Ray, Erin Moran, Brianna Balliet, Holly Hunter, Lauren Gaster, Shana Stephens, Ashley Trexler, Karen Davis, and Kathleen Haver all aided in Southwest Guilford's successful season and their final victory against Charlotte Catholic. Overseeing this group are head coach Chris Glover, coach Eric Lewis, managers Ken Murray and Josh Edwards, athletic director Richard Kemp, and principal Wayne Tuggel.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate Southwest Guilford's women's soccer team for winning the State 1A/2A/3A championship.

REPORT FROM INDIANA—MISTY AND MYRA YOUNG

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. MCINTOSH. Mr. Speaker, I rise today to give my report from Indiana

In the Second Congressional District of Indiana there are so many good people. Good people doing good things. In my book, these special individuals are Hoosier Heroes. Hoosier Heroes because they have dedicated their lives to helping others. Mr. Speaker, Myra and Misty Young of Pendleton, IN, are Hoosier Heroes. They are proof that there is no age too young to make our community a better place.

Myra and Misty bring joy and kindness to the seniors of the nursing homes in Pendleton, IN. These young girls share with seniors love and friendship. They put smiles on their faces. These Pendleton Elementary School students, and other kids from throughout Madison County, are no strangers to lending a helping hand where one is needed. After school and on weekends, they volunteer their time at Pet-a-Pal, an organization that livens the spirits in nursing homes throughout Pendleton. Dressed in costume, these wonderful girls and their canine friends entertain seniors with cheerful parades and dances.

Twelve-year-old Myra is an excellent student. She volunteers her time to the nursing homes so she can share her youth with others. In her free time she enjoys playing volleyball. Today she is recovering from a debilitating ankle injury. When asked about the time spent at the senior homes, Myra will humbly confess that "it's really fun, and neat to see the peoples' expressions when we bring the dogs in."

Misty, only 7 years old, is an honor student and a member of the Pendleton Garden Club in addition to her efforts with Pet-a-Pal. During Misty's first few times at Pet-a-Pal she was quiet and withdrawn during the parades, a bit fearful of her role in the events. One day, she and her canine companion both dressed as brides in wedding gowns and became the hit of the parade.

During a silence in the event, Misty threw the leash over her head and danced in circles with her dog in sync not far behind. The audience erupted with pleasant laughter and were warmed by Misty's adorable youthfulness and innocence. Misty now tells her grandmother Julane Shepard that she wants to go everyday to entertain, make new friends, and laugh.

Myra and Misty Young may not fully appreciate the benefits the senior and hospital patients reap as a result of their efforts. But in their hearts they must know that they are responsible for the smiles on faces and the dancing eyes of all the patients they so graciously entertain. As they ride to the parades on those special Tuesdays and Thursdays with their grandmother, Julane, the girls think not of the service they give to the Pendleton community, but the enjoyment they have in doing so. And for that reason, Myra and Misty Young of Pendleton, IN are Hoosier Heroes.

Mr. Speaker that is my report from Indiana.

TRIBUTE TO JONNA LYNNE CULLEN

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1997

Mr. MOAKLEY. Mr. Speaker, it is with great sadness that I take this moment to pay tribute to J.L. Cullen, who passed away this morning. Over the past few weeks, a number of my colleagues here and in the Senate have taken the floor to recall her many accomplishments and qualities in personal terms. It is a small measure of the respect with which she is held by Members of this institution. I got to know J.L. when she was a senior staffer on the House Rules Committee. She could master the arcane rules and procedures just as easily as she could bring laughter and lightness to sometimes difficult situations. She did her job as a partisan without once losing the respect or friendship of those of us who sat on the other side of aisle. J.L. was talented, dedicated, principled, and—as we all learned—a courageous fighter. I want to extend my prayers and condolences to her family. We will all miss her.

HOUSE OF REPRESENTATIVES—*Friday, June 6, 1997*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are appreciative, O gracious God, of all those people who use their abilities and gifts in ways that make this institution better, a better place to serve the people of the Nation. We recognize that this day marks the last day of service by the Pages of the House of Representatives, and we express our gratitude to them for their long hours of service and their attention to the business of this Congress. We are indebted to them for the dedication and commitment that they have shown in their tasks and for their faithfulness to their responsibilities.

May the friendships that they have developed here continue to be a blessing in their lives and may Your peace, O God, that is above all of our understanding, keep them all in Your grace, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Oregon [Ms. FURSE] come forward and lead the House in the Pledge of Allegiance.

Ms. FURSE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMEMBERING D-DAY IN NORMANDY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I rise this morning mindful of the fact that this is a special day in American history. For one-half century and 3 years ago on this date, the largest amphibious assault in the history of warfare occurred on the shores of Normandy.

Representing the people of the Sixth District of Arizona, I am pleased and proud to represent many veterans, some of whom were there at Normandy that day, some of whom visited with me last Saturday in a townhall meeting at Apache Junction. To those who survived and were victorious in that battle, in that crusade, Dwight Eisenhower called it, in Europe, I believe this House and our Nation continues to owe a debt of gratitude.

So it is in that spirit this morning that I rise, remembering those who paid the ultimate price to remind us all that freedom is not really free, it does involve sacrifice.

Those of us who were part of generations as yet unborn one-half century ago should heed and remember the sacrifice of so many great Americans who joined to preserve our freedoms in this constitutional republic.

So on this date, June 6, 1997, we again acknowledge the sacrifice of so many, the pride of a grateful nation, and we rejoice in our ability to come to this Chamber to discuss our differences openly and honestly and to maintain the integrity of our constitutional republic. Thanks to all of our veterans, and especially those who found themselves in action at Normandy 53 years ago today.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE MILITARY SURVIVORS EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I think it is appropriate following the gentleman from Arizona's remarks on the anniversary of the Normandy invasion that we talk about our veterans in their current situation.

On the first day of the 105th Congress I introduced legislation to terminate the confusing system that discriminates against surviving military spouses when they reach age 62. H.R. 165, the Military Survivors Equity Act, would simply eliminate the callous and absurd reduction in benefits that now burdens our military widows. Instead, they would get what they and their deceased spouses thought they would get: fifty-five percent of retired military pay. To put it simply, no offset.

When I introduced that legislation and talked to my colleagues about it several months ago, I received letters from all over the country supporting this position, widows who described for me the situations that they were in. Let me read, Mr. Speaker and my colleagues, several of the letters that I received:

> DEAR REPRESENTATIVE FILNER: I hear from my friends that you have presented in Congress a bill concerning our Survivor Benefit Plan, SBP. Thank you very much.
>
> I have been a widow since November 1, 1973. My husband retired from the U.S. Air Force after 20 years, 6 months and 4 days of active duty in 1964. He died on November 1st, 1973.
>
> The Social Security offset has been hard to take since my income is only $1,300 a month. I am now 75 years of age and I really could use the money that is rightfully mine. I have raised two sons alone on this small income, and I must watch every penny I spend. My sons were 14 and 11 years of age when their father died. Thank you for helping me in this matter.

Another letter from a different part of the country:

> DEAR CONGRESSMAN FILNER: I was reading in the Army Echo that you are working on a bill to repeal the SBP Social Security offset that occurs at age 62. I just want to tell you briefly what happened to me.
>
> My husband, who served in the Army for 20 years, was on Social Security disability because of heart problems and could no longer work. He died in July of 1995. I was then 61 years old. I received Social Security plus my SBP. With both of these incomes, I was doing just fine, paying my monthly bills and having enough left for groceries. Then a few months later I turned 62 and was notified that my SBP was reduced from $476 to $302. What a shock. That meant I had $174 a month less. I knew right then I could not make it. This was my grocery money they took away from me.
>
> I really don't know what they thought when they made this law. I just hope and pray that some day our people in Congress could look that law over again and make a change. I just want to say it is a shame and disgrace the way we get treated. After all, our husbands worked hard for their country and don't deserve this kind of treatment.

Another letter:

> DEAR CONGRESSMAN FILNER: Of all the literature on Social Security offset, there is no mention of 35 percent of retirement pay ever made. My husband thought I would be getting at least half of his retired pay, should he pass away before I did. He believed that he had conscientiously and diligently provided insurance for me. I belief it will take about 10 years just to recoup the monies he paid into the fund, if I should live that long, and with the current offset it could take even longer.
>
> My husband paid into Social Security and into the Survivor Benefit Plan. These two funds should be separate and treated as such.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

> I know that surviving spouses are financially suffering. I believe it to be a slap in the face to the deceased service members who gave so much in the service of their country. It was also a slap in the face to the surviving spouse, who more often than not served the same amount of years as his or her spouse.
>
> Imagine this scenario: November 1, you received a total of $882 in the form of a retirement check from the U.S. Government. December 1, your spouse passed away. January 1, you receive a check in the amount of $295. This decrease negatively affects the quality of life of the surviving spouse.
>
> I hope and pray that you and Members of Congress will try to put themselves in the shoes of that widow or widower who is always trying to make ends meet with less.

Just lastly today, Mr. Speaker, another letter from outside my district, as I tried to present this bill to the Nation:

> I realize I forfeited my pension to be with my husband. We married to be together, not in separate States or countries. We felt the military took care of its own. We paid for several years for a pension which will now be cut when I reach age 62. I really do feel this is unfair.

Mr. Speaker, I hope that this Congress will look at H.R. 165, the Military Survivors Equity Act, and finally provide some equity to the surviving spouses of our veterans who we remember today on the anniversary of the Normandy invasion.

PROTESTING MILITARIST GOVERNMENT OF BURMA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, for a number of years now I have been deeply concerned about the militarist government in Burma and by its repression of human and civil rights of the citizens of Burma. In particular, I have protested the many years of house arrests suffered by Nobel Prize winner, Aung San Suu Kyi.

Therefore, Mr. Speaker, I was extremely pleased when on April 22 the Clinton administration imposed sanctions on Burma, and I wrote to Secretary Albright about this. I would like to read into the RECORD the letter I received from the Secretary's office:

> As you know, on April 22 the President announced his decision to impose a ban on new U.S. investment in Burma. He took this step in response to a constant and continuing pattern of severe repression by the SLORC. He imposed the ban under the terms of the Burma sanctions provisions of the Consolidated Appropriations Act for fiscal year 1997.
>
> During the past 7 months, the SLORC has arrested and detained large numbers of students and opposition supporters, sentenced dozens to long-term imprisonment, and prevented the expression of political views by the democratic opposition, including Aung San Suu Kyi and the National League for Democracy. The SLORC has also committed serious abuses in its military campaign against Burma's Karen minority, forcibly conscripting civilians and compelling thousands to flee into Thailand.

She goes on to say:

> The United States and other Members of the international community have firmly and repeatedly taken steps to encourage democratization and human rights in Burma. With the imposition of the ban on new U.S. investment, we seek to keep faith with the people of Burma, who made clear their support for human rights and democracy in 1990 elections that the regime chose to disregard. We join with many others in the international community calling for reform in Burma, and we emphasize that the U.S. Burma relationship will improve only as there is progress on democratization and respect for human rights. We continue to urge the SLORC to lift restrictions on Aung San Suu Kyi and the political opposition, to respect the rights of free expression, assembly and association, and to undertake a dialogue on Burma's political future that includes leaders of the NLD and the ethnic minorities.

□ 0915

I congratulate the President and the Secretary of State for their actions, and I pledge my continued support to the people of Burma in their brave and continuing struggle for democracy in their own land.

ISSUES AFFECTING GUAM AND NORTHERN MARIANAS ISLANDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I want to associate myself with the remarks just made by the previous speaker the gentlewoman from Oregon [Ms. FURSE].

Today, Mr. Speaker, I want to talk a little bit about some recent stories regarding the Commonwealth of the Northern Marianas Islands who are neighbors to my home island of Guam, and I want to be able to explain not for the purposes of comparison but certainly for the purposes to distinguish and to clarify perhaps for Members of the House and to certainly clarify at least for the record what the situation is in the Marianas Islands.

Over 2 or 3 months ago, there were a number of stories that appeared in the Washington Post and other newspapers which referred to a series of allegations about fundraising scandals in the Clinton reelection. As part of this corpus of stories regarding this issue, there was an effort to stigmatize my home island of Guam in the context of those donations. It was alleged that the people of Guam were seeking local control of immigration in order to be able to bring in thousands of foreign workers under exploitative conditions in order to set up sweatshops for the purpose of moving cheaply made goods into the United States, into the 50 States. Those allegations, of course, are unfounded and have absolutely no basis in fact or even interpretation. The people of Guam have consistently wanted local control over immigration in order to mitigate population growth and in order to limit population growth. All the existing laws regarding labor and minimum wage that are fully applicable in the 50 States are also applicable in Guam and there is no desire on the part of the people of Guam to get out from under those applications of those laws.

For the past week, there have been stories, many of them have been prompted by a letter written by President Clinton to the Governor of the CNMI, the Commonwealth of the Northern Marianas, Froilan Tenorio, regarding alleged labor abuses in the Commonwealth of the Northern Marianas and calling basically for changes to the covenant which governs the relationship between the U.S. Government and the CNMI.

The reason why I come to the floor today is to try to provide a little bit of historical background as to how the covenant came to be and also its relationship to my own home island of Guam. It is important to understand that the Commonwealth of the Northern Marianas Islands and Guam are both part of the Marianas Islands chain. This is a chain of some 15 islands of which only 5 are inhabited. The islands were all settled originally by the same group of people, the indigenous people of the Marianas Islands called the Chamorro people of which I am a member and, of course, the people of the CNMI are in the preponderance, also descendants of the original inhabitants as are the people of Guam.

Guam is by far the largest island of this 15-island chain, but the island which is most known in the CNMI is Saipan. Ironically both Guam and Saipan are probably better known in the context of larger American society for being battlegrounds during World War II. Guam, of course, has been a major military facility since World War II as well as being a major battleground.

The CNMI and Guam, what is now referred to as the Commonwealth of the Northern Marianas Islands and Guam, were part of an integrated island chain sharing the same culture, sharing the same language and sharing the same basic historical development. The Spaniards came to the region. Magellan in his trans-Pacific voyage stopped on Guam and the Marianas Islands were the first islands to be settled by the European nation in the late 1670's.

In 1898, as a result of the Spanish-American War in which we are commemorating the 100th anniversary next year, Guam was separated from the remaining group of the Marianas Islands. Guam was taken specifically by the United States in the Treaty of Paris ending the Spanish-American War. But the balance of the Marianas Islands was left to Spain. As a consequence since that time, 1898, Guam and basically our cousins in the Northern Marianas have experienced different political and economic as well as social developments.

The Northern Marianas were then turned around and sold to Germany by Spain in 1899, and then subsequently Japan inherited the Northern Marianas as part of the settlement ending World War I and they became part of a League of Nations mandate, the Micronesian Islands mandate, all this time Guam being a United States territory being run by the United States Navy.

At the end of World War II, as a result of World War II and the Pacific war between Japan and the United States, the entire Micronesian region, again remembering that Guam all this time was a United States territory, the entire Micronesian region was put in what was called the Trust Territory of the Pacific Islands or the TTPI. The sovereignty over this was inherent in the native people and it was to be administered by the United States with the oversight of the United Nations. There were 11 such trust territories coming out of World War II. All of those trust territories have since been resolved and almost all of them have become independent nations. The Trust Territory of the Pacific Islands split into three what are now freely associated states with the United States, technically independent but having a contractual or a compact arrangement with the United States, and those are the Republic of Palau, the freely associated states of Micronesia and the Republic of the Marshall Islands which is more well known again in the American public eye with the atomic bomb testing and hydrogen bomb testing in the late 1940's and into the 1950's as well as the fact of Kwajalein which continues to be part of the missile targeting range from California.

The CNMI, the Northern Marianas, became a commonwealth of the United States which is different than the other three remaining areas. And so in 1976 when the Northern Marianas became the Commonwealth of the Northern Marianas Islands, it represents the only territorial acquisition by the United States in this century. This is a fact that is not often noted and not often fully understood. After World War II there was also the acquisition of the United States Virgin Islands as purchased from Denmark as a consequence of World War I, but the Northern Marianas was acquired in 1976 as part of the breakup of the trust territory, and the CNMI then signed a covenant with the United States establishing the fact that the people became United States citizens. But there were four elements of the compact and laws related to the compact which gave authority to the Commonwealth of the Northern Marianas Islands. One was the right to control immigration into the Northern Marianas; the right to be exempted from the Federal minimum wage; the right to participate in the Headnote 3A Program which allows an area like the Northern Marianas, which is outside the customs zone of the United States, to manufacture goods and bring them into the U.S. customs zone as if they were made in the United States.

In fact, they are a U.S. area, but because of the anomaly of the customs zone, they are outside the customs zone but they are part of the United States. But they are allowed to bring in products under the Headnote 3A. Fourth, is a land alienation provision which is very unique and there is only the Northern Marianas and American Samoa, where the only people who can own land are natives of the islands of American Samoa and the Northern Marianas.

The purpose of granting the CNMI authority over immigration and authority over exemption over the Federal minimum wage and participation in the Headnote 3A Program is to understand that it was meant to facilitate the economic growth of the people of the Northern Marianas Islands while not overwhelming the local population. That was the original intent, the original purpose.

In 1976, when the commonwealth first became part of the United States, the average wage of anybody who was working in the CNMI was probably around 75 cents an hour. So it was clear that the economy was very different than the rest of the United States even though it was coming into the United States It was also very different even from Guam which had always had the Federal minimum wage applying, even though they are our neighbors, only 40 to 50 miles to the north of us. The purpose of bringing the CNMI into the fold and granting them this authority was to facilitate the economic growth of the place without overwhelming the local population.

Guam, on the other hand, had an entirely different historical and political experience. It became a United States territory in 1898 as a result of the Treaty of Paris, was basically administered by the Department of the Navy until the onset of World War II, was occupied by the Japanese as part of World War II, therefore making Guam the only United States area with civilians on it that was occupied by a foreign power in this century.

Then in 1950, Guam was granted what is called an organic act or an organizing act by Congress which establishes the framework for local government and made the people of Guam U.S. citizens. But the people of Guam do not have local control over immigration and they do not have nor do they seek exemption from the Federal minimum wage. They do participate in the Headnote 3A Program, but it is hard to participate in the Headnote 3A Program and compete when you have minimum wage laws applying and you have basically a pretty healthy economy like you have on Guam which is run primarily by bringing in tourists from Asia.

Recent stories, and obviously there have been efforts by various Members of this body, including most notably the gentleman from California [Mr. MILLER], an effort to try to take back some of this authority, accepting the fact that they have somehow abused this and have, in a sense, perverted the original purpose of granting this authority.

It is important to understand in order to fully comprehend not only the differences between Guam and the CNMI but just to understand generally the tenor of United States territorial policy which is an area which of course is primarily of little consequence to most U.S. citizens except to those U.S. citizens who happen to live in the territories. But I want to make clear some characteristics of Federal policy toward territories.

Territories are not fully integrated into the American political system. They are non-self-governing, meaning that they are not fully participant in all the processes of government which have control over their lives and, of course, most notably they have no participation or minimal participation in the Federal lawmaking and rulemaking process, nor do they elect officials who make decisions about that.

Technically the title of the position I hold is nonvoting delegate to the U.S. House of Representatives, which means that I represent Guam here, but I am not entitled to vote on the floor of the House. What that means basically for the people of Guam is that although they are U.S. citizens, and also it means this for other territorial delegates, although they are U.S. citizens, they may participate in the debate and introduce legislation and otherwise try to effect legislation as other Members of this body, but they do not make a final vote on any legislation, even that legislation which affects them.

□ 0930

Of course they also do not vote for President, and as a consequence they are not part of the process when the President is elected. The President in turn selects Cabinet members and the departments then in turn make regulations which also govern and regulate the lives of citizens in the territories.

So clearly, citizens of the territories are non-self-governing, although they have various levels of local self-government, meaning they do elect their own Governor and they do elect their own legislature, but the laws and the regulations that they deal with are purely local in scope. It is also up to Congress to make the distinction between what is purely local in scope and what is Federal in nature, because in the territorial clause, Congress can come in and overturn any law that is made by a local legislature, and Congress can come in and basically work its will on anything regarding the territories.

There is no Federal representation, not because of taxation, as some people like to surmise. It is always interesting that when a discussion of territories comes up, they always say, well, there is no representation because there is no taxation, thereby inverting the Revolutionary War slogan, which was no taxation without representation, but in this instance there is no representation without taxation. I think that is kind of a curious version of what the original intent and purpose of that was, which was not really about taxation but, again, about representation in the process of making laws and regulations which govern our lives.

So territories in that sense are clearly non-self-governing, and they are qualitatively different from States. States obviously are the meat and substance of the United States of America, exactly statehood, and the preponderance of relationships and intergovernmental relationships that we are always dealing with are also in the context of what appropriately Federal authority and what is appropriately State authority.

It used to be historically that we always thought of territories as in the 19th century, the territory of Arizona or the territory of Kansas, as kind of States-in-waiting. They were undergoing a form of tutelage, awaiting the day in which they would eventually become States.

Well, that is not necessarily the case, obviously, because we are now dealing with territories that are quote, overseas territories, and we are dealing with Guam, the Northern Marianas, Puerto Rico, which is a special example on its own, American Samoa, and the U.S. Virgin Islands. So the point of referencing this is to point out that the nature of territorial and Federal relationships is not governed by State relationships. That is a qualitatively different relationship, and it is I think inappropriate to assume that somehow statehood is the apex of the relationship and that territories are trying to become States but are not quite there yet, or to assume that what is granted to a territory cannot exceed that which is granted to a State, and that is clearly not the case.

Territories can be outside the customs zone. I do not think one can take any State outside the customs zone. Some territories, two territories, have local control over immigration. I do not think one can grant Texas or Hawaii or any State local control over immigration.

The reason for that is inherent in the constitutional process which has been organized, which makes a distinction between the laws and regulations that Congress can do in relationship to territories under the territorial clause, and the rest of the Constitution which regulates and unifies the relationship between States and the Federal Government.

So the territorial policy of the Federal Government of the United States basically is characterized by three things. One is that they are flexible, that they can do things with territories they cannot do with States. They could also minimize the authority of a territory far below that which a State has, but they could also maximize in certain instances the authority of a territory beyond that which a State has.

So as I have indicated, not all Federal laws apply to the territories. That is up to Congress making that decision. It is part of my task here, sometimes an unhappy task, to continually make the case and ask the question, does this law apply to Guam or does this law not apply to Guam, what is the intent and purpose, and sometimes the laws apply to Guam and sometimes they do not.

As I pointed out, the other items, the Jones Act, which is an act regulating the maritime trade, some territories are exempted from that, the Northern Marianas and the Virgin Islands and American Samoa. But other territories are included in that. Notably, Guam and Puerto Rico.

So we have a whole series of laws, some which apply to some territories, some which do not apply to others. That brings us to the second characteristic of the relationships, and that is that there is a recognition of the fact that each territory is treated differently, and each territory is treated differently in large measure because they came into the U.S. system under different conditions.

The Virgin Islands came in under a bill of sale, so to speak, from Denmark, in which there were certain conditions about that. The Northern Marianas came in from the first territory under certain conditions. Guam came in under the Treaty of Paris, and specifically it entrusts Congress to determine the political status of the native inhabitants of the territories, thereby indicating that the political change of Guam must consult directly the native inhabitants of that territory.

So each area has been dealt with differently, in large measure as a result of the conditions that they have come under.

Now, this does not mean that each territory cannot be mindful of some basic American principles, and I think those apply in general, such as fair treatment for people, fair treatment for workers, nondiscriminatory treatment. So it is legitimate to make the claim, if one so feels, that even if Congress grants a specific authority to a territory, for example, immigration control, it does not mean that the territory can then engage in all kinds of various machinations of that immigration control without being called into question for applying what we would call basic American principles.

So the bottom line, the bottom line in this whole discussion is to understand that territories are treated differently, not only from the rest of the country as a general principle, but even within that context, each territory has an unique relationship with the Federal Government.

Now, some people would argue that this is odd and confusing, and maybe we should just have a one-size-fits-all for territories. The problem is that we are really treading on the relationship between what is the meaning of my being a U.S. citizen and other people from the territories being U.S. citizens and not being self-governing, and how do we resolve that dilemma. That dilemma could be resolved by a grant of statehood, but admittedly it is a steep political hill to climb. It is already a steep enough political hill to climb for those who advocate statehood for Puerto Rico, let alone trying to consider how that might work for people who come from what are admittedly small jurisdictions. My own home island of Guam has approximately 135,000 people on it.

So it remains open to question, and it remains clearly in the will of Congress and for the people of the territories to rely on the good judgment of the people of Congress, which sometimes makes us feel very vulnerable, as indeed it does the general American public. But it remains open to question, and that is why it is a very serious matter to us, because we have no specific governing relationship other than a series of commitments that may have been made historically at a given point in time.

So I want to come back to the general issue of what has been termed labor abuses in the CNMI and its relationship to Guam.

The CNMI, in 1976, was given a grant of authority to regulate immigration, was specifically exempted from the application of the minimum wage, was specifically authorized to participate in the Headnote 3A Program. This authority and this grant of authority has allowed them to grow their economy in a very dramatic way.

It is also clear that there has been an increased number of allegations regarding labor abuses, regarding the garment, so-called garment sweat shops, regarding the abuses of domestic workers for people that have been brought in as domestic workers. So we really are running the issue here of what constitutes basic American principles, are there violations of basic

American principles, and the manner in which the Commonwealth of the Northern Marianas Islands is conducting its business as legitimately authorized by the U.S. Congress.

I would argue that in the CNMI, if there are problems in the CNMI, and I recognize that there are, we need to address them in the context of the enforcement of existing laws and possible changes in the existing laws, while keeping in mind the original purposes of the freedoms and the latitude that have been given to them in the CNMI.

If the original purposes of granting them this authority, local control over immigration and exemption from the minimum wage, if those original purposes have been perverted or taken advantage of, then I certainly would support an effort to put them back on track. But at the same time, it must be made clear that it is very easy to make comparisons and say, well, what happens in one jurisdiction will happen in another.

In the meantime, while this has been occurring, remember that the CNMI has only been associated under the United States since 1976. It has been barely 20 years. In the meantime, Guam has been under U.S. sovereignty almost 100 years, and it has successfully dealt with U.S. labor laws and it has successfully dealt with their economic livelihood, even with the application of Federal minimum wage.

So I would hasten to add that anyone who wants to make these comparisons is going to make them on very shaky ground. But in the meantime, it is important to be mindful that the people of the Commonwealth of the Northern Marianas are not an evil population, they do not have a corrupt political leadership that is designed to abuse people who come to the CNMI for work. They are new Americans. Think about it. They are new Americans, barely 20-year-old Americans, who have deep traditions of their own and, as I have indicated, have a very unique historical experience.

We have to engage them as fellow citizens with whom we have an existing legal framework, the covenant of the Northern Marianas, to resolve differences. We have to clarify when we think they have violated basic American principles. But we also have to understand their circumstances. Some of the articles regarding the CNMI I think, and certainly in my experience with the CNMI, have gone beyond the reality of the CNMI and have reached certain levels of almost caricature.

☐ 0945

The CNMI is not the hotbed of labor abuse as some have portrayed, but I want to point out just as clearly, it is not the conscious experiment of economic freedom that some think tanks want to believe that it is. This is not about a government that is consciously trying to deal with how to survive without a minimum wage. The argument about all of that is very unrealistic if we look exactly within the context of the CNMI.

The CNMI is the product of an historical experiment in the extension of American principles of some 20 years duration. When a small Pacific island population like the CNMI has experienced the sudden impact of change which has occurred in the CNMI during the past 20 years, it is understandable that there will be problems. Like new automobile drivers, it is inevitable that there will be wrong turns and it is inevitable that they will go down a blind alley and perhaps inevitable that they will have some fender-benders, but we should engage them in a process which teaches them to have better driving habits and not simply take away their license.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. FURSE, for 5 minutes, today.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes a.m.), under its previous order, the House adjourned until tomorrow, Saturday, June 7, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3680. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imazamox; Pesticide Tolerance [OPP–300502; FRL–5721–1] (RIN: 2070–AB78) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3681. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—RUS Standard for Acceptance Tests and Measurements of Telecommunications Plant [7 CFR Part 1755] received May 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3682. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Exemptions of RUS Operational Controls under Section 306E of the Rural Electrification Act; Timing of Notification to Borrowers [7 CFR Part 1710] received May 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3683. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting Final Priorities——Research in Education of Individuals with Disabilities Program; Program for Children with Severe Disabilities; Training Personnel for the Education of Individuals with Disabilities, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3684. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the Individuals with Disabilities Education Act, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3685. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedures for Furnaces/Boilers, Vented Home Heating Equipment, and Pool Heaters (Office of Energy Efficiency and Renewable Energy) [Docket No. EE-RM–93–501] (RIN: 1904–AA45) received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3686. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–18–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3687. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3688. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Truck Size and Weight; National Network; North Carolina (Federal Highway Administration) [FHWA Docket No. 96–12] (RIN: 2125–AE04) received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3689. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Two-Way End-of-Train Telemetry Devices (Federal Railroad Administration) [FRA Docket No. PB–9, Notice No. 7] (RIN: 2130–AA73) received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3690. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Shipping Description and Packaging of Oxygen Generators (Research and Special Programs Administration) [Docket No. HM–224A] (RIN: 2137–AD02) received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3691. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to transfer to the Secretary of Agriculture the authority to conduct the Census of Agriculture; jointly to the Committees on Agriculture and Government Reform and Oversight.

3692. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act and a related statute to change the calculation of the interest rate payable with respect to the investment of railroad retirement trust fund monies and to require that the proceeds of uncashed checks drawn on the railroad retirement and railroad unemployment insurance accounts are returned to the accounts on which the checks were originally drawn; jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. FURSE:

H.R. 1826. A bill to increase deficit-reduction assessments for participants in the Federal price support program for tobacco and to extend the period during which such assessments will be collected; to the Committee on Agriculture.

H.R. 1827. A bill to eliminate below-cost sales of timber from National Forest System lands; to the Committee on Agriculture.

H.R. 1828. A bill to limit the total number of political appointees allowable; to the Committee on Government Reform and Oversight.

H.R. 1829. A bill to establish a formula for the calculation of livestock grazing fees for the use of National Forest System lands in the 16 contiguous Western States and public domain lands administered by the Bureau of Land Management; to the Committee on Resources.

H.R. 1830. A bill to provide for claim maintenance fees and royalties on hardrock mining claims, and for other purposes; to the Committee on Resources.

H.R. 1831. A bill to terminate the U.S. participation in the International Space Station Program; to the Committee on Science.

H.R. 1832. A bill to achieve budgetary savings by terminating or limiting certain Department of Defense programs, by reducing the scope of the Stockpile Stewardship Program of the Department of Energy, and by reducing arms transfer subsidies; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

125. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution 39 memorializing the Congress of the United States and the Environmental Protection Agency not to restrict the use of barbecue grills; to the Committee on Commerce.

126. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Resolution No. 20 memorializing the President and the Congress of the United States to repeal the Federal unified gift and estate tax; to the Committee on Ways and Means.

127. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 4 memorializing Congress to recognize Earth Day as a national day of service and education and establishing Earth Day as a State day of service and education; jointly to the Committee on Education and the Workforce and Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 563: Mr. VISCLOSKY, Mr. BARRETT of Wisconsin, and Mr. FORBES.

H.R. 635: Mr. YATES.

H.R. 692: Mr. HASTINGS of Florida and Mr. MCDADE.

H.R. 1193: Mr. BAKER and Mr. GRAHAM.

H. Con. Res. 83: Ms. CHRISTIAN-GREEN, Mr. FLAKE, Mr. HYDE, Mr. VISCLOSKY, Mr. NEAL of Massachusetts, Mr. MENENDEZ, Mr. KUCINICH, Mr. DEFAZIO, Mr. NADLER, Mr. ENGEL, Mr. MANTON, Mr. MURTHA, Mr. MORAN of Virginia, Mr. BORSKI, Mr. DOYLE, Mr. CUMMINGS, Mr. KLECZKA, Mr. OBERSTAR, Mr. RAHALL, Mr. FILNER, Mr. SAWYER, Mr. CLEMENT, Mr. LAHOOD, Mr. SANDERS, Mr. ACKERMAN, Mr. BOSWELL, Mr. HASTINGS of Florida, Mr. ORTIZ, Mr. OBEY, Mr. RANGEL, Mr. FOGLIETTA, and Mr. CLYBURN.

HOUSE OF REPRESENTATIVES—*Saturday, June 7, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 7, 1997.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Rev. Dr. Ronald F. Christian, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Almighty God, You set before us all, this day, as a great gift of time, never to be given again. You give to each one of us, this day, opportunities to be gracious, many never to be repeated. You offer to each one of us, this day again, Your promise, of hope.

O God, we pray, may we accept the gift of the hours of this day and so use them in services to others and in ways that give glory to Your name.

O God, we pray, may we seek to be always gracious to others, both in our work and in our relaxation so we will not want so much to be served as to serve, to be loved as to love, or to receive as to give.

O God, we pray instill within us all the desire for life; trusting in You above all else for comfort, listening for Your still, small voice to inspire us, and seeking Your presence which gives to us courage.

Hear our prayer this day, O God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM COUNSEL TO FORMER SELECT COMMITTEE ON ETHICS AND COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from James M. Cole, counsel to former Select Committee on Ethics and Committee on Standards of Official Conduct:

BRYAN CAVE LLP,
Washington, DC, June 3, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you that pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

JAMES M. COLE.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of the SPEAKER pro tempore) and to include extraneous matter:)

Mr. GORDON.
Mr. CUMMINGS.
Mr. MILLER of California.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. on Tuesday, June 10, 1997, for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, June 10, 1997, at 10:30 a.m. for morning hour debates.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 848. A bill to extend the deadline under the Federal Power Act applicable to the construction of the AuSable hydroelectric project in New York, and for other purposes (Rept. 105–122). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1184. A bill to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes (Rept. 105–123). Referred to the committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1217. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. 105–124). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mr. MILLER of California (for himself, Mr. YOUNG of Alaska, Mr. KILDEE, Mr. KENNEDY of Rhode Island, and Mr. FALEOMAVAEGA) introduced a bill (H.R. 1833) to amend the Indian Self-Determination and Education Assistance Act to provide for further Self-Governance by Indian Tribes, and for other purposes; which was referred to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. BATEMAN introduced a bill (H.R. 1834) for the relief of Mercedes Del Carmen Quiroz Martinez Cruz; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponosrs were added to public bills and resolutions as follows:

H.R. 58: Mr. SMITH of Texas and Ms. MCCARTHY of Missouri.

H.R. 192: Mr. BONO and Mr. HASTINGS of Florida.

H.R. 414: Mr. HASTINGS of Florida.

H.R. 457: Mrs. ROUKEMA.

H.R. 1118: Mrs. LOWEY.

H.R. 1524: Mr. MCCRERY and Mr. STUMP.

H.R. 1679: Mr. BOEHLERT.

H. Con. Res. 89: Ms. HOOLEY of Oregon, Mr. DEFAZIO, Mr. ABERCROMBIE, Ms. WOOLSEY, Ms. SLAUGHTER, and Mr. KENNEDY of Massachusetts.

H. Res. 23: Mr. HEFLEY.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXTENSIONS OF REMARKS

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1997

HON. GEORGE MILLER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Saturday, June 7, 1997

Mr. MILLER of California. Mr. Speaker, today I am introducing the Tribal Self-Governance Amendments of 1997. I am pleased to have the chairman of Resources Committee, Representative DON YOUNG, as an original cosponsor of this important measure, and similarly welcome Congressmen DALE KILDEE, ENI FALEOMAVAEGA, and PATRICK KENNEDY as additional cosponsors.

The Tribal Self-Governance Amendments of 1997 establish a permanent self-governance program within the Department of Health and Human Services under which American Indian and Alaska Native tribes may enter into compacts with the Secretary for the direct operation, control, and redesign of Indian Health Service [IHS] activities. A limited number of Indian tribes have had a similar right since 1992 under title III of the Indiana Self-Determination and Education Assistance Act [the Act]. Title III contains authorization for a self-governance demonstration project within the IHS. And all Indian tribes have had a similar right to contract and operate individual IHS programs and functions under title I of the act since 1975, so called "638 contracting".

In brief, our legislation expands the number of tribes who can participate in self-governance, makes it a permanent fixture within the Department, allows but does not compel the Secretary to negotiate self-governance compacts with Indian tribes for programs outside of the IHS on a demonstration project basis, and incorporates a number of Federal contracting laws and regulations that have worked well for Indian tribes and the Department in the past.

The legislation is modeled on existing self-governance legislation for tribal operation of programs within the Department of the Interior, as well as certain contracting terms incorporated in title I of the act. The legislation has had significant input and review by Indian tribes who have worked on this legislation for almost a year and have met twice, once in Las Vegas and once in St. Paul. Their help and patience has been considerable.

What the self-governance program does is give Indian tribes who met certain criteria—basically they have to have experience in government contracting, have clean books, and demonstrate management capability—the right to take over the operation of Indian Health Service functions, including the funds necessary to run them. The aim of self-governance is to remove the often needless and sometimes harmful layers of Federal bureaucracy that dictate Indian affairs. By giving tribes direct control over Federal programs run for their benefit and making them directly accountable to their members, Congress has enabled Indian tribes to run programs more efficiently and more innovatively than Federal officials have in the past. And, allowing tribes to run these programs furthers the congressional policy of strengthening and promoting tribal governments.

Self-governance is an evolution of the original 638 contracting law. Self-governance stands for the proposition that Indian tribes are legitimate sovereigns, fully capable of managing their own affairs and functioning as principled governments. Self-governance rejects the assumption that Indian tribes are incapable of managing their own affairs and thus seeks to reduce the role and presence of Federal officials. Self-governance recognizes that Indian tribes care for the health, safety, and welfare of their own members as well as that of non-Indians who either live on their reservations or conduct business with the tribes and are thus committed to safe and fair working conditions and practices.

The following are a few of the areas in which self-governance differs from 638 contracting law. Whereas a tribe choosing to assume programs with 638 contracts must execute a different contract for each program, self-governance allows the tribes and the IHS to execute just one large compact. Whereas a tribe with multiple 638 contracts cannot move funds from one program to another based on need or merit, self-governance permits tribes to shift funds where justified. Where 638 contracts limit a tribe's ability to redesign programs, self-governance compacts allow such redesign.

A brief section-by-section description follows:

101. Short Title. Tribal Self-Governance Amendments of 1997.

102. Findings. Self-Governance has worked well as a demonstration project and is in keeping with the federal trust responsibility and government-to-government relationship

103. Policy. Statement of Congressional policy calling for Dept. of Health and Human Services to promote Self-Governance program.

104. Creation of Title V of the Indian Self-Determination Act. As set forth below.

105. Establishment. Creates the Self-Governance program with the Department.

502. Definitions. Allows Indian tribes to join together to form consortia for purposes of compacting under the Act.

503. Selection of Tribes. Grandfathers in all tribes now participating in demonstration project. Allows for up to 50 new tribes a year to join the Self-Governance program. Requires that, in order to be eligible, a tribe must have completed a planning phase, passed a resolution requesting participation in the program, and proven that it has the financial stability and management capability to run a Self-Governance Program.

504. Compacts. Describes a Self-Governance compact between the Secretary and an Indian tribe, setting forth the general terms of agreement.

505. Funding Agreements. Describes the detailed funding arrangement by which the Secretary pays the tribe its share of funds necessary to run its portion of the IHS programs. Allows the Secretary to negotiate demonstration projects with Indian tribes for the operation of non-IHS programs within the Department but does not compel him to.

506. General Provisions. Describes the general provisions of the compacts and funding agreements. Includes provisions for audits, cost principles, and record keeping. Allows tribes with compacts to redesign IHS programs. Allows tribes to retrocede compacted programs back to the IHS. Allows tribes who formed a consortium to withdraw from the consortium.

507. Provisions Relating to Secretary. Allows the Secretary to impose additional reporting requirements on Indian tribes as long as they are not burdensome. Allows the Secretary to take back programs from a tribe if he finds that the tribe's operation of the program is endangering the health or welfare of people or that the tribe is mismanaging the program. Provides for a hearing on the record in such cases. Provides that when negotiating compact terms, if Secretary fails to reject tribe's offer, that offer is deemed accepted. Allows Secretary to reject tribe's offer if he finds that tribe's request exceeds allowable funding, the request is for operation of a function that cannot be delegated to tribes, or the tribe is not capable of running the program. Requires the Secretary to negotiate in good faith. Prevents the Secretary from waiving or diminishing the trust responsibility.

508. Transfer of Funds. Provides for prompt payment to tribes of funds necessary to run programs under Self-Governance. Provides that funds are available until expended. Requires Secretary to provide tribes with indirect costs. Allows Secretary to reduce amount of funds specified in contract when Congress reduces IHS appropriations. Allows tribes the same access to buildings, property and other resources that the federal government had. Allows tribes to retain interest on funding in keeping with present regulations.

509. Construction Projects. Exempts tribal construction compacts from Procurement Act and Federal Acquisition Regulations in keeping with existing Self-Governance law but requires compacts to incorporate health and safety standards.

510. Federal Procurement Laws. Exempts all tribal compacts from federal contracting laws in keeping with existing Self-Governance law.

511. Civil Actions. Provides tribes with access to federal courts in events of disputes.

512. Facilitation. Requires the Secretary to interpret laws and regulations in a manner that further Self-Governance compacting. Allows the Secretary to waive regulations where permitted by law. Allows the Secretary to donate excess property to tribes. Encourages the states to enter into agreements with tribes that supplement their Self-Governance compacts.

513. Budget Request. Requires that the Presidential budget request identify funding necessary to fund Self-Governance compacts,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

including the present level of funding for each tribe.

514. Reports. Provides for an annual Secretarial report to Congress on status of Self-Governance program.

515. Disclaimers. Provides that nothing in the Act shall be construed as diminishing the trust responsibility in any way. Exempts tribes from National Labor Relations Act as governmental entities in keeping with N.L.R.B. decisions.

516. Application of Other Sections. Incorporates parts of Title I ("638 contracting") including penalties for criminal activities, wage and labor standards, liability insurance, retention of federal employee rights and benefits by tribal employees, leasing of tribal facilities, funding of indirect costs, preservation of tribal sovereign immunity, and Federal Tort Claims Act coverage.

517. Regulations. Requires the Secretary to publish draft regulations to carry out this Act within one year of enactment. Requires negotiated rulemaking with Indian tribes. Provides sunset clause eliminating Secretary's rulemaking authority if final regulations are not published within one year and nine months after the date of enactment.

518. Appeals. Sets the standard for burden of proof in cases of disputes. Provides that the Secretary bears the burden of proof of demonstrating by clear and convincing evidence his decisions.

519. Appropriations. Authorizes such sums as necessary.

In sum, self-governance is a program that represents that next step beyond 638 contracting. As a demonstration project in the IHS it has been a true success. The time has come to transform the demonstration project into a permanent program. I and my colleagues cosponsoring this measure urge support and passage of this measure.

CONGRATULATIONS ROBERTSHAW

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, June 7, 1997

Mr. GORDON. Mr. Speaker, today I rise to pay tribute to the Robertshaw Corp. of Carthage, TN upon their receiving certification as a Quality System Requirements—or QS–9000—corporation.

This certification is for a system devised by the big three auto companies, General Motors, Chrysler, and the Ford Corp. It's purpose is to standardize reference manuals, reporting formats and technical nomenclature. Certification by this Quality System Requirements allows a supplier to produce parts for these auto companies. Later, the vice presidents of the Big Three auto manufacturers directed a task force to further harmonize the fundamental supplier quality systems manuals and assessment tools. The results of this task force is a system of certification we now know as QS–9000.

QS–9000 has been implemented in the spirit of continuous improvement. That is why exceptional suppliers such as the Robertshaw Corp. have been able to play a vital part in suggesting how the implementation of QS–9000 can be improved.

This award is indicative of the dedication the employees of Robertshaw have toward ensuring customer satisfaction. The Robertshaw Corp. has earned this designation by working toward reducing waste and reducing cost while insuring only the highest of standards are applied to American automobile production.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes:

Mr. CUMMINGS. Mr. Chairman, I thank the gentlewoman from Texas for taking the lead on the very critical issue of human rights progress in Ethiopia.

Mr. Chairman, I rise today to speak about the deteriorating human rights situation in Ethiopia.

Almost exactly 6 years ago, the brutal Mengistu regime in Ethiopia, notorious for having one of the bleakest human rights records on the continent, fell.

The governance of the country was taken over by a coalition of ethnic based insurgency groups under the umbrella of the Ethiopian People's Revolutionary Democratic Front [EPRDF], thus ending 15 years of terror.

At the time, there was much hope that the country was finally entering a period of democracy and respect for human rights.

Sadly, the removal of the Communist military dictatorship of Mengistu Haile Mariam in May 1991, has not yielded the fruits of a functioning democracy.

The Ethiopian people are not benefiting from the so-called peace dividends of the new world order.

Instead, the country remains locked in a Marxist time warp and saddled with a minority-based ethnic dictatorship.

The Government continues to divide the nation's peoples into ethnic-based Bantustans, or enclaves, each purposely pitted against the other with the goal of facilitating the dictatorial regime.

This ploy has endangered the Ethiopian people with the inevitable consequences of civil war with repercussions far worse than the tragedies that transpired in Bosnia and Rwanda.

These ethnic enclaves may be taken over by Moslem fundamentalist groups. There is a danger that Ethiopia, or parts of it could turn into an Iran-like regime.

Until the current government took over, Ethiopia was one of the few stable, democratic countries in Sub-Saharan Africa.

Now, all the democratically hostile countries surrounding Ethiopia, such as the Sudan, Somalia, Iraq, and Iran are seeking to exploit the chaotic situation in the country by exerting their negative influences.

Chaos is likely to continue to reign as long as the ethnocratic government is allowed to continue to monopolize political, economic, military and police powers, and to pursue its policies of setting Ethiopians against each other.

Ethiopians are disturbed that Western support is bolstering the misrule of Ethiopia by an ethnic minority and against the universally accepted principles of human rights, majority rule, and representative democracy.

Troubling accounts of repression and human rights violations by the new government have been emerging.

I would like to share with you just one story by way of illustration.

Mr. E is a 20-year-old mechanic of Amharic ethnicity. Like so many of their fellow citizens, Mr. E's family had suffered greatly under the Mengistu government.

His older brother had been arrested and viciously tortured for opposition activities and eventually fled the country.

Mr. E's father had been arrested on many occasions for questioning. The family was relieved when the regime fell and looked forward to peace.

After graduating from high school in 1994, Mr. E joined the All Amhara People's Organization, a major opposition group.

In February 1995, Mr. E was stopped on the street by police for a random search. When the police found Mr. E's party identification, they arrested him and locked him in a tiny brick cell where he was held with two other men incommunicado and without charge for 8 months.

Though he was only 18 and had just joined the organization, guards questioned Mr. E about the long-term plans of the All Amhara People's Organization.

Mr. E was fed only small amounts of bread and water; no sanitary provisions were made. Within a short time his health began to deteriorate.

By the end of 8 months, Mr. E was so ill that the guards decided to allow his parents to take him home. As he was leaving the prison, Mr. E finally received notice of the charges against him and a summons to appear in court.

As Mr. E recuperated at home, his neighbors reported that they were being questioned by unknown men in civilian clothes as to Mr. E's activities and whether he was receiving any visitors. Fearing that he would once again be arrested and held indefinitely, Mr. E fled Ethiopia and arrived in the United States in February 1996.

Like Mr. E, thousands of individuals opposed to the current government, particularly journalists, academicians, and opposition party officials were being harassed as they attempt to express their views on the critical issues facing the country.

The Ethiopian Government continues to deny political detainees both procedural and substantive due process of the law and has made a mockery of the administration of justice.

I would like to call particular attention to the plight of three political prisoners—Dr. Asrate Woldeyes, Dr. Taye Semayat, and Mr. Abera Yemane Ab.

At the behest of the Ethiopian-American community here in the United States, I have personally urged our State Department to intercede on behalf of these prominent political prisoners in Ethiopia.

I have also communicated my concerns directly to the Ethiopian Government. Thus far, I am sorry to report, no progress has been made.

But, we must not relinquish our struggle against the relentless assault on the human rights of the Ethiopian peoples.

We must urge the Ethiopian Government to cease the ethnic discrimination, foster positive relations between the various ethnic groups and to allow freedom of movement and expression.

In fiscal year 1996, the United States gave Ethiopia $109 million in bilateral economic assistance making Ethiopia the third highest recipient of United States aid to the continent.

More importantly, perhaps, the United States acts as the coordinator for all Western aid to Ethiopia.

I urge my colleagues to continue their support for the inclusion of human rights as an integral element of our foreign policy by supporting this amendment.

SENATE—*Monday, June 9, 1997*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, our help in all the ups and downs of life, all the triumphs and defeats of political life, and all the changes and challenges of leadership, You are our Lord in all seasons and for all reasons. We can come to You when life makes us glad or sad. There is no place or circumstance beyond Your control. Wherever we go You are there waiting for us. You already are at work with people before we encounter them, You prepare solutions for our complexities, and You are ready to help us to resolve conflicts even before we ask You. And so, we claim Your promise given through Jeremiah, "Call on Me, and I will answer you, and show great and mighty things you do not know."—Jeremiah 33:3.

God of win-win solutions, guide the Senators to discover Your answer for the present deadlock over the disaster relief bill. We thank You in advance for a divinely inspired resolution. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

ORDERS FOR TODAY

Mr. FRIST. Mr. President, on behalf of the majority leader, I ask unanimous consent that the routine requests through the morning hour be granted, and the Senate then be in a period of morning business with Senators permitted to speak up to 10 minutes, with the following exceptions: Senator COVERDELL or his designee for 60 minutes, from the hour of 4 p.m. to 5 p.m., Senator DASCHLE or his designee for 60 minutes, and Senator MURKOWSKI, for 20 minutes.

Mr. WELLSTONE. Reserving the right to object, and I do not think I will, I wonder whether the acting leader would amend his request to include Senator WELLSTONE for up to half an hour.

Mr. FRIST. I ask unanimous consent Senator WELLSTONE be allowed to speak for up to 30 minutes.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

SCHEDULE

Mr. FRIST. For the information of all Members, today the Senate will be in a period of morning business to allow a number of Senators time to speak. The Senate may also take up any executive or legislative business cleared for action. As previously announced, if any votes are ordered today, they would be set aside, not to occur before 5 p.m. As always, all Members will be notified if and when any votes are scheduled.

I appreciate my colleagues' attention. I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is in a period of morning business.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. Mr. President, I am not quite sure what the business of the Senate will be this week. I would be interested in knowing what the majority leader is planning.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Brian Ahlberg be permitted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER RELIEF

Mr. WELLSTONE. Mr. President, I come to the floor and I think that other Senators will certainly be on the floor today, tomorrow, and as long as it takes, to speak about the disaster in my State and in the Dakotas and other States as well. I really come to the floor today to speak about a disaster, really a disaster on top of a disaster, because the disaster supplemental, which the Congress completed action on Thursday has still not been sent to the White House. There has been a disaster in our States and peoples lives have been devastated and they are waiting for additional Federal assistance.

Mr. President, there is the disaster that people are faced with in Minnesota and the Dakotas of having been flooded out of their homes. I heard the Chaplain's prayer, that we resolve our impasse this week, and I thank him for his prayer. He is always very sincere and I hope all of us will listen to him because there has to be a way that we can get help to people who really are trying to rebuild their lives.

I heard the mayor from Grand Forks, ND, this morning on one of the national network shows. She was saying that people are doing well at the community level because they really are helping each other out and trying to get back to their regular normal routines. But the one thing that is just continuing to really discourage and demoralize people is they still do not know whether or not there will be any additional Federal assistance. They are waiting week after week after week.

Mr. President, I feel that the disaster, the other disaster, is the disaster here in the Congress. I spoke for a long time about this last week, and then said at the end of the week—and I am not really, by the way, looking forward to this—I said that I was prepared to come to the floor and speak for a long time again this week on the need for this emergency supplemental assistance. I do not know what the business of the Senate will be, but I am prepared to make sure that there is no business as usual in the Senate until we pass a clean supplemental that the President can sign. This has to be resolved.

The particular disaster I want to speak to this afternoon, Mr. President, is the fact that some very controversial riders have been added to the supplemental. I think the people in Minnesota and the Dakotas are confused about this issue as well. They do not understand why some Members of the House and the Senate have insisted on adding these controversial riders. The purpose of this emergency disaster supplemental is to get much needed assistance out to these people who have been flooded out of their homes, not as a vehicle for unrelated issues like the continuing resolution and a provision relating to how the 2000 census will be done. By the way, the vast majority of people in Minnesota do not agree with that.

So you have an effort to attach on what is called a continuing resolution, and then you have another amendment dealing with the way we take our census. Unrelated issues that the President said he would veto the bill over. By the way, when the President came out to visit North Dakota and South Dakota and Minnesota he said way back then when he looked at the devastation, "I just hope that people will keep this a clean bill. Please get the help to people. Do not put on other measures." He always said he would veto it.

Now, here is my question. Why hasn't the bill been sent to the White House yet? Here it is 12:10, today, Monday. To my knowledge, after this piece of legislation was to be sent to the President on Thursday of last week, it was not. First we have the House of Representatives going on vacation, Memorial Day recess, not even finishing the bill, not even finishing the bill. Then we finally got this passed on Thursday and now we find out that, now it is 12:10 Monday, they still have not sent the bill over to the President. This is unconscionable on top of unconscionable. They did not send the bill over to the President on Friday. They know he will veto it. What is the majority party doing? I would be quite prepared to debate anybody who wants to debate me on this.

I do not agree, most of the people in Minnesota do not agree, with attaching unrelated issues to the supplemental. Keep the bill clean and get the help to people.

Why hasn't the bill, that you know the President is going to veto, been sent to the President? You did not send it on Friday, you have not sent it on the weekend, and you have not even sent it come Monday. Some people can be incredibly generous with the suffering of others. Can anybody on the floor of the U.S. Senate who agrees with this decision not to even send the bill to the President—you know he will veto it, then it comes back here, then maybe we can have an agreement—can anybody justify that? Not for me, as a Senator from Minnesota, but for the people in East Grand Forks or Grand Forks or Warren or Ada, and a whole lot of other communities.

Now, here is what I see, and this is just transparent:

> GOP sources alternately said they declined to send the disaster relief bill to the White House last week because either they wanted to give the President a chance to change his mind—which they were hoping to do through a weekend grassroots effort—or they were afraid Clinton would be able to monopolize the Sunday talk shows with his explanation of the expected veto.

This is unbelievable. So here is what we have. Talk about talking out of two sides of your mouth. On the one hand people are saying, no, we do not want to send the bill to them because we really think that we will have a chance to change his mind. On the other hand, they say, no, we do not want to send a bill to him because we know he will veto it and we do not want him to be on Sunday shows talking about why he has vetoed it.

Mr. President, can I suggest a third point to you, and that is, to people who are waiting for help, they do not understand these games. So I suggest to my colleagues on the majority side that it is time to send the bill to the President. You should not have delayed it on Friday. You should not be delaying it today. You know full well he will veto the bill. You are playing politics with people's lives. Get the bill back here, let us get to work and get the help to people. This has become really callous and really insensitive.

Now here we have another explanation:

> House Majority leader Dick Armey, Texas, on Friday said Congress would not send Clinton the bill until today, even though the enrolling clerk had already finished work on it. "We think it's important that the President have a weekend to think this thing through," he said.
>
> But Republicans also needed some time to think about what their plan will be if the measure is vetoed.
>
> GOP leaders were in "some turmoil" over what their game plan should be, as a GOP aide said.

I put the emphasis on game. Stop playing games. I do not care whether it is Republicans or Democrats. I only care right now about the people in East Grand Forks, MN, and the people in the Dakotas and other communities in Minnesota. I do not care about these games. They know the President was going to veto it. This was just an effort to embarrass the President and it still has not been sent to him. You know what, colleagues? I do not know whether you have embarrassed the President or not, I do not think you have, but the point is you have embarrassed yourselves. You have embarrassed yourselves because everybody can see through this. If you want to provide disaster relief to people in an emergency supplemental, then we should understand it is an emergency supplemental bill. It is a disaster. People are waiting to rebuild their homes. People are waiting to rebuild their businesses. People are trying to find out whether or not they are going to be moved because they live in a floodplain or whether they will not be moved, and they cannot find out anything because of this unbelievable charade that is taking place here.

I really do not understand it. I said last week that you have seen in the Dakotas and Minnesota a real sense of community. I see no sense of community here. I see no sense of community here. By the way, the vast majority of people would agree.

I voted for the bill because I know how important it is to get help to people, but most people understand, and I can understand, what the President is doing. That as President, we have one President, he can say, look, give me a disaster relief bill, give me something that provides assistance to people. Do not mix up agendas. Do not impose your own agendas about how you want the census taken, do not impose your own agenda on whether you want money spent on education or not, do not impose your own agenda about public parks on a disaster relief bill for people.

Now, if anybody wants to debate me, come on out. I am willing to stay here all afternoon. I would be willing to stay here all afternoon. If people don't come out, then I assume there is no debate for right now. I want to make it clear, Mr. President—very clear—and I would rather not do it and I am sure there will be help—but this week, until this disaster relief bill gets done, insofar as I am able to as the Senator from Minnesota, I will make sure that nothing else gets done here. To the extent that I can use every bit of knowledge that I have and leverage as a Senator to fight for people in Minnesota.

I am going to make sure that the Senate is a deliberative body. If my colleagues think this process is geared to grind slowly, I am going to make sure that it is practically at a halt.

This is outrageous, I say to the Chair, and he can't comment, and he may be in complete agreement with me on the substance. But, frankly, he would do the same thing, I think, probably if it was his own State. I mean, enough is enough. We are not going to do business as usual until this disaster relief bill is passed and we get assistance to people. I cannot, for a moment, understand why—and I doubt whether anybody from the majority party is going to come out and debate me—even though I don't agree with adding on other provisions, what I really have trouble understanding is why did they not send it to the President Friday? Why is it 12:20 on Monday and this still hasn't been sent to the President? Maybe delay is fine here, this is all abstract; but these are people's lives. I bet you that you ask the American people whether or not they think there is any defense for not sending the bill to the President, which you know is going to be vetoed, so you can then get down to work and finally pass a bill to get help to people who have been flooded out of their homes, I bet you 99 percent of the people in the country would say they don't understand this at all. And they should not understand it because there is simply nothing to defend.

Mr. President, the Washington Post had an editorial on Sunday that starts out, "The President is right and Republicans are wrong about the disaster relief bill." I will amend that. Frankly, at this point in time I agree, but I want to make it crystal clear that it should not be a partisan issue. Let's just get the help to people, just get a disaster relief bill with provisions in the bill that have to do with providing disaster relief, and pass it. That is what we should do.

The Post editorial goes on to say: "Once again"—this is the language that is important—"in trying to use an appropriations bill as a forcing device, they have overreached. The amendments raise important issues that deserve to be debated on the merits and under the regular rules." And then the conclusion—"An emergency bill to provide flood relief in the upper Midwest, and to pay some of the cost of the Bosnia peacekeeping mission, and to plug a few unexpected holes in the budget, is the wrong place to thrash out these other issues." They were talking about right-of-way across Federal lands like this. They ought to back off.

Here is an article written in the Pioneer Press by columnist Bill Salisbury. "Political Ping-Pong is a Pathetic Game." That is quite a title. It starts out:

> The folks from Grand Forks and East Grand Forks were perplexed. They came here Wednesday to make yet another plea for Federal aid to help them recover from the spring flooding that wrecked their town.
>
> The group of 11 city officials and business leaders got patted on the head, assured that the national leaders feel their pain, and once again were promised that the money will soon be on its way.
>
> But if our Federal leaders had been completely honest with the group, they would have said something like: "You're going to get your flood relief sooner or later, but first we're going to play a little political ping-pong game, and we're going to use you folks as the ball."

I don't think anybody could have said it better. That is what is going on here, a political ping-pong game using people in our communities, in the Dakotas and in Minnesota, as the ball. It is a political ping-pong game using people in our communities as the ball. Well, I have news for you, colleagues. If that is your plan, don't plan on conducting any other business on the floor of the U.S. Senate, because there are going to be some of us out here and we are going to really fight hard this week. This has just become outrageous.

Now, Mr. President, I could focus on all of the conditions and the lives of people in our communities, and I will do that as we move forward this week because I want to reserve my voice and my strength for when the majority party is trying to conduct its business so I can come out here and make sure that doesn't happen. But let me, one more time at least, bring this to the attention of the people in Minnesota and in the Dakotas and elsewhere in the country.

What is going on here? You have a disaster, and the disaster is right here in the Congress. The disaster right here is the leader—the disaster right here is the failure of the majority party to move this bill forward. I am sorry, I don't know any other way to say it. There are three issues. You have people in pain and they need help. They have been waiting week after week after week, and they are being used as the ball in a political ping-pong game.

Second issue. You have people here who decided on an oh-so-clever strategy and that strategy was to say, OK, here is a disaster relief bill. Everybody is going to be for providing help to people. So now we have these other agendas. Why don't we take our other political agendas having to do with the Census Bureau and their work, and public parks and roads, having to do with fights over budget priorities, and why don't we just put these provisions in this bill? That is a disaster. But now we have another disaster. The disaster I am talking about today is the disaster of the majority party and after loading on these provisions and knowing the President is going to veto the bill on Friday, not sending the bill over, and with the bogus argument made about how "we didn't want to because we thought maybe the President would change his mind," or "actually, we didn't want to because, if we did, the President could get on the Sunday talk shows and make us look bad."

I don't really care whether those I work with look bad. I am worried about the people in my State. And now it is Monday and I have a question for the majority party: When are you going to send this bill to the President? What are you waiting for? How much more suffering does there have to be? How many more people do you want to demoralize? How much longer do you want people waiting? Where is your humanity? Send the bill over to the President, and then the President will veto the bill—he is going to veto the bill. Let's get to work and let's have some agreement. Let's have some compromise. Let's work things out, let's pass this bill, and let's pass this bill this week—tomorrow.

But, Mr. President, we can't do anything until the majority party sends the bill over. I extend an invitation to any of my colleagues: Anytime you would like to come out on the U.S. Senate floor today and debate this question, please do, because it is a question that people in Minnesota and in the Dakotas have. If you would like to explain to the people in Minnesota and in the Dakotas on the floor of the U.S. Senate why you have not sent this bill to the President and why you are engaging in further delay, I would be very pleased for you to do so. I would be pleased. Actually, I think really you owe people that explanation. But I don't really think there is any argument that you can make.

I will conclude this way this afternoon. I want my colleagues to know that I think it is indefensible and I don't blame you for not being out here because you can't defend it. I also want colleagues to know—those in support of this effort—that if we don't get to work on this and we don't pass this disaster relief bill, then I am prepared—and I am sure I will be joined by other colleagues as well because I heard Senator DASCHLE express a tremendous amount of indignation, along with both Senators from North Dakota, Mr. CONRAD and Mr. DORGAN, and Senator JOHNSON from South Dakota, and we are prepared to fight very hard.

So to my colleagues, whoever you are on the other side, whoever you are who made this decision not to even send this bill to the President, causing yet further delay and postponing the time when people will finally get help back in Minnesota, for some reason, I gather you think this is a clever strategy. I want you to know that people see through it and, in any case, I want you to know that until we get the work done here and we get the help to people, as a Senator from Minnesota, I am going to make sure that there will be no business as usual on the floor of the U.S. Senate. I may not always be able to get the floor, and it may not be all that easy, but I am quite convinced that this is what I should do, and I think other Senators will do the same thing. There comes a point in time when the only thing you can do, if you are trying to fight for people you represent, is come to the floor of the U.S. Senate and use your leverage. It looks like this is one of those times.

Mr. President, let me conclude on a more positive note. I hope that my colleagues in the majority party will send this bill to the President today. I hope that it will come back to us right away, and I "hope and pray," in the words of the Chaplain, that we will reach agreement and pass a disaster relief bill and that we will get help to people in Minnesota and in the Dakotas.

Mr. President, these are good people, really good people. They have really been through a lot and they deserve our help. They don't deserve what we are doing to them right now.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, while it has been called to my attention that, in speaking quickly, I might have also called the leadership a disaster. That was not my intention.

I will make sure that my remarks do not reflect that. I think it is a disaster here, what is going on. But I want to make it clear that nothing I said was intended in that way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as if in morning business.

The PRESIDING OFFICER. We are in morning business. The Senator may proceed.

THE EMERGENCY SUPPLEMENTAL

Mr. INHOFE. Mr. President, I know there is some misunderstanding over what is happening right now in terms of this emergency supplemental, and I believe maybe some clarification would be in order.

The very distinguished Senator from Minnesota spent 30 minutes expressing his anxiety over the passage of this emergency supplemental legislation. Let me assure you, Mr. President, if you were listening to that, that there are not any people in North Dakota or in Minnesota right now who are going without the emergency provisions that are authorized. And, as a matter of fact, there are some things that won't really be done, such as the outright replacing of infrastructure and some of those things.

So it is not as if those people are being ignored. It is not as if we went off and took a vacation during the time that was happening.

But I think it is important to mention a couple of other things that are in this emergency supplemental. I am hoping that the President won't veto it. It is not at all unusual that the bill is not sent to the President. If it were sent to the President after it was only passed on Thursday night, by Monday morning, then, that would probably set some new kind of a record around here. Things don't move that fast. There is nothing unusual about the fact that this bill has not been sent to the President. But this presupposition that the President is going to veto it, I think, is really wrong. I think the President will have to look very closely at whether or not he wants to veto this emergency legislation.

For one thing, it is the President that got us into the situation that we are in in Bosnia right now. But we should never have sent troops over to Bosnia when you have a military budget that is suffering and while we have great threats that are out there to send troops on humanitarian missions and peacekeeping missions all around the world where we don't have strategic interests at stake.

I can remember 18 months ago standing on this floor when the President of the United States said that the cost in Bosnia would be somewhere between $1.5 and $2 billion. At that time I said, "I bet it will be $8 billion before it is over." Guess what? It is already passing through $6.5 billion. And some of the money that is in this emergency supplemental is going to be going to support the effort in Bosnia. It has already been paid.

But this is replenishing, the same as it is up in North Dakota and for some of the flood victims. They have been addressed. Problems have been addressed. Of course, we do need to replenish that emergency fund, which we intend to do.

But I think the main thing is the idea that the President is going to automatically veto this. I think you know that the automatic continuing resolution is on this, which I think is very, very good. It wasn't too long ago that the President shut down the Government and blamed the majority party for it, and if we had this continuing resolution in place, that couldn't happen again. All we want to do is to be sure that we are going to be able to carry on Government and let Government operate in the event there is an impasse between Congress and the President of the United States on some appropriations bills. That is exactly what this is all about. So, if we had the continuing resolution that is passed, which is a part of this emergency supplemental legislation, then the continuing resolution will provide that Government won't shut down, that it will continue to operate at last year's funding level, which I think is very reasonable. We don't want to shut down Government. That way, we can ensure it won't happen. That is all in this emergency supplemental.

So I am hoping, of course, that the President doesn't use the automatic continuing resolution as an excuse to veto this bill, because if he does, what he is saying is, I want Government to be able to be shut down. It is as simple as that.

Lastly, I say that I have the utmost respect for the Senator from Minnesota. Quite often you see different philosophies expressed on this floor. Of course, his is quite different than mine. I think the basic difference is that when we look at money that Government spends, we look at it as coming from the taxpayers rather than just some big pot of money that is owned by Government. So we have conservatives and we have liberals. And the distinguished Senator from Minnesota, Senator WELLSTONE, is very liberal, and we are very conservative.

So this is a forum where those things can be heard. I think, in good time, the President will get this emergency supplemental, and I am certainly hopeful that the President will not veto the supplemental.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I would like to speak as if in morning business for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I appreciate very much the Senator from West Virginia yielding to give me the opportunity to do this.

FREEDOM FROM GOVERNMENT COMPETITION ACT

Mr. THOMAS. Mr. President, I come to the floor today to talk about a problem that I think we have in this country in terms of the organization of Government, in terms of the future role of Government, in terms of where we want to be with respect to Government and the private sector, and specifically Government's competition with the private sector. This competition, of course, takes many forms, but the basic premise is that the Federal Government provides commercial goods and services in-house instead of going to the private sector and contracting out for these needs. This is called insourcing, and it leads to larger and larger Government. It is my view that given limited Federal resources we ought to set priorities as to where we spend money and find ways to meet these commercial needs more reasonably, more efficiently by contracting.

Insourcing, of course, tends to stifle job creation in the private sector. It weakens economic growth. It erodes the tax base, of course. It hurts small businesses and costs taxpayers money.

There is a great deal of talk that goes on in this country about downsizing, about reinventing Government, but the fact is very little of that actually goes on. The Clinton administration has talked some about how there are fewer employees in the Federal Government than there used to be, but almost all of that is a result of base closures in the Department of Defense and RTC when it finished its work with regard to the savings and loan scandal. The fact is that Government expenditures and Government continue to grow and will, indeed, continue to grow under the budget that was approved recently.

But more specifically, I want to talk just a moment about legislation that I have introduced called the Freedom From Government Competition Act that would address this problem. Congressman DUNCAN from Tennessee has an identical bill in the House. I use an example that just happened that I think we ought to reevaluate, one that we ought to look at, one where we ought to say wait a minute, what is going on here? This is an example of unfair competition in the private sector, and in fact it was on the front page of the Washington Post on May 22, 1997. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 22, 1997]

When the Government Hires the Government

(By Rajiv Chandresekaran)

When the Federal Aviation Administration announced last fall that it was looking for someone new to operate its computer systems for payroll, personnel and flight safety, several of industry's biggest players came knocking.

Computer powerhouses International Business Machines Corp., Unisys Corp., Computer Science Corp., and Lockheed Martin Corp. all bid for the juicy contract, worth as much as $250 million over eight years.

The winner, announced Friday, turned out to be an organization well known in Washington, though not for its computer experience; the U.S. Department of Agriculture.

In a surprising decision being lauded by the Clinton administration but derided by the computer services industry and some members of Congress, the FAA's number-crunching will be handled by a USDA computer center in Kansas City, MO.

The contract, which many observers predict could alter the landscape of competition between the public and private sectors, is one of the largest ever awarded to a government agency in a head-to-head contest with industry.

The center is one of several federal facilities that have been allowed, and even encouraged, to compete for business from other agencies in recent years as part of the administration's effort to "reinvent" government. The USDA center's bid was nearly 15 percent lower than those from the private sector, said Dennis DeGaetano, the FAA's deputy associate administrator for acquisitions.

"This shows that there are some organizations that are both efficient and effective within the federal government," said Anne F. Thompson Reed, a USDA spokeswoman. "We're giving the taxpayer a good value."

The administration, particularly Vice President Gore's National Performance Review project to streamline the way federal agencies operate, views such competition between government and industry as a cost-effective way for some facilities to bring in new work—and money—to offset the effects of budget cuts.

But federal contractors, many of which have their headquarters in the Washington region, contend that the new competitors will reduce the dollar amount of computer services the government buys from the private sector, estimated at more than $21.3 billion this fiscal year, industry executives argue that federal agencies, which don't have to pay taxes and which account for overhead expenses such as electricity differently, receive an unfair competitive advantage.

They also question whether the government's technical expertise matches up to industry's. The government is "not as tech-savvy, not as agile, not as aggressive" as the private sector, said Bert M. Concklin, president of the Professional Services Council, a Vienna-based association of federal contractors.

The FAA decision already has come under fire from some congressional Republicans, who argue that many other USDA computer systems are grossly mismanaged.

The General Accounting Office's director of information resources management, Joel C. Willemssen, told a congressional subcommittee last week, "USDA's inadequate management of information technology investments resulted in millions of taxpayer dollars being wasted."

In response to previous congressional inquiries, the department in November put on hold all computer purchases exceeding $250,000 until it revamps its information technology management structure.

"The bottom line is: 'Can they do it better than the private sector?' The evidence we've seen suggests that there are a lot of reasons to question that assumption," Rep. Robert W. Goodlatte (R–Va.), chairman of the House Agriculture Committee's subcommittee on department operations, nutrition and foreign agriculture, said yesterday. "This could be a case of the blind leading the blind."

Concklin and other industry leaders also contend that the FAA contract was improperly awarded because it skirted a set of rules established by the Office of Management and Budget for public-private competition. They also allege that the USDA's bid was not scrutinized as much as those from private firms.

"We seriously doubt that the USDA proposal was visited with the same precision and critical eye that was visited on the private-sector proposals," Concklin said.

The FAA's DeGaetano denied that a double standard was used, but he said yesterday that the agency's chief acquisitions executive, George Donohue, decided to temporarily suspend work on the contract while the agency investigates whether OMB rules were followed. DeGaetano also said the agency wants to respond to industry concerns "over the fairness of contracting with another government agency" before allowing the USDA to begin work.

But DeGaetano emphasized that "this doesn't mean we're rescinding the award." He said the Agriculture Department won the award based on its low bid and its track record of handling work for other agencies.

The Kansas City center, called the National Information Technology Center, operates most of the USDA's big computer projects, as well as obscure programs, including a timber-management system for the Forest Service and a database of plants for the Natural Resource Conservation Service. The center has handled computer services for other government agencies for the past decade, but not as the result of a contract competition with the private sector, Reed said.

The center, known in Beltway parlance as a "revolving-fund agency," functions as a quasi-private entity within the Agriculture Department. It operates by charging its "customers"—various arms of the USDA and other agencies—for the services it provides, money that is used to pay the center's salaries and operating costs.

But because the center by law can't make a profit—nor can it seek commercial work—administration officials say its services can be as much as 20 percent less expensive than those of private contractors. "The point of these operations is to bring down the costs for government," said John A. Koskinen, OMB deputy director for management.

Private contractors, however, contend that such government operations, even if they have separate budgets, do not have to pay for overhead costs and taxes in the same way.

"The cost structures are totally different," said Olga Grkavac, a vice president at the Information Technology Association of America, an industry group based in Arlington. "It's not a level playing field. How can you have a fair competition?"

Industry executives say they didn't pay much attention to legislation that set up such competition, namely the 1994 Government Reform Act, which established six pilot revolving-fund projects. "We never thought it would happen," said Pat Ways, a group vice president at Computer Sciences, "A government data center that's more qualified than a commercial one?"

At the same time, federal contractors don't have a spotless reputation. Almost every large company that performs work for the government has been accused, at one time or another, of cost overruns and delivering faulty systems.

USDA officials maintain the agency's computer center will be able to handle the FAA's work, which includes maintaining personnel and payroll records, financial information, and a large aviation safety database. The center will largely use existing mainframe equipment but may need to hire additional staff, officials said.

"We're definitely qualified to do this job," Reed said.

Particularly worrisome to the information technology industry, however, is the fact that the FAA contract had been handled by a private firm, Electronic Data Systems Corp.

Ways said government competition for contracts could put his company in the "awkward position" of competing with its customers for new business. Computer Sciences, for instance, performs work for the USDA, he said.

The contract is expected to renew a long-standing Washington debate about the rules of competition between government and industry, say several observers. On one hand, several Republican legislators and industry executives believe that the government shouldn't perform functions that can be handled by the private sector. A bill introduced by Sen. Craig Thomas (R–Wyo.) would bar federal agencies from bidding for work that could be handled by outside contractors.

Administration officials acknowledge that private contracts could suffer in the new competitive landscape, but they contend that might not be such a bad thing.

"Ultimately, the government is not always going to win and the private sector isn't either," said Michael D. Serlin, a former National Performance Review official who now works as a consultant on federal contracting issues. "If the result is genuine competition, however, it's the taxpayer who's the winner."

Mr. THOMAS. The FAA recently announced it was awarding a contract of about $150 million for data processing and information technology to the Department of Agriculture. The problem is that there are plenty of private-sector groups that are more efficient or more capable of doing that job.

When you think of technology, do you think of the Department of Agriculture? I do not think so. When you talk about doing payrolls and managing the FAA's technology, do you think of the Department of Agriculture? I do not think so. That is because information technology is not part of the Department of Agriculture's core mission.

The folks down at OMB and the Clinton administration will tell you it is a great thing; it is encouraging entrepreneurial Government. But I think we ought to be encouraging private business and entrepreneurial enterprise, not Government. By recruiting contracts from other agencies to offset budget cuts, we are maintaining big Government at the expense of businesses in the private sector, especially small businesses. We are also cheating the taxpayer. Studies have shown that outsourcing can save the Government up to 30 percent. Congressman DUNCAN and I wrote to the President the day this article appeared to protest his plans on reinventing Government.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 22, 1997.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our strong concerns regarding a recent decision by the Federal Aviation Administration (FAA) to award a large information technology (IT) contract to the Department of Agriculture. We are concerned that American taxpayers may be shortchanged by this proposed contract. We seriously question whether your plans for "reinventing" government should include federal agencies unfairly competing with the private sector to provide commercial goods and services to other government agencies.

The current process for evaluating whether or not the federal government should perform commercial functions is woefully inadequate. Federal agencies have an unfair advantage in these competitions because the government's true costs are generally understated due to the absence of an activity-based accounting system. The federal government doesn't pay taxes and it accounts for overhead expenses differently than private sector firms. Most alarming, it is our understanding that the A–76 process was possibly circumvented entirely, so that no rigorous competitive analysis was performed at all.

In addition, the FAA appears to have decided to ignore the past performance of the Department of Agriculture in the IT area. Just last week, the Department was criticized by the General Accounting Office (GAO) for "inadequate management of information technology investments that resulted in millions of taxpayer dollars being wasted." In addition, in response to previous congressional inquiries, the Department of Agriculture recently put on hold all computer purchases exceeding $250,000 until it revamps its information technology management structure.

As you know, we recently introduced legislation in the U.S. Senate and House of Representatives, S. 314 and H.R. 716, that would eliminate unfair government competition with the private sector. Our legislation corrects the problems with the A–76 process and stops "entrepreneurial" government by creating a "best value comparision" in which many factors, such as qualifications, past performance and a fair cost accounting system, are used to determine which entity will provide the best value to the American taxpayer.

We encourage you to reevaluate the decision to award this contract to the Department of Agriculture based on the criteria laid out in S. 314 and H.R. 716. We look forward to your prompt replay.

Sincerely,

CRAIG THOMAS,
U.S. Senator.
JOHN DUNCAN,
U.S. Representative.

Mr. THOMAS. Unfortunately, this reinventing Government is not achieving its purpose. It is recreating big Government. The current A–76 process, which is the system that is supposed to be used to decide if a function can be done more cost effectively and more efficiently in the private sector, may not even have been used by the FAA before awarding the contract to the Department of Agriculture. And when A–76 is used, it does not provide a level playing field for comparing Government and the private sector. Finally, the GAO has strongly criticized the Department of Agriculture's management of its current information technology. We shouldn't be giving them more work when they can't handle their current assignments.

So my legislation would address these issues. The legislation would stop entrepreneurial Government dead in its tracks, create a best value comparison between Government and private enterprise based on fair accounting systems, based on qualifications, based on past performance.

There are certainly activities within the Government that are inherently Government functions and should be done by the Government, but there are many others that are commercial in nature. They are as commercial as anything in the private sector could be. So this legislation will lead to more efficient Government, will inject fair competition into Government monopolies and continue to reserve a Government role for inherently governmental functions. It also will encourage more and more contracting with the private sector for more efficiency and giving American taxpayers more bang for their buck.

So I urge my colleagues to join me in supporting this good Government, common sense of reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

WEST VIRGINIA POULTRY FARMERS COMMITTED TO STEWARDSHIP

Mr. BYRD. Mr. President, the Sunday, June 1, 1997, edition of the Washington Post featured a front-page article on pollution in the Potomac River from poultry production. The story was prompted by a ranking by American Rivers, which is a national environmental organization, of the Potomac River on the group's annual list of the 10 Most Endangered Rivers in North America, and inspired by American Rivers' interpretation of a 1996 U.S. Department of Agriculture study that detected nutrient and bacterial contamination in the waters of the South Branch of the Potomac.

American Rivers' annual promotion of its top 10 list is an effort to advance public awareness about the fragility of the Nation's water resources, a laudable goal, and newsworthy, as well.

Regrettably, however, the media missed the real story of worth, namely, the exemplary efforts by a nonpartisan coalition of public officials and West Virginia family farmers to balance economic interests with environmental goals. And, more importantly, the media missed the spirit of cooperation needed to accomplish these goals through the voluntary implementation of farm management practices identified in USDA's 1996 study as improving the efficient use of farmland and reducing threats to the Potomac River.

I might add that, contrary to the negative impression left by the Washington Post writer, the heart of this industry is situated in the charming town of Moorefield. This is an area which was settled in the early 1700's and contains a federally designated historic district. Moorefield's antebellum homesteads and streets are enriched by the presence of hard-working family farmers, who not only earn a real day's wage, but also represent the backbone of our Nation's economy and spirit of community.

The poultry industry has dramatically expanded in the Potomac Headwaters, from production at approximately 46.6 million birds in 1992 to 90 million birds in 1996. Recognizing the potential growth of the industry, as early as 1990, a cooperative program between Federal and State agencies was launched to design and implement the best soil and water conservation management practices. Rapid growth of any industry usually is not achieved without problems. However, these problems have been identified and efforts are underway to ameliorate these consequences of expansion.

To date, 80 percent of the eligible farmers in the Potomac Headwaters, which I understand is a higher than average percentage for similar USDA programs, have electively enrolled in the Potomac Headwaters Land Treatment Watershed Project, the recommended action plan to protect the Potomac from possible agricultural pollution. I am proud that I have been able to secure funds to support the Federal share of this project.

By enrolling in this project, West Virginia farmers have voluntarily agreed to develop nutrient management plans and install animal waste structures and dead bird composters, and to improve livestock confinement areas and vegetative buffer zones. Implementing these measures will cost the average farmer in the program $12,000 over 5 years. The average farmer in the Potomac Headwaters has a net annual income of $15,000 from poultry production.

I believe that most Americans would commend the farmer who voluntarily spends 16 percent of his income over 5 years to protect the waters of the Potomac River. Nevertheless, that is exactly what is happening in West Virginia.

Thanks to the West Virginia farmer, the Potomac Headwaters Land Treatment Watershed Project will achieve benefits for a broad base of interests, extending from my beautiful state to the Chesapeake Bay. It would seem that this is the kind of effort that newspapers and organizations like American Rivers should be recognizing and encouraging.

Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I again thank the Chair.

A FAILURE TO PRODUCE BETTER STUDENTS

Mr. BYRD. Mr. President, over the past decade, I have been continually puzzled by our Nation's failure to produce better students despite public concern and despite the billions of Federal dollars which annually are appropriated for various programs intended to aid and improve education. Not long ago, I asked a high ranking administration official during an Appropriations Committee hearing why, in his opinion, we were not doing a better job of educating our Nation's youth in light of the billions of dollars we have been spending over these past several years. The answer I got was not very illuminating.

Mr. President, our children still rank behind those of many other nations of the world with which we will have to compete for the jobs of the future. Particularly in mathematics, where our kids will have to be especially skilled, the United States ranks 28th in average mathematics performance according to a study of 8th graders published in 1996. Japan ranked third.

A closer look at the current approach to mathematics in our schools reveals something called the "new-new math." Apparently the concept behind this new-new approach to mathematics is to get kids to enjoy mathematics and hope that that "enjoyment" will lead to a better understanding of basic math concepts. Nice thought, but nice thoughts do not always get the job done.

Recently Marianne Jennings, a professor at Arizona State University found that her teenage daughter could not solve a mathematical equation. This was all the more puzzling because her daughter was getting an A in algebra. Curious about the disparity, Jennings took a look at her daughter's Algebra textbook, euphemistically titled, "Secondary Math: An Integrated Approach: Focus on Algebra." Here it is—quite a handsome cover on the book. After reviewing it, Jennings dubbed it "Rain Forest Algebra."

I have recently obtained a copy of the same strange textbook—this is it, as I have already indicated—and I have to go a step further and call it whacko algebra.

This textbook written by a conglomerate of authors lists 5 so-called "algebra authors," but it boasts 20 "other series authors" and 4 "multicultural reviewers." We are talking about algebra now. Why we need multicultural review of an algebra textbook is a question which I would like to hear someone answer, and the fact that there are 4 times as many "other series authors" as "algebra authors" in this book made me suspect that this really was not an algebra textbook at all.

A quick look at the page entitled, "Getting Started" with the subheading, "What Do You Think," quickly confirmed my suspicions about the quirky fuzziness of this new-new approach to mathematics.

Let me quote from that opening page.

> In the twenty-first century, computers will do a lot of the work that people used to do. Even in today's workplace, there is little need for someone to add up daily invoices or compute sales tax. Engineers and scientists already use computer programs to do calculations and solve equations.

What kind of a message is sent by that brilliant opening salvo?

It hardly impresses upon the student the importance of mastering the basics of mathematics or encourages them to dig in and prepare for the difficult work it takes to be a first-rate student in math. Rather it seems to say, "Don't worry about all of this math stuff too much. Computers will do all that work for us in a few years anyway." Can you imagine such a goofy passage in a Japanese math textbook? I ask what happens if the computer breaks down or if we forget and leave the pocket calculator at home? It appears that we may be on the verge of producing a generation of students who cannot do a simple mathematical equation in their heads, or with a pencil, or even balance a checkbook.

The "Getting Started" portion of the text goes on to extol the virtues of teamwork, to explain how to get to know other students and to ask how teamwork plays a role in conserving natural resources. What, I ask—what in heaven's name does this have to do with algebra? I took algebra instead of Latin when I was in high school. I never had this razzle-dazzle confusing stuff.

Page 5 of this same wondrous tome begins with a heading written in Spanish, English, and Portuguese, a map of South America and an indication of which language is spoken where. Pythagorus would have been scratching his head by this time, and I confess, so was I.

This odd amalgam of math, geography and language masquerading as an algebra textbook goes on to intersperse each chapter with helpful comments and photos of children named Taktuk, Esteban, and Minh. Although I don't know what happened to Dick and Jane, I do understand now why there are four multicultural reviewers for this book. However, I still don't quite grasp the necessity for political correctness in an algebra textbook. Nor do I understand the inclusion of the United Nations Universal Declaration of Human Rights in three languages, a section on the language of Algebra which defines such mathematically significant phrases as, "the lion's share," the "boondocks," and "not worth his salt."

By the time we get around to defining an algebraic expression we are on page 107. But it isn't long before we are off that boring topic to an illuminating testimony by Dave Sanfilippo, a driver with the United Parcel Service. Sanfilippo tells us that he "didn't do well in high school mathematics * * *" but that he is doing well at his job now because he enters "* * * information on a pocket computer * * *"—hardly inspirational stuff for a kid struggling with algebra.

From there we hurry on to lectures on endangered species, a discussion of air pollution, facts about the Dogon people of West Africa, chili recipes and a discussion of varieties of hot peppers—no wonder our pages are having difficulty containing themselves. They are almost in stitches—what role zoos should play in today's society, and the dubious art of making shape images of animals on a bedroom wall, only reaching a discussion of the Pythagorean Theorem on page 502. By this time I was thoroughly dazed and unsure of whether I was looking at a science book, a language book, a sociology book or a geography book. In fact, of course, that is the crux of the problem. I was looking at all of the above.

This textbook tries to be all things to all students in all subjects and the result is a mush of multiculturalism, environmental and political correctness, and various disjointed discussions on a multitude of topics which certainly is bound to confuse the students trying to learn and the teachers trying to teach from such unfocused nonsense. It is not just nonsense, it is unfocused nonsense, which is even worse.

Mathematics is about rules, memorized procedures and methodical thinking. We do memorize the multiplication tables, don't we? Else how will one know that nine 8s are 72 and that eight 9s are 72. This new-new mush-mush math will never produce quality engineers or mathematicians who can compete for jobs in the global market place. In Palo Alto, CA, public school math students plummeted from the 86th percentile to the 56th in the first year of new-new math teaching. This awful textbook obviously fails to do in 812 pages what comparable Japanese textbooks do so well in 200. The average standardized math score in Japan is 80. In the United States it is 52.

When my staff contacted Marianne Jennings to obtain a copy of this textbook, I did learn one good thing about it. She told my staff that because of public outcry the public schools in her area have discontinued its use and have gone back to traditional math textbooks. Another useful purpose has been served by my personal perusal of this textbook. I now have a partial answer to my question about why we don't produce better students despite all the money that Federal taxpayers shell out.

The lesson here is for parents to follow Marianne Jennings' lead and take a close look at their children's textbooks to be sure that the new-new math and other similar nonsense has not crept into the local school system.

All the Federal dollars we can channel for education cannot counteract the disastrous effect of textbooks like this one. They will produce dumb-dumb students and parents need to get heavily involved to reverse that trend now!

Mr. President, I ask that an article from the May 26 edition of U.S. News and World Report on the same subject be printed in the RECORD at this point.

The title of the article is, "That so-called Pythagoras."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, May 26, 1997]

THAT SO-CALLED PYTHAGORAS

(By John Leo)

"Deep Thoughts" started as Jack Handy's running joke on TV's Saturday Night Live—a series of mock-inspirational messages about life that make no sense at all. Now "Deep Thoughts" are available on greeting cards, including one that pokes fun at the fuzzy new math in the schools. The card says: "Instead of having 'answers' on a math test, they should just call them 'impressions,' and if you got a different 'impression,' so what, can't we all be brothers?"

Pretty funny. But it's hard for satire to stay ahead of actual events these days, particularly in education. The "New-New Math," as it is sometimes called, has a high-minded goal: Get beyond traditional math drills by helping students understand and enjoy mathematical concepts. But in practice, alas, the New-New Math is yet another educational "Deep Thought."

Basic skills are pushed to the margin by theory and the idea that students should not be passive receivers of rules but self-discoverers, gently guided by teachers, who are co-learners, not authority figures with lessons to impart. Correct answers aren't terribly important. Detractors call it "whole math," because students frequently end up guessing at answers, just as children exposed to the "whole language" fad in English classes end up guessing at words they can't pronounce. "Although the Wicked Whole-Language Witch is dying, the Whole-Math Witch isn't even ill," said Wayne Bishop, professor of mathematics at California State University-Los Angeles.

Mathematically Correct, a San Diego-based group which strongly opposes whole math, recently posted a list of commandments on its Web site, including "Honor the correct answer more than the guess," "Give good grades only for good work," and "Avoid vague objectives."

Bologna sandwich? Those vague objectives include meandering exercises that have little to do with math, such as illustrating data collection by having second-graders draw pictures of their lunch, then cut the pictures out and put them in paper bags. Worse, the New-New Math comes with the usual stew of ed-school obsessions about feelings, self-esteem, dumbing down, and an all-around politically correct agenda.

Marianne Jennings, a professor at Arizona State University, found that her teenage daughter was getting an A in algebra but had no idea how to solve an equation. So Jennings acquired a copy of her daughter's textbook. The real title is Secondary Math: an "Integrated Approach: Focus on Algebra," but Jennings calls it "Rain Forest Algebra."

It includes Maya Angelou's poetry, pictures of President Clinton and Mali wood carvings, lectures on what environmental sinners we all are and photos of students with names such as Tatuk and Esteban "who offer my daughter thoughts on life." It also contains praise for the wife of Pythagoras, father of the Pythagorean theorem, and asks students such mathematical brain teasers as "What role should zoos play in our society?" However, equations don't show up until Page 165, and the first solution of a linear equation, which comes on Page 218, is reached by guessing and checking.

Jennings points out that Focus on Algebra is 812 pages long, compared with 200 for the average math textbook in Japan. "This would explain why the average standardized score is 80 in Japan and 52 here," she says. Marks do seem to head south when New-New Math appears. In well-off Palo Alto, Calif., public-school math students dropped from the 86th percentile nationally to the 58th in the first year of New-New teaching, then went back up the next year to the 77th percentile when the schools moderated their approach.

The New-New Math has become a carrier for the aggressive multiculturalism spreading inexorably through the schools. Literature from the National Council of Teachers of Mathematics, which is promoting whole math, is filled with suggestions on how to push multiculturalism in arithmetic and math classes.

New-New Math is also vaguely allied with an alleged new field of study called ethnomathematics. Most of us may think that math is an abstract and universal discipline that has little to do with ethnicity. But a lot of ethnomathematicians, who are busy holding conferences and writing books, say that all peoples have a natural culturebound mathematics. Western math, in this view, isn't universal but an expression of white male culture imposed on nonwhites. Much of this is the usual ranting about "Eurocentrism." Ethnomathematics, a book of collected essays, starts by reminding us that "Geographically, Europe does not exist, since it is only a peninsula on the vast Eurasian continent. . . ." Before long, there is a reference to "the so-called Pythagorean theorem." Much of the literature claims that nonliterate peoples indicated their grasp of math in many ways, from quilt patterns to an ancient African bone cut with marks that may have been used for counting.

It's all rather stunning nonsense, but this is where multiculturalism is right now. Unless you are headed for an engineering school working with Yoruba calculators, or unless you wish to balance your checkbook the ancient Navajo way, it's probably safe to ignore the whole thing.

Mr. BYRD. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1997 STANLEY CUP CHAMPION DETROIT RED WINGS

Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the 1997 Stanley Cup Champion Detroit Red Wings. Following Saturday night's 2 to 1 victory in game four of the NHL finals, completing the Wings series sweep of the Philadelphia Flyers, the sports world has taken notice of what those of us from Michigan have known for years, that Detroit is the home of the best hockey team, and the greatest hockey fans, on the planet. After a long 42-year absence, the Stanley Cup has returned home to Hockeytown USA.

Sometimes in sports certain teams capture fans' imaginations in a way that embodies the spirit of an entire city. The 1984 Tigers were so good they dominated the game of baseball from the first pitch of opening day through the last out of the World Series. The 1989 Pistons, with their gritty, tough style of defensive play were the ultimate blue collar champions. So it is also the case of this year.

The 1997 Red Wings have inspired Detroit in a similar manner. These players have experienced recent disappointment. They came so close to the title the previous two seasons, eliminated in the finals by New Jersey in 1995 and in the semifinals by Colorado in 1996, only to be denied. However, where lesser teams would have crumbled under the weight of such adversity, this team learned from its losses, and came back with even greater determination and focus.

While I salute the entire Detroit Red Wings' organization for their achievement, there are a few individuals in particular who deserve special recognition. Capt. Steve Yzerman has brought so many highlights to Detroit Red Wings fans over the years, his name clearly deserves mention in the same breath as past greats such as Gordie Howe, Ted Lindsay, Sid Abel, and Alex Delvecchio. No one has played harder through more pain or is more responsible for this Stanley Cup than Steve Yzerman. With his unassuming manner off the ice and fierce competitiveness on, for 14 years this exceptional man has been a credit to the Red Wings and the city of Detroit, and for this, he deserves our thanks.

With this championship, Coach Scotty Bowman has now won seven Stanley Cups, more than any other coach in NHL history. Goalie Mike Vernon, named MVP of the playoffs, was simply masterful in the net throughout the series. Then there are the five Russian immigrant players—Sergei Fedorov, Igor Larionov, Slava Kozlov, Slava Fetisov, and Vladmir Konstantinov—each of whom played a vital role in the success of this team. The Red Wings had so many leaders, such as Brendan Shanahan, Kirk Maltby, Darren McCarty, and others, that I am afraid I can't mention them all here. Mr. President, virtually everybody's contribution on the team should be highlighted today.

Most important, one final tribute needs to be reserved for team owner Mike Illitch. Mr. Illitch's commitment to making the Red Wings the best hockey team in the NHL mirrors his dedication to making the city of Detroit the finest city in America. His efforts with the Red Wings are really just an extension of his care and concern for Detroit. Whatever this city has sought, whether it be economic development or the return of the Stanley Cup, Mike Illitch has tried to be part of the solution.

In fact, this championship is only one small indicator of the rebirth of Detroit. It has been many years since others have looked to this city for inspired examples of urban renewal. Without question, however, current developments in Detroit are quickly rendering such negativism a thing of the past. Detroit is truly a city whose best days are yet to come, and great credit is due to the leadership of individuals like Mike Illitch and Mayor Dennis Archer for making this goal a reality.

For today, as we celebrate the Red Wings we also celebrate the city of Detroit. The only thing missing from Saturday night's victory was the violence and mischief that so often mars such achievements, a fact which should not be overlooked. The eyes of the sporting world were on the Detroit Red Wings and their fans this weekend, and what they saw was nothing less than positive. The Stanley Cup Champion Red Wings are one of brightest lights in a city that has a great deal of which to be proud.

Mr. President, prior game 1 of the finals, I made a friendly wager with our colleague Senator RICK SANTORUM from Pennsylvania, on the outcome of the series. Senator SANTORUM unwisely bet Philadelphia Tastykakes.

Mr. President, I ask unanimous consent to display them here at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, these Tastykakes were the bet of the Senator from Pennsylvania to our Little Caesars pizzas from Detroit. I might add that Red Wings' owner Mike Illitch is also the owner of Little Caesars. While I now have some bragging rights on the floor of the Senate, the real winners will be the students at Warren G. Harding Elementary School in Detroit. The kids will soon taste the sweetness of the Red Wings success as Senator SANTORUM ships 300 boxes of these Tastykake cupcakes for a victory party at the school in the next week or two. And to make it extra special, in a show of true sportsmanship, Little Caesars will provide pizzas to the students at Harding as well.

We look forward to celebrating our victory of the Stanley Cup with the students of Harding Elementary School in the weeks ahead.

I thank you, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, my understanding is that we are in morning business with up to 5 minutes each.

The PRESIDING OFFICER. The Senator has up to 10 minutes.

INTERNAL REVENUE SERVICE

Mr. ALLARD. Mr. President, I rise this afternoon because I would like to talk a little bit about the relationship of the citizens of this country to their Government, in this particular case, to the Internal Revenue Service. There is a real burden on most enforcement agencies. When they accuse somebody of a crime, they have the burden of showing beyond a reasonable doubt that the crime was actually committed by that particular individual. That type of burden doesn't exist with the Internal Revenue Service; for whatever reason, your name may come up for an audit, maybe because of some type of a filing that you did in your income tax form that sets off the computer alarms, whatever system that they have.

That is one of the reasons why I am pushing legislation for a home office exemption. Many times, an audit by the Internal Revenue Service is an indication that you are using part of your home for business, and because of that, you are going to claim a deduction for part of the costs of your home because you are running your business out of that home.

The Internal Revenue Service frequently approaches taxpayers and says, "Look, we think there is a violation." The burden is upon that individual to prove they are innocent. So, obviously, the individuals have a great responsibility to keep good records and account for all their expenditures, and whatnot, so that they can justify whatever it is they are doing in the way of business which may allow them a tax deduction, for example.

On the other hand, I think the agents for the Internal Revenue Service have a particularly awesome responsibility because of the added powers that we grant to them. I just share with this body that I have held more than 56 town meetings since the first of the year and have been very busy in talking to the people of Colorado—I represent the State of Colorado—and hearing about their concerns. It is not surprising that the most frequent issue that came up in the town meetings was related to taxes. People wanted capital gains reduction; they wanted inheritance tax reduction.

But along with all this concern, they talked about their relationship with the Internal Revenue Service. A lot of them felt there was abuse of power by the Internal Revenue Service.

There was a decision made last week by U.S. District Judge William Downes which I think highlights another case of taxpayer abuse by the Internal Revenue Service.

Carole Ward was awarded $250,000 in punitive damages by the Federal Government from the Internal Revenue Service for wrongfully publicizing information about her. After auditing Ward's children's clothing stores—these were young adults, children who decided to go into business for themselves—after auditing the Ward's children's clothing stores, the Internal Revenue Service seized the stores and demanded $325,000 in back taxes. The Internal Revenue Service agents told passersby that Ward was involved in drug dealing.

Judge Downes was very harsh on the Internal Revenue Service, saying, "This court gives notice to the Internal Revenue Service that reprehensible abuse of authority by one of its employees cannot and will not be tolerated."

He went on to describe the behavior of some Internal Revenue Service agents as grossly negligent and they acted with reckless disregard for a law meant to assure Americans that their tax matters are handled with confidentiality.

While the vast majority of Internal Revenue Service agents and employees are dedicated public servants who work hard to serve the public, it only takes one incident such as this to continue the undermining of public confidence with the Internal Revenue Service.

Now, Carole Ward had the courage to go into the public arena and fight the Internal Revenue Service, but many American taxpayers are intimidated from responding when the IRS abuses take place.

I am hopeful that last week's Federal court decision will prompt the Internal Revenue Service to recommit itself to serving the public responsibly and to weed out those agents and employees who abuse their power. I hope they think about their relationship with the taxpayers, not one to make criminals out of taxpayer citizens in this country, but to assist them in filling out their forms and meeting the requirements of the law.

Again, I encourage all employees of the Internal Revenue Service to look at their added responsibilities and their added responsibility in relation to dealing with the taxpayers and make sure that everybody pays their fair share of taxes and nothing more.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HISTORIC ADDRESS BY TAIWAN MINISTER OF FOREIGN AFFAIRS TO THE EUROPEAN PARLIAMENT

Mr. HELMS. Mr. President, we live in a time when so many United States leaders, both in and out of Government, are apprehensive lest the so-called People's Republic of China be offended at the slightest suggestion that the basic principles of justice, human rights, and freedom should be applicable to the actions of the Communist leaders in Beijing as well as to all the rest of us.

Mr. President, are the American people supposed to live in fear and nervous anticipation when even the barest questions about Communist China's conduct are raised? Are we supposed to pretend that the gross violations of trade by Communist China are not happening every day? Are we supposed to cringe in fear when the leaders in Beijing threaten the destruction of San Francisco?

Surely the greatness of America is not to be diminished by the bullying threats flowing from mainland China.

Mr. President, these thoughts came to my mind over the weekend when I received from a prominent and respected American the text of an address delivered on May 22, less than 3 weeks ago, before the European Parliament in Brussels, Belgium.

Who delivered it? It was delivered by an honorable and distinguished gentleman, John Chang, Minister of Foreign Affairs of the Republic of China on Taiwan. My purpose in being here this afternoon is to express my hope that every Senator will read the text of Mr. Chang's remarks, and, while doing so, compare his rhetoric with that flowing constantly from mainland China.

For that reason, Mr. President, I ask unanimous consent that the text of Mr. Chang's address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF JOHN CHANG'S ADDRESS IN BRUSSELS

Mr. Chairman Spencer, distinguished members of the Committee on Foreign Affairs, Security and Defense Policy, Ladies and Gentlemen:

Thank you all so much for inviting me to speak to you at this very very prestigious forum today. It is truly a great honor not only for my humble self, but also for my government, the Republic of China which is now located on an island called Taiwan. Allow me first of all to convey to each and every one of you the warmest greetings and gratitude from 21.3 million people living in Taiwan. We deeply appreciated this opportunity that our story can finally be directly told and better understood to our respectable members of the European Parliament.

I was told that over the past years, the Dalai Lama of Tibet, Mr. Arafat of PLO and Mr. Mandela of ANC etc., all had been invited to this forum to exchange views with you over their issues. The situation that the Republic of China on Taiwan faces today is totally different from theirs, but there is one thing in common, it is that we all need the fair attention of the world and we all have to appeal to international justice.

It took me about 20 hours to fly over from Taipei to Brussels, the day before yesterday, yet it has taken my government, the Republic of China, more than twenty-five years to be finally given an important international platform like this today to have our voice heard, to have our humble views shared, and to have our story faithfully told.

It is sad to point out that our freedom of speech as a sovereign state, has long been deprived of from almost all international organizations since 1971, the year when we were forced out of the UN, simply because of mainland China's untrue position that there is but one China on earth, which is the People's Republic of China, and the Republic of China on Taiwan is one of their provinces. The sheer existence of one able, prosperous, vigorous and democratic government called the Republic of China, has been for nearly a quarter-century, veiled in thick political fog of world politics. The truth about my country, the truth about my people have all been flagrantly distorted and badly twisted. And the rights of my government as a sovereign state have subsequently been brutally neglected, ignored and even totally denied in the world affairs arena for decades.

The Republic of China was established in 1912 by a successful revolution led by Dr. Sun Yet-sen, which overthrew the Ching Dynasty. Dr. Sun Yet-sen was educated in the United States, and he had widely toured the European continent and did his research at the British Empire Library in London for a number of years before he returned to China to lead the revolution. Europe has evidently very much to do with the birth of a modern China. Actually the link between Europe and China, I mean the ancient China, was forged centuries ago.

When any scholar talks about the early contacts between Europe and Cathay, he can never afford to forget to mention two prominent European figures, one is, of course, Marco Polo, the other, Matteo Ricci. Both of them are Italians, the former a legendary merchant, the latter a Jesuit missionary, and they were 300 years apart. Marco Polo traveled with his father and uncle from Venice to China in 1271, when Mongolians were ruling China. He had spent 24 years in China. Matteo Ricci came to China under Ming Dynasty in 1583, he lived in China for thirty years and died there. The great differences between the two great Italians lie in the fact that the trader Marco Polo succeeded in introducing the old Cathay to Europe, yet the missionary Matteo Ricci did things another way around, he introduced Europe to China, not only her culture, science, but the religion of Christianity. The most important contribution that Marco Polo ever rendered was his bringing back to Europe such Chinese inventions as the compass, paper-making, paper money and printing. Many historians believe that Marco Polo's book entitled "Description of the World" may have influenced many explorers, including Christopher Columbus. By citing this portion of history, I intend simply to stress that how close once we were together in the past, and we certainly would be even closer in the future.

A few minutes ago I pointed out that the Republic of China was established in 1912 after a revolution strongly motivated by a new tide of political thought of Europe. It was the first Republic in entire Asia. The ensuing thirty years for the new Republic were all turbulent and chaotic. Only after the end of World War II, the new Republic got a very short breathing period. But it was already too late, the entire nation became fully exhausted by the eight-year Sino-Japanese war from 1937 to 1945. The Chinese Communists seized the opportunity to engage a civil war against the nationalist government of KMT led by late Generalissimo Chiang Kai-shek. The Communists won the war in 1949, consequently, the government of the Republic of China was then moved from the Chinese mainland to the island of Taiwan with her Constitution which was promulgated in 1947.

In 1949 when the government of the Republic of China was relocated on Taiwan, she remained to be the legitimate government of whole China with a majority of nations in the UN supporting this claim diplomatically, the number was 47 out of 59. As the membership of the UN grew up to exactly 100 in 1960, the number of nations which maintained diplomatic ties with the Republic of China on Taiwan was 53, still a majority support in the world organization. Her diplomatic relations reached a peak ten years later in 1970 with 67 nations formally recognizing her, and the membership of the UN was 126, yet the following year in 1971, a drastic down-turn took place, because of the change of attitude of the US vis-à-vis her relationship with the PRC. The seat of a founding member of the UN, the Republic of China was unprecedently replaced by a relatively young regime, the People's Republic of China which was created in 1949, 38 years junior to the ROC. What was truly in question as an issue at the UN in 1971 was not the Republic of China's legitimacy as a sovereign state which was so challenged and defeated, but it was her representation right which she insisted, should cover the entire China, including the Chinese mainland over which she was not exercising jurisdiction. It was her "representation right" that she lost, not her sovereignty as a state. Around the end of 1971, after the UN fiasco, the number of states which recognized Republic of China on Taiwan dropped from 67 to 54. It was an admitted failure for the Republic of China in her battle with the People's Republic of China over the so-called "Chinese representation right" issued in the UN. Yet this does not mean at all as the PRC has ever so alleged that the Republic of China has lost in the battle at UN together with her statehood. This allegation is absolutely groundless, untrue and absurd in accordance with international law.

There is no denial that after our forced departure from the United Nations, the Republic of China on Taiwan has become more and more isolated internationally. Yet the frustration on the international front has never hampered the iron will and firm determination of the people and government of the Republic of China to move on forward to effectively develop our economy and to enhance our democracy.

Twenty years ago, in 1976, our total trade volume was $15.6 billion US dollars; last year, 1996, our export import trade volume reached $217.2 billion US dollars, with a surplus $14.7 billion US dollars. The Republic of China has been fortunate and had a 6% annual growth for the past ten years, bringing our per capita gross national product to $12,000. Exports have made our economy. Today the Republic of China is a leading producer of electronics, computers and other industrial products. Today we are selling the world disk drives, monitors, notebooks and modems. To give you an example: last year, we had $11.6 billion in computer-hardware production. We are the largest computer manufacturer in the world after the United States, Japan and Germany.

Our trade with the European Union has grown rapidly in a very encouraging way in the past three years. The volume grew from $23 billion in 1994 to $29.5 billion in 1995 and $31.3 billion in 1996.

Of our European trading partners, Germany enjoys the highest volume of $8.6 billion, followed by the Netherlands with $5.2 billion, UK $4.6 billion, France $4.2 billion and Italy $2.6 billion. And Belgium is our 7th trading partner with a volume of $1.32 billion, after Switzerland of $1.75 billion, ahead of Sweden of $1.13 billion. My government has attached great importance to our trade with the European Union as a whole in the past; we will continue to do the same in the future.

Our focus on high technology and electronic exports has been a success. In less than 50 years, Taiwan ranks as the world's 20th largest economy with a gross national product of $275 billion. We are the 13th largest trading nation in the world and have accumulated world's third largest reserves of foreign exchange. Yet we are not a member of the UN.

We have come a long way in terms of political achievements. It was not very long ago that "Martial Law" was still in effect and minimal contacts were allowed between us and our compatriots on the Chinese Mainland. In 1987, just 10 years ago, the late president Chiang Ching-kuo lifted the marshal law and allowed the major opposition party—Democratic Progressive Party—to form. President Chiang also eliminated the restrictions and bans on newspapers, public assembly and demonstrations.

President Chiang's decision to lift martial law laid the foundation of a series of additional political reforms beginning in the early 1990s. President Chiang passed away in 1988, and was immediately succeeded by President Lee Teng-Huei in accordance with our Constitution. It was President Lee who charted all those extremely important reforms in the 90's. The National Assembly amended our Constitution to allow the government to hold all-Taiwan elections to replace Assembly members and lawmakers who had not faced their electorate for more than 40 years. In 1991, the first all-Taiwan National Assembly was elected, seating 325 members. The Assembly further amended the Constitution in 1992 and 1994 to shorten the terms of office of the president and Assembly members from six years to four. Most importantly, the amended Constitution allowed our President to be elected by all voting age citizens in the ROC's jurisdiction in 1996. On March 23, 1996, Dr. Lee Teng-Huei defeated three other presidential rivals and became the first popularly-elected President of the Republic of China. In the five thousand years of Chinese history, this was the first time that the Chinese people were able to elect their head of state directly. The legitimacy of the government of the Republic of China on Taiwan was rightfully strengthened. The fact that the government of the Republic of China is fully exercising her sovereignty and jurisdiction over the area of Taiwan island has become absolutely indisputable in whatever de jure sense.

President Lee Teng-Huei has rapidly transformed Taiwan's old single-party government into a working democracy. He has successfully orchestrated a quiet revolution, bringing new freedoms to his people. This transformation was achieved in quiet manner. There have been no class confrontations, no military coup and no political suppression in Taiwan. The process of reform in Taiwan was unique and unprecedented.

Taiwan now has a multi-party system and has realized the ideal of popularly-elected government. We have a total respect for individual freedom and this is clearly the most free and liberal era in Chinese history. Free speech is fully protected; all types of government controls over society have been relaxed or eliminated. We are now an open, pluralistic and free society. Our government has taken upon itself to defend and protect the fundamental human rights of every citizen. But unfortunately, many countries in the world still indulge themselves in the lie brazenly told by the PRC that the government of the Republic of China does not exist.

Despite our economic strength and political liberalization, we have formal diplomatic ties with only 30 nations in the world, even though we enjoy substantive relations with all major countries. We feel hurt and neglected, because we have not been accorded proper recognition by the world community. Since the late 80's we have been pragmatic in our foreign relations. We try to hold on to our friend and seek new friends and new "connections" whenever possible. So far this new pragmatism has served us well. I have to emphasize here that this new approach on our foreign relations has nothing to do with the so-called "Independence of Taiwan". Taiwan is the name of an area or the name of a province where the government of the Republic of China is situated. Taiwan is not a name of a nation, nor the name of my government. It's simply a geographical term. Since on the island of Taiwan or in the area of Taiwan, there has long been a sovereign government called the Republic of China, there is absolutely no sense for us to try to create another state on Taiwan. What we have been seeking for in the international community is a better recognition of the government of the Republic of China which she deserves to have.

It is true that the People's Republic of China maintains that there is one China, and so do we. Yet we have different interpretation of the "One China". Our position is rather simple that the One China was divided in 1949, which remains divided now. The international community should recognize the fact of a divided China and treat the ROC government as a sovereignty with effective jurisdiction over Taiwan and the offshore islands under its control. The spirit of our diplomacy of pragmatism is based on the acceptance of the fact that PRC is the political entity which has firm and effective control of the Chinese mainland area, and at the same time Taiwan area is under the tight control and legal jurisdiction of my government. We will not compete with the PRC on the "representation right" issue. On international relations, they may well represent the mainland, and we represent Taiwan area. Hence, one China with two separate political entities is a reality no one can deny and a fact that the world must deal with realistically.

Just as East and West Germany enjoyed simultaneously membership in the United Nations before their reunification, Republic of China should be allowed to participate in the world organizations with the PRC. A membership for Taiwan would definitely bring about more peaceful contacts between Taiwan and the mainland and further help pave the way for the reunification of a "One China". In short, like Korea, PRC and ROC on Taiwan deserve recognition. While developing our relations abroad, we hold no hostility with PRC at all, any move in expanding our breathing space in the world community is not aiming at mainland China at all. We simply want to be treated as what we are. We want to be treated no more than what we deserve to have.

Mr. Chairman, as the Republic of China's foreign minister, I would like to stress and also clarify a few points, which might be of interest to you and to your colleagues:

1. Both the Republic of China on Taiwan and the People's Republic of China on mainland believe in One China. The government of the Republic of China, and the political party in power, KMT, repudiates Taiwan independence.

2. One China does not mean the People's Republic of China. Beijing argues that "there is only one China and only the PRC has sovereignty rule over China; therefore Taiwan is part of PRC." We believe that PRC leaders represent a political authority, not single China. Communist China does not equate to the China. China is still now divided and governed by two separate governments; the PRC and the ROC, each having its own jurisdiction and sovereignty over its own areas.

3. Beijing should openly renounce the use of force against Taiwan and resume talks and dialogues with us. Beijing must give peace a chance. All issues can be discussed. President Lee has indicated his willingness to travel to Beijing or anywhere else to hold talks with Communist leaders.

4. Both Chinese societies can benefit from more direct economic, social and cultural exchanges. In fact our investments in the mainland in the last ten years have amounted to more than $25 billion. Our investments have enabled the mainland to build foreign exchange reserves and created jobs. Influx of our capital has improved living standards

and relieved poverty and backwardness among the mainland Chinese population.

5. Beijing should accept us as an equal partner. We seek to have better relations with the mainland. We do not want to see Chinese fighting Chinese, not in Taiwan Strait, nor on international arena, but rather Chinese helping Chinese. Our compatriots on the mainland and we share a common ethnic bond.

6. In Taiwan there is no support for a reckless or precipitate reunification with the mainland at the moment, certainly not under the terms of formula set forth by the PRC, such as the so-called "One State, Two Systems" Formula, which definitely is inapplicable and unacceptable to ROC on Taiwan.

7. We will continue our "pragmatic diplomacy" which means that we will seek friends and allies everywhere and want the world to know that we exist. We will seek to expand our trade and cultural offices in over 150 countries and regions, in addition to the 30 nations that have formal ties with us. We will also seek to join international organizations, including the UN, and her peripheral organizations, because we have so much to contribute to the world;

8. Our ultimate goal is for the world to recognize us as a full member of the international community. We are well aware how important and difficult the process of reintegration into the international community will be for Taiwan. However, we have the resources and commitment that will allow us to make our positive contribution to peace, prosperity and good will in the world.

9. We will take full responsibility for our own destiny, but we believe that as an economically prosperous and democratically free nation seeking its proper place in the world, we can expect the nations of the world, particularly the European nations to assist us in this task.

10. We are prepared, too, to shoulder our share of responsibility for helping and assisting other nations, including mainland China, not in the spirit of paternalism or dominance but mutual cooperation and respect.

Looking forward towards the 21st century, I foresee a vibrant Republic of China actively promoting economic and trade cooperation with all regions around the world, but with emphasis on two areas—members of the Association of Southeast Asia Nations (ASEAN) and the mainland China. This type of economic and trade cooperation will strengthen the regional economic infrastructure and will stimulate the flow of resources throughout the region, leading to further economic growth as we seek to become an Asia-Pacific regional operation center by the year 2000.

While pursuing economic growth and strength, the perfection of our democratic system remains to be our most cherished and most urged goal in our national policy. We firmly believe that no country could ever become a truly great country until it becomes fully democratic.

Mr. Chairman, ladies and gentlemen, with your understanding, sympathy and genuine support, as a democratic and sovereign state, in the midst of challenges, unfair, unequal treatments and tests of all kind, we, the Republic of China on Taiwan, shall rise up again.

I thank you all so much.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 6, 1997, the Federal debt stood at $5,352,776,809,883.07. (Five trillion, three hundred fifty-two billion, seven hundred seventy-six million, eight hundred nine thousand, eight hundred eighty-three dollars and seven cents)

One year ago, June 6, 1996, the Federal debt stood at $5,139,284,000,000. (Five trillion, one hundred thirty-nine billion, two hundred eighty-four million)

Twenty-five years ago, June 6, 1972, the Federal debt stood at $427,810,000,000 (Four hundred twenty-seven billion, eight hundred ten million) which reflects a debt increase of nearly $5 trillion—$4,924,966,809,883.07 (Four trillion, nine hundred twenty-four billion, nine hundred sixty-six million, eight hundred nine thousand, eight hundred eighty-three dollars and seven cents) during the past 25 years.

RICHARD AND JANET CONES—SOUTH DAKOTA SMALL BUSINESS OWNERS OF THE YEAR

Mr. DASCHLE. Mr. President, I was privileged to meet earlier this week with Richard and Janet Cone, owners of Cone Ag-Service, Inc., in Pierre, South Dakota. They were recently designated the South Dakota Small Business Owners of the Year by the Small Business Administration.

This award is a testament to the Cones' drive and business acumen over the last 30 years, during which they have provided high quality, liquid fertilizer to South Dakota farmers. Like many small businesses, they began at the kitchen table and have grown into a business that employs eight full-time and six part-time employees.

The Cones' success story also includes timely and appropriate assistance from a Federal agency, the Small Business Administration. This agency joined with a local lender to help finance the Cone Ag-Service at a crucial point in its growth, proving that even the best business idea may need financial backing to come to fruition.

But, the most important measure of Cone Ag-Service's success is its customers, who loyally return year after year. The Cones can rely upon the word-of-mouth communication by their customers to generate new business. This type of advertising can't be bought with money; rather, it takes a good product and responsive customer service.

Nearly 200 years ago, the expedition of Lewis and Clark set in motion a great westward expansion of settlers across America. As many of these pioneers made their way up the Missouri River, one can only imagine what entered their minds as they climbed atop the river bluffs and gazed out over the limitless plains of Dakota Territory. Surely, there was very little to remind them of the comforts they had left behind or of the riches they dreamed lay ahead. But there were opportunities to be found, hidden amidst the prairie grass, and a few adventurous souls dared to settle here and make South Dakota their home.

That frontier spirit still runs through the veins of South Dakotans today, but the horizons that await us are no longer hidden. Small businesses like Cone Ag-Service are being created to take advantage of the commercial opportunities our State holds. They are the pioneers of today and I salute them.

TRIBUTE TO SENATOR STROM THURMOND

Mr. SHELBY. Mr. President, I rise today to join with many of my colleagues in saluting a great friend, patriot, and statesman—the senior Senator from South Carolina, STROM THURMOND. Listening to the debate recently, I realized that many were speaking of their personal experiences while serving with Senator THURMOND. I, however, would like to share with my colleagues the greatest story I know about Senator THURMOND—the true story of his life. To me it illustrates one key thing: that the hallmark of STROM THURMOND's life has been his dedication to serving others.

Senator THURMOND was born in 1902 and raised in Edgefield, SC. Following his graduation in 1923 from Clemson University, young STROM THURMOND began his career, first as a teacher and coach, then, at the age of 21, as an officer in the U.S. Army Reserve. Eventually, Senator THURMOND went on to become the county superintendent of education, city attorney, county attorney, State Senator and circuit judge of South Carolina. From 1942 to 1946, Senator THURMOND, along with millions of other brave young men, served in World War II. For his service in the American, European, and Pacific theaters, Senator THURMOND earned 5 battle stars and 18 decorations and medals, including the Legion of Merit with oak leaf cluster, the Purple Heart, and the Bronze Star for valor. Upon his return to South Carolina, STROM THURMOND was elected to serve as Governor of South Carolina. During his tenure as Governor, Senator THURMOND was a candidate for President of the United States. Five years later, in 1954, STROM THURMOND was elected as a write-in candidate for U.S. Senator and has served with distinction in this body as chairman of two prestigious committees, as well as serving as the President pro tempore.

The many personal sacrifices that Senator THURMOND has made over the past nine decades demonstrate his respect for our institution of government and our Nation's history. He knows all too well that when one fails to stand for his principles, those principles will perish. And STROM THURMOND, as a young paratrooper, as a Presidential candidate, and now, as a U.S. Senator, stands—sometimes all alone—for the greatest principles on which America was founded.

STROM even had to switch parties—not once, but effectively, twice, to keep advancing his strongly held principles and ideals. In a sense, though Senator THURMOND has been a Dixiecrat, a Democrat and a Republican, he has always been, most of all, a proud American.

STROM THURMOND has witnessed incredible growth and change in our Nation and our world, and his knowledge of our past and vision for our future is crucial to our present. The Senator's strong leadership, patriotism, dependability, and devotion to duty is inspiring—and his stamina is legendary. The people of South Carolina are fortunate to have such an able gentleman represent them; we here in the U.S. Senate are lucky to stand with him; and all Americans should be grateful for Senator THURMOND's 41 years of service in the Senate and proud of his 94 years of service to this country.

HONORING THE SORENSENS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor John and Rosalie Sorensen of Des Plaines, IL, formerly of Howard's Ridge, MO, who on July 12, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Sorensens' commitment to the principles and values of their marriage deserves to be saluted and recognized.

TRIBUTE TO KATHRYN HOOK

Mr. THURMOND. Mr. President, in my almost 42 years of service to the U.S. Senate, I have probably had more than one thousand individuals work for me as members of my personal and committee staffs. Among these legions, I have been fortunate to have had a number of particularly capable, dedicated, and selfless men and women who truly went above and beyond the call of duty in assisting me and in carrying out their duties as staffers. Today, I rise to pay tribute to Miss Kathryn Hook, a person who has been with me for just short of 30 years, whose work and efforts have been invaluable, and to many South Carolinians, is as much a part of my office as I am. Sadly, today marks Kathryn's last day on the job.

A woman with a warm and outgoing personality, Kathryn first arrived in my office in 1967 and immediately began to make friends not only among my staff, but with our neighbors in other Senate offices. I recall that at that time the late Bobby Kennedy was one of my colleagues, and he had an office adjacent to mine. As he would walk down the halls with his dogs, he would almost inevitably stop into my reception room to say "hello" to Kathryn. It is my understanding that later, when Senator Kennedy ran for President, he asked Kathryn if she was interested in working on his South Carolina campaign activities, and as tempting and flattering an offer as that most certainly must have been, commendably, Kathryn chose to stay in my employ. It is a decision that I am grateful she made.

For almost three decades, Kathryn has been such a fixture on my staff, she has earned the title of "Dean of Women," and she has made countless contributions to the operations of this office in many different ways. Working at the back of the reception room of 217 Russell, dubbed the "Dogwood Alcove" because of the personal touches she has made to her workspace, Kathryn has pleasantly, politely, and warmly greeted probably tens of thousands of visitors to my office, ranging from constituents who have come by to say "hello," to senior American and foreign government officials who are making official calls on matters of policy. In each case, she has demonstrated the famed hospitality of South Carolinians, making anyone who enters my suite feel as though they are a long lost friend, and making sure that they know that they are welcome in my office.

Perhaps more importantly, though, is the influence she has had on young staffers who have worked under her. Kathryn is a woman of high and uncompromising standards, and a strong work ethic. In the course of her career, she has passed these commendable qualities and characteristics on to those who have been her direct subordinates, as well as to many other staffers who have worked with her through the years. There is no question that Kathryn has left her mark on an untold number of STROM THURMOND staffers, and that her influence has benefitted these individuals both while they worked for me, and in subsequent jobs. I have no doubt that there are hundreds of people, particularly women, who owe their success in life to the lessons they learned from Kathryn Hook.

Of course, Kathryn's contributions go far beyond that of her duties in the reception room and as the personal assistant to my chief of staff. She is the point of contact for any number of South Carolinians, particularly those from her hometown of Florence, who know Kathryn and feel comfortable contacting her on a multitude of issues that range from correcting problems with a relative's Social Security check, to legislative issues. Kathryn's intimate knowledge of office policy, procedures, and history has made her a useful resource for staff members who need advice and guidance on issues or have a question that can only be answered by her institutional memory.

Mr. President, Kathryn Hook is a unique and special woman in many different ways, and it is impossible to cite all of the highlights of her career or to adequately summarize the impact she has had in my office. Suffice it to say, her efforts over the years have helped me do my job as a legislator and in assisting the people of South Carolina. Kathryn's long tenure of invaluable service to our State was recently recognized and honored by the Governor of South Carolina who presented her with our State's highest award, "The Order of the Palmetto," in a ceremony held in the Strom Thurmond Room of the U.S. Capitol. Regrettably, I do not have an equivalent commendation with which I can present her, but I hope she knows that I have valued her faithful service, will certainly miss her sense of humor and energetic personality, and that I am pleased to count her among my friends. It is a bittersweet day on which I say goodbye to Kathryn Hook, as not only is it her last day on my staff, but it is her birthday as well. I wish her many more years of health and happiness, and I thank her for her many years of devoted and selfless service.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to claim the time of the leader's designee in morning business. The Democratic leader is allotted 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER RELIEF

Mr. DORGAN. Madam President, I come to the floor today again to speak of the disaster relief bill, the so-called supplemental appropriations bill. This bill provides substantial amounts of money for disaster relief, especially for people of the region of North Dakota, South Dakota, and Minnesota, the region where victims of blizzards, fires, and floods now await action by the U.S. Congress on a disaster appropriations bill.

On Saturday, in the Bismarck Tribune, an associated press writer, John McDonald, was in Grand Forks, ND. The headline says, "Patience Short with Congress." Here is what the story says:

> Ranee Steffan had strong words for Members of Congress who think flood victims can wait while the bickering continues in Washington over a disaster relief bill.
>
> "You are playing with our lives," Mrs. Steffen warned Friday from the sweltering travel trailer that she and her family now call home. "This isn't some game. You should come here and walk in my shoes for a day."
>
> Homeless for over a month, out of work and bounced from one temporary shelter to another, the wife and mother of two is fed up with lawmakers who seem to think that Grand Forks residents are "getting along just fine."
>
> All she wants, she says, is to move back into a real home and to start working again.
>
> But that isn't likely to happen until Congress and President Clinton work out differences in the emergency spending bill that has $5.6 million of disaster relief for disaster victims.

I noticed this weekend in the Washington Times, Saturday, June 7, Speaker Gingrich, the Speaker of the House of Representatives, "vows not to yield on disaster aid," according to the headline. He says that after a veto, the GOP will send the bill back with the same riders. And then it says, "Mr. Gingrich predicted voters will not remember this standoff over the supplemental appropriations bill at the ballot boxes next year," suggesting, I suppose, that, well, it is just that region up there, North Dakota, Minnesota, South Dakota. They will not remember this.

In this morning's Washington Post, we read that in a "contentious meeting of Republican leaders after adjournment Thursday, Majority Leader LOTT of the Senate argued that this time—unlike 2 years ago—the GOP would win the PR battle. He claimed Americans did not care much about the supplemental appropriations bill providing help for the victims of Red River flooding in the Dakotas and Minnesota."

I do not know if that is an accurate quote. It is in Robert Novak's column in today's paper. But I worry about what all of this says. It says somehow that this is a game, it is politics, it is trying to claim a political advantage in the fighting over a disaster bill.

It is interesting that if you take a look at other disaster bills in the Congress and what has happened in those disaster bills, the time line is really quite interesting. We had, as many Americans will recall, a terrible hurricane called Hurricane Andrew. When Hurricane Andrew hit the Florida coast, it decimated and devastated miles and miles of homes, and people were living in camps and trying to figure out what to do next. That was 1992. That hurricane hit August 24, 1992, killing 40 people and destroying more than 25,000 homes. Again, this was August 24, 1992 that the hurricane hit. On September 8, just 2 weeks later, President Bush called for a $7.7 billion relief package. That took place on September 8. On September 23, President Bush signed it into law. It took 1 month from the hurricane to signing the bill into law.

What a difference compared to our experience this year.

Madam President, on March 19 of this year, the President sent his first request to Congress for a disaster bill to provide supplemental appropriations for a range of disasters that had occurred in our country. March 19, April 19 went by, May 19, and we are headed toward June 19—nearly 3 full months—and the disaster bill is not yet law.

Now, Congress passed a disaster bill, but some in Congress decided they wanted to make a political sideshow out of it and they put very controversial provisions in it, provisions they knew the President would be forced to veto, provisions that had no relationship to this bill at all, extraneous provisions having no business in this bill. The President told them long ago to pass a clean bill. If they put provisions that were controversial in this bill thinking he would sign it, they were wrong.

So the Congress, attempting to provoke a fight, because some political leaders here decided it was in their advantage to do so, stuck a couple of very controversial items in this bill and sent it down to the President, knowing it would face a certain veto. They took a couple of weeks' vacation first, and broke for the Memorial Day recess. Now it is going to be nearly 3 weeks later than it should have been before a bill would get passed that the President might have an opportunity to sign. But, in any event, they finally did send a bill down to the President this morning containing provisions they knew the President would not sign. The President vetoed the bill, and it now has returned to the House of Representatives, just within the past several hours.

At the end of my remarks, Madam President, I will introduce a bill that is a clean disaster supplemental bill. It strips the two extraneous provisions that are highly controversial out of the legislation. I will send it to the desk and ask it be considered by unanimous consent. If it is considered by unanimous consent, this will go to the House of Representatives. After all, the House passed this bill plus the two controversial provisions. The House could consider it, they could send it to the President, he could sign it, and tomorrow the disaster relief would be available to the people who are victims of this disaster. I have alerted the majority that I intend to do so, and at the end of my remarks I will ask this piece of legislation be considered.

Now, Madam President, before I go further, I will go through once again what has happened to our region and why this is urgent and why some of us have had a bellyful of the politics around here on this bill.

Let me describe, first of all, the blizzards in our part of the country, 3 years' worth of snow in 3 months, 10 feet of snow dropped on our region of the country. The last blizzard was the worst blizzard of 50 years, and the worst blizzard of 50 years dumped nearly 2 feet of snow on much of North Dakota, some of South Dakota, and some of Minnesota. Traffic was stalled, as it was many times this winter, with the nine blizzards that we had. All the roads were shut down. Power poles snapped like toothpicks.

Here is the result of howling winds of 20 and 40 miles an hour and 80-below windchill temperatures and 2 feet of snow in the worst blizzard of 50 years. This is a snowbank on flat land and a farmer standing in front of it to show the size of the snowbank. The snowbank is nearly three times as tall as he is.

The blizzard that hit had this impact: 80,000 people in our region out of power, power poles snapped like toothpicks, lying on the ground all across our region. Some people were out of power for a week and more, while power crews struggled 24 hours a day to try to get the poles up and the lines up and restore power to these communities.

I was in Grafton, ND, when they were out of power for 5 days, and met a woman who was 89-years-old at a shelter. Yes, they went to shelters because they could not cook, did not have electricity, did not have heat in their homes, and it was bitterly cold. Madam President, this woman was 89 years of age, and she said, "I am getting along just fine. We sure appreciate all the folks here at the shelter." What a great spirit and a great attitude.

But all of those folks went through this kind of dilemma of blizzard after blizzard after blizzard, with shutdowns of virtually all the roads in the State, cattle freezing on their feet because the snow was suffocating them, and then power outages affecting tens of thousands of people. My colleague Senator CONRAD showed this picture the other day. I had shown it previously, a picture similar to it, dead cattle lying on the range, cattle whose hooves were frozen, dairy cows whose udders were frozen. A fellow was in town a while back and he said someone asked a rancher, "What are you doing this afternoon?" He answered, "Going home to shoot some more calves." These calves simply would not make it. Their hooves were frozen and they would not be able to walk any longer. Hundreds of thousands of head of livestock died in those winter blizzards.

Then what happened is the Sun came out and it began to warm up in our part of the country. What was a farm—and this is a farm—now looks like an ocean. The Red River Valley became a flood that was 140 miles long by 20 to 30 miles wide. This is a farm in this photograph. But, of course, this year, it was a flood; 1.7 million acres of farm land were under water when this picture was taken.

This picture shows what that flood looks like from the air. It looks like a huge lake that extends for the entire Red River Valley, with patches of ground in places where you could see some dikes that have been erected to try to protect some areas of the country. That flood inundated Watertown, SD. It was an enormous flood—in Watertown, MN, and Breckenridge and Fargo, ND. That flood water was channeled through Fargo, and for 24 hours a day they wondered whether the dikes would hold, and they did hold in Fargo. Some homes got wet and they had some flooding damage, but it could have been much worse. Then that Red River flooding came to Grand Forks, ND, as they tried to channel that through the city. The flood crest was predicted to be 49 feet, the highest flood crest in history. But it wasn't 49 feet, it was 54 feet. As the water rushed over the dikes down the streets of Grand Forks, people left their homes, running to their cars, running to National Guard trucks, to evacuate their city, in most cases with nothing but the clothes on their backs.

In this photograph is Grand Forks, ND, and East Grand Forks, MN. It looks like a lake with buildings sticking out of the lake, a city completely inundated by a flood. A city of 50,000 people was on this side of the river, with 90 percent evacuated; 9,000 people were on this side of the river, 100 percent evacuated. I might say that this whole area in Grand Forks, ND, will never again be inhabitable. All of these business places are ruined and will be destroyed.

More than that, during the flood when the waters broke the dike, the city of Grand Forks also suffered a major fire, as depicted in this photograph. In the middle of flooding, you can see the firefighters of Grand Forks, ND, standing in the ice-cold water up to their wastes, fighting a fire, a fire that destroyed 11 of the larger downtown business buildings in Grand Forks, ND, and then spread to three blocks. They had to bring this firefighting material in with huge airplanes, dropping flame retardant on these buildings because they couldn't fight the fire from here. The firefighters didn't have the equipment to fight a fire in a flood. These firefighters, suffering from hypothermia, were using fire extinguishers to fight a fire in downtown Grand Forks, ND. Of course, they finally put the fire out.

I was on a Coast Guard boat in Grand Forks, and as we went up and down the streets of Grand Forks, ND, here is what you saw, streets that looked like rivers and lakes, as shown in this photograph. Occasionally, you would see a car top sticking up. The boat I was on ran into a car. We could not see it, but we knew we ran into a car because we saw about two inches of a radio antenna sticking above the water. When I told the pilot of the boat, "I think you ran into a car," he said, "I guess so, but, you know, it wasn't there yesterday." What happened is that river was running so fast that it was taking cars underneath, and you could not see them moving all around that town, as the river destroyed the central core of that city. When the fire was finally put out in downtown Grand Forks, ND, here is part of what it looked like. It skipped over three different blocks, but you could see what it did to downtown Grand Forks, ND.

Some say, well, that is quite a tragedy, but it happens other places in the country. I don't know of any other place in the country where they have suffered a circumstance where a major city was almost totally and completely evacuated and a major part of the city permanently and totally destroyed. In the middle of all of this, I went to North Dakota, and I was in North Dakota on almost all weekends. I went there with President Clinton on Air Force One during the middle of a week, on a Tuesday. He flew into Grand Forks, ND. While this city was evacuated, thousands of them were sent to Grand Forks AFB. They were put in giant airplane hangars where thousands of cots were set up, and that is where many of them slept overnight until they could find some other shelter to move to or some other family to take them in or to get transportation to a relative who lived in another city. "Red Cross tops 1 million meals," the Grand Forks Herald says. "How bad was our disaster? Let us count the meals."

People who one day had a home, had warmth, had shelter, had a stove and a refrigerator, a place for kids to come home to from school and a place to come to at the end of the work day, now had nothing. They were living on cots in an Air Force hangar and eating from the Red Cross shelter. And then, finally, the river went back into its bank. Here is what Grand Forks residents have come home to find: 600 homes totally destroyed that will never again be lived in. Another 600 to 800 homes were severely damaged.

I don't know if many people know what a home looks like when it has been totally submerged in a flood. I was in a boat that was floating on top of the water at the rooftop level of most of these homes. These homes are totally destroyed and will never again be repaired. I have some more photographs here. Here is what a basement looks like.

This is what happens out in the yard. They strip all the wallboard out of a home and all of the things that used to be their possessions and put them on the boulevard out in front. What used to be a nice street, where cars would drive up and down, is now on both sides of the street filled with trash, filled with the remnants of a home. You can only drive there one way, up and down. The garbage trucks come all day long, back and forth, trying to keep up to haul out this garbage.

This home was totally submerged in water. When it came back to rest, it rested on top of an old Ford car. This picture shows a home sitting on top of a car. That is what floods do.

This home was in the same neighborhood, and it just collapsed. It was brought up from its foundation and then collapsed.

The Grand Forks Herald, in the midst of all of this, says, "Here is why the Federal Government needs to pass disaster relief now." I have shown you the result of all of this. There is more. There is a problem that farmers and ranchers have—some are flat on their backs having lost their entire herds in the blizzard. But most urgent is the need to give the people who are trying to run these cities the resources so they can tell the people who are out of their homes, here is what your future is going to be. Regarding the 600 homes that are going to have to be bought out, the city needs to be able to say to those 600 families, "We are going to buy you out and create a new flood way." Under any definition, all of those 600 homes are in the flood way.

So those 600 families are on hold now. One is living in a tent, by the way, in their yard—a tent—a mother, a father, and children, because they need to know what their future is going to be. They don't have any money, or a home, and they don't have a job. In this disaster bill are the resources that allow the city to say to those people, "We are going to buy your home and establish a new flood plain and, with that commitment, you can now go and get another home." Until that happens and this bill is passed, those families' lives are on hold—600 families just in that area, and the 800 homes that were severely damaged. Many of them will face a similar circumstance. All of their lives are on hold.

We hear people around here say this, and I heard them last week and the week before saying that time doesn't matter, nothing is urgent, nothing can be done that isn't being done, there is money in the pipeline. You know, I have heard people like that before. They say, "My belt buckle was won in a rodeo," and they say, "There is money in the pipeline." What a bunch of nonsense. The fact is that the money in this bill is critical. It deals with housing. This funding is what is necessary to give these people hope and to give the city the resources to allow them to move back into either their homes or a different home and get on with their lives.

Until this bill is signed, until the bill is done, all of these people's lives are on hold. "There is money in the pipeline," we are told. Yes, FEMA, the Federal Emergency Management Agency, has some money, but that is short-term emergency money. It is not the kind of money that will finally unlock the housing questions and jobs questions that are in front of all of these families. Until this bill gets passed and signed, none of these families will know what their future can be or is going to be. So those who stand here and say that there is money in the pipeline and there is nothing that can be done that isn't now being done, I say to them, you are wrong and you know it. If you don't know it, buy a plane ticket and fly to Grand Forks and talk to the flood victims that you are holding hostage. If you don't have the decency to do that, then stop talking about it, because you don't know what you are talking about.

There is not money in the pipeline to deal with the emergency needs of these people. Every one in this Chamber has a responsibility to understand that. If they don't understand it, they will not talk about it. If Congress doesn't decide this week—and there is some indication it won't—to pass a disaster bill without continuing to play politics, then all of these people's lives will continue to be on hold for another week and another week and another week. In the midst of all of this, we will have, I suppose, the prospect of front page stories like, "Gingrich Vows Not to Yield on Disaster Bill." This says, "After veto, GOP will send back same riders."

We have people who, a couple of years ago, waltzed around this town and boasted—and I can get you the quotes and the names and the days, but I will not do that at the moment—that if they didn't get their way in this Congress or in the last Congress, they intended to shut down the Government. They boasted repeatedly, "Either we get our way or we will shut down the Government." They said, "Frankly, nobody cares if we shut down the Government." Well, they boasted about it and they kept their word; they shut down the Government and they paid an enormous price for it.

Now, some of those same people are trying to portray themselves as being opposed to shutting down the Government, so they want to attach an amendment to this disaster bill saying, we want to tell people that we are opposed to shutting down the Government. The amendment has nothing to do with this bill—totally extraneous and unrelated. But they want to use this bill to say we are opposed to shutting down the Government. The amendment by which they do that is controversial, and I am not going to get into the merits of that. Frankly, I care less about the merits of that than do some other people. But as was demonstrated by my comments about the disaster relief when Hurricane Andrew hit Florida, a disaster bill that was passed in less than a month—in fact, in about 2 weeks after President Bush sent it up. As was shown by that, it is unusual for people around here to believe it is appropriate to play politics on a disaster bill.

In most cases when you are talking about disaster aid, you are talking about victims. When you are talking about victims, in most cases, politics takes a back seat. Members of the House and the Senate—Republicans, Democrats, Conservatives, Liberals—don't think much about politics in those cases. They say we have had people who were victims and had tough times through an act of nature, who have been dealt a bad blow, who are homeless, hopeless, helpless, and whose families are jobless and who need us to say, "You are not alone, let us help you." And in almost all cases, the Congress has reached out a helping hand and said, "Here is a disaster bill we are going to pass and we are going to do it on a timely basis to try to give hope to those people who are victims."

In every case that I have recalled since I have been here, whether it was the earthquake victims of California, or the hurricanes in Florida, or tornadoes, or blizzards, or floods, I have felt that the taxpayers of North Dakota want us to say: Let us help.

Let's reach out and provide the helping hand; extend the hand of friendship and the hand of help to say that the rest of the country wants to join you in helping you get back on your feet.

For years we have had disaster bills move through the Congress without someone saying, "I have a new idea. Why don't I try to jam up the disaster bill with a very controversial issue and shove it down the President's throat? Why don't we try to do that? So what if the victims are hurt by that? So what? They are just from North Dakota." Or, as this paper says, people will forget by the next election. "So what?"

What a hard-headed, cold-hearted attitude for people to take on a disaster bill. I can't remember when I have been as disappointed in the behavior of Congress as on this bill.

Last evening, after the basketball game, the Chicago Bulls and the Utah Jazz promoted during the second half of that game a new television sitcom, I guess—I don't know. I have never seen it, probably never will, certainly don't intend to. If I do, it will be by accident. But the title was "Men Behaving Badly." "Men Behaving Badly." I thought, that could describe what I am going to face tomorrow in the Senate again. And someone said, "Well, but the Senate is more than just men." That is true, and it is a better place because of it. But I don't see anyone other than some prominent leaders out here leading in a direction that is counterproductive, and it is behaving badly.

There is an easy way for us to solve this problem. Today, Monday, thousands of people in Grand Forks and East Grand Forks woke up not in their homes—some in camper trailers, some in tents, some in motels, some in shelters, some in neighboring towns, some in acquaintances' homes, some in relatives' homes. They woke up not in their own homes and not in their own beds because they do not have a home. Most of them don't have a job. What they have is a wait on their hands waiting for the Congress and for their city to make a decision about their future.

Why is it up to us to make a decision? Because we have in this bill the resources that will allow those two cities to describe a new floodplain and buy out some of these homes and give people an opportunity to create a new future. But today, on Monday, they woke up probably feeling as anxious and as angry about this as I did, wondering: What on Earth are people thinking about trying to create a major political issue over a disaster bill?

Madam President, this weekend in the middle of this debate the Republican National Committee was on the radio in North Dakota with paid radio ads on this issue. Why would the Republican National Committee be doing paid radio ads about this issue? Because this is now, and has always been, according to leadership and the Republican National Committee, a political issue. From their point of view, the point seems to be to add extraneous and unrelated issues to this bill, and then try and shove it down the President's throat.

You know. The shoe is going to be on the other foot someday. Someday somebody else is going to have a disaster. Somebody else is going to do to them what is now being done to the people of this region. And then they are going to complain about it, and say, "How can you do that?" I am not going to do it to them because I have not done that since I came to Congress, and I will not do it in the future. I will not play politics with the lives of people who have been victimized by national disasters. But someone will again in the future because the precedent is now established that it is just fine to do. It is OK. Get a disaster bill, and then get the national political committee of whichever party involved and start doing radio ads creating an advantage, and have the Speaker go to the Editorial Board and say, "We are not going to yield on this issue." Besides, it is just a bunch of folks up there in that territory; and says, "Voters will not remember this standoff over the supplemental appropriations at the ballot box."

Well, I am appalled by what we are facing here. And I don't know what we expect this week.

And I am not the only one who is appalled. I have here an article from the Sioux Falls, SD, paper. The headline reads, about the Governor of South Dakota, Governor Janklow, who is a Republican: "Janklow Slams GOP on disaster-aid bill." The article goes on to say, "Misguided Republican strategy will make Congress look bad."

Governor Janklow has it right.

This is not, and should not be, a bill on which the two parties play a game of political Ping-Pong. This ought to be a disaster bill that provides relief to victims.

So, Madam President, in the remaining days of this week I urge Members of the leadership here in the Congress to give us an opportunity to pass a disaster bill that does not contain extraneous or unrelated issues that are controversial. Give us an opportunity to pass a piece of legislation like that, have the President sign it, and have those people who are now wondering about their future who suffered through significant disasters, blizzards, floods, and fires to be able to understand disaster aid is on the way with the President's signature, that aid begins to move, decisions will be able to be made, and people's lives will be able to begin to move on as if normal again. But that can only happen if Members of the House and the Senate decide that they will forgo the opportunity to play politics with the disaster bill.

Madam President, the Fargo Forum, which is a newspaper in North Dakota, wrote an editorial. This is North Dakota's largest paper. "Act now on flood relief bill. More than 6 weeks ago the flood-ravaged Red River Valley just wanted to be left high and dry * * * [In] an ironic perversion of the wish, Congress acted or failed to act." The "Red River Valley just wanted to be left high and dry." Well, it is high and dry all right.

The point of their editorial is that Congress needs to act now. This is not a case where a week from now, or a month from now it is just fine. This is urgent. This is an urgent need, and Congress needs to act now.

The Grand Forks Herald is the newspaper of a city of 50,000 people. Every day since Congress took the Memorial Day recess at the front of their masthead they say, "10 Days Since Congress Let Us Down." I suppose it is now 18 days since the House adjourned without passing the disaster bill. The editorial makes the point, and every citizen in Grand Forks makes the point, that Congress ought to move on this disaster bill and move now.

On March 19 the President sent his request to Congress. When the flood occurred and the President went to Grand Forks, ND, and spoke to several thousand people in an airplane hangar at the Grand Forks Air Force Base, he made the point that he was seeking a significant disaster relief bill and that he hoped that Congress would not add extraneous or unrelated amendments to the bill. What he hoped would not happen has happened. The result has now been substantial delay—at least 3 weeks' delay, and probably more.

Madam President, my desire would be that everyone call a political truce, that we simply recognize that the disaster bill is to respond to disasters, and that the way to provide hope and help to the victims of the disasters is to pass a bill without the major areas of controversy that have now been sent to the President.

UNANIMOUS-CONSENT REQUEST

Madam President, for all these reasons, I now send to the desk a clean supplemental appropriations bill for myself, Mr. CONRAD, Mr. WELLSTONE, and Mr. JOHNSON.

Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 18, H.R. 581; that all after the enacting clause be stricken, and that the text of the clean supplemental appropriations bill that I just sent to the desk be inserted in lieu thereof, that the bill be passed, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Madam President, let me describe what it is I was just proposing. The major items of controversy that now exist in the legislation the President vetoed are the so-called anti-Government shutdown provision—the so-called continuing resolution provision—and the census issue.

I know the President in his veto message was going to object to more than those two. The bill that I sent to the desk and asked unanimous consent be considered was the conference report that was agreed to in both the House and the Senate, with the anti-Government shutdown provision and the census provision removed.

The shutdown provision has substantial amounts of controversy attached to it. I have no objection at all for that to be considered at any time. I just do not think it ought to be considered on a disaster bill.

My bill removes the census portion of the disaster bill. I do not object that the Senate consider the census provision at some point. But there are plenty of other opportunities to consider it. As soon as the President signs the bill and disaster aid begins to flow, we will have other bills come to the floor of the Senate. My understanding is that there was a proposal to be brought to the floor of the Senate tomorrow. Both of these issues could be offered as amendments to that bill. I have no objection to that. If somebody wants to offer that, let's offer that and have a debate. I have no objection nor concern about that.

I just do not want these provisions to be provisions that interminably delay a disaster bill which should have passed, now it is 3 weeks ago.

If the newspaper reports are correct, it looks like this issue will not be resolved this week, nor probably next week.

How long do victims of a disaster have to wait? When will Congress understand its obligation, and the historical approach of dealing with disaster bills, of not adding highly controversial issues to a bill that deals with disasters?

It seems to me that this should be a time for cooler heads to prevail; a time for both sides to back away a bit and decide to pass the disaster bill without these provisions.

I have taken the time again today simply to attempt to describe what our region of the country is faced with, to describe why we are upset and angry about what has happened to this piece of legislation. And I will no doubt be on the floor additional times today and during this week.

I hope that in the coming couple of hours Members of Congress will decide this is not a strategy that does anything other than hurt victims of a disaster.

Does it help the political party? I don't think so. I mean, I guess that is why a political party would run ads over this weekend in my State, because they think they are being helped by it. I don't think anybody is being helped by it. I think the net result is that victims of a disaster get hurt.

I mean, if there are some who do not care who gets hurt as you march toward a political victory, that is one thing. But I don't think this is marching toward anything but chaos in any event, and I think it is clear who is getting hurt. Victims of the disaster are getting hurt.

I started today with a description of Ranee Steffan, who is living in a camper trailer, has been for some while, perhaps will be for some while, with her kids. She does not want much. She, her family, and her children want a job because she doesn't have a job, because most of the businesses in this area have been closed—wants a job and a home. She wants decisions to be made that will allow that to happen in her city, and in her community. And until this piece of legislation passes that cannot happen.

On behalf of Ranee Steffan, and so many other thousands of families whose lives are on hold, I hope very much that both sides of the aisle will decide to pass a disaster bill free from contentious unrelated political matters. We need to get aid to those who need it as quickly as is possible.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

URGENT SUPPLEMENTAL APPROPRIATIONS

Mr. NICKLES. Madam President, first, I objected to the unanimous-consent consideration. My friend and colleague from North Dakota expected it. He knew I would do so. He basically tried to pass the bill as designed by one Senator. That is not the way the legislative body works. The way the legislative body works is that there are procedures. It goes through committees. Senators add amendments trying to influence the behavior of Congress, trying to influence the behavior of Government, trying to set policy. That is what happened in this bill.

I might tell my colleague from North Dakota I did not vote for the bill anyway. I think this bill was not just a disaster bill. This bill grew, and it grew too much. The President submitted a bill in, I think, early May, for approximately $4 billion. This bill grew to over $9 billion. I voted against it.

Now, the President vetoed the bill, and he vetoed it supposedly because Congress put in a provision that says if, for whatever reason, we do not get an appropriation bill passed by the end of September, we will continue operating at this year's level of funding. I happen to think that is a perfectly responsible thing to do. The President does not like it. Maybe some Democrats do not like it, I guess because they want to spend a lot more money than this year's level. I think it was a responsible thing to do so we would avoid a shutdown, so Government employees, Government agencies, everyone would know that if in the event we did not pass an appropriation bill, we could continue operating at this year's level. I think that is proper. They did not. The President vetoed the bill. I wish he had not vetoed it for that reason. If I was President, I would have vetoed it because it spent too much money. That is one of the reasons why we have divisions of power. We happen to be equal branches. We do not just write an appropriation bill just designed by the President. If so, we would not have a Congress. We would just let the President write the bill.

But that is not the way the system works. We have equal branches of Government. So the President can submit his proposal, and then we will act on it. He vetoed it, and we have a couple of options. We can vote to override the veto—in all likelihood, we do not have the votes to override the veto, and so then we will work with colleagues to see if we can come up with a proposal that will pass and get his signature. And that is the proper way to do it. It is not the proper way to do it to try to pass it by unanimous consent, a bill designed by one Senator. I, for one, would object because I think it spends too much money not even related to the two objections that my colleague from North Dakota had outlined.

Mr. DORGAN. Will the Senator from Oklahoma yield just for a point?

Mr. NICKLES. I will be happy to yield at this point.

Mr. DORGAN. I appreciate the Senator's statement. The bill that I asked unanimous consent to have considered was not a bill written by me. It was the exact conference report just reported out by Congress, minus the two contentious provisions. So I do not want people to think it was a bill written by me. It was exactly what the conference did, leaving out the two very controversial provisions.

Mr. NICKLES. Madam President, I understand my colleague did not like two provisions. Maybe the President did not like two provisions. It may well be the President will look at the rest of the bill and he will not like other provisions. My point being, we have two branches of Government, both equal, and the President can make a request and Congress disposes of it and he has the right to veto it. Evidently he has done that. I understand the majority leader of the Senate is trying to get in contact with him today and maybe some discussions will ensue.

I also just happened to be looking at this report. The initial request was $4.5 billion in discretionary outlays. The committee report, the committee report as it came out of the Senate was $7.6 billion, so, in other words, $3 billion more than originally requested. The conference report, after it went to conference, was $8.6 billion. And if you add budget authority with the mandatory it was over $9.5 billion.

So this, like a lot of urgent supplementals, grew, and many times they grow at the request of the administration. They did not make it in their initial request, but they asked for more money, and somebody else said, well, I think we should fund this and everyone was in agreement, both Democrats and Republicans, so we go ahead and fund it. What we wind up doing is we fund things in an urgent supplemental that, frankly, should be funded in the normal appropriations process. We should be in the process of passing normal appropriations bills now for next year so they do not have to be in the supplemental; we do not have to prefund them. We should fund it through the process. And I, for one, since evidently the President's vetoed this bill, hope we come in with a very streamlined, strictly urgent supplemental bill.

And I, for one, have serious questions whether or not we should be funding Bosnia assistance in this. How can the Bosnia assistance be urgent? We have had the troops over there. We have known about it. You cannot say that is not expected. We have known the troops are over there. I know that they are raiding operation and maintenance accounts; they are drawing down those funds. We have underfunded defense in the past. But we have known we have had a significant peacekeeping force in Bosnia and we do not fund it. And so then we start saying, well, we need to fund it all of a sudden because we did not put enough money in for defense last time.

We have known those troops are over there and should be funded. But the costs have risen significantly. We should get control of those costs. I have some reservations about whether or not we should have had those troops in the international peacekeeping force in the first place. The President puts them over there, underfunds them and asks us to bail him out with an urgent supplemental. I have some reservations about it.

Mr. President, there is only two issues of dispute. One is on the census language, one is on whether or not we would have a continuing resolution to keep the Government open should we reach an impasse on appropriations.

Just a couple of final comments. We have reached an impasse in appropriations the last 2 years, in 1995 and in 1996, prior to the last election. The way that was solved in 1996, prior to the election, was the President basically said I am going to shut Government down unless you give me a lot more money. Unfortunately, in my opinion, we succumbed to that temptation; we gave the President about $8.5 billion so we could get out of town. I hope we do not repeat that failure.

Who was the real loser in that? Maybe Congressmen and Senators weren't, but I think the taxpayers lost. We wrote big checks. Discretionary spending really went up. It went up in some cases, Madam President, even more than the President requested so we could get out of town. I hope we do not replay that.

So the essence of this continuing resolution was, if for whatever reason we have an impasse, let us at least continue operations at this year's level so we will avoid that disaster, so we will not have the curtailment, so we will not have the shutdown, and I still think it is good policy. I regret the President vetoing it for that reason. I think that was a mistake. He has that right to do it.

I think it is important we follow constitutional procedures and keep in mind constitutional prerogatives. The President is President. He does not have the right to dictate every detail in an appropriation bill. He can veto every appropriation bill he does not like. I want to preserve that right. But likewise, we are an equal branch of Government and we have a right to put on language that a majority of Senators are supportive of.

So I will work with my colleagues from North Dakota. I see another colleague, Senator CONRAD, is here and wishes to speak on the issue, and I will not detain him. I know he has very strong feelings, as Senator DORGAN does, as well. And so I will work with my colleagues. Hopefully, we will be able to come up with another bill, one that will not cost taxpayers as much as the previous bill, and hopefully we will be able to break the impasse and provide needed relief in a timely manner.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I ask unanimous consent for 15 minutes.

Mr. NICKLES. Madam President, reserving the right to object, what was the request?

Mr. CONRAD. I was asking for 15 minutes.

The PRESIDING OFFICER. There is an order already standing for Senator COVERDELL to be recognized at 4 o'clock.

Mr. CONRAD. All right, then I will withdraw my request.

DISASTER RELIEF

Mr. CONRAD. Madam President, the President of the United States has now vetoed the disaster relief bill. He has done so because there were unrelated provisions put in that legislation.

Madam President, the time for political games is over. This is a headline from the largest newspaper in our State over the weekend. The headline is: "You Are Playing with Our Lives." The woman quoted is a Renee Steffan. The article said, "She has strong words for Members of Congress who think flood victims can wait while bickering continues in Washington over a disaster relief bill."

She goes on to say, "You are playing with our lives."

> She issued that warning from the sweltering travel trailer that she and her family now call home. She says, "This isn't some game. You should come here and walk in my shoes for a day." Homeless for a month, out of work, and bounced from one temporary shelter to another, the wife of two is fed up with lawmakers who think Grand Forks residents are getting along just fine.

Madam President, Grand Forks residents are not getting along just fine. Not only are Grand Forks residents not getting along just fine, nor are the residents of East Grand Forks. In these two communities, 50,000 in Grand Forks, 9,000 in East Grand Forks, nearly every single soul was evacuated 6 weeks ago. Thousands of them are still homeless. Their homes are destroyed. Their jobs are destroyed. And their lives are on hold waiting for us to act.

The President vetoed this bill. He said clearly these unrelated provisions ought not to be in a disaster relief bill. That is the plea and the request of the people from Grand Forks and East Grand Forks. Send a clean bill to the President, one he can sign so that the relief can start to flow.

Now, the Washington Post this morning, in the Novak column, he reported, and I quote:

> At a contentious meeting of Republican leaders after adjournment Thursday, Lott argued that this time, unlike 2 years ago, the GOP would win 'the PR battle.' He claimed Americans did not care much about the supplemental appropriations bill providing help for victims of Red River flooding in the Dakotas and Minnesota.

I do not know if that is really the position of the majority leader. I hope it is not. But if it is, let me just say that he is wrong. People do care. The outpouring from across the United States has been unprecedented.

People of the United States care a lot about helping people hit by a disaster. They have proven it time after time after time. The fact is, if the majority leader really believes that the American people do not care, he is wrong. The American people are better than that.

And for those who do not think it makes any difference, let me just quote from the Republican Governor from South Dakota. The Republican Governor says, "If you've got a disaster bill, you ought to deal with the disaster."

> For those who say that delay does not matter, Janklow—

Again, the Republican Governor of South Dakota—

> said the delay in the legislation is blocking reconstruction of sewage facilities, highways and a State-owned rail line in South Dakota.

It is not just the Republican Governor of South Dakota who understands that delay matters, but there is a Republican Congressman from Minnesota, JIM RAMSTAD, a former North Dakotan, by the way, a member of the Ways and Means Committee, who said over the weekend: "Those who argue that there is money in the pipeline are being disingenuous at best."

This is a Republican Congressman from Minnesota. He said, "There's no money for housing, no money for livestock, no money for sewage systems, no money for water supply, no money for housing buyouts. There is no money in the pipeline for those things. They can't really rebuild without the funds that are tied up in the disaster relief bill."

And he concluded by saying, "Let's end the Washington games."

Madam President, the people of North Dakota and Minnesota and South Dakota and the 30 other States that are affected by this disaster make one request. Send a disaster relief bill that is clean, that does not have these unrelated provisions, send it quickly so the relief can begin to flow. The people in our areas need it. As that woman said from a sweltering trailer, the time for these political games is over. People have been hurt and they need help. Now is the time to respond.

I thank the Chair and yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Georgia is recognized.

Mr. COVERDELL. Parliamentary inquiry. It is my understanding that the hour from 4 to 5 has been designated under my control, or any person that I shall delegate time to?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. Mr. President, in light of the presentation we have just heard and the recent veto of the emergency aid by the President, I am going to yield 10 minutes of my time to the distinguished Senator from Texas, and then I will return to the original content of the purpose of the hour from 4 to 5 after she has responded.

I yield 10 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mrs. HUTCHISON. Thank you, Mr. President. I thank the distinguished Senator from Georgia, because I do want to respond and make sure that everyone is singing from the same page.

I appreciate very much what the distinguished Senators from North Dakota are feeling right now, and what they must feel every time they go home. I, too, have visited disaster areas in my home State in the last week, and it is a devastating situation.

Mr. President, I want to make it clear that all of us are going to make sure that the victims of disasters in all the 35 States that are covered will have all of the help they need, and they will have it in the absolute minimum time it takes to get that to them. In fact, the disaster victims in North Dakota and Minnesota and South Dakota are getting help right now. They are getting the SBA loans, they are getting the agriculture help, they are getting the assistance that they need, and it is there now, and we have $2 billion in the pipeline waiting to come in to them, not waiting for us to act. That is in the pipeline now. So the money is there, make no mistake about it.

But it is very important that everyone know that this is a supplemental appropriations bill. It is the first appropriations bill that has gone through this year. There are many items that must be covered. We are covering the replenishment of FEMA funds, the Federal Emergency Management Agency funds, because they are being depleted right now as we speak, going to the victims of North Dakota, South Dakota, Minnesota, California and other States. We are giving that money to them, and we are going to replenish it with this supplemental bill.

But there are many other things covered in this bill. It is not as if this is just a disaster relief bill for those areas. It is also a $1.9 billion expenditure for overseas peacekeeping, to replenish the funds that have gone into the protection of Bosnia. There is $928 million for veterans compensation and pensions, $29.9 million for plane crash investigations, $6.4 million to the FBI to reimburse New York State and local jurisdictions for assisting in the investigation of Flight 800, $197 million for the National Park Service, $103 million for the Fish and Wildlife Service, $67 million for the Forest Service, $20 million for the Bureau of Indian Affairs, $585 million for the Army Corps of Engineers, $510 million for the U.S. mission in Southwest Asia, $58 million for the Women, Infants, and Children Program. Mr. President, it goes on.

This is a supplemental appropriations bill. These are funds that are to replenish funds that have already been spent. In addition to that, we are setting the process by which we do appropriations this year. That is why we have the Government Shutdown Prevention Act. That is why we are saying if we do not come to agreement on October 1 for all of the appropriations bills, that Government will continue to function, that people will not have to worry about their paychecks, that veterans will not have to worry about their pensions, that people going on vacation will not have to worry about it. We are saying right now, here is how we are going to proceed.

I think it has been portrayed that Congress is playing games. Congress has passed a bill. It is not absolving the President of all responsibility to veto anything he wants to veto, and then say, well, I didn't like it and it's your responsibility.

He has a responsibility. The President can sign this bill. I would like for the President to explain why he wants the ability to shut down Government. I would like the President to explain what is unreasonable about providing for the ongoing Government expenditures at today's levels while Congress and the President might continue to negotiate on an appropriations bill that has not been passed by September 30.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Will the Senator yield for just a moment?

Mrs. HUTCHISON. I will be happy to yield.

Mr. COVERDELL. Is it not the Senator's understanding that the emergency appropriations Congress passed and sent to the President last week was voted for by the Senate majority leader?

Mrs. HUTCHISON. I think that is correct, Mr. President.

Mr. COVERDELL. It was voted for by the Senate minority leader?

Mrs. HUTCHISON. Absolutely.

Mr. COVERDELL. Voted for by a majority of the Republican Senators?

Mrs. HUTCHISON. In fact, the majority of the Republican Senators and two-thirds of the whole U.S. Senate.

Mr. COVERDELL. And a majority of the other side of the aisle?

Mrs. HUTCHISON. That is correct.

Mr. COVERDELL. My point is, how much more bipartisan? We don't see that happening here very often. So the emergency relief and all of its provisions, the guarantee you talk about to keep the Government from shutting down, was voted for by the leadership, Republican, Democrat, by the majority of both sides of the aisle, and the President says the Congress is playing games with emergency relief? It seems a little incongruous to me.

Mrs. HUTCHISON. I can certainly understand why the Senator from Georgia would be a little confused, when Republicans produced a bill that gave the President everything he asked for the Federal Emergency Management Agency, for Bosnia, and for all these other programs that are being replenished for the administration. I can understand why he would be confused that the President would veto the bill and accuse Republicans of playing political games. That is confusing.

In fact, I have to say I think the President needs to step up to the line and say what is unreasonable about providing for the orderly process of Government, the orderly appropriations process, telling people what to expect if there is not an agreement on September 30 between the President and Congress. There are no hammers, there is no fear on the part of Government employees or veterans or people who are counting on paychecks coming on time. What is wrong with providing for that? We are not cutting back on what people are getting now. We are just saying, let's provide a level playing field here. Let's negotiate in good faith. And if the President does not want to do that, if the President wants to shut down Government or wants to have a hammer over Congress' head, wants to have some artificial shutdown of Government at his disposal, I would like for the President to explain to the American people why. Why? Because if we do not pass this now, then people will not know what to expect. Government employees will not know what to expect, veterans will not know what to expect. We may not pass an appropriations bill on which this could be put, as a matter of process, for months to come.

I think this is the responsible approach to take so everyone understands. If the President disagrees, tell us why. Tell us why you want to shut down Government, Mr. President, or you want people to be in fear of shutting down Government, or you want a hammer over Congress' head in order to have some sort of advantage. I mean, what is it? What is it that would cause you to veto a bill that you say is so important to you, for disaster relief and other supplemental appropriations, when, in fact, all you have to do is sign the bill?

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Mr. President, I think the responsibility lies in the White House. The Congress has done its job. I would appreciate the President stepping up to the line and saying what is so bad about having a process which everyone knows, right now, and can plan for, an orderly, responsible transfer between fiscal years. I would just like the President to step up and say what's wrong with that. We ask him to do that today.

We want him to provide the relief he has asked for. And, Mr. President, Congress has done its job.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas. I think she is absolutely on point. Getting the emergency relief where it needs to go, protecting its ability to do its work, is in the President's hands now because Congress—particularly here in the Senate, but the House as well—has sent a broadly based, broadly agreed-to document to the President. So, if it doesn't move on to the people who need it, the President will have to accept that responsibility.

THE FAMILY FRIENDLY WORKPLACE ACT

Mr. COVERDELL. Mr. President, for the next 15 minutes or so, since we are talking about vetoes, I would like to talk about the Family Friendly Workplace Act, S. 4. This is a piece of legislation that has been authored by the good Senator from Missouri, Senator ASHCROFT, myself, and others. It is designed to make the workplace a friendlier place, a more flexible place. Lo and behold, in the middle of the debate, the President has announced to the country he would have to veto this bill, which is as puzzling as his veto of this emergency relief. He has said he would have to veto the act. We have had a filibuster underway on this Family Friendly Workplace Act. We have tried to break the filibuster twice and have failed to do so because of the supporters of the President on the other side of the aisle.

If you want to know what the American public thinks about this kind of legislation, you just need to go talk to them. In a survey for Money magazine in May of this year, 64 percent of the public and 68 percent of women would prefer time off to overtime pay if they had the choice, which they do not. The Federal workers, since 1978, have had this choice, but not these hourly laborers. If they had the choice, they would prefer time off to overtime pay. That is what the Family Friendly Workplace Act is about. It is about giving employees and their employers the voluntary—underscore voluntary—option to design programs to meet this desire.

A Penn & Schoen survey found that 75 percent support the choice of time off in lieu of overtime pay. President Clinton's own Labor Department has reported that help in balancing the needs of work and family is the No. 1 need among working American women. You would think, given what we have seen and the stress that is being pounded upon the average American family, we would be stepping forward with legislation such as S. 4, and trying to create a system in the workplace that allows these working families to meet their special needs and to adjust the time they need to juggle between family and the workplace.

Mr. President, I see we have been joined by the distinguished Senator from Wyoming, who has been an advocate of the Family Friendly Workplace Act. I yield up to 10 minutes to the Senator from Wyoming, to share his thoughts on this legislation with us.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Thank you very much, Mr. President. I thank my colleague for arranging this special order.

It seems to me that this is something that is very important. I have watched this discussion with great interest, having had some experience in small business, and, I must confess, I have been very surprised by it. It seems to me that over the years, particularly the last 2½ years, we have spent in this body a great deal of time talking about making things more family friendly. We have talked about how we could provide more time for families to share in the schooling of their youngsters, to share in their communities, to share in the things that make communities strong, and to work that in to our professional lives.

Then comes a proposal to do that which allows for flextime, which allows for comptime, and we find suddenly a great deal of opposition. That is a puzzle to me. As I mentioned, I have been in a small business where you don't have many employees, and I recognize from the employer side that there has to be some communication, because you may not be able to spare someone for a certain length of time. On the other side, I think it is equally or perhaps even more important that the employee is not forced by the employer to take the time differently than they would like to. But it is my understanding and my belief that in this bill those things are protected, that it is a cooperative agreement between the employer and the employee, to come to these conclusions.

So I was very disappointed. Even though I haven't spoken a great deal on it, I was very disappointed last week when we didn't get enough votes to vote cloture. There certainly are enough votes to pass the bill. I am disappointed that the White House has apparently indicated the President will not sign the bill, largely as a result of the labor unions to which the White House is so sensitive. This Family Friendly Workplace Act would help working Americans do the things—the very things—that the President has been talking about and made an issue of in the last election and since. And then we find there is opposition to it.

Most Americans, I believe—the Americans that I have talked to—do, in fact, want flexibility in the workplace, would like to have the opportunity to be able to make some adjustments. We have a business in our town of Cheyenne. It is called Unicover. They are the ones who put out first-day stamps, first-day covers. The owner testified before the Senate Labor Committee a few months ago. His employees came to him and asked for comptime/flextime so there could be some arrangements. He wants to offer that to his employees but cannot, of course, until S. 4 is passed. I suppose this has been said—in fact, when you are discussing an issue like this, everything has been said—but the May 1997 survey from Money magazine found 68 percent of working women would prefer comptime to overtime pay. The Labor Department has indicated that it would help in balancing work and attention to the family, which is the No. 1 issue for working American women.

So I am truly puzzled by the opposition to it, and I can only imagine that it is simply a political opposition brought on by the opposition of the labor unions to it, which surprises me as well, because certainly union leaders and union members want to do something with their families as well.

Americans need the flexibility in the workplace if we are to accomplish the things that we want to, if we are to accommodate the fact that more and more women, more and more mothers are in the workplace and, therefore, since both family members often are working that there does need to be flexibility.

Our current laws go back to 1938. Most jobs were in manufacturing; very strict. One-payroll families were the norm. That has obviously changed to where now two-payroll families are, indeed, the norm. In 1938, 16 percent of the women with children worked outside the home; in 1997, more than 70 percent work outside the home.

This Family Friendly Workplace Act creates new choices for employees and employers. By mutual agreement, they can agree to substitute some alternatives for overtime, some alternatives to the 40-hour operation. They can take time off to do the things that they need to do or bank some hours with comptime. Federal workers, I understand, have enjoyed this flexibility scheduling now for nearly 20 years, and they can do that. Why not the rest of the working community? S. 4 protects workers' rights, and that is important, very important. Penalties for direct or indirect employer coercion are doubled from current law. Accumulated comptime may be paid in cash by year's end.

So, Mr. President, I hope that we intend to continue to push, continue to address S. 4 in this Congress and, hopefully, get the bill passed. It meets the realities of the modern-day workplace, it meets the needs of modern-day families, and is something that I think is very favored among people in this country.

It is a little frustrating sometimes to find this kind of dilemma that we are caught up in this week, quite frankly, a situation where if a bill doesn't suit the President, it has to bring us to a standstill. After all, the President is not a king; the President doesn't run the country. He has to give as well as the Congress. That is what this is about. Here we find another that is very similar.

I hope that we find some areas of agreement that will allow us to put into place S. 4 and protect the rights of workers, protect the opportunity for options, protect the opportunity for families to have a friendly workplace. I hope we do it very soon.

Mr. President, I thank my friend for this time and for his work and that of the Senator from Missouri on this bill. It has been exemplary. Thank you very much. I yield the floor.

Mr. COVERDELL. I wonder if the Senator will yield for a moment.

Mr. THOMAS. Sure.

Mr. COVERDELL. It is sort of ironic that this Monday afternoon we are beset with Presidential vetoes or threats to veto. He has indicated that he will veto the Family Friendly Workplace Act if it includes flextime, which is what I think most of us feel is among the more important features, to allow working families to adjust their time.

The Senator from Wyoming has talked about compromise, but I just want to reiterate and try to get your impression. Don't you find it unusual that the only thing we have been met with here is a filibuster, and that if you are really interested in creating a family workplace work environment, wouldn't you think we would be getting suggested new language or something that might compromise, instead of sort of a straight-arm and voting down attempts to end the filibuster?

Mr. THOMAS. I say to the Senator, I think that is curious. If you have an issue where you are on different sides of the issue and opposed to one another, then you get this kind of thing. But here is one where, if you went around and talked about opportunities to have some choices in the workplace, if you talked about a way to allow people to have some flextime with their families, everybody would agree, nobody would disagree with that.

So it is strange that having that as the premise, having that as the basis that we find instead of searching for a way to make it work, as you say, it becomes an absolute stoppage of anything happening. It is curious, and I am surprised. I guess that is why I am here expressing some surprise in the way this has turned.

Mr. COVERDELL. I thank the Senator from Wyoming. As usual, he has contributed substantially to the discussion.

Mr. President, in my opening remarks, I spoke of the percentage of working women who would prefer time off to overtime pay if they had a choice, which they don't. That is what we are trying to create here.

I read this very interesting article from the Radcliffe Public Policy Institute, "Work and Family Integration." It is very interesting. It says:

> Economic changes have direct consequences on work and family life.

That says it all. I have been arguing for the better part of 2 years now that when we talk about American culture and what is happening in the American family, we tend to point fingers to who is causing the trouble, and Hollywood gets a pretty good dose of it. But I don't think Hollywood holds a candle to Uncle Sam. Uncle Sam has put so much economic pressure on the working families that it has dramatically changed the nature of the way these families function.

It goes on to say:

> It is increasingly common for all adult family members to spend a greater number of hours at work in order to make up for declining median family incomes to fulfill personal career goals or to cater to growing workplace demands.

Again, I would argue, that while the median family income has declined, the biggest culprit in absorbing those median income salaries is the Government. In fact, by our analysis in Georgia, an average family today forfeits 55 percent of their income after they pay direct taxes, almost 40 percent, cost of Government regulations, $7,000 per family, and their share of higher interest payments because of the national debt that has been put on their backs.

That pressure needs relief in many ways. No. 1, which we are talking about here, we need to lower the economic pressure, we need to lower the taxes on those average families; No. 2, there should be no impediment in the workplace that blocks working families and the companies for whom they work from finding ways to suit and balance the needs of these work careers and the needs at home.

This article says:

> Married women with children have entered the labor force in record numbers. They, therefore, have less time for caregiving in the home.

They have less time. We have seen the SAT scores aren't as good, teenage violence is worse, teenage suicide has quadrupled, and you have to say to yourself, "Well, if there is not as much opportunity or attention to govern the home, you are going to have problems like this that will begin to emerge."

> Many parents, both mothers and fathers, feel conflicted and torn between spending time with their families and meeting workplace demands.

This is the point I was making a moment ago: A massive amount of pressure in both places and we are operating under a workplace that is governed by laws that are a half a century old, almost 60 years old. You think back 60 years to 1930, the 1930 workplace. First of all, it was mostly rural. Now it is only 2 percent that is rural. Just reflect for a minute on the kinds of massive change that have occurred between 1930 and 1997 and you can understand that the governance in the workplace probably, like everything else, requires some modernization.

It says work and family life should not be in opposition but should enrich each other. Work and family life should not be in opposition but should enrich each other. That is what this legislation is trying to do. It is trying to allow the workplace to adjust to the different needs that the different workers have with regard to maintaining and governing their families.

Here is a quote:

> It's like you are caught between a rock and a hard place because if you want to have a family, you want to have a couple of children, you can't do that unless you have lots of money to support them. Well, you can, but you'd have to be able to take care of them, at least provide the basics, and in order to do that you either have to have your husband gone all the time working so hard or working toward getting his degree or else both of you have to be working, but the more you're working, the less time you have with your kids, so it's like you can't win.

That is from a young woman in her twenties in Salt Lake City.

> But the more you're working, the less time you have with your kids, so it's like you can't win.

You know, we wonder why, even with the economy doing reasonably well, why you get so much anxiety coming out of the workplace. Well, that is it, right there, "But the more you're working, the less time you have with your kids, so it's like you can't win.

So here comes S. 4 and it says you and your employer voluntarily can make decisions and create options about what happens in the workplace so that hopefully it can help make it possible for you both to be working and still win. I am absolutely baffled by the threat from the other end of Pennsylvania Avenue, "I would have to veto this if flextime is left in the legislation." That sure does not square with anything we are seeing or reading.

I was looking at the average hours per week parents devote to undivided child care—in other words, full blown. If the woman is employed, it is 6.6 hours per week. If she is unemployed, it is just under double, 12.9 hours a week, of undivided attention. It doubles.

Now, you cannot unemploy these people to get this added time. That will not work, given what has been happening here in Washington for the last 30 years and given the economic pressure on them, but you can begin to modify the rules in the workplace so that there is an offset, an opportunity to adjust.

Mr. President, we have just been joined by the senior Senator from New Mexico, chairman of the Budget Committee and a Senator most knowledgeable and concerned about a friendly workplace.

I yield up to 10 minutes if that is sufficient, to the Senator from New Mexico.

Mr. DOMENICI. I thank you for those kind words, and, yes, that is sufficient.

First of all, I am very proud to be a cosponsor of the Family Friendly Workplace Act. The way I see it, this bill is long overdue for American workers in the private sector. Federal employees have had flextime and comptime for nearly 20 years and it is about time the millions of American men and women who do not work for the Government receive the same benefits.

I vigorously support this bill for the following three reasons. One, it is fair. Federal employees currently have comptime and flextime. It is voluntary. And it protects employees.

Times have changed since we adopted the rigid 40-hour work week. Under current law, you cannot arrange a schedule to work 44 hours one week and save those 4 hours to take time off in the next week to be with your children or to do something very important to help your sick mother or your grandmother. Current law says you cannot do that even if you want to and your boss agree.

Federal employees have had flextime for many, many years. What we have now found out is that Federal employees who have been participating in flextime are highly satisfied. That should not surprise anyone. It is a very rational and reasonable thing.

Eight out of ten workers support continuation of the program; 72 percent say they have more flexibility to spend more time with their families and on personal needs; 74 percent said the flexible schedule has improved their morale and made them feel better about their work and about their employers. If comptime flextime is good enough for Federal employees, then why not for the 80 million people that work in the private sector of America?

For example, FBI employees have comptime and flextime. Isn't what is good enough for them also good enough for restaurant workers, hospital employees, hotel chain workers, telecommunication employees, and, yes, firemen, policemen, and others who might be burdened by the 40-hour-a-week rigid nonflexible time?

Federal workers can currently use their flextime schedules to attend such things as a school play, baseball games, PTA meetings, dance recitals, Boy Scout or Girl Scout meetings and activities, doctors visits, school field trips, and dental appointments for children. As a matter of fact, I say to my good friend, Senator COVERDELL, we got those examples from people who said this is exactly what they would like to do and we got it from Federal employees who say this is exactly what they are doing.

This bill, as I understand it, and I would not be supporting it without this, is good because it is voluntary or optional. It encourages employers and employees to work together to arrange schedules which fit the individual needs of employees and yet provide the management with enough opportunities to get the work done that they need done. Nothing in this bill requires employees to adjust their work schedules if they do not want to.

Mr. COVERDELL. Will the Senator yield?

Mr. DOMENICI. I am happy to yield to the Senator.

Mr. COVERDELL. You are right now on the core dispute. You have argued for the need in the new modern workplace for the flexible time and what it does to morale and conflicting schedules, and you said you would not be for this if it was not voluntary.

Mr. DOMENICI. That is correct.

Mr. COVERDELL. That would be the same for me.

As you know, if I could comment about it, not only is it voluntary, but the legislation has strict procedures to guarantee that it is voluntary, and there would be ramifications of severe proportions if an employer were to do anything other than make it voluntary.

Mr. DOMENICI. No question. In fact, I was going to get to that in a moment.

It is so voluntary that employees under this law can withdraw from a comptime and flextime arrangement at any time. Employees can cash out accrued hours of comptime and flextime at any time. These provisions are going to be enforced just as rigidly as the current provisions of the Fair Labor Standards Act.

This bill protects employees from employer misconduct because it contains anti-coercion provisions. I would not support it if it did not have this protection because this is what assures that it would really be voluntary. There are always people who would like to deny employees certain rights and some employees would like to not work as hard as they should for their employers. We cannot correct all of that.

But obviously this law says that an employer cannot claim inconvenience as a reason for not allowing an employee to take comptime. Once the employer and employee have agreed to a schedule, the employer cannot then change his mind and say it would be inconvenient to do it that way.

As an example, an employer cannot force an employee to accept time off rather than monetary overtime pay by promising to promote an employee. This is investigated in the same way that the Fair Labor Standards Act rules and regulations of today are handled on behalf of the American workingman and in fairness to the management and ownership.

Now I do not understand why the Democrats and labor unions are standing in the way of bringing choice and flexibility to the American workplace. If Democrats really cared about the best interests of American workers they would stop misleading the people about this bill and pass it.

The Baucus-Kennedy substitute amendment does not help the American worker because it only provides comptime and does not contain the flextime biweekly work schedule of flexible credit hours. Flextime is very important. It is important to everyone in the workplace but most important to women and non-overtime workers.

The combination, Mr. President, of comptime and flextime will benefit 67 percent of all working women in the private sector. Whereas comptime, by itself, will only benefit 4.5 percent of all working women in the private sector.

The Baucus-Kennedy bill wipes out flextime. Now, what could be more unfair than to penalize all but 4.5 percent of the working women in America by restructuring a bill so narrowly that only 4.5 percent are benefited? Under the broader bill with both flextime and comptime, 67 percent of those same working women would have an option to better their work schedule to help them with their daily lives and with their families.

The Baucus-Kennedy substitute amendment limits accrued comptime to 80 hours a year, versus this bill's 240 hours. Doing the math, one can say that the Republican bill is three times as flexible for the American working people than the substitute being offered.

The Democrats, and for some reason the labor unions, falsely claim that this bill will end the 40-hour workweek. This bill will allow employees who want a variation of the 40-hour week to have one—voluntarily and with no coercion. For those workers who want to keep the standard schedule, they can. It is their option and their employers option. They do not have to change one bit. If they like the rigidity of 8-to-5 work with an hour off for lunch, then so be it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COVERDELL. I yield 2 additional minutes to the Senator.

For those who want to keep the standard 40-hour workweek from the Depression, they can keep it that way. For those of us who are yearning to make the workplace more hospitable to our working people, for those of us who are concerned about family life and would like to have workers have a little more family time, we urge the labor unions to change sides on this.

I saw a couple of my friends from the labor unions outside in the hall and my first remark to them when I walked out was, "Why are you against the working women?" Of course, we had a lot of fun after that. But actually that is the issue.

This bill will help women more than anything else, to provide them with flexibility and no loss of pay. This flexibility can be used to make their lives better in the event they need family time off to take care of things other than work.

I believe the other side of the aisle needs to listen to what the American worker wants: flexibility. Ninety-one percent of working mothers support flexible work schedules.

Now, frankly, there are many other reasons we could discuss here on the floor. Until the public gets excited and worked up, and until women start writing the labor unions and asking them: What are you doing to us? Why don't you keep yourselves out of this issue? and, Why are you against this? things won't change. Until there is enough foment in society for more flexibility in the workplace, then reform will not occur.

Mr. COVERDELL. Mr. President, I thank the Senator from New Mexico for a really precise and very focused presentation on the nature of the volunteer provisions of this legislation and the safeguards that are built into the legislation to assure that it is indeed a voluntary opportunity for workers and their employers.

Just a moment ago, before the Senator from New Mexico arrived, I read this quote from Radcliffe Public Policy Institute, where this woman in her twenties says, "But the more you are working, the less time you have with your kids, so it's like you can't win." He makes a point that we are going to need a public furor out there because this is good, common sense. We are trying to make it so that this 20-year-old woman, whoever she is, can be in the workplace and can win, and can meet the needs and issues of her family. This article goes on to say that XYZ company—they don't name the company—is trying to figure out how to deal with this fact. You have this 30-year-old with two kids at home, who is not going to give you 16 hours a day, as they did when they were in their twenties. Yet, we still want to be globally competitive. I actually don't think we have a good answer. These people, the ones who have opted to have kids and work less, are getting hurt in their reviews.

See, the current work rules just don't meet the current requirements, and you can't make it so that one shoe fits everybody. It just doesn't. There are different pressures on the working mothers and fathers. That is why I have been so complimentary of the Senator from Missouri for coming forward with the family friendly workplace.

Mr. ASHCROFT. Will the Senator yield?

Mr. COVERDELL. I am glad to yield to the Senator.

Mr. ASHCROFT. I asked the Senator to yield for a question, which is, some who are opposed to this have indicated that this is a pay cut. Is it your understanding that when a person takes time and a half off with pay later instead of overtime pay, that that represents a pay cut? Or is that a way to have some time off the next week without taking a pay cut?

Mr. COVERDELL. As the Senator knows, there is nothing about this legislation that represents, in any way, a detriment to the worker, as in a pay cut or any other function of their work. The only thing that happens with the passage of this is that workers have more options and opportunities, and under no condition would it lead to a pay cut—none.

Mr. ASHCROFT. I wonder if the Senator from Georgia had the opportunity to see the USA Today lead editorial, which says, "Harried Workers Need Comp Time's Flexibility." I was kind of interested in the way they closed the editorial:

> A choice between time off and overtime is an option that can benefit employees and employers alike.

Their last words:

> Those who stand in the way deserve a permanent vacation.

I recommend this editorial to the Senator.

Mr. COVERDELL. I have not had a chance to read the editorial. But I say to the Senator from Missouri that in many discussions with individuals with whom I have not necessarily been philosophically together in the past, they think your legislation is correct—people of all persuasions. It is the kind of thing we ought to get into the workplace. If the Senator will yield, you and I are, at the moment, functioning on the time that the good Senator from Ohio has come to use. So if we might, I would like to yield up to 7 minutes to the Senator from Ohio, and then we might ask unanimous consent to get another minute or two.

Mr. ASHCROFT. I will be pleased to yield. I ask unanimous consent that the USA Today editorial entitled "Harried Workers Need Comp Time's Flexibility" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARRIED WORKERS NEED COMPTIME'S FLEXIBILITY

> *Our View: But unions are blocking flexible work rules favored by employees and employers alike*
>
> What works better for you? Pay for overtime or compensatory time off instead?
>
> Three quarters of workers say they want a choice. And they should have it.
>
> With workers spending an hour more on the job each week than they did 15 years ago and 60% of women working, many workers are stretched to their limits in meeting family needs. A survey by the independent Families and Work Institute found 40% of workers saying they don't have enough time for family chores; another third lack time for personal needs.
>
> The problem has some businesses scrambling for answers. Seven in 10 offer workers flexible starting and ending hours. Many have added a personal day off. Some are experimenting with "free days" that combine vacation, holiday and sick leave.
>
> And many say they would like to offer time off for overtime. But they can't, at least not to the 60 million full-time hourly employees who make up the bulk of the private workforce.
>
> Federal law bars the practice.
>
> The Fair Labor Standards Act mandates private hourly workers be paid 1.5 times their hourly wage for each hour over 40 worked in any seven-day period. No time off instead, even if the employee wants it.
>
> It's a ridiculous situation, made more ludicrous by fumbling over the issue in Congress. Both parties claim they want comptime, but labor union resistance is causing the Democrats to stall.
>
> Last week, the Senate couldn't agree even to allow a vote on a comptime measure. The bill, similar to one already passed by the House, would allow, but not require, employers to offer employees 1.5 hours of paid time off for every hour worked over 40 hours instead of paying overtime. Employees could bank up to 240 comptime hours a year. They could use them when they wanted as long as they provided reasonable notice and doing so wouldn't cause undue disruption to the business. Unused hours would be cashed at the end of the year. Employees also could negotiate agreements with employers for 80-hour, two-week schedules—45 hours one week, 35 the next, for example—without overtime.
>
> Any finding that employers coerced employees would lead to double pay, heavy fines and potential jail time.
>
> Democrats say that's not good enough. They argue employers will still coerce workers. But the real source of their opposition lies elsewhere. Labor unions don't want comptime except through negotiations with unions. And unions contributed $30 million to Democratic campaigns last year.
>
> Without labor opposition, most differences over comptime could be solved.
>
> A choice between time off and overtime is an option that can benefit employees and employers alike. Those who stand in the way deserve a permanent vacation.

Mr. DEWINE. Mr. President, I thank my colleague from Georgia for his eloquent statement and comments about the need for S. 4. I also thank my friend and colleague from Missouri for the great work he has been doing to bring not only to the attention of the Senate but to the American people exactly what is at stake in regard to this bill.

Mr. President, I am proud, again, to be on the floor to speak in favor of the Family Friendly Workplace Act. This bill is a truly necessary and forward-looking response to the major changes that have already taken place in the U.S. work force in the last few years.

Mr. President, today's working men and working women feel battered between the conflicting demands of work and family. They feel there has to be a better way. I think they are right.

Mr. President, the bill we are here to talk about on the floor today represents that better way—a better way for workers to balance the needs of family and the needs of the workplace. This bill gives working people the flexibility that they know would make a huge difference for the better in their lives.

Mr. President, according to a survey conducted by the U.S. Department of Labor Women's Bureau, the top concern of working women is flexible scheduling in the workplace—flexible scheduling, which will allow them to balance their responsibilities at work with the needs of their children and the needs of their spouses. A stunning 66 percent of working women with children reported that their primary concern was the difficulty that they were having in balancing work and family.

According to another recent poll conducted, 88 percent of all workers want more flexibility, either through scheduling flexibility or choice of compensatory time in lieu of traditional overtime pay. In that same poll, Mr. President, 75 percent—three-fourths—favored a change in the law that would permit hourly workers such a choice.

These poll results tally with what most of us know intuitively, what we know from talking to our own constituents. As both the economy and American family life grow more and more complex, the men and women in America's work force want greater flexibility to be able to cope with all of these changes.

The legislation known as S. 4 would do that. It does not propose doing something untried, something unheard of, something never used before. On the contrary, this is not revolutionary. We have a history of its use in the public sector, and we have a history of its use among employers who are not hourly but are salaried employees. All this bill does is give workers and their employers in the private sector the same kind of workplace flexibility that their counterparts have had for years in the public sector.

Mr. President, I don't think it is outrageous to say that workers in the private sector should have the benefit of the same kind of flexibility Government workers have today. In fact, all it is is a fair shake. It is only equity and equality; it is only fairness.

Mr. President, American society has changed a great deal over the last few decades. The stereotypical role of management and labor, male and female workers, simply does not exist anymore today. In 1938, when the original underlying legislation was passed, less than 16 percent of married women worked outside of the home. Today, more than 60 percent of married women work outside of the home. And 75 percent of mothers with school age children work outside the home today.

The world has gone around many times in those years and the world has changed. The American society has changed. The squeeze on these workers, between family and job, is so great that workers themselves believe that action is absolutely imperative. That is why we are trying to change the outdated Fair Labor Standards Act. Mr. President, this would be a real, positive and necessary change for real American working families.

A few weeks ago, I was on the floor and I talked about the Morris family, an Ohio family. Clayton Morris, a father and a husband, is a public employee. That means he has the option of choosing compensatory time over traditional monetary overtime pay. He is free to spend important extra time, because of this, with his 2½-year-old son, Domenic.

However, Clayton's wife Ann is a sales assistant for a Cleveland area business form company. That means she can't take time off to be with Domenic in lieu of overtime pay. The Federal Government today prohibits her from doing that. Ann has said, "He"—referring to husband Clayton—"has the ability, if he works overtime, to store those hours. He can use the stored comptime to be at home where he is needed. However, when I need to be able to leave work, I end up having to take sick time or vacation time to do the very same thing. It would be really nice if I had a flexible schedule."

Mr. President, American workers and their employers want and are demanding this flexibility. Seemingly, countless studies and surveys have pointed out, time and time again, Americans' overwhelming need, desire, and support of a more flexible workplace schedule and the changes the Family Friendly Workplace Act would provide.

Mr. President, if you look at a family like the Morrises, you can see one major reason for the broad public support for this bill. People in the private sector see their friends and family members who are in the public sector; they see how much this type of flexibility helps them and helps their families. They see it and know it works.

Mr. President, I regret that thus far in the U.S. Senate, some Members of the Senate have chosen to stand in the way of the perfectly legitimate desire on the part of American workers and employers for a truly flexible, family-friendly workplace.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the time under our control be extended by 10 minutes. We checked with the other side, and I believe they are in concurrence. This is so that the Senator might finish his remarks and appropriately not have to rush. Then we may be rejoined by the Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. DEWINE. In conclusion, Mr. President, let me stress that it is not too late for this Senate to work toward an intelligent bipartisan resolution of this issue.

I say to my friends: Let's put politics aside. Let's try to see how far we can move toward giving America's workers what they want, what they need, and what they deserve. This is one case where thus far the American people are far ahead of this Congress—far ahead of this Congress in the very real sense that they know this law needs to be changed. They know that we need to have this flexibility. They not only want it. They are demanding it.

I am confident that in the days ahead and weeks ahead we will be able to bring about this change that the American workers—people who work by the hour, who are out there every day trying to make a difference, every day who are trying to balance their family obligations with their obligations in the workplace—need. They need this type flexibility that S. 4 will give them.

I again commend my colleague from Georgia for the great work that he has done on this bill, and my colleague from Missouri for bringing this matter to the floor.

I thank the Chair and I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Ohio. I hope that the family that he alluded to in the term of his career will find the relief we are so avidly pursuing here.

I have been reading—the Senator wasn't present through all of it—from the Radcliffe Public Policy Institute, the great article that talks about the rigors and stress in the workplace. And it says, "Effects of Economic Changes on Families and Children." It is a short article. I hope everybody gets a chance to read it.

It says that because mothers assume more of the caretaking responsibilities for children, the elderly, and frail, the problems of integrating work and family responsibilities can disproportionately impact women, both professionally and personally, the very point that S. 4 is trying to correct, or at least help correct.

It says a major consequence of changes in the economy is that dependents do not spend as much time with the family members who are responsible for their welfare.

I mentioned earlier. You can see it in all the data about family and children: school scores, the violence, the drugs, and a host of related problems.

> Relationships among all family members suffer, and in some cases affect both family stability and workplace performance. The total time parents spend with their children has diminished by about one-third in the last 30 years.

In the face of that, the rules that govern the workplace have stayed virtually static. Here we have a situation where children receive a third less attention. Of course, SAT scores have plummeted, teenage violence has soared, and the Congress has not stepped forward to modernize that workplace.

I thank the Senator from Ohio. We have just been joined by the primary author and sponsor of the Family Friendly Workplace Act. He has done a remarkable job in explaining the necessity of this to America.

I am going to yield the remainder of my time, which is about 5 minutes, to the bill's primary sponsor, Senator ASHCROFT of Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President.

Let me take this moment to express my appreciation and give my thanks to the Senator from Georgia, the Senator from Ohio, the Senator from New Mexico, the Senator from Wyoming, and others who have spoken eloquently in behalf of American workers.

It is easy to say, Well, we are talking about a bill here, a bill before the U.S. Senate. But the truth of the matter is that we are talking about people. We are taking about people and families. We are talking about the fact that people in single-parent homes—obviously 100 percent of the parents—have to be at work. And in multiple-parent homes, two-parent families, the cost of doing business and taxes have really literally driven the second parent into the workplace, and they need to have time. People feel the financial stress, and they feel the family stress.

All that we really have offered by the administration is that we would give people family and medical leave, which is a way to say that you can have time off without pay if you need to spend time with your family. If you give people time off without pay, that increases the financial stress that they went to work to resolve.

I have found in my own family that every time I had to take a kid to the doctor that was not when I needed less pay. That was when I needed my full paycheck, because when you had those emergencies there is all of the little dollar costs of those emergencies.

So I really believe that this opportunity we present to let people sort of develop a bank of time off so that they can take time off with pay later on is very important.

The comptime part of this bill—which is to say that, if you are asked to work overtime, you can say instead of having time-and-a-half-time overtime pay I would like to have an hour and a half with pay off later on for each hour that I work in overtime. Time off with pay instead of just taking pay as time for the overtime is a way for people to meet these needs.

It only though goes to people who normally get overtime. What you really find out is that of about close to 60 million workers who work by the hour in America only about a third of them ever get any overtime at all. Most companies say, "Well, we just can't afford to be paying 150 percent of our labor costs. So we don't provide for any overtime."

So, if all we did was to address the comptime parts of the labor force, which is the way you can get time and a half off for working an hour of overtime, time and a half off with pay, we would find ourselves limited from a quarter to a third of the work force that we were helping.

The last time I checked, whether or not your company does overtime, or whether or not you normally get overtime, your kid still gets sick, your kids still get awards, your kids still go to soccer games, and they still need their parents. But, if we just deal with the narrow quadrant of the culture that gets overtime, we are going to ignore two-thirds to three-quarters of the culture, and we really need to do more than that.

It is important for us to then have what we provided for every Federal employee, and that is the option for flextime. Flextime is the way to schedule work in advance, to work an extra hour in one period so you can take an hour off with pay in another period, or the most popular program for Federal workers. This started in the 1970's.

So there is not a big problem to work 45 hours 1 week in return for only having worked 35 hours in the next week, and that really results in people taking every other Friday off. Since Friday is a working day, you can do the motor vehicle license stuff, or you can go to the doctors. It is the ability for people to spend time with their families.

One other point needs to be mentioned, especially in light of the remarks of the Senator from New Mexico about serving working women. Overtime work in this country is concentrated among men. Hourly workers are just about split evenly between women and men. But overtime work is 2-to-1 in favor of men. So for every woman that gets an overtime hour men get two overtime hours.

So, if we are really going to try to relieve pressure on working women, we do less for women in this bill if we just do the comptime, and if we do not get to the flextime part of the bill.

I think it couldn't be said more clearly than in USA Today, the lead editorial, "Harried workers need comptime flexibility but unions blocking flexible work rules are favored by employees and employers alike."

That is the black letterhead line sort of stuff.

I already submitted this for the Record. It says those who stand in the way deserve a permanent vacation. I don't know that we want to put them on vacation but send them home.

The point is we really need to find ways to help workers. This is the way to help people have more time with their families without taking a pay cut and to help people plan. The more pressing the responsibilities are the more valuable planning is.

It is against the law right now to plan with your employer to work an extra hour this week and take that hour off with pay next week. We shouldn't make it against the law for people to do reasonable things like that. It is against the law right now for your employer to say, "Instead of paying you time and a half time off, I am giving you time and a half off with pay down the road." It is against the law.

The Government shouldn't be about the business of making reasonable agreements like that against the law.

The editors of USA Today have made it clear that they agree that this is something that needs to happen, and that labor unions and their lobbyists here in Washington shouldn't stand between the American people in this capacity to serve their families.

It is with that in mind that we should continue to work toward the enactment of the Family Friendly Workplace Act.

I yield the floor.

The PRESIDING OFFICER. All time granted to the Senator from Georgia has now expired.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF DRAFT LEGISLATION ENTITLED "THE CLONING PROHIBITION ACT OF 1997"—MESSAGE FROM THE PRESIDENT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit today for immediate consideration and prompt enactment the "Cloning Prohibition Act of 1997." This legislative proposal would prohibit any attempt to create a human being using somatic cell nuclear transfer technology, the method that was used to create Dolly the sheep. This proposal will also provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings.

Following the February report that a sheep had been successfully cloned using a new technique, I requested my National Bioethics Advisory Commission to examine the ethical and legal implications of applying the same cloning technology to human beings. The Commission concluded that at this time "it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning" and recommended that Federal legislation be enacted to prohibit such activities. I agree with the Commission's conclusion and am transmitting this legislative proposal to implement its recommendation.

Various forms of cloning technology have been used for decades resulting in important biomedical and agricultural advances. Genes, cells, tissues, and even whole plants and animals have been cloned to develop new therapies for treating such disorders as cancer, diabetes, and cystic fibrosis. Cloning technology also holds promise for producing replacement skin, cartilage, or bone tissue for burn or accident victims, and nerve tissue to treat spinal cord injury. Therefore, nothing in the "Cloning Prohibition Act of 1997" restricts activities in other areas of biomedical and agricultural research that involve: (1) the use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or (2) the use of somatic cell nuclear transfer techniques to create animals.

The Commission recommended that such legislation provide for further review of the state of somatic cell nuclear transfer technology and the ethical and social issues attendant to its potential use to create human beings. My legislative proposal would implement this recommendation and assign responsibility for the review, to be completed in the fifth year after passage of the legislation, to the National Bioethics Advisory Commission.

I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1997.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:30 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES READ THE FIRST TIME

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first time:

H.R. 908. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

H.R. 1000. An act to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2085. A communication from the Acting Assistant Attorney General of the Department of Justice, transmitting, pursuant to law, a report of a rule entitled "Revision of Regulations Governing the Remission or Mitigation of Civil and Criminal Forfeitures," (RIN1105–AA23) received on June 2, 1997; to the Committee on the Judiciary.

EC–2086. A communication from the General Counsel of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of a rule entitled "Release of Official Information, and Testimony by OMB Personnel as Witnesses, In Litigation," received on May 22, 1997; to the Committee on Governmental Affairs.

EC–2087. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "Career Preparation Education Reform Act of 1997"; to the Committee on Labor and Human Resources.

EC–2088. A communication from the Acting Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Quality Control Provisions of the Mickey Leland Childhood Hunger Relief Act," received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2089. A communication from the Chairman of the Nuclear Regulatory Commisssion, transmitting, pursuant to law, the report of a major rule relative to licensing, inspection, and annual fees charged to its applicants and licensees, (RIN3150–AF55) received on May 22, 1997; to the Committee on Environment and Public Works.

EC–2090. A communication from the Administrator of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "NHTSA Plan for Achieving Harmonization of the U.S. and European Side Impact Standards"; to the Committee on Appropriations.

EC–2091. A communication from the Legislative Counsel of the Office of the Congressional and Legislative Affairs, Department of the Interior, transmitting, pursuant to law, a draft of proposed legislation to make corrections to the Omnibus Parks and Public Lands Management Act of 1996, received on June 4, 1997; to the Committee on Energy.

EC–2092. A communication from the Secretary of the Interior, Department of Interior, transmitting, a report relative to sustained agricultural production under irrigation; to the Committee on Energy and Natural Resources.

EC–2093. A communication from the Acting General Counsel of the Department of Energy, transmitting, pursuant to law, a rule that amends the Energy Policy and Conservation Act, (RIN1904–AA45) received on June 4, 1997; to the Committee on Energy and Natural Resources.

EC–2094. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Guidelines for Furnishing Sensori-neural Aids," (RIN2900–AI60) received on June 3, 1997; to the Committee on Veterans' Affairs.

EC–2095. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Scheduling for Rating Disabilities; Muscle Injuries," (RIN2900–AE89) received on June 3, 1997; to the Committee on Veterans' Affairs.

EC–2096. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–15; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs:

Special report entitled "Legislative and Oversight Activities During the 104th Congress by the Senate Committee on Veterans' Affairs" (Rept. 105–23).

By Mr. SHELBY, from the Select Committee on Intelligence, without amendment:

S. 858. An original bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 105–24).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 849. A bill to amend the Internal Revenue Code of 1986 to increase the unified estate and gift tax credit to exempt farms and small businesses from estate taxes, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. SMITH of New Hampshire, Mr. REID, and Mr. TORRICELLI):

S. 850. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr. CONRAD, Mr. WELLSTONE, Mr. JOHNSON, and Mr. DASCHLE):

S. 851. A bill entitled the Emergency Disaster Assistance Act; to the Committee on Appropriations.

By Mr. LOTT (for himself and Mr. FORD):

S. 852. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (by request):

S. 853. A bill to protect the financial interests of the Federal government through debt restructuring and subsidy reduction in connection with multifamily housing; to enhance the effectiveness of enforcement provisions relating to single family and multifamily housing (including amendments to the Bankruptcy code); to consolidate and reform the management of multifamily housing programs; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG (for himself, Mr. FORD, Mr. GRAHAM, and Mr. HAGEL):

S. 854. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital in the capital gains tax for assets held more than 2 years, and for other purposes; to the Committee on Finance.

By Mr. FAIRCLOTH (for himself, Mr. HAGEL, Mr. SHELBY, and Mr. HUTCHINSON):

S. 855. A bill to provide for greater responsiveness by Federal agencies in contracts with the public, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROBB:

S. 856. A bill to provide for the adjudication and payment of certain claims against the Government of Iraq; to the Committee on Foreign Relations.

By Mr. SARBANES:

S. 857. A bill for the relief of Roma Salobrit; to the Committee on the Judiciary.

By Mr. SHELBY:

S. 858. An original bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. KYL (for himself and Mr. GRAMM):

S. 859. A bill to repeal the increase in tax on social security benefits; to the Committee on Finance.

By Mr. HARKIN:

S. 860. A bill to protect and improve rural health care, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 861. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. JEFFORDS, Mr. HATCH, Mr. KERREY, Mr. THOMAS, Mr. ROBERTS, and Mr. HAGEL):

S. 862. A bill to amend title XVIII of the Social Security Act to change the payment system for health maintenance organizations and competitive medical plans; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 849. A bill to amend the Internal Revenue Code of 1986 to increase the unified estate and gift tax credit to exempt farms and small businesses from estate taxes, and for other purposes; to the Committee on Finance.

THE AMERICAN FARM HERITAGE AND SMALL BUSINESS PRESERVATION ACT

Mr. FAIRCLOTH. Mr. President, I rise to introduce the American Farm Heritage and Small Business Preservation Act, and I am joined by the senior Senator from North Carolina. The act excludes the first $1.5 million of estate and gift assets from taxation, and it carries an effective date of January 1, 1998.

The act will relieve the tax burden that befalls farmers and small businessmen upon the death of the proprietor. There is truth in the old axiom that farmers "live like paupers and die like kings," and, in fact, the IRS reports that farmers face estate taxes six times more often than other Americans.

There are numerous estate and gift tax relief bills in the congressional hopper. However, I favor a straightforward approach, and, rather than require some form of participation in the business operation for a fixed period of time—and thus permit the IRS to establish nebulous and complicated regulations—the American Farm Heritage and Small Business Preservation Act proposes a simple $1.5 million exclusion for all estates.

The estate tax encourages the demise of the family farm and forces heirs to mortgage their agricultural heritage to the IRS. The estate tax is not a threat to just large farmers: some 20 percent of farms that report annual sales over $50,000 will trigger inheritance taxes. Indeed, the nature of a farm operation—75 percent of farm assets are nonliquid—complicates the difficulties inherent in the payment of estate taxes for farm families, and the financial structure of a farm thus further contributes to this erosion of our agricultural heritage. The average annual return on farm assets is just 4 percent, and the addition of mortgage obligations reduces the return to a mere 0.5 percent, so it is almost impossible for the next generation to continue to farm the family land.

As metropolitan areas continue to grow and encroach upon the farms that sit outside these areas, the value of the farms increases, and it drives up the estate tax burden. This pattern forces heirs to sell the farmland to developers rather than continue their agricultural heritage. Further, the Agriculture Department estimates that 500,000 farmers will retire over the next two decades. The failure of the Congress to reduce the impact of estate taxes thus threatens the continued operation of almost one-quarter of the farms in the United States.

I am thus committed to estate tax relief for American families. The IRS is a tax collection agency, not a board of directors, and Washington does not deserve a windfall from every funeral.

By Mr. AKAKA (for himself, Mr. SMITH of New Hampshire, Mr. REID, and Mr. TORRICELLI):

S. 850. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

THE DOWNED ANIMAL PROTECTION ACT OF 1997

• Mr. AKAKA. Mr. President, today I am introducing the Downed Animal Protection Act, a bill to eliminate inhumane and improper treatment of downed animals at stockyards. Senators SMITH, REID, and TORRICELLI have joined me in sponsoring this bill. The legislation prohibits the sale or transfer of downed animals unless they have been humanely euthanized.

Downed animals are severely distressed recumbent animals that are so sick they cannot rise or move on their own. Once an animal becomes immobile and cannot stand, it must lie where it falls, often without receiving basic assistance. Downed animals that survive the stockyard are slaughtered for human consumption.

These animals are extremely difficult, if not impossible, to handle humanely. They have very demanding needs, and must be fed and watered individually. The suffering of downed animals is so severe that the only humane solution is immediate euthanasia.

Mr. President, the bill I have introduced requires that these hopelessly sick and injured animals be euthanized by humane methods that rapidly and effectively render animals insensitive to pain. Humane euthanasia of downed animals will limit animal suffering and will encourage the livestock industry to concentrate on improved management and handling practices to avoid this problem in the first place.

Downed animals comprise a tiny fraction, less than one-tenth of 1 percent, of animals at stockyards. Banning their sale or transfer would cause no economic hardship. The Downed Animal Protection Act will prompt stockyards to refuse crippled and distressed animals and will make the prevention of downed animals a priority for the livestock industry. The bill will reinforce the industry's commitment to humane handling of animals.

The downed animal problem has been addressed by major livestock organizations such as the United Stockyards Corp., the Minnesota Livestock Marketing Association, the National Pork Producers Council, the Colorado Cattlemen's Association, and the Independent Cattlemen's Association of Texas. All these organizations have taken strong stands against improper treatment of animals by adopting "nodowner" policies. I want to commend these and other organizations, as well as responsible and conscientious livestock producers throughout the country, for their efforts to end an appalling problem that erodes consumer confidence.

Despite a strong consensus within industry, the animal welfare movement, consumers, and Government that downed animals should not be sent to stockyards, this sad problem continues, causing animal suffering and an erosion of confidence in the industry.

Mr. President, this legislation will complement industry efforts to address this problem by encouraging better care of animals at farms and ranches. Animals with impaired mobility will receive better treatment in order to prevent them from becoming incapacitated. The bill will remove the incentive for sending downed animals to stockyards in the hope of receiving some salvage value for the animals and would encourage greater care during loading and transport. The bill will also discourage improper breeding practices that account for most downed animals.

My legislation would set a uniform national standard, thereby removing any unfair advantages that might result from differing standards throughout the industry. Furthermore, no additional bureaucracy will be needed as a consequence of my bill because inspectors of the Packers and Stockyards Administration regularly visit stockyards to enforce existing regulations.

Thus, the additional regulatory burden on the agency and stockyard operators will be insignificant.

I ask unanimous consent that a copy of the Downed Animal Protection Act be printed in the RECORD. I urge all of my colleagues to join in supporting this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Downed Animal Protection Act".

SEC. 2. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Title III of the Packers and Stockyards Act, 1921, is amended by inserting after section 317 (7 U.S.C. 217a) the following:

"SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

"(a) DEFINITIONS.—In this section:

"(1) HUMANELY EUTHANIZED.—The term 'humanely euthanized' means to kill an animal by mechanical, chemical, or other means that immediately render the animal unconscious, with this state remaining until the animal's death.

"(2) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any livestock that is unable to stand and walk unassisted.

"(b) UNLAWFUL PRACTICES.—It shall be unlawful for any stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out the amendment.●

By Mr. LOTT (for himself and Mr. FORD):

S. 852. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; to the Committee on Commerce, Science, and Transportation.

NATIONAL MOTOR VEHICLE SAFETY, ANTI-THEFT, TITLE REFORM, AND CONSUMER PROTECTION ACT OF 1997

Mr. LOTT. Mr. President, today I am here to talk to my colleagues about used cars. No, not to sell you one, but more importantly, to protect Americans who buy used cars. I am joined by my friend and colleague Senator FORD in introducing legislation which will require that the title of a vehicle, at the time of resale, indicate that it has been significantly damaged. This bill is about safety. This bill is about consumer protection.

We believe America's policy must protect used car consumers from unknowingly purchasing automobiles which have been totaled and rebuilt, but sold as undamaged vehicles. Often these vehicles have serious safety problems. We want you to join us in helping to protect the public. In the last Congress, I worked with Senator Exon to advance similar legislation. We need to complete the job this Congress.

According to the U.S. Department of Transportation's automobile auction figures, the practice of selling rebuilt salvage vehicles as undamaged used cars costs consumers and the auto industry nearly $4 billion annually. In some States, as many as 70 percent of all totaled vehicles may return to the roads after being purchased by unsuspecting buyers. This is dangerous to everyone on America's highways.

While most States require some type of disclosure on the title indicating a vehicle's history, the requirements vary from State to State. Some rebuilders take advantage of these inconsistencies in State titling procedures to obtain clean titles that bear no indication of previous vehicle damage. Not only does this type of fraud affect the consumer's wallet, it also threatens the consumer's safety.

Several years ago, Congress established a Federal task force to study this issue. This consumer friendly bill stems from the recommendations of that task force.

Our bill requires that any vehicle with damage exceeding 75 percent of its preaccident value be designated as a salvage vehicle. If the salvage vehicle is rebuilt and placed back on the road, the title to the vehicle must be branded as a rebuilt salvage vehicle and it must have an inspection to assure that stolen parts were not used in the repair. In addition, all rebuilt salvage vehicles must have a decal permanently affixed to the driver's side door jamb indicating that the vehicle has been rebuilt. It will also specify whether the vehicle has passed an approved safety inspection.

Mr. President, the number of victims in the rebuilt salvage vehicle industry is growing, and it must be stopped. We need to establish policies to stop these illegal practices and protect American drivers. Along with Mr. FORD, I urge you to join us as a cosponsor of this common sense legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Motor Vehicle Safety, Anti-theft, Title Reform, and Consumer Protection Act of 1997".

SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Subtitle VI of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 333—AUTOMOBILE SAFETY, ANTI-THEFT, AND TITLE DISCLOSURE REQUIREMENTS

"Sec.
"33301. Definitions.
"33302. Passenger motor vehicle titling.
"33303. Label requirement.
"33304. Petition for extensions of time.
"33305. Effect on State law.
"33306. Civil and criminal penalties.

"§ 33301. Definitions

"For the purposes of this chapter the following definitions and requirements shall apply:

"(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a motor vehicle as defined in section 32101(7) that is rated by the manufacturer at not more than 10,000 pounds gross vehicle weight and that is either—

"(A) a passenger motor vehicle as defined in section 32101(10), including a multipurpose passenger vehicle as defined in section 32101(9); or

"(B) a truck (other than a truck referred to in section 32101(10)(B)).

"(2) SALVAGE VEHICLE.—

"(A) IN GENERAL.—Subjet to subparagraph (E), the term 'salvage vehicle' means any passenger motor vehicle that has been wrecked, destroyed, or damaged to the extent that—

"(i) if the vehicle is not rebuilt or reconstructed, the total estimated cost; or

"(ii) if the vehicle is rebuilt or reconstructed, the total actual cost

of parts and labor to rebuild or reconstruct the passenger motor vehicle to its preaccident condition for legal operation on the roads or highways exceeds 75 percent of the retail value of the passenger motor vehicle, immediately before it was wrecked, damaged, or destroyed, as set forth in the most recent edition of any nationally recognized compilation (including automated databases) of current retail values that is approved by the Secretary.

"(B) VEHICLES EXCLUDED.—Such term does not include any passenger motor vehicle that—

"(i) has a model year designation of the year in which the vehicle was wrecked, destroyed, or damaged, or one of the 6 immediately preceding model years; or

"(ii) had a retail value, immediately before it was wrecked, destroyed, or damaged, of more than $10,000.

Beginning with the second calendar year beginning after the date of enactment of the National Motor Vehicle Safety, Anti-theft, Title Reform, and Consumer Protection Act of 1997, the Secretary shall adjust the dollar figure in clause (ii) of this subparagraph to reflect the change, if any, in the average consumer price index for the preceding year from the average consumer price index for 1997.

"(C) DETERMINATION OF VALUE OF REPAIR PARTS.—For purposes of subparagraph (A), the value of repair parts shall be determined by using—

"(i) the published retail cost of the original equipment manufacturer parts; or

"(ii) the actual retail cost of the repair parts to be used in the repair.

"(D) DETERMINATION OF LABOR COSTS.—For purposes of subparagraph (A), the labor cost of repairs shall be computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community in which the repairs are performed.

"(E) CERTAIN VEHICLES INCLUDED.—The term 'salvage vehicle' includes, without regard to whether the passenger motor vehicle meets the 75 percent threshold specified in subparagraph (A)—

"(i) any passenger motor vehicle with respect to which an insurance company acquires ownership under a damage settlement (except for a settlement in connection with a recovered theft vehicle that did not sustain a sufficient degree of damage to meet the 75 percent threshold specified in subparagraph (A)); or

"(ii) any passenger motor vehicle that an owner may wish to designate as a salvage vehicle by obtaining a salvage title, without regard to the extent of the damage and repairs.

"(F) SPECIAL RULE.—A designation of a passenger motor vehicle by an owner under subparagraph (E)(ii) shall not impose any obligation on—

"(i) the insurer of the passenger motor vehicle; or

"(ii) an insurer processing a claim made by or on behalf of the owner of the passenger motor vehicle.

"(3) SALVAGE TITLE.—

"(A) IN GENERAL.—The term 'salvage title' means a passenger motor vehicle ownership document issued by a State to the owner of a salvage vehicle.

"(B) TRANSFER OF OWNERSHIP.—Ownership of a salvage vehicle may be transferred on a salvage title.

"(C) PROHIBITION.—The salvage vehicle may not be registered for use on the roads or highways unless the salvage vehicle has been issued a rebuilt salvage title.

"(D) REQUIREMENT FOR A SALVAGE TITLE.—A salvage title shall be conspicuously labeled with the word 'salvage' across the front of the document.

"(4) REBUILT SALVAGE VEHICLE.—The term 'rebuilt salvage vehicle' means—

"(A) For passenger motor vehicles subject to a safety inspection in a State that requires such an inspection under section 33302(b)(2)(H), any passenger motor vehicle that has—

"(i) been issued previously a salvage title;

"(ii) passed applicable State antitheft inspection;

"(iii) been issued a certificate indicating that the passenger motor vehicle has—

"(I) passed the antitheft inspection referred to in clause (ii); and

"(II) been issued a certificate indicating that the passenger motor vehicle has passed a required safety inspection under section 33302(b)(2)(H); and

"(iv) affixed to the door jamb adjacent to the driver's seat a decal stating 'Rebuilt Salvage Vehicle—Antitheft and Safety Inspections Passed'; or

"(B) for passenger motor vehicles in a State other than a State referred to in subparagraph (A), any passenger motor vehicle that has—

"(i) been issued previously a salvage title;

"(ii) passed an applicable State antitheft inspection;

"(iii) been issued a certificate indicating that the passenger motor vehicle has passed the required antitheft inspection referred to in clause (ii); and

"(iv) affixed to the door jamb adjacent to the driver's seat, a decal stating 'Rebuilt Salvage Vehicle—Antitheft Inspection Passed/No Safety Inspection Pursuant to National Criteria'.

"(5) REBUILT SALVAGE TITLE.—

"(A) IN GENERAL.—The term 'rebuilt salvage title' means the passenger motor vehicle ownership document issued by a State to the owner of a rebuilt salvage vehicle.

"(B) TRANSFER OF OWNERSHIP.—Ownership of a rebuilt salvage vehicle may be transferred on a rebuilt salvage title.

"(C) REGISTRATION FOR USE.—A passenger motor vehicle for which a rebuilt salvage title has been issued may be registered for use on the roads and highways.

"(D) REQUIREMENT FOR A REBUILT SALVAGE TITLE.—A rebuilt salvage title shall be conspicuously labeled, either with 'rebuilt salvage vehicle—antitheft and safety inspections passed' or 'rebuilt salvage vehicle—antitheft inspection passed/no safety inspection pursuant to national criteria', as appropriate, across the front of the document.

"(6) NONREPAIRABLE VEHICLE.—

"(A) IN GENERAL.—The term 'nonrepairable vehicle' means any passenger motor vehicle that—

"(i)(I) is incapable of safe operation for use on roads or highways; and

"(II) has no resale value, except as a source of parts or scrap only; or

"(ii) the owner irreversibly designatges as a source of parts or scrap.

"(B) CERTIFICATE.—Each nonrepairable vehicle shall be issued a nonrepairable vehicle certificate.

"(7) NONREPAIRABLE VEHICLE CERTIFICATE.—

"(A) IN GENERAL.—The term 'nonrepairable vehicle certificate' means a passenger motor vehicle ownership document issued by the State to the owner of a nonrepairable vehicle.

"(B) TRANSFER OF OWNERSHIP.—Ownership of the passenger motor vehicle may be transferred not more than 2 times on a nonrepairable vehicle certificate.

"(C) PROHIBITION.—A nonrepairable vehicle that is issued a nonrepairable vehicle certificate may not be titled or registered for use on roads or highways at any time after the issuance of the certificate.

"(D) REQUIREMENT FOR NONREPAIRABLE VEHICLE CERTIFICATE.—A nonrepairable vehicle certificate shall be conspicuously labeled with the term 'nonrepairable' across the front of the document.

"(8) FLOOD VEHICLE.—

"(A) IN GENERAL.—The term 'flood vehicle' means any passenger motor vehicle that has been submerged in water to the point that rising water has reached over the door sill of the motor vehicle and has entered the passenger or truck compartment.

"(B) REQUIREMENT FOR DISCLOSURE.—Disclosure that a passenger motor vehicle has become a flood vehicle shall be made by the person transferring ownership at the time of transfer of ownership. After such transfer is completed, the certificate of title shall be conspicuously labeled with the term 'flood' across the front of the document.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"§ 33302. Passenger motor vehicle titling

"(a) CARRYFORWARD OF CERTAIN TITLE INFORMATION IF A PREVIOUS TITLE WAS NOT ISSUED IN ACCORDANCE WITH CERTAIN NATIONALLY UNIFORM STANDARDS.—

"(1) IN GENERAL.—If—

"(A) records that are readily accessible to a State indicate that a passenger motor vehicle with respect to which the ownership is transferred on or after the date that is 1 year after the date of enactment of the National Motor Vehicle Safety, Anti-theft, Title Reform, and Consumer Protection Act of 1997, has been issued previously a title that bore a term or symbol described in paragraph (2); and

"(B) the State licenses that vehicle for use, the State shall disclose that fact on a certificate of title issued by the State.

"(2) TERMS AND SYMBOLS.—

"(A) IN GENERAL.—A State shall be subject to the requirements of paragraph (1) with respect to the following terms on a title that has been issued previously to a passenger motor vehicle (or symbols indicating the meanings of those terms):

"(i) salvage.

"(ii) unrebuildable.

"(iii) parts only.

"(iv) scrap.

"(v) junk.

"(vi) nonrepairable.

"(vii) reconstructed.

"(viii) rebuilt.

"(ix) any other similar term, as determined by the Secretary.

"(B) FLOOD DAMAGE.—A State shall be subject to the requirements of paragraph (1) if a term or symbol on a title issued previously for a passenger vehicle indicates that the vehicle has been damaged by flood.

"(b) NATIONALLY UNIFORM TITLE STANDARDS AND CONTROL METHODS.—

"(1) IN GENERAL.—Not later than 18 months after the date of the enactment of the National Motor Vehicle Safety, Anti-theft, Title Reform, and Consumer Protection Act of 1997, the Secretary shall issue regulations that require each State that licenses passenger motor vehicles with respect to which the ownership is transferred on or after the date that is 2 years after the issuance of final regulations, to apply with respect to the issuance of the title for any such motor vehicle uniform standards, procedures, and methods for—

"(A) the issuance and control of that title; and

"(B) information to be contained on such title.

"(2) CONTENTS OF REGULATIONS.—The titling standards, control procedures, methods, and information covered under the regulations issued under this subsection shall include the following:

"(A) INDICATION OF STATUS.—Each State shall indicate on the face of a title or certificate for a passenger motor vehicle, as applicable, if the passenger motor vehicle is a salvage vehicle, a nonrepairable vehicle, a rebuilt salvage vehicle, or a flood vehicle.

"(B) SUBSEQUENT TITLES.—The information referred to in subparagraph (A) concerning the status of the passenger vehicle shall be conveyed on any subsequent title, including a duplicate or replacement title, for the passenger motor vehicle issued by the original titling State or any other State.

"(C) SECURITY STANDARDS.—The title documents, the certificates and decals required by section 33301(4), and the system for issuing those documents, certificates, and decals shall meet security standards that minimize opportunities for fraud.

"(D) IDENTIFYING INFORMATION.—Each certificate of title referred to in subparagraph (A) shall include the passenger motor vehicle make, model, body type, year, odometer disclosure, and vehicle identification number.

"(E) UNIFORM LAYOUT.—The title documents covered under the regulations shall maintain a uniform layout, that shall be established by the Secretary, in consultation with each State or an organization that represents States.

"(F) NONREPAIRABLE VEHICLES.—A passenger motor vehicle designated as nonrepairable—

"(i) shall be issued a nonrepairable vehicle certificate; and

"(ii) may not be retitled.

"(G) REBUILT SALVAGE TITLE.—No rebuilt salvage title may be issued to a salvage vehicle unless, after the salvage vehicle is repaired or rebuilt, the salvage vehicle complies with the requirements for a rebuilt salvage vehicle under section 33301(4).

"(H) INSPECTION PROGRAMS.—Each State inspection program shall be designed to comply with the requirements of this subparagraph and shall be subject to approval and periodic review by the Secretary. Each such inspection program shall include the following:

"(i) Each owner of a passenger motor vehicle that submits a vehicle for an antitheft inspection shall be required to provide—

"(I) a completed document identifying the damage that occurred to the vehicle before being repaired;

"(II) a list of replacement parts used to repair the vehicle;

"(III) proof of ownership of the replacement parts referred to in subclause (II) (as evidenced by bills of sales, invoices or, if such documents are not available, other proof of ownership for the replacement parts); and

"(IV) an affirmation by the owner that—

"(a) the information required to be submitted under this subparagraph is complete and accurate; and

"(b) to the knowledge of the declarant, no stolen parts were used during the rebuilding of the repaired vehicle.

"(ii) Any passenger motor vehicle or any major part or major replacement part required to be marked under this section that—

"(I) has a mark or vehicle identification number that has been illegally altered, defaced, or falsified; and

"(II) cannot be identified as having been legally obtained (through evidence described in clause (i)(III)),

shall be contraband and subject to seizure.

"(iii) To avoid confiscation of parts that have been legally rebuilt or remanufactured, the regulations issued under this subsection shall include procedures that the Secretary, in consultation with the Attorney General of the United States, shall establish—

"(I) for dealing with parts with a mark or vehicle identification number that is normally removed during remanufacturing or rebuilding practices that are considered acceptable by the automotive industry; and

"(II) deeming any part referred to in subclause (I) to meet the identification requirements under the regulations if the part bears a conspicuous mark of such type, and is applied in such manner, as may be determined by the Secretary to indicate that the part has been rebuilt or remanufactured.

"(iv) With respect to any vehicle part, the regulations issued under this subsection shall—

"(I) acknowledge that a mark or vehicle identification number on such part may be legally removed or altered, as provided under section 511 of title 18, United States Code; and

"(II) direct inspectors to adopt such procedures as may be necessary to prevent the seizure of a part from which the mark or vehicle identification number has been legally removed or altered.

"(v) The Secretary shall establish nationally uniform safety inspection criteria to be used in States that require such a safety inspection. A State may determine whether to conduct such safety inspection, contract with a third party, or permit self-inspection. Any inspection conducted under this clause shall be subject to criteria established by the Secretary. A State that requires a safety inspection under this clause may require the payment of a fee for such inspection or the processing of such inspection.

"(I) DUPLICATE TITLES.—No duplicate or replacement title may be issued by a State unless—

"(i) the term 'duplicate' is clearly marked on the face of the duplicate or replacement title; and

"(ii) the procedures issued are substantially consistent with the recommendation designated as recommendation 3 in the report issued on February 10, 1994, under section 140 of the Anti Car Theft Act of 1992 (15 U.S.C. 2041 note) by the task force established under such section.

"(J) TITLING AND CONTROL METHODS.—Each State shall employ the following titling and control methods:

"(i) If an insurance company is not involved in a damage settlement involving a salvage vehicle or a nonrepairable vehicle, the passenger motor vehicle owner shall be required to apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable, before the earlier of the date—

"(I) on which the passenger motor vehicle is repaired or the ownership of the passenger motor vehicle is transferred; or

"(II) that is 30 days after the passenger motor vehicle is damaged.

"(ii) If an insurance company, under a damage settlement, acquires ownership of a passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall be required to apply for a salvage title or nonrepairable vehicle certificate not later than 15 days after the title to the motor vehicle is—

"(I) properly assigned by the owner to the insurance company; and

"(II) delivered to the insurance company with all liens released.

"(iii) If an insurance company does not assume ownership of an insured person's or claimant's passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall, as required by the applicable State—

"(I) notify—

"(I) the owner of the owner's obligation to apply for a salvage title or nonrepairable vehicle certificate for the passenger motor vehicle; and

"(II) the State passenger motor vehicle titling office that a salvage title or nonrepairable vehicle certificate should be issued for the vehicle.

"(iv) If a leased passenger motor vehicle incurs damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the lessor shall be required to apply for a salvage title or nonrepairable vehicle certificate not later than 21 days after being notified by the lessee that the vehicle has been so damaged, except in any case in which an insurance company, under a damage settlement, acquires ownership of the vehicle. The lessee of such vehicle shall be required to inform the lessor that the leased vehicle has been so damaged not later than 30 days after the occurrence of the damage.

"(v)(I) any person who requires ownership of a damaged passenger motor vehicle that meets the definition of a salvage or nonrepairable vehicle for which a salvage title or nonrepairable vehicle certificate has not been issued, shall be required to apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable.

"(II) An application under subclause (I) shall be made the earlier of—

"(a) the date on which the vehicle is further transferred; or

"(b) 30 days after ownership is acquired.

"(III) The requirements of this clause shall not apply to any scrap metal processor that—

"(a) acquires a passenger motor vehicle for the sole purpose of processing the motor vehicle into prepared grades of scrap; and

"(b) carries out that processing.

"(vi) State records shall note when a nonrepairable vehicle certificate is issued. No State shall issue a nonrepairable vehicle certificate after 2 transfers of ownership in violation of section 33301(b)(7)(B).

"(vii)(I) In any case in which a passenger motor vehicle has been flattened, baled, or shredded, whichever occurs first, the title or nonrepairable vehicle certificate for the vehicle shall be surrendered to the State not later than 30 days after that occurrence.

"(II) If the second transferee on a nonrepairable vehicle certificate is unequipped to flatten, bale, or shred the vehicle, such transferee shall be required, at the time of final disposal of the vehicle, to use the services of a professional automotive recycler or professional scrap processor. That recycler or reprocessor shall have the authority to—

"(a) flatten, bale, or shred the vehicle; and

"(b) effect the surrender of the nonrepairable vehicle certificate to the State on behalf of the second transferee.

"(III) State records shall be updated to indicate the destruction of a vehicle under this clause and no further ownership transactions for the vehicle shall be permitted after the vehicle is so destroyed.

"(IV) If different from the State of origin of the title or nonrepairable vehicle certificate, the State of surrender shall notify the State of origin of the surrender of the title or nonrepairable vehicle certificate and of the destruction of such vehicle.

"(viii)(I) In any case in which a salvage title is issued, the State records shall note that issuance. No State may permit the retitling for registration purposes or issuance of a rebuilt salvage title for a passenger motor vehicle with a salvage title without a certificate of inspection that—

"(a) complies with the security and guideline standards established by the Secretary under subparagraphs (C) and (G), as applicable; and

"(b) indicates that the vehicle has passed the inspections required by the State under subparagraph (H).

"(II) Nothing is this clause shall preclude the issuance of a new salvage title for a salvage vehicle after a transfer of ownership.

"(ix) After a passenger motor vehicle titled with a salvage title has passed the inspections required by the State, the inspection official shall—

"(I) affix a secure decal required under section 33301(4) (that meets permanency requirements that the Secretary shall establish by regulation) to the door jamb on the driver's side of the vehicle; and

"(II) issue to the owner of the vehicle a certificate indicating that the passenger motor vehicle has passed the inspections required by the State.

"(x)(I) The owner of a passenger motor vehicle titled with a salvage title may obtain a rebuilt salvage title and vehicle registration by presenting to the State the salvage title, properly assigned, if applicable, along with the certificate that the vehicle has passed the inspections required by the State.

"(II) If the owner of a rebuilt salvage vehicle submits the documentation referred to in subclause (I), the State shall issue upon the request of the owner a rebuilt salvage title and registration to the owner. When a rebuilt salvage title is issued, the State records shall so note.

"(K) Flood Vehicles.—

"(i) In General.—A seller of a passenger motor vehicle that becomes a flood vehicle shall, at or before the time of transfer of ownership, provide a written notice to the purchaser that the vehicle is a flood vehicle. At the time of the next title application for the vehicle—

"(I) the applicant shall disclose the flood status to the applicable State with the properly assigned title; and

"(II) the term 'flood' shall be conspicuously labeled across the front of the new title document.

"(ii) Leased Vehicles.—In the case of a leased passenger motor vehicle, the lessee, within 15 days after the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

"(c) Electronic Procedures.—A State may employ electronic procedures in lieu of paper documents in any case in which such electronic procedures provided levels of information, function, and security required by this section that are at least equivalent to the levels otherwise provided by paper documents.

"§ 33303. Label requirement

"(a) In General.—The Secretary shall by regulation require that a label be affixed to the windshield or window of a rebuilt or remanufactured salvage vehicle before its first sale at retail containing such information regarding that vehicle as the Secretary may require. The requirements prescribed by the Secretary under this subsection shall be similar to the requirements of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232). The label shall be affixed by the individual who conducts the applicable State antitheft inspection.

"(b) Removal, Alteration, or Illegibility of Required Label.—No person shall willfully remove, alter, or render illegible any label required by subsection (a) affixed to a rebuilt or remanufactured salvage vehicle before the vehicle is delivered to the actual custody and possession of the ultimate purchaser of the vehicle.

"§ 33304. Petition for extensions of time

"(a) In General.—Subject to subsection (b), if a State demonstrates to the satisfaction of the Secretary, a valid reason for needing an extension of a deadline for compliance with requirements under section 33302(a), the Secretary may extend, for a period determined by the Secretary, an otherwise applicable deadline with respect to that State.

"(b) Limitation.—No extension made under subsection (a) shall remain in effect on or after the applicable compliance date established under section 33302(b).

"§ 33305. Effect on State law

"(a) In General.—Beginning on the effective date of the regulations issued under section 33302, this chapter shall preempt any State law, to the extent that State law is inconsistent with this chapter or the regulations issued under this chapter that—

"(1) establish the form of the passenger motor vehicle title;

"(2)(A) define, in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle)—

"(i) any term defined in section 33301;

"(ii) the term 'salvage', 'junk', 'reconstructed', 'nonrepairable', 'unrebuildable', 'scrap', 'parts only', 'rebuilt', 'flood', or any other similar symbol or term; or

"(B) apply any of the terms referred to in subparagraph (A) to any passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle); or

"(3) establish titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle.

"(b) Additional Disclosures.—Additional disclosures of the title status or history of a motor vehicle, in addition to disclosures made concerning the applicability of terms defined in section 33301, may not be considered to be inconsistent with this chapter.

"(c) Disclosure of Safety Inspection.—Nothing in this chapter shall preclude a State from disclosing on a rebuilt salvage title that a rebuilt salvage vehicle has passed a State safety inspection that differed from the nationally uniform criteria promulgated under section 33302(b)(2)(H)(v).

"(d) State Enforcement.—Subsection (a) does not preclude a State from enforcing the provisions of this chapter by injunction or otherwise, or by establishing State civil or criminal penalties for violations of the provisions of this chapter.

"§ 33306. Civil and criminal penalties

"(a) Prohibited Acts.—It shall be unlawful for any person knowingly and willfully to—

"(1) make or cause to be made any false statement on an application for a title (or duplicate title) for a passenger motor vehicle;

"(2) fail to apply for a salvage title in any case in which such an application is required;

"(3) alter, forge, or counterfeit—

"(A) A certificate of title (or an assignment thereof);

"(B) a nonrepairable vehicle certificate;

"(C) a certificate verifying an antitheft inspection or an antitheft and safety inspection; or

"(D) a decal affixed to a passenger motor vehicle under section 33302(b)(2)(J)(ix);

"(4) falsify the results of, or provide false information in the course of, an inspection conducted under section 33302(b)(2)(H);

"(5) offer to sell any salvage vehicle or non-repairable vehicle as a rebuilt salvage vehicle; or

"(6) conspire to commit any act under paragraph (1), (2), (3), (4), or (5).

"(b) Civil Penalty.—Any person who commits an unlawful act under subsection (a) shall be subject to a civil penalty in an amount not to exceed $2,000.

"(c) Criminal Penalty.—Any person who knowingly commits an unlawful act under subsection (a) shall, upon conviction, be—

"(1) subject to a fine in an amount not to exceed $50,000;

"(2) imprisoned for a term not to exceed 3 years; or

"(3) subject to both fine under paragraph (1) and imprisonment under paragraph (2).".

(b) Conforming Amendment.—The analysis for subtitle VI of Title 49, United States Code, is amended by adding at the end the following new item:

"Automobile safety, antitheft. and title disclosure requirements 33301".

By Mr. D'AMATO (by request):

S. 853. A bill to protect the financial interests of the Federal Government through debt restructuring and subsidy reduction in connection with multifamily housing; to enhance the effectiveness of enforcement provisions relating to single family and multifamily housing (including amendments to the Bankruptcy Code); to consolidate and reform the management of multifamily housing programs; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOUSING 2020: MULTIFAMILY MANAGEMENT REFORM ACT

• Mr. D'AMATO. Mr. President, as chairman of the Committee on Banking, Housing, and Urban Affairs, I introduce the Housing 2020: Multifamiy Management Reform Act at the request of the Secretary of the Department of Housing and Urban Development [HUD], the Honorable Andrew M. Cuomo.

I am a cosponsor of separate legislation to reform HUD's multifamily housing inventory, the Multifamily Assisted Housing Reform and Affordability Act of 1997 (S. 513). While the Senate and the administration bills share the same objectives, some policy differences exist. Specifically, each bill takes a significantly different approach to the following key issues: project-basing versus tenant-basing; tax implications of debt restructuring; and use of third parties to administer the restructuring program.

I look forward to working with my colleagues in the Senate and Secretary Cuomo to resolve HUD's multifamily housing crisis as expeditiously as possible.•

By Mr. GREGG (for himself, Mr. Ford, Mr. Graham, and Mr. Hagel):

S. 854. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax for assets held more than 2 years, and for other purposes; to the Committee on Finance.

THE LONG-TERM INVESTMENT ACT OF 1997

Mr. GREGG. Mr. President, I introduce, with Senators Ford, Hagel, and Graham a sliding-scale capital gains proposal, the Long-Term Investment Act of 1997. Given the sobering demographics associated with the impending aging of the baby-boom generation, it is more important than ever that laws enacted by Congress promote long-term capital investment and savings by all Americans.

Central to this objective is a reduction in the current capital gains tax rate on long-term investments. A capital gains reduction was agreed to in principle in the budget agreement. We have a proposal that we believe embodies a fundamental change in tax policy at less cost. Over the next 10 years, S. 2 will cost $129 billion, while Gregg/Ford will cost $45 billion.

We have developed a plan that would encourage long-term investments through a sliding-scale capital gains rate reduction. The plan would encourage individuals to hold assets over a number of years, allowing no reduction in the current rate on assets held for less than 1 year, with increasingly larger deductions to a maximum 50 percent reduction for investments held more than 8 years.

This sliding-scale plan encourages investments that will benefit long-term savings and capital—such as providing for a child's education or retirement income. The bill also rewards the small business owner and entrepreneurs as it will allow for a significant reduction in capital gains taxation that benefits those individuals who invest in the economy through the creation of small businesses and jobs. By rewarding long-term investment in businesses and job creation and discouraging the quick fix that so often is associated with speculation on Wall Street, we will be placing our Tax Code and job base on a more solid ground.

The Gregg/Ford sliding-scale reduction on capital gains taxation hinges on balancing two important goals—the promotion of savings and long-term investment through a significant capital gains cut, while also recognizing our current fiscal restraints.

The recent budget agreement reached between the President and Congress calls for a net tax cut of $85 billion and a gross tax cut of $135 billion over 5 years. The details of how this tax package should be put together will be worked out by the appropriate committees in the House of Representatives and the Senate.

The Clinton administration has indicated that it is for a capital gains rate reduction, but not in favor of a rate that dips below 20 percent. I believe that this bill is a consensus building bill that both sides can and will agree upon in the not-too-distant future.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Long-Term Investment Incentive Act of 1997".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REDUCTION OF TAX ON LONG-TERM CAPITAL GAINS ON ASSETS HELD MORE THAN 2 YEARS.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by redesignating section 1202 as section 1203 and by inserting after section 1201 the following new section:

"SEC. 1202. CAPITAL GAINS DEDUCTION FOR ASSETS HELD BY NONCORPORATE TAXPAYERS MORE THAN 2 YEARS.

"(a) GENERAL RULE.—If a taxpayer other than a corporation has a net capital gain for any taxable year, there shall be allowed as a deduction an amount equal to the sum of the applicable percentages of the classes of net capital gain described in the table under subsection (b).

"(b) APPLICABLE PERCENTAGE.—For purposes of this subsection, the applicable percentage shall be the percentage determined in accordance with the following table:

"In the case of:	The applicable percentage is:
2-year gain	7.145
3-year gain	14.29
4-year gain	21.45
5-year gain	28.57
6-year gain	35.71
7-year gain	42.86
8-year gain	50.00.

"(c) GAIN TO WHICH DEDUCTION APPLIES.—For purposes of this section—

"(1) 2-YEAR GAIN.—The term '2-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the amount of long-term capital gain which would be computed for the taxable year if only gain from the sale or exchange of property held by the taxpayer for more than 2 years but not more than 3 years were taken into account.

"(2) 3-YEAR GAIN, ETC.—The terms '3-, 4-, 5-, 6-, or 7-year gain' mean the amounts determined under paragraph (1)—

"(A) by reducing the amount of the net capital gain under subparagraph (A) thereof by an amount equal to the long-term capital gain from the sale or exchange of property with a holding period less than the minimum holding period for any such category, and

"(B) by substituting 3, 4, 5, 6, or 7 years for 2 years and 4, 5, 6, 7, or 8 years for 3 years, respectively, in subparagraph (B) thereof.

"(3) 8-YEAR GAIN.—The term '8-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by in the same manner as under paragraph (2)(A), or

"(B) the amount of the long-term capital gain which would be computed for the taxable year if only gain from the sale or exchange of property held by the taxpayer for more than 8 years were taken into account.

"(d) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(e) COORDINATION WITH TREATMENT OF CAPITAL GAIN UNDER LIMITATION ON INVESTMENT INTEREST.—For purposes of this section, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii).

"(f) TREATMENT OF COLLECTIBLES.—

"(1) IN GENERAL.—Solely for purposes of this section, any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(2) TREATMENT OF CERTAIN SALES OF INTEREST IN PARTNERSHIP, ETC.—For purposes of paragraph (1), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(3) COLLECTIBLE.—For purposes of this subsection, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m) without regard to paragraph (3) thereof).

"(g) TRANSITIONAL RULE.—

"(1) IN GENERAL.—Gain may be taken into account under subsection (c) only if such gain is properly taken into account on or after May 7, 1997.

"(2) SPECIAL RULES FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying paragraph (1) with respect to any pass-thru entity, the determination of when gains and losses are properly taken into account shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund."

(b) DEDUCTION ALLOWABLE IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 is amended by inserting after paragraph (16) the following new paragraph:

"(17) LONG-TERM CAPITAL GAINS.—The deduction allowed by section 1202."

(c) MAXIMUM CAPITAL GAINS RATE.—Section 1(h) is amended by adding at the end the following new sentence: "For purposes of this subsection, taxable income shall be computed without regard to the deduction allowed under section 1202."

(d) TREATMENT OF CERTAIN PASS-THRU ENTITIES.—

(1) CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

(A) Subparagraph (B) of section 852(b)(3) is amended to read as follows:

"(B) TREATMENT OF CAPITAL GAIN DIVIDENDS BY SHAREHOLDERS.—A capital gain dividend shall be treated by the shareholders as gain from the sale or exchange of a capital asset held for more than 1 year but not more than 2 years; except that the portion of any such dividend designated by the company as allocable to 2-, 3-, 4-, 5-, 6-, 7-, or 8-year gain of the company shall be treated as gain from the sale or exchange of a capital asset held for the amount of years in such class for purposes of section 1202. Rules similar to the rules of subparagraph (C) shall apply to any designation under the preceding sentence."

(B) Clause (i) of section 852(b)(3)(D) is amended by adding at the end the following new sentence: "Rules similar to the rules of subparagraph (B) shall apply in determining character of the amount to be so included by any such shareholder."

(2) CAPITAL GAIN DIVIDENDS OF REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (B) of section 857(b)(3) is amended to read as follows:

"(B) TREATMENT OF CAPITAL GAIN DIVIDENDS BY SHAREHOLDERS.—A capital gain dividend shall be treated by the shareholders or holders of beneficial interests as gain from the sale or exchange of a capital asset held for more than 1 year but not more than 2 years; except that the portion of any such dividend designated by the company as allocable to 2-, 3-, 4-, 5-, 6-, 7-, or 8-year gain of the company shall be treated as gain from the sale or exchange of a capital asset held for the amount of years in such class for purposes of section 1202. Rules similar to the rules of subparagraph (C) shall apply to any designation under the preceding sentence."

(3) COMMON TRUST FUNDS.—Subsection (c) of section 584 is amended—

(A) by inserting "and not more than 2 years" after "1 year" each place it appears in paragraph (2),

(B) by striking "and" at the end of paragraph (2), and

(C) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following new paragraph:

"(3) as part of its gains from sales or exchanges of capital assets held for periods described in the classes of gains under section 1202(c), its proportionate share of the gains of the common trust fund from sales or exchanges of capital assets held for such periods, and".

(e) TECHNICAL AND CONFORMING CHANGES.—

(1) Subparagraph (B) of section 170(e)(1) is amended by inserting "(or, in the case of a taxpayer other than a corporation, the percentage of such gain equal to 100 percent minus the percentage applicable to such gain under section 1202(a))" after "the amount of gain".

(2) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the deduction under section 1202 and the exclusion under section 1203 shall not be allowed."

(3)(A) Section 221 (relating to cross reference) is amended to read as follows:

"SEC. 221. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 is amended by striking "reference" in the item relating to section 221 and inserting "references".

(4) The last sentence of section 453A(c)(3) is amended by striking all that follows "long-term capital gain," and inserting "the maximum rate on net capital gain under section 1(h) or 1201 or the deduction under section 1202 (whichever is appropriate) shall be taken into account."

(5) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 or any exclusion allowable to the estate or trust under section 1203(a). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(6) The last sentence of paragraph (3) of section 643(a) is amended to read as follows: "The deduction under section 1202 and the exclusion under section 1203 shall not be taken into account."

(7) Subparagraph (C) of section 643(a)(6) is amended by inserting "(i)" before "there shall" and by inserting before the period ", and (ii) the deduction under section 1202 (relating to capital gains deduction) shall not be taken into account".

(8) Paragraph (4) of section 691(c) is amended by striking "sections 1(h), 1201, and 1211" and inserting "sections 1(h), 1201, 1202, and 1211".

(9) The second sentence of section 871(a)(2) is amended by inserting "or 1203" after "1202".

(10) Subsection (d) of section 1044 is amended by striking "1202" and inserting "1203".

(11) Paragraph (1) of section 1402(i) is amended by inserting ", and the deduction provided by section 1202 shall not apply" before the period at the end thereof.

(f) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by inserting after the item relating to section 1201 the following new item:

"Sec. 1202. Capital gains deduction for assets held by noncorporate taxpayers more than 2 years."

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending on and after May 7, 1997.

(2) CONTRIBUTIONS.—The amendment made by subsection (e)(1) shall apply to contributions on or after May 7, 1997.

Mr. FORD. Madam President, we are all familiar with the parameters of the upcoming tax debate. The budget deal provides for $85 billion in net tax cuts over 5 years, and $250 billion in net tax cuts over 10 years.

Within those dollar limits, there's a strong desire to provide tax cuts in four areas: first, capital gains relief, second, estate tax relief, third, a $500-per-child tax credit, and fourth, education tax initiatives. But if you add up all the current proposals in each of these areas, you go way over the $250 billion mark set by the budget deal. Cheaper alternatives must be found.

I have had an interest for several years in providing capital gains relief for family farmers and small family businesses where the parents wish to pass along to their children the operation of the farm or the business.

Earlier this year, Senator GREGG and I each introduced capital gains tax reduction legislation which was based on a similar objective: The longer you have held an asset, the lower your capital gains rate will be. We call this the sliding scale capital gains tax reduction. Since then, we have gotten together, and produced a product which we believe combines the vest features of both of our bills. And we're introducing that legislation today.

The Ford-Gregg approach is a bipartisan compromise that will allow the tax cut package to move forward consistent with the budget deal.

The Ford-Gregg bill achieves the following objectives shared by all capital gains cut advocates:

First, it cuts the capital gains rate in half for individuals; second, it does not discriminate among types of assets; and third, it keeps things relatively simple.

In addition, the Ford-Gregg bill meets the following additional objectives:

First, it costs less than half as much as the major capital gains proposals; second, it rewards long-term investment over short-term speculation; and third, it's bipartisan.

Remember, the budget agreement calls for $250 billion in net tax cuts over 10 years. According to the Joint Tax Committee, the major capital gains proposal pending in the Senate (S. 2) would cost $129 billion over 10 years—eating up more than one-half of the net tax cut amount. On the other hand, the Joint Tax Committee estimates that the Ford-Gregg sliding scale proposal would cost only $45.2 billion over 10 years.

This is a better approach. It is a bipartisan approach. It's better public policy because it rewards long-term investment. It costs less than half as much. And it will make life a whole lot easier for the tax writing committees in the weeks ahead. And that is the message we will be delivering as the final tax package is being written.

By Mr. FAIRCLOTH (for himself, Mr. HAGEL, Mr. SHELBY, and Mr. HUTCHINSON):

S. 855. A bill to provide for greater responsiveness by Federal agencies in contracts with the public, and for other purposes; to the Committee on Governmental Affairs.

THE RESPONSIVE GOVERNMENT ACT

Mr. FAIRCLOTH. Mr. President, I rise to introduce the Responsive Government Act, and I am joined by the junior Senator from Nebraska, the senior Senator from Alabama, and the junior Senator from Arkansas.

The Responsive Government Act proposes six simple, but important, reforms to make the Federal work force more responsive to the American people and their concerns.

First, the Responsive Government Act will require all Federal agencies to include the telephone number of the writer on all official correspondence.

Too often, people receive letters from Federal agencies that have a return address, but no telephone number. In today's busy world, not everyone has time to write a letter to respond to the reams of mail from Federal bureaucrats.

Mr. President, there are few businesses that would send out a letter without a telephone number, and the Government should not be unaccountable to its customers.

The act also requires Federal offices to provide a person—not an automated computer system—to answer the main telephone number at service-oriented offices.

The Federal Government is here to serve the taxpayers. These Federal agencies should not greet taxpayers with a voice-mail system to screen their calls.

Mr. President, the taxpayers are entitled to a voice on the other end of the line to assist them, not a machine that tells them to leave a message.

The Responsive Government Act also requires Federal agencies to answer the telephones until 5 p.m. Too often, Mr. President, I hear constituents tell me that they just can't get Federal agencies to pick up the phone after 4. This just is not right. The Federal Government is too large, and, unfortunately, that means that citizens are forced into frequent contacts with Federal agencies. It should not be impossible to get in touch with Federal employees.

It should be as easy to get in touch with them as with businesses. The Act also requires Federal agencies to publish their principal telephone numbers in the local directories.

Of course, the blue pages list many Federal agencies, but not all of them. This is an important distinction. We need complete disclosure, Mr. President, and all agencies need to publish their numbers for the benefit of the public.

These agencies also need to attempt to locate service-oriented offices in areas with sufficient parking.

Too often, new agency offices are located in areas with limited public parking. There is often room for employee parking, but not for the public, and that cannot continue.

Finally, Mr. President, the Responsive Government Act requires all Federal agencies to remove computer games from all Federal Government computers.

These computers are for work, not fun, and the taxpayers are footing the bill for fun on the job.

The Federal Government spent close to $20 billion last year on computer equipment and support services. These systems increase productivity in most cases.

However, many of these computers are delivered already equipped with game programs, which reduce workers' efficiency and productivity.

This legislation will prohibit the Federal Government from purchasing computers with preloaded game programs.

These games, of course, decrease the productivity of Federal employees.

In fact, a private-sector survey found that workers spent an average of 5.1 hours per week playing games and other non-job-related tasks on their computers. This translates into an annual $10 billion loss in productivity.

Clearly, then, these games do not go unused.

In fact, many of these games now come equipped with a boss key.

This device lets the worker strike a single keystroke and transform the computer screen from the game to a false spreadsheet. The sole purpose of this device is to hide unproductive behavior from supervisors.

Mr. President, there is no reason for the Federal Government to buy computers with programs designed to divert employees' attention from their jobs.

This is a commonsense reform.

Governor George Allen of Virginia and former Labor Secretary Robert Reich ordered workers to delete these game programs. I commend them for their actions.

I ran for the Senate in 1992 because I wanted to bring some common sense—and private-sector experience—to Washington.

I want to see a Federal Government that is responsive to the citizens. This bill addresses practices that would ruin private-sector businesses.

There is no reason that Government should be less accountable to its customers.

Mr. HAGEL. Mr. President, I rise today in support of the Responsive Government Act. I am proud to be the principal cosponsor of this legislation, and I commend my colleague from North Carolina, Senator FAIRCLOTH, for his leadership in introducing this bill.

This bill would make Government agencies more responsive to the people who use their services. It is a narrow and targeted approach that addresses several of the most common complaints that Americans have about the service they receive from Government agencies.

This bill would make the Federal Government more user-friendly by requiring all Federal agencies to:

Include the telephone number of the author on all official correspondence so citizens know whom to contact and how to reach that person if there are questions;

Provide a person, not an automated system, to answer the main telephone number at service-oriented Federal agencies so citizens do not have to talk to a machine;

Ensure that telephones are answered until 5 p.m. so citizens can get assistance by phone during normal business hours;

Publish principal telephone numbers in the local directories so citizens can readily find how to reach the agency;

Attempt to locate service-oriented offices in areas with sufficient parking so citizens can come and go easily when doing business; and

Remove computer games from all Federal Government computers so Federal employees are not distracted from their jobs.

Mr. President, I ran for the U.S. Senate because I believe we need less Government. I also believe that we must make our Government better and more efficient. Federal agencies must always—always—be as user-friendly as possible for our citizens. Government agencies must always treat taxpayers with courtesy and respect.

This bill is a small but important step toward creating a service-oriented climate in the Federal Government. Americans deserve no less.

I urge my colleagues to support this legislation.

By Mr. ROBB:

S. 856. A bill to provide for the adjudication and payment of certain claims against the Government of Iraq; to the Committee on Foreign Relations.

THE IRAQI CLAIMS ACT OF 1997

Mr. ROBB. Mr. President, nearly 7 years ago President Bush invoked emergency economic sanctions against Iraq for its invasion of Kuwait. Freezing Iraqi financial assets made sense at the time because it prevented Saddam Hussein from funding his war campaign. Now, we need to take steps to unwind the sanctions regime to permit payment to United States businesses who sold products to Iraq but have never been paid.

Four years ago this month I introduced legislation—S. 1119, the Secured Payment Act of 1993—with 13 bipartisan cosponsors achieving that purpose. The bill clarified that certain moneys on deposit in United States banks belong to United States companies, not Iraq, and therefore should not be subject to the Iraqi assets freeze. Amendment language similar to S. 1119 was appended to the last State Department Authorization bill following a rollcall vote in the Foreign Relations Committee and approved by the full Senate. Unfortunately, the language was dropped in conference, leaving this matter unresolved.

The legislation I am introducing today represents a compromise on creating a settlement process for private preinvasion claims. The Iraq Claims Act of 1997 I believe takes a progressive step forward in disseminating the $1.2 billion in frozen assets.

First, it vests currently blocked assets in the President. Second, an Iraq Claims Fund will be created by the Treasury Department where those assets will be deposited. Third, within 2 years of enactment of the legislation, payment on private claims—certified by the Foreign Claims Settlement Commission—will be made out of the fund. Fourth, after payment has been made in full on all private claims, any funds remaining shall be made available to satisfy claims of the U.S. Government.

Mr. President, although much of the debate over my previous legislation concerned the minutiae of letter of credit law, international business transactions, and economic emergency powers, the Iraq Claims Act of 1997 lays aside those issues and establishes an equitable procedure for considering claims on a prioritized basis. While I understand that the administration is working on a proposal for similar legislation on Iraq claims, I would encourage the State and Treasury Departments to reevaluate their concerns about the approach I am proposing. I would submit that this legislation is the most suitable, and politically viable, compromise available to come to closure on this issue.

Mr. President, these frozen assets were blocked to prevent Iraq from using the funds to support its aggression against Kuwait and its allies. That freeze—designed to hurt Iraq—is now hurting American companies. Some of those firms were a mere electronic transfer, a keystroke on a computer, away from receiving their payments when the emergency freeze was imposed. After 7 years, it is time to act expeditiously in their favor.

By Mr. SHELBY:

S. 858. An original bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, and Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SHELBY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Detail of intelligence community personnel.
Sec. 304. Extension of application of sanctions laws to intelligence activities.
Sec. 305. Administrative location of the Office of the Director of Central Intelligence.
Sec. 306. Encouragement of disclosure of certain information to Congress.
Sec. 307. Provision of information on violent crimes against United States citizens abroad to victims and victims' families.
Sec. 308. Standards for spelling of foreign names and places and for use of geographic coordinates.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Multiyear leasing authority.
Sec. 402. Subpoena authority for the Inspector General of the Central Intelligence Agency.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Academic degrees in intelligence.
Sec. 502. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.
Sec. 503. Misuse of National Reconnaissance Office name, initials, or seal.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ___ of the One Hundred Fifth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $90,580,000.

(2) AVAILABILITY OF CERTAIN FUNDS.—Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 278 full-time personnel as of September 30, 1998. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1998 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1998, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(3) CONSTRUCTION.—Authorizations in the classified Schedule of Authorizations may not be construed to increase authorizations of appropriations or personnel for the Community Management Account except to the extent specified in the applicable paragraph of this subsection.

(d) REIMBURSEMENT.—During fiscal year 1998, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.

(a) DETAIL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the head of a department or agency having jurisdiction over an element in the intelligence community or the head of an element of the intelligence community may detail any employee of the department, agency, or element to serve in any position in the Intelligence Community Assignment Program.

(2) BASIS OF DETAIL.—

(A) IN GENERAL.—Personnel may be detailed under paragraph (1) on a reimbursable or nonreimbursable basis.

(B) PERIOD OF NONREIMBURSABLE DETAIL.—Personnel detailed on a nonreimbursable basis shall be detailed for such periods not to exceed three years as are agreed upon between the heads of the departments or agencies concerned. However, the heads of the departments or agencies may provide for the extension of a detail for not to exceed one year if the extension is in the public interest.

(b) BENEFITS, ALLOWANCES, AND INCENTIVES.—The department, agency, or element detailing personnel to the Intelligence Community Assignment Program under subsection (a) on a non-reimbursable basis may provide such personnel any salary, pay, retirement, or other benefits, allowances (including travel allowances), or incentives as are provided to other personnel of the department, agency, or element.

(c) EFFECTIVE DATE.—This section shall take effect on June 1, 1997.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out "January 6, 1998" and inserting in lieu thereof "January 6, 2001".

SEC. 305. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by adding at the end the following:

"(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.".

SEC. 306. ENCOURAGEMENT OF DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) ENCOURAGEMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall take appropriate actions to inform the employees of the executive branch, and employees of contractors carrying out activities under classified contracts, that the disclosure of information described in paragraph (2) to the committee of Congress having oversight responsibility for the department, agency, or element to which such information relates, or to the Members of Congress who represent such employees, is not prohibited by law, executive order, or regulation or otherwise contrary to public policy.

(2) COVERED INFORMATION.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes to evidence—

(A) a violation of any law, rule, or regulation;

(B) a false statement to Congress on an issue of material fact; or

(C) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(b) REPORT.—On the date that is 30 days after the date of enactment of this Act, the President shall submit to Congress a report on the actions taken under subsection (a).

SEC. 307. PROVISION OF INFORMATION ON VIOLENT CRIMES AGAINST UNITED STATES CITIZENS ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the murder or kidnapping of United States citizens abroad to the victims, or the families of victims, of such crimes; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) RESPONSIBILITY.—The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the murder or kidnapping of United States citizens abroad; and

(2) subject to subsection (c), make such information available to the victims or, where appropriate, the families of victims of such crimes.

(c) CLASSIFIED INFORMATION.—The Secretary shall work with the Director of Central Intelligence to ensure that classified information relevant to a crime covered by subsection (b) is promptly reviewed and, to the maximum extent practicable without jeopardizing sensitive sources and methods or other vital national security interests, made available under that subsection.

SEC. 308. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES.

(a) SURVEY OF CURRENT STANDARDS.—

(1) SURVEY.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1).

(b) GUIDELINES.—

(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

(2) BASIS.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

(3) SUBMITTAL TO CONGRESS.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) in paragraph (e), by striking out "without regard" and all that follows through the end and inserting in lieu thereof a semicolon;

(2) by redesignating paragraph (f) as paragraph (g); and

(3) by inserting after paragraph (e) the following new paragraph (f):

"(f) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for lease terms of not to exceed 15 years, except that—

"(1) any such lease shall be subject to the availability of appropriations in an amount necessary to cover—

"(A) rental payments over the entire term of the lease; or

"(B) rental payments over the first 12 months of the term of the lease and the penalty, if any, payable in the event of the termination of the lease at the end of the first 12 months of the term; and

"(2) if the Agency enters into a lease using the authority in subparagraph (1)(B)—

"(A) the lease shall include a clause that provides that the lease shall be terminated if specific appropriations available for the rental payments are not provided in advance of the obligation to make the rental payments;

"(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying costs associated with terminating the lease shall remain available until such costs are paid;

"(C) amounts obligated for payment of costs associated with terminating the lease may be used instead to make rental payments under the lease, but only to the extent that such amounts are not required to pay such costs; and

"(D) amounts available in a fiscal year to make rental payments under the lease shall be available for that purpose for not more than 12 months commencing at any time during the fiscal year; and".

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) AUTHORITY.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(E) Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representative a report of the Inspector General's exercise of authority under this paragraph during the preceding six months.".

(b) LIMITATION ON AUTHORITY FOR PROTECTION OF NATIONAL SECURITY.—Subsection (b)(3) of that section is amended by inserting ", or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena," after "or investigation".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. ACADEMIC DEGREES IN INTELLIGENCE.

(a) IN GENERAL.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§2161. Joint Military Intelligence College: master of science in strategic intelligence; bachelor of science in intelligence

"Under regulations prescribed by the Secretary of Defense, the President of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer the degree of master of science in strategic intelligence and the degree of bachelor of science in intelligence upon the graduates of the college who have fulfilled the requirements for such degree.".

(b) CONFORMING AMENDMENT.—The item relating to section 2161 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2161. Joint Military Intelligence College: master of science in strategic intelligence; bachelor of science in intelligence.".

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out "for fiscal years 1996 and 1997" and inserting in lieu thereof "for fiscal years 1998 and 1999".

SEC. 503. MISUSE OF NATIONAL RECONNAISSANCE OFFICE NAME, INITIALS, OR SEAL.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following:

"§426. Unauthorized use of National Reconnaissance Office name, initials, or seal

"(a) PROHIBITED ACTS.—Except with the joint written permission of the Secretary of Defense and the Director of Central Intelligence, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity, in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary or the Director, any of the following:

"(1) The words 'National Reconnaissance Office' or the initials 'NRO'.

"(2) The seal of the National Reconnaissance Office.

"(3) Any colorable imitation of such words, initials, or seal.

"(b) INJUNCTION.—(1) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

"(2) Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by adding at the end the following:

"426. Unauthorized use of National Reconnaissance Office name, initials, or seal.".

By Mr. KYL (for himself and Mr. GRAMM):

S. 859. A bill to repeal the increase in tax on Social Security benefits; to the Committee on Finance.

THE SENIOR CITIZENS INCOME TAX RELIEF ACT

Mr. KYL. Mr. President, I am pleased to have my colleague, Senator PHIL GRAMM, join me as an original cosponsor of the Senior Citizens Income Tax Relief Act. This legislation would give seniors relief from the Clinton Social Security tax increase of 1993.

The recently passed Federal budget deal provides target levels for new spending and for modest tax relief. As Congress begins to write the bills to implement this budget blueprint, attention turns to the details. One of them is whether there will be sufficient room for tax relief for senior citizens.

Millions of America's senior citizens depend on Social Security as a critical part of their retirement income. Having paid into the program throughout their working lives, retirees count on the Government to meet its obligations under the Social Security contract. For many, the security provided by this supplemental pension plan is the difference between a happy and healthy retirement and one marked by uncertainty and apprehension, particularly for the vast majority of seniors on fixed incomes.

As part of his massive 1993 tax hike, President Clinton imposed a tax increase on senior citizens, subjecting to taxation up to 85 percent of the Social Security received by seniors with annual incomes of over $34,000 and couples with over $44,000 in annual income.

This represents a 70-percent increase in the marginal tax rate for these seniors. Factor in the Government's Social Security earnings limitation, and a senior's marginal tax rate can reach 88 percent—twice the rate paid by millionaires.

An analysis of Government-provided figures on the 1993 Social Security tax increase finds that, by next year, America's seniors will have paid an extra $25 billion because of this tax hike, including $380 million from senior citizens in Arizona alone.

Mr. President, I want to make an additional important point. Despite all the partisan demagoguery, the only attack on Social Security in recent years has come from the administration and the other party in the Omnibus Budget Reconciliation Act of 1993. Not one Republican supported this tax increase on Social Security benefits.

At the Clinton administration's insistence, the amount of tax relief we will be able to provide will be severely limited. It will be difficult, then, to repeal the Social Security tax increase. This is why I offered an amendment to ensure that we are able to expand tax relief in the future, and why the first tax relief proposal I am introducing will repeal President Clinton's 1993 Social Security tax increase.

By Mr. HARKIN:

S. 860. A bill to protect and improve rural health care, and for other purposes; to the Committee on Finance.

THE RURAL HEALTH CARE PROTECTION AND IMPROVEMENT ACT OF 1997

Mr. HARKIN. Mr. President, I rise today to introduce the Rural Health Care Protection and Improvement Act of 1997. This legislation is critical to the survival of the fragile health care systems and infrastructure in rural areas and small towns across America.

Rural Americans are more often poor, more often uninsured, and more often without access to health care than other Americans. The health care system in many small towns in Iowa is on the critical list—we have too few doctors, nurses, and other health care professionals and many of our rural hospitals are barely making it.

Iowa ranks first in the percentage of citizens over age 85 and third nationally in the percentage of the population over age 65. Because of our demographics our health care providers in Iowa depend heavily on Medicare payments. And many of them are struggling. One reason they are struggling is because of the gross inequities between rural and urban Medicare payment rates. In fact, the House Ways and Means Committee recently published a report estimating that Iowa loses $0.7 billion a year because of current Medicare payment policies. The higher cost of living in areas such as

New York City and Miami in no way justifies the huge disparity in payment rates. The current system rewards waste and inefficiency and penalizes States like Iowa whose health care providers practice a conservative, cost-effective approach to health care.

The legislation I am introducing today would correct this wrong-headed system. This bill would make Medicare payments to managed care plans fairer for rural areas by readjusting the AAPCC so that rates are more equitable between rural and urban areas.

But even more importantly, this bill corrects the inequities in the regular fee-for-service Medicare Program. AAPCC rates are unfair because they are tied directly to Medicare fee-for-service payments, and fee-for-service payments are very low in rural areas.

Even with a correction in managed care payments, over two-thirds of Iowa seniors will likely continue to receive care under the standard fee-for-service system. This bill corrects fee-for-service rates, so that seniors in rural areas will at last be able to receive the quality and access to health care they deserve.

Mr. President, my legislation would also reauthorize and extend the Rural Health Transition Grant Program. This grant program helps small rural hospitals and their communities adapt to the changing health care marketplace. Specifically, the grants help hospitals adjust to reductions in the need for inpatient services and increased demand for outpatient and emergency services and help rural hospitals meet the increasingly difficult task of recruiting staff.

Rural hospitals use these funds for a variety of programs. For example, Marengo Memorial Hospital, Mitchell County Hospital, Franklin General in Hampton, and Kossuth County Hospital as well as other hospitals used funds to help develop rural health care networks. Pochahontas Community Hospital and Community Memorial Hospital in Sumner used funds to recruit health professionals and Holy Family Hospital in Estherville used funds to improve emergency services.

These grants are provided over 3 years. They represent a small but vital source of revenue for hospitals struggling to adjust to a new health care environment. Unfortunately, these grants were not reauthorized last year, and there are many hospitals that were promised transition grant funds but for whom the money is no longer available. This legislation would help ensure that these few hospitals are able to finish out their grants and meet the changing needs of their patients and communities.

Mr. President, the health care system is undergoing tremendous change and our rural hospitals must adjust to this new environment. The Transition Grant Program helps hospitals modify the type and extent of services so they can better serve rural communities.

Mr. President, the legislation I am introducing will help improve access and enhance the quality of health care in rural areas. And it will help shore up the fragile health care infrastructure in our rural communities and small towns.

By Mr. INHOFE:

S. 861. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties; to the Committee on Governmental Affairs.

DONATION OF LAW ENFORCEMENT DOGS TO THEIR HANDLERS

Mr. INHOFE. Mr. President, I rise today to introduce a bill to address the situation encountered when certain members of our Federal law enforcement community are no longer able to perform their assigned duties. These members of the Federal law enforcement community to which I refer are not people, but canines.

The purpose of this legislation is simple. The bill will streamline the regulations that govern the adoption of Federal law enforcement canines by their handlers. Currently, these animals are considered Federal property and when their tenure of service has ended, they are considered surplus Government property. Under current Federal regulations, Government agencies are forced to comply with procedures to ensure maximum return for the Government's investment in the animal at auction.

These animals have received special security training to best equip them for the demands of their duties. Because of the hazards associated with their duties, this specialized training often makes these animals unsuitable as pets for those not trained to handle these animals.

Because of the highly specialized training these animals receive, they should not be simply auctioned to the highest bidder. Currently, if no trained handler comes forward and offers the highest bid for the animal, the possibility exists that it will spend the rest of its life caged, or even worse, destroyed.

Under this legislation, the eligible animals would be donated to their handlers, who would then assume all costs and responsibilities associated to the care of that animal. This practice is commonplace for local law enforcement agencies nationwide.

This is not a drastic departure from previous Government procedure. In 1993, the General Services Administration granted a waiver for Border Patrol canine handlers to purchase their partners for a nominal fee. Unfortunately, this waiver has expired and has not been renewed.

Mr. President, this is a commonsense solution to a very simple problem. I urge my colleagues to support this bill and ease the restrictions concerning the adoption of Federal law enforcement canines.

ADDITIONAL COSPONSORS

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. CLELAND] was withdrawn as a cosponsor of S. 261, supra.

S. 293

At the request of Mr. HATCH, the names of the Senator from Washington [Mrs. MURRAY], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 339

At the request of Mr. LEVIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 339, a bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 360

At the request of Mr. CRAIG, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 360, a bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes.

S. 364

At the request of Mr. LIEBERMAN, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 385

At the request of Mr. CONRAD, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 385, a bill to provide reimbursement under the Medicare Program for telehealth services, and for other purposes.

S. 422

At the request of Mr. DOMENICI, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 422, a bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act.

S. 436

At the request of Mr. ROTH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 436, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes.

S. 479

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code of 1986 to provide estate tax relief, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New York [Mr. D'AMATO], the Senator from Indiana [Mr. COATS], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 498

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 498, a bill to amend the Internal Revenue Code of 1986 to allow an employee to elect to receive taxable cash compensation in lieu of nontaxable parking benefits, and for other purposes.

S. 499

At the request of Mr. CHAFEE, the names of the Senator from Virginia [Mr. WARNER] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 499, a bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules.

S. 520

At the request of Mr. FEINGOLD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 520, a bill to terminate the F/A–18 E/F aircraft program.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 575

At the request of Mr. DURBIN, the names of the Senator from New York [Mr. D'AMATO] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 575, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals.

S. 594

At the request of Mr. MCCONNELL, the names of the Senator from Utah [Mr. HATCH] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 594, a bill to amend the Internal Revenue Code of 1986 to modify the tax treatment of qualified State tuition programs.

S. 674

At the request of Mr. CHAFEE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 674, a bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low-income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs.

S. 690

At the request of Mr. BREAUX, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to improve preventive benefits under the Medicare Program.

S. 713

At the request of Mr. DEWINE, the names of the Senator from Maine [Ms. COLLINS] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 713, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes.

S. 734

At the request of Mr. BREAUX, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 734, a bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare Program.

S. 756

At the request of Mr. KERRY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 756, a bill to provide for the health, education, and welfare of children under 6 years of age.

S. 779

At the request of Mr. REID, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 779, a bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes.

S. 780

At the request of Mr. REID, the name of the Senator from Georgia [Mr. CLELAND) was added as a cosponsor of S. 780, a bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program.

S. 832

At the request of Mr. KOHL, the name of the Senator from Florida [Mr. MACK) was added as a cosponsor of S. 832, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MACK, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 80

At the request of Mr. FEINGOLD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of Senate Resolution 80, a resolution expressing the sense of the Senate regarding Department of Defense plans to carry out three new tactical fighter aircraft programs concurrently.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

SENATE RESOLUTION 87

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Resolution 87, a resolution commemorating the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

SENATE RESOLUTION 97

At the request of Mr. SHELBY, his name was added as a cosponsor of Senate Resolution 97, a resolution expressing the sense of the Senate that the President should designate the month of June 1997, the 50th anniversary of the Marshall Plan, as George C. Marshall month, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, June 11, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The following are on the agenda to be considered: budget reconciliation; S. 830, the Food and Drug Administration Modernization Act of 1997; and Presidential nominations.

For further information, please call the committee, 202/224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, June 12, 1997, 10 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Higher Education Act reauthorization: opportunity programs. For further information, please call the committee, 202/224-5375.

NOTICE OF ADDITION

SUBCOMMITTEE ON WATER POWER OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KYL. Mr. President, I would like to announce for the information of the Senate and the public that S. 846, to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii, has been added to the agenda of the Water and Power Subcommittee hearing scheduled for Tuesday, June 10 at 9:30 a.m.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, June 9, 1997, at 2 p.m. to hold a hearing on: "Conserving Judicial Resources: considering the appropriate allocation of judgeships in the United States Court of Appeals for the Fifth and Eleventh Circuits."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO THE MEMORY OF NANCY JEAN COUTU

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the memory of the late Peace Corps volunteer Nancy Jean Coutu, as a special memorial site at Elm Brook Park in West Hopkinton will be dedicated to her memory on June 15, 1997 at 1 p.m.

Nancy was an American hero. She was personally involved in educating children and helping people with disabilities help themselves. She brought joy to the lives of everyone she touched during her two summers when she worked for the U.S. Army Corps of Engineers at the park. The Elm Brook Park was special to her, and she helped the many staff members make it much more accessible to persons with disabilities.

Nancy, a 1993 graduate from the University of New Hampshire, was murdered by native tribesmen in Madagascar on April 9, 1996, after serving almost 2 years as a volunteer member working in a parks and wildlife program for the U.S. Peace Corps. She had lived in a mud hut teaching the 300 villagers how to grow vegetables, and building a school, hospital, and roads in the island country off the east coast of Africa.

More than 140,00 Americans have served in the Peace Crops since it was founded in 1961. Tragically 15 have been killed, in all corners of the world while promoting the spirt of voluntarism.

Mr. President, Nancy truly exemplified the spirt of voluntarism. I join with her family and friends, in expressing hope that the dedication of a memorial to honor her will inspire that spirit in others, and bring attention to the remarkable service of all public service volunteers.•

IN MEMORY OF NANCY JEAN COUTU

• Mr. GREGG. Mr. President, I rise today in memory of Nancy Jean Coutu, a Peace Corps volunteer who was murdered by native tribesmen on April 9, 1996, while serving as a Peace Corps volunteer in Madagascar.

Nancy was a young woman whose life was dedicated to helping others. She was born and raised in New Hampshire and attended the University of New Hampshire. She was full of joy and giving and her desire to help others is what brought her to join the Peace Corps in 1994. She spent almost 2 years living in the village of Baraketa where she helped the villagers build a school and rebuild a small hospital. She also pursued her interest in the environment by studying the local ecology. Her tragic death was a shock to everyone who knew and loved her, including the people of Madagascar whose government posthumously awarded her a knighthood for her work in their country.

Nancy's family and friends have chosen to honor her memory by creating a memorial to her on a beautiful maple-shaded knoll in Elm Brook Park in West Hopkinton, NH. During the summers of 1992 and 1993, while a student at the University of New Hampshire, Nancy worked as a park ranger at Elm Brook. There she spent many hours working to expand her knowledge and interest in the environment and to share her love of nature with visitors to the park. On Sunday, June 15, 1997, the memorial, with its large granite stone and plaque, and an oil painting of Nancy done by her mother, will be dedicated. In addition, because she was particularly interested in helping the handicapped to enjoy the many experiences offered by the outdoors, the park's wheelchair accessible elevated wildlife viewing observation deck, fishing platform, and nature trail will also be dedicated to Nancy.

Nancy Coutu set a shining example of what can be accomplished through public service and voluntarism and I would like to join with her family, friends, and all those whose lives she touched with her love, in commending her for her courage and willingness to give of herself in order to make life better for others.•

ON ALAN EMORY'S 50TH ANNIVERSARY WITH THE WATERTOWN DAILY TIMES

• Mr. MOYNIHAN. Mr. President, the Watertown Daily Times' Washington Bureau Chief Alan Emory marked a most felicitous occasion on Saturday. Alan has served the Watertown Daily Times and the people of New York State for a half a century. My colleague Senator D'AMATO and I call him "the Dean" of the New York correspondents in our Nation's capital and, indeed, he is one of the Nation's most sagacious and indefatigable journalists.

His capacity for balanced reporting was grounded in his upbringing. His father was a Democratic New York State Supreme Court judge, his mother a labor arbitrator for the Republican mayor of New York, Fiorello LaGuardia. After Emory's childhood in New York City and Long Island and a fine education at Exeter, Harvard, and the Columbia School of Journalism, the young man headed north to seek his fortune. He landed a job at the Watertown Times in 1947 as its correspondent in Massena, a small city along the St. Lawrence Seaway. He steadily rose up the ranks to State editor, legislative correspondent, and editorial writer.

In 1951, the newspaper opened a Washington bureau. He eagerly accepted the Johnson family's offer to become the bureau chief and has served the people of New York State in Washington ever since—46 years, a term almost twice as long as that of our State's longest serving Senator, Jacob Javits, who served for 24 years.

Mr. Emory is one of the most prolific daily journalists in Washington. He writes up to six stories per day and two columns per week for the Sunday Commentary section. He also is the Washington columnist for the monthly magazine, The Empire State Report. He does all this with a standard of accuracy and insight that few can match. While the Washington Post in 1977 described Mr. Emory as being one of a vanishing breed of Washington correspondents for regional newspapers, he remains an example of journalistic excellence to young reporters.

Mr. Emory has written more than just news stories. He also is one of the most gelastic lyricists ever to grace the Gridiron Club's talent pool. He has written music for Washington's most prestigious journalists' club ever since he joined it 21 years ago, and he produced many of its most amusing skits. He has also served the Gridiron Club in more serious ways—as its vice president for 1994, president for 1995, and current treasurer.

Legislators and journalists are supposed to keep a healthy distance between them but I confess to a great personal affection for my old friend, Alan Emory. I congratulate him and his beloved wife, Nancy, as he celebrates 50 fine years with the Watertown Daily Times.•

NEW MEXICO SMALL BUSINESS AWARD WINNERS

• Mr. DOMENICI. Mr. President, I rise to honor New Mexico's small businessowners and advocates which were recently selected by the U.S. Small Business Administration to receive recognition for their efforts to improve business opportunities in New Mexico.

I not only want to recognize these individuals for their fine work but also to take a moment and highlight how important small businesses are to the State of New Mexico. Comprising over 96 percent of all businesses in my home State, small businesses are responsible for employing over 115,000 people and creating billions of dollars in revenue for our economy. Not only do small businesses serve as the backbone to New Mexico's economy, but they also serve as the foundation to our local communities. Small businessowners not only create thousands of good paying jobs in my State but also serve as an excellent example for young entrepreneurs who are chasing the American dream of owning their own business.

Mr. President, there could have been no better choice for the SBA's top award than the family-owned business of Elite Laundry Co. in Gallup, NM. Mary Jean and Andrew Christiansen have worked with their children to build their business for the past 30 years and I cannot tell you how proud I am they are being recognized as the SBA's New Mexico Small Business Persons of the Year.

The Christiansens have been an asset to me as I work to better serve New Mexico small businesses in the U.S. Senate. The Christiansens have built up Elite Laundry Company to employ 70 employees in a region of New Mexico which has one of this Nation's highest poverty rates. They have actively participated in my Small Business Advocacy Council and have testified on behalf of New Mexico businesses to the Senate Small Business Committee. The Christiansen family can be proud of their efforts in small business and I congratulate them for receiving this award.

Mr. President, small businessowners and entrepreneurs in New Mexico can also count on receiving the most up-to-date and insightful business information from Michael G. Murphy, the assistant business editor for the Albuquerque Journal. The SBA has chosen this former editor of the New Mexico Business Times as this year's New Mexico and Region VI Advocate of the Year. Mr. Murphy understands the importance of keeping small businessowners informed of the issues, and has worked tirelessly to provide the tools they need to survive. I know I speak on behalf of all of New Mexico's small businesses when I congratulate Mr. Murphy on receiving this award.

The New Mexico Women in Business Advocate of the Year is Jennifer A. Craig, regional manager of the Women's Economic Self Sufficiency Team Office in Las Cruces. I have worked very closely with WESST Corp. to build a better environment for New Mexico's women business-owners and entrepreneurs. I believe it is only fitting that the SBA highlights the tremendous success story being played out in Las Cruces. This city has one of the highest unemployment rates in the State, yet over the last 2 years, WESST Corp has provided technical and business assistance to over 250 women entrepreneurs and has helped create 50 new women-owned businesses. I congratulate not only Jennifer CRAIG for being recognized for her hard work, but also WESST Corp. for attracting a person of her caliber to manage the southern regional office.

Mr. President, I would also like to honor Teresa O. Molina, winner of the 1997 Financial Services Advocate Award for New Mexico. Mrs. Molina is a New Mexico native who attended Deming High School and graduated from New Mexico State University. She has worked with small business for over 14 years helping obtain loans at the First New Mexico Bank in Deming. Currently serving as the bank's vice president, Mrs. Molina has been involved with SBA lending programs since she issued the first ever SBA 504 loan in New Mexico's history. Mrs. Molina works hard to meet the banking needs of her community and I congratulate her for her success.

Mr. President, as you are aware, this Nation is a melting pot of people with diverse ethic and social backgrounds. In New Mexico, we have hundreds of small and large minority owned and operated businesses. One person that I have always turned to for advice not only on minority business issues but general economic and business issues is Anna Muller, the proprietor of NEDA Business Consultants in Albuquerque.

Anna is a member of my Minority Small Business Advocacy Council and has gained the respect and admiration of her peers when it comes to minority business issues. She has been chosen as the SBA's Minority Small Business Advocate for New Mexico, and I am hard pressed to think of anyone who better deserves recognition for her services to minority small businesses. Anna Muller is a true leader on minority business issues not only in the State of New Mexico, but the entire nation and I congratulate her on this award.

I would also like to congratulate the SBA 1997 Prime Contractor of the Year for Region VI, Armando De La Paz, president and CEO of Vista Technologies, Inc., of Albuquerque. Mr. De La Paz founded his company on the notion that hard work and determination are the foundation for developing a successful business. Mr. De La Paz's company has provided high-technology solutions to the Federal Government for the last 8 years and has been recognized as one of the fastest growing Hispanic business firms in the Nation for the period of 1993 to 1996.

I would like to recognize Mr. Dennis A. Reasner, president of Darco Products, Inc., for being selected as the SBA Region VI Subcontractor of the Year for 1997. I recently had the opportunity to meet Mr. and Mrs. Reasner here in Washington and can tell you that they are truly one of the best examples of American entrepreneurship in action. Starting out of their garage, Dennis and Enid Reasner have worked for the past 25 years to develop a company worth millions of dollars which currently employs over 30 employees in Albuquerque, NM. Darco Products is a company we can all be proud of in New Mexico, for not only has a Darco product been used in the space shuttle, but the firm also produced a component part for the first ever American space station.

Mr. President, New Mexico is witnessing an explosion in the growth of our exports and I believe it is important to recognize those who have helped bring about this change. One woman active in this area for New Mexico is Kimberly de Castro, owner of Wildflower International Ltd., a Santa Fe based export company. De Castro's business provides essential services to foreign buyers by researching various foreign markets and providing her clients with options they need to survive in a foreign marketplace. Wildflower International Ltd. exports to China, Egypt, Israel, and Italy, and is currently negotiating with sales in Taiwan and other Asian countries. Kimberly de Castro is clearly one of the people responsible for New Mexico's phenomenal growth in foreign trade, and I congratulate her for receiving the 1997 Exporter of the Year Award from the SBA.

In closing, I would like to point out that these people deserve praise and recognition for striving to build a better New Mexico for our future generations. I personally extend my gratitude to these winners, and to others involved with small businesses in New Mexico. I am proud to stand here and recognize these hard-working individuals for creating new jobs and economic opportunities for the people of New Mexico.•

TRIBUTE TO ANDREW R. RUDMAN ON BEING NAMED THE GRANITE STATE'S REPRESENTATIVE AT YMCA YOUTH GOVERNOR CONFERENCE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Andrew R. Rudman, the New Hampshire Youth Governor for the 1997 National YMCA Youth Governor's Conference. Andrew was elected by fellow high school students from across the Granite State's various youth and government programs as the State's Youth Governor. Andrew will attend a conference in Washington, DC, on June 18, 1997.

Every year since 1964, Members of the Senate have hosted these remarkable student leaders. The youth governors who will be visiting our Nation's capitol collectively represent over 25,000 of their peers. This select group of students will experience government service first-hand during the conference.

Andrew is from Londonderry, NH, and in addition to an excellent academic record he finds time to participate in many different extracurricular activities. He is a member of the track and field team, loves music, and is teaching himself how to play the guitar. Andrew will attend Columbia University in the fall of 1997.

As a former high school teacher myself, I commend Andrew for his hard work and outstanding achievements, and wish him success in his academic career. Congratulations to Andrew on this distinguished honor. It is an honor to represent this outstanding young leader in the U.S. Senate.•

IN HONOR OF ROGER G. KENNEDY

• Mr. MOYNIHAN. I wish to pay tribute to Roger G. Kennedy upon his retirement as director of the National Park Service and for a distinguished public service career as director of the Smithsonian National Museum of American History, vice president of the Ford Foundation, and special assistant, variously, to the U.S. Attorney General, the Secretary of Health, Education, and Welfare, and the Secretary of Labor. Mr. Kennedy will be honored at a grand celebration in New York's historic Battery Park tonight and I deeply regret that the press of Senate business prevents me from attending.

Roger Kennedy is a man of enlightenment tastes. He has been a lawyer, a scholar, a writer, a public servant of the first rank, but his avocation has always been architectural history. In Orders From France, his masterpiece on architecture, Kennedy wrote brilliantly about the career of Joseph Jacques Ramée, the French architect who was trained at the court of Louis XVI and designed buildings all over Europe, but helped pave the way for American neoclassicism.

In 1815, Ramée designed the magnificent campus of Union College in Schenectady, N.Y., one of the Nation's first liberal-arts colleges west of the Hudson River. Ramée's campus plan embodied a vision of education that entwined rationalism with the laws of nature—an ordered court opening to a romantically landscaped garden and the endless view to the west. Kennedy wrote that Ramée "placed his buildings in the context of nature, but nature tamed, organized, made orderly, like the energies of students." A decade later the Union College campus, the first in the Nation to have a rotunda at its center, become the model for Thomas Jefferson and Benjamin Latrobe to design the glorious University of Virginia in Charlottesville.

Given Roger Kennedy's interest in Ramée, a man with both an architectural and educational vision, it is most fitting that we should honor him at Battery Park, the site of the Castle Clinton National Monument, one of the National Park Service's most important historical, cultural, and educational sites. The park is visited by over 3 million people a year who come to marvel at its spectacular views of New York's harbor, the Statue of Liberty, and Ellis Island, and drink of its rich history.

For Battery Park's history fascinates. Fort Amsterdam was built by the Dutch on the site in 1626 and surrendered to the British in 1664, and subsequently renamed Fort George. In 1783, the British colors at Fort George were hauled down, marking the beginning of American rule. Fort George was subsequently demolished, its rubble added to the Manhattan shoreline. By 1811, a sturdy red sandstone fort—later named Castle Clinton—was erected.

Castle Clinton served as everything but a military facility. It was first an entertainment center for concerts and theater. P.T. Barnum staged the American debut of Jenny Lind—the "Swedish Nightingale"—there in 1850. It then served as an immigration processing center, welcoming over 8 million immigrants from 1855 to 1889, prior to the opening of Ellis Island. In 1896, Castle Clinton reopened again as the first American aquarium, designed by the distinguished architectural firm of McKim, Mead & White. Castle Clinton and its aquarium were then partially dismantled in the 1940's, costing New York one of its most treasured venues for cultural and educational enrichment.

In 1946, Congress established the Castle Clinton National Monument to be administered by the National Park Service. In 1991, I incorporated into the Intermodal Surface Transportation Efficiency Act an authorization of $2 million for the reconstruction of the Battery's seawall and promenade. I hoped those funds would serve as a catalyst to begin redeveloping Battery Park and implementing a master plan to address the Battery's needs for the 21st century. With his commitment to history and "teaching the public through place," Roger Kennedy has helped spur that plan, working closely with the Conservancy for Historic Battery Park and its energetic and dedicated president, Warrie Price.

I know that through his books, documentaries, and dedication to projects such as Battery Park, my friend Roger Kennedy shall continue to educate, inspire, and delight future students of American history, culture, and architecture. I wish him well at his gala tonight and for all the many years to come.•

TRIBUTE TO THE TOWN OF CHARLESTOWN, NH, AS THEY CELEBRATE THE 250TH ANNIVERSARY OF THE 3-DAY SIEGE ON FORT NO. 4

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Charlestown, NH, as they celebrate the 250th anniversary of the 3-day siege on the fort at township No. 4. The residents of this Connecticut River community will begin celebrating this historic occasion July 25 and continue with a number of festivities including a battle reenactment, blueberry festival, parade, and several church suppers.

Two hundred fifty years ago, the Connecticut River Valley had only a few settlers scattered along the banks of the river. Township No. 4 would eventually become Charlestown, NH, the northwestern-most English-speaking village in New England. The settlers of this agricultural community were isolated, but still a vital link with towns to the south as they strove to build a strong community on the river banks. To the west and north of the settlement lay only lush mountains and forests, inhabited by moose, bears, native Americans, and a few French trappers.

The people of Township No. 4 were trapped in a hostile environment when King George's war began. The pioneers decided to defend themselves by connecting the five existing houses together, and later added a sixth. The inhabitants of the fort at No. 4, which included a small militia of 30 volunteers, fought day and night to protect their homes and refused to surrender to an enemy force claiming to be 700 strong. During the 3-day siege their defenses were never breached.

Two hundred fifty years later, an authentic reconstruction of the original 1744 fortified settlement sits on the site of the Siege of '47. The fort at No. 4 is one of the only living history museums in New England dedicated to preserving the 1740's and 1750's. The museum captures the spirit of those pioneers who cleared the rough landscape and made way for homes and farms in northern New England. The residents of Charlestown have kept a piece of history for all of the children of New Hampshire and the Nation to see, capturing the rich significance of the settlements along the Connecticut River Valley.

Charlestown's residents today serve to better their community in the true New Hampshire spirit. They serve in professional, semiprofessional, and service occupations and are still willing to dedicate their time and talents on behalf of their neighbors.

I congratulate all of the residents of Charlestown, NH, on this historic event as they continue in the tradition of their ancestors to make the lives of their community a better place to live. I am honored to represent all of them in the U.S. Senate.•

TRIBUTE TO DR. DAVID ABSHIRE

• Mr. THOMPSON. Mr. President, it is with great pleasure that I recognize today a fellow Tennessean, Dr. David Abshire, who last month received the Distinguished Graduate Award before the Corps of 4,000 Cadets at the U.S. Military Academy at West Point.

Dr. Abshire has a long and distinguished record of service to America. Not only has he served as an Army officer, an Assistant Secretary of State, our Ambassador to NATO, and as a special counselor to the President, but he also played an integral role in founding and building the Center for Strategic and International Studies [CSIS].

Mr. President, in addition to recognizing Dr. Abshire's impressive list of past accomplishments, I am particularly appreciative of the work he and the staff at CSIS are doing. Recently, Dr. Abshire and the CSIS staff have developed an innovative approach to working with individual States, counties, and cities in order to maximize the benefits of job creation, investment, exports, and economic growth stemming from a more global economy. I am gratified that Dr. Abshire has chosen Tennessee as the State in which to begin this effort. His work with Governor Sundquist and my office is greatly appreciated.

I applaud Dr. Abshire for his dedicated service to America and Tennessee, and on his recent recognition at West Point. I ask to have printed in the RECORD the full West Point citation on this outstanding soldier, scholar, diplomat, and institution builder.

The citation follows:

DAVID M. ABSHIRE

Throughout his forth-six years of national service, institution building, and extraordinary scholarship. David M. Abshire has exemplified outstanding devotion to the principles expressed in the motto of the United States Military Academy: Duty, Honor Country.

Dr. Abshire began a lifetime of public service upon his graduation from West Point in 1951. After infantry branch training, he was assigned to Korea, where serving in combat as a front line infantry platoon leader and company commander, he was cited for valor.

In 1955, he left the Army to enroll in the graduate program at Georgetown University from which he received a Ph.D., with honors, in History in 1959.

He then joined the staff of the House Minority Leader and subsequently became Director for Special Projects at the American Enterprise Institute in 1961. While there, he conceived the idea and, together with Admiral Arleigh Burke, organized the founding of the Center for Strategic and International Studies. Since its inception, Dr. Abshire has been the principal architect and institution builder of what has become widely recognized as a world leading public policy institution. Over the years, he was has recruited world statesmen and strategists to the Center's ranks, and has involved a wide range of Members of Congress and corporate leaders, in working groups to solve national and international problems.

Throughout his tenure as President, the Center produced incisive studies that have been instrumental in formulating national public policy. An early study was pivotal in the drafting and passage of the Goldwater Nichols Act. In 1992, the Center produced the report of the 58-person Nunn/Domenici Commission on Strengthening of America. In March of 1997, the Center published a definitive study of Professional Military Education, providing much needed scholarly rationale supporting the military educational system and, in particular, validating the roles of West Point and the other Service Academies as the linchpins of that system.

As a public policy practitioner, Dr. Abshire has held a series of high-level Presidential appointments.

He served as Assistant Secretary of State for Congressional Relations from 1970 to 1973 and played a pivotal role in maintaining bipartisan Congressional coalitions that sustained the U.S. military effort in Vietnam. He negotiated the compromise to the Cooper-Church Amendment that otherwise would have seriously restricted military operations in Southeast Asia. He also developed the Congressional compromise that insured the survival of Radio Liberty and Radio-Free Europe under a public board, in the face of an attempt to cut off CIA funding and let the Radios die. These stations thus continued to play a key role in the Cold War battle to open East European and Russian society

President Ford, in 1974, appointed him as the first chairman of the U.S. Board for international Broadcasting. As President Carter later wrote:

"You have rendered a distinguished service in getting the Board solidly established as sponsor of Radio Free Europe and Radio Liberty and in representing these important institutions to the Congress and the American public. . . ."

In 1974, President Gerald Ford also appointed Dr. Abshire to the Congressional Commission on the Organization of the Government for the Conduct of Foreign Policy.

In 1980, Dr. Abshire was asked by President-elect Ronald Reagan to chair the transition of administrations in the CIA, State and Defense Departments. Subsequently, he was asked to serve on the President's Foreign Intelligence Advisory Board. In 1983, he was appointed U.S. Ambassador to NATO. As Ambassador, Dr. Abshire was the point man all NATO for building allied support for the deployment of the U.S. Pershing II missiles in Europe to counter the threat of Soviet nuclear blackmail

In awarding Ambassador Abshire the Department of Defense Medal for Distinguished Public Service, Secretary Weinberger said:

"Throughout a period of great flux in inter-allied and East-West relations, he was the source of an astonishing flow of imaginative and resourceful ideas geared to the resolution of difficult alliance issues.

"Ambassador Abshire's cogent and innovative proposals for enhancing NATO arms cooperation have already transformed that crucial area of alliance activities. Ever mindful of the central importance of parliamentary and public opinion, he worked tirelessly to build an effective and lasting partnership with Congress. . . ."

In 1987, Dr. Abshire was personally asked by President Reagan to serve as Special Counselor to the President with Cabinet rank for the purpose of organizing White House and departmental responses to the Iran Contra investigations to insure that there was no cover up. After much previous criticism, the integrity of his effort earned Dr. Abshire bipartisan credit for restoring the credibility in the Administration at a difficult time for the Presidency.

As a private citizen, he has served as a member of the Board of Directors of Procter & Gamble and the Ogden Corporation, and on the Advisory Board of BP America.

In the realm of scholarship, he has written five books and edited three others on a wide range of domestic and international issues. He has been a strong promoter in his writings and at CSIS of the study of strategy and history.

Dr. Abshire is a Trustee of Baylor School (Chattanoga, Tennessee). He is also co-founder of the Trinity National Leadership Roundtable in Washington, a former Vice-Chairman of Youth for Understanding, and a board member of the Army War College Foundation.

He has been decorated by the chiefs of state of Belgium, Italy, Finland, Korea, and the United States.

Soldier, institution builder, public servant, author, scholar, diplomat and counselor to Presidents, Dr. Abshire was rendered a lifetime of extraordinary service to his country and to the international community of freedom loving nations.

Accordingly, the Association of Graduates takes great pride in presenting the 1997 Distinguished Graduate Award to David M. Abshire, Class of 1951.●

THE MANDATES INFORMATION ACT

● Mr. ABRAHAM. Mr. President, I ask to have printed in the RECORD an editorial by C. Wayne Crews of the Competitive Enterprise Institute. The editorial, which appeared in the Journal of Commerce, explains how the Mandates Information Act will improve the quality of Congress's deliberation on proposed unfunded mandates on the private sector.

The editorial follows:

[From the Journal of Commerce, June 2, 1997]

Passing the Budget Buck

(By Clyde Wayne Crews, Jr.)

Weary of the federal government's habit of enacting popular environmental and other reforms but imposing all their costs on state and localities, governors and local officials revolted in 1995.

They rightly charged that for every dollar spent on federal priorities, they lost the ability to control and allocate their own budgets. That outcry resulted in the 104th Congress's Unfunded Mandates Act.

The legislation didn't halt unfunded public-sector mandates but it did increase Congress's accountability by requiring both disclosure of costs of significant mandates and explicit votes on the intent to impose those costs.

There remains a gap in the quest for accountability and disclosure. Congress is still free to ignore costs when enacting legislation that will impose mandates on the private sector.

Recognizing that government-imposed costs can have profound economic consequences, Sen. Spencer Abraham, R-Mich., is leading a new campaign to force Congress to disclose and assume responsibility for private mandates through the same procedure that exists for public ones.

In an era of budget balancing, Sen. Abraham's campaign assumes new importance. Costs of off-budget mandates on the public now exceed $600 billion a year. That's more than one-third the size of the entire federal budget, greater than personal income taxes, and several times the annual deficit.

The danger is that, as the federal budget is cut to eliminate the deficit by 2002, pressure to shift the costs of favored government programs off-budget to the private sector will mount.

For example, advocates of a new federal job training program could propose funding it through a Department of Labor appropriation, or alternatively, through a new mandate that all Fortune 500 firms provide such training. The first appears on the budget, the second does not.

With the "Mandates Information Act of 1997," Sen. Abraham and Rep. Gary Condit, D-Calif., hope to remedy today's absence of disclosure and regulatory bias. They hope to ensure that mandates imposing higher wages, increasing unemployment, or increasing consumer prices shall no longer slip through Congress unacknowledged.

Their proposal would work by extending certain provisions of the 104th Congress' popular Unfunded Mandates Act to remove the arbitrary distinction between public and private sector mandates.

The Mandates Information Act would allow a single Senator or House member to raise a point of order against any private sector mandate costing over $100 million annually. The point of order would halt further floor action until members vote specifically to waive it.

Making Congress explicitly vote on its intent to impose a burden in this fashion wouldn't necessarily stop any mandate. But it would allow constituents to determine where their representative stood on a particular mandate.

Cost estimates would be prepared by the Congressional Budget Office prior to floor consideration for any bill reported out of committee, and disclosed in a document, called a "Consumer Worker, and Small Business Impact Statement."

The statement would include mandate impact estimates on consumer prices and actual supply of goods and service in consumer markets; wages, benefits and employment opportunities; the hiring practices, expansion, and profitability of businesses with 100 or fewer employees.

Knowing such impacts is worthwhile. Sen. Abraham points out that mandates not only result in workers losing jobs, they can prevent job formation in the first place. Mandates mount as a small firm grows; for example, at 15 employees, mandatory compliance with the Americans with Disabilities Act kicks in; at 25, the Health Maintenance Organization Act does; at 50, the Family and Medical Leave Act applies.

Sen. Abraham cites the case of Hasselbring-Clark, an office equipment supply firm in Lansing, Mich. Its treasurer Noelle Clark says, given the additional mandates that would otherwise apply, "we have hired a few temps to stay under 49 (employees)."

Since the Abraham-Condit bill merely calls for disclosure, it should stand above criticism from advocates of government-regulation; if the majority believes it worthwhile to pass a mandate in the first place, enough votes to override the simply majority point of order ought to be there as well.

The point of order enforcement mechanism for high-dollar rules and the impact statement together could help make Congress far more answerable for excessive mandates. That could be the lasting innovation of the Mandates Information Act.

While most regulatory reforms attempt merely to require agencies to police themselves better through cost-benefit analysis, Sen. Abraham and Rep. Condit are bringing the focus back to the real source of excessive lawmaking: Congress.●

TRIBUTE TO MATTHEW ELMER TREAMER AND CHRIS DEMERS FOR RECEIVING THE 1996 PRESIDENTIAL AWARD IN MATHEMATICS AND SCIENCE TRAINING

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Matthew Elmer Treamer, a teacher at Lancaster School in Lancaster NH and Chris Demers, a teacher at Dr. H.O. Smith School in Hudson NH, on receiving the 1996 Presidential Award in Mathematics and Science Training. Matthew and Chris will spend the week of June 10–14 in Washington, DC, for a series of events to commemorate their distinguished selection.

As a former teacher myself, I commend their outstanding accomplishment and well-deserved honor.

The Presidential Awards for Excellence in Mathematics and Science Training Program, administered by the National Science Foundation (NSF), is designed to recognize and reward outstanding teachers who serve as models for their colleagues. Matthew and Chris have been leaders in the areas of increased visibility and rewards. This award recognizes their distinguished leadership, and encourages high quality teachers to enter and remain in the teaching field.

New Hampshire has always been fortunate to have many talented teachers, but Matthew and Chris are certainly role models among the teachers of the Granite State. I am proud of their dedication to the education of New Hampshire children and congratulate them on this magnificent achievement. It is an honor to represent them in the U.S. Senate.●

MEASURE READ FOR THE FIRST TIME—H.R. 1000

Mr. ASHCROFT. Mr. President, I understand that H.R. 1000 has arrived from the House, and I would ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> A bill (H.R. 1000) to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977.

Mr. ASHCROFT. Mr. President, I now ask for its second reading, and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The bill will remain at the desk and will receive its next reading on the next legislative day.

MEASURE READ FOR THE FIRST TIME—H.R. 908

Mr. ASHCROFT. Mr. President, I understand that H.R. 908 has arrived from the House, and I ask for its first reading on behalf of the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows.

A bill (H.R. 908) to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

Mr. ASHCROFT. I would now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk and will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, JUNE 10, 1997

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m. on Tuesday, June 10. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then be in a period of morning business until the hour of 12:30 p.m. with Senators permitted to speak for up to 5 minutes with the following exceptions: Senator MURKOWSKI, 20 minutes; Senator HARKIN, 30 minutes; Senator BIDEN, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate recess from the hours of 12:30 until 2:15 on Tuesday for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ASHCROFT. Mr. President, for the information of all Senators, tomorrow from 11 a.m. to 12:30 p.m. the Senate will be in a period of morning business to accommodate a number of Senators who have requested time to speak. By previous consent, from 12:30 p.m. to 2:15 p.m., the Senate will be in recess to allow the weekly policy luncheons to meet. Following the luncheons, the Senate may begin consideration of S. 419, the Birth Defects Prevention Act. Therefore, Senators can expect rollcall votes throughout tomorrow's session of the Senate. As always, Members will be notified accordingly as any votes are ordered with respect to any legislation cleared for action.

I thank Members for their attention.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:15 p.m., adjourned until Tuesday, June 10, 1997, at 11 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 10, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 11

9:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 629, to declare that the Congress approve the Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry (Shipbuilding Agreement), a reciprocal trade agreement resulting from negotiations under the auspices of the Organization for Economic Cooperation and Development, entered into on December 21, 1994.

SR–253

Energy and Natural Resources

To hold oversight hearings on the Stateside of the Land and Water Conservation Fund.

SD–366

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on proliferation and United States export controls.

SD–342

Labor and Human Resources

Business meeting, to mark up proposed legislation to reform the Food and Drug Administration, and to consider pending nominations.

SD–430

10:00 a.m.

Armed Services

Closed business meeting, to mark up a proposed National Defense Authorization Act for Fiscal Year 1998, and to receive a report from the Senate Select Committee on Intelligence on the Intelligence Authorization Act for Fiscal Year 1998.

SR–222

Banking, Housing, and Urban Affairs

To hold hearings on automated teller machine fees and surcharges.

SD–538

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings to examine judicial activism and its impact on the court system.

SD–226

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the National Institutes of Health, Department of Health and Human Services.

SD–138

JUNE 12

9:30 a.m.

Energy and Natural Resources

To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.

SH–216

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on recent administrative and judicial changes to Section 404 of the Federal Water Pollution Control Act.

SD–406

Small Business

To hold oversight hearings to review the Small Business Administration's microloan program.

SR–428A

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to examine air traffic controller staffing issues and other aviation issues.

SD–192

Armed Services

Closed business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1998.

SR–222

Foreign Relations

Business meeting, to mark up proposed legislation authorizing funds for fiscal years 1998 and 1999 for foreign assistance programs, including the State Department, the United States Information Agency, the United States Arms Control and Disarmament Agency, United Nations reform and reorganization of foreign affairs agencies.

SD–419

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on opportunity programs.

SD–430

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park.

SD–366

Veterans' Affairs

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, and H.J. Res. 75, to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

SR–419

JUNE 16

10:00 a.m.

Judiciary

To hold hearings to examine State-sanctioned discrimination issues in America.

SD–226

2:00 p.m.

Special on Aging

To hold hearings to examine the problem of pension miscalculations, focusing on methods for educating people on the steps they can take to protect themselves and their pension benefits.

SD–628

JUNE 17

10:00 a.m.

Labor and Human Resources

To hold hearings to examine women's health issues.

SD–430

JUNE 18

9:30 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD–430

10:30 a.m.

Indian Affairs

To hold joint hearings with the House Committee on Resources on S. 569 and H.R. 1082, bills to amend the Indian Child Welfare Act of 1978.

SD–106

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 587, to provide for an exchange of lands located in Hinsdale County, Colorado, S. 588, to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest in Colorado, S. 589, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest in Colorado, S. 590, to provide for a land exchange within the Routt National Forest in Colorado, S. 591, to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in Colorado, S. 541, to provide for an exchange of lands with the city of Greely, Colorado, S. 750, to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, and S. 785, to convey certain land to the city of Grants Pass, Oregon.
SD–366

JUNE 19

9:30 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on emergency medical services for children.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on entrance and special use fees for units of the National Park System and the status of the Fee Demonstration Program implemented by the National Park Service in 1996.
SD–366

JUNE 20

10:00 a.m.
Labor and Human Resources
To hold hearings on improving the quality of child care.
SD–430

JUNE 24

9:30 a.m.
Energy and Natural Resources
To meet to further discuss proposals to advance the goals of deregulation and competition in the electric power industry.
SD–366

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

JUNE 26

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 783, to increase the accessibility of the Boundary Waters Canoe Area Wilderness.
SD–366

Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 308, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, and S. 360, to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.
SD–366

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

JULY 30

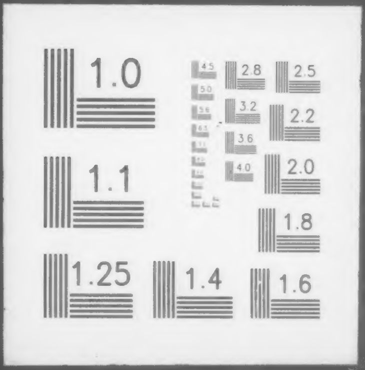
9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

POSTPONEMENTS

JUNE 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine instances of gambling over the Internet.
SD–226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